

## Background to Land Reform in Zimbabwe

The land question has always been and remains at the core of Zimbabwe's political, economic and social development. Indeed now as in the past, it remains the root of the political tension within the country and with the former colonial power, Britain. The advent of European settler occupation of Zimbabwe in September 1890 is the genesis of the dispossession of blacks of their land. The 1893 invasion of the Ndebele Kingdom leading to the creation of the Gwaai and Shangani reserves: the 1896-97 Shona and Ndebele first Chimurenga/Imfazwe (war of liberation); the nationalist struggle in the period before and after the Second World War; the second Chimurenga/Imfazwe which gave birth to the independent Zimbabwe in 1980; the contentious Lancaster House Constitutional negotiations and the Agreement in 1979 and, as already stated the current internal political developments, all bear testimony to the centrality of the land issue in the country's history.

The systematic dispossession realised largely through violence, war and legislative enactments by successive colonial Governments led to the racially skewed land distribution and ownership pattern that until recently was characteristic of Zimbabwe. Having regard to the political and related problems arising from the Boer controlled Witwatersrand gold fields in the Transvaal, Cecil John Rhodes, the Prime Minister of the Cape, and through his British South Africa Company (BSAC), became fixated with the idea of developing a second Witwatersrand (Second Rand) to the north of the Limpopo river. The Rudd Concession of 1888, fraudulently obtained from King Lobengula, became the vehicle through which colonialists obtained mineral rights in Mashonaland. The concession provided Rhodes with the impetus to obtain a Royal Charter in 1889, which among other things, granted the BSAC authority to administer and govern the region that encompasses present day Zimbabwe. The Charter was granted notwithstanding King Lobengula's protestations that he had been deceived. Lobengula repudiated the Rudd Concession stating that he would "*not recognise the paper, as it contains neither my words nor the words of those who got it.*" The response by Queen Victoria to King Lobengula's protestation to this development was that it "would be unwise to exclude white men".

The Rudd Concession was countered by the Lippert Land Concession of April 1889, which reflected competing European interests and German interests and aspiration to acquire territory. This Concession was also deceitfully obtained from Lobengula. With the connivance of the British Government and without Lobengula's knowledge, the Lippert Concession was soon purchased by the BSAC. Even so, by the time the Company bought the Lippert Concession it had already made extensive land awards to the settlers in Mashonaland.

Disillusioned at the non-existence of the "Second Rand" in Mashonaland and the assumption that there existed more gold reserves in Matabeleland, the BSAC on a flimsy pretext, invaded Matabeleland in 1893, destroyed Lobengula's Kingdom, seized and plundered cattle and other livestock and property and subdued the populace. Indeed the Company set up a "Loot Committee" which determined that settlers who participated in the war would be rewarded with a free farm measuring 3000 morgen (6 350 acres) anywhere in Matabeleland however with no obligation to occupy the land; each man was also guaranteed 15 reef and 5 alluvial gold claims, while the "loot" – Ndebele cattle was to be shared in half going to the Company – the remaining half being divided equally among the men and officers. The *Rhodesia Herald* of July 1893, in urging settlers to pursue the land grab now that gold was unavailable, stated that the dispossessed blacks die –

Not use a large portion of their rich and fertile country, and the indemnity for expenses incurred could be paid without hardships to the natives in farms and mining ground.

Although the existence of the imagined Matabeleland “Second Rand” was to prove yet another illusion, the acquisition of black land had begun in earnest both for crop and livestock production as well as for speculative purposes. Henceforth the dispersal of the African populace into mostly marginal lands would be embarked upon with a ruthless determination following the creation of the Gwaai and Shangani Reserves in Matabeleland in 1894.

Historical records of the period leading to the 1896-97 First Chimurenga/Imfazwe, depict a story picture of a systematic violation of the rights and dignity of the indigenous people under white domination. Confirming the official sanctioning of this policy, the *Rhodesia Herald* of 19<sup>th</sup> April 1895 reported thus:

For the Rhodesian it was absurd to take the untutored savage, accustomed as he is from time immemorial to superstitious and primitive ideas of law and justice, and suddenly try to govern him by the same code of laws that govern a people with many centuries of experience and enlightenment.

The 1896-97 was therefore fundamentally a struggle for the recovery of lost land and dignity.

On account of the settler’s superior firepower the African resistance fighters of the Chimurenga/imfazwe were subdued. The rapidity of the establishment of additional “Native Reserves” throughout the country was given impetus with codification – in the British Government’s Southern Rhodesia Order in Council of 1898 – of the policy of racial segregation. By the same instrument it was provided that:

The Company shall from time to time assign to Natives inhabiting Southern Rhodesia, land sufficient for their occupation and suitable for their agricultural or pastoral requirements.

Invariably, this land was located in marginal and low potential areas.

Land acquisition for speculative purposes was the precursor to land acquisition for agricultural production as an economic activity, its euphemism being “white agricultural policy,” which commenced in 1908. However, its successful realisation was predicated on the continued dispossession of the African of the best land and the destruction of his property in the years 1908-14. By 1914, white settlers, numbering 23 730 owned 19 032 320 acres of land while an estimated 752, 000 African occupied a total of 21 390 080 acres of land, (R. Palmer: *Land and Racial Domination in Rhodesia*: Heinemann 1977). The end of the First World War saw the BSAC embarking on Land Settlement Policy through the launch of elaborate and extensive campaign of wooing immigrants to Southern Rhodesia, (British South Africa Company Leaflet of 1<sup>st</sup> January 1919). The British Government under pressure to accommodate veterans of war as well as mitigate the demands on its arising for the post war economic depression, lent support to the campaign. An increase in the settler population necessarily had to be matched with the availability of additional land for the new immigrants.

Prior to the granting of responsible Government to Rhodesia in 1923, the Rhodesian Legislature had been preoccupied with the question of demarcating land for exclusive use by Africans and Europeans. By 1925, fourteen blacks, half of them of South African origin had purchased farms in different parts of the country. Nine of the farms were subsequently placed under European area jurisdiction.

This concept of segregation informed the provisions of the Terms of Reference of the Morris Carter Land Commission of 1925 and its findings reaffirmed the need for such a policy. The Land Apportionment Act, embodying the greater part of the Commission's recommendations, was enacted in 1930 and brought into effect the following year. It provided for restricted rights of the African to land ownership, to designated Native Purchase Areas.

The apportionment of land stood thus

### **Land Apportionment in Southern Rhodesia in 1930**

<b>CATEGORY</b>	<b>ACRES</b>	<b>% OF COUNTRY</b>
European Areas	49,149,174	51
Native Reserves	21,127,040	22
Unassigned Areas	17,793,300	18.5
Native Purchase Area	7,464,566	7.8
Forest Area	590,500	0.6
Undetermined Area	88,540	0.1
Total	96,213,120	100

The land available for African use was now 28 591 606 acres or 29.8 percent for a population estimated at 1 081 000 in 1930. At the same time a European settler population of about 50 000 was allocated 51 percent of the best land. The agricultural economy of the Shona and Ndebele had been reduced to subsistence levels by the late 1930's. A significant reduction in the variety of crops grown was witnessed accompanied by very low volumes in trade involving black people. This is in contrast to historical accounts of the pre-colonial and early postcolonial Zimbabwe, which portray a prosperous region with agriculture as its mainstay.

A further wave of new European settlers escaping from post Second World War economic hardships in Europe resulted in the phenomenal rise in white population from 80 500 in 1945 to 219 000 by 1960. Although some of the new settlers took up white-collar jobs in the cities, many took up farming. As a result, the numbers of Europeans working or owning farms almost doubled from 4 673 in 1945 to 8 632 in 1960. To make way for these new immigrants, recourse was had to the now entrenched policy of wholesale evictions and forced removals of black communities. In the decade 1945-55 at least 100 000 people were forcibly moved into the Reserves, some of which were located in the inhospitable and tsetse-ridden areas such as Gokwe and Muzarabani.

Blaming this state of affairs on alleged African malpractices, the colonial Government enacted the Native Land Husbandry Act in 1951. The provisions were primarily aimed at enforcing de-stocking and conservation practices on black held land. The policy of segregation had led to severe overcrowding and land degradation in the Reserves, a situation

confirmed by in 1959 a former Land Development Officer in the Native Agriculture Department, one Ken Brown, in “Land in Southern Rhodesia, that:

The majority of arable areas in reserves are already so eroded and so exhausted of fertility that nothing short of a 12 to 15 year rest to grass will restore them to a state of structure and fertility which would enable economic crop production to commence.

The state of the degradation in the so called Native Reserve was further confirmed when the then Catholic Bishop of Umtali, Donal Lamont, asked in June 1959 that:

Can you in conscience blame the Africa, if eking out tenuous existence from the poor soil in an overcrowded Reserve, he is swayed by subversive propaganda, while close besides him there lie hundreds of thousands of hectares of fertile soil which he may not cultivate, not occupy, not grace, because although it lies unused and unattended, it belongs to some individuals or group of individuals who perhaps do not use the land in the hope of profit from speculation.

With the coming into power of the Rhodesian Front in t 1962, any pretence at accommodating blacks was abandoned. Segregation would henceforth be pursued with increasing vigour. This process culminated in the 1969 Land Tenure Act, which, while repealing the Land Appointment Act, re-enacted and strengthened its provisions by dividing the land in half with 44.9 million acres allocated to each race. The policy was entrenched in a new constitution. These measures led to further overstocking, very high population densities, serious environmental damage, reduced agricultural productivity and poverty in the communal areas. Overcrowding led many people to settle on riverbanks, steep slopes, grazing areas and fragile land, posing great environmental risks.

It is therefore against this background that land ranked highest among the grievances that motivated the indigenous black majority to launch the Second Chimurenga/Imfazwe to free the country from colonial oppression. It is worthy of not that in the period preceding the liberation war, “mwana wevhu/umntwana womhlabati” (child of the soil) became the nationalists’ rallying call. Herbert Chitepo, Chairman of the Zimbabwe African National Union (ZANU) party, put it succinctly when he said:

I could go into the whole theories of discrimination in legislation, in legislation, in residency, in economic opportunities, in education. I could go into that, but I will restrict myself to the question of land because I think this is very basic. To us the essence of exploitation, the essence of white domination, is domination over land. That is the real issue.

(Herbert Chitepo: Speech on a trip to Australia in 1973)

The land issue was inevitably central to any initiatives aimed at resolving the crisis in Rhodesia. It was a major stumbling block in all pre-independence negotiations initiatives, including those held in Geneva (1976), and Malta (1978). In 1977 Lord Owen and Andrew Young, then British Foreign and Commonwealth Secretary and US Ambassador to the United

Nations respectively, proposed the “Anglo-American Proposals”, under which their Governments pledged to contribute towards a fund for land reform, including paying compensation to white farmers whose land holding would be redistributed to landless blacks.

The near collapse of the Lancaster House Conference in 1979 revolved around the land question. The Patriotic Front’s position at the Lancaster House negotiations was that the *raison d’etre* of the liberation struggle in Zimbabwe was the recovery of land of which the people had been dispossessed. It was put to those involved in the talks, that the dispossession without compensation was not a thing of the distant past, but rather an occurrence still within the memories of living people. Further arguing its case, the PF objected to British provisions in the draft Bill of Rights which sought to convert the freedom from deprivation of property into a right to retain privilege and perpetuate injustice whilst upholding the status quo.

*(Partial record of the Lancaster House negotiations).*

The pledge by the British Government, supported by the US Government, to support the new political dispensation by agreeing to the settling up of a fund to finance land reform in a new Zimbabwe broke the impasse at the constitutional talks. Former Commonwealth Secretary General, Sir Shridath Ramphal, in 2002 in an interview on the British Broadcasting Corporation (BBC) “Hard Talk” programme highlights this fact. In that interview Sir Shridath states that he had “*Intervened through the American Government.*” That intervention secured assurances for the PF to resume talks and accept the British constitutional proposals. He added, “*the American Ambassador, Mr. K. Brewster, with the support of Cyrus Vance, the Secretary of Stat, persuaded the President who was Jimmy Carter to make an offer of US assistance in conjunction with other countries including Britain*”. In its announcement of the agreement that was finally reached, the PD said:

We have now obtained assurances that ... Britain, the United States of America and other countries will participate in a multinational donor effort to assist in land, agricultural and economic development programmes. These assurances go a long way in allaying the great concern we have over the whole land question arising from the great need our people have for land and our commitment to satisfy that need when in Government

*(Partial record of the Lancaster House negotiations)*

Chairman of the Lancaster House Conference, Lord Carrington acknowledged the centrality of the land issue and the enormity of the resources needed to redress the colonial legacy, in a statement issued on 11<sup>th</sup> October 1979:

We recognise that the future of Zimbabwe, whatever its political complexion, will wish to extend land ownership. The costs would be very substantial indeed, well beyond the capacity, in our judgement, 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 purposes.

*(Partial record of the Lancaster House negotiations)*

Yet the final agreement did not address the land problem adequately; the PF accepted it on the understanding that the UK, the USA and other donor nations would pay for land needed for resettlement.

The then President of Tanzania, Julius Nyerere, during a press conference on 16<sup>th</sup> October 1979, opined over the land issue would be impossible for an independent Government in Zimbabwe.

To tax Zimbabweans in order to compensate people who took it away from them through the gun. Really the British cannot have it both ways. They made this an issue and they are now making vague remarks mixing rural development aid with the question of land compensation ... The two are separate ... The British paid money to Kenya. That the future Government of Zimbabwe must pay compensation is a British demand and the British must promise in London to make the money available.

As part of the Declaration of Rights, the British inserted Section 16 of the Draft Constitution which sought to prohibit the compulsory acquisition of property of any description except under the authority of law which required the acquiring authority to give reasonable notice of its intention to acquire the property in question. The property could only be acquired in the interest of defence, public order, public morality, public health, and town and country planning. In the event of compulsory acquisition, the acquiring authority would be required to pay prompt and adequate compensation. As part of the Declaration of Rights, section 16 would be entrenched for a period of 10 years from the date of independence. During this period any amendment to the Constitution would be on the basis of a 100% parliamentary vote (i.e. every Member of Parliament supporting any such amendment).

In response to this attempts to perpetuate the status quo on land ownership, the patriotic front (PF) objected vehemently to the restrictions imposed on land acquisition. It argued that such entrenchment of the Declaration of Rights, was unduly restrictive of the sovereignty of the parliament of Zimbabwe and that it granted a veto to the minority, contrary to democratic norms and in contradiction to the basic objective of the national liberation struggle itself. Furthermore, the concept of willing buyer precluded the possibility of a planned and systematic process of land reform in the country.

At the independence in 1980 the agricultural sector comprised three sub-sectors. The large-scale commercial farming sub-sector of 6,000 white farmers, owned 15.5 million hectares, more than half of which lay in the high rainfall agro-ecological regions where the potential for agricultural production is greatest. On the other hand was the small-scale commercial farming sub-sector comprising 8,500 black farmers who held 1.4 million hectares of agricultural land located mostly in the drier agro-ecological regions. Finally the communal areas, inhabited by the bulk of the populace of 4.3 millions people worked 16.4 million hectare of agricultural land, 75 percent of which was located in the drier agro-ecological regions where the soils are also poor. White commercial agriculture was typically characterised by a lot of land that was unutilised or underutilised, held by absentee landlords or just left derelict for speculative purposes.

Land Distribution in 1980

## Diagram

Source: Government of Zimbabwe Land Reform and Resettlement Programme Revised Phase II

Clearly the history of colonialism in Zimbabwe had been largely a story in which Europeans had used their control over land to secure for themselves a position of economic and political dominance. No black Government could be expected to uphold this racially skewed land structure.

Addressing the Catholic IMBISA Plenary Assembly in Harare, on 30 July 2001, President R.G. Mugabe described the situation obtaining in the country, which however was no different to that at pre-independence, thus:

As in the past, the basis of conflict in contemporary Zimbabwe is the unresolved national question of land. It is also the basis of peace and all other rights that we wish for in a democracy. Its solutions would enable us to end the two-nation, two-race model we inherited from colonialism. It would create opportunities for everyone and give a stake to the majority of our people; indeed it is the way to the recovery of our economy. This is why Land Reform is at the heart of the current struggle. We cannot relent on this one and we hope the Church will stand with and by us in resolving it.

### **3. Context, Polity and Thrust of the Fast Track Land and Agrarian Reform Programme July 2000-August 2002**

At independence, the Government of Zimbabwe sought to redress the inherited colonial legacy of glaring and skewed racial inequalities in land distribution. Yet, between 1980 and 1990 Government managed to acquire only 3.5 million hectares and resettled 71,000 households. The communal areas still remained congested, overstocked and overgrazed. Pressure was mounting on Government to accelerate its land reform programme.

Under the Lancaster House Constitutional provisions, no meaningful land reform programme could take place. The Constitution obligated Government to acquire land on a willing seller-willing buyer basis during the first ten years of independence. Where land was offered to Government, in most cases it was expensive, marginal and occurred in pockets around the country, making it difficult to effect a systematic and managed land reform. Moreover, land supply failed to match the demand for land resettlement. Added to these complicating factors was the absence of international support to fund land acquisition.

The composition of Parliament at the time of 80 Common Roll seats for blacks and 20 whites made any constitution amendment virtually impossible. The diametrically opposed political imperatives for the victorious black Government and the defeated white opposition minority made the possibility of any far-reaching amendment an impossible feat.

In a bid to speed up the process of land acquisition and resettlement, Government passed the Land Acquisition Act of 1992, following the introduction in 1990 of Constitutional Amendment 11. These legal instruments had the effect of freeing Government from the willing seller/willing buyer clause. The process however remained slow, cumbersome and expensive largely because of the commercial farmers' resistance. For example, when Government designated 1471 farms for compulsory acquisition in December 1997 a total of 1393 objections were received of which 510 were upheld. The exclusions were farms either owned by indigenous black people, Churches, or plantation farms, or those with Zimbabwe Investment Centre permits and single owner farms being used productively. For the remaining 883 farms Government had to go through lengthy judicial processes. The Commercial Farmers Union (CFU) representing white farmers was opposed to meaningful land redistribution. Remarks by the late Vice President Cde J.M. Nkomo to a gathering of the CFU are instructive.

I don't think we are being unreasonable if we say you commercial farmers, who own the best and the bulk of Zimbabwe's land because of history, should share part of it with the indigenous, displaced and landless blacks who are the majority.

(Joshua Nkomo: *addressing Commercial farmers in Matabeleland: Sunday Mail 9 July, 1989*)

The British Conservative Government under John Major had agreed to assist with further funding for land reform, in 1996. However, with the coming to power of Tony Blair's Labour Government in 1997 matters came to a head. The Labour Government refused to advance the process of land reform, in effect revoking Britain's obligations as per the Lancaster House understanding. In a letter to the Zimbabwean Minister of Agriculture, Mr. Kumbirai Kangai, then Secretary of State for International Development, Ms Claire Short stated thus:

I should make it clear that we do not accept that Britain has a special responsibility to meet the costs of Land purchase in Zimbabwe. We are a new Government from diverse backgrounds without links to former colonial interests. My own origins are Irish and as you know we were colonised not colonisers

This unprecedented stance by the British Government marked the beginning of worsening relations between the two Governments. No further funds were made available to Zimbabwe's land reform programme

Disappointed at the pace of land redistribution, the people responded, bringing pressure to bear on Government by resorting to vigorous protests and land occupations. In an unprecedented move, villagers in Svosve communal areas in June 1998 occupied Igava farm vowing to stay on until Government had made a written undertaking to resettle them. The villagers cited poor soils and congestion as factors that had compelled them to occupy white farms contiguous to the villages. Similar and widespread occupations of white commercial farms followed in Nyamandhlovu in Matabeleland, Nyamajura in Manicaland and Nemamwa in Masvingo. The villagers reluctantly complied with the Government's order for withdrawal from the occupied farms. The first salvo by a land hungry and increasingly restless peasantry had however been fired. More was to follow.

*Sir Shidath's response in the already cited BBC programme gives context to this turn of events. Asked whether Zimbabweans "were let down by the British" he said, "Britain let them down. Britain did not fulfil its promises and they found all sorts of ways to wriggle out and that was very unfortunate and that it is what had led to some of the bitterness ..."*

### **Overtures from the international community**

The desire for an all-inclusive collaboration in addressing the land issue saw the Government of Zimbabwe engaging the international donor community and other interested parties. Contact was established with the European Union (EU) and other donors under the auspices of the UN. Talks between President Mugabe and the EU Commissioner for Development, Mr. Joao Pinheiro in January 1998 culminated in the hosting of the 9 to 11 September 1998 Land Donor Conference in Harare. In his inaugural address to the Land Donor Conference, President Mugabe highlighted the growing impatience of black Zimbabweans over the slow pace of land reform and warned that:

If we delay in resolving the land needs of our people, they will resettle themselves. It has happened before and it may happen again.

This was not a self-fulfilling prophecy, but a description of reality of what had already happened. The Svosve case mentioned above being but one illustration.

Represented at the conference were 48 countries (including Britain) and some international organisations. Basic principles and the framework for international assistance for the Land Reform Programme were agreed upon. To this end, a task force of major donors was to be established to work out the modalities for a two-year Inception Phase, the precursor of Phase II of a donor supported land acquisition and resettlement programme. During this period, several alternative approaches to land redistribution would be tested and tried on 118 farms on offer. However, Britain refused to join the task force, but instead insisted that a consulting firm undertake an initial economic returns analysis of the programme and assess how far it would alleviate poverty among the poor in Zimbabwe. These dilatory tactics effectively killed the Inception Phase in its tracks.

In September 2000, President Mugabe met the UN Secretary General, Kofi Annan in New York and discussed the land issue in Zimbabwe and a possible role for the UN. A Technical Mission to Zimbabwe under the aegis of the United Nations Development Programme (UNDP) was despatched in October that year. The mission was mandated to carry out a technical review into measures necessary for a "sound technical process to take the land reform forward."

The UNDP Technical Mission conceded that while a framework for the legal and administrative process for compulsory acquisition of land through the Land Acquisition Act of 1992 was in place, Government had failed to acquire that land principally on account of technical and administrative considerations arising from legal challenges launched by white commercial farmers.

As a follow up to the UNDP Technical Mission and the subsequent visit of its Administrator, Mr. Mark Brown in December 2000, written communication was exchanged with the Government. Through this medium, Government was given the assurance that the UN

Secretary General's consultations with President Thabo Mbeki of South Africa and Olusegun Obasanjo of Nigeria and other regional leaders as well as key western donors, including the World Bank, gave him confidence that the UNDP could generate the requisite support for the Land Reform Programme. However, as was previously the case, conditionalities were placed on Government once more. The Secretary General could only persuade the donor community to come on board once "outstanding law and order issues are being brought under control." Government was therefore requested to make a choice between continuing with its Fast Track Land Reform Programme and adopting "a more systematic, investment-backed approach," which the UN supported. In the letter, Mr. Brown conceded that the second approach entailed a slow start and the delay of resettlement until confidence-building measures were put in place to secure a resumption of donor funding.

Government through the Foreign Minister, Dr. I.S.G. Mudenge, responded in March 2001 to Mr. Brown agreeing with most of his proposals. It however rejected the second approach, which would have entailed the abandonment of the Fast Track. It was also put to Mr. Brown that if the donor community had responded timeously with the required resources to implement the agreement reached at the 1998 Land Donor Conference, and, had the commercial farmers not resorted to legal actions aimed at frustrating the Land Resettlement Programme, significant progress could have been achieved by that time. Government indicated that a unique opportunity had been missed.

It is worth noting that while expressing disquiet over unrelated political questions and conditionalities from some donors, Government accepted the following proposals submitted by Mr. Brown:

- I. "Enhancement of capacity in Government and other stakeholders in the Land Reform Programme to speed up consultations, land delivery, settler emplacement and support,
- II. Encouragement of continuing dialogue between Government and other national stakeholders,
- III. Establishment of prominent Zimbabwean citizens and institution to put up a revolving fund to acquire land for resettlement,
- IV. Establishment of a land reforms technical team within the UNDP office in Harare to assist the Government in capacity building and planning and land reform. It was emphasised that the team should not seek to restart the ongoing Fast Track Programme, but only to enhance its capacity to deliver land to the poor within the objectives, targets and timeframe of the Government programme,
- V. Establishment of a Land Reform Trust Fund, subject to further consultations."

At the same time Government appealed to the UN Secretary-General "*for urgent assistance by the various UN Agencies, as well as willing donors and NGO's to assist the resettled farmers who find themselves in dire need to infrastructure and social facilities.*"

Following yet another round of consultations with the UN, the UNDP Resident Representative in Harare, Mr, J, Victor Angelo, responded in July 2001 to the Government's response to the March 2001 communication by proposing that setting up of yet another Assessment Team to visit Zimbabwe. Principally, the Assessment Team would "*produce a*

*comprehensive report with all necessary technical information and will make recommendations on the possible establishment of an information mechanism for the Land Reform Programme". The proposed assessment was envisaged as part of a "possible partnership building process between the Government of Zimbabwe, the donor community and local stakeholders."* It was further envisaged that such an assessment would be useful in establishing the facts as far as the Fast Track programme was concerned.

The Government rejected the proposal which appeared to be a further attempt to delay addressing a very urgent and highly volatile land issue.

### **The Nigerian Initiative within the Context of the Commonwealth**

Concerned at the widening rift between Zimbabwe and EU countries led by Britain, President Obasanjo suggested that friends of Zimbabwe and Britain in the Commonwealth intervene to break the impasse over the land issue. This initiative was conceived after a meeting between President Mugabe and his Nigerian counterpart on the margins of the Group of 15 Summit in Jakarta, Indonesia in June 2001. Subsequently, a Committee of 9 Commonwealth Foreign Ministers met in Abuja, Nigeria 6 to 7 September 2001 under Nigeria's chairmanship. The Abuja ministerial meeting, then perceived as a breakthrough, concluded as follows:

- Land is at the core of the crisis in Zimbabwe, which 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 was therefore crucial to the resolution of the problem.
- Britain reaffirmed its commitment to a significant financial contribution to land reform programme and undertook to encourage other international donors to also make contributions.
- Agreement of the meeting that the land question could only be resolved in terms of the laws and constitution of Zimbabwe.

In turn, Zimbabwe reaffirmed its commitment to carry out its Land Reform Programme within the country's constitutional and legal framework. The undertaking and assurance that henceforth no further farm invasions would occur, was also given. Government also promised to speed up discussions with the UNDP to facilitate the latter's efforts to mobilise international support for the Land Reform Programme.

As agreed at Abuja, the Committee of Commonwealth Foreign Ministers met in Harare from 25 to 26 October 2001, in order to advance the process, with the Government proceeding to fulfil the commitments it had made under the Agreement. As a result, a marked reduction of political tension was immediately realised within the country.

On the contrary, Britain did not honour any of the commitments made at Abuja. No financial or material benefits accrued to the country following these exchanges.

### **Fast Track Land Resettlement Programme**

Against the background of the land occupations by the impatient landless people; absence of international support for land reform notwithstanding Government's desire to engage the

former colonial power and the international community; the rejection of the 2000 Draft Constitution partly as a result of British influenced political opposition; and the continued legal challenges by the white commercial farmers, Government embarked on the Fast Track.

The Programme, which was launched on 15 July 2000, was designed to be undertaken in an accelerated manner and with reliance on domestic resources. The Programme was a fundamental departure from previous philosophy, practices and procedures of acquiring land and resettling people.

The following were the norm elements of the Fast Track:

- Speeding up the identification for compulsory acquisition of not less than 5 million hectares of land for resettlement;
- Accelerating the planning and demarcation of acquired land and settler emplacement of this land;
- The provision of limited basic infrastructure (such as boreholes, dip tanks and access roads) and farmer support services (such as tillage and agricultural inputs);
- Simultaneous resettlement in all provinces to ensure that the reform programme was comprehensive and evenly implemented;
- The provision of secondary infrastructure such as schools, clinics and rural service centres as soon as resources became available

### **Policy Framework**

Consistent with previous policy pillars, the framework for the Fast Track was based on the compelling national economic and social imperatives, of poverty eradication and faster economic development. With agriculture as the cornerstone of the country's economy, land was therefore viewed as the engine for economic growth, as per the popular slogan, "land is the economy, and the economy is the land".

The Fast Track was initially targeted at de-congesting communal lands. In the later stages it was extended to incorporate the creation of an indigenous commercial farming sector.

### **Land Identification and Acquisition**

During this phase, land was acquired compulsorily in accordance with the Land Acquisition Act (chapter 20:10) as amended. The following categories of land were targeted for acquisition:-

- Derelict, and under-utilised land
- Land under multiple ownership
- Foreign owned land
- Land contiguous to communal areas

### **Exclusion fell into the following categories:-**

Plantation farms engaged in the large-scale production of tea, coffee, timber, citrus fruit, sugar cane etc.

- Agro-industrial properties involved in the integrated production processing and/or marketing of poultry, beef and dairy products, and seed multiplication.
- Properties with Export Processing Zone (EPZ) permits and those with Zimbabwe Investment Centre (ZIC) certificates.
- Farms belonging to church or mission organisations.
- Farms subject to Bilateral Investment Promotion and Protection Agreements.

### **Land Acquisition Procedures**

Land Acquisition Procedures are as detailed in Annexes A and B.

### **Maximum Farm Size Regulations**

Statutory Instrument 419 of 1999, sets out the maximum permissible land sizes per natural region whilst under Statutory Instrument 288 of 2000, land cannot be transferred unless there is conformity with the Maximum Farm Size Regulation. The Stipulated Maximum Farm Sizes are as follows:

**TABLE 3**

<b>NATURAL REGION</b>	<b>MAXIMUM SIZE</b>
I	250
II a	350
II b	400
III	500
IV	1 500
V	2 000

## **2.4 Legal Framework**

The legal framework governing land acquisition had to be significantly amended to take account of the rapidly changing policy environment in which Fast Track was being implemented. The Constitutional Amendment Number 16 of 2000, as already stated, placed the financial obligation of paying compensation for any improvements on the acquired properties.

Similarly the Land Acquisition Act underwent changes to ensure conformity with the new Constitutional provisions. The Rural Land Occupiers (Protection) Act was also enacted to protect land occupiers on land not yet acquired by Government.

## **Constraints in the Land Acquisition Process**

Notwithstanding the facilitative effect of the legislative amendments enacted by Government, the land acquisition process was still fraught with a number of procedural impediments (See Annexes A and B).

## **Swaps and Subdivisions**

The Land Acquisition Act as amended provides, the option for a landowner to offer land in substitution for a farm or farms gazetted for compulsory acquisition [using the LA3 Form]. Several landowners entered into agreements with Provincial Governors resulting in the signing of LA3 forms. Also available was the option for a landowner to offer the subdivision or portion of the gazetted farm. Such subdivisions had to conform to the maximum farm size regulation. In both instances, the onus lay with the landowner to present their offer to the relevant PLIC.

Under the same spirit of swaps and subdivisions, a group of white farmers came up with the Zimbabwe Joint Resettlement Initiative (ZJRI). ZJRI was offering 1 million hectares of land, which turned out to be part of land already acquired by Government for resettlement. The initiative however collapsed because of mutual mistrust and misunderstanding.

Whereas ZJRI took the negotiating route, a more radical group of commercial farmers calling itself Justice for Agriculture (JAG) emerged in June 2002. This group was opposed to any accommodation with Government and mounted a legal challenge to the land reform process.

## **One-Man-One-Farm Policy**

The Government adopted the one-man-one-farm policy at the inception of the land reform and resettlement programme and continues to uphold this policy. In the case of a single owned farm being acquired due to its being contiguous to a communal area, Government undertook to provide the affected farmer with another elsewhere around the country.

## **Resettlement Models**

In the Fast Track phase, two resettlement models were used, Model A1 and Model A2. Model A1 was intended as decongesting communal lands. Settler selection and emplacement for A1 was the responsibility of PLIC and DLICs.

Model A2 was aimed at creating a cadre of black commercial farmers and was based on the concept of full cost recovery from the beneficiary. Settler selection was made on the basis of applications submitted to the Ministry of Lands Agriculture and Rural Resettlement.

## **Institutional Framework for Policy Formulation**

At the national level, the Fast Track land reform programme received policy direction from the Cabinet Committee on Resettlement and Rural Development (CRD). This committee was chaired by the Vice President and comprised all relevant Cabinet Ministers. The major role of CRD was policy formulation and the coordination of rural resettlement and development. A sub-Committee, the National Land Task Force, assisted the CRD.

Land identification was co-ordinated by the National Land Identification Committee chaired by the Office of the Vice President. This Committee was replicated at all the governance levels as indicated above, with PLICs being chaired by Provincial Governors whilst DLICS were chaired by District Administrators.