

**LAND REFORM: A COMPARATIVE ANALYSIS OF THE
ZIMBABWEAN AND SOUTH AFRICAN PROCESSES SINCE
DEMOCRATISATION**

THESIS

submitted in fulfilment of the requirements for the degree

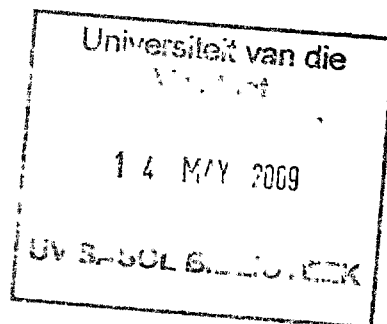
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Preface

To date post-independence governments in developing countries have not succeeded in equitably redistributing land resources. Among many reasons for the failure are challenges attendant upon issues of governance, policy choices, race relations, weak economies and debilitating corruption. Zimbabwe, once dubbed the bread basket of Southern Africa, has now become the basket curse. Lack of production on farms due to violent land invasions during the Fast Track land programme and the absence of supporting structures to assist new farmers have created a lot of problems for both the government and the people of Zimbabwe. Meanwhile, South Africa stresses that it is going about land reform its own way, not the Zimbabwean way. The question to be asked is if and when the much vaunted and pre-emptive "way" shall achieve the 30 per cent target set in 1994 which until 2006 sits at 3 per cent achievement. One can only conclude that even if land reform does not seem critical presently in South Africa, it surely shall be in the near future and the crisis could be more dire than the scenario in Zimbabwe.

Much as South Africa is quick to sound as though problems connected to agrarian reform in Zimbabwe are unique to that country, the two countries have connections and share a number of similarities. The two neighbours have very strong trade connections, kins relations, share a colonial past, suffered land dispossessions and some farmers do have farms in both countries so much that their skills, labour and investment are enjoyed by both countries. What then makes the borrowing of land reform policies, rules and conclusions impossible or unthinkable? Lately, there have been clarion calls for the South African government to use its powers to expropriate more land for public interest and to embark on radical approaches the way of Zimbabwe. For example, the rural women agricultural conference held in Durban in April 2007, has articulated the urgency for land policy review.

Of late, land reform has acquired new dimensions which are political, economic and social. Land reform as a corrective measure has turned out to be undesirably protracted, almost denying older generations the joy of owning a piece of land. Complicating the reform, has been the international community meddling in the affairs of their former colonies to influence policy choices, regime change and play

big brother to the nascent democracies. While South Africa has not experienced much of the international community's wrath, Zimbabwe has suffered an economic meltdown, sky-rocketing inflation, forex shortages, fuel drought, food insecurity, untold brain-drain and humiliating border jumping partly, to the biting sanction the nation has experienced over the last seven years. Though the sanctions are described by the international community as travel bans targeted on a few individuals in the top echelons, it could be argued that this explanation is not only misleading but a western ploy of pressuring for a change of government in Zimbabwe.

This research hopes to add and fill gaps in already available land reform literature and contribute vastly to the process of land reform itself. For the reason that the study has given an insight in the land reform policies pursued in Zimbabwe and South Africa and compared them, policy-makers shall benefit enormously from the comparison, and strengths and weaknesses of the policies on the ground that have been highlighted. The study has also provided recommendations, other policies feasible, legal framework review and important hints to all stakeholders. The recommendations would not only educate the two countries under discussion, land issues are a world wide phenomenon and land information can be shared. Of great importance is the realisation that more research is needed following this one. There are still a lot of grey areas that need to be clarified by research, for example, research to establish whether particular rural communities can be left to control their own development and how much reform can take place if landowners are given full responsibility to control land reform. More research has to be done on getting reparations from countries that colonised others. When research is done, governments should be prepared to implement research findings.

This research did not, however, manage to reach all the planned sources of information. In Zimbabwe, fuel shortages and transport problems were the greatest challenges because travelling around Zimbabwe to interview farmers turned out to be very expensive. Some farmers could not be reached because they relocated to other countries. In the case of South Africa, Provinces like Kwazulu Natal, the Cape and Mpumalanga were not visited for security reasons. Much as the research would have benefited from statistics and perspectives from a diversity of farmers, every day reports on violent crime in the country prevented this. In the place of the unconduted

interviews the research benefited a lot from farmer's magazines, SABC programmes, debates related to land and news. Of great help also were pamphlets and land policy booklets from the Ministry of Lands in Bloemfontein and Ladybrand.

Land reform being a controversial issue, interviews and other forms of discourse concerning the research were not easy to implement due to ingrained muted suspicions of political alignment and political correctness. These research limitations were mutual. Within Zimbabwe, controversies attendant upon land invasions, political contestation between the government and opposition and hostile relations with the international community have spawned deep suspicion. In the case of South Africa, resentment of criticism, refusal to be likened or compared to Zimbabwe in terms of land reform and the will to maintain cordial relations with the international community equally prompted withholding of information on the part of interviewees. Nonetheless, these limitations were not in the main empirically insurmountable, the media, journal articles and a host of other primary and secondary sources provided valuable information to fill the gaps.

Where interviews were carried out, they provided invaluable inside information coming from different stakeholders. Interviewees allowed the investigation to share in the experiences of actual players in the land reform issue. As is with any dialogue or conversation, interviews revealed even the emotions that interviewees harbour with regards the land question. Interviewees were also a great chance in this inquiry to collect information that had not been heard or recorded elsewhere.

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Given the pressure and demands of being a mother, wife, teacher, nurse and student at the same time, researching for this dissertation was a big job. The afore mentioned responsibilities competed for time, attention, commitment and financial resources. It was a case of divided attention which could have ended in nothingness, had it not been for all kinds of support from the following people and institutions.

First and foremost, my gratitude goes to Raphael Thuube for leading and giving me a tour of the University of The Free State, his alma mater, in 2003. He encouraged and almost demanded that I visit the History department. It is this visit that led to a Master's degree and today, to a Ph.D. My warmest thanks go to Professor Leopold, S. Barnard, my lecturer and promoter. To him I say, retirement has robbed those coming after me from benefiting from your fatherly approach to issues, your patience, your wealth of experience and your industry. More specifically, thank you for familiarising me with germane South African and Zimbabwean historiography. Thank you also for recommending me for supplemental funds for the research. Many thanks to Professor Andre Wessels, Dr. Jan-ad Stemmet, Mr Chitja Twala and Dr. Marietjie Oelofse for your helping hand in readying me for doctoral studies. Whereas doctoral studies deepen one's knowledge in an area, the afore mentioned immensely broadened my knowledge of history by offering a diversity of courses at Master's level, some of which touched on my present research and provided a stepping stone. I am deeply indebted to Dr. Piniel Viriri-Shava, my husband, for his mentorship, invaluable political insights and suggestions, huge capacity to edit, vast vocabulary, financial support, liberal approach to life and ... the list is endless. To him I say, I am yet to see the fool who passes through your hands and leaves unchanged for the better. God led me to you. Its sad, however, that your own country, Zimbabwe, has not benefited from your genius of language, literature, research and analytical prowess the way South Africa and Lesotho have.

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Insecurity due to continued land crisis in Zimbabwe and relocation of most farmers to neighbouring countries precluded me from interrogating some major players face to face. Nonetheless, the handful that I did interview, you were of great help. Bloodshed Viriri, you were the first Zimbabwean farmer I talked to about land reform and you gave me an insight into the progress made and the challenges ahead. You drove me to your farm in Mazoe and allowed me to interact, interrogate and debate with your farm workers. Thank you a million times for your time, transparency and unstinting generosity.

The South African Land Affairs Department staff, my heart felt thanks to you. Mokete Hlalele and Refiloe Phage, in Bloemfontein and Louis Matli Kobo in Ladybrand to mention but a few, thank you for the documents, interviews and land literature. You shall thank the rest on my behalf. I visited with no appointments but you still welcomed and helped me. To all the farmers I interviewed in Ladybrand, you provided the much needed details, facts and views to my research. You gave a voice to the farmer, who is on the receiving end in this whole debate. To you I say, continue to feed the nation for, all said and done, land is not land until the people are fed. Regrettably, however, due to security reasons the net of farmers interviewed in South Africa was not as much as the research would have loved.

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LIST OF ABBREVIATIONS AND ACRONYMS

ANC	-	African National Congress
PF	-	Patriotic Front
ZAPU	-	Zimbabwe African Peoples Union
ZANU	-	Zimbabwe African National Union
WSWB	-	Willing Seller Willing Buyer
NLIC	-	National Land Identification Committee
IMF	-	International Monetary Fund
LHA	-	Lancaster House Agreement
CFU	-	Commercial Farmer's Union
ZFU	-	Zimbabwe Farmer's Union
LPM	-	Landless People's Movement
UDI	-	Unilateral Declaration of Independence
ZIMCORD	-	Zimbabwe Donors' Conference
UK	-	United Kingdom
AZAPO	-	Azanian People's Organisation
PAC	-	Pan Africanist Congress
SACP	-	South African Communist Party
Agri-SA	-	Agriculture South Africa
BRC	-	Border Rural Committee
LAMOSASA	-	Land Access Movement South Africa
LPM	-	Landless Peoples Movement
NLC	-	National Land Committee
ALARM	-	Alliance of Land and Agrarian Reform Movement
LRAD	-	Land Redistribution for Agricultural Development
TAU	-	Transvaal Agricultural Union
LSCF	-	Large Scale Commercial Farms
SSCF	-	Small Scale Commercial Farms
LRRP	-	Land-Reform and Resettlement Programme
FTLRP	-	Fast Track Land Reform Programme
FCTZ	-	Farm Community Trust of Zimbabwe
WFP	-	World Food Programme
ARDA	-	Agricultural Rural Development Authority
JAG	-	Justice for Agriculture Group
UNDP	-	United National Development Programme

CHAPTER ONE

INTRODUCTION

1.0 INTRODUCTION

Developing countries are characteristically agrarian societies. That means, land is their basic factor of production. As a result, a vast majority of rural people, as opposed to industrialised societies, are sustained by and depend largely for their survival on working the land. Land is a unique resource, limited in its supply but endless in the variety of its use.¹ Because all human activities occur on and are dependent upon land, the extent and nature of such activities are reflections of the land's diverse physical characteristics and of myriad complementary and evolving human interests and abilities.

Land cannot be treated as an ordinary asset, controlled by individuals and subject to the pressures and inefficiencies of the market, the pattern of land use should be determined by the long-term interests of the community.² It follows then to conclude that, conditions and terms on which land is held are fundamental and categorical in defining the social, political, religious and economic advantages available to those who own it. In other words, the land issue may serve as a factor of political stability reconciliation, economic development, poverty reduction and racial harmony. The phrase, the land question becomes a buzz word when everybody thinks ownership of land is the key to all problems.

Prompted by the coming of independence, countries around the globe, for example, Nicaragua, Peru, Brazil, Australia, Chile, Kenya, Namibia, Zimbabwe and South Africa, to mention but a handful, embarked on land reform. The importance of land reform in South Africa and Zimbabwe arises from the scale and scope of land dispossession of black people at the hands of colonialism. In these two countries, land reform efforts have been intended on readdressing past injustices and healing an emotive past. However, the efforts have not been without challenges. Subterfuge agreements, land invasions, farm killings, expropriations, among other lexicon, are

¹ H.P. Oberlander, *Human Settlement Issues 7 Land: The Central Human Settlement Issue*, p.ix.

² United Nations, Report of Habitat: *United Nations Conference on Human Settlements (A/CONF. 70/15, 1976)*: 61.

part of unintended results of attempting to correct centuries of white minority domination.

Beginning by giving the origins of the research, this study explores the land reform processes of Zimbabwe and South Africa, comparing their experiences. Comparison is done highlighting shared successes and challenges, identifying lessons each can learn from the other and laying open available possibilities, alternatives and no go areas. This study emphasises the methodologies used in land reform in the two countries under discussion, their limitations and challenges thereof.

Background of Study

Land is central to the livelihood of humankind, the reason why enumerable wars have been fought the world over since time immemorial. Land is essential as a source of income, identity, food, trade and a people's economy. In Africa, where most economies rely heavily on agriculture, land issues are a bone of contention and are always on top of their agenda. For example, in Zimbabwe three major Chimurengas (struggles) were fought to-date, which are centred on land. The first Chimurenga of 1896 in Mashonaland led by the spirit mediums Nehanda and Kaguvi, was a protest against land dispossession by the Pioneer Column.³ The second Chimurenga (liberation struggle) was an armed guerrilla resistance from 1960 to 1979 by blacks against Ian Smith and white domination in the country. The most recent and much publicised third Chimurenga (Hondo, Yeminda) of 2000, led by war veterans, was for and about unfulfilled land promises. The immediate task for the war veterans was to peg out plots of land for the landless blacks.⁴

Land problems do not seem to get solved, rather, there is a perennial, cyclical movement around land issues that does not seem to have an end in sight.

³ D.N. Beach, *War and Politics in Zimbabwe 1840-1900*, pp.199-147.

⁴ M. Meredith, *Mugabe Power and Plunder in Zimbabwe*, p.167. However, he adds that among the so called war vets, the majority were too young to have participated in the liberation war twenty years earlier.

The land question has a history that is inherently emotive, resultantly, it is embroiled with challenges of race, gender, justice and contemporary issues like the need to be politically correct. It begs questions then whether land issues can ever be deemed solved or better still, whether there can ever be amicable solutions to land problems in post colonial African countries like Zimbabwe, Namibia and South Africa. Lately, in Zimbabwe, every problem can be traced to the land reform programme, economic melt down, brain drain, sanctions, donor funds drought and fuel crisis, to single out a few. The quandary now is that, South Africa seems to have the same fate though South Africans rush to deny this. How much is South Africa prepared to learn from Zimbabwe which is undeniably a precursor in the manner in which land issues are being addressed there. Greenblo once said, "And if a South African argues that Zimbabwe holds no lessons for this country, let him read *The Struggle for Zimbabwe* and think again."⁵

This research originates from the need to examine methods of land reform, trace the evolution of land reform approaches, discover and explain loopholes in the methods and project the future of land reform in Zimbabwe and South Africa. Having watched events in Zimbabwe from the advent of independence, through the Lancaster House Agreement and events in South Africa since the negotiated settlement from 1994 to-date, this study comes to measure the quantity and quality of delivery on land by black governments to black people/farmers.

Statement of Problem

In a settlerist post colonial system, land redistribution is inherently fraught with problems. These problems pertain to a flawed and racist past land acquisition practice, frustration with unfulfilled land promises at independence and emotive issues of race and ethnicity. From as far back as the arrival of Jan van Riebeck in South Africa in 1652, and the raising of the Union Jack flag of the British Pioneer Column at Salisbury on 12 August 1890, black people have been dispossessed of their land through wars of dispossession and wars of resistance in the name of expansionism, industrialisation and of creating commercial farmland for whites. The deprived have

⁵ D. Martin and P. Johnson, *The Struggle for Zimbabwe*, blurb, (no pagination).

not forgotten how land was taken from them, how they ended up in the so called tribal trust lands, reserves and drought stricken, impoverished and overcrowded homelands or Bantustans.

In this post independence era, the era of land restitution and redistribution, the black masses wonder how much of what was taken would be given back, how and at what cost. In trying to solve the land questions, issues of race, gender, ethnicity and governance crop up and threaten to turn a noble practice, of giving land to the landless, to reverse racism. The land question also has the potential of disrupting the much fought for democracy and the much needed working international relations. Methodologies available for reforming land must be explored, interrogated, measured and evaluated before they are implemented hurriedly, to ward off a horde of off-shoot problems that might surface as a result of uninformed choices and half baked strategies of vengeance. How far can the land problem drag on and with what ramifications? Is land reform not too politically charged to allow for objective and genuine reform?

Purpose of Study

This study seeks to explore, describe, assess, in order to be able to explain why the land question is such a conundrum, a complex and controversial issue that threatens to trigger incessant avalanches of other problems for a people, a nation, a region not even sparing a continent. Possibilities and options shall be brought to light and evaluated in a bid to give reasons and make clear why land reform in Zimbabwe and South Africa took the traits it did, particularly since the advent of independence. The study will shed light on the ramifications of land redistribution, restitution, tenure rights and land infrastructure reform in these two countries. This is in order to make known their experiences, compare and contrast, as well as provide a platform from which to work recommendations for the future.

Specific Research Questions

Having been around for generations now, the land question has provoked many questions among people of different classes, ages, opinions, ideologies, religious persuasions, countries and ethnicity. These questions include

- Is land reform genuinely needed in South Africa and Zimbabwe? How much will it change? What change will it deliver?
- Given the South African economy, (based on industry and commercial agriculture) how much are black people prepared to be equal partners in owning and working the land? South African blacks, to a large extent, lack the expertise, the will, philosophy and nurturing where large scale commercial farming is concerned. How much learning are they prepared to do and for what returns? Does not the majority of them need land for settlement purposes only?
- Is land reform the ultimate panacea for all political, social, religious and economic problems that ail the two power houses of Southern Africa? Land reform sounds like a distress call for the two neighbours, should we expect to witness an end to poverty, hunger, stagnant economies and chronic corruption when land reform is completed? Or is it because land is not yet in the hands of the black peasantry that we, still experience economic and political instability?
- Is the land question not overblown and taken as a scape-goat by governments who have difficulties in performance and delivery?
- In this era of negotiated constitutions, why is land reform still so politically charged a matter? Why is the land question so malleable a substance that, for example, the incumbent government of Zimbabwe takes it as a platform for electioneering and politicking, the opposition draws their energies for criticising the government from it and the international community sees it as their opportunity to unleash economic sanctions and create pariahs out of legitimately elected governments?
- How much of land reform that has already taken place made a difference economically and politically? What is the quality of the change? Is the change not about remaining the same or even getting worse off?
- Why has land reform in Zimbabwe threatened an economic meltdown and how is South Africa taking it as a neighbour and a country that shares a number of

similarities with Zimbabwe? How much are South Africans prepared to acknowledge Zimbabwe as a precursor?

- How much are those who benefited from colonialism and apartheid prepared to assist land reform, heal the past, propel reconciliation and allow transformation to take place with no hard feelings? Is genuine land reform not blocked by individuals who refuse to see change in their life time?
- What does South Africa mean when they say they are approaching land reform in their own way? How much does this way push apartheid benefactors to repent and how much does this way continue to suffocate the victims of apartheid?
- Why does the present black government of South Africa pay for expropriated land when they are not the perpetrators of the injustice that happened during apartheid?
- Why should blacks pay to get their own land back? How can blacks buy back their land?
- Why was the Willing Seller Willing Buyer principle, a method that sounds voluntary and lacks the urgency with which reform is needed, ever used to address land issues?
- How genuine was the Lancaster House Agreement of 1979 that brought independence to Zimbabwe? Why should elements of deceit be tolerated in a negotiation?
- Can land reform reverse the legacy of apartheid?

Statement of Hypotheses

Land issues in post settler systems are extremely difficult to solve unless the past is revisited and addressed. Revisiting the past is not a walk in the park because of the risk of opening healing wounds, refreshing terrible and horrid memories as well as becoming politically incorrect. For example, in South Africa, the 1955 Freedom Charter proclaims among other things, that:

- “South Africa belongs to all who live in it – Black and White”;
- “The People shall share in the country’s wealth”; and

- “The land shall be shared amongst those who work it.”⁶

As such, to begin to introduce radical policies to benefit the disadvantaged threatens to challenge the very pillar on which the new constitution was founded. Yet, the bitterness of being dispossessed at one time does not just mellow away in blacks, it might manifest itself or mutate into another disturbing form like violent crime or worse still, creating a whole country of melee youths.

Due to the sensitive nature of the African historical experiences, land reform is a hot potato unpleasant to deal with because there is no single strategy that can please all stakeholders. To begin with, though governments have to be in the driving seat in the fight to reform land, they should not be the only players. Other stakeholders like parastatals, white farmers, the black peasantry and international donors must come together to avoid a situation where other parts stand and observe from a safe distance waiting to point fingers when the first challenge washes up. Rural communities have to be actively involved in decision making since they form the majority of the population and are the most affected in agro-based economies. Apartheid benefactors must voluntarily give up part of their profits from the system and desist from blocking democracy from running smoothly by disavowing the ills of apartheid and colonialism. Donors must give back to communities and sponsor reforms to ensure development.

Importance of Study

This study is significant in that it brings on the experiences of Zimbabwe and South Africa in land issues with emphasis on the approaches used by the two countries. In a field as complex and controversial as that of land reform, there is no magic solution to challenges that arise, neither are there guarantees that all desired goals would be achieved. Virtually, any reform is likely to involve winners, as well as losers and thus,

⁶ African National Congress, *The Freedom Charter*, see also Report of the National Land Summit 27-30 July 2005, p.6, which states that the coming together of all races is part of the struggle for democracy.

a prerequisite for any successful reform is a political commitment at the highest levels to take the necessary steps to initiate, implement and maintain the reform process. This study shall lay in the open, the significance, desirability, feasibility, applicability and weaknesses of the approaches taken by South Africa and Zimbabwe in addressing the land imbalances inherited from colonialism. The study shall also make clear the pivotal role played by the choice of a methodology, the approach, the how, the style. The choice of the way to do it is as important as what is to be done. The methodology can make all the difference in the world. As the French say, "style is the man."⁷ It is the hope of this study to draw everybody to matters at stake when selecting an approach and considering consequences thereof.

The comparison of the two countries is significant given the fact that no two countries are faced with the same challenges in land reform. Comparison would help in making informed judgments, providing varied experiences and examples on which to base future projections and the feasibility of proposed approaches. For example, with the failure of the Willing Seller Willing Buyer principle (WSWB) in Zimbabwe, South Africa could have taken an informed decision that WSWB delivers at a snails pace and does not take into consideration the urgency with which land reform is needed.

Buzz words in the land reform process are defined in this study to make them known and comprehended. With the advent of land reform came a whole unfamiliar lexicon which needs to be defined and explained. Also, of essence, are the conclusions and recommendations that would be drawn after the analysis of information on the ground.

Assumptions

This research assumes that the land problem is being politically hijacked, making it very difficult to solve because land has become synonymous with race. The land question has become a political football that anybody kicks anyhow anytime, politicians, war veterans, the opposition and farm workers alike. People are no longer

⁷ E. Reader and P. Woods, *Introducing The Novel An Approach to Literature for GCSE*, p.75, approaches could be diplomatic, provocative, weak, sensitive, long lived, political, economic, provisional etc.

separating genuine landlessness and need for land from politically motivated hidden agendas. There is lack of real commitment by stakeholders to solve the land question around the table. As a result, there is unnecessary finger pointing which does little to solve the problem but rather, is an unrealised recipe for perpetual vicious cycles that arise, like land invasions and white farmer killings. The study also assumes that land reform is going on for too long without a proper solution in sight, resulting in numerous sub-problems off shooting from the bigger problem. For example, in South Africa, from independence in 1994, land reform is projected to be complete by 2014, yet, today in 2006, only 3 percent of its objectives has been realised. In Zimbabwe, from independence in 1980 to 2006, all stakeholders are still crying foul.

The role of land reform in national economic development is portrayed as the be it and end all, as though when land reform is complete all economic problems of a country are solved. Land reform cannot be used or taken as an all weather prescription for economic stagnation or for agricultural underdevelopment. Land reform is not an end in itself. Land reform is desirable only in as far as it is complemented by other political and economic activities leading to overall good governance, political stability, environmental sustainability and improved socio-economic situation of the citizenry. The need to reform land should be viewed as part of an all encompassing decolonisation programme, not as a separate entity.

Operational Definitions

Often a time words are used in this whole big talk about land without them being really understood. Key words and phrases that are to be frequently used in this research are the following:

- i) land
- ii) land alienation
- iii) land question
- iv) land reform
- v) land redistribution
- vi) land tenure
- vii) land restitution

- viii) Lancaster House Agreement/Constitution
- ix) Willing Seller Willing Buyer (WSWB)
- x) Fast Track
- xi) Expropriation
- xii) Compensation
- xiii) Settlerism
- xiv) Native Lands Acts
- xv) Ramification

i) Land

Land is terrestrial space that modern westerners cut into pieces that they call parcels which they can buy and sell on the market. The idea of selling and buying land is not African, African societies did not split land up into pieces at all.⁸ Land was a communal property and everybody was supposed to benefit from it. With changes in the economic use of land, the dimensions of society are necessarily affected. Land as a factor of production, assumes a greater role than it formerly had when it was viewed as a dimension of society.

In Africa, land is a key asset for rural and urban economic and social development. Access to land, therefore, is extremely important. Ngugi wa Thiongo records the necessity of having land in one of his novels, *Weep Not Child*, saying:

*Nganga was rich. He had land. Any man who had land was considered rich. If a man had plenty of money, many motor cars, but no land, he could never be counted as rich. A man who went with tattered clothes but had at least an acre of red earth was better off than the man with money.*⁹

In addition to its immediate economic importance as a source of food and cash income for rural people, land is an essential social asset. Access to rural land is often a symbol as well as a consequence of membership in a descent group or rural polity

⁸ P. Bohannon and P. Curtin, *Africa and Africans*, p.128. Historians concur that the parceling of land is an alien notion in Africa introduced by Europeans during years of colonialism.

⁹ Ngugi wa Thiongo, *Weep Not Child*, p.19.

and maintaining such access serves to validate membership in the group.¹⁰ This, in turn, often entitles a person to make claims on other resources which are controlled either by the group as a whole or by its individual members. However, people hold different perceptions about land and these varying opinions may coexist simultaneously within a political system, for example, land as production unit, as spiritual amenity, as investment commodity and the list goes on. All said and done, land or livestock, which require land, represent the only wealth known to rural peoples where bank accounts and real property are non-existent.

ii) Land Alienation

Land alienation refers to the extensive selection and taking away of large fertile lands by settlers, companies and individuals from the peasants. For example, in Zimbabwe, after obtaining disappointing results from their mineral expedition, Cecil John Rhodes and the Pioneer column settled to farming and created an agriculture based colony, placing land and land alienation at the centre of colonial control and colonial politics. This alienation of land, cattle included, sparked the first clashes between the white settlers and the inhabitants of the land between 1893 and 1896, - a war of dispossession commonly known as the first Chimurenga war.¹¹

Throughout the history of colonial rule, land was constantly used to reward the settlers. Generous offers of choicest arable pieces of land were given to white farmers for: their numerous daring expeditions, displays of bravery in wars and for coming to Africa as it were. To attract more settlers, vast chunks of land and finance to settle were given at the expense of black peasants who were forced, in most cases, into marginal, disease infested, impoverished drought prone, thorny and non-productive land. These poor lands infested by growing populations could not sustain the black farmers and their farming systems thus, leading to further land deterioration. Land was demarcated through a myriad of Acts into Tribal Trust Land, Native Reserves, National Land, Forest and Unassigned, Crown land unassigned, European land with

¹⁰ A. Berry, 'Agrarian Crisis in Africa? A review and an interpretation', in K. Osei-Hwedie and M. Ndulo. (eds.). *The Development Puzzle; Some Insights From Africa*, p.66.

¹¹ J.B. Karumbidza, "An overview of the Land Needs and the Politics of land Reform in the Run-up to the Presidential Elections in Zimbabwe, the Effects on Society and Economy and the Response of the International Community," unpublished paper, p.3.

parks and farm land. This alienation explains the imbalance in land distribution that existed at independence, in Zimbabwe 6,000 white farmers with half of the total land only productive land under their wings while blacks in the majority occupied desertificated land.¹² In South Africa, historical records have it that the white minority owned 87% of total land while the black majority were crammed in the remaining 13%.¹³

iii) Land Question

The land question is an expression to show the centrality, essentiality and necessity to own land, deal with and resolve land problems. The question of land is not unique to Africa, examples can be given internationally for example, Brazil, Australia and China. Land, in all societies, historically, has been a symbol of power and status and ownership of land has meant distinct power, status, the forging of identity, meaning that, after independence those marginalised wanted a share of the cake to gain importance also. The issue of the land thus, became a big question, a hot potato that remained for governments and citizens alike to solve.

In post-colonial Africa, blacks talk of whites having stolen their land, while white farmers assert that when they came to South Africa for example, there was little if any systematic cultivation and certainly no agricultural industry to speak of.¹⁴ Western farming methods allowed the country, back then, to become one of the world's known food exporting countries. Yet, the noises about who owns the land and who should have a say continues to grow louder and louder.

With the advent of democracy, the land question, as S. Moyo opines, has been popularised by the growth with equity parameters set out by major government policies which significantly accept some amount of land redistribution.¹⁵ Moyo defines the land question from the point of view of the peasantry, as based on the

¹² *Ibid*, the same element of land alienation and forced removals was used for example, in South Africa which resulted in the creation of black townships like Soweto, Triumph and other black spots.

¹³ E.M. Letsoalo, *Land Reform In South Africa A Black Perspective*, p.41.

¹⁴ <[Hrw.org/defending human rights worldwide](http://Hrw.org/defending-human-rights-worldwide) p.16.>

¹⁵ S. Moyo, "The Land Question" in Mandaza, I. (ed.). *Zimbabwe The Political Economy of Transition 1980-1986*, p.172.

demand for the redistribution of arable land and land with reliable rainfall according to the agro-ecological zones of a nation.¹⁶

iv) Land Reform

It can be proven beyond reasonable doubt that in post settler colonies, land reform fits like a glove. The question of land reform is inextricably connected with the resolution of problems of use, pattern of ownership and control of this basic resource called land. P. Dorner defines land reform first, as measures to redistribute land in favour of peasants and small farmers, second, in a broader way, as embracing consolidation and registration in areas where customary tenure is prevalent and also settlement on new lands.¹⁷ Land reform has a basic function of providing some measures of social justice and act to remove barriers to economic development.¹⁸ Thus, land reform basically aims at widening the economic opportunities for the majority of the rural people. To a large extent, land reform represents income redistribution more than a meaningful division of land.¹⁹

The meaning of agrarian land reform in poverty stricken and rapidly urbanising third world countries is contentious and complex. It must be borne in mind that ownership of land here is symbolic of sharing the country. Land reform means the right to own a small piece of land, which, however poor, is something to people who have nothing. It requires the redistribution of land from one group of people to another for some social purpose, with each new holder filing the appropriate legal papers with the government registry, ordering a land survey and taking title to a parcel of land.²⁰

Land reform cannot take place when people do not know the kind of land rights they have, nor do not trust the legal regime that they hold land rights under. Agrarian reform is not simply an end in itself, it is a political measure designed to increase the

¹⁶ *Ibid.*

¹⁷ P. Dorner, "Land Reform and Economic Development," in K. Osei-Hwedie and M. Ndulo. (eds.). *The Development Puzzle: Some Insights from Africa*, pp.11-12.

¹⁸ R. King, *Land Reform- A World Survey*, p.7.

¹⁹ S.L. Harring, "The stolen lands" under the constitution of Namibia: Land reform under the rule of law" in *Proceedings of the Conference Ten Years of Namibian Nationhood 11-13 September 2000*, p.277.

²⁰ *Ibid.*, p.275.

stability and justice in a given society.²¹ For reform not to remain theoretical or rhetoric, it should be supported by massive social expenditure training programmes, economic supervision and political backup.

Dorner asserts that land reform is an expression of the recognition that serious inequalities accumulated and need to be immediately redressed.²² Most importantly, land reform involves changes, adjustments and adaptations to a matrix of agri-support institutions. In many parts of the world where major land reforms were instituted, the core reasons for the change were political and economic, for example, in Zimbabwe and South Africa, land reforms aim to redress past land alienation through promoting equal access to land for the majority of the population, creating political stability, encouraging reconciliation, promoting a sustainable environment and addressing issues of poverty and disease.²³

Historically, land ownership, access, distribution and the rest of the lexicon, originated from feudalism, where the ruling class owned land while the majority had nothing. In fact, the most productive fertile land has always been owned, in many parts of the world, by a minority ruling class. Following decolonisation and other major political reforms, land reform is undertaken to achieve equity, cohesion and presumably, by so doing, promote peace and reduce exploitation by the landed gentry.²⁴ Equitable distribution of land would promote household agricultural production thereby, increasing employment and income opportunities, basic food production and raw materials for agro-industries.

The White Paper on South African Land Policy 1995 spells out the three focus areas envisaged by their land reform.²⁵ The first is restitution or restoration of land rights to the victims of forced removals. The second is redistribution of land to the landless and third, tenure reform aimed at promoting security of tenure for all. Banda maintains

²¹ *Ibid.*, p.281.

²² Dorner, p.20.

²³ <http://www.landaction.org/display.php?article=61>.

²⁴ H.K. Sigwele, "Farm structure and Land Tenure systems for a Transformed Agricultural sector" *AGREKON*, Vol. 35, No.4, p.14.

²⁵ *White paper on South African Land policy 1995*, p.9. Kirsten et al, among many others, also discuss the South African restitution, redistribution and tenure land reform programme..

that land ownership, with its fundamental concept of land tenure, is an inescapable target of any land reform.²⁶

For effective land reform, all possible options of land transfer to disentitled persons should be pursued. Land reform legislation should be guided by economic considerations and not by political ambitions, for example, where some farmers hoard farms without optimising or allowing more people to benefit, or where farms are owned in absentia and where aspirant farmers have no land.

v) Land Redistribution

Simply put, land redistribution is the reallocation of agricultural resources. Land redistribution basically suggests that one originally had land which was then forcibly taken from them. In this case, governments are responsible for buying land and resettling those disadvantaged. In South Africa, land redistribution aims to provide the disadvantaged and the poor with access to land for residential and productive purposes. Its scope includes, the urban and rural very poor, labour tenants, farm workers, women as well as new entrants to agriculture.²⁷ The programme enables eligible individuals and groups to access a settlement/land Acquisition Grant up to a maximum of R15 000 per household for the purchase of land directly from willing sellers and make other capital investments. Other grants are also on offer by the Department of Land Affairs, for instance, settlement planning grant, district planning facilitation service, training and dispute resolution services.²⁸ Such subsidies are meant to benefit those in urgent need, the poor who have no dreams to become land owners in a market economy without assistance by the state. Governments can also make use of land redistribution to reduce urban drift. This is achieved by comprehensive regional planning to promote economic decentralisation of centralised functions and stimulate growth of lower order settlements in communal areas, allow economic specialisation among regions, improve inter-regional trade links and create a healthier economic interaction between rural supplies and urban demands.²⁹

²⁶ D.A. Banda, "Land Tenure and Agricultural Development in Zambia: A case of Agrarian Reform," K. Osei – Hwedie and M. Ndulo. (eds.). *The Development Puzzle: Some Insights from Africa*, p.210.

²⁷ *White Paper on South African Land Policy 1995*, p.9.

²⁸ J.K. Kirsten, J. van Rooyen and S. Ngpangweni, "Progress with Different Land Reform Options in South Africa," *AGREKON*, vol 35, No. 4, p.218.

²⁹ P. Smit, "The land issue of Namibia: Some environmental, economic and planning perspectives" in *Proceedings of the Conference Ten Years of Namibian Nationhood 2000*, p.294.

In Zimbabwe, land redistribution has taken the shape of setting up programmes to reallocate land mainly from the white large-scale commercial farmers to the black small holder farmers to address the inequities of the past. Focus has been on resettling black farmers from crowded communal areas. Land redistribution in Zimbabwe is largely politically driven as opposed to market driven, though under the Lancaster House constitution the WSWB principle drove the campaign.³⁰ With the expiration of the LHA the government amended section 16 of the constitution, which related to some protection from deprivation of property. As a result of the amendment, all land including utilised land, buildings and incomplete improvement to land could be acquired compulsorily for settlement and agricultural use with a fair compensation determined by parliament. With time, the government removed its obligation to pay compensation in respect of agricultural land required for resettlement purposes. The turn about came especially in 2000 following the no vote by the people of Zimbabwe to the government's February 2000 referendum. The referendum was meant to increase the powers of the president and voters could not agree with the move thereby refusing the president the change he needed most. The no vote angered the government and landowners were on the receiving end experiencing the worst wrath of an angry president through non-payment of compensation on expropriated land.

vi) Land Tenure

Land Tenure Reform is the most complex area of land reform. It is addressed through a review of present land policy, administration and legislation to improve the tenure security of all citizens and to accommodate diverse forms of land tenure, including types of communal tenure. Tenure reform aims to bring all people occupying land under a unitary legally validated system of landholding to help solve tenure disputes. On a larger scale, land tenure relates to administration, utilisation, productivity, management, environmental considerations, housing, settlement, infrastructure and institutional facilities development and historical structures.³¹

³⁰ L. Rugube and W. Chambati, "Land Redistribution in Zimbabwe: Five Census Surveys of Farmland Transactions, 1996-2000" on <<http://www.wisc.edu/lrc/basis.html>>, p.9.

³¹ *White paper on South African Land Policy 1995*, p.9 and 35.

Tenure may be unclear, insecure or clear and secure but unjust or inefficient. Ultimately, tenure is about the relationships among individuals and their behaviour relative to one another, in relation to their interests in land, spatial units and to the resources they contain.³² Tenure insecurity is especially felt when different cultures meet, when a political scenario changes suddenly, or when culturally, politically or economically mobile people manipulate imbalances to their advantage.³³ Insecurity applies across the board, to both the landless and the land owners.

The pressure to reform tenure systems may come as a result of population boom, migration dynamics, man land ratio imbalances, changing market patterns, changing value systems, ecological deterioration or fragmentation through westernised allocation of property rights, among a hive of other reasons. In South Africa, The Extension of Security of Tenure Act of 1997 was passed to protect farm workers and labour tenants from arbitrary evictions and to provide mechanisms for the acquisition of long term tenure security.³⁴

vii) Land Restitution/Restoration

Land restitution is suggestive of giving back the land lost to their actual owners. In South Africa, the Restitution of Land Rights Act of 1994 was enacted in accordance with provisions of the interim constitution in force between April 1994 and February 1997.³⁵ Restitution aims to restore rights in land of which people were dispossessed under apartheid laws since 19 June 1913 and promote the protection and advancement of individuals or groups who were disadvantaged by unfair discrimination.³⁶

Restitution can take the form of restoration of the land from which claimants were dispossessed, provision of alternative land, payment of compensation, or priority access to government housing and development programmes.³⁷

³² *Ibid.*

³³ *Ibid.*, p.291.

³⁴ <*Hrw.org/defending human rights worldwide*>, p.10.

³⁵ *Ibid.*, p.9.

³⁶ *White Paper on South Africa Land Policy*, p.9.

³⁷ *Restoration of Land Rights Act, No. 22 of 1994*, p.1.

The process of restitution is administered by a Commission on Restitution of Land Rights and a Land Claims Court established under the Act. The Communal Property Association Act, No. 28 of 1996 provides a framework for group ownership of land, following the restitution or redistribution of land under one of the government programmes.³⁸ In South Africa, successful restitution cases are District Six in Cape Town and Sofia Town in Johannesburg to mention a few.

viii) Lancaster House Agreement 1979

The Lancaster House Agreement was the independence agreement for Rhodesia, now Zimbabwe. It was signed on 21 December 1979 at Lancaster House in London. The agreement ended the white rule in Rhodesia under Ian Smith. It was signed between the Patriotic Front (PF), consisting of ZAPU (Zimbabwe African Peoples Union) and ZANU (Zimbabwe African National Union) and the Zimbabwe-Rhodesia government, represented at that time by Bishop Abel Muzorewa and Ian Smith.³⁹

The Conference opened on the 10th of September 1979 under the chairmanship of Lord Carrington, Secretary of State for Foreign and Commonwealth Affairs. It lasted three-months but almost failed to reach conclusion, due to disagreements on land reform.⁴⁰ There was pressure to sign the agreement but, land was the key stumbling block. Both the British and the American governments of the day offered to buy land from willing white settlers who could not accept reconciliation and a fund was established to operate for ten years from 1980 to 1990. White landowners were granted ten years of immunity from land redistribution policies, reform and seizure. The report was signed by Lord Carrington, Sir Ian Gilmour, Robert Mugabe, Joshua Nkomo, Bishop Abel Muzorewa and Dr. S.C. Mundawarara.⁴¹

The agreement guaranteed the holding of elections on a one person one vote basis and was the basis for the creation of an independent Zimbabwe which was born on 18

³⁸ <Hrw.org/defending human rights worldwide>, p.9.

³⁹ Wikipedia, the free encyclopedia.

⁴⁰ T. Marcus, "Land Reform in Rural Restructuring Programmes. Comparative Policy Approaches and Experiences From The Developing World" in *Development Southern Africa*, vol. II, No. 4, p.519.

⁴¹ Moyo, p.12.

April, 1980.⁴² In spite of their small number, whites were granted twenty seats of the total and, according to analysts such as A.J.D. Patsanza and S. Moyo, the act of reserving seats for whites introduced racism in Zimbabwean politics.

Under the Lancaster House Agreement which set the market as the basis for the release of new land to Africans, the Zimbabwean government bought over 3 million hectares to settle about 50 000 households, 85% of this mostly marginal land was bought from large scale farmers.⁴³ The Willing Seller Willing Buyer (WSWB) jargon was used to keep the best African lands in minority white hands in Zimbabwe and the same happened in Kenya, Namibia, Zambia, South Africa and Botswana. Put in simple terms, Mugabe's government could not acquire land when and where it wanted because white farmers were either unwilling to sell, or asked for big compensation and as a result, by the end of the Lancaster decade, land issues were still as urgent as they were in 1980.⁴⁴ The deal that delivered independence ironically meant maintaining the status quo on land.

ix) Willing Seller Willing Buyer (WSWB)

The WSWB principle is one of the options of land reform already operating in Zimbabwe as well as in South Africa, lately, other alternatives like expropriation and taxation are being considered. In the Zimbabwean case, the WSWB model would buy out white farmers who were unwilling to stay in Zimbabwe using funds provided by the British through the Zimbabwean government. The British government would pay for land purchase and land development on a 50:50 basis with the government of Zimbabwe.⁴⁵ Initially, the British kept their promise and paid up to £44 million of the promised £75 million to offset the costs of buying out European farmers after independence.⁴⁶

Harring notes that by definition, the WSWB principle sets a high price for the land acquired, higher than the "just compensation" required and this paying of top dollar"

⁴² *Wikipedia*.

⁴³ Marcus, p.519.

⁴⁴ Moyo, p.12.

⁴⁵ D. Anderson, "Mugabe Is Right About Land Reform" in *The Independent*, 4 May 2000. p.2.

⁴⁶ A. Norman, *Robert Mugabe and the Betrayal of Zimbabwe*, p.104.

for farms impedes the land reform process, making it slower and more expensive.⁴⁷ WSWB is not done under normal market conditions, there is only one buyer, the government. The seller, who in this case is the landowner, dictates their condition. It is the landowner who prices the land and the buyer takes it or leaves it. The buyer, who in this case is the government, is pressured to buy at exorbitant prices if land reform has to take place. The landowner has the leverage to abuse the whole selling and buying process if they do not want to sell but want to appear not to be blocking reform. One would say it is the opposite of car dealing, where the buyer has an upper hand as Gwanya once observed.⁴⁸ When buying a second hand car, the one with the money may threaten to cancel a deal if it is not favourable, but if the same is done with land, then land reform does not happen.

To demonstrate that WSWB is a slow deliverer, in South Africa, only 4% of farmland has been transferred to blacks from 1994 since WSWB underpinned land reform. The Johannesburg Land Summit of 2005, however, spelt out that the WSWB was not working and other alternatives had to be explored.⁴⁹ In Zimbabwe, WSWB dragged land reform out so much that, even after 25 years of independence, not half of the people in need of land have been resettled by end of 2005.

x) **Fast Track**

Fast track refers to a move to consolidate the acquisition and settling of land occupied through land invasions. It is a Zimbabwean government coined policy or programme (land reform language) to push land reform from illegal occupations.⁵⁰

Through fast track, the Zimbabwean government showcased land invasions as a sign of landlessness and a result of the people's disappointment with slow efforts to redistribute land. The government had targets to meet, that is, to resettle about six million people on white owned farms. Realising the target could not be met through legal means, they legalised what had been ill acquired. Though noble, the objective of

⁴⁷ Harring, p.282.

⁴⁸ *Report of the National land Summit*, 27-30, July 2005, p.9.

⁴⁹ Karumbidza, p.15. Moyo (1999b:6) points out that this is not the first time the government coined policy, in the early 1980s they legalized squatters through an "Accelerated Resettlement Programme."

⁵⁰ *Ibid.*

fast track was hi-jacked by political expediency because all deadlines of the programme became politically determined to profit the presidential campaign for the 2002 elections.⁵¹ Fast track occurred under the National Land Identification Committee, (NLIC).

The fast-track programme can also be seen as a de-urbanisation move, aimed at pushing people away from the urban economic woes back to the rural areas, where, as a payback, they would be expected to vote for ZANU PF.⁵² For the fact that the fast track land reform programme turned a blind eye to land invasions carried out by self-settling landless people, many of those driven out of towns grabbed a chance to settle themselves on some piece of land on some farm. To the self settling, it appeared like the government had blessed the occupations. Meaning to say, they had the government to thank for the pieces of land they had now settled on. The government, in a bid to swing the up-coming elections in their favour, did not condemn the illegal occupations. As a way of paying back for the acquired land, the new settlers would have to vote for the government in the elections. On a smaller scale, this worked ahead of the Bindura bi-elections, all resettlement committee teams were deployed in the Mashonaland East province, finally settling 4 000 urban underdogs and guaranteeing ZANU PF victory with a wide margin.⁵³ However, after the government secured victory in the elections, people started to be violently removed from the farms they had self-settled.

Besides its political tendencies and lack of transparency, the programme was swamped with numerous irregularities, ranging from lack of proper planning, guidelines, coordination, facilities and support programmes for productive use of allocated land. These irregularities often came with financial costs in litigation for the government as they were taken to court by some stakeholders.⁵⁴ Where fast track failed to drive people back to rural areas, Operation Murambatsvina (Operation

⁵¹ *Mail and Guardian*, 30 June 2001.

⁵² Karumbidza, p.15.

⁵³ *Financial Gazette*, 5 July 2001.

⁵⁴ A.K. Tibaijuka, Report of the Fact Finding Mission to Zimbabwe to assess the scope and Impact of Operation Murambatsvina, p.12. See also Appendix 14.

Restore Order), commonly referred to as "Operation Tsunami," completed the campaign.⁵⁵

Mlambo states that the fast track land reform programme by the Zimbabwe government from 2000 onwards is often called the Third Chimurenga/Umvukela.⁵⁶ The struggle for land was the third after the first and second struggles earlier on in the history of the Zimbabweans. The Second Chimurenga was the liberation struggle of 1960-1979 that ended with the Lancaster House Agreement in 1979. The Agreement ushered in Mugabe's regime. Fast track, coming in 2000, is named Third Chimurenga because it is seen as the third phase that consolidates Zimbabwe's political independence by capturing land from the whites. Securing land, which is the corner stone of the country's economy, gives the country its economic independence. While the First and Second Chimurengas were political struggles, the Third Chimurenga is a struggle for economic independence, which, without it, political independence makes no real sense. Hence the government's election slogan, "The land is the economy and the economy is land."⁵⁷ However, what is Third Chimurenga to some, is to others Mugabe's land grab, a commentary on the manner in which the struggle was tackled.

xi) Expropriation

Expropriation is a land reform option that takes away property from the owner usually with the payment of just compensation. The South African constitution allows for expropriation within the confines of clear and transparent guidelines and an expropriation Act that is buttressed by expropriation provisions of the Restitution of Land Rights Amendment Act.⁵⁸

In order to expropriate, for public use, from those who own oversized farms, many farms, absentee owned, under utilised or previously deprived, unjustly dispossessed and others, numerous provisions of common and statutory law should be relied

⁵⁵ *Ibid.*

⁵⁶ A.S. Mlambo, "Land Grab or Taking Back Stolen Land. The Fast Track Land Reform Process in Zimbabwe" in *Historical Perspective*, History Compass 3, 2005, p.1.

⁵⁷ *Ibid.*

⁵⁸ L. Ndlovu, "Land Reform Challenges in the New South Africa: to Expropriate or not to Expropriate?" Paper presented at the Conference on Law and Transformative Justice in post-apartheid South Africa, p.3.

upon.⁵⁹ For example, Restitution of Land Rights Acts, Expropriation Act, Promotion of Administrative Justice Act and the Constitution play major roles in a decision to expropriate.⁶⁰

The purpose of expropriation is also of importance since it determines the market value of the property, thereby affecting the compensation as well as affecting the court's decision in balancing the expropriator and expropriatee's interests.⁶¹

Gwanya Thomas Thozamile (Chief Land Claims Commissioner in South Africa) talking about the first case of land expropriation of the Lichtenburg farm owned by Hannes Visser, made it clear that expropriation in South Africa comes attached with market related compensation, and that irresponsible mechanisms for land acquisition are discouraged.⁶² In Zimbabwe, the fast track programme introduced expropriation without compensation. Mugabe was quoted to say:

*If white settlers just took the land from us without paying for it, we can in a similar way just take it from them, without paying for it, or entraining any ideas of legality and constitutionality....*⁶³

Much as Mugabe is historically correct, to wrestle land from white farmers in the fashion history portrays the white settlers did jeopardise prosperity, democracy and the spirit of transition the two countries should be enjoying. The English say, you do not solve a problem by the same set of mind that created it. There is need for the two countries to take advantage of the standards the white farmers have set in as far as farming is concerned, through making them part and parcel of land reform.

⁵⁹ *Ibid.*

⁶⁰ M.D. Southwood, *The Compulsory Acquisition of Rights by Expropriation, Ways of Necessity, Prescription, Labour Tenancy, and Restitution*, p.36.

⁶¹ *Ibid.*

⁶² *Sunday Times*, 9 October 2005.

⁶³ Meredith, p. 126, though in an SABC2, 2005 August 25, television interview Mugabe insisted that expropriation in Zimbabwe is always compensated.

xii) Compensation

In the language of land reform, compensation comes together with land expropriation. While property owners should be protected against arbitrary deprivation, expropriation for public interest should also be considered hence, the element of just and equitable compensation.⁶⁴ Compensation allows expropriation and land reform to take place because there is no reason for governments to be held to ransom by landowners who cling to land for reasons of speculation while the nation continues to face transformation challenges.

Section 25 of the South African Constitution stipulates that compensation must provide an equitable balance between public interest and the interests of those affected, having regard to all relevant circumstances such as the current use of the property, history of acquisition and use, market value, the extent of direct state investment and subsidy in the acquisition and capital investment.⁶⁵ Although some analysts believe that compensation should not be market related, the need for compensation of whatever form cannot be overemphasised, if not for the property then for developments on the property. If compensation is absent where there is expropriation, land reform runs a risk of becoming a process encouraging malicious deprivation of property conjuring up memories of colonial times.

xiii) Settlerism

Settlerism is the art of moving from one's country of birth to settle/live permanently in a developing country. The word settlerism is derived from settle and settler. It is used to describe Europeans who came to live in Southern Rhodesia from and after 1890. Almost all the settlers came through South Africa in search of gold, finally settling for the second rand – fertile soil. The whites moved in in Cecil John Rhodes' Pioneer Column in 1890 and after failing to realise their dream of finding gold, their economic pursuits started to diversify. They practised politics of exclusion, perhaps because they were ever conscious of their small number thereby, remaining united and with the same attitude towards the Africans.

⁶⁴ Ndlovu, p.5.

⁶⁵ *Sunday Times*, 9 October 2005.

Mutambirwa asserts that their sense of fear and insecurity, fear to be swamped by the Africans led them to develop and maintain policies that were intended to keep the Africans at a distance educationally, socially, economically and politically.⁶⁶ In South Africa, Native Land Acts, apartheid and other such policies of segregation would entrench separate development. In this regard, Zimbabwe was an expansion of the Cape Colony. Historians argue that Zimbabwe could not have been colonised without the Southern African region being taken first. Rhodesian affairs were approached from the context of South Africa, where 5 000 settlers from Britain arrived and were given land on the Cape's Eastern Frontier in 1820. In time, in South Africa, the term settler came to be given to whites in general and those whites whose ancestors had lived in the country for centuries especially resented the term.⁶⁷

xiv) Native Land Acts

Native Land Acts refers to legislation passed by colonial governments to restrict ownership of land by local people. For instance, the 1913 Native Land Act passed under Louis Botha in South Africa that restricted African ownership of land to a small portion of the total area of only seven percent of South Africa. Also, the 1936 Land Act under Hertzog that left black South Africans with 13% of the land. The Acts also sought to remove African squatters from white owned farms. In South Africa, the Cape Province was excluded from the 1913 Act because of its franchise policy. The 1936 legislation provided for nationwide uniformity, but not all the land promised to blacks then was ever bought. The laws were repealed in 1991 en route to democracy.⁶⁸

xv) Ramifications

Ramifications mean any of a large number of complex or unexpected results that follow an action or a decision. Ramifications could be social, cultural, historical, political and economic. All that unfolded after the beginning of land reforms in

⁶⁶ J.A. Mutambirwa, *The Rise of Settler Power in Southern Rhodesia (Zimbabwe), 1898-1923*, p.27.

⁶⁷ *Readers Digest Illustrated Encyclopaedia, Facts about Southern Africa and the World*, p.212.

⁶⁸ *Ibid.* Also Letsoalo, p.41, adds that the 1936 Land Act also "reformed" the land tenure system of the Blacks on White farms by limiting the number of labour tenants that any white farmer might have and made them subject to the Masters and Servants Laws. Furthermore, the 1936 Land Act, in addition to supplementing the 1913 Land Act in the separation of land for whites and land for blacks, instituted the South African Native Trust, which would develop blacks in the native reserves.

Zimbabwe and South Africa, for example, the land policy in Zimbabwe triggered sour relations with human rights activists, the international community, the IMF and the donor community thus, unleashing an economic meltdown.

Scope of the study

This study seeks to point out and make clear the land reform methodologies used in Zimbabwe and South Africa. The research shall focus on the unfolding events coming with land reform implementation. While land issues have been around since the 19th century or before that, it is not the objective of this research to go as far back as that in detail. A summative historical backdrop on the two countries shall be given to highlight, shed light and appraise land reform in these post settler colonies. The main focus is on the contemporary happenings, similarities and differences in the experiences of the two neighbours.

The dissertation is divided into seven chapters more or less in chronological order in terms of the way the study would be undertaken. Chapter One is an introduction intended at shading light on the research's subject matter. Key words are defined, challenges encountered during the research outlined and recommended methodologies are spelt out in this chapter. Chapter Two is a backgrounder serving as an appraisal of the need for land reform in Zimbabwe and South Africa. The chapter, in compressed detail, traces land alienation in both countries and states the situation of land distribution at independence of the two countries in 1980 and 1994 respectively. Chapter Three examines programmes of land reform and their progress and difficulties between 1980 and 2000. Chapter Four brings in the open the South African land reform with emphasis on the enabling or debilitating roles of the negotiated constitution, the incumbent government, the white farmers and the black peasantry. Chapter Five concerns itself with the 2000-2005 intermingle of politics, economics and land allocation in Zimbabwe. In short, the chapter deals with how land reform mutated to assume the traits it did in contemporary Zimbabwe. Chapter Six, to a large extent, compares land reform methodologies adopted in South Africa against those in Zimbabwe and assess their different implications for the particular countries, the Southern African region, the continent as well as the world. Last, Chapter Seven

summarises, gives conclusions and draws recommendations from land reform drawing attention on lessons learnt or lost.

Appendices, Source List and Abstract shall be shown at the end of the research.

Limitations of the study

The study did randomly sampled interviews in both countries. Given the limited time of visits to the countries due to travel and accommodation costs, limited resources, distances between farms, not every farmer, citizen or interested board could be interviewed. However, a wide range of interviews were covered to ensure a fair representation of what is on the ground. Accessibility to critical sources of information may be difficult due to the emotive nature of the topic. Also, of great importance, is the refusal by South Africans to own up that there are areas of experience which intersect in the process of land reform of the two countries. There is always this palpable, tangible, uneasiness and urgency to regard Zimbabwe as a dismal failure and to sound like South Africa has its own way of doing it. Such kind of pretence, is not only uncritical, unobservant, short-sighted and inward-looking but deny the study its much needed analytically assessed views.

Mention must also be made here that research in South Africa may lack views from places like Cape Town and Natal because of their violent, unpredictable and unassuring security situation. For example, the recent heist that left a year old baby girl on her mother's back dead.⁶⁹ Lack of reverence for life coupled with passim vainness, shallow and glaring ignorance among some interviewees makes free movement and interaction with people a security issue.

Literature Review

In this chapter, the relevant extant literature on land reform is reviewed with the idea to shed light on what already exists, benefit from it, identify gaps, weaknesses, and deliberate silences by earlier historians. This literature is primary and secondary

⁶⁹ *Sunday Times*, 15 October 2006.

sources in libraries, electronic media, newspapers, journal articles, archival material and white paper in government documents.

A lot of chronology work has already been done concerning settlerism, conquest and land dispossessions in both Zimbabwe and South Africa. This history about how both countries got colonised starting with the arrival of Jan Van Riebeck at the Cape in 1652 and then the Pioneer Column moving up to Zimbabwe in search of the second rand and eventually colonising it in 1890, is especially important in giving a background to land reform. De Kiewiet,⁷⁰ Omer Cooper,⁷¹ Floyd,⁷² Davenport and Saunders,⁷³ Palmer,⁷⁴ Thompson,⁷⁵ Beinart,⁷⁶ Beinart and Delius,⁷⁷ Plaatjie,⁷⁸ among a plethora of other historians have documented the colonial history of South Africa in great detail revealing the frontier wars, forced removals of blacks by whites and cruel Acts that left the imbalances that land reform needs to address. On Zimbabwe, Beach,⁷⁹ Mandaza,⁸⁰ Martin and Johnson,⁸¹ Mutambirwa,⁸² Patsanza,⁸³ Bohannan and Curtin,⁸⁴ Astrow,⁸⁵ among others, concur that with the coming of Rhodes arable land was alienated for white farmers and black peasants were pushed into reserves which were barren, impoverished and drought stricken. The background from all this literature gives this research a spring board from which to begin an appraisal for land reform in the independence era in Southern Africa.

⁷⁰ C.W. De Kiewiet, *A History of South Africa, Social and Economic*, pp.1-29.

⁷¹ J.D.O Cooper, *History of Southern Africa*, pp.1-10.

⁷² B.N.F. Floyd, "Land Apportionment" in Southern Africa in Mansell Prothero, R.(ed.). *People and Land in Africa South of the Sahara Readings in Social Geography*, pp.224-227.

⁷³ R. Davenport and C. Sanders, *South Africa Modern History*, pp.129-193.

⁷⁴ R. Palmer, *Land and Racial Domination in Rhodesia*, pp.1-50

⁷⁵ L. Thompson, *A History of South Africa*, pp.1-20.

⁷⁶ W. Beinart, *20th Century South Africa*, pp.1-6.

⁷⁷ W. Beinart, and P. Delius, "Introduction: Approaches to South African Agrarian History" in Beinart, W, et al., (eds.). *Putting a Plough to the Ground Accumulation and Dispossession in Rural South Africa, 1930-1950*, pp.1-2.

⁷⁸ S.T. Plaatjie, *Native Life in South Africa*, pp.1-30.

⁷⁹ D.N. Beach, *War and Politics in Zimbabwe 1840-1900*, pp.1-25.

⁸⁰ I. Mandaza, "The State in Post-White Settler Colonial Situation" in Mandaza, I. (ed.). *Zimbabwe The Political Economy of Transition 1980-1986*, pp.21-74.

⁸¹ D. Martin, and P. Johnson, *The Struggle for Zimbabwe*, pp.1-15.

⁸² J.A.C. Mutambirwa, *The Rise of Settler Power in Southern Rhodesia (Zimbabwe), 1898-1923*, pp.1-28.

⁸³ A.J.D. Patsanza, *Our Zimbabwe An Element of Political Economy*, pp.4-18.

⁸⁴ P. Bohannan, and P. Curtin, *Africa and Africans*, pp.324-326.

⁸⁵ A. Astrow, *Zimbabwe A Revolution That Lost Its Way?*, pp.6-8.

Land reform as a concept is not a new phenomenon, neither is it unique to Zimbabwe and South Africa. As a result, a lot of literature already exists on earlier land reforms internationally, for example in Brazil, Australia, Nicaragua, Chile, Peru and Kenya out of a long list. The literature has dealt with land reform as a method of redressing past injustices, how it was implemented in different places, what worked, what failed, the benefactors and the lessons it communicated for other countries. This study shall benefit from such literature through examining the meaning, necessity, viability, successes of land reform. The study will also assess the applicability of land reform in the two countries under study informed by the context in which land reform was previously used. Such an approach will help this study to synthesize, focus, pin point, expand and explain the approaches used in the Zimbabwean and South African land reform experiences and their limitations.

Research has found out that agrarian reform is of paramount importance in contemporary developing countries to address issues of poverty alleviation and development. Sen avers that development can be seen as a process of expanding the real freedoms that people enjoy and requires the removal of major sources of unfreedom, poverty as well as tyranny, poor economic opportunities as well as systematic deprivation, neglect of public facilities as well as intolerance or other activity of repressive states.⁸⁶ Many writers have written to the effect that land reform in post-colonial states should take place promptly and genuinely according to some laid down policies to avoid pile up off shoot sub-problems like lawlessness, joblessness, economic meltdown and dwindling productivity. Kumar Ghose,⁸⁷ Harring,⁸⁸ Norman,⁸⁹ Rukuni (Conference paper:),⁹⁰ Louw (slides),⁹¹ *hrw.org/defending human rights worldwide*,⁹² Morgan,⁹³ Wasserman,⁹⁴ and Jones⁹⁵ are clear that land reform is a critical part in the decolonisation puzzle.

⁸⁶ A. Sen, *Development As Freedom*, p.3.

⁸⁷ A. Kumar Ghose, *Agrarian Reform in Contemporary Developing Countries: Issues of Theory and Problems of Practice*, pp.192-235.

⁸⁸ S.L. Harring, "The 'Stolen lands' under the constitution of Namibia: Land reform under the rule of law" Proceedings of the Conference Ten Years of Namibian Nationhood 11-13 September 2000, pp.268-284.

⁸⁹ A. Norman, *Robert Mugabe and the Betrayal of Zimbabwe*, pp.101-103.

⁹⁰ M. Rukuni, "The Evolution of Zimbabwe's Agricultural Policy 1890-1980" Paper prepared for the Conference on Zimbabwe's Agricultural Revolution in 1991, pp.1-38.

⁹¹ W. Louw, "Land Reform" in *South Africa Rural Development 2004*.

⁹² History of Land Expropriation in South Africa, <*hrw.org/defending human rights worldwide*> s.a.

This study does not come out of a vacuum. It draws from the fact that land is a unique resource and that land as location is a critical element in the process of production, exchange and consumption. Thus, there is need to draw up land policies. According to Oberlander, every private decision or public action affects land and, therefore, every policy may in some sense be construed as constituting land policy.⁹⁶ Literature available on land policies can be found in, for example, *White Paper on South African Land Policy* (1995, 1998), *Year Books, Report of the National Land Summit, Johannesburg* (July 2005) and other Ministry of Agriculture publications. The challenge is to conceptualise policies for land in such a way as to strike a balance between a comprehensiveness that is excessive for pragmatic purposes and a narrowness that allows the intrusion of too many confounding externalities.

A handful of literature is also available on the approaches to land reform. The how, the implementation and the infrastructure needed for success. While there is no doubt that land reform is the way to go in achieving stability, reconciliation and development in the contemporary world, perspectives on how to tackle land reform are as varied as the countries concerned. Available literature demonstrates that methodologies are variegated from China, Taiwan, South Korea, Malaysia, Namibia to Zimbabwe. The methodologies employed in different countries also impact differently on the stakeholders. Meredith,⁹⁷ and Herbst,⁹⁸ document the haphazardness and chaotic nature of the land policy in Zimbabwe. They give details of how a noble cause of returning land to the Zimbabwean peasantry was used for the wrong reasons by Mugabe's regime. The reading of such literature helped this study with information on how chosen approaches fail or face dilemmas. Campbell brings the land question of Zimbabwe into the discussion on sex, sexuality and homophobia. Land reform dilemmas are viewed in the light of the politics of intolerance by Mugabe.⁹⁹ Mugabe's stand point on gay matters is seen as affecting his judgment on

⁹³ W.T.W. Morgan, "The White Highlands of Kenya" in Mansell Prothero, R.(ed.). *People and Land in Africa South of the Sahara Readings in Social Geography*, pp.208-223.

⁹⁴ G. Wasserman, *Politics of Decolonisation Kenya Europeans and the land Issue 1960-1965*, pp.47-63

⁹⁵ C.N.S. Jones, "The Decolonisation of the White Highlands of Kenya" in Mansell Prothero, R. (ed.). *People and Land in Africa South of the Sahara Readings in Social Geography*, pp.268-283.

⁹⁶ Oberlander, p. ix.

⁹⁷ M. Meredith, *Mugabe Power and Plunder in Zimbabwe*, pp.160-170.

⁹⁸ J. Herbst, "The Dilemmas of Land Policy in Zimbabwe" in Bayham. S.(ed.). *Zimbabwe in Transition*, pp.129-147.

⁹⁹ H. Campbell, *Reclaiming Zimbabwe. The Exhaustion of the Patriarchal Model of Liberation*, p.16.

land issues.¹⁰⁰ This literature helps this study to focus on helpful constructive arguments and not pursue literature of vengeance. Hunter *et al.*, also document a lot of experiences by some former Zimbabweans who are now emigrants in South Africa.¹⁰¹ The experiences are full of bias, are journalistic in nature, not objective and not very representative of the truth on the ground. Others like Moore¹⁰² attack Mugabe the man and lose focus of the bigger picture.

Little information is available, however, on the progress, achievements, failures and weaknesses of land reform policies of both countries. Research has found out that land issues can easily be hijacked by governments to suit their agendas, for example, as documented by Karumbidza. Karumbidza spells out how the Zimbabwean ruling party, ZANU PF, had fallen out with the electorate and used land reform for politicking and electioneering in 2000, thereby derailing from an honourable course.¹⁰³ The Zimbabwean case remains controversial in the manner of its land reform which was disorganised, violent, with widespread suspicion that it rewarded its supporters and attacked opposition. The Zimbabwean experience became a test case, pioneering and providing South Africa with a precedent and some where to learn from if South Africans remain with open minds.

A few critics have pursued the concept of expropriation as a method of getting land back from white farmers. Case studies by Barry,¹⁰⁴ Jordan (*Sunday Times*),¹⁰⁵ Rugube and Chambati¹⁰⁶ and Jara (*Sunday Times*)¹⁰⁷ tried to define expropriation, its principles and its connection with compensation. However, the literature does not say much to pin-point its weaknesses. This study has expanded on what is available and clarify effects of expropriation and focus especially on its down side. A recent phenomenon is that of comparing the experiences of Zimbabwe and South Africa on

¹⁰⁰ *Ibid.*, pp.1-270.

¹⁰¹ G. Hunter, L. *et al*, *Voices of Zimbabwe. The Pain. The Courage. The Hope*, pp. 1-23.

¹⁰² D. Moore, "The Alchemy of Robert Mugabe's Alliance" in *Africa Insight*, Vol. 30, No.1, May 2000, pp.28-31.

¹⁰³ Karumbidza, p.2.

¹⁰⁴ M. Barry, "Now Another Thing Must Happen: Richtersveld and The Dilemmas of Land Reform in Post-Apartheid South Africa" in *South African Journal on Human Rights*, Vol. 20, Part 3, pp.355-382.

¹⁰⁵ B. Jordan, "This land is my land, say all sides" in *Sunday Times*, August 20 2006, p.15.

¹⁰⁶ L. Rugube and W. Chambati, Land Redistribution in Zimbabwe: Five Census Surveys of Farmland Transactions, <<http://www.wisc.edu/itc/basic.html>>.s.a.

¹⁰⁷ M.K. Jara, "Expropriation of farms is necessary – and its perfectly just and equitable" in *Sunday Times* 4/10/2005, p.34.

land reform and this study emphasises on the similarities, differences, lessons to learn from each other and projects the way forward.

Other literature have given recommendations on learning from each other's experiences, Ne Tshifhefhe,¹⁰⁸ Moyo,¹⁰⁹ Bosch,¹¹⁰ Deininger *et al.*,¹¹¹ for example, have tried shedding light on possible avenues towards amicable land reform. Hanekom,¹¹² Moore¹¹³ and many others, while they manage to sniff out all that ails Zimbabwe's land reform programme, point fingers at the ruling party and do not provide possible ways to resolve land problems in the country.

Wikipedia Encyclopedia,¹¹⁴ the internet¹¹⁵ and Banda¹¹⁶ provide working definitions for important terms useful throughout the research. For instance, the meaning of agrarian reform, expropriation, settlerism and many others.

In conclusion, of the many authors who write about land reform both in Zimbabwe and South Africa, all concur that the crisis is mostly a colonial legacy, a recurrent problem as well as controversial emotive issue. Rather than blaming one party or the other, like some have chosen to do, the solution to land issues still lie somewhere waiting to be drawn. It is the objective of this study to expand available literature by interrogating the approaches to land reform in South Africa and Zimbabwe compare their experiences, lay open limitations to the approaches and draw conclusions and recommendations that might help these two countries and others. This study intends also to make clear the roles that can be played by different stakeholders to make land reform realisable.

¹⁰⁸ E.E. Ne Tshifhefhe, "Land Reform: Lessons for South Africa From The Republic of China on Taiwan" in *Development Southern Africa* Vol. 9, No.4, pp.487-491.

¹⁰⁹ S. Moyo, "The Land Question and Land Reform In SADC: Challenges For Development," A discussion paper commissioned by the consultative meeting of Ministers responsible for land and land reform in SADC, 2001, pp.1-16.

¹¹⁰ D. Bosch, Land Conflict Management in South Africa: Lessons Learned From a Land Right Approach" in *Land Reform, Land Settlement and Cooperatives*, 2003/2, pp.77-110.

¹¹¹ K. Deininger, *et al.*, "Land Policy to facilitate Growth and Poverty Reduction" in *Land Reform, Land Settlement and Cooperatives*, 2003/3, pp.10-20.

¹¹² H. Hanekom, "Is Zimbabwe on the Brink of a Dangerous Precipice? A Test For SADC Sincerity" in *Africa Insight*, Vol. 30, No.1, May 2001, pp.25-28.

¹¹³ Moore, p.29.

¹¹⁴ Wikipedia Encyclopedia.

¹¹⁵ <<http://www.google>>S.a.

¹¹⁶ Banda, pp.210-220.

Conceptual Framework

The land represents the link between the past and the future; ancestors lie buried there, children will be born there. Farming is more than just a productive activity, it is an act of culture, the centre of social existence and the place where personal identity is forged.¹¹⁷

Land is a unique resource, limited in its supply but endless in the variety of its use. Oberlander contests that land as location is a critical element in the processes of production, consumption and exchange.¹¹⁸ Land matters have a direct bearing on living conditions, survival, social, political stability and on economic developments. Smit elaborates saying that land issues relate to administration, utilisation, productivity, management, environmental consideration, housing, settlement, infrastructure and institutional facilities development, social, cultural, political and historical structures.¹¹⁹ This importance of land is highlighted by the struggles of indigenous peoples in areas as far apart as North America and Australia about the ways in which states of conquest had illegally seized land from its indigenous inhabitants.

Appropriation of African land by European settlers guaranteed white economic domination and black poverty during the colonial periods in countries like Kenya, Namibia, Zambia, Zimbabwe, South Africa to mention a few. Land issues were central during liberation struggles, for example, in Zimbabwe the First, Second and lately the Third Chimurenga were prompted by land problems. Many African families were ejected from land they had worked for generations, creating inequitable distribution of land that remains today the most dramatic symbol of the enduring structures of unequal societies. As a result, according to Herbst, the evolution of efforts by black governments to address the land question is of great significance because of peasants' expectations that their long-held grievances would be addressed as the new regime redistributes property formerly held by white farmers.¹²⁰

¹¹⁷ *A Sachs Protection Human Rights in a New South Africa*, p.115.

¹¹⁸ Oberlander, p.ix.

¹¹⁹ Smit, p.290.

¹²⁰ J. Herbst, "The Dilemmas of Land Policy in Zimbabwe" in S. Baynham. (ed.). *Zimbabwe in Transition*, p.129.

Meaningful land reform, therefore, becomes a must at the dawn of independence to usher in equitable distribution of land, reconciliation, reduce poverty, balance out imbalances created by colonialism in politics, economic, religion and social sectors and create democratic societies as dictated by the global village.

In the cases of Zimbabwe and South Africa, land reform is the apparatus with which to demonstrate a political commitment by these governments to erase vestiges of centuries of colonialism, domination, discrimination and apartheid. Land reform is, however, a very complex and involved process that might threaten or promote the politics, economics and social issues of a country. It is one thing to realise and acknowledge the justice and the political necessity of land reform but it is completely another to deliver. Failure of land reform may easily translate into failure of politics or the economy.

In post-independence Africa, black governments have no political option other than to promise land reform to the dispossessed. Harring gives the example of Namibia to illustrate that democracies based on fundamental racial and economic inequality run risks of instability even though they can survive:

In the Namibian (and Southern African) context, the issue is not simply inequality: it is the legacy of racism and colonialism, the remnants of apartheid era policies that left these economies in white hands, a political reality that the black majority simply will not tolerate.¹²¹

Harring sums up by saying that, in spite of powerful language in the preamble to the constitution, the rights so long denied to the people of Southern Africa by colonialism, racism and apartheid, are still an unrealised dream.¹²²

Land reform transcends constitutional framework, rhetoric, politics of vengeance, settling scores and arrogance to court and calls for will power, commitment to reconciliation, negotiation, finances to oversee transformation on large scale, unity

¹²¹ Harring, p. 269.

¹²² *Ibid.*

and a bit of luck. Suzman asks for commitment when saying, "The land was up for grabs. You grabbed. That's history. Now another thing must happen."¹²³

Given the colonial histories of Zimbabwe and South Africa, the extent of conquest, settlerism and dispossession, land reform shall not be a bed of roses both for the dispossessed and the dispossessors. Much as blacks feel the urgency to get their land back after centuries of lost identity, worsening poverty, domination by a settler minority, the methodology or strategy by which they get land back might as well derail democracy, smooth governance, reconciliation and disrupt relations with the international community, donor community, human rights activists, IMF and the World Bank. This is because, if not properly handled, land reform has the capacity to be double edged and to appear like reverse racism since it is a process, which infringes on private property rights. This study shall concern itself with the myriad methods used by Zimbabwe and South Africa in land reform and ramifications thereof.

Much as control over land was essential for the whites to achieve economic and political dominance over blacks, so has their appropriation of land become the do or die African grievance. Koinange once said;

*When someone steals your ox, it is killed and roasted and eaten. One can forget. When someone steals your land, especially if nearby, one can never forget. It is always there....*¹²⁴

To demonstrate that the land question cannot just go away where there is history of 'stolen lands', Mugabe, in a ZANU PF's 1980 election manifesto stated:

*It is not only anti-people but criminal for any government to ignore the acute land hunger in the country, especially when it is realised that 83 per cent of our population live in the rural areas and depend on agriculture for their livelihoods.*¹²⁵

¹²³ H. Suzman, *The Free State: A South African Response to Chekhov's "The Cherry Orchard,"* p.52.

¹²⁴ G. Wasserman, *Politics of Decolonisation Kenya Europeans and the Land Issue 1960-1965,* p.46.

¹²⁵ Herbst, p.131.

Peace can and will only be found when the peasant population is satisfied in relation to the land issue. What is the strategy to give peasants land then. Campbell observes that international experience of land reform after World War II had been that governments from South Korea to Taiwan and from Algeria to Kenya, had used legal and political instruments for compulsory land acquisition.¹²⁶

In South Africa, the government has a vision to see land reform through by 2014 through a three-piece strategy given as follows:

- Redistribution aims to provide for the disadvantaged and the poor with access to land for residential and productive purposes. Its scope includes the urban and rural very poor, labour tenants, farm workers as well as new entrants to agriculture. This is achieved through a three stage process, that is, approval, designation and actual transfer of land;
- Land Restitution covers cases of forced removals which took place after 1913. They are being dealt with by a Land Claims Court and Commission, established under the Restitution of Land Rights Act, 22 of 1994;
- Land tenure reform is being addressed through a review of present land policy, administration and legislation to improve the tenure security of all South Africans and to accommodate diverse forms of land tenure, including types of communal tenure.¹²⁷

The case for the South African government's land reform policy arises from the scale and scope of land dispossession of black people which took place at the hands of white colonisers. Since the Native Land Act of 1913, rights to own, rent or even share-crop land in South African depended upon a person's racial classification.¹²⁸

Millions of blacks were forced to leave their ancestral lands and resettle in what quickly became over-crowded and environmentally degraded reserves which doubled as pools of cheap migrant labour for white-owned farms and mines. After independence in 1994, South Africa sets out to undo the injustices of the past, aid

¹²⁶ Campbell, p. 78.

¹²⁷ *White Paper on South African Land Policy 1995*, p.9.

¹²⁸ R. Davenport, and C. Saunders, *South Africa Modern History*, p.129.

reconciliation, enforce stability, address urban homelessness, effect cost-effective urban land use, increase small scale opportunities and production, address unemployment, nurture business and entrepreneurial culture as well as encourage and improve environmentally sustainable land use practices.¹²⁹

According to the land reform programmes of South Africa, land redistribution makes it possible for poor and disadvantaged people to buy land with the help of a Settlement/Land Acquisition Grant. Land restitution involves returning land, or compensating victims for land rights, lost because of racially discriminatory laws, passed since 19 June 1913. Land tenure reform is the most complex area of land reform aiming to bring all people occupying land under a unitary legally validated system of landholding. It will provide for secure forms of land tenure, help resolve tenure disputes and make awards to provide people with secure term. This three some mechanism puts into account as its principles the role of the market, parastatals and the State, need for flexibility, participation and accountability by all stakeholders, democratic decision-making, gender equity and the economic viability of the whole process of land reform.¹³⁰

Zimbabwe, on the other hand, is still reeling from the failure of the Lancaster House Agreement (LHA) of 1979, to deliver on land. The same Agreement that ushered in the new Zimbabwe proved a stumbling block to accord full, genuine freedom to black peasants.¹³¹ Realising that the liberation struggle (second Chimurenga 1960-1979) was hotting up, the British could not wait for the Zimbabwean guerrillas to win in the trenches and take it all. To guarantee the security of white farmers in Zimbabwe, Britain turned to a negotiation with the Zimbabwean guerrillas that came with strings attached. The dawn of independence broke in 1980 with government hands tied where land was concerned.

For the next ten years until 1990, the new Zimbabwe government could only purchase excess land for redistribution to the landless through the "Willing Seller Willing Buyer" principle (WSWB). The British agreed to fund land reform in Zimbabwe on a

¹²⁹ *White Paper on South African Land Policy 1995*, p.v.

¹³⁰ *Ibid.*

¹³¹ *Wikipedia.*

WSWB principle, where white farmers who were unwilling to stay in the country would be bought out by funds provided by the British through the Zimbabwean government.¹³² The principle gave room for white farmers to resist transformation and prolong change, thereby making impatient the waiting peasants. Feet dragging was seen where farms were to be sold at exorbitant prices to discourage buyers or in worst cases, few farmers offered to sell their land. As a result, between 1980 and 1990 only 71,000 families out of a target of 162,000 were resettled.¹³³

The WSWB principle is a market driven approach that allows government to buy land at market prices and redistribute it to the landless. International experience, however, from countries like Brazil, Kenya, Namibia and Australia, of land and agrarian reform programmes, demonstrate that the market on its own is unable to effectively alter the pattern of ownership in favour of equity for the targeted beneficiaries of land reform, as well as in favour of broader goals of job creation and poverty reduction. The market cannot redistribute land, nor can it reshape rural social and economic relations.¹³⁴ South Africa's experience over the twelve years of independence confirms this experience to the extent that only three percent of land has been reclaimed and the 2014 objective may not be realised by the WSWB principle.

The principle also failed dismally in Zimbabwe because it sounds voluntary and casual by invoking only the willing, those ready for transition and does not consider the urgency of reforming land and means buying isolated plots as they become available, across a large country.

The land question continued to dominate Zimbabwean politics in the 1990s because of the expiration of the Lancaster House Constitution and its prohibition on government expropriation of land. Campbell observes that when the Zimbabwean government began to lose popularity and the ruling party lost political legitimacy, it unleashed violent elements organised in the War Veterans Association to seize white farms.¹³⁵ Note should be taken however, that spontaneous seizures by the landless had occurred throughout the 1990s but, after the referendum for a new constitution was

¹³² *Ibid.*

¹³³ *Ibid.*

¹³⁴ *Land Summit Report, NASREC, 27-30 July 2005, p.7.*

¹³⁵ Campbell, p.78.

rejected in February of 2000, the ruling party supported the occupation of land belonging to the Commercial Farmers Union (CFU).¹³⁶ To fast track land reform, the Zimbabwean government used farm invasions by war vets and unemployed youths, elections as well as threats on white farmers and opposition party members.¹³⁷ Yet, one wonders what road the Zimbabwean government had to chart since the situation was a catch-22. One British diplomat critically summed up the quagmire when he said, "if Mugabe takes too much away from the whites, they will leave, but if he gives too little to the blacks, they will revolt."¹³⁸ The need to find middle road cannot be overemphasised.

Expropriation has also been used as a method of getting land by both the Zimbabwean and South African government with its different ramifications. Expropriation can be done for redistribution or restitution purposes. Compensation for property in question is assessed based on sundry factors including the market value of the land. Expropriation and compensation have their own loopholes in that, while remedying one injustice, one runs a risk of creating a new injustice, to the extent that the innocent are asked to pay for the crimes of the guilty.¹³⁹

Expropriation has seeds of its own destruction. For example, a question might be raised as to why the ANC government should compensate for expropriated land when, to all intents and purposes, they are not the perpetrators of the apartheid system, but victims. A theory of restorative justice requires not only that the victim be compensated, but, also that the wrongdoers be disgorged of their ill-gotten gains.¹⁴⁰ In this case, the second element of the justice equation is not being met. Nonetheless, Zirker quote by Barry describes this situation as a kind of victor's justice where the white minority has not been forced to give up any land and the constitution has rewarded them further by protecting their rights to the land.¹⁴¹ Comparing the Zimbabwean and the South African experience one cannot miss this negative element that comes attached with negotiated settlements/constitutions.

¹³⁶ *Ibid.*

¹³⁷ Norman, p. 102-111.

¹³⁸ *Ibid.*

¹³⁹ M. Barry, "Now Another Thing Must Happen: Richtersveld And The Dilemmas of Land Reform in Post-Apartheid South Africa" *South Africa Journal of Human Rights*, Vol. 20, Part 3, p.369.

¹⁴⁰ *Ibid.*, p.375.

¹⁴¹ *Ibid.*

The ANC's philosophy during South Africa's constitutional negotiation was that liberal equality is the only way to dismantle apartheid in South Africa. The argument by the ANC government is that apartheid was based on cultural and racial separation, therefore, if the status quo is to be redressed, a system based on the equality of all citizens is necessary. This philosophy explains the clause in the *Freedom Charter* (1955) that says 'South Africa belongs to all who live in it,' as well as the 1996 Constitution.¹⁴² Land reform critics, however, have argued that provision of more money for redistribution by the government might sound easy but remains the most unrealistic answer to the process of land reform of South Africa.

In conclusion, land acquisition, alienation, dispossession, claims, disputes and reform have been central issues in African agrarian economies, politics and social development since antiquity. In agrarian societies like Zimbabwe and South Africa, land supports all essential humankind activities. Land is a basic factor of production, meaning that food, clothing, shelter, trade, politics, identity and indeed a whole existence of a people is dependent upon land. To support this assertion, Couzens maintains that, to deny an African land, is to deny him a whole life style.¹⁴³ In recent years, however, land reform has acquired a new force or twist to include gender issues, equitable access, political stability and sustainable development of a nation, region and indeed a continent.

Given the colonial histories that Zimbabwe and South Africa share, the extent of conquest, settlerism and dispossession, it is of paramount importance that the two governments address the issue of land promptly, objectively, genuinely, firmly and justly. Admittedly, land reform is not going to be a walk in the park for it conjures up emotive memories of the past for blacks and threatens to infringe on private property rights for white farmers. Also, disputes, violence, abusive language, finger pointing, programme hijacking, reverse racism, arbitrary deprivation of property and all sorts of unfavourable acts may be experienced.

On a more positive note, however, there are channels laid out in national constitutions, Acts and Bills that can be followed to bring land reform closer to being

¹⁴² *Freedom Charter*, p.1.

¹⁴³ Couzens, "Introduction" in S.T. Plaatje, *Mhudi*, p.2.

peaceful. Methods that have been tried elsewhere in the world and succeeded can inform those still trapped in the quagmire. However, it should be mentioned here that the world does not know very much about successful land reform strategies because land reform has not succeeded in many places.¹⁴⁴ To go through redistributive reform, tenure, restitution and land administration systems and institutions, inclusive partnership is the only method to embrace. Governments, the landless, farming communities, parastatals and other components of civil society must act together for sustainable land and agrarian reform. Notwithstanding the need for partnership, governments need to assume stronger and leading role to ensure that those who benefit from land reform have access to services such as extension guidance, financial support, input supply, credit, market, research, counselling and training in order to realise the actual benefits of having land. Nkala quote by Herbst, talking about Zimbabwe, lamented the lack of planning that usually follow the taking of land from white farmers saying, “it would be quite possible to distribute everything we found, but after that, what? The answer is too ghastly to contemplate.”¹⁴⁵

Distributed in this manner, the process would, avert the multiplicity of offshoot problems attendant upon issues of governance, economic and political meltdown and the general malaise of any given state or region.

Research Methodology

Research methodology is an outline of the researcher’s approach to their research specifying the operation for testing of hypothesis under a given set of conditions. This investigation primarily depends on baseline information from primary and secondary sources, newspapers, pamphlets, conference and seminar papers, reports on summits, journal articles, interviews, the internet, television programmes and government documents. These sources are to be consulted throughout the research period. The research shall be both qualitative and quantitative. Quantitative methods are those that

¹⁴⁴ Haring, p.281.

¹⁴⁵ Herbst, p.129.

produce numerical data and qualitative are those resulting in information which can best be described in words.¹⁴⁶

Research Plan

With its historical, analytical, experimental, comparative, descriptive survey and other elements, the study naturally assumes an omnibus design.

Historical design

This inquiry definitely draws much from the past. Without studying the history of the Zimbabwean and South African land issues, this study cannot take shape. The historical background gave this research a platform from which to take off. However, disadvantages of a historical design are that it turns to be predominantly descriptive and narrative at the expense of analysis and digestion. It is prone to bias, distortion, stereotyping, prejudicing depending on time, race, gender, nationality and purpose of the writer. The design is more on telling rather than showing.

On the contrary, nonetheless, the historical design makes interesting reading. It gives a developmental nature to a research through its specific periodisation, thematic development, movement and change. Finally, it leads itself to comparative study of the research material where one can compare and contrast work by different authors on a similar happening.

Experimental design

While enumerable writers have written on land issues, this research is experimental in that it projects what is likely to happen in the future drawing from past trends. Karumbidza writes about land reform in Zimbabwe up to 2001. This research will pick the thread from there and continue to follow land reform methodologies up to 2006. In trying to fill the gap, however, information may be very difficult to gather, since the data is far and wide, a lot of effort is required on the part of the researcher.

¹⁴⁶ M. Mutimba, *Farmer Participatory Research: An Analysis of resource – poor farmer involvement in, and contribution to the agricultural research process in Zimbabwe*, p.30.

The strong points of the design are that it is very challenging and allows the researcher to work on a wide area for authenticity and validity.

Survey

With the survey design, a researcher seeks to establish the status quo, what prevails on the ground in a specific community or country. It is a way of getting information about a specific type of behaviour, experience or event. Survey involves interviewing varied groups of people to establish a trend. This research would use survey to establish land reform approaches used in the two countries under study as well as their strengths and short-comings. Since survey is used where research span a big area, even countries it is a quicker and cheaper way of randomly selecting samples from the necessary sources.

Subjects

Throughout the research, subjects consulted were farmers, farm workers, ordinary citizens, parastatals, policy makers and personnel responsible for land re-distribution, restitution, tenure and land administration reform.

Research instruments

Hornby states that an instrument is a device or a tool used for a particular task especially in a scientific work or process.¹⁴⁷ In this study, different research instruments were used for collecting information needed to find solutions to the problem under investigation, interview schedules, books from libraries, relics from archives, research projects done before, television, the internet as well as observation guides. Some interviewees, however, may not be fully informed, cooperative, reliable and may not volunteer needed information. For validity and reliability, interviews should be done with proper realistic appointments.

¹⁴⁷ A,S, Hornby, *Oxford Advanced Learner's Dictionary of Current English*, (5th ed).

Under this section, a research design of an omnibus nature, chosen with the intention of covering a wide area in research to increase viability, reliability of data collected, conclusions reached and recommendations made, have been discussed and analysed, subjects interrogated and tools of research have also been selected, analysed and their merits and demerits considered.

Data Presentation, Analysis and Interpretation

This part focuses on data presentation techniques, discussion and interpretation of research findings. This involves scanning and sifting the collected data, organising it and summarising it. Tables, graphs, histograms, pie charts, text and figures may be used to represent data statistics. Interpretation is about tying together findings in relation to theory and review of literature. The summary should highlight main findings of the study.

Summary, Conclusions and Recommendations

The final chapter comprises of the research summary based on conclusions and recommendations drawn. Validatory remarks on major findings, problems tackled, methods used and their limitations, lessons learnt and lessons lost are clearly stated in this chapter. Research efforts aim to show the need for altering existing practices hence the need for recommendations.

CONCLUSION

The importance of land reform that arises with the arrival of political independence in Zimbabwe and South Africa cannot be overemphasised. Land reform would address problems of unequal distribution of national resources created by discriminatory Land Acts which favoured whites over blacks. Issues of identity, food security, poverty elimination, democracy and good governance are also at stake until the land question is addressed. Recent developments in the land reforms of both countries have witnessed an intractable intermingle of reform, political, economic and social aspects of living. Nonetheless, while land reform situations appear problematically impending, a way forward has to be chartered.

This investigation seeks to examine the elements that make up the land reform processes of Zimbabwe and South Africa in order to explain and make known the experiences of the two countries. Having laid in the open the significance, efficacy and applicability of land reform and the different approaches to it, the research will formulate recommendations for the future. An omnibus research design shall be engaged to give the research different perspectives and angles from which to explore the study at hand. However, this inquiry does not claim to be conclusive since land reform programmes have not been concluded in the two countries under discussion.

CHAPTER TWO

Land Decolonisation in Zimbabwe and South Africa: A Preliminary Appraisal

2.0 INTRODUCTION

Loss of land ... means losing the graves of one's fathers and the home of one's childhood; the sense of community, of the ordered pattern of nature, or the continuity and meaning of life, is destroyed. When people lose their land, there can only be deep and bitter resentment.

Director, British Institution of Race Relations, 1969.¹

... the land question has not been solved. The people are angry and if we left the people to vent their anger, they will involve the farms and white farmers will come to us for protection.

Mugabe mourning referendum defeat, April 2000.²

Historians concur that land has always been the source of all African activities, thus becoming the root of the economic, political and social problems that have plagued Zimbabwe ever since the days of the early settlers. In the same breath, South Africa, Zimbabwe's neighbour to the South, is not to be spared. Both countries share historical affinities of colonial conquest, occupation, settlerism and contemporaneity in the process of land reform. They have lessons to learn from each other about land reform. There is no single programme package that is applicable across the spectrum, thus, borrowing ideas from each other is an essential part of the two countries' ammunition that should not be taken for granted. To date, there are strong signs that South Africa and Zimbabwe do share the problems and solutions to land reform. Visible signs are present in the lexicon used, policies pursued and workshops, summits and conferences carried out.

¹ R. Palmer, *Land and Racial Domination in Rhodesia*, p.1.

² J.B. Karumbidza, "An Overview of the Land Needs and the Politics of Land Reform in the Run-up to the Presidential Elections in Zimbabwe, the Effects on Society and Economy and the Response of the International Community" Parts of this paper have been presented either as seminars or public lectures at different forums in South Africa, p.1.

Nonetheless, the history of the land issues in both countries would be better appreciated with a bit of backdrop given. Professor Levi-Strauss has contended that, those who ignore history condemn themselves to not knowing the present, because historical developments alone permit us to weigh and to evaluate in their respective relations the elements of the present.³ The importance of history here cannot be underestimated. Cicero avers that not to know what took place before you were born is to remain forever a child and if there is any possibility of changing the way things have always been done, there must be reasoned appraisal of how and why they came to be done in this way.⁴ It is because history is a dialogue between the present and the past⁵ that this investigation will begin by stepping back into the past and give historical backgrounds of South Africa and Zimbabwe. It is, however, not the intention of this study to do a thorough reconstruction of the histories of the countries under study.

South African map (shown as Figure 1 in Appendices)

2.1 South Africa at a glance 2004/05

Official title	:	Republic of South Africa
President	:	Thabo Mbeki
Land Area	:	1.2 million square kilometres
Population	:	43.6 million
Life expectancy	:	47.8
Under five mortality rate	:	62.8
Urban population	:	70 percent
GDP per capita	:	US \$ 8,500
People living with AIDS	:	4.2 million
Unemployment	:	30%
Currency	:	Rand = 100 cents
Population below poverty line:	:	50% ⁶

³ A. Marwick, *The Nature of History*, p.12.

⁴ *Ibid.* See also Appendix 1.

⁵ *South African Year Book 2004/05*.

⁶ *Ibid.*

South Africa is a land of multi-culturalism with eleven official languages, for more statistics visit Appendix 1.

2.2 The History of South Africa: A summative backdrop

The impact of European rule on Africa was great in every meaningful sense but, Africa had a very long and complex history of its own before the relatively short period of European colonisation.⁷ In Southern Africa, the Khoisan people are the earliest recorded inhabitants of what is today South Africa.⁸ They were essentially hunters and gatherers and were progressively driven into the more arid and mountainous areas of the south west as the Bantu-speaking peoples, who were essentially farmers, moved in from the north. Robinson mentions that by the thirteenth century, the fertile land between the Drakensberg mountains and the South east coast had been settled by Bantu speaking people who, under pressure of population, started to seek new lands further south and west.⁹ For hundreds of years, African chiefdoms were the only inhabitants of Southern Africa. Then, from the late 1400s, the first white people – European sailors, searching for a sea route to India, started visiting the shores of the southern part of the continent.¹⁰ It was then in 1652, that the Dutch appreciated the importance of the Cape en route to India and set up a refreshment station at the Cape and soon the first white settlers began arriving.¹¹

The Dutch were followed in 1688 by a small group of French Huguenot refugees. The Khoisan lost their grazing lands and were quickly brought under European economic control in the eighteenth century.¹² The isolated whites in the Cape were close knit people who later developed their own dialect, Afrikaans and churches, the Calvinist Dutch Reformed Church which assisted them in creating a strong bond and laager against intruders.¹³ As they moved out of the Fish River area in search of land to farm, they came into conflict with the Bantu-speaking people resulting in a series of wars of resistance, (frontier wars). Formal emancipation of slaves, from the East and

⁷ Palmer, p.2.

⁸ A. Robinson, 'South Africa,' in *African Review 1986 10th Review*, p.281.

⁹ *Ibid.*

¹⁰ R. Davenport and C. Sanders, *South Africa Modern History*, p.21.

¹¹ C.W. De Kiewiet, *A History of South Africa, Social and Economic*, p.2.

¹² O. Cooper, *History of Southern Africa*, p.11.

¹³ *Ibid.*

West coasts of Africa and from South East Asia by the British in 1834 led to the Great Trek of the Boers (the Voortrekkers) across the Orange river in search of new lands beyond British control.¹⁴ Violent conflict between the African peoples, the Boers and the British was thus precipitated and for the next gruelling hundreds of years, racial domination by the minority Boers came to play.

Before the coming of the Dutch (Boers), land was communally owned. People had the right to use it, but not to own it.¹⁵ In African societies, land was traditionally not subject to individual ownership and hence not transferable through sale, inheritance or mortgage.¹⁶ Blacks took land as tribal property. In fact, land occupation process by blacks differs from that of whites completely in every respect. Malan and Hattingh isolate the differences and mention that given their background and African way of life, blacks do not:

- develop a consolidated economy, but built up many small subsistence economies around tribal organisations; and
- develop the country's natural resources on a scale comparable with that of the whites or establish an infrastructure.¹⁷

Land was not a commodity nor simply an economic factor of production that could be bought and sold, making African people extremely sensitive to what the Europeans did once they occupied land and gained control. Right from the first days of the European occupation of the Cape, when land was immediately parcelled out to the incoming settlers, one can discern the importance of the land question as a salient factor determining black-white relations. The in-coming whites determined the choicest land available and took it through sundry means.

¹⁴ Robinson, p.281.

¹⁵ V.B. Khapoya, *The African Experience: An Introduction*, p.135.

¹⁶ S. Rugege, *Transformation of Land Rights in Lesotho: The Legal Framework*, p.1.

¹⁷ I. Malan and P.S. Hattingh, *Black Homelands in South Africa*, p.3.

In the land question, differences in racial identity came strongly to the fore. Blacks did not consolidate to form greater political units and continually fragmented into tribal units with hereditary systems of authority. The whites, driven by a determination to improve their position, to accumulate wealth and to rule the country, practically overran the blacks, who did not display the same ambitious urges.¹⁸ The process of land occupation and the long drawn out contract situation between the white and the black eventually crystallised into a number of important phenomena. The white and black people of South Africa have co-existed with blacks establishing themselves first on farms and later in the towns and cities founded by the whites.¹⁹

Over the years, the white governments took possession of black areas as their private property, shrinking the traditional tribal areas of blacks. Possession was by means of purchase, negotiation, conquest and brute force. As a result, white occupation of land fragmented black tribal areas literally into hundreds of reserves, tribal farms, private black farms, concession areas for mission stations and labour farms. At the time of the Union, in 1910, there were still, apart from the larger areas, 66 so-called isolated black areas and 383 black spots.²⁰ The Tomlinson Commission's 1954 report, defining the black areas by size, found that 16 areas were larger than 257 000 hectares each, of which the Transkei with 3,8 million hectares was the largest.

Whites took away land on the Western juridical idea that governments have the right to take away any land it wishes in the public interest. Ironically, in this case, the government was not representative of the Africans and was not put there by Africans, they took decision making upon themselves whether the blacks knew it or not. While black people were united and used land under chiefs, who had bonds with ancestral spirits who continued to play an active part in their daily lives, the whites did not recognise their power nor importance.²¹ Land could be taken away by whites, for instance, stating that black people had given it away through agreements or treaties. The interpretation of such treaties was the prerogative of the colonial governments regardless of what the African chiefs thought.²² Chiefs thought they were giving the

¹⁸ Malan and Hattingh, p.3.

¹⁹ *Ibid.*

²⁰ The Tomlinson Commission Report of 1954.

²¹ De Kiewiet, pp.53-55.

²² *Ibid.*

new-comers the rights to use land not to own or dispose of it. As a result, Trekboers availed themselves of the land with the utmost freedom. Land agreements of this nature meant that a vast area of land was at the disposal of the settlers.²³

The other reason for taking away land, according to the settlers, was that it belonged to no one, because when they came no one occupied it.²⁴ According to Africans, land tenure allowed land to remain fallow for a number of years after use, while the owners used other pieces of land leaving the previous piece to recuperate. The owner of the land had the right to leave it unploughed. Fallowing was a form of shifting cultivation that improved production. Letsoalo opines that, because land was abundant, fallowing made both agronomic and economic sense.²⁵ In fact,

*this system was disrupted by the onset of colonialism in two main ways: through the alienation of vast stretches of land for farms and plantations for European settlers and companies, primarily in Eastern and Southern African countries, and the cultivation of cash, particularly perennial crops by African peasant farmers.*²⁶

Europeans had a different way of doing it, they brought with them a legal system which enshrined private ownership of land and, in South Africa, burghers (farmers) had to own land. As a result of the Boer migrations, from the Cape, problems of racial contact and conflict spread over much greater areas and the need to expand grew. Omer-Cooper maintains that:

the pace of expansion in the new areas of settlement was increased by the fact that as the trekkers gained control of large areas, individuals staked out claims to far more land than they actually occupied. New arrivals thus found no land available for them and pressed for further expansion of the frontiers. Wherever

²³ P.C.W. Gutkind and I. (eds.). *The African Inheritance*, p.236.

²⁴ De Kiewiet, p.23.

²⁵ E.M. Letsoalo, *Land Reform In South Africa A Black Perspective*, p.21.

²⁶ D. Ghai, "Stagnation and Inequality in African Agriculture" in A. Maunder and Ohkawa, K. (eds.). *Policy and Practice in Rural Development*, p.65.

*the whites made settlements, there were already blacks. The latter were reduced from being landowners to a status of tenants, "working for boroko."*²⁷

As a result of continuous expansion by whites, blacks were relegated to the edges and periphery of prime land. To survive, blacks had to offer their labour on white farms where they stayed as tenants. Whites invariably allocated themselves most of the best land there was. Each adult freeburgher was allowed to claim his own 'farm', a huge holding of 2 500 hectares or more.²⁸ They stocked their farms with sheep or cattle bought or raided from the Khoikhoi. As the pasture of one farm became exhausted, they moved on to another. The Boers of the frontier were so often on the move that they became known as trekboers, 'trek' being a Dutch word meaning to pull (a wagon).²⁹ They came in large families which continued to expand and claim more land. The method of distribution of land was that burghers selected farms and then provided a description of the farms to the local landdros who noted the detail in their registration book and gave the claimant a certified copy of this called an uttreksel.³⁰ Inspection commissions would then periodically monitor the use of the pieces of land.

However, distribution was not even-handed, it was not equitable, even among the whites themselves. Twin processes of the accumulation of farms and growing landlessness rapidly became evident with the blacks being the most disadvantaged. Initially, due to the abundance of land, the importance of securing title to specific pieces of land was diminished. As a result, some individuals hoarded up the land without registering land claims nor paying their dues. This meant that those who followed procedure of acquiring land ended up with lesser land than those who accumulated land behind the backs of the landdros or inspectors who would regulate the size and quantity of land each farmer owned. Others did not register any land claims possibly for the realisation that land without capital, labour, or viable market

²⁷ A.E. Afigbo, E.A. Ayandele, R.J. Gavin, J.D. Omer-Cooper and R. Palmer, *The Making of Modern Africa Vol.1. The Nineteenth Century*, p.252. Also Letsoalo, p.59.

²⁸ K. Shillington, *History of Southern Africa*, p.26.

²⁹ *Ibid.*

³⁰ P. Delius, *The Land Belongs To Us, The Pedi Policy, the Boers and the British in the 19th Century Transvaal*, p.127. Landdros (*landdros*) were local government officials whose main job was to register local land claims and collect land rents.

was of limited value.³¹ These would be those who did not have influence elsewhere to be able to use their names, power or authority to secure capital, labour and market. That means, those burghers who did not have access to capital, labour and markets were reluctant to acquire the necessary papers to own land for it would be a loss to do so. Others did not register in order to avert land tax though they went ahead and acquired pieces of land for themselves from black peasants.

The land has not only been unequally divided in favour of the white minority, different types of land tenure systems have been imposed on the land. South Africa was left with a land tenure that was not only complex in character, but also extremely unfavourable for rural or agricultural development.³² South Africa would be divided into locations or reserves, tribal bought land, private bought land and Trust land. The bottom line here, in short, is that, land was taken away from black people by the whites using various methods agreed or not agreed and to redress that policy is the main tool for reducing vulnerability. A vulnerability, which, in the South African case, was brought about generally by a unique, long historical context of colonialism.

Writing about Khoikhoi protestation against their gross loss of land on conclusion of the First Khoikhoi/Dutch War in 1660 van Riebeeck recorded that:

They spoke for a long time about our taking every day for our own use more of the land which had belonged to them for all ages, and on which they were accustomed to pasture their cattle. They also asked, whether, if they were to come to Holland, they would be permitted to act in a similar manner, saying "it would not matter if you stayed at the Fort, but you come into the interior, selecting the best land for yourselves, and never once asking whether we like it, or whether it will put us to any inconvenience."³³

The Khoikhoi had lamented the loss of their ancestral land that saw them being pushed to the fringes of the land losing pasture and farmland. They realised how

³¹ *Ibid.*, p.128.

³² Letsoalo, p.63.

³³ D. Moodie, *The Record 1*, p.205.

much the land would not be enough for them and the settlers, whom they called the foreign invader. The settlers had won the land through conquest and it was their intention to keep it.

From an early moment in colonisation, there was born the attitude that the right of public domain was qualified by the right of the individual to acquire land either at no cost or at a nominal rental. Boer expansion was haphazard and not restricted to a particular area. They had the nomad's appetite for space and possessed the hardness and courage of men of the saddle who were superb born marksmen.³⁴ Their self-respect degenerated into suspicion of the foreigner and contempt for their inferiors and in this case, it was the blacks. De Kiewiet opines that the South African society as we know it today, was not informed by geography and climate alone.³⁵ From the beginning, its physical environment was complicated by the presence of other races and societies. The development of white society was profoundly influenced by its relationship with imported groups of slaves, the Khoisan and the bantu-speaking people. The true history of South African colonisation describes the growth, not of a settlement of Europeans, but of a totally new and unique society of different races and colours and cultural attainments, fashioned by conflicts of racial heredity and the opposition of unequal social groups.³⁶

In South Africa, the settlement of whitemen upon black people's land was fatal to the blacks. It dealt a devastating blow in that, the taking away of black land was synonymous with the taking away of their whole livelihood. They had to sell their labour to be allowed to settle on a whiteman's farm or to get an income to buy food for the family for survival. On the land where they lived, the free resources of soil, water and grass had either been expropriated or diminished. These resources represented the capital upon which tribal life had been based. Blacks now had to do labour for those who controlled these essentials of life. Acquisition of land by Europeans, as De Kieweit observes, was quite frequently a method of annexing labour.³⁷ Some farmers purchased land not for land's sake but to command labour of

³⁴ De Kiewiet, p.19.

³⁵ *Ibid.*

³⁶ *Ibid.*, p.20. Also E.M. Letsoalo, Introduction.

³⁷ *Ibid.* Also Letsoalo, Introduction.

the Africans upon it. This process rendered the Africans helpless as they watched their rights to use the land getting eroded as well as their security of tenure upon it.

As mentioned before, the notion that land could be sold was alien to black South Africans and the Zimbabweans and indeed to Africa. Chiefs or individuals were either tricked into selling unaware or were outrightly dispossessed signing dubious treaties or some well woven tricks. Land was, in some cases, bought with harness, guns and cases of brandy.³⁸ In other cases, it was acquired by turning a permission to graze into the right to occupy. In some cases, Boers just wrest the land they wanted from the blacks.³⁹ Historians are agreed that the complex process of dispossession was made more difficult to regulate by the differing attitudes of whites and blacks towards the ownership of land. In the European mind, ownership was of greater importance than use, on the other hand, in the Bantu mind, the reverse was true both generally and specifically in Zimbabwe and South Africa. For the Bantu, borders were open, vague, imprecise and they encouraged trespass. For the whites, because of private ownership, property was clearly marked and trespassers could face the consequences.

The notion that a signature or the gist of a spavined horse gave a white man the right to hold land to the exclusion of all others was foreign to the African mind. Even more foreign was the idea that land, where all men's beasts had grazed could be reserved for the herds of a single individual.⁴⁰ In the new society which was being created, possession of land was a badge of status and dispossession a stigma. According to Khapoya, the economics of colonisation thrives on expropriation of land, exploitation of labour, introduction of cash crops, unfair taxation, and immigrant labour, transfer of mineral wealth and lack of industrialisation.⁴¹

In the same breath, in South Africa, settler farmers persuaded the colonial governments to intervene on their behalf in:

- limiting African competition in the market place;

³⁸ Omer-Cooper and Palmer, p.250.

³⁹ *Ibid.*

⁴⁰ C. Stoneman, *Zimbabwe's Inheritance*, p.10.

⁴¹ Khapoya, p.134.

- setting up native reserves of tiny pieces of land to create an artificial land shortage in order to force African farmers to work on manorial farms; and
- practically push Africans on privately-owned settler lands as labour, despite the wide range of anti-squatter laws.⁴²

To achieve holistic limitation of African competition, the governments engaged livestock, hut and poll taxes; road rents; location, vagrancy and pass laws and confinement of Africans to the reserves.⁴³ For instance, protesting and in a move to frustrate competition from black transporters of agricultural products, in 1896, the Volksraad of the Orange Free State used the threat of rinderpest to further proscribe Africans travelling with livestock (other than a white employer's). Keegan notes that this move also curtailed African opportunities for trade.

The Glen Grey Act of 1894 was one measure that discouraged independent African agriculture. The Act restricted farm ownership in the reserves to one parcel of no more than slightly above three hectares. It also levied a labour tax on all men living in the reserves who did not own land and banned the sale, rental or subdivision of land by introducing a perverted form of communal tenure.⁴⁴ To a very large extent, the flexibility and adaptability of communal tenure systems were extensively tampered with by colonial governments. Chiefs were chosen who were willing to co-operate with colonial powers. Restrictions on black agriculture led to an increase of tenant farming. Bundy states that, in 1882, 55 per cent of the native population in the Natal lived as tenants, 35 per cent on privately owned land and 20 per cent on crown land.⁴⁵ Also that tenancy was even more pronounced in 1904 in the Transvaal where, of the 900 000 black Africans, 14 per cent farmed their own land, 20 per cent lived on crown land and 49 per cent lived on white-owned land, leaving 11 per cent in the reserves and less than 6 per cent in wage employment.⁴⁶

⁴² M. Mbongwa, R. van den Brink and J. van Zyl, "Evolution of the agrarian structure" in J. van Zyl, J. Kirsten and H.P. Binswanger. (eds.). *Agricultural Land Reform in South Africa Policies, Markets and mechanisms*, p.39.

⁴³ *Ibid.*

⁴⁴ *Ibid.*, p.40.

⁴⁵ Bundy, p.21.

⁴⁶ *Ibid.*

All tenants residing on white farms had to be registered. In 1895, the maximum allowable number of tenants per farm was also cut to five to distribute and spread the available supply of labour more evenly.⁴⁷ Native commissions were set up to enforce this law. To emphasise the authorities' point, in 1899, a license fee for each tenant, payable by the landlord, but usually passed on to the tenant, was introduced. Segregative and restrictive measures on the part of the Africans continued into the turn of the century. While the South African War period, 1899-1902, is said to have brought some gains to the African peasants, in that they were allowed to convert their labour tenancies to share cropping or fixed-rent tenancies or to purchase land outright,⁴⁸ more ambitious land Acts would be put in place to worsen the peasant's circumstances. These land Acts that would systematically reduce the areas occupied by the blacks over years.

Of importance were the Bantu Land Act, Number 27 of 1913 and the Bantu Trust Act of 1936. When the Union of South Africa was formed in 1910, the electorate was composed almost entirely of whites.⁴⁹ Their national philosophy would naturally be European in character and to prevent inter-racial competition, segregative Acts would be engaged. The most important instrument for the purpose would be the Natives Land Act Number 27 of 1913, the first legislative attempt to divide the Union into areas for blacks and areas for whites. As a farm publication put it at the time:

*The scarcity of land and the want of labour is being more heavily felt, and with land of the European reserves occupied by natives, it is the Europeans and not the natives who are, and will continue to be, sufferers. I fail to see how the difficulty is to be overcome unless we segregate the races and confine each to his own reserve.*⁵⁰

Through the Natives Land Act of 1913, white settlers appropriated most of the land reducing the Africans to economic dependence. The Act would result in; grossly unequal division of land; reduced legal status of Africans by denying them the right to

⁴⁷ Mbongwa, *et al.*, p.41.

⁴⁸ Plaatje, p.37.

⁴⁹ Letsoala, p.35.

⁵⁰ *Farmers Weekly*, 31 January 1912.

purchase land outside the scheduled areas from persons other than Africans, save in the Cape Province or by Special dispensation of the Governor-General in the Transvaal and Orange Free State.⁵¹ Consequently, there was an exodus of Africans from the farms of white owners under conditions of extreme hardship. De Kiewiet documents that blacks had lost their free access to land but, nonetheless, were permitted to draw sustenance from it as labourers, tenants, renters or herdsmen.⁵² By reducing the area occupied by the black majority to only 7.3 per cent as opposed to 92.7 per cent occupied by the white minority, the Land Act of 1913 ratified the conquest of the nineteenth century black South Africans. Due to the land laws and regulations, many blacks were displaced from their traditional homes and societies. Largely, blacks were reduced into a landless and exploitable proletariat.⁵³

Besides its significance in separating and reducing black territories, the 1913 Natives Land Act also had a central role in the rationalisation of farm labour in South Africa. Due to the calamities that befell farm labourers as a result of the 1913 Land Act, some of them even lost their lives in protest of the Act. In his own words of dissatisfaction John Tengo Jabavu said:

*The Act... satisfied no one. The natives naturally objected to the restriction of their right to purchase, and the Europeans were unwilling to have their farms set aside for native occupation. On the contrary, the evictions of native tenants who have nowhere to go have been rigorously carried out by the farmers, with harrowing results.*⁵⁴

Since it was the first legal assault on inter racial relations and because it became the determinant of how people of different races would live and relate in future, the 1913 Act became a landmark alongside the 1936 Land Act in the history of South Africa. It would, at independence in 1994, become the new democratic government's priority to

⁵¹ L. Kuper, "African Nationalism in South Africa, 1910-1964" in M. Wilson and L. Thompson.(eds.). *The Oxford History of South Africa II South Africa 1870-1966*, p.437.

⁵² De Kiewiet, p.180.

⁵³ Kuper, p.438.

⁵⁴ L. Olivier, *The Anatomy of African Misery*, p.106.

reduce the impact of the consequences of the Act by working towards restitution of land rights to those dispossessed starting from 1913. Many aspects of the black people's lives were derailed by the Act of 1913 as noted in Jabavu's statement:

The new law [the 1913 Act] strikes a death blow at "Kaffir-farming," which it has been the earnest wish of every progressive landowner to see abolished.... It is safe to say that this Act will considerably affect labour conditions in many parts of the Union. It will mean the clearing off of a large number of natives from European farms; the natives simply being allowed to work in return for a wage. The result will be good, clear, straightforward farming, whilst land in non-native areas that is not being farmed by Europeans will simply remain idle.⁵⁵

Protesting against relegation of natives to reserves, Rev. John Dube, Sol Plaatje, Saul Msane, Thomas Mapikela and Rev. Walter Rubusana took their pleas to England after the protest failed at home.⁵⁶ Similarly, the request by this South African Native National Congress (SANNC) delegation to England in June 1914 was ignored. Britain was not prepared to interfere in the domestic affairs of the self-governing Union.⁵⁷ Still in Britain, Plaatje published his book, *Native Life in South Africa*, in which he publicised the dire effects and the suffering caused by the injustice of the 1913 Land Act.

While life was made unbearable for blacks in the country, the 1923 Natives (Urban Areas) Act ensured that the city was made a white preserve. The 1923 Act marked the

⁵⁵ P. Rich, *African Farming and the 1913 Natives Land Act: Towards a Reassessment*, p.3.

⁵⁶ Shillington, p.150. Thomas Mapikela was a Bloemfontein businessman, former member of a 1909 deputation to England to protest about the terms of the Act of Union and treasurer of SANNC. Rev. Walter Rubusana was a congregational minister, the only elected African member of the Cape provincial council and vice-president of SANNC. Rev. John Dube was an American ordained missionary, newspaper editor, principal of his own school, Ohlange, in Natal and president of SANNC. Saul Msane was a prominent Transvaal member of SANNC. Sol Plaatje was a newspaper editor, political spokesman, leading organiser of African opposition to the Natives' Land Act and general secretary of SANNC.

⁵⁷ *Ibid.*

first major intervention by the central state in the sphere of African urbanisation.⁵⁸ The Act made a number of key provisions. For instance, Municipalities were empowered to set aside segregated areas for African occupation, to establish native revenue accounts, to restrict the domestic manufacture and consumption of liquor by Africans and to apply some control over the influx of blacks into urban areas.⁵⁹ This way, racial segregation into specific urban areas was introduced. Cape Town was proclaimed in 1926, Johannesburg and Durban in the early 1930s.⁶⁰ Cape Town took advantage of the Act to tighten up influx control in 1926. Durban and Johannesburg followed suit using the tougher provisions of the 1930 amendment to the 1923 Act.⁶¹

The 1923 Act established and set a pattern for the future. It did not centralise or regularise the administration of urban Africans.⁶² It planted and gave root to urban segregation. Although by this time non-racial communities continued to exist, the seed sown by the 1923 Act would begin to make life exceptionally discriminatory for blacks. However, the tightening of state control over the mobility and daily lives of urban Africans had to await the 1937 Native Laws Amendment Act.

Related to the 1913 Land Act and the 1923 Native (Urban Areas) Act is the Bantu Trust and Land Act No.18 of 1936. In terms of this Act, certain areas were released back to the blacks of South Africa for the reason that blacks, through the 1913 Act, had been left with too little land under reserves, locations and privately-owned rural land.⁶³ Though there was widespread recognition that blacks had too little land, the 1936 Act would face resistance from white farmers who wanted to hold on to as much black labour as would profit them. An observer indicated, of the 1913 effects, that:

The resulting present distribution of legally recognised ownership in some parts of South Africa is a crying inequity which responsible statesmen of all parties admit to be so, and not only do not defend but insist must be remedied....They assert a need to redress it on ethical grounds. They agree that natives have a

⁵⁸ Maylam, *A History of the African People of South Africa: From the Early Iron Age to the 70s*, p.151.

⁵⁹ *Ibid.*

⁶⁰ Robinson, p.281

⁶¹ Maylam, p.151.

⁶² *Ibid.*, p.152.

⁶³ Letsoalo, p.39.

*right to have some more land, that justice must be done to them in this matter, and that they are suffering injustice in the position in which they have been left by their process of settlement.*⁶⁴

The 1936 Land Act was passed to:

- reinforce the policy of separation;
- control labour supply;
- further disfranchise the black population;
- supplement the 1913 Land Act;
- institute the South African Native Trust through which, officially, blacks would occupy up to 13 per cent of all South African land;
- limit the number of labour tenants that any white farmer might have and make them subject to the Master and Servants Laws;
- forbid the registration of new squatters; and
- lay down fees by the landowner for every registered tenant.⁶⁵

When Black land was expropriated or seized from a Black area, for its agricultural potential, a larger tract of land than the original was allocated on marginal soils elsewhere for black occupation. For the reason that blacks expected to stay in the rural areas and call them home, agriculture remained their most important economic activity. However, in black areas, for instance, in the homelands, agriculture constituted largely of subsistence farming.

⁶⁴ Olivier, p.99.

⁶⁵ Letsoalo, pp.39-41. Also Kuper, p.437, L.P. Mair, *Native Policies in Africa*, p.10. and T. R.P.H. Davenport and K.S. Hunt. (eds.). *The Right to the Land: Documents on Southern African History*, p.29.

Since black South Africans did not take possession of land as private property, but communal or tribal property, the expansion of the whites continued to cram them and push them out of fertile lands. Again, black South Africans did not develop a consolidated economy, but built up many small subsistence economies around tribal organisations. Commissions were put in place by the white government to delimit black reserves in which whites were prohibited from possessing land.⁶⁶

The process of territorial delimitation was accompanied by migration of the population to the towns. Black people were running away from the ten homelands that had been created for them. The development of homelands came with several Acts which will not be discussed here. When the white man built towns and cities, locations (black townships) developed because the cities offered more work opportunities. In pursuit of the employment chances, blacks moved to live in crowded locations, compounds, hostels and servants' quarters for specific contract periods. This movement, explains, partially, why the majority of black South Africans today live in cities or in the periphery of cities and towns and why rural life continues to dwindle. Note should, however, be made that urban life was for the whites and if at all blacks had to be in town, they were not supposed to perceive the city as their home but a place they could work and in the evening retire to their befitting places or areas. This scenario was as a result of the Group Areas Act, 1950. The cities were made by the white mind for the whitemen.⁶⁷ This was the reason blacks had to dwell in areas of low productivity and on the periphery as a pool of labour.

The low productivity in the homelands was inter alia due to the reasons that able bodied human resources were drawn to white farms, homeland soils were exhausted and many other such reasons. The need to redress the plight of black peasants would arrive at independence and this postponed issue, a perennially sensitive matter which had kept being dragged over the years, would be a priority towards achievement of reconciliation.

Outside the homelands, black South Africans were forbidden from owning land under apartheid, and thousands were evicted from their ancestral regions to make way for

⁶⁶ Malan and Hattingh, p.3.

⁶⁷ *Sunday Times*, 10 March 2007.

white settlers. In 1994, with the advent of independence, freedom, democracy and a black government, the government claimed land reform to be key to stimulating wealth in rural areas left impoverished by decades of neglect. Yet, so far, 2006, citizens, analysts and officials conceded that land reform was moving too slowly to help the impoverished black South Africans living in rural areas. With only three percent of the target having been realised in ten years, there were fears that the process could go up to eighty years.⁶⁸ The Landless People's Movement (LPM), a small but vocal pressure group, among others, threatened to seize white farms in protest to the snails' pace at which land reform was progressing.⁶⁹ They argued that the slow pace was testing the patience of scores of blacks hungry for land. Peter Brislin, Free State Director of Land Affairs, gave as reasons for the retarded progress, factors such as budgetary constraints, increasing property prices and the government's lack of expertise in the property market.⁷⁰

With the ushering in of democracy in South Africa, naturally, the blacks, coming from apartheid, an era of deprivation, thought equitable access to public assets and expected to see justice being done where land and empowering of blacks, among other bare necessities, are concerned. To them, after a long wait, the opportunity to access land had finally arrived. Yet, as it stands, orderly land reform is critical to maintain political stability in South Africa where the disastrous fallout from land seizures in neighbouring Zimbabwe remains an object lesson on what happens if the land issue is not addressed with its deserved urgency and caution.⁷¹ Nqcuca-Mlambo, the Deputy President of South Africa, in 2006 aptly assessed the situation and concluded that South Africa has lessons to learn from Zimbabwe. Refusing to acknowledge facts though, some critics chose to label her the *mampara* of the week⁷² instead of hiding her carefully made observations and warning. To-date, doubtful it stands whether the landless blacks of South Africa will have land coming their way as early as they want it or whether it will take a period as long as the apartheid era to redress the situation.

⁶⁸ *The Financial Gazette*, June 24-30 2004, p.15.

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*

⁷¹ *Ibid.*

⁷² *Sunday Times*, 21 August, 2005.

For now, it is essential to describe the topography of South Africa in terms of ecological zones in order to appreciate the efforts towards redistribution of land that is underway. A discussion on topography will shed light on how much of South Africa's prime land was owned by the white minority and which areas were occupied by the blacks in terms of size and soil quality. The discussion will also help bring out the necessity of land reform in South Africa.

2.3 Land Classification : South Africa's Topography

Geographically, South Africa's make-up is predicated on altitude, relative fertility and climatic conditions, a greater part of the country is covered by a high plateau ranging from about 900m in the sandy Kalahari region of the east to 2400m in the region of Lesotho (Lesotho is a separate country South Africa locked). On the east side of the high veld lies the Great Escarpment of Eastern Transvaal and the Natal Drakensbergs which drop down to the south east. The narrow coastal plain of the Western Cape has a beautiful, rugged coastline while the sub-tropical, fertile south-east is noted for its flora and fauna. Much of the country is semi-arid, but the southwest coastal regions have a Mediterranean climate with hot summers and mild winters with some rain. Arable land is limited to 15% of the total land area due to poor soil and rainfall.⁷³

For the black South Africans, a history of deprivation dates back centuries. The end of the South African War, in 1902, favoured the growth of rural settler capitalism through the opening of new export markets for maize and injection of capital into white farming. New financial banks were opened, compensation for war losses was paid, subsidies and assistance were given to whites, not blacks. Grants, equipment, seed loans and remedial action against pests and disease were advantages enjoyed only by whites putting African peasant farmers under pressure. Sundry Acts including the 1908 Natives Tax Act, the 1913 Land Act and other cognate Acts reduced the independence of the African farmers through direct government action. To facilitate transportation of farm produce from white farms to mining centres,

⁷³ Robinson, p.281.

railway branch lines were constructed. Meanwhile, black peasants suffered landlessness, taxation and ecological disaster.⁷⁴

The fate of black farming was sealed by the 1913 Land Act, which launched an assault against black sharecroppers and rent-paying tenants, causing it to be stunted and moribund. As a result of removing labour tenants, squatters and landowners from white areas, there was growing labour migration to towns by blacks for survival. To rub salt into the wound, working and living conditions for the blacks in towns were horrendous with high mortality rates because of lack of sanitation and basic amenities. Between 1904 and 1936, the number of Africans in urban areas rose by 9 per cent from 336 800 to 1 146 700.⁷⁵ Though there was an influx of blacks into urban areas, the 1923 Natives (Urban Areas) Act would instil the principle of urban segregation.

By 1970, 4 989 000 blacks were living in urban areas, a growth of up to 33 per cent from 1904.⁷⁶ As regulations and laws continued to be stringent on blacks, opposition and resistance gained momentum from 1936 to the 1980s. In 1952, as the whites celebrated the tercentenary of Van Riebeeck's arrival at the Cape, in his own words, Albert Luthuli, the African National Congress (ANC) president, wrote:

*To put it simply, while they celebrated three hundred years of white domination, we looked back over three hundred years of black subjection. While the whites were jubilant over what they said God had given them, we contemplated what they had taken from us, and the land which they refuse to share with us though they cannot work it without us.*⁷⁷

Of the conflicts on the Cape's northern borders the tension between the San and the white settlers is a documented frontier of friction. Conflict began when the Boers occupied the San's hunting grounds, shot out their game and imposed upon them

⁷⁴ P. Maylam, p.140.

⁷⁵ *Ibid*, p.148.

⁷⁶ J. Dachs, "Missionary Imperialism the Case of Bechuanaland" in *Journal of African History*, 12-4-1972, pp.650-652. See also Maylam, p.177.

⁷⁷ Maylam, p.185.

stringent policies.⁷⁸ Over the years, the Great Trek would cut a swath through the San – occupied regions of the interior, isolating those of the Northern Cape from those of Drakensberg. Further encroachment by the white weakened the San resistance tearing them from their traditional way of life. Periodically, friction developed because no steps were ever taken to provide the San with a Reserve of their own. Nonetheless, this had been the intention of the Government at the time of the 1774 commando and of Macartney in 1798, while it remained the main substantive proposal of Louis Anthing when he investigated the troubles of the Northern border in 1862.⁷⁹ Since then, the San communities have been waiting for their land rights to be restored. Up to 2006 the claims had not been concluded.

It would be a long time before the independence of the black peasants came in 1994. Nonetheless, political independence would not mean economic independence. Yet, to all intents and purposes, political independence has to be complemented by other kinds of freedoms. The essence of political freedom is lost where a people remain dependent on others for survival. This economic independence, partially through land reform, was what the new black South Africa government, in 1994 sought soon after its installation.

The Zimbabwe Map. (shown as Figure 2 in Appendices)

2.4 Zimbabwe at a glance 2003/06

Official title	:	Republic of Zimbabwe
President	:	Robert Gabriel Mugabe
Land Area	:	391,109 square kilometres (landlocked)
Population	:	12 million
Life expectancy	:	57 years (at 2003) and 34 years (at 2006)
Under five mortality rate	:	102 per 1,000 live births
Urban population	:	40% (before Operation Murambatsvina)
GDP per capita	:	2.3 million
Unemployment	:	60% (at 2003) 80% (at 2006)

⁷⁸ Davenport and Saunders, p.606.

⁷⁹ Ibid.

Currency : Z\$=100 cents

Population below poverty line: 60%.⁸⁰

Visit Appendix 2 for further statistics on the country.

2.5 The history of Zimbabwe: A summative backdrop

Like South Africa, Zimbabwe, formerly referred to as Rhodesia and subsequently Southern Rhodesia, had its own history before the inception of the settlers. The area of modern Zimbabwe was first inhabited by Stone Age hunters related to the Khoi San of the Kalahari desert.⁸¹ Beach specifies that the earliest Shona settlements were made south of the Zambezi around about AD 1000, the Leopards Kopje and Gumanye cultures and in the north in about 1200, the Harare and Musengezi cultures.⁸² The Shona communities were all basically agricultural. Beach notes that their occupation of land was influenced by various factors, among them, preferred soil, need for defensive hills in some areas, every few years.⁸³ In the eleventh century AD, the Mwene Mutapa and Rozvi kingdoms were established.

The kingdom of Mutapa fell into decline after the invasion by the Portuguese in the sixteenth century. The Rozvi survived until the 1930s when it was overcome by the Matebele, an offshoot of the Zulus.⁸⁴ The Matebeles settled in the then Southwestern Rhodesia following a demographic turmoil of the Difaqane/Mfeqane or Times of Crushing, in the 1820s during Tshaka's reign. The Matebeles or Sindebele speakers, around Bulawayo, represented 20 per cent of the population of the present-day Zimbabwe while the Shonas constituted 75 per cent.⁸⁵ Eventually, the Ndebele monarchy would be destroyed following the Anglo-Ndebele War of 1893 precipitated by the unauthorised settling of members of the Pioneer Column on large tracts of land by the British South African Company, BSAC. Victory by Rhodes, the Pioneer

⁸⁰ *Zimbabwe Human Development Report 2003, Redirecting our responses to HIV and AIDS*, 'Towards reducing vulnerability—the ultimate war for survival,' p.49. Stated also in *Zimbabwe Demographic and Health Survey*, p.24. See also Appendix 2.

⁸¹ A. Hawkins, 'Zimbabwe' in *Africa Review 1986*, p.334.

⁸² D. Beach, 'The Shona Economy: Branches of Production' in Palmer, R. and Parsons, N. (eds.). *The Roots of Rural Poverty in Central and Southern Africa*, p.40.

⁸³ Beach, p.40.

⁸⁴ *Ibid.*

⁸⁵ T. Savage and S.B. Chimhini "Zimbabwe: A Hundred Years War" in E. Doxtader and C. Villavicencio, *Through Fire with Water The Roots of Division and The Potential for Reconciliation in Africa*, p.199.

Column leader, left the territory formally named Rhodesia, after his name. Although the Ndebeles had lost control of the territory they had conquered from the Shonas, the enmity, animosity, friction and ethnic resentment caused by the Matebele's conquest over the Shonas would leave its indelible mark. Conflict would resurface in form of the Matebeleland crisis, a continuation of ethnic, ideological and domination conflict between ZANU and ZAPU discussed in detail in Chapter Three. Even the coming of the white settlers failed to bury the ethnic differences and the crisis would be prodigal of human lives.

If anything, the same Shona-Ndebele ethnic contradictions, particularism and parochialism would be manipulated by the incoming white settlers. Dr. Frank Robert Bertrand, a Bulawayo dentist, was determined to forge an alliance between the Ndebele and the whites to foster a secessionist sentiment in Matebeleland.⁸⁶ During the liberation war, the Bulawayo dentist had argued that "the whites and the Amandebele (should) come together and the war (would) soon be over."⁸⁷ In relation to his attempt to exploit Shona Ndebele ethnic antagonism, Bertrand's premise was that:

*The Matebele are a warrior people who are proud of their heritage and their name. They cannot be Zimbabweans and they cannot be ruled by the Shona.*⁸⁸

Such talk and their accompanying activities succeeded in boosting the morale of those opposed to the post-1980 social order in Zimbabwe and encouraged dissidence in the country. Nonetheless, in as far as generating the military and financial capacity to destroy the state, the plot was a dismal failure. Also, there was no cultural threat that warranted the kind of scheme Bertrand perceived.

The first European settlement, as Hawkins writes, dates from 1859.⁸⁹ However, it is from 1890, with the coming of the Pioneer Column of colonists, comprising 196 Pioneers and 500 police that blacks started losing their land and livelihoods

⁸⁶ E.P. Makambe, "Entumbane Conflicts 1980-81 and the Politics of Ethnosocial Mobilisation in Zimbabwe" in *Tsebo Journal of Research and Creative Writing*, 2007, Vol. 1, pp.134-144.

⁸⁷ *Ibid.*

⁸⁸ *Ibid.*

⁸⁹ *Ibid.* Also Beach records the coming of the Pioneer Column.

significantly. In 1890, a Pioneer Column of the British South Africa Company, (BSAC), (founded in 1871) under the auspices of Cecil John Rhodes invaded and occupied Mashonaland after failing to win land and mining concessions from the Ndebele king, Lobengula, in the south-west.⁹⁰ Thompson, Palmer, Beach and a host of others concur that, Rhodes, as he moved upwards/northwards in search of gold, after Transvaal, got to Zimbabwe. After the disappointment that gold was present but scattered in relatively small deposits, the column tried to recoup their investment in railways and other infrastructure by promoting white farming and other forms of mining. Stoneman records that early white farming initiatives to supply food and tobacco to mining communities were not successful given the competition from black farmers.⁹¹ To ward off what whites deemed unfair competition from black farmers, prime land was grabbed from the black farmers, white farmers were subsidised and black farmers had to supply the labour needed on white farms. Further, the whites resolved to separate the races by land alienation and reservation, discriminatory marketing regulations and the development of infrastructural, institutional and financial back-up to the white economy.⁹² Blacks were moved to the impoverished and overcrowded 'Native Reserves.'

In 1951, the infamous Land Husbandry Act was put in place to restrict African land ownership to tribal trust lands. Attempts to establish a white-dominated Central African Federation of Northern and Southern Rhodesia and Nyasaland were abortive stimulating a powerful nationalist movement which challenged white political control of the territory.⁹³ The white minority rule led by Ian Smith's declared UDI of 11 November 1965, was overthrown in 1980 after a long guerrilla war in which two main African leaders Robert Mugabe and Joshua Nyongoro Nkomo rose to prominence. The election of 1980 gave Mugabe an unassailable victory and the country was renamed Zimbabwe in 1981.

From the very beginning of British occupation of Zimbabwe, Rhodes saw Zimbabwe as a key factor in the future of South African politics.⁹⁴ As the white population

⁹⁰ *Ibid.*

⁹¹ Stoneman, p.3.

⁹² *Ibid.*

⁹³ Hawkins, p.334.

⁹⁴ J.A.C. Mutambirwa, *The Rise of Settler Power in Southern Rhodesia (Zimbabwe), 1898-1923*, p.23.

increased, the economic pursuits of the European settlers began to diversify. The settlers practised politics of exclusion, thus, the high level of their living depended on preventing black-white competition. Indeed, relations created between the whites and the blacks did not augur well for the future. It could have well been the birth of the Rhodesian problem. Naturally, the whites, who had the sponsorship of the colonial state, chose the best lands and on a grand scale which was justified by neither their numbers nor their needs, for instance, occupying 45 per cent of land in Zimbabwe.⁹⁵ Land was acquired by whites from blacks by various means, from brute force to legal means, for example, using taxation to force the black to work and provide cheap labour on their farms. Reserves were created to accommodate the Africans and force them to abandon their so-called wasteful methods of agriculture, that is, shifting cultivation.⁹⁶

Under Rhodesian customary law, no individual had private ownership of land, not even the chief – this was an African way of life. The setting up of reserves meant the reduction of African land as well as their productive capability. Yudelman argues that, in order to prevent competition between the settlers and Africans, very little was done to develop the agricultural and pastoral capabilities of the Africans.

Conflict over land and labour were proof of the incompatibility of settler and African interests.⁹⁷ The incompatibility increased over the years and determined relations between these two groups until the independence of Zimbabwe in 1980. Land and labour policies, back then, were the mechanisms used to reduce the areas of freedom of the Africans.

The political history of Zimbabwe from colonisation, in 1890, to the present has had a controlling influence on state policies for the development of those parts of the country that were set aside for settlement by the indigenous blacks vis-à-vis areas that were alienated for the incoming white settlers.⁹⁸ Since, in the period of colonisation blacks had emerged the losers, the era of independence brought a lot of hope and

⁹⁵ A. Mafeje, 'The Agrarian Question and Food Production in Southern Africa,' in K.K. Prah. (ed.). *Food Security Issues in Southern Africa*, p.99.

⁹⁶ W. Rodney, *How Europe Underdeveloped Africa*, p.240.

⁹⁷ Mutambirwa, p.30.

⁹⁸ L.M. Zinyama, "Local Farmer Organisations and Rural Development in Zimbabwe," in D.R.F. Taylor and F. Mackenzie. (eds.). *Development From Within Survival in Rural Africa*, p.33.

anticipation for the blacks. They hoped that the new dawn would deliver on all the promises including land on which they would build their houses, farm, raise their families and earn a living. Anything short of this would brew anger among the black masses. Since the entrenchment of white-minority rule from 1923, through naked force, institutions of coercion, economic exploitation to keep the conquered at the bottom rung of the ladder, cultural vandalism/plundering, divide and rule via racism, tribalism, clannism, ethnocentrism, class status and regionalism, false history and psychological warfare, blacks of Zimbabwe had known only inferiority complex.⁹⁹

To entrench white-minority rule, according to Patsanza, various ways were used to keep people in bondage. Ways such as:

- naked force to take over the best land;
- creation of exploitative institutions;
- economic exploitation;
- cultural vandalism, obliterating the cultural heritage of the oppressed be it languages, crafts, customs or music;
- fostering divisions among people, divide and rule;
- encouraging the teaching of false history to children of the oppressed;
- psychological warfare through instilling inferiority complex among the oppressed people; and
- dehumanising and exploiting blacks through the franchise system which dealt with what was called the “Native Problem” by keeping the native in his place.¹⁰⁰

⁹⁹ A.J.D. Patsanza, *Our Zimbabwe An Element of Political Economy*, p.9.

¹⁰⁰ *Ibid.*

The formation of a Land Commission in 1925, under Howard Cater, would entrench and perpetuate the division of land into black and white areas. Most painful to the blacks was the taking away of their land which had been the source of their livelihoods from the time of their ancestors. All fertile, arable healthy and rich land was allocated to the whites leaving the blacks to eke out an existence in the most dry, remote, inaccessible, unproductive, disease-ridden and poor areas. The setting up of the Land Commission would culminate into the enactment of the Land Apportionment Act of 1931, a watershed in the white men's oppressive role in Southern Rhodesia.¹⁰¹ As Patsanza puts it, from then on, black would be black and white would be white, and never would the twain meet.¹⁰²

Dr. Godfrey Martin Huggins, the settler Prime Minister's reign pitched the policy of separate development or the two-pyramid policy to a higher level. Taking over from Prime Minister Moffat, Godfrey Huggins, from 1933 to 1953, made certain that white supremacy was maintained through protecting whites in industry by the Industrial Conciliation Act and the Land Apportionment Act which made whites landlords both in rural and urban areas.¹⁰³ Huggins ensured that:

- good jobs were a reserve for whites ;
- unskilled whites got in-service/on the job training;
- whites got high wages at the expense of blacks;
- whites got first class education, transport, health, mining and farming facilities;
- desires and needs of the blacks were ignored;

¹⁰¹ Beach, p.5. Also Patsanza, p.10.

¹⁰² Patsanza, p.10, Also Director of Native Administration, *Annual Report*, June 1954, p.2, and Savage and Chimhini, p.201.

¹⁰³ Savage and Chimhini, p.200. Also A. Chitiyo, "Land Violence and Compensation: Reconceptualising Zimbabwe's Land and War Veteran's Debate." *Track Two Vol. 9 No.1*, <<http://ccrweb.ccr.uct.ac.za/two/9-1/Zimbabwe.html>> May 2000.

- blacks had no freehold tenure in the urban and industrial areas;
- blacks lived with no family as ill-paid and ill-treated servants of the white;
- locations and native townships were created for the black pool of cheap labour;
- black huts, as opposed to white “Master’s mansions’, had no proper sanitation facilities;
- poor whites were invited over from overseas with passage fares paid by the British and Southern Rhodesian governments and ; and
- land was always available for white new arrivals with credit facilities for favourable settling and pamphlets on how to treat the “native.”¹⁰⁴

It would be through Huggins’s pamphlets that all settlers would learn that:

*the “native” was like a child; he had no sense of responsibility and he should never be treated as an adult. When giving him food he must be given left-overs. He should never be given tea in an ordinary tea-cup, an empty jam tin would be appropriate.*¹⁰⁵

Huggins went further in a bid to intensify white grip over blacks, to safeguard British interests by proposing a Central African Federation. This proposition gave birth to the Federation of Rhodesia and Nyasaland on October 20 1953. The Federation Government controlled the affairs of Nyasaland (now Malawi), Northern Rhodesia (now Zambia) and Southern Rhodesia (now Zimbabwe).¹⁰⁶ Huggins was its first Prime Minister with a mind to stifle self-determined movement among blacks,

¹⁰⁴ Patsanza, p.11.

¹⁰⁵ *Ibid*, p.12

¹⁰⁶ D. Maxwell, *African Gifts of the Spirit: Pentecostalism and the Rise of a Zimbabwean Transnational Religious Movement*, p.63. Also Patsanza, p.12.

maximise exploitation of African resources and thwart any danger of being superseded by Boer concerns from South Africa under D.F. Malan.¹⁰⁷ Draconian legislation went on until 1953, when in Southern Rhodesia, a new Prime Minister, Reginald Stephen Garfield Todd succeeded Lord Malvern who had been installed by Huggins as Prime Minister of Southern Rhodesia.

Todd, a liberal, worked towards improving the standards of living for the blacks. Of significant importance were his slight changes to the Land Apportionment Act.¹⁰⁸ His minor reform led to home-ownership schemes for Africans in major urban areas. Consequently, townships like Highfield (Harare), Luvuvu (Bulawayo), Mkoba (Gweru), Mucheki (Masvingo) and Sakubva (Mutare) were constructed.¹⁰⁹ These townships still stand in Zimbabwe as the oldest locations in the mentioned areas. They remain entirely places for blacks. For this small change and few others in black people's second citizen existence, during his reign from 1953, Todd fell out with the white electorate, his colleagues and his party congress.¹¹⁰ The removal of Todd from office meant back to deprivation, oppression and humiliation for the blacks. In the process, more land would be lost.

In the interim, in 1954, a Land Husbandry Act was enacted, which, according to the white regime, was a necessary conservatory measure. The Act envisaged destocking cattle in rural areas to stop rapid desertification due to overstocking and cognate detrimental agricultural methods.¹¹¹ While Land Husbandry was a sound conservation measure, it failed to make logical sense to the blacks who did not have adequate land to say the least. Blacks wanted access to under-utilised land belonging to absentee white landlords. To blacks, the problem was glaringly land thirst, not an issue of preservation. That means, the Act was not correcting matters for them for it sort to address a non-issue to them. To all practical purposes, the Land Husbandry Act came to reduce the land areas held by the blacks because, since the soils of their areas were already impoverished, the soils were the ones which mostly needed the remedy the Act would bring. If anything, the Act curtailed many rural livelihoods,

¹⁰⁷ Savage and Chimhini, p.199. Also Patsanza, p.12.

¹⁰⁸ Maxwell, p.63.

¹⁰⁹ Patsanza, p.14. Also Maxwell, p.63.

¹¹⁰ *Ibid.*

¹¹¹ Maxwell, p.63. Also Patsanza, p.26.

pushed blacks in their numbers into the urban areas to provide white needs for industrial and domestic labour. Before the mid-1950s, black Zimbabweans had left Malawi and Mozambique labour migrants to provide most of the labour needed in the urban areas.¹¹² The Land Husbandry Act came to change that scenario as more and more black land was absorbed in white activity and legislation. The urban environment now provided more opportunities and possibilities of finding jobs. There was an increase of indigenous or local labour and a growing sprawl of townships around urban centers. These demographic changes in turn radically altered the black city's cultural life, social structure and politics.

When the Central African Federation was dissolved in 1963, independent states of Zambia and Malawi emerged from it with the white electorate in Southern Rhodesia forming the Rhodesia Front.¹¹³ In 1965, Ian Smith of the Rhodesia Front issued a Unilateral Declaration of Independence (UDI) from the United Kingdom. The United Nations declared UDI illegal and imposed mandatory economic sanctions on the state.¹¹⁴ Starved of shipments of arms, aircraft, motor vehicles, petroleum and petroleum products, the Rhodesian regime sought self-sufficiency in food production and raw materials. It is recorded that:

the sanctions encouraged white farmers to diversify production, in particular promoting maize, cattle and cotton. By 1970, racial preferencing in agricultural policy was such that annual subsidies and loans averaged about R\$8 000 per white farmer and less than a single dollar per African farmer. White commercial agriculture increased its share of production from about 30 per cent in the early 1960s to 75 per cent in 1979.¹¹⁵

To protect this newly found paradise, more rigid regulations and repressive laws were imposed on blacks. With black areas dwindling, political activity on the side of

¹¹² Maxwell, p.64. Also Minutes of Native Land Board, 28 May 1953.

¹¹³ Savage and Chimhini, p.200.

¹¹⁴ A. Chitiyo, "Land Violence and Compensation." at <<http://ccrweb.ccr.ac.za/two/9/Zimbabwe.html>> May 2000.

¹¹⁵ I. Phimister, *The Combined and Contradictory Inheritance of the Struggle Against Colonialism* quoted in C. Stoneman. (ed.). *Zimbabwe's Prospects: Issues of Race, Class, State and Capital in Southern Africa*, p.8.

the blacks increased, culminating in a number of major incidences including the formation of the Zimbabwe African National Union (ZANU) on August 8, 1963.¹¹⁶ In the struggle that ensued, the land question was pivotal. Black people resisted oppression, first, by fighting to get their land back. African nationalism turned more radical in content and method as white settler intransigence grew stronger. A bitter liberation struggle was fought which failed to be decisive. It would be in 1979 that a conference held at Lancaster House in London was to make all history.

The Lancaster constitution had its merits and demerits. As the English say, there is no wall without two sides. While the compromise constitution managed to extinguish a prodigal war which had devastated the rural areas of Zimbabwe and brought antagonists to the table, it had flaws that are partly responsible for bringing Zimbabwe to its knees today. Provisions of the constitution are discussed at length in Chapter Three and also highlighted in Appendix 5. However, land issue was a burning issue that threatened to derail the peace talks. In consequence, Britain promised to work with the Zimbabwean government on a 50:50 per cent basis on normalising the land situation. For the incoming government of Robert Mugabe, the development objectives of the five year plan were, among others, land reform and efficient land utilisation. The central thrust of the argument was, however, to leave productive white farms intact.¹¹⁷

Keeping the promise of the Lancaster Agreement was a great challenge. Lack of delivery on the promises of 1980 has raised concerns which continue to give serious problems to the politico-economics of Zimbabwe. To a very large extent, the land problem in Zimbabwe spread its influence in the whole of Southern Africa and indeed beyond. The dilemma on delivery was worsened by the fact that Zimbabwe would be the only country with seats reserved on racial basis. Also, the more the whites enjoyed the benefits of the Bill of Rights which constitutionally guaranteed the rights and liberties of the individual, the clearer it became to the black peasants that, for them, the struggle continued. The means of production, land, still lay squarely in the hands of the white minority.

¹¹⁶ Maxwell, p.64. Also Patsanza, p.28.

¹¹⁷ A. Astrow, *Zimbabwe : A Revolution That Lost Its Way?*, p.138.

To appreciate the extent to which the black peasants were deprived of land, an attempt is made at contextualising the land question in terms of the quality of Zimbabwe's land resources. The distribution of the land resources among various distinctive agricultural subsectors will be tabulated. The salience of relating land-use potential to land-ownership patterns cannot be overemphasised given that this would indicate levels of land hunger and deprivation among the black people.

2.6 Land Areas by Agro-Ecological Zones: Zimbabwe's Land Resources

The basic source of the land question is the unequal access to land between blacks and whites promoted during the land alienation era. The Land Tenure Act of 1969 and its predecessors, the Land Apportionment Act and the Land Husbandry Act were passed in order to allocate land on racial lines regardless of the racial composition of the population of Zimbabwe. Land resources of Zimbabwe can largely be classified into five natural regions representing land use potential derived from average rainfall availability and quantity. That means, if resettlement had to be meaningful, it did not only have to happen in non-productive low rainfall areas. Blacks had to be settled also in areas that matter in terms of productivity. Non-productive areas would not change the plight of the blacks for they would not only fail to produce enough for their families but they would also remain non-existent where it matters most, in the economy. The following table sheds light on agro-ecological zones of Zimbabwe.

Table 2.1: Land Areas by Agro-Ecological Zones: Zimbabwe's Land Resources

Zone/Region	Land Area	Percentage of total	Major Trait/Features
I	703,4	1.8	Very high rainfall suitable for intensive farming
II	5,857	15.0	Good rainfall suitable for intensive cropping
III	7,290	18.7	Suitable for semi-intensive farming, (mixed)
IV	14,770	37.8	Suitable for extensive farming
V	10,450	26.7	Suitable for agricultural use
Total	39,072	100.00	

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¹¹⁸ Patsanza, p.174. Also S. Moyo, 'The Land Question' in I. Mandaza. (ed.). *Zimbabwe The Political Economy of Transition 1980-1986*, p.182.

Geographically, Zimbabwe is divided into three main regions. First, the predominantly flat highveld, land over 4,000 feet (1220m) which forms the watershed between the Zambezi, Limpopo and Sabi rivers and covers twenty-five percent of the country. A cool, well watered fertile area which attracted first the Ndebele and later the European settlers.¹¹⁹ Second, to the West and to the East the land falls away to form the middle-veld, between 3,000 and 4,000 feet (915 and 1220m) constituting forty percent of the country. A more dissected, undulating area than the subdued highveld, though in the west it flattens out and becomes featureless to the extent that the Victoria Falls railway runs for seventy meters from Gwai to Dett in a perfect straight line.¹²⁰ Many native reserves – tribal trust lands are situated within the middle-veld. Beyond the middle-veld lies the hot, dry lowveld, land below 3 000 feet (915 m), mostly in the Sabi, Limpopo and Zambezi valleys, and is thirty-five percent of the country. The Zambezi valley has tsetsefly, a trickle of rainfall in November which is deceptive, with sixty-five percent runoff.¹²¹

Since the coming of the whites to Zimbabwe, vicious wars were fought over land. In the First Chimurenga of 1896 and 1897, fought over 18 months, 8 000 lives were lost, not to mention the land. In the aftermath, the settlers created a colonial state, institutionalised a system of racialised land distribution that successive governments were to grapple with and which holds the roots of Zimbabwe's attendant chaos. As the defeated Africans were continuously pushed into the so called reserves, European immigrants increased seeking to exploit the country's agricultural potential. Their unquenchable thirst for more land resulted in unforgiving Land Acts designed to entrench the settler agriculture system and showed little grasp of demographic needs. In a bid to safeguard the interests of the single most powerful political constituency in the country, the white settler farming community, friction was increased between whites and blacks. The antagonism was mainly because of:

- racially biased state-imposed land allocation policies; and

¹¹⁹ R. Palmer, 'The Agricultural History of Rhodesia' in R. Palmer and N. Parsons. (eds.). *The Roots of Rural Poverty in Central and Southern Africa*, p.221.

¹²⁰ *Ibid.* Also Robinson, p.281.

¹²¹ *Ibid.*

- racially biased state-imposed land allocation policies; and
- demography-pegged at 1.3 million in 1930, a growing black population with scarce land resources. The overcrowding in the reserves causing evident conflict between administrators and peasants, settlers and black farmers, among families, chiefs and headsmen.¹²²

Problems of demography saw many families being pushed into farm compounds outside the scope of their traditional authorities for protection or redress. The outcome was a national legacy of abuse of African farm-workers by settlers.¹²³ Constitutional safeguards such as Land Apportionment Act, Land Husbandry Act and Order/Maintenance Act of 1960, Emergency Powers Act 1960, Land Tenure Act No.5 of 1969 which enabled the Rhodesian Security Forces (RSF) to carry out violent reprisals against guerrillas and civilians with impunity emerged. The mode of rule in colonial Zimbabwe combined direct and indirect forms. Territorial segregation resulted in the Land Apportionment Act of 1930, which legalised segregation. Coupled with the transfer of judicial authority within communal areas to chiefs under the Native Affairs Act of 1927, black peasants got squeezed further. African agriculture was also systematically undermined by the government by taxing blacks through the Maize Control Acts of 1931 and 1934.¹²⁴ The move was to enable the subsidising of white agrarian capital and further, the Native Land Husbandry Act would be engaged to reorganise the communal areas along capitalist lines. In consequence, a settled urban proletariat and an enlarged sphere of influence of white-settler capital beyond Southern Rhodesia to Nyasaland (Malawi) and Northern Rhodesia (Zambia) were created through the establishment of the Central African Federation.¹²⁵ The Federation collapsed in 1963 and Rhodesia, under UDI, went from boom to bust. However, following the UN-sponsored sanctions imposed on Salisbury (Harare) and Ian Smith and of course internal problems, compounded by the resurgence of the nationalist movement parties, the Zimbabwe African National

¹²² *Ibid.*

¹²³ Maxwell, p.63. Also Savage and Chimhini, p.200.

¹²⁴ S. Moyo and P. Yeros, "Land Occupations and Land Reform in Zimbabwe : Towards the National Democratic Revolution" in S. Moyo and P. Yeros, *Reclaiming the Land The Resurgence of Rural Movements in Africa, Asia and Latin America*, p.169.

¹²⁵ *Ibid.*

Union-Patriotic Front and the Zimbabwe African People's Union, the government of Smith began to weaken.¹²⁶

With the blacks resisting repression, the two parties ZANU PF and ZAPU launched an armed struggle in the countryside. They had the support of Red China and the Soviet Union respectively.¹²⁷ The Second Chimurenga claimed an estimated 50,000 people of all races.¹²⁸

In a bid to curtail movement by civilians during the liberation struggle, the Rhodesian administration established "protected villages." These would permit the administration to monitor the peasants and prevent their contact with the guerrillas in an effort to assist each other and prolong the war. Nonetheless, anti-government sentiments and guerrilla activities intensified despite the increased brutality. The protected villages, however, increased the desperation of the blacks. The villages, were, to all intense and purposes, miniatures of concentration camps. They put people in keep with curfews to curtail movement, prevented blacks from working their land, visiting their families and carrying on with their normal lives. The villages increased the deprivation blacks suffered at the hands of the whites. This scenario would continue until the time of cease fire, 1979, when an attempt to reform would be made.

Coming from a background of deprivation, as indicated in the background given, black Zimbabweans went into the new Zimbabwe with great expectations, hopes and top among them was getting land to settle their families and farm. Little did they know that en route to land reform, are thorns and pricks of political economic, social, local and international nature. In 2006, as this study is being carried out, friction between whites and blacks of Zimbabwe is still rife, a tenseness which is palpable and present at every turn of life. There is a tenseness that is exploited and manipulated for economic and political expediency, especially in this era of the controversial agrarian revolution. For the government, land demand was and still is huge as demonstrated in *Table 2.2*.

¹²⁶ *Ibid.*, p.170.

¹²⁷ Maxwell, p.64. Also Moyo and Yeros, p.170.

¹²⁸ Savage and Chimhini, p.202.

Table 2.2: Land Demand/Rights Profile

Demand Category	Sub Groups	Types of Land Use Required
Youths	i) Untrained and unmarried school leavers ii) Agricultural graduates	Communal crop land allocation Resettlement land Safaris and tourism opportunities
War Veterans and Ex-detainees	i) War veterans ii) War collaborators iii) Detainees iv) Spirit mediums	Reclaim lost lands Resettlement land Commercial land
Communal Households	i) Landless peasants ii) Landshort peasants	Access resettlement and cropping land
Farm workers (proxy citizenship rights)	i) Farmer farm managers ii) Farmer Farm workers iii) Farm worker's din	Access resettlement and leasehold land Land rights for settlement Cropping land in communal and resettlement areas
Black elites (racial balance of large scale commercial farmers)	i) High income (civil servants, academics, private etc) persons ii) Middle income persons	Public leasehold Access to safari/tourism and leasehold
Urban males	i) Elites ii) Retrenchees iii) Homeless iv) Old Age/Retired	Peri-urban farm plots Small irrigation farmlands Residential land Collateral, social security
Women	i) Elites ii) Ordinary urban women iii) Poor rural women	- Large farms, business plots and residential - Small business plots, urban farming - Rural croplands
Rural District Councils (RDCs) Provincial Structures	i) District Development committees/RDCs ii) Councilors/Governors	Income generating projects and services (schools, clinics and housing) Leasing out of investment
NGOs/Churches	i) Project committees	Training farmers and project purpose
State Real Estate	Parastatals, agencies	Commercial farm development Peri-urban land: town expansion
Private Companies	i) Foreign and Domestic	Commercial agriculture, tourism and industry ¹²⁹

Source: Moyo, S, 2000.

¹²⁹ S, Moyo, "The Interaction of Market and Compulsory Land Acquisition Processes with Social Action in Zimbabwe's Land Reform." Harare: SARIPS of the SAPES Trust Annual Colloquium on Regional Integration: Past Present and Future. Also, M, Saruchera, "The Land Conflict and agrarian reform situation in Zimbabwe," *Swiss Catholic Newsletter*, 22/07/02.

CONCLUSION

In Africa, the reason blacks do not have arable land and economic independence by 2006 is because of the colonial legacy of the continent. Europeans came to the so called 'dark continent' which needed light and they took it upon themselves to enlighten it. In the name of civilisation, they explored the continent, gave places their names and, along the way, parcelled the land to their own advantage. Blacks were left dominated, subdued, voiceless, turned into power and labour providers and eventually, became economic nonentities. Nonetheless, the history of resistance by black communities demonstrates varied strategies they engaged and the different intensity of the resistance they mobilised.

Zimbabwe's colonial political history saw it through Southern Rhodesia, then Rhodesia, then Zimbabwe-Rhodesia and finally Zimbabwe at independence. The presence of a large settler population and the measure of their relative autonomy and power capacities helped shape a special character for Zimbabwe's struggle for independence. Commenting on the unique character of the struggle, in his words Jeffrey Herbst stated:

*It was the size of Rhodesia's white population – too small for grand apartheid but too large for easy-exit – that accounted for the peculiar twists and particular tragedies in the country's history.*¹³⁰

Black Zimbabweans would end up fighting not only Britain as a colonial power, but its local representatives, the UDI, who attempted to defy the overall trend of European withdrawal from direct rule over African territories. A prolonged war ensued which forced a settlement sponsored largely by Britain and Britain was careful to guarantee the retention of critical privileges even after the so called independence.

ZANU-PF would rise to power espousing Marxist-Leninist principles, consolidating its power and braced up for a new dawn. However, with time, circumstances became

¹³⁰ L. Sachikonye, "Zimbabwe" in T. Lodge, D. Kadima and D. Pottie. (eds.). *Compendium of Elections in Southern Africa*, p.434.

less fortuitous and less felicitous. Policies turned less ideologically coherent or consistent and capacities of control, repression, patronage were increasingly engaged.

In South Africa, history records that before the coming of the Dutch (Boers) black South Africans were already living there. However, the black South Africans suffered gross losses of land from the First Khoikhoi/Dutch War of 1660, through sundry wars of dispossession to a series of land Acts. Land which was indigenously communal became private property as the Boers, more than the British, gained more and more control of the country's prime land. With the coming of democracy, South Africa, being a rainbow nation, should be seen to move towards equitable distribution of national resources. Revisiting the land issue and reforming it was a sure sign that the era of consensus had arrived with reconciliation, unity and peaceful resolutions to challenges.

Due to a political order based on conquest and not consent, palatable transformative solutions addressing issues of land were employed to redistribute resources. Whether through armed struggle and/or peaceful negotiations, as was the case with South Africa and Zimbabwe, most African countries achieved their independence and are attempting to evolve and develop democracies, something must happen to change the plight of the black majority. Restorative justice and social reconciliation have to be integral and pivotal to the establishment of democratic governmental set ups. Policies have to be pragmatic, practical and feasible rather than geared on settling scores.

Nonetheless, decades after independence, much of Africa, South Africa and Zimbabwe included, is still equated with famine, mismanagement of resources, corruption, stagnant economies, political instability and raw crassness. If land reform is to work, it would depend on the policies engaged by the governments in question. Cooperation among stakeholders would assist reform. A review of some engaged policies in the preceding chapters would shed light on the progress made over the years.

CHAPTER THREE

The Trajectory of Land Reform in Zimbabwe: Post-Independence era 1980 - 2000

3.0 INTRODUCTION

There is a general consensus that land reform in post settler colonies fits like a glove. It is definitely the way to go. Since extensive land alienation occurred in Zimbabwe, which resulted in the occupation of larger, more fertile, arable healthy pieces of land by minority whites and occupation of the unproductive, crowded, marginal and deteriorating lands by blacks, independence has given the land question a new force. Going through available literature on Zimbabwe's land reform progress, there is the impression that, during the liberation struggle, the land question was more of a political issue than anything else. It was about fighting exploitative governmental agrarian policies, fighting for ancestral land, fighting for the power with which land ownership came. With the advent of independence, the land question, as Moyo opines, has been popularized with-in the 'growth with equity' parameters set out by the new regime allowing for a significant amount of land redistribution.¹ Thus, the land question presently has grown bigger and wider to entail, among other things, land redistribution, solutions to promote rural development of communal lands, political stability of a nation as well as the economics that goes with land utilization, land tenure, grazing schemes, population control, restitution, gender issues and the list goes on.

Moyo defines the Zimbabwean land question, from the point of view of the peasantry, as based on the demand for the redistribution of arable land with reliable rainfall due to the agro-ecology of Zimbabwe². To the detriment of land redistribution though, as was specified by the Lancaster House Agreement, the land for redistribution was to be acquired on a willing seller, willing buyer basis, which compromised the quantity, quality and location of land to be redistributed as well as the form and pace at which land

¹ S. Moyo, "The Agrarian Question" in Mandaza, I. (ed.). *Zimbabwe. The Political Economy of Transition 1980-1986*, pp.165-202.

² *Ibid.*

redistribution would progress. With the ever expanding land question, land utilization by Large Scale Commercial Farmer (LSCF), compared to the peasantry has been the singular most dominant issue. Since 1976, the ratio between the LSCF and the peasants' use of land has been used to determine the amount of land transferable for resettlement³.

Houngnikpo asserts that African leaders failed to detect the subterfuge that came attached with independence⁴. To quench their thirst for independence, they, in reality, conceded a hollow victory. European powers designed and handed to African leaders, a "dependent" independence that would never allow the continent to function on its own⁵. For example, when the liberation struggle for Zimbabwe failed to be decisive, negotiations for independence at Lancaster would come with compromises and conditionalities. The conditionalities would shape the policies the new government would pursue. Meaning that, to all intents and purposes, the new government would only deal with land issues in consultation with the government in London. Such a situation is delicate although it brings a solution favourable to the probable eventual winner. For Zimbabwe, the settlement left the machinery of the old government largely intact. Independence, as the right and ability to control one's own destiny,⁶ is not complete if decolonization elements like doing away with guarantees for the white minority, let alone land reform, are not favourably resolved.

3.1 The Lancaster House Constitution: The Cat and Mouse Game

The Lancaster House Agreement of 1979 paved the way for majority rule in Zimbabwe through the ballot that saw Mugabe rise to power, ending Ian Smith's UDI of 1965. The agreement covered the Independence Constitution, pre-independence arrangements and a ceasefire⁷. Represented at the conference were the British Government, the Zimbabwe-Rhodesia Administration and the Patriotic Front led by Robert Mugabe and Joshua

³ *Ibid.*

⁴ *Ibid.*

⁵ M. Houngnikpo, "Stuck At The Runway: Africa's distress call" *Africa Insight*, Vol. 30, No.1, p.5.

⁶ I.W. Zartman, *Ripe for Resolution*, p.10.

⁷ G. Magaramombe, "Rural poverty: Commercial Farm Workers and Land Reform in Zimbabwe" Paper presented at the SARP Conference on Land Reform and Poverty Alleviation in Southern Africa, Pretoria, 4-5 June, 2001, p.22. The Lancaster House Constitution is provided in Appendix 3.

Nkomo. According to the discussions on land reform at Lancaster House, the UK understood the need for a land settlement programme. The UK agreed to contribute to the costs and to rally the support of the international donor community, as spelt out by Lord Carrington, the Conference Chairman, on 11 October 1979:

We recognize that the future Government of Zimbabwe whatever its political complexion, will wish to extend land ownership. The Government can of course purchase land for Agricultural settlement, as we all have seen. The Independence Constitution will make it possible to acquire under-utilised land compulsorily, provided that adequate compensation is paid. Any resettlement scheme would clearly have to be carefully prepared and implemented to avoid adverse effects in production. The Zimbabwe Government might well wish to draw in outside donors such as the World Bank in preparing and implementing a full-scale agricultural development plan. The British Government recognize the importance of this issue to a future Zimbabwe Government and will be prepared, within the limits imposed by our financial resources, to help. We should for instance be ready to provide technical assistance for settlement schemes and capital aid for agricultural development projects and infrastructure. In an Agricultural development including land settlement schemes, we would be prepared to contribute to the initial capital. The costs would be very substantial indeed, well beyond the capacity, in our judgment, of any individual donor country, and the British Government cannot commit itself at this stage to a specific share in them. We should, however, be ready to support the efforts of the government of independent Zimbabwe to obtain international assistance for these purposes⁸.

With Zimbabwe's land question, the British government sought resolutions from Kenya's land reform experience. Kenya had had a comparable land problem and a guerrilla war fuelled by land grievances, and the British sought to defuse the problem by buying out white farmers⁹. It was hoped that a similar solution could be found for Zimbabwe. Financial assistance in form of a Development Fund would be strategically placed as a bait to draw the liberation movements to reach an agreement with the Rhodesian authorities. Towards this fund, the British agreed to contribute UK75 million pounds to

⁸ *Ibid.*

⁹ Wikipedia the Free Encyclopedia [on line] at http://en.wikipedia.org/wiki/land_reform>Zim

buy out farms owned by whites who did not want to continue to farm in a new Zimbabwe.¹⁰ At the time, the promise was that America would contribute an extra US\$200 million to the fund.¹¹ However, as time went by and with a change of government in Britain, the offer of the Fund was withdrawn by the American government.¹²

In place of the Fund, a compromise solution was placed. In exchange for guaranteeing existing property rights for the white farmers in Zimbabwe for ten years, the UK would underwrite half of the costs, of resettlement needed.¹³ In 1980, the UK pledged an initial amount of UK 20 million pounds that would facilitate the changing of hands of land from leaving whites to black peasants. There was no provision in the Lancaster House Agreement to establish a specific Fund to support land reform. However, the British government did play a full part around the International Zimbabwe Donor's Conference (ZIMCORD) of March 1981.¹⁴ At that conference, more than 630 million pounds of aid was pledged with Britain encouraging donors to take part by responding generously to Zimbabwe's requirements.¹⁵ More generous donors were needed, for the British government made clear that the long-term requirements of land reform in Zimbabwe were beyond the capacity of any individual donor country. To an extent, this was an indication that the task before hand, of equitably redistributing land resources, was a mammoth task that would require a lot of outside help.

When it commenced, land acquisition was limited to the willing seller willing buyer principle. The principle provided white commercial farmers a grace period to pore over their options. Space would also be made available to allow financial assistance to trickle in for the purposes of compensating those leaving. Practically, however, the snail's pace at which land reform was taking place only postponed the resolution of the land question. There would be no mass expropriation of land by the new post-colonial state. The state's

¹⁰ *Ibid.* Also "And Now-to share Zimbabwe's Bounty" in *Christian Science Monitor*, 17 April 1980.

¹¹ *Ibid.*

¹² T. Lebert "Backgrounder-Land and Agrarian Reform in Zimbabwe" Working Paper by National Land Committee, p.7.

¹³ Editor, "Winning the Peace in Zimbabwe" in *Christian Science Monitor*; 18 December 1979.

¹⁴ Magaramombe, p.22.

¹⁵ *Wikipedia*, p.10.

hands were tied by phrases that stipulated that by signing the Lancaster House Agreement the parties involved undertook among other things to:

- abide by the Independence constitution;
- comply with the pre-independence arrangements; and
- accept the authority of the governor.¹⁶

The state did, however, retain the right to expropriate land for public and resettlement purposes, but compensation had to be paid out in foreign currency.¹⁷ White commercial farmers who had opted to sell their land would specify what currency they preferred to be paid in, depending partly on the countries to which they had relocated. This stipulation would, however, be subject to a constitutional amendment in the 1990s.¹⁸ As regards agrarian transformation, the hands of the new government were effectively cut short since any significant redistribution of land was ruled out. A negotiated settlement was in the interest of everyone, especially Rhodesian whites and indeed a settlement more favourable to them was more likely to be pressed for.¹⁹ Rotberg observes that, militating against continued denial of independence as Smith had pledged never to condone majority rule in his declaration— “not in 1,000 years,” were the military achievements by the Zimbabwe guerrillas. ZANU’s guerrillas would shortly achieve a string of military successes, so, for Smith, waiting and hoping was a less good option.²⁰ Rotberg adds that:

In addition to incursions into northeastern and eastern Rhodesia, the militants had begun attacking in the northwest and the west. There were attacks on the outskirts of Salisbury (Harare) in 1977. Smith’s regular army was stretched. Further mobilization of white fighters would cripple the

¹⁶ *Ibid.*

¹⁷ *Ibid.*, p.7. Also 1. Mandaza and L. Sachikonye. (eds.). *The One Party State and Democracy-The Zimbabwe Debate*, p.53.

¹⁸ *Ibid.*

¹⁹ Rotberg, p.51.

²⁰ *Ibid.*, p.53.

*already weakened local economy. By the next year, 50 per cent of white adult males were in the ranks of the military. White Rhodesia was under siege. Morale was questionable. Not surprisingly, 1, 600 whites were leaving beleaguered Rhodesia each month while blacks were also exiting to join the insurgent struggle.*²¹

With the support from Mozambique, Zambia and further afield that Mugabe's ZANU and Nkomo's ZAPU got, the battle to sustain white supremacy in Rhodesia was soon to be lost. The struggle to persuade the unwilling Zimbabwean leaders to a conference table would be tricky. Tricky because the Zimbabwean leaders realized their potential and capacity to win the war through creating joint military command, coordinating their attacks and joining hands with other well-organised and experienced insurgent forces. Mugabe and Nkomo saw power at stake and near at hand.²² They would intensify the struggle, pressurise further and so would not easily be brought to a round table. They realized the probability of winning the war was high.

The guerrillas of Zimbabwe were caught between two fires, to continue in the trenches or give in to pressures from other frontline states and grudgingly accept the half full half empty promises. Nkomo and Mugabe saw negotiations as a waste of time but with the dawn of indigenous hegemony beginning to colour the horizon, the decision to negotiate would not be theirs alone. Negotiations by their very nature are a give and take set up. For Nkomo and Mugabe negotiating was not an option because it would sure leave them stuck with decisions they would not live with.

Surrounded by independent neighbours, with the exception of South Africa, the neighbours would push for negotiations to achieve a black-run Zimbabwe. The independence of Angola, Cape Verde, Mozambique and Guinea Bissau in 1974, following a military coup in Portugal, meant that only South Africa remained assisting

²¹ *Ibid.*

²² Editor, "The Knot That Rhodesia Negotiators Must Untie" in *New York Times*, 29 October 1976.

the land-locked Rhodesia.²³ For Zimbabwe's independent neighbours, negotiations were a window of hope that needed not be thrown to the waste. Eventually, leaders of the British Commonwealth, President Julius Nyerere of Tanzania and President Kaunda of Zambia directed Mugabe and Nkomo towards the conference table.²⁴

Consequently, following pressure from the frontline states, Mugabe's ZANU PF and Nkomo's ZAPU conceded and gave in to negotiations. Patsanza calls the agreement a compromise constitution.²⁵ The constitution would not be winner take all, for it had no absolute winner. It would be a give and take that would, for the new government compromise, deny, defer and destroy essential components of freedom. In the interim, under B.J. Vorster's successor, P.W. Botha of South Africa's tutorship/tutorlage, Smith devolved nominal power to Abel Muzorewa after an election in 1979. This arrangement, a transitional charade dubbed an "essential irrelevance" was disavowed by the liberation leaders.²⁶ They viewed the whole set up as delaying tactics on the part of Smith to allow majority rule. Muzorewa's administration was practically controlled by Smith and the whites and the country would be Zimbabwe-Rhodesia.²⁷ In the eyes of Mugabe and Nkomo, as representatives of their parties, Muzorewa's administration fell short of satisfying Zimbabwean aspirations for freedom nor could it stem the nationalist tide. Nonetheless, by the time of the negotiations, Muzorewa was the Prime Minister of Zimbabwe-Rhodesia. Despite that his administration was not black enough, it allowed some modicum of smooth transition into the Lancaster constitution. As observed earlier, Muzorewa's administration, though heavily discredited, was not completely irrelevant. Deliberations for a new constitutional dispensation for an independent Zimbabwe were among Rhodesian whites, the two main nationalist movements, Britain and Muzorewa's administration.²⁸

²³ Rotberg, p.50-51.

²⁴ L. Sachikonye, "The Promised land; From Expropriation to Reconciliation and Jambanja" in B. Raftopoulos and T. Zavage (eds.). *Zimbabwe: Injustice and Political Reconciliation*, pp.1-18.

²⁵ A.J.D. Patsanza, *Our Zimbabwe*, p.105.

²⁶ Editor, "The Queen Could Prevent Armageddon in Rhodesia" in *Christian Science Monitor*, 3 January 1979.

²⁷ Patsanza, p.106.

²⁸ Rotberg, p.54. Also "Winning the Peace in Zimbabwe" in *Christian Science Monitor*, 18 December 1979.

As a result of this critical capitulation, on Mugabe and Nkomo's side, land reform was a nagging albatross around the Zimbabwe government's neck. The restrictions imposed through the Lancaster House Agreement, on the new government, remained a constant theme in the Zimbabwe land reform in the decades following independence. The fear Mugabe and Nkomo had of a negotiated settlement that had led them to cast aspersions earlier proved to be real and not imagined. The British had had an upper hand in the negotiations with the leverage to literally impose terms they felt would benefit the white commercial farmers in Zimbabwe. To fail to do that, on the part of the British, could have been sell-out. In fact, the whole negotiation strategy was largely a scheme by the British to thwart or stop a possible military outright victory by the Zimbabwean government.²⁹ With such an unwanted victory pushed aside, the ground was set for a "loser takes all" scenario. The bottom line was to protect the commercial farmers and their interests and the government in London set to do just that.

As Palmer recounts, compounding these restrictions was the fact that 90 per cent of the country's marketed food requirements were being produced by white farmers following the collapse of peasant agriculture.³⁰ Peasant agriculture had been rendered moribund due to many factors among them, lack of support such as financial subsidies, unavailability of market locally and abroad, as well as deliberate efforts to elbow them out. Gradually, peasant farmers, were reduced to subsistence farming, producing only for their families and not contributing economically towards the economic development of Rhodesia. Left alone to enjoy the viability of the agricultural sector, the white commercial farmers produced for the silos of the nation, exported as well as gained themselves respectable repute. Such respect had given them a bargaining chip and edge over the rest to the extent of allowing them to have political say in decision making forums. All at the detriment of the black farmer, who got no recognition, authority nor voice to be meaningful. Ironically, the white farmer emerged from the brink of doom in a stronger position economically and politically. Economically elevated, the white farmers continued to enjoy their position because despite the pressure on Mugabe to equitably

²⁹ Rotberg, P.54.

³⁰ Palmer, p.166.

redistribute national resources, no pragmatic leader wanted to interfere with a productive sector as was agriculture in 1980.

Initially, Mugabe had promised not to tamper with income producing mining, farming, fishing or manufacturing sectors. In the interest of productivity, that made economic sense for much as addressing the peasants' liberation aspirations was of utmost essentiality, maintaining the country's capacity for growth would be a sure sign of a realistic, pragmatic and visionary leader. The fact that the agriculture sector of 1980 was a formidable pillar for economic growth meant that the decision to embark on land reform programmes would not be economically favourable. Reform in an economic sense was not needed. To reform land would be to disrupt the progress and growth the country was enjoying and this scenario favoured white commercial farmers. It follows then that one who has an economic leverage would have an upper hand where it comes to politics. Vital and critical decisions were made with the knowledge of who would manage to pay, donate and sponsor what. Money could buy the white farmers political importance. In addition, they had the leverage to manipulate their economic advantage to influence policies. It was not unimaginable to use money to frustrate and discourage change, for instance, the possibility to threaten to stop producing food or raw materials if their positions or privileges were not respected. It was possible to place conditionalities before any transformative policies could be passed. Such was their advantage that abuse went on under the guise of promotion of the country's economic growth. Abuse in the sense that not much land changed hands between 1980 and 1990, yet, for black peasants, acquiring land was a priority.

Between 1980 and 1985, the UK provided 44 million pounds for land reform, 20 million pounds as a Specific Land Resettlement Grant and 24 million pounds of budgetary support to help meet the Zimbabwe government's own contribution to the programme.³¹ The Resettlement Scheme was a new agricultural policy that would be more favourable to white commercial farmers for it settled a sizable number of landless black in one place as opposed to allocating an individual or a family a whole farm. More people could be

³¹ Magaramombe, p.9.

settled in a relatively smaller area, shorter time and at lower costs. Statistics in *Table 3:2* indicate that more land was purchased in 1980/1981 than in the succeeding years. This, among a plethora of reasons, was a result of the availability of necessitating funds to resettle the landless and also the accessibility of underutilized land.

The Land Acquisition Act of 1985 drafted under the Lancaster Agreement, gave the government the first right of purchase of white farms for resettlement by blacks. The intention was to support smallholder sector in improving their farming methodology and subsequently move away from subsistence farming towards production for the market.³² The new farmers would thrive with the government opening up markets, financing and advisory organizations for them. Much as this new agricultural policy addressed the central thrust of the land problem, that is, one of redistributing land, conversely, it neglected the issue of property rights. To all practical purposes, the resettlement scheme was essentially opening up channels for subsistence farmers to improve their lot by according them access to services, markets, loans and other cognate resources with no commitment on giving them property rights. In the future of the Zimbabwean land question, however, property rights became the crux of the land problem. The mid eighties witnessed a prosperous resettlement programme with peasant farmers eager to come out of subsistence farming and produce for the market, without giving much thought to the tenure issue.

War Veterans and displaced communities gave immediate pressure for resettling on abandoned land left behind by fleeing farmers at the height of the struggle.³³ Farms would further be left unattended and without owners by some white farmers unhappy or not racially decided as regards their security under a black government. The future of white commercial farming was balancing precariously and the worst white fear then was the prospect of being ruled by a so called Marxist socialist black government. The liberation struggle for Zimbabwe had been punctuated by "Marxist rhetoric" and fear that

³² Rukuni, p.21.

³³ *Ibid.*

“draconian Marxist solutions” would influence Mugabe’s policies crept in.³⁴ This suspicion, though nullified by Mugabe’s pragmatic approach to the agricultural sector’s position in 1980, was not unfounded. Mugabe’s ZANU PF had enjoyed military support from the Soviet Union and other socialist countries during the liberation struggle and imagining that the new Zimbabwean government would fail to continue keeping the same friends would be misleading. If one wanted to know the nature of the new Zimbabwean government, they had to check the friends the government kept. Britain and America had seen it coming and fought to pre-empt the development and contribution of such relations by pouring aid to the new government. A lot of aid to support the nascent government was deemed to stem Soviet influence in Zimbabwe and the whole Southern Africa region. Financial support would reduce elements of authoritarianism in the young democracy.³⁵

The strategic support for Mugabe and his approach was reinforced by the Zimbabwean government’s decision not to collectivise or expropriate land. If anything, the government had plans to promote further commercial farming as well as deny urban consumers any subsidy. Talks of reconciliation were loud in 1980 but pressure to fulfill the hopes of expectant blacks, not to renege on pre-independence promises to friends and citizens and pressure from population boom would determine how long the whitewash would remain white enough to be meaningful. In fact, Rotberg puts it blatantly obtrusive that, even then, signs of danger had started showing:

*The government had purchased a South African-owned press chain that controlled the country’s only daily newspaper, exerted official authority over radio and television broadcasts, and threatened to nationalize all marketing of minerals. Moreover, Mugabe had started to talk about turning Zimbabwe into a one-party state.*³⁶

³⁴ Rotberg, p.227.

³⁵ Editor, “Zimbabwe Needs Aid” in *New York Times*, 8 December 1981.

³⁶ Rotberg, p.228.

By 1983, racial, ethnic and political signs of trouble were lurking in Zimbabwe. Most publicized is the Matebeleland crisis, the massacre of between 20,000 and 30,000 Ndebeles (Zimbabweans in the Southern or Matebeleland province) between 1981 to 1987 by a North Korean-trained battalion sent by Mugabe to stamp out 'bandits'.³⁷ The conflict was an act of disturbing political violence with ethnic roots. Government forces, belonging to the Zimbabwe African National Union-Patriotic Front (ZANU-PF), mostly Shona-speaking descended on alleged dissidents who were Ndebele-speaking and belonging to the Zimbabwe African People's Union (ZAPU) based in Matebeleland. The government intended to stamp out going on dissident activity which included burning down of churches, murder of priests, kidnapping and murdering of tourists and general sabotage and terrorism.³⁸ On the contrary, however, after the government's crack down on the alleged dissidents, the international community interpreted the whole exercise to be an attempt to silence political opposition and to exterminate the Ndebele-speaking people.³⁹ The interpretation intensified the bitterness and resentment of the Shonas by Ndebeles and fuelled political polarization between the two major ethnic groups of Zimbabwe. The Unity Accord signed between ZANU-PF and PF-ZAPU in 1987 would partially ameliorate relations but could not wash away the mutual ethnic suspicions born of the Matebeland crisis or the Entumbane crisis as it is commonly known in Zimbabwe. The painful memories of the crisis live on and misinterpretations are fanned on.

With regards to other avenues, although policies were chosen and implementation was done slowly in the fullness of time, Zimbabwe had embarked on unstoppable back tracking. Zimbabwe would never be the same again despite that the leader was undeniably sober, serious, decisive, pragmatic, aware of how other revolutionary regimes

³⁷ *Ibid.* Also N. Mlambo, "Moods of Bitterness How Political Polarisation has Influenced Zimbabwean Election" in *Journal of African Elections Special Issue on Zimbabwe's 2005 General Election*, Vol. 4, No.2, p.17. S.Eppel, "Gukurahundi." The Need for Truth and Reparation,"pp.43-62 same Journal. Also Zimbabwe: Matebeleland moves on" *Africa Confidential* (46) 6, 18 March 2005. And J. Muzondidya, "Zimbabwe for Zimbabweans." Invisible subject Minorities and the Quest for Justice and Reconciliation in Post-colonial Zimbabwe" in B. Raffopoulous and T. Savage. (eds.). *Zimbabwe Injustice and Political Reconciliation*, pp.213-235. Also E.P. Makambe, "Entumbane Conflicts 1980-81 and the Politics of Ethnosocial Mobilisation in Zimbabwe" in *Tsebo Journal of Research and Creative Writing*, Vol. 2, No. 1, 2007, pp.134-144. Also Legal Resource Foundation and Catholic Commission for Justice and Peace 1997, pp.1-10.

³⁸ Mlambo, p.17.

³⁹ *Ibid.*

had failed and knowledgeable of his nation's vulnerability adjacent to apartheid South Africa. Although agriculture was still enviably prosperous and productive and Zimbabwe was still an economic success story after independence, Zimbabwe's fortunes were soon squeezed by sundry factors. Aspects such as Marxist resurgence, a strident anti-market path, antithetical policies to economic growth and population doubling and the introduction of family planning would charter a colliding course with reality, the turner of political liberation and the whole being of a nation. It was only a matter of time before the beating on Zimbabwe took its political, social and economic toll.

In 1980, the distribution of land was as follows:

Table 3:1 *Distribution of Land in Zimbabwe, 1980*

Tenure Category	Estimated Land Allocation (m.ha)	Proportion of Total (%)
Communal Areas	16.4	41.41
Nat. Parks & Forests	6	15.15
State Owned Farms	0.3	0.75
Large Scale Commercial Farms	15.5	39.14
Small Scale Commercial Farms	1.4	3.53
Total	39.6	100

Source: Karumbidza (Seminar Paper 2001)⁴⁰.

Notes to the land allocation by region:

74% of all communal land is located in regions 4 and 5.

75% of all small commercial land is located in regions 3 and 4.

51% of all large commercial land is located in regions 1 and 3.

In the life span of the Lancaster Agreement, about 8.5 million acres of land were purchased from the whites by mutual consent and paid for by the UK with 44 million

⁴⁰ J.B. Karumbidza, "An Overview of the Land Needs and the Politics of Land Reform in the Run-up to the Residential Elections in Zimbabwe, the Effects on Society and Economy and the Response of the International Community." Unpublished seminar paper, p.5.

pounds in aid⁴¹. However, the number of blacks resettled on this land, fell short of the government target of over one million. Contrary to expectation as well, part of those resettled people abandoned the land for lack of financial, material and technical support. Members of Parliament, civil servants, police and military officials were not slow to benefit from this desertion and by 1990, eight percent of commercial farmland was owned by them, though they too lacked the wherewithal to make the land productive⁴².

At the centre of the Lancaster decade disharmony was the state-centred market based approach to land redistribution. The same provision used to keep the best traditional African lands in minority white hands in Kenya, Botswana, Namibia, Zambia and South Africa were engaged.⁴³ Land acquisition through the WSWB set up was comparably easier during 1981 to 1983, thanks to a substantial supply of farms abandoned soon after independence. In real terms, the government could not acquire land when and where it wanted. White farmers were either unwilling to sell or required for high prices. The Lancaster Agreement had entrenched the rights of a minority and they could not be coerced into selling. They dictated the pace of land reform, at their own time, when they felt like it. The WSWB principle sounded voluntary enough to disable land reform in Zimbabwe. The government turned into a reactive buyer with the private sector leading the identification of land controlling the supply available for resettlement⁴⁴. District officials under the direct supervision of central government officials had the jurisdiction to select beneficiaries.

Dashwood, Karumbidza and many others concur, however, that even with funding from the UK, the drying up of farms for sale influenced farm prices to sky rocket and land redistribution came to a near halt. Dashwood comments that:

Certainly, until 1990, the provisions made the acquisition of land for resettlement very expensive; but even without that constraint,

⁴¹ A, Norman, *Robert Mugabe and the Betrayal of Zimbabwe*, p.102.

⁴² *Ibid.*

⁴³ S, Moyo, "The Political Economy of Land Acquisition and Redistribution in Zimbabwe" in *Journal of Southern African Studies*, 26(1), p.12.

⁴⁴ *Wikipedia.*

the strong resistance of members of the agrarian elite, and their ability to effectively lobby the government against extensive land redistribution, constituted a powerful deterrent for a government anxious to maintain the export levels of agriculture commodities from this sector⁴⁵.

To demonstrate the expenditure on purchasing land, Karumbidza provides a table of statistics quote from Cusworth:

Table 3:2 Land Acquisition and Land Costs, 1979 - 1989⁴⁶.

Year	Land Purchase (ha)	Costs (\$)	Costs (\$/ha)
1979/1980	162,555	3,104,380	19
1980/1981	326,972	3,616,172	11
1981/1982	819,155	15,414,248	19
1982/1983	807,573	21,414,248	27
1983/1984	173,848	4,596,078	26
1984/1985	74,848	3,062,930	41
1985/1986	86,187	3,444,610	40
1986/1987	133,515	389,335	3
1987/1988	80,554	2,889,328	36
1988/1989	78,097	7,431,575	95
Total	2,743,304	65,362,904	24

The data in *Table 3:2* is evidence to the uneven spread of land acquisition over time. The process was not only uneven, unpredictable but unsustainably expensive. The high prices were deliberate. Exorbitant prices of pieces of land were deemed a deterrent by commercial farmers from a massive too quick transformation. In 1979/1980, 162 555 hectares of land would be bought for \$3,104 380 at \$19 per hectare. By the end of the decade, in 1988/1989, 78,097 hectares, far less compared to 1979/1980 had been bought for close to five times the price of 1979/1980. Not only was there less land to buy, but that which was being bought was on great demand and, therefore, the prices for it had shot through the roof. The fluctuating number of farms to be bought as well as the ever changing prices did contribute in frustrating proper plans by the government in their

⁴⁵ H. Dashwood, *Zimbabwe: The Political Economy of Transformation*, p.190.

⁴⁶ Karumbidza, p.6.

policy making. The model in place for land acquisition, that is the WSWB, did not coerce white commercial farmers to sell their land towards equitable distribution.

The WSWB, enshrined in the Lancaster agreement, was simply an act of subterfuge to discourage a winner take all scenario at the dawn of Zimbabwe's independence. As though the deceit was not enough, Riddle observes that talks at Lancaster had vague provisions for containing the land question. The main provision for resolving land distribution contained ill-defined conditions regarding the authority for decision making and the level of compensation for confiscated land.⁴⁷ For all practical purposes, the Lancaster House Constitution was largely a ploy by the British to buy time for the white farmers in Zimbabwe to adjust or decide whether to move out of the country or stay. Realising it was a matter of time before the Zimbabwean guerrillas won the liberation struggle, negotiation was the best option for the whites in Zimbabwe. Rotberg records that:

*With backing from FRELIMO and Zambia, ZANU guerrillas were poised to take their hitherto successful hit-and-run war to the Rhodesian cities. Then there would be a white exodus. Whites simply could not sustain a defensive, unwinnable war for more than a few years against blacks with sanctuaries in neighbouring Mozambique and access to Mozambican as well as Soviet and Chinese weapons, facilities and training. However it happened, power would soon shift in Rhodesia.*⁴⁸

Besides an inevitable victory by black guerrillas, the decision to engage the WSWB as a land corrective measure is a pointer to great scheming by whites. The mode has a quality of not promising anything. It is self explanatory in that everything is done by those willing. This is in direct contrast with the objectives for both sides in the liberation struggle. People cannot take to battle for something they can in the same breath keep or

⁴⁷ R. Riddle, "Zimbabwe's land problem: The Central Issue" in W.H. Morris. (ed.). *From Rhodesia to Zimbabwe Behind and beyond Lancaster House*, pp. 1-3.

⁴⁸ Rotberg, p.51. Also "The Knell for White Rhodesia" in *Newsday*, 9 February 1975.

dispose of at will. It makes logical sense to fight for something you dearly want to keep and it follows to say, with the option, losing it is out of question. The British realized that if the struggle for Zimbabwe continued, there was high probability that the white commercial farmers would lose their families, homes, income and commerce in the battle. A strategy was curved that would allow the whites to continue enjoying Rhodesia in Zimbabwe and maintain the status quo. Time was needed to observe and study the nascent democracy and make informed decisions. Slowing down reform and blocking radical change in Zimbabwe would ensure that change did not come too quickly. By 1979, Zimbabwe and South Africa were the two last out-posts of colonialism. For South Africa, keeping colonial Zimbabwe made strategic sense. South Africa would reduce attention to itself, pressure to democratise and the two countries would share their experiences as the remaining white governments. If Smith lost his grip on Rhodesia, the white government's days could sure be numbered. Focus by all other African leaders, the international community and human rights organizations could be drawn to South Africa and the pressure to abdicate could be insurmountable. The vulnerability of Rhodesian whites would contribute to a potential weakness and isolation in South Africa.⁴⁹

Conversely, however, South Africa was tempted to use Rhodesia as a bargaining chip to protect itself and secure its own moated fortress.⁵⁰ Aware of its vulnerability with a troubled Rhodesia on its borders, South Africa had to opt for strategic peace in Southern Africa. Assisting in the removal of Smith would benefit South Africa's strategic interests with the West and with the newly emergent Front Line states like Mozambique. Conscious that white Rhodesia was to fall anyway, South Africa realized a window of opportunity to strengthen its own position by acting in favour of the front line states which were pushing for a black run Zimbabwe.⁵¹ Mozambique for example, had cut lucrative ties to the landlocked Rhodesia and for South Africa, supporting such a move would gain it favourable pacts with Mozambique. With increasing Western pressure on

⁴⁹ *Ibid.*

⁵⁰ *Ibid.*

⁵¹ Riddle, p.7. Also Rotberg, p.51.

South Africa to abandon assisting whites in Rhodesia, allowing Rhodesia to fall would seem the most profitable option for white South Africa.⁵²

The Lancaster House employed, in favour of white Rhodesians, an exit package diplomatically. Indeed, Mugabe and his team played into the hands of the British by yielding to pressures to grab the chance for independence pressured by other Front Line States, the Zimbabwean masses weary of war and the uncertainty of victory. Poring over the decisions to embrace negotiations, it is clear that the political landscape in 1979 was an open and shut scenario. An intractable situation that would not be solved by dictating conditions without giving in to needs by the other part.

With the whole land issue turned into a game of wits, at the close of the Lancaster decade, the set target had not been reached. Statistically, however, resettlement was not evenly spread out over space and time. Settlement of beneficiaries on land took place through five models from 1982 to 1998 as given below:

(i) Intensive settlement on an individual family basis (Model A)

In this model, beneficiaries received cropping and communal grazing land. Tenure was in form of three annual permits, one for settlement, one for cultivation and one for grazing. Beneficiaries had to give up their rights to land in the communal areas they came from⁵³. With Model A, the homestead are in villages and farmers have fields at a designated area.

(ii) Model B: Village Settlement with cooperative farming.

Designed to take over existing large commercial farms, Model B was to be run co-operatively with set up committees for decision making. Credit would be accessed by the cooperative and income allocated either to individual families or allocated for farm development. At the beginning,

⁵² Rotberg, p.51.

⁵³ T. Lebert, *Wikipedia*, p.10.

about 50 cooperative schemes were set up⁵⁴. Many are now defunct, they folded and the members are now individualized. As a result of the partial failure, two model B schemes are in existence, that is Model B1 – those still co-operatives and B2 – the individualized. The cooperative scheme was plagued by inability to share given the different levels of input individuals contributed in terms of the knowhow, effort, labour commitment and accountability. The government did not make an effort to initiate individuals into the culture of working together, sharing both the labour and profits and getting used to group work as it were, given the tradition of individual forms of farming in the country. As a result, Model B played a subsidiary role because of the nature of the African farmer, of working with a scattered settlement pattern where farming is carried out on an individual basis.

(iii) State Farms with out-growers (Model C)

With this model, beneficiaries are resettled around a core estate where a give and take situation prevails in that the settlers provide labour in exchange for basic services like food, shelter, employment and security. Cropping land within this scheme was allocated on an individual basis with communally managed grazing land. A professional farm manager oversees the core estate. Few people benefited from this scheme as it was not extensively implemented and again the idea of operating as a cooperative is not a very favourable one in Zimbabwe, statistically. The prospect of having to share labour, input and outcome makes cooperative work not an easy alternative for Zimbabweans. They have always enjoyed and appreciated working in family units to avoid disagreements on critical decisions not to mention squabble probability the sharing of produce or

⁵⁴ *Ibid.*

profit is susceptible to. In two districts of Manicaland province, however, it worked, as demonstrated by its flourishing tea estates⁵⁵.

(iv) Commercial Grazing for Communal Areas (Model D)

Particularly meant for Matebeleland South Province, the model involved the purchasing of commercial ranches next to communal land, livestock was bought and allowed to fatten on the ranches before being sold⁵⁶. The model was meant to reduce grazing pressure on communal lands. Again the model suffered the fate of model C, it was not extensively implemented, therefore, not sufficiently tested.

(v) Self-Contained Units (Model E)

Under this model, farmers were resettled in a way similar to the Small Scale Commercial Farms (SSCF) where an individual has a farm where crop and livestock production is carried out within the farm unit. The average farm is 50 hectares. This model was more generous compared to other land reform programmes partly because it was individualised, modelled on the extensive land use patterns characteristic of the commercial sector and that the average allocation was manageable enabling optimum use⁵⁷. The down side, however, is that less people benefited from it, beneficiaries were reduced.

The acquisition of land for resettlement was not evenly distributed in both time and space (provinces), resulting in uneven progress. From 1980, going through to 1990 the resettlement pace which started out high was dropping over time.⁵⁸ Historians, including Karumbidza, Rukuni and Moyo, concur that redistributive land was most available between 1980 and 1983. A number of factors could have influenced this scenario. Factors ranging from availability of abandoned farm land during the war, especially in

⁵⁵ Central Statistics Office, *Agriculture and Livestock Survey 2005/06 Training and Field Manual*. Central Statistical Office, p.2.

⁵⁶ *Ibid.*

⁵⁷ *Ibid.*

⁵⁸ Karumbidza, p.10.

the liberation war zone of the Eastern Highlands or shortly before or after independence. Also that, for most blacks, the independence party was still on, meaning that the urgency for acquiring land had not grabbed them.

After 1983, with some comfortable modicum of post-war political stability ushered in by Mugabe's declaration of the need for reconciliation and the announcement that the white community was encouraged and free to stay, most white farmers had no need to sell their land, after all, it still was their second rand, so to speak. Consequently, white farmers held on to their core productive land and sold marginal land at a time when most blacks were coming alive to the fact that it was time to share the country. Perhaps, had the most change been implemented between 1980 and 1983, land reform might have been completed. It was prime time. The white farmers who were not happy about sharing might have left and the blacks might have gotten to serious business early enough. Yet, the WSWB principle still held the hands of the government on their backs and economically, the market prices of the land available were rocketing due to the peace and calm in the country.

It must be mentioned, however, that, on the part of most white farmers, there was a conscious effort to thwart land reform. Aided by guarantees offered them, thanks to the Lancaster Agreement, the Ministry of Lands and Agriculture was their ear and in liaison with the Agriculture Minister, being white, (as well as influences in other ministries), the Commercial Farmers' Union (CFU) managed to keep land reform in check. The CFU realized that rapid land reform would undermine white confidence and threaten export earnings and employment⁵⁹. Their resolution was to ensure that farms for resettlement became available in trickles, if at all. The CFU bolstered their position by ensuring that commercial farmers remained secure through taking the government to court to just make a point. The CFU used the court to contest any policies by the government that they felt impinged on their rights or threatened to squeeze them into a smaller space. For them, the courts would decide who had the legitimate right to keep the land. Also, as long the case was in court, the time the courts took to resolve the differences would benefit the

⁵⁹ Lebert, p.15.

farmers in that they continued to farm, harvest and profit from the land. In the CFU and commercial farmers' favour came the pressure by the International Monetary Fund (IMF) and World Bank on the government to cut down its budget resulting in a cut back on resettlement.⁶⁰ This move meant less pressure from the government for white farmers to release land.

Spells of drought in 1984 also disorganized the government which used the most part of its budget for drought relief.⁶¹ New black farm owners were not spared either, most of them deserted and returned to communal areas in search of better conditions. Climatic change was not yet an issue by then so much so that most black farmers lacked the expertise to survey their parcels of land and draw up feasibility plans on what to grow on what soil. As a result, periods of drought drained most of their energy given that initially, they were placed in agro-ecologically marginal, drier and climatically erratic land and worse, they lacked the experience of dealing with the impact of drought.⁶²

Land reform during the Lancaster decade in Zimbabwe has been characteristically state-centred, market-based and, in a way, people driven. The government has always been the key buyer of land depending on its broader settlement planning framework. It is the government that decided to buy land available on the market or issue a one year "no present interest" certificate allowing private buyers to purchase the advertised land⁶³.

With the market-based land acquisition approach, the landholders, to a large extent, determine the amount, location, quality and cost of land, meaning that land reform is controlled by them. They hold the key to the pace, meaningfulness, genuineness of the programme, or protection of their own interests. In the same breath, it meant that the government and the beneficiaries alike, could not drive the process in terms of their needs and their urgency. The third trait of land reform between 1980 and 1990 was what Moyo

⁶⁰ *Ibid.*

⁶¹ A.S. Mlambo, "Land Grab or Taking Back Stolen Land. The Fast Track Land Reform Process in Zimbabwe" in *Historical Perspective History Compass* 3, 2005, p.16.

⁶² I. Mandaza "Introduction, The Political Economy of Transition in Mandaza, I. (ed.). *Zimbabwe, The Political Economy of Transition 1980-1986*, p.1.

⁶³ *Ibid.* Also Lebert, p.15.

refers to as the “community land occupation approach.”⁶⁴ Under this approach, communities drove land identification through occupation of abandoned and under-utilised lands, with government following and purchasing this land at market price⁶⁵.

Land invasions and occupations did not start in 2000, they have always been there from 1980 but at a slow, calm and non-disruptive pace. Between 1980 and 1995, the occupations were of farms already abandoned or not utilized, farmland whose status the government was not aware of. The amount of land seized was insignificant compared to the seismic scale of occupations from 1996 onwards. The government, however, did put legal constraints on those who dared continue such occupations.⁶⁶

As a result, though there was evidence of political commitment by the new government of Zimbabwe in 1980 to address imbalances in property ownership in that the Land Reform and Resettlement Programme was initiated in 1980, very little action was seen in that regard due to the effects of the LHA. The conditionalities imposed by the agreement have been a central issue of contention and have especially helped shape hostile relations between the government of Harare and London. The imposed strict conditions, the guarantees for the white minority, the limited financial support to the land reform programme and the unfulfilled promises (support was not as forthcoming as promised) have created sour relations full of suspicion of each other and mistrust. Though unavoidable by 1979, the Lancaster House Agreement, to Mugabe and his party, was never favourable.

Once independence was secured, the new government indeed had challenging expectations to meet, demands by the masses and liberation struggle promises that would unsettle them. With time, promised financial support from Britain began to thin out, wither and fizzle out. Some of the promises, such as the setting up of a Development Fund, were part of the set up to make negotiations lucrative. The realization by the new black government, that some of the pledged or assured goodies would not materialize,

⁶⁴ Moyo, p.24.

⁶⁵ *Ibid.* Also Sachikonye, pp.1-18.

⁶⁶ Sachikonye, p.9.

created anger in a people who felt cheated. The frustration manifested itself into the condoning of violent white farm invasions by the black landless.⁶⁷ Over time, Mugabe would be bad mouthing the government in London and they would do the same. Zimbabwe withdrew from the Commonwealth and, as a result, no Zimbabwean held an influential international post in the United Nations, IMF or otherwise. The West campaigned against such appointments. Soon enough, Zimbabwe, in politics, international forums, sport and other such platforms lost visibility. The relegating of Zimbabwe to the periphery, a result of a debatable issue of sanctions imposed on Harare paralysed the country. While the international community refuted sanctions on Zimbabwe, further than targeted sanctions on a few members of the government, the reality on the ground is such that targeted sanctions would not have achieved such devastation.

The crux of the souring relations was the fact that, in the eyes of the government in Harare, the British government that came into office at the end of the Lancaster negotiation was following the same racist discriminatory policies as its predecessors. Same master-servant, colony-coloniser relations were kept. Where Britain purported to be doing Zimbabwe a favour by giving out grants and donations, Zimbabwe took the favour as a matter of historical obligation rather than development assistance.⁶⁸ For as long as financial support was not viewed in the same light by Zimbabwe and Britain, its purpose, target and worth were blamed for creating a donor syndrome in the people of Zimbabwe and in other former colonies of Britain. A donor syndrome is anti-industry, anti-activity, and inculcates laziness in a people and the eagerness to receive more and more regardless of the quality being received. The Zimbabwe government believed that it is the British government's place to pay for redistributing land for they caused the lack of equilibrium. The British government wanted to pose as though they were doing their former colony a favour by soliciting donations.⁶⁹ As a result of the different ways of perceiving the financial support Britain promised, a cold war had been ignited between London and Harare.

⁶⁷ Meredith, p.166.

⁶⁸ Magaramombe, p.10.

⁶⁹ D. Anderson, "Mugabe Is Right About Land Reform" in *The Independence*, 4 May 2000, pp.1-3.

On the part of the new government, the land reform programme grew explicitly political with time. The criteria for selection of beneficiaries of the resettlement programme showed inconsistencies. Initially, the selection prioritized those who had been marginalized by the previous regime, including refugees, displaced persons and people without land or with inadequate land for subsistence but subsequent revisions of the programme in 1985, 1997 and 2000 saw this emphasis shift, becoming increasingly partisan⁷⁰.

Note should be taken also that, unlike South Africa, Zimbabwe failed to initiate and implement restitution, yet, possibly, restitution was pre-empted by the Lancaster constitution. The silence on restoration of land rights assumes that there was no need for restitution, yet, the self-provisions to land by communities along the years was a signpost that not considering restitution claims was a miscalculation on the part of the government. Over the years, examples of land occupations by communities as indicators or expressions of underlying expectation of redress did not even help the government to reconsider their oversight. Had restitution been an actively articulated part of land reform in Zimbabwe, indigenous owners of land might have gotten what was due to them during the euphoria of independence. Lack of restitution delayed the process of land reform and consequently, communities started to resettle themselves on land they deemed unoccupied.

3.2 Independence Expectations: Mugabe's Dilemma

After 90 years of white domination, the promise of independence meant freedom at last for Zimbabweans. Many had lost their land in the interim, lost their sons, lost their livelihoods not even to mention the hopelessness embedded in being colonized. Expectations were high as was the pressure to deliver on the young leader Mugabe, in 1980, at independence. The great euphoria began with war veterans coming home from

⁷⁰ S. Mbaya, "Zimbabwe's Land Politics and the 2005 Elections" in *Journal of African Elections Special Issue on Zimbabwe's 2005 General Election*, p.40.

Lancaster Constitution started to come into play. Promises of land that had been made and exploited by the leading liberation groups had to be delivered by popular demand.⁷¹ Mugabe's dilemma was inevitable and started with the coming of independence. To begin with, he was expected to fulfil the expectations of those who had helped him ascend to power by rewarding them with parcels of land, in the same manner the members of the Pioneer Column were rewarded by Rhodes earlier on in history. The only difference between the two historical situations was that, for Mugabe, the Lancaster Constitution held the key to his wishes, and for Rhodes, acquiring land from blacks was a colonial act. Land could not be taken by force from the white farmers for reasons that have already been outlined, however, land still had to be delivered to the black otherwise the independence was futile. A British diplomat best summed up Mugabe's quagmire in his statement that:

*If he (Mugabe) takes too much away from the whites, they will leave, but if he gives too little to the blacks, they will revolt.*⁷²

The statement was uttered with the realization that failure even to pretend to be giving something to the blacks was detrimental both to the white farmers and the new government. Yet, white farmers were not answerable to blacks for failure to deliver land, but, Mugabe was. Without land the black peasantry would invade white farmland, and the white farmers would seek the government's protection. The government were pressured to make difficult choices between the white farmers, the pillars of the economy or the blacks, the indigenous owners of the land. One should never be made to make such choices. To avoid the foreseeable danger, Mugabe had to be seen to be doing something for both sides, no matter how insignificant.

The pros and cons of the Lancaster Agreement have already been discussed before but, as though constraints by the LHA were not enough, the first measure put in place to redress land imbalances had too broad objectives which gave rise to unrealistic expectations.

⁷¹ Sachikonye, pp.1-18. Also P.T. Nyathi, "Reintegrating of Ex-combatants Into Zimbabwean Society : A Lost Opportunity" in B. Raftopoulos and T. Savage. (eds.). *Zimbabwe: Injustice and Political Reconciliation*, pp.63-78.

⁷² Norman, p.102.

land imbalances had too broad objectives which gave rise to unrealistic expectations. The objectives of the Resettlement Programme set up in 1980 were formulated in a very populist manner that comprised several elements which could not be clearly defined, but which addressed the needs of the majority of the population at that time in a very skilful political way.⁷³ However, raising starved people's expectations, though absolutely necessary then, would come back to haunt the Mugabe regime over the years. The Resttlemment Programme was intended to:

- reduce population pressure in the Communal Areas;
- improve the agricultural output base;
- raise the living standards of the largest sector of the population, the smallholders;
- relieve the misery of the victims of the war of independence;
- make the distribution more just;
- expand the infrastructure and the supply of services; and
- safeguard national stability and economic progress.⁷⁴

The objectives of resettlement were a mammoth task and on the whole, unrealizable. Though based on recommendations by a survey team, the Riddell Committee,⁷⁵ the scale had implications on financial and human resources, and acquisition methodologies, legalities and implementation pace. Given experiences from other countries, indicating levels of administrative, organizational and financial inputs needed, a target of 162 000 families settled by 1985 was a dream goal. Yet, promises had to be made to create hope of quick restoration, some sense that nothing had been lost after all and to attempt to catch up on the lost time as it were. Setting up resettlement models was a plus on the part of the government which hoped to beat their deadline. The WSWB principle of acquiring land for resettlement, however, proved the greatest draw back because, without the land,

⁷³ A. Blume, "Land Tenure in Rural Zimbabwe An Outline of Problems" in *study for the guiding principles: Land Tenure in Development Cooperation*, p.14.

⁷⁴ *Ibid.*

⁷⁵ The Riddell Committee is a survey team tasked with the assessment of the proposed resettlement scheme. In a report (1982) the team proposed that 220, 000 families be resettled from communal Areas in order to reduce population pressure.

no resettlement was bound to happen. The white farmers who had been eager to leave the country in the first three years of independence suddenly reconsidered. Whether they wanted to leave the country because they could not stand a black government, a free black people or, most importantly, afraid of reprisals in a so called communist country, one can only guess. White farmers felt some semblance of security when Mugabe proved them wrong by encouraging reconciliation or neutrality in working relations.

While white political power ended with the coming of independence, real freedom for the blacks where the economy is concerned was not significantly transferred from white hands to black hands. As long as there were about 4 500 white large commercial farms representing 28 percent of the best soils in areas receiving the most rainfall, the freedom blacks could enjoy was economically valueless. For the Mugabe regime to transform this scenario, a lot of risks had to be taken. To begin with, the productivity and performance of the white farms was already known, to take the farms and give to black farmers would be a leap in the dark. White farmers, at the time, had the experience, knew their markets and had created links with banks for loans and other benefits and had property to place as surety incase things did not go as planned.⁷⁶ Black farmers would need a lot of support by the government to equip them with skills, farm implements and starter packs. For the new government, it made economic sense to let land reform trickle while the government looked around for other methods, avenues and help. To deliver slowly would be to fail the black man and his independence expectations, yet, a careful and pragmatic approach to land reform would benefit both the white farmers and the black peasantry.

At independence Mugabe was inheriting a fortunate legacy of a thriving mining sector that produced ferrochrome, gold, nickel, copper, asbestos and coal.⁷⁷ Also an agricultural sector that was self-sufficient and capable of producing great surpluses of food crops as well as export quality tobacco, beef, cotton and sugar. The country also boasted about raw materials from which it manufactured a wide range of consumer goods. Tourism flourished. It was this near perfect scenario that would make Mugabe's transformative

⁷⁶ Rotberg, p.227.

⁷⁷ *Ibid.*, p.226.

benefited comparatively next to nothing from the colony's prosperity.⁷⁸ There were, definitely, pressures to redistribute land and to nationalize industries to enable equitable distribution. The pressures were in direct contrast to the prosperity on the ground. Yet, despite Zimbabwe's riches, the war-ravaged rural areas and opportunities for landless peasant farmers had to be improved. Initially, the new government had no choice but to employ incentive based multi-racial developmental strategies capable of attracting sustained UK and American financial support.⁷⁹

As if the challenges of the 1980s were not enough, the 1990s unleashed more complex obstacles. The expiration of financial support from Britain meant that the Zimbabwean government had to source donations to see land reform through. The donors donated with strings attached. In 1990, the World Bank, a key donor, would recommend, for implementation by government, a programme that would introduce goal conflict in land reform. The infamous Bretton Woods-led-five-year Economic Structural Adjustment Programme (ESAP as it was commonly known) purported to bring long-term economic gains but, had the down side of drastically increasing poverty levels in both the rural and urban areas.⁸⁰ Faced by rising urban unemployment caused by seismic retrenchments of people from their jobs following cut budgets as recommended by the programme, agricultural sources of livelihoods became increasingly vital. The impact of this resonated forcefully in the government's selection criteria for resettlement with emphasis moving from farming experience, competence as opposed to need, destitution and land reform goals.⁸¹ Peasants remained without while those who already had farms continued farming as though the land reform programme did not exist. Government goals were headed on a collision course and in the end, ESAP was a hopeless failure that created chaos in the economy of the country and that delayed land reform. That delay came back to haunt the government at the close of the decade.

⁷⁸ Editor, "And now-to Share Zimbabwe's Bounty" in *Christian Science Monitor*, 17 April 1980.

⁷⁹ Editor, "Stemming the Soviets in Southern Africa" in *Christian Science Monitor*, 16 April 1981.

⁸⁰ Mlambo, p.16.

⁸¹ Magaramombe, p.11.

The World Bank was just one donor. Other donors in the international community had their own demands. Demands in the likes of the way the media should be treated,⁸² the need for transparency and worse, others would want to control how Mugabe dealt with other issues outside land reform. For example, his stance on homosexuality would cause intractable problems. Mugabe bashed gayism and lesbianism each time he got an opportunity. He did not believe homosexuality had a place in society and he stops at nothing to make his perspectives about it known to the world. He laments that humans' capacity to decide on mates has deteriorated and they have become worse than animals. In fact, records show that he punished homosexuals, for example, when he sent the late former Zimbabwean Prime Minister, Canaan Banana, to prison for sodomy and other such allegations surrounding gayism. For such a stand, Mugabe faced protests from advocates for democracy on sexual orientation matters for instance, when he travelled for meetings to France and South Africa. His opinion was read in a broader context that encompassed even unrelated issues. Indeed, the extraneous demands, over time, shifted the land question to a problem of sovereignty. Such a situation ruined irreparably relations between Zimbabwe and the West, rendered the whole land reform programme meaningless and most dramatically, led to the chaotic and unconstitutional fast track land reform programme.

3.3 The 1990 – 2000 Decade: Achievements And Problems

To a large extent, in the early 1990s land reform hit rock bottom, it gradually became increasingly peripheral to the political agenda of the government. Statistically, compared to the Lancaster decade which saw the government acquiring 40 per cent of the target of eight million hectares and settling 52,000 families, in the 1990s fewer than 20,000 families were resettled⁸³. By the end of what became known as “phase one” of the land reform and resettlement program in 1997, the government had resettled 71,000 families, against a target of 162,000, on almost 3.5 million hectares of land, with only 19 percent

⁸² W. Chuma, “Liberation or Limiting the Public Sphere? Media Policy and the Zimbabwe Transition, 1980-2004” in B. Raftopoulos. and T. Savage. (eds.). *Zimbabwe: Injustice and Political Reconciliation*, pp.119-139. Evidence is such that the media have not been spared by the authorization arm of the government in Zimbabwe.

⁸³ Magaramombe, p.9.

of this land classified as prime land and the rest either marginal or less suitable for grazing or cropping⁸⁴.

With the land resettlement grant from Britain almost spent by 1988, the Zimbabwean government in its nascence had no economic muscle to shoulder the financial demands of the WSWB, driver of the whole land reform process. Budgetary allocations showed that land acquisition was not a government priority as other sectors like the education and health departments proved to be bottomless pits where funds were concerned. One major example that land reform did not top the government's agenda, was the clear lack of a follow up after the much needed release from the constraints of the Lancaster Constitution. With the advent of the 1990s, the ZANU-PF government had all the freedom to amend the provisions of the constitution concerning property rights and do what they could not do in the first ten years of independence – give land to blacks freely. While some amendments were made, for example, in 1992, they introduced the Land Acquisition Act which gave the government increased power to acquire land for resettlement, subject to the payment of fair compensation fixed by a committee of six persons using set non-market guidelines, including powers to limit the size of farms and introduce land tax, land acquisition slowed down⁸⁵. The enthusiasm to change the lot of the blacks had significantly died down.

The 1992 Land Acquisition Act targeted derelict land, under-utilized land, land belonging to farmers with more than one farm, land owned by absentee landlords and land adjacent to communal areas as relief to their ever increasing populations. Though productive farmers had nothing to fear, landowners did not have the option to query stipulated compensation and Mugabe did not hide his feeling on the issue when he responded to a small group of farmers challenging the legality of the act, in 1992, saying:

We will not brook any decision by any court preventing us from acquiring any land. We will get the land we want from anyone, be they black or white and we will not be restricted to under-utilized

⁸⁴ *Ibid.*, p.10.

⁸⁵ *Ibid.*, p.9.

*land*⁸⁶.

The Act did not only unlock the jaws of the Lancaster Constitution for the new government, it provided the opportunity to get back at the old political enemies in the likes of Ndabaningi Sithole and James Chikerema whose farms were designated⁸⁷. Sithole's Churu Farm on the outskirts of Harare was the most publicized. Sithole, the original leader of ZANU and a longtime political adversary of Mugabe, had bought this farm in 1979 and subdivided it to accommodate 4,000 families from his Ndaou ethnic group and was accused of risking pollution of nearby Lake Chivero, Harare's main water reservoir, not owning the property and settling squatters on a farm causing a health hazard⁸⁸. Voices of reason from the court dismissed the accusations as a punitive measure and a political weapon that definitely detracted from the original objective of land reform. The government, nevertheless, went ahead and used the police to evict the Churu Farm settlers with Joseph Msika, a government minister, boasting that they should go join their homeless colleagues on the streets and that they would be dealt with from there.⁸⁹

The evictions had turned both ethnic and political. Ndaou-speakers occupying Churu farm were supporters of Ndabaningi Sithole and not necessarily the incumbent government. Naturally, when Sithole invited the Ndaou people to his farm, the move was of defiance to the government's policy about squatters. Sithole was canvassing and campaigning to enlarge his party and mobilize politically. Being a minority in Zimbabwe, Ndaou speakers, in Sithole, had found a leader who would make their voice heard through. Realising the potential political and tribal threat in allowing the Ndaou population to grow in Churu

⁸⁶ Norman, p.104.

⁸⁷ *Ibid.*

⁸⁸ M, Meredith, *Mugabe Power and Plunder In Zimbabwe* p. 124-125. Norman also records the Sithole issue adding that the government realized their chance for revenge had come. See Appendix 4 on The Porta Farm: A history of evictions and relocations of 15 years.

⁸⁹ *Ibid.*

farm, Msika went for their eviction, violating the Zimbabwe Constitution's prescription that everybody has a right to own property.⁹⁰

This was not the first time the police had been used by the government to violently refuse those deemed to be its political adversaries. It would not be the last either. The government would create for itself a fortress, a defense war guarded by the police each time a foe stepped out of bounce. Others, the media included, would dub the on going violence by war veterans or the police, the rent a thug policy. The eviction of farm dwellers too formed precedence, throwing antagonists on the streets would become a publicized ZANU PF trait. Besides evictions on farms, much later, Operation Drive Out Dirty (Operation Murambatsvina) of 2005 left millions on the streets.⁹¹ Cornered because of sundry difficult options, the government grew more and more inward looking, defensive, coercive, intolerant, suspiciously cautious and repressive.

The year 1992 ushered new fears with the government losing sight of the land reform objective, prevaricating, failing to plan for long term, acquiring land and not passing it to the needy, acquiring indiscriminately, that is, including productive farms and manipulating land as a tool for revenge on opponents. The face of land reform changed subsequently and as the 1990s went by, the situation did not improve as, on 20 September 1993, Mugabe was quoted to say:

*If white settlers just took the land from us without paying for it, we can in a similar way just take it from them, without paying for it, or entertaining any ideas of legality and constitutionality. Perhaps our weakness has been the fact that we have tried to act morally and legally, when they acted immorally and illegally. How can these countries who have stolen land from the Native Indians, the Aborigines and the Inuits [Eskimos] dare to tell us what to do with out land?*⁹²

⁹⁰ A stand also confirmed by Y. Mapurisa, in an interview at Churu Farm, Harare, 16 July 2005. See also Appendix 5.

⁹¹ A.K. Tibainjuka, "Report of the Fact-Finding Mission to Zimbabwe to Assess the Scope and Impact of Operation Murambatsvina" UN Social Envoy on Human Settlement Issues in Zimbabwe, pp.1-100.

⁹² *Ibid.*, p.126.

In the 1990s, inconsistencies showed even in media trammelling. The radio, the television, journalists, newspapers, music and films were censored, tightly controlled, heavily screened, warned and threatened if they did not tow the line. Newspapers which revealed scandalous resettlement patterns were quickly nipped in the bud. Media trammelling grew to disturbing levels with television channels being reduced from six to one. To the government, one channel would be easier to monitor and control. As a result, the remaining channel would become the government's mouth piece on issues of governance and policy. Journalists who reported issues the new government did not feel comfortable publicized were thrown out of the country. Among journalists whose reporting was detested by the Zimbabwe government were Martin Meredith and Nyarota.⁹³ Earlier, in the mid-1980s, the government had purchased a South African owned press chain that controlled the country's only daily newspapers, exerted official authority over radio and television broadcasts.⁹⁴ The media continued to be under serious scrutiny and criticism for not siding with the government. The revelation that a farm taken forcibly from a white farmer in Hwedza had not been used to accommodate thirty-three landless peasants as intended, but leased out to a former agriculture minister, Witness Mangwende, was negative publicity.⁹⁵

Similar publicity concerning other farms which had benefited the head of Mugabe's office, Charles Utete, Perence Shiri, the air force commander, the commissioner of police, Augustine Chihuri and Solomon Tawenga, Harare's first executive major, among many other cronies, did not go down well with the President.⁹⁶ Black peasants, the liberation war veterans, donors, parastatals and the international community started showing signs of disgruntlement. For most Zimbabweans, the independence party or euphoria of independence was over before it even started. The government had begun to sow seeds of unpopularity given that the land question was not the only area where they under performed. For instance, records have it that unemployment was rising, inflation shooting, social services deteriorating while the size of the cabinet was being

⁹³ Meredith, p.125. Also Chuma, pp.119-139.

⁹⁴ Rotberg, p.227. Also Mandaza and Sachikonye, p.53.

⁹⁵ *Ibid.*

⁹⁶ *Ibid.*, p.127.

unnecessarily increased from twenty-nine to forty-two ministers. The cabinet grew by the day with ministers and their deputies increasing all the time.

In the early 1980s, Mugabe earned himself an honorary degree from the University of Edinburgh for uplifting the education system of Zimbabwe. Many schools were built in all parts of Zimbabwe: in very remote areas, urban areas and in newly established growth points.⁹⁷ The infrastructure set up for education through out the country and cities alike boosted literacy levels significantly. Schools and health centers were erected in all districts with qualified staff. Other sectors of development which include the establishment of banks at growth points⁹⁸ were also a marvel to look at. However, from 1985 authoritarian tendencies set in giving birth to the use of an iron hand by the government. Political interference plagued all levels of administration.⁹⁹ The administration of critical services, including resettlement schemes, faltered, and were bogged down in massive bureaucracy. One document produced by the Department of Rural Development (DRD) listed twenty-five ministries, departments and parastatal organizations as having a role in the resettlement programme.¹⁰⁰ By 1999, because of inflation, a falling GDP growth rate and abuse of funds, hospitals were without essential supplies.

With time, the achievements by the new government were wilting, destroyed by the high level of lack of responsibility that prevailed in the government. By 2000, the Minister of Information, Jonathan Moyo, closed all channels of communication between the government and the masses. Television channels were cut down to remain with a single one which sang praises of the government. Journalists were thrown into jail, into exile and the *Daily Newspaper* was constantly threatened, bombed, fined and closed down. The Minister and the President created a formidable union in defending government

⁹⁷ Roteberg, p.227.

⁹⁸ C. Chitereka, "The Role of Information and Communication Technologies (ICTS) in poverty Alleviation: The case of Third World Countries" in *Review of Southern African Studies*, in press.

⁹⁹ Meredith, p.121.

¹⁰⁰ *Ibid.*

policies and verbally confronting all who dared to challenge their stance.¹⁰¹ The economic challenges that the government encountered following a failing land reform, created a monster of a government. The government began to tighten its grip and became more repressive.¹⁰²

Street riots, looting and class boycotts by students punctuated 1995. These were in protest of the greed and sleaze within the ruling party. Corruption and self-enrichment by ministers through land and lavish pay increases became rampant while the masses suffered and lacked the basic benefits independence is known to usher. The *Herald* was turned into the mouthpiece of the government, while, for most newspapers, it was a see no evil, hear no evil and speak no evil affair. With mounting criticism on the inconsistencies, inabilities and short-sightedness of his government's policies in the 1990s, Mugabe began to play the sovereignty card. Being cautious and politically calculating, Mugabe could not fail to know for certain that Zimbabwe would not stand a colonization of a different kind by Britain or America. Talking as though the threat of conquest still lingered over Zimbabwean masses' heads bought Mugabe time to figure out his next moves. Rightly so, for some time, the Mugabe regime managed to make most Zimbabweans believe that Britain and America held the key to their freedom and were the ones acting as barriers between Zimbabweans and paradise.¹⁰³ To all intents and purposes, these acts were just politics of convenience and survival, though this is not to say that the British were also not making life difficult for their former colony.

It follows to say popular expectations in land reform could not be satisfied with the entire white community alienated. There was no policy stating the way forward. Almost every decision was taken at the spur of the moment. Moyo records that the issue of land and its redistribution returned to political limelight in 1997 and 1998 when some former liberation fighters, popularly known as war veterans, disgruntled about the lack of recognition for their dedication and effort during the second Chimurenga made their

¹⁰¹ T. Sebastian, "Hard Talk" BBC programme, 20 November 2006. Also Rotberg, p.230. And Chuma, pp.119-139.

¹⁰² Sebastian, "Hard Talk" BBC programme, 20 November 2006.

¹⁰³ Mbaya, p.52.

unhappiness known.¹⁰⁴ To heighten their political insurgence, they took to occupying farms, making demands of better treatment that included pensions, payouts and land allocations. Mugabe's real test was now. The war veterans' claims and demands were legitimate, but how the regime would respond, sent the whole country to the bottom of the sea by triggering a lot of negatives. In 1997, payments of gratuities and pensions were made to war veterans with each one receiving a lump sum of Z\$50,00 and a monthly payment of Z\$2,000: the bill totalling Z\$4,2 billion (Over £260 million), and also land, free education and healthcare amounting to Z\$4 billion.¹⁰⁵

The huge unplanned drain strained the already bankrupt economy and it snapped. Needless to say, in the two years, 1997 and 1998, attention was turned on the war veterans and the rest of the Zimbabweans were nowhere in the government scheme. Though the war veterans did not have to wait for 17 years to be recognized and rewarded for their war efforts, they got their rewards at a wrong time.¹⁰⁶ It was not reasonable timing, both for the economy and the land reform programme. Also, sad as it was that war veterans were not included in sharing the cake of the nation for so long, note should be taken that they were not the only ones who won the country. The likes of *chimbwidos* (girls recruited during the war for cooking and servicing the fighters), *mujibhas* (boys sent with war messages in war zones) and the ordinary villagers whose livestock and property benefited the war,¹⁰⁷ were still waiting by the end of 2006 to take their share starting with the occupation of land. On the whole, however, the demands by the war veterans illustrated the political, economic and social currency of land, its availability for exploitation for political advantage, the diverse faces the land question can wear and its power as a symbol of total independence.

¹⁰⁴ *Ibid.*, p.41.

¹⁰⁵ Norman, p.108.

¹⁰⁶ Nyathi, pp.63-78.

¹⁰⁷ *Flame*, a film that captures the heat of the liberation struggle of Zimbabwe. The film highlights the effort that is put into winning a war by different categories of people in a country. Mothers would be concerned with providing food to the guerrillas, fathers funding the war, boys taking care of errands, girls covering the social and physiological needs while the guerrillas went to the battle front. See also Appendix 15.

In every sense, demands by the war veterans were so legitimate that, with hindsight, failure to integrate and rehabilitate these ex-combatants proved the government's lack of foresight. In a way, this indicated that benefits of independence had not been evenly distributed and enjoyed. If the liberation fighters had not yet benefited, who had? The reality was that particular people had allocated themselves too many advantages and assets at the expense of the rest. At least the war veterans had the stamina and capacity to make their grievances heard, the masses dared not complain. The country had been war-ravaged and needed reconstruction.¹⁰⁸ As indicated earlier, the Zimbabwe liberation struggle was not won only by the guerrillas. Statistics show that countless girls were left with children born during the war to guerrillas. In the heat of the struggle, war veterans were scattered around the country where they met young girls they befriended and impregnated.¹⁰⁹ Indeed, most such children have been named after the war, names such as Flame, Hondo (War), Terurai Ropa (Spill Blood) and many more.¹¹⁰ For the girls the pregnancy robbed them of their youth, the chance to get married properly and many a time, they never saw the fathers of their children again. To the parents of the girls, the chance to marry off their daughters and wed them, send them to school and enjoy the pride and fame slipped through their fingers. The list of those who deserved compensation or recognition at independence goes beyond bringing a helicopter down in the battle front. It affected everybody, including those who were in the working class during the war, for most of them sponsored the war by clothing the guerrillas.¹¹¹ When the independence cake was not brought to the table to be enjoyed by all, sections of the population would demand recognition regardless of who else deserves. The war veterans felt robbed for, had they not taken up arms or crossed borders to Mozambique or Zambia, independence might have not been attained. They were angry over unfulfilled liberation promises of land, promises that had, in the war, brought them together as "*vana vevhu*" (sons of the soil¹¹²).

¹⁰⁸ Rotberg, p.227.

¹⁰⁹ *Flame*, A Liberation struggle film, History channel 68.

¹¹⁰ *Ibid.*

¹¹¹ Interview with K.T. Chimombe who was teaching in Lesotho at Masianokeng High School at the height of the war and was involved in collecting monies from black Zimbabweans in diaspora to send to Mozambique.

¹¹² A. Mushonga, "In Defence of Land Reform" in *SAPEM*, Vol.13.No.8, May 2000, p.3.

As a result of land demands by the war veterans, the government felt pushed to act faster to provide land to more people. In response, the second phase of the Land Reform and Resettlement Programme, (LRRP2) was launched in 1997 with the intention to redistribute substantial parts of the commercial farm sector within five years.¹¹³ In essence, nonetheless, the launched programme was a mere pseudo invigoration of the existing resettlement programme given the scope of prevailing debilitating elements. Financial support from donors could not be secured and the programme made no real redistributive impact on the ground. In comparison, the period 1980 to 1990 saw more action in land reform than the 1990 decade. By the end of 1999, only about 18 000 more families on a mere 1.1 million hectares of land, as compared to 52 000 on about 3.5 million hectares by 1990, had been settled.¹¹⁴ Targets could not be met, only a total of 72,000 families had been settled by 1990, 90 000 shy of the target set for 1985.

An achievement of 44% in 20 years is not applaudable given that mathematically, about 30 years more are needed to complete the programme, robbing generations of sharing the national cake. Also, given the new global challenge of climate change, owning pieces of agricultural land might no longer be trendy. The pace of land reform had to change if the government was to regain its popularity and credibility. A pace more favourable to the peasants would restore the government's popularity and respectability.

3.4 2000: The Referendum Year

While the 1980s shortened the government's hands in facilitating land reform and the 1990s were low keyed in reform, the year 2000 witnessed a completely different tone. The national referendum of February 2000 threw a peaceful country with slow but stable land reform into a politically driven chaos. In an attempt to co-opt the demand for constitutional reform, to develop a home grown constitution for Zimbabwe, in May 1999, President Mugabe created an official government commission, consisting of almost 400 members, to rewrite the constitution. A draft constitution, including provisions that

¹¹³ Government of Zimbabwe, 2004. *The Millenium Development Goals Report*, Mbaya (2005) also records the launching of the LRRP2.

¹¹⁴ Karumbidza, p.8.

would greatly strengthen the executive at the expense of parliament, and extend the powers of the government to acquire land compulsorily without compensation, was adopted against the protests of a substantial number of members of the constitutional commission and submitted to a national referendum in 2000.¹¹⁵ Opposed to the extension of the powers of government and land grabs, the main opposition, the Movement for Democratic Change, MDC, campaigned for a “no” vote and the government was defeated in the referendum, by 53 percent of the 1.3 million votes cast.¹¹⁶ The MDC made known its own position on land reform.¹¹⁷ Mlambo argues that both ZANU PF and MDC exploited the opportunity, the effort and the momentum for constitutional reform for political mileage.¹¹⁸ The issue of the new constitution was overtaken by political developments. As a result, MDC won a record number of opposition seats in Parliament in the June 2000 elections (57 MDC, 61 ZANU PF).¹¹⁹ ZANU PF regained popularity in the rural constituencies and held on to power thanks to a land clause included in the new constitution. Coming after 14 other successful, constitutional amendments, such a vote of no confidence was not expected by the government. It was a wake up call for the government to realize that the urban populace were no longer impressed by constitutional amendments.

To shed light on the Zimbabwean political landscape of 2000 the rise of the MDC should be visited and discussed. Following Zimbabwe’s shifting fortunes, from the scandalous Willowgate debate of 1988, through the Economic Structural Adjustment Programmes, ESAPs, of the early 1990s, to trade liberalization, the nation knew only economic misery. The Willowgate fiasco involved government ministers who abused their privileged positions to buy motor vehicles cheaply and resold them at inflated prices.¹²⁰ Through such catastrophes, the country accumulated debt and in a bid to shrug off the debt and secure loans, the government embraced the ESAPs. A brain child of the International

¹¹⁵ *Ibid.*, p.12. Visit Appendix 5 for The Draft Constitution Proposals on the Land Issue, source- Mbaya, S.p.43. See also BBC News, 28/09/2001.

¹¹⁶ *Ibid.* Also Mlambo, p.22.

¹¹⁷ Appendix 6 MDC Policy Position on Land Reform.

¹¹⁸ Mlambo, p.22.

¹¹⁹ *Ibid.*

¹²⁰ D. Maxwell, *African Gifts of the Spirit Pentecostalism and the Rise of a Zimbabwean Transitional Religious Movement*, p.134.

Monetary Fund, IMF, the ESAPs threw the whole nation into disarray. The central thrust of the ESAPs was to promote cutting down on public expenditure. Consequently, jobs were trimmed, multitudes were retrenched and suddenly families no longer received the incomes that had been their life line. With unemployment mushrooming, thieving, prostitution and trafficking to sustain lives was on the increase. The more able bodied people roamed streets the more chaos was created.

Before the nation learnt how to deal with the developing and discouraging effects of the ESAPs, trade liberalization dealt them a near fatal blow. To borrow from Maxwell;

the removal of protective tariffs on imports through trade liberation caused a 40 per cent decline in local manufacturing and added to the army of unemployed. Meanwhile, the growing shortage of foreign currency limited the growth of new private enterprise. Real wages declined by approximately 50 percent between 1982 and 1994, and by 1995, 61 per cent of Zimbabwean households lived below a level sufficient to provide basic needs. Removal of subsidies on basic foodstuffs left an unemployed underclass malnourished and prone to sporadic rioting.¹²¹

From this multi-faced composite of economic chaos rose the MDC. The origins of the MDC are deeply rooted in the economic landscape of Zimbabwe in the first decade of independence. At the core of the formation of the MDC was a labour movement that had begun in the late 1980s.¹²² In September 1999, the MDC was formed headed by Morgan Tsvangirai, the Zimbabwe Congress of Trade Unions, ZCTU, Secretary General.¹²³ Initially a compliant wing of the ruling party after 1990, the ZCTU, gathered more force

¹²¹ *Ibid.* Also "Zimbabwe: the road to ruin" in *Africa Confidential* 42 (2), 12 October 2001, p.2. Also Rotberg, "Dictatorship and Decay: Only Mbeki can rescue Zimbabwe" *Business Day*, 8 December 2004, p.3.

¹²² Mbaya, p.42-44. Also S. Dansereau, "Liberation and Opposition in Zimbabwe" in *Journal of Contemporary African Studies* 21 (2), May 2003, pp.1-15.

¹²³ *Ibid.*

both in structure, composition and goals it set out to achieve. With more emphasis on the campaign for democratization, the ZCTU grew to in-cooperate student movements, women's groups and other cognite civil society organizations.¹²⁴ This coalition of opposition movements would be a formidable and effective strike action machinery that would drive the government to become more coercive and suspicious of opposition. Reverbarations of strike actions organized by the ZCTU would draw in new membership from rural areas, smaller towns and mining centers. One historic industrial action against the government's decision to raise money for compensating war veterans by placing a levy on tax-payers would catapult the ZCTU into a political opposition party. This friction would be a political hot seat the MDC occuppies till this day, 2006.

Demands in 1997 by the Zimbabwe National War Veterans Liberation Association (ZNVVLA) for compensation and political recognition could not be pushed aside. Rotberg records that:

frightened by their legitimacy and mobilizing power, Mugabe gave each veteran the sum of Z\$50,000 and a monthly pension [of Z\$2,000].¹²⁵

The devastation caused to the economy by the unplanned move set the country on a pedestal to an economic meltdown. The ZCTU set out to seek a political solution to the growing economic crisis hence, the launch of the National Constitutional Assembly, NCA, Lawyers' Organisation and other such civil groups.¹²⁶ The NCA would lobby the public for a broad, popular process of constitutional reform and reactively, the government established its own constitutional commission as a counter. Seeking national acceptance of its own draft of the new constitution the government held a plebiscite in February of 2000.¹²⁷ The now highly conscientised and politically aware public, thanks to the MDC, could hear none of the referendum and it failed dismally. The constitutional

¹²⁴ Maxwell, p.135. Also W. Hamilton, "Mugabe's Marxism," Zimbabwe's "Red 1990:" The Character of the Opposition" in *Socialism Today: the monthly journal of the Socialist Party*, May 2000, pp.1-10.

¹²⁵ *Ibid.* Also Mlambo, pp.15-21 and Mbaya, p.41. And Nyathi, pp.63-78.

¹²⁶ Mlambo, p.15.

¹²⁷ *Ibid.*, p.22.

debate elevated the MDC to a stronger position in opposition politics as its membership ballooned, broadened and strengthened.

The “no” result was significant in that it would shape the future politics of Zimbabwe. Given the political landscape prevailing in 2000, after the rise of ZANU-PF’s first real challenge, the MDC, Mugabe could not hide his paranoia. The failure of the referendum was quick to be viewed as a manifestation of the resurgence of white power disguised as the MDC.¹²⁸ This is partly because of its alloy, composite or commingling image. The opposition partly was viewed as a facade of change behind which all opposition conveniently hid. The MDC was regarded as a party with intrisious collusion with Britain, the United States, Churches, the old Rhodesia network around the world and disgruntled commercial farmers in Zimbabwe, an amalgam of opposition trying to jeopardize the land reform programme by the Mugabe regime. Labels and comments such as the following would stick:

The MDC should never be judged or characterized by its black trade union face; by its youthful student face; never by its black suburban junior professionals elements. It is much deeper, whiter and wider than these human superficialities; for it is immovably and implacably moored in the colonial yesteryear and embraces wittingly or unwittingly the repulsive ideology of return to white setter rule. The MDC is as old and as strong as the forces and interests that bore and nurtured it; that converge on and control it; that drive and direct it; indeed that support, sponsor and spur it. It is a counter-revolutionary Trojan Horse contrived and nurtured by the very inimical forces that enslaved and oppressed our people yesterday.¹²⁹

Labelled as such, the MDC was sure to be associated with everything that ailed ZANU-PF and the government’s wrath would be wreaked on them with a vengeance. The opposition endured the Birchenough form of physical torture by the police. (The punishment is named after a famous tourist attraction, Birchenough bridge, akin to the Australian Sydney Harbour bridge in its shape and overall construction).

¹²⁸ Meredith, p.191.

¹²⁹ *Ibid.*,p.192.

Various religious groups which were seriously involved in Zimbabwean politics merged with other political groups in making the MDC. Historically, the religious community had not succeeded in reconciling political sides. The reason was that, some religious groups, particular churches or leaders had previously sided with Smith's regime during the liberation struggle. An example was Reverend Ndabaningi Sithole and Bishop Abel Muzorewa.¹³⁰ Mlambo records that:

*The resentment caused by this situation is such that when religious groups such as the Catholic Commission Justice and Peace speak about atrocities in Matebeleland, some people label them yesterday's sell outs. And yet, there are [other] well-meaning religious leaders, such as the trio of Patrick Mutume, Trevor Manhanga and Sebastian Bakare, who have tried to bring the MDC and the Zimbabwean Government to dialogue. So far, they have not been given the respect that their efforts deserve.*¹³¹

Compiling and polluting the religious atmosphere were others like Archbishop Pius Ncube who spoke of the government with tremendous contempt, and prayed to God for Mugabe's death and called for violent uprisings. This left no space for a church sponsored reunion. Consequently, the churches were regarded by the Zimbabwean Government as speaking in one voice with the MDC, a voice that opposes the government, forging a "Mugabe Must Go Strategy."¹³² It is seemingly joining or siding with one side of the political fray that had determined the way the government had

¹³⁰ Mlambo, p.23.

¹³¹ *Ibid.*

¹³² S. Makgetlaneng, "Zimbabwe's 2005 Parliamentary Elections Lessons for The Movement for Democratic Change" in *Journal of African Elections Special Issue on Zimbabwe's 2005 General Election*, Vol.4, No.2, p.134. Also R. Muponde, "The Worm and the Hoe: Cultural Politics and Reconciliation After the Third Chimurenga" in B. Raftopoulos and T. Savage. (eds.). *Zimbabwe : Injustice and Political Reconciliation*, pp.176-192. And B. Raftopoulos, "Nation, Race and History in Zimbabwe Politics" in the book above, pp.160-175.

perceived the church. Imagined or real, the threat of a growing opposition loomed and prospects for dialogue engineered by the church fade with each incident.

To make matters worse, a call for sanctions against Zimbabwe made by Roman Catholic Bishops resulted in a food crisis and shortage of basic commodities, leaving the government exposed.¹³³ The church was blamed for making masses starve and thereby humiliating the government. This scenario did not augur well for future relations between the church and the government. The starvation suffered by the masses of Zimbabwe was quick to be linked to the landlessness of most peasants, because of the land dispossession they suffered in the colonial era. Thus, the suggested solution to the call for sanctions was that land should be given back to blacks by whites.

In the sanctions debate and the confusion that followed, the critically vital role of the church was lost. The church had a mandate to broker peaceful negotiations, but the opportunity was lost. Calling for sanctions was for the MDC, the opposition, and the church. It was perceived that the church and the media as being on the same side. The private media and parts of the international media portrayed Mugabe as the devil incarnate.¹³⁴ They demonized him at every turn. Since the media followed, observed, recorded and interpreted events in Zimbabwe as they unfolded, they found themselves acquiring a pivotal position in the Zimbabwean crisis. The media reported as though Mugabe was the only player in the politics of the whole Zimbabwe. In the midst of the chaos, the true Zimbabwean story, one that included all aspects of a nation's life, was lost. At least, Mugabe and the government had found the long lost enemy in the amalgam of opposition that was the MDC.

ZANU-PF had rediscovered its original enemy and this time, vowed to finish the fight and not to settle for another Lancaster. With no chance for anything negotiated, the government had found a platform from which to begin the 21st century. A strategy was

¹³³ *Zim Online*, 14 August 2004. Lately, the footage on 17 July 2007, on SABC 3 News, on Pius Ncube's sex scandal has left the roof lifted on the Bishop and left him exposed. The government would use the scandal to dismiss any criticism from the church pointing to such adultery, pretence, wayward behaviour and scandalous acts.

¹³⁴ Mlambo, p.24.

drawn that casted any opposition as saboteurs of real land reform. What could be better than that for ZANU-PF, to start a century on a new leaf, promising peasants and reviving their hopes of getting that which had proven illusive for 20 years. It must have felt like being thrown a new lifeline when all hope was depleted. Farms, mine compounds and the country were turned yet again into hotbeds of Zimbabwean politics. The result was a polarization of the nation into black and white that would prove to be detrimental to land reform, food production, the already suffering economy, international relations as well as the well being of a sovereign state. The land issue became completely politically driven with Mugabe proclaiming that “Land is the economy and the economy is land,” a slogan coined for parliamentary elections, that witnessed the occupation and collapse of commercial farms, a miscalculation that threatened to starve the whole nation only one year down the line.

With the government reviving the call for radical land distribution to fulfil independence promises, official blessing was given to a new wave of land invasions led by members of the War Veterans Association, WVA, that had grown with the failure of the referendum. A new section 16A was added to the existing constitution and became law in April 2000. The Land Acquisition Act was further amended in May 2000, using the power given to the President to enact six months temporary legislation under the Presidential Powers (Temporary Measures) Act of 1986; and again in November, through parliament in a two-day process.¹³⁵ The stated aim was to “clarify and streamline various procedural aspects of the acquisition process and to prescribe new compensation rules in accordance with the constitution.”¹³⁶

The 1990s decade that had started with the government not putting much emphasis on land reform ended in 2000 with the land issues at the centre of the politics and the economics of Zimbabwe. The violence that started at the time of the referendum was carried over into 2001. Land reform was catapulted to being the determinant of strategy and policy by the failure of the referendum. Depending on the creativity of the ruling

¹³⁵ Magaramombe, p.13.

¹³⁶ *Ibid.*

party to keep political power, land reform could deliver on anything given its mutable qualities. The decade closed with the introduction of the “fast track” programme.

CONCLUSION

The early 1990s saw little action on the land reform front though redistribution was going on slowly and quietly. Self allocation to farmland also went on but, insignificantly. However, towards the end of the decade, political events started to charge the land reform programme leading into the referendum.

The referendum threw a life line to the ruling party when it failed and a new strategy had to be figured out in order to get a firmer grip on the politics of the country. Mlambo observes that the ‘no’ vote was a blessing in disguise to Mugabe. Had the constitutional referendum succeeded, Mugabe would not have been eligible for re-election in the presidential elections of 2002 given that the proposed constitution limited the president to two terms.¹³⁷ That means, by rejecting the constitutional change, the people of Zimbabwe gave Mugabe the latitude to continue as a presidential candidate in all presidential elections that would follow. With his presidential seat half secure, Mugabe would fight the remainder of the battle with opposition from within. In the same breath, the momentum that surrounded the period of the referendum meant that the MDC gained political ground campaigning against the taking of land without compensation spelt out in the new constitution. All those sharing the MDC’s opinion on land made it a point to decampaign ZANU PF and vice versa, changing the landscape of politics in Zimbabwe.

From 2000, all hell broke loose with the introduction of the fast track method of distributing land. Statistically, by 1999, eleven million hectares of the richest land were still in the hands of about 4,500 white commercial farmers. Most rural black Zimbabweans continued to suffer immense poverty due to the government’s failure to deliver, the consequences of ESAP, climate change and droughts as well as an ever dwindling economy. A set of principles, adopted in 1998, to govern phase two of land

¹³⁷ Mlambo, p.22. See also the National Constitutional Assembly (NCA) website.

resettlement, which included respect for a legal process, transparency, poverty reduction, affordability and consistency with Zimbabwe's wide economic interests, failed to make an impact.¹³⁸

At the close of the 20th century the land reform programme had not achieved much and was about to gather new momentum, thanks to the politics of the day. With the beginning of the 21st century the programme became so malleable a substance that it could be used as a reason for the wildest developments or be blamed for any malfunctionality in the government's delivery. Even the legal framework governing land reform would be revised to accommodate the government's strategy.

On the whole, however, the atmosphere surrounding the land issue became tenser heating up at the close of the 20th century. The quietude, slowness and inaction that had characterized the beginning of the 1990s was being replaced by a new drive, new awareness, new strategies and invigorated effort on the part of all, the government, the peasants, the farmers and the opposition. The failure of the referendum charged the politics of the country leaving the issue of land in a pivotal position.

¹³⁸ Magaramombe, p.11.

CHAPTER FOUR

Uniformity, Conformity and Tardiness: The Blurred Periodisation in South African Land Reform 1994-2006

4.0 INTRODUCTION

Like Zimbabwe, at the heart of South Africa's history lies a story of conquest and dispossession. The infamous Native Land Act of 1913, the 1936 Act and their sequels were put in place to deprive blacks of their land and gradually contributed to the imbalances in land distribution that the new democracy is fighting today. The ushering in of a new era was a landmark event that meant other seismic changes would follow. Prospects for change, transformation and reordering of the status quo sent tremors and shivers down many people's spines. As expected, following the dismantling of the apartheid rule in South Africa and the end of other minority governments in Africa, there has been strong and growing feeling that the continent had only been freed from the jaws of both foreign and minority domination politically, but definitely, not from economic and social ills that have bedevilled the continent for decades. Winds of change were blowing and the period dictated the forging of new post-independence structures. Indeed, the South African government was alive to the fact that they had to deliver land as a first priority for a plethora of positive reasons.

As spelt out in their White Paper, the South African government's case for land reform is four-fold:

- To redress the injustices of apartheid;
- To foster national reconciliation and stability;
- To underpin economic growth; and
- To improve household welfare and alleviate poverty.¹

¹ *White Paper on South African land Policy* (1995), p.v. Also *Commission of Restitution of Land Rights Annual Report 2003-2004, Forced Removals Never Again!*, pp.1-8. Also outlined by Dirk Du Toit, Deputy Minister Land Affairs, South Africa, interviewed telephonically, 4 November 2006.

However, land reform would not be a walk in the park given differences in perspectives as to how to approach the reforms, the negotiated constitution and also most importantly, given the period apartheid lasted. There is a school of thought that believes that redressing the legacy of apartheid shall take as long as its life span, demonstrating that reform shall be a long term process not an event, government driven, funds hungry and a tedious must. Change would mean empowering the disadvantaged, not just changing hands without bettering the lives of the majority, not change to remain the same or get worse. A lot of will power, determination, financial support, knowhow, brainstorming, strategising, probing, compromise, to mention a few, would form a labyrinth with which to solve the elaborate maze.

There is need at this juncture to examine the nature of South Africa's independence to establish facts that would either hamper or facilitate land reform. In the spirit of comparison, having seen how, in the case of Zimbabwe, the Lancaster Constitution, restricted, hindered and prescribed for the nascent government, it is necessary to put the 1994 negotiated settlement under a microscopic view where land matters are concerned.

4.1 Changing Priorities: The Negotiated Settlement of 1994

Why F.W. de Klerk, like Gorbachev of the Soviet Union, made a sudden turn-about, is itself historical. Nonetheless, the coming together to a round table for negotiations to give freedom to all South Africans was a much needed relief to citizens, the region, the continent and indeed the globe. To demonstrate how it was a dream of hope for change in South Africa, Paton had this to say, "I once described South Africa as a country where you hope on Monday and despair on Tuesday."² The statement meant that one could not tell, by mere assessment of the scenario on the ground, when apartheid was going to fall.

² P. Waldmeir, *Anatomy of a Miracle The End of Apartheid and the Birth of the New South Africa*, p.58. Also H. Adam and K. Moodley, *From Confrontation to Negotiation: The Negotiated Revolution*, p.43, and V.Z. Nyawo "The Collapse of the Constellation of East-European Soviet Satellite States in 1989 and its Influence on World Politics" in *Lesotho Law Journal*, A Journal of Law and Development. Vol. 15, No. 2, 2005, p.159.

1994 brought with it the reversal of the logic of apartheid through the scrapping of statutory discrimination, but as a condition for the continued existence of the Afrikaner. It was a moment of great seduction when the ruling National Party held round table talks with the African National Congress which had provided both a name and a unifying ethos for the black revolt. On the one hand, the will to survive as an Afrikaner led to the crafting of a strategy that would avoid a march into Havana, a winner take all parallel that was undesirable but a historical inevitability. On the other hand, the ANC knew it could not afford to remain on the wrong side of the new world politics, so it fell with the trend towards a negotiated revolution. The most basic principle of Afrikaner politics has always been "act from a position of strength."³ Negotiations were the only way to play to the inevitable writing on the wall, because, on their own, the Afrikaners could not cross the Rubicon which was too wide a river with a bridge too far unless they were led by a Moses.⁴

To mention all these is not to suggest by any means that negotiated settlements have nothing positive about them. Negotiation brings with it forgiveness by victims for horrendous crimes committed against them. Mandela publicly declared, "Let bygones be bygones."⁵ Be that as it may, the argument here is to lay open the downside of negotiation where real transformation really matters, for example, in connection with land reform. The imperative compromise was for a purpose on both sides and of course, the stigma of apartheid would be gone without the sky falling in. Also, according to Myburgh, quoted by Adam and Moodley, the diversity of South Africa makes victory impossible for one party and compromise inescapable for all parties.⁶

The repeal of restrictive regulations, a landmark volte-face, would witness the decolonisation of land and other changes, what a quantum leap!

³ *Ibid.*, p.70.

⁴ J. Stemmet and S.L. Barnard, "PW Botha's Rubicon Speech of 15 August 1985: A River too Wide and a Bridge too Far" in *Journal for Contemporary History*, Vol. 27, No. 1, p.135.

⁵ Adam and Moodley, *From Confrontation to Negotiation: The Negotiated Revolution*, p.44.

⁶ *Ibid.*, p.51.

To the less observant, power-sharing arrived in 1994 but to the foresighted like De Lange, a reformist National Party member, a government National Party was long in the pipeline.⁷ A Broederbond working document which leaked in 1986, rejected statutory discrimination stating that:

*The exclusion of blacks from effective power sharing in the political process at the highest level is a threat to the white man, which cannot be countered by maintaining the status quo or by a further consolidation of power in white hands. The future head of state in South Africa does not have to be white and no group shall dominate another.*⁸

This had to be said to pre-empt future ambitions to dominate others. Indeed, Tutu sounded politically correct when he noted that, "South Africa is a microcosm of the world, embodying all the global issues of white and black, of rich and poor, of developed and underdeveloped people, once we get it right, our country shall be the paradigm for the rest of the world."⁹ Thus, South Africa was set to be a laboratory test for another compromise constitution. It was made clear from the start that there could never be winner take all, but black leaders attacked the power-sharing plan as a fraud that would give the illusion of majority rule, yet in fact, freeze apartheid's inequalities the Lancaster House way.¹⁰ Analysts mocked it as the "Loser keep all" plan.¹¹ Fear and suspicion of the other dominated the negotiations that loomed.

In the end, the constitution of South Africa Act, No. 200 of 1993, was assented to by State President F.W. de Klerk on 25 January, 1994 and came into effect on 27 April,

⁷ A. Botha, in a telephonic interview on 8 November 2006, echoed the same point that change in South Africa was in the pipeline for some time.

⁸ R. Schrire, *Adapt or Die: The End of White Politics in South Africa: Repression and Stagnation 1985-89*, p.88.

⁹ A. Sparks, *Tomorrow is Another Country: The Inside Story of South Africa is negotiated revolution*, p.10. Appendix 7 provides more on the constitution of the Republic of South Africa, 1996, Section 25.

¹⁰ In Kenya and Zimbabwe, the British, as a way of ending the liberation struggles for those countries, settled for negotiated constitutions. Both negotiations took place at Lancaster House in 1960 for Kenya and in 1979 for Zimbabwe. The negotiated constitutions would come with guarantees for the white minority in the same manner the South African negotiated settlement would go. Interview with G. Mwangi on 30 September and L. Juma on 1 November 2006 on the land situation on land issues in Kenya shed a lot of light on Kenya's own Lancaster Constitution.

¹¹ Sparks, p.13. Also see Appendix 3.

1994. It consists of a preamble, fifteen chapters and seven schedules. In the preamble, national ideals such as a common South African citizenship, equality for all, the protection of the fundamental rights and the promotion of national unity are stated.¹² In chapter Eight of the Constitution, provision is made for the establishment of various institutions to protect fundamental rights and claims for the restitution of land rights lost through dispossession since 1913 are dealt with by a Commission on the Restitution of Land Rights in accordance with a prescribed procedure.¹³

The interim constitution, a product of compromise between two major parties dubbed negotiated revolution, peace treaty between contending nationalisms, power-sharing, participatory democracy, entrenched coalition government, with the ANC preferring to call it a temporary strategic retreat. However, products of compromise have a history of being flawed, though more representative, they show double standards, have no room for radical transformation, reward culprits and, of course, conceal some hidden sinister agendas which will show themselves out with time. For now, land reform remains a litmus test to prove genuineness on both parties.

Prior to 1994, the de Klerk government had released a white paper in 1991 repealing all statutory measures regulating land rights on a racial basis back to, but no further than, 1913. Included were the Native Land Act (1913), the Native Trust and Land Act (1936), The Group Areas Act (1966) and the Black Communities Development Act (1984).¹⁴ However, the move was half baked because the liberated areas were immediately grabbed by the financially empowered, those favoured by the system. Also, restoration of land to deprived communities was not effected. There was severe criticism on the move, which gave birth to an amended Abolition of Racially Based Land Measures Act in 1993, which created an advisory committee on land allocation and a Land Titles Adjustment Act, which laid down procedural rules for land transfer applications.¹⁵ Nonetheless, land in private ownership was not targeted for reallocation.

¹² J. du Pisani, "Negotiating a Democratic South Africa: Bilateral and Multiparty Negotiations, June 1992 to December 1993" in *Journal for Contemporary History*, 19(2), p.70.

¹³ *Ibid.*, p.74

¹⁴ R. Davenport and C. Saunders, *South Africa Modern History*, p.605, for more information read Chapter Two.

¹⁵ *Ibid.*

Afterwards, a Restitution of Land Rights Act of 1994 designed to acquire, reallocate state land as well as land in private hands and to enable claimants whose land had been expropriated under any racially-linked law to appeal to a commission on Restitution of Land rights composed of suitably qualified persons, with the right of recourse in the last resort to a new land claims court.¹⁶

4.2 Restitution: Indigenous Rights Reclaimed

Land policies are of fundamental importance to economic growth, good governance, poverty reduction and the empowering of the poor, long-term-development and sustainable growth. Given this importance, land policies must be chosen advisedly. Conforming to the proclamations of the Freedom Charter of 1955 that:

- South Africa belongs to all who live in it – black or white;
- The people shall share in the country's wealth; and
- The land shall be shared amongst those who work it.¹⁷

The Constitution of South Africa (Act 108 of 1996) establishes a constitutional mandate to ensure that land distribution is equitable and that the injustices of the past, especially those dating back to 1913 are effectively addressed.¹⁸ A three pillar strategy was put in place in accordance with provisions of the interim constitution in force between April 1994 and February 1997. The three pillars would be Restitution, Redistribution and Security of tenure. The succeeding discussion under this section will start with the former.

According to the 1995 *South African White Paper on Land Policy*, the purpose of a Land Restitution Programme is to restore land and provide other remedies to people dispossessed by racially discriminatory legislation and practice.¹⁹ A restitution claim qualifies for investigation by the Commission on Restitution of Land Rights provided

¹⁶ *Ibid.*

¹⁷ *Freedom Charter*, p.1.

¹⁸ *Report of The National Land Summit*, 27-30 July 2005, NASREC, pp.6-7.

¹⁹ *White Paper on South African Land Policy*, p.x.

that the claimant was dispossessed of a right in land after 19 June 1913, as a result of racially discriminatory laws or practices, or was not paid just and equitable compensation. Here four aspects of the methodology are emphasised which are the qualification criteria, forms of restitution, compensation (for both claimants and land owners) and urban claims. Dispossession prior to 1913 may also be accommodated by the Minister, provided claimants would benefit in a sustainable manner from the support.²⁰ The Paper stipulates that restitution can take the form of:

- Restoration of the land from which claimants were dispossessed;
- Provision of alternative land;
- Payment of compensation;
- Alternative relief comprising a combination of the above; or
- Priority access to government housing and land development programmes.²¹

The challenge with restoration of rights is that the appropriation of these best indigenous lands during colonial times was because land is a symbol of authority and a source of political power thus, to give back the land is to surrender the very power that gave a people status. Restoration, therefore, becomes a central political issue that causes an imbroglio that threatens the very foundations of democracy. In sub-Saharan Africa, land was appropriated for commercial purposes for foreign concessionaries or settlers.

These lands were, according to the settlers, “without a master,” meaning the African land tenure was disregarded. This scenario has implications on verifications of claims. Often a time, several claims have been made on the same property. Restitution is bound to face a lot of resistance where people with different tenure systems are

²⁰ *Ibid.*, p.xi. Also Department of Land Affairs, Restitution of Land Rights Act. No. 22 of 1994 As Amended, pp.1-12. Also streamlined and explained by P. van der Merwe, interviewed at Land Affairs Department Ladybrand, 29 September 2006.

²¹ *Ibid.*

contesting for the same piece of land. The case in point here is where black South Africans practised shifting cultivation that involved leaving some pieces of land fallow to recuperate and when the Trek Boers found no one using the land assumed it belonged to no one. The major hurdle is that, as the Trek Boer settled on the land, they invested on the land, improved it and worked it for the land was their new home. While the land, by being on African soil, belonged to the black South Africans, the Boers, because of the kind of tenure they were familiar with, failed to see how a fallow piece of land could have an owner. That means, in resolving restitution claims issues, tenure issues are salient and key to some misunderstanding. Every property has its history and to disregard those histories is to throw away parts that may complete the restitution puzzle timeously.

Nonetheless, given the time that the Boers and black South Africans, including other groups of émigrés who have naturalised in South Africa, have stayed side by side, the element of attachment to one's property might cause resentment of restitution. From 1652, when colonial dispossessions began, the white people of South Africa have called South Africa home. Whatever pieces of land they have settled on, legitimately or otherwise, they have grown attached to them. Talk of transforming this scenario cannot be welcome news to some since they also have graves of their ancestors on the same soil. However, there is a great need to establish how the land was gotten in the first place. The reason for pursuing restitution in South Africa was that most of the prime land was in the hands of a minority few, because until the 1990s, it was government policy that, invariably, black people should not own land.²² Having earlier been deprived because of the African tenure, the black South Africans, living in townships, homelands and tribal trust lands could only have subservient, permit based or 'held in trust' land rights.²³ That meant that, if the white people were being dispossessed of what they had owned for 300 years, they were only giving back what somebody else had owned before them.

Besides having the law on their side, helping them to accumulate the choicest land, the white farmers, have dispossessed black South Africa through purchasing at low

²² Department of Land Affairs, *Restitution of Land Rights Act, No. 22 of 1994 as Amended*, p.4.

²³ *White Paper on South African Land Policy, 1995*, p.29.

prices, forced sales and forced removals. The dispossessions were made possible largely through, for example the:

- Native Land Act of 1913;
- Black Administrative Act 38 of 1927;
- Development Trust and Land Act of 1936;
- Group Areas Acts of 1950, 1957 and 1966;
- Resettlement of Blacks Act of 1954; and
- Community Development Act of 1966 among many more.²⁴

Among the Acts were some which apparently were race-neutral laws such as the Slums Act and the Prevention of Illegal Squatting Act. Nonetheless, they were exploited to effect racial zoning. As a result, black South Africans lost their land to removals, evictions and expropriation from black spots communities.²⁵ Others were labelled unregistered, deregistered labour tenants and disqualified urban dwellers to find reason to remove them from their land. There also were some so-called voluntary removals and voluntary sales which occurred when inducements of alternative pieces of land were made available or after racially segregated residential areas were declared. The bottomline, however, of the removals through sundry Acts from poorly situated areas, for betterment schemes or through cancellation of title deeds by the state, organisations or individuals was massive loss of land and land rights by the black South Africans.

As talk of restitutive justice gains momentum in South Africa, the fear, among white farmers, of change and fairness or unfairness in compensation is palpable. With these

²⁴ *White Paper on South African Land Policy*, 1995, p.51. Also Davenport and Saunders, p.605. Again explained further by M. Moko, interviewed at Land Affairs Department Bloemfontein, 27 September 2006.

²⁵ E.M. Letsoalo, *Land Reform in South Africa A Black Perspective*, p.20.

challenges in mind, the South African government outlined the Restitution process, to minimise problems briefly as follows:

For Phase One, the government of South Africa set itself a time frame of three-years for the lodgement of claims. Under this phase, all claims of restitution had to be lodged by December 31, 1998 and by the deadline, 63,455 claims had been lodged with the Commission and most of the claims were related to urban land.²⁶

Lodgement of claims meant that:

- any person who or the representative of any community which is entitled to claim restitution of a right in land, may lodge such claim, which shall include a description of the land in question, the nature of the right in land of which they or such community was dispossessed and the nature of the right of equitable redress being claimed, on the form prescribed for the purpose by the Chief Land Claims Commissioner under Section 16;
- the land commission would avail claim forms at all its offices;
- a claimant representing a community should submit, accompanying the lodgement form, a declaration in full to that effect;
- if there is any dispute as to who legitimately represents a community for the purposes of any claim under this Act, the Regional Land Claims Commissioner having jurisdiction may, in the manner prescribed in rules made by the Chief Land Claims Commissioner, in terms of Section 16, in order to have a person or persons elected to represent the community – take steps for drawing up a list of the names of the members of the community;
direct that a meeting of such community be convened and an election be held at that meeting; and

²⁶ *Report of the National Land Summit, 27-30 July 2005, Johannesburg, p.7.*

- In making rules contemplated in subsection (4), the Chief Land Claims Commissioner shall have regard to the cultural values of the community.²⁷

Although the deadline for lodgements had been set at 31 December 1998, there were problems in communication resulted in some failing to meet it. Thus, the first set back was that of late lodgements, claimants failed to catch the time for lack of awareness, great preponderance of illiteracy and extreme poverty that resulted in lack of transport money to the land claims offices. There were also problems of backlog in registering the claims, leading to a ministerial review in 1998 to try and speed up the process. However, a lot of would be claimants missed out right from Phase One.²⁸

In Phase Two claims would be screened to check, among other things, whether they were lodged in the prescribed manner and whether they were not frivolous so that they would be gazetted in the district in which the land in question is situated.²⁹ Frivolous or vexatious claims were dismissed and those not properly claimed were advised as such. When a notice about the land in question has been published no person may, in an improper manner obstruct the passage of the claim.³⁰ The land in question may not be sold, exchanged, donated, leased, subdivided nor developed and the person on such land may not be evicted.

For Phase Three, qualification to claim was determined and accepted for investigation in terms of Section 2 of the Restitution of Land Rights Act and Section 121 (4) of the Interim Constitution where the claimants³¹ as spelt out earlier, land rights were dispossessed after 19 June 1913. The nature of dispossession was not limited to a right recognised by law, ownership rights and may include certain long-term tenancy rights and other occupational rights. Claimants had to indicate the legislature that dispossessed them, the circumstances and whether compensation received was just and equitable.

²⁷ Section 10 substituted by Section 36 of Act 63 of 1997. More details are provided in Appendix 16.

²⁸ Department of Land Affairs, *Restitution of Land Rights Act, No. 22 of 1994 as amended, and Related Documents*, pp.10-11.

²⁹ Act 18 of 1999.

³⁰ *Ibid.* More detail in Appendix 16.

³¹ *White Paper on South African Land Policy*, 1995, p.51.

The major problem with determination of qualification is the cut off date. Prior to 1913, when the Native Land Act was promulgated, heralding the formal adoption of territorial segregation as the leading principle of post-Union land policy, blacks were dispossessed through wars, conquests, treaties and treachery.³² According to the South African government, any dates before 19 June 1913 would be problematic to deal with through a judicial process. Ancestral land claims would create legal-political complexities impossible to unravel. For instance the complexities listed under meaning of lodgement of claims;

Claims prior to 1913

- Most deep historical claims are justified on the basis of membership of a tribal kingdom or chiefdom. The entertainment of such claims would serve to awaken and/or prolong destructive ethnic and racial politics.
- The members of ethnically defined communities and chiefdoms and their present descendants have increased more than eight times in this century alone and are scattered.
- Large parts of South Africa could be subject to overlapping and competing claims where pieces of land have been occupied in succession by, for example, the San, Khoi, Xhosa, Mfengu, Trekkers and British.³³

The complexities embedded in taking back the hands of the clock to pre-1913, however, do not lessen the pressure to do so, neither does it justifies 1913 as a cut off date. If by any chance the prior 1913 claims were to be considered, there was great need to establish first the possibility of verifying such claims in a manner that would not create another injustice. Most likely such claims would include people who had had no right to land because they were labour tenants before 1913.

³² *Ibid.*, p.52.

³³ *White Paper on South African Land Policy*, 1995, p.52.

Under Phase Four, negotiations took place with regards:

- two or more competing claims of the same land;
- competing groups making resolution difficult; and
- where owner or holder of rights of land is opposed to the claim; the Chief Land Claims Commissioner may direct the parties concerned to attempt to settle their dispute through a process of mediation and negotiation.³⁴

Settlement of the claim was Phase Five. Successful conclusions of claims and implementation of restitution orders depended on the constructive participation of multi-stakeholders. These included the current land owner(s), claimant(s), the Land Claims Court, the Land Commissioner and the local government. When all parts were agreeable, settlement of a claim was implemented where the claimant was restituted on original land, alternative land, package of one's choice, compensated or given priority access to state resources as stated earlier. In this Phase Six, the current land owner is compensated justly and equitably. By May 2001, 12 150 claims had been settled at a cost to the South African state of R464.7 million (\$63.8m), mostly monetary compensation to urban claimants, rather than land restitution to rural claimants.³⁵ As of 30 September 2003, progress in terms of settling all restitution was:

Number of claims settled	42 556
Households involved	102 454
Beneficiaries....	554 547
Land restored in hectares...	799 479
Land cost	R808 039 656.00
Compensation....	R1 433 459 748.86
Restitution Discretionary Grant...	R174 537 000.00
Settlement and Planning Grant....	R66 417 902.01
Solarium...	R6 169 000.00
Total award cost....	R2 488 650 306.87. ³⁶

Until 2005, 62 127 claims were settled, benefiting almost 900,000 South Africans with a further 20 000 claims already lodged pending settlement.³⁷

³⁴ Department of Land Affairs, *Restitution of Land Rights Act, No. 22 of 1994 As Amended*, p.31.

³⁵ Land Affairs, *Report of the National Land Summit, 27-30 July 2005*, p.7.

³⁶ Department of Land Affairs, "DLA continues upward trend in getting people back to the land" in *Land News*, Vol. 1, Nov/Dec. 2003, p.6.

Table 4.1: Land claims trickle up to June 1996

Province	Rural	Urban	Total
Western Cape	54	1869	1923
Northern Cape	107	28	135
Free State	59	0	59
Eastern Cape	173	205	378
Kwa-Zulu Natal	739	1751	2490
Mpumalanga	277	11	288
Northern Province	356	41	397
Gauteng	225	995	1220
North West	167	38	205
Total	2157	4938	7095

Source: Kirsten *et al.*³⁸

South Africans are urban bound, some 60% of the population live in or around towns. Tozi Gwanya, in a television interview he gave on SABC 2, in August 2005, stated that country life in South Africa is still popular. On the contrary, however, rural life in South Africa had suffered gravely in the face of urbanisation. The fact that urban places offered more job opportunities, compounded by the township mentality created by apartheid, left an indelible mark in the lives of South Africans, especially blacks. One can travel between Maseru and Thaba Nchu without seeing any meaningful, developing black rural community.

Apartheid left for them a legacy of drifting towards cities, where they do not quite reach, but end up somewhere in the periphery. The creation of the Mandelas, a niggardly settlement pattern fraught with dilemmas has even legalised and increased the rate of urban drift. While the Mandela settlement pattern gives the temporary satisfaction that black people are being supplied with electrified housing, it poses

³⁷ Land Affairs, *Report of the National Land Summit*, 27-30 July 2005, p.7.

³⁸ Restitution <[hrw.org/defending human rights watch](http://hrw.org/defending-human-rights-watch)>, p.9, also Kirsten *et al.*, "Progress with land Reform" in *Agrekon*, Vol. 35, No.4, p.219.

challenges for the provision of proper housing in the future. It also gives the false impression that black people are prepared to play second fiddle (in South Africa) where decent accommodation is concerned. One may not be very far from the truth to conclude that the payment of cash instead of land in restitution will get its victims. For the love of money, this option will look lucrative and prove worthless when the money is finished. Those who opt for money will move to towns and when money for renting accommodation dries up, they will play destitute.

Claimants should be educated on the merits and demerits of the options they make. The choice to take money provides quick financial solutions to impoverished people, but the choice to take land is an all time choice. Land is an inheritance asset, it can be passed down generations and being a factor of production which is critical for any economic development, one cannot exhaust reasons for its essentiality.³⁹ To cap it all, land appreciates in value while money is vulnerable to inflation and abuse of all kinds. Recently, the African community of Oudtshoorn, originally living communally in Suikerbult, but moved under the Group Areas Act in the 1920s, had their claim settled in form of a payment of R7 million to 275 beneficiaries, because they were too old to take up land for farming.⁴⁰ A finalisation that makes great economic sense, but in the same breath, that might come back to haunt their children who should have taken up the responsibility of farming. Unlike the Oudtshoorn community, the Morongwa and Tale ga Morudu communities of Limpopo chose to get their land back to support themselves on it.⁴¹

Complicating rural claims is rampantly the issue of inaccessibility due to lack of infrastructure and roads. Large groups of people, would be claimants, may fail to be reached living the process incomplete. To add to the problem, rural claims are difficult because of illiteracy, the inability to read and write or comprehend the requirements and processes of claim. Lack of personal documents needed to affirm claim may result in others not receiving the much awaited justice. Most land in ex-homelands is unregistered and unsurveyed meaning that there are no title maps,

³⁹ The Centre for Development and Enterprise, *Land Reform In South Africa A 21st Century Perspective*, Report, No. 14, p.1.

⁴⁰ Commission on Restitution of Land Rights Annual Report 2003-2004, *Forced Removals Never Again!* pp.9-50.

⁴¹ *Ibid.*

making deeds as well as archival research more difficult. Resultantly, a lot of disputes among families, communities and the government erupt and take long to resolve. To exemplify this, the Reitfontein farm is a case in point. The standoff is between the Department of Agriculture and Margaret Simpson, on a 1400ha Klein Karoo farm that has been earmarked for land reform.⁴² They each claim ownership of the same land, illustrating the quagmire that bedevils South African land reform. Regardless of uncountable land conferences, summits, research papers, television programmes and newspaper articles, getting a square centimetre of soil to change hands is proving to be a long process.

As though the afore mentioned challenges are not enough, the patriarchal nature of rural communities leaves women vulnerable. With the advent of equal rights, women are pressing for land rights. The writing is on the wall that land reform should change the gender landscape and take into cognizance the fact that women grow most of Africa's food and sustain rural life, but lack the critical support and political clout needed to maximise their pivotal role. A lot of work is being done in an effort, these days, to be gender correct.

Restitution by its very nature is a very expensive process, both emotionally and financially. To begin with, from 1995 to 2001, R182,3 million (\$24m) was spent on buying land for restitution, R260.6 million (\$34.4m) on paying compensation.⁴³ When claimants lodge a claim and succeed, they qualify or are eligible for Settlement/Land Acquisition Grant set at a maximum of R15 000 per beneficiary household. In fact, the grant is meant to financially assist land reform, therefore, applicable in varying respects to each of the three principal land programmes, that is restitution, redistribution and tenure reform. At a rate where all those eligible for restitution qualify; for the grant, the sums of money involved are too huge for the state to handle. An injection of enormous donor funds would better the situation of land reform.

Yet, restitutees are one piece of the puzzle that can only be complete by adding the compensation dimension that goes to the current landowners losing the land. Landowners being moved from the land are entitled to just and equitable

⁴² B. Jordan. "This Land is my land says all sides" in *Sunday Times*, August 20 2006, p.15.

⁴³ Restitution <[hrw.org/defending human rights watch](http://hrw.org/defending-human-rights-watch)>, p.10

compensation. The average price has been R1000 to R4000 per hectare, however, others have been exceptionally high, for example, Tenbosch farm 150 000 hectares would call for a disabling R1.3 billion.⁴⁴ By any standards, these are big monies that would be useful in other sectors of development to improve the plight of the people. With such figures, it is easy to see the land reform process folding or going back to the drawing board for methodological alternatives. Exorbitant prices have been charged on land by landowners verging on lack of cooperation, non-commitment to transformation and having a mindset bent on milking the government, accompanied by a wish by some parties to see the programme fall apart. The government has its hands full, having to deal with the financial implications of restituting claimants, compensating landowners and looking after dispossession cases which fall outside the ambit of the Restitution of Land Rights Act, 22 of 1994.

Nonetheless, in cases where land prices had been made inaccessible, land evaluations and negotiations have been engaged to help attorney between the government and the landowners. Although such mediatory measures have often been put to use, the negative attitude and stifling environment created by such misunderstanding have many a time led to evictions of workers from farms, disputes, invasions and occupations, killings and brutalisation of a people making the situation on farms more volatile.

During forced removals, whole communities lost ownership, tenancy rights, identity as well as their dignity if the manner in which the Kwa Bhamya community was moved in the 1950s, from a so called black spot, is anything to go by. Restitution conjures up memories of how a people were removed forcibly from their birth places into some unknown, strange and new places. Some of these foreign places were hostile and uninhabitable as was the case for the Riemvasmaak community in the Northern Cape. According to their spokesperson, Michael Booysen, the biggest problem they had was to adapt.⁴⁵ They were sent, some to Namibia and others to Eastern Cape and had to adapt to circumstances there, in unfamiliar territory. As though that was not enough, even at old age, they had to learn to speak the language spoken in that part of the world as well as the culture. Everything was new and the

⁴⁴ T.J. Gwanya, SABC 3 interview, 8 August 2006.

⁴⁵ D. Samaai, "Big plans in the making" in *Land News*, Vol. 3, No. 3, June/July 2005, p.3.

nostalgia for Riemvasmaak could not be quenched. After 21 years in forced exile, they faced another challenge of coming back to adapt to their 74 000 hectares of land turned unfamiliar, where homes had been taken down to make way for the South African Defence Force to use as a military exercise zone, because of its proximity to the Namibian border. In such cases, restoration should not end with bringing a people back to their original land, but in all cases, go further and prepare them emotionally for the come back, short of counselling, a true restitution could remain up in the air.

Restitution is an ambitious process that involves large sums of money and vast lands moving from one set of private property holders into different hands. While the previous farmers (whites) should genuinely play their part, they are telling it as it is to argue that before their coming to Southern Africa, there was little, if any systematic cultivation, and certainly no agricultural industry to speak of.⁴⁶ Western farming methods allowed South Africa to become one of the world's six food-exporting countries, (though not anymore), yet assaults on farmers, and their property rights grow with each day.⁴⁷ Calls for restitution are very loud and yet, what is needed goes beyond restitution. Saner methods are needed to ensure sustainability of the economy which, white farmers in South Africa, no doubt, boosted over the years.

White farmers had managed to provide food, employment opportunities and export. Perhaps consideration should be made by the government before restituting farms, as to whether value or extent of destabilisation is less or more than that of restitution. Farm workers, for example, are muted and consequently, stand to lose their livelihoods and eventually drift to cities to loiter and fall victims of capitalism and the opportunistic HIV and AIDS pandemic. Where it benefits fewer people, as opposed to those who lose, regardless of the role of giving back and the emotive past involved, restitution should always work in favour of the majority, white or black. Restitution for the sake of restoring lost rights runs a risk of becoming a futile fuss, in as far as bettering people's lives and creating opportunities is concerned.

However, the decision to retribute is not as easy as it might sound. In some cases, like the Hartbeespoort top irrigation scheme. It is about whether or not to destroy one of

⁴⁶ Restitution <[hrw.org/defending human rights watch](http://hrw.org/defending-human-rights-watch)>, p.16.

⁴⁷ *Ibid.*

South Africa's oldest job creating projects. Yet, looking back in history, the origins of the scheme conceived in 1905 were to give a leg-up to white Afrikaners impoverished by the Anglo-Boer War of 1899-1902.⁴⁸ Black participants in that war were not even mentioned, their honour was deferred and perhaps, laying claim to the land now is just in that, much as Afrikaners were helped by the land after a destructive war, blacks should also benefit from the same land after independence. Thus, with no clear view of the objective of restitution, that of restoring denied rights, land restitution has a risk of turning racial in South Africa, as is the case with Hoedspruit farmers in Limpopo who believe they cannot release the land altogether.

Implementation of restitution processes has to be supported by massive human and financial resources. Statistics have it that only 0.2 percent of the present national budget (2006) was allocated for land acquisition by the state and that, because of staff shortages, processing of a could take years due to problems of backlog, transparency and efficiency.⁴⁹

With bureaucratic delays, claimants may not realise where the problem is and may rush to blame farmers for reluctance to release land. In other cases, farmers do not get to know about a claim lodged against their property until they see it in a Government Gazette. Thus, delays in delivery may lead to unnecessary finger pointing or worse, the blaming of the wrong trouble causer.

The importance of inclusive partnership to realise the goals of restitution cannot be over emphasised, while care must be taken not to destroy what South Africa gained over the years, the error of leaving the majority of arable land in the hands of a minority few cannot be forgiven. Judging by what the ANC, AZAPO, PAC, SACP, LPM, LAMOSA, BRC, NLC and ALARM say, the tone is that, workable and permanent solutions should be reached no matter how difficult, especially when land issues were pivotal in the liberation struggle.⁵⁰

⁴⁸ S. Hofstatter, "Will land claims sink top irrigation scheme?" in *Farmer's Weekly*, 17/02/06, pp.32-33.

⁴⁹ *Ibid.*, p.12.

⁵⁰ C. Louw, "Mashile Mokono: The good, the bad and the ugly," in *Farmer's Weekly*, 8/09/06, pp.24-25.

The African National Congress (ANC) realise the urgency with which agrarian reform has to be engaged to address hunger and homelessness in South Africa. The ANC describes land reform as a challenge that should liberate not only victims of land disposessions from 1913. Azanian People's Organisation (AZAPO) notes that the freedom objectives of the liberation struggle were inseparably linked to winning back the land for the African majority who were dispossessed of their land through colonialism and apartheid.⁵¹ AZAPO believes that expropriation of land for public interest would be a more corrective measure. The Pan Africanist Congress (PAC) states that land and agrarian reform are matters of national concern that require workable and sustainable solutions.⁵² The PAC's position is that a lasting solution be found to avoid the calamity that befell South Africa's neighbour to the north. The South Africa Communist Party (SACP) emphasises that the land question should not be viewed just as the government's responsibility but rather broad participation be initiated and encouraged.⁵³ The SACP believes in decisive action and an integrated approach in implementing land reform programmes. In the same breath, the Landless Peoples Movement (LPM) did not hide their frustration with the Willing Seller Willing Buyer principle. They labelled it the major obstacle to successful land reform.

In the whole land reform debate, the Land Access Movement of South Africa's (LAMOSA) emphasis is on restitution. The South African government's emphasis is on restitution. LAMOSA cites restitution as a programme capable of producing win-win situations giving the Makuleke settlement in Kruger National Park as a success precedent. LAMOSA, however, opines that cash compensations have to be done away with and that Section 25 of the Constitution be suspended until land is equally distributed.⁵⁴ The Border Rural Committee (BRC) advocates for the re-opening of the lodging of claims. BRC believes the government did not adequately address the redress of the rights of those affected by betterment claims in homeland areas especially in the Eastern Cape.⁵⁵ Ownership of land by foreigners who are known to

⁵¹ Land Affairs, *Report of the National Land Summit, 27-30 July 2005*, p.40. See full names under abbreviations and acronyms.

⁵² *Ibid.*, p.42. SABC 53, Land Views programme, 16 October, 2005.

⁵³ *Ibid.*, p.43. Also R. Rowan, "Land Owners key to land reform and peace in S.A." in Department of Land Affairs, *Land News*, Vol. 1, No. 3, August 2003, p.16.

⁵⁴ *Ibid.*, p.47.

⁵⁵ P. Kanyile, "Another Chapter in Paltberg's history written" in Department of Land Affairs, *Land News*, Vol. 1, No. 3, August 2003, pp.12-13.

use the land in a manner that did not consider the vulnerable groups of South Africa has been under debate for a long time. The National Land Committee and a new alliance called the Alliance of Land and Agrarian Reform Movement believe that the land reform pace can be expedited if foreigners are barred from buying agricultural land and turning it into game parks and golf courses.⁵⁶ According to them, all such land has to be sold to benefit the public.

Agri-SA emphasises that all reform should take place within a statutory framework which balances needs, rights and obligations – all within the rule of law.⁵⁷ Sentiments passed by a people and their undertones should not be brushed aside in a bid to whitewash the errors of colonialism. After all, it is by giving a voice to all that eventually genuine restoration could be achieved.

The 1913 cut off date raised concerns among those dispossessed before that date.⁵⁸ To disregard this point and leave those disadvantaged still complaining would fall short of the justice the restoration programme is meant to achieve. When all is said and done, South Africa should emerge, in 2014, reconciled, restored and singing in unison with no discord. For now, all restitutionary claims are made against the state, not the current owners of the land, creating a new injustice. For example, in the case of the Richtersvelt, the potential for injustice was heightened, given that the practical result is that the South African government had lost approximately R84 million in annual revenue generated by the Alexkor mine.⁵⁹ Such an asset is not easy to give back. The Richtersveld in Namaqualand, in the Northern Cape, is a cultural claim, an asset with cultural significance, as well as a claim to right a past wrong that happened through discriminatory dispossessions.

⁵⁶ Land Affairs, *Report of the National Land Summit*, 27-30 June 2005, p.43.

⁵⁷ *Report of the National Land Summit*, 27-30 July 2005, NASREC, p.45.

⁵⁸ *White Paper on South African Land Policy*, 1995, p.3.

⁵⁹ M. Barry, "Now Another Thing Must Happen: Richtersveld and the Dilemmas of Land Reform in Post-Apartheid South Africa" in *South African Journal on Human Rights*, Vol. 20, Part 3, 2004, p.369. The claim creates a new injustice where the government was generating revenue that was benefiting the country as a whole in one way or another. There had to be a balance between the politics of reform and the politics of the way forward.

4.3 Redistribution: Muffling Apartheid Odours

Land redistribution is generally understood to be the reallocation of agricultural resources and throughout the history of humankind this is a recurrent, continual process. Why land redistribution recurs is because of population growth and the exploitation of available resources, changes in agricultural methods, urbanisation, new technology, the need to move with time and most commonly, because rights to land have been gained and lost by external intervention. By its very nature, redistribution of land involves change in ownership and land use patterns which, in turn, affect agricultural productivity in one way or another.⁶⁰ Land redistribution is believed to be a means curbing the vicious cycle of poverty, ignorance and stagnation and start a new chain of cause and effect which will pave the way for agricultural development.⁶¹ Redistribution of land, as part of agrarian reform, has increased in the past twenty years with the decolonisation of Africa and the pressure to address socio-economic issues affecting black Africa.

During apartheid South Africa, (1948-1994) black South Africans suffered due to insecurity of tenure, forced removals, low level agricultural techniques and coercion to work as farm labourers. With the coming of political independence, the move has been to liberate the land and improve the lot of the peasants. Without this liberation, neo-colonialism would threaten to blur even the political independence. In 1994, the government of South Africa sought to redress the disproportionate distribution of land resources through redistribution, by means of two methods. The Land Redistribution programme worked as follows:

The Land redistribution programme aims to redistribute land to the landless poor, labour tenants, women, viable projects, people living and working on commercial farms and emerging farmers for residential and productive uses, to improve their livelihoods and quality of life. A target to redistribute 30% of all white-owned commercial

⁶⁰ E.H. Jacoby, *Man and Land The Fundamental Issue in Development*, p.21.

⁶¹ *Ibid.*, p.22.

agricultural land by 2014 was set. The government initially decided to provide the landless poor with a "settlement and land acquisition grant" set at R15,000 (U.S.\$2,000) to purchase land from willing sellers and make other capital investment.

In 1999 revisions were made and the grant now called "land reform grant" was reviewed to award grants of various amounts, depending on the total cost of the proposed project.⁶²

Where extreme inequality in land distribution and underutilisation of vast tracts of productive land co-exist with abject rural poverty, a case for redistributive measures to increase access to land by the poor and landless can be made, both for political and economic reasons. When the grassroots or the rural majority are politically satisfied, they are easier to govern. Leaving them wallowing in abject poverty and without being seen to be acting upon the challenges ushered in by that poverty brews demonstrations and dissent behaviour. Also, economically sound subjects are better governable compared to those not independent, dependent upon the government and donors. By all means, redistributive measures should strive for sustainable political and economic alternatives. In such cases, different instruments ranging from expropriation with compensation, through taxation to activation of rental markets can be used to effect the transfer of land.⁶³ However, in the case of South Africa, where apartheid laws pushed blacks from urban areas into crowded, poverty-stricken and crime-ridden enclaves, blurred, uncoordinated, slow delivery of land may usher in undesirables like informal settlements and land invasions.⁶⁴

The government of South Africa, up to 2014, sets out to redistribute land from those who own too many farms, underutilise farmland and those who own farms in absentia. Redistribution is done with the hope to reduce land related conflicts,

⁶² *South African White Paper on Land Policy*, p.ix. More details are provided in Appendix 8. See also Appendices 9 and 10 for more information about the land reform grants.

⁶³ *A World Bank Policy Research Report, Land Policies for Growth and Poverty Reduction*, p.xi.

⁶⁴ Commission on Restitution of Land Rights Annual Report 2003-2004, *Forced Removals, Never Again!*, p.4.

reconcile the nation and enhance household income security. The redistribution mechanism the government chose, however, has proven to be such a slow deliverer. It has also failed to deliver on reconciliation, for it lacks the much needed pressure for apartheid beneficiaries to recant. The Willing Seller Willing Buyer (WSWB) principle depends largely upon voluntary transactions between land owners willing to sell and willing buyers. WSWB also inevitably causes fragmentation of farm-land and, therefore, works against block settlement where a large number of the landless need to be resettled. Land could only be bought when and where a seller chose. Bluntly put, it means landowners exclusively continue, even in the era of democracy, to dictate the pace, nature and quality of land reform.

The landowners sell what they want to sell, regardless of the quality, they sell at their own time, oblivious of the pressure to share the national cake with those who, for years, have not had the privilege. To all intents and purposes, the essence of political independence in such situations is obliterated. The role of the government should not be seen to be obsequious to farm owners who have more than what they can use.

From 27-30 July 2005, over a thousand South Africans from all walks of life gathered at NASREC, outside Johannesburg, to deliberate on the trajectory of land and agrarian reform. The Land Summit was an important moment in the history of South Africa's new democracy bring together various stakeholders and delegates from other countries. Social movement activists, government officials, farmers, business people, people living and working on commercial farms, landless communities, beneficiaries of land reform, public representatives, political, traditional and religious leaders, academics, donors and Non-governmental Organisations engaged in frank and robust debate over three days. The banner of the Summit was, "A partnership of Fast Track Land Reform: a New Trajectory Towards 2014." International delegates were from Namibia, Brazil, Zimbabwe, Kenya and others who enriched the summit debates with their own experiences in land reform. The summit was convened by the Ministry of Agriculture and Land Affairs, Thoko Didiza, but the impetus for the gathering came largely from civil society organisations involved in land rights campaigns.⁶⁵ The

⁶⁵ *Ibid.*

major purpose for convening the summit was to assess progress in land reform and provide a platform for stakeholders to let their voices be heard.⁶⁶

The Johannesburg Land Summit observed that international experience of land and agrarian reform programmes demonstrate that the market on its own is unable to effectively alter the pattern of ownership in favour of equality, broader goals of job creation and poverty reduction.⁶⁷ The WSWB model is popular in circles that want to limit land reform. The voluntary nature of the model does not make policy sense since any successful land redistribution cannot move forward on such a casual basis, buying isolated plots as they become available, across a large country is surely not the way to go.

Where landowners fail to cooperate, expropriation is used as the last resort and just compensation paid. To begin with, the role of landowners in land redistribution is immense. It is their cooperation with the landless and the government that will deliver on land. As landownership is an entirely and uniquely human creation, the success of any significant change to the status quo depends solely on the interaction between these three stakeholders.⁶⁸ Land ownership was and still is at the heart of one of the most skewed wealth distributions in the world.⁶⁹ Since democratisation in South Africa, 1994, only 3 percent of land transfers had been made in a total of the set target of 30 percent up to 2005, meaning that the vast imbalances remain largely unaltered because landowners have resisted change through court challenges and inflated prices. At that rate, landowners failed land reform, regardless of their land for peace initiative which aims to facilitate private sector resources and expertise to assist establish best practice models in sustainable land reform at national and local levels.⁷⁰ When pressure from the landless becomes irresistible, the government might be pushed into action, but often a time too late, as was the case with Zimbabwe.

The South African constitution compels the state to ensure equitable access to land, meaning that the government has the ultimate say in a bid to smoothen any rough

⁶⁶ *Ibid.*, p.9.

⁶⁷ *Report of the National Land Summit, 27-30 July 2005*, NASREC, p.4.

⁶⁸ R. Roman, "Land Owners key to land reform and peace in SA" in *Land News*, Department of Land Affairs Vol. 1, No. 3, August 2003, p.16.

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*, p.15.

patches encountered during land redistribution. The constitution makes provision for expropriation of land for the purposes of land and agrarian reform provided just and equitable compensation is paid, the amount and manner of whose payment is agreed by the affected persons or approved by a court.⁷¹ A question remains here though that the words “just” and “equitable” cannot be easily quantified. Also, as long as it is the government paying the compensation, the words “just” and “equitable” are wrongly placed.

In September 2006, the recently installed Land Affairs Minister Lulu Xingwana, claimed that the government had slated the WSWB principle as a fundamental tool to deal with land redistribution, on the contrary, on the ground, no signs of this jettison is indicative of the newly employed strategy. Luckily though, the WSWB model does not apply to restitution.⁷² The Minister promised to negotiate with landowners whose property prices are inflated failure of which expropriation would be employed to meet targets.⁷³ Lessons learnt from up North, Zimbabwe, have created the need for South African officials to keep reassuring South Africans that the rule of law applies and would be upheld in order not to go Zimbabwe’s way. However, checking South Africa’s record, one wonders whether the jargon, rule of law, has any meaning, land grabs aside. South Africa is known for lack of reverence for life, violent crime and investor frightening insecurity and it surely cannot get worse. For officials to hide behind words and promise to deliver better than Zimbabwe might not be the cleverest thing to do. While land grabs in Zimbabwe became the talk of the region for five years up to 2006, South African officials could not fail to notice that time was also running out on them.

Xingwana described land acquisition strategy as beneficiary driven and said her department was embarking shortly on a proactive strategy, where the state becomes a lead driver in land redistribution.⁷⁴ While the role of the state in land acquisition is pivotal, at times it is policies in place by government that slows down or hamper total change. For example, a botched land redistribution through the Land Redistribution

⁷¹ *Report of the National Land Summit, 27-30 July 2005, NASREC, p.9.*

⁷² M. Monare, “We will respect the rule of law, says Land Affairs Minister” in *The Star*, Friday September 8, 2006, p.7.

⁷³ *Ibid.*

⁷⁴ *Ibid.*

for Agricultural Development Programme (LRAD) programme crushed farmers in Ermelo, in Mpumalanga. Majenge, an aspirant farmer, was given the impression that he was a beneficiary and entitled to an LRAD grant of R404 433 to kick-start his farming operations, only to wake up from the dream, lose his harvest, sell his livestock, fold and return to his old job, as a yard foreman.⁷⁵ When promises are not met or plans are not thought through, the hardest hits are the landless, the poor and the farm workers.

To play to the upbeat demand of land redistribution in South Africa, LRAD was born, a sub-programme with two distinct parts. The first part deals with transfer of agricultural land to specific individuals or groups. The second part concerns itself with commonage projects, which aim to improve people's access to municipal and tribal land primarily for grazing purposes. The two parts operate according to different financial mechanisms, different target groups and different delivery systems.⁷⁶ According to the policy framework, LRAD is flexible, demands direct, decentralised, beneficiary empowering and beneficiaries contribute in cash or kind.

LRAD will go a long way in assisting people in command areas without means to make productive use of their land. The scheme is flexible enough to accommodate a number of types of projects from infrastructural and land improvements, food safety-net projects or commercially oriented projects except purely residential projects.⁷⁷ Black farmers who are genuine about transforming the landscape of land distribution as well as wealth distribution get their chance with LRAD. Positive looking persons have to be placed in the land redistribution driving seat, not those who go for rhetoric only to raise tempers, open old wounds and destabilise. Like any other transformative measure, the implementation of LRAD has its fair share of merits and challenges.

The whole land redistribution programme, its sub-enhancing programmes, included calls for a lot of brainstorming, planning, decision making powers and informed

⁷⁵ C. Louw, "Botched deal crushed farmer" in *Farmer's Weekly*, 1 July 2005, p.30. Majenge had received a promise of a bright future on a farm fuelled by a government grant but the promise aborted.

⁷⁶ *Land Redistribution for Agricultural Development, A sub-programme of the Land Redistribution Programme*, p.5. The LRAD was hacked as a result of the pressure to deliver on land reform in South Africa.

⁷⁷ *Ibid.*, p.11.

judgements. Human resources are also needed to locate land for redistribution and for reaching people at the grassroots without whose equitable inclusion the process of redistribution cannot be deemed complete. Note should also be taken that even the most generous land redistribution scheme is doomed to fail until the peasants are supported by complementary measures like resources, extension, knowledge and credit, to mention a few of them.

4.4 **Changing the Economic Landscape: The Pressure for Secure Tenure For the Peasantry**

As a result of colonial conquest, change in the tenure status of the peasants in developing countries must be considered the backbone of any real land reform programme. In the same breath, in South Africa, the establishment of a new tenure pattern is viewed to be an integral part of political, social, religious and economic reconstruction because the map of land tenure left in the wake of apartheid is clearly unjust. However, tenure insecurity applies to both the landless and land-owners because insecurity is felt when different cultures meet, when a political scenario changes suddenly or when culturally, politically or economically mobile people manipulate imbalances to their advantage.

Colonial conquest brought to Africa commercial penetration, the introduction of cash crops, western land administration and concepts gradually breaking down African traditional tenure systems.⁷⁸ Customarily, land in Africa belonged to a whole social group, a community, an ethnic grouping or a lineage, all under a chief.⁷⁹ Colonialism replaced this African customary land tenure with private property rights in land. During apartheid times, it was government policy that black people should not own land outside Bantustans. Living in townships and homelands, the land rights known to people of colour were generally subservient, permit-based or held in trust.⁸⁰ Land was registered as government property and the administration of it was inefficient and chaotic so much that even indigenous people had no legal right to the land in question. Without legal security, it became difficult for communities or individuals to protect

⁷⁸ Jacoby, p.319.

⁷⁹ S. Rugege, *Transformation of Land Rights in Lesotho: The Legal Framework Research Report No. 32*, pp.1-2.

⁸⁰ *White Paper on South African Land Policy*, p.29.

their land either from confiscation or population expansion causing confusion and sparking disputes.⁸¹ In most cases, rights to land were denied through vague policies deliberately drawn for political reasons to delay and deny justice, for example, what happened with the San communities in Namaqualand from 1862 lost their land rights, and are waiting on the new government to change their plight.⁸²

Smit states that tenure may be unclear, insecure or clear and secure but unjust or inefficient.⁸³ All said and done, tenure is about relationships among individuals and their behaviour relative to one another, in relation to their interests in land, spatial units and to the resources they contain. Pressure to change land tenure system stems, according to Duran-Lasserve and Royston and also Dorner, from unequal land rights, changing value systems, changing market patterns, concurrent legal systems with different objectives, land and ecological degradation, population growth and mobility, as well as fragmentation of land through land parcelling.⁸⁴ In short, land tenure is determined by sundry factors in a society.

In South Africa, land tenure reform is being addressed through a review of present, 2006, land policy, administration and legislation to improve tenure security and accommodate diverse forms of land tenure, including types of communal tenure.⁸⁵ According to South African reports, tenure reform has been the slowest and most difficult aspect of land and agrarian reform to date. A number of laws have been enacted to address insecurity of people living on commercial farms, the most important of which is the Labour Tenants Act, 1996 (Act 3 of 1996) which provides strong protection for labour tenants, and the Extension of Security of Tenure Act of 1997, (Act 62 of 1997) which establishes security of tenure to those who live on someone else's land.⁸⁶ Given a period of colonial dispossession of 350 years, entrenched inequitable allocation of resources and sour human rights and non-existent

⁸¹ Davenport and Saunders, p.606.

⁸² *Ibid.*

⁸³ P. Smit, "The land issues of Namibia: Some environmental, economical and planning perspective" Proceedings of the Conference Ten Years of Namibian Nationhood 11-13 September 2000, p.290.

⁸⁴ A. Durand-Lasserve and L. Royston. "International Trends and country contexts: From Tenure Regularisation to Tenure Security" in Durand-Lasserve, A. and L. Royston. (eds.). *Holding Their Ground : Secure Land Tenure for the Urban Poor in Developing Countries*, p.11. Also P. Dorner, *land Reform and Economic Development*, p.52.

⁸⁵ *White Paper of South African Land Policy*, p.9.

⁸⁶ *Report of the National Land Summit, 27-30 July, NASREC*, p.7.

labour rights in rural South Africa, security of tenure shall be the most intractable. Until the scale is balanced, lack of legally enforceable rights is perceived to continue to cause the following problems to South Africans:

- Vulnerability to interference or confiscation of rights whether by the state or other people;
- Difficulty in securing housing subsidies and other development finance;
- No administrative support for the system of land rights which operates in practice, which in turn contributes to internal breakdowns and administrative chaos giving rise to abuses of power by officials, some chiefs and powerful elites;
- The position of the poor and the vulnerable is exacerbated by the lack of legal certainty and administrative protections; and
- Unscrupulous individuals take advantage of the lack of enforceable land rights to bring others onto the land in exchange for money and to bolster their personal power.⁸⁷

Providing secure land tenure can improve the welfare of the poor, particularly, by enhancing the asset base of those, such as women, whose land rights are often neglected. Women in agriculture just need to be empowered by rights, support and being acknowledged. However, by 2006, pressure has grown to place women farmers at the centre of the rural development strategy. As Gellen has observed, though sometimes poor and illiterate, women farmers are the principal force in the struggle against misery, backwardness and dependency.⁸⁸ The continent's most vital and least visible economic resource is its women farmers who labour 15 to 20 hours a day growing Africa's food and ensuring the health, education and overall well-being of their families and communities.⁸⁹ South Africa is not on the list of countries which have not realised the need to empower women, first, by revisiting the laws on property rights and second, by making them active participants in the whole land reform process, to give them economic clout. But, however, the grassroots have not yet been significantly reached.

⁸⁷ *White Paper of South African Land Policy*, p.30.

⁸⁸ K. Gellen, "Unleashing the power of women farmers" in *African Farmer*, April 1994, p.2.

⁸⁹ *Ibid.*

Land laws and practices need not lock out key food producers. Women, forming the majority in tilling the land, have to be empowered to own land, whether belonging to households where they have husbands or not. Currently, in South Africa, traditionally and statistically, land ownership and inheritance of property is biased against women. Husbands are the legally acknowledged title-holders, while land inheritance favours sons over daughters.⁹⁰ Gender barriers should not stand in the way of policy makers in securing tenure for South Africans. It is only logical to reward women farmers for their work by allowing them to inherit and own land.

With the advent of democracy, one would expect democratic institutions and practices to run through in all aspects of life. In the contemporary world, a good number of girls have chosen to stay out of marriage, but still enjoy the national cake like everybody else. Statistics show a greater preponderance of single parenthood than was the case in earlier years. Democratically, such parents should have rights to own land even without husbands.

By 2006, South Africa had approved marriage between same sex partners. A man could marry a man and a woman a woman. In light of property inheritance and title-holding traditionally favouring a man, how much homosexuality is going to revolutionise strides to secure land tenure for women remains to be seen. Women in gay marriages would require land and would have to hold titles to the land.

Besides issues of gender in reforming land tenure, the HIV and AIDS scourge has not been sparing anybody, leaving so many women without husbands to man the land titles. Countless families are child headed.⁹¹ To continue not allowing women to be registered as land owners, land inheritors and land policy decision makers, is to lack vision. Also, even though urban drift continues to grow in South Africa, the adventurism that goes with migrating to prime cities is a masculine attribute. In most cases, girls and women remain in the rural areas attending to the fields, the frail and the old. Drifting to towns for employment requires courage, determination and carefree traits which are seldom in females. This says, those who remain in the rural

⁹⁰ *Ibid.*

⁹¹ A.C. Nyanguru, "Income Support for the Elderly in Zimbabwe" in *Review of Southern African Studies*, Vol. 5, No. 2, pp.110-128.

areas should be given power to control, own, use as they choose and inherit where they should. Lesotho, a country completely locked by South Africa, is another example where women still need men to get access to land, bank loans and job promotion.⁹² This is to demonstrate that South Africa's weakness, therefore, is shared by other African countries.

Secure tenure creates the incentives needed for investment, a key element underlying sustainable economic growth and eradication of poverty in South African rural areas. That means, empowering households and individuals to control and own land has a clearer impact in reforming tenure systems than having the state to own all the land. When individuals have land, they are given greater voice and it creates the basis for more democratic and participatory local development, accountability, transparency and conflict resolution. Where long-standing systematic distortions in the area of land overlap with race and ethnicity, a buildup of land related conflict and violence can even result in the collapse of the state, with devastating consequences.⁹³

Zakhele Mkhaza, a black farmer on state land in the Eastern Cape is an example of a farmer stuck on no-man's-land. For 20 years, he has battled with politicians to grant him ownership of land he leased from the previous homeland regime and to evict squatters that have settled on the farm, to no avail.⁹⁴ An aspirant farmer who has found his hands tied in that he cannot secure a bank loan as start-up capital, for lack of title deeds needed as collateral. He cannot use his land as security for loans, he is reluctant to invest in improvements on the land, he is easy prey for land invaders, who say they have as much right to state land as the leaseholders.⁹⁵

Short of government legalising ownership for those who can farm and building houses somewhere else for those occupying land illegally, those trying to become commercial farmers on state land are in a lose lose situation. Land invaders and squatters will continue to run down infrastructure, steal fences, break dip tanks and

⁹² SABC 3 interview by Daniel Makokera with Tom Thabane, 25 September 2006. (Following a SADC meeting in Maseru from 10-15 September 2006).

⁹³ *A World Bank Policy Research Report, Land Policies for Growth and Poverty Reduction*, p.xxi.

⁹⁴ S. Hofstatter, "Still Stuck on no-man's land" in *Farmers Weekly*, 5 May 2006, p.34.

⁹⁵ *Ibid*

frustrate the efforts of the aspirant farmers. Improved access to land and supporting funds go a long way in reducing decadence in a people.

Mkhaza is one of over 200 black farmers in the Eastern Cape who leased land from former homeland regimes and has tried to buy from the new government since 1994, with no success. He, and many in his plight, face eviction by authorities in the new government. For now, he cannot progress and concludes he is being punished for benefiting from the apartheid regime. Yet, according to him, when he qualified to rent the farm, it was not about politics, it was about responding to an advert and meeting criteria.⁹⁶

In South Africa, the state continues to own a large portion of valuable land despite evidence that this is prone to mismanagement, under-utilisation of resources, barriers to the aspirant, farmers corruption and lack of transparency. When the state owns most of the land, it gains rents, revenue and taxes but how these resources, or whether at all they get back into the national pool is the million dollar question. When ownership is individualised, the poor, who otherwise are often excluded from political processes, are allowed participation that can shift the balance of public goods provision, especially at the local level. The scale at which abuse of property can reach is best exemplified by Zimbabwe (see Chapter 5 on Zimbabwe). Empowering individuals, households, or entrepreneurs can influence the following positive and pro-active developments regarding their:

- ability to produce for their subsistence and to generate a marketable surplus;
- social and economic status and often their collective identity;
- incentive to invest and to use land in a sustainable manner; and
- ability to self-insure and/or to access financial markets, thereby reducing poverty.⁹⁷

⁹⁶ *Ibid.*

⁹⁷ *A World Bank Policy Research Report 2000/2001*, p.xx.

Where people are empowered, they become responsible and more protective as was the case with a partnership that arose at Louterwater between an established fruit production company ZZ₂ and its workers. The company and 250 of its workers were helped to purchase shares, by the land Affairs Department, in the Ouddrift farm, in a struggle to keep fruits fresh for the market.⁹⁸ Through this project, mere farm workers, because of empowerment, increased their potential for a bright future, opened other doors for prosperity and possibilities, improved their skills and are now land owners and have taken care of the source of money for a decent living. The whole venture is worth R20 550 000,00.⁹⁹ The beneficiaries, through their worker's Trust, possess 49 percent of the farm, its owner Marius Vosloo 36 per cent and ZZ₂ Company 15 percent.¹⁰⁰ The partnership is the first land reform initiative in the western half of the Western Cape where beneficiaries own a cooling facility and have shares in the farming enterprise.¹⁰¹ Peter October, one of the beneficiaries reported that:

*Ouddrift produces approximately 3 000 tonnes of fruit annually, which are produced and packed from November until June. The cooling facility would help to extend the packing season until November, meaning the project is functional and productive the whole year. Fruit growing would increase, cold storage skills learnt, employment opportunities raised and exportation of produce improved.*¹⁰²

Still in the Western Cape, excitement was high when title deeds were handed over, on 16 December 2006, for land received in the Simon's Town area.¹⁰³ A total number of 342 land claims were settled in the Overberg region at a cost of R12 650 620, bringing the process to finality for the majority of claimants in that region.¹⁰⁴ The achievements in the Western Cape, much as they reflect the effort to retribute by the commission staff members, a number of debilitating challenges still have to be

⁹⁸ T.K. Sonjica, "Fruit partnership arises from struggle," *Land News*, Vol. 3, No. 3, June-July 2005, pp.20-21.

⁹⁹ *Ibid.*

¹⁰⁰ *Ibid.*

¹⁰¹ Port Elizabeth District Level Delivery Office, A Report of 18 July 2005, p.2.

¹⁰² Sonjica, p.20.

¹⁰³ The title deeds were handed over on 16 December 2006.

¹⁰⁴ *Ibid.*

addressed in the areas of human resources, ways of making the verification process less time consuming and more other such problems.

The South African government, through the Constitution, passed two pieces of legislation dealing with land tenure: "First, the Interim Protection of Informal Land Rights Act, a holding mechanism that prevents violation of existing interests in land until new long-term legislation is in place. Second, the Communal Property Associations Act, providing a means through which people wanting to hold land jointly and in groups can organise their tenure."¹⁰⁵ The first Act was put in place to protect long-term occupiers of rural land, in the former homelands and SADT areas without clear legal right to the land they occupy, against abuses like illegal sales of communal land or developments that are initiated without consultation with the holders of the land. The Act is phrased and thought out in such a way that it neither inhibits development nor stops land transactions. By December 1997, the Act was supposed to have lapsed having allowed enough years for proper change of land rights to take place.

At all costs, occupants of privately owned land, for example, farm workers, should be protected because they are vulnerable to evictions in terms of old apartheid laws such as the Prevention of Illegal Squatting Act. The South African government is putting efforts to protect rights of both farm workers and land owners from malicious deprivation of property. Through the Land Reform Act 3 of 1996, the rights of labour tenants who live and grow crops or graze livestock on farms are protected in that they cannot be evicted without an order from the court nor if they are over 65 years of age. The Extension of Security of Tenure Act 62 of 1997 protects the tenure of farm workers and people living in rural areas, including their rights to live on the land and the guidelines for other rights such as receiving visitors, access to water, health and education.¹⁰⁶ Landowners are cushioned from illegal occupancy of their property by the Prevention of Illegal Occupation of Land Act of 1998.

¹⁰⁵ *South African White Paper on Land Policy*, p.58.

¹⁰⁶ S. Moyo, "The Land Question and the Peasantry in Southern Africa"
<<http://bibliotecavirtual.clacso.org.ar/ar/libros/sursur/politics/Moyo/rtf>>

However, evidence of loopholes in the Acts have since shown their face through illegal evictions of farm workers, farmer killings, the shooting of farm workers for trespassing. The Landless People's Movement (LPM) writes to the effect that farm workers are having their livestock impounded by landowners in Kwazulu Natal who further push them to places where they cannot feed themselves, and recommend that such landowners should have their land expropriated to stop the abuses.¹⁰⁷ The Land Access Movement and the Rural Action Committee of Mpumalanga urged the government to amend tenure legislation to include a mandatory five-year jail sentence for illegal eviction of farm workers.¹⁰⁸ Independent media has it that commercial farming has become a preserve of the rich who see it as a lifestyle choice, and perceive emerging black farmers as strugglers who will never rise and should not be granted a chance to try.

By the same token, white farmers are facing the wrath of the lawless landless and police statistics indicate that violent crime is costing agriculture close to R1,1 billion a year. Farmers have remained a target for robberies which represent a staggering 90% of violent crime despite the sector's contribution to job creation, food production and forex generation. Gauteng records the highest incidences of farm attacks, the North West and Northern Cape are prominent targets while Mpumalanga, Northern Cape and Limpopo record an increase in murder cases.¹⁰⁹ To minimise or stop the killings in South Africa, land reform should deliver on issues of poverty reduction, access to settlement, facilitating of justice and reconciliation promptly. Double standards and lack of transparency should be avoided. Since democracy, the following different kinds of tenure have existed in South Africa:

- Private ownership: where a person or business owns the land or house. You have to register a title deed to say that the property is legally yours, and you can sell the land or home at any time and recover monies invested in the property;
- Communal ownership: The law allows for people to own land or property as a group by forming a communal property association (CPA); and

¹⁰⁷ M. Kubheka, "Landless People's Lament" in *Farmers Weekly*, 1 July 2005, p.22.

¹⁰⁸ S. Hofstatter, "Jail farmers who evict workers, say NGOs" in *Farmers Weekly* 29 July 2005, p.18-19.

¹⁰⁹ S. Moyo, p.53.

- Renting: you can rent your home or land from its owner, which could be a private landowner, a company, a local authority or other institution. There are laws that protect the rights of people who rent.¹¹⁰

However, until the 1990s the apartheid government had made it policy that blacks do not own land. In areas allocated blacks, in townships and ex-homelands black land rights were subservient, permit-based or “held in trust.”¹¹¹ Consequently, the government had legalised insecurity and land could be lost easily by blacks. Confusion and disputes were the order of the day between occupiers of a piece of land, those who purported to own it as well as with the government. The poor were made more vulnerable for lack of legal certainty and administrative protection. Some members exploited the lack of enforceable land rights to bring others onto the land in exchange for money and to bolster their personal power.¹¹²

4.5 Land Reform: Challenges of Implementation until 2006 in South Africa

It should be borne in mind that land reform is a long, tedious and difficult process, not an overnight event. Those who are too much in a hurry for delivery may get disappointed and lose their patience because land reform addresses a very broad spectrum of concerns and scope which includes all land rural, urban, communal, tribal trust lands beaches and parastatals. Since democratisation, a Coastal Management Bill has not been passed allowing public use of beaches against beach ownership by those who have properties around beaches. The Minister of Tourism, Marthinus van Schalkwyk, speaking in an SABC 3 interview insisted that beaches cannot be a preserve of a handful rich.¹¹³ The point demonstrates how land reform as an issue is controversial and very difficult to see through without sounding infringing on one group’s property rights.

Given the vast and rainbow nature of South Africa, there were bound to be more implementation challenges than could be encountered in Zimbabwe, for instance. A growing population of 44 million people exert more pressure on available resources

¹¹⁰ F. Zvomuya, “Police stats: farmers remain crime targets” in *Farmer’s Weekly*, 7 October 2005, p.15.

¹¹¹ *White Paper on South African Land Policy*, 2005, p.29.

¹¹² *Ibid.*, p.30.

¹¹³ M.van Schalkwyk in an SABC 3 interview, 20 August 2006.

than 12 million in Zimbabwe, be they financial, human or infrastructural. The implementation of land reform in South Africa has been impeded by a lack of financial resources given the size of the national budget allocated for the reform and that it is the government that pays resettlement grants and compensates those whose property is expropriated. For example, the payment of R1,75 million in compensation to Hannes Visser for his 500 hectare farm, the first expropriation since independence. According to government, R1,75 million was the value of the farm, not what the farm owner wanted. Visser wanted R3.5 million commensurate with physical developments on the farm which include a meat-processing plant and his house determining the value of the property on the farm.¹¹⁴ At this rate, even the mightiest economy may be pulled down because the compensatory amount is huge, therefore, unsustainable.

Negotiations for restitution or expropriation also dragged out because of lack of funds or human resources. Processing of claims has taken ages because of shortages of staff. Gauteng and North West land claims commissioner Blessing Mphela announced expropriation in the pipeline for farms in Lichtenburg, Taung, Groot Marico, Brits and Venterdorp districts saying negotiations had been going on for a year with no end in sight.¹¹⁵

Backlogs are created and the waiting landless become impatient and with neighbours like Zimbabwe setting precedence in demonstrating impatience, there would not be any guarantees that things would go as planned. When a farm owner sets his compensation high and it is granted, it follows that other farmers would also demand that they be given high compensation and if denied, that would be the beginning of double standards, finger pointing and the derailing of a noble cause. For example, a Farmers Union in Northern Cape demanded compensation which was more than market rates for his land seized by the government for redistribution.¹¹⁶

Because of being under-resourced and under-capacitated, the Department of Land Affairs fails to cope with overwhelming demands and the failure is seen in delays in

¹¹⁴ C. Louw, "South Africa's first expropriation" in *Farmer's Weekly*, 7 October 2005, p.13.

¹¹⁵ C. Louw, "Five more expropriations planned" in *Farmers Weekly*, 7 October 2005, p.13.

¹¹⁶ S. Hofstatter, "Farmers union wants top dollar for seized land" in *Farmers' Weekly*, 29 July 2005, p.16.

implementation, non-response to correspondence, unfinished land transfers and a palpable stagnation of the transformation processes. Land claims' human resources are overwhelmed by the job at their hands. For instance, hours are spent on consulting with claimants to verify information and to determine their settlement options.¹¹⁷ The method places additional strain on officials, who also have to perform the administrative tasks required within an eight-hour day. More resources had to be allocated to this end if claims were to be processed timeously. Delays cause animosity between, for example, farm workers and farm owners, expropriators and expropriatees or willing sellers and willing buyers. The bureaucratic delays have been interpreted differently with some saying they are deliberate and others seeing the Department of Land Affairs behaving as though it were a political organisation, instigating the landless to think the fault lies with the white farmers. In this case, the Department runs the risk of becoming a stumbling block to negotiations. The staff could be following policy, but lacking negotiating skills resulting into protracted talks that last until indefinite, as a result, only 3% of agricultural land has been transferred to black people in the last 10 years from 1995-2005.¹¹⁸

One can also argue that the South African land reform is Zimbabwe driven. When land issues move fast or go the wrong way in Zimbabwe, the media draws comparisons, the South African landless find energy and the white South Africans get awakened that new developments could mark the start of a more aggressive land reform programme in South Africa. When the fast track programme began in Zimbabwe, radical South Africans thought their time had come and they aligned themselves with the Zimbabwean cause against their own situation of non-action. However, as indicated earlier, some critics do not sense the chaos that occurred in Zimbabwe coming to South Africa.

The media rushed to blame the South African President, Thabo Mbeki, for turning a blind eye on the loss of human rights in Zimbabwe and dubbed his approach to Mugabe's land reform programme "the softly, softly approach"¹¹⁹ providing Zapiro

¹¹⁷ Commission on Restitution of Land Rights Annual Report 2003-2004, *Forced Removals Never Again*, p.32.

¹¹⁸ *Report of The National Land Summit, 27-30 July 2005*, NASREC, p.1.

¹¹⁹ M. Tsvangirai, "Tsvangirai changes tune on Mbeki's quiet diplomacy" *Business Day*, 29 October, 2004. Also *The Sunday Times*, 20 August 2006, p.3.

cartoons with a lot of material. White South African farmers rushed to denounce the move and for a while, seemed willing to cooperate, waiting for the tide to pass.

Media at large, both local and international, has not wasted time in reporting on the progress of land reform. The media brought to the fore the roles of individuals, such as President Mbeki, in the execution of land reform in South Africa. Media trammelling aside, newspapers, magazines and the radio stations alike have competed in bringing to the public's attention the efforts and inaction by land reform multi-stakeholders. In the process, the leadership's policies, movements and weaknesses have been microscopically reviewed. Thabo Mbeki has been blamed largely for his inaction towards the impact of the Fast Track land reform programme. His stance has been that the solution to the land reform problems in Zimbabwe lies with the Zimbabweans. As a president of another country, he cannot be seen meddling in the affairs of another sovereign state. The dissatisfaction that came with this foreign policy has left the public divided on whether they should agree with Mbeki or blame him for not rescuing human rights issues in Zimbabwe.

While the landless South Africans were anxious to get land and land titles, the nature of the new constitution blocked out any hurry. The first hurdle was the WSWB model adopted at independence. The principle inhibits radical change and encourages evolutionary change that is driven only by the willing. With democracy at their doorstep, coercion is out of question. Using the WSWB model, the buyer is the government which, given its will power to reconcile the nation, is willing to play its cards well conforming to the constitutional agreement. The problem lies in the concessions made during constitutional negotiations, where both property rights protection and restitution of land taken under apartheid are promised. The only way such opposite objectives can be achieved is if the government shoulders land reform costs. Yet, asking the government or worse, letting the government bear responsibility is to create another injustice in a bid to correct another.

When the new South African government shoulders the cost of land reform, Zirker calls the scenario the "victor's justice", the white minority has not been forced to give

up any land, and the land they now possess is constitutionally protected.¹²⁰ A theory of restorative justice requires, not only that victims of a system be compensated, but also that the wrongdoers be disgorged of their ill-gotten gains, and the second element of the justice equation is not being met.¹²¹ Reconciliation remains one sided if white farmers do not chip in with what they are comfortable to give back. Taking each other to court, claimants and restitutees, over issues created by apartheid, is a sign that partly one part wants the status quo to remain and another believes the era of sharing has come.

The legal system is facing a dilemma as such cases are often turned into racial differences. For example, where coloureds are concerned, if the system fails them, they conclude that they have been losers during apartheid because they were not white enough and they continue to be losers during a black government because they are not black enough. Yet, such perceptions distort the truth and obliterate the flow of justice. A Griqua representative, for instance, says his community feels left out of land reform programmes because they are not black enough.¹²² What is closer to the truth is that, farmers of all races face the same challenges, be they of lack of delivery, shortage of support programmes or climatic concerns.

Finger pointing is another challenge that encumbers land reform where a complicated multi-stage process is involved and numerous players made their contribution. Adherence to negotiated principles gives problems where some agreed notions may need to be revisited when they are deemed not working. Looking at the settlement Land Acquisition Grant of R15 000 per qualifying household agreed upon in the contribution, one realises that the amount is too small to benefit the grassroots poor. The amount is meant for land acquisition, enhancement of tenure rights, investments in infrastructure, home improvements and farm capital investment according to the plans put forward by applicants.¹²³ The figure was too merge to be spread meaningfully across all these crucial needs. In 1999, the grant system was revised

¹²⁰ O.L. Zirker, "This Land is my Land: The Evolution of Property Rights in South Africa" 2003(18) quote by M. Barry, p.375.

¹²¹ M. Barry, p.375.

¹²² S. Hofstatter, p.18.

¹²³ *White Paper on South African Land Policy* 1995, p.66.

following a ministerial review, to award grants of various amounts, depending on the total cash of the proposed project.¹²⁴

Initially, the amount benefited only individuals already relatively well off, who could afford to take the risk of acquiring land. As a result of the risk of inadequate funds, few landless people stepped forward to take chances thereby, impacting on redistribution targets set by the government. As a result, the government is blamed for being highly bureaucratic, for red tape and for not meeting the needs of their sellers or buyers of land. Yet, the government is only executing what was agreed upon in a negotiation by many players. When the implementation of agreed policies go wrong, no one wants to take responsibility and own up to the failure of the agreed principles. When the government, drawing from the negotiated constitution, advocate for farm workers' rights over malicious evictions, agricultural unions blame it for souring relations between farm owners and their workers. For example, a representative of TAU commented to Human Rights Watch that:

After 1994 it slowly started to happen that the good relations between labourers and farm owners were disturbed by all the legislation coming in with protection for the labourers. The cracks were starting to show. The farmer must protect himself financially and also he is seeing murders taking place so he is making other plans, for example, to mechanise more. The labourer is becoming a burden and a threat, and there is now starting to be mistrust.¹²⁵

It appears white farmers wanted to have the prerogative to evict farm workers who no longer worked for them, like any other employer does with their former employees. White farmers felt such farm workers should not be protected by government, worse still, when they continue to accumulate livestock while they stay on these farms. The farmers pointed fingers at the government and accuse it of wanting to empower the poorest and disadvantage the richest which, according to them, is not a profitable policy. Yet, there had been very little dialogue between land owner and farm worker organisations. Assessing the scenario, from the views expoused by Agri-SA and TAU,

¹²⁴ World Bank Report 2003, *Policies for Growth and Poverty Reduction*, p.3.

¹²⁵ <[hrw.org/defending human rights watch worldwide](http://hrw.org/defending-human-rights-watch-worldwide)>, p.17.

some white farmers are afraid of a South Africa where they have no privileges, no subsidies, no preferential treatment nor guarantees.

Fingers of blame have been pointed at the government also in terms of their reluctance to condemn the land invasions and fast track that took place in Zimbabwe. For fear of a repeat of what occurred in Zimbabwe, South African white farmers pressured government not to condone a breakdown of law and order. Following the pressure, in May 2001, the government condemned a threat to invade farms made by the Mpumalanga Labour Tenants Committee, and said that land invaders would be dealt with severely in terms of the law. In June, the government ordered the removal of people who invaded a farm near Kuruman in the Northern Cape in revenge of their families' eviction during apartheid. What was not realised or admitted by the South African farmers is that, invasions in Zimbabwe did not happen because of a nature in a people of lack of order and lawlessness, Zimbabweans have no culture of violence, but were a direct result of a futile waiting for delivery for 20 years. It is, however, appreciated that adapting to change is a hard and controversial thing to do, more so when the changes are sudden and affect a whole lifestyle.

The willing seller willing buyer principle employed at the dawn of independence to help transfer land to the landless from white farmers, dragged the land reform process out.¹²⁶ The principle buys time for those who do not want to see real change in their life time. In the end, the status quo is maintained because only scattered, low-quality land for resettlement is acquired by government as shown earlier. At the time the Johannesburg Land Summit was held, in July of 2005, landless South Africans had realised that for nine years, it has been not yet uhuru, the white farmers knew how to keep what matters. WSWB did not deliver a historical transfer as it has failed to work in Zimbabwe and Namibia and it has not worked in South Africa. Unless and until other forceful or radical approaches are considered, land reform would not happen fast enough for South Africans and the risks for delay cannot be underestimated. In all its efforts to redress the past injustices, South African land reform has lacked urgency, rigour and the much needed genuineness. If agrarian reform is not more re-assuring

¹²⁶ D. Haasbroek, interviewed at Agritex, Ladybrand, 6 November 2006 and M. Hlalele, interviewed at Land Affairs Department, Bloemfontein on 27 September and 10 November 2006, echoed the same sentiment that the WSWB principle does not deliver land fast enough.

and perhaps does not adopt a faster pace now, a second Zimbabwe may not be ruled out.

While land redistribution was encumbered by the WSWB principle, land restitution was slowed initially, from 1995 to March 1999, by a judiciary approach to the processing of claims. All claims had to be referred to a specialised Land Claims Court for adjudication. The court driven process was painstakingly slow.¹²⁷ Realising restitution was not moving at the required pace, Parliament amended the Restitution Act in 1999 and Section 42D of the Act gave powers to the Minister of Agriculture to make awards based on negotiated settlement agreements. The new approach became administrative and has resulted in a phenomenal and exponential increase in the number of claims settled end of 2006 in excess of 36 488.¹²⁸ That solved, however, challenges still remain of claimants who claim the same property, lack of accessibility to some grassroots in need of the same service, shortages of staff to man the programme given the sheer size of it, high compensation prices set by land owners and the effects of the double edged expropriation option.

Emerging farmers faced challenges of not getting individual title deeds to their land so that they could use them as collateral for borrowing, buying larger holdings or any future developments they might want. Acquiring title deeds gives a person a lot of leverage. To demonstrate how titles are a must, examples can be given, from South Africa, or of the Botswana Basarwa (Bushmen) who are still struggling to get their indigenous land rights back, the fight has been going on for many years and now, as 2006 comes to a close, the pressure is hotting up. Indications are high that the Basarwa shall get their rights. In Indonesia – Banda Aceh, people who lost proof of their title deeds in the Tsunami disaster of December 2004 have, in the past two years faced an uphill task to rebuild their lives. News had it that until they prove beyond reasonable doubt that they are the true owners of the land, they cannot rebuild. Agri Northern Cape president, Johannes Moller, in a bid to make his position known, says

¹²⁷ <redi direko.randr@redpepper.co.za>, May 2006. Also expressed by the Chief Land Claims Commissioner Thozamile. T. Gwanya in an SABC 3 interview on 16 May 2006. A. Klaasen, interviewed at Agritex, Ladybrand, 6 November 2006 reinforced the same compliant that claims are delayed by the courts.

¹²⁸ *Ibid.*

he wants individual titles because he is tired of working in groups which leads to squabbles over operations, responsibility and accountability.¹²⁹

Delivering land as a reform to balance off unjust land distribution and fight poverty is further complicated by lack of technical support. Land without a start up is next to useless to the new farm owners who need support with technical skills, organisational skills business skills, planning skills and financial management skills if at all they are going to change their lot, remain sustainable and make the whole land reform programme worthwhile. It would be a waste to take away land from the productive giving it to unsupported beginners.¹³⁰ In Pongola in Kwazulu-Natal, emerging farmers are not breaking into commercial agriculture for lack of agrarian knowhow. Mabude, an upcoming farmer, stresses that, what needs to be fast tracked is not land reform but farming knowledge.¹³¹ He believes farming is not about having everything at one's disposal but, guidance is vital. Despite a number of challenges, however, small-scale farmers of South Africa and other African countries have received a back up from Shoprite Checkers. In 2005, 100 small-scale African farmers are helped to produce fruit and vegetables to Shoprite's standards.¹³² Shoprite, over the years, has engaged services of small-scale farmers to produce foods it markets. In order to produce vegetables, fruits and cereals that meet Shoprite standards, the farmers are equipped with the skills and the prescriptions to that effect. Farmers produce food with a target. After the harvest, Shoprite provides a marketing platform for the farmers. This advantage to the farmers ensures that their produce is sold still fresh, is of high standard and is what the consumers require. That means, Shoprite assists farmers to meet the demand and supply equation. The efforts by Shoprite, though still hamstrung by red tape, despite Nepad's call to free trade, are paying off because the farmers produce what their consumers prescribe.¹³³

High levels of violent crime, estimated at 50 murders and 350 other serious crimes per day, the highest in the world, have had a devastating impact on South African land

¹²⁹ S. Hofstatter, "Northern Cape Land Summit" in *Farmers Weekly*, 29 July 2005, p.18.

¹³⁰ R. Phage, interviewed at Land Affairs Department, Bloemfontein, 27 September 2006, as well as M. Sekantsi, interviewed at Agritex, Ladybrand, 6 November 2006, concurred that if aspirant farmers are not financially supported on the new farms the whole programme goes to the waste.

¹³¹ F. Zvomuya, "Technical support vital for land reform" in *Farmers Weekly*, 21 October 2005, p.19.

¹³² *Ibid.*

¹³³ *Ibid.*

reform.¹³⁴ The energies of the South African youth have not been properly channelled and cannot be tapped into the national pool of development. Black youths have no reverence for life, resulting in loitering, hanging around cities, way laying their victims and in the process, robbing the nation of their own produce, the able bodied they kill, rape and maim. Potential farmers, afraid for their lives, do not want to go and own lone farms in case they become defenceless targets. Investor confidence is shaken, donors who might help the country with the much needed funds for reform, are not impressed by such violent crime. Despite, Tutu's clarion calls for calm, among others, brutal crime continues unabated in South Africa. Archbishop Tutu, giving a speech at his 75th birthday in 2006, lamented the lack of reverence for life in South African crime. He was quick to point out the brutality and violence in South African crime and pleaded with perpetrators to stop this dehumanisation of a people.

CONCLUSION

*The path to poverty is characterised by landlessness. For as long as the poor are hungry, the rich will never know peace. Land acquisition is the only way to riches.*¹³⁵

While South Africa managed to put a lot of committees, institutions, organisations, laws and Acts in place to see to land reform, there is a palpable lack of periodisation in the progress the reforms are taking. A lot of brainstorming and planning by the government is evident in the paper work seen through government documents like the white paper, but those accessing the documents, information and the land itself are not as many. The government is going all the way without the beneficiaries, white farmers nor parastatals sharing the same level of enthusiasm. Levels of illiteracy are high among the beneficiaries to understand the sometimes too complicated programmes. Information networks are challenged when illiteracy rates continue to be high. Illiteracy in South Africa blocks the reform itself since, through ignorance, would-be beneficiaries may fail to realise the difference between getting land or not for they are not aware of the politics or economics of the land question.

¹³⁴ T. Mbeki, "The President's National Address" of 9 February 2007, SABC 3.

¹³⁵ M. Matlala, "Land central to humanity, dignity and survival" in *Landinfo*, Vol. 9, No. 2 p.30.

Although the South African land reform has had its fair share of achievements and challenges, largely not much has changed for the grassroots peasants. Either they still do not have land, are still holding on to the most impoverished bits of peripheral land, are stuck onto some inaccessible, untamed rural land where there is no market to sell produce to or climate change got them before they even started. The climate change conference held in Abuja, Nigeria, could be the key to unlock what ails Africa's agriculture lately, but could be coming at the wrong time for the African emergent farmer. Whatever they do, black or white South Africans, land will remain central to their political and economic well being. Business wisdom has it that one of the biggest transactions an individual may enter into is purchasing immovable property, that is, land.

Even the Presidential State of the Nation address of 27 February 2007 neither sheds light on what has been achieved and what still has to be achieved, challenges, strategies to be tested nor how benefactors are progressing on their new land. The lack of pungency is taken to mean that nothing much is happening and the way forward is not clearly mapped out. The apparent uncertainties surrounding the land question in South Africa are clearly indicative of the debilitating tardiness and blurredness in the reform process. Not even the new land acquisition plans by Gwanya have yielded positive results. Plans are that expropriation is to be increased and land taxation is to be engaged to fast track land reform. Nothing has been implemented and the viability of the new plan is not known and cannot be assessed yet.

To talk of compensation is to talk of something very fluid. Determination of monetary value of a claim is as difficult as telling a property owner to grapple with losing it in the name of equitable distribution. Issues of nepotism, threat and bribery (mocked as facilitating fee) may crop up and cripple what started as a noble cause. Who decides what is fair compensation to whom is a very complicated matter. Making the current government pay for the injustices done by apartheid does also not make logical sense to the layman. One wonders why a black government, itself a victim of apartheid, should be made to pay for being victims. What is put in place to make apartheid pay? Who should ask those questions or should all that be swept under the carpet in the name of reconciliation, a negotiated constitution, healing past wounds, democracy and pleasing the eyes of the international world and being politically correct? Why should,

blacks pay for what is indigenously theirs? How are those who benefited during apartheid prepared to meet the government half way, apologise and assist the healing of a nation?

By resisting and limiting land redistribution efforts, South African landowners are unwittingly and practically travelling Zimbabwe's way. While the fear of ending up like Zimbabwe is palpable, the action to avoid it, is next to nothing, its only lip service and talk is cheap. The inaction fuels levels of violence and conflict, the recipe for land invasions. Invasions of public or privately owned land often occurs following, for example, evictions of farm workers and labour tenants increasing the volumes of the landless and the destitute. When people are hungry, unemployed and hopeless, they have nothing else to lose except their chains. They resort to desperate measures that are detrimental to the well being of the nation. Constructive analysis, contrasting and comparing has to be engaged to help South Africa not to travel down Harare Avenue.

Though land invasions have been illegal, they are a stark reality in the face of a tardy reform process. The land invasions manifest themselves in different forms like stealing and settling on not properly supervised or controlled areas, selling pieces of stolen land, forcibly settling on private property, illegally extracting rent from fragmented individual sites and most infamously, the killing of landowners to gain access. People's needs are different, and if the redistribution programme does not respond to different needs and circumstances in appropriate ways, the failure would be detrimental to development, poverty alleviation and good governance. Even municipal commonages, which usually provide opportunities for public land use, have also lately, shunned the poor and been subject to usurp.¹³⁶ Usurpation has occurred where, what is supposed to be for charity, has been leased to the highest bidder, by the municipalities for love of revenue and the folly of corruption.

¹³⁶ *White Paper on South African Land Policy 1995*, p.28.

CHAPTER FIVE

The Correlation of Politics, Economics and Land Allocation in Zimbabwe: The 2000 to 2006 Intermingle

5.0 INTRODUCTION

Historically, the Zimbabwe land question has social origins. From as far back as the early 1890s, the time of the First Chimurenga War, stress on wars has always been about society or communities and their relationship to their land. The independence war, the Second Chimurenga, was mainly fought for majority rule and the land issue, with the rural people being the driving force behind the war, given their strong historical attachment to the land. Access to land was crucial for survival for the majority. However, due to the deferment of land redistribution, in a racially skewed system of ownership of agricultural land inherited at independence, the land question has changed face over the years.

From the year 2000, starting with the Zimbabwe government's failed February referendum, the political and economic dimensions of the Zimbabwean land question rose to great prominence. In the name of survival, with the rise of the MDC, the shrinking of the economy and the fall-out with the international donor community, the ruling ZANU-PF could not just stand and watch political power slipping out of their grip. To invent themselves, they had to manipulate the land question, giving it different faces. When the much needed land reform could be exploited anyhow, the government had found a weapon that would be used to whip every opponent into oblivion. However, this malleability trait in the land question would in a couple of years destabilise the balance between the economic, social and political objectives of a nation and threaten to make Zimbabwe a pariah.

Starting with the "Land is the economy and the economy is land" motto of 2000 to 2002, the new century had commenced well for the Zimbabwean government that had an election to win. The slogan was carefully thought through to make land reform an

imperative, therefore, the central campaign message in the parliamentary elections scheduled for late 2000. Mbaya calls the draft constitution that failed to pass a “once-and-for-all solution” by ZANU-PF.¹ Once it failed, one would have thought doomsday had arrived for the incumbent government but, the land question was the trump card they would play timely to serve themselves from a historic sinking. From then on, the line between politics, economics, social matters and land reform grew fainter and fainter, blurred and not clear to perceive by the senses.

5.1 Continuity and Change: The Evolution of Land Reform in Zimbabwe

Zimbabwe inherited a racially skewed system of ownership of agricultural land in 1980. At independence, large scale commercial white farmers owned 15.5 million hectares while 8,500 small-scale commercial farmers, who were indigenous Zimbabweans, owned 1.4 million hectares or five per cent of the agricultural land. The majority of the indigenous population subsisted on 16.4 million hectares of leased and congested communal land that represented less than 50 per cent of the total agricultural land and mostly in areas with low rainfall, scant vegetation and soil properties of low inherent fertility.²

As a result of inadequate poor-quality land for subsistence farming, pressure on land, population increase, decreasing opportunities for non-farm employment and the coming back of war veterans from the Second Chimurenga, the government started addressing imbalances and inequalities in land distribution promptly. The history of the government’s land reform programme indicates that three major government driven programmes and one joint government and large-scale commercial white farmer programme have been implemented since 1980.³ The first programme, Phase I,

¹ S. Mbaya, “Zimbabwe’s Land Politics and the 2005 Elections’ in *Journal of African Elections*, Vol. 4, No. 2, p.40.

² United Nations Development Programme, “Zimbabwe Land Reform and Resettlement: Assessment and Suggested Framework for the Future,” *Interim Mission Report*, p.3.

³ *Ibid.*, p.4. There have been a number of smaller initiatives entailing collaboration between landowners and the Government of Zimbabwe. A few large business corporations have submitted small amounts of land for phases I and II of the Land-Reform and Resettlement Programme. One such example is the Karoi and Marondera areas using community-based resettlement approaches based on market-assisted, negotiated transfers of commercial farm land to low-income rural households, assisted by the Karoi Trust.

characterized as the Land-Reform and Resettlement Programme, spanned the period from 1980 to 1997.⁴ The second programme, Phase II, began in 1997/1998, with an inception phase during 1998/1999 which was overtaken by the Fast Track programme, which started in June 2000.⁵

Phase I of the land-reform programme was scheduled to redistribute 8.3 million hectares through four farm-settlement models of varying sizes and use. The programme commenced with the government initiating modest efforts at land redistribution in the first ten years of independence. Out of a target of 162,000 settled families only 71,000 families from communal areas had been settled by 1997. Between 1980 to 1997, slow progress was made in identifying land for acquisition, settling families and in infrastructure development like the construction of boreholes, schools, clinics and cattle dip tanks.

However little the progress made was, Phase I will go down in the history of the Zimbabwean land reform as the most orderly, though constrained by the stringent rules of the Lancaster House Constitution, most infamous being the WSWB Principle. The progress made was in large part due to the post liberation energy and enthusiasm of the government in the context of urgently needed reconstruction, but also because of the United Kingdom Government £44 million financial support over the decade to cover the acquisition and a portion of the resettlement cost.⁶

During Phase I, settled families were provided with written permits to reside and use the land on which they settled in a setting overseen by resettlement officers rather than by established local authorities. The permit tenure system was viewed as insecure. New farmers would lose their land easily, without adequate reason, without protection by local institutions nor transparency in the handling of the transfers and the permits. Because emphasis, in this phase, was on buying land from selling white large commercial farmers,

⁴ *Ibid.*

⁵ G. Magaramombe, "Rural poverty: Commercial farm workers and Land Reform in Zimbabwe" Paper presented at the SARP conference on Land Reform and Poverty Alleviation in Southern Africa Pretoria, 4 June 2001, p.3.

⁶ *Ibid.*, p. 6.

the reforms in place had no proper capacity to address the plight of farm workers. As a result, a majority of them were left with no place to stay, no jobs and no incomes to sustain their families.

The exact date Land-Reform and Resettlement Programme Phase II started cannot be established since the dates vary from one historian to the other.⁷ However, a general date of between late 1997 and early 1998, is acceptable for the purpose of this research. Given the various challenges encountered during Phase I, for instance, its slow pace, the government launched the second phase of the Land Reform and Resettlement Programme, (LRRP2). The intention of LRRP2 was to redistribute substantial parts of the commercial farm sector totalling 5 million hectares and settling 91,000 families.⁸ Beneficiaries were to include the landless poor, overcrowded families, youths as well as graduates from agricultural colleges and others with experiences in agriculture. The programme mostly targeted poverty reduction, promoting environmentally sustainable land use, boosting agro-industry and enhancing conditions for social, economic and political stability.⁹

Land Reform and Resettlement Programme per se, however, did not last long before it got paralleled by informal and subliminal processes of land occupations by communities that had become increasingly disillusioned with the slow pace of redistribution of resources by the government.¹⁰ Incidents of land occupation were catapulted to significant levels in 1997/8 when some former liberation fighters, dissatisfied with the extent of recognition afforded them by the government, staged a political insurgence, demanding better treatment, including pensions and land allocations. Moyo asserts that,

⁷ Magaramombe writes about a government policy framework on LRRP II of 1998, so does D. Amderson, "Mugabe is Right about Land Reform" in *The Independent*, 4 May 2000.

⁸ International Crisis Group, *An Implementation Plan of the Land Reform and Resettlement Programme Phase 2*, Prepared by Technical Committee of the Inter-Ministerial Committee on Resettlement and Rural Development and National Economic Consultative Forum Land Reform Task Force, pp.1-10.

⁹ *Ibid.*

¹⁰ S. Mbaya, p.41.

the issue of land and its redistribution was from then, firmly returned to the political limelight.¹¹

The LRRP2 experienced its fair share of problems if not worse than the first phase. Phase II was characterized by significant contestation by white commercial farmers through court appeals against government plans to acquire their farms. No longer restricted by WSWB, the government had seized the opportunity to acquire land as demand propelled them but, they met resistance from white farm owners. The court cases delayed land redistribution and soured relations deeper. Besides being short, the phase did not witness real redistributive impact on the ground. Compounding the government's problem, on the one hand was lack of funds to back the programme. In September 1998, the International Donor's Conference on Land Reform in Zimbabwe was held in Harare; the IMF, the World Bank, the European Union and representatives of 23 foreign governments and international organizations attended and all were potential donors.¹² A resettlement programme was agreed upon to run over two years and involved 118 farms already earmarked. Financial support would be needed for road construction, first crop tillage, farmer support and credit facilities among other support services. Defiantly, Mugabe, insisted on seizing 841 white owned farms derailing the whole agreement.¹³ Without donor support, on the one hand, the programme's experimental inception phase failed to materialize.

The conference that gave the resettlement programme a go ahead was a donor conference held in Harare in September of 1998. Through the conference the Zimbabwe government had as its objectives informing and involving the donor community in the resettlement programme.¹⁴ The donors unanimously endorsed the land programme, noting that it was essential for poverty reduction, political stability and economic growth. They particularly

¹¹ S. Moyo, "The Land and Agrarian Question in Zimbabwe," The first Colloquium, University of Fort Hare, pp.1-2.

¹² A. Norman, *Robert Mugabe and the Betrayal of Zimbabwe*, p.110.

¹³ *Ibid.*

¹⁴ Anderson, p.11.

appreciated the political imperative and urgency of the land reform and concluded that the “inception phase” covering 24 months commence immediately.¹⁵

On the other hand, the demands by the war veterans, acceded to by the government would sap the economy over a year and spoil all hopes of recovery. In consequence, a degree of uncertainty in the country and a loss of confidence set in with the value of the Zimbabwean Dollar dropping triggering a range of economic and social consequences.¹⁶ Politically, the significance of the war veterans request was that it signalled new levels of dissent and a power shift within the ruling ZANU-PF, demonstrating the political currency for political advantage.¹⁷ Land reform programmes were hard hit by the implications and continue to experience the shock waves by the end of 2006. In the event, the LRRP2 failed to take off in earnest, the advantage or the relief package that comes with new things, programmes, schemes or plans was not felt.

Note must, however, be taken that it was not all negative with LRRP2. Farm workers started to be noticed, during this phase, in terms of policy making or issues in the land reform discourse. As mentioned earlier, during the immediate post independence period, farm workers were not considered as a specific category in the resettlement programme. Though they qualified to be under broad categories of the poor and the landless, who were the main targets of the first phase, they were a non-issue in terms of influencing policy.¹⁸ Historians, including Maxwell and Magaramombe, concur that, at independence, farm workers were generally viewed as foreigners, as unproductive and persona non grata on resettlement farmland. By reason of their origin and biography, most of them had no claim to land in the communal area, were extremely dependent upon their employees to satisfy their basic needs and consequently, supposed to move with their employer when they moved from a farm.¹⁹

¹⁵ *Ibid.*

¹⁶ Mbaya, p.41.

¹⁷ *Ibid.*

¹⁸ Magaramombe, p.2.

¹⁹ *Ibid.*, p.2. Also D. Maxwell, *African Gifts of the Spirit: Pentecostalism and the Rise of Zimbabwean Transnational Religious Movement*, pp.60-62.

Due to the advocacy efforts by the farm workers union, NGOs and academics, incorporated issues of land rights by farm workers, both in terms of residential rights and rights to resettlement under the land reform programme. The document, although silent about the fate of displaced farm workers, provided for the establishment of rural service centres within the large-scale commercial farms, which would provide off-farm residential accommodation for farm worker communities.

Advocacy of farm worker issues has, within land reform, undergone several phases shown below:

- a nationalist approach: advocating for improvements on conditions of living and the well being of a people;
- a workerist approach: viewing the farm worker as a worker and only concerned with issues of wages and compensation for loss of employment;
- a welfarist approach: treating farm workers as a group of people in need of a system of caring through a range of services; and
- a transformative approach: focusing on a rights based approach to farm workers.²⁰

While the listed approaches are not mutually exclusive and tend to overlap, change has been significant as regards treatment of farm workers, be it by their employers, other citizens and the government at large. The inception phase framework plan provided the change of a mind-set, to include the idea of farm settlements for residential purposes by farm workers. Nonetheless, haste has to be made to mention that the achievement was not enjoyed for a long time before a wave of farm invasions following the government's defeat in the February 2000 constitutional referendum and the Fast-Track resettlement model swept the country. Although a return to the commitment to the issue of land rights

²⁰ *Ibid.*, p.3. Magaramombe quoted Moyo who gives the various approaches in evolution of the farm worker's position in land reform.

to farm workers was attempted through a revised LRRP Phase II document of April 2001, on the ground, not much was achieved.

As regards articulation of policy, from Phase I, through Phase II, to Fast Track, policy objectives grew clearer. While in the beginning reform objectives were rehabilitatory, with time, focus on particular targets was achieved. Phase II and Fast Track objectives became clearer in their intention to promote indigenous commercial farming so as to de-racialize the large-scale commercial farms by allocating about 30 per cent of targeted land to the A2 model, implemented.²¹

5.2 Fast Track : The Marks of a Changing Approach

The Fast Track Land Reform Programme (FTLRP) was implemented between July 2000 and 2002. Various terms “an agrarian revolution,” “Third Chimurenga” or jambanja” (direct action), this phase of land reform involved the acquisition of 11 million hectares from white commercial farmers for redistribution in a process marked by considerable coercion, violence and general lawlessness.²²

Following the failure of a substantive follow-up to the Donor Conference of 1998 and two years of relatively little activity, the government resolved to implement Phase II, once more, this time at an accelerated pace and with a different name-Fast Track. The objectives of the Fast Track programme were still the same of Phase II, now restated as follows:

- the immediate identification for compulsory acquisition of not less than 5 million hectares for Phase II of the Resettlement Programme, completion by December 2001;

²¹ *UN Interim Mission Report*, p.10. Also an interview carried out in Masvingo on Eliot Makambe's A2 farm in July 2005. And S. Moyo, *Land Acquisition Process in Zimbabwe (1997/1998)*, p.29. And UNDP, *Zimbabwe Human Development Report 1998*, pp.1-30.

²² L.M. Sachikonye, “The Situation of Commercial Farm Workers after Land Reform in Zimbabwe” A report prepared for the Farm community Trust of Zimbabwe, p.12. Also Magaramombe and Anderson.

- programme to benefit 160,000 families from communal and urban areas to be resettled into two accelerated resettlement models namely A1 and A2 Farms;
- a) A1 Farms: Employed to decongest communal areas. This model is where an individual family farm is six hectares plus a common grazing land for livestock. The homesteads are in villages (the villagized model) and farmers have fields at a designated area. This sector includes self contained A1 farms (the self contained model) which are more than the usual six hectares and can be used for crops and livestock. A settlement scheme could be composed of several such units but without a village structure;
- b) A2 Farms: This is the commercial model of the accelerated land reform programme where farmers are resettled in a way such that an individual has a farm where crop and livestock production is carried out within the farm;
 - The planning, demarcation and settler emplacement on all acquired farms; and
 - Provision of limited basic infrastructure (such as boreholes, dip tanks and scheme roads) and farmer support services (such as tillage and crop packs).²³

²³ Magaramombe, p.3. What A1 and A2 farms entail is found in *Agriculture and Livestock Survey 2005/6 Training and Field Manual*, from the Central Statistics Office, p.2. Also B. Zvavamwe, interviewed on the working of A2 farm model, at a Mazoe A2 farm, Harare, 14 July 2005 and M. Viriri, interviewed in Harare explained how the A1 farm model works, July 2005.

Methods of land acquisition, selection of benefactor and provision of settlement support became a completely government-driven approach to ensure rapid completion of these three tasks. The government had the prerogative using means of its choice. Already, from the description of the programme, there were elements and undertones of inadequate planning that would have implications on demarcation, agricultural land use and production. Further, there was bound to be inadequate provision for post-settlement support, including starter packs, extension services and access to credit.

Infrastructure development was not accelerated; rather, it was spread over ten years. Given such an arrangement, it was easier for the government to abandon the development of infrastructure the moment land was transferred to the chosen beneficiaries. Nothing would tie the government to deliver on roads especially given that the nature of the programme eroded the drive to plan implementation and project the aftermath. Naturally, as the Fast Track programme was largely implemented through a widespread invasion of commercial farms by armed groups of those labelled landless, it did not exhibit the levels of planning which had characterized the Lancaster decade. Due to its manner, the Fast Track programme has since been dubbed the “rent a thug period,” a period where violence was used to seize a total of 110,000 km of land.²⁴ People, of all ages, who were ready to carry out widespread violent acts in the name of land reform were hired to take the message to landowners,²⁵ including their farm workers that it was time to share the national cake. Indeed, time when the end justified the means.

Because the FTLRP was largely fanned by the prevailing political atmosphere, the pace, extent and nature of the farm invasions were as such. One became politically incorrect at their own risk, the “landless” would easily prey on you. As a result, those who had not supported the government in its policies, ideologies and endeavours, for instance, the opposition and the unfortunate ones, suffered the consequences, not even the workers were spared. About to catch a life line thrown to them by LRRP2, farm workers found themselves, in the FTLRP, no longer considered as a specific category to be considered

²⁴ Anderson, p.11. Also CSO, Statistical Yearbook 1998, pp.57-63. And CFU, “Chronological sequence of events relating to Land Reform since Independence” Unpublished Files, 2000.

²⁵ M. Meredith, *Mugabe Power and Plunder in Zimbabwe*, p.49.

for resettlement but, viewed with suspicion if not outright hostility. From the beginning of the programme, 347 farms with an estimated 13 800 farm worker households were noted to have been negatively affected while an estimated 738 farms were gazetted, which was likely to affect a further 29 520 farm worker households.²⁶ *Table 5.1* below provides a picture of the number of farm workers resettled in the three Mashonaland provinces making up over 80 per cent of the farm worker population in the country.

Table 5.1: Farm workers communities in the FTLRP July 2000-March 2001

Province	#.of farms fast tracked	#.of communal households settled	#.of farm worker households settled
Mashonaland Central	56	3 099	216
Mashonaland East	110	9 001	630
Mashonaland West	109	6 184	371
Total	257	18284	1217

Source: Farm Community Trust of Zimbabwe documents.²⁷

Neglecting farm workers together with seasonal workers and in the extreme cases harassing them, sending them out of farms that provided them with employment, accommodation and security has been one, among many, major loopholes of the Fast Track Programme. Farm workers were not seen as part of the solution, therefore, not taken as part of the plan, the strategy and the discussion on the programme as a whole. There was widespread concern that the programme was not thought through in terms of methodological planning, benefactor selection, inclusive participation, transparency and law and order upholding. If land reform had to address economic and social inequalities, then marginalized groups of people like farm workers had to be considered as a specific target, by the FTLRP.

The inception of the Fast Track programme was also an inconvenience given the time it started, the time when farmland was supposed to be prepared for the following season. As a result, farmers either awaited their fate without making the necessary preparations of

²⁶ Anderson, p.4.

²⁷ Farm Community Trust of Zimbabwe (FCTZ) documents. Several documents from the FCTZ publications. Also GOZ, Land Acquisition Amendment Act 2000.

the fields, seeds, fertilizers or development work, in some cases, they ran away and in other cases, those who took over had no plan with which to continue making the farms productive. They had no capital, no knowledge, no skills, and to a large extent, not physically nor emotionally prepared to take over. Once land was in their hands, it dawned on them that they could not go all the way. The long and short of it is that the Fast Track programme was wrongly timed. With climate change caused by Elnino setting in, advised planning was needed to avert the wrath of weather change. From the look of the situation, the combination of a change of land reform strategy and the fragility of the climate proved a deadly conspiracy for Zimbabwe's agrarian reform.

Uncertainty set in, in terms of what would be grabbed, when, at what cost and with what implications. The Fast Track programme created and perpetuated disorderliness where, land invasions went on without any official time frame set for achievement of which objective. The chaos affected all actors, the commercial farmers, farm workers, the government, new settlers and the citizens at large.²⁸ The disorder even affected the counting of farms suitable for acquisition. Often a time a farm could be counted more than once or be wrongly categorized. Farms which were not, by description or by set criteria, supposed to be acquired, were listed in the hurry to make long lists, intimidate, meet set targets or deliver land belatedly. *Table 5.2* below demonstrates the extent of the data confusion unleashed by the FTLRP:

²⁸ M. Viriri, interviewed in Harare, on the statistics on land invasions, 22 July 2005, lamented the breadth of the disruption caused by the fast track programme. Also D. Mukurunge, interviewed at Viriri Business Centre shed light on the role of the youth in the land reform programmes, 25 July 2005.

Table 5.2 Summary Status of the Fast Track Resettlement Programme

Farms acquired by Province (or in the process of being acquired) June 2000-20 November 2001						
Province	No. of farms listed	No. double counted	No. of farms de-listed	No. of farms currently listed	Size of farms currently listed (Ha)	Average farm size (Ha)
Manicaland	640	70	49	521	548,790	1,053
Mash Central	815	83	67	665	808,189	1,215
Mash East	1,196	234	134	828	746,837	902
Mash West	1,534	262	128	1,144	1,905,183	1,665
Marvingo	648	116	156	376	1,479,072	3,934
Matebeleland North	550	51	42	457	1,615,943	3,536
Matebeleland South	362	21	30	311	1,138,079	3,659
Midlands	736	81	83	572	991,766	1,734
Total	6,481	918	689	4,874	9,233,859	1,895

Source: Ministry of Land, Agriculture and Rural Settlement.²⁹

There arose problems of identifying farms that could be acquired for resettlement resulting in erroneous classifications and categorization of farms. Farms incorrectly categorized under those that could be acquired fell under state and parastatal owned, indigenous farmer owned, church or institution owned and those where the farmers implicated owned only a single farm. Mistakes in listing were a result of sundry challenges in communication processes, administrative processes and a general breakdown of trust between landowners, local authorities and interest groups.³⁰ The process to delist erroneously listed farms was an uphill task on its own, causing further disruption of agricultural production activities, laying off of workers, creation of destitutes, loss of law and order and a palpable malaise in the whole land reform endeavour.

Appendix 11 demonstrates the damage done to farm productivity by the 2000 to 2005 intermingle of politics, economics and other factors dictated by the international

²⁹ Ministry of Land, Agriculture and Rural Resettlement document of 16 November 2001.

³⁰ *Ibid.*

community not forgetting climate change.³¹ The immediate consequences of the Fast Track Programme in the large-scale commercial sector included significant declines in crop output between 2000 and 2003. Maize came down from 800,000 tonnes to about 80,000 tonnes, wheat, from 225,000 tonnes to less than 100,000 tonnes, soya beans, from 145,000 tonnes to 30,000 tonnes and tobacco from 230 million kilograms to about 70 million kilograms. Compounding the afore mentioned problems were also the migration of white commercial farmers into neighbouring countries, the vandalism of farm property by disgruntled blacks and lack of smooth take-over plan on the farm.³² The decline would worsen, impacting on the survival of a nation in terms of food, gross domestic product, foreign exchange earnings, retrenchment of workers, brain drain, tourism and the list goes on. Reduced productivity in the agricultural sector also had a polarizing effect on the nation, where two opposite groups emerged, others, on the one hand, supporting the land reform approach, and on the other hand, some crying foul³³.

Insecurity and uncertainty set in, with a lot of white farmers who, since Rhodesia, were pillars of the agro-industry on which the country relied 70 per cent leaving for neighbouring countries.³⁴ Many farmers went to Zambia, Nigeria, South Africa and Mozambique.³⁵ Fast Track was so disruptive that when many white farmers left, the agricultural sector experienced shortages of seeds because the farmers who left used to produce them, and when they left they did so with their expertise. Even flourishing farms were destabilised, for example, Kondozi farm in Odzi near Mutare in Manicaland. The farm owner Mr de Klerk was forced out to make way for ARDA, the farm workers became destitutes in the town of Mutare, their children dropped out of Odzi primary school causing the enrolment to drop affecting the teacher pupil ratio in the school.³⁶ Business people who had clothed and fed their families, as a result of profits from their

³¹ Appendix 11 is a compilation of levels of productivity from between 1995 to 2005/6 farming seasons on a number of farms including Victory, Chesham, Rukute and Ayshire.

³² M. Nyawo, interviewed at Machiragwama, 26 July 2005. The interviewee stressed the disruptive tendencies in land reform programmes on the livelihoods of the ordinary people.

³³ Commercial Farmers Union Statistics.

³⁴ *The Herald*, 9 June 2006. Also J. Msika, "Status report on the Land Reform and Resettlement in Zimbabwe" Paper presented at the ZANU (PF) Congress in Harare, 14-16 December 2000.

³⁵ An observation made during interviews at Kondozi Farm in Mutare by Y. Odzi. 18 July 2005, and S.G. Chigiji, business owner, at Kondozi, 18 July 2005.

³⁶ Interview with Mr. Moyo a businessman at Odzi, 16 June 2006.

beerhalls and grocery shops in Odzi township, were pushed out of business, thereby withdrawing their services to the community and folding. Mr Moyo, who had established such a business in Odzi ten years earlier, could not fight back his tears as he narrated his ordeal and how he was going to bring back his three children from a boarding school outside Mutare, Hatzel High School, to a day school, for shortage of school fees.³⁷ He shared this terrifying experience with many around the country.

With more farms invaded or acquired to meet government targets, agricultural productivity continued to fall with a direct impact on food security. The decline in Maize and wheat, which are staple in Zimbabwe, was compounded in 2000 to 2002 by a major drought affecting the entire Southern Africa region. Access to food became difficult and irregular, affecting especially, the jobless, the weak, the women, the elderly and those living with HIV/AIDS as well as children under five and of school going age.³⁸ The groups affected triggered a chain reaction that resulted in a domino effect on social infrastructure and services, the economy and politics especially electioneering.

The Fast Track programme worsened forex crisis in Zimbabwe with more than 1 400 white commercial farmers expelled, their property having been seized by the government, the 2002/2003 tobacco crop, fell by more than 30 per cent from 165 million kilograms in the previous season to 112.8 million kilograms.³⁹ Out of 1 750 large-scale tobacco commercial farmers in Zimbabwe in 2001, only 350 remained in the country by 2005. A consultant economist, John Robertson, reported that from the inception of the FTLRP, Zimbabwe sank deep into severe hard cash crisis resulting in the country missing payments on its external debt, triggering shortages of essential raw materials and basic food commodities.⁴⁰ Tobacco is Zimbabwe's single largest export, earning a third of all annual foreign exchange. Large-scale commercial farmers produced about 90 per cent of tobacco and contributed more than 40 per cent of Zimbabwe's total agricultural

³⁷ *Ibid.*

³⁸ *Ministry of Land, Agriculture and Rural Resettlement document of 18 October 2003.*

³⁹ *The Financial Gazette*, October 31-November 6, 2002, p.8.

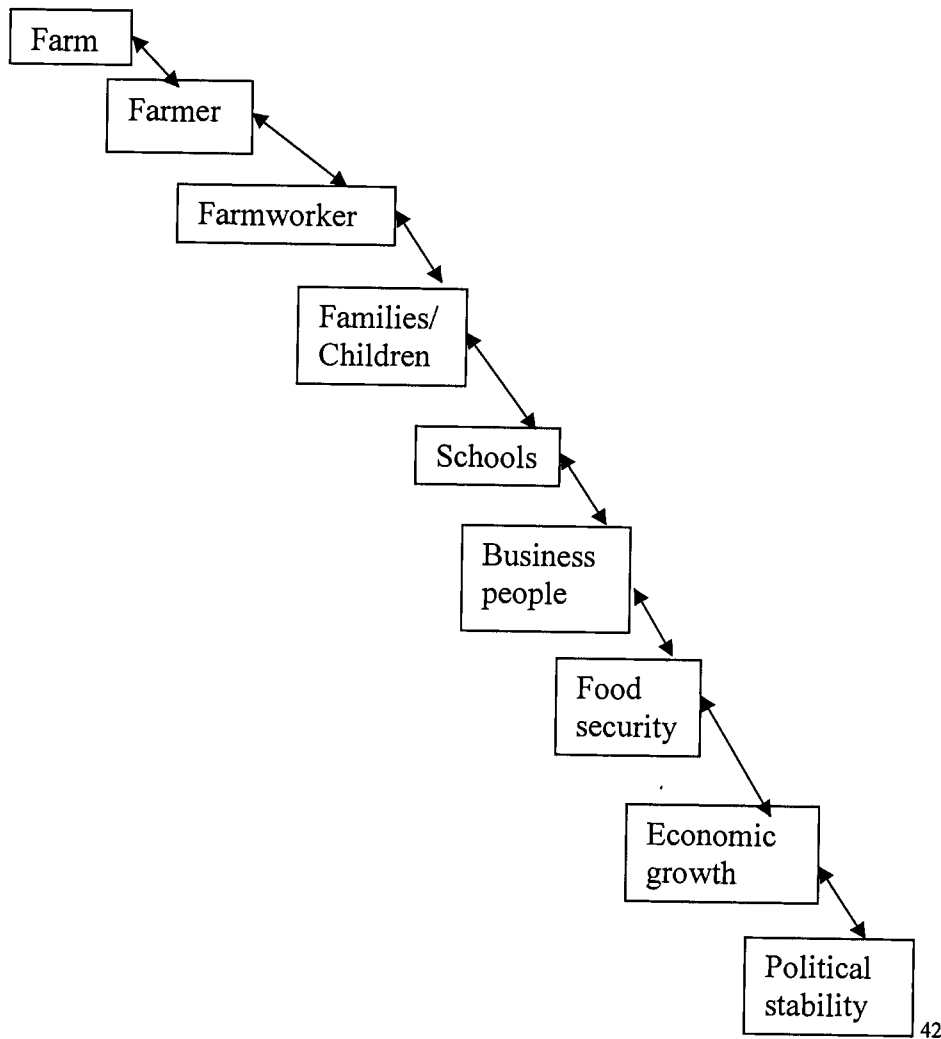
⁴⁰ *Ibid.*

produce.⁴¹ Disturbances on farms saw a very small amount of crop often of low value being produced and, among many setbacks of the decline, was the loss on revenue collection by the government.

The diagram that follows aims to illustrate the extent of the domino effect triggered by farm invasions that drove or was the back bone of the Fast Track Programme.

⁴¹ *Ibid.*

Figure 5.1 Farm Invasion Domino Effects



While the FTLRP appeared to be empowering the black peasants, statistically, it emerged as the most chaotic, confused and destabilizing patch in the Land reform fabric. The government was not very transparent as to what farms were to be acquired and to benefit who. Consequently, officials in charge had the leverage to get corrupt, there were no real after-occupation plans and the orderliness that had characterized the 1980 to 1990 decade was lost. Without an open policy, land reform threatened to turn the whole nation into a pariah.

⁴² Writer's own creation.

With the FTLRP, the government almost doubled its original target of acquiring 5 million hectares because 9.2 million hectares were acquired.⁴³ Much as the figures sounded positive, on the part of the government, the strategic role of the large-scale commercial farming sector in the national agricultural production, was eroded. The erosion left a big gap of insecurity, unpredictability and loss of confidence through which lack of forex, hunger, joblessness and disorderliness sneaked through. The loss continued to deepen so much that to say Zimbabwe was once the bread basket of the region, became a dramatic or unbelievable irony.

The FTLRP was monstrosously too big for the government's implementation capacity. Not much was monitored given available structures to do so. As a result, violence on farms went unchecked, even the police who were supposed to maintain order, were overwhelmed partly because of the shortages of fuel to allow them to be on patrol and the fact that they were not capacitated and prepared to quell the intensifying chaos. The government also faced great challenges monitoring agricultural and pastoral activities by the new farmers, who in most cases, lacked the farming expertise, capital and legal tenure for the farms they had acquired. Without the much needed skills and input, a vast number of farms would take ages to generate sustained incomes for their families, surplus for the nation and export. New farmers had difficulties successfully settling in the new environments given their unpreparedness to the task before them, inadequacy of infrastructural development and weak socio-agricultural support services. The overstretched scope of the FTLRP also has a down side where negotiations between stakeholders have no space for formal debate. Armed with a sound reason to reform land, controlling the apparatus to amend laws giving them unbelievable elasticity and possessing the structures that matter, the government was able to white wash the programme or out rightly bulldoze its way through.

⁴³ *UN Interim Mission Report*, p.23. *The Financial Gazette* of October 31-November 6 2002, however, documents the dark side of fast tracking by showing a worsening forex crisis, pp.1and 31.

5.3 A Reformation That Lost Its Course: Zimbabwe A Basket Case.

There is no doubt in every Zimbabwean's mind that land reform could provide real political and economic decolonization. The government was right to pursue agrarian reform from the onset.⁴⁴ However, the methodologies the government used have proved unfavourable for those who are supposed to give up land as well as those who are supposed to benefit from the reform. The current methodologies suffocate and fail the farmer mostly.⁴⁵

While the government cannot be blamed for the slow delivery during the Lancaster decade, one cannot fail to notice the movement in agrarian reforms from bad to worse as years went by. The manner in which the reform was pursued did not help matters, it was negatively reactive. The government acted on the spur of the moment, for its own survival, be it against the opposition, the ex-colonisers or be it in response to the demands of those it serves. Realising that land acquisition had to be legal, according to some acceptable framework or set of rules, the government used its powers to change, amend or expand laws to suit their objectives.

As a result of the changes, it became impossible to predict outcomes on the basis of objective criteria, plan for the future or be certain as to who would be affected and who would be the benefactor. The government itself had only targets to be met without thought through policies in black and white. The government exploited every opportunity that came their way, thanks to the demands by war veterans and the peasants, enabling them to appear to be doing what the people were asking for. Elastic legislation was used to clean up all sorts of contradictions that sneaked up on the government. In the interim, doctrines of justice were violated. The image of the judiciary was tarnished with the government and the white farmers dragging each other to court at every turn.

⁴⁴ Anderson, p.1.

⁴⁵ C. Buckle, interviewed in Harare, 23 July 2005, lamenting how farmers lost land and property indiscriminately during land invasions in Zimbabwe.

The judiciary was caught between two fires, either to play according to their calling or agree with the government. To agree with a white commercial farmer would be to side with the enemy. The government stopped seeing land reform in the eyes of a needed justice and turned the reforms into a white and black issue. Along the way, rights, compensation and justice were denied, doing a lot of harm to the national economy. The people of Zimbabwe were also taken back to the times of the liberation struggle since a lot of songs that won the liberation war were also sung during invasions invoking fallen heroes, spirit mediums and conjuring up political struggle memories.⁴⁶ In the process, a pure economic struggle was shoved aside. In the chaos, the government eventually succeeded in giving some blacks land but, using the wrong methods and doing it for the wrong reasons.

To demonstrate how the government propelled the people and fanned invasions, an example of a land reform advertisement that punctuated television programmes especially in 2002, can be given. The advert showed that if one works the land, they reap prosperity and build the nation. Much as one would wish such for their country, more was added as follows:

*Now that the land of our ancestors is in our hands,
it's time to use it fully to guarantee food security,
create jobs, develop and grow our economy for the
good of our country;
Chave Chimurenga
Our land is our prosperity.⁴⁷*

The advert was accompanied by pictures of productive farms, very green farmland, farm produce, healthy livestock, bright looking pupils at school, tractors and other farm implements. While one would want to see the advert as encouragement of industry by the

⁴⁶ A.J.C. Pongweni, compiler, *Songs that Won the Liberation War*, preface. For more memories visit Appendix 15.

⁴⁷ *The Financial Gazette*, October 31-November 6 2002, p.5.

government, the tone in the advert lexicon was unmistakably incendiary so that people get their drive from the past political struggle and not from the fact that it has been 22 years of independence but without real freedom. Even as the government was setting up the agricultural input scheme for A1 and A2 farmers under the Ministry of Lands, Agriculture and Rural Resettlement, the phrase “Chave Chimurenga” (its now time for the Liberation Struggle) did not leave the advert too.

As long as common ground had not been established in land reform, stakeholders would not come together nor put their energies towards the same goal. Yet, the coming together of the commercial farmers, black peasants, the government, civil-society sectors, the private sector and donors is a marriage made in heaven. The longer the delay, the more poverty dominates the lives of the peasants and rural poverty on a per capita basis, which has been estimated at between 70 and 80 per cent, is likely to increase.⁴⁸ For those who have settled on new farms, they are still struggling (to settle and their production capacity still remains to be seen). However, incidences have been cited by various farmers, where, even when they have produced, they face an uphill task to crack the market. One A2 farmer in Mazoe, who settled on a previously flower growing white farm, took his flowers all the way to Holland, only to find the would-be buyer threatening to write a cheque in the name of the white farmer from whom he used to buy.⁴⁹ The flower buyer refused to see change in their life time or acted under the influence of the expelled farmer. The reason there has to be a consensus among all stakeholders.

Zimbabwe is a country known for its law abiding citizens, hardworking people who are focused on achievement. Nonetheless, over the period of land invasions, insecurity, lawlessness and unpredictability became the order of the day, with 13 white farmer killings recorded.⁵⁰ The 13 white farmers were killed in different incidences on different farms following the chaos during fast track. The farmers were harassed and tortured by the youths in a bid to make them agreeable to land reform. In Rusape, one farmer had his

⁴⁸ *UN Interim Mission Report*

⁴⁹ Interview with Mr. Zvavamwe, new owner of an A2 farm in Mazoe, 7 July 2006, commenting on the challenges that await the new farmers in the acquired farms. Name of would-be flower buyer not provided.

⁵⁰ *The Herald*, 9 June 2006.

farm house vandalized and later burnt down. He was beaten in the full view of his wife and left to die in Rusape general hospital. The lawlessness had been such that even evicted commercial farmers who had permission from the High Court to return to their properties failed to do so and were not helped by the police to return safely. In Matebeleland, farmers who contested their evictions were granted permission by High Court Justice Maphios Cheda to return to their properties because of a contradiction between their evictions and the stipulations of the Land Acquisition Act.⁵¹ According to the head of CFU, Mac Crawford, however, the police were in clear contempt of the court findings since they refused to offer farmers protection.⁵²

Land seizures, as an approach to land reform, were a cesspool of vice, plundering not just property but life as well. Along the way, the economy was devastated. Land invasions, played an infamous role in the metamorphosis of Zimbabwe from being the breadbasket of the region to being a bread-case, unable to feed its own people and having to rely on well wishers, the WFP and its likes. By 2006, the newly settled farmers have not been able to turn things around and climate change has also not helped their efforts. The extent to which real need has been addressed is difficult to measure in such circumstances of rapidity, short-circuiting and next to non-production.

To all intents and purposes, the Fast Track Land Reform Programme (FTLRP) was largely destabilising whether one considers the manner in which it was employed, its objectives or its sheer size. The era introduced fear in the white farmers, farm workers and the resettled alike. International attention has been turned on to the plight of white farmers, the consequences of illegal expropriations and economic growth. Initially, other African countries' responses have been shaped by a strong need to end colonial minority rule, but in 2006 responses were mixed, running from just observing from a safe distance to supporting only with rhetoric and no action. Responses that could be said to be of cautious solidarity and fear of the reality unfolding. The manner in which the FTLRP promoted corrupt tendencies where different kinds of favours would win one a farm or

⁵¹ *The Financial Gazette*, October 31-November 6 2002, p.2.

⁵² *Ibid.*

more is disturbing. The ones with money, the bigwigs and the crooks ended up with a number of farms. Given the extent of the chaos created, it was difficult to tell who already had other pieces of land and who did not. Even, for instance, tractors given for tillage in the new scheme ended up in wrong hands creating infighting among settlers as the best there was was reserved for top officials. The lack of planning that characterized the period exacerbated the crisis compounding Zimbabwe's situation.

It is safe to conclude that the whole Fast Track programme was characterized by bitter struggles between the incumbent, the opposition, and the international media as evidenced by the negative media reports about the Zimbabwean government.⁵³ In lock-step all groups did not make life any easier for the ordinary Zimbabwean. The introduction of the ex-combatants into the political fray whether by design or default, militarized the Zimbabwean politics. Friction was fanned even by religious groups, human rights organization, Britain and America.⁵⁴ The Fast Track programme worsened relations between the white landowners and the ordinary Zimbabwean. Bitterness hangovers from the liberation struggle, the failed post-independence reconciliation and lost opportunities to integrate and rehabilitate the war veterans were indicators in this period of land invasions that there were some issues that were outstanding among all Zimbabweans white and black.

5.4 The Politics of Land: Zimbabwe's 2005 Elections

With the forceful rise of the opposition party, MDC, from the ashes of the failed referendum of 2000, ZANU-PF faced a difficult 2005 general election.⁵⁵ The road to the 2005 election was characterized by problems of a political, economic and social nature.

⁵³ J. Winter "The main political parties in Zimbabwe: ZANU PF and MDC" BBC News Online <http://news.bbc.co.uk/go/pr/fr/africa/1870283.stm> 6 June. See also <http://www.sokwanele.com/articles/homepage/mainpoliticalparties.htm>. Also Mbaya, p.60.

⁵⁴ N. Mlambo, Moods of Bitterness How Political Polarisation has Influenced Zimbabwean Elections" *Journal of African Elections Special Issue on Zimbabwe's 2005 General Elections*, Vol 4, No.2, p.16 and pp.23-26. Also J. Brinkley, "Zimbabwe and the Politics of Torture" @http://www.usip.org/pubs/special_reports/sr_92.html 2002.

⁵⁵ S. Makgetlaneng, "Zimbabwe's 2005 Parliamentary Elections lessons for the Movement for Democratic Change" *Journal of African Elections Special Issue on Zimbabwe's 2005 General Election*, Vol. 4, No. 2. pp.123 – 138. Also the 2000 referendum and the rise of MDC are discussed at length in Chapter 3.

The problems came to be known as the Zimbabwean crisis and included issues of governance, economic meltdown, drought and hunger, the HIV/AIDS pandemic, exodus of professionals, a disputed land reform process and the determination by some superpowers that there be a regime change.⁵⁶ Salient among the problems was the land question. Access to and ownership of land has always been an intrinsic part of the political discourse in Zimbabwe. As indicated earlier, even prior to independence, land was a key driver of political change. The eve of the 2005 elections was no different, land continued to drive and inform political as well as economic developments.

Cummulatively, from land invasions, land reform impacted negatively on the people of Zimbabwe. Even the government itself does not deny that, the initial stages especially, were characterized by serious problems of a complex nature. Top on the list of problems were:

- poor agricultural performance and rising food insecurity;
- persistently high, triple digit inflation;
- rising unemployment of about 70 per cent;
- consecutive years of irregular rainy seasons;
- shortage of foreign capital necessary to access basic commodities; and
- high HIV/AIDS prevalence put at 34 per cent.⁵⁷

The government realized how difficult it was for them to play the land card again in this election. Land could not be used for electioneering again because people had lost confidence in the government promises to deliver on land. The land reform process had itself created devastating production constraints, for example, shortage of farm inputs like seeds or fuel for farm vehicles. In addition, the A2 scheme intended for those with adequate resources for commercial production, was popularly viewed as catering to the elite, frequently on a partisan basis.⁵⁸ The original objectives of land reform were

⁵⁶ *Ibid.*

⁵⁷ Mbaya, p.50.

⁵⁸ *Ibid.*, p.51.

compromised by class divisions and, as a result, real need was not addressed, the poor got poorer.

Corruption sky rocketed, not only in the land sector, it was widespread and systematized. Land reform was the most hit given that the programme was not properly planned in advance, had no binding policies of implementation, was too vast to monitor, the legal guidelines in place could easily be violated and the government was determined to get land back into the hands of the blacks regardless of any challenges. There were irregularities in the benefactor selection where the ruling party elites were favoured over the landless peasants who could even be MDC members. One farmer in Odzi, Mr Robert Knight, resisted government farm acquisition where he had to make way for the Minister of State for Water Resources and Infrastructural Development, Munacho Motezo.⁵⁹ The farmer vowed to continue holding on to the farm despite it having been acquired by the government. According to Mutezo, the farmer had been issued with a Section 8 of the Land Acquisition Act notice way back on May 27 2005 and should have ceased operations then.⁶⁰ It was alleged that the white farmer wanted to turn the lucrative Odzi tobacco farming area into a political landmine and the truth was never sought after. Various other cases were reported in newspapers of the ruling party elite who had become greedy. For instance, the former Zanu-PF Chairman of Moshonaland East Province and now Provincial Governor and Resident Minister of the same province, Mr Ray Kaukonde, was reported to have grabbed eight farms for himself contravening the government's one-man-one farm policy.⁶¹ If ZANU-PF was to survive elections, such inconsistencies needed ratification.

Faced with various challenges and an imminent election, the government sort to correct the situation by advocating for a more equitable land reform process. Problems with land reform had to be ironed out before the voting process. The government established the Presidential Land Review Committee (PLRC) intended to sniff out and address

⁵⁹ *The Manica Post*, 1-7 July 2005, p.2.

⁶⁰ *Ibid.*

⁶¹ *Zimbabwe Independent*, 7-13 January, 2005, p.2.

irregularities in the policy and implementation of the land reform programme.⁶² The committee was dubbed the Utete Commission. The idea to run such a commission was noble and necessary, however, critics have since labelled it an elaborate public relations exercise intended to address growing internal dissention, curry favours and drum up some popular support towards what was largely expected to be a difficult election for the ruling party. Mbaya asserts that the commission was not genuine, it had double standards, for while it exposed other people who had hoarded farms, it left untouched the bigwigs.⁶³ By virtue of being in the driving seats, these big fish had acquired more than ordinary people, as a result of not reclaiming some farms from them, the inconsistencies were not eradicated. In reality, however, the problems were aggravated.

The Utete Commission, nevertheless, succeeded in establishing, as indicated in its report extracts published in various newspapers between 2003 and March 2005, that multiple ownership of land by people in top echelons was rampant, that only half of the intended beneficiaries had been settled and that a new strategy for the arousal of positive sentiment in the electorate was a must. One way of reawakening people's feeling about land reform was to continue redistributing the land despite claims by government that the programme had been finalized at the end of 2002. Redistribution continued in the eve of elections so much that, by the start of 2005 not more than 500 of the original 4 500 commercial farmers were still on their farms.⁶⁴ Nonetheless, though redistribution continued, due to inadequate planning, the process was like giving with one hand and taking away with another. The programme created embittered relations where the settled either failed to take up their allocated forms or abandoned them following lack of starter packs from the government.⁶⁵ Those who took up the farms, struggled to make a start in a new environment, meaning great implications on production, feeding the nation and ultimately the larger picture, the economy. The rate at which farms were taken up by benefactors

⁶² *Ibid.*

⁶³ Mbaya, p.52.

⁶⁴ D.Games, "Zimbabwe: A Pre-election Overview and Recovery Scenarios" A report prepared for the South African Institute of International Affairs, p.2. Also N. Stephanie, "Holding their breath for the inevitable" @http://www.theglobeandmail.com/servlet/story/LAC.20050312.ZIMBABWE_12>2005

⁶⁵ *Ibid.*

was unpredictably fluctuating, so much that it became difficult to project the picture and the atmosphere by election time, March 2005.

Table 5.3 that follows serves to illustrate the take up rates of farms by beneficiaries per province by 2004.

Table 5.3: FTLPP Beneficiaries and Take-up Rates

	No. of Beneficiaries			Take up rates %	
	A1	A2	Total	A1	A2
Midlands	16 169	229	16 398	90	48
Masvingo	22 670	773	23 443	95	79
Manicaland	11 019	463	11 482	92	42
Matebeleland South	8 923	271	9 194	100	100
Matebeleland North	9 901	191	10 092	100	94
Mashonaland East	16 702	1 646	18 348	93	45
Mashonaland West	27 052	2 003	29 055	97	50
Mashonaland Central	14 756	1 684	16 440	89	73
FTP Totals	127 192	7 260	134 452	97	66

66

Forced by the low uptake rates and the need to jump start production on farms, the government issued the Presidential Powers on temporary basis, for Acquisition of Farm Equipment or Material Regulations decree. Announced in January of 2004, the decree

⁶⁶ M. Masiwa, "Land Reform is Zimbabwe: Disparity Between Policy Design and Implementation" Paper prepared for Institute of Development Studies, p.10.

made legal confiscation by government, of farm equipment and purposes.⁶⁷ The taking away of property, however, caused irreparable fracture in the agricultural industry worsened by encouraged rivalry between the FCU and the ZFU.

As Eric Block, an economic commentator and Jonathan Kadzura also an economic commentator and farmer maintain, a lot of dilemmas continued to besiege the government's survival strategies. To begin with, the government failed to demonstrate real commitment to resuscitate the agricultural sector. They argue that land reform was used as a cheap politicking game bringing neither social transformation nor propping commercial agriculture up.⁶⁸ The inadequate funding suffered by the sector was the opposite of the policy our land is our prosperity. Lack of complementarity between land policies and sustainable development policies would make the whole programme a failure or flopnik to use a term coined by the Soviets to describe dismal failure of the American initial rocket endeavours.⁶⁹

Agriculture, the bedrock of the economy, got only Z\$439,8 billion from the finance ministry's 2004 portfolio of projects budgeted at close to Z\$8 trillion, and 37 per cent from the Reserve Bank of Zimbabwe's concessional finance window.⁷⁰ Without harmony between fiscal and monetary targets, the government could be forced to borrow and create unnecessary inflationary budget deficits. With the agricultural sector deprived of critical funds for expansion, even joblessness could not be harnessed. Most blamed for the unprecedented level of failure has been the lack of transparency on the part of the government which gave rise to fragmentation, corruption, hoarding, disruptions, disorderliness and eventually, an economic meltdown.⁷¹

⁶⁷ Mbaya, p.53.

⁶⁸ *The Financial Gazette*, 1-7 July 2004, p.c10.

⁶⁹ V.Z. Nyawo, "The Collapse of the Constellation of East-European Soviet Satellite States in 1989 and its influence on World Politics" in *Lesotho Law Journal: A Journal of Law and Development*, Vol. 15, No. 2, 2005, pp.157-205.

⁷⁰ *Ibid.*

⁷¹ *Ibid.* Also G. Chisepo, interviewed in Chinhoyi, Zimbabwe, 20 July 2005, expressed the same fear of corruption and hoarding of farms.

While in the country and in the peri-urban the landless were struggling to be settled or settled themselves on farms and plots, those in towns were fighting their own war to get land for residential purposes. Mostly people-driven, urban dwellers got their chance to erect informal or unplanned dwelling that were not service provision friendly. For want of more money in form of rentals from tenants, a landlord would construct in their piece of land, several rooms to accommodate those who could not afford expensive accommodation or as a way of exploiting tenants.⁷² Meanwhile, the dwellings did not fit in with the original plans of the main house, so much so that, for instance, sewerage systems were overloaded, sanitation was compromised and hygiene as well as standards of living were lowered. A lot of illegal activities were going on as a result of such arrangements.⁷³ The government noticed but, did not opt to do anything about cleaning-up before elections were undertaken and hopefully won.

As a background to Operation Restore Order, a move as chaotic in urban areas as land invasions were in the farmlands, the urbanization, housing and local governance crisis in Zimbabwe should be reviewed. While the restoration of order was perceived as brutal from a human rights perspective, the move to clean Zimbabwe's cities did not occur in a policy vacuum. Operation Drive Out Dirty was a genuine attempt to cope with rapid urbanization and urban governance.⁷⁴ Given the lifting of decades of racial restrictions on blacks to city life and in some cases to certain areas in particular, the urban population of Zimbabwe rose rapidly from 23 per cent in 1982 to 30 per cent by the early 1990s. During colonialism, few blacks were allowed only in home ownership establishments such as Mbare and Highfields in Harare and Sakubva in Mutare.⁷⁵ With the coming of independence, typical with many developing countries, multitudes moved to cities to improve their livelihoods with regards income opportunities and access to social services.

⁷² More detail is provided in the pictogram in Appendix 15 that show the Growing Urban Crisis in Harare.

⁷³ L. Mandemwa, interviewed in Harare on the view and role of the police during land invasions and Operation Drive out Dirty in Zimbabwe, 23 July 2005.

⁷⁴ A.K. Tibaijuka, UN Special Envoy on Human Settlements Issues in Zimbabwe "Report of the Fact-Finding Mission of Zimbabwe to Assess the Scope and Impact of Operation Murambatsvina" p.22.

⁷⁵ Maxwell, pp.60-62.

In as much as individuals' livelihoods were bettered, cities were impoverished through loss of taxes that were not paid by the many migrants to the cities who operated underground in the informal economy. The new comers to the city brought with them a way of evading taxes while enjoying services by the local government. For instance, a family would erect their own informal shelter close to formal houses and put their waste in the same place those in a formal house put for collection by the municipality while they do not pay for that service. As a result, the non-payment of taxes by informal users stretched the resources for the local government which in most cases ran out of funds to continue the services even to those who would have paid. Such scenario would create health hazards for both the formal and informal and put a whole city in danger.

In addition to the non-payment issue was the fact that, in its budget for local authorities, central government transfers were not depended on or in proportion to demographic growth.⁷⁶ How much funds were in the pool dictated what was split among the local authorities. Such a vicious circle translated into a serious erosion of local government capacity in terms of planning, environmental management and the provision of basic services.⁷⁷

To demonstrate the rapid increase of urbanization is *Table 5.4* that compares urbanization in Africa, Asia and Zimbabwe. An analysis of the figures points to an abnormally high increase of rural to urban migration in Zimbabwe.

⁷⁶ Tibaijuka, p.22.

⁷⁷ National Task Force on Housing Ministry of Local Government and National Housing Policy for Zimbabwe, February 2000. A Task Force put in place to look into housing issues.

Table 5.4: Comparative Levels of Urbanisation

	Level of Urbanisation %			Urban Population (000)		
	2000	2010	2020	2000	2010	2020
Africa	37.2	42.7	47.9	295,228	425,596	589,408
Asia	37.5	43	81.8	1,375,519	1,783,600	2,231,108
Zimbabwe	35.3	42.5	49.1	4,459	6,380	8,652

Source: Global Report on Human Settlements 2003: UN-HABITAT⁷⁸

Zimbabwe's urbanization crisis was made imponderable by a series of events especially starting in the 1990s that further promoted a dramatic decline of its cities. Straining the capacities of both central and local spheres of government in the provision of housing and basic urban services also were:

- a failed attempt at Economic Structural Adjustment (1991 to 1995) which led mostly to the collapse of the domestic industrial sector;
- a bitterly contested Fast Track land reform programme (2000) which made nonsense of the capacity to produce food Zimbabwe was known for;
- unbudgeted for millions war veterans belatedly received in 1997 which sparked an inflationary spiral which is estimated at 4000 (March 2006);
- unsustainable military intervention in the conflict in the Democratic Republic of Congo leading to budgetary constraints, overspending. Also most painful were losses of innocent, young Zimbabwean soldiers lost both to the war and to HIV/AIDS since the soldiers were exposed to months of service away from their families; and
- on and off drought starting from 1984.⁷⁹

⁷⁸ *Global Report on Human Settlements 2003: UN-HABITAT*. pp. 2-3.

⁷⁹ Tibaijuka, p.23.

To show the extent to which matters got complicated with time in the city, *Table 5.5* that follows shows figures of the urbanization trends, exchange rates and inflation from 1985 up to 2005.

Table 5.5: Urbanisation trends, exchange rates, inflation and per capita income trends, Zimbabwe, 1985-2005

	1985	1990	1995	2000	2005 (est'd)
Total Population (000s)	8,392	10,241	11,190	12,627	13,805
Urban Population (000s)	2,116	2,797	3,556	4,387	5,370
Urbanisation level (%)	25,2	28.4	31.8	35.3	38.9
Households (000s)		2,031	2,331	2,664	3,088
Household average size		4.88	4.83	4.70	4.48
Z\$ to 1 USD	1.64	2.64	9.31	55.07	9,896.02
Inflation %	8.49	17.38	27.59	55.86	140
GDP per cap. (const.Z\$)	1,995	2,099	1,986	1,986	<1,000
% GDP growth pa per cap.	3	4	-2	-7	-7

Source: UNHABITAT, Global Report 2003.⁸⁰

Given Zimbabwe's compounding problems in the city, the government was pressured to act to curb the rise of the informal urban economy, conflicts and crisis in urban governance, unrealistic housing standards, inconsistencies in the governance and backyard extensions. Backyard extensions which were illegal dwellings built of durable building materials on serviced plots needed removing too. They proliferated as forms of affordable rental housing catering for growing demand by a majority of the poor urban

⁸⁰ UNHABITAT, *Global Report 2003, Financial Gazette, IMF*, pp.1-2.

dwellers.⁸¹ Anna Kajumulo Tabajuka, special envoy on Human Settlements Issues in Zimbabwe recorded that:

*In May 2005, the government of Zimbabwe launched a clean-up operation of its cities known as "Murambatsvina". The government described it as a programme to enforce by laws to stop all forms of alleged illegal activities in areas such as vending, illegal structures, illegal cultivation among other ills in the cities. Operation Murambatsvina had an adverse impact on the lives of the urban poor that prompted the Secretary-General of the United Nations to appoint a Special Envoy to assess the situation and present recommendations on how the conditions of those affected could be addressed. For the report, the Envoy toured Harare, Headlands, Resape, Mutare, Gweru, Bulawayo, Hwange and Victoria Falls.*⁸²

"Operation Murambatsvina," commonly referred to by the people as "Operation Tsunami," was a demolition exercise to rid the towns and cities of illegal vending sites, structures, informal business premises and homes, which literally displaced hundreds of thousands of people after the 2005 elections.⁸³ The name Tsunami, a Japanese word describing the Indian Ocean disaster that hit more than ten countries on 26 December 2004, Indonesia, Sri-lanka, Thailand, Banda Aceh and Sumatra included, was a commentary on the suddenness of the arrival of the campaign. The ocean disaster, still fresh in the Zimbabwean people's minds, easily provided them with a name for something equally devastating, non-discrete, vastly spread and emotionally traumatizing. For most Zimbabweans, Operation "Tsunami" came at a difficult time and against the background of a general deterioration of law and order. It appears as though they are

⁸¹ *Ibid.* Also *UNHABITAT : Slums of the World: The Face of Urban Poverty in the New Millennium, 2003*. Slums are defined by the United Nations as settlements which are lacking one or more of: secure tenure, access to improved sanitation, durability of dwelling, access to clean treated water and sufficient space not to over-crowd. Nonetheless, most Zimbabwean backyard extensions could not be considered as slums. More is shown in the pictogram Appendix 14.

⁸² *Ibid.*, p.2.

⁸³ Tabajuka, p.12. More details on Appendix 15. Visit also Appendix 4 for the history of eviction on Porta Farm.

Track period, which had set a precedent of violence, and sending a signal that the rule of law could be subject to selective interpretation, paving way to excesses like the disruptive clean up campaign.

The word "Tsunami" became a metaphor or parallel describing the magnitude and intensity of operation drive out dirty. In the cities, bull-dozers were sent door to door demolishing houses build not according to plan and informal business establishments. Some owners of such places were forced to pull down their own homes. In the process, not a single group of people was unaffected, it was the whole of Zimbabwe, the poor, business people vendors and their customers, landlords and tenants. The police were sent by the government to suppress any resistance to the demolitions and to sent the homeless out of towns together with their belongings.⁸⁴

Along with many other consequences the operation had, it surely wrecked the country's informal sector at a time the economy remains in serious difficulties. Apart from drastically decreasing opportunities of employment creation, the campaign had and continues to have a knock-on effect on the formal economy and mostly the agriculture division.

However, much as Operation Murambatsvina made economic, planning, hygienic and development sense, indications from its impact are that it surely would not happen before the 2005 general elections. The Zimbabwe government timed the operation advisedly, well after the elections were contested and won, from 19 May 2005. The government would not want another minus on its side given the already hotting up issues of governance, economic meltdown, disputed land reform process, drought and hunger, exodus of professionals and HIV and AIDS pandemic. Accentuating Zimbabwe's problems before the elections would lose them political mileage. Election time, for any government, is a time that involves pulling in the same direction with the rest of the

⁸⁴ J. Likoti, interviewed at the University of Lesotho, 30 September 2006, spoke on the political implications of the role of intervention by the police in the demolition campaign.

nation including the grassroots, the poor and the under-trodden. It is a time of common purpose and reduction of any possibilities of polarization.

In 2005, as opposed to the 2000 and 2002 elections, the government needed a calm and peaceful campaign. The 2000 and 2002 election had been characterized by political violence and mayhem.⁸⁵ Indeed, the 2005 general elections were comparably calmer, compliments to a new element built into the framework of the election campaign, the SADC Principles and Guidelines Governing Democratic Elections.⁸⁶ A framework with which SADC member states were enjoined to comply. Around the 2000 general elections, the government had exploited the land issue to win the election by allowing occupations in commercial farming areas. The 2005 elections would have a different kind of occupation, the urban and peri-urban areas occupation dynamics. The chaos that came out of the Fast Track Land reform provided a window of opportunity to those landless who had yearned for a piece of land in the urban and peri-urban. The government, whose land policy recognized the importance of peri-urban settlement to the land reform process, responded by regularizing these occupations, facilitating their completion.⁸⁷ Settlers who demanded land for residential (as opposed to agricultural) purposes formed housing cooperatives to give impetus to their demands. As a result, new dwellings were established, frequently without the necessary planning required to facilitate the proper and orderly provision of services. The government, meanwhile, did not object to the establishment of such, in fact, it facilitated, for instance, many such establishments belonged to war veterans, who, as some kind of pay back, had not been stopped from erecting those dwellings. Even establishments by war veterans were demolished during Operation Murambatsvina.⁸⁸

The government was aware that they could not afford to play the same card they had played in the previous elections, that is “the land is the economy and the economy is

⁸⁵ L.M. Sachikonye, “Political Parties and the 2005 elections in Zimbabwe” in *Journal of African Elections Special Issue on Zimbabwe’s 2005 General Elections*, Vol. 4, No. 2, October 2005, p.63.

⁸⁶ *Ibid.* 2005, p.63.

⁸⁷ N. Marongwe, “The Fast Track Resettlement and Urban Development Nexus: the case for Harare.” Symposium on Delivering Land and Securing Rural Livelihoods: Post Independence Land Reform and Resettlement in Zimbabwe, 2003, p.11.

⁸⁸ Mbaya, p.54.

land” ploy. They were also very alert that, besides this avenue being less lucrative in the 2005 elections, complicating their campaign would not be a productive idea. In fact, even the report of the country’s government-led Millennium Development Goals (MDG) of December 2004, which contained their admission that the Fast Track programme was responsible for a reduced agricultural production in the country, was withheld until well after the elections.⁸⁹ Anything negative was white washed for the sake of winning the election, a method both deliberate and strategic.

The 2005 general elections were not the first elections where the government had strategised and endeavoured to put its stronger foot in front, and logically, it would not be the last time calculated steps would be taken for election purposes. The government has been alert to identify elements that would be in its political favour in all elections to beat other players in the game, for example, opposition parties. While the situation around the 2005 election was nothing near favourable, allowing the landless to settle anyhow in peri-urban and urban areas would appear as addressing the needs of the landless and, therefore, about to be committed to poverty reduction. To the landless who had settled in these areas, the demolitions caught them unawares. Also confusing is the fact that even those pro-Zanu were affected by the demolitions, suggesting that they were not politically motivated.⁹⁰ Nonetheless, alternatively, it can be concluded that all social re-arrangements that involve substantial changes in access to land cannot fail to be politically motivated. However, to further boost its campaign power, the ruling party appointed its first female Vice-President, Joyce Mujuru, on the eve of the elections. The move was significant in securing a larger female electorate. The procurement of the female vote coupled with other calculated moves, would no doubt seal the fate of the 2005 election.⁹¹

⁸⁹ Government of Zimbabwe. *The Millennium Development Goals Report*, 2004.

⁹⁰ Mbaya, p.54.

⁹¹ *Ibid.*, p.55.

5.5 Constitution Amendment: The Nationalisation of Land North of the Limpopo

From 1980 to 2005, the Zimbabwean government changed or amended the Land Acquisition Acts, the Constitution and Bills to suit demands by the landless for the rectification of the colonial legacy as well as to highlight its own priorities. The government has an obligation, as a ruling body as well as per the Abuja agreement, to conduct land reform programmes in accordance with the Constitution and laws of Zimbabwe (Abuja Agreement Appendix 12). This commitment would mean that parliament has the mandate to legislate on matters relating to land reform, the process of legislating should satisfy the technical requirements of legality conforming to principles of justice, equity, fairness meanwhile taking care not to affect negatively the accrued rights of any Zimbabwean.

The legal framework for land reform in Zimbabwe was defined by the Constitution and a number of Statutes and these laws governing land redistribution have undergone a long history of transformation since independence. One can argue that there is nothing as constant as change. The government of Zimbabwe lived up to this statement by amending the Land Acquisition Act of 1985 in 1992, with the expiration of the Lancaster House Constitution. The amendment went until the 17th constitution Amendment that came after the 2005 general elections. The revisions and corrections to Acts were meant to provide a legislative framework from which the government would acquire land without having to be dragged to courts or losing money in litigations. While the government had the leverage to revisit laws, such changes were not always favourable nor welcome and the judiciary was frequently bombarded with complaints of sundry nature and gravity.

With the end of the LHA, the government amended Section 16 (1) of the Constitution which stated that no property of any description or interest or right therein shall be

compulsorily acquired, except under authority of a law.⁹² The amendment had the effect that, all land including utilized land, buildings and unexhausted improvement to land were now capable of being acquired compulsorily for settlement and agricultural purposes with a fair compensation determined by parliament being paid to the affected land owners. The original wording of the section was such that persons whose properties had been compulsorily acquired were free to remit the compensatory sum in any currency and to any country of their choice without paying any taxes or other levies. In addition, section 52 (3)(b)(i) of that constitution, read together with its subsection (4) stipulated that provisions concerning fundamental rights (which included the property rights spelled out in section 16) could not be amended for 10 years without an affirmative vote of all the members of the National Assembly.⁹³ Initially, these constitutional stipulations effectively blocked any meaningful land reform. With the exception of land available on the open market, the government had no way of improving delivery until it repealed or transformed some sections of the law.

When Section 52 of the Constitution lapsed in 1990, the government amended section 16 without, however, changing the principle of compensation. The challenges the government faced in the 1990s, that is, reluctance by white farmers to offer land at reasonable prices in the market, collapse of donor support despite pledges at the 1998 Donor Conference and political pressures driven by sporadic land invasions drove the government to draw up and ingraft into the constitution a new Section 16 A. Section 16 A provided, inter alia, that, where agricultural land is compulsorily acquired for the resettlement of people in accordance with a programme of land reform, the obligation to pay compensation for land lies with the United Kingdom as the former colonial power, and the obligation of the government of Zimbabwe is limited to the payment of compensation only for improvements.⁹⁴ In short, the new rule would want proof from white farmers that they had bought the farms on which they farm from someone so that

⁹² L. Rugube and W. Chambati, "Land Redistribution in Zimbabwe. Five census surveys of farmland Transactions, 1996-2000" <http://www.wisc.edu/lrc/basis.html>, p.9.

⁹³ *UN Interim Mission Report*, p.25. The acquiring authority, under the amended section would be obligated only to give reasonable notice of an acquisition, pay fair compensation within a reasonable time and apply for an order of confirmation of acquisition within 30 days if such acquisition were contested, check Appendix 13 on Land Acquisition Act (Chapter 20:10).

⁹⁴ *Ibid.*

they could claim compensation. If no proof of purchase is provided, the government would only compensate for developments the farmers erected or made on the farm, for instance, boreholes, dip-tanks, wind-mills and the list goes on. The new section eliminated the payment of huge sums of money by the government in the process of acquisition for land which was never in the first place purchased but, forcibly acquired from blacks through laws of dispossession. While the new law was a fair way of catching culprits, it did not put into account cases of farmers who had purchased their farms informally, who made local arrangements with the indigenous owners. Those who had not necessarily received receipts from sellers found the new law alienating and thereby took the government to court.

The new law also introduced a procedure whereby the Minister could designate rural land for future acquisition. As spelt out in annex 8, rural land was defined to exclude communal lands, land in urban centres, and certain categories of state land.⁹⁵ The minister was required, by the Act, to indicate the period, not exceeding 10 years, within which land so designated would be acquired. Compensation would be determined by a compensation committee consisting of the secretary of the Ministry responsible for lands; the Director of the Agricultural, Technical and Extension Services (Agritex); the Chief Government Valuation Officer; and three other members appointed by the Minister.⁹⁶ Where disputes arose, the Administrative Court was assigned resolution powers to smoothen the whole process.

Losing the referendum in February 2000 complicated the government's crisis prompting another transformation in the laws governing land reform. The President, acting pursuant to the temporary Presidential Powers Act, issued Statutory Instrument No. 148A with the aim of finding the centre again and getting a firmer hold on the politics of land and the country at large. The instrument brought with it a number of significant changes. As shown below, it:

⁹⁵ *Ibid.*, p.26.

⁹⁶ Rugube and Chambati, p.9. Also the *UN Interim Report* mentions the members who made up the compensation committee, p.26.

- eliminated the requirement for designating land for acquisition;
- increased members of the compensation committee, expanding it and making it more complex;
- redefined “fair compensation” as compensation fixed by the compensation committee following a set of principles enumerated in the instrument;
- staggered the payment of compensation in cash, bonds or other securities over a period of five years;
- prolonged the duration of the preliminary notice of acquisition indefinitely and stipulated that its withdrawal or a refusal by the Administrative court to confirm an acquisition would no longer prevent issuance of a new notice in respect of the same land;
- limited “diligent enquiry” in relation to serving notice on an owner or occupier to a search in the Deeds Registry or, if need be, the companies’ Register;
- forbade the Administrative Court from inquiring into the acquiring authority’s assertion that the land earmarked for acquisition was indeed suitable for agricultural resettlement; and
- further gave the acquiring authority the power, within six months after an acquisition, to revoke it, but such action would not preclude subsequent acquisition of the same land; and this instrument was subsequently enacted as the Land Acquisition Amendment Act.⁹⁷

More changes followed immediately in June of 2001. This time, the amendments would focus on the issuance and effect of a Section – 5 notice, commonly known as a listing notice. Section-5 notice was made effective for two years and not indefinite, and was served on the landowner and the holder of any registered real right to land with the effect that after receipt an owner could contest notice within 30 days of issuance.⁹⁸ Changes also affected Section-8 order, which is about acquisition and Section-9 notice about eviction.

⁹⁷ Land Acquisition Act No. 15 of 2000. Illustrated also by Appendix 13.

⁹⁸ Act NO. 14 of 2001.

While changes were meant to achieve firmness and orderliness, the challenges they introduced were insurmountable. The whole land-acquisition procedure became unnecessarily elaborate, complex, cumbersome, difficult to comprehend and follow, tiring to execute and too dragged out to be worthwhile. For instance, it would take, in the best of circumstance, at least 180 days from the date a Section-5 notice was gazetted to the time a Section-9 notice was effected. Mathematically, the loss of 180 days in a year of 365 days is hard hitting to any meaningful farmer, given the implications it has on planning time. In fact, it would mean a whole planting season lost, therefore, a whole year's harvest and profits. Because of its elaborateness, the process would drain the farmer's effort, funds and enthusiasm to stay focused.

Realising the problems caused by the revisions of the Acts, the President, on November 9 2001, issued another Statutory Instrument, that is, No.338, aimed at making additions to the Section-8 order. Under No.338, operating retroactively to 23 May 2000:

- the acquiring authority has powers to survey, demarcate and allocate land for resettlement;
- any interference with the activities of the acquiring authority is criminal; and
- the Section-8 order now doubles as a Section-9 notice, prohibiting, with immediate effect, the occupation and use of the land affected and giving further notice to the owner to vacate their houses within three months after the date on which it is served.⁹⁹

On 23 November 2001, within a fortnight of Statutory Instrument No. 338, the Rural Land (Farm Sizes) Regulations was issued by the Minister of Lands, Agriculture and Rural Resettlement in terms of Section 15 of the Rural Land Act. The Act divided Zimbabwe into five natural regions and disallowed the ownership of rural land exceeding the prescribed maximum sizes:

- 250 hectares in natural region I;

⁹⁹ *UN Interim Mission Report 2000*, p.29.

- 400 hectares in natural region II;
- 500 hectares in natural region III;
- 1,500 hectares in natural region IV; and
- 2,500 hectares in natural region V.¹⁰⁰

A deadline of 1 February 2002 was given for farmers with anything bigger to subdivide their farms. Failure was not an option since the Minister would subdivide the farms at the farmer's cost. Farms the subject of bilateral, multilateral or international agreements, government owned and church owned were not affected. The new regulation assumed that the subdivision of farms would create more land for redistribution. True enough, more farm units under separate owners were created but they were dogged by different problems. Follow up on who subdivided what and who gained which part posed financial and infrastructural problems where, for instance, new roads needed to be constructed promptly to access those acquiring the divided parts. The new farmers would need a lot of assistance with skills, funds and farm implements. The longer it took to reach them, the longer production was delayed and the further the nation starved and grew desperate to end their plight. When new farmers do not get assistance quickly enough, they go back and overpopulate communal lands, abandoning yet again the pieces of farmland given to them and the whole process becomes cyclical with the would-be farmer registering yet again to be reconsidered to get land. The government was also not very fast on securing tenure on the part of those settled. Without title deeds, bank loans were beyond new farmers' reach and the whole process was synonymous with having a car and a destination to reach but, without fuel.

An evaluation of changes and alterations in the land reform legal framework highlights serious contradictions within the revised Acts. To begin with, the elasticity assumed by the new Acts was a breeding point for litigation by large-scale commercial farmers and their representative, the CFU. The uncertainty and insecurity triggered by the revised laws pointed to the fact that, if not contested, the white farmers were on their way out since farm owners of other types were excluded in the laws. The exclusion of other types

¹⁰⁰ *Ibid.*

of farm owners like the churches, organizations and the state, was in itself a discriminatory move. As a result, a bid to correct a historical injustice creates another historical injustice. Also, a number of amendments were purported to be unconstitutional for a number of reasons. Among other reasons, sometimes amendments resulted in double or multiple allocations of single holdings of land, thwarted transparency, creation of illegal organs, cause confusion and corruption.

Newspaper reports from around the country have indicated that even the farm leases given by the government could be illegal. Reports about an Agricultural Land Settlement Board established in terms of Act 2 of 2003 to consider, report, select and recommend lease applicants show that the Minister of Lands cannot issue leases unilaterally as spelt out in terms of Section 8 of the amended Act.¹⁰¹ The contradiction here is that, while the government creates a board to oversee the lease issue, it goes ahead to give a single person powers to issue the same leases. In the end, it becomes double dealing. An applicant can be denied a lease by the board but, can secure one from the Minister, and the chaos that would result would jeopardize the land reform programme.

When acquisitions and allocations of land are facilitated by a de facto board (in the form of the organs) set legal structure is elbowed out and rendered moribund, suffocating transparency and legality. The habit of passing laws too soon rendering them redundant became fashionable to the government. The government's failure to comply with laid-down procedures has fatal implications because given the scenario, leases issued or recommendations made appear illegal and consequently null and void. Those who have been leased farms are on the holdings illegally because they were not selected and recommended by the board.¹⁰² A clear example of self contradiction can be given of millions who occupied farms through invasion during the fast track period. They settled themselves on the farms but were not allowed to build permanent houses of bricks and tiles or corrugated iron sheets, a sign that the arrangement was temporary while the government fashioned out what to do with them or the land. Consequently, a number of

¹⁰¹ *The Financial Gazette*, 24-30 June 2004, p.13.

¹⁰² *Ibid.*

such farmers, abandoned the temporary dwellings of pole and dagga and went back to the crowded communal lands. One moment it appears the government has a plan with which to resettle people, the other it appears the whole idea never existed. While the farmers went back to the communal lands, they left behind scattered unsightly shabby dwelling, deforested parts of farms they had occupied, devastated farmlands and vandalized farm property.¹⁰³ They went back because of lack of follow up programmes to assist them with the settling and securing of their tenure. The whole exercise appeared like they were there to hold the farms on behalf of the government and give back when the government has plans with the farms.

Executive decrees were used to create unconstitutionality and as a result, the government has been taken to court for violation of land rights security in the form of invasions, trespassing, interference and disruptions of farm livelihoods. In order to confront the litigations, the government continued to review laws that govern land reform and, in the act, making land reform programme too involved, hard to comprehend and eventually creating more trouble for itself. The revisions on land laws have never been based on an adequate evaluation of the implications of change on the peasants and the landowners. Rather, they have always been blunt, elastic, unnecessarily blanket, fluid and in other cases, not clear cut thereby, confusing, causing disruptions to productivity, instilling insecurity, frightening investors away, perpetuating ambiguity and disorienting a focused people.

It was against this backdrop that the Zimbabwean constitution was amended for the 17th time since independence in 2005. The amendment included Amendment 16B relating to agricultural land acquired for resettlement to retrospectively: absolve the government from paying compensation for land; nullify the right by owners to challenge acquisitions

¹⁰³ Observations by various interviewees including C. Koga, interviewed in Chivhu, 24 July 2005 and P. Shava, interviewed at the University of Lesotho, 30 September 2006. Shava made the observation that during and after the fast track period, the admirable dense forests that used to be home to several wild animals between Chivhu and Masvingo were cut down alarmingly and reduced to heaps of ashes.

in court and allow owners to challenge the amount of compensation tendered for their properties.¹⁰⁴

With this amendment, all matters relating to land reform were placed firmly and fully under the control of the National Land Board in the Lands Ministry to operate under State Security Minister. Didymus Mutasa's expanded port-folio, effectively marginalizing the provincial governors who had previously been the authorities in this regard.¹⁰⁵ The motivation for shifting the locus of control to State Security Minister was the general disorderliness land reform had witnessed starting from 2000. The security ministry would oversee land reform in order to quell any noises and report directly to the President. In a way, the change could be seen as frustration on the part of the President with the disturbances caused by the manner of land reform and the need to realign the process. However, other critics have seen the change as a u-turn, reversal or some kind of back tracking on the part of the government's land policies.¹⁰⁶ They did not believe that the realization that a once vibrant agricultural sector destroyed by over five years of a controversial and chaotic land reform that resulted in widespread failed harvests needed to be revived by way of inviting back dispossessed farmers. 300 farmers belonging to CFU made their applications for a come back in response to the desperate calls by the government.¹⁰⁷ The farmers had left during the chaos from 2000 and were being invited back to take over from where they had left to improve production.

As prescribed by the new amendment, all Zimbabwean land belongs to the government, farmers would get 99-year leases to use the land. However, the Minister of State for National Security, Lands, Land Reform and Resettlement, Cde Didymus Mutasa indicated that the issuing of the 99-year lease agreements is an involved process necessitating thorough verification exercise.¹⁰⁸ The amendment unfortunately did not eradicate the complications caused by the elaborateness of the process. According to the

¹⁰⁴ Mbaya, p.57.

¹⁰⁵ *Ibid.*, p.58.

¹⁰⁶ F. Zvomuya, "White farmers invited back to Zimbabwe" in *Farmer's Weekly*, 5 May 2006, p.18.

¹⁰⁷ *Ibid.*

¹⁰⁸ Mutasa urged farmers to be patient, focus on production and leave the government to finalise the lease agreement issue.

Minister, the government has to ascertain that a would be lease holder would be able to produce per expectation during the 99-years and farms have to be surveyed to establish their sizes.¹⁰⁹ Meanwhile, farmers were to hold on to their offer letters hoping to get leases soon. In the interim, however, violence on farms continued unabated with more violent murders of new farmers being recorded across the country. For instance, a war veteran, Gift Chimbandi, resettled at Selby Farm in 2000 along with 40 other new farmers, was found charred beyond recognition and property worth millions of dollars was extensively damaged in an unexplained inferno. Also Ganda, known for spearheading the first farm occupation, was found with a shoelace tied around his neck, in Beatrice and in Burma Valley unknown assailants have also terrorized new settlers.¹¹⁰ *The Sunday Mail* records allegations that some former white commercial farmers were inciting rogue war veterans to attack their resettled colleagues, as was the case with Jillie Flamingo allocated Valley Coffee Plantation in Burma Valley. Flamingo reported violence perpetrated by people who had been dropped off at her farm by vehicles belonging to neighbouring white farmers.¹¹¹ Such a scenario, if confirmed, takes the country back to white against black instead of coming together and finding common ground to solve the land problem.

Under the new lease system, even white farmers who had left the country have been attracted back. With a wave of farm invasions that rocked the beginning of the 21st century, a large number of white farmers left for neighbouring countries including Nigeria where they immediately settled to business on land newly leased to them. 13 displaced farmers who relocated to Kwara at the invitation of the Nigerian government promised to train local youths and turn Nigeria into a net food exporter.¹¹²

The invitation of white farmers back to Zimbabwe was in itself a contradiction on the part of Didymus Mutasa's previous statements. The Minister responsible for land reform had previously said that the land belonged to black people and the government was

¹⁰⁹ *The Sunday Mail*, 26 June 2005, p.4.

¹¹⁰ *Ibid.*

¹¹¹ *Ibid.*

¹¹² Staff Reporter, "Zimbabwe farmers make a fresh start in Nigeria" *Farmer's Weekly*, 22 July 2005, pp.16-17.

definitely not going to reverse the land policy by giving it back to former white farmers.¹¹³ The Minister insisted that white farmers who remained on their land needed a lease or an official letter to make their tenure legal, so that only productive and skillful farmers would remain who would receive the necessary resources that would allow them to farm properly. Mutasa, remained vague on what exactly he meant by necessary resources. The vagueness could be read as a ploy within the bigger strategy so that nobody takes them to court against what the government has said or given as law. One could also see the ambiguity or silence as a lack of commitment, not being sure whether a follow-up would be contacted or not, or so that when policy changes again, soon or later, reversal would be easier where nothing concrete was really in place. Possibilities and fears were, however, high on the part of the returning farmers as to whether the government would keep their word this time or not, or whether they should leave their newly found sanctuary only to be thrown out again.¹¹⁴

That come back, sadly, came with a lot of distabilising conditionalities. Mutasa promised to work with the returning farmers provided they refrained from embarking on politics at the expense of agriculture as they were alleged to have done in 2000.¹¹⁵ The effect of the attached strings can never be very certain. One may live with fear of eviction all the time they are on the leased farm. Most feared by the farmers are evictions that come on the eve of harvesting time as what happened to five South African farmers who lost their plots with a ready-to-harvest sugarcane crop in Chiredzi and also two other white farmers in the Midlands province.¹¹⁶ When a farmer is about to harvest, for instance, they are accused of not possessing the legal documents for the farm, for supporting the opposition, for instigating racially based violence or for not supporting ZANU-PF, as a result, they have to move out because some agreements are suddenly rescinded.¹¹⁷

¹¹³ Zvomuya, p.18.

¹¹⁴ *Ibid.*

¹¹⁵ *Ibid.*

¹¹⁶ *Ibid.*, a lot of such examples can be given where either the farmers planted only to be sent out or where they harvested but before they could sell they were sent out causing serious food shortages in the country.

¹¹⁷ *Ibid.*

However, even by the end of 2006, white farmers continue to come back to Zimbabwe, to try out the 99-year leases, whether because Zimbabwean soils are a true second rand or because Zimbabwe, despite disruptions caused by the land reform approach, has the capacity to resurge and shine again.¹¹⁸ In November of 2006, the government granted 125 99-year leases among them 16 white farmers and this gesture was said by Mutasa to be the start of an ongoing process given to deserving whites without discriminating.¹¹⁹ However, the union and the radical Justice for Agriculture group (Jag) and other agriculture experts do not believe that granting leases to white farmers would reverse the tide in Zimbabwe. On the whole, nonetheless, leases would give stakeholders the chance to breath and figure out the way forward while there is some modicum of calm in the country.

While inviting white farmers back into the country on a 99-year lease is a step in the right direction, to have only achieved 16 leases is a negative comment on the part of the government. Out of hundreds of farmers who left the country, 16 would be a mockery of the whole lease experiment. To begin with, such an insignificant number would not manage to turn the moribund agricultural sector. Meaning, they cannot re-employ a sizable number of the farm workers who were laid off during invasions, they cannot produce enough to feed the country and export for foreign currency and they are not enough to demonstrate a new commitment on the part of the government to change the mind set of the international community as well as the white farmers themselves.

In many countries, governments own considerable amounts of land. Purportedly to pursue equity and social justice, African governments have also established state ownership or a monopoly of the state over land allocation and, in many cases, nationalizing land.¹²⁰ In Zimbabwe, the 17th Constitution amendment would leave land nationalized. However, nationalization of land has its equal share of shortcomings. In

¹¹⁸ A. Mutambara the leader of the MDC part that broke away from Morgan Tsvangirai's MDC refers to Zimbabwe as the Singapore of Africa. On 20 December 2006, in BBC World Debate by Nik Gowing, Mutambara was adamant that Zimbabwe has the capacity to rise and shine like the ever powerful tiger economy that is Singapore.

¹¹⁹ *Sunday Times*, 7 January 2007, p.4.

¹²⁰ A.L. Mabogunje, "Perspective on Urban Land and Urban Management Policies in Sub-Saharan Africa" Technical Paper no.196, *African Technical Department Series*, p.10.

the first instance, nationalization of land implies an attempt to replace traditional authorities, who, though with their own problems, are, by virtue of being local, at least accessible and recognized at local level, with a state bureaucracy with neither the necessary outreach nor the requisite social legitimacy or accountability.¹²¹ This lack of accountability often gives rise to high levels of mismanagement and corruption. Land is distributed with some favouritism, without considering sometimes the history of the piece of land in question and without taking care of each part's sensibilities.

Second, nationalizing land has the capacity to delay and obstruct investment, thereby, reducing the scope for local communities to benefit from such investment. Investors are not keen to deal with unclear legal provisions, lengthy nontransparent procedures, lack of credible commitment on the part of governments, insecure tenure, reduced investment incentives that pose obstacles to a productive use of the land.

In 2006, the scenario in Zimbabwe was such that, much as the government enthusiastically showcased their 99-year lease approach, productive white farmers already on the ground were facing an uncertain harvest season. While former farmers are being invited back from those countries they had gone to, those who never deserted are not rewarded for staying and planting to save the agricultural sector. Such ironies are not favourable and conducive to investment. According to SABC3 news on 4 February 2007, the glaring contradiction in the Zimbabwe's newly adopted lease approach cannot be white washed. The contradiction is a result of nationalizing land and only one voice, the top voice, reigns superior even when its not rational and as a result, the lease approach becomes politics of limbo.

When land is nationalized there is a danger of increasing rather than decrease bureaucratic discretionary power over land, causing unnecessarily elaborate and time consuming regularization procedures to new occupants on land. Realising the prolongation of the wait to acquire leases, Mutasa has used the media to spread the

¹²¹ A. Durand-Lasserve and L. Royston, "International Trends and Country Contexts: From Tenure Regularisation to Tenure Security" in A. Durand-Lasserve and L. Royston. (eds.). *Holding Their Ground: Secure Land Tenure for the Urban Poor in Developing Countries*, p.15.

message to new farmers that they should be patient when waiting for leases. He even pronounced that the offer letters the farmers hold are as good as the leases themselves and encouraged them not to panic but to use the letters they have as though they were the actual leases.¹²²

While governments should have the right of compulsory land acquisition, with compensation, for the broader public benefit, the way Zimbabwe has exercised this right has negative implications on equity and private rights. Claims by the government that they cannot be dragged to court by illegal occupants of the first order nor compensate, save for developments on the farms have caused quite a stir in the farming community. Anticipation of expropriation without compensation has driven farm owners to sell their land in informal markets at half prices, parting with key assets, encouraging unplanned development and disorderliness. In the end, with the chaos came urban sprawl, over burdening services in towns like the sewerage, food supply, health services and accommodation partially leading to Operation Drive Out Dirty. When security is absent, development halts, standards drop, disintegration takes place, disgruntlement sets in and a meltdown of all aspects of life becomes inevitable.

For efficiency, the state should limit the scope of the land it controls. Many a time, in the developing world, the state lacks the machinery, infrastructure and resources to manage, control and bring to best use vast tracts of land. Funds to see land reform through are usually the biggest problem so much that governments rely on donor funds which, more often than not, come with strings attached. The Zimbabwean government had and still has other wars to win. For long enough to upset the economy, the government was embroiled in the Democratic Republic of Congo conflict, they have to budget for the HIV and AIDS pandemic and droughts, funds have to be set aside for the usual business of a government in the health and education sectors, for instance, as well as for the general welfare and up keep of a nation. The budget becomes too tight to achieve it all.¹²³ Roads to access all the land and people in need are too expensive for third world countries to

¹²² *The Sunday Mail*, 26 June 2005, p.4.

¹²³ G. Gono, interviewed by BBC, 20 December 2006.

construct, making other places unreachable, remote and lacking development, therefore, with no optimum use of the land. In Zimbabwe, there are places that are not accessible by road. The machinery with which to carry out survey to establish farm sizes, soil types, suitable crops and fertilizers are beyond the governments' reach so much that those who already have money are the ones who continue to benefit from the land. For instance, some new farmers who took over farms during the FTLRP lacked experience and the know how about whether, on the farms they had taken, they should plant drought resistant crops, rear livestock or grow flowers and the government was not there to support them.

5.6 Cross-Currents: Reform and the International Community

Given the sheer size of the exercise of redistributing land in Zimbabwe, international community support for a comprehensive, sustainable, balanced and financially ready land reform programme is a critical component. Funds from the international community are valuable for compensation, erection of infrastructure and provision of starter packs to new farmers to ensure a smooth transfer of land and resolution problems created by lack of compensation. A spirit of partnership between the government and the international community is a conducive environment for the much needed rapport, health dialogue consensus and suspicion free atmosphere necessary to limit confrontation, bad mouthing, collapse of a once viable economy and sour relations.

On a negative note, however, sound relations with the international community in the case of Zimbabwe were still born. From as early as the Lancaster House, the conditionalities imposed by the agreement have soured the relations between the government and Britain. The ten years the government was forced to maintain the status quo would come back to haunt number 10 Downing Street the moment Mugabe's regime emerged out of the cocoon. Although the government in London provided funds, up to £44 million for land reform and £500 million in bilateral support for development, the pace at which the programme trudged along was not anywhere near sufficient. To all intents and purposes, as stated earlier, the Zimbabwean government had their hands tied

and their feet shackled by Britain imposed manacles. This scenario became a game between former colony and former colonizer that would grow uglier with time.

As years went by, with the land reform programme evolving and taking the twists it did, relations between the international community and the government worsened. Land reform became overwhelming with the introduction of the FTLRP making redistribution haphazard, unlawful, discriminatory and in some cases leading to loss of life. A majority of white farmers had their farms and property confiscated without notice or vandalized by the so called landless, infringing on their property rights, human rights and law and order in a country. Destabilisation of production through farm seizures even knocked the production of tobacco, the largest foreign exchange earner behind gold, because by 2005, 4000 commercial farms including 17 large-scale tobacco farms had been seized and given to landless blacks operating on a smaller scale.¹²⁴

International support and partnership withered further bedeviled by fundamental differences over the manner in which land reform was carried out, the political context and energies that fanned the programme, the elastic legal framework that governed the programme and the lack of openness in the benefactor categories among other sundry differences. The Donor Conference of September 1998 held in Harare was an attempt by government to inform, involve and canvass for back up on their policy framework on the LRRP II. 48 countries and international organizations attended and endorsed the programme appreciating the urgency of land reform hoping that it would reduce poverty, promote political stability and encourage economic growth.¹²⁵ Even though the inception phase of LRRP II was given a go ahead to start right away, financial help did not come right away and it would never come given the challenges later thrown in the way by the FTLRP.

On 6 September 2001, the Abuja Agreement was signed which sought commitment by all stakeholders and demanded:

¹²⁴ *The Citizen*, Monday 26 September 2005, p.5.

¹²⁵ *Wikipedia*, Land Reform in Zimbabwe, p.5.

- the cessation of illegal occupations and relocation of such settlers;
- delisting of inappropriately listed farms;
- restoration of the rule of law to the process of the land-reform programme;
- engaging with international partners by pursuing an effective, sustainable land reform programme on the basis of the UNDP proposals of December 2000; and
- focusing on a phased programme of redistributing 5 million hectares.¹²⁶

The agreement, made among Commonwealth Foreign Ministers, the United Kingdom and Zimbabwe, proposed, among other things, a slow down of the FTRLP to fit Zimbabwe's implementation capacity, promotion of internal dialogue, independent monitoring of the situation in commercial farming areas and the possible resumption of UNDP technical assistance.¹²⁷ The government of Zimbabwe agreed and promised to adhere to the principles enshrined in the Harare Commonwealth Declaration to help restore the rule of law. With the agreement, the UK re-affirmed its commitment to significant financial contribution to land reform and encouraged other donors to do the same.¹²⁸ True to form, however, the Zimbabwean government indeed contravened the Abuja Agreement before the expiration of 2001, the very year it was signed. In November 2001, the government revised the Land Acquisition Act to allow them to allocate land without giving owners the right to contest the seizures.¹²⁹ The amendment would bring the government into a collision course with human rights organizations, the media who uncovered incidences of farm seizures, the donors themselves, white farmers and the judiciary. The seizures led to a drop in farm output which produced widespread claims of starvation and famine by aid agencies. Making the most clarion calls about abuse of human rights in the Zimbabwean land reform were organizations such as Human Rights Watch, Zimbabwe Lawyers for Human Rights, Amnesty International and Zimbabwe Peace Project. To prevent full analysis of the scale of the famine, local and

¹²⁶ *UN Interim Report*, p.48. Appendix 12 provides more detail about the Abuja Agreement.

¹²⁷ Magaramombe, p. 24.

¹²⁸ *Ibid.*

¹²⁹ *Ibid.*, land seizures continue even by, 1 February 2007, with farmers facing eviction even as they prepare to harvest their crop.

international media was harassed, expelled and trammelled. The *Daily News*, the *Weekly Independent*, the *Sunday Standard*, Jeff Nyarota and Martin Meredith to mention a few Zimbabwe newspapers and journalists, faced the wrath of the government.

Regrettably, however, the fruits of the Abuja Agreement were never enjoyed. The UNDP report of 2002 concluded that the FTLRP was frighteningly disorganized, under-funded, violent and not above board. Farming, which, up to 2000, had been the back-bone of the nation's economy, contributing 40 per cent of the nation's exports and the basis for agro-industry had since collapsed due to the disruptions on commercial farms. The approach chosen by the government was neither production, partnership nor negotiation friendly.

The government's method of land reform was widely criticized as resulting from politics of vengeance and as carried out for political expediency. The approach had no reference to its long term effects and, therefore, caused mayhem, lacked consistency and committed injustices in a bid to correct historic injustices. It must be mentioned, however, that, though it was agreed internationally that land reform in Zimbabwe was disruptive, causing hunger, destitution and criminality, the international community did not quite agree on how to deal with Harare. In June 2001, a 15-nation strong European Union (E.U) gave Mugabe a 60-day ultimatum to end political violence in the country and stop illegal occupation of farms, threatening unspecified penalties.¹³⁰ After the elapse of the ultimatum, the EU was still divided in terms of imposing sanctions so much that individual members pursued different policies at different times. For instance, while there were clarion calls of impatience with Zimbabwe and Mugabe in Britain, Australia and the Netherlands, France and Portugal were lenient and America pursued a two pronged system of negotiations through the Zimbabwe Joint Resettlement Initiative (ZJRI) while pushing for sanctions through the Zimbabwe Democracy Bill.¹³¹ Other donors including the United Nations Secretary General's office abandoned plans to raise

¹³⁰ *Financial Gazette*, 28.06.01, p.2.

¹³¹ J.B. Karumbidza, "An Overview of the Land Needs and Elections in Zimbabwe, the Effects on Society and Economy and the Response of the International Community" Seminar papers put together, pp.35-36.

money from international donors for the land reform programme by the end of 2002.¹³² The implications of the withdrawals on the nation's economy were dire, leading to suspension of payment of all loans including those to the IMF, with the *Daily News* recording that:

*... the Zimbabwe government owed more than US\$4.5 billion to several multilateral institutions and Western countries, including the African Development Bank, European Investment Bank, World Bank, USA, Britain, France, Germany and Finland, with its domestic debts to various parastatals estimated at a staggering US\$200 million.*¹³³

Denmark closed its embassy in Zimbabwe and stopped economic cooperation and aid even to non-governmental organizations. The international gay organizations took an anti-Mugabe stance, with Peter Tatchell, a British national, on the front line.¹³⁴ Mugabe is known for not hiding his mind about the gay community. In a speech where he announced that Zimbabwe was turning its back to the West where the sun sets and now turning to the East where the sun rises, (popularly known as the Look East Policy), Mugabe asserted that homosexuals were worse than animals, because at least animals knew and respected the rules in the sex game.¹³⁵ The speech offended the gays and those with their sympathies, implying more withdrawals of donor candidates and prolongation of the completion of the land reform programme. With crisis mounting, Zimbabwe withdrew from the Commonwealth because of an approach to land reform that threatened to racially divide members in the camp.¹³⁶ Relations between Zimbabwe and the Western world continued to get damaged with Mugabe bashing Tony Blair and Bush at every turn and consequently, Harare was left to bleed on, excluded from the list of poor African countries for debt cancellation by the G8.

¹³² *Ibid.*

¹³³ *Daily News*, 17.07.01, p.1.

¹³⁴ *Exodus*, October 1999, p.10. Also reports by the BBC News on 16 November 1999 and March 2001.

¹³⁵ R. Mugabe on one of his 2005 elections campaign rallies.

¹³⁶ Mlambo, p.25.

In a bid to cushion itself from the impact of the imposed sanctions, the government introduced control measures that would hurt its own people, its own businesses and its tourism market. For instance, the imposition of export tax on business dependent on foreign markets, departure tax on flights outside the country and the passing of the Zimbabwe Democracy and Recovery Act of 2001 expected to bar the American government and all institutions with American links from dealing with the Zimbabwean government.¹³⁷ The cushion, however, proved prickly with earnings from tourism dropping and the crisis getting more complicated. Even as this research concludes in 2006, the intermingle in the land reform programme in Zimbabwe is getting more dragged out, irreparably intractable and ever contradictory.

CONCLUSION

In 2000, with 20 years of independence wasted, the land situation in Zimbabwe was still as dire and desperate as it was in 1980. New approaches needed to be drawn and explored to address the imbalances in land distribution. The fast track land redistribution programme was the government's idea of speeding the reforms. However, the programme had a lot of problems embedded in it. FTLRP had this palpable disruptive quality in it that left some white farmers, farm workers and landless people dead.

The manner in which land was fast tracked shaped relations home and away. Hostility grew between the government which gave blessings or turned a blind eye on unlawful violent farm acquisitions and farm owners who lost their property, in most cases, to energetic youths or vengeful top echelons who acquired indiscriminately. The violation of property and human rights angered the international donor community who consequently withdrew their aid upsetting the economy and socio-political aspects of the nation and triggering untold brain drain. Following high levels of unemployment, retrenchments, inflation and suffocating malaise, cross-border mobility increased with

¹³⁷ *Zimbabwe Standard*, 15.07.01, p.3.

Zimbabweans moving into neighbouring countries for survival. For example, the dissatisfaction in the Zimbabwean army with salaries causing mass desertions.¹³⁸

The legal framework governing land reform was subjected to a series of amendments to be commensurate with the aims and objectives of the government at given times. Laws were made moribund, elastic, umbrella, ambiguous, elaborate, difficult to comprehend and uncontestable. In the chaos, whether by design or otherwise, some laws would become discriminatory, contradictory, anti-progress, double edged, frivolous, uncompromising and inevitably with dividing qualities that would leave the government at loggerhead with the evictees, the electorate, the judiciary and other stakeholders. The gap would widen with land reform taking the most beating given the discord created in the interim.

The nationalization of all the land in Zimbabwe and the introduction of the 99-year lease approach ushered in a new twist in the land politics. The lease system, practised by 2006, was difficult to place in terms of the way forward. It is one of the most contradictory of all the approaches tried out in land reform. It appears to be inviting and giving land to white farmers, at the same time taking away land from white farmers who already are productive in the country. The move begs the question of logic, what is the difference between these two groups of farmers? Those coming in, how do they plan to differ from the ones who face eviction in reviving the agricultural sector?

The lease approach has created a lot of uncertainty, suspicion, coldness and mistrust between the government, the general public and white farmers. It is neither above board nor forthright to allow white farmers to plan their future in agriculture on Zimbabwean soils or project their fate. Besides being dragged out, the system has a vast capacity to keep farmers in limbo, waiting in suspense, in anticipation and on their toes so much that one wonders what the government wants to achieve by this state of limbo. Mutasa even

¹³⁸ *Mail and Guardian*, 9-15 February, 2007, p.15. Most people have moved to South Africa, Zambia and Mozambique. Three million Zimbabweans are reported to have left for South Africa and as much have congested the Zambian border post overwhelming the Zambian border staff capacity to cope with immigrants.

boasts about the fear the limbo creates in white farmers saying, “we have enough laws, enough jails for anyone who compromises government policies by deliberately breaking the law. We are not afraid of white farmers, and our history shows that”.¹³⁹ While it feels good to utter threatening statements and talk from a point of strength, of being the Minister of Security and Lands, such a statement does not augur well for the future of the economy, the politics of the whole nation and not even for the white farmers who are going back on 99-year lease arrangements.

While, in principle, ownership of land by the state does not preclude the award of secure, long-term leases to individuals to allow investment needed to increase land productivity, the 99-year lease system in Zimbabwe is a tool for victimizing particular farmers. It is a selection weapon to drive out the government’s opponents and embrace a few lucky ones. On the ground, lengthy complicated procedures, unclear legal provisions, opaque selection criteria and careless irresponsible rhetoric in the long run ruin productivity, investment, tenure security, social relations and political stability.

Problems of a varied nature continue to pull the economy down, create and exacerbate internal and external political relations that worry both the government of Zimbabwe and its people. Until the agriculture sector is revisited and resuscitated, in terms of policy review, injecting of funds, bringing all stakeholders together and learning from experience, land reform would continue to throttle all efforts to revive the economy, the politics as well as other facets of life that have consequently gone down in Zimbabwe.

¹³⁹ *Ibid.*

CHAPTER SIX

Comparative Methodological Implications in the Agrarian Reform Process

6.0 INTRODUCTION

This research has earlier demonstrated that land is a key asset for humanity and especially for the rural and urban poor. With secure tenure, land provides a foundation for economic activity, enhances the asset base for the neglected, creates sustainable economic growth and ushers in political stability, among many other positive attributes. Given the centrality of land in people's lives, it follows then to argue that land policies are equally as important. Land policies have far-reaching implications since they have the capacity to bring down or build a nation. When land policies are not properly chosen, they have the potential to derail even the biggest economies of the world. Approaches to land reform should be informed by a broad range of criteria, considerations, compromises, interests, perspectives, available experiences, history and the prevailing socio-economic atmosphere to single out a few determinants.

Policies should be made on laws that govern reform, the pace of reform, characteristics of benefactors, strategy selection, administration and issues of governance, tenure, expropriation and compensation, conflict resolution, corruption and gender equity to mention but few areas. Policy choices are difficult to determine where there are too many interest groups meddling in the politics of land. The making of informed choices is health and beneficial to the nation.

In land policy making, governments have fundamental roles to play and, in the case of South Africa and Zimbabwe, land policies mapped out up to 2006 have met with major challenges and, as a result, land reform has not been concluded. The countries need to engage long-term policies that last, eliminate unjustified restrictions on land ownership and use, are productive, friendly and sustainable. Already tested approaches are the market driven willing seller willing buyer principle, expropriation, nationalization of

land, leasing out land, restitution, redistribution, fast track and also revamping land administration. It has not been all smooth sailing with these methodologies, others succeeded, with varying degrees, some created lots of controversies while others have contributed to the total chaos in the agriculture sector today, especially in Zimbabwe.

This chapter shall dwell on how and what approaches to land reform were chosen in both countries and point out, where similar methods were used in the two countries, their degrees of success and failure as well as how much the countries influence each other in policy choice, implementation and other related aspects. Some methodologies which have not been tested in these two countries but have been used and proved workable elsewhere shall also be suggested.

6.1 The Willing Seller Willing Buyer Principle

Negotiations that gave birth to Zimbabwe in 1980 did not allow for radical land reform processes at the dawn of independence, but liberal and market driven principles. The reason a negotiation agreement was partly opted for was to buy time for the white population in Zimbabwe with a ten year grace period to decide whether to leave the country or to stay and to map out the way forward. However, independence expectations were that national resources such as land be equitably distributed. The British, not to disappoint the new government, used the WSWB approach to decolonize and subsequently resettle a few black farmers in farms bought from white farmers on their way out of the country. It would not be the first time the WSWB principle is used, it had been used in Kenya (and other former British colonies around the globe who got their independence before Kenya) following their own Lancaster House Conference of 1960.¹ WSWB would be employed again in 1994 when South Africa got independent, however, the principle got discounted at a land summit in 2005 in Johannesburg.

¹ S. Moyo, "Land in the Political Economy of African Development: Alternative Strategies for Reform" @ <www.nai.uu.se>, p.9.

For the 10 year moratorium period in Zimbabwe, the WSWB mode was the official approach to land reform and insignificant amounts of land transferred hands, meaning achievement was neither qualitative nor quantitative. Frankly speaking, anywhere it is practised, the WSWB principle as is spelt out by its name, is another way of preserving the status quo. One sells when they want, yet, the wish to sell was surely not there because to begin with, a war or wars of dispossession had been fought about the land and to turn around and ask those who want to sell to do so is a contradiction on its own. As a result, land reform which was supposed to be high on the agenda of the new black governments was turned into a casual, voluntary, sluggish, expensive and non-committal exercise. To all intents and purposes, the war continues, just this time, its more of economic war as opposed to being political war.

Employing the WSWB mode meant that land reform would be market-driven and negotiated. From a social justice perspective, making indigenous people negotiate for their birth right, worse still, buy their land back, feels like blessing or legitimizing colonial injustices of land alienation. Whether in South Africa or Zimbabwe, the WSWB principle does not make policy sense in the eyes and ears of the black peasants. To make the governments pay, high prices at that, is some kind of punishment for having been colonized. Its rewarding the guilty and taking more away from the innocent. While South Africa may argue that they are pursuing the victor's justice by buying land for redistribution, land reform programmes in post-settler countries should certainly and rightly demand colonial land reparations. While it is a fact that there are marked differences between the South African land reform and the Zimbabwean land reform, it is also true that there are similarities that allow for comparison. In this case, land reparations are applicable in both situations. However, reparations for colonial land losses in Africa have not been adequately addressed.²

² *Ibid.* Also N. Mlambo, "Moods of Bitterness How Political Palarisation has influenced Zimbabwean Elections" in *Journal of African Elections Special Issue on Zimbabwe's 2005 General Elections*, Vol. 4, No. 2, p.15. Also S. Eppel, "Gukurahundi': The Need for Truth and Reparation" in B. Raftopoulos and T. Savage. (eds.). *Zimbabwe : Injustice and Political Reconciliation*, pp.43-62.

Demands for colonial land reparations or compensation have been made in Kenya, Zimbabwe and Namibia, as well as historically, on a smaller scale in Botswana and Swaziland as has been the case in other nations with a history of settler colonial land expropriations, such as Australia, Canada and United States of America.³

The Zimbabwean government believes that the reason Africa, in particular, has not received sufficient compensation is the racism meted out on blacks and protection former colonizers receive from international donors of their land owning kith and kin. When funds are not provided by former colonizers for the readjusting process, democratic governments run short of funds to compensate white farmers, boost the new black farms, erect infrastructure at the same time running the daily business of the country. Admittedly though, in other instances, funds are abused even when they are available. Consequently, land reform suffers, happens at a snails' pace depending on how much the national budget allows or land reform is delayed for so long that beneficiaries and white farmers get disgruntled so much that panic, chaos and lawlessness set in. While some form of reparations were paid by the government in London, in the case of Zimbabwe, the funds were little, came with strings attached and got finished too soon before the reform was through. In the case of South Africa, reparations were never mentioned in the whole land reform talk. The silence seems to imply that the white population in South Africa do not originate from the West but are also indigenous.

If small scale black producers are asked to buy themselves land, they would face sundry challenges, ranging from failure to raise the amounts needed, failure to plan sufficiently enough to produce to the capacity of the large commercial farms to serious competition encountered in the process. Also, mention should be made here that buying land is not the only aspect to productivity. The buyers, who are struggling to raise capital, should also build or maintain infrastructure like roads, which is not feasible. Market assisted land reform also needs to be matched with institutional innovation in rural financial

³ *Ibid.*

markets.⁴ The nature and extent of land reform allows for little individualized independent effort given the amounts of financial back-up needed.

Though fraught with problems, the WSWB mode does not rock the boat because it is liberal. It operates on consensus as opposed to force and coercion that comes with expropriation. Consequently, those who pursue the WSWB approach remain politically correct and do not cross the human rights organizations' path yet, the sensibilities of those who lost their land long back are not catered for. Probably the mode assumes that since the injustices happened centuries ago, the passage of time would take care of possible sensibilities but such injustices cannot escape the ever watchful eyes of the international community.

Administratively, it is believed that market-driven programmes are cheaper than conventional redistribution programmes. Market principles privatize and commercialize land, reducing the administrative role of the government and letting the money from the buyers do the talking. Already, a problem arises where those at the bottom of the economic ladder cannot afford and are eventually left out of the reform process. When the poor peasants are not part of the reform process, reform cannot be said to have taken place. Thus, the market-driven approach has this quality of being selective, not taking everybody along, assisting those who already can help themselves. The targeted beneficiaries end up the losers with the economically active self-selecting to benefit from the WSWB approach. Under this approach, economically able individuals have the leverage to choose the farm size flexibly to match their needs, resources and constraints. Independence wars were mainly fought for the good of the majority, not for a few individuals and benefiting a few would be a contradiction to the struggle objectives.

The extent of the redistribution task at independence would not require modest efforts but radical approaches to balance off the equation. While the WSWB approach is still operational both in Zimbabwe and in South Africa, governments have since rejected the notion that the land reform process should be based solely on this method. More methods

⁴ *Land Reform, Land Settlement and Cooperatives Issues* 2003/2, p.55.

are now being explored to hasten land reform. International experience of land and agrarian reform programmes demonstrate that, the market on its own is unable to effectively alter the pattern of ownership in favour of equity for the targeted benefactors of land reform as well as in favour of broader goals of job creation and poverty reduction.⁵ Statistically, the Zimbabwean experience is that, the WSWB methodology delivered close to 3 million hectares of land on which 52 000 families were settled out of a target of 162 000 families by the end of 1990. The South African experience over the last twelve years firmly confirms the international experience in that, the pace of delivery to date has not been sufficient enough given the 2014 objective.⁶ At the end of 2006, only 3% of the target has been achieved, with only seven of the 20 year plan remaining. Although other areas of weakness can be mentioned, WSWB largely failed to deliver.

Land reform is a crucial dimension of the agrarian question and a huge national concern. Failure to resolve this pivotal question implies that the national concerns are compromised. To leave the WSWB strategy to address land reform has serious implications on the commitment and concern on the part of the governments. A delay in delivery is also detrimental to the progress and development of a nation. Market-based land acquisition distortions and imperfections such as restrictions on land subdivisions, unequal access to capital markets and information, contradictory requirements in respect of municipal zoning regulations and the qualities of being discriminatory point to the fact that the approach cannot and should not be relied on for reforming land.

6.2 Quality and Quantity: The Nature of Reforms

The quality and quantity of land reform is very important and should always be checked for progress. If land reform should be seen as an end in itself, it should not be change for change's sake. Change should be made that transforms the lives of the majority, who, for decades, suffered deprivation.⁷ Although redistribution of land does not always automatically lead to an increase in production and may even reduce market supplies,

⁵ *Report of the National Land Summit, 27-30 July 2005 NASREC, p.9.*

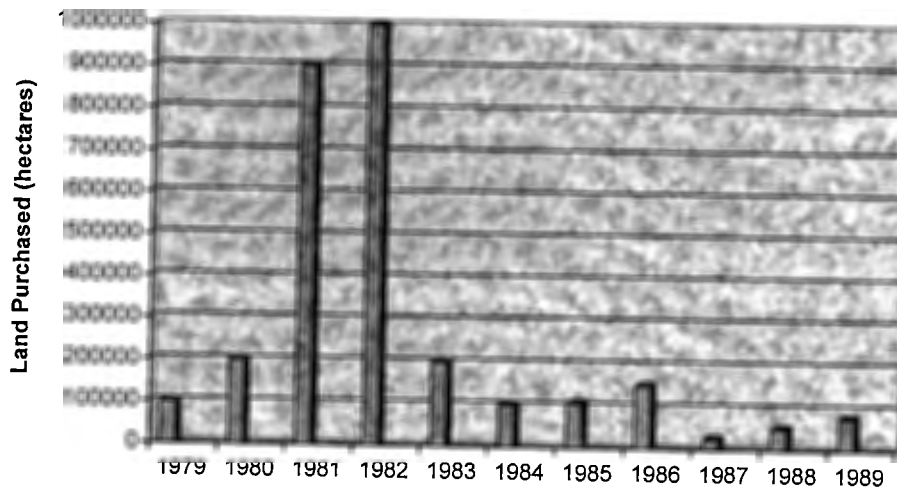
⁶ *Ibid.*

⁷ D. Warriner, *Land Reform in Principle and Practice, p.xiv.*

efficient strategizing is needed to better people's lives consequently.⁸ Any purposeful land reform must entail the redistribution of wealth, income, status as well as political influence and such seismic adjustments have to be planned in the light of the prevailing pressures. However, this is easier said than done given that there are many players in any reform. At times, governments are forced to settle for the second best options by constraints beyond their control. Negotiated settlements, in the case of Zimbabwe and South Africa where liberation and democracy were partially concluded by armed struggle, unlike in nations like Mozambique and Angola where armed struggle decisively ushered in liberation and the land question broadly resolved, meant agreeing to a significant number of compromises leaving the land question unresolved. The Zimbabwean government had no choice at independence other than to accept the market driven approach, WSWB.

In terms of quantity and quality, the WSWB principle was slow and not qualitative as demonstrated in the figure below:

Figure 6.1: Zimbabwean Government Land Purchases from 1979-1989



Sources: Adapted from Palmer.⁹

⁸ E. H. Jacoby, *Man and Land the Fundamental Issues in Development*, p.174.

⁹ R. Palmer, *Land and Racial Domination in Rhodesia*, p.170. Also Roth (1990:26 and 1994:338).

However, since the expiration of the Lancaster decade, Zimbabwe has undergone three more distinctive phases in the land reform process, from land reform phase 1, the infamous fast track era to the current 99-year lease strategy. Each phase came with its set of objectives, targets, challenges and achievements. Note must be taken here, however, that periodisation of the land reform process in South Africa is not demarcated. Objectives are stated which just must be achieved between 1994 and 2014. Periodising the transformation process has the advantage of allowing for a breather, a pause that allows for reflection, checking the achieved, the remaining lot, the dilemmas along the way and probabilities of re-strategising. Tackling the whole process without setting particular goals in a relatively small given time frame has the disadvantage of overwhelming resources. It gives the impression that a mammoth task is before hand and time might be wasted in trying to isolate a starting point. The land reform process, given South Africa's size, requires to be tackled in phases or stages to allow for even distribution of human and financial resources. The process needs breaking into manageable bits at a time. Though, in the case of Zimbabwe, the phases were not in the original programme, but are a result of acting on the spur of the moment, it helped the government to plan for given shorter periods of time, which, at certain times, impacted adversely on the reform process and other cognate issues.

In terms of quality, land reform approaches employed by the Zimbabwean government verge on snobbery, on arrogance, on recalcitrance with too little consideration for others but is much predicated on fact. Even when the land reform process is threatened and fraught with challenges from all angles, Zimbabweans, by their very nature, do not take lessons from other people easily. They prefer to fumble until eventually they get matters back on track on their own. For instance, with the internet showing a literacy rate of 97 per cent, the highest in the region,¹⁰ Zimbabweans are convinced that its other people who should take lessons from them, not vice versa. As a result, even when the quality of land reform is threatened by an economic meltdown, coming as a result of ill-advised policy making, not much noise would be made about the policies. A good example would be the fast track reform programme, the way it was carried out, the rhetoric surrounding it

¹⁰ African education @<<http://www.google>> 2005.

and the violence that fanned it, the reform programme ceased to be about agricultural and settlement land, but became more political and advice about it could not be accepted.

It may also be argued that, in the paradigms of land reform in Zimbabwe, every development is seen in the eyes of liberation, revolution and sovereignty. Policy choices are informed by how much threat is directed towards sovereignty and the threat conjures up memories of the liberation struggle. In the interim, land reform becomes a continuation of the liberation struggle. Land reform becomes an opportunity or catharsis driven by pent up emotions in people who have waited for a promise which does not seem to be coming. To demonstrate that the liberation struggle and land reform are made one and inseparable, songs that won the liberation struggle were sung during white farm invasions as the war vets and the youth *toi-toi*. Also, land reform and invasions acquired the name Third Chimurenga, coming after the First and Second Chimurengas which were liberation struggles. Another point worth mentioning is that, while Zimbabweans may not totally agree with Mugabes' methodology, they somehow share with him the joy and satisfaction ushered in by the electioneering gimmick that result in him bashing presidents like Blair and Bush, as though it were a showdown in a liberation struggle. For example, election pronouncements written, "Zimbabwe will never be a colony again." "Blair, keep your Britain and I shall keep my Zimbabwe."¹¹ Pronouncements deliberately meant to whip up sentiments of nationalism, altruism, solidarity, patriotism and revolution. The rhetoric gives the impression that the liberation struggle was the theory and the struggle for land is the praxis.

South Africa has its own way of going about land reform as South Africans always quickly point out that they are not approaching land reform the Zimbabwean way. The land reform process is very much government-driven and the government is pursuing the victor's justice approach as shown earlier. The voice of the landless peasants is not heard, whether by design or default. As a result, the quality of reform that takes place in South Africa is very much dependent on the government's will power and availability of

¹¹ 2002 Election Posters. The electioneering posters bore a variety of slogans and most of the rhetoric demonstrating the animosity between Zimbabwe and the West.

funds to support the reforms and implementation pace. Although South Africa has a very large number of opposition parties, research and academic institutions, civil society organizations and social movements and business sectors vocal about lack of delivery in land reform, as compared to Zimbabwe, their warning of a catastrophe has gone unheeded. For instance, Azanian People's Organization (AZAPO) is of the opinion that if the white minority who still own most of the land and feed the nation are continuously left with the land, they could potentially cut off supply of food as political expediency or any other reason.¹² The dilemma is that, white farmers are still the pillars of the country's agricultural activities and seemingly, black farmers are not coming out in full force to bridge the gap, yet, land redistribution has to materialize.

Given the number of groupings or institutions associated with land as well as opposition parties in South Africa, the government has more chances to get it right in land than Zimbabwe would. Before the rise of The Movement for Democratic Change, the MDC, at the end of the 20th century and beginning of the 21st century, ZANU PF had no credible opposition, an essential tool in determining how an incumbent government formulates policies and delivers in critical areas of governance.¹³ In this regard, the South African government has benefited more constructively from real opposition in other aspects but very little or insignificantly where the land question is concerned. Opposition parties like the PAC, ID, IFP, DA and AZAPO, though propounding different lobbying tactics, strategies and ideas, if listened to, would have made a great difference in addressing land reform in South Africa.¹⁴

Civil society organizations and social movements are also a number in South Africa, for example, LAMOSA, LPM, NLC –National Land Committee and ALARM-Alliance of Land and Agrarian Reform Movement.¹⁵ In Zimbabwe, besides having a single opposition party, land groupings have not mushroomed the way they did in South Africa. Only the war-veteran led movement has been the most vocal, demanding and fearless

¹² *Report of the National Land Summit 27-30 July 2005*, p.40.

¹³ D. Maxwell, *African Gifts of the Spirit Pentecostalism and the Rise of a Zimbabwean Transnational Religious Movement*, p.62.

¹⁴ *Report of the National Land Summit 27-30 July 2005*. p.39.

¹⁵ *Ibid.*

among the few. However, the violence with which they approached land reform is a detraction on their side. Their manner was even lambasted by the LPM of South Africa, though the two groups share the perspective that, to deliver faster, land reform must be radical and more decisive as was the case in Korea, Taiwan and Ethiopia.

Land policy trajectories and patterns have differed between South Africa and Zimbabwe. Lately, Zimbabwe has pursued radical land reforms, which South Africa has an option to also adopt along the way. In the 1970s, demands for radical land and agrarian reform in Africa were led under colonial rule by the liberation movements and pursued by means of armed struggle.¹⁶ In the independence period, where land advocacy has been constrained by predominantly the middle class, social welfarist and neo-liberal developmentalist values, which are in turn, dependent on international aid, radical reform continue to be predominantly demanded by former liberation movements.¹⁷ The war veterans of Zimbabwe took matters into their own hands and drove the fast track land programme, the way the liberation struggle was driven and conducted. However, critics have since pointed out that most of the active youths that spearheaded farm invasions in early 2000 were too young to have fought in a war that ended twenty years back.¹⁸ The youth probably joined hands with war veterans, who were fighting their war to be recognized, to vent out their anger about unemployment and other leadership hick-ups, to form an energized, ruthless and rowdy association of its own kind.

Demand for radical or extensive land reform by the war veterans took the form of land invasions, white farmer killings, illegal farm occupations and, in some cases, continues to threaten the farm owners and the government itself. In South Africa, the Landless People's Movement, the LPM, has also demanded radical reforms threatening to boycott the ANC in elections. However, there has been slow maturation of a nation-wide radical land reform advocacy agenda. On a more positive note, however, the demands brought about greater urgency to the government's land reform initiatives, the results of which are

¹⁶ T. Chitiyo, Land Violence and Compensation: Reconceptualising Zimbabwe's Land and War Veterans Debate, *Track Two*, Vol. 9, No.1.

¹⁷ S. Moyo, "The Land Occupation Movement and Democratization in Zimbabwe: Contradictions of Neo-liberation" in *Journal of International studies*, Vol.30, No.2, p.315.

¹⁸ *Ibid.*

yet to be seen. Zimbabwe further pursued the radicalization of land redistribution by nationalizing land in 2005.¹⁹ Amendment 16B in the constitution related to agricultural land acquired for resettlement and absolved the government from paying compensation for land other than for improvement retrospectively.²⁰ Those awaiting pending court outcomes about acquired land would lose out. The amendment also ushered in an unexpected post-electoral rearrangement or reshuffling of authority in the land reform process. All matters relating to land reform were placed firmly and fully under the control of the National Land Board in the Lands Ministry all under the State Minister Didymus Mutasa's expanded portfolio, marginalising the provincial governors who oversaw land issues previously.²¹ Would-be farmers would have to lease land for 99 years. Nationalization of land is not a new phenomenon in Africa for, Zambia, Mozambique and Angola, by virtue of having gained their independence earlier than the two countries under discussion, did nationalize land in the 1970s. However, as laid out earlier in the discussion, nationalization of land in Zimbabwe, like everywhere else, was and is not all smooth sailing. Zimbabweans are yet to enjoy the fruits from the approach but, as yet, the dust of confusion from fast track still has to settle.

Of all the objectives land reform sets out to achieve, productivity must be top of the list. In as far as producing food for the nation, for export and for the silos, the Zimbabwean land reform failed dismally.²² The landless, whether self or government driven, either invaded or were allocated productive land without the means or know-how of farming and their situation was complicated by lack of extension services, support infrastructure, farm implements and beginners' pack. Some farmers refused to share existing infrastructure like boreholes and dip-tanks with those who did not have. Abuse of the available support was also rampant with others refusing to pay back loans given to them

¹⁹ M. Viriri, interviewed in Harare, on current developments in land reform, 22 July 2005.

²⁰ S. Mbaya, "Zimbabwe's Land Politics and The 2005 Election" in *Journal of African Elections Special Issue on Zimbabwe's 2005 General Election*, Vol. 4, No. 2, p.57.

²¹ *Ibid.*, p.58.

²² *The Herald*, 20 December 2006 carried stories of how milk cows/jerseys are used to till the land for lack of proper tilling equipment as well as to demonstrate the chaos that bedevils Zimbabwean agriculture. Other stories showed how travellers on highways have become so accustomed to seeing green grass on fallow land so much that they think it is some kind of leguminous crop growing.

and some diverting government assistance in form of fertilizer and diesel.²³ It was common place to find farm tractors being drained and diesel getting sold at the black market while farms went uncultivated and unproductive.²⁴ There was palpable sabotage by some of the beneficiaries of land reform in Zimbabwe. While the government gave out farm implements and subsidized fuel for the tilling of the land, other recipients had other ideas. Even those in the rural areas who received ploughs still sold them or gave them away to their loved ones or relatives.²⁵ Fertilisers and seeds suffered the same fate with the farmers still blaming the government for their non-production. Coupled with other factors, even the most productive farms and plots went fallow. The land audit did not help identify the under-utilized farms and the non-production went on and on, until the nation was on the brink of starvation, worsened by climate change and lately, cyclone Flavio. The government concentrated on conquering land but without a construction plan.

For instance, the unabated invasions and evictions on white commercial farms that saw Darryl Zietmann getting a two day ultimatum to vacate Ashcott Farm, 314 hectares of prime agricultural land near Harare, in mid 2006, destroyed agriculture.²⁶ The farm was to be given to a minister's daughter and her husband. In the previous year, Zietmann had farmed 40 hectares of soya, 10 hectares of seed maize, 10 hectares of commercial maize and 40 of tobacco.²⁷ Trend has shown that if a survey was to be conducted promptly, very little if any production would be recorded on the farm under new ownership.

The manner of the Zimbabwean land reform, so far, has been an engagement in a deadly game of politico-economic brinkmanship. The policies pursued have been to a large extent contradictory, controversial, non-progressive, confrontational and anti-economic growth. The government claims to have completed land reform but, on the ground, the majority of the population are still landless and as left out economically as they were during Smith's regime. Land reform in South Africa has been slow, relatively quiet

²³ *Ibid.*

²⁴ Interview with several fuel black market vendors, Peter Ngavi, John Benza, Tanranda Mutare and Kumbirai Seke, at Mbare in Harare, 21 December 2006.

²⁵ Interview with a ZANU PF youth member in Rusape, 18 December 2006.

²⁶ F. Zvomuya, "Zimbabwe" in *Farmer's Weekly*, 8 September 2006, p.15.

²⁷ *Ibid.*

though with some scattered land related farm killings²⁸ and with 12 years of democracy, insignificant hectares of productive land have changed hands. Perhaps, to speed up land reform, South Africa would have to reconsider its options or like Moyo has pointed out, proceed on the pursued path and deal with the social problems that arise due to slow delivery.²⁹ The other option, which is the radical approach to land reform, as Zimbabweans would confirm, is fraught with political and economic fall-out that unfortunately turns a nation into a pariah. Nonetheless, in the name of qualitative and quantitative land reform, difficult choices have to be made, one cannot have their cake and eat it.

6.3 Administration: The Crux of Reform

Land reform calls for proactive leadership by governments. Since land reform is a continuous process of regeneration after centuries of economic and social underdevelopment, the government should be the driving force awakening rural people, accepting peasant movements and connecting isolated communities administratively. Structural reforms should be in place to emancipate rural populations in as far as education, extension services and equitable redistribution of land is concerned. The government should broker and build power structures, strategize, actively intervene in the land market, provide legal frameworks and protect the interests of the nation.

Through the drawing up of constitutions, both the South African and Zimbabwean governments chartered the direction of their land reform. It remains the mandate of the government to ensure that prescriptions of these constitutions are adhered to by carrying out land audit to investigate the state of land and its performance. See Appendix 7 and 3 for South African and Zimbabwean constitutions respectively. The Zimbabwean constitution was amended for the 17th time in 2005 to suit the government's agenda, priorities and needs of the time.

²⁸ Interview with Mokete Hlalele at Land Affairs Bloemfontein, 20 July 2006.

²⁹ *Report of the National Land Summit, 27-30 July 2005*, p.51.

Given the multiple opportunities with which land ownership can increase political, economic and social development and freedom, government involvement to hasten such reform can be justified as an investment in a country's long-term future. Governments, therefore, have a clear role to play in promoting and contributing to socially desirable land allocation and utilization. For instance, the constitution of South Africa indicates that South Africa belongs to all who live in it, marking a great difference from the apartheid constitution that segregated against blacks. Thus, the new government wishes to tackle the issue of race by including every one for they believe apartheid failed because it was segregative. For the new government, inclusive democracy is what is socially desirable and conducive to development.

The South African government threw its weight behind land redistribution regulating expropriation both for redistribution and restitution, expropriation comes with the payment of just and equitable compensation and the rule of law would be respected according to the Land Affairs Minister, Lulu Xingwana.³⁰ The stress on the rule of law by the government has seen farm violence going down. Land related farm killings were isolated, not frequent and mostly reported in remote farms. However, when they occurred, they were brutal and violent.

In the case of Zimbabwe, control of land has increasingly gathered momentum as a key source of galvanizing power through electoral politics in which capital and class power stir struggles for democratization and development. Nonetheless, this scenario is not unique to Zimbabwe. Moyo observes that land reforms can be critical sites of electoral political struggles, when class and race power structures in relation to the interests of external capital are unevenly pitched, in the context of unequal land distributions, as evidenced by the 1992 Kenya elections.³¹ In the example of Kenya, politicians used violent strategies of maintaining power by way of manipulating long-standing, but latent, inter-ethnic disputes over land, towards physical fights.³² In Zimbabwe, in various elections from 2000, 2002 and 2005 land was manipulated for political expediency in

³⁰ *The Star*, Friday September 8 2006, p.6.

³¹ S. Moyo, p.4.

³² *Ibid.*

both presidential and parliamentary elections. Reports (refer to Chapter 5) came out that Mugabe had bent rules, rigged the courts, gagged the press, silenced free radio, hammered the opposition and the dire situation was exacerbated by the government's land redistribution strategies.³³ Thus, the nature and form of control of state power and the ideological groundings of the ruling incumbents can be critical to the form and content of land reforms.

Historians, including Smiles and Meredith, concur that violence and chaos that characterized the fast track land reform in Zimbabwe were government funded or at least the government did not help victims of the violence, (more details in chapter 5). The non-action suggests that either the government is responsible for the violence or the violence worked in their favour and to stop the invasions would be to prevent themselves from achieving their objective of distributing land expeditiously. Instead of using the local government to identify local needs, the government allowed the youth and war veterans to help themselves to farms indiscriminately and the approach backfired.

Even though direct management of land by the state has rarely been effective, the state has to make sure that resources that embody broader social and cultural values and benefits such as landscapes, biodiversity, historical sites and cultural values are not destroyed by myopic individual action.³⁴ Control by the state regulates land use priorities, foreign ownership and coordination across government departments and engagement with development financing institutions, communication and consultation with communities regarding outstanding agrarian reform processes. Mismanagement by the government can derail the whole programme of land reform. Greater outreach of government services to local communities in form of land banks, extension services and other support units brings out optimum results in land reform. In Zimbabwe, farm invasions did not better the landlessness of the peasants but rather worsened it because they did not receive or in other cases they abused government support once they had taken over the farms. A majority of them eventually drifted back to the overcrowded

³³ J. Smiles, "Zimbabwe: Review of the 2002 Presidential Elections" in *Journal for Contemporary History*, p.153.

³⁴ A World Bank Policy Research Report 2000, *Land Policies for Growth and Poverty Reduction*, p. xiii.

communal areas they had come from and the farms were abandoned and food production collapsed. Presently, in 2006, Zimbabwe is importing tonnes of maize from Zambia, Malawi and the United States of America to feed the nation.

Governments employ zoning regulations to assign specific uses and broaden land use, or prohibit particular uses of certain lands, to overcome environmental and other externalities that would not be internalized if pure market forces were to determine land use.³⁵ For instance, local jurisdictions can prevent the deforesting of farm land which happened in Zimbabwe, for example, between Chivhu and Masvingo when the landless self settled. The government can also prevent the converting of agricultural land into other uses that do not benefit agriculture. It oversees the proper use of land to prevent negative externalities from unproductivity and abuse. For all practical purposes, the government enforces the rights of the broader public to environmentally acceptable land use against the rights of landowners to exploit the land for private benefit. If use is not regulated, the nation can wake up one morning to empty national silos due to sabotage or agricultural illiteracy in new farm owners. The government polices the whole reform for standards, ironing out irregularities, ensuring transparency, policy selection and evaluation, injecting enabling funds, sourcing donors and determining the pace of the reform. Most importantly, land is one of the economy's main assets thus, failure by governments to control how it is distributed, used and how it benefits the nation is synonymous with failure to govern the country.

The government should probe and widen land uses for restricting the land issue only to agricultural and rural areas is to fall into the colonial mentality which drew a divide on the urban and the country. For colonialists, there was no land question in the urban. Although the urban blacks were discriminated, for example, in South Africa, by the Group Areas Act, it was not their place to claim an inch of urban land, there was no room for such right. The landless, in need of land should show genuine will power to learn to work the land.

³⁵ *Ibid.*

The formulation of land reform policies may not demand the same government muscle as the implementation. Implementation is the crucial reason for land reform failure to tip the balance of power. Implementation has to be given a lot of consideration at the planning stage. For example, when the Zimbabwean government set targets for itself, demarcating a timeframe by which a set number of families would have been settled, they did not have in mind the tactics on how to achieve the set target. When the demands for land by the war veterans overwhelmed them and the war veterans took matters into their hands and invaded white farms to resettle themselves, the coincidence and the timing could not be better for the government, they were powerless to stop the invasions because they achieved the set targets for the government. Much as the implementation was violent, on the part of the government, more families got resettled than had previously been achieved by other saner methods. However, human rights were sacrificed with some farmers being targeted because of their political alignment, for example, Bennett of Chimanimani. Others were harassed following the enactment of the Public Order And Security Act, POSA, of January 2002.

With POSA, people would be imprisoned for a range of criminal offences especially committed against the president as shown in the following sections:

- Under Section 15, for publishing or communicating false statements prejudicial to the state including undermining public confidence in a law enforcement agency, one could get five years imprisonment;
- Under Section 16, for insulting the president, or making statements stimulating feelings of hostility hatred, contempt or ridicule of the president, an offender got one year imprisonment;
- Sections 23-31 gave the police extensive powers to control, ban or break any public gathering; and
- Section 24 stipulated that prior to a public gathering, the organizer had to secure permission four days in advance.³⁶

³⁶ Mbaya, p.60.

More Acts would create more chaos and human rights breaching grew worse, for instance, with the Access to Information and Protection of Privacy Act, (AIPPA) of 2002, coming with wide-ranging regulatory powers over the media.³⁷

An inefficient administration is the biggest obstacle in the way of carrying out the intended structural changes. While South Africa was able to draw up clear policies and implementation strategies for land reform, the institutions overseeing the reform remained under-capacitated, and overwhelmed by the size of the reform.³⁸ As a result, the human resources shortage coupled with other complications has caused slow delivery, quicker delivery, would strengthen the participation of peasant and worker organizations, with proper timing. A shortage of field workers time and again jeopardizes noteworthy development programmes, especially where the reform is carried out on a country wide scale³⁹. Much as the will to redistribute resources in South Africa is present, the government has not trained or equipped sufficient human resources to tackle the mammoth task. Shortages of personnel at all levels of the land reform process have retarded the progress of the reform. With regard to human resources, the South African government might need to go back to the drawing board to tape other possible avenues. Only if organizations for the underdog were allowed to participate in the implementation or collective productive production units were established, would it be possible to economize with the available professional staff.⁴⁰

6.4 Expropriation: The Bane of Land Reform

Land reform is a national development strategy of social, economic and political importance. To a large extent, it is an act of balancing out ownership of national resources with land at the centre. This process requires literally the taking of land from those who have had a lot or possessed land alone, giving to those who for centuries were deprived. In the process, land is expropriated for redistributive and restitutive purposes

³⁷ *Ibid.*

³⁸ Human Rights Watch, @<[hrw.org/defending human rights watch](http://hrw.org/defending-human-rights-watch)> 2004.

³⁹ *Ibid.*

⁴⁰ Jacoby, p.341.

where a legal framework for expropriation is not clear or is non-existent, confusion and chaos may derail reform. Expropriation should be compensated for, whether by use of the market value or use of equitable compensation.

In order to expropriate, there are numerous provisions of common and statutory law that need to be consulted. In terms of common law, in any country, the principles of natural justice would have to be given prominence.⁴¹ The concept of natural justice broadly embraces the right to procedural fairness, the correction of a historical wrong, elimination of bias and affording the right to be heard by all parties. The purpose of expropriation should be established for it raises or lowers the market value for the property and it becomes unfair for the expropriator to influence the value of an expropriatee's property.⁴² The court that processes land claims is also crucially guided by the purpose of expropriation having to balance public interest against expropriatee's interest. The purpose secures for individuals the full measure of the constitution's protection. It is submitted then that the word purpose intends to cover the immediate reason for which the property is taken⁴³.

When the purpose of the expropriation is salient in the public interest, the expropriatee should have less compensation or should be paid over a large period. The long and short of the purpose of expropriation is the need to introduce the element of balance between the expropriatee and expropriator's interests to avoid creating another injustice. Creating another injustice would imply a vicious circle in trying to resolve a problem and in the end, the courts would be overwhelmed by complaints of deprived people from the colonial era to the democratic era.

In the case of South Africa, the following statutory provisions are essential in the decision to expropriate or not, in sympathy with the just social cause of land reform:

⁴¹ C. Hoexter and R. Lyster, *The New Constitutional and Administrative Law*, pp.188 – 254.

⁴² M.D. South-Wood, *The Compulsory Acquisition of Rights by Expropriation, Ways of Necessity Prescription, Labour Tenancy, and Restitution*, p.90. See also what is known as the *Pointe Gourde* principle embodied in Section 12 (5) (f) of the Expropriation Act of South Africa.

⁴³ *Ibid.*, p. 91.

- restitution of Land Rights Act 22 of 1994;
- restitution of land Rights Amendment Act 48 of 2003;
- expropriation Act 63 of 1975;
- promotion of Administrative Justice Act 3 of 2000 commonly known as PAJA; and
- the constitution of the Republic of South Africa 1996.

That means, all that transpires concerning expropriation is permitted by the South African constitution and in terms of the constitution, no one may be deprived of property except in terms of the law of general application and no law may permit arbitrary deprivation of property.⁴⁴ Expropriation, which should be for a public purpose, is provided for against payment of just and equitable compensation and public interest, includes the nation's commitment to land reform.⁴⁵

Nonetheless, the property guarantee in Section 25 which earned itself the title "the property clause," cannot be held absolutely, hence, the state is allowed to interfere with the use and enjoyment of property in the interest of the public in general or land reform. Care should be taken here where the distinction between expropriation and deprivation may be blurred. Both concepts and processes according to Ndlovu, interfere with property rights and entitlements that an ordinary owner of property enjoys.⁴⁶ Invariably, they lead to disgruntlement, bitterness and the skipping of countries by the disappointed part. Van der Walt and Pienaar concur that, compensation may be viewed as a form of deprivation that results in forced sale of property for public purposes though with

⁴⁴ Constitution of the Republic of South Africa, 1996, Section 25 (4) (9). See Appendix 8.

⁴⁵ *Ibid.*, Section 25 (4) (9).

⁴⁶ L. Ndlovu, "Land Reform challenges in New South Africa: to Expropriate or not to Expropriate?" Paper presented at the conference on Law and Transformative Justice at Nelson R. Mandela School of Law, 2005, p.6.

compensation.⁴⁷ The government of South Africa, through the Minister of Land Affairs, promised to stick to the constitution and uphold the rule of law where land reform is concerned. Thus, with the demise of the WSWB mode, because it does not deliver land for specific purposes nor meet the development, strategic or land-use objectives of the government, expropriation becomes an option.

As a way of comparison, expropriation is also by no means a new concept to the Zimbabwean government. Expropriation, sometimes called compulsory land acquisition by the state, was largely pursued in the region since the 1990, mainly in Zimbabwe. The Zimbabwean government directly intervened in the identification and acquisition of land at market prices, managing the resettlement process. Zimbabwe has used a mass compulsory acquisition strategy and up to 7 000 farm properties have been gazetted for acquisition between 1992 and 2001. Summarised, with the inception of the fast track strategy the “with compensation” section fell away from expropriation. Land was grabbed indiscriminately first by the war veterans, the landless peasants and then the government followed it all up by legalizing the occupations. Litigation by land owners against compulsory acquisition became a key constraint. However, Mugabe sought to silence the land owners by protesting that the government cannot be dragged to court by people who stole the same land in the first place. Such confrontation turned the whole land reform issue into a race issue, about black and white, conjuring up colonial memories in the mind of the black peasants. The reaction by the international community was a clear indication that expropriation without compensation is a divisive strategy along the lines of colour and ideology with implications on sovereignty.

The strategy asserts the rights of the indigenous and does not dwell on political correctness, democratic sensibilities nor make any compromises. This methodology is drawn from the principle that during colonial times land was expropriated from blacks and it is only by giving it back in the same manner that the concept of independence might begin to make political, economic and social sense. The method also demonstrated that whites should also be prepared to give back in post independence arrangements of

⁴⁷ A.J. Van der Walt and G.T. Pienaar, *Introduction to the Law of Property*, pp. 343-371.

governance. Hence, compensation, if at all, would be for developments made on the land, and the pre-emptive zeal to protect private property would be on collision course with democracy and redistribution of land. In the spirit of reform, fair and just compensation would be a great asset for change.

To expropriate without compensating is a radical step that creates a tense atmosphere for a nation with very ugly implications on the economy in this day of human rights activism. Though there are other favourable methods of going about redistributing and restituting families and communities, at times, the white farmers or landowners leave governments with very little space to manoeuvre. The government is caught between two fires with the landless pushing to get land and the government not prepared to act undemocratically by taking away land from those who own it presently.

The WSWB principle left indelible marks in South Africa. It deferred, prolonged and denied justice tactically for more than necessary. When farm owners are not selling, the government cannot buy and the landless cannot be settled or restituted. Patience run out both in the people and in the government and unpretty incidences begin to emerge. At times, Thomas Thozamile Gwanya, Chief Land Claims Commissioner, and Thokozile Didiza, the then Minister of Land Affairs were pressured to use threats of expropriation on farmers who refused to sell by demanding top dollar for their land. The former Transvaal Agricultural Union (TAU SA), however, felt that Gwanya's threats sent a dangerous signal to farmers as this could be a repeat of what happened in Zimbabwe.⁴⁸ As events unfolded, the first case of expropriation was that of North West cattle rancher Hannes Visser and a negotiated settlement was reached in terms of his compensation, refer to Chapter 4 for more detail.⁴⁹

Gauteng and North West Land Claims Commissioner, Blessing Mphela, and the spokesperson of the National Land Claims Commission, Victor Mahlangu, announced the notice of intention to expropriate the farm Leeuwspuit in the Lichtenburg district in

⁴⁸ Staff reporter, "Unions see red over land grab threats" in *Farmers Weekly*, 17 February 2006, p.11.

⁴⁹ Staff reporter, "Expropriation the big Picture" in *Farmers Weekly*, 7 October 2005, p.4.

North West, whose current owner was Visser Hannes.⁵⁰ The planned expropriation was based on the assertion that the grandparents of the Molamu community, totalling around 500 people, were dispossessed of their land and did not receive just and equitable compensation. Conversely, however, records at the Deeds Office indicate that Molamu's three sons, Joseph, Abram and Thomas, sold the land Visser farms on in 1939 and in 1942 apparently at market value plus 20%.⁵¹ Information gained from the Deeds Office indicates that all properties belonging to the Molamu brothers, whose descendants are now claiming the original land, were sold in normal transactions at market-related prices. In the sales deeds, mention is not made that the properties were sold due to race based legislation or because of any form of coercion.⁵²

While a lot more details are supplied in Chapter 4, there is need to highlight that, as the first expropriation, the Visser farm should have been made more clearer and thoroughly planned to serve as an example and model for other forthcoming expropriations. Following the ill planning for the expropriation, a long court battle disrupted productivity on the farm, relations among the claimants and Visser as well as painting a bad picture of expropriation exercises in South Africa in the shadow of Zimbabwe. Investigations by *Farmer's Weekly* established that in the pulling and tagging process, even the spirit of *ubuntu* was not given the chance to prevail when Visser lost his meat processing plant to claimants who could not even use the facility.

Everything said and done, a give and take approach is imperative if land reform should be seen through. For instance, in this highly publicized first South African expropriation, Hannes Visser, had demanded 3.5 million Rand, and if the government were to pay that amount, mathematically, the expenditure would become ridiculous; it would even be cheaper to maintain the landless where they are, the approach is just too prodigal. The prevailing high market value of agricultural land is an unrealistic yardstick for it is determined mainly by the prestige attached to large landownership rather than the

⁵⁰ C. Louw, "New twist to SA's first expropriation" in *Farmers' Weekly*, 7 October 2005, p.13. For more information see Chapter 4.

⁵¹ Land Affairs documentary, SABS Africa, 15 October 2005.

⁵² *Sunday Times*, 16 October 2005.

potential production value of the farm.⁵³ Such generous and strictly speaking unwarranted compensation is way beyond the economic capacity of either the new peasant owners nor the government, which would largely determine the failure or success of land reform.

Other challenges could arise from expropriation itself, for example, validity of claims, protracted negotiation, bad publicity by the international media and inappropriate comparisons. Mphela, Gauteng and North West Land Claims Commissioner, when announcing a further expropriation of five farms, complained about delays taken by negotiations and talks before expropriation takes place.⁵⁴ For the mentioned five farms, a year of talks had not yet brought them to a concrete conclusion and time for negotiating indefinitely is simply not there, be it on the side of the government or on the benefactors.' While negotiations are taking place, the international media busy themselves comparing, analyzing and contrasting, for example, the South African expropriations with those of Zimbabwe. Although the media might have a point in that national and local governments tend to have the authority to override private ownership rights using compulsory acquisition procedures for the broader public benefit, their analysis is not always stemming from having the public's interests at heart. Given space to do so, the media can spoil a very noble exercise by negative reporting and deliberately misinterpreting events.

While governments, according to their constitutions, are expected to pay "just compensation," it is not altogether clear what just compensation exactly means. This is a legal matter for courts to decide but just compensation is not necessarily the same thing as fair market value. Harring observes that agricultural land is notoriously difficult to value even in stable economic conditions and, in some cases, the value of land is predominantly social and if farms are non-economic, their value is low.⁵⁵ In the end, it makes logical sense to compensate only for the improvements made on the farms earmarked for expropriation. Etymologically, the word just implicitly carries an invitation for the judiciary to weigh the compensation in the total context of the social, cultural,

⁵³ L.M. Sachikonye, "The situation of commercial farm workers after Land Reform in Zimbabwe" A report prepared for the Farm Community Trust of Zimbabwe, p.11.

⁵⁴ C. Louw, "Five More Expropriations planned" in *Farmers Weekly*, 7 October 2005, p. 13.

⁵⁵ S.L. Harring, "The "stolen lands" under the constitution of Namibia: Land reform under the rule of law" in *Proceedings of the conference ten years of Namibian Nationhood*, 11-13 September 2000, p. 282.

political, historical and economic meaning of the transaction. What is just becomes difficult to determine where, for example, in the case of Zimbabwe, the economic circumstances are highly unpredictable and inflation is above 1,700 per cent at December 2006.⁵⁶ What might have value today may lose it totally by tomorrow.

Historically, it is also tricky and controversial to compensate for land which was never bought in the first place but gotten through use of brute force, the reason why, lately, Mugabe demands receipts as proof of purchase back then. While Mugabe's approach may appear vitriolic, uncompromising, too radical and confrontational, lacking diplomacy and causing the nation to be a pariah, the choices to be taken are all difficult. Land reform means transformation which cannot be efficiently delivered by liberal means. Land reform is a tall order that involves taking some billions of dollars worth of land from one set of private property holders to the dispossessed and the government has a crucial role in creating an enabling environment for effective, just and meaningful transformation. It is only when proof of purchase of land can be proven that compensation for both land and improvements has to be paid.

When governments are not clear with the rules governing compensation, they tend to use their prerogative and apparatus to expropriate land with dire consequences. Improperly handled, expropriation can easily turn into a major source of political discontent when there is lack of transparency. The extensive use of the powers of the state to expropriate property, the lack of a procedure for due process or the failure to pay fair compensation, like was the case in Zimbabwe, seriously undermine the security of individual property rights while farm owners in Zimbabwe leave in fear given the unpredictable nature of the expropriation procedure which is not above board. This undermines incentives for investment in areas where such investment would be most profitable and often has unintended results of accumulation of large tracks of land in the hands of the state of well-connected politicians and government representatives. This research has earlier on shown that the Mugabe regime is known to reward its friends with prime farmland at the expense of resettlement of the landless poor.

⁵⁶ *The Herald*, 9 January 2007, p.1.

Note should be taken here, however, that attempts by the state to exercise its powers of eminent domain and pay only nominal compensation for land improvements, does not only run in the blood of the Zimbabwe government, governments the world over have the same weakness. In China, for instance, village officials frequently expropriate village land for non-agricultural uses, often factories, with no compensation but the officials often deriving handsome personal gains.⁵⁷ Survey found out that such practices affect about 20 per cent of villages, is on the increase and that little consultation takes place with the villagers who have the primary right to the land.⁵⁸

Furthermore, in Africa, the taking of land by governments with no compensation is a key reason for landlessness in peri-urban areas. Big wigs prestigiously want to own farms that are close to cities where they can quickly visit and return to the luxury of city life. Kironde argues that when the risk of expropriation is high, resources transfer significantly from the hands of the poor to the rich. For instance, in Mexico users are unwilling to wait for expropriation, but try to preempt it through selling their land in the informal market further contributing to expansion of unplanned and informal settlement and increasing the cost of providing infrastructure and services.⁵⁹ In Zimbabwe, the risk of expropriation is so high that it has paralyzed the whole agricultural sector. Besides owners selling land privately, they have also unintentionally or by design become unproductive. They simply do not plant for the coming season and harvests get very low and the nation starves. Such strategy has hit hard on food supply, forex earning, employment of farm workers and relations between white farmers and the state. Yet, the farmers are not completely to blame, they are reacting to irregular rules of playing the game. Consequently, the land reform programme turns into a game of wits rendering the whole land reform exercise futile, for what is reform when a nation transforms from a better standing to being worse off.

⁵⁷ A World Bank Policy Research Report, *Land Policies for Growth and Poverty Reduction 2002*, p. 173.

⁵⁸ *Ibid.*

⁵⁹ L. Kironde, "Comments on Management of Peri-urban land and Land Taxation" Paper presented at the World Bank Regional Land Workshop, April 29- May 2 2002, p. 1.

In South Africa, a few cases of compulsory acquisition with compensation have evolved out of its land restitution programme. Arguably, given the resistance by landowners to part with their land, more expropriation need to have taken place. For smoother land expropriation, legislation was amended in 2003 and the government stressed that the approach would be used sparingly and always with compensation.⁶⁰ The Minister of Land Affairs can expropriate any land subject to judiciary review and constitutional scrutiny. Nonetheless, there are also challenges where the Minister should not be held at ransom by landowners who hold on to land for reasons of speculation while the nation continues to face transformation difficulties. Ndlovu lists problems likely to be faced by the Minister as associated with:

- defining expropriation;
- whether South African law covers constructive expropriation;
- the procedure for analyzing the constitutional validity of infringements that may constitute expropriations;
- whether adequate or proper compensation has been awarded; and
- the application of expropriatory provision of the Act of Expropriation.⁶¹

In order to constitutionally decide whether an expropriation is valid and establish protection against an attack premised on arbitrariness, Ndlovu quotes the following guidelines from Van der Walt, which are, however, not an end in themselves:

⁶⁰ The *South African Constitution*. See Appendix 7. In the same light the first Free State expropriation for restorative justice where the restitutes opted for financial compensation in Mossel Bay only came through end of July 2007.

⁶¹ Ndlovu, p.9.

- the first point of enquiry is whether the deprivation is authorized by law of general application;
- can it be justified in terms of Section 36; (See appendix 16 for Section 36); and
- the expropriation should also be scrutinized under Section 25 (1) and (2).⁶²

Section 25 stipulates that compensation must provide an equitable balance between public interest and the interests of those affected, having regard to all relevant circumstances such as current use, market value and the extent of direct state investment and subsidy in the acquisition and capital improvement. The South African government has, however, been evidently hesitant to benefit the landless through this approach for fear of encouraging irresponsible mechanisms for the acquisition of land.⁶³ The limited expropriations have allayed real or imagined market fears about the direction of land policy and have conversely significantly robbed land reform of a powerful distribution tool.

In the spirit of comparing, however, there is need to observe the similarities and differences between the land reforms of South Africa and Zimbabwe. As regards the politics of land, for both countries, public policy cannot be assessed in isolation of political considerations. For both, the symbolic status of land is a salient factor that drives the whole land reform programme. Also, the emotion people invest in land and its ownership makes land reform potentially available for exploitation be it by political opportunists or by interest groups seeking to mobilize wider support.⁶⁴ Again, where there were dispossessions and people are poor, land can be a vehicle of political mobilization and uncontrollable popular emotions and forces.

⁶² *Ibid.*, p.10.

⁶³ Government spokesman on expropriation, SABC Radio Land Affairs Programme, 1 October 2005.

⁶⁴ The Centre for Development and Enterprise, *Land Reform in South Africa A 21st century perspective*, p.31.

The chaos that happened in Zimbabwe during the fast track phase triggered fears in South Africa as a harbinger of what could happen to them.⁶⁵ Much as some political interest groups exploited this chance to scare South Africans, a balanced assessment of the situation in Zimbabwe points to some major differences though similarities present cannot be written off. In the two countries, a crisis of expectations arose when the new governments raised hopes of land reform and later partially or completely failed to fulfill them. Rukuni also observes that both countries are prone to racial blaming in respect of land policies that appear to fail.⁶⁶

Nonetheless, structurally, Zimbabwe and South Africa are very different. Most obviously, agriculture is far smaller a component of the economy in South Africa than in Zimbabwe where 70 per cent of the population depend on it. South Africa is also more urbanized and plural compared to Zimbabwe meaning there is bound to be more of political mobilization around issues of public interest in rural land per se in Zimbabwe.⁶⁷ The ruling party in Zimbabwe has also condoned a breach of the rule of law in respect of land reform where several political parties in South Africa have promised to respect the constitution and handle the land issues with caution.⁶⁸ Summatively, South Africa, though more democratic, still has extreme disparities in wealth and, therefore, should not be complacent since land reform remains a volatile issue that is politically exploitable.

Comparably, Zimbabwe, by virtue of having gained independence 14 years earlier than South Africa, has seen more action in land reform. There has been a lot of waiting on the part of the Zimbabwean landless so much so that the use of expropriation became inevitable due to Lancaster provisions which caused growing impatience, the employment of fast track, the waning of ZANU PF's political fortunes and the looming opposition threat through MDC. Ndlovu contends that the political volatility and the

⁶⁵ *Ibid.*

⁶⁶ The Rukuni Report of 2001. Prof. M. Rukuni is the former Chair of Zimbabwe's official commission of inquiry into appropriate agricultural land tenure systems in the 1990s.

⁶⁷ The Centre for Development and Enterprise, p.32.

⁶⁸ *Ibid.* Also A. Selby, "Interest Group Politics and Land Reform in Zimbabwe 1890-2005". Unpublished Oxford University D.Phil Thesis, 2005.

levels of ethnic and racial intolerance are higher in Zimbabwe than in South Africa.⁶⁹ Also Ndlovu opines that the ANC is not facing a life-threatening political challenge at the moment, to make hay while the sun shines. Amendments are being made to the Restitution Act, property rights are still being protected and the constitution remains the gate keeper against arbitrary deprivations.⁷⁰ Expropriation in Zimbabwe has earned itself a bad face. The mere mention of the word conjures up memories of chaos, burning farmhouses, white farmers running hither and thither, white farmers leaving their farms in lorries loaded with their property, black youth singing, brandishing sticks and knobkerries,⁷¹ informal grass thatched dwelling, deforested farms and dead farm animals trapped in snares.⁷² The rule of law was brushed aside and violent invasions took place under the government's nose. Thus, to convince farm owners that expropriation can be peaceful in Zimbabwe has been made difficult by a history of land related violence.

Where land reform is radical as opposed to liberal, like in Zimbabwe, revolutionary processes of wholesale expropriation of large landholdings without compensation are used. The reform, however, is marked by the specific character of the environment in which it takes place when land has been taken, from the viewpoint of the man-land relationship, the government should then tackle the fundamental problems of land policy, farm structure, incentives, productivity of land and labour and land tenure. This is where Zimbabwe's expropriation approach gravely went wrong. There was no follow-up by the government to ensure productivity, making the act of expropriating appear a mere act of revenge and pay back time, an opportunity by Zimbabweans to get back at the white man and make them pay for yesteryear. In 2000, Mugabe instructed parliament to pass an amendment to the constitution empowering the government to take over white owned farms without compensation proclaiming that:

*The former colonial power has an obligation to pay
compensation for agricultural land compulsorily*

⁶⁹ *Ibid.*

⁷⁰ *Ibid.*, p.11. Also several newspapers have recorded clashes between tribes and racial intolerance in Zimbabwe regarding policy choices by the government.

⁷¹ Several SABC 3 documentaries on the Third Chimurenga (hondo yeminda) July-October 2005.

⁷² Sightings, by the researcher, along the Masvingo Harare road at the peak of the Third Chimurenga, 2005.

*acquired for resettlement. If the colonial power fails to pay compensation, the government of Zimbabwe has no obligation to pay compensation for agricultural land compulsorily acquired for resettlement. If any white farmers resisted the takeover of their land I would not flinch but declare a fight to be on and it would be a fight to the finish, I can tell you and they won't win the fight, we win it.*⁷³

On the whole, expropriation, constitutionally or arbitrarily executed poses problems of payment of compensation to legal owners. While Ndlovu would gloat that in the case of South Africa, with its constitutional democracy, there is nothing inherently weird or bizarre about expropriating land for land reform purposes,⁷⁴ what needs clarifying is the legality of the ownership of the land in the first place. To begin with, the problems engendered by the obligatory compensating is the volume of capital involved which may upset the entire national economy by increasing the inflationary trend which is almost always present. Yet, compensation remains a major issue for white farmers.

Discussions between the government of Zimbabwe and the farmers' body, the CFU, in the Abuja Agreement of 2001 sought to address the matter of compensation.⁷⁵ By February 2003, compensation had been paid for only 134 farms and the government's current budget for compensation was about Z\$ 4.5 billion (about £3.46 million at the official exchange rate, which keeps sky rocketing and was by far lower than the rate of the parallel market standing at Z\$1,300 to £1 and Z\$2,000 to £1 respectively). This amount would scarcely compensate for 40 farm properties until donors chip in.⁷⁶ Resolving the compensation issue would mend relations and pave way for re-integration, reconciliation and unity in the country and encourage those farmers willing to resume farming.

⁷³ M. Meredith, *Mugabe Power and Plunder in Zimbabwe*, p.171.

⁷⁴ Ndlovu, p. 12.

⁷⁵ *UN Interim Report*, p.52.

⁷⁶ Jacoby, p. 177.

Thus, expropriation has the capacity to turn land reform into a flop, which is not the objective of the new governments. Though expropriation was chaotically and violently implemented in Zimbabwe, the approach might have been employed with the realization that compensating for land would overwhelm the government's capacity and turn land reform into an unrealizable dream because funds from London could not suffice. For Zimbabwe, however, given its massive expropriations, the results were very much unintended with expropriation giving birth to a negation of democracy, social injustice and wastage of agricultural resources thereby blocking the way to economic, social and political development.

From whatever perspective, expropriation is an approach that requires the most delicate of manoeuvring. In it, is embedded great potential for reverse racism or protection of the status quo yet, it is a very effective way of getting resources from those reluctant to share. While Zimbabwe has messed the approach up to the extent of causing an economic melt down, a leper status and courting international sanctions, South Africa has unrealistically used too little of this approach. The Zimbabwean government turned a blind eye to extreme human rights violations during land invasions and progressively failed to apply the law in respect of illegal land occupations and related incidents of violence. The media picked stories about the violence during land invasions and told the world. The international community responded by imposing biting economic sanctions on the Zimbabwean government. While South Africa has structures in place that can guard against such deterioration of law and order, it remains glaringly clear that something has to happen to bridge the gap between the poor and the rich or at least deliver on some expectations. The fact that South Africa has exodus from the rural areas to the cities, 70 percent of the population in cities, a non-productive fascination with city life and vast tracts of unoptimally used land between Ladybrand and Bloemfontein to mention one example, suggests that land reform, in all its aspects, has not provided a solution to the problems of dispossession and poverty. South Africa may have a big, growing and enviable economy but, the economy, by 2006, is yet to benefit equitably the black majority. The Finance Minister, Trevor Manuel, in his budget speech of February

2007, did not indicate how, even the surplus the budget boats of, is supposed to benefit the grassroots in terms of agrarian reform.⁷⁷

6.5 Complementary Transformative Measures

*It makes absolute nonsense of our history as an African country that most of our arable and ranching land is still in the hands of our erstwhile colonizers, while the majority of our peasant communities still live like squatters in their God-given land.*⁷⁸

Robert Mugabe

One may argue that if wars were fought for political liberation then wars should be fought for economic independence because land deprivation is synonymous with colonial subjugation. This view, however, in this era of democracy might sound repulsive and too radical for the job at hand. One thing that, nonetheless, would not change is that there is need for equitable distribution of land in post-settler colonies and policies have to be set towards achieving this goal. From independence, in Zimbabwe, South Africa and other African countries, which have already been mentioned earlier, the dispossessed have had expectations and governments have striven to deliver land. Challenges have arisen from all angles with different approaches, implying that there is no cure no all weather prescription in land reform, each nation has its own atmosphere that determines what choices to follow. No two land reforms are the same, but on a more positive note, lessons can be learnt from each other and ideas can be exchanged.

To begin with, land reform should not be seen as an end in itself, meaning that, policies available should be sustainable, long term and complemented by other alternatives. As mentioned before, Zimbabwe has pursued both liberal and radical land reform programme designs and land reform is not yet complete, at least there are thousands, if

⁷⁷ T. Manuel's budget speech of February 2007. Also *Hansard*, February 2007.

⁷⁸ M. Meredith, *Mugabe Power and Plunder in Zimbabwe*, p. 121.

not millions who are still without even the smallest pieces of land. Perhaps, its time different alternatives were tested, for example, the use of land taxes, restitution, approaching land reform as a form of business and putting stress on tenure reform, just to mention a handful. Even though hoping to give land to all the millions would be too ambitious, awarding land reform a more heuristic and holistic approach diminishes hurdles in the way of achieving this goal.

6.6 Taxation: Untested Waters

Land taxation is one reform measure that may make a difference, however, not in isolation, but combined with other approaches. It has long been identified as a source of own revenue for local governments to enhance their financial viability, responsiveness and accountability to the local people.⁷⁹ While, like any other policy, land tax has distortionary effect, on the whole, it has the capacity to:

- encourage most effective use of land by increasing the cost of holding idle land;
- induce development;
- sustainably fund local governments, without resource to transfers;
- encourage the keeping of up-to-date registers or cadastre of every tract of land as to ownership status, size and value of the land;
- inculcate and improve self assessment in terms of productivity;
- discourage the scope of land speculation forcing down land values to a reasonable level; and
- finance programmes of redistributive land reform for when they are poured back into agriculture, better roads, institutions and markets can be built increasing employment possibilities and improving people's lives.

On the contrary, however, land taxes may be resisted because they:

⁷⁹ A World Bank Policy Research Report, *Land Policies for Growth and Poverty Reducti*, 2002, p.xii.

- cut out the right to free land which is a central feature of the long-term income and economic security strategy of households;⁸⁰
- present technical administrative problems with identification, assessment and collection;
- can be disadvantageous to the poor if risk is high and insurance markets are unavailable or imperfect;⁸¹
- may not adjust for differences in land quality;
- are difficult to introduce politically and fall largely on the rich who, at the local level, many hold political power and thus, effectively resist the collection of such taxes;⁸² and
- may act as a disincentive to the peasants because the collections of taxes have almost always been combined with force, humiliation and contempt.⁸³

Land tax is not a new phenomenon, it has been used with considerable success in Kenya, Indonesia, the Philippines, Brazil, Russia and Japan, to single out a few countries. In South Africa, the possibility of the introduction of a rural land tax, as a means of raising rural local government revenue and as a policy instrument to complement a non-confiscatory land reform programme has been the subject of much debate. As a result, at the request of the Minister for Agriculture and Land Affairs, the entire question of a land tax in the terms of reference of the commission of enquiry into certain aspects of the tax structure of South Africa (the Katz Commission) and a specialist sub-committee was set

⁸⁰ T.J. Bassett and D.E. Crummey, *Land in African Agrarian Systems*, p.73.

⁸¹ A World Bank Policy Research Report, *Land Policies for Growth and Poverty Reduction 2002*, p.168.

⁸² *Ibid.*

⁸³ Jacoby, p.308.

up to investigate the issue.⁸⁴ In November 1995, the sub-committee, in its Third Interim Report of the Commission reported about the possibility of giving land tax serious consideration.⁸⁵ According to the committee's assessment, land tax has great capacity to act as a main source of revenue for rural local authorities. International experience at their disposal during their investigations pointed to land taxes as not being a foreign device for raising revenue at local government level. While the committee proposed larger and deeper research into the feasibility of introducing a local rural tax, it did not recommend the implementation of a national land tax on agricultural land. The sub-committee recommended that the land tax be levied at local government level in September 1996 and published a discussion document on this work and invited public comment.⁸⁶ However, the issue was neither pursued further than that nor implemented.

History has it that land taxes have previously been used even in Zimbabwe. The Moffat government passed a mild land tax in 1928 up to 1932 to counter land speculation.⁸⁷ Also, a form of tax always existed in Rural Council Rates levied on the size of properties. During settlement negotiations in 1979, John Laurie representing CFS Salisbury branch (now Harare), called for a government land fund, prompting discussions on the merits and demerits of a land tax. In 1986, the World Bank argued that "if a land tax is necessary to encourage a most efficient use of land, it should be relatively simple to administer and not impede efficiency."⁸⁸ The 1989, ZANU Congress land paper and the New National Land Policy coming in 1990 both carried central clauses for land taxes. All this time, the talk was more rhetoric, nothing was implemented. Moyo, in 1986, 1994 and in 1998 called for land taxes over an extended period of time whilst the Rukuni Commission in 1994 recommended land taxes subdivision and tenure reform.⁸⁹

⁸⁴ *White paper on South African Land Policy 1995*, p.20.

⁸⁵ *Ibid.* The sub-committee proposed that all land within the jurisdiction of the local councils be included in the tax base and levied on the improved market value of the land. It further suggested that the tax be levied on the owner and /or occupier to a maximum of 2% per annum for all land in all jurisdictions. However, a series of practical difficulties had to be cleared for tax implementation in tribal areas.

⁸⁶ *Ibid.*

⁸⁷ R. Palmer, *Land and Racial Domination in Rhodesia*, p. 185.

⁸⁸ A World Bank Research Report, *Land Policies for Growth and Poverty Reduction 2002*, p.xx.

⁸⁹ A. Selby, "Interest Group Politics and Land Reform in Zimbabwe 1890 – 2005" Unpublished Oxford University D Phil Thesis, 2005.

However, despite all the discussions, agreements and reports, in principle, among policy makers, there was no delivery. Selby notes, regrettably, however, that Zimbabwe has a reputation of none implementation of touted policies. Monies are wasted in researching on policies, but a good part of them are never pursued.⁹⁰ If implemented in Zimbabwe, the government might secure the much needed funds to compensate for land purchase for resettlement and mend relations with white farmers and the international community. Land tax would also promote equity and efficiency so that the farms which are lying unproductive in the hands of the new black farmers would be given to the capable, not those who just want farms for prestige, purely settlement purposes or for other hidden political agendas. According to the Zimbabwe Reserve Bank Governor, Gideon Gono, the new black farmers have not yet settled in, causing the nation multi-faceted problems.⁹¹ They are still moving from one farm to the other losing planting time, not being serious about the farming and causing confusion in as far as registration of ownership status is concerned. As a result, such chaos continues to distance donor groups from assisting the government putting pressure on the economy, agricultural sector and the well being of a nation as a whole.⁹²

The various approaches that may be available to land redistribution need not be used in isolation. While the market driven and market assisted approaches are employed, compulsory acquisition, land tax and restitution should be pursued. Zimbabwe, for instance, did not use, as observed earlier, restoration of land rights. Restitution would have helped by giving land back to indigenous owners, solving a considerable part of land reform and leaving other approaches to deal with the remaining portion of the objective. However, it is not certain whether it is too late to talk of restitution today in Zimbabwean terms. When restitution comes immediately after the attainment of independence, it makes a lot of justice-achieved logic. It is as good as saying give back the land you took and to whom you took it and from there we shall talk about reconciliation. A huge number of South African families, villages and communities dispossessed from 1913 through discriminatory land Acts stepped forward to reclaim

⁹⁰ *Ibid.*

⁹¹ BBC interviewing Gideon Gono, on 1 March 2007.

⁹² *Ibid.*

their rights and the government supported them all the way. In the case of Zimbabwe, room was neither created by the government nor by policy makers for this kind of justice.

Several critics of various walks have argued that land reform must be approached as a business. The rationale behind this view stems from the fact that land reform as a whole is about improving, bettering and maintaining commercial agriculture, food security and export markets. If land reform does not improve that which exists, maintaining the status quo would make sense, at least if the nation can be fed. Gauteng and North West Land Claims Commissioner, Blessing Mphela, argues that land is a scarce commodity in Africa and the entire continent is dependent on it for survival through agriculture. Had land reform been treated as a business adventure in Zimbabwe, prime farms and even the very marginal ones would not have remained fallow for so long. In a business enterprise, the aim is to maximize profits by any means. Time is not wasted in making arguments, rhetoric and fighting. Time is spent productively calculating, strategizing, planning and testing different avenues that may bring welcome change.

Purposefulness is essential in business cutting out on ineffectiveness, cunning manipulation, favouritism and idleness. Land must not be handed over for the sake of politics, prestige, status or any other purposes that deviate from the main objective.⁹³ Zimbabwe shall go down in history as a country where political influence in land reform created far-reaching negative economic, social and political impact. Without repeating what has already been said, the concoction, that is politics and land reform, threatens a bleak future in salient aspects of life such as neighbourly and international relations, food security and democracy.

In business besides being focused, the right attitude in terms of effective planning, is equally pivotal. If land is taken from white farmers for the wrong reasons, the result might be lack of delivery after grabbing the land. It could be easy to invade farms but, what next? While it is as correct as recognizing the land rights of the Basarwa of

⁹³ B. Mphela, media briefing, Pretoria, 12 July 2005. Mphela believes that if land can be taken as a source of income and livelihood, approaches to land reform could get saner.

Botswana, black Zimbabweans and South Africans as the indigenous owners of the land have to have forward looking attitude concerning land. White farm owners need to volunteer land to assist land reform policies by the new government to achieve equitable distribution of national resources. Land owners should not defeat these set objectives by playing deaf, dumb and blind to land reform programmes. While some farmers have their way of deferring justice, in the same breath, the landless blacks have their way of failing land reform by grabbing for prestige and showmanship as opposed to productivity. For them, the end justifies the means. White farmers on their part should realize that justice deferred is justice denied. Blocking land reform from taking place is an economic attack on the blacks and business warns never to attack a competitor on their geographic home turf, as the competitor is likely to resort to goals that are not purely economic.⁹⁴ Everything said and done, reform has to benefit all, if chaos is to be avoided. For example, the confusion that was fast track in Zimbabwe, demonstrates how a cornered competitor may disregard fair play.

One important business strategy is never to acquire a business you do not know how to run. Meaning, those with no farming know-how among the landless should not rush to grab the most prime land in case they grind the whole agriculture sector to a halt. The theory and practice of commerce has to be applied with the following 10 principles as commandments:

- prepare and work from a written plan that delineates who in the total organization is to do what by when;
- limit the number of primary participants to agreeable people who contribute directly to that which the enterprise is to accomplish, for whom and by when;

⁹⁴ S. Godin and C. Comby, *Business Rules of Thumb, Words to live by and learn from that touch. Every Aspect of Our Career*, p.134.

- concentrate all available resources on accomplishing two or three specific, operational objectives within a given time period;
- employ key people with proven records of success;
- reward individual performance that exceeds agreed-upon standards;
- expand methodically from a profitable base forwards a balanced business;
- project, monitor and conserve cash and credit capability;
- maintain a detached point of view;
- anticipate incessant change by periodically testing adopted business plans for consistency with the realities of the world market place; and
- select the best system of management, which is result oriented.⁹⁵

Diversification is the key to survival in land reform. The Zimbabwe Joint Resettlement Initiative, the ZJRI, was formed in 2001 as a complementary initiative with various objectives. In summary, the ZJRI would assist the government's land redistribution programmes by placing land on the market.⁹⁶ However, this placing of land on the market, while it made land available for purchase by government, it fell short of being a real leap forward. The land was often too costly to purchase and scattered and not always appropriate for the government's objective of decongesting communal areas. Most importantly, the government was of the expectation that the large blocks of land organized for transfer would have alongside them the mobilization of donor support for land purchase and infrastructure development. While scouting for land for the ZJRI was a legitimate cause, failure to support the land reform programme by not sourcing donor

⁹⁵ *Ibid.*

⁹⁶ *UN Interim Report 2000, p.52.* The Zimbabwe Joint Resettlement Initiative was tasked with identifying and placing land on the market for the government first then for the would-be beneficiaries.

funds would amount to a half empty effort. With the government running on a low budget, having spent most donations in the 1980s, coupled with several other reasons, the available land could not be bought and the landless remained landless as shown in Chapter Five. The job to solicit donations lay again squarely on the shoulders of the government. Terman once said, "If you want a track team to win the high jump, you find one person who can jump seven feet, not seven people who can jump one foot."⁹⁷ Help should go all the way, if it is too niggardly it ceases to be help or may not be appreciated.

In the case of South Africa, with the realization of the slow delivery haunting land reform, critics have since proposed the need for a structured radical approach. Moyo states that South Africa has to make a choice to remain on its current pace and contend with the social problems that arise or take a radical approach and grapple with the political and economic fall-out that comes with the package.⁹⁸ His speech was a realization of how South Africa needs to react promptly to the dispossessed's requests. Archbishop, Desmond Tutu, in a speech on his 75th birthday, lamented the sluggish pace of land reform and wondered what the government and the landless had up their sleeves to fuel the programme so that the landless get resettled soon.

While nobody would wish South Africa Zimbabwe's route, there is no denying that the manner of land invasions in Zimbabwe had profound impact in other Southern African countries. Either by way of pressuring the governments to revisit their land policies, hold talks frequently to appear to be resolving matters, get white farmers to be more cooperative, get critics to draw comparisons and contrasts or making the landless uneasy in their chairs realizing they were not pushing hard enough, the scale of land invasions in Zimbabwe played both a constructive and a deconstructive role. Haste should be made to mention that even Zimbabwe did not plan to go the route it took. Moyo stresses that, if land reform does not happen fast enough in South Africa people could organize themselves and force redistribution. With a precedent set, commercial white farmers in the neighbourhood became increasingly wary. An atmosphere of fear and suspicion sets

⁹⁷ Godin and Comby, p.134.

⁹⁸ *Report of the National Land Summit 2005*, p.11.

in, prompting utterances like one by J.A. van der Walt, TAU SA's president, that there is concern that black people in Africa do not see white people as part of Africa.⁹⁹ Though South African white farmers echo that, in South Africa, land redistribution policy is being executed within the legal framework, the unimaginable violation of human rights that took place north of the Limpopo tells them that they cannot be completely sure. The direction of the wind can change unexpectedly, need is there for them to help the programme and support the 2014 target. The South African government then, might need to get help from white farmers in form of cooperation to sell land, the sourcing of donations, helping with farm infrastructure, ideas and training of the new farmers to complement government capacity.

Social organisations in South Africa, many as they are, should play a more proactive role in helping with the implementation, identification of land, undertaking research and drawing up proposals. In Brazil, where the government employs market assisted and expropriation approaches, the Landless People Movement and the Labour Union Confederation (CONTAG) are officially recognized partners in the implementation job.¹⁰⁰ They work with communities, support invasions and expropriations combined with less confrontational strategies like the market-assisted programme. The social groups facilitate access to land, credit, education and technology by beneficiaries for genuine transformation into economic agents. In the same breath, social groups and the opposition in South Africa and Zimbabwe should be empowered to make a difference not to be seen as enemies good only for enumerating government shortfalls with out turning that critical energy into productive use. The coming together of all groups lessens the government's burden and a problem shared is a problem half solved. Political opposition parties should gear up for productive criticism of the incumbent government if land reform has to be achieved amicably.

⁹⁹ Van der Walt, in *Farmer's Weekly* 22 July 2005, p.15. Van der Walt stated that anti-white racism has to be addressed in South Africa. He feels combining agrarian reform and a black economic empowerment (BEE) for agriculture could jeopardize property rights, production and competitiveness of commercial agriculture. Also that the government should not only push for expropriation as though it were the only option available because it might not necessarily be the way to go.

¹⁰⁰ *Report of the National Land Summit*, 27-30 July 2005, p.52.

CONCLUSION

In conclusion, in a bid to necessitate land reform and pro-actively accelerate equitable distribution of land, both the South African and the Zimbabwean governments have had to select land reform policies that they saw fit. In adopting the approaches, multifarious aspects were put into consideration, from addressing land pressure locally, through recognizing race sensibilities and remaining politically correct to assessing the future benefits of the favoured policies. It has not all been a walk in the park as some policies chartered a collision course with the economy, politics and social relations with the benefactors, neighbours and the international communities. Other policies, the liberal ones, as indicated in the discussion above, have partially delivered but, at a painstakingly slow pace so much that reports of the dispossessed taking matters into their own hands were not uncommon especially in Zimbabwe. Radical policies have had both a constructive and a destructive impact on the land itself, the beneficiaries, the government and the white farmers.

While there is no denial by this research that the white farming community pursues a dual strategy of negotiation and resistance of land reform to prevent new black farmers from eroding their economic power, black farmers have not had their take over strategies well thought through. To a large extent, in South Africa, government will power fails to dovetail with plans by the black youth. For example, while the government restitutes, redistributes and strategises to empower black farmers, the youth invariably migrate into towns where they may become masters of violent crime. Among the few who remain in the country, some walk in the night to ambush white farmers on their remote farms. Such a retrogressive melancholic trajectory of events implies that unless government policies are able to draw together all the resources available to it and all stakeholders to a single goal, there would always be a disturbing discordant pattern. In the case of South Africa, most frightening is the brutality in the violence and the lack of reverence for life.

It is pivotal that selected policies remain clear, above board, unanimously agreed upon, not confrontational but with room for negotiation, consistent, non-prejudiced, public

purpose centred and production friendly. Complementary initiatives boost achievement capacity, provide alternatives to approaching challenges, increase stakeholder participation and are a positive element in this era of democracy.

Land reform achievements already attained should be retained by proper use of the land. Benefactors should continue to develop farmland and produce as much or more than what was previously produced. Danger comes when benefactors, after receiving farmland, sit on it and begin to leave it fallow, undeveloped and deteriorating. The governments should still make a follow up and a survey on the recipients to assess their progress. If production has fallen, the governments should have rules on the ground as to how such cases should be treated. Such moves would discourage tendencies to demand land when one is not actually prepared to make optimum use of the land. Zimbabwe is a case in point here where, prime land taken by benefactors has ceased to be of any use to the nation at large.

Finally, if policy making in land reform is not approached with sober minds, making use of experts, consulting experiences from other countries and learning from own mistakes, the probability of shooting oneself in the foot is very high. Land reform has seeds of its own destruction and its own undoing. Great care has to be taken to avoid self destruction.

Although radical political parties would beg to differ, the government shall continue to use its muscle to promote reconciliation and, therefore, envisage a productive agricultural sector characterized by a calm land reform programme.

CHAPTER SEVEN

Summary, Conclusions and Recommendations

7.0 INTRODUCTION

Summarising and drawing up evaluative remarks on the Zimbabwe and South African land reform is as difficult as implementing the reforms themselves. For all practical purposes, land was one of the pillars of the liberation movement in Zimbabwe as well as the source of discontent in South Africa, giving land reform precedence on the agenda of the post-independence governments. It follows to say the land question became a difficult issue to resolve due to the negotiated constitutions that bore political independence. Freedom that is won around a round table has no room for radical solutions but moderate and liberal approaches to transformation challenges.

Handicapped by a negotiated settlement, the South African government threw its weight behind land restitution as a less aggressive method of restoring indigenous rights taken away by discriminatory Acts from 1913 to the end of apartheid. North of the Limpopo, Mugabe also was stopped from going for the jugular vein because of the moratorium imposed by the Lancaster agreement. Yet, even without the grace period, Mugabe still had a dilemma of balancing liberation objectives and the prospects of revamping a functional department. Zimbabwe was faced with many hard choices in carrying out its promise of land reform. The sector to be transformed is not an archaic feudal system of non-productivity, but one of the country's most important and modern sectors. From independence, the large commercial farming sector had a salient economic role in gross domestic product and was one of the pillar export earners. So, much as liberation promises had to be met, a devil you know would be better than one you do not know in terms of entrusting the agricultural sector to new-comers, given its importance. For a while it felt safe to leave white commercial farmers with land because they had a history of production.

Liberating a nation politically and leaving the economy in the hands of a minority few, remembering that agriculture supported 70% of the Zimbabwean population, would also not be a wise move. Land reform would help heal past wounds, spread benefits to the poor, solve development challenges, alleviate poverty, address inequalities and serve as a tool for land conflict management, among sundry other desirable outcomes. Though equally destabilized by land dispossession like Zimbabwe, South Africa's agriculture is not the central industry, there are others including mining, fishing and a vast of non-agro based industries.¹ Zimbabwe also faced big challenges of a growing population and exhaustion of communal areas but, South Africa continues to have vast land which is not utilized even today. As Coetzee observes, South Africa seems to be destined to be vast, empty and unchanging long after man has passed from its face.²

The policies that would be put in place by the two governments to oversee transformation would make or break the agriculture sector as well as the nation. Whatever the outcomes, the truth of land reform is that there are winners and losers. Sure enough, this study has illustrated earlier on how the complexity of issues involved has delayed justice for some, angered others and rewarded some. The pace of land reform in the two countries under discussion does not reflect the urgency articulated at independence. While one may argue that a steady pace allows for a smooth transition and buys time for the government to build up a political constituency in favour of reform, of great importance is the capacity of the government to manage the reform process. Practically, in Zimbabwe, land reform is happening by default and in South Africa, in sharp contrast to the documentation on policies, the implementation has proved largely illusive.

Post colonial regimes have not adequately addressed the issue of land reform. There is need for a holistic approach to land reform if land redistribution is to have added value.³ The object of using different perspectives in approaching land reform is to show that there may be conflict between political and economic aims. In Zimbabwe, the value of getting land back, for those who did, was distorted by the failure to function on the land

¹ *South African Year Book 1995/6*, p.20.

² J.M. Coetzee, *White writing on the culture of letters in South Africa*, p.7.

³ *Report of the National Land Summit, 27-30 July 2005, Johannesburg*, p.8.

due to limited on-farm support by the government. The ramifications for a non-satisfactory agrarian reform have ranged from unemployment, an economic meltdown, an atmosphere of sour relations to Operation Murambatsvina drive out. In South Africa, while the restoration of indigenous rights have had a lot of publicity, only 3 per cent of the target of 30 per cent land reform target by 2014 has been achieved and one wonders why there has not been significant transfers. It makes a lot of sense to say that there is something lacking in the policies that are being pursued to transfer the land from white to black hands. This chapter shall conclude by drawing up some recommendations for the two countries. The recommendations are largely based on the prevailing social atmosphere in the two countries, their experience so far, international experience and some forecasts made for the future. The suggested course of action also takes into consideration the fact that reconciliation should be promoted considering this period of democracy where an eye for an eye has no place.⁴

7.1 Evaluative Remarks On Policy Selection

As indicated earlier on, land policy selection is extremely important because land policies can be exploited as catalysts for social and economic change. The policies chosen are reflective of the commitment with which a government plans to tuck reform and the ideology a nation pursues. However, policy selection is extremely difficult given the hard choices involved because the selection could be a mix of conflicting agendas.

One choice may mean losing another important thing, another choice could be a leap in the dark and some choices create enemies for oneself. Policies also do differ in scale, objective and methods of implementation, so do the results. It is the results that are more fascinating, handicapping, frustrating and refreshing depending on their nature. Policy selection depends on sober reasoning and not historic-political hangovers for the whole process is meant to develop a people and its agricultural sector.

⁴ D. Warriner, *Land Reform in Principle and Practice*, p.xx.

selection depends on sober reasoning and not historic-political hangovers, for the whole process is meant to develop a people and its agricultural sector.

Zimbabwe is the case in point here where the choice to fast track land reform unveiled a lot of ugly scenes. The land question was just the tip of the iceberg. The land question was initially the root cause of the Zimbabwean struggle but, subsequently, it became a culmination point, a catharsis point, a point of explosion and an opportunity to release emotions, tensions, frictions and conflicts. In the end, the land question became a mixed bag, a crossroads, a hybrid problem and indeed the fulcrum of the trajectory of the problem. The nature of land reform in Zimbabwe explains why critics of the reform afford to relate gay life, the President's personal life and family, elections and Operation Murambatsvina, dragging all the dirty they find along the way and making a connection with the reform.

Policy choices also pause a dilemma that casts doubt as to whether there is anything like freedom for African countries because, at every turn, they remain economically vulnerable to the West or lately, the East. It appears the international community is ever policing over African countries to influence their policies lest they lose donations or some kind of sanctions are imposed on the non-democratic unfortunate. As for who determines what is or not democratic, the answer is up in the air. One wonders whether there ever is an African country which has managed to stand on its own economically without outside financial support, free to make independent decisions and learn from their own mistakes. Much as Mugabe's land policies have had their specific problems, because he cannot please everybody, he cannot stand the double dealing by the West, that is Britain and America to be specific. Mugabe's policies do have merits unacknowledged by the West and demerits that have depleted the silos of the nation. The West creates enemies for him because of the land policies he pursues and Mugabe knows that. The West then goes around creating sanctions which they say are targetted on a few individuals in Mugabe's cabinet.⁶ Yet, the so called travel ban by the EU are weighing

⁶ BBC documentary on Africa-Zimbabwe, 14 August 2007.

equally heavy on the shoulders of the whole nation. If the sanctions are targeted on a few, why is the whole economy badly affected, why is there no bread on the baker's shelves, why is there no fuel and why is there no paper to process passports for the rest of the unsanctioned group. There is something that is not said and the truth is that the sanctions are more comprehensive and broader than can be imagined. The sanctions are broader because the West does not approve of Zimbabweans pushing for a land reform. Other countries that are sent by the West to speak with Mugabe on land reform, for example, South Africa and Botswana, do not know where to start because ideologically, they are not the same with Zimbabwe pointing to possible differences in the way the governments might handle land reform.

To demonstrate that the sanctions are not targeted on a few in the top echelons of government is the issue that Zimbabwe has lost its credit rating. It is only the Zimbabwean government that cannot borrow from the international bodies. That means, if the government fails to borrow on behalf of the common people, then sanctions are extended even to such persons. The second fact is that Zimbabwe's debt was not written off and the government emptied its forex to pay the debt, yet Liberia had a worse debt but did not receive a similar harsh punishment from IMF. While the sanctions are said to be targeted, the EU, in 2003, resolved that Zimbabwe would not be dealt with in terms of the economy.⁷ Through the Zimbabwe Democracy Recovery Act, Zimbabwe's fate was sealed by Britain and America. Matongo, B. Deputy Minister of Finance in Zimbabwe noted that Zimbabwe is under illegal sanctions and Britain and America are obsessed with Zimbabwe. Nonetheless, according to *fusenet*, Zimbabwe, by 2007 July, was a living hell with a failed macro-economy, 4 000 percent inflation, a GDP that had collapsed by 40 percent, unemployment rate standing at an unprecedented 80 percent and power cuts of up to four days on end.⁸ Matongo, however, dismissed all the statistics as propaganda stating that; there is a general shortage of electricity in Southern Africa and Zimbabwe is no different, there are over 400 British companies operating in Zimbabwe

⁷ B. Ankomah, "Sanctions, which sanctions?" in *New African*, summer 2007, pp.83-85.

⁸ G. Gono, "Sanctions are 'more deadly than warfare,'" *New African*, summer 2007, pp.86-89.

including British Airways flying out of Zimbabwe daily and that statistics on Zimbabwe are only issued by the Central Statistic Office of Zimbabwe.

Mugabe would not agree to exported democracy like the one Bush imposed on Iraq. Mugabe's democracy is homegrown and in keeping with his ideological orientation. While this assertion is not to play blind to the deterioration of the standard of life in Zimbabwe, land policies pursued by Mugabe are made to pre-empt the strategies by the West. This research has already pointed out that the Zimbabwean government must be seen as a microcosm of its society in terms of intellectual enlightenment.

The Zimbabwean cabinet is made up of "philosopher kings" imbued with intellectual arrogance and recalcitrant attitude. There could be other agreeable democratic methodologies to land reform at Mugabe's disposal, but because of the politics of survival, against the West and its protégés, one can deduce that he would not implement them because of the liberation struggle mentality.

Nonetheless, mention must be made here that the intellect, the ideology and the liberation struggle mentality that have characterized Mugabe's land reform exercise and have made him both a hero and villain, have brought the Zimbabwean economy to its knees. As a result of the characteristics afore mentioned, Mugabe sees the rest of the people as Blair's tea boys, as of slave ancestry, as of criminal ancestry who have re-invented themselves, as cultural plunderers and other such epithets and does not waste his time digesting their views. Given his ideology, Mugabe believes in permanent revolution. At Lancaster House in 1979, the land issue remained an unfinished business and it remains as such today. Mugabe and his comrades have a liberation struggle background, where he left with his kind of ambition, and indeed the culture of the bush and the holistic meaning of liberation did not leave him. One of his former ministers, Minister of Health, Ushewekunze, once boasted to van der Byl in a parliamentary rebuttal that if matters did

not get resolved the ZANU (PF) way, the Zimbabwean leadership would go back to the bush. Van der Byl indicated that, that would be typical because it is where they belong.⁹

According to Mugabe, the vanguard party remains in the front and the word democracy is not part of their lexicon. ZANU (PF) has instilled a mentality of victimhood in its people. Whatever goes wrong, the cause cannot be from within, but some sabotage by someone outside and the people are always victims of something. They cannot be the reason of failure or slow progress. As long as room is not created for self scrutiny, inward assessment and self evaluation, Zimbabweans may not reach real conclusions and fitting policies for their land problem. The victimhood mentality is negative in that it gives no solutions to problems, neither does it allow one to accept help or advice from outside. Even the drought is blamed for lack of productivity where ironically, for the same seasons in question, neighbouring countries harvest and even have surplus to export to their starving neighbours. Meanwhile, the agricultural sector continues to go down, a nation goes hungry and people grow bitter about almost everything in their lives.

In formulating land reform policies, ZANU (PF), as the incumbent government, believes they are best placed to represent the interest of the public and the nation. Practically, the opposition in its articulation of change appeals to the youth and the middle class, who have their own ambitions and when the economy has gone down, the politics of the belly sets in. With their own ambitions not fulfilled, the economy plummeting and the leadership of the country making moves to extend their term in office,¹⁰ the youth and the middle class run out of options and become irrational and shoot themselves in the foot. Partly, it is also because the middle class is inherently an opportunistic group seeking to exploit financial, social and material advantage whenever the chance arises. All said and done, while it may be easy to criticize Mugabe's land reform programme, the opposition's stance and its connections and Mbeki for not imposing sanctions on Harare for her land reform choices, policies are arrived at for a number of reasons. The social

⁹ Parliamentary debate-Zimbabwe, February 1989. Van der Byl was a man with a highly polished self-regard who liked to cultivate his image as the blunt-talking hard man in a party he regarded as full of wimps.

¹⁰ Reports from the SADC Tanzania Conference, 2007.

led the Zimbabweans to invade farms. The levels of rural to urban migrations, unemployment levels, social vice and decay, the surge of squatter camps and the number of attacks on white farmers are signs that something remains unaddressed to assist South Africans to stand on their own economically. Practically, much as South Africa is a bigger economy in Southern Africa, the black populace of South Africa remain deprived, left out, by standers, losers and second class, confined to violent despicable crime. To a layman, the Minister of Finance's, budget address of February 2007 that states that there is growth and surplus in South Africa's economy, provokes anger if one considers squatter camps, crime rate and the glaring poverty in most black settlement, not to mention the snail's pace land reform has suffered since independence.¹⁰

The government of South Africa is expected to have the financial muscle to shoulder land reform with some help from donors but, land reform has been stung by several deep rooted challenges. It remains to be seen whether the government, in its policies, would engage more expropriations to boost land reform. If the South African government does not realize and utilize the powers it has to expropriate, a majority of the landless would have to live with the reality that they might not be proud owners of a piece of land as long as they live.

While, the mere mention of the word expropriation, to South Africans, conjures up memories of another Zimbabwe, expropriating land for public interest can never be wrong in any court of law. The ball remains in the South African government's court to draw up a firmer expropriation framework that would see land reform happen. Suggesting that expropriations should be used sparingly is democratically sound but,¹¹ examples need to be made to show that the governments is committed to redistribute land equitably among the people. Since expropriation requires some degree of compulsion, it inevitably becomes a political question involving a conflict of interest between those who

¹⁰ T. Emmanuel's budget address, February 2007. Also found in *Hansard*, February 2007.

¹¹ To elucidate on expropriation the South African government cannot easily give in to suggestions or demands for more expropriations because they are a young democracy who do not want to be seen as behaving otherwise, rocking the boat, provoking the West, behaving like Zimbabwe or racially inconsiderate. They do not want to be seen as going apartheid's way, putting in place policies that are divisive, pro-one group, oppressive or depravatory yet, to the black man that's what they are doing.

have and others who do not. There is a marked difference between these two groups of people and to ignore this difference takes the edge off equity and indeed land reform.

7.2 The Legal Framework

Land policy issues are complex, country-specific, long-term and very controversial politically within and without nations making them require comprehensive legal framework to bind them. Land reform legislation provides a leg on which effective implementation would spring. The legislation should set out clearly the objectives of land use and, therefore, of land reform. To be workable, the objectives should be “smart” that is, s- specific, m- measurable, a- achievable, r- result-oriented and t- time-framed.¹² The twist and turns in the Zimbabwean land reform are clear indicators that the legal framework has loopholes.

To begin with, there is great lack of transparency in the selection of land reform beneficiaries. Objective criteria and proper procedures for the selection of settlers for all resettlement schemes and means of monitoring and publicizing progress are either not put in place or ignored for political expediency or other equally sinister reasons. The FTLRP was the most hard hit since it was driven by surprise attacks on unsuspecting farmers and in the same breath, the beneficiaries were not planned so much that, in some cases, would be beneficiaries were more than one for a single farm. For all practical purposes, the existing legal framework and institutions managing land reform in Zimbabwe are yet to benefit the landless.

Land laws in South Africa largely address restitution, land tenure and redistribution. While South Africa has managed to produce legal frameworks in their white papers on land policy, the public still needs to be reached by the information, land reform process and the benefits coming with reform. High illiteracy rate in South Africa needs to be

¹² “Smart” is a Performance Management assessment scale that is used by employers and employees alike so as to be able to specify one’s job description and tell whether there is achievement of the set objectives in the task. The employer uses the criterion, guided by the employee, to assess or measure achievement at the end of the year and, therefore, reward the employee accordingly, by increasing their salary or promoting them.

bridged by the employment of more human resources to penetrate and educate the people in remote areas. Much as the will to drive land reform is palpable in the legal framework, reform and democracy head for collision. It is very difficult to transform land and remain democratic. The moment land has to change hands one part feels robbed even where there is compensation, because in some cases, compensation falls short of what one originally had. Land-owners may not stand the prospects of losing their homes, family histories, many years of hard work and present also is the fear of having to start all over.

7.3 Implementation

Drawing up a legal framework for land reform is one thing and implementing is another country, a separate issue. History has seen land reform implementation getting bogged down in disputes of all kinds, power struggles, debilitating Bills and Acts and lack of vigor in pushing the reform forward. This research has also established that, it is the manner, the how part of the reform puzzle that has been and still is more problematic in the Zimbabwean and South African land reforms.

In the case of South Africa, despite a promising start, a modest, almost insignificant 3 per cent progress has been achieved between 1994 and 2006. Among many difficulties land reform faces, the property clause in the final negotiated constitution adopted in 1996 has been a great draw back. The clause, which is Section 25, stating that no law may permit arbitrary deprivation of property and expropriation is allowed in the public interest, shall come back to haunt the land reform programme.¹³ The property clause ensures a continued racially skewed landownership given that, in 1994, when the first democratic government was elected, whites owned about 71 per cent of agricultural land, despite being only 11 per cent of the population.¹⁴ To put up a clause that expropriation be used sparingly and making expropriation sound like evil in a land where a majority of landowners are white, is to suggest that they continue on the farms while black South Africans enjoy their newly found political freedom. The property clause is in essence in

¹³ Section 25 of the South African constitution. See Appendix 7.

¹⁴ D. Bosch, "Land Conflict Management in South Africa: Lessons Learned from a Land Rights Approach" in *Land Reform*, 2003/2, p.98.

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¹⁶ Section 25 of the South African Constitution. See Appendix 7.

¹⁷ D. Bosch, "Land Conflict Management in South Africa: Lessons Learned from a Land Rights Approach" in *Land Reform*, 2003/2, p.98.

challenges are not all insurmountable, its not all dark and gloomy for the South African reform. There is need to revitalize and invigorate reform using recommendations prescribed in researches such as this one.

Both global and factors at home have informed and consequently shaped the choice of land policies, the manner of implementation as well as determining the pace at which land reform took in most developing countries. In the same breath, the Zimbabwean and South African governments do not always have free choices. For instance, in the case of Zimbabwe, the Lancaster House Agreement, structural adjustment programmes, war veterans' demands and climate changes causing natural disasters have played their hand in the flawed implementation of land reform. Market-based land reform imposed by the Lancaster Agreement was inescapable yet painstakingly slow in delivery and in the end, did not target the poor. Poverty alleviation, one of the set-goals of the new government in 1980 was not achieved. Structural adjustment programmes, also introduced in Zambia driven by IMF, left indelible scars of retrenchments, loss of jobs, closure of industries, a painful existence and little of land reform.¹⁹ Demands by the war veterans, noble as they were, left a difficult to erase trail of violent land invasions. While statistics indicate that more people were allocated land during the FTLRP than during any other phase, the occupations were fraught with deceit, corruption, terror, insecurity, destruction, loss of property and loss of trust.²⁰ The phase was even prodigal of human life. It shall go down the history lane as the most unplanned, rudimentarily implemented phase of land reform in Zimbabwe. To date, no doubt, the way FTLRP was conducted has shaped the social, economic and political environment in the region. A worrisome environment of aided failure, untold brain drain, unprecedented border jumping, refugee deportations and palpable political tenseness. With the benefit of hindsight, one can safely conclude that the Fast Track land programme derailed Zimbabwe's land reform because agricultural policies were not reconciled with economic policies.

¹⁹ *UN Interim report*, p.25.

²⁰ *Ibid.*

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7.4 Seeds of Time: Lessons Learnt Lessons Lost

Although land reform is largely country specific, comparisons and contrasts can be made between or among various land reform programmes and, in the same breath, there is enormous room for programmes to borrow approaches and ideas from each other. Each

²² *UN Interim Report 2005*, p.25. Chapter 5 gives more information on structural adjustment programme in Zimbabwe.

²³ *Ibid.*

country's land reform ideas and paradigms are determined depending on each particular country's operational social philosophy. Among many other aspects, the philosophy dictates the degree to which the state drives land reform, the social function of land property, the amount of expropriation to be used and tenure choice. However, despite the care taken by countries to find their own feet and push land reform forward, it has not been without serious tragedies. Lessons have been learnt from own experiences, neighbours and from abroad but, along the way, other lessons have been lost.

The land question symbolizes many of the contradictions of post-independence Zimbabwe, South Africa and indeed all the developing world. Most disappointing is that, in Zimbabwe, much as the liberation struggle was about equitable sharing of land, the new government is still a long way in achieving this goal, 27 years into independence. A majority of the population have remained landless while a handful have had more than what they can use. To make matters worse, production has gone down so much that the bread basket has become surprisingly very empty and the nation can hardly feed itself. What is needed is an economically, politically and socially viable land reform programme to refill the basket and remedy other aspects of a people's life that stand in limbo. Presently, the effect of a chaotic land reform has been cruel. Yet, it must be borne in mind that, without land reform, the chance of benefits reaching the rural poor, through civil society or government assistance in many countries are very dim. To maximize the government's chances to massively transfer land, farm workers should not be sidelined since that would only increase the number of the poor and economically vulnerable.

While it cannot be denied that the Zimbabwean government used land as a scape-goat whenever they felt cornered, it is also a glaring reality that the international community contributed towards the worsening of the politico-economic scenario at the expense of stability. Politicians, for instance, Zvobgo Eddison, admit that there has been a mish-mash of influential factors as evidenced by his lament in parliament in August 2000:

We have tainted what was a glorious revolution,

*reducing it to some agrarian racist enterprise.
We have behaved over the past few years as if the
world owes us a living. It does not....
We have blamed other people for each and every ill
that befell us... as every peasant, worker, businessman
or woman now stares at the precipice of doom, let us
wake up and draw back. We must clear the state, bury
everything that has divided us and begin again.²⁴*

The above utterance is a clear realisation that there is need to find the centre again and reconnect. Yet, that is easier said than done. The 99-year lease approach bears witness to the hurdles in the way of starting afresh. When the Zimbabwean government began calling back farmers who had left for neighbouring countries, for example, Zambia, Kenya, Nigeria and Mozambique, the international community, instead of applauding the move, became suspicious and skeptical and was quick to label the move as back tracking. To them, the move appeared like a ploy to trap the farmers in a snare. Mindsets are going to be the most difficult to change in the event that the government sets out to begin on a new leaf. The Zimbabwean government has instilled a mentality of victimhood in its people which is also regressive in the sense that suspicion hovers above everything that comes from the West as opposed to what comes from the East where Zimbabwe has established new friendships.

7.5 Recommendations: Stepping into the Future

As a way of starting afresh, the Zimbabwean government shall have to desist from carrying out land reform for political expediency and without reference to its long term effects. The objectives of land use and, therefore, of land reform should be clearly restated to avoid patronage, favouritism and promote equitable, sustainable redistribution of resources. A comprehensive range of measures for removing barriers to reform should

²⁴ *Hansard of Zimbabwe*, August 2000, p.5.

- promoting the organization of the new farmers or peasants into trade unions and cooperatives in groups of producer, marketing and credit associations to integrate them into the national economy and society. This flexibility allows the farmers to be dynamic and more responsive to the task at hand;
- investing in broadening land reform, in both theory and practice, to include comprehension of issues around accessing, use and management of uncultivated lands, forests, marginal areas, water bodies and other common property. The destruction of virgin forests and property that was caused by land invasions in Zimbabwe between 2000 and 2003 demonstrates a clear lack of knowledge of the importance of vegetation;
- empowering new farmers with farm implements, financial support, loans and security;
- budgeting for humanitarian support. Droughts, floods, the HIV/AIDS scourge, other opportunistic and cognate diseases. Violence and abuse of different kinds have afflicted the people of these two countries and these problems become problems particular in resettlement areas because , in a bid to diversify, they were made more vulnerable to natural disasters resulting in sharp reductions in income and food insecurity.²² Also where new people are resettled, ground work should be done prior to their settling in terms of infrastructure such as toilet building and water sources installation. There is, therefore, a need to create a framework for improved humanitarian support and social services to assist those affected by food insecurity, fostering systems for orphans and the spread of incurable, life threatening diseases.²³
- conducting land use surveys out of which farmers would be advised on the type of farming to be practised. For instance, after farm invasions, some farmers are

²² *UN Interim Report*, p.52.

²³ *Ibid.*

practising crop farming in dry regions which are supposed to be animal ranches. Even appropriate land use among the crop family is equally important to be known by the new farmers. Arex officers could be allocated this advisory role more thoroughly, effectively and efficiently;

- providing and making accessible information on climate change to minimize the effects of cyclones, droughts, floods and other climate related challenges. Information from the climate change conference held in Nairobi, together with the Stern Review on the Economics of climate change, should be made known to farmers who should plan to curb this real, dangerous and expensive challenge. Zimbabwe and South Africa's agricultural sectors would not escape the consequences and economic impact of climate change. James Benhim from the Centre for Environmental Research and Policy in Africa argues that income from crops could decrease by 90% by 2100 unless serious action is taken.²⁴

The warming and increased frequency of heat waves in the Mediterranean, semi-arid and arid pastures would reduce livestock productivity in the Eastern Cape, with potential increases in livestock mortality.²⁵ At this point, the South African Environmental affairs and Tourism Minister, Marthinus Van Schalwyk concludes that, having reached a point in the debate where the scientific and economic case is so persuasive, to fail to act is both negligent and irresponsible.²⁶ With the necessary information, farmers would make informed decisions on which crops to grow when, in what soils and at what cost, and the same applies with ranching. As Mabude, a South African new farmer puts it, it is farming knowledge that needs to be fast tracked more than land reform;²⁷

- making available diversified government assistance from fertilizers, diesel, legal frameworks, democratic working environment land audit facilities to identify

²⁴ J. Benhim, "Calculating the Costs of Climate Change" in *Farmer's Weekly*, 29 December 2006, p.5.

²⁵ E. Archer and M. Tadross, "Adapt or Fry: Climate Change is Upon Us" in *Farmer's Weekly*, 29 December 2006, p.5.

²⁶ *Ibid.*

²⁷ S. Mabude, "Landless People's Lament" in *Farmer's Weekly*, 1 July 2005, p.22.

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²⁹ *Ibid.*

³⁰ S. Mabude, "Landless People's Lament" in *Farmer's Weekly*, 1 July 2005, p.22.

only bring misery to the individuals or communities involved through loss of time, money in court cases, like the Penil community of the Cape.²⁹ Reasonable time frames should be placed against each claim to ensure that claims do not take forever to get processed. Where personnel is not sufficient, volunteers from the communities should be engaged.

South Africa and Zimbabwe have both, among many other countries, experienced the WSWB approach. While the model, no doubt, appears to legitimize past injustices by making victims buy back their land and still places those who gained during colonialism to remain in the driving seat, its advantages should not be thrown away. The methodology should continue to be exploited where expropriation is explosive because the WSWB model is politically feasible in contemporary environments since it is more democratic, liberal, permissive, gradual and violence free.

WSWB allows land reform beneficiaries to shift from a purely confrontational mode that characterized pre-reform periods or the liberation struggles. However, it is of crucial importance that the governments ensure that land prices are based on production potential, not market value when sold for bona fide farming purposes. Grants for buying the pieces of land and resettling should be made available in an effort to let the landless use the market as the medium for asset redistribution. Brazil, South Africa and Colombia are among countries providing capital grants to the landless.³⁰ Zimbabwe still has to learn from these countries. The public grant system was proposed at the Land Donors Conference in 1998 in Harare but never took off the ground. The system has been very effective in the South African Province of Kwazulu Natal.³¹ The system would be very efficient within a market driven framework, with minimal or non government involvement in land purchases and identification. Governments may stand to gain since concessionary interest rates could be charged and, at the same time, the government is

²⁹ SABC2 documentary on the Penil Community of the Cape. Members of this community have been kept in limbo while their claim is still pending and the land is lying unutilized. The elderly of this community are passing on without enjoying the fruition of their long wait.

³⁰ *Land Reform, Land Settlement and Cooperatives*, 2003/2, p.55.

³¹ L. Rugube and W. Chanbati, *Land Redistribution in Zimbabwe: Five Census Surveys of Farmland Transactions, 1996-2000*, <http://www.wisc.edu/lrc/basic.html> p.26.

left with lesser responsibilities and ample time and resources to plan and facilitate the programme. Financial and most routine matters are decentralized and more strategic deeper and determinant aspects are left for the government to focus on and possibly resolve.

Where governments have tight budgets and cannot sustain grants, beneficiaries should not just be abandoned midway. Even in cases of priority shifts, dropping beneficiaries from budgetary agendas can prove deadly. Donors should be coordinated by the government and prospects for a successful reform are likely to be considerably enhanced if the donors themselves are able to achieve a coordinated position approach with the government. The donors should be willing to consider the economic, social and political concerns that the government and other various stakeholders may have regarding the reform process. In other words, donors should be genuine and not find, by donating or through donations, opportunities to get back at or exploit a people. Strings and conditionalities should not be attached to donations otherwise land reform deals might fall apart.

The norm, so far, has seen the West donating in order to dictate, influence or drive policy choices in African countries, for example, in Kenya and Zimbabwe. For Zimbabwe, from 1980 to 2006, London has striven to maintain the status quo by giving with one hand and taking away with another. London dangles prospects of other forms of development aid in other sectors of the economy and attaches with this promise the condition that compulsory purchase of commercial farms should not be tolerated.³² To the Zimbabweans, the deal is raw where Britain expects Zimbabweans to conform or perish. Currently, the West promises to aid Zimbabwe in exchange for democracy, respect for human rights and rule of law.

Given that the land reform process entails complex objectives, it is advisable for South Africa and Zimbabwe to try out as many approaches to the programme of transferring

³² D. Anderson, "Mugabe Is Right About Land Reform," *The Independent*, 4 May 2000, comments section, poll.

land as are at their disposal. On the one hand, while a slow pace to land reform may appear sluggish it has its advantages. On the other hand, radical reforms, the likes of Zimbabwe and Chile, may emphasise on socio-political objectives at the expense of economic ones, resulting in major decline in agriculture, food production and employment levels thereby jeopardizing past achievements. Yet, concentrating on production without due attention to a skewed tenure structure and a poverty stricken rural majority and shack dwellers may also undoubtedly saw seeds of future destruction of any productive achievements. The case in point is South Africa. If, in a bid to promote democracy or to be politically correct, radical reforms are not tried out to propel land reform forward, a time bomb might just be ticking right under the nascent democracy. The implementation of land reform is in the line of serious and critical challenges so much that if a government lacks determination, the will power and the courage to redress the plight of its own people, the people might as well lie down and die because their hopes would have been dashed.

Agrarian reform should be approached holistically. Transferring land from white farmers to black farmers on its own would not give land an added value. All structures dealing with land agriculture and administration should be overhauled. New farmers should be empowered to use their land effectively around the year or planting seasons. Incidences like those during fast track in Zimbabwe where, after resettling, farmers could not even build decent houses for themselves nor start tilling the farm should serve as a lesson to all that, without proper planning, land can be grabbed and people's fortunes fail to improve. If anything, the environment suffered the most with every new farmer cutting down trees to erect their pole and dagga shelter, shelter for their livestock and more trees for their firewood to warm themselves through lonesome nights in the middle of nowhere. Previously many remote farms were run by white farmers who had trucks to ferry goods or farm workers and their families to different places. The new farmer, for lack of transport, makes sledges and draws them around causing erosion and other irreparable environmental damages and soon the same new farmer would leave to go back to the life they are used to in the communal areas. Meaning to say, without the provision of support

services, targeted access to capital, services and markets the beneficiaries would have not benefited or gained from land reform.

To promote environmentally sustainable land use, advice from the extension service and compliance by farmers would reduce damage to the soil following clearing and cultivation.³³ For instance, extension service would advise against river bank cultivation which causes silting of dams as well as against indiscriminate cutting of trees for sale, for firewood or for use in kilns. The service would encourage longer-term vision, broader based approaches and objectives than, for example, those of fast track land reform in Zimbabwe. Land is a scarce commodity on which people depend for survival through maintaining commercial agriculture, food security and export markets, and that should inform any land policy.

Given the salient role played by land in people's lives governments are urged to avoid the intermingle of politics, economics and the romanticism they allow to surround land issues. Zimbabwe offers a prime example where one little mistake with such intermingle created an avalanche of problems with far-reaching negative economic impact. The economy got so devastated that even the most stable of families have been hard hit by the movement of breadwinners abroad or over rivers and mountains within Southern Africa. Brain drain is at its peak with South African Broadcasting Cooperation (SABC3) programmes like Third Degree and Special Assignment weekly featuring broader jumping attempts by about 2000 Zimbabweans daily.³⁴

To ensure that land reform is not carried out in a way that would leave a people facing a bleak future, it is worth approaching it as a business.³⁵ In a business, people do not sit on their laurels for fear of failure. The same spirit should be induced in land reform so that, the new farmers, on receiving their land, begin right away. The government would also stand to gain with its people fed, forex made available through exports and trade and its trained people retained to benefit the country. In Kwazulu-Natal in the Utrecht/Newcastle

³³ *UN Interim Report*, p.53.

³⁴ ETV, Special feature on Zimbabwe, April 2007.

³⁵ G. Grobbelaar, "Land reform must be approached as a business" in *Farmer's Weekly*, 22 July 2005, p.13.

area, some farmers have started renting out their land to Argentinian farmers, Juan Soldano Deheza and Pio Siveya. The two farmers believe that South African farmers can reduce costs and increase profitability by renting farms and outsourcing operations as they are doing.³⁶ Together with their business partner, Russel du Preez, they encourage farmers to consider the concept of renting land. They say there must be a shift from being repeated commercial land owners to being commercial farmers and that land resources must be kept in production by renting out land.³⁷ This new idea took shape after the three encountered serious pressure of low prices and high costs in their farming business. They realized that there is no real need to own land or a tractor or other equipment to farm except money for inputs. Farmers could significantly reduce costs by using expert contractors for agronomy, diseases and pest management or any other branch of crop production.³⁸ The capital cost of owning machinery is huge and can render other farmers malfunctional.

Expropriation should be handled with the care it deserves to reduce potential negative impact on economic growth. That means, expropriation should always come with fair packages to landowners so as not to appear like deprivation or confiscation of property that might generate violent reactions, affect production and create unnecessary animosity. For positive results, rules for compensation should be fair, above board and achievable by the compensator. Landowners should not seek to enrich themselves through compensation, find a window through which to get at the government or refuse reform through demanding inaccessible compensation. In the same breath, the expropriator should avoid committing the same crime colonialism is accused of by expropriating arbitrary, without compensation or destroying productivity. In Chile, Taiwan, Japan and the Republic of Korea, former landholders were provided with cash and development bonds to encourage investment in agriculture to grow.³⁹ When expropriation was carried out in Zimbabwe without compensation, production collapsed, farmers left the country, relations soured and a host of other negative effects washed up.

³⁶ W.Den Hartigh, "Across the Atlantic to farm in South Africa" in *Farmer's Weekly*, 8 September 2006, p.38.

³⁷ *Ibid.*

³⁸ *Ibid.*

³⁹ M. Cox, *et al.*, "FAO in Agrarian Reform" in *Land Reform* 2003/2, pp.22-23.

Measures should be in place to ensure that the land reform programme involves all stakeholders, is allocated funds, is forthright and does not digress from its initial objectives. For example, presently, the reform programme that was expected to provide stability and equity in Zimbabwe, is instead the cause of much of the instability and prominent gap between the haves and the havenots in the country. As a way forward, land reform rules should stipulate in no uncertain terms what role farmers, the landless, donors, the government and the international community are expected to play, for what benefits and with what implications. Differences over objectives, acquisition policies and procedures as well as definition of beneficiaries should be ironed out before they ruin the programme. Lessons should be learnt from Zimbabwe where the land reform programme has been bedeviled by the political context informing strategy selection and flawed legal framework complicated by administrative debilities in terms of timing, phasing, logistics and implementation.

Unbalanced power relations between stakeholders should also be addressed. Where such relations are not balanced out, it is likely that settlements will favour the more powerful.⁴⁰ This will often undermine the efficacy of settlement agreements with one part spiting the other. Such inequalities can be addressed through solving issues of race, ethnically, language and quotas for representation.

Land reform, being a correctional measure, should be just, genuine and based on the truth. If the truth is not told, resulting in unfair conclusions, the whole programme might run a risk of becoming a comedy of errors, thus, a tragedy. Land reform is about encountering difficult choices which, however, should be made to avoid bottled up anger, catharsis or carrying a problem over. The programme should not be postponed or sidelined and left to politicians or the international community to manipulate anyhow. The longer it takes to solve the land question the higher and broader the pile up. While land reform cannot be an event, the process should be seen to be moving at an acceptable pace to those who have waited for so long to benefit, let alone to enjoy their

⁴⁰ Bosch, p.107.

independence. As this research continues today, 18 April, 2006, it is independence day in Zimbabwe but the major question is, what is there to celebrate with no fuel, no food and no employment because partly, land cannot be given back to its original owners? Productive partnership is required rather than conditional help and spiteful stereotyped mindsets.

In selecting land reform policies, approaches which cause and promote uncertainties should be eliminated. Lack of confidence and security in land ownership can have detrimental effects on a people. Because agriculture is an around the clock activity all year round, land owners should be certain of their future and tenure on the land they are working. When that confidence is gone, landowners might fail to develop the land, erect agricultural structures or invest on the land for fear of abrupt eviction. If that happens, the future of agriculture is in limbo, the survival of farm workers and seasonal workers is in jeopardy, investment suffers and eventually the whole programme becomes unsustainable. Threatening farmers with eviction for political expediency or trivial issues is not always a wise decision to make. Landowners should be assured that there is no connection between production on a farm and politics. When landowners unwisely meddle in a country's politics, their punishment should not result in the masses bearing the brunt because a farm is expropriated and given to a worse candidate. Mutual respect and negotiation in good faith should prevail and be nurtured as a necessary condition for reaching satisfactory agreements on the many controversial decisions that would need to be taken throughout the reform programme.⁴¹

Surprisingly, however, in this big talk of reform, some rural sectors are barely reached. They are left out without access let alone comprehending the programme or worse not under consideration as beneficiaries. There is need for major restructuring of rural sectors to ensure community participation and a hands-on approach to land reform. Beneficiaries-to-be should take control of their own development. In the 1990s, the Philippines Department of Agrarian Reform recognized the effectiveness of alliances

⁴¹ *UN Interim Report*, p.47.

with autonomous peasant organizations in the implementation of agrarian reform.⁴² Through the alliances, the provision of support services to agrarian reform communities has been smooth due to the established capacity to negotiate for community specific needs, training in needs assessment and preparation of development plans, the alliances brought along.⁴³ This highly participatory territorial approach brings land reform nearer home, to be understood and enjoyed even by the grassroots on their own turf, in their own terms and in their own language. When everything is left to the government, mistakes are many and the layman remains alienated.

Communities should be made to understand their rights and obligations and the same applies to individual members of the community. Where people understand their rights and obligations, even the processing of claims or land mediation, if need be in cases of disputes becomes more efficient and chances of a sustainable settlement are greater.⁴⁴ This often requires community training sessions to establish the community's rights in relation to what it wants to do with the land. General and detailed rights education unrelated to the issues important to the community is often wasteful and contributes little to the resolution of land disputes or other development oriented plans.⁴⁵

There is great need for governments to put funds aside for research on national reform policies applicable specifically to each country. When research has been carried out, research findings should be implemented as per the recommendations of the research. Previously, research has been commissioned, for example, in Zimbabwe, the Rukuni commission recommended the use of land taxes, stipulating the merits and demerits of the approach, but the methodology was never pursued. Land policies, rules and criteria in existence should also be revisited with the view to clarify, elaborate, remove undesired lexicon, rephrase and rework to freshen up the framework that has failed land reform. During land reform policy reviews, open debate should be encouraged to allow the programme to benefit from the ideas, experimentation, experiences, perspectives and

⁴² Cox, et al., p.23.

⁴³ *Ibid.*

⁴⁴ Bosch, p.107.

⁴⁵ *Ibid.*

genius of the people its meant to serve. Opinions should also be welcomed from neighbouring countries and from abroad to promote cross-pollination and cross-fertilisation in this global village where being dogmatic suffocates , reaching out ensures that new trends in agrorural development are explored among other recent approaches.

Note should be taken that land reform should not be considered as the all weather prescription for a country's problems. Research should shed light on other avenues to be explored to discover the strengths of a nation. When land reform is taken as the be it and end all solution, the pressure exerted to achieve may cause breakage of the programme. Also, because land reform is a process that takes time, while it moves, people should be occupied with other aspects of life that bring production. Where waiting is involved, people should not be left to idle. Land reform should be complemented by a multiple other activities that promote and ensure the survival of a people. Too much reliance on agricultural activities has caused disasters in times of cyclones, droughts and floods. The government must not also keep its hold on people by not opening up other luctractive avenues, in order to abuse the expectant people during times of elections, campaigns and crisis of other kinds. Governments should strive to strike balanced growth in the country's economy. Those who have no interest in agricultural activities should be occupied in other industries.

Care should be taken not to drag everybody into issues of land reform. Much as access to land is important and a serious issue in the African culture, and other cultures, it is not true that all the people care about who owns which piece of land and under what tenure. Assuming that everybody should be involved in the land reform is dangerous. Some people have nothing to lose which ever side the balance is tipped, they are disruptive and bent only on keeping controversies unabated. Some youth, for example, may set their eyes on different areas of the economy of development. In South Africa, the trend is to drift to towns where there are more job opportunities, away from the boredom and lonesome rural remote lives. It is safe to contend that, with a descent job and average home, a majority of the youth would not fight farmers who are feeding the nation. After all, agricultural knowhow, capital to run a farm, assets to declare as surety and the love

and talent to farm is not given to everyone. If only landowners are agreeable to the redistribution of land resources to those with the drive to farm, the land reform process would take a more amicable twist. The problem begins when there are signs of unwillingness to share, then everybody begins to think they can also get a farm because they belong with the dispossessed, they have the right or, for them, the struggle for freedom continues. Evidence that not everybody can farm let alone manage a farm is glaring in Zimbabwe where even those who had self settled during land invasions realized, after the heat of the moment, that they lack the energy to farm.

Land is a symbol of authority and a source of political power and it is tempting for individuals or governments to want to own land just for prestige. Such abuse of land has taken its toll in Zimbabwe with individuals competing to possess prime farms even if they do not intent to do any farming. The Fast Track programme left in individuals the appetite to grab for personal aggrandizement regardless of what is beneficial to the public. The tendency to accumulate has even triggered insatiable thirst for corruption in politicians. As a result, land reform has taken centre stage in political debates and has become synonymous with redistribution of political power. Until land reform is clearly defined to cut out elements that result in non-production and deviation from promoting agricultural objectives, the process shall always be haunted and tainted by confusion, corruption greedy and misappropriation. Yet, to view land acquisition only as reflections of greed in politicians is to be shortsighted , unobjective and unappreciative of the situation on the ground. For instance, the failure of the land reform in Zimbabwe cannot and should not be explained in simple terms. The corrupt tendencies in the politicians with or without Mugabe's blessing is proof of deep seated anger, frustration and is reflective of the intractable nature of the politics around land reform. The land issue in Zimbabwe is clearly linked to Mugabe's perception of sovereignty hence he faces a continual dilemma of reconciling ideas of freedom, independence, church leaders, human rights activists and indeed with the international community. That said, one can conclude and recommend that governments promote reconciliation between white farmers and the black people before land reform becomes one with the politics of a nation. What the

Democratic Alliance (D.A) calls “racial nationalism”.⁴⁶ It is the failure to separate the two which has seen events taking a downward turn from the moment Mugabe pronounced the controversial land reform programme.

However, the difficulty is how to reconcile a redistributive measure of sharing land resources equitably and maintaining commercial white farmers on farms for production. Lessons should be learnt from the blunder of sending white farmers from commercial farms immaturely, abtrarily and for political reasons. Commercial farmers and commercial agriculture is a great job provider for low-skilled workers and skilled labour such as tractor drivers. Consideration should be made as to what happens to the labour force when their source of survival is destroyed. Advantages of expropriating farms should be weighed against its direct and indirect demerits. In South Africa, statistics indicate that the agricultural sector is the strongest gross domestic product (GDP) and employment multiplier and the industry has many knock-on benefits in the rural economy.⁴⁷ If the removal of white farmers from commercial farms is not implemented smoothly and gradually, emerging farmers may not benefit from the role in mentorship and knowledge transfer white farmers could play.⁴⁸ The co-existence of these two types of farmers is of huge importance to ensure that the new farmers are given a strong foundation on which to begin and are left in good steady to continue with job provision, food production, economy boosting and promotion of secondary agricultural activities.

When land reform fails, it is not only primary agriculture that is affected but the overall significance of the agriculture sector in the economy. The effects of a failed land reform have a domino effect where, for example, in Zimbabwe, land invasions led to food shortage and the scarcity of the food made the little available beyond reach for the average family. When prices increase people would go to any length to feed themselves, lengths which are in most cases, dirty, illegal, destructive and non-sustainable. There is need for a better counting of the contribution commercial farmers bring to the economy and the well being of a nation so that informed choices are made

⁴⁶ T. Leon (Leader of the Democratic Alliance, D.A.)’s retirement speech, BBC, 4 May 2007.

⁴⁷ W. Den Hartigh, “Agriculture in Steep Decline-Stats AS” *Farmer’s Weekly*, 8 September 2006, p.12.

⁴⁸ *Ibid.*

from reason. Emerging farmers in Zimbabwe failed to produce food as per expectations, partly for the reason that they were not mentored by the leaving white farmers. Mentoring could boost the dismal success rate of up coming farmers. In South Africa, Dr Fanie Terblanche, Pretoria University researcher, has launched a study into how mentorship could help land reform beneficiaries and he believes that land reform projects that make use of mentors have a better chance of success.⁴⁹ According to him, mentorship is a buzzword, not only in farming circles, but wherever rapid transformation is taking place. A few rules of thumb for successful mentorship are that a mentor should help a trainee to learn something that they would have otherwise learned less effectively, more slowly, or not at all through a one-on-one basis, bypassing bureaucracy and institutions.⁵⁰ Mentorship programmes depend heavily on developing a mentoring relationship between the mentor and the trainee. The mentor is usually more experienced and mature, and the trainee, younger and less experienced promoting mutual trust, respect and building partnerships which benefit both.⁵¹

Land reform should not concentrate only on farming land activities but expand to enjoy benefits from tourism and environmental preservation activities. Land should be surveyed to find out its potential. Some soils are not suitable for agricultural activities and other villages are wretchedly rural and poor so much that people do not find hope in them but rather drift to cities anticipating better lives. For example, M'baula village near Phalaborwa in Limpopo, remains uncomfortably poor and undeveloped yet, the village is sitting on a potential gold mine.⁵² If developed, the mine would bring in employment, tourism and all that can be associated with mining. Developers should be invited to carryout surveys and improve the lives of a people. Also, in the restitution programme, successful claimants should be allocated mineral rights to the land they are awarded.⁵³

⁴⁹ R. Bezuidenhout, "Mentorship: What makes it work?" *Farmers Weekly*, 8 September 2006, p.58. The concept of mentorship was first noted in Greek mythology when the poet Homer took his son, Telemachus, to his friend Mentor, and asked him to guide, coach and raise him in life skills.

⁵⁰ *Ibid.*

⁵¹ *Ibid.*

⁵² S. Hofstatter, "Communal Land : a breeding ground for corruption" in *Farmer's Weekly*, 2 February 2007.

⁵³ S. Hofstatter, "Farmers' Union Angry at Summit Snub" in *Farmer's Weekly*, 29 July 2005, p.18.

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With titles, the lack of tenure security that scares off outside investors, discourage local entrepreneurs from risking capital on improvements and prevents rural villagers from emulating urbanites who use their properties as security for cheap credit would be a thing of the past. Instead of putting too much uncalled for pressure around commercial farmland ignoring land potentially worth billions which remains undeveloped or are exploited for the exclusive benefit of a few elite, the government gains revenues through which some portions of people get to benefit where they are already settled. Traditional leaders should be encouraged to survey the benefits of the programme so that they do not continue to be a serious hurdle blocking the change.⁵⁸

In Zimbabwe especially, laws related to land have become malleable, inconsistent, vague and sometimes easily shoved aside, as a result of numerous ad hoc reviews of laws and regulations over the years leading to uncertainties over many legal issues. The changing, amending and nullifying of land policies by the government should not be condoned so as to restore confidence in beneficiaries in the government's word. The government should not be above the law, seen to disregard land rules and add phrases to clauses favourable to their plans and scheming. The moment the government fails to respect the rule of law and the courts implementing the rules, chaos reigns in that land. To bring back orderliness, where it was lost, land rules should be fixed and made unchangeable by a few individuals. Land administration plays a major role in the whole reform process. Without firm land laws and land administration agencies, policies and methodologies, agrarian reform remains a dead letter. When laws are rendered defunct, malefactors prey on the innocent and get away with murder like was the case during land invasions in Zimbabwe.

Ad hoc policies guided and informed by the pressure of events rather than by steady long term goals should not be allowed. To begin with, the government should not be in control of all policy making institutions because this leads to excessive centralisation in policy formulation. The detrimental effect of excessive centralization in reform policies and programmes is the application of uniform patterns without adequate modifications in

⁵⁸ *Ibid.*

the light of local variations. The necessity of decentralization is greater in agriculture than in any other economic activity. The government might apply the same answers, methodologies or solutions to problems in different contexts for lack of diversity, options or because they have the power and apparatus to do that. For example, to leave Mugabe to fight the land reform war, is to allow him to fight it the best way he knows how, which is to see the land question as definitely another colonial battle that deserves extreme war methods. Decentralisation allows for fresher, newer, different, varied and wholesome ideas.

Institutional capacity should be developed for the implementation of sustainable land reform.⁵⁹ Land reform is enhanced by developing capacities in national land policy analysis, land information management systems, agricultural credit, research and extension, agricultural marketing, evaluation and compensation.⁶⁰

The land reform process need not remain an idea in people's heads but a thoroughly planned process for transition allowed to take off the ground by the installation of enabling institutions. The development of infrastructure, domestic water supplies and tillage strategies, as well as the design, surveying, monitoring and evaluation of resettlement, restitutive and redistributive measures should not be underestimated or taken for granted.⁶¹

Land reform does not have to be seen just as an exchange of hands in ownership of farms and pieces of land. Agrarian reform is richer than that, it is revamping a people's life style. Until mind-sets are changed about getting back at inflictors of colonial injustices, land reform shall always be filled with emotion, violence and memories of dispossession and deprivation. While the past is known and is not about to be forgotten or lost, land reform shall always demand sober minds, sober decisions and sober transformative measures. Land reform goes beyond getting land back to include sustainable development, promotion of reconciliation, healing of wounds and the forging of honest

⁵⁹ *UN Interim Report*, p.53.

⁶⁰ *Ibid.*

⁶¹ *Ibid.*

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⁶³ *UN Interim Report*, 2000, p.53.

⁶⁴ *Ibid.*

⁶⁵ *Ibid.*

relations based on genuine unconditional partnership, achievement and reverence for life. The future remains bleak if the truth is suffocated. Land reform should cease to be similar to issues of race, ethnicity, creed nor status. Genuiness in land reform is achieved through openness, frankness and encouragement of a balanced manner of handling complex issues of justice and political reconciliation in a democratic era.

This study further recommends that land tenure arrangements for each benefactor should be conclusive, documented and incontestable. In Zimbabwe, new settlers in the Phase I programme received permits for the arable, grazing and residential land they were allocated, but the scenario was different for Phase II and the Fast Track benefactors. While the government indicated that the new settlers have usufruct rights to the land and above all, the government's backing and protection, settlers feel insecure with such porosity in tenure arrangements. Such kind of weak land permit would not provide adequate collateral to a farmer and might be a source of harassment, frustration and failure to take off the ground on the part of the new farmer. Consequently, the denial of other land ownership options could affect the land, expose beneficiaries to arbitrary changes in administrative policies, prevent investment on such land and delay improvement in people's lives.

The Fast Land Reform Programme saw would-be-benefactors suffering a double loss. While they demolished their communal homes for a fresh start on the farms, they struggled to establish or erect new homes on the new land. A traveller from Rusape to Mutare (the eastern province of Zimbabwe) could not fail to notice and wonder at the fallowness, barrenness, blickness and the desiccation on farms, a lot of pole and daga-grass thatched dwellings scattered haphazardly all over productive land. Despite that the dwellings were a sorry sight, they ate up part of farming land and looked more miserable and desperate than the homes that were left behind in the communal areas by the new farmers. One would expect better standards for someone who turned over to a new leaf. Since their newly found land or property failed to change their lives most of the new settlers failed to tame the raw forests they found themselves in and left.

The relevance of secure property rights for long-term development, poverty reduction and growth of the economy cannot be overemphasized. Experiences from different countries and research will continue to help and shed more light on these issues and aid policy making. Given the impact of colonial land policies in sub-Saharan Africa, it is imperative that governments formalize land rights through issuance of titles. With titles, land owners have the right to own, sell, rent out or accumulate land property in an unconstrained way. Titles also bring with them symbols of authority and political power giving blacks the freedom they lost with colonialism. With titles, the poor can be included in socio-economic development and their voices would be heard. Where full ownership rights and titles are controversial and too costly, long term transferable leases could be an alternative to provide and build on favourable policies in existence is effective and efficient. Financial support is needed through-out to ensure low cost implementation and smooth transfers.

Land tenure should have guiding principles as to how it is arrived at. In South African terms, the following aspects have guided their tenure choice. Tenure reform should,

- move towards rights and away from permits;
- build a unitary non-racial system of land rights for all;
- allow people to choose the tenure system which is appropriate to their circumstances;
- be consistent with the Constitution's commitment to basic human rights and equity;
- work on a rights based approach; and
- be brought in line with reality as it exists on the ground and in practice.⁶⁶

⁶⁶ *White Paper on South African Land Policy*, 2005, pp.57-58.

workers who qualify for the programme and absence of special support system. In most cases, farm workers are people who have laboured and known only farm life for generations and to fail to be categorical and supportive of the actual producers of food on farms is to be oblivious of their centrality in the food production chain. The absence of thoroughness here denotes lack of vision about the future of agriculture. Among the vulnerable who need land rights protection also are women. Women and children make up for the majority of farm workers.

They should be given unconditional land rights like everybody else and failure to achieve this level of equity could have negative economic and social consequences. In South Africa, a conference is on by rural women addressing agricultural activities and the role women play. In an SABC 2 interview about the conference, Tozi Gwanya, impressed upon the listeners the fact that women need their voice to be heard on their relationship with land and the role they have been playing in food production for their family consumption.⁶⁶

More research is needed on the condition, the where abouts and the plight of the farm worker. Much has been written, researched and said about the farmer yet, the farm worker has not received the same attention, privilege and priority. The farm worker, seasonal and permanent, has been responsible for the upkeep, the day-to-day running and management of the farms and production on farms but has failed to be given the place they deserve in research and conference plat forms. More needs to be known about the farm worker beyond them just being providers of labour. All along, much has befallen the farm worker without them having a platform or voice to have what they think known to the world at large. The story of the farm worker has to be heard also.

⁶⁶ SABC 2 interview, Durban Rural Women Conference, 24 April 2007.

There is need for constitutions that cater for the underdogs, the vulnerable and the deprived. Constitutions that alter the current ones and that create favourable conditions for equitable distribution of resources. There is need for fundamental revision of both the policies and the mechanisms for implementation of corrective methods such as expropriation. Lamenting about the dismal failure of land reform in South Africa, broadly because of incoherent policies and implementation challenges, Ntsebeza Lungisile believes its time lessons from Zimbabwe be taken seriously. In his words Ntsebeza wrote:

It is intriguing that a judge in apartheid South Africa had far better insights into the need for equity than the post-1994 regime. Addressing the issue of a Bill of Rights on the eve of the collapse of apartheid in the 1980s, Judge Didcott warned: "What a Bill of Rights cannot afford to do here ... is to protect private property with such zeal that entrenches privilege. A major problem which any future South African government is bound to face will be the problem of poverty, of its alleviation and of the need for the country's wealth to be shared more equitably."⁶⁷

The quotation is a big insight into issues that were and are still pertinent today. The question to ask is why issues of land have not been resolved given their importance. The land question remains pending both in Zimbabwe and South Africa. A multi-stakeholder approach is needed to amicably resolve the land issue.

⁶⁷ L. Ntsebeza, "Address the land question" in *Mail and Guardian*, 17-23 August 2007.

CONCLUSION

In conclusion, note must be taken that land reform is not an easy task to undertake because of problems attendant upon introducing change to a people's way of life. When plans are made for the transformation, however, the reforms should go all the way. Any purposeful land reform should entail the redistribution of wealth, income, status capacity for saving and political influence which, not only will provide incentives for increased agricultural production and labour productivity, but would strengthen the socio-economic position of the peasant population.⁶⁸ This is, however, easier said than done. Would be land reform beneficiaries would hold high prospects for the future while landowners would play all the cards they have to stay on the land. The battle to balance the two formidable forces requires extra-ordinary muscle. Recent history abounds in hastily and inadequately prepared agrarian reforms, which, due to sundry aforementioned challenges, not only fail to improve the conditions of the peasantry but, actually squander human and material values and cause frustration, disillusion and detrimental political reactions.⁶⁹ Time and again experience has proved the often tragic consequences of redistribution programmes that are confined to the mere distribution of public domain land which completely ignore the vital problems in the agriculture sector, economic sector and political sector. For a balance in the reform, both revolutionary and evolutionary land reforms should be made use of.⁷⁰ In relation to the speed with which reform may be needed, evolutionary changes may deliver slower than revolutionary changes that are often very controversial.

Since agrarian reform is a process of regeneration after centuries of economic and social underdevelopment which has resulted in privileges for a few and exploitation and social degradation for the majority, the reform is going to be a tedious process not an overnight event. What is of pivotal importance to achieve the reform is the awakening of the rural people, the acceptance of peasant movements, an increase in contact between isolated rural communities and administrative and urban centres and finally, general education

⁶⁸ E.H. Jacoby, *Man and Land*, p.170.

⁶⁹ *Ibid.*, p.169.

⁷⁰ W.F. Wertheim, *Evolution and Revolution: Sociology of a World on the Move*, p.30.

and efficient and honest administration.⁷¹ For the 27 years Zimbabwe has been at land reform, a majority still remain landless and economically and politically things have gone very wrong. Even the agricultural activities have been negatively affected. The resulting challenge for the government is to find ways of minimizing the economic and political costs of the programme. Besides the recommendations suggested earlier, the government in Harare, could concentrate redistribution on farms with low productivity, not to say that beneficiaries of land reform should only get second rated land. The government could also implement the transformative reforms gradually to give the economy time to develop shock absorbers. However, uncertainties and disappointments among the large commercial farmers will be very difficult to eradicate. The landowners could react collectively by giving up their proven collaboration with the government or individuals they had worked.⁷² The new settlers, if they are to be of any developmental value, should be made productive in a short period of time, otherwise they would not even enjoy the new roles they play, not to mention the picture non-production would paint about black farmers to the nation, neighbours as well as the international community.

South Africa, on the other hand, along with other recommendations, should try out revolutionary methods of reform to complement what has already been achieved and invigorate reform to give hope to the awaiting peasantry. The new methodologies being touted lately, could be an answer to the slow progress coupled with increased expropriations. Though controversial and explosive, expropriation can be a very useful method of combining growth with equity. If blacks were deprived for so long, it makes sense for the new democracy to put in place policies that would open chances for all now as complementary measure to the Black Empowerment policies. In the same breath, care should be taken to remain on course for there is a thin divide between affirmative action and reverse racism. To ensure unitary non-racial systems of land rights there should be commitment to development by all stakeholders, the setting of non-ambiguous policies and co-relation of policies to achieve wholesome results. Wherever reform is implemented, policies chosen should be mutually supplementary for a total strategy.

⁷¹ Jacoby, p.15.

⁷² P. Von Blanckenburg, "Land reform in Southern Africa The Case for Zimbabwe" *Land Reform* 1994, p.24.

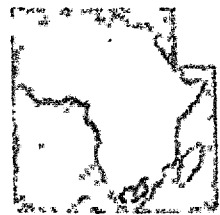
programme. Besides the recommendations suggested earlier, the government in Harare, could concentrate redistribution on farms with low productivity, not to say that beneficiaries of land reform should only get second rated land. The government could also implement the transformative reforms gradually to give the economy time to develop shock absorbers. However, uncertainties and disappointments among the large commercial farmers will be very difficult to eradicate. The landowners could react collectively by giving up their proven collaboration with the government or individuals they had worked.⁷⁶ The new settlers, if they are to be of any developmental value, should be made productive in a short period of time, otherwise they would not even enjoy the new roles they play, not to mention the picture non-production would paint about black farmers to the nation, neighbours as well as the international community.

South Africa, on the other hand, along with other recommendations, should try out revolutionary methods of reform to complement what has already been achieved and invigorate reform to give hope to the still waiting peasantry. The new methodologies being touted lately, could be an answer to the slow progress coupled with increased expropriations. Though controversial and explosive, expropriation can be a very useful method of combining growth with equity.

If blacks were deprived for so long, it makes sense for the new democracy to put in place policies that would open chances for all now as complementary measure to the Black Empowerment policies. In the same breath, care should be taken to remain on course for there is a thin divide between affirmative action and reverse racism. To ensure unitary non-racial systems of land rights there should be commitment to development by all stakeholders, the setting of non-ambiguous policies and co-relation of policies to achieve wholesome results. Wherever reform is implemented, policies chosen should be mutually supplementary and consistent. All said and done, land reform requires a total strategy.

⁷⁶ P. Von Blanckenburg, "Land reform in Southern Africa The Case for Zimbabwe" *Land Reform* 1994, p.24.

Figure 1
Map of South Africa



www.safeparks.co.za

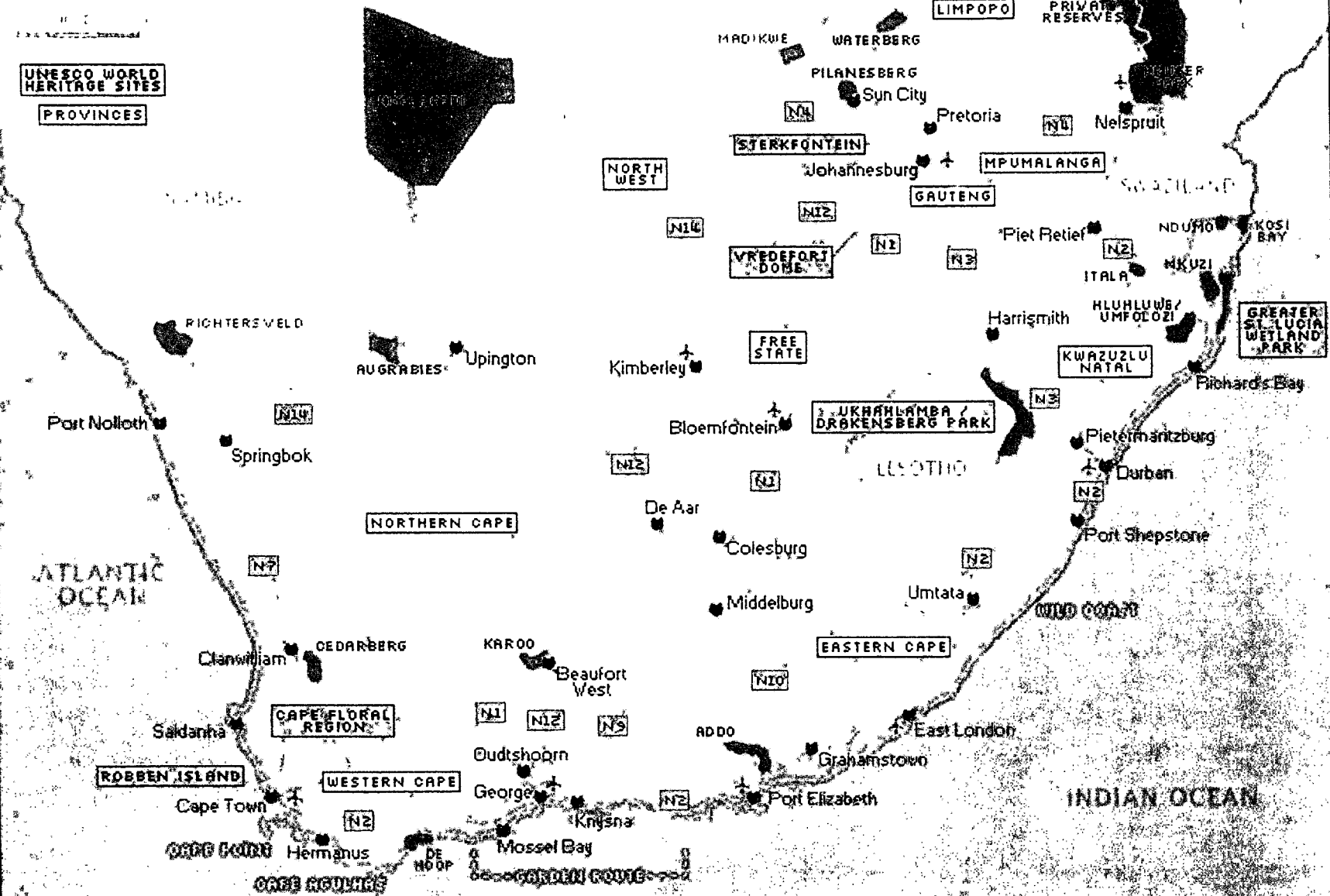


Figure 11
Map of Zimbabwe



Source : < www.zimvenues.com > accessed on 16 October 2005.

Appendix 1

South Africa Country Information

Geography

Location: Southern Africa, at the southern tip of the continent of Africa. Cities: *Capitals*: Administrative, Pretoria; Legislative, Cape Town; Judicial, Bloemfontein. *Other cities*: Johannesburg, Durban, Port Elizabeth.

People

Nationality: *Noun*: South African(s). *Adjective*: South African.

Population (2000): 43 000 000.

Population growth rate (2000): 1.5%.

Ethnic groups: Black 77.6%, white 10.3%, coloured 8.7%, Indian 2.5%, other 0.9%.

Religions: Christians 68%, Muslim 2%, Hindu 1.5%, traditional African 28.5%.

Languages: Afrikaans, English, Ndebele, Pedi, Sotho, Swazi, Tsonga, Tswana, Venda, Xhosa, Zulu (all official languages).

Education: *Years compulsory*: 7-15 years of age for all children. The Schools Act of 1996 aims to achieve greater educational opportunities for black children, mandating a single syllabus and more equitable funding for schools. *Literacy*: total population that can read and write 81.8%; male 81.9%, female 81.7% (1995 est.)

Health (official): *Infant mortality rate*: 24.6/1 000 Estimates from international organisations range from 50 to 60/1 000. *Life expectancy*: 62 years for women; 52 years for men. *HIV infection rate*: 12.91%.

Economy

GDP (2000) \$126 billion.

GDP real growth rate (2000): 3.1%.

Per capita income (2000): \$2 900.

Inflation rate (2000): 5.3%.

Unemployment rate (2000): 30%.

Natural resources: .Almost all essential commodities, except petroleum products and bauxite. Only country in the world that manufactures fuel from coal.

GDP composition (2000): *Agriculture and mining*: 9.7%. *Industry*: 24.4%. *Services*:

65.9%. World's largest producer of platinum, gold and chromium; also significant coal production.

Industry: *Types*: minerals, mining, motor vehicles and parts, machinery, textiles, chemicals, fertilisers, information technology electronics, other manufacturing and agro-processing.

Trade (2000): *Exports* :\$31.5 billion: gold, other minerals and metals, agricultural products, motor vehicles and parts. *Major markets*: UK, US, Germany, Italy, Japan, East Asia, sub-Saharan Africa. *Import* :\$27,3 billion: machinery, transport equipment, chemicals, petroleum products, textiles and scientific instruments.

Major suppliers: Germany, US, Japan, UK, Italy.

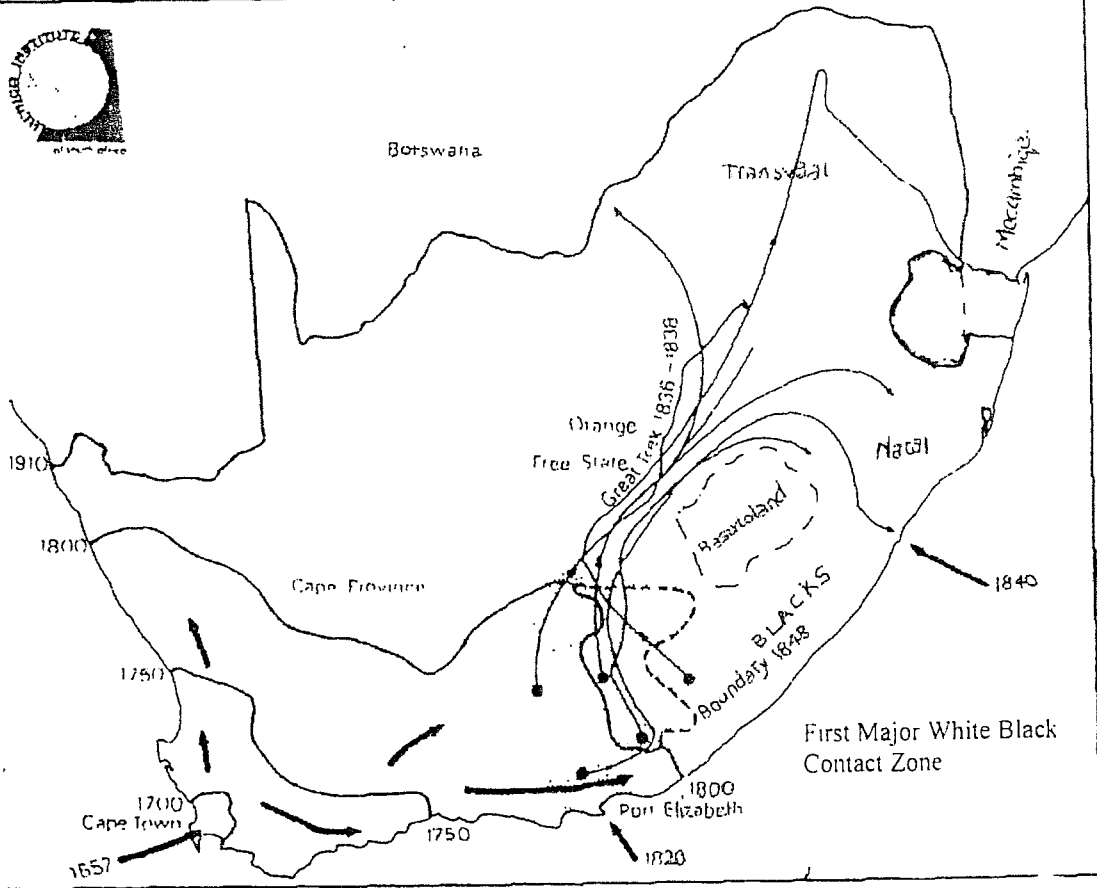
Economic aid: Recipient\$ 676. 3 million.

Military

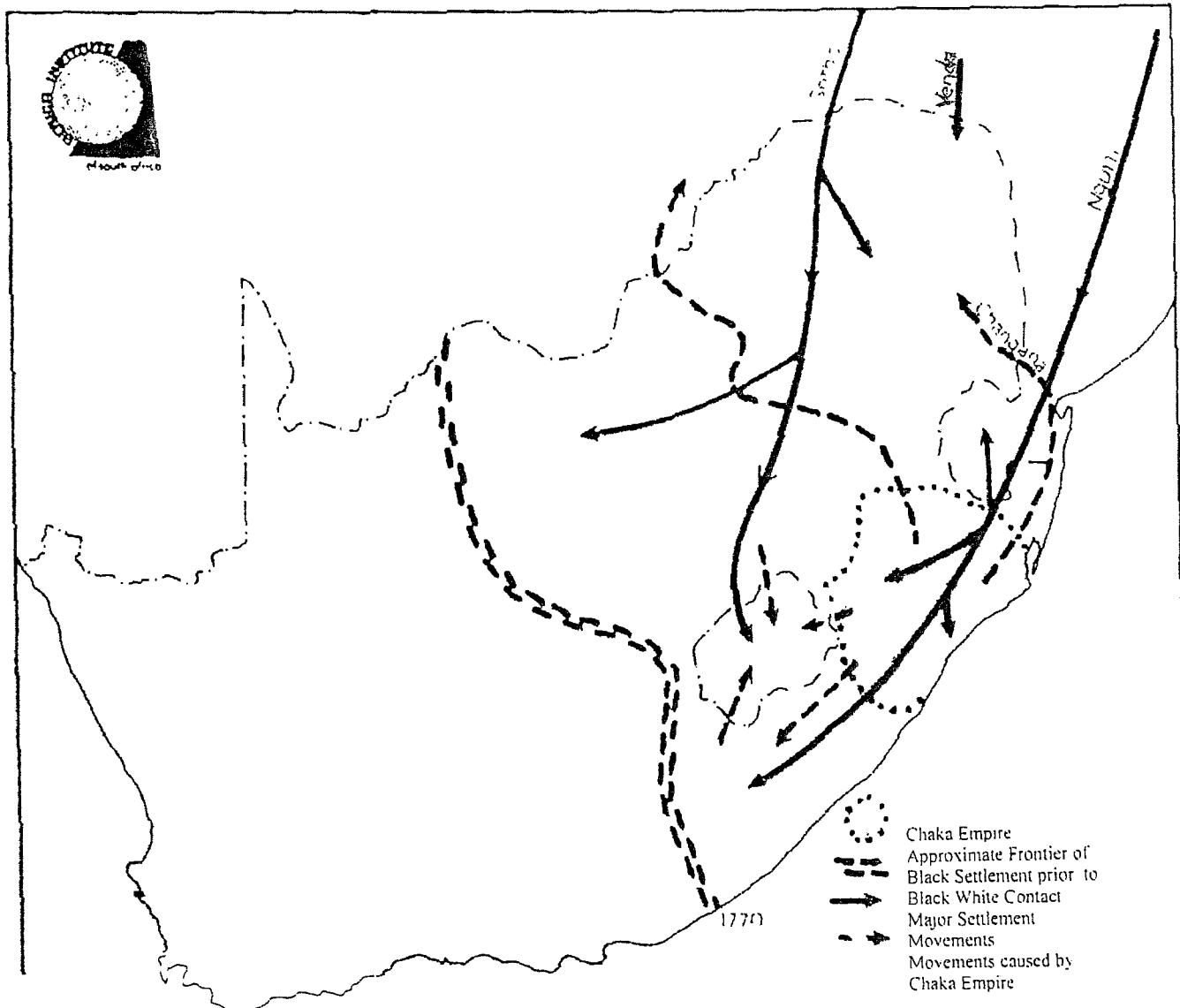
Military expenditure: Dollar figures \$2 billion FY 00 0 1.

Military expenditure: Percent of GDP: 1.5% FY 99 00.

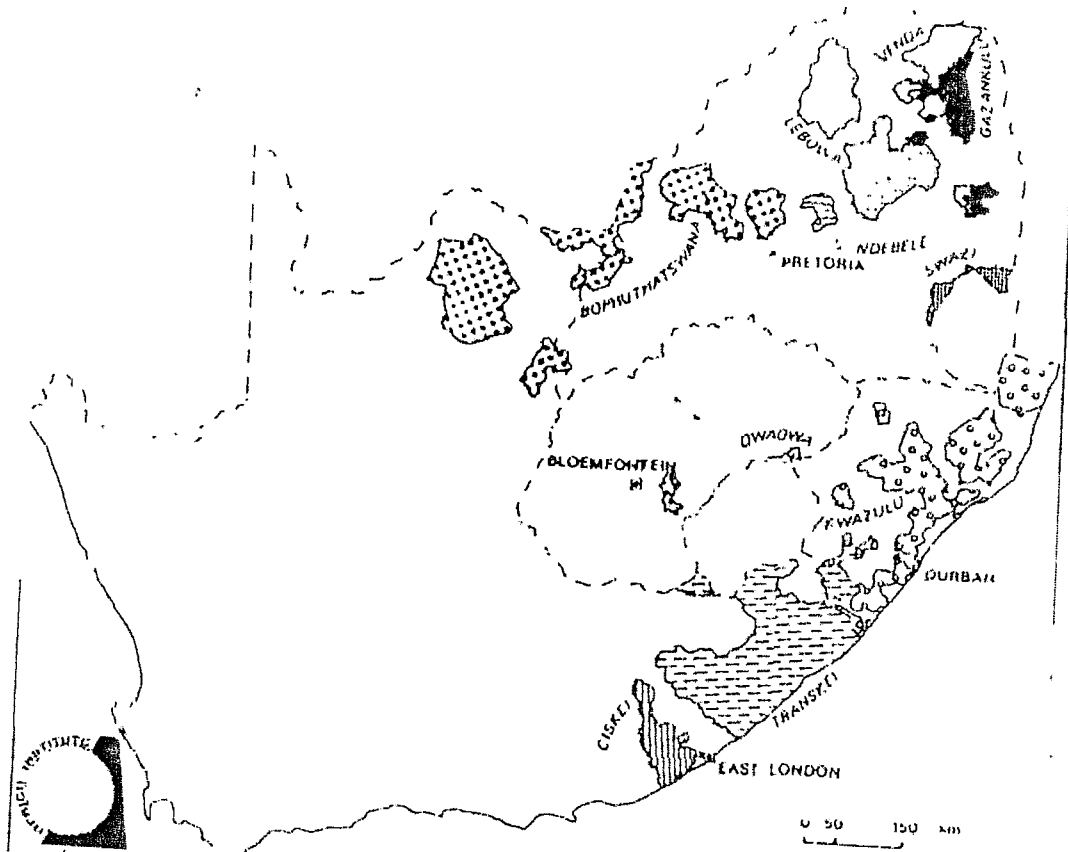
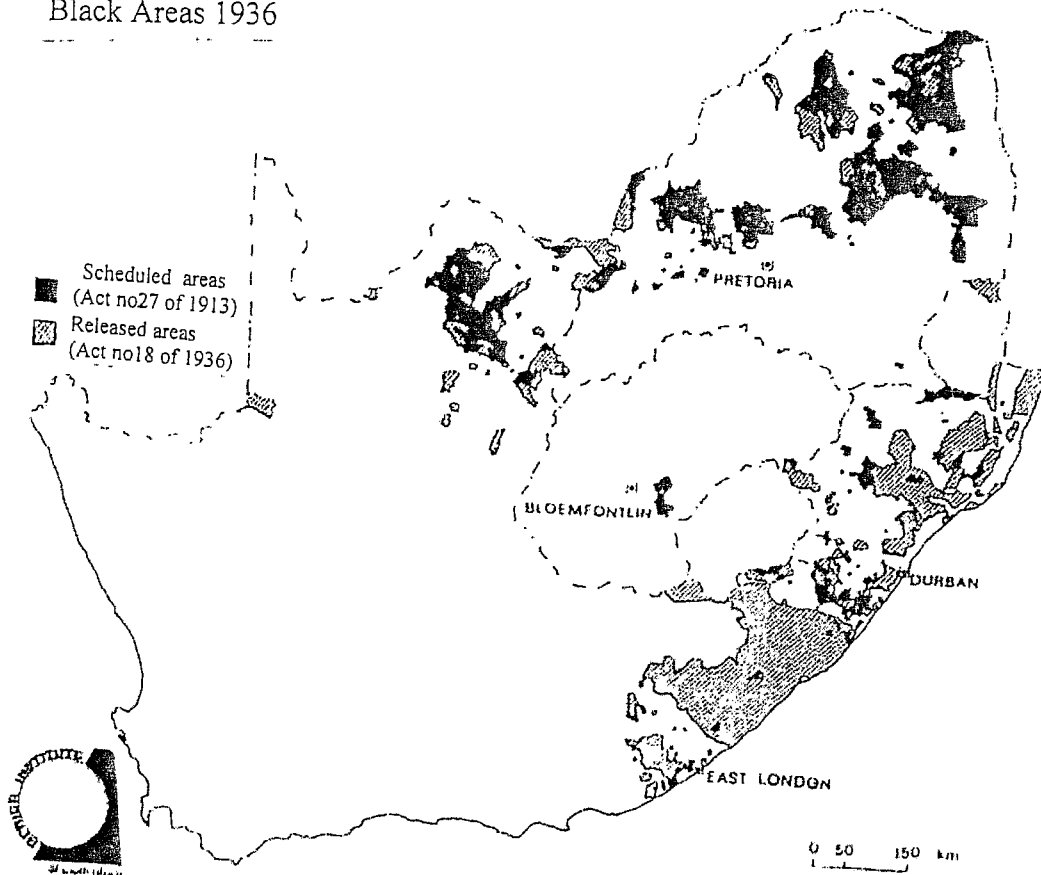
Source: A. Robinson, "South Africa" in *Africa Review 1986 10th Review*.

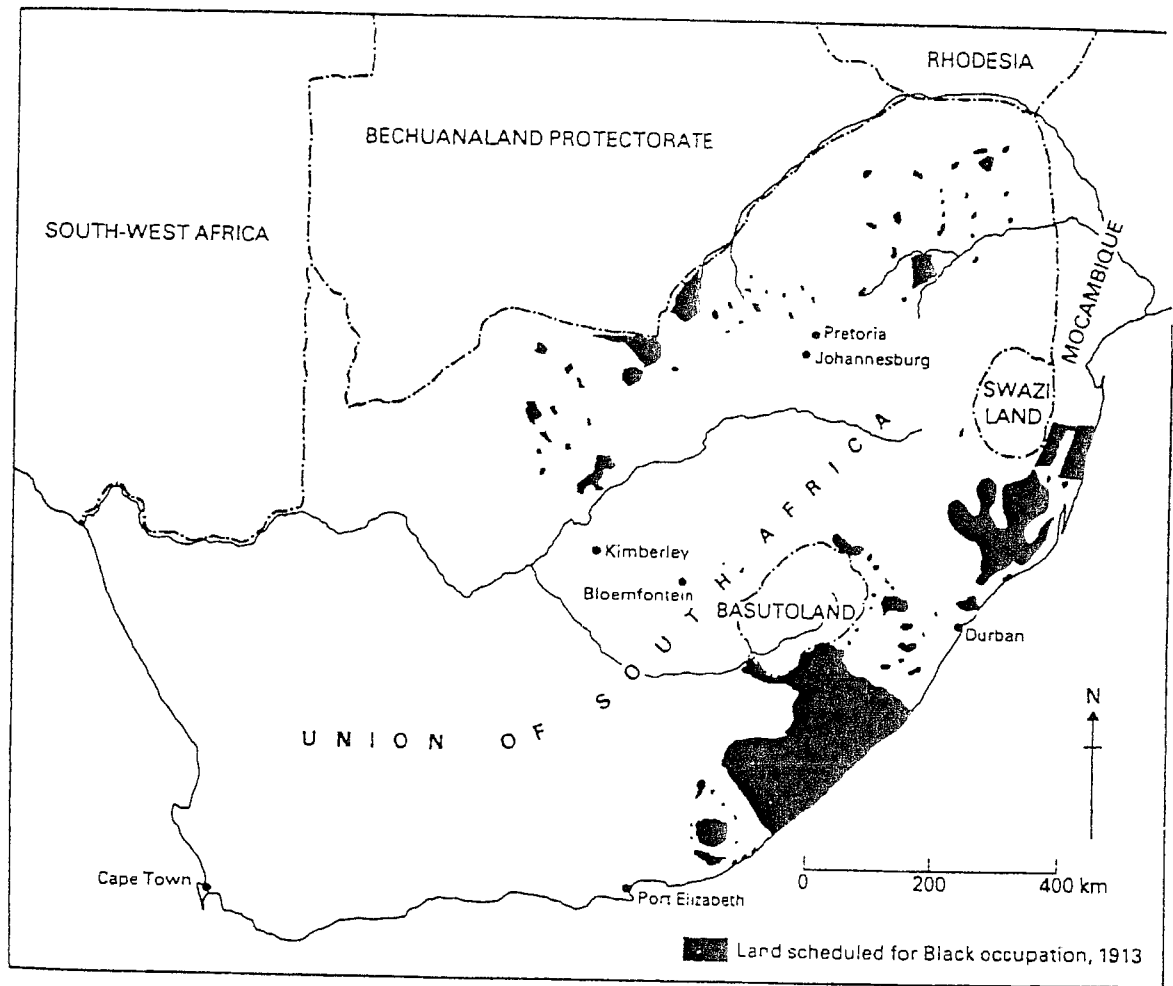


White settlement process



Black Areas 1936





The South African 'Natives' Land Act, 1913

PURCHASE OF LAND

The latest available information on quota and non-quota land and the size of the respective homelands is given below. However, this does not enable one to determine the ultimate size of the various homelands since compensatory land for Black land which is expropriated is not allocated on a hectare-for-hectare basis, but according to the agricultural potential of the land. When Black land was expropriated or excised from a Black area in the past a larger tract of land than the original was allocated elsewhere for Black occupation.

With due allowance made for the provincial land quotas which have been allocated in terms of the *Bantu Trust and Land Act, No. 18 of 1936*, it appears that the balance (1 January 1976) which still has to be purchased by the Trust in accordance with the quota provisions and has to be divided among the various homelands, is as follows:

Transvaal	414 960 ha
Cape Province	471 482 ha
Natal	29 296 ha
<u>Orange Free State</u>	<u>7 141 ha</u>
Total	922 879 ha

When all the quota land (6 209 858 ha) has been purchased and added to the existing homelands and the non-quota land (10 502 514 ha) and the total area of the removed *de jure* Black spots (108 425 ha) and the area of Black spots still to be removed (57 641 ha) at the end of 1975 are included, all the homelands taken together will cover at least 16 878 000 ha which is somewhat more than the Tomlinson Commission's total of 6 797 864 ha. Should the final consolidation proposals or any future proposals and adjustments be implemented the homelands could be even larger because, as was mentioned above, the compensatory land is not allocated on a hectare-for-hectare basis.

CONSOLIDATION PROPOSALS AND LAND UNITS

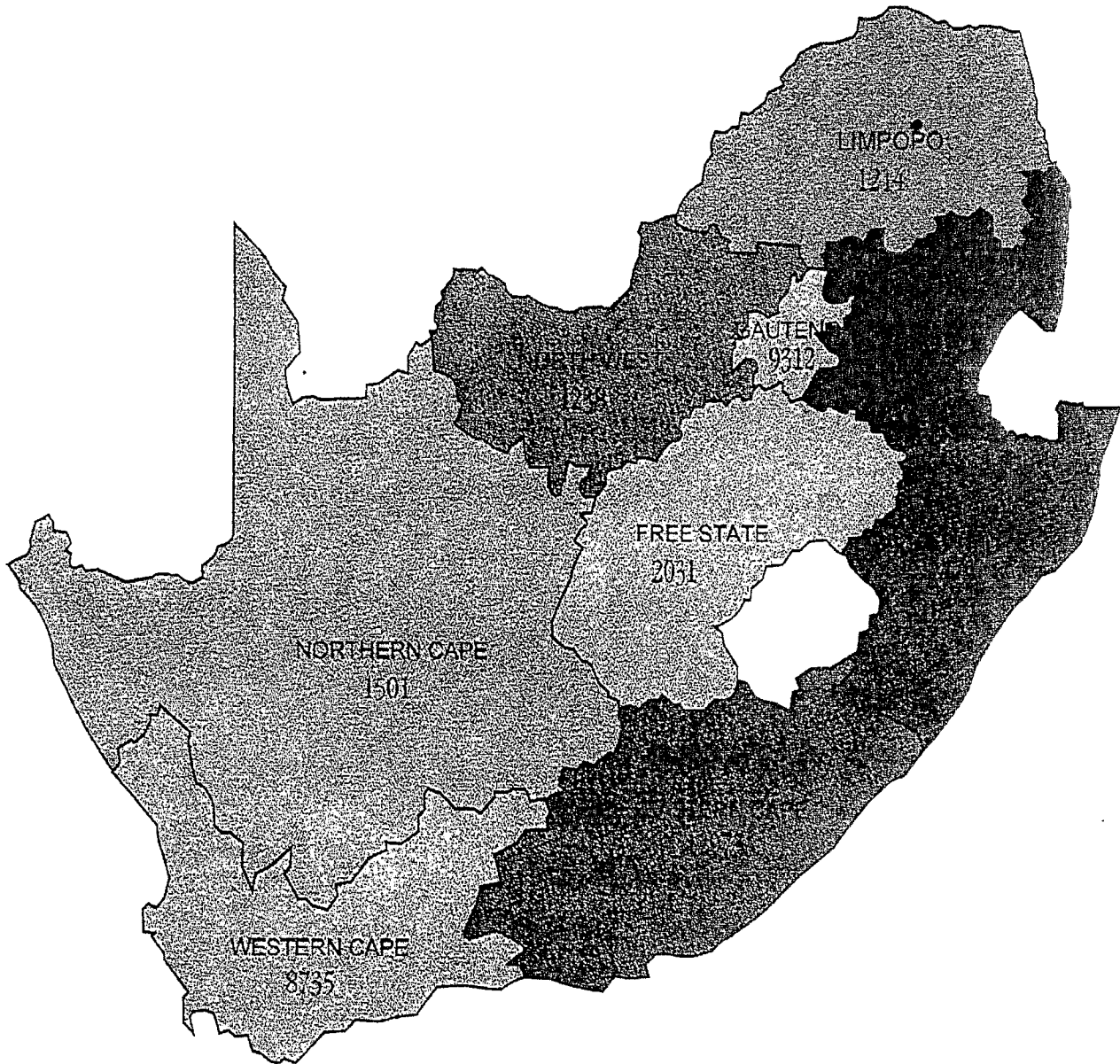
The table below and the accompanying map indicate the situation as regards the present number of land units (excluding Black spots), comprising the various homelands, and the number of units that each homeland would consist of if the 1975 consolidation proposals, which were partly approved by Parliament 1973, were implemented.

**BLACK HOMELANDS—PRESENT NUMBER OF LAND
UNITS AND NUMBER ACCORDING TO 1975
CONSOLIDATION PROPOSALS**

Homeland	Present number of Units (1975)	Number of Units after consolidation
Bophuthatswana	8	6
Ciskei	19	1
Gazankulu	4	3
Kwazulu	44	10
Lebowa	13	6
Qwaqwa	1	1
South Ndebele	-	1
Swazi	2	1
Transkei	3	3
Venda	3	2

Sources: Department of Bantu Administration and Development.
The African Homelands of South Africa.

Republic of South Africa
Settled Restitution Claims as on 31 March 2004



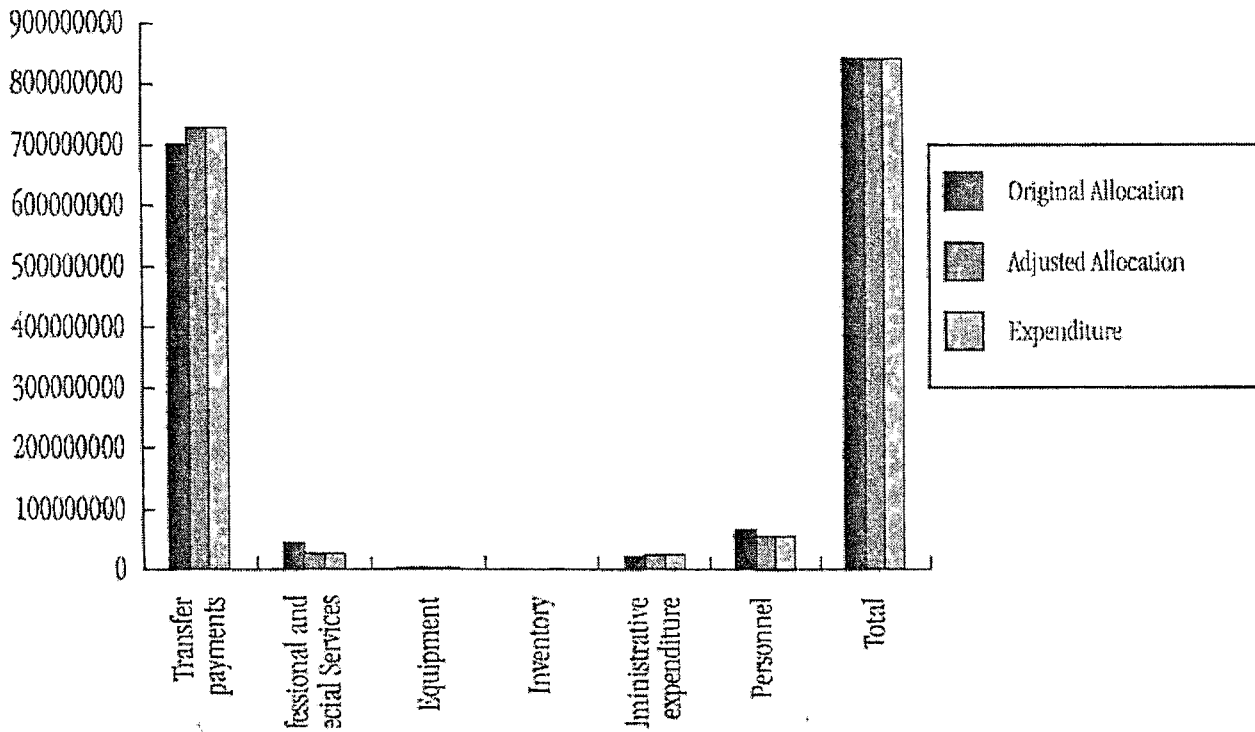
Total claims settled: 48825

Source : Commission on Restitution of Land Rights 2003/ 2004, *Forced Removals Never Again.*

RESTITUTION FINANCIAL REPORT: 2003/2004

Standard Item	Original allocation	Adjustment	Adjusted Allocation	Expenditure
Transfer Payments	701,826,000	25,674,000	727,500,000	727,410,000
Professional and Special Services	44,570,000	(-17,808,000)	26,762,000	26,687,000
Equipment	5,880,000	(-2,166,000)	3,714,000	3,488,000
Inventory	3,013,000	(-1,717,000)	1,296,000	1,241,000
Administrative Expenditure	17,811,000	6,776,000	24,587,000	24,136,000
Personnel	65,954,000	(-9,759,000)	56,195,000	56,175,000
Total	839,054,000	1,000,000	840,054,000	839,117,000

RESTITUTION FINANCIAL REPORT: 2003 - 2004



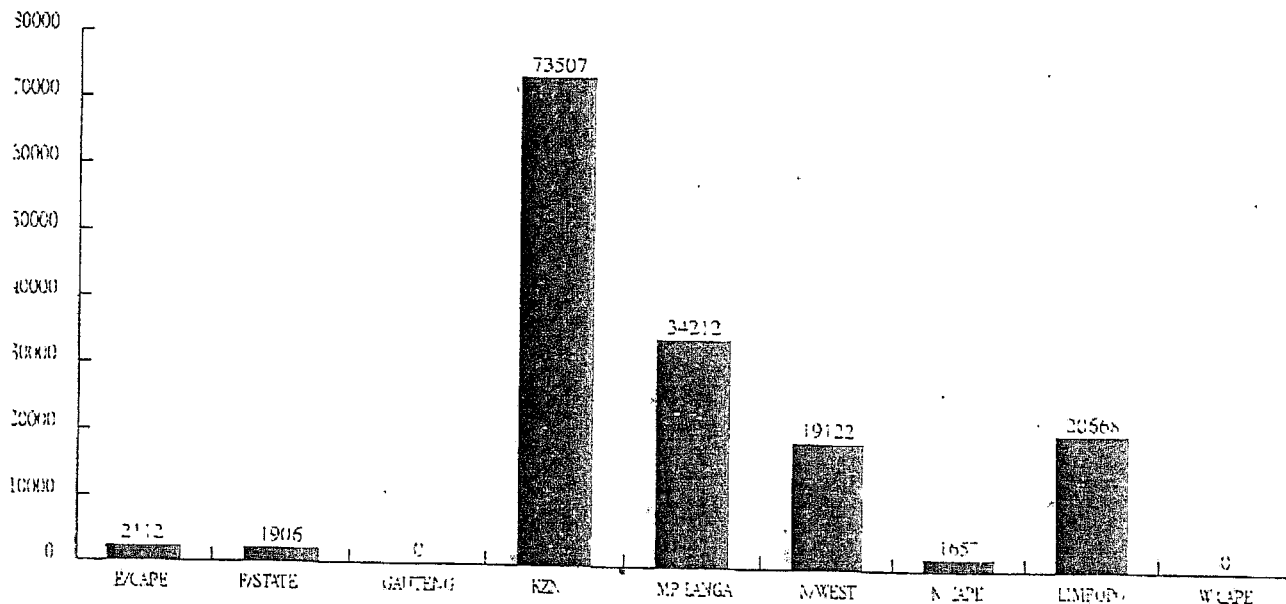
SOUTH AFRICA

SETTLED RESTITUTION CLAIMS: CUMULATIVE STATISTICS AS AT 31 MARCH 2004

Province	Claims	FHS	Beneficiaries	Ha	Land Cost	Fin Comp	RDC	SPG	Total Award
Eastern Cape	12,973	26,771	112,838	28338	198,226,881	446,076,046	43,281,000	20,774,880	708,358,807
Free State	2,031	2,718	18,460	43315	13,051,926	28,859,440	4,407,000	1,700,261	48,018,627
Gauteng	9,312	9,304	45,493	3453	30,285,287	377,631,248	4,587,000	1,104,000	41,3607,585
KwaZulu-Natal	10,427	23,785	146,287	132379	368,787,965	404,330,949	42,894,000	16,654,885	832,667,800
Mpumalanga	1,394	16,306	108,593	240014	333,120,139	35,715,317	38,172,000	18,334,560	425,340,016
North West	1,238	12,399	65,770	71484	93,992,542	26,280,000	33,045,000	15,788,802	169,106,344
Northern Cape	1,501	5,273	31,936	233634	69,753,602	47,702,033	14,020,000	5,462,911	136,938,547
Limpopo	1,214	13,822	59,963	54575	140,912,792	44,954,797	31,227,000	12,990,240	230,084,829
Western Cape	8,735	11,914	72,967	3100	8,096,187	334,710,326	10,999,410	2,550,492	356,403,445
TOTAL	48,825	122,292	662,307	810292	1,256,227,321	1,746,258,209	222,632,440	95,361,033	3,320,526,004

1. These statistics have been compiled based on the information reflected in the Database of Settled Restitution Claims.
2. In order to improve the accuracy of our statistics, the Database of Settled Restitution Claims is on an ongoing basis subjected to internal auditing.
3. Please note that the number of hectares restored is currently under review, both with regard to existing data, as well as outstanding data on state land.
4. The total restitution award also include the cost of solatium that was paid out, i.e. KwaZulu-Natal [R6,367,000.00] and Western Cape [R47,000.00].
5. The financial amounts indicate funds committed to claims settled as at 31 March 2004.

RESTITUTION: HECTARES RESTORED FOR THE FINANCIAL YEAR: 01 APRIL 2003 - 31 MARCH 2004



Source: *Farmer's Weekly*, 5 May 2005.

Appendix 2

Zimbabwe Country Information

Geography

Location: Southern Africa, between South Africa and Zambia.

Cities: *Capital*: Harare.

People

Nationality: *Noun*: Zimbabwean(s) *Adjective*: Zimbabwean.

Population (2000 est.): 11 342 521.

Population growth rate (2000 est.): 0.26%.

Ethnic groups: African 98% (Shona 71%, Ndebele 16%, other 11%), white 1%, mixed and Asian 1%.

Religions: Christian 25%, traditional African beliefs 24%, syncretic (part Christian, part traditional) 50%, Muslim and other 1%.

Languages: English (official), Shona and Sindebele the language of the Ndebele.

Education (1995 est.): *Literacy*: total population 85%; male 90%; female 80%.

Health (2000 est.): *Infant mortality rate*: 62.25 1 000. *Life expectancy*: 44 years. *HIV infection rate*: 25.84%.

Workforce (1996 est.): 5 million. Agriculture: 66%. Services: 24%. Industry: 10%.

Economy

GDP (1999 est.) \$26.5 billion.

GDP real growth rate: 0%.

Per capita income: \$2 400.

Inflation rate: 59%.

Natural resources: Coal, chromium, ore, asbestos, gold, nickel, copper, iron ore, vanadium, lithium, tin, platinum group metals.

Agriculture: 28% of GDP *Products*: corn, cotton, tobacco, wheat, coffee, sugar cane, peanuts, cattle, sheep, goats, pigs.

Industry: 32% of GDP. *Types*: mining coal, gold, copper, nickel, tin, clay, numerous metallic and non-metallic ores, steel, wood products, cement, chemicals, fertiliser, clothing and footwear, foodstuffs, beverages.

Trade (1997 est.): *Exports*: \$2 billion: tobacco, gold, ferroalloys, cotton. *Major markets*:

South Africa, UK, Germany, Japan, US. *Imports*: \$2 billion machinery and transport equipment, other manufactures, chemicals, fuels. *Major suppliers*: South Africa, US, UK, Japan, Germany.

Economic aid: Recipient 1995 : \$437.6 million.

Debt - external (1998) \$5 billion.

Military

Military expenditure: Dollar figures \$127 million FY99 00'

Military expenditure: Percent of GDP: 3.1% (FY99 00).

Source: A. Robinson, "Zimbabwe" in *African Review 1986 10th Review*.

Appendix 3

The Lancaster House Constitution

Several constitutional conferences have been held over the political fate of Southern Rhodesia. All ended in a fiasco because they failed dismally to satisfy the people's demand — the granting of universal adult suffrage.

The Lancaster House Constitution of 1979, although it had some shortcomings, was successful because it guaranteed the holding of elections on a one person, one vote basis. The Constitution was the basis for the creation of an Independent Zimbabwe which came into being on 18 April, 1980.

Parties to the Lancaster Agreement were:

1. The British Government, as the colonial power.
2. The Smith-Muzorewa Regime.
3. The Patriotic Front jointly led by Cde Robert Mugabe, leader of ZANU (PF) and Dr Joshua Nkomo, leader of ZAPU.

The main features of the Lancaster House Constitution were:

1. A Parliament which is divided into two — the House of Assembly elected on the basis of one person, one vote, and a Senate composed of members appointed by the Government and Chiefs.
2. Entrenched Clauses protecting the rights of the minorities e.g, whites would have twenty seats in the House of Assembly of a hundred members for the next ten years.
3. A Bill of Rights which constitutionally guarantees the rights and liberties of the individual — freedom of speech, freedom of assembly; freedom of worship and the right to a fair trial; and the right to individual or corporate property.
4. A President who is a nominal head of the country.
5. The Constitution can only be revoked with the 100 percent agreement of the members of Assembly.

Eight parties contested the elections held under this constitution in March 1980.

The Rhodesian Front under the leadership of Mr Ian Smith won all the 20 seats reserved for the white community in Zimbabwe. The 80 seats reserved for black candidates were won by the following parties:

UANC led by Bishop Abel Muzorewa — 3 seats;

ZAPU (Patriotic Front) led by Dr Joshua Nkomo — 20 seats;

ZANU (Patriotic Front) led by Cde Robert Gabriel Mugabe seats.

During the period in which the elections were held Britain was responsible for the running of the colony. Lord Soames was the British Governor in charge of the colony's administration. His was not an easy task; he had to supervise the ceasefire terms of the agreement. In this he was assisted by a contingent of observers drawn from several Commonwealth countries — Kenya, India, Australia and the United Kingdom.

Comrades of both ZAPU and ZANU were kept in Assembly Points, members of the former Rhodesian Force were kept in their barracks during the election period.

When Cde Mugabe formed a Government of National Unity, the comrades and members of the former Rhodesian Forces began to be integrated into the new Zimbabwe National Army. On the eve of the first anniversary of the Zimbabwe Independence, the Zimbabwe Government promoted to the army commander, Cde Rex Nhongo (now known as Solomon Mujuru) to become the first Lieutenant-General.

The general elections of 1985 will be the last to be held under the Lancaster Constitution. The people and Government of Zimbabwe will be now able to formulate their constitution. Likely additions to the new constitution will be an executive President and one party state.

Source: A.J.D. Patsanza, *Our Zimbabwe An Element of Political Economy*, 1988

Appendix 4

The Porta Farm: A history of evictions and relocations of 15 years in Zimbabwe

- 1990: A massive clean up campaign to rid the City of Harare of all "perceived unsightly dwellings" and squatter settlements takes place for HRM Queen Elizabeth II's visit. Scores of people mainly ex-farmworkers of foreign origin and people who have lost their jobs, elderly and orphans and the really poor are moved from their homes in areas such as Epworth, Mbare, Borrowdale, Gumba and the area around the Mukuvisi River. The evictees are resettled on Porta Farm about 25 kilometres from the city. They are told to stay there by the government pending the finding and allocation of suitable accommodation alternatives.
- 1991: The Harare City Council (HCC) threatens to remove the residents who obtain an injunction from the High Court [HC 3177/91] prohibiting the council from evicting them until it had found alternative accommodation with the necessary basic services for them.
- 1993: Churu farm residents evicted against a High Court Judgment and some are settled at Porta Farm. The population is rising and reaches 5,000.
- 1995: HCC tries again to evict the residents. Another court order [HC 4233/95] is obtained preventing the demolishing of houses and eviction of the residents. This order is still pending and HCC is yet to comply.
- Aug. 2004: Ministry of Local Government attempts to evict the residents. Another injunction [HC 10671/04] is obtained preventing the Ministry from evicting them.
- Sept. 2004: HCC files a suit in the High Court [HC 11041/04] seeking an eviction order. The case is dismissed with the court referring to the 1995 order, which had not been discharged.
- Nov. 2004: The Ministry responds to the 1991 and 1995 court orders stating that alternative accommodation has been made available to the residents and that the Government is now in a position to resettle them at the new location. The residents seek to verify the allocations and seek to visit the sites with the Ministry. This does not happen, so the order not to evict is still operative.
- 19 May 2005: Operation Restore Order starts in Harare.
- 27 June 2005: Police at 6:00am distribute flyers informing the residents that they would be moved to Caledonia farm the following day so they should pack their belongings.
- 28 June 2005: Demolitions start at 11:30 am, an hour after lawyers representing residents have served the Government with a letter reminding it of the November 2004 court order! The police are shown copies of the 1995 and 2004 orders which they ignore. "The residents report that the police responded by saying that they were not in a classroom and that they could not read, and that they were not going to obey any court Orders as they are acting on orders from above."
- 29 June 2005: Special Envoy's team visits Porta Farm and witnesses demolitions and transportation of residents to Caledonia Farm. The mission is shocked by the brutality. Population is estimated at 12,000. Residents file a contempt of court application against the Government for violating a court order, however, the High Court is yet to hear the case.
- 30 June 2005: Special Envoy visits Porta Farm in the evening and witnesses the serious humanitarian crisis and around 1000 evictees sleeping out in the open.

Source : A.K. Tibaijuka, "Report of the Fact-Finding Mission to Zimbabwe to Assess the Scope and Impact of Operation Murambatsvina" UN Social Envoy on Human Settlement Issues in Zimbabwe, Harare, 18 July 2005.

Appendix 5

The 1999 Draft Constitution Proposals on the Land Issue in Zimbabwe

Section 56

- (1) Everyone's right to own property and to use and enjoy their property must be protected, although this right may be subordinated in the public interest;
- (2) The State or an authority authorised by an Act of Parliament may acquire land compulsorily for public purposes or in the public interest;
 - (a) in accordance with fair procedures set out in the Act of Parliament and
 - (b) subject to section fifty seven, so long as compensation is paid just and equitable in regard to its amount, timing and the manner of payment;
- (3) A law that extinguishes or diminishes anyone's vested or contingent right to be paid a pension, gratuity or similar payment arising out of employment is to be regarded as a law that acquires or authorises the compulsory acquisition of that person's property.

Section 57; Agricultural land acquired for resettlement

- (1) In regard to the compulsory acquisition of agricultural land for the resettlement of people in accordance with a programme of land reform, the following must be regarded as of ultimate and overriding importance;
 - (a) under colonial domination the people of Zimbabwe were unjustifiably dispossessed of their land and other resources without compensation;
 - (b) the people consequently took arms in order to regain their land and political sovereignty, and this ultimately resulted in the Independence of Zimbabwe in 1980;
 - (c) the people of Zimbabwe must be enabled to reassert their rights and regain ownership of their land and accordingly-
 - (i) the former colonial power has an obligation to pay compensation for agricultural land compulsorily acquired for resettlement, through a fund established for this purpose; (ii) if the former colonial power fails to pay compensation through such a fund, the Government of Zimbabwe has no obligation to pay compensation for agricultural land acquired for resettlement.
- (2) In view of the overriding considerations set out in subsection (1), where agricultural land is acquired compulsorily for resettlement of people in accordance with a programme for land reform, the following factors must be taken into account in the assessment of any compensation that may be payable:
 - (a) the history of the ownership, use and occupation of the land;
 - (b) the price paid for the land when it was last acquired;
 - (c) the cost or value of improvements on the land;
 - (d) the current use to which the land and any improvements on it are being put;
 - (e) any investment which the State or the acquiring authority may have made which improved or enhanced the value of the land and any improvements on it;
 - (f) the resources available to the acquiring authority in implementing the programme of land reform;
 - (g) any financial constraints that necessitate the payment of compensation in instalments over a period of time; and
 - (h) any other relevant factor that may be specified in an Act of Parliament.

Source : S. Mbaya, "Zimbabwe's Land Politics and The 2005 Elections" in *Journal of African Elections Special Issue on Zimbabwe's 2005 General Elections*, Vol .4, No. 2, October 2005.

Appendix 6

MDC Policy Position on Land Reform

The MDC is committed to land reform. The MDC government will bring Zimbabwe's land crisis to closure through a democratic and participatory process that seeks to achieve equitable, transparent, just, lawful and economically efficient distribution and use of land, both for agricultural and for other purposes.

The MDC's land-reform programme will be based on need and ability, and will aim to revitalise the economic and social empowerment of farmers and farming communities, and provide for sustained productivity and growth in rural production. Agricultural recovery will be founded on an unequivocal return to the rule of law and adherence to the fundamental human and legal rights enshrined in the Constitution.

The MDC's laws and measures will recognise and respect individual rights to the protection of person and property as well as the authority of the state to acquire land in the interest of public policy and the public good. Any limits to property rights will be made clear in law and the rule of law will be consistently applied in implementing these limits. The MDC government will provide for reasonable compensation for losses of property, based on independently adjudicated claims.

Land Commission

The MDC will establish, by an Act of Parliament, an impartial, independent and well resourced professional agency, known as the Land Commission. This will be vested with the powers and authority to fulfil its role of formulating, planning and co-ordinating an all-inclusive and well-planned resettlement programme, with a limited lifespan to complete this mission. The Land Commission Bill has been drafted and its terms will be subject to stakeholder scrutiny before being submitted to Parliament.

Independent Land Audit

The Commission's first major task will be to establish the physical and legal status of all land-holdings by carrying out an independent land audit:

- The physical component of the land audit will include information such as the farm's location, name, size, and legal status, as well as on-farm data, details of Model A1 and A2 occupation, the occupiers and where they came from.
- The legal component of the land audit will consist of an analysis of the constitutionality and legality of measures taken, as well as realities on the ground, to clarify the legal status of farmers, settlers, and of the land they own or occupy.

The analysis of relevant and reliable information will provide a basis for an effective land rationalisation exercise as a precursor to the proper planning and implementation of a

sustainable resettlement programme. It will also inform any restitution and compensation to be paid for both the land and improvements within a reasonable time.

Rationalisation of Land Allocation and Development of the Land

The rationalisation of land allocation will reconcile the MDC's policy principles with on-the-ground realities of farm occupation by applying the principles of justice, accountability, need and ability. In carrying out this task, the Land Commission will - on a farm-by-farm basis, or by dealing with categories of farms — adjudicate on the fairest and most practical course of action. Those who already own land, or who can afford to buy land, or who have an alternative source of livelihood, will not be eligible for resettlement.

There is no possibility that the rationalisation will result in the pre-February 2000 status quo being restored on the land but, equally, the current status quo arising from the fast-track land grab will not be maintained. In other words, the MDC will neither return to the pre-2000 land-ownership patterns nor endorse or condone the inequitable and inappropriate land distribution arising from the fast-track process. Where people are found to have been settled legitimately, according to the Land Commission's criteria, or are subsequently legitimately settled, they will be fully supported, with the state ensuring that they have the inputs, working capital and other assistance needed to make their farming ventures succeed. Under the MDC government, agrarian reform will also embrace the communal areas, where the bulk of the rural population will continue to live.

Source : S. Mbaya, "Zimbabwe's Land Politics and The 2005 Elections" in *Journal of African Elections Special Issue on Zimbabwe's 2005 General Elections*, Vol.4, No.2, October 2005.

Appendix 7

South African Constitution, Section 25, 1996

- (1) No one may be deprived of property except in terms of law of general application, and no law may permit arbitrary deprivation of property.
- (2) Property may be expropriated only in terms of law of general application: (a) for a public purpose or in the public interest; and (b) subject to compensation, the amount of which and the time and manner of payment of which have either been agreed to by those affected or decided or approved by a court.
- (3) The amount of the compensation and the time and manner of payment must be just and equitable, reflecting an equitable balance between the public interest and the interests of those affected, having regard to all relevant circumstances, including: (a) the current use of the property, (b) the history of the acquisition and use of the property; (c) the market value of the property; (d) the extent of direct State investment and subsidy in the acquisition and beneficial capital improvement of the property; and (e) the purpose of the expropriation.
- (4) For the purposes of this section: (a) the public interest includes the nation's commitment to land reform, and to reforms to bring about equitable access to all South Africa's natural resources; and (b) property is not limited to land.
- (5) The State must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis.
- (6) A person or community whose tenure of land is legally insecure as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an Act of Parliament, either to tenure which is legally secure or to comparable redress.
- (7) A person or community dispossessed of property after 19 June 1913 as a result of past racially discriminatory laws or practices is entitled, to the extent provided by an act of Parliament, either to restitution of that property or to equitable redress.
- (8) No provision of this section may impede the state from taking legislative and other measures to achieve, land, water and related reform, in order to redress the results of past racial discrimination, provided that any departure from the provisions of this section is in accordance with the provisions of section 36 (1)
- (9) Parliament must enact the legislation referred to in subsection (6).

Source : Report of the National Land Summit, *NASREC*, 27-30 July 2005.

Appendix 8

South African Land Reform Programmes

The three sub-programmes

The government's land reform programme is made up of the following principal subprogrammes: Land Redistribution, Land Restitution and Land Tenure Reform.

Land Redistribution makes it possible for poor and disadvantaged people to buy land with the help of a Settlement/Land Acquisition Grant Land Restitution involves returning land, or compensating victims for land rights lost because of racially discriminatory laws, passed since 19 June 1913. Land Tenure Reform is the most complex area of land reform. It aims to bring all people *occupying Land under a unitary legally validated* system of landholding. It will provide for secure forms of land tenure, help resolve tenure disputes and make awards to provide people with secure tenure.

Legal mechanisms

The Land Reform Programme will be implemented through the legal mechanisms listed below and an ongoing legislative programme.

PRINCIPAL NATIONAL LAND REFORM LAWS

- [] The *Restitution of Land Rights Act, 22 of 1994*, which provides for the restitution of rights in land to those dispossessed of land in terms of racially based policies of the past;
- [] The *Provision of Certain Land for Settlement Act, 126 of 1993*, which provides for the designation of land for settlement purposes and financial assistance to people acquiring land and for settlement support;
- [] The *Development Facilitation Act, 67 of 1995*, which introduces measures to speed up land development, especially the provision of serviced land for low income housing;
- [] The *Upgrading of Land Tenure Rights Act, 112 of 1993*, which provides for the upgrading of various forms of tenure;
- [] The *Land Administration Act, 2 of 1995*, which makes provision for the assignment and delegation of powers to the appropriate authorities;
- [] The *Land Reform (Labour Tenants) Act, 3 of 1996*, provides for the purchase of land by labour tenants and the provision of subsidies to this end;
- [] The *Interim Protection of Informal Land Rights Act, 31 of 1996*, is a mechanism to protect people with insecure tenure from losing their rights to, and interest in, land pending long-term reform measures; and
- [] The *Communal Property Associations Act, 28 of 1996*, enables communities or groups to acquire, hold and manage property under a written constitution.

There are other laws, too numerous to list here, which relate directly and indirectly to land, but which are managed/administered by other Departments of other tiers of government.

Land Redistribution

Purpose

The purpose of the land redistribution programme is to provide the poor with access to land for residential and productive uses, in order to improve their income and quality of life. The programme aims to assist the poor, labour tenants, farm workers, women, as well as emergent farmers. Redistributive land reform will be largely based on willing-buyer willing-seller arrangements. Government will assist in the purchase of land, but will in general not be the buyer or owner. Rather it will make land acquisition grants available and will support and finance the required planning process. In many cases, communities are expected to pool their resources to negotiate, buy and jointly hold land under a formal title deed. Opportunities are also offered for individuals to access the grant for land acquisition. The land distribution strategy is shown below.

LAND REDISTRIBUTION STRATEGY

PURPOSE: The purpose of the programme is the redistribution of land to the landless poor, labour tenants, farm workers and emerging farmers for residential and productive uses, to improve their livelihoods and quality of life. Special attention will be given to the needs of women.

OUTPUTS: Access to land will be achieved for a significant number of eligible people, assisted by grants and services provided by government. Although the scale of the proposed redistribution is not yet quantifiable, it must achieve the following outputs:

- a more equitable distribution of land and, therefore, contribute to national reconciliation and stability;
- substantially reduce land-related conflict in areas where land disputes are endemic;
- help solve the problem of landlessness and pave the way for an improvement in settlement conditions in urban and rural areas; and
- enhance household income security, employment and economic growth throughout the country.

ACTIVITIES: Programme activities fall under two main headings:

- land acquisition, transfer, assistance with basic needs provision, land development:**
 - removal of impediments to the efficient operation of the land market; identification and allocation of state land for redistribution;
 - establish financial mechanisms to provide grants and loans for land acquisition and development;
 - provision of assistance to groups to establish legal entities to purchase and lease land;
 - provision of dispute resolution services to seek local solutions; and
 - assistance to enable beneficiaries to meet basic needs and utilise the land in a sustainable manner.
- the delivery system**
 - establish statutory and non-statutory land reform institutions with community facilitation. planning and implementation skills, managed by people well informed about the opportunities that land reform provides for economic advancement;
 - provide monitoring and evaluation which will give accurate information on what has been Achieved;
 - establish mechanisms for co-ordination, planning, implementation and financial management;
 - establish a national data base with the Department of Housing to assure the orderly administration and disbursement of the Settlement/Land Acquisition Grant;
 - establishment of partnerships between tiers and across sectors of government; and
 - establishment of partnerships with NGO, CBO and private sector service providers; training of governmental and NGO staff.

The principles of fairness and justice also require a restitution policy that considers the broader development interests of the country and ensures that limited state resources are used in a responsible manner. To be successful, restitution needs to support, and be supported by, the reconstruction and development process. The parameters of the restitution process are determined by the Constitution and the *Restitution of Land Rights Act*. Further policy is being formulated on the basis of these parameters. For the purpose of the White Paper, the following areas of policy are elaborated on: qualification criteria, forms of restitution, compensation, and urban claims.

LAND RESTITUTION STRATEGY

PURPOSE: The programme purpose is restitution to those dispossessed of their rights in land, since 1913, under racially discriminatory laws and practice in order to promote justice and reconciliation.

OUTPUTS: The government has set itself the following time limits:

- a three-year period for the lodgement of claims;
- a five-year period for the Commission and the Court to finalise all claims; and
- a ten-year period for the implementation of all court orders.

However inadequate settlements may be, when measured against injustices of the past, it is essential that they are seen to be the most equitable that can be achieved in the circumstances.

INDICATORS OF ACHIEVEMENT: The programme will be judged to be successful if:

- substantial numbers of claimants who were dispossessed of land after 1913 under racially discriminatory laws and processes receive restitution in the form of land or other appropriate and acceptable remedies;
- the restitution process does not itself lead to major disputes or conflict which cannot be resolved within the framework of the *Restitution of Land Rights Act*;
- land restitution is achieved while maintaining public confidence in the land market; and
- satisfactory frameworks and procedures are found for claims and demands which fall outside the *Restitution of Land Rights Act*.

ACTIVITIES: The achievement of the above requires the establishment of a satisfactory *modus operandi* and capacity within the Department of Land Affairs to support the work of the Commission and the decisions of the Court. Programme activities fall under four main headings:

- (a) **Processing of Land Claims:** The Commission will publicise the land restitution process, assist claimants with making claims and prioritise claims. The Commission will investigate and mediate claims, resolve both group and individual claims through the facilitation of negotiated solutions. The Department will represent the state's interest and advise the Minister on the feasibility of land restoration. The Department will also make its research capacity available to the Commission and will coordinate the restitution policy.
- (b) **Implementation of court orders:** The Department will implement court orders, either directly or by specifically designated bodies and will monitor implementation.
- (c) **Claims outside the *Restitution of Land Rights Act*:** The Department will devise a frame work and procedure for claims and demands that fall outside the Act.
- (d) **Communication:** The Department will publicise the restitution process and coordinate its activities with statutory and non-statutory organisations involved in the programme.

Source: Department of Land Affairs, *White Paper on South African Land Policy 1995*

Appendix 9

The Potential and Limitations of the South African R15,000 Grant Strategy

The R15 000 grant is a considerable asset to a landless poor person. Its application will be treated flexibly to give people access to land, on which they have secure tenure, and to help them use that land in a modest way, with care being taken to avoid indebtedness. Therefore, the grant may be used both for land and as a contribution to the capital required to make the land productive, for small-holder development, rural and peri-urban.

Irrigation: Small areas of land can be farmed intensively if there is access to water. The grant may cover both land purchase and investment in its productive potential. For example, the use of the grant for a borehole and reticulation system will be permitted, provided it represents a capital asset linked to the development of the land being acquired.

Small stock and feed lots: Small areas of land can also be used very productively for stockraising if the animal rations are purchased and/or carried to the site rather than produced on it. This is a common peri-urban strategy elsewhere, whether for cattle, pigs and poultry. The right to use the grant flexibly to buy land, erect structures and buy capital inputs has been accepted. **Trees:** Trees offer great potential to small-scale producers both for timber and fruit. The problem is (a) the time lapse between planting and harvest, and (b) the investment and operating credit required. For timber production, this has been resolved by the interest-free, forward financing programmes ('gum-grower schemes') of large agri-business ventures such as SAPPI and MONDI. A similar arrangement must be devised for fruit production. The willingness of the private sector to support such ventures needs to be explored.

Rain-fed crop farming: The grant will buy several hectares of rain-fed crop land: the actual area needed and feasibility varies from place to place. Families in other African countries, who have access to tractors for ploughing, but do other work manually, find it difficult to farm more than six hectares unless they employ outside labour or have the credit-worthiness for labour-displacing technologies such as herbicides. But this provides a modest level of income and food security. There are opportunities for farming systems other than those used by commercial farmers. They may require more labour and have a lower output per hectare, but rely on less expensive inputs.

Extensive grazing: The grant will permit the purchase of 20 to 30 hectares of extensive grazing land at current market prices. This will be enough for about 95% of land beneficiaries, at least half of whom are currently too poor to own cattle. It becomes a problem for those few people who own, for example, more than six cattle; such people will have to buy or rent additional land. The buying of land may prove difficult due to the discrepancy between productive value and market value. An exercise in the Free State Province indicated that a person would be able to put the grant towards land purchase, add in own savings, but that at around 55 hectares (accommodating eleven livestock units) the venture would be un-economic and off-farm income would be required for solvency.

Equity schemes: Applicants may be allowed to use the grant to join an equity scheme. The grant, plus any loan finance, can allow the applicant to obtain a share in a farm business. Equity schemes are of interest to farm workers who do not want to use the grant to purchase a separate piece of land for farming. In the few schemes in existence, there is evidence of decreased absenteeism and increases in productivity. However, a large investment in planning and training is needed if there is to be adequate farm worker participation in management. Expertise is needed to negotiate the equity shares.

Contract farming opportunities: These will provide the basis for buying a relatively small piece of land, investing in infrastructure and entering into an agri-business agreement. Plantation crops and horticulture offer favourable opportunities for successful enterprise development. These arrangements also offer the potential for land reform beneficiaries to generate increased income through involvement in higher value processing.

Source : Department of Land Affairs, *White Paper on South African Land Policy*
1995

Appendix 10 The Mayibuye Programme in South Africa

The DLA's urban land redistribution programme has been developed through a pilot programme undertaken jointly with the Gauteng Provincial Government. The Mayibuye Programme involves making funds available for land acquisition to landless urban people through disbursement of the Settlement/Land Acquisition Grant. The grant is allocated subject to the following conditions being met:

- 1 The grant must be used for landless people, including women, who wish to gain access to land for settlement.
- 2 The grant must be used to facilitate the rapid release of land in accordance with the principles of the *Development Facilitation Act*.
- 3 The grant must be used for private land acquisition and the surveying and registration of sites in the name of beneficiary households.
- 4 The eligibility criteria for the grant are the same as those specified by the Department of Housing for use of the National Housing Subsidy.
- 5 The proportion of the grant used for the purposes of (3) above will be debited as the land acquisition component of the total National Housing Subsidy available to each household. The remainder of the subsidy may be accessed from the Department of Housing.
- 6 The grant must provide the beneficiaries with tenure security.
- 7 The finance for the provision of the grant will only be released once the provincial government and/or the relevant local authority has committed itself to releasing their own land for the settlement of landless people.
- 8 The grant will only be used to acquire private land within the planning framework of the provincial/local government for residential development.
- 9 The DLA will release the funds to the provincial government which will in turn release it to the local authority to acquire the land on behalf of landless people.
- 10 Special Treasury Approval must be obtained by the DLA for the transfer of funds to the Gauteng Provincial Government for the purposes outlined.

The Gauteng Provincial Government invited applications from local authorities for possible funding of projects under the Mayibuye Programme. The selection criteria were stipulated as follows:

1. Priority was to be given to projects that could be implemented quickly.
2. Priority was to be given to projects where bulk infrastructure is immediately available.
3. Complete projects are to be selected, ie no projects will be split into phases.
4. Priority was to be given to projects which aim to meet the needs of landless people, ie the relocation or upgrading of informal settlements must be given a lower priority.

After a review process, five projects from a pool of approximately 21 applications were selected by the Gauteng Provincial Government on a piloting basis for funding under the Mayibuye Programme. All of the five Mayibuye Programme projects are at present in various stages of implementation overseen by a Mayibuye Steering Committee comprising the three tiers of government. It is anticipated that settlement onto the land be completed early next year thereby providing approximately 7 400 beneficiary households with serviced stands.

Source: Department of Land Affairs, *White Paper on South African Land Policy 1995*.

Appendix 11
Production in selected farms in Zimbabwe

VICTORY (PROVINCE 4 MASHONALAND WEST)

2005/6	CROP	AREA (ha)	PRODUCTION	SALES
	Seed Maize	20,0	50t	50t
	Maize	40,0	10t	7t
	Soya beans	295,0	32t	32t
	Beans	2,0	0,1t	0,1t
	Cotton	12,0	30t	0,1t

1998	CROP	AREA (ha)	PRODUCTION	SALES
	Maize	80	166,5t	20t
	Sorghum	80	168t	168t
	Cotton	80	777,9t	777,9t

1997	CROP	AREA (ha)	PRODUCTION	SALES
	Maize	120	310t	280t
	Red Sorghum	60	83t	83t
	Cotton	120	129t	129t

353 042 622-042

CROP

2004/05	CROP	AREA (ha)	PRODUCTION	SALES
	Maize	7,5	17,0t	5,0t
	Sorghum	3,0	3,0t	3,0t
	Sunflower	1,5	1,5t	1,5t
	Sugar Beans	1,5	2,0t	2,0t

1996	CROP	AREA (ha)	PRODUCTION	SALES
	No crop			

1995	CROP	AREA (ha)	PRODUCTION	SALES
	No crop			

Livestock farming.

CHESHAM FARM (PROVINCE 3 MASHONALAND EAST)

CROP

2005/06	CROP	AREA (ha)	PRODUCTION	SALES
	Groundnuts	2,1	2,7t	1,2t
	White maize	23,5	29,5t	17t
	Beans/ Nyemba	1,8	0,2t	0t
	Roundnuts	0,6	0,7t	0,3t
	Sweet potatoes	0,8	330 (10kg pock	330 (10kg pockets)
	Sunflower	0,1	0,1t	0

1999	CROP	AREA (ha)	PRODUCTION	SALES
	Maize	16	64t	0
	Tobacco	33	89t	89t

Silage 10 250t

1998	CROP	AREA (ha)	PRODUCTION SALES	
	Maize	10	50t	0
	Tobacco	33	122t	122t
	Paprika	5	27,8t	27,8t
	Silage	12	60t	

RUKUTE (405 132 453-022)

CROP

2005/06	CROP	AREA (ha)	PRODUCTION SALES	
	White maize	48,0	171,1t	89,0t
	Seed maize	45,5	8190 (50kg bags)	
	Beans	23,4	98,1t	98t
	White Sorghum	36,0	97t	97t
	Groundnuts	1,9	1,4t	1,1t
	Cotton	4,0	2,8t	2,8t
	Paprika	1,0	1 000kg	1 000kg
	Soya beans	26,9	74,2t	8,2t
	Potatoes	5,0	1 500(10kg pocket)	

1999	CROP	AREA (ha)	PRODUCTION SALES	
	White maize	100,0	600t	450,0t
	Wheat	35,0	200t	200t
	Flue cured tobacco	50,0	286t	286t
	Soya beans	45,0	90t	90t

1998	CROP	AREA (ha)	PRODUCTION SALES	
	White maize	100,0	600t	500t
	Flue cured tobacco	100,0	280t	280t
	Burley	5,0	9,0t	9,0t
	Soya beans	100,0	200t	200t

AYRSHIRE A LOT 1

Farm 67(406-067)

CROP

2004/05	CROP	AREA (ha)	PRODUCTION SALES	
	H/White maize	88,0	154,0t	143,0t
	Sugar beans	2,4	5,0t	5,0t
	Soya beans	14,5	22,5t	22,5t
	Groundnuts	1,4	1,5t	1,0t

413-067

1999

CROP	AREA (ha)	PRODUCTION SALES	
H/White maize	200	600t	600t
Wheat	205	1 000t	1 000t
Cotton Delmac	40	55,5t	55,5t

	Soya beans		200 500t	500t
998	CROP	AREA (ha)	PRODUCTION	SALES
	H/White maize	200,0	700t	700t
	Wheat	150,0	700t	700t
	Ung Cotton	60,0	80t	80t
	Soya beans	200,0	150t	150t

Source : Central Statistics Office, Harare, 2005.

Appendix 12

The Abuja Agreement: ZIMBABWE

The meeting recognised that as a result of historical injustices, the current land ownership and distribution needed to be rectified in a transparent and equitable manner. It also agreed on the following:

- [] Land is at the core of the crisis in Zimbabwe and cannot be separated from other issues of concern to the Commonwealth such as the rule of law, respect for human rights, democracy and the economy. A programme of land reform is, therefore, crucial to the resolution of the problem;
- [] Such a programme of land reform must be implemented in a fair, just and sustainable manner, in the interest of all the people of Zimbabwe, within the law and constitution of Zimbabwe;
- [] The crisis in Zimbabwe also has political and rule of law implications which must be addressed holistically and concurrently. The situation in Zimbabwe poses a threat to the socio-economic stability of the entire sub-region and the continent at large;
- [] The need to avoid a division within the Commonwealth, especially at the forthcoming CHOGM [Commonwealth Heads of Government Meeting] in Brisbane, Australia, over the situation in Zimbabwe; and
- [] The orderly implementation of the land reform can only be meaningful and sustainable if carried out with due regard to human rights, rule of law, transparency and democratic principles. The commitment of the government of Zimbabwe is, therefore, crucial to this process.

The committee recognises the need for the adoption of confidence building measures to ensure the implementation of the conclusions of the meeting. In this regard, the meeting welcomed assurances given by the Zimbabwe delegation as follows:

- [] Commitment to the Harare Commonwealth Declaration and the Millbrook Commonwealth Action Programme on the Harare Declaration;
- [] There will be no further occupation of farm lands;
- [] To speed up the process by which farms that do not meet set criteria are de-listed;
- [] For farms that are not designated, occupiers would be moved to legally acquired lands;
- [] Acceleration of discussions with the UNDP [United Nations Development Programme] with a view to reaching agreement as quickly as possible;
- [] Commitment to restore the rule of law to the process of land reform programme;
- [] Commitment to freedom of expression as guaranteed by the constitution of Zimbabwe and to take firm action against violence and intimidation; and
- [] Invitation by the foreign minister to the committee to visit Zimbabwe.

The meeting agreed, in the overall context of the statement, that the way forward is for Zimbabwe's international partners to:

- [] engage constructively with the UNDP and the government of Zimbabwe in pursuing an effective and sustainable land reform programme on the basis of the UNDP proposals of December 2000;
- [] respond positively to any request from the government of Zimbabwe in support of the electoral process; and
- [] to continue to contribute to poverty reduction programmes for the benefit of the people of Zimbabwe and that those partners present (Australia, Canada and United Kingdom) would actively pursue these objectives.

The meeting also welcomed the re-affirmation of the United Kingdom's commitment to a significant financial contribution to such a land reform programme and its undertaking to encourage other international donors to do *the same*.

Source : *Journal of African Elections Special Issue on Zimbabwe's 2005 General Elections*, Vol.4, No.2, October 2005.

Appendix 13

Land Acquisition Act Zimbabwe

LAND ACQUISITION ACT [CHAPTER 20:10]

Preliminary Notice to Compulsorily Acquire Land

NOTICE is hereby given, in terms of subsection (1) of section 5 of the Land Acquisition Act. [Chapter 20:10], that the President intends to acquire compulsorily the land described in the Schedule for resettlement purposes.

A plan of the land is available for inspection at the following offices of the Ministry of State for National Security, Lands, Land Reform and Resettlement in the President's Office between 8 a.m. and 4 p.m. from Monday to Friday other than on a public holiday on or before the 25th of July, 2005.

- (a) Block 2 Makombe Complex Cnr Harare Street and Herbert Chitepo, Harare;
- (b) Ministry of Lands, Land Reform and Resettlement, CF119, Government Composite Block, Robert Mugabe Way, Mutare;
- (c) Ministry of Lands, Land Reform and Resettlement, 4th Floor, Block H, Office 146, Mhlahlandlela Government Complex, Bulawayo;
- (d) Ministry of Lands, Land Reform and Resettlement, M & W Building, Comer Park/ Link Street, Chinhoyi;
- (e) Ministry of Lands, Land Reform and Resettlement, 1st Floor, Founders House, The Green, Marondera;
- (f) Ministry of Lands, Land Reform and Resettlement, 19 Heliet Street, Masvingo;
- (g) Ministry of Lands, Land Reform and Resettlement, Exchange Building, Main Street, Gweru;
- (h) Ministry of Lands, Land Reform and Resettlement, Mtshaben Building, First Floor, Office No. F20, Gwanda;
- (i) Ministry of Lands, Land Reform and Resettlement, Ndodabondo Building, Bindura.

Any owner or occupier or any other person who has an interest and right in the said land, and who wishes to object to the proposed compulsory acquisition, may lodge the same, in writing, with the Minister of State for National Security, Lands, Land Reform and Resettlement in the President's Office, Private Bag 7779, Causeway, Harare, on or before the 25th July, 2005.

**D.N.E. MUTASA, Minister of State for National Security, Lands,
Land Reform and Resettlement in the President's Office**

SCHEDULE
DESCRIPTION OF LAND

One thousand seven hundred and forty six comma one two zero four (1746,1204) acres.

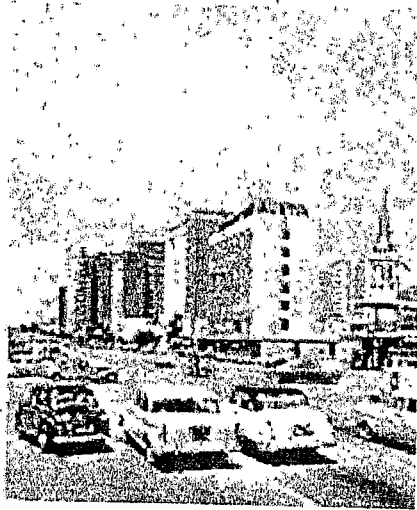
1. Deed of Transfer 597/89, registered in the name of Ann Lourens, in respect of certain piece of land situate in the district of Gwelo, being Remainder of Vigers Farm, measuring eight hundred and sixty-seven comma one eight five six (867,1856) hectares.
2. Deed of Transfer 2556/82, registered in the name of Leonard Bazil Ferrel, in respect of certain piece of land situate in the district of Gwelo, being Lot 55 of Umsungwe Block, measuring four hundred and forty-seven comma seven three two zero (447,7320) hectares.
3. Deed of Transfer 1533/95, registered in the name of A.B. Schoultz (Private) Limited, in respect of certain piece of land situate in the district of Gwelo, being Lot 6 of Sonambula, measuring one thousand eight hundred and sixty-two comma one eight eight seven (1 862,1887) hectares.
4. Deed of Transfer 1160/97, registered in the name of Albertus Jacobus Joubert, in respect of certain piece of land situate in the district of Gwelo, being Julena, measuring one thousand five hundred and twenty-five comma three one seven seven (1525,3177) hectares.
5. Deed of Transfer 3753/01, registered in the name of Towfin Services (Private) Limited, in respect of certain piece of land situate in the district of Ndanga, being The Remainder of Chiredzi Ranch South, measuring four thousand nine hundred and sixty eight comma zero one seven one (4968,0171) hectares.
6. Deed of Transfer 7376/95, registered in the name of Eduan Naude, in respect of certain piece of land situate in the district of Ndanga, being Lot 3 of Fair Range A, measuring one thousand five hundred and seventy three (1573,0000) hectares.
7. Deed of Transfer 3467/78, registered in the name of Jatala Estate (Private) Limited, in respect of certain piece of land situate in the district of Ndanga, being Jatala of Lot 4A Triangle Ranch, measuring three hundred and fifteen comma seven four zero zero (315,7400) hectares.
8. Deed of Transfer 2614/91, registered in the name of Joe Dyer (Private) Limited, in respect of certain piece of land situate in the district of Nuanetsi, being Mlelesi Ranch of Nuanetsi Ranche, measuring ten thousand four hundred and eighty nine comma one four six nine (10 489,1469) hectares.
9. Deed of Transfer 2614/91, registered in the name of Joe Dyer (Private) Limited, in respect of certain piece of land situate in

Source : *The Herald*, 26 May 2005.

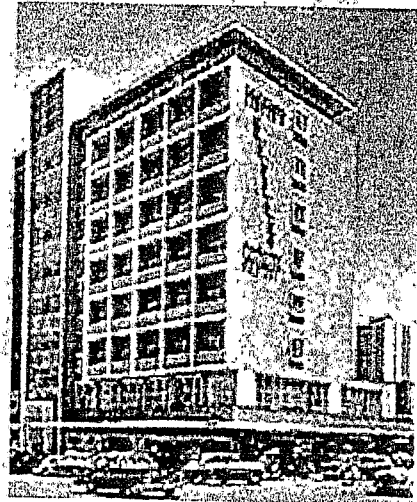
Appendix 14

Harare and Operation Drive out Dirty

Harare: The Growing Urban Crisis



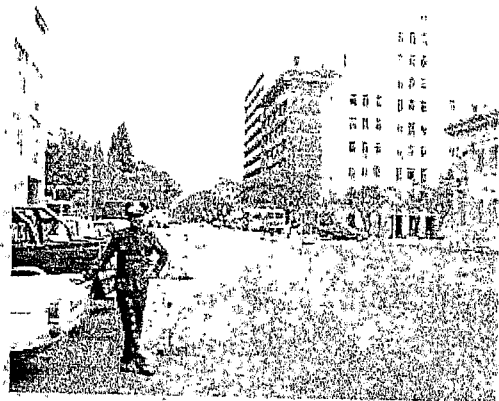
Salisbury: the exclusive colonial city.



Salisbury: the exclusive colonial city.



1990's Harare: city of boulevards and clean streets.



1990's Harare: city of boulevards and clean streets.



Harare: before Operation Murambatsvina .
Courtesy: "The Herald" Newspaper



Harare: before Operation Murambatsvina.
Courtesy: "The Herald" Newspaper

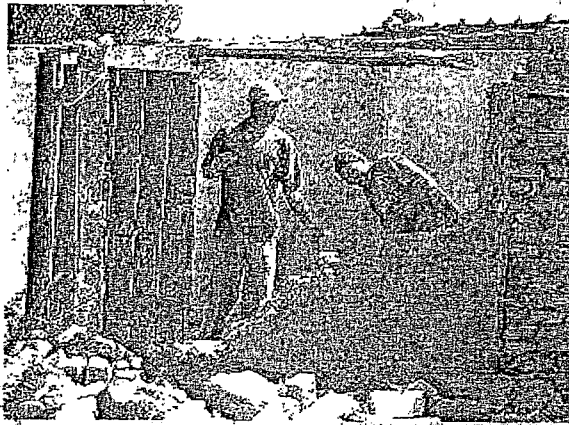
Operation Murambatsvina ,2005



Market stalls demolished in Mbare, Harare.



Family Demolishes own house in Epworth, Harare.



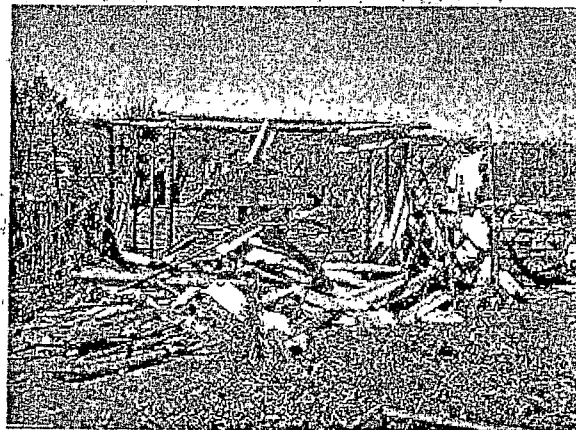
Owners demolishing their own house in Epworth, Harare.



Backyard demolition in Chitungwiza, Harare.



Demolitions outside rural town of Rusape.



Demolished house at Hatcliffe.

Source : A. K. Tibaijuka, Report of the Fact-Finding Mission to Zimbabwe to Assess the Scope and Impact of Operation Murambatsvina.

OFFICIAL LAUNCH OF "OPERATION MURAMBATSVINA."

CITY OF HARARE

SPEECH BY THE CHAIRPERSON OF THE
HARARE COMMISSION CDE. SEKESAI
MAKWAVARARA ON THE OCCASION OF
THE OFFICIAL LAUNCH OF "OPERATION
MURAMBATSVINA" AT THE TOWN HOUSE
ON 19TH MAY, 2005 AT 12 NOON

The City of Harare wishes to advise the public that in its efforts to improve service delivery within the City, it will embark on *Operation Murambatsvina*, in conjunction with Zimbabwe Republic Police (ZRP). This is a programme to enforce by-laws to stop all forms of illegal activities.

These violations of the by-laws are in areas of vending, traffic control, illegal structures, touting/abuse of commuters by rank marshals, street-life/prostitution, vandalism of property infrastructure, stock theft, illegal cultivation, among others have led to the deterioration of standards thus negatively affecting the image of the City. The attitude of the members of the public as well as some City officials has led to a point whereby Harare has lost its glow. We are determined to bring it back.

Harare was renowned for its cleanliness, decency, peace, tranquil environment

for business and leisure; therefore we would like to assure all residents that;

all these illegal activities will be a thing of the past.

Source : *The Herald*, 26 May 2005.

City of Harare Enforcement Order

CITY OF HARARE

REGIONAL, TOWN AND COUNTRY PLANNING ACT

CHAPTER 29:12 REVISED EDITION 1996

ENFORCEMENT ORDER SECTION 32

These orders relate to all residential properties in Greater Harare for illegal developments.

To the owners, occupiers and users of such stands/properties. Enforcement Order Section 32: Whereas it appears to the City Council of Harare, being the Local Planning Authority that development or use of land is being or has been carried out on the said stands/properties in Greater Harare in contravention of the Act.

Unauthorised erection and use of illegal structures - namely illegal outbuildings, wooden and metal shanties mostly used for human habitation purposes and other illegal businesses.

And whereas it appears expedient to the Local Planning Authority and having regard to the provision of the said Town Planning Act for the areas zoned residential wherein the erection and use of illegal structures without approved plans is **PROHIBITED**, to save on you as the owners, occupiers and users of the said stands, an Order in pursuance of **Section 32 of the Regional, Town and Country Planning Act (Chapter 29:12) Revised Edition 1996.**

Therefore take note that in terms of the said **Section 32** you are hereby ordered to cease using the illegal structures OR immediately apply for regularisation in terms of the Act. Demolish all illegal structures erected without approved plans on the said stands/properties as more particularly stated hereto and remove the debris, bricks, materials and rubbish arising from the demolition of these illegal structures.

Source : *The Herald*, 26 May 2005.

Appendix 15

Snippets from the Second Chimurenga of Zimbabwe



POPULAR SUPPORT was crucial to the nationalist guerrillas.



A GOVERNMENT soldier warns villagers of the result of aiding guerrillas - death.

Source : *Drum Magazine*, Collected Pictures, 1972.

Appendix 16

Section 36 of the South African Constitution

Limitation of rights

36. (1) The rights in the Bill of Rights may be limited only in terms of law of general application to the extent that the limitation is reasonable and justifiable in an open and democratic society based on human dignity, equality and freedom, taking into account all relevant factors, including
- (a) the nature of the right;
 - (b) the importance of the purpose of the limitation;
 - (c) the nature and extent of the limitation;
 - (d) the relation between the limitation and its purpose; and
 - (e) less restrictive means to achieve the purpose.
- (2) Except as provided in subsection (1) or in any other provision of the Constitution, no law may limit any right entrenched in the Bill of Rights.

Source : < www.gov.za > .accessed on 14 July 2006.

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Abstract

As a process generally designed to redress colonial imbalances in land resources, address issues of good governance, poverty reduction and promote sustainable economic growth, the phenomenon of redistributing land is not peculiar to Southern Africa. Although implemented with variant methodologies and resultant implications, depending on a country's ideologies and circumstances on the ground, land reform has been previously experienced in various global countries such as Australia, Brazil, Kenya, Nicaragua, Peru, Chile and others. This research is primarily intended to explore how the process of land reform has been handled in two multi-facetedly contiguous Southern African countries, namely Zimbabwe and South Africa. The central contention of the study being that, manifold forces have propelled and hampered land reform in the two countries and that methodologies employed have intentionally and inadvertently provoked a multiplicity of problems and challenges.

With a shared experience of colonial conquest, occupation, dispossession, land alienation and the need to re-gain independence through armed resistance, the land issue has always been pivotal to the continuing struggle of both countries. Over the years, prime land would change hands through discriminatory acts like the 1913 Native Land Act and its sequels in South Africa and the Land Husbandry Act in Zimbabwe. Black people would be pushed to impoverished, dry, drought stricken Bantustans, homelands, reserves and tribal trust lands. To regain their freedom and their land, wars were fought and eventually independence granted through negotiated settlement. At the dawn of independence, one of the top priorities for the black led governments was to equitably redistribute land resources.

The study amply demonstrates that en route land reform itself has been fraught with all kinds of hurdles emanating from within and from without. From the onset, the negotiated settlements would control free choices of land policies for the nascent black governments. The negotiated constitutions brought with them strings attached, guarantees for the minority and ensured that the legacy of colonialism was maintained.

As a result, only politically and financially cheaper approaches to land reform were employed at the expense of the urgency with which reform was needed to reduce poverty, among other needs. In Zimbabwe, in the first decade of independence, land was redistributed through the Willing Seller Willing Buyer mode (WSWB) via the market. Later, the government sought to hasten the land redistribution pace through the LRRPII and the Fast Track Programme with disastrous results. In South Africa, with the objective to restore land rights (restitution), redistribute land and reform tenure, the WSWB approach is still being used. To supplement the WSWB, affirmative action is also engaged which includes reallocating state land, drawing up additional legal reforms, availing state aid programmes and limiting large farms. There has been very limited expropriation of land by the South African government as opposed to Zimbabwe. Lately, Zimbabwe has nationalized all land and issued 99 year leases to farmers. The international community has adversely influenced land policy selection in the two countries under discussion through withdrawal of donations, exerting political pressures using sanctions and calling for regime change.

Taking the colonial histories of the two countries as a point of departure, this study seeks to give an appraisal of land reform and to interrogate critically post-independence land reform methodologies and implications thereof. In its overall approach, the research endeavours to trace, state clearly and explicitly, compare, contrast and identify elements of land reform policies to find out their nature and value in order to understand and explain the programme.

The research partially concludes that land reform shall go down in the annals of history as a correctional measure that has, arguably, introduced a new complex dimension in Zimbabwean politico-economics as well as influenced Southern Africa and the international world to view the region with fresh, pragmatic eyes.

Opsomming

Grondhervorming is 'n proses wat ontwerp is om die koloniale wanbalans, wat ontstaan het ten opsigte van grondhulpbronne, reg te stel, kwessies rondom goeie regeringsbestuur te hanteer, armoede te verlig en volhoubare ekonomiese groei te bevorder. As sulks is hierdie verskynsel nie eie aan Suidelike Afrika nie. Alhoewel dit deur middel van verskillende metodiek en gevolglike implikasies geïmplementeer word – afhangende van die betrokke land se ideologieë en omstandighede – is grondhervorming reeds in lande soos Australië, Brasilië, Kenia, Nicaragua, Peru, Chile en ander lande toegepas. Hierdie navorsing is hoofsaaklik gemoeid met 'n ondersoek na die manier waarop die grondhervormingsproses in twee veelfasettige, aangrensende Suidelike Afrika-lande, naamlik Zimbabwe en Suid-Afrika, plaasvind. Die sentrale standpunt van die studie is dat velerlei kragte grondhervorming in dié twee lande voortgedryf en ook gestuit het, en dat die metodiek wat in beide gebruik word opsetlik en onbewustelik veelvuldige probleme en uitdagings veroorsaak.

Danksy 'n gedeelde ervaring van koloniale onderwerping, okkupasie, onteiening, grondvervreemding en die begeerte om onafhanklikheid deur middel van gewapende verzet te herwin, was die grondkwessie nog altyd deurslaggewend in die voortgesette stryd van albei lande. Oor jare het grond van hoë gehalte van eienaars verwissel as gevolg van diskriminerende wette, soos die 1913 Wet op Naturelle-grond en die uitvloeisel daarvan in Suid-Afrika, en die Wet op Landbou in Zimbabwe. Swartmense is geforseer om in arm, droë, droogtegeteisterde Bantoestans, tuislande, reservate en stamgebonde trustgrond te bly. Ten einde hulle vryheid en hulle grond terug te wen, is oorlog gevoer en uiteindelik is onafhanklikheid aan hulle toegestaan deur middel van onderhandelde skikking. Met die aanbreek van onafhanklikheid, was een van die top prioriteite van swart regerings om grondhulpbronne regverdig te herverdeel.

Die studie toon duidelik dat grondhervorming gedurende hierdie proses allerlei struikelblokke opgelewer het, wat binne en buite die proses ontstaan het. Uit die staanspoor, het skikkingsooreenkomste die vrye keuse ten opsigte van grondbeleid vir

ontluikende swart regerings beheer. Die onderhandelde grondwette het voorwaardes ingesluit, waarborge vir die minderheidsgroep verseker en die nalatenskap van kolonialisme gehandhaaf.

Gevolgtik is slegs polities en finansiële goedkoper benaderings tot grondhervorming gevolg ten koste van die dringendheid waarvoor hervorming nodig was, naamlik om onder andere armoede te bestry. In die eerste dekade van onafhanklikheid in Zimbabwe is grond via die mark op die Gewillige Verkoper Gewillige Koper-model (GVGK) herverdeel. Later het die regering probeer om die grondhervormingsproses te versnel, deur die LRRPII en die *Fast Track*-program toe te pas, met rampspoedige gevolge. In Suid-Afrika, waar die herstel van grondregte (restitusie), herverdeling van grond en verbetering van eiendomsreg ten doel gestel word, word die GVGK-benadering steeds gebruik. Ten einde die GVGK aan te vul, word regstellende aksie ook gebruik, wat die hertoekenning van regeringsgrond, die opstel van addisionele regshervorming, die beskikbaarstelling van regeringshulpprogramme en die beperking van groot plase, insluit. Daar was tot dusver beperkte onteiening van grond deur die Suid-Afrikaanse regering, in teenstelling met Zimbabwe. Zimbabwe het onlangs alle grond genasionaliseer en 99-jaar huurkontrakte met boere gesluit. Die internasionale gemeenskap het grondbeleidseleksie nadelig beïnvloed in dié betrokke twee lande weens onttrekking van skenkings, politieke druk deur middel van sanksies en die oproep om bewindsverandering.

Met inagneming van die koloniale agtergrond van die twee lande, poog hierdie studie om 'n waardering van grondhervorming te doen en om die metodiek en implikasies rondom grondhervorming in die post-onafhanklikheids-era krities te ondersoek. Oorhoofs poog die navorsing om elemente van die grondhervormingsbeleid te identifiseer, duidelik en onomwonde te beskryf, te vergelyk en teenoor mekaar te stel. Dit word gedoen om die aard en waarde daarvan vas te stel en om die program te verstaan en te beskryf.

Die navorsing bevind deels dat grondhervorming in die annale van die geskiedenis opgeteken sal wees as 'n korrektiewe maatreël, wat moontlik 'n nuwe, komplekse politieke-ekonomiese dimensie aan Zimbabwe verleen het, en wat Suid-Afrika en die

internasionale gemeenskap beïnvloed het om die streek uit 'n vars, pragmatiese oogpunt te beskou.

Zviri Mutsvakurudzo muchidimbu

Senzira yakagadzirirwa kugadzirisa kusaenzana kwokugovewa kweivhu uko kwakaitika munguva dzoundzvanyiriri, kuona nezvenyaya dzehutungamiriri hwakanaka, kuderedza hurombo uye kukurudzira budiriro munyaya dzezvehupfumi. Nyaya dzezvekugova ivhu patsva hadzingowanikwi munyika dziri kuchamhembe kweAfrica chete. Chero hazvo kuchitevedzwa nzira dzakasiyana-siyana uye nzira dzacho dzichishandiswa zvakasiyana zvichienderana nedonzvo renyika imwe neimwe nemamiriro ezvinhu munyika iyoyo panguva iyoyo, kugova ivhu patsva kwakaitwawo munyika dzakaita seAustria, Brazil, Kenya, Nicaragua, Peru, Chile nedzimwe dzisina kudomewa namazita. Tsvakurudzo ino ine chinangwa chokuda kuona kuti nyaya dzekugovewa kweivhu patsva dzakafambiswa nenzira dzipi munyika mbiri dzakavakidzana dziri kuchamhembe kweAfrica dzinoti Zimbabwe neSouth Africa. Nyaya huru iri kuda kuburitswa mutsvakurudzo ino iri yokuti pane zvikonzero zvakananda uye zvakasiyana-siyana izvo zvakanonzera kudzosa kumashure kugovewa patsva kwevhu munyika mbiri idzi uyezve kuti nzira dzakashandiswa mukuita izvi dzakamutsa matambudziko mazhinji.

Kuburikidza nokuva nenhorondo yakafanana youtongi hwoundzvanyiriri, kudzingwa kwevatema pavanga vakagara, kunyimwa ivhu rokurima uye nechinangwa chokuda kuwana zvakare kuzvitonga kuzere kuburikidza nehondo yezvombo, nyaya yevhu yakagara ichingova nyaya yakakosha mukurwa kwenyika mbiri idzi. Mumakore ese aya, ivhu rakanaka raigovewa pachishandiswa rusarura somuenzaniso mutemo wegore ra1913 *weNative Land Act*, nemimwewo yakazodzikwa muSouth Africa munguva dzaitvera uyezve mutemo *weLand Husbandry Act* wakadzikwa muZimbabwe. Vanhu vatema vaisundirwa kunzvimbo dzisina ivhu rakanaka, nzvimbo dzisinganayi mvura uye dzaingoita nzara nguva dzose. Nzvimbo idzi dzaidaidzwa kunzi ma*Bantustans*, maruzevha kana kuti ma*Tribal Trust Lands*. Hondo dzakarwiwa munyika mbiri idzi vatema vachida kuwana zvakare minda yavo. Kuzvitonga kuzere kwakazouya kuburikidza nokutaurirana. Rusununguko rwuchangowanikwa, hurumende dzaitungamirira dzakava nechinangwa chikuru chokugova nhaka yevhu patsva uye zvakaenzana.

Tsvakurudzo ino yanyatsotaridza kuti nzira yokugovewa kweivhu pachayo yakazara nezvibingamupinyi zvinobva kwakasiyana-siyana. Kubva pakutanga, nzira dzokutaurirana dzaishandiswa dzaitevedza mitemo yekugovewa kweivhu yaidzikwa nehurumende dzavatema idzo dzaivimbisa kusimukira. Mabumbiro emitemo aitariranwa aiva nezvimwe zvaavanzirinza, achipa masimba kuvashoma uye aida kuona hudzvanyiriri hwuchiramba huchienderera mberi.

Nokudaro, nzira dzokugova ivhu patsva dzaiva dzisingadi mari yakawanda dzakashandiswa pasina shungu dzokuona zvaifanira kukosheswa pakugovewa kwevhu zvakaita sokudzikisa hurombo nezvimwewo zvakadaro zvaidiwa. MuZimbabwe, mumakore gumi okutanga vatema vawana kuzvitonga kuzere, ivhu rakagovewa patsva kuburikidza nokungowirirana kwemutengi nemutengeserwi kunodaidzwa kuti *Willing Seller Willing Buyer (WSWB)* muchirungu. Nokufamba kwenguva, hurumende yakazoda kuchimbidza chirongwa chokugovewa kwevhu kuburikidza nechirongwa chinodaidzwa

kuti LRRP11 nemuchidimbu nechimwezve chirongwa chokugova ivhu nechimbichimbi chinodaidzwa kuti *Fast Track Programme* muchirungu. Zvirongwa izvi zvakaunza matambudziko akawanda chose. MuSouth Africa, nechinangwa chokuda kudzosera kodzero dzevhu kuvanhu vatema, nokuda zvakare kugova ivhu patsva uye kugadzirisa kodzero dzevhu kuvanhu vanofanira, nzira yekutengeserana pamadiro (*WBWS*) ichiri kushandiswa. Kubatsira *WBWS*, nzira yokusimudzira vanhu vane mikana iri pasi yakashandiswawo iyo yaisanganisira kugovewa patsva kwevhu renyika, kunyora pasi mimwe mitemo uye kudzivisa vanhu kuva namapurazi akakura. Hurumende yeSouth Africa haina kutora ivhu zvakanyanya sezvakaitwa nehurumende yeZimbabwe. Iye zvino Zimbabwe yakatora ivhu rese ikariisa mumaoko enyika ikapa varimi chibvumirano chokushandisa mapurazi kwemakore makumi mapfumbamwe nemapfumbamwe. Vanhu vekune dzimwe nyika vakakanganisa nyaya dzekugovewa patsva kwevhu munyika mbiri idzi dziri kunyorwa nezvadzo kuburikidza nokumisa rubatsiro rwaimbopiwa kunyika, kupindira munyaya dzezvematongerwe enyika nokutemera zvirango zvehupfumi uye kukurudzira nyaya yekushandura mapato ari kutonga.

Kana tikatarisa nhoroondo dzoudzvanyiriri hwakasanganikwa nahwo nenyika mbiri idzi sehwaro hwenyaya ino, tsvakurudzo ino inoda kuongorora nyaya dzekugovewa patsva kweivhu nokunan'anidza zvakadzama nzira dzakashandiswa mukugovewa kwevhu mushure mokunge vanhu vawana kuzvitonga kuzere uye zvazvakakonzero. Chinangwa chetsvakurudzo ino kuronda nokuburitsa pachena nokuenzanisa nokudoma zviru munzira dzokugovewa patsva kwevhu, kutsvaka kuti dzakakosha kana kumira sei. Zvese izvi inzira yokuda kunzwisisa nokutsanangudza chirongwa ichi.

Tsvakurudzo inoona kuti kugovewa patsva kwevhu kunofanira kutevedza zvakaitika munhoroondo yenyika senzira yokuedza kugadzirisa matambudziko angangosanganikwa nawo. Kusatevedza nhoroondo yenyika ndizvo zvatingangoti zvaunza kusagadzikana kusinganzwisiki munyaya dzezvehupfumi nedzematongerwe enyika uyezve zvaita kuti nyika dziri kuchamhembe kweAfrica nedzimwewo dzepasi rose dzione nyika yeZimbabwe nomumwewo muonero mutsva.

Isinciphiso

Njengendlela yokuqondisa ukungalingani kwezomhlabathi okwadalwa ngumbuso woncindezelo, ukuqondisa ezokubuswa okuqondileyo, ukwehlisa ubuyanga lokuthuthukisa ezenotho, udaba lokwabiwa kutsha komhlabathi akusinto eqala eZansi yezwekazi leAfrica. Loba nje indlela yokuqhutshwa kwakho itshiyana kusiya ngomumo welizwe, ukwabiwa kutsha komhlabathi sekwake kwenziwa emazweni omhlaba jikelele agoqela iAustralia, iBrazil, iKenya, iNicaragua, iPeru, leChile lamanye amazwe. Lokhu kuchwayisisa kuhlose ukuveza indlela yokwabiwa komhlabathi okwenziwe ngamazwe amabili ezansi kwezwekazi leAfrica, athi iZimbabwe leSouth Africa. Isiqokoqela sodaba yikuthi zinengi izinto ezenqabela ukwabiwa komhlabathi kula amazwe omabili ngakho lendlela ezisetshenzisiweyo zidale ingxaki ezinengi.

Njengoba la amazwe omabili elembali efanayo yokubuswa ngezinye izizwe, ukuphucwa ezenotho lomhlabathi kanye lokuthi omabili lamazwe kwafanela ahlome alwele inkululeko yawo, ngakho udaba lomhlabathi lumqoka emazweni la omabili. Mandulo, umhlabathi omuhle uphucuiwe ebantwini kusetshenziswa imithetho yobandlululo enjenge Native Land Act ka1913, lofanayo eSouth Africa kanye lowe Land Husbandry Act eZimbabwe. Abansundu balahlelwa ebuyangeni; emarizeva, emaBantustan lema tribal trust lands. Ukuze abansundu bathole njalo inkululeko yabo lomhlabathi kwamela bahlome balwe izimpi zenkululeko eziyizo ezaletsa uzibuse ngemva kokukhulumisana labebusa. Kusukela kutholwa uzibuse, okwakumqoka kubohulumende babansundu kwakuyikwaba kutsha umhlabathi.

Lokhu kuchwayisisa kuveze ukubana udaba lokwabiwa kutsha komhlabathi kudale ingxaki ezinengi ezivela ngaphakathi langaphandle kwelizwe. Izivumelwano ezenziwa kutholiswa uzibuswe zadalwa ngendlela eyenza ukubana ohulumende babansundu bangatholi amandla okwenza ababekufisa ngomhlabathi. Izisekelo zombuso ezavunyelwanayo zilemigoqo ethile kanti futhi zivikela inotho yabalutshwane ababehququza ngombuso woncindezelo. Lokhu sokufana nje lokuthi ubuhququzi benotho lokhu busaqhubeka. Ngenxa yalesi isizatho, kwacina kulandelwa indlela

zokwaba umhlabathi ezingadli indleko kangako njalo ezingadungi ezombusazwe, kodwa lokhu kwasekuguba okwakumele kwenziwe ngokuphangisa ukuze kwehliswe ubuyanga lezinye inswelo. EZimbabwe ngeminyaka elitshumi yakuqala kutholwe uzibuse, umhlabathi wawusabiwa kulandela okuthiwa yiWilling Seller Willing Buyer (WSWB) lokhu kuyikuthenga lokuthengisa ngokuzithandela. Ngemva kwalokhu uhulumende wazama ukuphangisisa loluhlelo nge LRRPII leFast Track Programme – Ukwabiwa komhlabathi ngesiphangiphangi- kodwa lokhu kona izinto. ESouth Africa, ngenjongo yokubuyisela amalungelo omhlabathi ebantwini, lokwaba kutsha umhlabathi, uhlelo lweWSWB lokhu lusalandelwa. Ukwengeza kuWSWB, kulokuthuthukiswa kwalabo ababencindezelwe ngokwabela umhlabathi kahulumende, ukuguqula imithetho yezomhlabathi lokuncedisa abalimi kanye lokunciphisa amapulazi amakhulu. Akukathathwa umhlabathi eSouth Africa njengendlela eyenzakale eZimbabwe. Okwakhathesi iZimbabwe isithethe wonke umhlaba waba ngokahulumende abalimi baphiwa isikhathi sokulima esifika iminyaka engu 99. Amazwe omhlaba awakwemukeli ukwabiwa komhlabathi kula amazwe omabili njalo akuveze lokhu ngokwethula izijeziso zenotho, ukwenqaba losekelo, lokusebenzisa ezinye indlela zokubamba amazwe ngamandla ukuguqula izimiso zawo kanye lokuthi kuguqulwe ohulumende ababusayo.

Ukuchwayisisa lokhu kusungula ngokuqathanisa imbali yombuso wabahuquluzi emazweni la omabili, lokhu kungoba kujongwe ukuchaza ngokwabiwa komhlabathi lendlela ezasetshenziswayo ngemva kokuthola uzibuse lempumela zakhona. Singathi kabanzi, inhloso yalo umsebenzi yikucubungula, uchasisa, uchaze kucace langokuqathanisa inhlelo zokwabiwa komhlabathi ukuze kulandiswe ngcono njalo kuzwiswe ngcono inhlelo zokwabiwa komhlabathi.

Ukuchwayisisa lokhu kugqiba ngokuthi ukwabiwa komhlabathi kuzacindezelwa embalini njengengendlela yokuqondisa ukungalingani kwezenotho, njalo kuguqule ezombusazwe lezenotho eZimbabwe kanye lokuguqula indlela umhlaba obubona ngayo umhlubulo weZansi Africa ngendlela entsha.

Résumé

En tant que processus sensé remédier à des inégalités coloniale en matière de ressources agraires, répondre à des besoins de bonne gouvernance, de réduction de la pauvreté et de promotion d'une croissance économique durable, le phénomène de la redistribution des terres n'est pas limité à l'Afrique australe. Quoique de diverses approches sont employées dans la mise en œuvre de ladite redistribution avec pour conséquence des implications différentes selon les idéologies de pays donnés ainsi que les circonstances sur le terrain, les reformes agraires ont auparavant eu lieu en Australie, au Brésil, au Kenya, au Nicaragua, au Pérou, au Chili et ailleurs. Le but principal de cette recherche est d'examiner les processus à travers lesquels la reforme agraire a été gérée dans deux pays d'Afrique australe voisins qui ont beaucoup de choses en commun, à savoir le Zimbabwe et l'Afrique du Sud. La thèse principale de l'étude étant que plusieurs forces ont à la fois propulsé et freiné la reforme agraire dans les deux pays et que les méthodologies employées ont et intentionnellement et fortuitement engendré maints problèmes et défis.

La question de la reforme agraire a toujours été au cœur de la lutte inachevée dans ces deux pays qui ont en commun la conquête, l'occupation, l'expropriation et l'aliénation des terres due à la colonisation ainsi que le besoin recouvrer l'Indépendance par le biais d'une résistance armée. A travers les années, une succession de lois racistes telles que le *Native Land Act* de 1913 avec ses conséquences en Afrique du Sud et le *Land Husbandry Act* au Zimbabwe a facilité le transfert des meilleurs terrains. Les Noirs ont été obligés de s'installer dans des Bantoustans et autres réserves et fiefs tribaux susceptibles à la sécheresse et où la terre était appauvrie et sèche. Il y a eu des guerres pour regagner la liberté et la terre et l'Indépendance a finalement été obtenue grâce à des accords négociés. A l'aube de l'Indépendance, une des priorités des gouvernements noirs était une redistribution équitable des terres.

L'étude révèle amplement que la reforme agraire a été minée par toutes sortes d'obstacles provenant et de l'intérieur et de l'extérieur. D'emblée, les accords négociés allaient limiter la

liberté du choix des politiques agraires pour les nouveaux gouvernements noirs. Les constitutions négociées s'accompagnaient de conditions, de garanties pour la minorité et protégeaient les legs du colonialisme. Par conséquent, seules les approches à la réforme agraire jugés bon marché des points de vue politique et financier ont été employées, ce qui a nuit au besoin urgent de réduire la pauvreté grâce à ladite réforme. Au Zimbabwe, durant la première décennie postindépendance, les terres ont été redistribuées au marché dans le cadre d'une politique dite du Vendeur prêt et Acheteur prêt (*Willing Seller Willing Buyer*, ou WSWB). Plus tard, le gouvernement a voulu accélérer la redistribution des terres à travers deux programmes, le *LRRPII* et le Programme Accéléré (*Fast Track Programme*), qui ont produit des résultats désastreux. En Afrique du Sud, l'on fait recours à une approche appelée *WSWB* pour restituer les terres à la population indigène, redistribuer les terres et reformer le régime foncier. L'action affirmative est aussi utilisée pour redistribuer les terres de l'Etat, concevoir de nouvelles réformes juridiques et des programmes de soutien nationaux ainsi que pour veiller à ce que les fermes démesurées soient limitées. L'expropriation des terres par le gouvernement sud-africain a été beaucoup plus restreinte qu'au Zimbabwe. Le Zimbabwe vient de nationaliser toutes les terres et d'octroyer des titres de propriété limitée à 99ans aux fermiers. La communauté internationale a influé négativement sur la politique agraire des deux pays sujets de cette discussion en annulant des dons, en appliquant des pressions politiques à travers les sanctions économiques et en exigeant un changement de régime politique.

Cette étude a pour buts d'examiner la réforme agraire ainsi que d'analyser les méthodologies de réforme agraire postindépendance et leurs implications, son point de départ étant l'histoire coloniale des deux pays. L'approche globale de l'étude est d'explorer, énoncer clairement et explicitement, comparer, contraster et identifier les éléments des politiques de réformes agraires et en révéler la nature et la valeur afin de comprendre et expliquer le programme.

L'étude conclue partiellement que la réforme agraire prendra sa place dans les livres d'histoire comme une stratégie de correction qui a, on peut dire, introduit dans la politique économique du

Zimbabwe une nouvelle dimension complexe et a aussi emmené l'Afrique du Sud et la communauté internationale à voir la région d'une nouvelle perspective pragmatique.

Kakaretso

E le leano le reretsoeng ho lokisa kabo ea sekoloni ea mobu e leeme, ho otlolla taba tsa puso e nepahetseng, ho fokotsa bofuma ekasita le ho nyolla moruo samoshoelella, kabo-bocha [land redistribution] hase mohlolo hlohloeng e ka Boroa ho Afrika e inotši. Leha leano lena le kentsoe tšebetsong ka mekhoha, litsela tse fapakaneng le bile le emere li-tlamorao tse fapakaneng ho latela maikutlo le maemo a naha ka 'ngoe, kabo-bocha ea naha [land reform] e se e kile ea etsahala linaheng tse fapakaneng tsa lefatše tse kang Australia, Brazil, Kenya, Nicaragua, Peru, Chile le tse ling. Sepheo-pheo sa boithuto bona ke ho lekola kamoo leano la kabo-bocha ea naha [land reform] le tsamaisoang kateng Zimbabwe le Afrika Boroa, naha tse peli tse ahelaneng tsa Afrika e ka Boroa, tse bileng li tšoanang ka litšobotsi-tšobotsi. Khubu ea khang ea mosebetsi ona ke hore lifefo-fefo tse fapakaneng li susumelitse le ho sitisa kabo-bocha ea naha [land reform/redistribution] linaheng tse peli tsena le hore mekhoha e sebelisitsoeng e bakile mathata le liphephetso tse ngata, ka morero le ka ho se ele hloko.

Tseko ea naha esale e le khubu tsoelapeleng ea boitseko ba naha tse peli tsena, haholo joang ha li tsamaile tsela e tšoanang: ho hloloa le ho kenelloa ke bo-ralikoloni, ho amohua ling tsa bona le ho tsekisoa naha ekasita le tlhokahalo ea ho tseka boipuso ba tsona ka lihlomo. Ka lilemo-lemo, naha e manoni [ea batho-batšo] e ile ea fetela matsohong [a Makhooa] ka melao ea Afrika Boroa ea khatello e ahang Molao oa Mobu oa Batho-Batšo [Native Land Act of 1913] le e meng e o latetseng, ha Zimbabwe ho ile ha sebelisoa Molao oa Bohoi Ba Mobu [Land Husbandry Act]. Batho ba batšo ba ile ba lelekelloa *li-Bantustaneng, mahaeng, li-reserveng* le *naheng tsa merabe* [tribal trust lands] tse otileng, tse omelletsoeng le ho otloa ke komello. Hore ba boele ba fumane tokoloho le naha ea bona, ho ile ha loanoa lintoa 'me khabareng boipuso ba fihleloa ka tharollo ea lipuisano. Mohla letsatsi la boipuso le chabang, o mongo oa merero e ka sehloohong ea mebuso e etelletsoeng pele ke batho-batšo e bile kabo-bocha ea meuno ea mobu [land resources] ka tekatekano. Boithuto bona bo bontša kahohle-hohle hore mosebetsi oa kabo-bocha ka bo-ona o aparetsoe ke litšita ho tsoa kahare le kantle ho linaha tse amehang. Esale qalong feela, litharollo ka therisano li ile tsa laola khetho e

lokolohileng ea maano a mobu a mebuso e thuthuhang ea batho-batšo. Melao-theo e rerisanoeng eona ea tla le malokoletso a lipehelo, tiisetso [bakeng sa Makhooa] 'me ea etsa bonnete ba hore lefa la bokoloni le sala le phela.

Kahona, mekhoha ea lichelete le sepolotiki e litjeho li tlaase e ile ea sebelisoa leanong la kabo-bocha ea naha [land reform], eaba potlako le bohlokoa [urgency] tseo kabo-bocha e neng e hlokahala ka tsona ho loantša litlhoko tse akhang bofuma, har'a tse ling, li etsoa sehlabelo. Lilemong tse leshome tsa pele tsa boipuso naheng ea Zimbabwe, mobu o ile oa ajoa bocha 'marakeng ka leano la Morekisi le Moreki ba Ikutloang [Willing Seller Willing Buyer]. Hamorao, 'muso o ile oa batla ho akofisa kabo-bocha ea mobu ka leano la LRRPII le Lenaneo la Ha-Ho-Tatoe [Fast Track Programme], 'me li-tla-morao tsa teng tsa e-ba kotsi. Afrika Boroa teng Lenaneo la Ha-Ho-Tatoe [Fast Track Programme] le sa ntse le sebelisoa ka sepheo sa ho busetsa litokelo tsa mobu [land rights restitution] ho ba ileng ba li amohuoia [batho-batšo], ho aba mobu bocha le ho fana ka litokelo tse ncha tsa mobu [reform tenure]. Ho tlatsetsa Leano la Morekisi le Moreki ba Ikutloang [WSWB], leano la ho nyolla batho ba batšo [affirmative action] le kentsoe tšebetsong, 'me lona le akha kabo-bocha ea mobu oa 'muso [reallocation of state land], ho rala ka molao kabo-bocha ea tlatsetso [additional legal reforms], ho fana ka mananeo a mekitlana a 'muso le ho fokotsa lipolasi tse kholo. Mobu o amohuoeng Makhooa ke 'muso oa Afrika Boroa o fokola haholo papisong le o amohuoeng Makhooa ke 'muso oa Zimbabwe. Morao tjena, Zimbabwe e fetiselitse mobu oohle matsohong a 'muso, 'me ea fana ka litokelo [leases] tse 99 tsa selemo ho lihoai. Linaha tsa machaba li bile le tšusumetso e mpe khethong ea maano a mobu naheng tse peli tse tse tseo re li tšohlang ka ho hula lithuso, ho kenya khatello ea sepolotiki, ho sebelisa li-kotlo-qobello le ho etsa khoelehetso ea hore ho fetoloe 'muso.

Bo sebelisa nalane ea bokoloni e le mohato oa pele, sepheo sa boithuto bona ke ho bekha kabo-bocha ea naha [land reform] sekaleng le ho phenyaphenya mekhoha ea kabo-bocha ea mobu kamor'a boipuso 'moho le li-tla-morao tseo e li emereng. Katamelong ea oona ka kakaretso, mosebetsi ona o latella, o bea ka ho hlaka, o tšoantša le ho fapantša [compare and contrast] ekasitana le ho hloaea likarolo tsa maano a kabo-bocha ea naha

[land reform policies] e le ho fumana tšobotsi le boleng ba 'ona bakeng sa kutloisiso ea lenaneo la kabo-bocha.

Boithuto bona bo fihlela qeto e sekheeqe ea hore lenaneo la kabo-bocha ea mobu [land reform] le tla ngoloa libukeng tsa nalane e le mokhoa oa tokiso o [leha bang ba ka hanyetsa] tsoetseng tšobotsi e thata moruong le lipolotiking tsa Zimbabwe le hona ho susumetsa Afrika e ka Boroa le lefatše ka moka ho sheba hloahloa ea boroa ka leihlo le lecha, la sebele le 'nete.

