



Land, Property and Power:

The Land Issue in Zimbabwe

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ABSTRACT

Since Independence in 1980, the Zimbabwean Government has confronted the 'land issue' – the racialised and colonially-constructed profound inequality in landholdings that had left most of the nation's best lands in the hands of a white-settler commercial-farmer minority while much of the indigenous black populace, many being subsistence farmers, was confined to largely-marginal Communal Lands. White farmers held land as *property*, while black farmers held land without formal title but via direct relationship with Tribal Lands Authorities, subject to the State's ultimate ownership of the lands.

Though initially focusing on market-based land reform within the constraints of the Independence Constitution's support for property rights, in the late 1990s the Government's Land Reform Programme moved increasingly towards wholesale compulsory appropriation (with minimal compensation) of the lands of white farmers. Land was redistributed to Zimbabweans, predominantly those with linkages to a ruling constellation of Government-State-Zanu-PF led by President Mugabe, via a system of permits and leases, susceptible to political manipulation, and comprising in effect the negation of the idea of property as a mode of tenure in rural Zimbabwe.

Now, as the crisis of governance deepens in Zimbabwe and the power of Zanu-PF and the ruling elite seems increasingly entrenched, land redistribution has become increasingly politicised, personal and factional. Membership of Zanu-PF and access to the ruling elites of Zanu-PF and Government have become the essential key in accessing land, and in the processes of land allocation which have become dominated by patron-client relationships and hierarchically-constructed relationships of mutual obligation. In this context, the idea of property as a market-based rather than politically-obligated form of land tenure no longer suits the purposes of the increasingly neo-patrimonial ruling elites.

In Zimbabwe, the white farmers have been evicted and rural productivity is tenuous – especially on the former white farms. Lands are nationalised, yet still it is the broad bulk of the people who remain dispossessed as the processes of land reform are co-opted to political purposes, and as lands are co-opted by political elites.

DECLARATION

This work contains no material which has been accepted for the award of any other degree or diploma in any university or tertiary institution and, to the best of my knowledge and belief, contains no material previously published or written by another person, except where due reference has been made in the text

I give consent to this copy of my thesis, when deposited in the University Library, being available for loan and photocopying

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DATE: 12 April 2006

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GLOSSARY

ACRONYMS: GENERAL

EU	European Union
ha	hectares
ILO	International Labour Organisation
mha	million hectares
MP	Member of Parliament
NGO	non-governmental organisation
OAU	Organisation of African Unity
SADC	Southern African Development Community
UK	United Kingdom
UN	United Nations
UNDP	United Nations Development Programme
USA	United States of America
WWI	World War I, 1914-1918
WWII	World War II, 1939-1945

ACRONYMS: from Zimbabwe unless otherwise indicated; political parties are italicised

A-ADF	Anglo-American Development Fund (for Zimbabwe), an abortive aid fund proposed in 1977; also referred to as the Zimbabwe Development Fund (ZDF)
AEZ	Agro-Ecological Zone (Zones I being most fertile, and Zone V being least fertile)
AFC	Agricultural Finance Corporation (a parastatal)
AGRITEX	Department of Agricultural, Technical and Extension Services
ALRP	Accelerated Land Reform Programme (the terminology Fast Track Land Reform Programme/FTLRP is more common)
<i>ANC</i>	African National Congress (of South Africa)
<i>ANC (Zimbabwe)</i>	African National Congress (Zimbabwean branch), a short-lived party (1957-59) led by Joshua Nkomo. <i>ANC</i> is also an acronym for the African National Council, formed by Bishop Abel Tendekayi Muzorewa in 1971, and reformed in 1974 as <i>UANC</i> incorporating ZANU and ZAPU
ARDA	Agricultural Research Development Authority
BSAC	British South Africa Company, formed under Rhodes' directorship in 1889, and administered the British Protectorate of Southern Rhodesia from 1890 to 1923 under Royal Charter
CAMPFIRE	Communal Areas Management Programme for Indigenous Resources
CBNRM	Community Based Natural Resource Management
CC	Constitutional Commission (more formally the Constitutional Review Commission) established by Government in April 1999
Cde	Comrade – a term used in some Government of Zimbabwe documentation, generally equivalent to Mr. or Mrs., and generally used with reference to someone who is supportive of Zanu-PF
CEO	Chief Executive Officer (abbreviation used in tables, not text)
CFCP	Property Credit and Struggle against Rural Poverty Project, Brazil
CFSS	Commercial Farm Settlement Scheme
CFU	Commercial Farmers Union: the union of (white) commercial farmers in Zimbabwe
CHOGM	Commonwealth Heads Of Government Meeting

COHRE	Centre on Housing Rights and Evictions, a Geneva-based NGO
CRC	Constitutional Review Commission (less formally the Constitutional Commission) established by Government in April 1999
DCLRR	Donors' Conference on Land Reform and Resettlement, Harare, 1998
DLC	District Land Committee
DLIC	District Land Identification Committee
DRC	Democratic Republic of the Congo
ESAP	Economic Structural Adjustment Policy, 1984 and 1990/1
FTLRP	Fast Track Land Resettlement Programme: Phase I from July 2000 to January 2001; Phase II from January 2001 onwards
GOZ	Government of Zimbabwe (abbreviation used in Tables, not text)
HRF	Human Rights Forum, Zimbabwean NGO
HRW	Human Rights Watch, Zimbabwean NGO
INCRA	National Institute of Colonisation and Agrarian Reform, Brazil
LARP	Land Acquisition and Resettlement Programme: Phase I from 1992 to 1997; Phase II from 1997 to 2000
LRG	Land Resettlement Grant, established by UK in 1980
LRP	Land Reform Programme: includes LRRP, LARP, and FTLRP
LRRP	Land Reform and Resettlement Programme, 1980 to 1992
LSCF	Large Scale Commercial Farms
LTC	Land Tenure Commission, more properly the Commission into Appropriate Land Tenure Systems, and also known as the Rukuni Commission, 1992-93
MDC	Movement for Democratic Change, major Zimbabwean opposition party formed in 1999 under the leadership of Morgan Tsvangirai, former leader of ZCTU
MST	<i>Movimento dos Trabalhadores Rurais Sem Terra</i> , the Movement of Rural Landless Workers of Brazil
NCA	National Constitutional Assembly, a broad pan-racial civil society organisation, formed in 1996 to address Constitutional reform
NDP	National Democratic Party, a short-lived (1960-61) political party led by Joshua Nkomo
OTFS	Ordinary Tenant Farmer Scheme
PF	Patriotic Front: a ZANU – ZAPU alliance, formed in 1976 during the Liberation War of 1966-79
PLIC	Provincial Land Identification Committee
PM	Prime Minister
RDC	Rural District Council
RDF	Rhodesian Defence Forces
RF	Rhodesian Front, a conservative political party representing white settler interests, under the leadership of Ian Smith
RSA	Republic of South Africa (since Independence in 1994)
RSF	Rhodesian Security Forces; the Rhodesian army from UDI to Independence
SAFIRE	Southern Alliance For Indigenous Resources
SSCF	Small Scale Commercial Farms
SI	Statutory Instrument
SIRDC	Scientific and Industrial Research and Development Centre
TA	Traditional Authorities
TLA	Tribal Land Authority
TTL	Tribal Trust Lands

UANC	United African National Council, formed in 1974 by the merger of the African National Council with other minor groups, formed and led by Bishop Abel Tendekayi Muzorewa
UDI	Unilateral Declaration of Independence of Rhodesia, by Ian Smith's Government on 11-Nov-65
UDR	<i>Uniao Democratica Ruralista</i> , the Rural Democratic Union of Brazil
UZ	University of Zimbabwe
WVA	War Veterans Association
ZANLA	The military wing of ZANU during the Liberation War
ZANU	Zimbabwe African National Union, formed by ZAPU dissidents in 1963 under the leadership of Ndabaningi Sithole (and including Robert Mugabe and Herbert Chitepo)
ZANU-Ndonga	The present name of that portion of ZANU which was originally led by Ndabaningi Sithole and which has not become Zanu-PF led by Mugabe.
Zanu-PF	ZANU when in alliance with ZAPU as the Patriotic Front; since Independence, ZAPU has retained the name Patriotic Front, while ZANU refers to itself as Zanu-PF
ZAPU	Zimbabwe African People's Union, founded by Joshua Nkomo in 1962
Zapu-PF	ZAPU when in alliance with ZANU as the Patriotic Front
ZCTU	Zimbabwe Congress of Trade Unions
ZDF	Zimbabwe Development Fund, an abortive aid fund proposed by UK and USA in 1977 – also referred to as the Anglo-American Development Fund (for Zimbabwe) or A-ADF
ZFTU	Zimbabwe Federation of Trade Unions (sponsored by Zanu-PF in opposition to ZCTU; workers are sometimes compelled to join ZFTU)
ZFU	Zimbabwe Farmers Union, a State-linked and heavily politicised NGO representing (small-scale) commercial indigenous farmers
ZIANA	A Government controlled newspaper
ZIMCORD	Zimbabwe Conference on Reconstruction and Development, Harare 1980 (the Zimbabwean Government sought to mobilise international aid)
ZIPA	Zimbabwean Peoples Army, a radical faction containing member from ZANU and ZAPU in the Liberation War; brutally suppressed by Mugabe in 1977
ZIPRA	The military wing of ZAPU during the Liberation War
ZJRI	Zimbabwe Joint Resettlement Initiative, 2001, a CFU – Government land reform proposal
ZNA	Zimbabwean National Army

ZIMBABWEAN WORDS

<i>abenansi</i>	The aristocratic caste within the <i>Ndebele</i> , and descendents of the <i>Kumalo</i> who migrated north into Zimbabwe
<i>abenhla</i>	The middle caste within the <i>Ndebele</i> , and descendents of peoples conquered and incorporated by the <i>Kumalo</i> in their migration
<i>amaholi</i>	The lowest caste within the <i>Ndebele</i> , and descendents of the <i>Kalanga</i> clan who subsequently moved into <i>Ndebele</i> lands
<i>ama-ndebele</i>	'People of the long shields' – that is the <i>Ndebele</i>
<i>Bantu</i>	The <i>Bantu</i> peoples are a broadly related cultural-linguistic grouping, including pastoralism and metal working. Within this linguistic group, the word for <i>person</i> is <i>ntu</i> or a variant, and plurals are formed by the <i>ba</i> (or similar) prefix. Many personal names are formed by an 'm' or

	‘n’, followed by a harder consonant, for example Mwashita, Mbedzi, Nkomo, Nkrumah, Ndebele.
<i>Bantu Expansion</i>	The gradual expansion in the first half of the second millennium AD (and in part later), of <i>Bantu</i> cultural-linguistic characteristics originating in the forests of eastern Nigeria – Cameroon and spreading across eastern and southern Africa,
<i>Chimurenga</i>	A <i>Shona</i> word referring to widespread military resistance against the colonists in 1896-97, commencing amongst the <i>Ndebele</i> and spreading to the <i>Shona</i> , The word was revived in the reference to the Liberation War of 1966-79 as the <i>Second Chimurenga</i> , and to the Fast Track Land Reform Programme implemented in 2000 as the <i>Third Chimurenga</i> .
<i>Gukurahundi</i>	A <i>Shona</i> word meaning ‘the early rain which washes away the chaff before the spring’, and referring to the Matabeleland crisis of the early to mid 1980s.
<i>hunhuism</i>	A <i>Shona</i> word implying humanness or humanity or soul, or the essence of being a person; see also <i>ubuntuism</i> ¹
<i>imfazwe</i>	An <i>Ndebele</i> word, synonymous with <i>chimurenga</i> (not in common usage, though used in The Utete Report ²)
<i>Kalanga</i>	The clan, led by Mzilikaze, who split with Shaka Zulu in the 19 th Century and moved northwards into Zimbabwe to become the <i>Ndebele</i>
<i>Karanga</i>	The largest of the five main <i>Shona</i> clans
<i>Korekore</i>	One of the five main <i>Shona</i> clans
<i>Kumalo</i>	A clan who moved northwards into <i>Ndebele</i> lands after the <i>Ndebele</i> migration
<i>Manyika</i>	One of the five main <i>Shona</i> clans
<i>Mashona</i>	The plural of <i>Shona</i> , though the term ‘ <i>Shona</i> ’ or ‘ <i>Shona</i> people’ is more common amongst writers in English.
<i>Mashonaland</i>	Literally the land of the <i>Shona</i> peoples, broadly the eastern and northeastern half of Zimbabwe
<i>Matabeleland</i>	Literally the land of the <i>Matabele</i> (that is the <i>Ndebele</i> peoples), broadly the southern and western half of Zimbabwe
<i>Matabele</i>	A plural form of <i>Ndebele</i> , though now less commonly used
<i>Mfecane</i>	A <i>Zulu</i> word referring to the concentration of military and State power in the <i>Zulu</i> kingdom in northeastern South Africa in the early 19 th Century, under Dingiswayo and later under Shaka <i>Zulu</i>
<i>Ndau</i>	One of the five main <i>Shona</i> clans
<i>Ndebele</i>	The second largest people group in Zimbabwe, in the south and west of Zimbabwe in <i>Matabeleland</i> , consequent on the northerly migration and integration of the <i>Kumalo</i> peoples in the 1820s-30s; the <i>Ndebele</i> are a <i>Bantu</i> people
<i>pungwe</i>	A <i>Shona</i> word referring to informal rural meetings organised in order to politically educate or ‘conscientise’ the peasantry
<i>Shangwe</i>	A <i>Shona</i> people group in northwestern Zimbabwe

¹ Stanlake Samkangwe and Tommie Marie Samkangwe, *Hunhuism or Ubuntuism: A Zimbabwean Indigenous Political Philosophy*, Salisbury (Harare), Zimbabwe: Graham Publishing, 1980.

² Presidential Land Review Committee (Zimbabwe), and Dr Charles MB Utete, 'Report of the Presidential Land Review Committee on the Implementation of the Fast Track Land Reform Programme, 2000-2002 (The Utete Report)', Harare, Government of Zimbabwe, Harare, accessed August 2004 at http://www.sarpa.org.za/documents/d00004622/p600-Utete_PLRC_00-02.pdf, August 2003, pp. 10, 11.

Shona

The largest people group in Zimbabwe (the word was first applied by 19th century English/European adventurers to refer to a number of culturally-related groups in central and eastern Zimbabwe), in *Mashonaland*; the *Shona* are a *Bantu* people

ubuntuism

An *Ndebele* word synonymous with *hunhuism*

Zezeru

The most powerful of the five main Shona clans (Mugabe is Zezeru)

1 INTRODUCTION: ZIMBABWE, THE LAND ISSUE AND LAND REFORM PROGRAMME

In Zimbabwe, as in virtually all countries of the world, land is an invaluable natural resource. Throughout human history, control of land has been and remains an important source of some of the most brutal conflicts at community, national and even international levels. In many African societies, land has a much deeper meaning than merely its physical characteristics ... It represents something priceless in its embodiment of tradition, culture, religious or ancestral heritage. As a symbol of wealth and power, land can also be the subject of acrimonious disputation, intrigue and rivalry ... (The Centre on Housing Rights and Evictions, Geneva¹)

This land, this Zimbabwe, is a sacred inheritance from our forefathers. It was the *causus belli* of our armed liberation struggle. (President Mugabe²)

Scope and Method of Research

This is a study of the complex evolution of land tenure and successive reappropriation of land in Southern Rhodesia – Zimbabwe under British colonialism and through the Independence era. It is a thesis about the political import of land tenure, in particular property³ and property rights and the intersection of power and land tenure. Equally, it is a thesis about the demise of property rights and the negation of the idea of property in Zimbabwe. It is also an account of the way powerful social and political forces manipulate systems of tenure rights and access to land in order to create and entrench a power base, and how the very form of tenure is contested and redefined to further political or economic objectives. The argument places contemporary dilemmas, actions and debate within the context of historical and contemporary continuities, trends and discontinuities.

Such a study entails consideration of the diverse conceptual and historical apparatus pertinent to Western understandings of tenure and to African tribal and colonial and post-

¹ Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', Geneva, COHRE, Africa Programme Mission Report, September 2001, p. 43.

² President Mugabe, 'President appeals for national unity', *The Herald*, Harare, 19 April 2001.

³ In this thesis I use 'property' in the sense of 'landed property', that is land whether productive or unused, and all the things and *immeubles* that are intrinsically attached to that land.

colonial practice. This study draws in particular on arguments for and critiques of the Western concept of property as a specific mode of land tenure, notably by Locke, Proudhon, and Macpherson. It draws on a range of scholarly studies of African history and sociology, and understandings of people and community and land from Zimbabwe as well as from other African nations and cultures.

With reference to Zimbabwe, a range of data from both official and unofficial documentation, press reports and scholarly studies are incorporated. The most original and significant materials drawn upon were the Dongo List – a listing, released by the Government in 1999-2000, of elite beneficiaries of the Land Reform Programme – and subsequent official and unofficial documentation of elite land allocations. This is complemented by the diverse political rhetoric that has given expression to a new and contested understanding and practice of land tenure in Zimbabwe, notably speeches and commentaries from the Government of Zimbabwe and its supporters, as well as critiques of Government policies and actions, and a range of official or semi-official reviews conducted by major external agencies with the cooperation of the Government of Zimbabwe.

The major findings herein, bearing in mind the inevitable historical and contemporary specificity of the Zimbabwean experience among African variants, as well as the inevitable imposition of Western conceptual models and comparisons by a writer from a Western tradition, point not only to the negation of the property rights of the predominantly white property owners but to the destruction of the idea of property as a mode of land tenure in contemporary Zimbabwe. Moreover, the new processes of land allocation and modes of land tenure have been coopted and driven by the exigencies of an increasingly neo-patrimonial and coercive elite linked to Government and to Zanu-PF as the governing party.

Zimbabwe: Crisis? What Crisis?

Though much of Africa has again become a minor byway in world affairs and “fallen off the map”⁴ as the forgotten continent in contemporary global politics and media images, Zimbabwe is still notable and noticed for its increasing level of internal conflict, its collapsing economy and increasing poverty.⁵ Since the late 1990s, Zimbabwe has tended increasingly towards internal violence and political crisis,⁶ and, more broadly as Bernstein argues, “Of all the world’s regions today, sub-Saharan Africa is seen as most emblematic of ‘crisis’, ‘disaster’, and ‘tragedy’ ”.⁷ In 2005 the political, social and economic future of Zimbabwe and its peoples seems uncertain. Zimbabwe has become a pariah State, evidenced in the decision by the Commonwealth Heads of Government (CHOGM) in Nigeria on December 9, 2003 to renew Zimbabwe’s suspension from the Commonwealth, and the riposte by Zimbabwe that it would leave the Commonwealth.⁸ In mid-2005, Zimbabwe again came to the world’s

⁴ Thomas M. Callaghy, 'Africa: Falling off the Map?', *Current History*, January, 1994, pp. 31-36. In Callaghy's interpretation, Africa, as the economically and geo-politically least important continent *fell off the map* as the polarization of, and Cold War between, the capitalist liberal-democratic capitalist 'free world' and the communist bloc started to collapse – with the fall of the Berlin Wall and *glasnost* and the disintegration of the USSR. Seemingly the West rediscovered Africa in the late 1990s – early 2000s (as USA Presidents and State officials made official visits to Africa, replete with promises of future commitment), yet this has amounted to little and Africa's predicaments have again been largely forgotten in the 2000s as the world focuses on other dilemmas. Yet the G8 meeting at Gleneagles in Scotland in July 2005 paid special attention to Africa and poverty in Africa, and promised financial assistance and debt relief for 'eligible' countries based on their standards of governance (the G8 meeting at Evian, France, in 2003 had deplored the rising State violence in Zimbabwe). Yet Zimbabwe was still excluded from these economic benefits, and the G8 'deplored' the recent events in Zimbabwe, in particular the urban demolitions. Mugabe then flew to China seeking financial aid, yet was rebuffed. The G8, 'Chair's Summary, Gleneagles Summit, 8 July 2005' accessed September 2005 at <http://www.g8.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1119518698846>, 2005. The G8, 'Chair's Summary, Evian Summit, 23 June 2003', accessed September 2005 at <http://www.g8.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1097587800794>, 2005.

⁵ According to Moore, in 2000, “Zimbabwe ha(d) the world’s fastest collapsing economy”. John L. Moore, *Zimbabwe's Fight to the Finish: The Catalyst of the Free Market*, London: Kegan Paul, 2003, p.238. Citing the *Economist*, February 2000.

⁶ Brian Raftopoulos, 'The State in Crisis: Authoritarian nationalism, selective citizenship and distortions of democracy in Zimbabwe', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, p. 1. Centre for Development Research, 'The Zimbabwe Crisis: Land, Politics and Aid: issues paper', Paper presented at Public Conference, 3 September, Copenhagen, accessed September 2002 at <http://www.cdr.dk/seminars/zimbabwe/default.htm#onedaypubconf>, 2001. Brian Raftopoulos and Ian Phimister, 'Zimbabwe Now: The Political Economy of Crisis and Coercion', *Historical Materialism* 12, no. 4: Research in Critical Marxist Theory, 2004, pp. 355-382.

⁷ Henry Bernstein, 'Considering Africa's Agrarian Questions', *Historical Materialism* 12, no. 4, 2004, p. 115.

attention, as President Mugabe commenced a widespread programme – *Operation Murambatsvina* – of evicting ‘illegal’ squatters and settlers from around the cities and towns of Zimbabwe, that is from the heartlands of political opposition to his Government, and forcibly moving these people back to the Communal Lands, without support and without resources. The police and military were used to destroy suburbs of substantial housing; many hundreds of thousands of people were made homeless and destitute in an economy already facing collapse and impending famine.

Where Zimbabwe at Independence in 1980 was the ‘breadbasket of southern Africa’⁹ and a net exporter of food, by the late 1990s food production had declined. By 2002-2003, Zimbabwe’s food reserves had been largely consumed or sold,¹⁰ and millions of people were at risk of food shortage or starvation as crop surpluses were reduced by drought across southern Africa.¹¹ For many the Government’s post-Independence Land Reform Programme has been instrumental in the collapse of rural productivity and in creating the present shortfall

⁸ In this text I have chosen to consistently use an uppercase start for four specific words:

1. the State, to distinguish the formal realm of the State from the general state of affairs in Zimbabwe etc.
2. Government, as shorthand for the Government of Zimbabwe
3. the Constitution, as shorthand for the Constitution of Zimbabwe in its various phases
4. Independence, as shorthand for the Independence of Zimbabwe in 1980.

⁹ This term is in widespread usage: Oxfam Canada, ‘Famine in Southern Africa, Oxfam Launches Relief Appeal, One Million Dollars Urgently Needed’, Oxfam Canada, Ottawa, accessed September 2004 at http://www.oxfam.ca/news/Zimbabwe/SA_Famine.htm, 2002. International Crisis Group, ‘All Bark and No Bite? The International Response to Zimbabwe’s Crisis’, Harare, Washington and Brussels, 25 January, accessed September 2004 at <http://www.crisisweb.org/home/index.cfm?id=2012&l=1>, 2002. Stephanie Kriner, ‘Food Crisis Escalates in Southern Africa’, Disaster Relief, accessed September 2004 at <http://www.disasterrelief.org/Disasters/020718africafamine/>, 18 July 2002. Catholic Relief Organization, ‘Suffering in the Breadbasket’, Catholic Relief Organization, accessed September 2004 at http://www.catholicrelief.org/get_involved/advocacy/grass_roots/bulletin.cfm, 2004. Alexandra Zavis, ‘Serious Drought Threatens Southern Africa’, Associated Press, accessed September 2004 at <http://www.worldrevolution.org/article/1107>, 31 January 2004. The role and title of ‘breadbasket of southern Africa’ is now assumed by RSA – though even RSA’s productivity may not be enough to meet the region’s needs. UN Office for the Coordination of Humanitarian Affairs, ‘Southern Africa: Region’s breadbasket urged to watch exports’, Reproduced by Relief Web, and Integrated Regional Information Networks, accessed September 2004 at <http://www.reliefweb.int/w/rwb.nsf/0/abe3187dce1e528649256bc3001c06b8?OpenDocument>, 23 May 2002.

¹⁰ Zimbabwe, in accordance with IMF/World Bank advice, had sold off ‘excess’ stocks of maize and other staple foods in order to reduce external debt. Yet this excess food was the ordinary reserve that any country might hold against adversity. Kate Bird, David Booth, and Nicola Pratt, ‘Food security crisis in Southern Africa: The political background to policy failure’. London, Forum for Food Security in Southern Africa, 2003.

¹¹ As Bush argues, food insecurity and the threat of famine have returned to Africa, especially the Horn of Africa and nations north of RSA in recent years. Ray Bush, ‘Zimbabwe: Out in the Cold?’, *Review of African Political Economy* 30, no. 98: December, 2003, pp. 535-537.

in food self-sufficiency. By the early 2000s, international aid agencies were seeking to supply emergency food aid to Zimbabwe and other countries in southern Africa (Zambia, Mozambique, Botswana). In late 2005, Jan Egeland, the UN under-secretary for humanitarian affairs visited Zimbabwe and reported that, over the past 15 years, life expectancy in Zimbabwe had reduced from more than 60 years to just over 30 years.¹²

The world has been confronted with media images of violence in Zimbabwe. 'War Veterans' or 'youths'¹³ 'invade' farms, using violence to harass and evict white farmers and families, destroying homes and infrastructure. The media brings us images of urban strikes and protests, election violence and opposition politicians charged with treason, with images of President Mugabe and leading Zanu-PF politicians proclaiming the rightness and political inevitability of their policies, and the treacherous iniquity and inevitable failure of all opposition. The collapse of law and order, the Government's apparent tolerance of and use of violence when it suits its purposes and the corrupt appropriation of the polity's resources, seem to bring Zimbabwe ever closer to the *criminalization of the State in Africa* – to use a phrase coined by Bayart et. al.¹⁴

At Independence, the quarrel between the black nationalists and white European (predominantly British) settlers that led to the Liberation War of 1966–1979 had seemingly been resolved. The new black-dominated Government accepted a constitutional framework that might resolve the inequalities of colonialism. The newly independent nation was the most

¹² David Blair and Peta Thornycroft, 'Victims of bulldozer denied UN tents', *The Telegraph*, London, 9 December 2005, accessed December 2005 at <http://www.telegraph.co.uk/news/main.jhtml?xml=/news/2005/12/09/wzim209.xml&sSheet=/news/2005/12/09/ixnewstop.html>.

¹³ 'Youth' should be understood in an African context as young to middle-aged males who have not 'achieved' full adulthood in the sense of sufficient material independence to be able to marry and reproduce, and who have not gained adult roles or status. Youth are mobile and mobilisable, and are the demographic group that can be the most vocal supporters or opponents of Government.

¹⁴ Jean-Francois Bayart, Stephen Ellis, and Beatrice Hibou, *The Criminalization of the State in Africa*, translated by Stephen Ellis, Oxford, Bloomingdale and Indianapolis: International African Institute, James Currey, and Indiana University Press, 1999.

industrially sophisticated in Africa apart from South Africa, rich in natural resources and not yet burdened with debt.¹⁵

By 2005, the euphoria, good-will, and willingness to compromise that exemplified the moment of Independence had evaporated, largely because social and economic reconstruction and land reform had failed to materialise. At Independence, Mugabe had offered peace to the expatriates as he announced a policy of racial reconciliation, as Zimbabwe became the shining alternative to South Africa's apartheid system. Now, Mugabe and his Government seem the main threat to social harmony in Zimbabwe, resorting to overtly racist rhetoric and portraying whites, both within Zimbabwe and externally, as enemies of Zimbabwe. Moreover, opposition groups and NGOs whose agenda does not accord with Zanu-PF policies are portrayed as pawns and puppets of the white settlers in Zimbabwe or of Western interests.

The Land Issue

The Government's most potent rhetorical theme had been the complex and highly emotive idea of the 'land question' or 'land issue',¹⁶ perceived in terms of the racialised and colonially-constructed differences and inequalities in land tenure and ownership. Thus at Independence a small minority of white farmers comprising expatriate settlers and their descendents held about half of Zimbabwe's lands as property, including much of the more fertile lands. In contrast, the indigenous rural majority had access and use rights over the remaining generally less fertile lands of the Communal Lands; a small but significant minority

¹⁵ Colin Stoneman (editor), *Zimbabwe's Inheritance*, Harare: College Press, 1980.

¹⁶ Different writers refer to the 'land issue' or 'land question'; however in this text, the term 'land issue' is generally used, unless quoting from other sources. Samson (Sam) Moyo, 'The Land Question', in Ibbo Mandaza (editor), *Zimbabwe: The Political Economy of Transition, 1980-1986*, pp. 165-201, Dakar and Harare: Codesria, and Jongwe Press, 1987. Pius S. Nyambara, 'Reconstructing the Contours of Citizenship in a Closing Frontier: Agrarian Change, Immigrants and the 'Squatter Menace' in Gokwe Villages, 1980s and 1990s', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, pp. 7-10, 'The Land Issue'.

of black commercial farmers held smaller farms as property in the Native Purchase Areas which had been established under the *Land Apportionment Act (1930)*.¹⁷

Given this structural inequality, any thought of rectifying or reversing the legacy of racist colonial policies underpinning the present inequity in landholdings engages two competing and contradictory ideals of justice in land holdings in Zimbabwe. On the one hand and from the viewpoint of outcomes, the inequalities created under colonialism are unjust and must be addressed by policies leading to a greater equality of holdings through the redistribution of land. On the other hand, in terms of ideas of (in)justice in acquisition,¹⁸ the colonial processes of acquisition and redistribution were clearly unjust and coercive, and restitution of land is imperative. Yet redistribution and restitution are uneasy allies, even though ideals of restitution have been advanced to justify programmes of redistribution. Restitution might not create greater equality, while redistribution ignores specific claims for restitution.

The land issue, as it is currently poised, is based in historically-constructed patterns and structures and the ongoing policies and actions of post-Independence Zimbabwe. President Mugabe argues that “our land question is a colonial one which is rooted in our

¹⁷ Allison Shutt, ‘Purchase Area farmers and the Middle Class of Southern Rhodesia, c 1931-1952’, *The International Journal of African Historical Studies*, 30: 3, 1997, pp. 555-581. William Duggan, ‘The Native Land Husbandry Act of 1951 and the rural middle class of Southern Rhodesia’, *African affairs*, 79, 1980, pp. 227-240.

¹⁸ Robert Nozick, in a right wing analysis, argued against any ideal of justice based in maintenance of any *pattern* of distribution of a polity’s resources and wealth. Instead he argued, *justice in distribution* of wealth, property, resources, etc. lies solely in the processes of justice of acquisition and justice of transfer, extending back through history. If anyone acquires a thing through a just and legal transaction, then that thing is justly the inalienable property of its new owner. If something has been acquired or transferred *unjustly*, then justice would require restitution of that thing to the former unjustly-dispossessed owner. This model provides predictability and security of tenure, yet fails to deal with the widespread reality of a society and polity based on historic dispossession based in legal forms (and coercive practices) that *were* seen as just, but that now in a new context are seen as unjust. Robert Nozick, *Anarchy, State and Utopia*, New York: Basic Books, 1974.

history as a colonised people”,¹⁹ while the main Zimbabwean opposition party since 1999, the Movement for Democratic Change (MDC),²⁰ argues:

Throughout the history of this country the land question has been central to the politics of the day. Over the last twenty years, through a combination of government delays, donor hesitation, slow response from the white farming community, and the increasing influence of a black elite with vested interest in slowing down the land reform process, the land question has remained unresolved.²¹

The scale of inequalities in land holdings in Zimbabwe at Independence that are at the heart of the supposed land issue is evidenced from many sources – from Government of Zimbabwe documents,²² Government apologists,²³ the political opposition (notably MDC),²⁴

¹⁹ President Mugabe, 'President Mugabe's Address at Mt Pleasant Farm, Murehwa, August 27', Government of Zimbabwe, Harare, accessed May 2003 at <http://www.gta.gov.zw/Land%20Issues/Mt.html>, 1998.

²⁰ In September 1999, opposition groups including urban and trade union interests merged to form the Movement for Democratic Change, which under the leadership of Morgan Tsvangirai (former head of the Zimbabwe Congress of Trade Unions/ZCTU) has become the main opposition to Zanu-PF.

²¹ Movement for Democratic Change, 'Recent Developments on the Land: The MDC Position', MDC Press, Harare, accessed August 2002 at <http://www.mdczimbabwe.com/archivemat/statements/land/landinvtxt.htm>, April 2000.

²² Mandivamba Rukuni (Chairman), and Government of Zimbabwe, 'Report of the Commission of Inquiry into Appropriate Agricultural Land Tenure Systems (The Rukuni Commission), Volume Two: Technical Reports, October', Government of Zimbabwe, Harare, 1994. Government of Zimbabwe, 'Policy Framework and Project Document for Phase II (1998) of the Land-Reform and Resettlement Programme', Government of Zimbabwe, tabled at Donors' Conference, September, Harare, 1998. President Robert Mugabe, 'Address to the Donors Conference on Land Reform and Resettlement, 9 September, Harare', Government of Zimbabwe, Harare, accessed May 2003 at <http://www.gta.gov.zw/Land%20Issues/LAND%20CONFERENCE.html>, 1998. President Robert Mugabe, 'President Mugabe's Address to the Third Zanu-PF National People's Congress, 16 December, Harare', Government of Zimbabwe, Harare, accessed May 2003 at <http://www.gta.gov.zw/Presidential%20Speeches/congress.html>, 1999. John Nkomo, 'Minister John Nkomo's Opening Statement at the London Land Negotiations, April 27', Government of Zimbabwe, Harare, accessed February 2004 at <http://www.gta.gov.zw/Land%20Issues/MinisterNkomoOpeningspeech.htm>, 2000. Government of Zimbabwe, 'Land Issue - Fact Sheet', Government of Zimbabwe, Harare, accessed May 2003 at <http://www.gta.gov.zw/Land%20Issues/factsheet.html>, 2000. Presidential Land Review Committee (Zimbabwe), and Dr Charles MB Utete, 'The Utete Report'.

²³ In particular Global Analysis is a research and information institute established in 1996, with a radical web page (<http://www.glob.co.zw/>) promoting a pro-Mugabe/Zanu-PF (and anti-MDC), socialist/Maoist line, and in its quotation of Government sources and viewpoints is seemingly an informal outlet for Government policy and opinion. Fahim Ahmed, 'Stop Imperialist Intervention in Zimbabwe', *Global Analysis*, Zimbabwe, accessed May 2004 at http://www.glob.co.zw/Political/stop_imperialist_intervention_in.htm, 15 January 2002. Global Analysis Research and Documentation Team, 'The British Government's Agenda for Zimbabwe', *Global Analysis*, Zimbabwe, accessed May 2003 at http://www.glob.co.zw/Economic/british_government.htm, 6 June 2001. Morgan Handidi, 'Editorial: Justice at Last', *Global Analysis*, Zimbabwe, accessed May 2003 at http://www.glob.co.zw/Editorial/justice_at_last.htm, 3 November 2001. Samson Mulenga, 'The Land Problem: Zimbabwe and South Africa - Comparative Analysis', *Global Analysis*, Zimbabwe, accessed May 2003 at http://www.glob.co.zw/Economic/Comparative_Analysis_Of_Land_Issue.htm, 27 April 2000. Dingaka Zulu, 'Demonizing Zimbabwe', *Global Analysis*, Zimbabwe, accessed May 2003 at http://www.glob.co.zw/Economic/demonizing_zimbabwe.htm, 12 June 2001.

external writers and NGOs (notably COHRE, UNDP, and Robin Palmer at OXFAM),²⁵ and external governments (notably the British Government).²⁶ Most commentators, even from Britain and the Zimbabwean opposition, accept that Zimbabwe must address the land issue in the sense of broadening the base of land ownership in some form – witness Lord Carrington's speech at the opening of the Lancaster House Conference in late 1979, and MDC and UNDP support for land reform.²⁷

What is far more at issue is the nature of the Government's Land Reform Programme (LRP) as it evolved in the late 1990s and into the 21st Century – not so much the idea of redistribution which was quite broadly accepted, as the more controversial practices of compulsory acquisition which deny the validity of existing property rights, the politicisation of the idea of land reform and the politicisation of the processes of land allocation, the failure

²⁴ Movement for Democratic Change, 'The MDC Reflections on the Land Question', MDC Press, Harare, accessed August 2004 at <http://www.mdczimbabwe.com/archivemat/statements/land/landq000817txt.htm>, 17 August 2000. Movement for Democratic Change, 'Completing the Change - Resolving the land question once and for all: MDC's case for a Land Commission', MDC Press, Harare, accessed August 2002 at <http://mdczimbabwe.com/archivemat/statements/land/mdcpress010625txt.htm>, 2001. Movement for Democratic Change, 'Recent Developments on the Land'. Movement for Democratic Change, 'Completing the Change - Resolving the land question once and for all: The MDC's land policy', MDC Press, Harare, accessed August 2002 at <http://mdczimbabwe.com/archivemat/statements/land/mdcpress010618txt.htm>, 18 June 2001. Movement for Democratic Change, 'Land Resettlement - Phase II', MDC Press, Harare, accessed August 2002 at <http://www.mdczimbabwe.com/archivemat/statements/land/mdcpress010117landtxt.htm>, 17 January 2001. Movement for Democratic Change, 'State-sponsored anarchy on farms', MDC Press, Harare, accessed August 2002 at <http://mdczimbabwe.com/archivemat/statements/land/mdcpress010820txt.htm>, 20 August 2001. Movement for Democratic Change, 'MDC condemns deadline given to farmers', MDC Press, Harare, accessed August 2002 at <http://www.mdczimbabwe.com/archivemat/statements/land/mdcpress020625txt.htm>, 26 June 2002.

²⁵ Moyo, 'The Land Question', pp. 165-201. Robin H. Palmer, 'Land Reform in Zimbabwe', *African Affairs* 89, 1990, p. 166. Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe'. United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement: Assessment and Suggested Framework for the Future: Interim Mission Report', New York, UNDP, January 2002.

²⁶ British Government, 'Report of the Constitutional Conference, Lancaster House, London, September - December 1979, Presented in Parliament by the Secretary of State for Foreign and Commonwealth Affairs, January 1980', Her Majesty's Stationary Office, London, 1980. Parliament of the United Kingdom, 'Southern Rhodesia: Report of the Constitutional Conference, Lancaster House, London, September - December, 1979, presented in Parliament by the Secretary of State for Foreign and Commonwealth Affairs', London, Parliament of the United Kingdom, Her Majesty's Stationary Office, London, 1980. Parliament of the Commonwealth of Australia, 'Report of the Joint Committee on Foreign Affairs and Defence: Zimbabwe', Canberra, Australian Government Publishing Service, May 1980.

²⁷ British Government, 'Report of the Constitutional Conference, Lancaster House'. United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement'.

of the LRP to generate agrarian reform of benefit to the *majority* of Zimbabweans or to the national economy, and the effective abolition of 'property' as a way of holding rural lands.

Is Land the Issue?

Within Zimbabwe, there is intense debate over the role of land as a political issue. Palmer argued that "land has always provided the lifeblood of Rhodesian [now Zimbabwean] politics".²⁸ Not only is land important as a material resource, it becomes the polarising issue, the filter through which all other political issues can be seen and polarised.

Pre and post-Independence, President Mugabe and the Zanu-PF Government have clearly articulated the importance of the "land question and its resolution".²⁹ The land issue has been politicised by the ruling constellation of Government-State-Zanu-PF, and misused as a smokescreen for the crisis of governance and as a means of polarising political opinion in order to a regime of power in the decades since Independence. It has been portrayed and popularised by the Mugabe Government as underlying all other social-economic-political issues in Zimbabwe, as the dilemma underlying all other conflict: nothing else can be resolved until the land issue is dealt with. Yet the present crisis seems broader than access to land, extending to urban unrest, political repression, widespread corruption, and the collapse of productivity and the national economy. However the Government is adept at placing the land issue at the core of political discourse, and at portraying, even demonising, opposition voices and ideas as contradictory to any resolution of the land issue.

In the Liberation War of 1966–1979 (or civil war, from the viewpoint of the then Government of Southern Rhodesia), indigenous political-military resistance was deliberately

²⁸ Robin H. Palmer, *Land and Racial Domination in Rhodesia*, London: Heinemann Educational, 1977, p. 246.

²⁹ President Mugabe, 'Address to the Donors Conference'. President Mugabe, 'President Mugabe's Address to the Third Zanu-PF National People's Congress'. Government of Zimbabwe, 'Land Issue - Fact Sheet'. Nkomo, 'Minister John Nkomo's Opening Statement at the London Land Negotiations, April 27'. President Mugabe, 'Address at Mt Pleasant Farm'. Baffour Ankomah, 'Why Mugabe is right ... and these are the facts', *New African*, Cover Story, accessed July 2002 at <http://dSPACE.dial.pipex.com/town/terrace/1f41/na/may00/nacs0501.htm>, June 2000. Ankomah is an overt spokesperson for the views of the Government of Zimbabwe.

mobilised by nationalist elements around the land issue and recovery of 'lost lands', as well as around political rights. That the land issue was deliberately used as a mobilising force does not in itself mean that the land issue is *not* at the heart of Zimbabwe's dilemmas. The land issue became the core issue that would unite the peasantry and rural populace behind the war effort under the slogan of "regaining the lost lands", and as the prime injustice requiring rectification.³⁰ Not only was land of immediate importance to a predominantly-rural populace, but it was also significant to many urban Zimbabweans with linkages to the rural economy and society, while political rights were of more concern to the ambitious urbanised indigenous minority in terms of equal access to formal sector employment and State resources.

Yet opposition voices argue that *other* issues are *also* at the core of the present Zimbabwean crisis, even that the 'land question' or 'land issue' is not much more than a politically-constructed smokescreen. They point to Government mismanagement of the national economy, to the collapse of productivity in the manufacturing sector, to the consequent crisis of urban unemployment and poverty, to Government's failure to direct resources to urban infrastructure and development, and to a 'crisis of governance'.³¹ Similarly, the International Labour Organisation (ILO) argues that "the primary responsibility for Zimbabwe's weak level of economic growth and its concomitant failure to reap benefits

³⁰ Andersson, 'Re-interpreting the discourse on the land', pp. 8-9, and 15. Bill H. Kinsey, 'Opportunists and Occupiers: The Slow Evolution from Corruption to Crisis in Zimbabwe's 'Land Question'', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, accessed September 2002 at <http://www.cdr.dk/seminars/zimbabwe>, 4-5 September, 2001., p. 7. Somewhat simplistically and ignoring the deliberate mobilisation of the land issue by urban and educated elements who sought to mobilise the land issue as a means towards independence and political power, Mtisi argues that dispossession and landlessness was the direct cause of armed resistance, as the peasantry "took up arms against the colonial regime ... to regain possession of the land". Mtisi, J.P., 'Caught Between the Devil and the Deep Blue Sea: The Post-Colonial State's Response to the Squatter Problem in Forest Areas in Manicaland, Zimbabwe', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, p. 2.

³¹ Yusuf Bangura, 'New Directions in State Reform: Implications for Civil Society in Africa', Geneva, United Nations Research Institute for Social Development, UNRISD Discussion Paper No 113, accessed May 2003 at <http://www.unrisd.org>, May 1999, p.5.

from the global economy can be placed on the lack of good governance”,³² while Rotberg directs the blame more squarely at Mugabe’s personal governance.³³

Accepting the reality of unequal land distribution and the significance of the land issue, Andersson argues that the land issue is a *political* construct, a deliberate Government ploy that diverts attention from its political, social and economic mismanagement of the urban sector and of the broader polity. He highlights the construction of “a dominant interpretative framework in both public and academic debate, which presents the highly uneven distribution of productive land in Zimbabwe as the colonial legacy in which the current crisis is rooted”. For Andersson, the land invasions are State directed and a ploy that “diverted ... attention away from the direct causes of Zimbabwe's economic crisis”.³⁴ This ploy polarised the division between Government and the MDC with its dominantly urban base, ex-trade union leadership and platform addressing economic management and development and social progress. The Mugabe Government and Zanu-PF have been the winners in this polarisation.

Clearly then there are several possible answers to the question of whether the land issue really is the core issue at the heart of the contemporary crisis in Zimbabwe. For the Zimbabwean Government which sees resolution of the land issue as a core objective, the answer is ‘Yes’. For others (for example the ILO³⁵) the answer is ‘No’, and the core issues are those of Government mismanagement of the economy and urban issues, suppression of

³² Michael Woolcock, 'Globalization, Governance, and Civil Society: Globalization, Growth, and Poverty: Facts, Fears, and an Agenda for Action, Background Paper', Washington, USA, Development Research Group, The World Bank: DECRG Policy Research Report, accessed July 2004 at http://econ.worldbank.org/files/2871_governance_woolcock.pdf, 10 August 2001, p. 21.

³³ Robert Rotberg, 'Africa's Mess, Mugabe's Mayhem', *Foreign Affairs* 79, no. 5: September/October, 2000, pp. 47-61, p. 47.

³⁴ Jens A. Andersson, 'Re-interpreting the discourse on the land: Urban migrants, rural livelihoods and the value of land', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, accessed September 2002 at <http://www.cdr.dk/seminars/zimbabwe>, 4-5 September, 2001. Andersson cites Anonymous, 'Government deploys army to direct farm invasions', *Zimbabwe Independent*, Harare, 20 April 2000. Anonymous, 'Army brains behind Zimbabwe farm intrusions: 2,000 soldiers deployed, millions given for food', *Financial Gazette*, Harare, 4 May 2000.

³⁵ Woolcock, 'Globalization, Governance, and Civil Society: Globalization, Growth, and Poverty: Facts, Fears, and an Agenda for Action, Background Paper', p. 21.

political opposition, and corruption of the polity and its electoral processes, including corruption of the LRP. From this viewpoint, the land issue is a smokescreen to divert attention from these other core issues. But the answer is more complex than a simple yes or no. For example, MDC does *not* reject the need for land reform, for “the land reform question in Zimbabwe is an unfinished national business”,³⁶ and does not reject Government criticism of white farmers and external donors. Yet MDC criticises Zanu-PF’s handling of land reform and the concentration of power in the Zanu-PF-dominated ruling elite and their supporters, and the partisan, exclusionary, and ‘corrupt’ nature of the post-Independence LRP.³⁷ For the MDC, the land issue has been used to obscure other, especially urban, concerns.

The Importance of Land

As a ‘political construct’, the land issue in Zimbabwe is based in its real cultural and economic importance which facilitates its mobilisation as a potent focus of political action. The formal national economy is heavily dependent on the rural sector and its many resources: large-scale commercial farming, forestry, mining, and tourism.

In Zimbabwe, about 50% of the populace is rural,³⁸ and land is important as the main and essential productive resource for most people and much of the polity’s production. The rural black populace depends largely on subsistence agriculture, and – at least until the very

³⁶ Movement for Democratic Change, ‘Completing the Change’.

³⁷ Human Rights Watch, ‘Fast Track Land Reform in Zimbabwe’, *Human Rights Watch* Harare, 14, no. 1a: March, accessed August 2003 at <http://www.hrw.org/reports/2002/zimbabwe/index.htm>, 2002. Movement for Democratic Change, ‘The MDC Reflections on the Land Question’. Movement for Democratic Change, ‘Completing the Change’. Movement for Democratic Change, ‘State-sponsored anarchy on farms’. Movement for Democratic Change, ‘MDC condemns deadline given to farmers’.

³⁸ Mbiba indicates that about 55% of Zimbabwe’s populace is rural, and the population is becoming more urbanized, and the 1992 census pointed to 5.4 million people in the Communal Lands; South Africa and Zambia are more urbanized at about 60% of the populace being urban and 40% rural. In 1998, President Mugabe indicated that 70% of the populace is rural, but this seems to be an exaggeration, perhaps designed to strengthen the apparent importance of rural land reform. The difference between the figures quoted by Mugabe and by Mbiba may reflect different definitions of ‘rural’: whether those residing in larger rural towns/cities are classed as rural or urban, etc. Beacon Mbiba, ‘Contemporary Land Invasions and the Urban Land Question in Southern Africa: with special reference to Zimbabwe’, Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, p. 3. President Mugabe, ‘Address at Mt Pleasant Farm’. President Mugabe, ‘Address to the Donors Conference’.

recent years – on employment on white commercial farms and in the rural service sector supplying or processing rural inputs and outputs, with lesser though significant levels of employment in the rural tourism and mining industries. In part this is a legacy of early colonial policies whereby Zimbabweans (and other black Africans) were legally, economically, and coercively confined to the Communal Lands or to labour villages established on white commercial farms, and were prohibited from residing in urban areas without formal employment.

Urbanised Zimbabweans retain significant linkages to the rural economy. Rights to land allocation on Communal Lands are based in membership of the communities on these lands, and are not negated by residence outside these lands. Some Zimbabweans (generally males) moved to the cities or mines or other industries for employment while their spouses and children hold and work farms in the Communal Lands. Others moved as a family to a city yet retain connections, and hence rights, on the Communal Lands. The Communal Lands also subsidise the labour of black Zimbabweans on commercial farms where a labourer may live and work on a temporary, seasonal or full-time basis, while spouse and family remain on the Communal Lands.

Access to Communal Lands remains a fall-back position for many in urban employment, and is at the heart of Africa's "celebrated communal welfare system".³⁹ It is in the role of "social safety net" that land assumes a vital role in contemporary Zimbabwe.⁴⁰ Urbanised Zimbabweans retain not just a sense of identification with their lands of origin, but retain ties of mutual social and cultural obligation, sometimes remitting part of their wages to their rural family or kin of origin. Through these socio-cultural ties, they still hold rights on

³⁹ Mandivamba Rukuni, 'Land tenure, governance and sustainable irrigation development', in: 'Creating an enabling environment for the uptake of low-cost irrigation equipment by small-scale farmers', Paper presented at *Irrigation Technology Transfer in Support of Food Security* subregional workshop, Food and Agriculture Organization of the United Nations, Harare, 14-17 April, 1997. Similarly in Mandivamba Rukuni, 'Why Land Tenure is Central to Africa's Future Governance, Economic and Social Progress', Paper presented at Scandinavian Seminar College: *African Experiences of Policies and Practices Supporting Sustainable Development*, May 1999, SSC-Africa Project, Centre for Development Research, Copenhagen, 1999.

⁴⁰ Andersson, 'Re-interpreting the discourse on the land'.

the Communal Lands. These 'land rights' are the ultimate underpinning of urban migration, and sustenance from the land remains a strategy of last resort for urbanised Zimbabweans. Rather than a Marxist idea of formal appropriation of a rural surplus as capital for urban industrialisation and wages, the urban sector's ongoing dependency on rural productivity is structured through the perpetuation of informal linkages between rural and urban sectors and the *informal economy* of communal land rights.

In this light, the driving dynamic of the land issue is *not* land hunger *per se*, nor even the symbolic or cultural role of land, but the failure of the Government's social and economic policies with regard to the *urban* sector, as a declining economy has driven the urban populace back to increasing reliance on the rural and informal sector. Many urban people have taken up lands on the Communal Lands, either permanently or on a seasonal basis, in order to subsidise or replace an urban income. Yet the Communal Lands are over-crowded, environmentally degraded, and incapable of supporting this de-urbanisation making visible the 'land hunger' of the people, and highlighting the need for land and agrarian reform. In this sense, Government economic mismanagement *is* the core issue.

Mbiba points to the importance of urban land, and to conflict thereupon. The urban centres are overcrowded with insufficient space for adequate habitation, and have poorly developed infrastructure. As a result, people as self-organising groups (Mbiba also points to the involvement of both dissidents and Zanu-PF elites) have 'invaded' peri-urban rural areas and constructed shanty towns, some of which have gained semi-formal approval and State infrastructure – though now largely destroyed under *Operation Murambatsvina*. Much of this is *intra-elite conflict* (rather than black/Zimbabwean versus white settler conflict) as "younger generation business people and professionals" associated with State planning processes or real estate companies have organised and benefited materially from the mediation of these occupations. Alternatively, this "land self-provisioning" is blamed on opposition elements and

is seen as a direct challenge to ruling elites and as expressed criticism of Government policies – hence leading to its suppression.⁴¹

While the independence struggle emphasised regaining the ‘lost lands’⁴² and the *productive* value of land, Andersson argues that less notice was paid to the socio-cultural and political significance of land.⁴³ COHRE quite rightly argues that land has value “as a symbol of wealth and power” and forms the “embodiment of tradition, culture, religious or ancestral heritage”.⁴⁴ While land has symbolic importance in terms of culture and history, over and above its productive value, it also has symbolic importance as a realm or “reconciliatory arena” within which post-conflict ‘reconciliation and transition’ are mediated.⁴⁵ In this context, the symbolic re-appropriation of a nation’s ‘stolen’ lands and symbolic reconstruction of a just redistribution of resources *may* enable a transition from a state of conflict to a new and peaceful and productive post-conflict state. Or, rather, this symbolic and actual re-appropriation of the nation’s lands is an essential step in the resolution of past injustices and grievances, and in the construction of future peace and prosperity, but is not in itself a *sufficient* cause for future peace and prosperity.

Towards an Understanding of the Politicisation of the LRP

Thus, Zimbabwe is seemingly in crisis – though Mugabe has consistently played this down – and the causes are manifold and disputed. For some the LRP has been the solution to

⁴¹ Mbiba, 'Contemporary Land Invasions and the Urban Land Question in Southern Africa', pp. 5-13

⁴² Terence O. Ranger, *Peasant Consciousness and Guerrilla War in Zimbabwe: a Comparative Study*, London: James Currey, 1985, pp. 177 and 287.

⁴³ Andersson, 'Re-interpreting the discourse on the land', p. 15

⁴⁴ Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', p. 43.

⁴⁵ Samuel Kariuki, 'Echoes of a Distant Future? The South African Land Reform Policy Experience (1994 - 2001): Past, Present and Future Challenges Via the Zimbabwe Experience', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, p. 1. Kariuki's comments in reference to post-Independence RSA are clearly also applicable to Zimbabwe.

the problem of the land issue. For other the LRP, in its implementation if not its ideals, is at the heart of the present crisis. For others the LRP is not so much a cause as another symptom of the Government's mismanagement of national resources or diversion of national resources to politically-partisan purpose.

The politicisation of the LRP can be understood through two broad filters: firstly through the idea of property rights, that is through the establishment and negation of property rights in Southern Rhodesia/Zimbabwe and the interactions and contradictions between property and other forms of tenure, and secondly through the concept of the neo-patrimonial State and its application to contemporary Zimbabwe. These ideas – property and the neo-patrimonial State – have their own histories and historic settings.

Contradictions of the Land Issue

The contradictions of the land issue are not only those of the gross imbalance of land holdings between the white farmers and black farmers, an imbalance that was created by historic yet still remembered force and that was largely protected at Independence by Constitutional provisions, and an imbalance that perpetuated a parallel gross imbalance in wealth and life prospects. The contradictions are also those of the property rights of the white property-owning settlers vis-à-vis the more conditional and communally-mediated tenure that most black farmers held on the Native Reserves/Communal Lands. Through its control over the Communal Lands and over the administration of these lands, including its relationship with chiefs and Traditional Authorities, the State exerted increasing control over this communal tenure, yet property remained immune.

The property of the white farmers had been created and maintained by the coercive and legislative power of the colonial State and the productivity of the white farmers was enabled through State economic and legislative support. In accordance with a Western (and capitalist) understanding of property rights, this State support for the property of the white

farmers did not extend to State interference in or control over the white farmers' management of their lands and its productivity.

The conditional tenure of the black farmers is based in forms of communal tenure that predated the colonial invasion, yet is profoundly altered by the colonising experience, as the black populace was increasingly confined to Native Reserves/Communal Lands (and for many these were not the lands of their kin and family and ethnic group) and as the chiefs were disempowered and increasingly brought under State control. None on these lands owned the lands they held; their tenure was both more secure in that it could not be sold, yet less secure in that it was based in complex social and political relationship; these holdings had value in terms of their ability to sustain people and a populace and culture, yet had no market nor capitalisable value.

Colonial Southern Rhodesia

History is important because no ideas or practices develop ex nihilo, nor exist in the present without historic bases. The land issue exists in a historical context, and the very idea of the land issue has its own history. An idea or practice (in this case, systems of tenure and the idea of the land issue) must be understood in terms of the historic development of these ideas and practices within an evolving and enclosing political, social, cultural and economic context. Jean-Francois Bayart introduced to African studies the ideas of *historicity* and of historical analysis through the lenses of (to use terms coined by Braudel and the *Annales* school of French structuralist history) the *courte duree* of events, actions and individuals, the *moyenne duree* of the rise and decline of dynasties, political institutions and parties, and the *longue duree* of structural change, often from a global viewpoint and including environmental and technological change and inseparable from an understanding of complex spatial interactions over a geographic terrain. In general, he sought a greater understanding of the multi-faceted complexity, and informal dynamics and long term development within African

societies,⁴⁶ while Leys summarised Bayart's conception of *historicity* as "the idea that politics must always be understood as a moment in a complex and very long term story".⁴⁷

As a first step in developing this understanding, this thesis starts with an explication of the way that the idea of property as a mode of land tenure was transposed from Western Europe into Southern Rhodesia via the historic processes of colonialism, and the way that property is interlinked with other processes of colonial control and rule from initial conquest through to Independence in 1980 (Chapter 2: Colonial Development of the Land Issue). An understanding of the LRP must start with an understanding of the historical development of racialised patterns of tenure rights and racialised patterns of tenure distribution.

In the colonies, the arrival of property relations, an alien form of land tenure from an alien historical and political context, reinforced the primacy of an owner's purposes, and transferred the power of mediation of tenure from community and chieftaincy to the centralized modern rational bureaucratic State. This was accomplished through the establishment of a centralised State which claimed ultimate or radical title over Southern Rhodesia. The colonial State was actively involved in allocating and controlling the distribution of tenure and recording title, and used coercive force against part of its population for the benefit of another part of its population. Accompanying this was an ever-increasing colonial discourse of denigration and intervention in indigenous agrarian practices, provoking ongoing indigenous resistance to this State intervention and control.

Within its context of origin in post-feudal Western Europe, the modern idea of property had been successfully portrayed as a 'natural right'. Yet in its colonial context, it was

⁴⁶ Jean-Francois Bayart, 'The Historicity of African Societies', *Journal of International Affairs* 46, no. 1: Sub-Saharan Africa, Dilemmas of Political and Economic Development, 1992, pp. 55-79.

⁴⁷ Colin Leys, *The Rise and Fall of Development Theory*, Nairobi, Bloomingdale, Indianapolis and London: EAEP, Indiana University Press, and James Currey, 1996, p. 40. Discussing Jean-Francois Bayart, 'Finishing With the Idea of the Third World: The Concept of Political Trajectory', in James Manor (editor), *Rethinking Third World Politics*, London: Longman, 1991, pp. ix, 5-8, and 16; and Jean-Francois Bayart, *The State in Africa: The Politics of the Belly*, translated by Mary Harper, Christopher Harrison and Elizabeth Harrison, London and New York: Longman (first published as *L'Eiat en Afrique, La Politique du ventre*, Libraire Artheme Fayard, 1989), 1993.

clearly imposed by force, and in its partiality towards white expatriate settlers was clearly neither natural nor universal.

In its development in Western Europe, the idea of property had been a way of distancing the State (Crown, aristocracy, Parliament, and State bureaucracy) from ongoing involvement in and mediation of the actual distribution of property. In particular, it was claimed that market acquisition, free of political or social or material obligation to lord, created valid title that Parliament and State should support and protect.⁴⁸

Yet in Southern Rhodesia, the State was actively involved in determining the allocation or sale of property to the white settlers, and was directly involved in the tenure of black farmers as it created the Native Reserves/Communal Lands, accorded legal recognition to the Traditional Authorities who would have authority to mediate 'traditional' tenure therein,⁴⁹ and sought to control, constrain and redirect African farming practices.⁵⁰ This set a

⁴⁸ John Locke, *Locke's Second Treatise of Civil Government: A Contemporary Selection*, edited by Lester DeKoster, Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 1978, pp. 56 and 62. Alan Ryan, *Property and Political Theory*, Oxford, UK: Basil Blackwell, 1984, p. 15. C.B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke*, Oxford, UK: Oxford University Press, 1962, pp. 194-262. Jeremy Waldron, *The Right to Private Property*, Oxford, UK: Clarendon Press, 1990, p. 259.

⁴⁹ Parliament of the Commonwealth of Australia, 'Report of the Joint Committee on Foreign Affairs and Defence: Zimbabwe', pp. 245-246. Government of Zimbabwe, 'Land Issue - Fact Sheet'. Tapera Knox Chitiyo, 'Land Violence and Compensation: Reconceptualizing Zimbabwe's Land and War Veteran's Debate', *Centre for Conflict Resolution* 9, no. 1: May, University of Cape Town, RSA, 2000 (accessed May 2003 at http://ccrweb.ccr.uct.ac.za/two/9_1/zimbabwe.html). Chitiyo is much cited herein; while presenting a pro-Zimbabwean viewpoint as he advocates the tenure rights of the Zimbabwean populace and points clearly to the failings and implications of colonial policies and legislation, he also presents a clear critique of the policies of the Mugabe Government, and of the failings of the LRP.

⁵⁰ Through the mechanisms of the *Morris-Carter Commission (1925)*, *Alvord Commission (1926)*, *McIllwaine Commission of Enquiry Report (1939)*, and ideas such as the Herskovits *cattle complex* theory, African farming practices were subject to the scrutiny of Western science and ideals of efficiency and rationality; control was implemented through the *Land Apportionment Act (1930)*, *Natural Resources Act (1942)*, and *Native Land Husbandry Act (1951)*. Thorvald Gran, 'Land Reform and Trust in Zimbabwe', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, p. 11. Melville J. Herskovits, *Man and His Works: The Science of Cultural Anthropology*, New York: Alfred A. Knopf, 1966, pp. 195-196 Tom Lebert, 'An Introduction to Land and Agrarian Reform in Zimbabwe', Land Research Action Network, accessed May 2003 at <http://www.nic.co.za/pubs2003/anintro.pdf>, 2003. Chitiyo, 'Land Violence and Compensation'. Government of Zimbabwe, 'Land Issue - Fact Sheet'. President Mugabe, 'Address to the Donors Conference'. Norman Mlambo, 'Resource Conflicts in Southern Africa: Zimbabwe's Land Conflict in Historical Perspective, A Critique of Paul Collier's Greed Versus Grief Theory', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, p. 15.

precedent for the post-Independence Government's active involvement in the distribution of tenure and title, and for the ongoing concentration of power in the centralised State.

The introduction of the idea and practices of property rights under colonial authority was standard practice in British colonies, though indigenous land tenure was recognised in whole or part in many colonies. The transfer of property rights enabled not only a racialised distribution of land holdings (the 'unconditional' property of the white settlers, versus the conditional and communal tenure of the black farmers), but also enabled the transfer of ultimate tenure from local powers or structures (including deities and nature, kinship groups, the ancestors, or chiefly dynasties) to the colonial State. Property rights enabled the introduction of capitalist relations of production, with property as the form of land tenure best suiting the needs of capitalist investment and surplus appropriation. Simultaneously, this enabled the dispossession and displacement of a subordinated people.

African Forms of Land Tenure

In contrast to the dominance of the idea of property in modern Western understandings of land tenure, African land tenure exhibits a greater diversity of form, generally with a more-or-less greater emphasis on membership within and obligation to a society and culture as the basis for legitimate land tenure (Chapter 3: African Land Tenure: The Colonized Perception). Actual African systems (in Nigeria, British Cameroon,⁵¹ and Zimbabwe⁵²) comprise a blend of three 'ideal' forms – chiefly, communal, and 'feudal' tenure. Chiefly and communal tenure form a continuum based around the power that a chief or dynasty might be able to exert vis-à-

⁵¹ Cyprian F. Fisiy, 'Chieftaincy in the Modern State: An institution at the crossroads of democratic change', in *Perspectives on the State: From Political History to Ethnography in Cameroon. Essays for Sally Chilver*, Toronto (Paideuma, Frobenius Institute, J.W. Goethe University, Frankfurt and Main, accessed October 2003 at <http://lucy.ukc.ac.uk/Chilver/Paideuma/paideuma-Introdu-3.html>), 1995. Mitzi Goheen 'Gender and Accumulation in Nso', in *Perspectives on the State: From Political History to Ethnography in Cameroon. Essays for Sally Chilver*, Toronto (Paideuma, Frobenius Institute, J.W. Goethe University, Frankfurt and Main, accessed October 2003 at <http://lucy.ukc.ac.uk/Chilver/Paideuma/paideuma-Introdu-5.html>), 1995.

⁵² David Lan, *Guns and Rain: Guerrillas and Spirit Mediums in Zimbabwe*, London and Harare: James Currey, and Zimbabwe Publishing House, 1985. Stanlake and Tommie Marie Samkangwe, *Hunhuism or Ubuntuism: A Zimbabwean Indigenous Political Philosophy*, Salisbury (Harare), Zimbabwe: Graham Publishing, 1980.

vis communal and cultural expectations and constraints. In Northern Nigeria, perhaps the most 'feudal' of pre-colonial African societies, these communal-chiefly forms coexisted with State-mandated almost 'feudal' forms within which land tenure approached the idea of commodified and alienable property – these latter forms being introduced by the Fulani conquest of 1802-1808⁵³ which also introduced bureaucratic forms of administration centred in large fortified cities, under the control of a broad dynastic aristocracy.

These forms of tenure point to the tension between the socio-cultural conditionality and purposes of tenure on one hand, and the rights of the tenure holder on the other. Property has emphasised the rights of the owner vis-à-vis others within a society and vis-à-vis the State. The purposes of property are the purposes of the owner. In contrast, communal tenure will reflect the purposes of a community, as will chiefly tenure to the extent that a chief or a chieftaincy is constrained by cultural norms and expectations, by social relationships, and by the political forms of this culture and society.

Prior to British colonialism, there had been land ownership in Zimbabwe, but not property rights. Land ownership was politically- and socially-mediated through chiefly-communal forms which had already been reconstructed by conquest, as the northerly movement of the Ndebele peoples into the lands of the Shona had seen the superposition of more centralised and hierarchical forms of power. At the time of British colonisation, land ownership in Zimbabwe was already subject to differential rights and access based in power differentials, caste structures, and broad socio-cultural differences between Shona, Ndebele, and other minority people groups, or 'tribes'. Though not 'racialised', as differences were seen in terms of culture and power not in terms of race, tenure rights were already unequal, but not on the scale implemented under colonialism.

⁵³ S.F. Nadel, *A Black Byzantium: The Kingdom of Nupe in Nigeria*, London: International African Institute, and Oxford University Press (1946), 1973.

Property

Seeking to understand its impact in Southern Rhodesia, we must then look to the very idea of property, seemingly a given and ideal for of tenure from the viewpoint of the colonisers, but a source of contention even in its culture of creation and not without its own contradictions (Chapter 4: Property the Colonising Perception).

Property is an eternally contested bundle of rights, a historically contingent and politically constructed way of perceiving and enacting tenure rights, and was a product of political and social negotiation in post-feudal Western Europe and of the rise to power of liberal and capitalist ideas and ambitions. In this construction, property was a product of hierarchical power, gendered relationships, and class power, and in its outcomes creates and entrenches power.

Property meets the needs of capitalist appropriation and accumulation. In its self-portrayal as natural or universal, modern and rational, property dissembles and pretends to a natural and universal nature despite its power-laden origins and outcomes. Under colonial rule, the idea of property was introduced as a means of personal and class appropriation of land and resources, as a means of dispossessing and subjugating an indigenous populace that saw its relationship to the land in other terms, and as a means towards entrenchment of capitalist relations of production⁵⁴.

Proponents of property, starting with Locke⁵⁵, have emphasised the primacy of property vis-à-vis the State, that property predates the State either logically or historically or by necessity, such that the State is charged with the role of protecting property rights, rather than with allocating tenure. Property seems to locate primary tenure in the hands of the

⁵⁴ And capitalist relations of production, organized along racially unequal lines and underpinned by the coercive power of the State, were, along with appropriation of property, a means towards colonial enrichment and class consolidation.

⁵⁵ John Locke, *Locke's Second Treatise of Civil Government: A Contemporary Selection*, edited by Lester DeKoster, Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 1978. . C.B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke*, Oxford, UK: Oxford University Press, 1962, pp. 194-262. Jeremy Waldron, *The Right to Private Property*, Oxford, UK: Clarendon Press, 1990.

property owner, yet beneath this appearance, property locates ultimate tenure, by logical necessity, in the hands of the State, as ultimate arbiter of tenure conflicts, and as 'the management committee of the bourgeoisie'.⁵⁶ As much as a constraint on the State, the idea of property strengthens the State's role.

Property has negated the conditionality and structures of mutual obligation that were constructive of tenure in feudal Europe, and has 'freed' tenure from such conditionality, and reconstructs tenure as alienable commodity, with minimal obligations to society, community and polity (the prime obligations are financial in the form of taxes to the State that supports property rights, and the negative obligation to not infringe on the equal property rights of others). Away from its historic context of mediation and legitimation, property appears as an ideal of tenure, a universalisable form, a moral good that trumps all other forms. Yet property also enables inequality, and enables the consolidation of power in a centralized State.

Land Reform: Lessons from Elsewhere

Independence saw the transfer of ultimate tenure to the colonial State, and introduced the possibility of land reform, and an equalization of property rights, and tenure rights. Though there was a political inevitability that the new government would take steps, even significant steps, towards land reform, there were a range of paths that were more or less open to government. The coercive appropriation of the white farmers' property and redistribution of these lands as conditional tenure was seemingly *not* inevitable at Independence.

Most important was the option of market-based land reform – the option that was most strongly promoted by Great Britain as the departing colonial power, and by others including the USA and Australia.⁵⁷ In its emphasis on property as a commodified and market-based

⁵⁶ Marx stated that, "The executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisie". Karl Marx and Friedrich Engels. *Manifesto of the Communist Party*. Moscow: Progress Publishers (1848), 1967, paragraph 18.

⁵⁷ British Government, 'Report of the Constitutional Conference, Lancaster House, London, September - December 1979, Presented in Parliament by the Secretary of State for Foreign and Commonwealth Affairs,

form of land tenure, market-based land reform would have protected the property rights of existing landowners, and, depending on how it was implemented, might have strengthened the economic and productive potential of the new landholders.

Recent experience with market-based land reform in Brazil⁵⁸ (on an enormous scale) and the Republic of South Africa (RSA)⁵⁹ point to some of the possibilities and pitfalls of the market-based land reform that Zimbabwe *might* have pursued more vigorously – and that had been recommended in Zimbabwe by the Rukuni Commission (Chapter 5: Alternative Paths Open to Zimbabwe).⁶⁰ Market-based reform in Brazil encountered or created some of the same problems as in Zimbabwe: land prices were inflated, land-owners were accused of profiteering, and only poorer quality and marginal lands were offered for sale. Thus *some* of the limitations of market-based land reform seem inherent, rather than a product of Government mismanagement.

Under market-based land reform, the principle of market-based acquisition is preserved, generally on a willing-buyer – willing-seller basis which respects the property rights of present landholders, and Governments may create legislative disincentives for

January 1980', Her Majesty's Stationary Office, London, 1980. Parliament of the United Kingdom, 'Southern Rhodesia: Report of the Constitutional Conference, Lancaster House, London, September - December, 1979, presented in Parliament by the Secretary of State for Foreign and Commonwealth Affairs', London, Parliament of the United Kingdom, Her Majesty's Stationary Office, London, 1980. Parliament of the Commonwealth of Australia, 'Report of the Joint Committee on Foreign Affairs and Defence: Zimbabwe', Canberra, Australian Government Publishing Service, May 1980.

⁵⁸ Chico Mendez, *Fight for the Forest: Chico Mendez in his own words*, London: Latin America Bureau (edited by Duncan Green, additional material by Tony Gross, adapted from: Chico Mendez, *O testamento do Homem da Floresta*, edited by Candido Grzybowski, FASE: Sao Paulo, 1989), 1989. Klaus Deininger, and Pedro Olinto, 'Implementing Negotiated Land Reform: Initial Experience from Columbia, Brazil and South Africa - for the World Bank', Paper presented at *International Conference on Land Tenure in the Developing World - with a focus on Southern Africa*, University of Cape Town, RSA, 27-29 January, 1998. Jeffrey Frank, 'Two Models of Land Reform and Development', *Z Magazine*, and Land Action Research Network, London and Trenton, accessed August 2003 at <http://www.landaction.org/display.php?article=22>, 27 November 2002.

⁵⁹ Catherine Cross, 'Reforming Land in South Africa: Who owns the land?', Paper presented at *International Conference on Land Tenure in the Developing World - with a focus on Southern Africa*, University of Cape Town, RSA, 27-29 January, 1998. Andre Horn, 'Restitution of an Identity in Land: Considering Security of Informal Tenure in a Retroactive Framework', Paper presented at *International Conference on Land Tenure in the Developing World - with a focus on Southern Africa*, University of Cape Town, RSA, 27-29 January, 1998.

⁶⁰ Rukuni, Mandivamba (Chairman), and Government of Zimbabwe, 'Report of the Commission of Inquiry into Appropriate Agricultural Land Tenure Systems (The Rukuni Commission), Volume Two: Technical Reports, October', Government of Zimbabwe, Harare, 1994.

existing landholders to retain all or part of their lands. Large-scale compulsory acquisition with full and fair compensation pushes the limits of market-based reform, but still preserves the property rights of former owners if their property rights are seen in terms of a right to an economic asset rather than to any specific piece of land.⁶¹

Under market-based land reform, the processes of redistribution may or may not preserve the market basis of land tenure, i.e. land may be redistributed as property or as some other non-market form of tenure. Thus for example, market-based land reform in Brazil has seen lands transferred to resettled farmers as debt-funded property, with the possibility that resettled farmers will be re-dispossessed if debt obligations are not met.

Within a constitutional recognition of property rights as in both Brazil and Zimbabwe, RSA implemented more diversified and flexible modes of land acquisition, redistribution and restitution. Accountable democratic processes, a climate of reconciliation and goodwill, and a functional and established property market have mitigated against landholder and elite profiteering, while a broadly-based productive national economy and external donor support have financed land purchase. Through this, RSA has implemented policies which enable various modes of State-supported private and group/communal tenure. Moreover, the rural economy has remained stable and productive. Similarly, for the years in which Zimbabwe persisted with market-based reform, lands were redistributed to families and groups as State leases or in anticipation of formal State leases.

Within Zimbabwe, the Rukuni Commission⁶² of 1992–1993 pointed to measures that would property rights and market relations, and enable reform. Taxation and land policy could be directed towards generating market liquidity and fair market prices in land. In this context

⁶¹ Ryan indicates that Hegel gets close to arguing that what we own is the *value* of the possession, rather than the possession itself. Ryan rejects this for legal reasons, as it would legitimize “forced fair exchange” in which the possession is lost by force but no value is taken. Alan Ryan, *Property and Political Theory*, Oxford, UK: Basil Blackwell, 1984, pp. 130, 131.

⁶² More formally referred to as the *Commission into Appropriate Land Tenure Systems or Land Tenure Commission* (LTC), which was appointed by the Government of Zimbabwe in 1992/3 and reported in 1994. Mandivamba Rukuni is Professor of Agricultural Economics, University of Zimbabwe. Rukuni, and Government of Zimbabwe, 'Report of the Commission of Inquiry into Appropriate Agricultural Land Tenure Systems, Volume Two'.

market-based land acquisition and redistribution (as private or group property) might generate the popular distribution the Government sought, while also maintaining national productivity and State support for property rights for small and large landholders. The Government of Zimbabwe knew of these practical and potentially revolutionary possibilities yet chose to not pursue them.

In terms of possible course of action, if the injustices at the heart of the land issues are seen in a mostly historical sense, then, rather than redistribution, restoration of lands to those who were dispossessed might be seen as the ideal. RSA has taken towards restitution in parallel with ideals of broader redistribution. Yet with the passage of time, and death and social dissipation of those who were dispossessed, and with unverifiable prior possession in many cases, restitution becomes less viable and may not, in any case, reduce inequality. There are arguments, based in the idea of prescription as advocated by Burke, that there comes a time when, rather than focussing on restitution, present justice is best served by leaving lands in the hands of their present owners.⁶³ Apart from the broad claim that the lands of Zimbabwe should be returned to the peoples of Zimbabwe, the Zimbabwean Government has taken no steps towards specific restitution to those who were dispossessed.

Independence and the LRP in Zimbabwe

The attempt by departing colonial authority to entrench property rights at Independence was replicated in many other British colonies. Ankomah argues that the formal constitutional protection of property generally implemented by departing colonialism “was a terrible provision – the sort that has kept much of the best traditional African lands all over that [East African] seaboard ... in minority white hands”.⁶⁴ Thus the Lancaster House (UK) peace negotiations of late 1979 which created a peace settlement and the Independence

⁶³ Francis Canavan, *The Political Economy of Edmund Burke: The Role of Property in His Thought*, New York: Fordham University Press, 1995.

⁶⁴ Baffour Ankomah, 'Why Mugabe is right ... and these are the facts', *New African*, Cover Story, accessed July 2002 at <http://dSPACE.dial.pipex.com/town/terrace/lf41/na/may00/nacs0501.htm>, June 2000.

Constitution for Zimbabwe did *not* resolve the land issue, but “merely postponed” its resolution. For Mandaza, the nationalist Zimbabweans saw the British Government as a potential ally in negotiations vis-à-vis the white settlers. Yet this was tantamount to asking “‘imperialism’ to be an ‘umpire’ in a ‘match’ in which it had a vested interest”.⁶⁵

The Independence Constitution established the equality of rights, including property rights, of all Zimbabwean citizens, though included provisions whereby this protection might be varied after 10 years. Moreover, the new Government committed to the protection of the rights of all citizens, including landed property and pension rights.⁶⁶

At Independence on April 17th 1980, the new Zanu-PF Government under Robert Mugabe inherited a racialised distribution of land and a centralised State which held ultimate tenure over the lands of Zimbabwe. At the heart of the idea of the land issue in Zimbabwe is the historic experience of British colonialism. Yet land was already an issue before British colonialism, and the land issue is also a product of the choices and policies of post-Independence actors.

Given an unequal distribution of tenure and wealth based on historic inequalities, the mere establishment of equal rights may not effect a substantial change in tenure distribution. Inasmuch as the white settlers held land as property while most black farmers held only conditional use rights on Communal Lands, and inasmuch as the property of the white settlers enabled material and social privilege (their political privilege was neutralised at Independence), this amounted to the legal and constitutional protection of the privilege of the

⁶⁵ Ibbo Mandaza, 'Introduction', in Ibbo Mandaza (editor), *Zimbabwe: The Political Economy of Transition, 1980-1986*, pp. 1-20, Dakar and Harare: Codesria, and Jongwe Press, 1987, p. 3.

⁶⁶ British Government, 'Report of the Constitutional Conference, Lancaster House, London, September - December 1979, Presented in Parliament by the Secretary of State for Foreign and Commonwealth Affairs, January 1980', Her Majesty's Stationary Office, London, 1980.

white settlers. For some, Lancaster House was a strategic and successful defence by the forces of colonialism, rather than a 'win' by the Liberation Forces.⁶⁷

For some in the radical leftwing within both Zanu-PF and Zapu-PF, property rights enabled (at Independence and into the early 21st Century) the ongoing extraction of wealth and a productive surplus by the departing colonial power and its personal and corporate agents, whether as settlers or in the imperial heartland. As property rights were essential for colonial capitalist production and appropriation, their entrenchment at Independence was essential to the construction of a *neo-colonial* relationship whereby the 'Independent' polity would still have only minimal control over its resources and productivity, and wealth would still be transferred to the former colonising power.⁶⁸

The question became: *could the land issue be resolved while also and contradictorily maintaining the constitutional protection of property? If property rights enable the ongoing privilege of the property holders (white settlers), could this privilege be reduced or negated while also retaining the idea of property?*

In addition, it was imperative to maintain the productivity of the rural sector – in effect the productivity of larger scale and industrialised white farms.

In its mobilisation of the land issue in the Liberation War, Zanu-PF and others had intimated that a black Government of Zimbabwe would move to restore the land to the Zimbabwean peoples – and by this they meant the indigenous black populace. But how could the base of land ownership be broadened to include far more Zimbabweans, such that the Zimbabwean people can effectively control the economy and enhance their life opportunities? How could Zanu-PF implement this promise in the context of property rights?

⁶⁷ Professor Mwesiga Baregu, 'The Third Chimurenga: Human and Social Rights Confront Individual and Property Rights in Zimbabwe', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001.

⁶⁸ Kwame Nkrumah, *Neo-Colonialism: The Last Stage of Imperialism*, New York: International Publishers Inc, 1965. Samir Amin, *Neo-Colonialism in West Africa*, translated by Francis McDonagh, New York and London: Monthly Review Press, 1973. T.E. Mswaka, 'Review of Samir Amin, *Neo-Colonialism in West Africa* (1973)', and Giovanni Arrighi and John S. Saul, *Essays on the Political Economy of Africa* (1973), *Journal of Modern African Studies* 12, no. 4, 1974, pp. 687-689.

The constitutional protection of property rights meant that for the first decade of Independence, the Government was restricted to market-based acquisition on a willing-seller-willing buyer basis of the land it sought for redistribution.

The Government has consistently complained of the restrictions inherent in market-based land reform. The white farmers who held most of the land sought by Government offered minimal land for purchase, and the lands offered were poor quality and over-priced. This white farmer 'obstructionism' or 'intransigence' enabled their increasing public denigration by the Government, as they and their supporters were vilified as agents of a neo-colonial and racist plot to perpetuate the exploitation and subordination of the Zimbabwean people. That many expatriates saw themselves culturally and socially as *British in Africa* rather than Africans, as *white Rhodesian* (or 'Rhodies') rather than Zimbabwean,⁶⁹ heightens the sense of difference and enables their portrayal as aliens whose purposes were directed externally rather than to the national good. The Mugabe Government reverted to racial scapegoating, blaming white farmers for the economic, social and political ills of the nation. Racial scapegoating is nothing new: the colonial settler community and administration vilified and criticised indigenous people and African farming techniques, and in the Liberation War, the black nationalists blamed 'white' policies and practices for all the nation's ills.

This brings us to the actual Land Reform Programme (LRP) as implemented by the Zimbabwean Government in a number of stages since Independence (Chapter 6: Post Independence Land Reform). The LRP has been documented from a range of sources, including Government of Zimbabwe sources, opposition sources, news reports, and some significant external organisations. There are some obvious difficulties with some of these sources. Some Government sources quote rather ambiguous figures: for example when talking about the amount of land acquired and number of people resettled, figures varyingly refer to

⁶⁹ Angela P. Cheater, 'Contextualizing Cultural Policy in Post-Colonial States: Zimbabwe and New Zealand', Griffith University, Australia, draft text accessed May 2003 at http://www.gu.edu.au/centre/cmp/6_1_04.html, 2003. Anders Narman, 'Food Security - Beyond Land Redistribution', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, p. 3.

the most recent phase of the LRP or the whole LRP since Independence. Moreover, many sources exhibit a political viewpoint in their detailing of the LRP. Several of the external sources are quite reliable, and apparently had good access to Government data on the LRP.⁷⁰

Over the 25 or so years since Independence, the LRP has evidenced a fundamental shift in emphasis in several respects. Constrained by the Independence Constitution, land reform in the first decade was limited for to redistribution of State lands and lands acquired on a market basis. With little State support for resettled farmers, this was scarcely land or agrarian *reform* with any strong possibility of establishing a truly broadly-based and viable indigenous farming base.

Then in the 1990s, with the lapsing of constitutional constraints on modification to the legal protection of property and driven by political necessity or expediency, the Government moved towards compulsory acquisition. Initially this was with 'fair' market compensation, though this was later reduced to compensation for improvements but not land. Britain, as the former colonial power under whose authority the land was previously appropriated, was stated as liable for compensation for land. Yet compulsory acquisition faltered due to weak State processes and legal challenges by white farmers.

Whereas at Independence the reallocation of acquired lands had emphasised the poor and dispossessed, the emphasis shifted more towards those with the skills and capacity (including financial capacity) to use these lands productively – a process that enabled the allocation of lands to urban elites and members of Government and the civil service, a process that could be diverted to allow the preferential allocation of lands to supporters of Zanu-PF and the Government. Paralleling this, the Government moved towards allocation of lands on a scale suitable for commercial production, thus enabling the allocation of larger farms, rather than subsistence holdings, to supporters of Zanu-PF and the Government.

⁷⁰ Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', Geneva, COHRE, Africa Programme Mission Report, September, 2001. United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement: Assessment and Suggested Framework for the Future: Interim Mission Report', New York, UNDP, January 2002.

Having consistently espoused the need for land reform and inconsistently taken legislative, constitutional and political steps towards reform, in 2000 the Government moved into the final and decisive phase of the LRP. Using the catch-cry of the *Third Chimurenga*⁷¹ (the final phase of resistance to white settler colonialism), the Fast Track Land Reform Programme/FTLRP saw the wholesale appropriation of land without compensation or recourse to legal appeal.

What is also clear in the LRP is a measure of continuity between the colonial and independence eras, evidenced in the increasing intervention of a centralized State in all realms of tenure relationships. In the name of reversing or undoing the injustices created under colonialism, it has perpetuated and increased rather than reversed its level of intrusion in mediation of land tenure and in rural production. Thus, acquired lands are not redistributed as property but remain under the ultimate control of the State and are allocated to new landholders as conditional tenure.

The Neo-Patrimonial State

The idea of the neo-patrimonial State can supply an illuminating framework (Chapter 7: Property and the Neo-Patrimonial State). Within African studies, the idea of the informal nature of political relations has a long history, including for example what Beckman disparagingly referred to as “the economy of affection” of clientelism and nepotism.⁷² The idea of the neo-patrimonial State was reinvigorated by Clapham and others in the 1980s,⁷³ by

⁷¹ Professor Baregu, 'The Third Chimurenga'.

⁷² Bjorn Beckman, 'The Liberation of Civil Society: Neo-Liberal Ideology and Political Theory', *Review of African Political Economy*, 58, 1993, p. 27. This term was also used by Hyden to describe social and economic relations “among ‘structurally defined groups connected by blood, kin, community or other affinities, for example, religion” Goran Hyden., *No Shortcuts to Progress: African Development Management in Perspective*, Berkeley: University of California Press, 1983, p. 8. The concept of ‘economy of affection’ is summarized and critiqued in Bernstein, 'Considering Africa's Agrarian Questions', pp. 117-118.

⁷³ Christopher Clapham, 'Clientelism and the State', in Christopher Clapham (editor), *Private Patronage and Public Power: Political Clientelism in the Modern State*, pp. 1-35, London: Frances Pinter, 1982. Christopher Clapham, 'The Politics of Failure: Clientelism, political instability and national integration in Liberia and Sierra Leone', in Christopher Clapham (editor), *Private Patronage and Public Power: Political Clientelism in the Modern State*, pp. 76-92, London: Frances Pinter, 1982. P. Medard, 'The Underdeveloped States in Tropical

Joseph who developed the related idea of the 'prebendal' State,⁷⁴ and significantly through Bratton's and van de Walle's description of the neo-patrimonial State.⁷⁵ In 2002, the Ethiopian Prime Minister referred to the neo-patrimonial, prebendal, and 'vampire' nature of many African States as rent-seeking "systems of patronage" with external and internal relationships directed towards rent accumulation.⁷⁶

'Patrimony' and 'patrimonial' derive from the Latin *patrimonium*, and in Western European feudal society these terms referred to an estate or endowment vested in the church,⁷⁷ or a right or estate inherited through a patrilineal line. In its first meaning, a patrimony was to the church what a fief was to a lord and a manor was to a vassal – a politically-contingent grant over a right or asset, the purpose of which was to enable the lord or vassal to sustain himself (rarely herself) in the service of king or lord. This right or endowment was inheritable

Africa: Political Clientelism or Neo-Patrimonialism?', in Christopher Clapham (editor), *Private Patronage and Public Power: Political Clientelism in the Modern State*, pp. 162-192, London: Frances Pinter, 1982.

⁷⁴ Richard A Joseph, *Democracy and Prebendal Politics in Nigeria: The Rise and Fall of the Second Republic*, Cambridge: Cambridge University Press, 1987. 'Prebend', a somewhat out-dated English word though worthy of revival because of the ideas it conveys, referred to payments to various officials within the Anglican Church in early modern England (and a relict of earlier feudal practices). Rather than a wage – which is payment from an employer (higher in authority) to an employee (lower in authority) for services performed, and rather than simple corruption, this was a *right* (devolved from higher authority and attached to certain roles and positions) to appropriate payments from the incoming cash flow to the Church from offerings and tithes. The 'prebendal' approach to African political analysis is critiqued by Idahosa and Shenton, 'The Africanist's New Clothes', p. 68.

⁷⁵ Michael Bratton, and Nicholas van de Walle, *Neo-Patrimonial Regimes and Political Transitions in Africa*, Lansing: Department of Political Science, Michigan State University (MSU working papers on political reform in Africa), 1993. Nicolas van de Walle, *African Economies and the Politics of Permanent Crisis, 1979-1999*, Cambridge, UK: Cambridge University Press, 2001. Ulf Engel, 'Africa losing ground politically and economically', Review of Nicolas van de Walle: *African Economies and the Politics of Permanent Crisis, 1979-1999* (Cambridge, Cambridge University Press, 2001), *Magazine for Development and Cooperation*, accessed July 2004 at http://www.inwent.org/E+Z/content/archive-eng/01-2003/book_art2.html, 2003.

⁷⁶ H.E Ato Meles Zenawi (Prime Minister of the Federal Democratic Republic of Ethiopia), 'Speech to a Symposium Organized by Africa Development Bank, Addis Ababa', Africa Development Bank, accessed October 2003 at <http://www.waltainfo.com/Profile/InfoArticles/2002/May/article1.htm>, 27 May 2002. This a clear reference to Frimpong-Ansah's evocative description of the 'Vampire State' in Ghana: Jonathan H. Frimpong-Ansah, *The Vampire State in Africa: The Political Economy of Decline in Ghana*, London and Trenton: James Currey, and Africa World Press, 1991. Yet to illustrate the changing nature and changing perceptions of the State in Africa, others have included Ghana in a short list of States that have successfully transitioned from an illiberal and corrupt neo-patrimonial nature into a more democratic and broadly accountable nature: Chr. Michelsen Institute, 'Can Democratisation Prevent Conflicts?', Paper presented at Bergen Seminar on Development: Lessons from Sub-Saharan Africa, Evaluation Report 6/2001, Solstrand, Royal Norwegian Ministry of Foreign Affairs, accessed October 2003 at <http://odin.dep.no/archive/udvedlegg/01/03/evalu034.pdf>, 18-29 June, 2001, p. 10.

⁷⁷ The Catholic Church still uses this word to refer to its landed assets.

and permanent but not alienable. As with secular feudal tenure, it was deeply embedded in obligatory and conditional hierarchical relationships. More generally, patrimonial refers to the *hereditary* rights (though still not free of socio-political obligations) that lords, and to a far lesser extent that their vassals, had established over their fiefdoms. In contrast, serfs and peasantry held hereditary obligations to their lords, expressed in labour or kind, in return for a right to work sufficient lands for their sustenance.

Weber used patrimonialism to refer to “a system of rule based on administrative and military personnel who were responsible only to the ruler”, such that “*all* ruling relationships, both political and administrative, are *personal* relationships”.⁷⁸ Patrimonial systems are based on networks of hierarchical yet mutual and reciprocal patron-client relationships, constructing upwards political obligation and mediating down-flow of access rights to the State resources which form the patrimony on which both patron and client rely.⁷⁹

The *neo*-patrimonial idea extends this by postulating the coexistence of patrimonial relationships and *formal* rational-bureaucratic rule.⁸⁰ Neo-patrimonial States have the bureaucratic structures of conventional modern States, including a formal, perhaps constitutionally-defined, separation of executive, legislative and judicial functions, and a civil service which is accountable to Government yet autonomous in its day-to-day functioning. Yet in practice formal relationships become *privatised and patrimonial*, based in personal relationships “cascading down” from the State’s leadership.⁸¹

⁷⁸ Gero Erdmann, 'Neo-Patrimonial Rule: Transition to Democracy has not succeeded', *Development and Cooperation* 1: January/February, accessed October 2003 at <http://www.dse.de/zeitschr/de102-4.htm>, 2002, p. 2. (emphasis added).

⁷⁹ Yusuf Bangura, 'New Directions in State Reform: Implications for Civil Society in Africa', Geneva, United Nations Research Institute for Social Development, UNRISD Discussion Paper No 113, accessed May 2003 at <http://www.unrisd.org>, May 1999, p. 3.

⁸⁰ Erdmann, 'Neo-Patrimonial Rule', pp. 2-4. Medard, 'The Underdeveloped States in Tropical Africa', pp. 179-180. Woolcock, 'Globalization, Governance, and Civil Society: Globalization, Growth, and Poverty: Facts, Fears, and an Agenda for Action, Background Paper', p. 15. Discussing Charles Gore, 'Social Exclusion and Africa South of the Sahara: A Review of the Literature', Geneva, International Labour Organization, accessed August 2004 at www.ilo.org/public/english/bureau/inst/papers/1994/dp62/, 1994.

⁸¹ Anthony J. Vinci, 'Lawless States and Illicit Commerce', *Parallax: The Journal of Ethics and Globalization* June, 2003 (accessed October 2003 at <http://www.parallaxonline.org/flawless.html>).

Clients seek higher level patrons in order to gain access to resources (political, material, or social) and to gain advantage over others at the same level as themselves. Conversely, patrons compete for clients for their political and social support and for the upflow of material goods, favours and services,⁸² and use clientelism as a means of consolidating control.⁸³

In liberal-capitalist societies, allocation of State positions and roles through nepotism, political factionalism, and patronage on a scale comparable to that subject to such vitriolic criticism in Africa lies not so far in the past. Keneally's depiction of mid-19th Century New York society and politics reveals a society in which access to State employment, positions and preferential treatment were mediated in large part through political parties and known relationships, based in mutual yet hierarchical and unequal obligation.⁸⁴ Elections were opportunities to organise factions and voting blocs in return for promises or expectations of favourable treatment. This was a society and polity as neo-patrimonial as any in contemporary Africa, yet was not perceived by its participants as immoral or counter-productive, but rather as a way of organising and encouraging national and personal advancement.

Elite Redistribution

A number of significant primary documents shed light on the intense politicisation of the land reform programme in independence Zimbabwe (Chapter 8: Elite Redistribution – A Naming of Power).

⁸² Clapham, 'Clientelism and the State', p. 7.

⁸³ Clapham, 'The Politics of Failure: Clientelism, political instability and national integration in Liberia and Sierra Leone', p. 76.

⁸⁴ Thomas Keneally, *American Scoundrel: Murder, Love and Politics in Civil War America*, Sydney, Australia: Random House, 2002.

Firstly the Dongo List,⁸⁵ initially tabled by the Government in Parliament in late 1999/early 2000, details leases granted under the LRP in accordance with guidelines for allocation of land to those with the capital or resources or farming skills to use the land for larger-scale more capital-intensive commercial farming (the list does not detail the thousands of indigenous farming households or families who were allocated small family-sized farming lots). The list creates a powerful image of the allocation of land to political allies and supporters, to family members, to those whose political and ideological support is crucial to the ongoing political power of Zanu-PF and to the ability of Zanu-PF to form a Government and to silence and deflect all political opposition. The list demonstrates the importance and significance of control over access to land as a tool in the construction and maintenance of political power.

A similar story was revealed in a list of elite beneficiaries of the LRP published in the *Sunday Mail* (Harare) in 2002⁸⁶. Finally, an Addendum to a confidential report prepared within the office of Flora Buka, Minister of State for the LRP in the President's Office, was leaked to the press.⁸⁷ From the Government itself, this sheds light not only on the way that the LRP has been politicised by Zanu-PF elites, but to the conflict within the Zimbabwean elite, and to the fragile and precarious nature of this elite which is itself as much dependent upon as master of the neo-patrimonial processes of resource allocation within Zimbabwe.

⁸⁵ Government of Zimbabwe, and Centre On Housing Rights and Evictions, 'The Dongo List', in *Land Housing and Property Rights in Zimbabwe*, Annex 2 in COHRE, Africa Programme Mission Report, Geneva, 2001.

⁸⁶ Government of Zimbabwe, Ministry of Lands, Justice in Agriculture, and ZW News, 'Confirmed VIP's Allocations - Working Document No 1 as at May 2002', Based in part on lists published by Ministry of Lands (Zimbabwe) in *The Sunday Mail*, February 2002, Harare, and republished by Justice in Agriculture, then by ZW News, accessed May 2003 at www.zwnews.com, 2002.

⁸⁷ The text of the leaked Addendum and a *Sunday Mirror* commentary on the list (Sunday 16th March 2003) are available at ZW News, and the text of the leaked Addendum is included as Appendix 4 herein Government of Zimbabwe et al., 'Addendum To The Land Reform And Resettlement Programme National Audit Interim Report, Leaked Confidential Government Report'. The leaked report is referred to rather obliquely by Raftopoulos and Phimister, 'Zimbabwe Now: The Political Economy of Crisis and Coercion', p. 370.

Zimbabwe, Land and Neo-Patrimonial Power

While the facts of the unequal and racialised distribution of land at Independence are indisputable, the *solutions* have been much debated, and mired in the populist political rhetoric of the 'land issue', and in the broader power struggles within Zimbabwe. When Mugabe claims that "our land question is a colonial one which is rooted in our history as a colonised people",⁸⁸ he points to the historical development of the land issue. Though land 'invasions',⁸⁹ conflict over land policy and the LRP have become increasingly visible elements in the post-Independence political landscape, the land issue is *not* a new problem. Mugabe *is* right in that colonisation constructed a far more racialised and unequal distribution of land than had previously existed. Yet he is wrong as he implies there were *no* pre-colonial contradictions or conflicts over land, and wrong in-so-far as he implies that the land issue is *only* a consequence of circumstances bequeathed to the Government of newly Independent Zimbabwe such that the land issue at the turn of the 20th to 21st Centuries is somehow independent of the actions and inaction of the post-Independence Government.

What was *given* at Independence was a factual distribution of land and property – unequal, racialised and based in overt and enormous historic injustice – and a constitutional liberal democracy constrained to the protection of property rights. The land issue in the late 1990s and as resolved by overt State power in the early 2000s was a consequence not only of these givens, but of a post-Independence political, social, and economic milieu which encompasses the actions and inactions of the Government and other actors within and without Zimbabwe.

The LRP had redistributory and political outcomes. By early 2002, 7.3 mha (3074 farms) had been acquired and allocated to more than 160,000 families. Almost 115,000

⁸⁸ President Mugabe, 'Address at Mt Pleasant Farm'.

⁸⁹ Mbiba prefers the term 'land occupation' or 'land self-provisioning', in order to avoid the moral connotations of conquest, etc. Mbiba, 'Contemporary Land Invasions and the Urban Land Question in Southern Africa', p. 1.

families had moved onto 4.37 mha,⁹⁰ enabling movement towards equality but not leading to genuine and viable 'indigenisation' of commercial production.

The LRP implemented or enabled a range of transitions or changes in Zimbabwe. It has enabled a redistribution of the lands of the white farmers, and has thus to a large extent negated the imbalance at the heart of the land issue: that is that a small number of white commercial farmers, numbered in thousands and in large part the descendents of European settlers who had conquered Southern Rhodesia in the late 19th Century, held about half of the fertile lands of Zimbabwe, while a much larger black populace numbered in millions had to make do with the rest. In its portrayal of this imbalance, the small number of property-owning black commercial farmers were rarely mentioned.

This redistribution has completely negated part of the imbalance in that a minority of whites no longer hold a large proportion of Zimbabwe's fertile lands. Yet the outcomes of this redistribution in terms of creating greater equality of distribution of lands amongst indigenous Zimbabweans are far more ambiguous. While there has been considerable redistribution, much of this appears to have been on a politically-partisan basis to Zanu-PF supporters. Commercial-scale farming lands have been allocated to Government supporters, thus maintaining some of the land-owning inequality that had marked the earlier distribution.

The LRP was also in part a disaster, and all Zimbabweans have paid a price. The wholesale seizure of white farms under the Fast Track Land Reform Programme (FTLRP) since 2000 – referred to in the more radical rhetoric as the *Third Chimurenga*,⁹¹ as the undoing of the land grab of the white colonists and reclaiming the 'lost lands' of Zimbabwe for all Zimbabweans – has seen the collapse of commercial production; redistribution of these lands has not re-established rural productivity on the same scale. Moreover, the LRP has been

⁹⁰ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', p. 11.

⁹¹ Professor Baregu, 'The Third Chimurenga'.

accompanied by widespread violence, the collapse of law and order, and the increasingly blatant re-allocation of lands on a politically-partisan basis.

At a less overt level, the land issue is not just an argument about the *distribution* of land holdings, but about the mode and type of tenure that will exist in Zimbabwe in the future – whether land will be held as property or through some other form of title, or whether large holdings will be encouraged or permitted, or whether the State will play an active, even *dirigiste*, role in the ongoing distribution of tenure.⁹²

Though the LRP is extending land holdings that parallel the tenure on the Communal Lands, this is not a re-establishment of the chiefly/communal tenure that typified the pre-colonial relationship to the land in Zimbabwe. Just as the Communal Lands were but a disempowered shadow of a previous form – as much a method of control as a mode of ensuring access to lands for the conquered peoples – the new forms (even those that are overtly ‘communal’) are not a return to a pre-colonial African mode of tenure. Rather they continue to entrench centralised State power and subordinate the tenure holders to the power of State-linked elites. Yet the chiefs – or ‘chefs’ as they are commonly called in Zimbabwe – have not vanished as a locus of power: Mugabe appoints some to Parliament, and others have power within Zanu-PF. Mugabe uses and depends upon chiefly power to create rural support; chefs use their relationship with Mugabe and Zanu-PF to strengthen their local bases of power.

Most importantly, property and property rights as introduced by colonialism are being dismantled in post-colonial Zimbabwe. The white farmers’ *property* is appropriated – and to the extent that this appropriation was coercive and without full and fair compensation, this was a profound negation of their property rights – and is redistributed as conditional leasehold against the State, on scales commensurate with subsistence and commercial farming. In

⁹² The Government has implemented a ‘command and control’ regime over most of the national economy. Andrew Meldrum, ‘Mugabe vows to cure ills of Zimbabwe with socialism’, *Guardian Weekly*, London, 18-24 October 2001, p. 6. Michael Grunwald, ‘Mugabe’s policies ravage Zimbabwe: Government price controls and land grabs worsen crisis as millions face starvation’, *Guardian Weekly*, London, 2-8 January 2003, p. 27.

contemporary Zimbabwe, no-one owns rural lands as property and the very idea of rural property is negated.

Moreover, this negation of property is integral to the creation of a politically-obligated elite and populace. The LRP has been redirected to neo-patrimonial ends, with land as the resource most amenable to a neo-patrimonial redistributory system. Government of Zimbabwe documentation, both official and unofficial, outlines the increasing allocation of commercial farmlands to a State-dominated ruling elite with membership drawn from Government, Zanu-PF and the civil service, paralleled by processes which preferentially select Zanu-PF members in the land re-allocation to small-scale subsistence farmers.

Thus, it is shown (Chapter 9: The Zimbabwean Solution) that the LRP has been integral to the gradual re-construction of Independent Zimbabwe in the form of a neo-patrimonial State. In this, property is destroyed because it does not allow for the conditionality that is such a part of the neo-patrimonial State, and is replaced by conditional forms of land tenure. Rather than a return to the conditionality of communal or chiefly tenure, this new conditionality is directed towards the State, specifically to those with power and influence within this State. Conversely, the power and influence of those within the State is in large part based on their ability to disburse the resources of the State. Thus, land tenure has been used as a foundational element in the construction of the political and social obligation that underpins the neo-patrimonial State.

2 COLONIAL DEVELOPMENT OF THE LAND ISSUE

British Colonisation

The BSAC and Colonisation

British colonisation of Southern Rhodesia is inextricably linked with the powerful personality of Cecil Rhodes (1853-1902), Prime Minister of the Cape Colony from 1890, founder and director of De Beers Consolidated Mines (still, in the 21st Century, a major player in diamond mining and marketing) and Gold Fields of South Africa (which still controls the enormous gold reserves of the Witwatersrand), and an intense loyalist to the British Crown.¹ His expansionary vision was driven by the idea of a Cairo-to-Cape British zone of control and rail link,² in part by fear of a German coast-to-coast zone of control across central southern Africa linking German South West Africa (Namibia) and Tanganyika (Tanzania),³ thus irreversibly separating the northern (Egypt, Sudan, Uganda, Kenya) and southern (South Africa – Cape Town) zones of British control.

Just over 50 years before British colonisation in the late 1880s, Zimbabwe was impacted by the northerly movement of the *Kumalo* people under Mzilikazi, a disaffected military chief who broke with Shaka Zulu in 1821 and moved northwards with his soldiers and followers, taking with them the military structures and forms of the Zulu *mfecane*. They settled in Zimbabwe in 1836, subdued the remnants of the Zimbabwean Rozwi empire and chiefs, and intermixed with the indigenes as the *Ndebele* people (less commonly referred to as the *Matabele*), or *ama-ndebele* or 'people of the long shields'. In 1860, Mzilikazi was succeeded by his son Lobengula, 'He that drives like the wind', as last king of the Ndebele.

¹ These companies controlled, respectively, the enormous diamond resources of the Kimberleys, and the equally enormous gold reserves found in 1896 in the Witwatersrand of northeastern South Africa.

² Parliament of the Commonwealth of Australia, 'Report of the Joint Committee on Foreign Affairs and Defence: Zimbabwe', Canberra, Australian Government Publishing Service, May 1980, p. 13.

³ Rhodes was also concerned by the lesser probability of a zone of Portuguese control linking Mozambique and Angola in southern Africa.

At the time of British colonial intervention, the Ndebele occupied Matabeleland in southern-western Zimbabwe. With a population of 100,000, including 20,000 spearmen, they comprised the largest minority group within broader Zimbabwe, and were politically and militarily dominant. To the northeast and east, Mashonaland – literally the land of the indigenous *Shona* peoples,⁴ numbering about 700,000 and representing disparate remnants of the former Rozwi Empire headed by the Mwene Mutapa dynasty which had successfully repelled Portuguese colonisation from the east in 1629–1630 – became the ‘fiefdom’ of Ndebele elites.⁵ This northerly migration of the Ndebele profoundly affected land relations, such that “[European] settlers did not generate Zimbabwe’s land problem, and there had been numerous pre-colonial land wars among and between the Shona and Ndebele”.⁶

Three major treaties, all between Lobengula and agents acting for Rhodes, led to colonial appropriation and to the creation of *property*: the Moffat Treaty,⁷ and the Rudd and

⁴ Mashona is the plural of Shona (in Bantu languages, plurals are indicated by a prefix – generally a phonetic variant of ‘M’, rather than by a suffix as in English etc). In this text, in common with many writers, I have used ‘Shona’ and Ndebele (the ‘N’ prefix indicates a plural) for both singular and plural. Cheater points out that these culturally and linguistically similar Bantu peoples of Zimbabwe did not see themselves as ‘Shona’ nor as a homogenous cultural or ethnic or political entity, but that this term was first applied by white hunters and explorers in the mid-19th Century. Angela Cheater, ‘Contextualizing Cultural Policy in Post-Colonial States: Zimbabwe and New Zealand’, Griffith University, Australia, draft text accessed May 2003 at http://www.gu.edu.au/centre/cmp/6_1_04.html, 2003, p. 2.

⁵ Marcus Garvey Foundation (USA), ‘Beyond the Limpopo’, accessed April 2004 at <http://www.marcusgarvey.com/thelimpopo.htm>, 2003. E.D. Morel, ‘The Story of Southern Rhodesia; Chapter 4’, in *The Black Man's Burden: The White Man in Africa from the Fifteenth Century to World War I*, Manchester: National Labour Press, accessed May 2003 at <http://www.boondocksnet.com/editions/morel/morel04.html>, 1920. Other people groups included the (Bantu) Shangaan who fled northwards from Zulu persecution, as well as pre-Bantu peoples were also subordinated to the Ndebele. Ranger talks of these as tributary’ realms of the Ndebele, within which Shona institutions were left intact; peripheral areas beyond these tributary areas were often raided by the Ndebele. Ranger, Terence O., *Revolt in Southern Rhodesia, 1896-7: A Study in African Resistance*, London: Heinemann, 1967, pp. 28, 345.

⁶ Tapera Knox Chitiyo, ‘Land Violence and Compensation: Reconceptualizing Zimbabwe's Land and War Veteran's Debate’, *Centre for Conflict Resolution* 9, No. 1: May, University of Cape Town, RSA, 2000, p. 6.

⁷ King Mzilikazi (Lobengula’s father) had befriended Dr Robert Moffat, a British missionary who established Inyati Mission. Lobengula maintained a friendship with Dr Moffat’s son, John Smith Moffat, a British official in the adjacent Bechuanaland Protectorate. The Moffat Treaty was an agreement of friendship between Lobengula and John Moffat who acted on behalf of the British South African High Commissioner, Sir Hercules Robinson, and at Rhodes’ instigation. Lobengula agreed that he would not deal or negotiate with other foreign powers, nor cede lands or rights to a foreign power without British approval. What for Lobengula was an expression of friendship was for the British a treaty that prevented German, Portuguese or Boer colonial or imperial expansion, and kept alive Rhodes’ dream of a Cape-to-Cairo zone of British control. Morel, ‘The Story of Southern Rhodesia; Chapter 4’.

Lippert Concessions. Best known is the Rudd Concession, though it was the Lippert Concession that gave teeth to the Rudd Concession.

The Rudd Concession,⁸ secured on 30 October 1888, gave the concession holders access to the *mineral* resources of Zimbabwe, while Lobengula hoped the concession might provide stability and keep other European forces at bay. Yet what for Lobengula was a grant to *specific persons* of a right of access and usage over mineral resources became, from a European viewpoint, an *alienable* and commodifiable right held by *legal entities* to *exclusive* occupation and resource exploitation. The concession was transferred to *commercial concerns* – the Bechuanaland Exploration Company and Goldfields of South Africa Company – which approached the British Colonial Office in London seeking a Royal Charter for a ‘Rhodesian’ venture, and proposing to merge as the British South Africa Company (BSAC) under Rhodes’ directorship.⁹ The Charter was granted on 29 October 1889,¹⁰ thus asserting the Crown’s

⁸ The Concession, signed at Umvutcha Royal Kraal on the Nuguka River, near Bulawayo, was named for Charles Dunell Rudd (a Cape Town MP and director of De Beers) who together with Rochfort Macguire and Francis Robert Thompson of Kimberley (nicknamed ‘Matabele’ because of his language skills and past association with the Ndebele), were signatories, and accompanied by Alfred Beit as agent but not signatory. All were commissioned by Rhodes. The Concession was witnessed by the Reverend Chas. D. Helm (of Hope Fountain Mission) and J.F. Dreyer. In the concession, Lobengula is referred to as ‘Lo Bengula’. In exchange for a monthly payment of £100, the promise of delivery of an armed steamship or gunboat for use on the Zambezi River (though this was never delivered), and a once only payment of 1,000 Martini-Henry rifles and 100,000 rounds of ball cartridges, the concession holders and their descendents obtained ‘the complete and exclusive charge over all metals and minerals’ in ‘Matabeleland, Mashonaland, and all adjoining territories’ and the ‘full power to do all things that they may deem necessary to win and procure the same, and to hold, collect and enjoy the profits and revenues, if any, derived from the said metals and minerals’. Lobengula, Rhodes and the British signatories understood that Lobengula’s power and suzerainty extended far beyond the Ndebele homelands (Matabeleland) to include the Shona lands (Mashonaland) as a fiefdom. Lo Bengula, C.D. Rudd, F.R. Thompson, and Rochfort Maguire, ‘Cecil Rhodes Obtains a Concession in Southern Rhodesia from Lo Bengula, October 30, 1888’, in Louis L. Snyder (editor), *The Imperialism Reader: Documents and Readings on Modern Expansionism*, pp. 218-219, New York and London: Kennikat Press, 1962. Lo Bengula, C.D. Rudd, F.R. Thompson, and Rochfort Maguire, ‘The Rudd Concession’, in Robin W. Winks (editor), *The Age of Imperialism*, pp. 111-112, New Jersey: Prentice-Hall, 1969. Morel, ‘The Story of Southern Rhodesia; Chapter 4’.

⁹ Having come to kingship through a crisis of succession following his father’s death, and facing factional conflict within the Ndebele elite, and pressured by European explorers and adventurers, Lobengula sought to balance dissent between those who would confront the white explorers and adventurers and drive them from Ndebele lands, versus those who, like Lobengula, perceived the inevitable and overwhelming extent of European power and the necessity of constructing some accord that might protect the African people. *Ibid.*

¹⁰ The Charter was granted despite knowing that Lobengula and the Ndebele were opposed to the loss of their sovereignty and lands, and that the Rudd concession might have been gained somewhat duplicitously (in the sense that Lobengula may not have completely understood the meaning of the treaty, written English). Highlighting the involvement of the British political and aristocratic establishment in developing the economic opportunities of the new colonies, the BSAC with a capitalization of £1 million had an impeccable list of Directors: the Most Noble James Duke of Abercorn, the Most Noble Alexander William George Duke of Fife, Lord Gifford, Cecil John Rhodes (MP and Member of the Executive Council, Cape Colony), Alfred Beit, Albert

judicial sovereignty over these lands, including a *right* to devolve authority over these lands to the BSAC despite indigenous opposition. Backing this was British military power – far outweighing Ndebele and Shona spears and shields – expressed through the BSAC.

In May 1890, the BSAC-sponsored Pioneer Column headed northwards from the Cape Colony,¹¹ led by Jamieson and settling at Fort Victoria (Masvingo) and Salisbury (Harare), both in the Shona-dominated east. The Rudd Concession's rights of access to minerals was extended in the *Lippert Concession* of 1891, whereby Lobengula granted rights to Edouard Lippert (a German banker from Transvaal) in conjunction with an Englishman, Renny-Tailyour. The Lippert Concession granted:

the sole and exclusive right, power and privilege for the full term of 100 years to lay out, grant, or lease, for such period or periods as he may think fit, farms, townships, building plots, and grazing areas, to impose and levy rents, licences and taxes thereon, and to get in, collect and receive the same for his own benefit, to give and grant certificates in my [Lobengula's] name for the occupation of any farms, townships, building plots and grazing areas.¹²

As with the Rudd Concession, the contradictions between a conditional grant to a *person* versus alienable rights are apparent. Lobengula's intentions are revealed in the Concession's opening passages whereby he sought to appoint Lippert as his bailiff or trusted agent vis-à-vis the Europeans, with powers delegated *on Lobengula's behalf*.¹³ It was clearly his understanding that these wide-ranging powers – akin to State power to mediate tenure, to control people movements and settlement, to tax people, land and industry – applied *only* in

Henry George Grey (later Earl Grey), and George Causton. Lo Bengula, 'Lo Bengula Protests to Queen Victoria, April 23, 1889', in Louis L. Snyder (editor), *The Imperialism Reader: Documents and Readings on Modern Expansionism*, pp. 219-220, New York and London: Kennikat Press, 1962. Morel, 'The Story of Southern Rhodesia; Chapter 4'.

¹¹ Comprising 196 'Pioneers', 500 white 'police' and about 500 skilled/semi-skilled black workers. Chitiyo, 'Land Violence and Compensation'. From an anti-colonial viewpoint, Ankomah argues that Rhodes sent "an invading force of 200 white settlers and 500 armed men to take the territory". Baffour Ankomah, 'Why Mugabe is right ... and these are the facts', *New African*, Cover Story, accessed July 2002 at <http://dspace.dial.pipex.com/town/terrace/lf41/na/may00/>

¹² Morel, 'The Story of Southern Rhodesia; Chapter 4'. Robin Palmer, *Land and Racial Domination in Rhodesia*, London: Heinemann Educational, 1977, pp. 27-28. The Lippert Concession was and witnessed by John Smith Moffat, signatory of the 1888 Moffat Treaty.

¹³ Morel, 'The Story of Southern Rhodesia; Chapter 4'.

conjunction with mining under the Rudd Concession, and that Lobengula was not signing away the right to appropriate and alienate lands within Matabeleland or Mashonaland. Yet in this he failed, as the Concession passed to Rudd and to Rhodes and the BSAC. With the Rudd and Lippert Concessions and Royal Charter, the BSAC could create commodified and alienable property, defined by law rather than culture and mediated by the colonising State.

By the early 1890s, some mines had been established but mineral resources had not been found in the hoped-for quantities, and the BSAC moved towards the wholesale appropriation and disbursement of lands for farming.¹⁴

With annexation, by Order in Council, of Southern Rhodesia as a Protectorate in May 1891,¹⁵ the first *Native Reserves* (later Tribal Trust Lands/TTLs and Communal Lands) were informally created in 1892.¹⁶ These, the most widespread indigenous *experience* of the land issue, were initially created in a humanitarian spirit as a place of sanctuary until Africans were assimilated into a European-style economy and polity, yet became mechanisms of dispossession and labour control

There was military resistance to this influx of white settlers, to the transfer of control and sovereignty to newcomers from an alien colonising power resulting in widespread dispossession. Firstly the 1893-1894 Anglo-Ndebele War (or 'War of Dispossession'¹⁷) culminated in the destruction of the Ndebele royal dynasty and extended BSAC control and British sovereignty over Matabeleland. Lobengula was pressured by his people who resented the British intrusion and the loss of lands and cattle in the Mashonaland 'fiefdom'. Events

¹⁴ Settlers and police were granted farms of 5 square miles with a *quit rent* of £1 per annum, and could hold 15 mining claims. Farms would have been demarcated using only fairly crude measurements, such that it is more correct to report these as 5 square miles, rather than in hectares to several decimal places. Chitiyo, 'Land Violence and Compensation'. Ian Phimister, *An Economic and Social History of Zimbabwe 1890-1948: Capital Accumulation and Class Struggle*, London, Longman, 1988, pp. 4-44.

¹⁵ Specifically 'the parts of South Africa bounded by British Bechuanaland ((now Botswana), the German protectorate (Namibia), the Rivers Chobe and Zambezi, the Portuguese possessions (Mozambique), and the South African Republic.' Morel, 'The Story of Southern Rhodesia; Chapter 4'.

¹⁶ At Gwai and Shangani.

¹⁷ John Moore, *Zimbabwe's Fight to the Finish: The Catalyst of the Free Market*, London: Kegan Paul, 2003, p. 15.

were precipitated by retaliatory raids in 1893 by Ndebele warriors (*impi*) against Shona near Salisbury/Harare who had stolen telegraph wire and hence caused trouble between Lobengula and the BSAC – but this was seen by the BSAC as a threat to their labour force on mines and farms. In October, Jamieson, as head of the BSAC in Mashonaland, gained permission from the High Commissioner in Cape Town to ‘invade’ Matabeleland, and Lobengula’s forces were badly defeated in battles at Shangani River and at Mbembezi. Lobengula retreated northwards, and died of smallpox.¹⁸

Then, in the more widespread *Chimurenga* (or *Imfazwe*¹⁹) of March 1896 to 1897 which started amongst the Ndebele and spread to the Shona,²⁰ indigenous resistance was fierce and colonial repression was intense. In the wars of 1893–1894 and 1896–1897, the greatest military resistance came from those areas that had felt the greatest impact of white settlement. At war’s end, the BSAC had asserted the reality of British control over all of Southern Rhodesia.²¹

If the Anglo-Ndebele War established British suzerainty and ultimate title over Matabeleland and Mashonaland and accomplished the destruction of Ndebele political structures, then the *Chimurenga* achieved the subjugation of the populations and enabled the ongoing appropriation of the best lands by white settlers.

¹⁸ Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', Geneva, COHRE, Africa Programme Mission Report, September, 2001. Chitiyo, 'Land Violence and Compensation'. Ranger, *Revolt in Southern Rhodesia, 1896-7*, pp. 92-93.

¹⁹ *Chimurenga* is a Shona word meaning resistance or struggle. Ranger spells the word *chimuranga*. Terence Ranger, *Peasant Consciousness and Guerrilla War in Zimbabwe: a Comparative Study*, London: James Currey, 1985, p. 204. *Imfazwe* is a less common Ndebele word. Presidential Land Review Committee (Zimbabwe), and Dr Charles MB Utete, 'Report of the Presidential Land Review Committee on the Implementation of the Fast Track Land Reform Programme, 2000-2002 (The Utete Report)', Harare, Government of Zimbabwe, Harare, accessed August 2004 at <http://www.sarpa.org.za/documents/>, pp. 10, 11.

²⁰ Ranger, *Revolt in Southern Rhodesia, 1896-7*, pp. 127, 191.

²¹ Chitiyo, 'Land Violence and Compensation'. Ankomah, 'Why Mugabe is right ... and these are the facts'. Government of Zimbabwe, 'Historical Conspectus', Embassy of Zimbabwe, Washington USA, accessed May 2003 at <http://www.zimembassy-usa.org/history.html>, 2003. Despite his detailed description of the wars of 1893-1894 and 1896-1897, Ranger makes no use in his earlier (1967) work of the word 'chimurenga', indicating its more recent arrival in the more overt and populist Zimbabwean vernacular. Ranger, *Revolt in Southern Rhodesia, 1896-7*.

Land Appropriation under the Protectorate

The BSAC's administration of the Protectorate was further formalised through the first Constitution of 1898,²² which also formalised the 'infamous' Native Reserves which were "set up haphazardly in low potential areas which subsequently became the present Communal areas".²³ On the Native Reserves, title rested with the Crown through the BSAC, while immediate tenure was mediated through indigenous norms and forms of power and control which were increasingly brought under State control. Existing roles and patterns were formalised as State-sanctioned Traditional Authorities, later Tribal Land Authorities, and eventually, under the Independent Zimbabwean State, as Local Authorities.

From 1890 to 1920, "a period of conquest and land expropriation", Africans were pressured into Native Reserves via hut and dog taxes, compulsory cattle-dipping charges, rents charged by white farmers on blacks living on lands purchased by whites, and through officially-sanctioned force. They were dispossessed and dislocated in "a systematic mass land appropriation" of "the lion's share of fertile land".²⁴ The land squeeze intensified from 1908

²² This first Constitution took the form of the British Government's Southern Rhodesia Order in Council of 20 October 1898; since the abortive Jamieson Raid of 1895 against the Boers to the south of Southern Rhodesia, the UK had taken a more active role in supervision of the BSAC's administration. Parliament of the Commonwealth of Australia, 'Report of the Joint Committee on Foreign Affairs and Defence: Zimbabwe', p. 18.

²³ Palmer, *Land and Racial Domination in Rhodesia*, pp. 58-60, 66-71. Government of Zimbabwe, 'Land Issue - Fact Sheet', Government of Zimbabwe, Harare, accessed May 2003 at <http://www.gta.gov.zw/Land%20Issues/factsheet.html>, 2000.. Ankomah, 'Why Mugabe is right ... and these are the facts'. Chitiyo, 'Land Violence and Compensation'. Chitiyo refers to the 1899 Order in Council: 'the Council shall assign to the natives land sufficient for their occupation, whether as tribes or portions of tribes, and suitable for agriculture and pastoral requirement'. The lands reserved for indigenous Zimbabweans (and into which they were increasingly confined) have had several names:

1. The Constitution of 1898 referred to these lands as Native Reserves, and enabled the recognition of Traditional Authorities who could mediate between the colonial State and the indigenous peoples, and within the constraints of colonial State power, could mediate land tenure etc on the Native Reserves.
2. The *Tribal Lands Act (1967)* passed by Ian Smith's Government recreated these lands as Tribal Trust Lands/TTLs on which Tribal Land Authorities/TLAs were the successors to the Traditional Authorities.
3. The *Communal Land Act (1981)*, one of the first acts passed by the Mugabe Government after Independence, recreated these lands as Communal Lands on which State-sanctioned, even State appointed, Local Authorities replaced the Tribal Land Authorities.

²⁴ Parliament of the Commonwealth of Australia, 'Report of the Joint Committee on Foreign Affairs and Defence: Zimbabwe', pp. 245-246. Chitiyo, 'Land Violence and Compensation'. Government of Zimbabwe, 'Land Issue - Fact Sheet'. Mlambo refers to the *Private Locations Ordinance (1908)* which placed a £1 annual rent on every adult male resident on unalienated Crown lands or company or settler lands; Norman Mlambo, 'Resource Conflicts in Southern Africa: Zimbabwe's Land Conflict in Historical Perspective, A Critique of Paul Collier's Greed Versus Grief Theory', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September,

to 1914.²⁵ Settler numbers expanded to tens of thousands and the area allocated to settlers as individuals or corporations expanded to 9.1 mha in 1914 (of Southern Rhodesia's total of 39.1 mha) and to 15 mha by 1920 (Table 1); the BSAC retained authority over significant areas of unallocated lands.

Table 1: Land Appropriation by BSAC and Redistribution to Settlers, 1890 to 1920

	Indigenous Population	<i>Area Held</i>	Settler Population	<i>Area Held</i>	
1890	700,000	39.1 mha	700 whites	0 mha	
	<25,000 cattle after rinderpest plague of 1896				
<i>After Colonisation</i>	Indigenous Population	<i>Area of Native Reserves</i>	Settler Population	<i>Area Held</i>	<i>Un-allotted BSAC Lands</i>
1901	700,000+	8.4 mha	12,600	3.2 mha	27.5 mha #
1910	900,000	8.7 mha	20,000	6.0 mha	24.4 mha #
	& 250,000 cattle				
1914	836,000	10 mha	28,000	9.1 mha	20 mha
			(5.4 mha by settlers, 3.7 mha by corporations)		
1920	1 million+	8.8 mha	30,000+	15 mha	15.3 mha #
	1.5 million cattle by mid-1920s			(2,500 private & corporate farms)	

figures by subtraction

1901 figures from COHRE. 1910 and 1920 and figures on cattle numbers from Chitiyo. 1914 figures from Government of Zimbabwe.²⁶

At British insistence,²⁷ the black populace was permitted to purchase land as property.²⁸ Yet this formal right did not translate into realisable action, as the BSAC refused

2001. Werbner provides a poignant and personal image of the dispossession of a Zimbabwean family in Matabeleland. Richard Werbner, *Tears of the Dead: The Social Biography of an African Family*, London: Edinburgh University Press, and International African Institute, 1986.

²⁵ Palmer, *Land and Racial Domination in Rhodesia*, pp. 80-103.

²⁶ Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', p. 9. Chitiyo, 'Land Violence and Compensation', pp. 6 and 9. Government of Zimbabwe, 'Land Issue - Fact Sheet'. Figures are converted to mha and rounded to 2 or 3 significant figures. Unallotted BSAC lands include all lands not yet allotted or sold to white settlers, or set aside as Native Reserves or State Lands, and thus include many lands on which black communities still live. The BSAC sought to claim these lands as Company property. The 'decrease' in indigenous population from 1910 to 1914 must be attributed to uncertainties in population estimates. That the Native Reserve area is apparently higher in 1914 than in 1910 and 1920 is probably a rounding error. Palmer indicates slightly different figures for 1914: 752,000 Africans occupying 21,390,080 acres (8.4 mha); 23,730 settlers owned 19,032,320 acres (7.5 mha). His figures for area are the same, but his populations are lower for both indigenes and white settlers; it is probable that Palmer's figures reflect the rural populace, and Government and COHRE figures are total rural and urban population. Palmer, *Land and Racial Domination in Rhodesia*. Palmer's figures are reproduced in Presidential Land Review Committee (Zimbabwe), and Dr Charles MB Utete, 'The Utete Report', p. 11.

²⁷ In particular the UK *Colonial Laws Validity Act (1865)* placed constraints on how a colonial government might enact discriminatory or racialized legislation. Parliament of Great Britain, 'Parliamentary Sovereignty (extract from Colonial Laws Validity Act, 1865)', in Robin W. Winks (editor), *The Age of Imperialism*, pp. 104-146, Englewood Cliffs, New Jersey: Prentice-Hall, 1969.

²⁸ Palmer, *Land and Racial Domination in Rhodesia*, pp. 61-91.

to sell land to blacks and discouraged others from doing so.²⁹ Even more, it would have seemed a poor choice, even for those with the finances, to have to purchase anew what had been taken from them by force.

This points to an important aspect of property. Property is a right that attaches firstly to a property owner such that an owner has free right of transfer or alienation of his/her property, but a would-be property owner has no enforceable *right of purchase*. Even though all within a society or polity may have equal property rights, and all are equally able to purchase property (in the sense of being free of legal constraint) and all might have the (financial) resources with which to purchase property, it is *not* a contradiction of property rights if one sector of the polity freely chooses to *not* sell to another sector. This prefigures the dilemma of the first decade of Zimbabwean Independence, when the black populace gained equal political and civil rights, yet the constitutional protection of property rights meant that white settlers could freely choose to *not* sell lands.

Thus with the exception of a right of purchase in the Native Purchase Areas, Zimbabwean indigenes were excluded from the realm of property. Under colonial rule, not even the most powerful had the ability to retain, alienate or transfer, as property, *any* of the lands they had held or mediated.³⁰ In contrast, in other British colonies, indigenes were not so constrained, and could move into the realm of property in order to protect or entrench a position of power or privilege. For example, in British Cameroon, though ultimate tenure had passed from the chiefs (or *Fon*) as present representative of an ancestral dynasty to the colonial State, and though chiefly power was now subordinated to and dependent on State power, and though chiefs and communities were increasingly concerned at the loss of control over their lands, some chiefs could take advantage of the new order. Lands were alienated to

²⁹ Parliament of the Commonwealth of Australia, 'Report of the Joint Committee on Foreign Affairs and Defence: Zimbabwe', p. 245.

³⁰ Though it might be argued that, through the various Concessions, Lobengula had alienated the property rights of his people to the Europeans. However this was clearly not his intent, and from that point onwards, he, as with all Zimbabweans, was excluded from the realm of property.

related elites and kin as *property*, which was in part a diminishment of chiefly power, and in part a way of establishing a new power base free of the former obligations that elites had towards their populace. In this process, chiefs were increasingly alienated from their constituencies and perceived as “neo-traditionalists whose authority is no longer backed by the gods of the land”; ordinary farmers, especially rural women, were the overall losers in such transitions as access to uncommodified lands was lost.³¹

With pre- and post-World War I settler demands for representative Government free of BSAC administration and control,³² and unopposed by the BSAC which had still not made a profit on its venture in Southern Rhodesia,³³ the Protectorate of Southern Rhodesia was annexed as a self-governing British Colony in 1923. Anticipating this step and seeking to profit thereby, in 1914 the BSAC unsuccessfully sought to assert its *property rights* over the unallocated lands of the Protectorate.³⁴ Upon annexation, in a complex and unique process, Britain paid £375,000 to the BSAC in compensation for all unalienated lands (the BSAC

³¹ Cyprian F. Fisiy, 'Chieftaincy in the Modern State: An institution at the crossroads of democratic change', in *Perspectives on the State: From Political History to Ethnography in Cameroon. Essays for Sally Chilver*, Toronto (Paideuma, Frobenius Institute, J.W. Goethe University, Frankfurt and Main, accessed October 2003 at <http://lucy.ukc.ac.uk/Chilver/Paideuma/paideuma-Introdu-3.html>), 1995. Mitzi Goheen 'Gender and Accumulation in Nso', in *Perspectives on the State: From Political History to Ethnography in Cameroon. Essays for Sally Chilver*, Toronto (Paideuma, Frobenius Institute, J.W. Goethe University, Frankfurt and Main, accessed October 2003 at <http://lucy.ukc.ac.uk/Chilver/Paideuma/paideuma-Introdu-5.html>), 1995.

³² Culminating in the 1922 Referendum amongst the settler population to determine the future status of the Protectorate (as a Protectorate, or to merge with South Africa, or as an 'independent' colony with 'Responsible' self-government). The almost 1 million Africans were not included in the vote!

³³ Tom Lebert, 'An Introduction to Land and Agrarian Reform in Zimbabwe', Land Research Action Network, accessed May 2003 at <http://www.nic.co.za/pubs2003/anintro.pdf>, 2003.

³⁴ In 1914, the BSAC lodged a case with the British Government that it *owned* all unalienated lands in Southern Rhodesia. In rejecting this case, the British Parliament argued that BSAC revenues should be for the benefit of the Protectorate rather than the company. Fearing the 'dispossession' that representative government would entail, the BSAC appealed the decision that it did *not* own all unalienated lands, and in 1918 the Privy Council declared the Lippert Concession invalid as a title deed over unalienated lands, a decision confirmed by the Judicial Committee of the Privy Council in 1922. E.D. Morel, 'The Story of Southern Rhodesia; Chapter 5', in *The Black Man's Burden: The White Man in Africa from the Fifteenth Century to World War I*, Manchester: National Labour Press, accessed May 2003 at <http://www.boondocksnet.com/editions/morel/morel05.html>, 1920. Anonymous, 'Rhodesia - Mzilikaze to Smith', *Africa Institute Bulletin*, South Africa, accessed May 2003 at <http://home.wanadoo.nl/rhodesia/mztosm.htm>, 1977. The Africa Institute is an anti-communist / right-wing political think-tank with linkages to the current South African Government; it now publishes *Africa Insight*. L.H. Gann, *A History of Southern Rhodesia*, London: Chatto and Windus, 1965, p. 106. Cheater, 'Contextualizing Cultural Policy in Post-Colonial States'. Cheater cites H.M. Hole, *The Making of Rhodesia*, London: Macmillan, 1926.

retained its property rights over lands it had appropriated in its own name), such that the Crown was now *immediate owner* of all unalienated lands as well as holder of ultimate title over all lands. Then unalienated lands and State infrastructure were 'sold' back to the new colonial government for £2 million. The British Government made a handsome profit from its supervision and dispossession of the BSAC, while the newly self-governing colony of Southern Rhodesia became the only colony ever to have to purchase immediate ownership of State lands from its imperial overlords.³⁵ While it may seem unfair that a State should have to purchase its lands, it was far more unfair to the black Zimbabweans who received none of the profits of their dispossession, and little power in the new order.

The Persistence of Aboriginal Title and Indigenous Forms

The persistence or otherwise of indigenous tenure under colonial rule can be understood in terms of the legal idea of 'Aboriginal title' or the "primordial right held by the pre-colonial occupants of the land", as first recognised by Spanish jurists of the 15th-16th Centuries in response to contradictions between indigenous and Spanish colonial tenure. Then-current ideas of international law recognised no ongoing rights for conquered people. Yet, in a radical step based in an interpretation of natural law, Spanish jurists argued that *not all* native rights were extinguished by conquest and colonisation, and this argument was incorporated into international customary law.³⁶

Bennett argues that "From the seventeenth century onwards, Britain's colonial policy was guided by a principle that native law and land rights were to be respected until modified by the Crown". Yet there were limits to recognition of aboriginal title, in that "Application of

³⁵ Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', p. 9.

³⁶ Tom Bennett, 'Aboriginal Title in South Africa', Paper presented at *International Conference on Land Tenure in the Developing World - with a focus on Southern Africa*, University of Cape Town, RSA, Deutsche Gesellschaft für Technische Zusammenarbeit GmbH, and Federation of Institutes of Land Surveyors of South Africa, accessed May 2004 at <http://www.gtz.de/orboden/capetown>, 27-29 January, 1998, pp. 1-2. Mamdani argues that Britain was the first colonizing power to accept the validity of customary law. Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*, Princeton, New Jersey: Princeton University Press, 1996, pp. 21-22, and 286.

this policy depended ... upon the existence of a recognisable legal system within a prospective colony". In turn this depended on Britain's recognition of an indigenous culture as in some way 'civilised',³⁷ which enabled a subjective judgement of whether or not there was indigenous 'law'.³⁸ If not, this was *prima facie* case for ignoring indigenous tenure.

Bishop adds complexity to the idea that Britain respected native law and land rights unless modified by statutory law, pointing to two contradictory legal doctrines. The *Doctrine of Continuity* broadly presumes that "upon acquisition of territory inhabited by people holding private property rights under local systems of law and customs, the Crown will respect those rights [and] the property rights held under local law are presumed to continue after the change in sovereignty unless there is express confiscatory or expropriatory legislation". Conversely under the *Doctrine of Recognition*, "only such rights as the Sovereign deigned to recognise would be enforceable under the new regime and private property rights held under local law prior to the change in sovereignty would be irrelevant".³⁹

Rather than overt colonial policy, these doctrines represent opposing ways of interpreting political and legal history, and resolving the tension between the colonising power's paramount judicial sovereignty and remnants of indigenous sovereignty. They are contrary default positions: indigenous judicial sovereignty remains intact unless specifically revoked or constrained in whole or part by statute, *or* indigenous judicial sovereignty is automatically negated by the act of colonialism unless affirmed in whole or part by statute.

³⁷ Bennett, 'Aboriginal Title in South Africa', p. 2.

³⁸ In her analysis of San land claims in contemporary Botswana, Bishop argues a much broader understanding of 'law' as "those rules and processes of conduct which are considered obligatory by members of a community". For the San, the law is unwritten, informal and "does not exist separate from other aspects of ... society". In this light, all societies and communities will have 'law' in the sense of rules, codes and expectations of personal and group conduct, and it becomes mere arrogance, racism or blindness for an outsider to ask whether or not a society has law. Rather, the question should be: What is the nature, form and content of indigenous law, and how does this law intermesh with society? Kristyna Bishop, 'Squatters on Their Own Land: Territoriality in Western Botswana', Paper presented at *International Conference on Land Tenure in the Developing World - with a focus on Southern Africa*, University of Cape Town, RSA, 27-29 January, 1998, p. 2.

³⁹ *Ibid.*, pp. 8-9.

In Southern Rhodesia, the Rudd and Lippert Concessions formed the basis for British statutory law in the form of the Royal Charter granted by Britain to the BSAC on 29 October 1889, and the annexation of the Protectorate of Southern Rhodesia by Order in Council of the British Government in May 1891. Ultimate title was transferred to the British Crown, and power to mediate and allocate land tenure was devolved to the BSAC, which was directed to make provision for the indigenous peoples. Yet in the aftermath of the Anglo-Ndebele War of 1893-1894 and *Chimurenga* of 1896-1897, this protection and provision tended increasingly towards a form of apartheid, as the indigenous populace was increasingly dispossessed and relocated to Communal Lands: aboriginal title was completely negated. What recognition and respect the BSAC administration and later colonial Government showed for aboriginal title was evidenced only in the perpetuation of communally-mediated tenure on the Native Reserves.

Yet this was a parody of indigenous tenure. These were not even the lands these peoples had originally held, and linkages to ancestral spirits and deities which guarded and owned the lands were severed. The spiritual authority of chiefs and priests over land tenure was broken, while ultimate tenure now resided in a conquering alien entity (the British Crown, not even within Zimbabwe). Chiefs were either ignored or 'invented' by the colonial State and came increasingly under the control of the colonial State as 'Traditional Authorities' then as 'Local Authorities'. Indigenous farming practices were increasingly constrained and controlled by the colonial State, and people could move freely on the Native Reserves; the *power over land* that was traditionally based primarily in *power over people* was negated. By 1902, chiefly power was largely destroyed.⁴⁰

While capitalism might well tolerate, even productively use and interact with other forms of tenure and accord them legal recognition at certain stages in its expansion (notably in

⁴⁰ Moore, *Zimbabwe's Fight to the Finish*, pp. 15-16. Discussing Kingley Garbett, 'The Rhodesian Chief's Dilemma: Government Officer or Tribal Leader?', *RACE* 8, 1966, pp. 113-128.

colonial contexts),⁴¹ the forms associated with capitalism are inherently universalising and “fully developed capitalism relates destructively to communal forms of ownership and subsistence oriented production”.⁴² That the expansion of property rights is *still* on the agenda in modern African States is indicated by Moore’s description of the intervention of the World Bank in conflict and ‘post-conflict’ situation in contemporary Africa in order to ‘embed’ “individual property rights and other aspects of neo-liberal economic, social and political good governance”.⁴³

Land Appropriation under the Colony

The Government of Southern Rhodesia was profoundly racialised via a property and income-based electoral franchise which excluded communal tenure as a basis for electoral rights.⁴⁴ Thus the political power of the colonists was underpinned by their specific *form* of land tenure, property, rather than communal tenure.

The *Land Apportionment Act* 1930 was the most significant step in the creation and enforcement of a dual and racialised system and distribution of land tenure under colonial rule.⁴⁵ It formalised the racial separation of the nation’s lands and peoples (as detailed in Table 2), and “concretised the expropriation of the land from the indigenous people of

⁴¹ As outlined by Foster-Carter. Aidan Foster-Carter, 'The Modes of Production Controversy', *New Left Review* 107: January-February, 1978, pp. 47-77.

⁴² Thorvald Gran, 'Land Reform and Trust in Zimbabwe', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, p. 5. Discussing E.M. Wood, *The Origin of Capitalism*: Monthly Review Press, 1999. Karl Polanyi, *The Great Transformation*, New York: Farrar and Rinehart, 1944.

⁴³ David Moore, 'Levelling the Playing Fields and Embedding Illusions: 'Post-Conflict' Discourse and Neo-Liberal 'Development' in War-torn Africa.', *Review of African Political Economy* 27, no. 83: March, 2000, pp. 11-28.

⁴⁴ Similar to South Africa, the electoral franchise was restricted to those with property to the value of £150 or more (about 50 acres on average for undeveloped land), or an annual income of £100 or more (these financial bench marks were raised in 1951), and was accompanied by a simple language test in English. Parliament of the Commonwealth of Australia, 'Report of the Joint Committee on Foreign Affairs and Defence: Zimbabwe', pp. 19 and 22. Anonymous, 'Rhodesia - Mzilikaze to Smith'

⁴⁵ The Act came into force on 1st April 1931, and was meant to be fully implemented by 1937; the Act was amended in 1941.

Zimbabwe”, and “effectively handed the fertile, high rainfall areas of the country to whites”,⁴⁶ at the time numbering 50,000 people. Over the following years, the nation’s 1.1 million indigenous inhabitants were confined to Native Reserves, predominantly on the plateau sloping down to the Zambezi and in the highlands.⁴⁷

Table 2: 1930, Population and Land Distribution as per Land Apportionment Act

	Population	Land Usage	Area Set Aside	
Indigenes	1.4 million	<i>Native Reserves</i>	8.8 mha	30% of agric land
			(increased to 12.6 mha in 1952 ⁴⁸)	
		<i>Native Purchase Areas</i>	3 mha	
White settlers	48,000	<i>White farms</i>	19.9 mha	51% of agric land
		<i>Unreserved/Unallocated State Lands</i>	7.2 mha	(urban, forest, parks, State farms etc.)

Figures from: Parliament of the Commonwealth of Australia, 'Report of the Joint Committee on Foreign Affairs and Defence: Zimbabwe'.⁴⁹

As with the 1898 Constitution, under the 1923 Constitution and 1930 Land Apportionment Act, blacks were not prohibited from property ownership. Thus 3.2 mha was

⁴⁶ The Act was based on the recommendations of the Morris-Carter Commission, appointed by the colonial Government in 1925 to recommend a framework for the development of an economically self-sustaining white colony, and according to Chitiyo “was designed primarily to appease the anxieties of white settlers”. The Act enabled the imposition and enforcement in the indigenous areas of modern ideas of farming practice based on the theoretical work of work of Herskowitz and the practical work of Alvord in Southern Rhodesia (etc.). This whole State-propagated discourse of modernity and rationality with regard to indigenous farming, including a long-running denigration of African farming practices, can be seen as a discourse or technology of control over African farming and farmers. President Mugabe (President), Robert, 'Address to the Donors Conference on Land Reform and Resettlement, 9 September, Harare', Government of Zimbabwe, Harare, accessed May 2003 at <http://www.gta.gov.zw/Land%20Issues/LAND%20CONFERENCE.html>, 1998. Government of Zimbabwe, 'Land Issue - Fact Sheet'. Chitiyo, 'Land Violence and Compensation'. Lebert, 'An Introduction to Land and Agrarian Reform in Zimbabwe'. Ankomah, 'Why Mugabe is right ... and these are the facts'. Mlambo, 'Resource Conflicts in Southern Africa', pp. 13-14. Similarly Bernstein pointed to the role of the State in commodification of peasant production in Tanzania. Henry Bernstein, 'Notes on State and Peasantry: The Tanzanian Case', *Review of African Political Economy* 8, no. 21: Summer, 1981, pp. 44-62.

⁴⁷ Lebert, 'An Introduction to Land and Agrarian Reform in Zimbabwe'.

⁴⁸ Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', p. 10.

⁴⁹ Parliament of the Commonwealth of Australia, 'Report of the Joint Committee on Foreign Affairs and Defence: Zimbabwe', p. 247.

Government of Zimbabwe figures are comparable:

Population at 1930, and Land Distribution as per Land Apportionment Act, 1930

	Population		Area Set Aside	
Indigenes	1.1 million	Native Reserves	11.7 mha	30% of agric land
		Native Purchase Areas	3.2 mha	
White settlers	50,000	White farms	19.8 mha	51% of agric land
		State Lands	1.2 mha	(forest, etc.)
		Unassigned State Lands	2.4 mha	(urban, parks, etc.)

Figures from: Ankomah, 'Why Mugabe is right ... and these are the facts'. President Mugabe, 'Address to the Donors Conference'. Government of Zimbabwe, 'Land Issue - Fact Sheet'.

designated as Native Purchase Areas, usually adjacent to Tribal Trust Lands, within which Africans (and whites) could purchase *property* or leasehold lands (Table 2); in urban areas, Africans could similarly purchase land in non-white zones. Yet most of these lands were purchased by white farmers, and few Africans had the financial resources to purchase farm lands, or to compete economically with settlers who had far greater access to State support. In addition, the Act required that Africans not gainfully employed be confined to Native Reserves.⁵⁰ The following decades saw the profound dislocation of the African populace, and the imposition, by legislation, of a subservient and dependent social and productive lifestyle, as families were forcibly relocated and many were forced into the colonial labour market.⁵¹

At the end of World War II (WWII) in which many white and black Rhodesians fought, land was allocated to returning white soldiers and British settler/soldiers. By 1945, the white population was 140,000 including 68,000 on 6,408 farms, while the African population exploded to 4 million with 2.8 million in rural areas.⁵² The post-war years saw an expanding settler population,⁵³ and large scale eviction of blacks from white commercial farms as production was more intensively mechanised.

⁵⁰ Idahosa and Shenton point to a broader reluctance on the part of the colonizing powers in Africa to accept African urban proletarianisation, preferring instead to contain Africans to the realm of the communal and tribal: "Then, as now, the 'authentic' African was rural while the urbanised, 'de-nationalised' and later 'de-tribalised' African was anathematised and the growth of a class of urban unemployed was universally feared". Pablo Idahosa and Bob Shenton, 'The Africanist's New Clothes', *Historical Materialism* 12, no. 4: Research in Critical Marxist Theory, 2004, pp. 67-113, p. 84. In mid-2005, in his clearance of the urban slums and shanty suburbs, Mugabe seemingly reflects these same attitudes.

⁵¹ Lebert, 'An Introduction to Land and Agrarian Reform in Zimbabwe'. Marcus Garvey Foundation (USA), 'Beyond the Limpopo'. Chitiyo, 'Land Violence and Compensation', p. 13. Ankomah, 'Why Mugabe is right ... and these are the facts'.

⁵² Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', p. 10. Chitiyo, 'Land Violence and Compensation'.

⁵³ Palmer, *Land and Racial Domination in Rhodesia*, p. 242.

The Lead-Up to Independence

UDI and the Liberation War: Politicisation of the Land Issue

As the post-WWII 'winds of change' swept through the British Empire,⁵⁴ and as other colonies gained independence, Britain resisted Southern Rhodesia's calls for independence amidst concerns over the racialised land and political policies that contradicted the ideals of racial equality and universal rights that now dominated the discourse between Britain and her (former) colonies.⁵⁵

In 1953, initiated by Britain – responding to rising South African Afrikaaner nationalism which was seen to be contrary to British interests, seeking to placate Southern Rhodesian seeking independence, and with active support from Northern Rhodesia (Zambia) which was comparatively impoverished and economically undeveloped – the colonies of Northern Rhodesia, Southern Rhodesia and Nyasaland (Malawi) combined as Dominions into the Central African Federation, with a universal non-racial Federal electoral franchise. Each State retained its independent Legislature.⁵⁶ Yet the Federation received little support from black nationalists or white Rhodesian farmers and was marked by increasing discontent and violence. In Southern Rhodesia, Prime Minister Garfield Todd enacted a racialised agenda as he sought to legislate against miscegenation and actively implemented the *Native Land Husbandry Act (1951)*. Though overtly aimed at improving production and conservation in the Communal Lands,⁵⁷ Chitiyo argues that the Act used “protectionism, compulsion and force” to enable the ongoing dispossession and marginalisation of the indigenous

⁵⁴ The phrase is derived from UK Prime Minister Harold MacMillan's speech at Cape Town on 3 February 1960 – at the start of the 'Independence Decade' that saw independence in a range of former European (British, French and Belgian) colonies in Africa. In this speech, MacMillan distanced Britain from South Africa's apartheid policies.

⁵⁵ Parliament of the Commonwealth of Australia, 'Report of the Joint Committee on Foreign Affairs and Defence: Zimbabwe', p. 1. Anonymous, 'Rhodesia - Mzilikaze to Smith'.

⁵⁶ Cheater, 'Contextualizing Cultural Policy in Post-Colonial States', p. 2.

⁵⁷ Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', p. 10.

population.⁵⁸ The result was mass grass-roots resistance to excessive State controls and excessive State intervention, including the 'freedom ploughing' which arose in 1955, whereby black farmers resisted the constraints of the Land Husbandry Act, which in the name of efficiency and land regeneration sought to impose limits on where farmers could farm.⁵⁹

The brutal 1896-1897 *Chimurenga* had effectively suppressed all indigenous resistance for many decades. In the post-WWII years, opposition to the colonial Government was reinvigorated initially as indigenous *urban* protest by the black petite bourgeoisie, intellectuals, and trade union movement.⁶⁰ With higher income and education than most Zimbabweans, these were a small minority compared to the African working class and rural farmers. Urban protest became organised as the African National Congress of Southern Rhodesia (an aggregation of smaller political groups) formed in 1957 under the leadership of Joshua Nkomo, a trade union leader. Yet the ANC was banned in 1959 and its leadership gaoled, to be replaced in 1960 by the National Democratic Party (NDP) again led by Nkomo and banned in 1961, only to be replaced by the Nkomo-led Zimbabwe African People's Union (ZAPU) in 1962. In July 1963, factions within ZAPU, led by Ndabange Sithole and Joshua Nkomo, split apart on partly ideological and partly tribal lines: one faction, led by Nkomo, became PCC-ZAPU (later simply ZAPU again), and the other faction under Sithole became Zimbabwe African National Union (ZANU) with Herbert Chitepo as President and including Robert Mugabe.

The nationalist movement, though often cooperative, was not homogenous. It included differing approaches to the possibility or impossibility of compromise with the white State, differing urban versus rural foci, and the divisive element of rising Shona nationalism,

⁵⁸ Chitiyo, 'Land Violence and Compensation', p. 11.

⁵⁹ Chitiyo, 'Land Violence and Compensation', p. 14. This resistance has parallels, even continuity, with the more recent 'farm invasions' by 'war veterans' and indigenous 'settlers'.

⁶⁰ Brian Raftopoulos and Ian Phimister, *Keep on Knocking: A History of the Labour Movement in Zimbabwe, 1900-97*, Harare: Baobab Books, 1997, pp. 55-90.

reflected in the definition of resistance as the *Second Chimurenga* and mythologisation of the spirit mediums *Kaguvi* and *Nehanda* who led Shona resistance in the *First Chimurenga*.⁶¹

Rather than seeking political power or a 'black' State, protest was initially directed against the repressive government policies, and in response to the lack of political representation (reflecting the property test in the electoral franchise), lack of employment opportunities for a gradually urbanising indigenous populace including poor access to State employment, and minimal opportunities for advancement and enrichment.⁶² The aims expanded to encompass rural issues, and the need for greater social equality and opportunity for a wider range of Zimbabweans.⁶³ With repression of black opposition and little positive Government response,⁶⁴ the nationalists became more radical and sought to broaden their base of support and objectives – extending to calls for majority rule. Positions became polarised as the State rejected the possibility of constructive compromise. Vociferous protests ultimately became violent, and the State responded in 1960 with the *Law and Order (Maintenance) Act* and *Emergency Powers Act*,⁶⁵ though in an attempt to defuse conflict, implementation of the *Land Husbandry Act* ceased in 1961.⁶⁶ The Government's proposed Constitution of 1961 was criticised by both blacks and whites: on one hand it retained a racialised electoral franchise

⁶¹ Cheater, 'Contextualizing Cultural Policy in Post-Colonial States', p. 2. citing: P. Fry, *Spirits of Progress*, Cambridge University Press, Cambridge, 1976.

⁶² Chitiyo, 'Land Violence and Compensation'. Moore, *Zimbabwe's Fight to the Finish*, p. 13. Palmer, *Land and Racial Domination in Rhodesia*, p. 243. Raftopoulos and Phimister, 'Zimbabwe Now: The Political Economy of Crisis and Coercion', p. 361.

⁶³ Andre Astrow, *Zimbabwe: A Revolution That Lost Its Way?*, London: Zed Press, 1983, Chapter 3 "The Nationalist Movement in the Early Years", pp. 30-56, Chapter 5 "The Liberation Struggle and its Leadership", pp. 75-126, and Chapter 6 "Towards a PF Compromise with Imperialism", pp. 127-148. Astrow uses the term 'Liberation Struggle' to encompass the earlier post-WWII years of political protest and mobilization through to the years of actual military conflict from the mid-1960s to 1979 (what others have termed the Liberation War, or *Second Chimurenga*). Writing three years after Independence, Astrow's illuminating picture of the Zimbabwean elements involved in the Liberation Struggle sheds light on the make-up of the present neo-patrimonial elite.

⁶⁴ For example through the *Law and Order (Maintenance) Act (1960)* and *Emergency Powers Act (1960)*. Chitiyo, 'Land Violence and Compensation'.

⁶⁵ Chitiyo, 'Land Violence and Compensation', p. 18.

⁶⁶ Government of Zimbabwe, 'Land Issue - Fact Sheet'.

(though with African representation) and thus entrenched white power, while retaining the right, which had not been accepted by the white Rhodesian populace in Constitutional discussions, of the British Government to amend or revoke sections of the Constitution. White antagonism to this Constitution led to the founding of the Rhodesia Party representing hardline conservatives under Winston Field and Ian Smith.

In 1962, the Rhodesian Front was elected to power with the political mandate “to pull Rhodesia out of the Federation, cut links with Britain, and entrench white minority rule”.⁶⁷ In late 1963, Southern Rhodesia left the Federation, reverting to Crown Colony status, amidst increasing calls by white settlers for independence on the basis of unequal land rights and a racialised franchise. Rhodesia; in April 1964 Smith replaced Field as Prime Minister. In 1964, both ZANU and ZAPU were banned, and their leadership went into voluntary exile. Both groups established bases in Zambia, ZANU with ZANLA as its military wing and with Chinese support; ZAPU with ZIPRA as its military wing and with Soviet support.⁶⁸

In 1965, the *Native Land Husbandry Act (1951)* was replaced by *Tribal Trust Lands Act (1965)*. Native Reserves became Tribal Trust Lands with trustees in the form of Tribal Lands Authorities (TLAs), that is reconstructed and State-mandated ‘traditional authorities’ now answerable to the State.⁶⁹ Rather than genuine chiefly autonomy or freedom of land usage by the indigenous populace, the Act sought “to bind the chiefs more closely to the state

⁶⁷ Chitiyo, 'Land Violence and Compensation', p. 15.

⁶⁸ From 1972 onwards, ZANLA also established bases in Tanzania, further to the north, and in Mozambique to the east, receiving assistance from the Frelimo guerrillas and from the Frelimo government after Mozambique's independence in 1975. Following the assassination of Herbert Chitepo on 18 March 1975, The Zambian President Kenneth Kaunda forced ZANU and ZANLA out of Zambia. ZANU had originally attributed the assassination to the Rhodesian Government, but a report commissioned by Kaunda indicated that the assassination was the work of ZANU elements, notably former ZANLA commander Josiah Tongogara, Rugare Gumbo (then the Secretary for Information and Publicity), Henry Hamadziripi (then Secretary for Finance), Kumbirai Kangai (then Secretary for Public and Social Welfare), and Mukudzei Mudzi (Secretary for Administration) – part of an elite clan-linked group that was collectively and disparagingly referred to as the *Karanga mafia*. Many are still prominent in Zimbabwean politics (though Mugabe's Zezuru clan is on the ascendancy) and amongst the beneficiaries of the 1990s to 2000s land-grab. Anonymous, 'Herbert Chitepo', Wikipedia free encyclopedia, accessed July 2005 at http://en.wikipedia.org/wiki/Herbert_Chitepo. Louise White, *The Assassination of Herbert Chitepo*, Bloomington: University of Indiana Press, 2003.

⁶⁹ Chitiyo, 'Land Violence and Compensation', p. 15. Government of Zimbabwe, 'Land Issue - Fact Sheet'. Ankomah, 'Why Mugabe is right ... and these are the facts'.

apparatus”, and to enforce State-sanctioned farming methods within these domains.⁷⁰ Whatever sense of ultimate tenure still resided in the chiefs, and in the structures of chiefdom, was appropriated by the colonial State.

Though the Southern Rhodesian colonial State had greater autonomy – in legislative and economic terms, and in its institutional capacity – than had many other former British colonies, the Rhodesian expatriate elite grew increasingly resentful as their claims for formal independence were repeatedly rejected. Yet Britain had reasons for its reluctance, centring on contradictions between the racialised policies and outcomes evident in Rhodesia, versus the ideas and ideals of racial equality and universal human rights that now dominated the discourse between Britain and her other colonies and former colonies.

Settler resentment at Britain’s resistance to independence culminated in the declaration, by the Government of Southern Rhodesia under Prime Minister Ian Smith on 11 November 1965, of the *Unilateral Declaration of Independence* of the State of Rhodesia.⁷¹ The UDI was not recognised by Britain, the UN or the British Commonwealth, and the Government of Rhodesia became internationally isolated. As trading and financial sanctions were imposed by the UN, Commonwealth and Organisation of African Unity (OAU),⁷² Rhodesia’s robust and productive national economy slowly withered.

In response, ZANU and ZAPU forged a strategy of popular political mobilisation or *conscientisation*, especially amongst the rural populace, with a political platform of regaining

⁷⁰ Chitiyo, 'Land Violence and Compensation', pp. 15-16.

⁷¹ Ian Smith, (Prime Minister of Rhodesia), 'Announcement of Unilateral Declaration of Independence, November 11', *East Africa and Rhodesia Newspaper*, Salisbury (Harare), accessed May 2003 at <http://wanadoo.nl/hodesia/rhodesia-udi.html>, 18 November 1965, pp. 104-105. Moore, *Zimbabwe's Fight to the Finish*, pp. 39-73.

⁷² Parliament of the Commonwealth of Australia, 'Report of the Joint Committee on Foreign Affairs and Defence: Zimbabwe', pp. 40-42.

the lost lands⁷³ and majority rule. Simultaneously, armed destabilisation was promoted through their military wings, ZIPRA and ZANLA respectively.

In addition to responding with force against the guerrillas, in the late 1960s the Government undertook a number of regressive and defensive moves that, rather than ensuring security, exacerbated the conflict. The *Land Tenure Act (1969)* further differentiated white property from black communal tenure and entrenched the racialised distribution of land,⁷⁴ while the *Constitution of 1969* and *Declaration of a Republic in 1970* were steps towards a formal racialised polity.⁷⁵

As Chitiyo argues, the *dispossession* of the Zimbabwean people was at the core of their grievances, yet "... it would be some years before the nationalists formally began to conscientise the peasants". This process was undertaken through local educative meetings or *pungwes* organised somewhat coercively by the nationalists/guerrillas, and "Land became one of the rallying cries of peasant conscientisation".⁷⁶ A ZANLA rallying cry was *pasi nevapambhvu* or "down with the land-grabbers",⁷⁷ as the guerrillas sought "to elevate the personal and local discontent of the peasants to a national level".⁷⁸ Dispossession and dislocation were effective appeals because they reflected the remembered and felt history of many living Africans. The *Chimurenga* was within the memory of some older Africans, and much of the Zimbabwean populace had personal or familial experience of dispossession.⁷⁹

⁷³ Ranger, *Peasant Consciousness and Guerrilla War in Zimbabwe: a Comparative Study*, pp. 177 and 287.

⁷⁴ President Mugabe, 'Address to the Donors Conference'. Chitiyo, 'Land Violence and Compensation'. Mlambo, 'Resource Conflicts in Southern Africa', pp. 16-18.

⁷⁵ Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', p. 10.

⁷⁶ Chitiyo, 'Land Violence and Compensation'. Norma Kriger, *Zimbabwe's Guerrilla War: Peasant Voices*, Cambridge: Cambridge University Press, 1992.

⁷⁷ Mlambo, 'Resource Conflicts in Southern Africa', p. 18.

⁷⁸ Chitiyo, 'Land Violence and Compensation'

⁷⁹ Lebert, 'An Introduction to Land and Agrarian Reform in Zimbabwe'.

In their interactions with the rural populace, the guerrillas made significant use of the spirit mediums that were a part of indigenous culture and communities: for most indigenes, their relationship to the land was seen in terms of their personal and collective relationship to *Mwari* the spirit god and to their ancestors who had worked these lands.⁸⁰ In light of decades of colonial dispossession and interference with indigenous production, 'peasant' consciousness was already focussed on issues of access to land, overcrowding on the Communal Lands and declining soil fertility, and poor access to markets. These issues were seen in spiritual as well as material terms, and spirit mediums could be mobilised as intermediaries between guerrillas and black farmers.

Armed conflict gradually intensified into the mid-1960s,⁸¹ and the Battle of Chinhoyi⁸² on 28 April 1966 between ZANLA and Government forces defined the opening of the civil war referred to by black Zimbabweans as the *Liberation War* or *Second Chimurenga*.⁸³ At commencement of the war, both ZIPRA and ZANLA operated out of bases to the north in Zambia. From 1972, ZANLA also operated from Tanzania further to the north, and from Mozambique to the east, receiving assistance from the Frelimo guerrillas and from the Frelimo government after Mozambique's independence in 1975.⁸⁴ From 9 October 1976 to Independence, pressured by the OAU and Front Line States,⁸⁵ ZAPU and ZANU

⁸⁰ Ranger, *Peasant Consciousness and Guerrilla War in Zimbabwe: a Comparative Study*, pp. 188-189. David Lan, *Guns and Rain: Guerrillas and Spirit Mediums in Zimbabwe*, London and Harare: James Currey, and Zimbabwe Publishing House, 1985.

⁸¹ Government of Zimbabwe, 'Historical Conspectus'. President Mugabe, 'President Mugabe's Address to the Third Zanu-PF National People's Congress, 16 December, Harare', Government of Zimbabwe, Harare, accessed May 2003 at <http://www.gta.gov.zw/Presidential%20Speeches/congress.html>, 1999. Chitiyo, 'Land Violence and Compensation'.

⁸² Also spelt Chinoyi in some texts; after 1980, the name changed to Sinoyi.

⁸³ Government of Zimbabwe, 'Historical Conspectus'. Chitiyo, 'Land Violence and Compensation'. Mlambo, 'Resource Conflicts in Southern Africa', pp. 18-19.

⁸⁴ Following the assassination of Herbert Chitepo on 18 March 1975, The Zambian President Kenneth Kaunda forced ZANU out of Zambia. The assassination had initially been attributed to the Rhodesian Government, but later to rivals within ZANU. White, *The Assassination of Herbert Chitepo*.

⁸⁵ Those States bordering or close to South Africa, and which regarded themselves as being in the front line of the struggle against apartheid: Angola, Botswana, Lesotho, Malawi, Mozambique, Namibia, Swaziland, Tanzania, Zambia, Zimbabwe.

cooperated as the Patriotic Front (PF), referring to themselves as Zanu-PF (the dominant partner) and Zapu-PF.

In the Liberation War there were differing political objectives, even with respect to post-war land reform: whether the land would be nationalised, socialised, or whether a compromise might be sought with the white property owners. Having encouraged, conscientised and mobilised the urban and rural rank-and-file, the elite (petite bourgeoisie) leadership of the nationalist movement was no longer in complete control of the movement. Acts of violence and sabotage were carried out by the rank-and-file, and the leadership distanced itself from this radicalism, though from about 1977 onwards the leadership did little to stop this sabotage and violence.⁸⁶

Many of the ZIPRA and ZANLA rank-and-file had been trained in USSR and China, and had absorbed Marxist-Leninist ideologies. From within ZANU, some radical elements acting as the Zimbabwe Peoples Army/ZIPA, pressured ZANU towards socialist ideals; and the interests of the peasantry, workers and soldiers rather than 'bourgeois elitism'. They also sought the appropriation and nationalisation of all white farms and all property. ZIPA implemented Marxist-Leninist training in 'peasant-based revolutionary socialism'⁸⁷ at their military camps.⁸⁸

Yet ZIPA was brutally suppressed by Zanu-PF under Robert Mugabe in 1977, its radical rhetoric seen as an impediment to a political settlement of the Liberation War – even

⁸⁶ David Moore, 'Democracy, Violence and Identity in the Zimbabwean War of National Liberation: Reflections from the Realms of Dissent', *Canadian Journal of African Studies*, 29: 3, December 1995, pp. 375-402.

⁸⁷ Comparable to the thought of Amilcar Cabral in a similar context in Guinea in West Africa. Amilcar Cabral, *Revolution in Guinea: Selected Texts by Amilcar Cabral*, translated by Richard Handyside, edited by Richard Handyside, New York and London: Monthly Review Press, 1969.

⁸⁸ David Moore, 'The Zimbabwe People's Army: Strategic Innovation or More of the Same?', in Ngwabi Bhebe and Terence Ranger (editors), *Soldiers and the Zimbabwean Liberation War*, London: James Currey, 1995, pp. 73-86.

though Mugabe espoused a similar Marxist-Leninist line, tempered by the need to establish a viable and productive indigenous bourgeoisie.⁸⁹

Britain's concerns regarding Southern Rhodesia's racist legislation and racialised distribution of national resources, its non-recognition of the 'Independent' UDI Government, and its attempts to negotiate a political settlement that might resolve the legal dilemma of Rhodesian 'independence',⁹⁰ led the Zimbabwean nationalists to see the British Government as more reformist and potentially more conciliatory than the Smith Government. The white settlers and colonial Government were perceived as 'reactionary'. For Mugabe, the suppression of ZIPA was a necessary step in moderating radicalism as a prerequisite to securing a compromise settlement acceptable to Britain. Conversely, as Astrow argues, "To assure the maintenance of capitalist social relations, imperialist [UK] strategy shifted [from the use of force] to handing over power to the African petite bourgeoisie. Selected politicians were put in control of the new regimes. Social stability, it was hoped, would be maintained by this so-called independence".⁹¹

⁸⁹ In contrast Mandaza argues that all these elements, ZAPU, ZANU and ZIPA, were more essentially nationalist and anti-imperialist than socialist. Ranger indicates that there was minimal emphasis on socialism in the form of collective farming. Ibbo Mandaza, 'The State and Politics in the Post-White Settler Colonial Situation', in Ibbo Mandaza (editor), *Zimbabwe: The Political Economy of Transition, 1980-1986*, pp. 21-74, Dakar and Harare: Codesria, and Jongwe Press, 1987, pp. 31-32. Ranger, *Peasant Consciousness and Guerrilla War in Zimbabwe: a Comparative Study*, pp. 177, and 187. Moore, *Zimbabwe's Fight to the Finish*, pp. 70-71, and 107. David Moore, 'The Ideological Formation of the Zimbabwean Ruling Class', *Journal of Southern African Studies* 17, no. 3: September, 1991, p. 493. L.M. Sachikonye, 'From 'Equity' and 'Participation' to Structural Adjustment: State and Social Forces in Zimbabwe', in David B. Moore and G.J Schmitz (editors), *Debating Development Discourse, Institutional and Popular Perspectives*, pp. 178-200, London: Macmillan Press Ltd, 1995, p. 184.

⁹⁰ For example, Parliament of the Commonwealth of Australia, 'Report of the Joint Committee on Foreign Affairs and Defence: Zimbabwe'. Significant moves on Britain's part comprised:

- Commonwealth Conference at Lagos, January 1966
- Commonwealth Conference in London, September 1966
- Negotiations between the UK and Rhodesian Governments aboard HMS Tiger (December 1966), and HMS Fearless (October 1968)
- Provisional agreements between Ian Smith and Sir Alec Douglas-Home (Foreign and Commonwealth Secretary, British Government) in November 1971
- Appointment of the Commission on Rhodesian Opinion (1971-1972), chaired by Lord Pearce, to canvas opinions amongst black and white Zimbabweans/Rhodesians
- The 'Kissinger Package' (September 1976) of proposals between the UK and Rhodesian Governments
- The Geneva Conference (October 1976) which included representatives from ZANU and ZAPU, the UANC, as well as UK and Rhodesian Governments
- The Anglo-American Proposals (April 1977 – March 1978), which included proposed future funding in the form of the Zimbabwe Development Fund/ZDF

⁹¹ Astrow, *Zimbabwe: A Revolution That Lost Its Way?*, p. 212.

Towards the end of the Liberation War, in a belated step towards reversing the racialised inequalities of landholdings and accepting the necessity for compromise, the *Land Tenure (Amendment) Act (1977)* allowed blacks or 'Africans' to purchase or lease land in white 'European' areas.⁹² Yet this still only *allowed* Africans to *purchase* lands in the previously white-only areas, and did not translate into a *realisable ability* to purchase lands. No recompense or allowance was made for seized lands, nor for the multi-generational marginalisation and exclusion that made it impossible for all except a very few Africans to purchase lands. Two years later, the *Land Tenure (Repeal) Act (1979)* similarly removed the restrictions on black ownership of property in urban areas.⁹³

Through the *Internal Settlement* of 3rd March 1978,⁹⁴ Ian Smith's white-dominated Government reached a political settlement with conservative black interests in Rhodesia, headed by Bishop Muzorewa's United African National Council (UANC) party. It was rejected by Zanu-PF and Zapu-PF. Realising that it had not found a political solution to the intractable military conflict, the Government moved towards negotiation with its opponents.

Lancaster House

Negotiations culminated in the *Lancaster House Constitution Conference*, called by Prime Minister Margaret Thatcher and held in London from 10th September to 11th October 1979, chaired by Lord Carrington, British Foreign Secretary and head of the British Government delegation.⁹⁵

⁹² Parliament of the Commonwealth of Australia, 'Report of the Joint Committee on Foreign Affairs and Defence: Zimbabwe', pp. 224, 252, and 254. Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', p. 10. Blacks could now purchase lands anywhere (except on Communal Lands, where no land was held as property) and to hold land on Communal Lands. Whites could not hold land on the Communal Lands, and were *more* constrained in their formal land tenure rights than were blacks.

⁹³ Parliament of the Commonwealth of Australia, 'Report of the Joint Committee on Foreign Affairs and Defence: Zimbabwe', p. 253.

⁹⁴ *Ibid.*, p. 71.

⁹⁵ *Ibid.*, pp. 101-134. Parliament of the United Kingdom, 'Southern Rhodesia: Report of the Constitutional Conference, Lancaster House, London'. Mandaza, 'The State and Politics in the Post-White Settler Colonial Situation', pp. 33-41, 'The Lancaster House Agreement'.

The conference was attended by delegations from the Southern Rhodesian Government (led by Bishop Muzorewa and including indigenous Africans and expatriate Europeans), and Zanu-PF (led by Robert Mugabe) and Zapu-PF (led by Joshua Nkomo) as the Patriotic Front.⁹⁶ At the outset *land ownership* was perceived as one of the key problems. Lord Carrington in his opening address argued that “We [the UK Government] recognise that the future Government of Zimbabwe, whatever its political complexion, will wish to extend land ownership”⁹⁷ – yet whether ‘extension’ would be through market mechanisms or direct State intervention was at that point not stated.

Three agreements were signed on 21st December 1979⁹⁸ – a cease-fire; an agreement regarding a pre-Independence transition period included a framework for the electoral enfranchisement of the Zimbabwean people (a universal adult/citizen franchise) and democratic elections; and the *Independence Constitution (1980)* – together being prerequisites for formal acceptance by the British Government of the independent sovereignty of the Zimbabwean people and Government, including the transmittal of judicial sovereignty and ultimate ownership. Through these complex and hard-fought negotiations, by ultimatum, brinkmanship and difficult compromise, Britain was instrumental in creating the constitutional protection of *property*.

It is clear that at Lancaster House, Zanu-PF and Zapu-PF were manoeuvred into a compromise that fell short of their ambitions. They faced the threat from Lord Carrington to terminate negotiations if the Zimbabwean delegates did not accept the constitutional protection of property rights. The Zimbabwean Government argues in retrospect that “the British government insisted on a stringent protection of private property with equally restrict

⁹⁶ British Government, 'Report of the Constitutional Conference, Lancaster House'. See list of delegates in Appendix 5.

⁹⁷ British Government, and UK Foreign and Colonial Office, 'Zimbabwe: UK Approach to Land Reform', London, British Parliament, Policy on Africa Statement, June 2000.

⁹⁸ The signatories were: Lord Carrington, Sir I. Gilmour, Bishop A.T. Muzorewa, Mr R.G. Mugabe, Dr S.C. Mundawarara, and Mr J.M. Nkomo.

[sic] provisions for 'prompt' and 'adequate' compensation in the few cases where compulsory [acquisition] was to be allowed", and that "British provisions converted the freedom from deprivation of property into a *right to retain privilege* and perpetuate social and economic injustice".⁹⁹

This is not just a criticism of the impact of property rights in Zimbabwe, but a recognition by Zanu-PF of the nature of property and property rights. Under *any* system of tenure, some will potentially accumulate more than others.¹⁰⁰ Any State-guaranteed protection from illegal appropriation and definition of such appropriation as illegal, must inevitably lead to *protection of privilege*. In fact, this is the very purpose of the idea of property, as argued for example by Locke and many later liberal theorists – that an essential State purpose (extending to the reason why a State exists) is the protection of 'property' from appropriation, either by others or by the State.¹⁰¹ The rights of all to acquire, hold, use and sell property are protected, for the propertyless as for the propertied. The idea of property protects privilege and enables and maintains inequality. Rather than seeing justice or injustice in the pattern of distribution of holdings, the very idea of property sees justice in the protection of justly acquired property, and sees injustice in the unjust appropriation of justly acquired property. This is also reflected in Nozick's ideas of justice in acquisition and transfer.¹⁰²

The Rhodesian and British Governments found common cause in their desire for the entrenchment of property rights in the Independence Constitution. The Rhodesian Government, elected via a racially-restricted electoral franchise, was primarily a mouthpiece

⁹⁹ Government of Zimbabwe, 'Land Issue - Fact Sheet'. The protection of property rights included not only property rights over land, but the assurance that accrued State benefits, in particular State pensions, would be protected under a new government.

¹⁰⁰ Even African communal/chiefly tenure does not seek to create absolute equality, but that each family unit should, within the general context of resource availability and the general wealth of the community, have sufficient for material sustenance and to fulfil their role in society.

¹⁰¹ John Locke, *Locke's Second Treatise of Civil Government: A Contemporary Selection*, edited by Lester DeKoster, Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 1978, pp. 56, and 62. Alan Ryan, *Property and Political Theory*, Oxford, UK: Basil Blackwell, 1984, p. 15. Jeremy Waldron, *The Right to Private Property*, Oxford, UK: Clarendon Press, 1990, p. 239.

¹⁰² Robert Nozick, *Anarchy, State and Utopia*, New York: Basic Books, 1974.

for property-owning expatriate British white Rhodesians whose status, culture and material well-being were based in this ownership, and thus sought to protect these interests. Having legitimated colonial appropriation and sponsored settlers and implanted liberal conceptions and practices of property and property rights, the British Government sought to perpetuate these ideals. At Lancaster House, using promise and pressure, Britain established the constitutional protection of those rights at the heart of liberal democracy, and that would enable the retention of property and privilege by an expatriate elite.

The Lancaster House agreements were based on the implicit assumption of the moral equality of the conflicting parties. Neither side had 'won', neither side was defeated, neither side was vilified, neither side was to be punished or be compelled to pay reparation, and the members and supporters of both sides were to have equal rights in the new Zimbabwe. This was a *political* solution, a compromise that looked forward to create the kind of polity that might enable political and economic freedom and prosperity. The solution paid no attention to past wrongs, nor to the outcomes of past wrongs. Yet in its acceptance of the Constitutional protection of property rights, the Independence Government was obligated to ongoing support of the racialised privilege established by a State that privileged an expatriate European settler minority at the expense of an indigenous African majority. This unequal distribution of rights and benefits had been constructed and maintained by a State that used its coercive power to impose and sustain racialised inequality, and was created and sustained more or less legally – in that the State that created and sustained these racialised inequalities was also the arbiter of legality, through the mechanisms of legislation and through the courts.

At Independence, the *actions* that created these outcomes were consigned to the past, but the *outcomes* were entrenched as a morally-neutral distributions that the State was obliged to uphold on the basis of the equal right of all Zimbabwean citizens to not be arbitrarily deprived of the 'property' they legitimately held.

The Independence Constitution (1980)¹⁰³

The Constitution restricted the methods of land reform legally available to the Zimbabwean Government, and hence constrained the Independence Government's ability to initiate significant land reform. Moore argues that the Lancaster House provisions denied the Independence Government 'full sovereignty'.¹⁰⁴ In particular UK pressed for the inclusion of *Section 16* which "was designed to give total protection to private property"¹⁰⁵ and for separate white and black electoral franchises that would limit constitutional change for 10 years and enable the protection of property rights.

Section 16 "forbade the compulsory acquisition of property 'of any description' unless it was 'reasonably necessary' for essential State purposes; and the payment of 'prompt and adequate' compensation assessed on the basis of market principles".¹⁰⁶ *Section 16* is a reaffirmation of property rights, that the right of free and un-coerced alienation resides with the property owner, and that where the State does have limited rights of compulsory acquisition, compensation is to be in full and at market rates. This 'prompt and adequate' market-based compensation included the provision that those whose property was compulsorily acquired could remit their compensation to any country in any currency. For example, a farmer whose land was acquired could require payment in English pounds into an English bank account, and no constraints or currency exchange charges could be imposed.¹⁰⁷ Though this seems fair to property owners – that compulsorily deprived of a productive asset,

¹⁰³ The dates of the Constitutions are slightly confusing. The 'Internal Settlement' of 3 March 1978, was implemented through the *Constitution (1979)*. The Independence Constitution, negotiated and signed in late 1979 at Lancaster House was implemented at Independence as the *Constitution (1980)*. Parliament of the Commonwealth of Australia, 'Report of the Joint Committee on Foreign Affairs and Defence: Zimbabwe', p. 71

¹⁰⁴ Moore, *Zimbabwe's Fight to the Finish*, p. 3.

¹⁰⁵ Government of Zimbabwe, 'Land Issue - Fact Sheet'.

¹⁰⁶ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement: Assessment and Suggested Framework for the Future: Interim Mission Report', New York, UNDP, January 2002, p. 25.

¹⁰⁷ *Ibid.*, p. 25.

he/she should be fully compensated and free to invest in other assets – it is less than fair to the Zimbabwean people. The lands were initially appropriated from the Zimbabwean people by force with no compensation, and the significant profits of the transfer of BSAC lands to the colonial State (in 1923) were transferred to Britain. Now the Zimbabwean people would have to repurchase the lands that had been coercively appropriated, and the full proceeds of this purchase would again be transferred outside the Zimbabwean economy.

As well as this limited and expensive right of compulsory acquisition, the Zimbabwean State as a willing-buyer was free, as is any legal entity, to negotiate a purchase price for any land available for sale.

Section 52 (3) (b) (i) of the Independence Constitution was the much-discussed *sunset clause*, such that after 10 years (in 1990) the Government of Zimbabwe might foreseeably be free to redefine its rights and obligations regarding land acquisition and compensation. The sunset clause would be effectively guaranteed by the creation of race-based electoral quotas in the new Parliament, and through constraints on constitutional amendment. Of the 100 seats in the House of Assembly, 80 were open to all and were elected through a common (black and white voter) electoral roll, while 20 seats were reserved for white politicians elected through a white electoral roll – with the stipulation that white political parties were prohibited from forming a coalition with any except the dominant black party. In the initial elections (for which there was no black electoral roll), black voters in the eight districts voted for political parties, which were then allocated seats in proportion to votes received. For whites, there was one MP per 11,000 voters, with one MP per 56,800 black voters.¹⁰⁸

The constitutional provisions (including Declaration of Rights, protection of property, and makeup of Parliament) could, with two notable exceptions, be amended by a two-thirds

¹⁰⁸ Parliament of the Commonwealth of Australia, 'Report of the Joint Committee on Foreign Affairs and Defence: Zimbabwe', pp. 110 and 125. The Senate (or Upper House) would contain 40 seats, including 24 elected by the House of Assembly with 10 being from a white roll and 14 from a common roll, and 10 elected by the Council of Chiefs (with the proviso that 5 were from Mashonaland and 5 from Matabeleland), and the remaining 6 were appointed by President on the advice of the Prime Minister. Thus the Senate could not be dominated by white interests.

majority in the House of Assembly, followed in all cases by a more than two-thirds majority in the Senate.¹⁰⁹ The exceptions were that (for the first seven years) a unanimous House of Assembly vote would be required for any amendment of the parliamentary structure and of the 20 reserved white seats, and (for the first 10 years) a unanimous House of Assembly vote would be required for any amendment to the Declaration of Rights, including the protection of property.¹¹⁰ Thereafter, in both cases, amendment would require only a two thirds majority in both Houses.

Hence, for the first 10 years of Independence, property rights were in effect constitutionally protected, as a black Government would not be able to muster the 100% majority in the House of Assembly required to alter the constitutional protection of property. Even if the Government had abolished the white electorate after seven years, it may not have gained the 100% control of Parliament required to reduce the protection of property rights. What expiry of the seven-year clause *did* enable in 1987 was the enhancement of Presidential powers, and abolition of the Senate and of the office of Prime Minister.

From many perspectives, Lancaster House failed to create a framework for land reform that might address legitimate grievances over present and historic inequalities of land distribution and tenure rights. From a developmentalist perspective with minimal emphasis on the colonial legacy as sufficient cause for present ills, the United Nations Development Programme (UNDP) argues that “Despite its many democratic tenets, the Constitution that ushered Zimbabwe to independence in 1980 gave no hope for an immediate rectification of that legacy” of an “unequal and racially skewed distribution of land and wealth”.¹¹¹ From a more left-wing developmentalist perspective – sympathetic to the Government’s dilemmas and reform ideals if not its implementation – COHRE argues that “The Lancaster House

¹⁰⁹ Ibid., p. 111.

¹¹⁰ Amendments to *reduce* the exceptions and qualifications in the Declaration of Rights, that is to strengthen or extend the scope of these rights, would require only a two thirds majority in both Houses of Parliament.

¹¹¹ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', pp. 24-25.

Agreement was a bad compromise; it made it impossible for the government to carry out any meaningful land reform".¹¹²

The Independence Zanu-PF Government found itself shackled with a liberal constitution that constrained its ability to intervene in property and tenure relations and distributions via non-market mechanisms, yet without the anticipated financial resources to enable market-based reform. For Palmer this was the 'crucial capitulation' by PF that limited the scope of post-Independence land reform.¹¹³

Expectations of Donor Funding

Of major importance to the Patriotic Front's presence at Lancaster House and in its acceptance of the protection of property was the implicit promise of foreign funding, from UK in particular,¹¹⁴ on a scale that would enable the new Government to enact significant land reform via land purchase, that is within the constraints of property rights.

In September 1977 in the lead up to Lancaster House, and as part of the *Proposals for a Settlement in Rhodesia* or *Anglo-American Proposals*, Britain had raised the possibility of a *Zimbabwe Development Fund* (ZDF, or *Anglo-American Development Fund* for Zimbabwe) to which it would contribute £75 million together with perhaps US\$200 million from the United States of America, up to a possible combined total of US\$1 billion. But with announcement of the Internal Settlement in 1978, the ZDF was abandoned. Yet in 1979, the possibility of external financial aid to help rectify the inequities of land holding was again an

¹¹² Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', p. 8. COHRE cites Paul Valerberg from Fund for Development Cooperation, Belgium.

¹¹³ Palmer, 'Land Reform in Zimbabwe', p. 166.

¹¹⁴ Parliament of the Commonwealth of Australia, 'Report of the Joint Committee on Foreign Affairs and Defence: Zimbabwe'. Lebert, 'An Introduction to Land and Agrarian Reform in Zimbabwe'. Moore, *Zimbabwe's Fight to the Finish*, p. 72.

element that drew Zanu-PF and Zapu-PF into negotiations.¹¹⁵ Reflecting these hopes, PF announced at Lancaster House 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”, believing that Britain would match, dollar for dollar, the funds the Zimbabwean Government set aside for market-based land acquisition.¹¹⁶

Seeking to attract and retain foreign investment funding, and needing to act constitutionally in order to retain British donor funding, the Zimbabwean Government at Independence “underlined its ‘reconciliation’ theme by declaring that white farmers were not the enemy”.¹¹⁷ Seeking the resources to implement, albeit slowly, the reform fought for in the Liberation War, at Independence the Government sought to mobilise international financial aid for market-based land acquisition. The *Zimbabwe Conference on Reconstruction and Development* (ZIMCORD) in Harare in 1980 had the “stated objective of mobilising support from the international community”, in particular seeking donor funding for land resettlement from Britain, West Germany, and USA.¹¹⁸ *Global Analysis* describes the ZIMCORD agreement of 18 April 1980 as a follow-on to Lancaster House, whereby “Britain and the US pledged Z\$2bn in compensation for the white farmers for the loss of their land”. The UK set aside £20 million as a Land Resettlement Grant (LRG) with another £27 million as budgetary

¹¹⁵ Parliament of the Commonwealth of Australia, 'Report of the Joint Committee on Foreign Affairs and Defence: Zimbabwe', pp. 67-68. Lebert, 'An Introduction to Land and Agrarian Reform in Zimbabwe'. Moore, *Zimbabwe's Fight to the Finish*, p. 72.

¹¹⁶ Government of Zimbabwe, 'Land Issue - Fact Sheet'. Similar ideas are expressed by Ankomah, 'Why Mugabe is right ... and these are the facts'. Lewis Machipisa, 'Land Acquisition Bill Passed, 7 April', Newsdesk at Institute for Global Communications, and Interpress Third World News Agency, accessed May 2003 at <http://acptax.igc.apc.org/igc/pn/hl/1000411275/hl1.html>, 2000.

¹¹⁷ Chitiyo, 'Land Violence and Compensation'.

¹¹⁸ Government of Zimbabwe, 'Land Issue - Fact Sheet'.

support to the LRP and development programmes. Of this, £33 million were disbursed in the 1980s, and the LRG closed in 1996 with £3 million unspent.¹¹⁹

The Mugabe Government always saw this as paltry and consistently criticised the UK (and USA) for failing to supply sufficient funding for meaningful land reform.¹²⁰ It argued that “The aid promised at Lancaster [House] and ZIMCORD was not forthcoming in sufficient amounts to extinguish land hunger”,¹²¹ and accused the UK of unfair treatment in that other former colonies, specifically Kenya, gained far greater funding for land reform.¹²²

With a declining economy, Zimbabwean Government funding dried up and so did UK dollar-for-dollar matching funding. The UK blamed Zimbabwe, and the Zimbabwean Government claimed that the UK was withholding promised funding.¹²³ The issue of foreign funding has become a means whereby the Zimbabwean Government points to factors beyond its control, in effect blaming others for the failure of its land reform.

Land and Tenure at Independence

Starting with the Native Reserves in the late 19th Century, strengthened through the *Land Apportionment Act (1930)* and subsequent legislation, and underpinned by colonial State power, land distribution and tenure in Southern Rhodesia became deeply racialised. The best

¹¹⁹ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', pp. 5 and 6. Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', p. 16. British Government, and Foreign and Colonial Office, 'Zimbabwe: UK Approach to Land Reform'.

¹²⁰ Fahim Ahmed, 'Stop Imperialist Intervention in Zimbabwe', *Global Analysis*, Zimbabwe, accessed May 2004 at http://www.glob.co.zw/Political/stop_imperialist_intervention_in.htm, 15 January 2002.

¹²¹ Government of Zimbabwe, 'Land Issue - Fact Sheet'. Similar arguments are presented in President Mugabe, 'Address to the Donors Conference'.

¹²² In Kenya, about 20% of the agricultural land (6% of the nation's total land area) was reserved for white settlers – a far smaller proportion than in Zimbabwe. At Independence in 1963, the UK and World Bank provided an initial £50 million to buy out the settlers at full compensation, extending to £700 million for land reform. Yet the world had changed since then. Under Margaret Thatcher's conservative government, Britain emphasised liberal rights and fiscal management, while the IMF and World Bank embarked on a neo-liberal agenda in which funding was increasingly conditional on the implementation of *Structural Adjustment Programmes* emphasising fiscal management, export-led growth, and the role of the private sector, while constraining Government social programmes. Parliament of the Commonwealth of Australia, 'Report of the Joint Committee on Foreign Affairs and Defence: Zimbabwe', p. 261.

¹²³ Lebert, 'An Introduction to Land and Agrarian Reform in Zimbabwe', pp. 10-11.

lands were set aside for white commercial farming, with black rural communities increasingly confined to Reserves in more marginal lands in the arid hinterland and in the steeper areas of the central–eastern highlands. On a hectare per capita basis, far more land was set aside for whites than black farmers and communities. This was paralleled by a dichotomy in *mode of tenure*, with white settlers holding land as property, and blacks holding land through communal tenure.

The inequalities of land access were paralleled by a duality of justice, and a racialised dual economy of white commercial farming and industry versus black subsistence farming and low-paid employment.¹²⁴ Mamdani talks of the ‘Janus-faced’ bifurcated colonial State, dominated by imperial or colonial settler interests, that sought to deal with the *native question*. In this scenario, the colonial State developed different forms in its interactions with and control over urban versus rural society. The State’s Direct Rule over urban *civil* society was expressed in a discourse of equality, liberal civil rights and *citizenship* (Mamdani quotes Rhodes as arguing for “equal rights for all civilised men”), yet Zimbabwean indigenes were restricted in their movement into, and opportunities in, urban society. In contrast the State’s Indirect Rule over its *rural subjects* was expressed in a discourse of community, culture and *tribalism*, with the large part of its indigenous populace holding only the communal rights of their emasculated culture rather than the civil rights of a liberal State.¹²⁵

White Settlers and Farmers

At Independence, after 90 years of colonial settlement and control, the population of white European settler-colonists and descendants totalled about 244,000, or 3.4% of

¹²⁴ Parliament of the Commonwealth of Australia, 'Report of the Joint Committee on Foreign Affairs and Defence: Zimbabwe', p. 201.

¹²⁵ Mamdani, *Citizen and Subject*, pp. 16-18. David Simon, 'Agrarian Policy and Migration in Zimbabwe and Southern Africa: Reform or Transformation?', *Review of African Political Economy* 12, no. 34: Winter, 1985, pp. 82-89.

Zimbabwe's population of 7.14 million.¹²⁶ Disproportionately, about 6-7,000 white farmers (individuals, families, or corporate entities) held about 15 mha of farmland (about 40% of Zimbabwe's total of 39.1 mha, and 45% of the agricultural land), about half being in agro-ecological potential regions I, II and III with better soil and rainfall, and much as very large holdings (Table 3); some owners held multiple farms.¹²⁷

Many farms (Large Scale Commercial Farms/LSCF¹²⁸) included sophisticated and industrialised production and processing facilities, employing numerous permanent or seasonal black farm-workers, and in many cases enjoying State support via infrastructure and subsidies.¹²⁹ Some grew into highly-capitalised agro-industries selling fully-processed output to global markets; some were held by global corporations (notably Anglo-American Corporation and Lonhro – the London and Rhodesia Mining and Land Company¹³⁰) with mining and agricultural interests and with profits declared offshore. Some were self-contained industrial complexes with on-site accommodation and facilities (though often of minimal quality) for hundreds of labourers and families, with farm output leaving the farm gate fully processed and packaged in refrigerated shipping containers, destined for supermarket shelves in UK, Europe and USA. A few less affluent white farmers held smaller farms, often in

¹²⁶ Parliament of the Commonwealth of Australia, 'Report of the Joint Committee on Foreign Affairs and Defence: Zimbabwe', p. 174. Of the remainder, 6.86 million were 'Blacks, with lesser numbers of Asians, and 'Coloureds'.

¹²⁷ President Mugabe, 'President Mugabe's Address at Mt Pleasant Farm, Murehwa, August 27', Government of Zimbabwe, Harare, accessed May 2003 at <http://www.gta.gov.zw/Land%20Issues/Mt.html>, 1998. Similar, but incomplete and slightly contradictory, details are also included in: President Mugabe, 'Address to the Donors Conference'. Government of Zimbabwe, 'Land Issue - Fact Sheet'.; Ankomah, 'Why Mugabe is right ... and these are the facts'. Reliable figures are also presented in: United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', p. 5.

¹²⁸ This terminology was introduced after Independence.

¹²⁹ Parliament of the Commonwealth of Australia, 'Report of the Joint Committee on Foreign Affairs and Defence: Zimbabwe', p. 248.

¹³⁰ Moore, *Zimbabwe's Fight to the Finish*, p. 18.

marginal areas and using family labour, indistinguishable in their mode of production from 'black commercial farmers'.¹³¹

Most white farmers held land in abundance, enabling choices over utilisation – whether poorer lands can be used less intensively or left fallow, whether lands would be cropped, pastured, or used as conservation parks for tourism. The racialised inequality was exacerbated as about 35% of white farm land was unused or under-utilised, generally in the more marginal lands. A 1996 World Bank poverty study indicated that communal farms have 3.5 times the cropping intensity of broad acre commercial farms, and that “large-scale commercial farmers have utilised less than half of the 11.2m hectares of land owned by them. The rest lies fallow”.¹³²

Not only did white farmers own larger, more capitalised, and in general more fertile, farms than those held by the indigenes, but white farmers (and black commercial farmers) held land as *property*. Such property is permanent, fungible, capitalisable, alienable on market terms, and unconditional on ongoing political or social obligation. Production is directed towards national and global markets, and can be tailored to maximise marketability. All of this enables capitalisation and investment in productivity and efficiency. The output and exports of the white commercial farmers underpinned the Zimbabwean economy.

Black Farmers

At Independence, black Africans comprised 96% of Zimbabwe's population (and an even higher percentage of the rural populace),¹³³ including Zimbabweans and immigrant

¹³¹ President Mugabe, 'Address at Mt Pleasant Farm'.

¹³² Ankomah, 'Why Mugabe is right ... and these are the facts'. President Mugabe, 'Address to the Donors Conference'.

¹³³ Parliament of the Commonwealth of Australia, 'Report of the Joint Committee on Foreign Affairs and Defence: Zimbabwe', p. 174.

farm-workers.¹³⁴ Black rural communities were confined to 16.4 mha of Communal Lands, of which 75% was located in agro-ecological regions IV and V with lower rainfall and soil fertility, much being in the highlands or more arid hinterland (Table 3).¹³⁵ The term 'black farmers' refers to black *Zimbabwean* farmers working subsistence or small-scale plots on the Communal Lands (formerly the TTLs, and Native Reserves). Production is labour intensive using family labour, and predominantly for family consumption or local sale. Land holdings are small and options for use are more constrained. It may not be possible to leave lands fallow or reduce the intensity of usage. Many black farmers depend solely on these lands for family sustenance, no matter how overworked the soils.

White farmers are typically male owners and heads-of-household in farming families or corporate owners employing (male) managers. The situation is more complex with black farmers. Much of the farm work is performed by women and their children, and women may be responsible for their own and their children's sustenance. Some women (for example whose husband works on a white farm, or is a labourer in a town or city) are completely responsible for the running of a family's lands. Yet the post-Independence Government still sees black farmers through the filter of the 'head-of-household', typically seen as the husband or father even if absent (the colonial State made the same assumptions about black

¹³⁴ Ibid., pp. 182-183. The farm-workers hold an ambiguous position in Zimbabwean society. The term applies to black labourers working on white-owned farms, and does not include the smaller number of whites employed on white farms (eg as managers, supervisors, etc.), and ignores the labourers on small-scale black commercial farms. Many farm-workers are immigrants or their descendents from neighbouring countries. The radical pro-Zimbabwe anti-colonial discourse (for example Baregu) argues that as Zimbabweans were evicted from their lands and confined to the Native Reserves, they refused to work for or cooperate with the white settlers, who then brought in migrant labour. These immigrant farm-workers are thus complicit with colonialism and the dispossession of the Zimbabwean peoples. Yet many farm-workers are actually from adjacent Communal Lands, and many immigrant single males have married women from the Communal Lands, and their families now live in workers quarters on the white farms. These women and children are also vilified as 'immigrant', and their position is now especially precarious as farm-workers are evicted as farms are seized. Through their material dependence on the white farmers, there is a tendency for these farm-workers to side with those political parties (MDC, etc.) that sought the ongoing viability of the white commercial farms, and again this can be portrayed as complicity. Ranger indicates that the anti-migrant sentiment was already present in the Liberation War, evidenced in guerrilla attacks on worker compounds designed to halt white farmer production. Professor Mwesiga Baregu, 'The Third Chimurenga: Human and Social Rights Confront Individual and Property Rights in Zimbabwe', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001. Ranger, *Peasant Consciousness and Guerrilla War in Zimbabwe: a Comparative Study*, p. 286.

¹³⁵ President Mugabe, 'Address at Mt Pleasant Farm'.

farmers).¹³⁶ A man who holds lands on the Communal Lands yet works in a city may be a 'black farmer', yet his wife who carries out the farm work is *not* a farmer but a wife – even if she has completed, for example, a Master Farmer's Certificate from Agritex (Department of Agricultural, Technical and Extension Services).¹³⁷

These 'black farmers' are the 'peasantry' referred to by many, yet in reality they were and are far more complex and sophisticated than implied by the idea of 'peasant' in Western consciousness.¹³⁸ As Beckman argued for the black farmers of Nigeria, the productivity and behaviour of such farmers is far more complex than "some mythical pre-capitalist 'peasant mode of production', characterized by subsistence-orientation and disinterest in profits, innovations and commercial enterprise". There are class structures *within* the peasantry, as "Rich and poor peasants live together in communities which are integrated by complex relations of family, clan and commercial identities". As in Zimbabwe, these farmers have a long history of willing interaction with market forces,¹³⁹ and responded readily to market opportunities in the early colonial era: for example, black farmers rapidly produced maize for

¹³⁶ Susie Jacobs, 'A Share of the Earth? Feminisms and Land Reforms in Zimbabwe and South Africa', Paper presented at *International Conference on Land Tenure in the Developing World - with a focus on Southern Africa*, University of Cape Town, RSA, 27-29 January, 1998, p. 1.

¹³⁷ Agritex even awards Master Farmer Certificates to the *head-of-household*, such that the Certificate will be awarded to the husband of a woman farmer who has undertaken the training. The Master Farmer Training Scheme originated in the 1930s under colonial rule, and sought to train farmers in modern efficient farming methods; after Independence, the scheme focussed on indigenous farmers. The intent was to train a select number of farmers who would then pass on skills, techniques and knowledge to other farmers. Yet for some, the scheme has benefited a few rather than the many, thus increasing inequalities. B.T. Hanyani-Mlambo, 'Strengthening the Pluralistic Agricultural Extension System: A Zimbabwean Case Study', Agricultural Research Council (ARC), Zimbabwe, and Food and Agriculture Organization of the United Nations, 2002, section titled: 'The agricultural extension system in Zimbabwe', accessed June 2005 at http://www.fao.org/documents/show_cdr.asp?url_file=/DOCREP/005/AC913E/ac913e05.htm, section titled: 'The agricultural extension system in Zimbabwe',

¹³⁸ Palmer, *Land and Racial Domination in Rhodesia*, pp. 91, and 210.

¹³⁹ Bjorn Beckman, 'Peasants and Democratic Struggle in Nigeria', *Review of African Political Economy* 15, no. 41: Spring, Democracy and Popular Struggles, 1988, pp. 37-38.

the colonial market, and laws were passed to restrict their production, and Ranger points to the early development of a market-based 'peasant consciousness'.¹⁴⁰

In contrast to the property of the white farmers, black farmers on Communal Lands held and still hold conditional tenure, mediated by State-sanctioned Local Authorities with the State as locus of ultimate ownership. While communal tenure has benefits in terms of ensuring that all within a society or community have access to lands for sustenance and production, there are limitations in terms of large-scale commodity production. Use rights are not permanent, though they may be long-term and inheritable. Landholders may be unsure of permanence of tenure and hence of retaining control of capital investments. Tenure is not commodified, and lands are not alienable on a market basis. As a productive asset, land is neither fungible nor liquid. The land is not capitalisable, and few will lend money against this land, being able only to appropriate some/all of the farmer's surplus production in repayment of a debt, and unable, even in the last resort, to appropriate the land.¹⁴¹

Black Commercial Farmers

At Independence, about 8,500 black *commercial* farmers had purchased 1.4 mha of the 3.2 mha set aside as Native Purchase Areas under the *Land Apportionment Act (1930)* as *property*, mostly in agro-ecological regions IV and V (Table 3).¹⁴² Their *property* ownership and role as small-scale employers and their commodity production (though generally on a lesser scale than white farmers) indicates a *class* position allied to the white farmers.

¹⁴⁰ Ranger, *Peasant Consciousness and Guerrilla War in Zimbabwe: a Comparative Study*, pp. 25 and 38. Citing Robin Palmer, and N. Parsons (editors), *The Roots of Rural Poverty in Central and Southern Africa*, London: Heinemann, 1977.

¹⁴¹ de Soto similarly argued the linkages between development and the capitalizability of property. Hernando de Soto, *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else*, London and New York: Bantam Press, 2000, pp. 4-5, 10, and 33-35.

¹⁴² President Mugabe, 'Address at Mt Pleasant Farm'. Some black commercial farmers held State lands as leasehold – the State farms as in Tables 4 and 5. Replaced by the terminology of Small Scale Commercial Farms/SSCF after Independence. Anders Narman, 'Food Security - Beyond Land Redistribution', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, p. 8.

Culturally they are Zimbabwean with linkages to communal agrarian culture (family, kin and social relationships persist and, as employers, they may employ family or kin), though with enhanced connections to urban centres where linkages to State institutions are forged and opportunity maximised and capital derived.

That the black commercial farmers fit uneasily into the polarisation of white versus black is illustrated by the invasion of their lands in the mid-1980s by black 'settlers',¹⁴³ and the seizure of their lands under the Fast Track Land Reform Programme. Though not part of the colonial State that appropriated and redistributed land, they are part of the colonial State's system of property, and own lands far in excess of those held by most 'black farmers'. In a pro-Government radical socialist polemic, Ahmed refers to these black commercial farmers disparagingly as *kulaks*.¹⁴⁴ Some radical elements within Zanu-PF saw them as linked to the white farmers by their class interests, yet contradictorily the Government has sought the *indigenisation* of commercial agriculture and the expansion of land tenure (on all scales) by Zimbabweans.¹⁴⁵

¹⁴³ Chitiyo, 'Land Violence and Compensation'. Nelson Marongwe, 'Conflicts Over Land and Other Natural Resources in Zimbabwe', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, pp. 9-12.

¹⁴⁴ Ahmed, 'Stop Imperialist Intervention in Zimbabwe'. The term derives from communist/Bolshevik rhetoric in Russia, where more prosperous small farmers (landowners and small-scale employers of labour) were viewed with suspicion, as more like a capitalist class than a proletariat. This denigration of the richer black farmers is seemingly of comparatively recent origin: Ranger argues that in the Liberation War there was no indication of the richer peasantry siding with the white settlers in defence of their landed interests, and no indication that richer peasants were "systematically repudiated and denounced as 'exploiters of the people'." Ranger, *Peasant Consciousness and Guerrilla War in Zimbabwe: a Comparative Study*, p. 227.

¹⁴⁵ By 16 December 1999, at the Third (5-yearly) Zanu-PF National People's Congress, Mugabe situates land reform within the context of *indigenisation* of the economy, and privatisation of State enterprises. President Mugabe, 'President Mugabe's Address to the Third Zanu-PF National People's Congress'.

Table 3: Summary of Land Distribution at Independence, 1980

	Area Set Aside mha	% of Zim.	Area Taken Up Mha	% of Zim.	No of Holders	Average Size ha
White Commercial Farmers	<19.8 mha	50.6%	15.5 mha. ½ in AEZ I-III; ½ in IV, V	37.9%	7,000 farmers	2600 ha
Black Commercial Farmers	3.2 mha as Native Purchase Areas	8.2%	1.4 mha. Most in AEZ IV, V	3.8%	8,500 farmers	165 ha
<i>Total Realm of Property</i>	23 mha	58.8%	About 16.9 mha	41.4%		
Black Farmers, Communal Lands	14.8 mha. ¼ in AEZ I-III; ¾ in IV, V	41.9%			700,000 families	23 ha
Other State Lands: State farms, etc	6.3 mha	16.1%				

Data from the UNDP 2002 report and COHRE 2001 report¹⁴⁶

The Land Issue at Independence: A Summary

At Independence, the new Government inherited the *land issue*, whereby a small number of white farmers held most of the most productive lands of Zimbabwe, while the far more numerous and predominantly *rural* indigenous populace was confined to over-crowded and environmentally-degraded Communal Lands. White farmers held large highly capitalised and productive land holdings as property, while most black farmers held 'communally' mediated tenure over smaller less-capitalised and less-productive holdings.

It is also an argument about racism and racialised injustice and inequality: that white alien incomers used force to dispossess the indigenous black peoples, countered by the argument from white farmers (and some foreign commentators) that the Government is implementing *racist* policies as it confronts the land issue.¹⁴⁷ The land issue is an argument

¹⁴⁶ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', p. 5. Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', p. 12. There are minor discrepancies between the figures presented in these two reports. Similar figures are presented in President Mugabe, 'Address at Mt Pleasant Farm'.

¹⁴⁷ Whether the appropriation of lands from white farmers and redistribution to black Zimbabweans is *racist* is a matter of *interpretation* and debate – as white farmers criticize the 'racism' of the LRP, and as the Government points to the 'racism' of Britain's historic and present policies, of the colonial State, and of the white farmers. Must policies directed towards *undoing* the racialized land distribution inherited at Independence be inevitably *racist*? If racism is absolutely excluded from present policy, then the privilege and power established through past racism may remain largely intact. In the face of entrenched racialized inequalities, fairness and justice might require racist policies and action. To the extent that the Government has appropriated *all* property including that

about present inequality based on past injustice. Though past extensive land seizures were *legal* within the Colonial State's parameters, they were coercive and unjust as they dispossessed a people against their will and without compensation, uprooted a culture, and denied autonomy to peoples. The dispossession was not only of individuals, families and communities, but of peoples and their cultures, as they were separated from the lands to which they were linked by their culture, history and ancestry.

The Independence Constitution ensured the protection of property rights, and thus entrenched these contradictions and inequalities. It drew a line between the past injustices of colonial dispossession and ideas of future restitution, seeming to indicate that whatever the injustice of past dispossession, the present distribution of property is just and cannot be undone. The argument concerns the justice of property rights entrenched at Independence versus the injustice of present inequality. For a time at least, property rights enabled the white farmers to perpetuate a racialised and unjust inequality at the expense of the present and future welfare of the majority of Zimbabweans. In this light, some within the Liberation Struggle saw any compromise with Britain, the Southern Rhodesian Government, or imperialism/colonialism as a betrayal of the struggle, as settling for less than their true ideals. For the radicals and socialists, Independence was a shallow victory: the Liberation War had been 'won' but the Struggle was unfinished.

At Independence, the national leadership remained the early nationalist petite bourgeoisie and urban intellectuals, those who had mobilised and controlled (even suppressed) the radicalism of the urban and rural rank-and-file. Having gained power and potential access to the State and nation's resources, the material interests of the petite

of the black commercial farmers, then appropriation might be seen as unjust but not racist. To the extent that white farmers were *also* eligible for land allocation under the LRP (on the same basis as all Zimbabweans), then redistribution is not racist. On 9 August 2002 (the deadline for white farmers to vacate their farms), Mugabe argued that the LRP does not seek to evict anyone from the land, not even the white farmers. President Robert Mugabe, 'SBS news broadcast', Australia, 9 August 2002.

bourgeoisie, now almost a political class,¹⁴⁸ contradicted the populist radicalism of those who would nationalise and redistribute the nation's resources.

Hence, at Independence and from a very materialist viewpoint, one of Mugabe's ruthless tasks was the ongoing suppression of more radical voices and of opposition viewpoints within the black populace – witness the Matabeleland Crisis or *gukurahundi* (a Shona word meaning 'the early rain which washes away the chaff before the spring') of 1982–1986.¹⁴⁹ The reconciliation and unity of the Independence era were fine ideals, yet were also an exclusionary filter. The 'flipside' of reconciliation was the suppression of opposition, even amongst Zanu-PF's allies. Looking back over the Liberation War/early Independence era, the suppression of this earlier radicalism and socialism left the nation's resources free to be later appropriated by the ruling elites and their supporters.

In terms of *implementation*, the land issue posed the dilemma of whether redistribution would focus on a greater equality of distribution (the Government of Zimbabwe was even prepared to include white farmers within this equality) or the reversing of racial inequality via the transfer of lands from white to black ownership, thus allowing that some black farmers will become major landholders or that inequality will persist.

At a less overt level, but no less significantly, the land issue is an argument about the *nature of land tenure*. It opens up a contest between the *property* of the white farmers and State-controlled 'communal' tenure as in the Native Reserves/TTLs/Communal Lands, while relegating patrimonially-mediated pre-colonial communal tenure to history.

¹⁴⁸ A term that Diamond used in reference to post-Independence Nigeria. Larry Diamond, *Class, Ethnicity and Democracy in Nigeria: The Failure of the First Republic*, New York: Syracuse University Press, 1988.

¹⁴⁹ The Catholic Commission for Justice and Peace in Zimbabwe, and The Legal Resources Foundation, 'Breaking the Silence, Building True Peace: A Report on the Disturbances in Matabeleland and the Midlands, 1980-1988', Harare, CCJPZ and LRF, 1997. See also Chapter 6.

3 AFRICAN LAND TENURE: THE COLONISED PERCEPTION

People and Land

As beings with biological and social needs, we all occupy places that are mediated by social relationships, cultural norms, and political structures. We live and grow within relationships that are at least in part felt and expressed in our relationship with an enclosing and interacting geographical world. In our very *being*, we interact with places and spaces that are an integral and constructive element in our relationships and our *being in the world*.¹ Kipling, who extolled the virtues of Britain and its empire, emphasised and even overromanticised the theme of “a special relationship between a person ... and a piece of land”.²

As humans we interact with land and relate to each other with respect to land, and in large part perceive land in terms of human purposes. Land only has meaning as we live in it, depend on it and hold it.³ In our relationship to the land we inhabit, we – as individuals and members of families, societies, cultures and polities – have a manifold sense of *felt possession* or ‘ownership’, a sense that this is ‘ours’ or ‘mine’.

The relationship of a people to a landscape is expressed in part through tenure relationships, that is the way that people as individuals or families or larger groups hold or claim possession of terrains or more discrete areas. These tenure relationships extend to the rights and obligations that are seen as inherent in or attached to this possession, and to ideas of who or what social institution or structure is legitimately charged with determining and mediating either the actual distribution of possession, or the processes that determine actual possession.

¹ Michael Jackson, *At Home in the World*, Durham and London: Duke University Press, 1995.

² S. Treggiari, 'Sentiments and Property: Some Roman Attitudes', in Anthony Parel and Thomas Flanagan (editors), *Theories of Property: Aristotle to the Present: Contributions to a Summer Workshop, 7-14 July 1978*, pp. 53-88, Waterloo, Ontario, Canada: Calgary Institute for the Humanities/University of Calgary, and Wilfred Laurier University Press, 1979, pp. 55-56. Citing Rudyard Kipling, *Puck of Pook's Hill, Rewards and Fairies*, 'An Habitation Enforced', and 'My Son's Wife'.

³ Walter Neale, 'Land is to Rule', in Robert Eric Frykenberg (editor), *Land Control and Social Structure in Indian History*, pp. 1-15, New Delhi: Manohar Publications (1969), 1979', p. 2.

The very idea of land tenure is a power-laden expression of human relationships and purposes, a mode of mediating *being in the world* and *possession* that has spiritual, identity and physical dimensions.⁴ In contrast to *property* based in the 'possessive individualism' that underpins contemporary 'liberal' free-market societies,⁵ other societies may have different conceptions of tenure based in different conceptions of human existence and relationships. Though the idea of property was globalised under Western European colonialism and imperialism in the latter 2nd millennium AD, and more rapidly in the latter 20th Century through processes and institutions linked to a globalising capitalist culture,⁶ the idea of property is neither 'natural' to Africa, nor socially and politically inevitable. As property was a politically contested idea in its context of historical creation and legitimation, it is and will be a contested idea in Africa and Zimbabwe.

Much of the 'historic world' existed without 'property', and even within the contemporary world, property is incompletely developed. Both de Soto and Frykenberg point to the lack of true property in India as a hindrance to economic development – though de Soto saw economic development as *capitalist* economic development and assumed a high degree of urbanisation.⁷ Emile de Laveleye describes a range of systems of land tenure that still persisted or were only recently negated in the late 19th Century world – from the semi-feudal tenure of the *marcs* of northern Germany, Denmark and Scandinavia, to clan and kin-based tenure in Switzerland and Serbia, to the tenure of large households (semi-autonomous

⁴ The word 'tenure' derives from the French *tenir* and Latin *tenere* meaning 'to hold'.

⁵ C.B. Macpherson, 'Capitalism, and the Changing Concept of Property', in Eugene Kamenka and R.S. Neale (editors), *Feudalism, Capitalism and Beyond*, pp. 104-125, Canberra: Australian National University Press, 1975, pp. 3, 263-264, and 270-271. Jeremy Waldron, *The Right to Private Property*, Oxford, UK: Clarendon Press, 1990, pp. 177-183, and 398-408. Discussing in particular Robert Nozick, *Anarchy, State and Utopia*, New York: Basic Books, 1974.

⁶ World Bank and IMF loan conditionality and Structural Adjustment Programmes, and the direct intervention of international finance and investment.

⁷ Hernando de Soto, *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else*, London and New York: Bantam Press, 2000. Robert Eric Frykenberg, 'Introduction', in Robert Eric Frykenberg (editor), *Land Control and Social Structure in Indian History*, pp. xiii-xxi, New Delhi: Manohar Publications (1969), 1979.

communities, comprising many families with loose kinship linkages) in mediaeval France.⁸ Tenure rights were based in kinship, community or association, with most of de Laveleye's examples being patrilineal or patriarchal. In Engels' late 19th Century depiction of the historic development of private property and the State,⁹ land tenure was originally mediated through localised and socio-communal mechanisms within the *gens*, kin or clan (these being related words), which became increasingly codified under Athenian law.¹⁰

Within Africa and Zimbabwe, there was a diversity of chiefly and communal tenure, based in kin, family, in mutual and communal relationship and obligation, and including patriarchal or matriarchal and patrilineal or matrilineal forms.¹¹ Given the importance of personal *wealth* in the form of ownership or control over "prime land, warriors, cattle and slaves, especially female" as the basis of pre-colonial chiefly power,¹² there was property in things and personal 'ownership' of land in the sense of *control*, yet not alienable commodified property in land.¹³

⁸ Emile Louis Victor de Laveleye, *Primitive Property*, translated by G.R.L. Marriott, London: Macmillan & Co Ltd, Online edition, McMaster University, Canada, accessed September 2000 at <http://socserv.socsci.mcmaster.ca/~econ/ugcm/3113/laveleyen>, 1878.

⁹ Frederick Engels, *The Origin of the Family, Private Property and the State*, Moscow: Progress Publishers (Zurich in 1884), 1977, p. 56. Engels is discussing Europe and the Middle East.

¹⁰ Notably with increasing domestication of cattle, etc. and accumulation of large herds as wealth; pastoralism was associated with males because it required mobility and constant care over the herd – impossible for women constrained by a need to care for children; males sought, through control over lands and herds, to bequeath their increasing wealth and power through patrilineal rather than matrilineal lines.

¹¹ Jack Goody, 'Polity and the Means of Production', in *Technology, Tradition and the State in Africa*, pp. 21-38, Cambridge: Cambridge University Press (1971), 1980. S.F. Nadel, *A Black Byzantium: The Kingdom of Nupe in Nigeria*, London: International African Institute, and Oxford University Press (1946), 1973.

¹² John L. Moore, *Zimbabwe's Fight to the Finish: The Catalyst of the Free Market*, London: Kegan Paul, 2003, p. 15. Moore argues that cattle, as a prime form of wealth (or property), could be held by a chief on behalf of a community (as a form of 'State property'), by a chief for himself, or by a family or individual.

¹³ Stanlake Samkangwe and Tommie Marie Samkangwe, *Hunhuism or Ubuntuism: A Zimbabwean Indigenous Political Philosophy*, Salisbury (Harare), Zimbabwe: Graham Publishing, 1980, Chapter 10, 'Public, Corporate and Private Property', pp. 60-64. Melville J. Herskovits, *Man and His Works: The Science of Cultural Anthropology*, New York: Alfred A. Knopf, 1966, pp. 195-196, on the 'cattle complex' in Africa.

Land, Production and Power

Land tenure is inseparable from other cultural understandings of the nature of people and their relationships to each other and their world, and is influenced by geographic factors such as soil fertility, climate and proximity to sea and trade routes, and population density, as well as by socio-economic factors including modes of production, labour relations and commodification of labour, the socio-political-military organisation of society, and the relationship between urban and rural habitation.

In pre-colonial sub-Saharan Africa, land tenure was not mediated through *property* rights, but through other historically-contingent socio-political mechanisms.¹⁴ Macpherson argues that in “customary and status societies” (including most of sub-Saharan Africa), there is no “unconditional property in land” and no market in land.¹⁵

In contrast to most of Europe and Eurasia, Africa was dominated by *extensive* agriculture, with plentiful land, low population, relatively poor soils, and shifting agriculture. African agriculture relied on hand hoes rather than the horse or ox-drawn ploughs which had enabled Eurasian agriculture to increase productivity and create a greater surplus, which in turn supported specialist crafts. This had added impetus to the move towards fixed landholdings, increasing the value of arable land and decreasing its availability to less prosperous producers.¹⁶ Also absent in Africa were water wheels and wheeled transport which are essential to irrigation and mass production.¹⁷ In Jared Diamond’s discussion of the global development and spread of domesticated crops and animals, and development of farming and pastoralism, settled societies and more complex industrial processes, Sub-Saharan Africa was poorly endowed for environmental reasons with the wide range of wild plants and animals

¹⁴ Though as discussed later in this Chapter, tenure in the ‘feudal’ Sahel was increasingly commodified, permanent, and alienable on market terms.

¹⁵ Macpherson, *The Political Theory of Possessive Individualism*, p. 49.

¹⁶ Goody, ‘Polity and the Means of Production’, p. 25.

¹⁷ *Ibid.*, pp. 26-27.

that might more readily lend themselves to domestication. Moreover, north-south climatic differences were such that many domesticates did not spread successfully across Africa.¹⁸

Reflecting these differences in the modes of production, land rights in Africa are “less highly individualized” than in Eurasia. At one extreme, where land is abundant, “neither individuals nor kin groups bother to lay specific claim to large tracts of land”. At the other extreme where population densities are comparatively high, land rights are claimed by small-scale kin groups (Goody refers to northern Ghana). Even in such cases, broader over-riding land rights reside in larger descent groups “which often see themselves as property-holding corporations”.¹⁹

Neale argues that the very nature of our perception of land and geography is culture-specific. While in Western cultures, ideas of land, tenure and place are based in perceptions of fixed and measured terrain, African conceptions are based upon spatial relationships amongst people.²⁰ In Africa, a people’s lands might be bounded by the lands of other peoples or kin groups, rather than by geography. If people move, for example in response to climatic or environmental change or population pressure, then the lands they possess will similarly shift.

Within broader pre-colonial sub-Saharan Africa, with an abundance of land, low population and low productivity of the land, chiefly power was exercised primarily and directly over people as a means of controlling territory, rather than firstly over territory in order to control people. African chieftaincy depended upon attracting and retaining a

¹⁸ Jared Diamond, *Guns, Germs and Steel: The Fates of Human Societies*, Jonathan Cape, London, 1997, pp. 153, 175, 186-187. In Comparison, the area of the Fertile Crescent, extending into Africa north of the Sahara had an abundance of plants and animals which for environmental and genetic reasons were more readily domesticated. See also John Iliffe, *The Africans: The History of a Continent*, Cambridge: Cambridge University Press, 1995.

¹⁹ Goody sees this as a consequence of differences in the *means* rather than *relations* of production. Goody, 'Polity and the Means of Production', pp. 25 and 29.

²⁰ Walter C. Neale, 'Land is to Rule', in Robert Eric Frykenberg (editor), *Land Control and Social Structure in Indian History*, pp. 1-15, New Delhi: Manohar Publications (1969), 1979. Discussing Paul J. Bohannan, 'Land,' 'Tenure,' and 'Land Tenure', in Daniel Biebuyck (editor), *African Agrarian Systems*, pp. 101-115, London, 1963.

subordinate following, rather than holding the 'estates' associated with the nobility of Europe.²¹

Yet there is a complex interplay between power over land versus power over people. Fisiy argues that in British Cameroon "for most rural communities, the control and management of land is at the heart of control over people".²² Communities and chiefs need power over a community of people in order to exert control over land, because without active human involvement with the land, the claims of possession by that community or chieftaincy will collapse. Yet communities and chiefs need control over land in order to be able to allocate rights of possession, occupation and usage so as to be able to retain and attract members to that community.

Modes of Tenure in Africa

Chiefly and Communal Tenure

Throughout pre-colonial Africa, land was predominantly held via some blend of conditional chiefly-communal tenure, with tenure linked to mutual obligation between tenure holder and authority, whether this authority is the enclosing society/community or chief. Tenure was mediated by what, from a European viewpoint, were *local* authorities: by communities,²³ dominant kinship groups, dynastic chieftaincies or royal houses, or elected or imposed chieftaincies.

²¹ Goody points to limited exceptions in Buganda, Barotseland and Dahomey, where elites held 'estates'. Frykenberg points to a similar understanding in colonial India where (contrary to British understandings) the *jamma* or hereditary land rights were not so much a claim of ownership of the land, as a right of authority over its residents. Goody, 'Polity and the Means of Production', pp. 30 and 33. Jon Abbink, 'Violent and state (re)formation in the African context: the general and the particular', Paper presented at War and Society Seminars, Session: 'Warfare, Violence and Social Structure', Aarhus University, Denmark, 28 April, 2000. Frykenberg, 'Introduction', p. *xvi*.

²² Cyprian F. Fisiy, 'Chieftaincy in the Modern State: An institution at the crossroads of democratic change', in *Perspectives on the State: From Political History to Ethnography in Cameroon. Essays for Sally Chilver*, Toronto: (Paideuma, Frobenius Institute, J.W. Goethe University, Frankfurt and Main, accessed October 2003 at <http://lucy.ukc.ac.uk/Chilver/Paideuma/paideuma-Introdu-3.html>), 1995.

²³ Kepe points to the difficulty (in contemporary South Africa, and with clear parallels to Zimbabwe) of defining who (what peoples, which persons) fit within a 'community' that has been impacted by people movements as a result of colonial (or apartheid) control and dispossession?: what 'land rights' do incomers have?; what

Within all systems of tenure there must be ideas of *ultimate* and *immediate* tenure or title and of their mediating structures. These are complex ideas, subject to political interpretation. Beyond the simplistic idea that 'I own this because it is mine',²⁴ we must accept that it is 'mine' because it is devolved from or through some higher authority empowered to mediate my possession and control. Inevitably there are, and must be, structures or persons or processes that adjudicate the legality or justice of my *immediate* holdings within the compass of the purposes and legal authority of this ultimate authority.

Kant argued in this light that a legitimate State "must possess some kind of reserve authority to alter the principles on which property is held", such that the *purpose* and principles of ownership can be altered in accordance with a society's changing goals and values.²⁵ The *purpose* of property must accord with the purpose of society.

In sub-Saharan Africa, *ultimate* title typically resided in the spiritual domain or in abstractions – with ancestors or a deity, or with a mytho-historical descent or kinship group. To a lesser extent, ultimate title resided in the role or person of chief or chiefly dynasty as representative of an ancestral dynasty, deity or kinship group.²⁶ For example, amongst the Yoruba of Nigeria, *Onile* the 'Mother Earth Goddess' is literally the owner of the country, almost synonymous with the earth itself, and inextricably linked with the ancestors of those

obligations do existing people have?; and how do dominant forces (even at a local level) determine who is in the community and who is outside? Nyambara illustrates such a dilemma in Gokwe in northwestern Zimbabwe, as later black Zimbabwean 'immigrants', displaced from more fertile lands to the east under colonial rule and in colonial resistance to the Liberation War, have moved in and 'squatted' on Communal Lands. Thembela Kepe, 'The Problem of Defining Community: Challenges for the Land Reform Process in South Africa', Paper presented at *International Conference on Land Tenure in the Developing World - with a focus on Southern Africa*, University of Cape Town, RSA, 27-29 January, 1998, pp. 1, and 3-4. Pius S. Nyambara, 'Reconstructing the Contours of Citizenship in a Closing Frontier: Agrarian Change, Immigrants and the 'Squatter Menace' in Gokwe Villages, 1980s and 1990s', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, pp. 1-9.

²⁴ A very child-like understanding, yet even as a child, we know that it is 'mine' because some authority, generally a parent, creates and supports this idea.

²⁵ Alan Ryan, *Property and Political Theory*, Oxford, UK: Basil Blackwell, 1984, p. 82.

²⁶ With property, ultimate title can be seen as residing in the State (or Sovereign) that mediates and upholds property rights and has an ultimate right of appropriation of property and an ultimate ability to negate these rights – though in Locke's (theological) conception, for example, ultimate tenure resides with God through the mediation of a legitimate State

who inhabit the land.²⁷ While ultimate title may be seen in deistic terms, the actual ultimate title vested in chieftaincy, community and kin are created and maintained through the interplay of *control over people* and *territorial control*. Through their relationship with chieftaincy, community or kin, people work the lands allocated or mediated by or through these entities, which in turn create and maintain the authority of these entities over the lands.²⁸ It is interesting to note that as more specific tenure rights are claimed by smaller units of people, ultimate tenure becomes more concrete and visible, and is seen as residing in a social grouping, rather than in some idea of nature or the divine.

In more acephalous systems – as described by de Laveleye in pre-modern Europe, and as seen in Africa in the egalitarian societies of the forests and forest fringes, the Ibo for example²⁹ – tenure may be mediated within and by a community. Power, productivity and land are mediated within a community in accordance with broader cultural norms and traditions. Tenure is conditional and dependent on fulfilling mutual obligations between tenure holder and community or those holding political and social power in the community. Land is granted for the production of use value rather than exchange value/commodity

²⁷ Roland Hallgren, *The Good Things in Life: A study of the traditional religious culture of the Yoruba people*, Loberod, Sweden: Plus Ultra: Doctoral Dissertation, Lund University, Sweden, 1988, pp. 68-69. The Yoruba are a highly-structured 'chiefly' society, with a hierarchy of chiefs selected (based on achievement and on political support) from amongst an elite group determined by descent and social/political connection. Chiefs were appointed for life, yet could be challenged if they failed to aid the aspirations of other elites, or failed to support the needs and aspirations of the populace.

²⁸ This parallels a traditional Islamic view of the relationship between land, sovereignty and ultimate title – as de Laveleye (focussing on Java) described the way that lands came under the control of an Islamic sovereign prior to the late 19th Century division of most of the world into nation-states. Allah holds permanent and inalienable ultimate ownership of all the world. He devolves a right of administration, mediation and usage to His faithful servants who have accepted the word of His Prophet Mohammed. Primarily this right is devolved to a *sovereign* as ruler and intermediary between Allah and His people, such that the domain of a sovereign is created by the sovereign's legitimate rule of a people in accordance with Allah's will. Conversely, the labour of the sovereign's subjects as they drain marshlands, water the deserts, terrace the hillsides, or clear the forests and jungles, transforms the uninhabited 'wilderness' into peopled and sovereign lands under Allah's will. Because it is as *subjects* of Allah's sovereign that people so labour, this labour *creates* the sovereign's ultimate tenure or *sovereignty* of these lands. Then this constructed sovereignty over lands is reconstructed as sovereignty over all the peoples of these lands. de Laveleye, *Primitive Property*, Chapter 4, 'Village Communities in Java and India'.

²⁹ Elizabeth Isichei, *A History of the Igbo People*, London: The MacMillan Press, 1976., de Laveleye, *Primitive Property*.

production.³⁰ Tenure may not be alienable to those outside the community (to 'aliens'), but is transferable within a community via processes of communal mediation, thus allowing inheritance. Younger people working on lands held by elder relatives may, at a relative's death or incapacity, succeed to tenure in recognition that the younger relative is already a direct producer on this land. This is *not* property, but a trans-generational flow of rights of participation in processes of communal mediation of tenure.

The chiefly-communal dichotomy is an idealised distinction, and most actual systems incorporate both elements. Chiefly power, whether hereditary, dynastic or elected, may seek autonomy from communal constraints, yet is founded in the first instance in communal support and in a chief's ability to implement communal expectations constructively.³¹ Within chiefly systems, tenure is devolved via mediation of chiefs and sub-chiefs, and use or occupation is usually mediated in part by communal tenure. Thus the direct producers (farmers, farming families) gain access to the land they need based on membership of a community, on kin and clan relationships, and on relationship to those in authority, including those charged with the power of mediation with the ancestors. Tenure is conditional, never absolutely permanent, and is dependent on hierarchically-structured reciprocal obligations.

A chieftaincy may also be based in hereditary ascription, through direct patrilineal descent or through broader structures of kinship and dominant family groupings. In some cases, the prospective chief, through his wealth, deeds and achievements, must be considered worthy or eligible.³² In such societies, inequality may be structured through ascription.

³⁰ Marshall Sahlins, *Stone Age Economics*, London: Tavistock Publications, 1974, pp. 82-85.

³¹ Nadel points to a close identification of village and chief, such that the chief will take a name that is identical or similar to the name of the village. Nadel, *A Black Byzantium*, p. 44.

³² Arguing from a neo-evolutionary/modernization theory viewpoint, Talcott Parsons developed the distinction between achievement and ascription as mechanisms in the establishment of power, linking an emphasis on achievement with modernity and modern society, and seeing an emphasis on ascription as typical of pre-modern societies, for example the chiefly systems in Africa. Talcott Parsons, *Societies and the System of Modern Societies*. See also Gabriel A. Almond, and James S. Coleman, *The Politics of the Developing Areas*, New Jersey: Princeton University Press, 1980.

Alternatively, chieftaincy may be based primarily in achievement, in the acquisition of wealth such as cattle, land, wives, or commodities and titles or roles. This role is potentially open to all (males) within the community, though membership within a powerful or chiefly family will be afford a clear advantage to male descendants within this line. Such a chief may be a 'big-man', a true *oga* in a Nigerian context.³³ Yet the role of 'big man', based in personal power, is not necessarily hereditary; while the chiefly role may encompass several ethnic/tribal groups, the 'big man' role tends to be present in smaller village societies.

Both roles command respect – the ascriptive/hereditary chief for his relationship to traditional authority and the 'big man' for his ability to appropriate and potentially redistribute resources, though he may forge alliances with traditional power to cement his position. Both are vulnerable; without resources to allocate, neither chief nor 'big man' will have authority.

African Tenure as Communal Tenure

Drawing attention to this communal, familial and broadly cultural understanding of rights in Africa, and an ideal of rights and practices based in 'African values',³⁴ Rukuni states that "cultural laws and practices of family rather than individual rights are the basis of Africa's celebrated social security system".³⁵ Thus "African legal tradition places as much emphasis on group rights as they do on individual rights, often defining the individual rights

³³ Karl Maier, *Into the House of the Ancestors: Inside the New Africa*, New York: John Wiley & Sons, 1998, p. 247. The famous anthropologist Marshall Sahlins described chiefly versus 'big man' systems in Polynesia and Melanesia respectively. Marshall Sahlins, 'Poor man, rich man, big man, chief, political types in Melanesia and Polynesia', *Comparative Studies in Society and History* 5, 1963, pp. 285-303. In such a society, the struggles of Okonkwo to acquire wealth and titles and forge a position of power in southern Nigeria are graphically and tragically described by Achebe. Chinua Achebe, *Things Fall Apart*, *African Writers Series*, Oxford and Ibadan, Nigeria: Heinemann Educational Publishers (1958), 1986.

³⁴ Paralleling the vociferous promotion by Asian leaders including Dr Mahatir of Malaysia of 'Asian values', based in firstly in culture, family and community as the context within which individuals can find fulfilment.

³⁵ Mandivamba Rukuni, 'Land tenure, governance and sustainable irrigation development', in: 'Creating an enabling environment for the uptake of low-cost irrigation equipment by small-scale farmers', Paper presented at *Irrigation Technology Transfer in Support of Food Security* subregional workshop, Food and Agriculture Organization of the United Nations, Harare, 14-17 April, 1997. Similarly in Rukuni, 'Why Land Tenure is Central to Africa's Future Governance, Economic and Social Progress', Paper presented at Scandinavian Seminar College: *African Experiences of Policies and Practices Supporting Sustainable Development*, May 1999, SSC-Africa Project, Centre for Development Research, Copenhagen, 1999.

within the context of the group”.³⁶ Hence “African tenure systems ... tend to be largely communal, with individual freehold rights defined within the communal”.³⁷ Rukuni points to the “fundamental problem” of the contradiction between customary law, including customary tenure laws, which “tend to confer greater recognition to group rights”, and the statutory laws (and property law) of contemporary African States which often are expressed in terms of European legal principles which emphasise individual rights over group rights.³⁸

For Rukuni, in contrast to a colonial or Western conception of land tenure, “Rural [African] communities, even in the modern setting, still operate on principles of customary law or belief system[,] and tradition still provides guidelines to legal and administrative processes outside government”. Rather than legal or political abstractions, African land tenure systems are “rooted in value systems and grounded in religious, social, political and cultural antecedents” and are “invariably unique and develop out of historical patterns of settlement and conquest”.³⁹

Such understandings stand in stark contrast to the emphasis in Western ‘property’ on negative obligations of non-infringement of the rights of tenure holders with tenure being conditional only in the last resort. In Africa, obligation is structured in social-cultural-political rather than legal and financial terms. Possession may be conditional in that failure of obligations may result in loss of tenure rather than financial costs. Where the purpose of tenure is the maintenance of family units as productive and cooperative units of community and society, tenure will be conditional on the land being used for these purposes, and at least initially will be granted on a scale commensurate with family need and capacity. Lands will

³⁶ Rukuni, 'Land tenure, governance and sustainable irrigation development'.

³⁷ Ibid. This is true even within systems that are more overtly ‘chiefly’, as chiefs are maintained through and constrained by relationships with their community and culture.

³⁸ Ibid. Similarly in Rukuni, 'Why Land Tenure is Central'. Mandivamba Rukuni, 'Why Tenure Reform is Critical to Zimbabwe's Future Governance, Economic and Social Progress', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, p. 9.

³⁹ Rukuni, 'Land tenure, governance and sustainable irrigation development'.

be allocated to a 'head of household' for the production of use value, based in part on the needs and labour resources of that household balanced against the needs and resources of the community. Holdings may be larger where landholders can use the wage labour of others, or labour owed in exchange for political or social patronage. Corvee or compulsory labour based in the power to commandeer the labour of subordinates may be a determining factor, or the land-holder's ability to devolve or sub-lease landholding in return for labour obligations. Yet where political leadership has escaped the constraints of communal and societal support – where chieftaincy is hereditary or ascriptive rather than elected or chosen, or where royal/noble families have established dynastic superiority – then the obligations and conditionality of tenure may serve predominantly elite rather than communal purposes.

Though the idea of communal tenure may tend towards the allocation of lands based on need and on the resources that a family unit can deploy to work these lands, there is a complex relationship between the ideas of communal tenure and an egalitarian distribution of resources. Cheater raises a counter to the idea and ideal of egalitarian communal tenure, arguing instead for a greater emphasis on relations of *power* between chiefs and others.⁴⁰ If communal tenure were completely implemented – and in Zimbabwe it is incompletely implemented, as women, especially divorced or widowed women, may have reduced ability to access lands for sustenance, either on the Communal Lands or through the LRP – no-one has *no* lands and absolute poverty is negated. At the other extreme, no person, family, clan or class can appropriate so much of the community's lands that others are rendered landless. Thus the extremes of wealth and poverty are constrained. Yet inequalities are permitted, even enabled, as families with larger labour resources may gain more lands and use these more productively, while the negative and positive vagaries of nature also create differences. Being mediated by face-to-face and personal relationships, land access will also be *personalised*. A

⁴⁰ Angela P. Cheater, 'The Ideology of 'Communal' Land Tenure in Zimbabwe: Mythogenesis Enacted?', *Africa Institute Bulletin* 60, no. 2, 1990, pp. 188-206.

chief may seek, or be pressured, to grant preferential treatment to favourites or family. This may be seen as either weakness, or as a mode of empowerment for chief or chieftaincy.

Communal Tenure: The Tragedy of the Commons?

Referring to Hardin's influential article,⁴¹ Rukuni argues that "African tenure systems have erroneously been explained through the notion of the 'tragedy of the commons'" – a paradigm used to criticise communal tenure as inherently and inevitably destructive and environmentally unsustainable.⁴² Hardin argues that all 'commons' – all resources used in common including 'public goods' – are vulnerable to degradation as private and public interests conflict. Though specifically referring to African commons, for example grazing lands that are accessible by all in a community (rather than the lands allotted to a family for agriculture⁴³), his argument is meant to apply to all commons in all societies.

Hardin argues that with all 'commons', costs and benefits are separated. Individuals and families may benefit from access to and use of the commons, yet the costs of maintaining the commons are borne by the broader community. These costs include not only the costs of maintenance but also those of degradation and lost future productivity. From a viewpoint of rational maximisation of personal or familial well-being, the most productive strategy is to maximise personal or familial usage of the commons, such that benefits are individualised yet costs are corporatised and shared. For example, farmers would graze as many cattle on the commons as they could afford to purchase or rear, because the benefits (either the status of owning cattle, or the material benefits of milk, meat and cattle for sale) accrue to an individual or family, while the costs of overgrazing are borne by the present and future

⁴¹ Garrett Hardin, 'The Tragedy of the Commons', *Science* 162, 1968, pp. 1243-1248.

⁴² Rukuni, 'Land tenure, governance and sustainable irrigation development'. Similarly in Rukuni, 'Why Land Tenure is Central'. Esther Boserup, *Population and Technological Change: A Study of Long-Term Trends*, Chicago, 1981.

⁴³ Yet even these lands are to some extent communal, in that they may be allocated and mediated through local or communal institutions, and in some circumstances may be resumed and re-allocated, such that ultimate ownership resides with the community.

community. Instead, Hardin argues the case for the full commodification of land and landed interests, that is private property, such that society will not be subsidising the landholders and there will be financial incentives for owners to maintain their lands and productivity.

Rukuni disagrees that communal tenure inevitably tends towards resource depletion and environmental degradation, and thus towards declining communal and national productivity and material sustainability. Constrained and supported by culture and community expectations and relationships, the users of 'customary land' *do* invest in the productivity and maintenance of communal lands, and *are* capable of evolving and responding to changing social, political and economic constraints and opportunities.⁴⁴ Rather than accepting the claim that communal tenure is inevitably inefficient and unsustainable, the State might instead direct its resources towards *strengthening* the local institutions that support communal tenure and that would enable the commons to be efficiently and sustainably used. Nevertheless, the State in Rhodesia/Zimbabwe has consistently pointed to the supposed inefficiency, unproductiveness, and degradation of the Communal Lands, consistently reducing or negating the power of traditional institutions.⁴⁵

Paralleling this antipathy towards communal tenure, post-colonial States have given insufficient priority to local and communally-mediated 'informal' tenure and to the contribution that smallholder agriculture makes to national productivity.⁴⁶ Arguing that "indigenous systems do not hinder productivity or investment", Rukuni opposes two of the main critiques of smallholder agriculture. Contrary to those who see increased productivity and efficiency in terms of *economies of scale*, he argued that "[w]orldwide evidence shows no

⁴⁴ Rukuni, 'Land tenure, governance and sustainable irrigation development'. Similarly in Rukuni, 'Why Land Tenure is Central'.

⁴⁵ Rukuni argues the independence States of Africa have generally tended to 'disenfranchise' traditional leadership and traditional institutions, portraying these institutions as tainted by their historic association with colonialism. Rukuni, 'Land tenure, governance and sustainable irrigation development'.

⁴⁶ Mandivamba Rukuni, 'The political economy of food, agriculture and irrigation development in East and Southern Africa, in: Creating an enabling environment for the uptake of low-cost irrigation equipment by small-scale farmers', Paper presented at *Irrigation Technology Transfer in Support of Food Security* subregional workshop, Food and Agriculture Organization of the United Nations, 14-17 April, Harare, 1997.

real scale economies, and, if anything, small farms can be as highly economically efficient as any sized farm". Reflecting this same idea, Ranger cites Moven Mahachi, Minister of Lands and Resettlement in Zimbabwe in 1982, as arguing that: 'Analysts have said that people in communal and small-scale farming areas could grow better crops than commercial farmers if given the tools'.⁴⁷

Contrary to perceptions that non-contiguous holdings are inefficient, Rukuni also argued that "there is great wisdom in smallholders having multiple parcels of varying potential and/or suitability for a wide spectrum of crops grown".⁴⁸ Non-contiguous lands are a way of diluting risk and enhancing productive resilience by allowing a smallholder to hold small parcels in different micro-environments, capable of supporting different crops, and with differing vulnerabilities to climatic and environmental factors. Crops may fail in one season in one micro-environment, but the risk of all crops failing is reduced.

Feudal Tenure in Africa?

There were inherently inegalitarian tendencies already apparent in Africa prior to British colonisation. The most pronounced development of a hierarchically-structured polity in sub-Saharan Africa was amongst the almost 'feudal' Islamic Caliphates of the Sahel and savannah in West Africa in the 19th to 20th Centuries.⁴⁹ In Europe, feudal tenure was allocated

⁴⁷ Ranger, *Peasant Consciousness and Guerrilla War in Zimbabwe: a Comparative Study*, London: James Currey, 1985, p. 308.

⁴⁸ Rukuni, 'Land tenure, governance and sustainable irrigation development'. Similarly in Rukuni, 'Why Land Tenure is Central'.

⁴⁹ And to a lesser extent in the forest States of Benin, and 19th Century militarised Yoruba polities. Responding to claims that some African States were 'feudal', Goody points out that the nature of feudalism is debated even in Europe, and the idea of feudal African polities may obscure more than it illuminates. Goody, 'Polity and the Means of Production', pp. 21-38 The term 'feudal' is used as a pejorative in the vitriolic politics of independent Nigeria, by Southern politicians and commentators against the political and social elites and culture of the North, and is imbued with ideas of inequality, hierarchical traditional power, and conservatism. Tajudeen Abdurraheem, Abdul Raufa Mustapha, Adebayo Olukoshi, and Gavin Williams, 'Editorial - Nigeria: Oil Debts and Democracy', *Review of African Political Economy*, 13 no. 37: December, 1986, pp. 6-10. Craig Charney, 'Political Power and Social Class in the Neo-Colonial African State', *Review of African Political Economy* 14, no. 38: Spring, p. 51. Wole Soyinka, *The Open Sore of a Continent: A Personal Narrative of the Nigerian Crisis*, New York and Oxford: Oxford University Press, 1996, p. 8.

within a system of vassalage with mutual obligations of loyalty, political and military support, and participation in the social and political practices that maintain social and political stability.⁵⁰ In his detailed description of Western European feudal society, Bloch argued that “the characteristic human bond was the subordinate’s link with a nearby chief. From one level to another the ties thus formed ... joined the smallest to the largest. Land itself was valued above all because it enabled a lord to provide himself with ‘men’ by supplying the remuneration for them”.⁵¹ Some or all of these factors were present in these ‘feudal’ African polities, in particular in the Sahelian polities using cavalry (further south, horses were prone to diseases transmitted by tsetse fly).

In pre-colonial Zimbabwe as in the Sahel, an existing culture organised through dispersed and localised chiefly forms (the Shona in Zimbabwe, the Hausa in the Sahel) was altered by the invasion of more militarised and centrally-organised peoples (the Ndebele and Fulani respectively). Locally-organised socio-political forms were subordinated to, or persisted within, the more centrally-organised and State supported forms of the conquerors. In the Sahel as in Zimbabwe with the arrival of the Ndebele and British colonisation, conquest saw the concentration of ultimate tenure in a centralised and hierarchical authority as immediate tenure was increasingly based on more centralised structures.

Taking Nupe in the Caliphate of Sokoto in northern Nigeria as an example,⁵² the Fulani *jihād* (a religiously inspired military conquest and invasion) of 1802-1808 under

⁵⁰ Marc Bloch, *Feudal Society: Book Two, Social Classes and Political Organization*, translated by L.A. Manyon from the French, Chicago and London: University of Chicago Press, and Routledge & Kegan Paul, 1961, especially subsection ‘Feudalism as a Type of Society’, pp. 441-447. Carl Stephenson, *Mediaeval Feudalism*, Ithaca, New York: Cornell University Press (1942), 1956. R.S. Neale, ‘Introduction’, in Eugene Kamenka and R.S. Neale (editors), *Feudalism, Capitalism and Beyond*, pp. 2-27, Canberra: Australian National University Press, 1975. Perry Anderson, *Passages From Antiquity to Feudalism*, London: Verso Editions (first published by NLB in 1974), 1978.

⁵¹ Bloch, *Feudal Society*, p. 444.

⁵² Prior to WWII, Nupe was a society of half a million people with a complexity comparable to Imperial Rome, Byzantium, or mediaeval Europe. Nadel, *A Black Byzantium*, p. vii. The book includes a ‘Foreword’ by Lord Lugard, who had been instrumental in the British military conquest of the Islamic kingdoms and caliphates of Northern Nigeria, and in the development of the British colonial practices of Indirect Rule which reached their apogee in Northern Nigeria. Nadel’s designation of the caliphates northern of Nigeria as ‘feudal’, was an element in a longer process of ‘recognizing’ suitable local authorities, of discerning which elements (people,

Uthman dan Fodio superimposed a complex set of 'feudal' social and productive relations over existing Hausa 'tribal' relationships. This wrested the right to mediate tenure from local Hausa communities, with Fulani control being more established in the more densely populated and urbanised west.⁵³

The idea that conquest has and should validate immediate and ultimate title has seen mixed support in Europe prior to the rise of property rights. Hobbes argued that in history, most sovereign States originated in conquest not compact, such that: 'there is scarce a Common-wealth in the world, whose beginnings can in conscience be justified'.⁵⁴ Similarly, but from a egalitarian-humanist perspective, Tawney argued "It is probable that war, which in barbarous ages used to be blamed as destructive of property, has recently created more titles to property than almost all other causes put together".⁵⁵

Contrary to Locke's idealised conceptualisation – that land was appropriated by individuals from the wilderness, such that people held 'property' before the creation of the State and compacted to create a State that would protect their property – European history has recognised the right of a conqueror (a sovereign or conquering people) to claim ultimate title, and to wrest from the existing inhabitants both actual immediate tenure over some or all lands, and the right to determine and mediate modes of land tenure and tenure relationships. In historic England, Saxon law legitimated tenure based on conquest, and a succession of incoming peoples (including Normans) founded title on overt conquest or slower processes of migration and domination. Conquest rendered the lands the 'property' of the conquering king

structures, cultural practices, etc.) were suitable for incorporation into structures of Indirect Rule, and of portraying these elements in such a way that legitimised their role in relationship to colonial power. 'Feudal', which as a word and concept is part of English history and tradition, is an element in the (re)creation of northern Nigeria in the image of a well known idea in the British imagination, of remoulding the unknown in the image of the known. This was not a passively-imposed process: indigenous people, roles and institutions undertook processes of self re-definition in order to (re)construct positions sympathetic or antithetic to the British project.

⁵³ Ibid., pp. 181-201.

⁵⁴ Macpherson, *The Political Theory of Possessive Individualism*, p. 20. The citations from Hobbes are from *Leviathan* chapter 13, p. 97, and *Leviathan*, Review and Conclusion, p. 551, respectively.

⁵⁵ R.H. Tawney, *The Acquisitive Society*, *Harvest Book 9*, London and New York: Harvest Books, and Harcourt Brace & Co (1920), 1948, p. 66.

(or chief, lord, etc.), that is the king held these lands in perpetuity without obligation to any other, and was free to dispose of these lands however he (she) saw fit. The king held ultimate tenure of all the lands of the kingdom, as well as direct ownership of lands in his (or her) own name.⁵⁶

In Nupe, in a predominantly rural landscape with low population density, inalienable and non-commodified tenure amongst the Hausa had been constructed through a range of socio-cultural relationships and mutual obligations, the key being membership and participation in community, society and culture. Thus rights to actual land holdings could be exercised by all (male) adults. Insofar as chiefs were appointed through broader socio-political mechanisms and constrained by and accountable to communities and cultures, this was *chiefly-mediation* of *communal* tenure.⁵⁷ This is not an unrestricted right of usage/non-usage: abandoned lands could be re-allocated by the chief to another household,⁵⁸ and possession of land did not always imply possession of resources (in particular trees) on that land.⁵⁹ Lands were not the *property* of anyone, and ultimate tenure rested in the clan/kinship group/'tribe'. Looking to a similar style of communal land tenure further to the west in Senegal, van der Klei indicates the extent that lands were 'loaned' within families for extended periods, and the extent to which families shared their labour, in particular to help younger relatives establish viable production.⁶⁰

⁵⁶ de Laveleye, *Primitive Property*, Chapter 5, 'The Allemands of Switzerland', p. 4, and Chapter 18, 'History of Landed Property in England and China', p. 4.

⁵⁷ Nadel, *A Black Byzantium*, pp. 50-52, and 183.

⁵⁸ 'Abandonment' refers as much to non-residence within the community and abandonment of social responsibilities, as to actual non-working of the land; abandonment must be for far longer periods than the normal fallow periods associated with crop rotation.

⁵⁹ For example, in some areas fruit trees belong to the chief even when lands are allocated, and the chief may allocate possession of these trees separately to possession of the land. When aliens become community members and are allocated lands, they are *never* allocated the trees on that land. Nadel, *A Black Byzantium*, pp. 187, and 189.

⁶⁰ Jos van der Klei, 'Customary Land Tenure and Land Reform: The Rise of New Inequalities among the Diola of Senegal', *African Perspectives 2: Social Stratification and Class Formation*, 1978, pp. 37-38.

Against this, in the 19th Century the incoming Fulani formed a dominant aristocracy incorporating elements of the urbanised Hausa aristocracy. State structures were consolidated, and new modes of tenure were mediated by State controlled/influenced structures and institutions including Islamic courts. Ultimate tenure passed to a centralised hierarchical Islamic State, within an Islamic understanding that ultimate possession of the world rests with Allah, mediated by a sovereign as representative of the faithful. Rural Hausa were gradually dispossessed as the Hausa-Fulani landlord class 'appropriated' vacant village land and pressured farmers into leaving their land, while a higher population density left proportionately less land available for communal mediation.⁶¹

The Hausa-Fulani aristocratic warrior class held *primary tenantry* "by right of conquest or appropriation". 'Feudal' *secondary tenantry* was 'leased' for extended periods (often a lifetime, and inheritable) by a lord to a vassal in return for political, military and material loyalty and obligation, and first to lower members of the aristocracy and warrior class as "fief-holders". There was no expectation that this aristocracy would work the land themselves, but that secondary tenantry could be commercially sublet all the way down to the small-scale farmers or direct producers so that upper classes would have the material resources to fulfil their roles.⁶² Sub-leases were granted in return for an initial monetary payment to the immediately superior lessor, and a smaller ongoing annual rent in cash or kind to the "real landlord" – the aristocratic family holding primary tenantry. Though the "real landlord" retained a right of resumption if annual payments were not made or if the land was abandoned, Fulani courts upheld the rights of long-term productive lessees to ongoing possession vis-à-vis landlords who sought to claim that lands were only 'lent' – such that a

⁶¹ Vacant land that could be allocated as families grew, or reappropriated into the communal stock as families contracted or moved, was a key ingredient of Hausa land tenure. Nadel, *A Black Byzantium*, pp. 192-193.

⁶² *Ibid.*, pp. 182, 157, 181, and 193. Under Indirect Rule, fiefs were transformed into 'administrative districts in the charge of royal princes'. Tribal custom tended to restrict land ownership by women, but in principle ownership by women was accepted in Fulani Islamic law.

lease verges on a *purchase* subject to minimal conditionality and obligation.⁶³ In this sense, tenure was moving towards a more commodified and monetised form, increasingly free of the socio-political obligation that underpins 'feudal' tenure.

Indigenous Land Tenure in Zimbabwe

The experience of 'feudal' Northern Nigeria indicates the fluid nature of systems of land tenure, with complex inter-relationships between evolving modes of tenure and conquest leading to the imposition of new forms of land tenure to the advantage of some and disadvantage of others.

Zimbabwe clearly reveals complex communal-chiefly modes of land tenure prior to the arrival of colonialism, with new modes of tenure based on 'conquest' resulting from the northerly migration of the Ndebele in the 19th Century predating the imposition of European conceptions of property under British colonial rule. Zimbabwe is a reminder that political power, especially in the dramatic form of conquest, can determine modes and distribution of tenure. Conquest tends to locate ultimate tenure in the hands of the conquerors, or in institutions controlled by and linked to these conquering elements. Old deities are relegated, and old forms are negated or subordinated to newly dominant forms. As incoming conquerors establish specific bases of power within the new terrain (rather than being widely dispersed), ultimate tenure is also concentrated in specific areas.

Chitiyo points to different traditions of land ownership amongst the Shona and Ndebele, yet with similarities.⁶⁴ Adding complexity to their hierarchical and militarised structure, the Ndebele were divided by *caste*. An aristocratic caste (*abenansi*) comprised the

⁶³ Ibid., pp. 191, 193, and 194. The Native Courts established later under British Indirect Rule similarly upheld the rights of tenants. Islamic courts (and many clerics) were not necessarily the willing or unwitting servants of aristocracy. Islam emphasises the importance of obedience and respect for legitimate authority and of the sovereign's role as mediator between his people and Allah, yet also argues that all people (men) are equal before Allah, and that though Muslims are free to compete economically, this should not extend to complete exploitation of other Muslims

⁶⁴ Tapera Knox Chitiyo, 'Land Violence and Compensation: Reconceptualizing Zimbabwe's Land and War Veteran's Debate', *Centre for Conflict Resolution* 9, No. 1: May, University of Cape Town, RSA, 2000, p. 2.

descendants of the Kumalo who migrated northwards. The *abenhla* were a middle caste including members of tribes incorporated or conquered as the Kumalo moved northwards. The Kalanga clan who subsequently migrated into Ndebele lands form the lowest caste, the *amaholi*.⁶⁵

The reference to Mashonaland as the 'fiefdom' of the Ndebele points to the possibility that aspects of Zimbabwean socio-political organisation paralleled the socio-political organisation of feudal Europe.⁶⁶ Without drawing too strong a parallel, the dominant Ndebele claimed the right to re-organise tenure relations, and placed greater authority over tenure relations and a greater level of direct power over land allocation and usage in the person of their dynastic sovereign and his chiefs. To a greater extent than with the Shona, Lobengula and his chiefs were the *source* of tenure rights which they granted rather than mediated. Land was allocated in order to provide a material base for Ndebele society, and was conditional on past and future political loyalty and military support.

Similarly, Samkangwe and Samkangwe indicate that amongst the Ndebele, their history of military organisation and land conquest underpinned a belief in conquest as a basis for ultimate land ownership – while taking care to accept and appease the existing spirits of the land.⁶⁷ This is unsurprising amongst a people who coalesced as a cohesive militarised and hierarchically-structured group over a very short time, and whose leadership had linkages to

⁶⁵ Parliament of the Commonwealth of Australia, 'Report of the Joint Committee on Foreign Affairs and Defence: Zimbabwe', Canberra, Australian Government Publishing Service, May 1980, p. 11. Ranger, *Revolt in Southern Rhodesia, 1896-7*, p. 34.

⁶⁶ Marcus Garvey Foundation (USA), 'Beyond the Limpopo', accessed April 2004 at <http://www.marcusgarvey.com/thelimpopo.htm>, 2003. E.D. Morel, 'The Story of Southern Rhodesia; Chapter 5', in *The Black Man's Burden: The White Man in Africa from the Fifteenth Century to World War I*, Manchester: National Labour Press, accessed May 2003 at <http://www.boondocksnet.com/editions/morel/morel05.html>, 1920.

⁶⁷ Stanlake Samkangwe and Tommie Marie Samkangwe, *Hunhuism or Ubuntuism: A Zimbabwean Indigenous Political Philosophy*, Salisbury (Harare), Zimbabwe: Graham Publishing, 1980. According to Baregu, 'Ubuntu' refers to an African conception of what it means to be *human*, whereby "the welfare of the community is a necessary condition for the welfare of the individual". Professor Mwesiga Baregu, 'The Third Chimurenga: Human and Social Rights Confront Individual and Property Rights in Zimbabwe', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, pp. 7-8.

the Zulu and other royal dynasties.⁶⁸ While the Shona engaged in both agrarian and pastoral production, the migratory Ndebele placed a greater emphasis on pastoralism, and claimed the right to graze their cattle freely across the landscape of the subordinated Shona. Though more centralised than the Shona, the Ndebele were still a *rural* people dependent on rural productivity. Even the Shona and Ndebele elites were rural producers, holding lands and cattle, with their authority being in large part based on their ability to mediate and allocate access to rural resources.

Amongst the more populous Shona, land tenure and allocation of use rights and access was “a communal process, operating at different levels: familial, clan and village”. Chiefs were not the ultimate owners of the land (in contrast to a British view, with reference to the Shona of Botswana, that radical or ultimate title rested in the chiefs⁶⁹): they “were essentially functionaries who allocated land in the best interests of their constituency”.⁷⁰ Ranger describes a diffuse bureaucratic system, with a sacred king/chief with restricted powers: chiefs, as mediators but not absolute sources of power, were constrained by the social and communal purposes of their power.⁷¹ Amongst the Shona, “the real owner of the land was the tutelary spirit, *Mwari* and, to a lesser extent, the various tribal spirits”, with possession mediated through a human Chief.⁷²

⁶⁸ Lobengula (the second and last king of the Ndebele) was son of Mzilikazi (the first king), son of Matshabana, son of Langa, son of Zazalizita, all of the Kumalo Dynasty. Lobengula's mother was a princess of the Swazi Royal House of Sobhuza I.

⁶⁹ Kristyna Bishop, 'Squatters on Their Own Land: Territoriality in Western Botswana', Paper presented at *International Conference on Land Tenure in the Developing World - with a focus on Southern Africa*, University of Cape Town, RSA, 27-29 January, 1998. Wim van Binsbergen, 'Botswana's ethnic structure: an abortive research proposal', unpublished research essay, accessed March 2003 at <http://www.shikandea.net/ethnicity/botswana/htm>, 1994.

⁷⁰ Chitiyo, 'Land Violence and Compensation'.

⁷¹ Ranger, *Revolt in Southern Rhodesia, 1896-7*, p. 33.

⁷² Samkangwe and Samkangwe, *Hunhuism or Ubuntuism*. The word 'tutelary', not in common usage, refers to the protection and direction of a guardian or spiritual or supernatural power which can be attached to a person or place or institution, etc. According to Palmer, *Mwari* is the “spiritual owner of the earth and creator of mankind”, and actively intervenes in society, and is not a remote god. Robin Palmer, *Land and Racial Domination in Rhodesia*, London: Heinemann Educational, 1977, p. 21.

Despite these differences between the Ndebele and Shona, Chitiyo argues that “Both peoples also believed that the real landowners were the ancestors”,⁷³ such that the more direct authority of the Ndebele chiefs over land tenure and distribution is also a devolution of ultimate tenure and power over land from an overarching divine authority, and hence chiefly authority is directed towards a common good.

As with the communal tenure of Nupe and Zimbabwe, similar relationships to the land are evidenced among the Shona people of Botswana to the west of Zimbabwe, where, under customary law, “ownership of the land was vested in the tribe but the administrative control over land was vested in the Chief as trustee for the people”. But, a chief’s “powers over land were so extensive that those not familiar with the Customary land tenure system [that is the incoming colonists] regarded the Chief as the sole beneficial owner of the land”.⁷⁴

Hence a chief might speak of ‘my land’, and his power was over people and land and over the usage of the land and disposal of its produce. Yet the chief also had reciprocal obligations to allocate residential and grazing and arable lands to his subjects, free of charge yet with an obligation on these subjects to protect and defend the lands of the tribe.

Lands were allocated through a family head rather than to individuals, and on a scale commensurate with familial needs. Possession of residential lands was permanent, exclusive and inheritable. Possession of arable lands was also permanent – yet was only exclusive when the land was under cultivation; after harvest, others could graze stock on these lands with the proviso that they did no damage to trees or soil or fences. Lands might be transferred between people, with payment for improvements on that land, and could be resumed by the chief if abandoned. Though a landholder could allow another to plough or use part of a family’s holdings, the land could not be permanently transferred to another outside the family.⁷⁵

⁷³ Chitiyo, 'Land Violence and Compensation', p. 2.

⁷⁴ Republic of Botswana, 'Government Paper No 1 of 1992: Land Problems in Mogaditshane and Other Peri-Urban Villages', Government Printer, Gaborone, March 1992, pp. 3-4.

⁷⁵ Republic of Botswana, 'Government Paper No 1 of 1992: Land Problems in Mogaditshane and Other Peri-Urban Villages', Government Printer, Gaborone, March 1992, pp. 4-6.

As Lan illustrates in his description of the Dande, a minority Shona people near the northern Zimbabwean border with Mozambique, there is a sense that some people are descendents of *autochthons* or 'first people' who lived on these lands before the arrival of a later 'indigenous' Dande people.⁷⁶ As descendents of the first ancestors, autochthons hold a more privileged relationship to the land, and are religious intermediaries in later Dande society, capable of indicating the ancestors' (dis)approval of political and material arrangements. Yet as a minority, autochthons hold little political power while the more populous Dande dominate the roles of elders, councillors, and chieftaincy, and control resource usage and disposal. In part chiefs *depend* on autochthons for their right to mediate and allocate land tenure. In part chiefs *use* autochthons to legitimate their authority, especially with regard to land tenure. The respect paid to the autochthons is based in the importance placed on maintenance of relationship with the ancestors/spirits who guard and 'own' the land. Actual land possession and usage is thus the result of complex and potentially oppositional relationships between autochthons and Dande involving mutual respect, material necessity and advantage.

To summarise the complexity of tenure in Zimbabwe, and in response to the idea that the *land issue* is a comparatively recent outcome of colonial policies,⁷⁷ Zimbabwe was *not* a homogenous society when the British arrived. Land was already an issue. Contradictions operated at inter- and intra-cultural levels, between Ndebele and Shona, between majority and minority cultures, *within* communities such as the Dande, and between classes and castes.

⁷⁶ David Lan, *Guns and Rain: Guerrillas and Spirit Mediums in Zimbabwe*, London and Harare: James Currey, and Zimbabwe Publishing House, 1985. This status of *autochthon* indicates only the limits of human memory and history, prior to the *autochthons*, there may have been other (pre-Bantu) peoples who were absorbed driven out, or simply faded from view.

⁷⁷ For example, Mugabe's claim that "our land question is a colonial one which is rooted in our history as a colonised people". President Robert Mugabe, 'President Mugabe's Address at Mt Pleasant Farm, Murehwa, August 27', Government of Zimbabwe, Harare, accessed May 2003 at <http://www.gta.gov.zw/Land%20Issues/Mt.html>, 1998.

Yet chiefly power over land was still exercised primarily through power over people.⁷⁸

It took the arrival of colonialism and property rights for power over land to become a thing in itself, separate from power over people and potentially capable of becoming a way of controlling people. With loss of their lands, the Zimbabwean people at last understood the value and power of control over their lands. In this light, the *land issue* can be seen as a recognition from a new colonial and post-colonial perspective, of the value of land as a power base for the control of people. This is what the LRP is achieving in practice: the allocation to the powerful of the lands they can use as resources to control people.

⁷⁸ Referring back to the idea of power over people as a way of ensuring power over land, versus power over land as a way of ensuring power over people.

4 PROPERTY: THE COLONISING PERCEPTION

Property seemed a naturally legitimate, productive and modern mode of tenure to the British colonisers who introduced it to Southern Rhodesia, to Africa, and more generally to the European colonies. From an instrumental and utilitarian approach, property rights enable the security of production and of expectations that underpin a stable society. Hence it is of material benefit to all, including those who do not own property and those who may aspire to property ownership.¹ Ideals of personal freedom and autonomy are so important that the things and rights, including property, that are essential to or created through this freedom and autonomy are themselves of great value. Hence, to negate property rights is to negate personal freedom and autonomy.

Yet property is just one among many systems of tenure and modes of mediating rights in land – and is certainly not ‘natural’ to Africa. To many thinkers, property is neither naturally right, nor historically inevitable, nor independent of broader structures of society, polity and economy. As a social structure, property is inextricably linked to power and is a political idea – both in the contest to define what property is or should be, and in the contest to determine who will hold and accumulate property. To others, property is one of the fundamental elements in the geographic division of the globe, in the territorialisation of

¹ In the late 18th Century, Godwin argued, “General security is one of those indispensable preliminaries without which nothing, good or excellent can be accomplished” William Godwin, *An Inquiry Concerning Political Justice, Volume II, Book VIII: 'Of Property'*, Toronto: Toronto University Press (London, 1793), 1969, Chapter II, p. 7. In the same era, Burke stressed the importance of *stability*, accepting that some level of hierarchical inequality might enable the social stability that was essential to the well-being of all, while revolutionary change harmed the interests of society and its component individuals Francis Canavan, *The Political Economy of Edmund Burke: The Role of Property in His Thought*, New York: Fordham University Press, 1995. Decades later, Bentham argued from a utilitarian viewpoint that without security of expectation there could be no investment in the future, and consequently social and national productivity would decline and all will be worse off. Bentham argued (according to Ryan) that “anyone inventing a hypothetical legal order to promote the welfare of an anonymous individual who, by hypothesis, will be relatively badly off would do well to invent an order where property rights are securely entrenched” Ryan, *Property and Political Theory*, Oxford, UK: Basil Blackwell, 1984, pp. 95, 98, and 105. As Long indicates in his analysis of Bentham, the “defense of expectations meant the protection of inequality”; and citing Bentham, “Inequality is the natural condition of mankind ... Absolute equality is absolutely impossible”. For Bentham, the benefits of security and productivity were greater than the benefits from a defense of equality. D.G. Long, 'Bentham on Property', in Anthony Parel and Thomas Flanagan (editors), *Theories of Property: Aristotle to the Present: Contributions to a Summer Workshop, 7-14 July 1978*, pp. 221-256, Waterloo, Ontario, Canada: Calgary Institute for the Humanities/University of Calgary, and Wilfred Laurier University Press, 1979, p. 226.

power,² and in the political and social control of people within bounded spaces. In Marxist thought, property is an element of the capitalist mode of production which organises the economy, society and polity; in Marxist thought, property is a State-mandated mode of control over 'ground rent', a way whereby a powerful few, that is property holders, assert a legal control over the productivity, and hence capital flow, from the land that is owned by all and productive mechanisms (e.g. industry) that has been made by all. Control of landed property (agricultural, industrial, and residential) has been seen, in European history, as a key to security of control over present and future revenue and wealth accumulation. In an era of increasingly mobile capital, property in land is still an important element, though not the only element in wealth accumulation, control of labour, and access to political power.

As the "embedded value of the dominant liberalist economic thinking",³ private property meets the needs of capitalist appropriation and accumulation, and is inextricably linked to the rise of liberal individualism in Western European thought. Property is mediated by State legislation, underpinned by State power, and answerable only to legislative constraints and requirements and to the market forces which the modern State is charged with mediating. Conversely, the idea of property includes significant protections against State intervention such that the State is charged with *protecting* property rights against 'invasion' by others or itself.

As a political ideal, property was an argument for an equality of economic rights: that all should be equally free to acquire and hold property. In its outcomes, property creates and

² Sack defines territoriality as: *the attempt by an individual or group to affect, influence, or control people, phenomena, and relationships, by delimiting and asserting control over a geographic area*" and argues that "Establishing political jurisdiction and delimiting private ownership of land are the most familiar uses of territoriality in the Western World." R.D. Sack, *Human Territoriality: its theory and history*, Cambridge, UK: Cambridge University Press, 1986, p. 19. Ardrey argued from an evolutionary biology perspective (and very deterministic) that territoriality is innate and brings survival value to a species and group. Ardrey even locates the origins of 'property' in our evolutionary history, on past evolutionary imperatives rather than present necessity or present rational choice, such that to be human is to share with all other humans the 'instinct' or 'innate compulsion' towards *territoriality*, that is to defend, as an individual and/or as part of a social group, a particular territory. Robert Ardrey, *The Territorial Imperative: A personal inquiry into the Animal Origins of Property and Nations*, London: The Fontana Library, 1969.

³ Professor Mwesiga Baregu, 'The Third Chimurenga: Human and Social Rights Confront Individual and Property Rights in Zimbabwe', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, p. 4.

entrenches power differentials – as Babeuf, Proudhon, and Marx all argued with respect to the French Revolution which created the equality of property rights for all citizens,⁴ yet enabled the dispossession of the peasantry by an urban and rural bourgeoisie.

In Zimbabwe, as in other colonies and underpinned by the State power which is inseparable from the idea of property and by a culturally-constructed sense that somehow property as a way of understanding the relationship to, and power over, land took precedence over other understandings of people and land. Property was a technology of conquest, a means whereby a few asserted control over access to the productivity of the land, and hence dispossessed a majority and denied any and all of their rights to the land.

The Rise of Property Within the European Colonising Powers

Property has been the subject of debate for centuries.⁵ As Anderson argues in his Marxian depiction of the transition from a slave mode of production to a feudal mode of production in Western Europe as the Roman Empire faded into obscurity, the *idea of property* as a mode of tenure legitimated by State law rather than communal or dynastic mediation was initially an artefact of Roman Law. *Quiritary* property was a product of inequality and contradictions between citizen and non-citizen, patrician and plebeian, slave and free. It was

⁴ Grachus (Francois Noel) Babeuf, 'The Complaint of the Propertyless: Extract from *Haute Cour de Justice, Suite de la Copie des Pièces Saisies dans le local que Babeuf occupait lors de son arrestation* / High Court of Justice, "Copy of Pieces Seized in the Vicinity of the Place Where Babeuf Lived Prior to his Arrest", Imprimerie Nationale / National Printer, Paris, 1798', in Herbert H. Rowen (editor), *From Absolutism to Revolution: 1648-1848*, pp. 207-210, Milwaukee: University of Wisconsin, 1963. Pierre-Joseph Proudhon, *What is Property, or, An Inquiry Into the Principle of Right and of Government (Qu'est-ce que la propriété ou Recherche sur le principe du Droit et du Gouvernement, Paris, 1840)*, translated by Donald R. Kelley and Bonnie G. Smith, edited by Donald R. Kelley and Bonnie G. Smith, Cambridge, UK: Cambridge University Press, 1994. Karl Marx, 'The Eighteenth Brumaire of Louis Bonaparte', in *Surveys from Exile: Political Writings, Volume 2*, edited by David Fernbach, pp. 143-249, Harmondsworth, UK: Penguin Books, and New Left Review, 1981. Hernando de Soto, *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else*, London and New York: Bantam Press, 2000, p. 198.

⁵ Several writers have provided succinct and/or comprehensive reviews of the historical arguments for and against *private property*: C.B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke*, Oxford, UK: Oxford University Press, 1962. Alan Ryan, *Property and Political Theory*, Oxford, UK: Basil Blackwell, 1984. Alan Ryan, *Property*, Milton Keynes, UK: Open University Press, 1987. George H. Sabine and Thomas Landon Thorson, *A History of Political Theory*, 4th ed, Fort Worth: Harcourt Brace Jovanovitch College Publishers, and The Dryden Press, 1989. Jeremy Waldron, *The Right to Private Property*, Oxford, UK: Clarendon Press, 1990.

also a product of conflict and war, growth and prosperity within the Roman world. Quiritary property was entrenched across the Empire through conquest and colonisation.⁶

Property reappeared as a mode of tenure in post-feudal/early capitalist Western Europe, initially within the interstices of a system dominated by aristocratic control of land, yet was a radical idea that challenged existing authority and distributions, enabling the rise and consolidation of new elites and classes. Under a regime of property rights, land was permanently and unconditionally ownable by an individual or legal entity, mediated primarily through market forces, and de-linked from socio-political obligation and conditionality.

Property was vigorously defended by apologists across a broad spectrum. Hobbes (1588-1679), a conservative political philosopher, writing under the protection of King Charles II after the Restoration of 1660,⁷ saw that commodified market relations, including the idea of property over land, were essential determinants of his society. The role of a legitimate sovereign was to protect the rights and property of his/her subjects.⁸

From a viewpoint that has typically been seen as 'liberal' but that Macpherson depicts as also and more importantly pro-capitalist,⁹ John Locke (1632-1704) presented – in his *Second Treatise of Civil Government* – a cogent defence of property and of the State's obligations to protect the property rights of its citizens.¹⁰ As Macpherson argues, the *idea of*

⁶ Perry Anderson, *Passages From Antiquity to Feudalism*, London: Verso Editions (first published by NLB in 1974), 1978, pp. 65-67, and 142-148. For Engels, the idea of property started to consolidate in the Athenian State, with the consolidation of the different *gens* into the Athenian polity and the subordination of these *gens* to the Athenian State, with an increasing division of labour, and the exchange of land with and beyond the *gens* via commercial transactions. Under the Constitution of Solon, increasingly commodified ownership of things, people and land was both allowed and constrained by the State. Frederick Engels, *The Origin of the Family, Private Property and the State*, Moscow: Progress Publishers (Zurich, 1884), 1977, pp. 106-114.

⁷ Juliet Gardiner and Neil Wenborn (editors), *The History Today Companion to British History*, London: Collins and Brown, 1995, p. 386.

⁸ Macpherson, *The Political Theory of Possessive Individualism*, Chapter II 'Hobbes: The Political Obligation of the Market', pp. 9-106. Discussing in particular Thomas Hobbes, *Leviathan: Or The Matter, Forme and Power of a Commonwealth, Ecclesiastical and Civil*, edited by C.B. Macpherson, Harmondsworth, UK: Penguin Books (1651), 1968.

⁹ Macpherson, *The Political Theory of Possessive Individualism*, pp. 208-209. Ryan, *Property and Political Theory*, pp. 20, and 46.

¹⁰ John Locke, *Locke's Second Treatise of Civil Government: A Contemporary Selection*, edited by Lester DeKoster, Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 1978.

private property is integrally linked to the development of a society characterised by the ‘possessive individualism’ of autonomous human beings, owning our selves, capabilities and resources, and owing little to society for these things.¹¹ Though based in part in now-discarded (at least among political philosophers but not among theologians) concepts of natural law and Divine purposes,¹² and failing to see that property can be based in power, conquest and domination just as much as in appropriation from nature and mixing of our labour with the resources of nature, Locke’s argument *does* reflect our feelings that the lands and landscape on which we work and live are *ours*, and that society and State *should* provide protection (property rights) for that which is legitimately ours.

¹¹ Macpherson, *The Political Theory of Possessive Individualism*, pp. 3, 263-264, and 270-271. Waldron, *The Right to Private Property*, pp. 177-183, and 398-408. Waldron discusses, in particular Robert Nozick, *Anarchy, State and Utopia*, New York: Basic Books, 1974.

¹² Property has been justified by many theological and secular theorists of the pre-modern and early modern eras as an element of, or as being in accordance with, ‘natural law’ as created by God: as we live in accordance with God’s designs for us, both personally and corporately, we live in accordance with natural law. From a more secular viewpoint, others argued that, based in a given (perhaps God-given) human nature, there were structures and ways of behaving and organizing human behaviour that were in accordance with our nature.

From a Christian viewpoint, Thomas Aquinas developed an opposing view, property is a human institution rather than an element of God’s laws for humanity: it not that it is wrong to own and use things, but that God’s purposes for each of us is that we should grow closer to Him, and property can become an object of sensory desire (or *concupiscence*) that diverts us from this purpose, becoming an *end* rather than a *means*. For Aquinas, only God has true dominion over the earth, but humanity has *Dominion naturale* in order to use it for sustenance and in accordance with human understandings of God’s will, and in accordance with reason: “*Dominion naturale* did not specify the mode of possession; its requirement was that possession be for use and that too, of all mankind”. Anthony Parel, ‘Aquinas’ Theory of Property’, in Anthony Parel and Thomas Flanagan (editors), *Theories of Property: Aristotle to the Present: Contributions to a Summer Workshop, 7-14 July 1978*, Anthony Parel and Thomas Flanagan, pp. 89-114, Waterloo, Ontario, Canada: Calgary Institute for the Humanities/University of Calgary, and Wilfred Laurier University Press, 1979, pp. 94-96.

Seeking to legitimate an expanded vision of property rights based in natural law and in a more liberal (and egalitarian) understanding of society and production, Locke argued that the moral laws by which all people should live were the laws of a (Christian) creator God that ‘all men’ would be able to discern through reason, and hence know and live by these ‘natural laws’ unless swayed by greed or *amor sceleratus habendi* or by other emotions. Ryan, *Property and Political Theory*, pp. 23, 31.

Rousseau rejected ‘natural law’, arguing that rights and moral behaviour are derived from the consensus or General Will of rational citizens, acting through mutually constructed political and social organizations, for the benefit of the community and its citizens. Human nature is constructed socially (and here most subsequent sociologists would agree with Rousseau) and there is little to justify property over other systems. J. MacAdam, ‘Rousseau: The Moral Dimension of Property’, in Anthony Parel and Thomas Flanagan (editors), *Theories of Property: Aristotle to the Present: Contributions to a Summer Workshop, 7-14 July 1978*, pp. 181-202, Waterloo, Ontario, Canada: Calgary Institute for the Humanities/University of Calgary, and Wilfred Laurier University Press, 1979. Ryan, *Property and Political Theory*, Chapter 2: ‘Rousseau and Progress’, pp. 49-72.

The English utilitarians (notably Bentham and James Mill (1773-1835) argued that there is no natural law nor natural rights: only what a State chooses to implement. From a legal positivist view, we may have moral claims (even mere moral claims) against others or the State, but these only become *real* rights when they are enforceable, in particular by the State. For John Stuart Mill (1806-1873), “property rights are not natural liberties but social privileges”, and we only have those rights that the State and law allow. *Ibid.*, p. 144.

In the late 18th Century, and from a more egalitarian and utilitarian position than Locke's, William Godwin accepted the legitimacy of property. On the one hand he argued against the injustice of 'one man' enjoying luxury while another has insufficient, and applauds the justice of an equal distribution of property and the 'good things in life': "Equality of conditions, or ... an equal admission to the means of improvement and pleasure, is a law rigorously enjoined upon mankind by the voice of justice".¹³ On the other hand a thing *should* be used by, or of use to, whoever will make best use of it.¹⁴ Both Locke and Godwin held a *modern* view of humanity: that freed of the oppression of existing tenure relations and inequalities, people will be free to construct a society based on equality and reason. Both sought to bring property rights into the realm of *positive law*.

Over subsequent centuries, the idea of property has gained broad support within the 'liberal tradition' of Western Europe. Property has been seen as a basis for political rights and as an element in the material autonomy that enables a person to become a full and complete participant in a polity,¹⁵ or as a 'liberal' right to be held equally by all 'men' or citizens.¹⁶ From a utilitarian perspective that incorporates ideas of security of expectation, property has been seen as a means of increase in a nation's productivity and wealth.¹⁷

¹³ Godwin, *An Inquiry Concerning Political Justice, Volume II, Book VIII: 'Of Property'*, Chapter II, p. 5, Chapter III, p. 11, and Chapter IV, p. 15.

¹⁴ *Ibid.*, p. 4.

¹⁵ On Locke: Locke, *Locke's Second Treatise of Civil Government*, pp. 54-55. Macpherson, *The Political Theory of Possessive Individualism*, pp. 224-228, and 238. On Kant: Ryan, *Property and Political Theory*, pp. 9, 74, 86, and 88. On Cromwell and the Levellers: Macpherson, *The Political Theory of Possessive Individualism*, pp. 107-158.

¹⁶ Locke, *Locke's Second Treatise of Civil Government*, pp. 26-27, 50, and 56. J.S. Mill argued the equality of all people, and accepted that societies might choose to implement property rights, but also argued there was nothing natural (in the sense of inevitable or pre-ordained) about property. Ryan, *Property and Political Theory*, pp. 94-5, 144, and 154-155.

¹⁷ Locke in particular argued a mercantilist policy: that private property and free trade within an international realm that was controlled and dominated by a sovereign power would increase national productivity and wealth. Macpherson, *The Political Theory of Possessive Individualism*, p. 205. Discussing John Locke, *Some Considerations on the Consequences of the Lowering of Interest and Raising the Value of Money*, 1691. Somewhat differently the utilitarians argued that the security of expectations created through property were essential or important to national productivity. Bentham argued that "anyone inventing a hypothetical legal order to promote the welfare of an anonymous individual who, by hypothesis, will be relatively badly off would do

Arguments Against Property

Within Europe, the birthplace of 'property', there has been profound opposition to the idea of property. In the early capitalist era, as property was an incipient reality though as yet without clear legal recognition, Filmer sought, from a conservative viewpoint, to re-legitimise the right of the king and aristocracy and nobility to control and mediate land tenure.¹⁸

From a revolutionary viewpoint, at the height of the French Revolution, Gracchus Babeuf (1760-1797) argued against "the illusion of the alleged right to property". As a right which existed before the Revolution but only for the rich and the aristocracy, *property* should be discarded rather than universalised, and tenure should be broadened, secured and equalised through other means.¹⁹ Yet Babeuf was imprisoned and executed for his political radicalism at the instigation of Maximilian Robespierre, the leader of the revolutionary Jacobins who sought to justify the idea of property, even though the Paris masses on whom the Jacobins depended in large part to promote the Revolution were broadly opposed to the idea of property. For Robespierre, property was a right held by every citizen, subject to the obligation to respect the equal rights, freedoms, safety and property of all other citizens. Moreover,

well to invent an order where property rights are securely entrenched". Long, 'Bentham on Property'. Ryan, *Property and Political Theory*, pp. 95, 98, and 105.

¹⁸ Robert Filmer, 'A defence of the Divine Right of Kings: sourced from Sir Robert Filmer, *The Anarchy of a Limited or Mixed Monarchy* (1648)', in Ann Hughes (editor), *Seventeenth-century England: A Changing Culture, Volume I, Primary Sources*, pp. 100-101, London: The Open University, 1980. Robert Filmer, *Patriarcha*, London, 1680.

¹⁹ Babeuf, true name Francois Noel Babeuf, took the name Gracchus in memory of the famous Roman Gracchi family who had supported the land rights of the dispossessed and impoverished Roman peasantry vis-à-vis the power of the landed patricians in the 2nd Century BC. In a process referred to as 'the suppression of the Gracchi', Tribune Tiberius Gracchus and 300 supporters were murdered in 133 BC in a conservative retaliation, as was his brother Cornelius and supporters in 122 BC. Michael Crawford, 'Early Rome and Italy', in John Boardman, Jasper Griffin and Oswyn Murray (editors), *Oxford History of the Classical World*, Oxford, UK: Oxford University Press, and The Softback Preview, 1986, pp. 411-412, section entitled 'The Age of the Gracchi'. Gracchus Babeuf, 'The Plaint of the Propertyless', pp. 207-211.

while extreme inequality of wealth was an evil that the Revolution must confront, equality of wealth was a 'chimera'.²⁰

In the aftermath of the French Revolution, Proudhon argued that "property is impossible". In terms of its own legitimating arguments, property is counter-productive: allocation of lands to the serfs and peasants as *property* had merely enabled their final dispossession by an urban and rural (rising) bourgeoisie. Rather than enabling equality of life opportunities or security of tenure, the equality of property rights introduced under the Revolution had merely, through the free alienability and hence insecurity of tenure, enabled greater inequality.²¹ The Revolution was a *bourgeois* revolution that entrenched property as a bourgeois mode of tenure.²² As Proudhon and Babeuf pointed out, mere property rights did not give the peasantry and small farmers the capacity or resources to effectively invest in future productivity and efficiency. Their property was eventually acquired and capitalised by those, larger farmers and the urban bourgeoisie, with the requisite financial resources.²³ The peasantry was dispossessed through their *property* rights, whereas under the *ancien régime*, they had merely been exploited.

Even more, Proudhon argued that "property is theft". The processes that legitimise and maintain the idea of property also enable the dispossession of many for the benefit and privilege of a few. Through their large property holdings, these owners have negated the legitimate rights of possession that should apply equally to all people, and have 'stolen' the lands of the poor. All wealth is produced by *collective* human labour, and 'property' should

²⁰ Maximilian Robespierre, 'The Doctrine of Jacobin Revolution: Speech to the National Convention, 25 December 1793', in Herbert H. Rowen (editor), *From Absolutism to Revolution: 1648-1848*, pp. 201-207, Milwaukee: University of Wisconsin, 1963, pp. 201-204.

²¹ Proudhon, *What is Property*.

²² While accepting that overall the Revolution was a *bourgeois revolution*, Forsyth points to the ongoing debate as to whether – in the early years while the Revolution was guided in large part by the thinking of L'Abbe Sieyes prior to the rise of the Jacobins under Robespierre and implementation of *The Terror* in 1793-4 and their brand of *totalitarian democracy* – the Revolution was *already* a bourgeois revolution, or *insufficiently* bourgeois. Murray Forsyth, *Reason and Revolution: The Political Thought of the Abbe Sieyes*, New York: Leicester University Press, and Holmes and Meier Publishers Inc, 1987, p. 5.

²³ Proudhon, *What is Property*. Babeuf, 'The Plaint of the Propertyless'.

belong to all who produce it, *private* property is theft by an individual from a collective. Proudhon did not oppose permanent and private possession of land, nor hereditary possession, nor possession used for the production of market commodities. But he did oppose the full commodification of land as alienable property.²⁴

In the mid-19th Century, Bakunin, an anarchist and contemporary of Karl Marx, addressed the same socio-economic problems and inequalities as Marx. Yet he arrived at a different conclusion. He attacked the property and privilege of Church and State (the domains of the aristocracy) and argued for the right of the people, directly, rather than through the State as intermediary, to control and 'own' the resources of their polity.²⁵ Marx argued instead that the people's ownership of and control over the means of production (including land) should be vested in the State on the people's behalf. He argued that "The distinguishing feature of Communism is not the abolition of property generally, but the abolition of bourgeois property".²⁶ Yet if alienable and commodified property directed towards commodity production were abolished and all that remained was property over house and garden, 'property' rights would reduce to simple personal or family possession. Several decades later, Engels argued that "full, free ownership of land" implied the possibility of alienation and broke the bonds linking individual and community (or *gens* and family) to land and place, and enabled the commodification and capitalisation of land. For Engels, the development of "money, usury, landed property and mortgage" were at the heart of "the rapid concentration and centralisation of wealth in the hands of a small class ... and ... the increasing impoverishment of the masses and a growing mass of paupers...".²⁷

²⁴ Proudhon, *What is Property*, pp. xxxi, xxxii, and 198.

²⁵ Michael Bakunin, *God and the State*, New York: Dover Publications (facsimile edition, originally published in 1882), 1970.

²⁶ Karl Marx, and Friedrich Engels, *Manifesto of the Communist Party*, Moscow: Progress Publishers (1848), 1967, pp. 62-63.

²⁷ Engels, *The Origin of the Family, Private Property and the State*, pp. 163-164.

William Morris (a utopian socialist, writer of fantasy fiction, and founder of the arts and craft movement in the late 19th Century) created a vision of a profoundly egalitarian society within which production is organised socially and within which property cannot be accumulated at the expense of others, thus denying the idea of property. Yet his is a utopian world of abundant resources inhabited by people content with material equality and who direct their endeavours towards arts and culture.²⁸ Marx and Engels disparaged such 'critical utopian socialism' as seeking to create a universal bourgeois society without a proletariat.²⁹ In the early 20th Century, when arguments against property had almost dissipated in Western Europe yet private property was being actively negated in Communist Russia,³⁰ Tawney argued a utopian-socialist case that property has escaped its *social purpose*. For him this was a retrograde step, though for the bourgeoisie this escape may have been the *purpose* of property.³¹ Along these same lines, the post-WWII Constitution of the Federal Republic of Germany states that "Property imposes duties. Its use should also serve the common weal" – yet that the State's rights of re-appropriation for social purposes – for the 'public weal' – must

²⁸ William Morris, *News From Nowhere and Other Writings*, edited by Clive Wilmer: Penguin Classics, 1994.

²⁹ Marx, and Engels, *Manifesto of the Communist Party*, pp. 89-93.

³⁰ In communist Soviet Russia, under the Constitution as amended in 1936 under Joseph Stalin, property existed in two main forms. Chapter 1, Article 6, states that "State Property, that is property belonging to the whole people, shall comprise the land, its mineral wealth, waters, forests, the factories, mills, mines, railways, water and air transport, the banks, means of communication, large state-run agricultural enterprises (state farms, machine-and-tractor stations, etc.), municipal institutions and the bulk of urban housing". Chapter 1, Article 7, states that "The common, socialist property of the collective farms and cooperative organizations shall comprise the communal enterprises of collective farms and cooperative organizations with their livestock and implements, the output of the collective farms and cooperative organizations, as well as their communal buildings". In addition there was a right to small personal/household gardens on collective farms. However these holdings are neither commodified nor alienable, and there is a requirement that their owners make rational use of them, so they are clearly not *property*. Samuel Edward Finer, *Five Constitutions: Contrasts and Comparisons*, Harmondsworth, Middlesex, UK: Penguin Books, 1979, p. 119. In 2001 Russia moved towards implementation of property rights: "The Russian parliament ... removed a central tenet of communism by reversing the revolutionary nationalisation of land and making it legal to privately own real estate". Anonymous staff writer, 'Private ownership of land moves closer', *The Sydney Morning Herald, Weekend Edition*, Sydney, 22-23 September 2001, p. 15.

³¹ For Tawney, the rhetoric of universal property rights are a smokescreen for actual inequalities of ownership, 'for the lords of the jungle do not hunt by daylight'. Tawney, *The Acquisitive Society*, p. 64.

be subject to due legal process and compensation.³² Thus the idea of the *social purposes* of property is used to legitimate the rights of State appropriation that apply in most liberal-democratic regimes, rather than to create a broader conception of *purpose*.

Arguing against the dominance of a conception of property that has escaped social conditionality, Tawney refers to the social purposes of property, claiming that rights should be linked to and dependent on the fulfilment of social functions.³³ Yet since the Enlightenment and with the secularisation of knowledge, the idea of social purpose has weakened and the paradigmatic conceptualisation “of men as united to each other, and of all mankind as united to God, by mutual obligations arising from their relation to a common end” was gradually abandoned.³⁴ As purpose was denied, “what remained ... was private rights and private interests, the materials of a society rather than a society itself”.³⁵ Tawney returns to a view that had been at the heart of Proudhon’s thinking: that as persons we are the creations of culture and society, and all that we make and create is a product of our social cooperation.³⁶

From a market socialist perspective, Gamble and Kelly recently argued against the popular understanding that “to own something is to be able to do what you like with it” (they term this ‘perfect title’) with no obligations towards others to share this property or its productivity. While accepting the validity of property over personal assets, they argue that private property over ‘social property’ must be directed towards social purposes, and that the idea of property must re-establish a principle of *obligation*: “Good ownership involves stewardship of an asset as well as the right to extract an income from it”.³⁷

³² Samuel Edward Finer, *Five Constitutions: Contrasts and Comparisons*, Harmondsworth, Middlesex, UK: Penguin Books, 1979, p. 203: Article 14.

³³ Tawney, *The Acquisitive Society*, p. 26.

³⁴ *Ibid.*, p. 12.

³⁵ *Ibid.*, pp. 12-13.

³⁶ Proudhon, *What is Property*, p. xxx.

³⁷ Andrew Gamble and Gavin Kelly, "The New Politics of Ownership," *New Left Review* 220 (1996), pp. 72 and 74.

Despite such criticisms, by the late 20th Century the arguments against property have largely dissipated. Dynastic views of entailed land tenure have been relegated to history. With the demise of ‘actually existing communism’, the communist ideal of State ownership of the means of production has dissipated. Anarchist ideals of tenure are denigrated as part of the lunatic fringe, and utopian-socialist critiques are relegated to the realm of fantasy. The idea of property has seemingly become a given.

Attributes of Private Property

Property is a historically-contingent, politically-constructed, and State sanctioned *bundle of rights*,³⁸ and a relationship between people regarding a thing, rather than the thing in itself, and rather than a relationship between people and things. Property is more than Locke’s simple appropriation from nature or Rousseau’s “mere possession” – yet perhaps less than Rousseau’s socially-mandated and socially-directed “genuine possession”.³⁹ For Tawney, “Property is the most ambiguous of categories. It covers a multitude of rights which have nothing in common except that they are exercised by persons and enforced by the State”.⁴⁰

For Macpherson, “property [in land and goods] becomes an unconditional right to use, to exclude others absolutely from the use of, and to transfer or alienate...”.⁴¹ Property rights can be held in perpetuity – especially if the owning entity is a legal rather than corporal entity. Property rights include a right of access – both a negative claim that others should not prevent

³⁸ Rousseau was perhaps the first political theorist to see the contingent nature of human social and political arrangements – that is that these structures (and institutions) are based on a socially created human nature, rather than in any understanding of *natural law*. Ryan, *Property and Political Theory*, p. 53 Waldron, *The Right to Private Property*, p. 28

³⁹ Ryan, *Property and Political Theory*, p. 54. Rousseau contrasts “mere possession”, which *can* be a relationship between a person and a thing, with the moral good of “genuine property” which is possession mediated and legalized by society and polity in accordance with the General Will of that society and polity.

⁴⁰ Tawney, *The Acquisitive Society*, p. 53.

⁴¹ Macpherson, *The Political Theory of Possessive Individualism*, pp. 95-96.

an owner's free access, and a positive claim that the State should support an owner's right of access – including a right to exclude others. Property includes an unconditional right of usage/non-usage and enjoyment of the property and its productivity,⁴² including, for example, a right of privacy or a right of vicarious enjoyment of a property that is never occupied, visited or used. Property separates rights of occupancy and usage from any converse obligations, and includes a right to devolve or lease these use rights in return for rent. Tawney scathingly referred to this as “passive property” or “improperty” – no longer a means of access to the means of labour and production, but a means of dominating others by controlling *their* access to the means of labour and production.⁴³

Land as property becomes a freely-exchangeable market *commodity*, valued primarily for its potential production of exchange rather than use values, and can be capital. When Hobbes wrote *Leviathan* in 1651, land and labour were already being capitalised,⁴⁴ and Macpherson argues that the commodification of land as capital has been instrumental in the taking up of the world's land as property, such that all land is used commercially.⁴⁵ In general, property is acquirable by any citizen⁴⁶ or *legal entity*, and can be accumulated without limit.⁴⁷

⁴² *Ibid.*, p. 96. Subject to constraints directed against negative impacts on public safety, welfare, and environmental concerns, etc.

⁴³ Tawney, *The Acquisitive Society*, pp. 62, 63, and 70.

⁴⁴ Macpherson, *The Political Theory of Possessive Individualism*, p. 62. Discussing Hobbes, *Leviathan*, chapter 24. Hobbes (1588 - 1679) sought safety in Paris during the civil wars of the 1640s, and returning to England after the Restoration in 1660, was afforded political protection by Charles II.

⁴⁵ More than this, according to Macpherson's interpretation of Locke, there is a cause and effect relationship running from the invention and introduction of money, to the supersession of the previous limits (the sufficiency and spoilage limitation) on appropriation and accumulation of more than could be used directly, to the expansion of property holdings and the concentration of landholdings into fewer hands, and the commodification of land as capital. Thus, “wherever money has been introduced there ceases to be unappropriated land”. Macpherson, *The Political Theory of Possessive Individualism*, p. 203.

⁴⁶ Though in many present and historic polities, women and minors have not held equal property or citizenship rights, and in a some polities non-citizens can hold property. In Zimbabwe, the Independence Constitution directs much effort towards defining the way in which people are or can become citizens.

⁴⁷ Locke argued the benefits of potentially unlimited accumulation as constructive of increased productivity and national wealth. Though he denounces covetousness, this is not a condemnation of unlimited accumulation, nor is it a condemnation of the desire for greater accumulation. In fact it becomes a condemnation of those (the non-propertied) who, through their dependency on the property of others, have not the capacity for fully rational economic behaviour and material accumulation – and who would thus threaten the ongoing safety and

Combined with market-alienability, this enables accumulation by a bourgeoisie which then controls the labour of others.

In contrast to communal or hierarchically-mediated tenure, the idea of property enables the holder to escape tenure's socio-political obligation and conditionality. In early-capitalist England, for example, property was a claim by a rising bourgeoisie vis-à-vis an established landed aristocracy. According to Macpherson, as lands increasingly became private property in Europe in the 16th-17th Centuries, "the essence of private property was the right to alienate freely and a right to property not conditional on the owner's performance of any social duty".⁴⁸

Seeking a more universal vision of political and property rights, the Levellers (radical egalitarian reformers in the English Parliament in the 1640s, confronting the dominant and more conservative, yet still anti-royalist, forces led by Oliver Cromwell) argued for a natural right to property: "property itself was an individual right, established by the law of God ('Thou shalt not steal') and the law of Nature (which gives a principle for every man 'to have a property of what he has, or may have ...') Individual property in goods [and land] was a *sacred natural right* .." held by *all* people.⁴⁹ For Macpherson, the Levellers were the first to envisage the freeing of property from the bonds of social and political obligation and conditionality, "the first political theorists to assert a natural right to property for which the individual owes nothing to society and which entails none of those duties entailed in the earlier doctrine of stewardship".⁵⁰

accumulation of those with property. Macpherson, *The Political Theory of Possessive Individualism*, pp. 236-238.

⁴⁸ Neale, 'Introduction', p. 6. Discussing C.B. Macpherson, 'Capitalism, and the Changing Concept of Property', in Eugene Kamenka and R.S. Neale (editors), *Feudalism, Capitalism and Beyond*, pp. 104-125, Canberra: Australian National University Press, 1975, p. 109.

⁴⁹ Macpherson, *The Political Theory of Possessive Individualism*, p. 138.

⁵⁰ *Ibid.*, p. 158.

Then, as Ryan argues, Locke “depoliticised property and turned it into an economic rather than a political category”, freed from allegiance to a sovereign (or aristocracy, or landlord), thus recreating it as an economic commodity.⁵¹ Social and political obligation are reduced to negative obligations to not infringe the property rights of other owners and citizens, financial obligations to the State by way of taxes and charges, and obligations towards public safety. Property is only conditional (that is negatable) as a last resort and via defined legal processes.

Yet, this depoliticisation is in itself a most political act. Reflecting Ferguson’s powerful analysis of late 20th Century ‘development’ in Lesotho, politics includes mechanisms of de-politicisation that removes crucial elements from view and from debate.⁵² In this invisibility, these absolutely political elements come to be seen as natural and apolitical rather than constructed, as given rather than constructive of political, economic and social inequality that is anything but natural. To claim that property is apolitical and beyond the realm of legitimate political contestation is in itself a political claim and part of a discourse of power with regard to tenure rights. If the complex bundle of privileges and rights that comprise property rights are ‘natural’, they can be rendered immune from political challenge.

This modern idea of property depends upon a semantic dichotomy. Property is *alienable* as an owner has an unconditional right of disposal on market terms (by sale, gift, lease, transfer or inheritance) and this alienability is not, within an understanding of property, a negation of the permanence of property nor of property as a way of ensuring security of tenure. Conversely, property is *inalienable* in that it cannot be appropriated by others against the owner’s will – even the State which protects property rights has only limited rights of appropriation. For Macpherson, “property in the bourgeois sense is not only a right to enjoy or

⁵¹ Ryan, *Property and Political Theory*, p. 47.

⁵² James Ferguson, *The Anti-Politics Machine: 'Development', Depoliticization, and Bureaucratic Power in Lesotho*, Cambridge: Cambridge University Press, 1990.

use; it is a right to dispose of, to exchange, to alienate”, and “the free alienation of property, including the property in one’s labour, by sale and purchase is an essential element of capitalist production”.⁵³ As a *gift giving – receiving* species,⁵⁴ a thing must be truly ours, independent of obligation or conditionality, before we can truly give it, and Ryan argues that “there must be ways of allowing things to become enough ‘mine’ for me to be able to dispose of them as a gift”. Conversely alienability is the sign that it is, or was, truly ours, and alienability is the “mark of something really being property”. Reflecting a Kantian and legal positivist understanding, “to own something is to have the most extensive rights in it that the law offers”, including a right of free alienation. Property is governed by an owner’s free will, and is definable through this dichotomy. It is that “whereof we may not be deprived without our consent”, and that which we “can alienate at will” and have “the widest powers of sale and use over”.⁵⁵ The *purpose* of property in Western European/capitalist thinking is not the entrenchment of *permanent* possession, but the commodification of possession based in the actual and potential *impermanence* of possession.

The State, Property, Modernity and Epistemology

Property depends upon and is supportive of State power rather than of the power of community and local institutions. Roman *quiritary property* in Imperial Rome – as the right

⁵³ Macpherson, *The Political Theory of Possessive Individualism*, pp. 215 and 219.

⁵⁴ Yet as Mauss and Godelier argue, gift giving (both unsolicited, and solicited or expected) can entail profound social structures that create and enable obligation between people, and that create inequalities of obligation, and social, political and economic power. There is thus the interesting linkage between the neo-patrimonial idea of Zimbabwe, and the idea of gift-giving (eg as leases over land) as a source of political obligation. In post-colonial studies, gifts and gift-giving are seen as reconciliatory actions, and as ways of reconciling the irreconcilable, of finding a way forward when historic injustice is irreversible. Marcel Mauss, *The Gift: the Form and Reason for Exchange in Archaic Societies (Essai sur le Don)*, translated by W.D. Halls, New York and London: W.W. Norton (1950), 1990. Maurice Godelier, *The Enigma of the Gift*, translated by Nora Scott, Cambridge, UK: Polity Press (1996), 1999. Jacques Derrida, *The Gift of Death (Donner la mort)*, translated by David Wills, Chicago: University of Chicago Press, 1995. D.P.S. (Pal) Ahluwalia, 'Towards (Re)Conciliation, the Post-Colonial Economy of Giving', *Social Identities* 6, no. 1: March, 2000.

⁵⁵ Ryan, *Property and Political Theory*, p. 132, and pp. 29, 97, and 130, discussing Hegel.

or potential of all citizens to hold and acquire unlimited landed property – was also an artefact of State law and power that in turn extended the realm and reach of State power.⁵⁶

In its reincarnation in post-feudal/early capitalist Western Europe, the idea of property was both a claim that tenure should be commodified and freed from political, social and even material (to the extent that this differed from rent) obligation to State or lord, and that the State should uphold the equal property rights of all. This is a claim of autonomy vis-à-vis the State. The distribution of immediate tenure should be independent of State control or intervention and left to market forces. It is at the same time a claim for State support and protection, a demand that the State should represent the interests (and privilege) of property owners.⁵⁷ Thus property owners should be represented in the State and on the electoral roll as enfranchised citizens; from some (now outdated) viewpoints, property was a prerequisite for full political and electoral rights.

The modern State (rather than aristocracy or nobility) is now perceived as the legitimate protector of tenure – both that the State should protect a property owner from others who might seize or invade this property, and that the State should desist from seizing or invading the property of all legitimate property holders. An exception is that the State can and should have the right to compulsorily acquire property, subject to fair compensation, for essential State purposes. Inasmuch as this furthers the interests of the market, property owners and citizenry, this is supportive of, rather than negating, the idea of property. Thus the State is now, in a practical sense, the locus of ultimate tenure – though from a more theological viewpoint Locke and others still saw God as the holder of ultimate tenure.

Property conceptually implies and requires a Weberian rational-bureaucratic State, capable of defining and recognising legal entities, and providing remedies to disputed tenure,

⁵⁶ Anderson, *Passages From Antiquity to Feudalism*, pp. 65-67, and 142-148.

⁵⁷ Marx argued that, “The executive of the modern state is but a committee for managing the common affairs of the whole bourgeoisie”, Marx, and Engels, *Manifesto of the Communist Party*, paragraph 18.

title and rights.⁵⁸ Though the State is distanced from active control over distribution and exchange of tenure, it is now the ultimate authority and repository of knowledge regarding title. Property *seems* to be *private*, yet is inextricably *public*, dependant on popular consent, State support and public resources. Property is dependent on the State's bureaucratic resources including modern technologies of geographical surveys and record keeping, on State support of market relations and mediation of disputes.

Hobbes argued that property is impossible without a sovereign (or State in a modern setting) to establish and manage property rights, and extinguish customary rights.⁵⁹ The State is an agent of modernity, and though it *might* take counter claims based in customary law, oral history, or non-State records into account, it constructs itself as legal arbiter of its own rational, scientific, and modern epistemology vis-à-vis alternatives.⁶⁰ In a colonial context, the State's epistemology contradicts and trumps local ways of understanding land tenure. Fisiy quotes Jinabo II, the late *Fon* of Kom in Cameroon, addressing the potential loss of land to graziers:

What makes my land my land? Is it that piece of paper [for example a Land Certificate] or the fact that I am Fon of Kom? It does not matter whether I register the land or not. Traditionally, all grazing land ... is mine, no matter what the Senior Prefect, the Agric. Officer, the gendarmes and the government people ... may say.⁶¹

⁵⁸ Highlighting the dependence of property rights on a centralized power, Hobbes had argued that property *required* the power and mediation of a personal sovereign (and hence his argument is as much an argument for the retention of the monarchy, as an argument for property rights), yet this has been superseded by the sovereignty and ultimate title of the polity and its people, expressed through the State. Macpherson, *The Political Theory of Possessive Individualism*, Chapter II 'Hobbes: The Political Obligation of the Market', pp. 9-106, discussing in particular Hobbes, *Leviathan*, 1651.

⁵⁹ *Ibid.*, p. 96. For example, van der Klei points to the way the French colonial State in Senegal 'rationalized' the indigenous tenure systems and "suppress(ed) ... customary privileges on the land", with the aim of increasing production and incorporating the peasantry into the market. Jos van der Klei, 'Customary Land Tenure and Land Reform: The Rise of New Inequalities among the Diola of Senegal', *African Perspectives 2: Social Stratification and Class Formation*, 1978, p. 40.

⁶⁰ Escobar includes a devastating account of the way in which conflicting epistemologies, underpinned by power differentials, become a way of intervening in, controlling, and subordinating the economies and cultures of the 'Third World' – spanning the colonial and post-colonial eras. Arturo Escobar, *Encountering Development: The Making and Unmaking of the Third World*, New Jersey: Princeton University Press, 1995.

⁶¹ Cyprian F Fisiy, 'Chieftaincy in the Modern State: An institution at the crossroads of democratic change', in *Perspectives on the State: From Political History to Ethnography in Cameroon. Essays for Sally Chilver*,

The Fon *knows*, as part of the knowledge pool shared across generations by his people, family, advisors and officials, that he holds ultimate title and rights of mediation and distribution over the lands that comprise his chiefly domain. Yet the Fon also realises he is confronted by new and overwhelming practices and beliefs, in the form of a new epistemology based in the rational-bureaucratic nature of the centralised colonial and post-colonial State – underpinned by its coercive powers. This new record-keeping might be prepared to acknowledge an existing *distribution* of land – Fisiy points to cases where chiefs have applied for Land Certificates over lands they hold – yet is incapable of tolerating a contradictory *way of knowing* who holds which lands.

The Negation of Downwards Obligations

The conditionality of hierarchically and communally organised tenure is mutual yet unequal. If obligations – including social, material, political or military obligations to society, community or a higher entity, and including participation in a community and culture⁶² – are not met, a land holder or user might lose tenure, control or access. Conversely, the mediating entity has reciprocal obligations such that those who fulfil their upwards obligations have a *right* of access to lands which enable these obligations to be met. In feudal Europe and pre-colonial Africa, via these relationships of mutual obligation, all people *potentially* had access to lands – with the enormous caveat that in general women had access to land and resources only by relationship to males (husbands, fathers, even sons, etc.).⁶³ Similarly, in India, labourers who have a right of occupancy and labour on the land are virtual ‘landholders’, and

Toronto: (*Paideuma*, Frobenius Institute, J.W. Goethe University, Frankfurt and Main, accessed October 2003 at <http://lucy.ukc.ac.uk/Chilver/Paideuma/paideuma-Introdu-3.html>), 1995.

⁶² As de Laveleye evocatively described in pre-modern Europe and persisting in the interstices of early-capitalist society. de Laveleye, *Primitive Property*.

⁶³ Louise Fortmann, 'Why Women's Property Rights Matter', Paper presented at *International Conference on Land Tenure in the Developing World - with a focus on Southern Africa*, University of Cape Town, RSA, 27-29 January, 1998, p. 3.

though landlords have more power and wealth, they are not free of obligations to the tenants, labourers and inhabitants of 'their' lands.⁶⁴

One of the prime effects of property, virtually a purpose, is to negate any obligation by those with more political and material power to provide access to lands and resources to those with less political and material power. Though the peasantry in Africa and Europe had no legal title,⁶⁵ they had legitimate historic occupation and possession, and an expectation of access to land for sustenance and production. When lands were reconstructed as *property*, the property owner's downwards obligations to the occupants of the land vanished, and these people, the direct producers, could be evicted and dispossessed.⁶⁶

This negation of the property owners' downwards obligations might be an end in itself. For example, a new property holder may wish exclusive and unimpeded access to lands for broad acre farming.⁶⁷ Alternatively, the negation of reciprocal obligations, and the resulting displacement and dispossession, may serve other purposes, most notably the proletarianisation of a populace. This might result in the movement of peoples to urban and industrial centres.⁶⁸ Or, as in colonial Southern Rhodesia, a displaced populace might be confined to Native/Communal Reserves and constrained in their agricultural production, such

⁶⁴ Robert Eric Frykenberg, 'Introduction', in Robert Eric Frykenberg (editor), *Land Control and Social Structure in Indian History*, pp. xiii-xxi, New Delhi: Manohar Publications (1969), 1979, p. xvi.

⁶⁵ John S. Saul and Roger Woods, 'African Peasantries', in Teodor Shanin (editor), *Peasants and Peasant Societies*, pp. 103-114, Harmondsworth, UK, and New York: Penguin, 1971.

⁶⁶ A prime example of a process that took place over centuries in post-Stuart Great Britain was the Highland Clearances of early decades of the 19th Century as Scottish Lairds claimed the ancestral clan lands they 'ruled' as their personal private *property*, and denied the rights of occupancy and possession of the crofters and farmers who lived on these lands and who were part of the clan whose lands these were. The Laird's *obligations* to the welfare of his people and to maintenance and protection of the lands of his clan were replaced by the rights of property, including rights of exclusion, the right to determine the usage of these lands, and the right to alienate these lands beyond the control of the clan and without the consent of the clan. The Highland Clearances are controversial, as the process of dispossession and migration was also significantly related to overpopulation in a marginal economy, and willing migration consequent on declining natural resources (and the potato famine). de Laveleye, *Primitive Property*, Chapter 28, 'History of Property in England and China'.

⁶⁷ Or for deer hunting as was the case with some Scottish Lairds in the Highland Clearances! Gardiner and Wenborn (editors), *The History Today Companion to British History*, pp. 172-173. de Laveleye, *Primitive Property*, Chapter XVIII, 'History of Landed Property in England and China'.

⁶⁸ As in the Industrial Revolution in Western Europe.

that for many indigenes, their only option was to work as labourers in mines or in the newly established towns, or for white farmers on the lands they had recently inhabited.⁶⁹ Through their cheap labour, they subsidise the productivity of the white colonial economy.

Thus property has escaped both the upwards conditionality to lord or community, and the downwards obligation to subordinates and others that is varyingly evidenced in feudal, communal and chiefly tenure. Property now truly serves only the purposes of its owner.

The Colonial Transposition of Property

The European idea of property was carried across the world by colonialism, especially and directly by settler colonialism. Settlers acquired property at the behest of colonial governments, one of whose primary tasks was to legitimise, uphold and enforce the idea of property and the property rights of settlers. Property was not just an asset to be acquired by settlers, not just the end-point of processes of intervention and control, but a technology of power and intervention, a way of displacing and disempowering local people and institutions. Though property was legitimated in Europe by the claim that all people have an equal right to acquire and hold property and that the role of the State or sovereign is to construct a legal, economic and social regime that upholds these rights, property in Zimbabwe was a means of constructing and maintaining inequality between settlers and indigenes.

As transposed onto the colonies, property was a form of tenure that maximised the possibility of control over lands and people. Moreover, property (including leases, charters and other State-mandated titles) maximised the potential for capitalist production and hence profitability to the colonising powers and/or colonial companies and individuals who moved into or engaged with colonised societies.⁷⁰ Colonialism and capitalist relations of production confronted the socio-political structures of what was termed the Domestic Mode of

⁶⁹ Saul and Woods, 'African Peasantries', p. 111. Palmer, *Land and Racial Domination in Rhodesia*,

⁷⁰ In turn, this shifted the balance of the debate within the colonizing polities, such that exclusive property became more clearly the dominant conceptualisation and practice therein.

Production which emphasised use value rather than exchange value.⁷¹ In this process, all made and natural things became commodities, and traditional interactions and exchange relations were replaced by market relations.⁷² This alien deconstruction of pre-capitalist ideas and relationships generally privileged these aliens.

The idea of property reinforced the primacy of an *owner's* purposes rather than a community's, and transferred both the power of mediation of tenure and the locus of ultimate tenure from community and chieftaincy to the centralised modern rational bureaucratic State. Property was a technology of and constructive of colonial power, and relied on the State's coercive forces. In Southern Rhodesia, property was a mode of control and of confining the indigenous populace to the Native Reserves/Tribal Trust Lands/Communal Lands, thus freeing up lands for broad acre farming and providing an enormous pool of cheap labour.

The idea of property was extrapolated beyond the specific class conflicts and inequalities of its creation, and reasons for its legitimation – namely a rising bourgeoisie's need for a commodified mode of tenure supportive of capitalist production and independent of socio-political conditionality, and the creation of a State that supported bourgeois rights and freedoms. Independent of its now-historic base, property as an idea seemed natural or 'given' to the colonisers, its power lying in its perceived universality, enabling its implementation anywhere, independent of its original context of creation and legitimation.⁷³

It was transposed onto societies and polities with differing balances of social-political-economic forces, and presumed, sometimes disastrously, a moral, legal or developmental

⁷¹ Sahlins, *Stone Age Economics*.

⁷² Engels, *The Origin of the Family, Private Property and the State*, p. 79.

⁷³ Anderson points to the possibility of an institution – such as *quiritary property* – outliving the material conditions of its construction. Similarly Engels points to the way that institutions (for example different forms of the family), practices and ideas outlive their context of creation and social negotiation, and uses the resultant contradictions as a historical tool pointing back to an era when practice was concordant with ideas and beliefs Anderson, *Passages From Antiquity to Feudalism*, p. 67. Engels, *The Origin of the Family, Private Property and the State*, pp. 29-31.

superiority over indigenous modes of tenure which it neither recognised nor understood. It no longer served as a legal or moral account that might legitimate an existing pattern of social relationship to land (an *ought* based on an *is*), but was an argument that sought to impose a new practice based on an alien idea (an *is* based on an *ought*). This was a triumph of idealism over materialism, of authority over cultural practice. Yet this was not the triumph of a moral ideal, nor did it lead to an 'ideal' material order, but indicates, rather, the power of an idea de-linked from its context of origin. Both Proudhon and Marx were outraged by arguments that falsely used historical contingency (the fact, manner and history of the existence of an institution such as property) to derive a principle that property *should* exist: that is an *ought* falsely derived from an *is*.⁷⁴ The ability to authoritatively say what *is* and portray this as an *ought* is an exercise in power: the *is* of property rights can be portrayed as the *ought* of a modern, rational, and orderly society, and as a necessary element of national development. Then, counterclaims can be portrayed as *ought not*s, and relegated to the realm of naive or partisan thinking, or illegal and subversive.

In Zimbabwe, as in Africa in general, there was no substantial class of property owners nor bourgeoisie in a European sense, let alone a dominant class of property owners who had created social and political hegemony. Any hegemony, including socially-accepted modes of land tenure, that indigenous elites had created was denied future validity as colonising elites imposed 'hegemony' by force and coercion. Lacking any tradition of social and political negotiation, colonial property was more obviously an instrument of power, more openly dependant for its creation and maintenance on naked power, force and arbitrary rule. Arising from no apparent material base, 'property' was unconstrained by any social, political and cultural obligations and norms, and thus free to be imposed and upheld by coercion.

The task for advocates, apologists or beneficiaries of property in a new context is to make the idea of property seem natural and moral as well as legal. Yet in Zimbabwe, the idea

⁷⁴ Proudhon, *What is Property*, p. xxvii.

of property was so intermeshed with colonial power and inequalities, that post-Independence Zimbabwean elites have successfully portrayed property as the mode of tenure integral to colonialism, to be negated as Zimbabwe becomes truly Zimbabwean.

5 ALTERNATIVE PATHS OPEN TO ZIMBABWE

Introduction

The practical alternatives regarding the land issue open to the Government of Zimbabwe at Independence polarised around the status of property rights and how the State might relate to these rights. Having accepted the constraint of property rights for at least 10 years, the *market-based* land reform implemented by the Independence Government required significant financial resources and was not without its own negative and contradictory impacts on land markets. The limited reform enacted through these mechanisms did not meet the Government's aims, and the Government moved increasingly towards compulsory acquisition, while decreasing its obligations for compensation.

Yet, *might* the Government have achieved its reform aims through market-based mechanisms? The effectiveness of different policies and solutions is evident in other former colonial polities which faced similar problems of a racialised inequality of land distribution, in particular the possibilities and limitations of market-based programmes, and the possibility of alternative yet State-supported modes of tenure coexisting with private property.

Land Programmes – What Might Have Been?

In this chapter, Brazil and the Republic of South Africa highlight the distinction between concepts and practices which *might* have been implemented in Zimbabwe: *land redistribution* as in Brazil, RSA and Zimbabwe, *restitution* as in RSA and as part of the legitimating discourse of the Zimbabwean LRP, and the broader concepts of *agrarian reform* and *land reform* within which *tenure reform* can be a key element.

Land Redistribution

Redistribution might apply to any programme where tenure is transferred via processes of acquisition and redistribution from a smaller and more privileged social group to

other groups, in a State-mandated process that seeks a greater equality of land holdings. The term has no specific prescriptions regarding modes of existing or new tenure. Though perhaps legitimated in terms of 'equality', redistribution is a process that typically seeks greater rather than absolute equality. Broadly speaking land redistribution emphasises equality as a measure of greater justice, and might well claim that greater access to the resources of production and livelihood will bring greater and more direct social and material benefits for the majority of the populace. It may, in practice, impact to some extent negatively on national production, yet seems to promise greater national productivity and consequent indirect benefits for the broader populace.

Market-based Land Reform

Market-based land reform describes a redistributory process that deals with land as a market commodity, that is as *property*, either the level of acquisition, or over the complete acquisition-redistribution process. Thus for example, for the first two decades after Independence the Zimbabwean Government sought to acquire property through market mechanisms, by purchase from owners and to a lesser extent via compulsory acquisition subject to fair market compensation,¹ yet redistributed these lands as leasehold (rather than property) from the State. Rather differently the Brazilian Government sought to both acquire and redistribute land as property. Land is purchased from large landowners through market mechanisms, and becomes the property of a legal entity that represents the resettled smallholders and to which these smallholders are legally and economically accountable. While Zimbabwean market-based land reform reduces the realm of property, Brazilian market-based land reform reinforces the idea and realm of property.

¹ Though this 'fair' compensation was reduced through legislative changes.

Restitution or Redistribution

The idea of restitution sits rather uneasily with the idea of redistribution, even though ideals of restitution or restorative justice may become part of the legitimating argument for redistribution or land reform. Restitution is based in the claim that people have been dispossessed through unjust historic processes, and that present justice requires rectification of these historic injustices. Ideally, restitution would restore ownership over lost lands to those who had actually lost ownership. However to undo specific historic injustices and restore lands to their former owners might entail dispossession of those who gained legitimate ownership or interests in the land in the interim, or raise factual issues relating to the identity or survival of 'former owners'.

Though founded in an ideal of justice and reversal of historic injustices, restitution may not in itself create greater equality in distribution. If distribution of ownership or possession was unequal (even unjust) *prior to* the injustices of appropriation that are addressed by any programme of restitution, then restitution may only recreate these inequalities and revive historical conflicts. If justice is seen in terms of equality, then restoration of prior inequalities will *not* create a new justice. Prior to the arrival of European imperialism in Africa, resources were unequally distributed as some people held more extensive or more fertile lands than did others.² Restitution might only reinstate these inequalities. Absolute 'restitution' of the inequities created by British colonial rule in Zimbabwe might, for example, recreate the previous power differential of Ndebele over Shona. Moreover, an ideal of restitution would not enable any redressing of gender inequalities, but would, or might well, see the reinstatement of earlier patriarchal and male dominated forms of tenure and land access.

² For example the Tswana vis-à-vis other people groups in Botswana, the Ndebele vis-à-vis the Shona (and even more so vis-à-vis the remnant pygmoidal peoples) in Zimbabwe, the Xhosa and Zulu peoples vis-à-vis the Hottentots and pygmoidal peoples of South Africa.

Thus redistribution and restitution are based on contradictory understandings of justice. Redistribution would focus on the *ends, purposes and productive outcomes* of human interaction with the land – in particular that people need access to resources and lands that enable a culture and a way of life. Restitution would focus on the justice of the *processes* whereby ownership and possession has been historically transferred.

Redistribution and restitution can be seen through Nozick's conceptualisation of 'justice in holdings'. A particular State has, he argued, no role in creating or ensuring *any* desired distribution of land holdings; a State's role is merely to protect the rights of property holders and to enable just and fair mechanisms of exchange.³ Any distribution that is a product of socially-agreed (including market) processes, relatively free from coercion, is just – however unequal. Justice lies not in any pattern of distribution, but in the social and economic processes that create this distribution. *Restitution* that uses State power to undo or reverse an illegal transaction or transfer, that is to restore the idea of justice in acquisition, would be legitimate intervention. *Redistribution*, or the use of State resources and powers to *create* a distribution, would be an unjust misuse of State powers and would infringe the rights of property holders (via coercive or unfair appropriation, or through 'unjust' taxation to fund market acquisitions).

Restitution versus Prescription

Yet there must be *limits to restitution*. Over centuries and millennia, human history has seen the global movement of peoples, the absorption of incomers by established peoples, and the domination or displacement of people by incomers and others. Almost all present title to land is founded in historic appropriation, even coercive appropriation, vis-à-vis others.⁴

³ Robert Nozick, *Anarchy, State and Utopia*, New York: Basic Books, 1974.

⁴ R.H. Tawney, *The Acquisitive Society*, Harvest Book 9, London and New York: Harvest Books, and Harcourt Brace & Co (1920), 1948, p. 66. C.B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke*, Oxford, UK: Oxford University Press, 1962, p. 20.

Yet societies have, for better or worse, reconciled these contradictions of present possession versus remembered dispossession.

A plausible resolution is that of *prescription* as advocated by Edmund Burke, that eminently pragmatic and eloquent Parliamentarian of late 18th Century England.⁵ Though dispossession is clearly unjust and States should act to prevent and rectify unjust dispossession, there comes a time when present justice is no longer served by attempts to rectify historic injustice. There comes a time when such dispossession is best seen as historic, and when the best interests of even the descendants of historically-dispossessed peoples are served through the stability and productivity enabled through the tenure rights that underpin a present distribution of property and resources. If present societies and polities are to have any security of title and to be stable and productive, there comes a time when present possession based in generational succession and productive usage is enough to create legitimate possession, even property.

Burke places no time limit on the expiry of historic injustice, but would ask us to look with reason and concern for the best interests of all, at whether rectification of dispossession is still in society's best interests. Conversely there must also be *limits to prescription*, otherwise present possession would always trump claims of historic, even very recent, dispossession, and there could thus be no security of tenure.

Both prescription and restitution are essential to security of tenure, yet these contradictory ideals require balance and resolution via social and political negotiation. This is more than merely deciding a time limit to restitution. The question is how history shall impact upon the present purposes and values and direction of a society and polity?

⁵ Francis Canavan, *The Political Economy of Edmund Burke: The Role of Property in His Thought*, New York: Fordham University Press, 1995.

Land and Tenure Reform

Land reform is a broader idea than land redistribution. In most cases it would include reform of the structures and practices that enable and underpin a given distribution. Land reform might include changes to tenure law in order to enable or recognise other marginal or suppressed forms of tenure. It might include changes to the taxation regime and market structures for land and rural production in order to encourage or enable greater productivity by a greater proportion of the populace. While greater equality may be seen as an eventual good and the *purpose* of land reform, reform itself might be implemented by gradual change, including legal change, to the broader structures underpinning a present inequality. Land reform might include maintenance or improvement of national productivity as a goal. It might envisage broadening the base of ownership and encouraging differing modes of tenure and differing farming practices will both increase rural output and create opportunities for greater equality. Rukuni has a quite radical interpretation of land reform, arguing that, because land is a finite resource, land reform must include profound redistribution and is *always* a political and *revolutionary* process that redistributes the power and wealth of a society and polity, even if implemented through slower and consensual processes such as tenure reform.⁶

Actual *distribution* of land is structured in large part by *systems* of tenure, including the tenure holders' rights, powers and obligations, and State powers to impose taxes and direct or constrain land usage. Though seemingly a-political, systems of tenure are structured by political interests as much as by morality, ethics or justice, and always reflect and enable social and political interests. If a distribution is structured by a system, redistribution may be ineffective without tenure reform, that is "changes in the rules that govern land and related property rights".⁷ Redistribution may be counter-productive if it fails to provide the security

⁶ Mandivamba Rukuni, 'Why Land Tenure is Central to Africa's Future Governance, Economic and Social Progress', Paper presented at Scandinavian Seminar College: *African Experiences of Policies and Practices Supporting Sustainable Development*, May 1999, SSC-Africa Project, Centre for Development Research, Copenhagen, 1999, pp. 7-8.

⁷ *Ibid.*, pp. 7-8.

of tenure which is essential to agrarian or land reform.⁸ While the idea of property contains protection against elite or State appropriation, it provides no protection against market forces. In contrast, Zimbabwe, appears to be deliberately creating insecurity of tenure and holdings: all rights being rendered conditional and temporal, and a function of informal patrimonial relationships.

Agrarian Reform

The broader idea of agrarian reform encompasses a mix of ideals, including greater national productivity, tenure reform, reform of market structures and State structures related to rural production, and perhaps greater rural equality – which *might* include land redistribution. Agrarian reform tends to emphasise increased production and greater efficiency, whether by large or small farmers. Through this emphasis, reform may be seen in terms of progress and rural modernisation, and may emphasise broad-acre farming as a preferred or efficient modern practice, possibly by seeking to ‘develop’ the existing small to medium scale farms. With little in the way of greater State support for alternative modes of tenure or State support for rural productivity, the Zimbabwean LRP is mostly a land *redistribution* programme and scarcely an agrarian *reform* programme.

Alternatively, land and agrarian reform may be seen as an element of redistributive or restorative justice, of undoing the injustices of colonialism, of restoring the ‘lost lands’ to ‘the people’, and may even be couched in terms of a return to or restoration of a vanishing agrarian culture. It might be articulated as the rejection of an alien culture and system of tenure imposed under colonialism or by conquest, and now associated with globalising capitalism. Thus land and agrarian reform become incorporated within the re-assertion of

⁸ Mandivamba Rukuni (Chairman) and Government of Zimbabwe, 'Report of the Commission of Inquiry into Appropriate Agricultural Land Tenure Systems (The Rukuni Commission), Volume Two: Technical Reports, October', Government of Zimbabwe, Harare, 1994. Mandivamba Rukuni, 'Land tenure, governance and sustainable irrigation development', in: 'Creating an enabling environment for the uptake of low-cost irrigation equipment by small-scale farmers', Paper presented at *Irrigation Technology Transfer in Support of Food Security* subregional workshop, Food and Agriculture Organization of the United Nations, Harare, 14-17 April, 1997. Rukuni, 'Why Tenure Reform is Critical', pp. 6-7, and 13.

national autonomy, or of the reassertion of a culture, or the reassertion of the rights of a newly independent people. Such a vision may place redistribution, even restitution, at the forefront, and may see market mechanisms as one way towards these ends and may place the imperatives of redistribution above the imperatives of market and of property rights. Yet redistribution is not in itself agrarian reform. Redistribution is not the end of the story, being just an element serving a broader social or productive purpose.

Market-Based Land Reform: The Lesson From Brazil

As Africa has grappled with land reform since the 1960s Independence Decade, Brazil has a longer history of attempted and abortive land reform, and of resistance to land reform especially since WWII.⁹ Brazil points to options that Zimbabwe has ignored. Yet, as Rukuni argued: “Land reforms and land tenure reforms are infamous in Latin America for their limited success, while such needed reforms are conspicuously absent in Africa”.¹⁰

Just as land is important in Zimbabwe, in Brazil “For most of its history, land and power have been synonymous ...”.¹¹ Power – over material accumulation, a subservient populace and the State – lay in the hands of a landed elite created under colonial rule or via structures of appropriation and rule created originally under colonialism. Brazil is significant in this discussion because the inequalities in land holding¹² – in absolute size and potential productivity, and evidenced in the landholdings of political elites versus a dispossessed and

⁹ Chico Mendez, *Fight for the Forest: Chico Mendez in his own words*, London: Latin America Bureau (edited by Duncan Green, additional material by Tony Gross, adapted from: Chico Mendez, *O testamento do Homem da Floresta*, edited by Candido Grzybowski, FASE: Sao Paulo, 1989), 1989, p. 57.

¹⁰ Rukuni, 'Land tenure, governance and sustainable irrigation development'.

¹¹ Mendez, *Fight for the Forest*, p. 57. This idea parallels the argument that Harrington developed in early capitalist England that wealth and power are interlinked and interdependent: wealth is a key to power and that power is a key to wealth. Macpherson, *The Political Theory of Possessive Individualism*, Chapter IV, “Harrington: The Opportunity State”, pp. 160-193.

¹² Klaus Deininger and Pedro Olinto, 'Implementing Negotiated Land Reform: Initial Experience from Columbia, Brazil and South Africa - for the World Bank', Paper presented at *International Conference on Land Tenure in the Developing World - with a focus on Southern Africa*, University of Cape Town, RSA, 27-29 January, 1998, p. 4.

impoverished populace – parallel those in Zimbabwe, and because the scale of market-based land reform attempted in Brazil is enormous. If such a large polity, with a diversified economy and World Bank/IMF and other donor support and funding, has difficulty implementing market-based land-reform that actually helps the poor and dispossessed rather than benefiting established and powerful interests, then market-based land reform may not be the ideal solution in Zimbabwe.

Two models of land reform have been enacted in Brazil in the last decades. Firstly, grass roots land reform that has emphasised access to land and resources by and for the poor and dispossessed, then State-mandated market-based land reform.¹³

Grass Roots Land Reform

Grass roots land reform is best known from the activism of Chico Mendez and the *seringueiros* (rubber workers), and other rural unions representing the poor and the displaced among rural communities at the peripheries of Brazilian society, in the forests and forest margins of the Amazonian hinterland.¹⁴ The Movement of Rural Landless Workers (MST¹⁵) was formed in 1984 with the slogan “Occupy, Resist and Produce”. The poor and dispossessed occupy the under-utilised or uncleared/forest lands of large landholders, then seek to resist eviction while also working these lands, focussing on low technology usage rather than industrialised or broad acre farming, and pressuring the State to declare an

¹³ Jeffrey Frank, 'Two Models of Land Reform and Development', Z Magazine, and Land Action Research Network, London and Trenton, accessed August 2003 at <http://www.landaction.org/display.php?article=22>, 27 November 2002.

¹⁴ Mendez, *Fight for the Forest*. Atanagildo (Gatao) de Deus Matos, 'The Ideas of Chico Mendes and the National Council of Rubber Tappers', Environmental Defense, accessed April 2002 at <http://www.environmentaldefense.org/article.cfm?ContentID=1552>, 1 June 1999. Environmental Defense, 'Ten Years After the Death of Chico Mendez: The Amazon in the New Millennium', Environmental Defense, accessed April 2002 at <http://www.environmentaldefense.org/article.cfm?ContentID=1549>, 1 June 1999. Richard Arnts, 'Ten Years Without Chico', Environmental Defense, accessed April 2002 at <http://www.environmentaldefense.org/article.cfm?ContentID=1555>, 1 June 1999. William Mastro Simone, Michael Tolkin, and Ron Hutchison, 'The Burning Season: The Story of Chico Mendez', John Frankenheimer, HBO Pictures, and Time Warner, 1994.

¹⁵ *Movimento dos Trabalhadores Rurais Sem Terra*

Extractive Reserve. State support came via the National Institute of Colonization and Agrarian Reform (INCRA) which under the 1988 Constitution can fund the expropriation of unused/under-utilised lands. Landlords are compensated with 20-year Government bonds at generally less than market value.¹⁶ Resettled communities repay part of their profits to MST to fund future land occupations, and from 1984 to 1999, MST organised the occupation of 6 mha by more than 350,000 families.¹⁷

Extractive Reserves, as the State's response to this widespread and extremely effective popular rural mobilisation, comprise broad areas (often thousands of square kilometres) that are reserved by statute from the realm of property law and free market exchange, and allocated permanently and inalienably to communities¹⁸ to inhabit and use productively. Reserves tend to cover forest resources rather than cleared farmlands, and seek to foster a forest-based lifestyle and protect the resources and bio-diversity of the forest – blending an agenda of communal and cultural rights and of environmental and ecological conservation. Some were established over lands within the State's sovereignty but held informally and with a populace only loosely linked to the Brazilian polity. Others were created over *property* that was acquired compulsorily or through market mechanisms from landlords.

¹⁶ Frank, 'Two Models of Land Reform and Development', p. 3.

¹⁷ Schwartzman indicates 372,876 families. Stephan Schwartzman and Environmental Defense, 'World Bank Will Expand on Brazil Land Reform Project: Letter to Mr Gobind Nankani, Director, Brazil Country Management Unit, World Bank', Environmental Defense, accessed December 2003 at <http://forests.org/archive/brazil/wbbrfun.htm>, 14 March 2000. Yet in the course of these actions, 1,158 MST members and rural activists have been assassinated by the Federal Police, *Uniao Democratica Ruralista* representing the interests of landlords and those linked to or supportive of the Government of Fernando Cardoso. Frank, 'Two Models of Land Reform and Development', pp. 2-4.

¹⁸ 'Communities' are complex constructions, far from homogenous, and based in a complex history of people movements and settlement. Similarly in RSA and Mozambique (etc.) the idea of the constructed versus essential nature of 'community', and the criteria of inclusion, may overlook relations of power. Thembela Kepe, 'The Problem of Defining Community: Challenges for the Land Reform Process in South Africa', Paper presented at *International Conference on Land Tenure in the Developing World - with a focus on Southern Africa*, University of Cape Town, RSA, 27-29 January, 1998. Scott Kloock-Jenson, 'Locating the Community: Local Communities and the Administration of Land and other Natural Resources in Mozambique', Paper presented at *International Conference on Land Tenure in the Developing World - with a focus on Southern Africa*, University of Cape Town, RSA, 27-29 January, 1998.

Market-Based Land Redistribution

The World Bank is now pressuring the Brazilian Government to curtail such land reform, advocating instead market-based land reform and arguing that rural poverty in Brazil “is the result of land concentration due to the inefficiencies of the land markets”¹⁹ – thus overlooking the political and coercive process that underlie the historic construction of inequality. Land reform *can* be driven by enhancing the efficiency of land markets and through broader agrarian reform,²⁰ but mere *commodification* of land, while ignoring historically-constructed injustice and failing to implement necessary support structures, will not promote land reform, nor reverse the concentration of landholding, nor reverse historic and ongoing dispossession.

In 1998, the Government announced its market-based *Novo Mundo Rural* agrarian policy, devolving responsibility from Federal to State levels.²¹ While land reform by State appropriation and redistribution remained part of Government policy (though constrained by funding), the key to this new policy was the implementation of the *Cedula da Terra* pilot programme in five States, funded to the extent of US\$150 million.²² The poor and landless were encouraged to form legal associations which could directly *purchase* lands in accordance with Government criteria regarding composition and farming skills of the purchasing entity, purchase price, and State assessment of the suitability of the lands. The purchase would then be funded as a market-based loan to the acquiring entity, based on World

¹⁹ Frank, 'Two Models of Land Reform and Development', p. 4. Citing Klaus Deininger, a World Bank principle land reform official.

²⁰ As Rukuni argued in Zimbabwe. Rukuni and Government of Zimbabwe, 'Report of the Commission of Inquiry into Appropriate Agricultural Land Tenure Systems, Volume Two'. Rukuni, 'Land tenure, governance and sustainable irrigation development'.

²¹ Frank, 'Two Models of Land Reform and Development', p. 4.

²² World Bank Land Reform and Poverty Alleviation Pilot Project (No 4147BR), implemented in Ceara, Minas Gerais, Bahia, Pernambuco, and Maranhao. World Bank funding was supplied by the G7 nations. In addition, the Cardoso Government promised State support for rubber prices – a policy that would contradict the free trade policies of the World Bank, the USA and the G7 nations. Industries in the 'developed' nations have a clear interest in keeping rubber prices low. Environmental Defense, 'Amazon Grassroots Leaders Blast IMF Loan Package for Brazil', Environmental Defense, accessed April 2002 at <http://www.environmentaldefense.org/article.cfm?ContentID=1441>, 17 March 1999.

Bank, State and donor funding. Loans were limited to R40,000 per family, repayable over 20 years at a subsidised 6-10% interest rate and an initial 3-year grace period.²³

In 2000, *Cedula da Terra* was replaced by the nation-wide *Banco da Terra* or *Property Credit and Struggle against Rural Poverty* (CFCP) project,²⁴ retaining the objectives and ideals of *Cedula da Terra* but stipulating that State employees and beneficiaries of previous schemes were ineligible, and placing a limit on the income of beneficiary families.²⁵ This excluded the rich and removed the possibility of State employees being direct beneficiaries of the scheme they administered.

Outcomes and Criticisms

Though presented as a success by authorities, many NGOs have questioned whether the market-based land reform under *Cedula da Terra* and *Banco da Terra* broadened the base of land ownership or gave security of tenure to the poor and dispossessed?²⁶ The Government

²³ Manuel Domingos, 'Agrarian Reform in Brazil', Land Research Action Network, accessed August 2003 at <http://www.landaction.org/display.php?article=63>, 3 February 2003, pp. 1 and 4. By 1999, this loan limit had been reduced to R5,000 (US\$2890) per family: Converge, 'Latin American Report: more land takeovers in Brazil', Converge, 17 April, citing Associated Press, 2 April 1999, accessed December 2003 at <http://www.converge.org.nz/lac/articles/news990417c.htm>, 1999. Deininger, and Olinto, 'Implementing Negotiated Land Reform'.

²⁴ CFPC was underpinned by the World Bank-funded *Banco da Terra* programme – more formally the World Bank *Land Reform and Poverty Alleviation II (BRPE50772)* programme. *Banco da Terra* was based in an initial US\$200 million loan from the World Bank and in funding from the Brazilian Government, with an initial budget of US\$400 million per annum, and an anticipated budget of US\$2 billion over 10 years. Bank Information Centre, 'Problem Project Alert #6, January 2000: Brazilian Land Reform', BIC, Geneva, accessed October 2003 at http://www.duei.de/doi/en/content/research/northafrica/axtmann_parties_morocco.html, 2000.

²⁵ Domingos, 'Agrarian Reform in Brazil', p. 4.

²⁶ Criticisms are based in large part on the Brazilian Ministry of Land Reform's Preliminary Evaluation of the *Cedula da Terra* programme, prepared by consultants from 3 Brazilian universities. Nucleus of Agrarian and Development Issues (NEAD), 'Avaliacao Preliminar do Programa Cedula da Terra', Sao Paulo and Rio de Janeiro, Prepared by consultants from University of Campinas, University of Sao Paulo, and Federal University of Rio de Janeiro, June 1999. Secondary critiques include Converge, 'Brazil: Action Alert: World Bank Project will subvert Brazilian Constitutional Land Reform', Converge, 12 May, citing Associated Press, 2 April 1999, accessed January 2003 at <http://www.converge.org.nz/lac/articles/news990512b.htm>, 1999. Converge, 'Latin American Report: more land takeovers in Brazil'. Stephan Schwartzman, 'Memo regarding the Brazil Land Reform and Poverty Alleviation Pilot Project', Environmental Defense, reproduced by Bank Information Centre, accessed December 2003 at <http://www.bicusa.org/lac/schwartz.htm>, 15 December 1999. Schwartzman, and Environmental Defense, 'World Bank Will Expand on Brazil Land Reform Project'. Frank, 'Two Models of Land Reform and Development', pp. 5-7. Yet the World Bank's Inspection Panel indicated in June 1999 that it believed these concerns were based in 'philosophical differences' rather than in any failings of the *Cedula da Terra* programme. Bank Information Centre, 'Problem Project Alert #6, January 2000: Brazilian Land Reform'.

claims that from 1995 to 2001, 482,000 families (2.5 million people) were resettled on 18 mha in the “largest land reform program in the world”. Yet Domingos argues that these figures include earlier land redistribution, and count “formal recognition of land title as redistribution” including State grants of broad-acre property rights to landholders who are dispossessing forest peoples as forest becomes pasture.²⁷ Those resettled are exceeded by those who abandoned their lands and plots. Rather than redistribution, this era has seen a *concentration* of property, and a dramatic increase in the area held by large landholders, for example those with more than 2000 ha. Government credit and financing for land purchase has raised market prices for land and given financial value to previously unproductive lands of the large landholders, thus making it harder for the poor and dispossessed to reverse the inequities in land holdings.²⁸ The prime winners have been landowners who sold excess lands at excessive prices. In contrast to the ‘grass roots’ model, land is paid for in cash rather than long-term Government bonds, thus increasing State debt and reducing the resources available for genuine agrarian reform.

Seeking effective land reform rather than concentration, Domingos argues there should be limits to the size of landholdings, and rejects the idea of the unlimited market accumulation of property. Landholdings should be subject to socio-political or cultural limits, thus requiring ongoing State involvement in a no-longer ‘free’ market. There should be financial penalties on unused lands via a Rural Land Tax.²⁹ This would increase the liquidity and fungibility of property, and bring more land onto the market at prices and in parcel sizes that might suit smallholders. There must be constraints on land speculation, again via an appropriate taxation regime. Along the lines of the Extractive Reserves (and Community

²⁷ Domingos, 'Agrarian Reform in Brazil', p. 1.

²⁸ Ibid., p. 5. Frank, 'Two Models of Land Reform and Development', pp. 5-7.

²⁹ As Rukuni advocated in Zimbabwe. Rukuni, 'Land tenure, governance and sustainable irrigation development'. Though seen by some as contrary to property rights, such taxation still enables and supports property rights and respects the commodified, contractual, market-based nature of property exchange and accumulation. Nozick, *Anarchy, State and Utopia*.

Based Natural Resource Management/CBNRM projects in South Africa), the State should promote the “development of alternative systems of property, like communal ownership”.³⁰

Brazil’s market-based land reform programme is supposedly driven by ‘demand’ from the self-organising poor and landless who autonomously associate to select and acquire lands. Yet even as the State claims it has rejected its former ‘paternalism’, reform has been co-opted by State-linked elites and landowners. These elites, including those wishing to sell often over-valued or poor quality lands, are complicit in the creation of the ‘communal’ associations and their ‘leadership’, and in the purchase and funding negotiations. These associations are thus transformed into “arms of local patronage machines”. At a broader level, Domingos argues that market-based land reform is a means whereby a State devolves itself of its social and political responsibilities, especially to the poorest within the polity, and is a way of ‘disguising’ State support for landed elites.³¹

Sale price is primarily negotiated between local authorities and landlords. Since these are interlinked classes, the process is susceptible to manipulation and corruption. Even if the poor and dispossessed are included in negotiations, this is a negotiation between unequals, with prices reflecting the relative bargaining power of participants rather than market forces.³² As the prior land market had been extremely illiquid in many regions, fair market prices were indeterminate. Thus, “Desperately poor peasants, whose principal concern ... is to obtain land as a question of survival, are supposed to negotiate with large landowners in the absence of a functioning market”.³³ Poorly-informed communal ‘associations’, influenced and controlled by land-owners and State authorities, were ‘resettled’ with minimal support, some becoming

³⁰ Domingos, 'Agrarian Reform in Brazil', p. 6.

³¹ Schwartzman, 'Memo regarding the Brazil Land Reform and Poverty Alleviation Pilot Project', p. 2 (quotation). Domingos, 'Agrarian Reform in Brazil', p. 5.

³² Frank, 'Two Models of Land Reform and Development', p. 4. Schwartzman, 'Memo regarding the Brazil Land Reform and Poverty Alleviation Pilot Project', pp. 1-2. Schwartzman, and Environmental Defense, 'World Bank Will Expand on Brazil Land Reform Project'.

³³ Schwartzman, 'Memo regarding the Brazil Land Reform and Poverty Alleviation Pilot Project', p. 1.

informal corporations paying low and exploitative wages to their 'members', and constrained by high debt obligations on over-priced lands. Some were even unaware that they had acquired loan obligations as well as land.

Market-based Land Reform: the Lessons from Brazil

The Brazilian experience points to the limitations of market-based land reform. Rather than reinforcing the liquidity and fungibility of the market and bringing more land onto the market at reduced prices, market-based land reform has raised prices and brought lower quality lands onto the market. Market-based reform always consumes State resources - grants for land purchase, guarantees for loan funding, or subsidised loans - which could be directed towards other forms of land reform or agrarian reform.

If market-based land reform is enacted as mere commodification of land as property, without a range of State support for smallholders as well as large farmers, then such reform may dispossess as many as are resettled. Wider State support could include taxation reform, infrastructure and market development, subsidies and training. If the productivity of these over-priced marginal lands, with poor infrastructure and minimal State support, cannot service the often unrealistic debt burdens, the resettled smallholders may be re-dispossessed, with lands reverting to the original seller, or to the State as guarantor of the loan. Without strong State and social support, mere *redistribution* will not create *reform*, in the sense of creating the conditions within which resettled peoples will prosper on their lands.

Where a State has strong linkages to a landed class or elite, reform outcomes are likely to be counter-productive. The apparent devolution of State control - as the State claims to become less *dirigiste*, letting people make autonomous responsible choices in the context of a free market - is illusory as significant control over and hence potential for broader prosperity is devolved to local State officials who become *more* involved in actual land (re)distribution. Large land owners can take opportunistic advantage of the large-scale funding for land purchase that stimulates market demand and places upwards pressure on land prices, offering

to sell their marginal lands at inflated prices. This funding enriches the large landholders, potentially impoverishing those who are burdened with debt in the process, and transfers State financial resources to large landholders.

Finally, market-based land reform is inherently linked to the entrenchment of *property* as a dominant mode of tenure. Those who held communally-mediated tenure in the forests or hinterland are vulnerable to dispossession without compensation or legal recourse. Their lands are effectively transferred by the State to large landholders as *property*, and they then combine as legal entities to buy lands to replace those lost. What this achieves is the destruction of communal tenure and of all forms of tenure beyond the State's control. As a consequence, there is an expansion of State-mediated forms of tenure – especially large-scale *property* in the Brazilian hinterland. Though 'communal' tenure had been enabled through the Extractive Reserves, the State is reducing its support for this mode of land reform.

South Africa: Market-Based Land Reform / Agrarian Reform?

The Context of RSA Land Reform

With racially-differentiated political rights, South Africa was governed for many decades by an apartheid Government that represented the interests of a politically and economically dominant minority, that is the descendents of the European settlers.³⁴ As with Zimbabwe, this led to political resistance to which the Government responded with restrictive legislation. The Government responded to more overt military resistance by African political-military organisations with increasing force and political repression.³⁵

Political and military conflict were resolved through a political settlement that recognised the equal social, economic and political rights of all citizens, with removal of

³⁴ Initially constructed under British rule over the Cape Colony through an electoral franchise based in a property and income test, as implemented slightly later in Southern Rhodesia. T.R.H. Davenport, *South Africa: A Modern History*, edited by E.T. Stokes, second ed, *Cambridge Commonwealth Series*, London: The MacMillan Press Ltd, 1978.

³⁵ Notably the African National Congress (ANC), which under the leadership of Nelson Mandela became the dominant partner in the Independence Government of 1994.

racialised laws and emancipation and enfranchisement of the black population, and election of its first multi-racial government in 1994. Not unlike neighbouring Zimbabwe,³⁶ and similarly based in formerly racialised political and economic rights, the new Government of the Republic of South Africa (RSA) inherited a grossly unequal and racially-skewed land distribution that contradicted these new equalities. The present 'crisis' over the land issue in Zimbabwe has brought these issues to the fore in RSA.³⁷

As with Zimbabwe, the new Government was committed to ongoing support for property rights. State-initiated land reform would not infringe the rights of property holders, and land appropriation would be on a willing-seller-willing-buyer basis.³⁸

In contrast to Zimbabwe, the RSA Government inherited a sophisticated industrialised economy. Despite decades of international economic sanctions, the apartheid Government had directed the economy towards a high level of self-sufficient autonomy.³⁹ A broad consensus was that in return for protection of property rights over land and other assets, the white-dominated industrial and financial sectors would not abandon the RSA economy. There would be no 'capital flight' nor removal or abandonment of productive facilities, and capital would be made available to the new Government. Through taxation of a more productive economy, the RSA Government has greater financial resources for land purchase than in Zimbabwe.

While land tenure in Zimbabwe was polarised between a white minority holding property rights over broad acre farms and urban property versus an indigenous majority predominantly on Communal Lands or working on expatriate farms or in the lower levels of

³⁶ Colin Bundy, 'Land and Liberation: the South African National Liberation Movements and the Agrarian Question: 1920-1960s', *Review of African Political Economy* 11, no. 29: Summer, 1984, pp. 14-29. Samuel Kariuki, 'Echoes of a Distant Future? The South African Land Reform Policy Experience (1994 - 2001): Past, Present and Future Challenges Via the Zimbabwe Experience', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, pp. 2-3.

³⁷ *Ibid.*, p. 1.

³⁸ Cousins, 'How do Rights Become Real?', p. 2.

³⁹ With strong mining, industrial (including a sophisticated military-armaments industry), trading, agricultural and financial sectors.

urban industry, land tenure was more diverse in South Africa. Far more expatriates and their descendents held smaller farms,⁴⁰ with a greater history of Africans holding *property*,⁴¹ and a more diverse history of small to large scale productive and trading endeavour that in some part spanned racial divides.

The Government's Response

As with Zimbabwe and Brazil, RSA felt considerable international pressure to implement land reform and redistribution while retaining State protection of property rights. In early 1992 (two years before Independence) the World Bank and UNDP commenced work in South Africa to develop a policy framework for land reform, which in turn was adopted in large part by the ANC as a political party, prior to forming Government.⁴²

RSA's "wide-ranging and ambitious" post-Independence Land Reform Programme seeks "to redress the legacies of centuries of dispossession, racially defined and discriminatory legal frameworks, and deep rural poverty" via a triple agenda of market-assisted *redistribution*, *restitution* "of land to people who were dispossessed by racially discriminatory legislation or practice", and *tenure reform* "aimed at creating tenure security within a variety of tenure systems".⁴³ The programme seeks genuine agrarian reform with gender equality as a "central goal", and includes State support for rural productivity. Though

⁴⁰ Roman-Dutch law, as implemented in the Cape Colony, had been instrumental in the generational subdivision of family holdings. Bennett, 'Aboriginal Title in South Africa', pp. 1-3.

⁴¹ Even though their property holdings in the white areas were appropriated.

⁴² Kariuki, 'Echoes of a Distant Future?', pp. 11-16. Deininger and Olinto, 'Implementing Negotiated Land Reform'. Kariuki points to the points to the ideological weakness of the socialist left (in the aftermath of the demise of 'existing socialism') as the basis of ANC's adoption of neo-liberal ideals and policy.

⁴³ Cousins, 'How do Rights Become Real?', p. 1. Samson Mulenga, 'The Land Problem: Zimbabwe and South Africa - Comparative Analysis', *Global Analysis*, Zimbabwe, accessed May 2003 at http://www.glob.co.zw/Economic/Comparative_Analysis_Of_Land_Issue.htm, 27 April 2000. Cross indicates that this market-led model of redistribution was based on World Bank advice. Catherine Cross, 'Reforming Land in South Africa: Who owns the land?', Paper presented at *International Conference on Land Tenure in the Developing World - with a focus on Southern Africa*, University of Cape Town, RSA, 27-29 January, 1998, p. 2. Discussing J. van Zyl, J Kirsten, and H Binswanger, *Agricultural Land Reform in South Africa: Policies, Markets and Mechanisms*, Cape Town, RSA: Oxford University Press, 1996. G. Williams, 'Setting the agenda: a critique of the World Bank's Rural Restructuring Programme for South Africa', *Journal of Southern African Studies*, 1996.

Cross argues that “support services for new black farmers [who have acquired lands under redistribution and restitution programmes] cannot be supplied at the level [that] white commercial farmers have become accustomed to”,⁴⁴ RSA is successfully supporting agrarian reform, as both State and non-State resources, capital and advice are directed to those who have gained lands in these programmes.

Redistribution

As the first arm of this triple agenda, redistribution is directed towards “the poor and marginalised communities”. It operates through Settlement/Land Acquisition Grants of R16,000 per family for purchase of land and services, administered by the Department of Land Affairs; other grants are available for settlement planning and development.⁴⁵ These projects mostly involve existing communities of farm workers or labour tenants who locate and negotiate the purchase lands. Communities can pool household grants to enable purchase of broad-acre holdings which are worked and used in common or allocated as individual plots. Yet the scheme has limitations: a group’s pooled grants may still be insufficient, and outside finance is rarely available. Other households can be brought in to increase the pooled resources, yet purchased lands may then become overcrowded.⁴⁶

In other cases the State has actively intervened in the process of providing lands for redistribution. For example, the *Transformation of Certain Rural Areas Act (Act 94 of 1998)*⁴⁷ aimed at “the transfer of 1.7 million hectares of state land to 70,000 people in the former coloured reserves in the Western Cape, Northern Cape, Eastern Cape and Free State”. As at

⁴⁴ Cross, 'Reforming Land in South Africa', p. 1.

⁴⁵ Ibid., p. 2. Kariuki, 'Echoes of a Distant Future?', pp. 5-6.

⁴⁶ Cross, 'Reforming Land in South Africa', p. 2.

⁴⁷ Government of the Republic of South Africa, 'Transformation of Certain Rural Areas Act (Act 94 of 1998)', Government of RSA, accessed September 2004 at <http://land.pwv.gov.za/tenurereform/newpage36.htm>, 1998.

31 March 1999, 427 projects were in implementation, involving 295,451 people (45,454 households) and 480,400 ha of land.⁴⁸

Such redistribution maintains legislative support for the rights of those who hold property, however or whenever this was obtained, as it is enacted by *enabling* the poor or dispossessed to purchase lands directly on a willing-seller-willing-buyer basis, in contrast to Zimbabwe's market-based reform in which the State itself purchased lands for redistribution.

Restitution

Emphasising historic injustice of land seizure rather than present injustices of inequality or poverty, the RSA restitution programme "is aimed at restoring land rights and/or financial compensation to people who were forcibly removed after 1913 through apartheid and other racially based legislation".⁴⁹ Soon after Independence, the Government introduced the *Restitution Land Rights Act (1994)* establishing processes for restitution,⁵⁰ with 31 December 1998 as the deadline for lodgement of claims. The Land Commission seeks to negotiate settlement of claims – with either the return of the land or financial compensation. Land is purchased compulsorily by the Government through the Land Commission; compensation is at market rates, though reduced if the farmer purchased the land cheaply from the former apartheid government or received subsidised loan funding. By the deadline,

⁴⁸ Deininger, and Olinto, 'Implementing Negotiated Land Reform', p. 5.

⁴⁹ Cousins, 'How do Rights Become Real?', p. 2. Kariuki, 'Echoes of a Distant Future?', p. 5. The 1913 date corresponds to the introduction of the *Native Land Act (1913)* with its racially-defined division of land (broadly comparable to the *Land Apportionment Act (1930)* in Southern Rhodesia), and restrictions on the property rights of blacks, resulting in the dispossession and dislocation of black farmers and tenant farmers and farm workers, and the simultaneous reconstruction of the black populace as a dependent, dispossessed and proletarianized work force based primarily on communal lands. Households/families were granted lands on the Communal Lands, yet these were insufficient for familial sustenance, such that males had to seek paid 'migrant' work in white industries and farms. These communal lands must be seen as a means of *subsidizing* labour costs, and the costs of *reproduction of labour*, to revert to Marxist terminology, and as a way of creating and supporting a *reserve army of the unemployed*. Women were even more confined to the communal lands.

⁵⁰ Bennett, 'Aboriginal Title in South Africa', p. 1.

63,455 claims had been lodged, of which “approximately 80% ... are for urban areas and the majority of these will be for financial compensation”.⁵¹

Yet the restitution process is “slow and cumbersome”,⁵² taking about three years for lodgement of claims, five for processing, and 10 for implementation. In addition, claimants must provide statutory proof of prior ‘ownership’. Horn argues that the interests of the rural dispossessed would be better served if the formal processes had recognised an *identity-in-land* rather than a *right-in-land*.⁵³

Restitution as implemented in RSA is not a negation of property rights or the land market, but is an affirmation of the land rights of those who were forcibly dispossessed, some quite recently. Some white farmers have vociferously opposed the idea of compulsory acquisition and have demanded full market compensation – even though the dispossessed black South Africans had received no compensation at all – and have compared this process to the eviction of white farmers in Zimbabwe⁵⁴

Tenure Reform and Alternative Forms of Tenure

Tenure reform, the third arm of the triple agenda, is a slow and developing political process that balances the tenure interests, rights and ‘revolutionary’ ambitions and ideals of diverse elements against potential outcomes and potential responses of internal and external forces. In terms of the complex inter-relationship between property and the long-standing yet informal use rights of many African peoples and communities, *Global Analysis* points to a “lack of clarity about who actually owns this land”, arguing that disputed tenure has hindered

⁵¹ Mulenga, 'The Land Problem: Zimbabwe and South Africa', p. 1.

⁵² *Ibid.*, p. 1.

⁵³ Andre Horn, 'Restitution of an Identity in Land: Considering Security of Informal Tenure in a Retroactive Framework', Paper presented at *International Conference on Land Tenure in the Developing World - with a focus on Southern Africa*, University of Cape Town, RSA, 27-29 January, 1998, p. 1.

⁵⁴ Chris McGreal, 'White farmers accuse ANC of Mugabe-style 'land grab'', *Guardian Weekly*, London, 22-28 March 2001, p. 5.

investment. Thus, “The legacy of apartheid for black South Africans is that most have only informal land rights, they have been living on land, in many cases for decades, that they do not own” – a situation made more complicated by “the wide range of informal tenure rights that have developed over time”.⁵⁵

The *Bill of Rights* in the Constitution stipulates that people without secure tenure, resulting from past racial policies, are entitled to a legal remedy. Hence the RSA Government moved towards implementing processes that either recognise non-property forms of tenure, or reconstruct these holdings as property.⁵⁶ Without negating the idea of property or forcing all tenure into the mould of property, these reforms established a range of State-mandated and legally-enforceable occupancy permits that could be registered for individuals or groups (whether or not these are historic ‘communities’), “depending on existing practices and local choices”. These permits could replace informal tenure or tenure based in contract between owner and tenant. Moreover, “where rights [already] exist on a group basis, the co-owners would choose the structure, for example traditional authorities or community committees, to manage their land rights”.⁵⁷

Tenure reform recognised a range of informal modes of tenure, and accorded legal recognition to existing and historically-constructed informal use and access rights, whether negotiated within a community, for example on the homelands, or between a farmer/property owner and the labourers/families who lived, worked, or depended on these farmlands.⁵⁸

⁵⁵ Mulenga, 'The Land Problem: Zimbabwe and South Africa', pp. 2-3.

⁵⁶ Thomas Glen, 'Current Developments in South Africa's Land Tenure Policy', Paper presented at *International Conference on Land Tenure in the Developing World - with a focus on Southern Africa*, University of Cape Town, RSA, 27-29 January, 1998, p. 1.

⁵⁷ Mulenga, 'The Land Problem: Zimbabwe and South Africa', p. 3.

⁵⁸ Soon after Independence, the ANC Government released its *Reconstruction and Development Programme: A Policy Framework*, emphasising of land reform to be implemented through a number of Acts:
The *Interim Protection of Land Rights Act (1995)* was an interim measure in anticipation of the development of more extensive (and potentially ‘revolutionary’) legislation (based in political negotiation and community consultation), and which established “the protection of informal rights and interests in land”, and “protection against eviction” for those who held lands under informal tenure rights

Overlapping with the idea of redistribution, the *Land Reform (Labour Tenants) Act (1996)* made *Settlement/Land Acquisition Grants* available to these labour tenants to buy the land they are living on, or alternative land.⁵⁹ As with all 'revolutions' and system transformations, some will benefit more than others. In this context, the labour tenants who gain property may do so at the expense of others who remain labour tenants, and Cousins points to provisions in the Act for the rights of ongoing labour tenants to be protected.⁶⁰

Rather than the dependent and power-laden forms of leasehold from State to individual or family (via a head of household) that are increasingly dominant in Zimbabwe, these other forms, centred around the idea of Community Based Natural Resource Management (CBNRM),⁶¹ can be both communal and relatively autonomous from State mediation and control. Zimbabwe has made only limited steps along a similar path through the Communal Areas Management Plan for Indigenous Resources/CAMPFIRE programmes, but these have been in marginal areas, and under-funded in the context of a collapsing national economy.⁶² In RSA, this State-supported communal tenure is implemented either on

The *Land Reform (Labour Tenants) Act (1996)* extended similar protection against eviction to about 25,000 labour tenants and their families, to those who lived on lands held as property by others, yet who had clear and historic interests in these lands.

The *Interim Protection of Informal Land Rights Act (Act 31, 1996)* extended the scope of the *Interim Protection of Land Rights Act (1995)* and the range of informal tenure rights that are subject to State protection, including informal tenure on the former homelands and South African Development Trust lands, where many people cannot establish any clear legal title despite being recognized by their communities and neighbours as the 'owners' of the land.

#The *Extension of Security of Tenure Act (1998)* provides a secure legal right of occupancy, usage and protection against 'unfair eviction' to the 6 million or so vulnerable people who live on another's property with the owner's permission; it asserts that State-mediated ideals of fair relationship between unequals (between owners and occupiers) must take precedence over unfair contracts or understandings negotiated between unequals.

Kariuki, 'Echoes of a Distant Future?', pp. 3-4. African National Congress (South Africa), *The Reconstruction and Development Programme: A Policy Framework*, Johannesburg: Umanyano, 1994. Cousins, 'How do Rights Become Real?', p. 5. Zulu, 'Demonizing Zimbabwe'. Mulenga, 'The Land Problem: Zimbabwe and South Africa', pp. 1-3. Bennett, 'Aboriginal Title in South Africa', pp. 1-2.

⁵⁹ Cousins, 'How do Rights Become Real?', p. 5. Mulenga, 'The Land Problem: Zimbabwe and South Africa', p. 2.

⁶⁰ Cousins, 'How do Rights Become Real?', p. 6.

⁶¹ James C. Murombedzi, 'The Evolving Context of Community-Based Natural Resource Management in Sub-Saharan Africa in Historical Perspective', Paper presented at International CBNRM Workshop, 10-14 May, Washington D.C., accessed September 2002 at <http://www.cbnrm.net/library/documents/index.htm>, 1998.

⁶² Rukuni, 'Land tenure, governance and sustainable irrigation development'.

land that is purchased and held as property by these 'communities' (whether historic, perhaps cultural, or more recent and contingent aggregations), or on State lands that are immune from the realm of property relations.

Yet even where these communities hold property, they are more protected from the realm of market forces than are similar resettled communities in Brazil, where land purchases are funded in whole by *debt*. There, in the likely event that debt repayments are in default, communities will be unwillingly re-dispossessed via legal mechanisms over which they have no control and against which they can assert little resistance. In RSA, communal land purchase is funded primarily by State grant, which in some circumstances and at the choice of the acquiring community may be supplemented by debt. Communities hold debt-free tenure with no risk of compulsory re-acquisition by a creditor or bank, or with minimal debt on which the possibilities of successful repayment are far greater than in Brazil. Alienation of tenure would require the active consent of the community as a whole.

There are other significant factors that reduce the potential that these new forms of communal tenure in RSA will collapse or that tenure holders will be re-dispossessed. Where land purchase for market-based land redistribution is funded by State-mediated debt as in Brazil (and even more so with externally-funded debt), and where a sale price is negotiated primarily between the land vendor and debt supplier rather than between vendor and purchaser, there may be little incentive to keep land prices low. This is especially true where there are linkages of class and political culture between land vendors and the State-appointed administrators who mediate the supply of debt financing. If the supply of debt finance is almost unlimited, then land prices may rise accordingly, thus increasing the purchasing community's debt burden. The ANC Government of RSA, elected with a mandate to undo the racial inequality of the former apartheid Government, has little of the structural linkages between State and landed elite that exist in Brazil and that enable State officials to support the inflation of land prices.

In RSA, land purchase is negotiated between vendor and the purchasing community. Purchasers have limited funding, a fact known to vendors who may also be able to ascertain the limits of the potential purchasers' funding through Government grants and hence know the real maximum purchase price of the land. In contrast to the vast hinterlands of Brazil, the land market in RSA is more developed with a longer history of property sales, such that property values are more readily and independently determinable. Finally, the RSA State, representing the interests of the dispossessed and impoverished as much as the interests of dominant classes, is far more committed to ongoing agrarian support for resettled smallholders than is the case in Brazil.

Thus, being in the most part debt-free, with tenure over land acquired at a purchase cost reflecting potential productivity and market value, and with State support for agrarian productivity, these new forms of communal property may be viable in the long term, and become the underpinning of viable and productive rural communities.

Yet there are also limitations to the land reform programme in RSA: monetary compensation for lost lands is not in itself enough, because land represents far more than its productive potential and economic compensation is poor recompense for cultural dislocation,

Zimbabwe and Land Reform: The Rukuni Commission

Facing similar choices, Zimbabwe initially sought to implement significant land reform in the face of an entrenched landed elite, using market-based land acquisition. Seeking to canvas a range of potential solutions, in 1992–1993 the Government appointed the *Commission into Appropriate Land Tenure Systems*, also known as the *Rukuni Commission* or *Land Tenure Commission* (LTC), headed by Mandivambu Rukuni, one time Professor of Politics at the University of Dar Es Salaam in Tanzania, Programme Director (Africa) for the W.K. Kellogg Foundation, and a prominent writer on land reform in Africa.⁶³ The Rukuni

⁶³ Rukuni and Government of Zimbabwe, 'Report of the Commission of Inquiry into Appropriate Agricultural Land Tenure Systems, Volume Two'.

Commission reported in 1994, and sought to *broaden the base of land and property ownership*,⁶⁴ arguing that with appropriate State intervention the Government's aims could be secured through market mechanisms that upheld the integrity of property rights.⁶⁵ It advocated land reform via processes of *tenure reform* and *taxation reform* rather than the appropriation and redistribution that were adopted by the Mugabe Government.

The Rukuni Commission argued that a progressive taxation regime that placed a real and substantial cost on unproductive or under-utilised holdings and a progressive cost on profits would make it unviable to hold lands in excess of productive usage, and would bring far more property onto the market at prices reflecting their productive potential. This would place downwards pressure on prices, making the property market more *liquid*. Indigenous black Zimbabweans would be better able to *buy* property, and if tenure reform and the growth of an urban bourgeoisie brought more capital into the hands of the black populace, then land holdings might be equalised on a non-racial basis without any need for State redistribution. In line with this, the Commission recommended the easing of administrative constraints on subdivision to enable farmers to place unused or under-utilised areas of their farms on the market without having to sell their whole productive base.⁶⁶

The Commission's recommendations were supportive of property rights and a free and liquid land market. Yet free markets are not autonomous self-generating structures whose 'freedom' is contradicted by State intervention or control, and, in part, free markets in land, if

⁶⁴ Arguing from a market-socialism perspective with regard to the developed economies, Gamble and Kelly argued a similar theme, of broadening the base of ownership as a means of confronting inequality while maintaining productive efficiency: "in seeking to pursue efficiency and greater equality, a left programme should promote the broadest possible ownership of productive assets as well as new and collective ways of monitoring and controlling the ways in which they are used" Andrew Gamble and Gavin Kelly, 'The New Politics of Ownership', *New Left Review* 220, 1996, p. 64.

⁶⁵ Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', Geneva, COHRE, Africa Programme Mission Report, September, 2001, p. 21.

⁶⁶ Similarly, Thompson argues that a progressive land tax that penalized the non- or under-use of land would have generated revenue to enable land reform, and would have brought excess and under-utilized land onto the market at a realistic price reflecting its actual productivity. Thompson, Carol, 'Zimbabwe: Intersection of Human Rights, Land Reform, and Regional Security', *Foreign Affairs in Focus* November, 2000 (accessed May 2003 at http://www.foreignpolicy-infocus.org/commentary/zimbabwe_body.html).

not in other commodities, *depend upon* State intervention in the form of *State imposed costs* on land holdings. Baregu argues that there has been no 'free market' in land in post-Independence Zimbabwe. Rather there has been a "narrow and closed land market" in which most land is transferred by inheritance rather than by sale, leading to "a generalized absence of rational utilization of land".⁶⁷

With lower land prices, the Government's available resources, from within the Zimbabwean economy and from donor financing, could buy more land and make more State support available to settlers. With more properties offered for sale, there would be a greater probability that the Government might be able to purchase contiguous properties and properties adjacent to Communal Lands, such that infrastructure would either be already available or more cheaply installed. Finally, foreign donor funding would be more readily available if the Government asserted, through its actions and policies, that land reform would be market-based.

Property rights, in common with many modes of tenure, require security and verifiability of tenure and known constraints on conditionality of tenure. Rukuni emphasised the *security* afforded by property and other tenure rights, arguing that the protection and security afforded by property rights is of greatest marginal utility to the poorest and weakest, to those who have little other security in a predatory economy.

The Commission responded to widespread concerns amongst the beneficiaries of land reform that, though relocated onto better lands, they had no security of tenure with many having only one-year leases or no official leases at all. Their *insecurity* is a prime constraint on productivity. If black farmers on Communal Lands and redistributed lands had security of tenure enabling a clear expectation of reward and such that land and profits could be capitalised, they would be more productive.

Rukuni argues with respect to Zimbabwe that

⁶⁷ Baregu, 'The Third Chimurenga', p. 5.

Ultimately, and in the abstract, there is no tenure system that is good or bad, right or wrong, rather, any tenure system has to be secure, appropriate and able to facilitate the needs of a community or society.⁶⁸

Thus, as well as emphasising the importance of property, the Commission also argued, along lines implemented in RSA, for alternative forms of State-supported group-based tenure that might afford some protection against the market, yet might also enable and encourage productive investment and mitigate against the 'tragedy of the commons'.⁶⁹ For Rukuni:

Land tenure ... is a complex issue which should be allowed to develop or evolve with changing socio-economic and cultural conditions of a given community. Traditional or customary tenure systems offer as much security as any other tenure system provided that communities have legal ownership and authority over their land ...,

and,

Above all, these tenure systems require support to strengthen local institutions and empower local communities in administering tenure and allowing tenure systems to evolve over time.⁷⁰

Rukuni also clearly saw the difference and inter-relationship between *land reform*, *agrarian reform*, *tenure reform*, and *mere land redistribution*. He argued that land reform, as the simple redistribution of land or restitution of lost lands, is meaningless without agrarian reform. Without tenure reform as an element of land reform, without State support for smallholder production and for the institutions and structures that support locally-mediated tenure and production, mere land redistribution will not create security of tenure, material security, or security of cultural and social forms. Without tenure or agrarian reform, mere land redistribution will not create land reform. Rukuni argues that "in developing a strategy for land reform, the important priority is to develop an agrarian reform programme rather than to

⁶⁸ Rukuni, 'Land tenure, governance and sustainable irrigation development'.

⁶⁹ Garrett Hardin, 'The Tragedy of the Commons', *Science* 162, 1968, pp. 1243-1248. Hernando de Soto argued that security of tenure is essential for productive investment, and extended this to an argument that *property* is the basis for capital investment, such that the lack of property rights is a hindrance on capitalization and on productive investment and on wealth generation. Hernando de Soto, *The Mystery of Capital: Why Capitalism Triumphs in the West and Fails Everywhere Else*, London and New York: Bantam Press, 2000.

⁷⁰ Rukuni, 'Land tenure, governance and sustainable irrigation development'. Similarly in Rukuni, 'Why Land Tenure is Central'.

redistribute land”, and that “Political stability depends on giving people access to land in a way that ensures that they retain the land over the longer term. Simply giving them the land will not achieve this”.⁷¹

From a different political viewpoint, Tim Henman, the outspoken and politically active President of the Commercial Farmers Union (CFU) of Zimbabwe, also argued that land reform is pointless unless the beneficiaries also gain security of tenure and the resources that enable productive usage of the lands.⁷² For Henman, the white farmers were committed to Zimbabwe’s future, and would support land reform to make lands available for redistribution. Yet he also sought a Government *agrarian* programme that would enable resettled farmers to become productive. In RSA (though equally applicable to Zimbabwe), von Maltitz et al. argued that, in order to generate productive outcomes, tenure reform must be accompanied by State support in the form of “an institution building process and appropriate technology”.⁷³ Yet this institutional capacity-building process was as far beyond the Government’s financial ability as was the wholesale purchase of lands.

As COHRE argue, the Mugabe Government did not seriously consider the Rukuni Commission proposals, and did *not* implement its proposals for “introduction of a land tax, the passing of legislation to enable quick and easy subdivision of land, and the granting of title to beneficiaries of land reform”.⁷⁴ What the Government *did* accept was the obvious finding that “The majority of communal farmers ... do not have access to good quality land”,

⁷¹ World Economic Forum, 'South Africa Economic Summit 2001, commentary: The Land Question as a Tinderbox: Towards an Equitable Distribution of Resources', World Economic Forum, accessed August 2002 at Government of Zimbabwe web page <http://www.gta.gov.zw>, 8 June 2001.

⁷² Cited in Ibid.

⁷³ Graham von Maltitz, and Jeremy Evans, 'Is Tenure the Root Cause and Consequently the Solution to Resource Degradation in the Communal Areas of Rural South Africa?', Paper presented at *International Conference on Land Tenure in the Developing World - with a focus on Southern Africa*, University of Cape Town, RSA, 27-29 January, 1998, p. 1.

⁷⁴ Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', pp. 17, and 21.

and used this to justify the total appropriation of lands of the white farmers.⁷⁵ As a supporter of private property, Rukuni was unsupportive of the communal or 'socialist' modes of resettlement which still formed a large part of Zanu-PF thinking (especially amongst the more radical elements), and was perhaps naïve in overlooking the Government's political commitment to these ideals.

Given the recommendations of the LTC, perhaps the greatest criticism of the Government of Zimbabwe's approach to the critical problem of land reform is that it was clearly aware of policy options between the extremes of an exclusively market-based approach to land reform and coercive, destructive and indiscriminate land seizure followed by politically-partisan and discriminatory land redistribution.⁷⁶ Rather than seeking to implement and support a diversity of tenure – a process that might have been inclusive rather than divisive and exclusive – the Government chose to further polarise the land issue by opting for *only* those forms of tenure that were State-dependent, politically-contingent, and that entrenched political loyalty as the key to material advancement.

⁷⁵ President Robert Mugabe, 'Address to the Donors Conference on Land Reform and Resettlement, 9 September, Harare', Government of Zimbabwe, Harare, accessed May 2003 at <http://www.gta.gov.zw/Land%20Issues/LAND%20CONFERENCE.html>, 1998.

⁷⁶ The land appropriations were *discriminatory* insofar as they appropriate the lands of white farmers rather than black farmers on Communal Lands, yet *indiscriminate* insofar as the Government abandoned any pretence at a rational *agrarian* basis as to why some farms and not others would be appropriated.

6 POST-INDEPENDENCE LAND REFORM

In the pre-Independence Parliamentary elections of 27–29 February 1980, Zanu-PF won a convincing victory,¹ and Robert Mugabe was elected by Parliament as the first Prime Minister of Zimbabwe (he was also Minister of Defence). Independence was formally granted at midnight, April 17th 1980,² Southern Rhodesia being Britain's last African colony.

Prime amongst the new Government's concerns was a "determination to correct the past injustices caused by dispossessing the indigenous people of the land".³ Two decades later, as the Government continues to state its "commitment to address land needs of thousands of people displaced during the war of liberation",⁴ the Mugabe government still points to the "glaring inequalities in land distribution" that have persisted since Independence and the "land hunger" of the Zimbabwean people.⁵

For many, Independence and the end of the Liberation War seemed a resolution in itself: some peasants had thought this meant they could remove fences and move onto white lands, and the first several years of Independence saw widespread 'squatting' by thousands of landless 'peasants' on white farmer lands, especially in Makoni district. Edson Zvogbo, Minister of Local Government, argued that the whites have 'squatted' for 70 years! – yet the Government responded with evictions and arrests. Seeking a resolution, Moven Mahachi, Minister of Lands and Resettlement, indicated that the Government planned to acquire and

¹ At Independence, the differences within the Patriotic Front again came to the surface, and the parties campaigned as Zanu-PF under Mugabe, as ZANU under Ndabaningi Sithole, and as the Patriotic Front (formerly ZAPU/Zapu-PF) under Joshua Nkomo.

² Parliament of the Commonwealth of Australia, 'Report of the Joint Committee on Foreign Affairs and Defence: Zimbabwe', Canberra, Australian Government Publishing Service, May 1980, pp. 123, and 132.

³ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement: Assessment and Suggested Framework for the Future: Interim Mission Report', New York, UNDP, January 2002, pp. 3-4.

⁴ Ibid., pp. 3-4. Government of Zimbabwe, 'Land Issue - Fact Sheet', Government of Zimbabwe, Harare, accessed May 2003 at <http://www.gta.gov.zw/Land%20Issues/factsheet.html>, 2000. President Robert Mugabe, 'Address to the Donors Conference on Land Reform and Resettlement, 9 September, Harare', Government of Zimbabwe, Harare, accessed May 2003 at <http://www.gta.gov.zw/Land%20Issues/>

⁵ Ibid. Government of Zimbabwe, 'Land Issue - Fact Sheet'. Yet the 'land needs' of white farmers displaced in the Liberation War or *Third Chimurenga* are not recognized by the Mugabe Government.

redistribute 6000 farms, and Dr Sydney Sekeramayi, Minister of Lands and Resettlement stated "He did not believe the program of ... redistribution should take more than two years".⁶

The Land Reform Programme (LRP): 1980–2003

The LRP, as an ongoing programme since Independence, has been implemented through three consecutive formal phases which must be seen as continuations of a theme rather than changes in direction.⁷ The *Land Reform and Resettlement Programme (LRRP)* ran from 1980 to 1992 (the post-Independence decade when the Government was constitutionally-constrained to the protection of property rights and to market-based acquisition on a willing-seller–willing-buyer basis); the *Land Acquisition and Redistribution Programme (LARP)* Phases I and II ran from 1992 to late 1997, and 1997 to July 2000 respectively; and the *Fast Track Land Reform Programme (FTLRP)* Phases I and II ran from July 2000 and January 2001 respectively. What changed at a qualitative level over the decades was the method of acquiring land for redistribution and the range of beneficiaries. From the Government's viewpoint, it would seem that the methods of acquisition were changed in the hope of making the programme aims achievable.

Through the post-Independence decades, debate over the land issue became 'populist'. The promise was that social and economic problems would be alleviated if the land issue is resolved, and that Zimbabwean culture and identity would be re-asserted in their full strength and glory. Adding to the polarisation is the clearly articulated theme by Mugabe supporters

⁶ Terence O. Ranger, *Peasant Consciousness and Guerrilla War in Zimbabwe: a Comparative Study*, London: James Currey, 1985, pp. 289, and 305-308.

⁷ Moyo and Sachikonye both used a similar three-phase division of the post-Independence LRP. Samson (Sam) Moyo, 'The Political Economy of Land Acquisition and Redistribution in Zimbabwe, 1990-1999', *Journal of Southern African Studies* 26, no. 1, 2000. Rukuni, 'Why Tenure Reform is Critical to Zimbabwe's Future Governance, Economic and Social Progress', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, pp. 2-5. Lloyd M. Sachikonye, 'From 'Growth with Equity' to 'Fast Track' Reform: Zimbabwe's Land Question', *Review of African Political Economy* 30, no. 96: June, 2002, pp. 227-240.

that those who oppose the Government's solution to the land question are also, logically, opposed to these positive developments in Zimbabwe.

Though land is clearly important, it has been deliberately mobilised in the present era as political discourse by those with other agendas and "has become increasingly problematic as an interpretive framework to understand current events in Zimbabwe".⁸ The land issue is a political construct, inseparable from, and in part a product of, issues of political governance and broader social well-being, a point recognised by the Commonwealth at the Abuja talks on Zimbabwe in 2000.⁹ Beneath the inequalities and consequent poverty and lack of life opportunities attributed to the land issue lie issues of Government mismanagement and a crisis of governance and of leadership.¹⁰

The land issue is *useful* to the Government because it diverts attention away from the crisis of governance, and can be blamed on external elements – colonial policies, British neo-colonialism and racist policies towards post-Independence Zimbabwe, the failure of UK, USA and other international donor funding, and the racist attitudes of the white-dominated British Commonwealth. Unable to deliver on urban development that might provide secure employment and upwards mobility to a populace that though still largely rural has widespread

⁸ Jens A. Andersson, 'Re-interpreting the discourse on the land: Urban migrants, rural livelihoods and the value of land', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, accessed September 2002 at <http://www.cdr.dk/seminars/zimbabwe>, 4-5 September, 2001, p. 10. Bill H. Kinsey, 'Opportunists and Occupiers: The Slow Evolution from Corruption to Crisis in Zimbabwe's 'Land Question'', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, accessed September 2002 at <http://www.cdr.dk/seminars/zimbabwe>, 4-5 September, 2001, p. 7.

⁹ British Government and Foreign and Colonial Office UK, 'Conclusions of the Abuja Meeting on Zimbabwe', London, British Parliament, Policy on Africa Statement, 7 September, 2001.

¹⁰ Yusuf Bangura, 'New Directions in State Reform: Implications for Civil Society in Africa', Geneva, United Nations Research Institute for Social Development, UNRISD Discussion Paper No 113, accessed May 2003 at <http://www.unrisd.org>, May 1999, p. 5. Samuel Kariuki, 'Echoes of a Distant Future? The South African Land Reform Policy Experience (1994 - 2001): Past, Present and Future Challenges Via the Zimbabwe Experience', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, accessed September 2002 at <http://www.cdr.dk/seminars/zimbabwe>, 4-5 September, 2001, p. 46. Rotberg, Robert, 'Africa's Mess, Mugabe's Mayhem', *Foreign Affairs* 79, No. 5: September/October, 2000, p. 47. Michael Woolcock, 'Globalization, Governance, and Civil Society: Globalization, Growth, and Poverty: Facts, Fears, and an Agenda for Action, Background Paper', Washington, USA, Development Research Group, The World Bank: DECRG Policy Research Report, accessed July 2004 at http://econ.worldbank.org/files/2871_governance_woolcock.pdf, 10 August 2001, p. 21.

aspirations for material and social advancement, and seemingly unwilling to deliver on genuine agrarian reform that might provide more widespread opportunity and security for the rural populace, the Government *can* deliver on 'racist' policies of appropriating land from white farmers and allocating them to rural and urban blacks, both the poor and dispossessed, and elites.

Land Reform and Resettlement Programme (LRRP), 1980–92

Given the constitutional protection of property rights in this first decade, the Government could only acquire lands for resettlement on a market basis.¹¹ The UNDP argued "These constitutional stipulations effectively blocked any meaningful programme of land reform and resettlement for at least the first 10 years of national sovereignty unless land was available on the open market".¹²

For Dorman, 1980–1997 was a period when the Government sought to consolidate its base with a "resolutely nationalist" and broadly inclusive rather than exclusive rhetoric, as it emphasised "reconciliation, unity, development and nationalism".¹³ It seemed that the ideals of the Liberation Struggle might be achieved peacefully and in a spirit of inclusion¹⁴ – though "groups that were judged to be too independent or too political, had always felt the wrath of the state", including political opponents, the Ndebele, homosexuals, women and urban

¹¹ Government *could* compulsorily acquire lands for essential State purposes, but redistribution of lands to the poor and dispossessed was not classed (in the Constitution) as an essential State purpose.

¹² United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', p. 25.

¹³ Sara Rich Dorman, 'From the Politics of Inclusion to the Politics of Exclusion: State and Society in Zimbabwe, 1997 - 2000', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, pp. 1-2. Raftopoulos argues the importance of the ideal of 'national reconciliation' at Independence. Brian Raftopoulos, 'The State in Crisis: Authoritarian nationalism, selective citizenship and distortions of democracy in Zimbabwe', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, accessed September 2002 at <http://www.cdr.dk/seminars/zimbabwe>, 4-5 September, 2001, p. 3.

¹⁴ Narman indicates that in the mid-1980s, Mugabe had been voted the 'most popular head of state/government' by *New African* magazine. Anders Narman, 'Food Security - Beyond Land Redistribution', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, accessed September 2002 at <http://www.cdr.dk/seminars/zimbabwe>, 4-5 September, 2001, p. 1.

workers.¹⁵ In first decade of Independence, for some observers, Mugabe was “a reasonably democratic and development-oriented” leader.¹⁶ In part this was a period of political moderation “characterised by a mixture of welfarist social expenditure, slow land reform, attempts at minimum wage regulation and limited economic growth” – with the “forlorn” hope that growth and ‘trickle-down’ might effect a more general redistribution.¹⁷

The early years saw an agricultural boom on Communal Lands, thus in part allaying rural poverty and diffusing the urgency of land reform.¹⁸ State institutions such as Agritex were reoriented towards these lands and people, as were new opportunities of credit and inputs and centralised marketing structures (though such support was not universally offered to all the smallholders), and the productive and marketing barriers imposed against them under colonial rule were removed.¹⁹ The dramatic increase in ‘peasant’ production from 1980 to 1988 was such that Mugabe was awarded *The African Prize for Leadership Against Hunger*.²⁰

Yet this was also a decade of conflict and unresolved tensions, and State authority was such that most were pressured to accept rather than question or challenge this ‘unity’. The Matabeleland Crisis of *gukurahundi* of 1982-1986 saw conflict between Government and ‘rebel’ Ndebele elements. Under the peace agreements negotiated at Lancaster House, the separate military groups would disarm, and elements from ZANLA, ZIPRA and the predominantly white (including some officers) Rhodesian Defence Forces (RDF) would

¹⁵ Rich Dorman, 'From the Politics of Inclusion to the Politics of Exclusion', p. 21.

¹⁶ Narman, 'Food Security - Beyond Land Redistribution', p. 1.

¹⁷ Raftopoulos, 'The State in Crisis', pp. 1, 5, and 7.

¹⁸ In the early years of Independence, Agritex was perceived as implementing the best ‘extension’ system in Africa. Nyambara, 'Reconstructing the Contours of Citizenship', p. 5. Narman, 'Food Security - Beyond Land Redistribution', p. 15.

¹⁹ Lionel Cliffe, 'Zimbabwe's Agricultural 'Success' and Food Security in Southern Africa', *Review of African Political Economy* 15, no. 43: Winter, 1988, p. 4.

²⁰ Lionel Cliffe, 'The Conservation Issue in Zimbabwe', *Review of African Political Economy* 5, no. 42: Summer, 1988, p. 48.

merge into a new Zimbabwean National Army (ZNA).²¹ Perceiving that prime positions in the new army were going to ZANLA elements, some ZIPRA elements did *not* demobilise, and the Zanu-PF Government responded, sending the Fifth Brigade into Matabeleland and Midlands to suppress and disarm the 'rebels'; this brigade comprised ex-ZANLA (predominantly Shona) units led by Perence Shiri, and was answerable directly to Mugabe rather than to the army command structure. The conflict escalated into widespread and violent suppression of any and all Ndebele protest or opposition.²² Rather than mere 'tribalism', the conflict was a sorting out of antagonisms and rivalries from the Liberation War, and a conflict to determine which elements would dominate independent Zimbabwe (and the spoils of war); Zanu-PF (referring to itself as the Patriotic Front in the Independence era) was also marginalised, only being reincorporated into the dominant constellation since the Unity Accord of 22 December 1987.²³ Amidst this, the pre-colonial dominance of the Ndebele was not forgotten.

In its name, the LRRP addresses *reform* and *resettlement* (that is redistribution), but leaves open the idea of *acquisition*. Within market constraints, the *Land Acquisition Act (1985)* gave the Government first right of purchase over farms offered for sale,²⁴ requiring

²¹ The Catholic Commission for Justice and Peace in Zimbabwe, and The Legal Resources Foundation, 'Breaking the Silence, Building True Peace: A Report on the Disturbances in Matabeleland and the Midlands, 1980-1988', Harare, CCJPZ and LRF, 1997. Chitiyo, Tapera Knox, 'Land Violence and Compensation: Reconceptualizing Zimbabwe's Land and War Veteran's Debate', *Centre for Conflict Resolution* 9, No. 1: May, University of Cape Town, RSA, 2000, pp. 1-51, pp. 29-30, and 40. Richard Werbner, 'Smoke From the Barrel of a Gun: Postwars of the Dead, Memory and Reinscription in Zimbabwe', in Richard Werbner (editor), *Memory and the Postcolony, African Anthropology and the Critique of Power*, pp. 71-102, London and New York: Zed Books, 1988, pp. 79, and 93-95.

²² Some Ndebele voices point to the ongoing suppression of Ndebele culture. MAGGEM, 'Establishing Shona Hegemony in Matabeleland: A Deliberate Case of Language Imperialism and Ethnic Cleansing', London, Mthwakazi Action Group on Genocide and Ethnic Cleansing in Matabeleland and Midlands, accessed May 2005 at <http://members.aol.com/maggemm/Imbizo2.htm>, 1999.

²³ The Catholic Commission for Justice and Peace in Zimbabwe, and The Legal Resources Foundation, 'Breaking the Silence, Building True Peace'. Katri Pohjolainen-Yap, 'Power and Thought in the Practice of Citizenship: The Case of Zimbabwe, with reference to the Matabeleland Conflict 1980-1987', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, pp. 4-11.

²⁴ Government of Zimbabwe, 'Land Issue - Fact Sheet'.

that potential vendors notify the Government that land will be offered for sale, and obtaining a *Certificate of No Present Interest* from the Government before sale to another purchaser could proceed.

Most importantly, though not at first sight directly related to the land issue, the Government introduced the *Presidential Powers (Temporary Measures Act (1986))*, implemented 1987, which enabled the President to enact legislation without Parliamentary approval, on a temporary basis for six months and renewable thereafter. Then in 1987 (with expiry of the 7-year sunset clause in the Constitution that limited any changes to Parliamentary structure), a series of constitutional amendments recreated the Presidency as a directly-elected Executive Presidency (rather than a titular Head of State). The office of Prime Minister was abolished, as was the Senate and the separate electoral role for white voters. Parliament was expanded from 120 to 150 seats, the extra 30 seats being appointed by the President. The distinction between Presidency, Government and State become blurred, as Parliament now includes *non-elected* officials – for example chiefs and high ranking civil servants from the President's Office, whose first loyalty is now clearly to the President and thence to Zanu-PF. Thus another pathway of patronage is created.

Mugabe became interim President until the first Presidential elections, and despite the initial condition that a President could only serve two 4-year terms, Mugabe has successfully held the Presidency since 1987, first claiming that his initial term as appointed rather than elected President did not count as one of the two terms of office, and then in 1990 via constitutional reforms (notably the 10th amendment to the Constitution) that removed the limit that a President could only serve two terms. In addition, these changes included “expanded presidential powers to ignore Cabinet advice on various decisions, including the dissolution of Parliament and the appointment, removal and functions of ministers”.²⁵

²⁵ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', p. 26. Human Rights Watch, 'Fast Track Land Reform in Zimbabwe', *Human Rights Watch*, Harare, 14, No. 1a: March, 2002, accessed August 2003 at <http://www.hrw.org/reports/2002/zimbabwe/index.htm>.

These enhanced Presidential powers came to the forefront of the land issue when, in 2000, Mugabe used his powers to trump the democratic process, introducing land and constitutional reform that had been rejected by national Referendum.²⁶

This initial decade of the LRP in its LRRP guise achieved moderate successes. COHRE indicates that this decade saw the “most visible progress with redistribution and resettlement”.²⁷ From 1980 to 1990, 3 mha (1300 farms) were acquired and 60,000 families were resettled.²⁸

For some the promise faded more quickly: only three years after Independence, Astrow argues that “little meaningful change has actually taken place” and “the land redistribution promised for so long ... has not come to pass”. While “white settlers have seen most of their privileges preserved”, the “ex-guerrillas of ZANLA and ZIPRA who sought to actively participate in the radical transformation of Zimbabwean society have seen their efforts frustrated by the petit bourgeois nationalist leadership”.²⁹ Rather than greater equality and freedom from poverty, these early successes established further inequality amongst the black farmers. Those who were resettled had greater access to resources (better lands, State support services, and better access to the personnel of the State) than other Zimbabweans,

²⁶ Angela P. Cheater, 'Human Rights and Zimbabwe's June 2000 Election, Special Report No 1', Harare, Zimbabwe Human Rights NGO Forum (Zimbabwe) and Human Rights Research Unit, January 2001, pp. 5-6 (citation). Anonymous staff writer, 'Zimbabwe constitution: Just a bit of paper?', *BBC News, Africa*, accessed May 2002 at <http://news.bbc.co.uk/1/hi/world/africa/528137.stm>, 19 November 1999.

²⁷ Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', Geneva, COHRE, Africa Programme Mission Report, September, 2001, p. 16. Kinsey, 'Opportunists and Occupiers', p. 7.

²⁸ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', pp. 4 and 5. Different sources provide somewhat contradictory figures for lands acquired and redistributed. Given the analytical resources available to UNDP and its access to Government data as part of its investigative mission, and that UNDP has little reason to misrepresent the facts of land distribution in Zimbabwe, UNDP figures are given priority. The Mugabe Government indicates that between 1980 and 1990, 3.5 mha were acquired and 71,000 families were resettled. COHRE indicates that between 1980 and 1990, 3 mha were acquired, comprising 1300 farms, and more than 50,000 families resettled. The MDC indicates that from 1980 to 2000, the State acquired 3.5 mha and resettled 50,000+ families. President Mugabe, 'Address to the Donors Conference'. Government of Zimbabwe, 'Land Issue - Fact Sheet'. Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', p. 16. Movement for Democratic Change, 'The MDC Reflections on the Land Question', MDC Press, Harare, accessed August 2004 at <http://www.mdczimbabwe.com/archivemat/statements/land/landq000817txt.htm>, 17 August 2000.

²⁹ Andre Astrow, *Zimbabwe: A Revolution That Lost Its Way?*, London: Zed Press, 1983, p. 1. In his review of Astrow, Moore reinforces the petite bourgeoisie nature of the Independence leadership. David Moore, Review of Andre Astrow, *Zimbabwe: A Revolution That Lost Its Way?*, *Review of African Political Economy* 12, no. 34: Winter, 1985, pp. 111-113.

accumulating assets and becoming a *kulak* class of richer peasants.³⁰ In this light, Nyambura argues that “Progress was not coupled to equality, but rather [was] achieved on a stratification of society”.³¹

For Ankomah and the Government, the market reform of the 1980s was inherently limited, as the willing-seller provision saw less land offered for sale than was hoped for, and sellers offered marginally-productive lands in poor agro-ecological zones at inflated prices. Moreover, the Government could not buy contiguous fertile zones amenable to efficient resettlement.³²

In 1990, the Government drafted the *National Land Policy Statement (1990)*, spelling out targets for land acquisition (Table 4) and criteria for selection of farms for future compulsory acquisition and redistribution, and which became the basis of the *Land Acquisition Act (1992)*, and 1992-2000 *Land Acquisition and Resettlement Programme (LARP)*.³³ Without overtly targeting white commercial farms, land acquisition would focus on derelict land or under-utilised land owned by absentee-landlords, multiple farms held by one owner, over-sized farms (defined according to what is sustainable under given ecological conditions), and land adjacent to communal areas.³⁴ The Land Policy sought to substantially reduce the landholdings of the white farmers, and to redistribute 8.3 mha to small-scale black

³⁰ Thorvald Gran, 'Land Reform and Trust in Zimbabwe', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, p. 8. Citing N. Amin, 'Peasant differentiation and food security in Zimbabwe, Working paper No 1', Social Science Research Council (USA), 1990. See also Bill H. Kinsey, 'Allowing Land Reform to Work in Southern Africa: A Long Term Perspective on Rural Reconstruction in Zimbabwe', Paper presented at *International Conference on Land Tenure in the Developing World - with a focus on Southern Africa*, University of Cape Town, RSA, 27-29 January, 1998, p. 17. Kinsey, 'Opportunists and Occupiers', pp. 2-3.

³¹ Nyambara, 'Reconstructing the Contours of Citizenship', p. 17.

³² Government of Zimbabwe, 'Land Issue - Fact Sheet'. Baffour Ankomah, 'Why Mugabe is right ... and these are the facts', *New African*, Cover Story, accessed July 2002 at <http://dSPACE.dial.pipex.com/town/terrace/lf41/na/may00/nacs0501.htm>, June 2000.

³³ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', p. 5. President Mugabe, 'Address to the Donors Conference'.

³⁴ Government of Zimbabwe, 'Land Issue - Fact Sheet'. COHRE indicates that “a significant proportion of the commercial farming land is either under-utilised, or badly farmed”. As already argued (Chapter 2), much of the land of the white farms was unused or under-utilised. Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', p. 9.

farmers; the Communal Lands would remain unchanged as would the landholdings of the black commercial farmers.

Table 4: Planned Land Distribution, National Land Policy Statement 1990

Land Usage and Allocation	Actual at 1980 (mha)		Land Policy Target
Large-scale Commercial Farms - <i>white farmers</i>	15.5	reduced	6.0
Small-scale Commercial Farms - <i>mostly black farmers</i>	1.4	<i>unchanged</i>	1.4
Communal Lands - <i>black farmers</i>	16.4	<i>unchanged</i>	16.4
Resettlement Farms - <i>black farmers</i> & resettlement of 162,000 families ³⁵	0	increased	8.3
National Parks and Urban Areas	6.0	<i>unchanged</i>	6.0
State Farms	0.3	increased	1.5

Figures from UNDP³⁶

Seeking to negate the colonially-constructed *migrant labour* economy, whereby families lived apart while one member, usually a husband or father, worked on a white farm or in rural or urban industry as the family remained on the Communal Lands, the Government sought to encourage families into the roles of an urban working class or settled peasantry but not both. Thus lands would be redistributed to those without employment. Bush and Cliffe had seen such processes, already evident in the early Independence era, as a continuation of the urban *proletarianisation* on one hand and creation of an indigenous rural petite bourgeoisie and a broader class of viable smallholders on the other, that the colonial State had formerly enacted through the colonial *Native Land Husbandry Act* and *Tribal Trust Land Act*. Yet they also feared this might create a class of landless poor, notably women as it overlooked them as heads-of-household. They expressed a concern with this 'social engineering by numbers', and were concerned as to whether this would be enforced through greater State

³⁵ Ibid., p. 5

³⁶ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', p. 5. Citing the Zimbabwean Ministry of Lands, Agriculture and Rural Settlement, 2001. Rather confusingly, according to these figures, the total area of Zimbabwe is 39.6 mha, rather than the 39.1 mha indicated by other sources; presumably this is a rounding up error.

coercion.³⁷ Similarly, Simon pointed to policies of accelerated urbanisation that might end labour migration while reducing pressure on the Communal Lands.³⁸

With the lapsing of the 10-year *sunset clause*, the *Constitutional Amendment Act (1990)* amended Section 16 to enable greater land acquisition. Compulsory acquisition would require that an owner be given “reasonable notice”, that compensation be “fair” and for “land or interest or right therein” and “within a reasonable time” and if acquisition was contested, the State must apply for an order of confirmation of acquisition within 30 days.³⁹

Even into the mid-late 1990s, as compulsory acquisition faltered under LARP, market-based acquisition remained significant. However, white commercial farmers were still reluctant to offer land at reasonable market prices, and “The lack of immediate cash to provide full and lump-sum compensation for land seems to be the key reason why landowners have not committed land to the Government of Zimbabwe”.⁴⁰ Several factors converge: reduced UK funding as the LRG neared its end, reduced internal funding as the Government accepted the constraints of a neo-liberal Economic Structural Adjustment Programme (ESAP) in 1990/1991,⁴¹ and the perception of white farmers that they might receive reduced and delayed payments for lands they might sell.

³⁷ Ray Bush, and Lionel Cliffe, 'Agrarian Policy in Migrant Labour Societies: Reform or Transformation in Zimbabwe?', *Review of African Political Economy* 11, no. 29: Summer, 1984, pp. 82, 84-86, 92

³⁸ David Simon, 'Agrarian Policy and Migration in Zimbabwe and Southern Africa: Reform or Transportation?', *Review of African Political Economy* 12, No. 34: Winter, 1985, pp. 82-89.

³⁹ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', p. 25.

⁴⁰ *Ibid.*, pp. 9 and 25.

⁴¹ Raftopoulos, 'The State in Crisis', p. 9.

Land Acquisition and Resettlement Programme (LARP), Phase I: 1992-97

The key to LARP Phase I is the *Land Acquisition Act (1992)*⁴² which sought to accelerate land redistribution “through the designation and compulsory acquisition of land”, “when and where the government required”.⁴³ Extending the *Constitutional Amendment Act (1990)*, this Act negated the earlier constitutional constraint that compulsory acquisition could only be for essential State purposes and not for land redistribution, and defined procedures and legal framework for compulsory acquisition of rural land for resettlement and target beneficiaries.⁴⁴ The Act retained principles of ‘fair’ compensation and the right of a property holder to appeal to a court if the ‘fair’ value was disputed.⁴⁵ Placing a more political slant on the acquisition criteria than evidenced in the *National Land Policy Statement (1990)*, Ankomah indicates the Act targeted “land owned by absentee or foreign landlords (mainly British, some of whom are former and current members of the House of Lords in London)”.⁴⁶

The *Land Acquisition Act (1992)* also stipulated the beneficiaries of land redistribution, classifying them into broad groups based on *need* and on *indigenisation* of commercial production. Firstly, land should be allocated to families from overpopulated communal villages (including ex-farm workers and ex-mine workers), and to “special groups”

⁴² Based in the *Constitutional Amendment Act (Act No 30: of 1990)* which enabled compulsory land acquisition in the aftermath of the ‘sunset clause’, and in the *National Land Policy Statement (1990)* which defined criteria for compulsory acquisition.

⁴³ President Mugabe, 'Address to the Donors Conference'. Ankomah, 'Why Mugabe is right ... and these are the facts'.

⁴⁴ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', p. 26. Joseph Msika, 'Statement by the National Chairman of the Land Reform and Resettlement Committee of Ministers, and Minister Without Portfolio in the Office of the President and Cabinet, Joseph Msika MP', Government of Zimbabwe, Harare, accessed May 2003 at http://www.gta.gov.zw/Ministerial%20Speeches/msika_on_land.html, 6 February 1999.

⁴⁵ As determined by a Compensation Committee: the Secretary of the Ministry responsible for Lands; the Directors of the Agricultural, Technical and Extension Service (Agritex); the Chief Government Valuation Officer; and three other Government-appointed members. United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', p. 26. Government of Zimbabwe, 'Land Issue - Fact Sheet'.

⁴⁶ Ankomah, 'Why Mugabe is right ... and these are the facts'.

or more disadvantaged classes or social groupings, including women.⁴⁷ Secondly land should be allocated to those with formal training or demonstrated ability in farming.⁴⁸ This might include graduates of agricultural colleges, and farmers who have completed an Agritex Master Farmers Certificate. Allocations might also be made to “indigenous people intent on making a break-through in commercial agriculture”.⁴⁹ Yet despite the apparent continuing emphasis on resettling the poor, “poverty alleviation [was] no longer on the government’s agenda”.⁵⁰

Under the Act, in July 1992, 13 farms were designated for compulsory acquisition and resettlement, with another 60 in April 1993.⁵¹ Yet due to weak State processes and legal challenges by farmers (50 were delisted after negotiations with owners, and the remaining 23 were served with Compulsory Acquisition Notices in 1994; these lapsed as the Government failed to meet statutory deadlines), LARP Phase I foundered with no farms being compulsorily acquired, though a further 0.5 mha were acquired on a market basis and 11,000 families resettled (bringing the total from 1980 to 1997 to 3.5 mha acquired and 71,000 black farming families resettled).⁵²

⁴⁷ Equating to the Model A1 scheme under LARP Phase II.

⁴⁸ Equating to the Model A2 scheme under LARP Phase II.

⁴⁹ Government of Zimbabwe, 'Land Issue - Fact Sheet'. Similarly, at the 1998 Donors' Conference, the Government indicated land should go to those with 'aptitude'.

⁵⁰ Kinsey, 'Opportunists and Occupiers', p. 2. Citing: Hevina Dashwood, 'The relevance of class to the evolution of Zimbabwe's development strategy, 1980-1991', *Journal of Southern African Studies* 22, no. 1, 1996, pp. 27-48.

⁵¹ Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', p. 21.

⁵² United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', pp. 4-5.

The Destruction of Property Rights

Then further undermining the idea of compensation, *Constitutional Amendment 14 (1994)* “removed constitutional protection of compensation for land in the compulsory acquisition process”, with ‘fair’ compensation confined to improvements on or to the land.⁵³

At a theoretical level, this signalled the destruction of property rights. Property rights are never an absolute right of possession, but always include, in their conception and legitimation and in their historic practice, rights of compulsory acquisition by the State. Even in a bourgeois society with fully commodified tenure rights (property), in which the State performs the essential role of protecting these property rights and of maintaining a free market in property, the State retains an overriding right to *negate* this right of possession via processes of compulsory acquisition. Though it is a contested point, this is not a negation of property rights, but an essential element of property rights, for without this right of compulsory acquisition, the State could not fulfil its necessary role in the protection of property rights. What resolves this contradiction is a State’s obligation to pay *compensation*, because with the commodification of tenure (and all land relationships), what the owner ultimately owns is the *commodified value of that land*.⁵⁴ Holders of land title must implicitly accept that their property may be legitimately acquired by the State, via defined legal processes and for purposes deemed legitimate by the State. If land relationships are fully commodified, and if compensation is ‘fair’ and enables the dispossessed owner to acquire an equivalent asset, then the owner has not been deprived of property rights nor of any material benefits, but has exchanged one commodity for an equivalent. It is not in the exercising of its legitimate rights of compulsory acquisition for essential purposes that a State negates property, but in denying the property owner’s right to ‘fair’ compensation. In this denial, the State negates the ideas of property and property rights, and asserts a new regime in which the

⁵³ Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', p. 21.

⁵⁴ Alan Ryan, *Property and Political Theory*, Oxford, UK: Basil Blackwell, 1984, pp. 130-131, discussing Hegel. However Ryan rejects such thinking as it would legitimate “forced fair exchange” by the State.

State plays an active, rather than supervisory or regulatory, role in determining tenure rights and actual distribution.

In December 1999, the *Rural Land (Farm Sizes) Regulations* prescribed different maximum farm sizes for different agro-ecological regions.⁵⁵ This is also a profound attack on property rights, insofar as they imply the freedom to acquire and dispose of property on market terms without prescribed constraint or limit.⁵⁶ Prescribed limits involve a State direct market intervention in actual land allocation and possession, rather than merely ensuring the free and fair market commodification of land.

Failures of LARP Phase I

Under LARP Phase I, the Government gradually increased its powers of land acquisition and reduced its liability for compensation, mounting a slow and incremental attack on the property rights of the white farmers. Very little progress was made in actual land appropriation. It was an era in which the Government consolidated its legislative powers, resisted legal challenges, and entrenched the powers of the Government and Presidency.

Commenting on processes under the *Land Acquisition Act (1992)*, the UNDP points to the “cumbersome consultations and decision-making processes involving numerous district, provincial and central government actors”, and to “problems of weak capacity and poor coordination”. The processes of appropriation and of redistribution were slow, expensive,

⁵⁵ Human Rights Watch, 'Fast Track Land Reform in Zimbabwe'. Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', p. 23. Rural Land (Farm Sizes) Regulations were updated on 23 November 2001. Domingos had similarly argued against the unlimited accumulation of landed property in Brazil. Manuel Domingos, 'Agrarian Reform in Brazil', Land Research Action Network, accessed August 2003 at <http://www.landaction.org/display.php?article=63>, 3 February 2003.

⁵⁶ As Locke and others have argued, an essential aspect of the *idea of property* is that property accumulatable subject only to market limits. For example, in McPherson's discussion of Locke, the initial limitations on appropriation (that is the spoilage limit, whereby each should only appropriate what they can productively use, and the sufficiency limit, whereby each should leave as much, and as good, for others) are transcended with the invention of money. Thus the '*Invention of Money*, and the tacit Agreement of Men to put a value on it (money), introduced (by Consent) larger Possessions, and a Right to them ...' C.B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke*, Oxford, UK: Oxford University Press, 1962, p. 203. John Locke, *Locke's Second Treatise of Civil Government: A Contemporary Selection*, edited by Lester DeKoster, Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 1978, p. 30.

partisan and political, and lacking in transparency.⁵⁷ However Kinsey, writing before the radical FTLRP phase, argued that the outcome of land reform must be measured over generations, allowing time for people to re-establish and become fully productive, such that negative judgements of land reform in Zimbabwe are premature.⁵⁸

For any failures of the *Land Acquisition Act (1992)*, the Zimbabwean Government looks beyond its own policies and implementation, pointing instead to minimal UK funding for land reform and to intransigent white farmers who diversified into low-intensity uses,⁵⁹ leaving much of their land 'under-utilised' from the perspective of land-hungry Zimbabweans.

Land Acquisition and Resettlement Programme, Phase II, 1997–July 2000

This was a pivotal era in the LRP, a period of intense politicisation and escalating tension and challenge over the land issue. The seeming compromises that the Government made towards land reform became increasingly unviable, and the final and absolute appropriation of all the white farmers' lands became increasingly inevitable. Now the neo-patrimonial nature of land allocation became increasingly apparent, from the elite allocation evident in the Dongo List⁶⁰ to the allocation of lands to 'War Veterans', Zanu-PF 'youth' and to politically-loyal smallholders. As Minister of Lands, Kumbirai Kangai, argued: "We have reached a stage in our history where the land issue has to be redressed".⁶¹ War Veterans as a

⁵⁷ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', pp. 6, 10, 11.

⁵⁸ Kinsey, 'Allowing Land Reform to Work in Southern Africa'.

⁵⁹ Into horticulture, tobacco, game ranching, tour and safari operations, etc: "the sight of some of the most fertile lands lying fallow and being used by a tiny ethnic minority for game ranching and safari operations where foreign tourists pay money to go and watch animals, was a major political destabilising factor for Zimbabwe." Ankomah, 'Why Mugabe is right ... and these are the facts'.

⁶⁰ As described in Chapter 8.

⁶¹ John L. Moore, *Zimbabwe's Fight to the Finish: The Catalyst of the Free Market*, London: Kegan Paul, 2003, p. 260, citing *The Herald* (Harare), 2 December 1997. Kangai is No 22 on the European Union (EU) List of prominent Zimbabweans against whom sanctions have been imposed. This list, reproduced in Appendix 6, illuminates the elite membership of the ruling constellation of Government-State-Zanu-PF. In subsequent footnotes it is abbreviated to 'EU#(number) - Appendix 6'. Government of the Isle of Man, 'Sanctions Notice 8,

political force were co-opted by Zanu-PF,⁶² becoming as much an instrument of Government policy as a separate and oppositional social force – yet are themselves a complex grouping including ‘entrepreneurs’.⁶³ Land invasions became part of the political landscape, seen by some as a grass-roots response to dispossession and historic and present injustice, and by others as “State-sponsored anarchy” aimed at both placating indigenous discontent and undermining the white farmers.⁶⁴ Characterised variously as ‘invaders’, ‘squatters’, ‘war veterans’ or ‘settlers’, they were also portrayed as opportunists and bullies with linkages to Zanu-PF. In 1998, there were about 30 high profile land invasions which were not condemned or reversed by the Government.

Yet, still maintaining it sought the equality of *all* Zimbabweans including white farmers, rather than their absolute dispossession or expulsion, the Government stated “No farmer will be without land in Zimbabwe. Even those farmers whose properties are designated by reason of their proximity to communal areas will still be invited to select from other properties elsewhere”.⁶⁵ Yet few white farmers would happily exchange their broad acre commercial *property* for a subsistence leasehold allocation from the Government.

European Union Sanctions, Zimbabwe', Government of the Isle of Man, accessed April 2004 at <http://www.gov.im/lib/docs/treasury/customs/sanctionsnotice8zimbabwe.pdf>, 20 April 2004. The Zimbabwe Independent/Staff Writer, 'Bank of England adopts new EU list on Zim, Friday', *The Zimbabwe Independent*, Harare, accessed April 2004 at <http://www.theindependent.co.zw/news/2004/March/Friday5/2208.html>, 5 March 2004.

⁶² Though this was a more complex, and reciprocal, process than one of Zanu-PF simply coopting the War Veterans. Bayart describes the processes of reciprocal assimilation of elites a process that is a balance of fusion and diversion, and that is always vulnerable to fission; much of this process occurs in private, and strengthens and recreates a ruling elite. Jean-Francois Bayart, *The State in Africa: The Politics of the Belly*, translated by Mary Harper, Christopher Harrison and Elizabeth Harrison, London and New York: Longman (first published as *L'Etat en Afrique, La Politique du ventre*, Libraire Arthème Fayard, 1989), 1993, pp. 150-179. See also Norma Kriger, *Guerrilla Veterans in Post-War Zimbabwe: Symbolic and Violent Politics, 1980-1987*, Cambridge: Cambridge University Press, 2003.

⁶³ Joseph Chaumba, Ian Scoones, and William Wolmer, 'New Politics, New Livelihoods: Agrarian Change in Zimbabwe', *Review of African Political Economy* 30, no. 98: December, 2003, pp. 585-608.

⁶⁴ Movement for Democratic Change, 'State-sponsored anarchy on farms', MDC Press, Harare, accessed August 2002 at <http://mdczimbabwe.com/archivemat/statements/land/mdcpress010820txt.htm>, 20 August 2001. Though the very idea of ‘state-sponsored anarchy’ is somewhat confusing, as, at a theoretical level, ‘anarchy’ is the absence of State control over society.

⁶⁵ Ankomah cites a Zimbabwean government source, dated December 1997, but give no reference. Ankomah, 'Why Mugabe is right ... and these are the facts'.

On 26 November 1997, marking the commencement of Phase II, the Government designated 1471 farms for compulsory acquisition within the criteria and targets of the *National Land Policy Statement (1990)* and *Land Acquisition Act (1992)*.

Triggered by this announcement and by the announced payout to the War Veterans, on 14 November 1997 – ‘Black Friday’ – the Zimbabwean dollar lost 75% of its value in comparison to the US\$, and signalled the start of an era of spiralling economic stagflation.⁶⁶

The Government detailed its Phase II plans in May 1998, indicating the acquisition of an additional 5 mha from the commercial farming sector, and the resettlement of 91,000 families over five years (in addition to the 3.5 mha already acquired and 71,000 families resettled: this accords with the target in the *National Land Policy Statement* of acquiring 8.3 mha and resettling 161,000).⁶⁷ The programme was directed by ‘Comrade’ Vice President Joseph W. Msika.⁶⁸ Though devolved through local authorities (Mugabe emphasised the role of traditional structures and authorities),⁶⁹ power over land allocation and selection of

⁶⁶ Moore, *Zimbabwe's Fight to the Finish*, p. 6. The term ‘Black Friday’ is an obvious reference to ‘Black Thursday’ (Thursday 24 October 1929) when the Wall Street (New York) stock market showed signs of great volatility (a price collapse and panic selling in the morning, and an upwards surge in the afternoon), signalling the end of the long bull market, and eventually precipitating the Great Depression of the 1930s.

⁶⁷ COHRE indicates May 1998, while UNDP indicates June 1998. Centre On Housing Rights and Evictions, ‘Land Housing and Property Rights in Zimbabwe’, p. 20. United Nations Development Programme, ‘Zimbabwe, Land Reform and Resettlement’, pp. 6-7. Citing Government of Zimbabwe, ‘Policy Framework and Project Document for Phase II (1998) of the Land-Reform and Resettlement Programme’, Government of Zimbabwe, tabled at Donors’ Conference, September, Harare, 1998.. See also Government of Zimbabwe, ‘Land Issue - Fact Sheet’. President Robert Mugabe, ‘Address to the Donors Conference’. President Robert Mugabe, ‘President Mugabe's Address at Bungwe Farm, 5th November’, Government of Zimbabwe, Harare, accessed May 2003 at <http://www.gta.gov.zw/Land%20Issues/BUNGWE%20FARM.htm>, 1998.

⁶⁸ Msika is EU#51 - Appendix 6. Msika held the Office of Minister Without Portfolio in the Office of the President and Cabinet and was Chairman of the National Land Acquisition Committee. It was stipulated that the Ministry of Lands and Agriculture would acquire land, while the Ministry of Rural Resources and Water Development through the District Development Fund would provide infrastructure, and the Ministry of Local Government and National Housing would identify and select settlers through the mediation of traditional and local authorities. President Mugabe, ‘Address at Bungwe Farm’. President Mugabe, ‘Address at Mt Pleasant Farm’.

⁶⁹ President Robert Mugabe, ‘President Mugabe's Address at Wakefield Farm, Makoni, October 29’, Government of Zimbabwe, Harare, accessed May 2003 at <http://www.gta.gov.zw/Land%20Issues/Wakefield%20Farm.html>, 1998.

applicants rests with the central State. The selection process was opaque, with no rights of appeal and no reasons given for rejection.⁷⁰

Beneficiaries would include at one extreme the landless poor, families and farmers from overcrowded Communal Lands, and 'youths', and at the other extreme agricultural college graduates and those with agricultural experience.⁷¹ With a double agenda of justice and development, "basic objectives included reducing poverty, increasing agricultural GDP by increasing the number of commercialised small-scale farmers, promoting environmentally sustainable land use, and enhancing conditions for sustainable peace and social stability".⁷² The earlier constraint that land would not be redistributed to those already having urban employment has vanished.

The scheme included three redistributory models.⁷³ Under Model A1, the "villagised and self-contained resettlement model", land would be allocated to the landless poor and farmers from the Communal Lands, on a scale sufficient for small scale farming, replicating the lifestyle and mode of production on the Communal Lands. As in the *National Land Policy Statement*, it was intended that 160,000 families would be resettled, with 20% reserved for War Veterans.⁷⁴ Rather than communal tenure mediated by Tribal Land Authorities (TLAs, formerly Traditional Authorities), tenure would be directly devolved from the State as

⁷⁰ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', p. 20. Very similar wording is included in the slightly later HRW report. Human Rights Watch, 'Fast Track Land Reform in Zimbabwe'.

⁷¹ LARP recognizes the plight of "vulnerable groups such as farm workers", and "the right of women to own land in their own right", and that beneficiaries "were to be selected in a gender-sensitive manner". United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', p. 5. See also: Joseph Msika, 'Statement by the National Chairman of the Land Reform and Resettlement Committee of Ministers'. International Donors' Conference, 'Communique Issued at the End of the International Donors' Conference on Land Reform and Resettlement, September 9-11, Harare', Government of Zimbabwe, accessed May 2003 at <http://www.gta.gov.zw/Land%20Issues/Land%20conference%20communique.html>, 1998.

⁷² United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', p. 7. However, environmentally sustainable land use has collapsed since 2000!

⁷³ President Mugabe, 'Address at Mt Pleasant Farm'.

⁷⁴ This was negotiated between the WVA led by Chengera 'Hitler' Hunzvi and Mugabe at a meeting at State House.

ultimate and direct 'owner' of the lands. Settlers would gain Temporary Occupation Licences, to be eventually converted to leases.⁷⁵

Under Model A2, about 30% of acquired lands would be allocated to small-scale commercial black farmers. Lessees would be drawn from those with agricultural experience and resources, including capital, to enable production. The stated objective was "to promote indigenous commercial farming so as to de-racialise the large-scale commercial farms". The scheme sought to create "a cadre of 51,000 small- to medium-scale black indigenous farmers".⁷⁶ This *indigenisation* of Zimbabwean farming also created a *dependent* 'bourgeoisie' within and subordinated to the ruling elite of Government-Zanu-PF-State (yet a bourgeoisie with little apparent intent to actually *farm* these lands). Ideally, applicants would gain 99-year State leases with an option to purchase, yet tenure is insecure as leases can be cancelled at the Minister's discretion. The *option* to purchase is not a *right* of purchase, and the Minister may set conditions of purchase.⁷⁷

Land allocation under the less-important Three Tier Model, within drier, pastoral areas of agro-ecological regions IV and V, comprised villages with shared infrastructure, shared grazing lands for household usage, and shared commercial grazing land.⁷⁸

While owners of 120 of the 1471 farms designated in November 1997 acquiesced, owners of the remaining 1351 farms contested their designation. Of these, 510 were delisted as they did not meet the selection criteria.⁷⁹ Swarns argues that the reason that none of these

⁷⁵ Human Rights Watch, 'Fast Track Land Reform in Zimbabwe'.

⁷⁶ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', pp. 9-10. Human Rights Watch, 'Fast Track Land Reform in Zimbabwe'.

⁷⁷ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', pp. 20 and 30.

⁷⁸ President Mugabe, 'Address at Mt Pleasant Farm'.

⁷⁹ Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', pp. 22-23. Citing Government of Zimbabwe Gazette Notice 737. See also Msika, 'Statement by the National Chairman of the Land Reform and Resettlement Committee of Ministers'.

land acquisitions were ever finalised was that the State did not have the finances to pay for their acquisition.⁸⁰

The Donors' Conference: Expectations of Foreign Donor Funding Revisited

A theme running through the LRP was the Government's ongoing call for increased foreign donor funding to facilitate meaningful land reform and enable it to acquire lands, pay compensation, train resettled farmers, and supply infrastructure, farming inputs and resources. Conversely, the Government consistently complained that donor funding had been withheld or was insufficient, or was so conditional on the manner of implementation of land reform as to constitute an invasion of Zimbabwean autonomy and sovereignty. Yet the sincerity of these attempts to mobilise donor funding since the late 1990s must be treated with caution, as Government was clearly already intent on large-scale land appropriation even without donor funding. Conversely, it is also true that until the late 1990s it never quite gave up the hope of donor-funded land reform.

Then, even as compulsory acquisition became an increasing political inevitability in the late stages of the LRP, the Zimbabwean Government took another abortive step towards gaining international funding for the LRP at the *Donors' Conference on Land Reform and Resettlement* in Harare on the 9th-11th September 1998.⁸¹ Foreign funding was promised, conditional on a verifiable Inception Phase and restoration of law and order and transparency (in particular in the LRP processes), while the Government also committed to reforms, similar to those recommended by the Rukuni Commission, in particular a progressive land tax and improvements in State administration of tenure and subdivision. Quite extraordinarily, the Government re-committed to the willing-seller-willing-buyer principle, and as a conciliatory

⁸⁰ Rachel Swarns, 'Zimbabwe talks tough but steps softly in battle over land', *New York Times*, 11 April 2000.

⁸¹ Brian Raftopoulos and Ian Phimister, 'Zimbabwe Now: The Political Economy of Crisis and Coercion', *Historical Materialism* 12, No. 4: Research in Critical Marxist Theory, 2004, pp. 362-363. About 48 countries (including UK) and international and national NGOs attended.

gesture – which imputes an unverifiable *motive* to Government actions, but the coincidence in timing is compelling – evicted the settlers from the land invasions earlier in 1998.⁸²

However, with the exception of US\$5 million in World Bank funding for a feasibility pilot project, donor funding was not forthcoming. The Zimbabwean Government was accused of ignoring the agreed-to principles as it continued with compulsory land acquisition, including inspection, pegging and occupation of land. On 16-18th November 1998, the Government stepped back from its conciliatory stance and reconfirmed the compulsory acquisition of 841 of the 1471 farms originally designated on 26 November 1997 by serving them with founding affidavits.⁸³

Yet even at the *Abuja (Nigeria) Commonwealth Conference on Zimbabwe* in 2000, the Government sought to gain access to foreign funding for land reform and for land purchases.⁸⁴

The question remains unanswerable: if the Government had gained the funding it sought, *might* it have persisted with market-based land acquisition?, might it have maintained the State's protection of property rights?, might a necessary revolution in land ownership have been achievable through peaceful means?

Constitutional Reform, the LRP, and the Land Issue

The years since the mid-1990s were dominated by the question of constitutional reform. Debate did not centre on the question of white versus black political power, as, with the lapsing of the 7-year *sunset clause*, white citizens no longer had any special electoral privileges. Rather, debate centred on the concentration of Presidential power, on Zanu-PF's

⁸² International Donors' Conference, 'Communique Issued at the End of the International Donors' Conference'. Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', p. 22. Government of Zimbabwe, 'Land Issue - Fact Sheet'.

⁸³ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', p. 7. Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', pp. 19, 22, and 23. In this same month, fuel prices rose by two thirds, amid allegations of embezzlement by State officials, leading to rioting, and ZCTU general strikes on 11th and 18th of November.

⁸⁴ British Government, and Foreign and Colonial Office UK, 'Conclusions of the Abuja Meeting on Zimbabwe'.

domination of Parliament and State, and its use of law and order reforms to suppress dissent and opposition. In 1996, a number of civil society elements combined to form the broad pan-racial *National Constitutional Assembly* (NCA) which sought constitutional change,⁸⁵ in effect seeking to restrict the growing power of the presidency. The NCA had formed around the Zimbabwe Council of Churches, and included the Zimbabwe Congress of Trade Union (ZCTU). Both the NCA and ZCTU were headed by Morgan Tsvangirai who had cut his political teeth as ZCTU struggled towards autonomy from Zanu-PF control.

On 28th April 1999, fearing a process dominated by civil society outside Zanu-PF control, the Government inaugurated the *Constitutional Review Commission* (CRC), to prepare a Draft Constitution to replace the Independence Constitution which had been amended fifteen times and was perceived as bearing a colonial past.⁸⁶ The CRC was dominated by Zanu-PF personnel and interests, and included a range of Government-appointed representatives and all MPs. The exception was Margaret Dongo (MP for Harare South and one of a few independent MPs, elected in 1995) who refused to participate.⁸⁷

In September 1999, opposition groups including urban and trade union interests merged to form the Movement for Democratic Change (MDC) under the leadership of Morgan Tsvangirai and representing predominantly-urban worker interests, and becoming the main opposition to Zanu-PF.⁸⁸ The MDC did *not* reject the need for land reform, arguing that

⁸⁵ Rich Dorman, 'From the Politics of Inclusion to the Politics of Exclusion', pp. 4-8. Raftopoulos and Phimister, 'Zimbabwe Now: The Political Economy of Crisis and Coercion', p. 359.

⁸⁶ Also referred to as the Constitutional Committee (CC). Rich Dorman, 'From the Politics of Inclusion to the Politics of Exclusion', pp. 8-10. Raftopoulos and Phimister, 'Zimbabwe Now: The Political Economy of Crisis and Coercion', p. 359.

⁸⁷ Cheater, 'Human Rights and Zimbabwe's June 2000 Election, Special Report No 1', p. 10. Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', pp. 18-24. Margaret Dongo is discussed in Chapter 8 of this thesis.

⁸⁸ Raftopoulos, 'The State in Crisis', p. 11. Tsvangirai was former head of Zimbabwe Congress of Trade Unions (ZCTU).

it was unacceptable that 4,600 white farmers owned 13 mha.⁸⁹ Criticising Zanu-PF's handling of land reform and the concentration of power in the Zanu-PF-dominated ruling elites and their supporters, MDC promised *people-driven land reform*, seeking "not just land reform but agrarian reform". MDC committed to acquisition of farms as per the *National Land Policy Statement (1990)*, as well as land "corruptly acquired" by black elites via the Model A2 Scheme, all to be redistributed via Model A1 settlement. Broadly, MDC identified with Zanu-PF's articulated aims, yet disagreed with the partisan, exclusionary, and 'corrupt' nature of the process.⁹⁰ Yet militant apologists for Zanu-PF and Mugabe refer to MDC as "these thinly veiled puppets of British Imperialism", serving as a mouthpiece or political arm of the white farmers, and to Tsvangirai as "a presidential candidate representing British interests".⁹¹

The CRC's Draft Constitution was submitted to Mugabe in December 1999. Following State-orchestrated demonstrations by War Veterans, Mugabe 'responded' by gazetting a series of amendments to the Draft on 11th January, including changes to Section 57 to reduce the Government's obligation for compensation and rendered Britain, as former colonial power, liable for compensation.⁹² Mugabe now had the Draft Constitution he wanted. Yet in a blow to Zanu-PF's political power and indicating the strength of political opposition, it was decisively rejected in the Referendum of 12th-13th February 2000.⁹³ This was a decisive

⁸⁹ Movement for Democratic Change, 'Completing the Change - Resolving the land question once and for all: MDC's case for a Land Commission', MDC Press, Harare, accessed August 2002 at <http://mdczimbabwe.com/archivemat/statements/land/mdcpress010625txt.htm>, 2001.

⁹⁰ HRW indicates that MDC committed to the purchase of 6-7 million ha of land. Human Rights Watch, 'Fast Track Land Reform in Zimbabwe'. Movement for Democratic Change, 'The MDC Reflections on the Land Question'. Movement for Democratic Change, 'MDC condemns deadline given to farmers'. Movement for Democratic Change, 'Completing the Change'. Movement for Democratic Change, 'State-sponsored anarchy on farms'.

⁹¹ Fahim Ahmed, 'Stop Imperialist Intervention in Zimbabwe', *Global Analysis*, Zimbabwe, accessed May 2004 at http://www.glob.co.zw/Political/stop_imperialist_intervention_in.htm, 15 January 2002. Global Analysis Research and Documentation Team, 'The British Government's Agenda for Zimbabwe', *Global Analysis*, Zimbabwe, accessed May 2003 at http://www.glob.co.zw/Economic/british_government.htm, 6 June 2001.

⁹² Rich Dorman, 'From the Politics of Inclusion to the Politics of Exclusion', p. 18.

⁹³ Constitutional Committee, 'Draft Constitution', Government of Zimbabwe, Harare, accessed May 2003 at <http://www.gta.gov.zw>, 2000. Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', p. 26. Cheater, 'Human Rights and Zimbabwe's June 2000 Election, Special Report No 1', pp. 12 and 19.

blow to Mugabe and the ruling political elite, who responded by purposefully mobilising the 'land issue' as an issue that might mobilise electoral support.

With Parliamentary elections due in June, the Government moved decisively to implement, through legislation, elements of its desired constitutional reform – thus enabling radical land reform. This further politicised the land issue, such that political opponents could be demonised as anti-Zimbabwean, pro-colonial and pro-white. In the immediate aftermath of the Referendum– the turning point of the present 'crisis' – popular violence escalated into in part spontaneous and in part planned land invasions by War Veterans.⁹⁴ Unlike the earlier somewhat disparate invasions, these were far more serious and widespread and were effectively part of the following election campaign. Invasions have become a feature of contemporary Zimbabwean politics as "Mugabe has openly backed the forcible occupations of hundreds of white-owned farms as part of his scheme to redress colonial inequities in land ownership". Mugabe and the police refused to evict these squatters or to intervene in a 'political' matter.⁹⁵

Almost as an aside to events *within* Zimbabwe, on 27th April 2000, Home Affairs Minister John Landa Nkomo restated the Zimbabwean Government case at the London Land Negotiations. On 3 June 2000, UK reportedly responded that "it is willing to help fund a programme of land reform if the programme tackles real poverty and is within the rule of law". The British High Commissioner in Harare stated "We agree that there is a very strong case for land redistribution in Zimbabwe".⁹⁶

⁹⁴ Given the relationship between the War Veterans and Zanu-PF, and given the extent to which the CIO infiltrates many groups within Zimbabwe, the supposed autonomy of the War Veterans and the 'spontaneous' nature of land invasions led by them must be questioned. Army trucks transported War Veterans to many of these land invasions, reinforcing the perception that many of these invasions had support from within the Government.

⁹⁵ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', p. 31. Cheater, 'Human Rights and Zimbabwe's June 2000 Election, Special Report No 1', p. 19. South African Broadcasting Corporation News, 'Bail granted to 21 white Zimbabwean farmers', *SABC News*, accessed May 2003 at http://www.sabcnews.com/africa/southern_africa/0,1009,19582,00.html, 20 August 2001. Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', p. 27.

⁹⁶ John Nkomo, 'Minister John Nkomo's Opening Statement at the London Land Negotiations, April 27', Government of Zimbabwe, Harare, accessed February 2004 at

Constitution of Zimbabwe Amendment Bill (2000), Land Acquisition (Amendment) Act (2000), and Parliamentary Elections, June 2000

Two Acts created the legislative setting for the subsequent Fast Track Land Reform Programme (FTLRP). The *Constitution of Zimbabwe Amendment (No 16) Bill (2000)* was passed in Parliament on 6th April 2000, stating that UK, as former colonial power, was liable for compensation for compulsorily acquired land,⁹⁷ while the Zimbabwean Government remained liable for compensation for improvements on or to the land.⁹⁸

With Parliament dissolved in April prior to the elections, a major step was taken using the *Presidential Powers (Temporary Measures) Act (1986)*. Arguing that the *Land Acquisition Act (1992)* required amendment to comply with the changed constitution, the *Land Acquisition (Amendment) Act* was gazetted on 23rd May 2000.⁹⁹ It introduced new procedures and guidelines for land acquisition and compensation (similar to Section 16 in the rejected Draft Constitution) and provided the basis for acquisition notices subsequently served on white farmers. A range of procedures under Sections 5, 8 and 9 enable the State to

<http://www.gta.gov.zw/Land%20Issues/MinisterNkomoOpeningspeech.htm>, 2000. Lewis Machipisa, 'Land Acquisition Bill Passed, 7 April', Newsdesk at Institute for Global Communications, and Interpress Third World News Agency, accessed May 2003 at <http://acptax.igc.apc.org/igc/pn/hl/1000411275/hl1.html>, 2000. John Nkomo, born 22.08.34, is Minister of Special Affairs in the President's Office, and National Chairman in the Presidency of Comrades that heads the Politburo, EU#73 - Appendix 6. He is nephew to Joshua Nkomo who founded ZAPU in 1962; both were at Lancaster House in 1979. John Nkomo was principal negotiator for ZAPU in the Unity Accord of 1987 that supposedly reconciled Zanu-PF and ZAPU in the aftermath of the Liberation War and the Matabeleland Crisis, and subsequently aligned himself with Zanu-PF. For some in ZAPU, he has sold out to Zanu-PF.

⁹⁷ This must be seen in contrast to the Blair Labour Government's statement that, as Labour was not responsible for colonialism, the Labour Government is not responsible for the economic consequences of colonialism, and hence not responsible for compensation. Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', p. 16.

⁹⁸ Ibid., p. 31. Cheater, 'Human Rights and Zimbabwe's June 2000 Election, Special Report No 1', p. 19. The Bill was gazetted on 19th April. The proposed Bill, requiring gazettal on two occasions at least 30 days apart prior to introduction into Parliament, had been gazetted on 1st and on 31st March 2000.

⁹⁹ The Act had been gazetted in early May as *Statutory Instrument No 148A*. Because legislation introduced under the *Presidential Powers (Temporary Measures) Act (1986)* could only run for 6 months, the *Land Acquisition (Amendment) Act (2000)* was re-gazetted on November 2000. Government of Zimbabwe, 'Constitution of Zimbabwe Amendment (No 16) Bill', Government of Zimbabwe, Harare, accessed May 2003 at <http://www.gta.gov.zw/Land%20Issues/Land%20Acquisition%20amendment.htm>, 6 April 2000, 'Introduction'. Human Rights Watch, 'Fast Track Land Reform in Zimbabwe'.

compulsorily acquire any and all lands deemed to comply with the criteria of the *National Land Policy Statement (1990)* as implemented through the *Land Acquisition Act (1992)*, with limited rights of appeal by the landowners and with limited rights to compensation.¹⁰⁰ Less than two weeks later, on 2nd June 2000, the Government designated 804 farms for compulsory acquisition.¹⁰¹ The designations were more overtly political, as farms owned by MDC supporters were targeted, while farms owned by those white farmers who supported Zanu-PF remained immune for the moment – for example, lands held by the London-based Rautenbauch family who hold shares in Zanu-PF companies, Waltondale Farm held by the Cartwright family, and lands held by Jan Bredenkamp, a farmer, arms dealer and close supporter of Mugabe.

In June 2000, the Commercial Farmers Union (CFU), representing the interests of (mostly white) commercial farmers, made a significant concession towards land reform as it offered 200 farms (2 mha) for voluntary purchase.¹⁰² Until then, the CFU and white farmers had on the one hand opposed compulsory acquisition through court challenges to the designation and acquisition processes, and on the other hand had benefited financially through the sale of farms to the Government.

In the Parliamentary Elections of late June 2000, Zanu-PF campaigned and won with the populist slogan “the Land is the Economy, The Economy is the Land”.¹⁰³ Clearly a gross

¹⁰⁰ Procedures under this Act are discussed in Appendix 1. The Act is reproduced in the HRF report: Cheater, 'Human Rights and Zimbabwe's June 2000 Election, Special Report No 1', p. 13. Procedures under this Act are also detailed in the UNDP report: United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', pp. 26-28.

¹⁰¹ Broadly these are the same farms as the 841 farms designated on 16th-18th November 1998. The list of 804 farms is accessible at Government of Zimbabwe, 'Farms listed for seizure by Zimbabwe government, under the provisions of the Land Acquisition Act (Chapter 20: 10) - Preliminary Notice to Acquire Land - Schedule Deed of Transfer/Consolidation', Government of Zimbabwe, Harare, Collated and published by Zimbabwe Situation, accessed May 2005 at <http://www.zimbabwesituation.com/farmilist.html>, 2 June 2000.

¹⁰² United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', p. 8. In 1999, CFU had offered 1.5 mha for purchase.

¹⁰³ Raftopoulos, 'The State in Crisis', p. 1. David Moore, 'Is the Land the Economy and the Economy the Land? Primitive Accumulation in Zimbabwe', *Journal of Contemporary African Studies* 19, no. 2, 2001, pp. 253-266. Raftopoulos and Phimister, 'Zimbabwe Now: The Political Economy of Crisis and Coercion', p. 368.

simplification even allowing for Zimbabwe's broadly rural nature, this was an attempt to divert criticism from the Government's economic management, and to imply that if the land issue is resolved, then economic prosperity will follow. Zanu-PF narrowly won the election with 62 seats to MDC's 57 (Margaret Dongo lost her seat). With a marginal mandate to address the land question, political tension over land reform continued to escalate and land invasions became more violent.¹⁰⁴

Summary of LARP Phase II

By the end of Phase II, the Government had made little progress. A significant number of farms were designated for acquisition yet contested by their owners. About 3.6 mha had been acquired through market mechanisms and redistributed to 71,000 families (Table 5), and the Government still sought donor funding. Yet the Government now had a stronger legislative structure to enable compulsory acquisition and to minimise the ability of owners to contest or resist acquisition.

This was a period of enormous contradictions. There was increasing politicisation of the land issue, escalating action and reaction as land acquisition "bec[ame] mired in political controversy and administrative and legal confusion", and of War Veteran discontent and land invasions. The 1990s were "a decade of lost opportunities for land reform and resettlement in Zimbabwe". With only 35 farms acquired in 1999, purchase underway for 12, and 45 State farms available for resettlement, redistribution faltered. Land was distributed mainly to the middle class, "well-off politicians, military personnel and officials in the ruling elite". The LRP did not resettle the poor. Land reform was absorbed in the political crisis of the concentration of Presidential and State power,¹⁰⁵ in Zanu-PF's unwillingness to tolerate political opposition, and in the spread and entrenchment of neo-patrimonial relationships.

¹⁰⁴ Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', pp. 30 and 32.

¹⁰⁵ Ibid., pp. 18, 16, 22-23, 36-37, 20.

Table 5: Land Distribution at the End of LARP in 1999

The first 2 columns of figures are from Table 4, and the last column indicates how actual acquisition and redistribution has compared to the targets set in the National Land Policy Statement (1990)

Land Usage and Allocation	Actual at 1980	Nat. Land Policy Target	1999 Actual Distribution
Property:			
Large Scale Commercial Farms - <i>white farmers</i>	15.5 mha	6.0 mha	11.9 mha, i.e. approx 3.6 mha acquired
Small Scale Commercial Farms - <i>mostly black commercial farmers</i>	1.4 mha	1.4 mha	1.4 mha
Conditional Tenure:			
Communal Lands - <i>black farmers</i>	16.4 mha	16.4	16.4 mha
Resettlement Farms (Model A1)	0	8.3 mha to be redistributed to 162,000 families	3.6 mha to be redistributed to 71,000 families
State Lands:			
National Parks and Urban Areas	6.0	6.0	6.0
State Farms	0.3	1.5	0.3

Figures from UNDP, COHRE, and Carroll¹⁰⁶

The Economic Context of the Late 1990s

To be fair to the Zimbabwean Government, the economic crisis of the late 1990s-early 2000s is *not only* attributable to its real and clear failings.¹⁰⁷ The profound racialised inequalities of the land issue created a dual economy: an informal sector of black farmers producing for family use and local sale, and a formal sector of white commercial farmers producing for national and export markets. The formal economy depends largely on commodity exports, and declining global terms of trade for commodities reduced Zimbabwe's earnings and debt-repayment capacity. Rising global interest rates and reduced availability of capital left Zimbabwe with high foreign debt. The involvement of large foreign companies in the commercial sector enabled profits to be declared offshore, such that tax revenues were reduced. Moreover, rural productivity declined because of drought in 1990-93 and in the late 1990s.

¹⁰⁶ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', p. 5. Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', p. 12. Rory Carroll, 'Mugabe's gambit ends in stalemate', *Guardian Weekly*, London, 20-16 May 2004, p. 7.

¹⁰⁷ Moore, *Zimbabwe's Fight to the Finish*, pp. 4-5, 75-105, 237, 259, 271.

More recently, and with an impact that is yet to be fully felt, the scourge of HIV/AIDS (amongst black Zimbabweans more than whites) has decimated rural and urban populations, disrupted relationships (including those through which Communal Lands are mediated), reduced rural productivity and created a generation of orphans.¹⁰⁸

Factors that are more overtly a consequence of Government action and policy include the factionalism and favouritism that beset the polity. Political repression and harassment of white farmers has cut rural production. The demise of law and order and Mugabe's anti-white rhetoric adversely affect tourism revenues, and uncertainty about Government actions has hindered productive investment. State-linked elites engage in 'conspicuous consumption' rather than productive investment, and shift financial resources offshore.

Most importantly adding impetus to the financial collapse, Government coffers were depleted in 1997 as it placated War Veterans with increased pensions of Z\$50,000 per month¹⁰⁹ – a move that signalled the Mugabe Government's decision to run with political opportunism at the expense of fiscal management, indicating the primacy of political expediency over national productivity that was evidenced in the land seizures of the Fast Track Land Reform Programme.

Then, the Government has wasted enormous funds on maintaining its army in the long-running war in the Democratic Republic of the Congo since 1998, and military leaders have become almost 'warlords' in the DRC, hoping to exploit its rich primary resources.¹¹⁰

¹⁰⁸ Raftopoulos and Phimister, 'Zimbabwe Now: The Political Economy of Crisis and Coercion', p. 371. Andrew Meldrum, 'Youngest fall victims to Mugabe's policies', *Guardian Weekly*, London, 1-7 April 2005, p. 4.

¹⁰⁹ Raftopoulos, 'The State in Crisis', p. 11. Chitiyo, 'Land Violence and Compensation', pp. 34-35. Raftopoulos and Phimister, 'Zimbabwe Now: The Political Economy of Crisis and Coercion', p. 360.

¹¹⁰ Chitiyo, 'Land Violence and Compensation', p. 34. Raftopoulos and Phimister, 'Zimbabwe Now: The Political Economy of Crisis and Coercion', p. 363. Michael Nest, 'Ambitions, Profits and Loss: Zimbabwean Economic Involvement in the Democratic Republic of the Congo', *African Affairs*, 100, no 400, July 2001, pp. 469-490.

Moreover, the Government engages in unrealistic economic strategies such as maintaining a dual, and artificial, foreign exchange rate which in turn enables corruption.¹¹¹

In 1990/91, based on World Bank/IMF recommendations in response to rising debt and a declining economy, Zimbabwe implemented a Economic Structural Adjustment Programme (ESAP), with an emphasis on global market integration which would promote export-oriented development. Yet, as in many other countries, Zimbabwe's experience was that the ESAP exacerbated rather than alleviated its economic difficulties,¹¹² though clearly the ESAP was successfully diverted to elite accumulation rather than enhanced productivity.¹¹³ Moore's conclusion is that "the root cause [of the crisis] is economic in that a program of market liberalisation exposed the incapacity of a highly skewed production base to meet majority basic needs".¹¹⁴

Fast Track Land Reform Programme (FTLRP), July 2000– March 2002

The FTLRP announced in July 2000¹¹⁵ comprises Phase I to 17th January 2001 and Phase II thereafter, differentiated by an increased focus in Phase II on land allocation to urban

¹¹¹ Those with the right political linkages can obtain Government permits to purchase US\$ at the unrealistic 'official' exchange rate and reconvert this to Z\$ at the market rate. Yet this 'profit' is at the expense of the Zimbabwean people and adds to downwards pressure on the Z\$.

¹¹² Raftopoulos, 'The State in Crisis', p. 9. Austin M. Chakaodza, *Structural Adjustment in Zambia and Zimbabwe: Reconstructive or Destructive?*, Harare: Third World Publishing House, 1993, Chapter 5 'The Politics and Economics of Adjustment', pp. 49-72.

¹¹³ Raftopoulos, 'The State in Crisis', p. 9.

¹¹⁴ Moore, *Zimbabwe's Fight to the Finish*, p. 271.

¹¹⁵ Hellum and Derman date this to 1 August 2001, 3 days after the CFU launched a series of legal challenges to the LRP. Anne Hellum and Bill Derman, 'Land Reform and Human Rights in Contemporary Zimbabwe: Balancing individual and social justice through an integrated human rights framework', Paper presented at Land Reform and Conflict Management in Southern Africa Conference, United States Institute of Peace, Washington, DC (a draft of this paper was presented at: Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, 4-5 September 2001, Centre for Development Research, Copenhagen), 22 October, 2001, pp. 18, and 19.

classes including civil servants and wage earners.¹¹⁶ The FTLRP saw the eventual designation, subdivision, allocation and resettlement of white farms on a large scale.

At the start of the FTLRP,¹¹⁷ the numbers of white farmers and white population in Zimbabwe were declining, as was the area they held. The black population was expanding: of a total population of 12 million, 98% were black Zimbabwean, 0.8% (70,000) were white settlers and their descendents, and 1.2% were Indian or 'mixed race'. One million black families worked plots averaging 3 ha on the Communal Lands (totalling 16.4 mha, as at Independence),¹¹⁸ while in excess of 70,000 black families resettled under the Model A1 Scheme held 3.6 mha,¹¹⁹ and 10,000 small scale black commercial farmers under the Model A2 Scheme held 1.4 mha, averaging 140 ha per farm. About 4,000 white farmers held 11.9 mha (down from 15.4 mha and 6000+ farmers at Independence), averaging more than 2000 ha per farm.¹²⁰ In 2001, the commercial farming sector contributed 38% (US\$765 million) to Zimbabwe's total foreign earnings of US\$2 billion (the remainder being mostly minerals and tourism) and employed 350,000 workers, with an annual wages bill of Z\$15.1 billion. While Mugabe argued that Zimbabwe's economic recovery hinges on his agrarian revolution, other commentators feared that radical reform might lead to a 90% collapse in the commercial sector.¹²¹

¹¹⁶ In some Government sources, the FTLRP is referred to as if it is part of LARP, and the whole acquisition phase (LARP, to FTLRP, and the unnamed final phase) are spoken of as if in total they are Phase II of the LRP.

¹¹⁷ Data from: Ankomah, 'Why Mugabe is right ... and these are the facts'. Movement for Democratic Change, 'The MDC Reflections on the Land Question'.

¹¹⁸ With much of the Communal Lands being non-arable, average plot sizes are far less than indicated by simply dividing the total area by the number of farming families.

¹¹⁹ Averaging 50 ha per family, though resettled families hold several hectares for familial use and have access to broader communal areas for pasturage, etc.

¹²⁰ COHRE indicates Zimbabwe had a white population of 40-50,000 in 2000, of whom only about 8,000 are economically active, including 4,500 commercial farmers. Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', p. 40. Citing *Pretoria News*, 9 August 2001.

¹²¹ Augustine Mukaro, 'Mutinhiri seizes farm, equipment valued at \$400 million', *The Zimbabwe Independent*, Harare, 19 April 2002.

The UNDP *Interim Mission Report*¹²² provides a clear picture of the FTLRP, which, according to Hellum and Derman, was poorly documented by the Government.¹²³ The target date for acquisition of another 5 mha under LARP Phase II was brought forward to December 2001 and increased to 9.23 mha,¹²⁴ to be distributed to 160,000 poorer families (Model A1; this includes the 71,000 families resettled by 1997) and 51,000 indigenous commercial farmers (Model A2; presumably including the 1,000 already resettled). From June 2000 to early 2002, 4,874 farms covering 9.23 mha were designated for acquisition; COHRE indicates that by July 2001, about 5,200 of a total of 5,500 farms had been designated. Dr Joseph Made, Minister of Lands and Agriculture, indicated these designations would be irreversible.¹²⁵

In early 2001, areas within the Conservancies were offered for redistribution to farmers/settlers through the Communal Areas Management Programme for Indigenous Resources (CAMPFIRE).¹²⁶ Along the lines of CBNRM schemes in RSA, these community development programmes sought to empower local communities to manage the wildlife,

¹²² The UNDP Mission Report, submitted to the Committee of Commonwealth Ministers in January 2002, is a significant source of information on Zimbabwe under the FTLRP. Both the UNDP and later COHRE report are regarded as highly reliable, based on their internal consistency and detail, on the consistency between the reports, and in that personnel from both NGOs spent time in Zimbabwe and clearly had access to Government and State sources, yet were also free to observe developments in Zimbabwean society. United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement'. Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe'.

¹²³ Hellum, and Derman, 'Land Reform and Human Rights in Contemporary Zimbabwe', p. 20.

¹²⁴ Minister Mudenge talks of resettling 50,000 families on 5 mha from June 2000 to December 2001. Minister Mudenge, 'Minister Mudenge honours the UNDP Administrator and Special Envoy of the United Nations Secretary-General Mr Mark Malloch Brown, 30 November, Harare', Government of Zimbabwe, Harare, accessed June 2003 at http://www.gta.gov.zw/foreign%20affairs/UNDP_Administrator.htm, 2000.

¹²⁵ 6,481 farms were designated; 918 were removed because they were counted twice; 689 were de-listed. United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', pp. 11-12. Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', p. 39. Hellum, and Derman, 'Land Reform and Human Rights in Contemporary Zimbabwe', p. 19. Dr Made is No 29 on EU List - Appendix 6.

¹²⁶ Jenny Sharman, 'Zanu-PF's Legacy to Zimbabwe', Harare, African Tears, accessed May 2003 at <http://africantears.netfirms.com>, November 2001, 'Targeted Areas and Suitability for Resettlement'. Mandivamba Rukuni, 'Land tenure, governance and sustainable irrigation development', in: 'Creating an enabling environment for the uptake of low-cost irrigation equipment by small-scale farmers', Paper presented at *Irrigation Technology Transfer in Support of Food Security* subregional workshop, Food and Agriculture Organization of the United Nations, Harare, 14-17 April, 1997.

fauna, crops and stock of their lands within the constraints of ultimate State control and ownership.

The *land grab* was successful, and by early 2002, 3,074 farms (7.3 mha) had been subdivided for resettlement by the Ministry of Land, Agriculture and Rural Resettlement and more than 160,000 families had been allocated plot numbers on resettlement lands. Provincial Governments, which administer much of the selection of lands and beneficiaries, indicated that almost 115,000 of these families had already moved onto 4.37 mha.¹²⁷

Seeking to portray a continuity of resistance against colonialism from the first *Chimurenga* of 1896–1897 to the Liberation War of 1966–1979 as the *Second Chimurenga*, the Government and its spokespersons talk of the FTLRP as the *Third Chimurenga*, or “the overthrow of the white landlord elite” and culmination of earlier *Chimurengas*.¹²⁸ The Zimbabweans have never renounced their claims to their ancestral lands, and have never accepted the legitimacy of their dispossession. Thus the proponents of land reform call on a rhetoric of resistance and patriotism, portraying themselves as patriotic leaders of the Zimbabwean peoples confronting the same old enemies: “Rhodesians, black collaborators, the British, and anyone else who supports white farmers, farm workers and the opposition party”.¹²⁹

Conversely and colourfully, the MDC calls the FTLRP the “satanized Stalinization of the Land Reform Program” that “can only be a recipe for disaster”. It renewed its calls for agrarian reform rather than mere redistribution.¹³⁰

¹²⁷ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', p. 11.

¹²⁸ Ahmed, 'Stop Imperialist Intervention in Zimbabwe'. Raftopoulos, 'The State in Crisis', p. 15. Rich Dorman, 'From the Politics of Inclusion to the Politics of Exclusion', p. 22. Jonathan Moyo, 'Oppositional Press put to shame', *Sunday Mail*, Harare, 22 April 2001.

¹²⁹ Hellum, and Derman, 'Land Reform and Human Rights in Contemporary Zimbabwe', pp. 14 and 16.

¹³⁰ Movement for Democratic Change, 'The MDC Reflections on the Land Question'.

Phase II, announced by Dr Joseph Made on 17th July 2000, focused on resettlement of those who are “able to mobilise their own resources and (have) a passion for farming. Such people include those on retirement, those receiving retrenchment packages, businessmen, professionals and technicians”.¹³¹ Rather than a new focus, Phase II extends a prior emphasis on land allocation to those with skill, aptitude, or training (many being communal farmers and women) to include urban salaried workers and civil servants and the political class. As MDC argues, under this resource-based criteria, the focus shifts from the rural poor to urban professional classes, to the petite and rising bourgeoisie, and refers to this as the “urban resettlement phase” of the LRP. Within two days of the announcement, more than 4000 people had collected application forms.¹³²

The CFU responded on 28th July 2000 with legal challenges to the constitutionality of the LRP (and FTLRP), arguing it is *not* a true *land reform programme*. It does not realistically enable land or agrarian reform, land acquisition is discriminatory and racialised, there is no legislatively-defined land reform programme, and the FTLRP was enacted by executive decree rather than legislatively.¹³³ Moreover, the land invasions, as *trespass*, have impinged on farmers’ rights of secure possession. Both the acquisition process and trespass infringe their constitutionally-guaranteed *property rights*.¹³⁴ Yet on 2 October 2001, the Supreme Court (with its membership changed by Mugabe’s direct intervention¹³⁵) ruled to enable the ongoing redistribution of white farm lands, and on 3 December 2001 ruled that “a land reform

¹³¹ Movement for Democratic Change, 'Land Resettlement - Phase II'.

¹³² *Ibid.*

¹³³ Hellum, and Derman, 'Land Reform and Human Rights in Contemporary Zimbabwe', p. 19. United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', pp. 30-31. Bratton et al. note that 'rule by decree' is typical of neo-patrimonial presidentialism. Michael Bratton, Nicholas van de Walle, et al. (editors), *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective*, Cambridge, UK: Cambridge University Press, 1997, p. 65.

¹³⁴ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', p. 31. Morgan Handidi, 'Editorial: Justice at Last', *Global Analysis*, Zimbabwe, accessed May 2003 at http://www.glob.co.zw/Editorial/justice_at_last.htm, 3 November 2001.

¹³⁵ Ed O'Loughlin, 'Mugabe ally new chief justice', *Guardian Weekly*, London, 5-11 July 2001, p. 8. Justice Godfrey Chidyausiku (replacing Anthony Gubbay) had been instrumental in drafting the Draft Constitution which had been rejected in the Referendum of February 2000.

programme that satisfies the requirements of Section 16A of the Constitution indeed exists”, and that “the constitutionality or otherwise of the Fast Track Programme cannot now be challenged”.¹³⁶

Chinhoyi

By mid to late 2001, a new crisis point was reached: “By midyear it was clear to all observers that an urgent, robust and comprehensive solution to the crisis was needed.”¹³⁷ Urgently seeking compromise, the CFU took steps towards negotiation of the Zimbabwe Joint Resettlement Initiative (ZJRI) with the Government – the most ambitious yet eventually unsuccessful, of the “complementary initiatives” that Government had sought since Independence;¹³⁸ the first formal meeting with government was on 11 July 2001. Human Rights Watch (Zimbabwe) argues that “while commercial farmers can be criticised for not doing enough earlier to avert the current crisis, there was no incentive, because the government was doing even less.”¹³⁹

On 6th-7th August 2001, the situation on the land escalated, with the arrest of 21 white farmers in the Chinhoyi region in Mashonaland West¹⁴⁰ - and different sources have different accounts of events. The CFU claims that conflict arose when about “40 invaders brandishing axes and sticks stormed Tony Barklay’s farm after his cattle had fed on grass used as thatching for their houses. The invaders on their part said the farmers attacked them after they had raised concerns about the cattle”. Clearly these ‘invaders’ are established residents

¹³⁶ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', p. 31. Hellum, and Derman, 'Land Reform and Human Rights in Contemporary Zimbabwe', p. 19.

¹³⁷ Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', p. 40.

¹³⁸ Ibid., p. 40. In 1999/2000, the CFU had offered significant areas for voluntary purchase. United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement'.

¹³⁹ Human Rights Watch, 'Fast Track Land Reform in Zimbabwe', Section III, 'Background'.

¹⁴⁰ South African Broadcasting Corporation News, 'Bail granted to 21 white Zimbabwean farmers', *SABC News*, accessed May 2003 at http://www.sabcnews.com/africa/southern_africa/0,1009,19582,00.html, 20 August 2001. Chris McGreal, 'Mugabe raises spectre of martial law', *Guardian Weekly*, London, 16-22 August 2001, 4. Some sources indicate 23 farmers were initially arrested.

(‘settlers’) on or adjacent to the farm, and there may well have been ongoing tensions between the resident white farmer and resident black farmers.¹⁴¹ Clearly the immediate crisis was precipitated by damage done by the white farmer’s cattle to resources that were claimed by the black farmers, begging the questions to which opposing sides may have differing responses. Who owned these grass resources? Were they common resources to which the black settlers were entitled (culturally or by common understanding), or did they belong to the white farmer by virtue of being on ‘his’ land? Was the white farmer obliged to keep his cattle away from these grass resources, or was he entitled to graze his cattle thereupon? Did the white farmer provocatively allow his cattle to graze on resources he knew the black settlers would require? Clearly the conflict escalated, and who knows what threats, condemnation or derogatory comments were uttered by either side. According to the CFU, another two farmers arrived but were assaulted and forced to retreat, and a larger group of 25 farmers arrived “to assist the besieged farmer resulting in a confrontation”. Clearly there was already a confrontation, and these 25 farmers did not arrive by chance but were summoned, and sought to assist a fellow farmer. Police arrived and arrested the white farmers. Thus, there was initial conflict between ‘neighbours’ (even though the CFU describes the black farmers as armed ‘invaders’) based on differing understandings of rights and responsibilities with regard to land-based resources. Each group held, from their own viewpoint, legitimate rights of possession of the land – and presumably were less convinced about the other side’s rights of possession. Perhaps through word and threat both sides escalated the conflict; certainly neither side backed off. Both sides summoned external help in the face of what they perceived was provocative and uncompromising behaviour by the other side: the white farmer summoned other white farmers (with no indication as to whether these were armed in any

¹⁴¹ Government prosecutors (prosecuting the white farmers) refer to these resident black farmers as ‘occupiers’. South African Broadcasting Corporation News, ‘Bail granted to 21 white Zimbabwean farmers’.

way), and black farmers summoned the police. The white farmers were arrested (though no black farmers were) and imprisoned awaiting trial.¹⁴²

At a broader level, the Government claims that conflict was provoked by the white farmers in order to promote their plight and gain international support¹⁴³ - again the Government points to hidden neo-colonial forces to justify its use of force and to create a hidden enemy against which it struggles. On State television, Home Affairs Minister, John Nkomo claimed 'It's actually the commercial farmers who are causing the violence'.¹⁴⁴

Conversely, the Government prosecution of these farmers is a clear statement that resistance by white farmers will not be tolerated, even when they are confronted by armed opposition. This gave a seeming green light to farm invasions, resulting in widespread looting of farms in Chinhoyi and elsewhere,¹⁴⁵ and to rumours amongst the white settlers "that a decision had been made to make life totally intolerable for white landowners, with the deliberate intention of driving them all out of Zimbabwe".¹⁴⁶ The Government's claim was that this looting and invasion was "a spontaneous reaction to an unprovoked assault 10 days ago [at Chinhoyi] by a group of white farmers on a small group of black 'settlers' who were peacefully occupying part of a white farm".¹⁴⁷

In the following few days, more than 40 white families fled the Chinhoyi area, and on 20th August 2001, the UK "announced plans to evacuate thousands of its nationals from Zimbabwe if the political crisis deteriorates".¹⁴⁸ On 21st August, Agriculture Minister Dr

¹⁴² The CFU position was reported by Reuters Staff Writer, 'Whites flee Chinhoyi, Zimbabwe, leaving the lands they stole behind', *Reuters*, accessed May 2002 at <http://www.spiceisle.com.talkshop/messages/99068.htm>, 11 August 2001.

¹⁴³ South African Broadcasting Corporation News, 'Bail granted to 21 white Zimbabwean farmers'.

¹⁴⁴ Reuters Staff Writer, 'Whites flee Chinhoyi'.

¹⁴⁵ Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', p. 39.

¹⁴⁶ *Ibid.*, p. 40.

¹⁴⁷ Ed O'Loughlin, 'White farmers out within 12 days', *Sydney Morning Herald*, Sydney, 21 August 2001, p. 9.

¹⁴⁸ South African Broadcasting Corporation News, 'Bail granted to 21 white Zimbabwean farmers'.

Joseph Made announced that the Government would evict 90% of the white farmers within the next two weeks and redistribute their lands to the Zimbabwean poor¹⁴⁹ - a process that was completed, though it took a year rather than two weeks.

ZJRI and Abuja

On 5th September 2001, the ZJRI which the CFU had negotiated through this escalating crisis was formally accepted by Government. The CFU made an initial offer of 561 farms (1 mha) for the resettlement of 20,000 families, directed primarily towards small-scale indigenous commercial farmers (continuing the evolving focus of the LRP). The programme included a Z\$1,375 million revolving soft-loan facility funded by subscriptions and international donors to support capital development, and funding for technical advice. For small farmers, there was a Z\$60 million grant for agricultural inputs and a commitment of one hectare of free tillage per family. To encourage international funding, the ZJRI committed to publicity highlighting these peaceful indigenous solutions. Yet the ZJRI was overwhelmed by subsequent radical land seizures and came to nought.¹⁵⁰

In a last gasp at rational reform, on 6th September 2001 (a day after accepting the ZJRI¹⁵¹) the Government of Zimbabwe signed the *Abuja Agreement* at the *Abuja (Nigeria) Commonwealth Conference on Zimbabwe*. This committed Zimbabwe to due legal process in the LRP and to maintenance of law and order; as with the Donor Conference of 1998, other participants agreed to initiate donor funding that might enable more ambitious land reform;

¹⁴⁹ O'Loughlin, 'White farmers out within 12 days', p. 9.

¹⁵⁰ The CFU had determined at a Special Congress Meeting on 21st March 2001 to address land reform on a greater scale, and on 11 July 2001, held its first meetings with Government to establish the ZJRI. The ZJRI was publicly *launched* at Retreat Farm on 2 November 2001 – though became effectively defunct a week later with the introduction of *Decree SI 338* as the *Land Acquisition (Amendment) Act (2001)* on 9 November 2001. United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', p. 8. Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', p. 40. Blessing Zulu, 'Farm seizures spell doom for ZJRI initiative', *The Zimbabwe Independent*, Harare, 10 May 2002.

¹⁵¹ The timing begs the question of whether the Government only accepted the ZJRI in order to gain the concessions that were offered by other Commonwealth countries at Abuja.

Britain pledged \$51 million.¹⁵² In response to this promise of donor funding, Parliamentary Speaker Emmerson Mnangagwa indicated that land seizures would continue, and white farmers would be paid for their lands when the promised donor funding was received.¹⁵³ A month or so before Abuja, the Government of Zimbabwe had restated – at the United Nations World Racism Conference – the idea of donor funding in a new language: that of compensation for the dispossession and human rights violations that it experienced under colonialism.¹⁵⁴

The UNDP, authorised under the agreement to review the LRP, was in Zimbabwe from 13th November to 5th December 2001. Their Interim Mission Report indicates the Zimbabwean Government complied only slowly with the Abuja agreement. Land occupations persisted after Abuja, and at 27 November 2001, 157 farms (405,277 ha) were still occupied by 14,286 illegal settlers, and compulsory acquisition and land invasions increased after departure of the mission, pointing to the Government's transient and self-serving commitment to external constraints. Rather than orderly resettlement and the eviction of illegal settlers, the post-Abuja period has seen more frequent invasions.¹⁵⁵

The Land Acquisition (Amendment) Act (2001)

On 9 November 2001, Mugabe again escalated the LRP and the political crisis as he used the *Presidential Powers (Temporary Measures) Act (1986)* to introduce the *Land*

¹⁵² British Government, and Foreign and Colonial Office UK, 'Conclusions of the Abuja Meeting on Zimbabwe'. Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', p. 41. Hellum, and Derman, 'Land Reform and Human Rights in Contemporary Zimbabwe', p. 20. United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', p. 12. Andrew Osborn, and Andrew Meldrum, 'Mugabe given EU sanctions deadline', *Guardian Weekly*, London, 1-7 November 2001, p. 7.

¹⁵³ Andrew Meldrum, 'Mugabe party accepts deal', *Guardian Weekly*, London, 27 September - 3 October 2001, p. 7.

¹⁵⁴ Anonymous, 'Britain faces call to pay for slavery: Zimbabwe', *The Sydney Morning Herald*, Sydney, 4-5 August 2001, p. 21. the Conference was held in Durban in early September 2001

¹⁵⁵ Andrew Meldrum, 'Abuja deal fails to halt land seizures in Zimbabwe', *Guardian Weekly*, London, 4-10 October 2001, p. 7. United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', p. 17. Sharman, 'Zanu-PF's Legacy to Zimbabwe', sub-section: The Invaders and Invaded'.

Acquisition (Amendment) Act (2001), backdated to 23rd May 2000, that is to the *Land Acquisition (Amendment) Act (2000)* which was the legal basis of the FTLRP.¹⁵⁶ The Act sought to simplify and accelerate the acquisition process. Section 8 was amended such that “ownership of designated land is transferred immediately, irrespective of any court challenge, to the acquiring authority and serves as a ninety-day eviction for the previous owner”.¹⁵⁷ *Section 8 Notices* could now be served on all farms with valid *Section 5 Notices*, that is to approximately 4,200 farms (7.8 mha), including about 85% of CFU members. In effect, farmers lost all rights to occupy, hold or use their lands, and were subject to financial and jail penalties if they resisted or interfered with the acquiring authority.¹⁵⁸ The Act negated the ZJRI and Abuja, rendering the white farmers powerless and vulnerable to complete dispossession with minimal compensation. Officially, by the start of 2002, 3,074 farms (covering 7.3 mha) had been subdivided for resettlement.

The Final Phase, March 2002 Onwards

The FTLRP escalated from March 2002 onwards with the abandonment of all rational criteria for designation and appropriation of farms. Before this, the Government still maintained the idea that only under-utilised or unused lands would be appropriated. Now it announced the dispossession of all white farmers. This last phase of the LRP (still part of the FTLRP), dating from the Presidential Election of 9th to 11th March 2002 which was won by Mugabe, was enacted by Government and executive decree rather than legislatively. By this date a large proportion of farms were already acquired and, despite its agreements with the CFU (via the ZJRI) and Commonwealth (via the Abuja Agreement), the Government had clearly decided on radical action, negating all opposition and legal challenge.

¹⁵⁶ More formally: *Decree SI (Statutory Instrument) 338: Amendment to the Land Acquisition Act*

¹⁵⁷ Human Rights Watch, 'Fast Track Land Reform in Zimbabwe'. Sharman, 'Zanu-PF's Legacy to Zimbabwe', sub-section: The Presidential Decree.

¹⁵⁸ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', p. 29. Sharman, 'Zanu-PF's Legacy to Zimbabwe', sub-section: Introduction.

That the Government intended to acquire *all* farms was indicated by Mugabe in 2002 as he “urged villagers to take over any properties that might have been left unlisted by government authorities” and indicated that “whites whose conduct reflected an unwillingness to live under black rule would be expelled”.¹⁵⁹ Yet, as late as 9th August 2003, the deadline for whites to vacate their farms, Government spokespersons argued on television news reports that the LRRP did not seek to evict anyone from the land, not even the whites.¹⁶⁰

In April 2002, at a public meeting at the Selous Country Club¹⁶¹ (70 km WSW of Harare) to which all white farmers were invited, Dr Joseph Made indicated that every white farmer would be issued with a *Section 8 Notice*. Remarkably, the Government also encouraged the white farmers to plant a winter crop. By this stage, most commercial farmers were subject to a *Section 8 Notice (Preliminary Notice of Compulsory Acquisition)*, and by 17th April 2002, a total of 5,069 farms were listed (10.2 mha).¹⁶²

Land invasions were becoming more overt and gained quasi-official support as senior Zanu-PF officials¹⁶³ instructed police to *not* intervene if white farmers complain of illegal farm invasions. As well as invasions by War Veterans and farmers from Communal Lands, there were examples of commercial farms seized *in toto* by members of the Zimbabwean elite, often with police, military or War Veteran support. For example Brigadier Mutinhiri seized

¹⁵⁹ Human Rights Watch, 'Fast Track Land Reform in Zimbabwe'. Gran argues that this is a form of State-sanctioned “ethnic cleansing” based in racial difference as whites are evicted *because* they are white. Gran, 'Land Reform and Trust in Zimbabwe', p. 1, citing The Editor, 'Editorial', *Daily Mail and Guardian*, London, 25 August 2001.

¹⁶⁰ The wording is significant. The Government will evict people from *their lands* but not from *the land*. Farmers will be evicted from their property, but all including whites are free to apply for land allocations, and all will potentially have access to the land.

¹⁶¹ The irony is unmistakable: the Club is named after Frederick Courteney Selous, one of the first British adventurers to cross the Limpopo into Zimbabwe in the 19th Century, and who had accompanied the Pioneer Column of 1890 and led the settlers north from Fort Victoria (Masvingo) to settle at Salisbury (Harare). The Selous Scouts, along with the Grey Scouts, had been one of the most feared white militias in the Liberation War.

¹⁶² Anonymous staff writer, 'Wheat farmers pull out', *The Zimbabwe Independent*, Harare, 26 April 2002. Zulu, 'Farm seizures spell doom for ZJRI initiative'. Blessing Zulu, and Loughy Dube, 'Hands off invaded farms, chefs (sic) tell police', *The Zimbabwe Independent*, Harare, 26 April 2002.

¹⁶³ Stephen Nkomo, Governor of Matabeleland South; Kembo Mohadi, MP for Beitbridge, EU#46 - Appendix 6; and Edison Mbedzi, District Administrator for Beitbridge. *Ibid*.

Waltondale Farm, valued at Z\$400 million including accommodation, schooling and facilities for 500 families.¹⁶⁴ Then in May 2002, Mugabe “turned on his last remaining allies among the white farmers”. All appeal and opposition became futile as 9th August 2003 was announced as the date for the final expulsion of all white farmers from their farms.¹⁶⁵

At the forefront of this radicalisation were three main political players: Agriculture Minister Joseph Made, Information Minister Jonathan Moyo, and Justice Minister Patrick Chinamasa – disparagingly referred to as the ‘three musketeers’ who were “jointly responsible for the confrontational land policy, a clamp-down on the press and the breakdown in the rule of law”.¹⁶⁶ In these same recent years, the Government exerted greater control over the economy at all levels, including currency controls and price controls on many essential items (though this has also created shortages which have led to the development of a parallel market in many commodities), and economically unviable controls on banks, financial institutions and pension funds.¹⁶⁷

Operation Murambatsvina

In a new and radical escalation of internal conflict, from late May to late August 2005, the Mugabe Government began levelling the informal urban ‘settlements’ (or slums or suburbs by another name) across Zimbabwe, and forcing many hundreds of thousands of people back to the rural sectors and onto the Communal Lands. *Operation Murambatsvina* –

¹⁶⁴ Brigadier Ambros Mutinhiri, MP and Minister of Youth Development, Gender and Employment Creation, EU#65 - Appendix 6. Waltondale was one of the few farms not listed for acquisition under the FTLRP, and had, since 1934, been owned by the Cartwright family, supporters of Zanu-PF who are appealing against the seizure in the courts. Having not been listed under the FTLRP, the Cartwrights are not legally prohibited from challenging the acquisition in court. Mukaro, 'Mutinhiri seizes farm'.

¹⁶⁵ Vincent Kahiya and Augustine Mukaro, 'Mugabe turns on white allies', *The Zimbabwe Independent*, Harare, 10 May 2002.

¹⁶⁶ Andrew Meldrum and Nicholas Watt, 'Hardliners fill new Mugabe cabinet', *Guardian Weekly*, London, 29 August - 4 September 2002, p. 4.

¹⁶⁷ Michael Grunwald, 'Mugabe's policies ravage Zimbabwe: Government price controls and land grabs worsen crisis as millions face starvation', *Guardian Weekly*, London, 2-8 January 2003, p. 27.

officially translated as 'Operation Restore Order', though also referred to as 'Operation Throw Out The Trash' or variants thereof – has in the Government's rhetoric been directed at dismantling illegal settlements which have become havens of criminality (opposing the Government's programme, the Mayor of Mutare calls this a 'little truth in a big lie'). Not only have houses been destroyed en masse, but many informal businesses have been destroyed or closed down, including street and market vendors, thus destroying livelihoods as well as homes; in Mutare, perhaps 30-40% of urban dwellings have been destroyed, and *Operation Murambatsvina* is informally referred to as 'Operation Tsunami'.

This is coercive de-urbanisation on a massive scale – and there are parallels with the massive de-urbanisation enforced by the *Khmer Rouge* regime under Pol Pot in Cambodia in the 1970s.¹⁶⁸ The UN has estimated that 2.4 million people have been directly or indirectly affected.¹⁶⁹ Yet South Africa, and the African Union, have shown little desire to criticise or intervene in this current crisis in Zimbabwe,¹⁷⁰ while on the 7th July 2005 the European Parliament condemned the Mugabe Government and called for an end to *Operation Murambatsvina*, as did the G8 Summit at Gleneagles on the 8th July.¹⁷¹

It is ironic that the Government is now forcing so many people back to the Communal Lands: the overcrowding and consequent environmental degradation of the Communal Lands

¹⁶⁸ There are stories that Mugabe and others talked about starting again from year zero – using the same language as had Pol Pot; there are also rumours that Minister Kangai talked positively about Pol Pot in the late 1990s. Anonymous, 'Pol Pot Economics', *The Mercury*, Editorial, South Africa, 10 June 2004, accessed June 2005 at http://www.zimbabwesituation.com/jun10a_2004.html.

¹⁶⁹ Andrew Meldrum, 'Mugabe razes shanty towns', *Guardian Weekly*, Pretoria, 3-9 June 2005, p. 5. Australian Broadcasting Corporation, *Foreign Correspondent*, 'It's not cricket', television broadcast, Australia, 31 August 2005. SBS Broadcasting Corporation, *Dateline*, television broadcast, Australia, 1 September 2005. Anna Kajumolo Tibaijuka (UN Special Envoy on Human Settlement Issues in Zimbabwe), 'Report of the Fact-Finding Mission to Zimbabwe to Assess the Scope and Impact of Operation Murambatsvina', United Nations, Washington DC, accessed September 2005 at www.unhabitat.org/documents/ZimbabweReportpdfUnited+nations+Zimbabwe+2005&hl=en&start=1, July 2005. Both television programmes included covert footage from within Zimbabwe, depicting the widespread destruction; the media is severely constrained within Zimbabwe, and filming of *Operation Murambatsvina* had been prohibited.

¹⁷⁰ BBC News, World Edition, 'Africa rejects action on Zimbabwe', accessed September 2005 at <http://news.bbc.co.uk/2/hi/africa/4618341.stm>, 24 June 2005.

¹⁷¹ The G8, 'Chair's Summary, Evian Summit, 23 June 2003', accessed September 2005 at <http://www.g8.gov.uk/servlet/Front?pagename=OpenMarket/Xcelerate/ShowPage&c=Page&cid=1097587800794>, 2005.

had been one of the key planks underpinning the Government's push for large-scale land reform and appropriation of land from the white farmers. It is clear that *Operation Murambatsvina* is directed towards destroying all urban political opposition, even to the extent of destroying all society within which opposition can flourish. In the face of such State violence, the MDC has been seemingly cowed into silence, there being no large scale strikes or protests to oppose this destruction.¹⁷²

Now many Zimbabweans are even *more* dependent on the land for their subsistence and livelihoods, but with even fewer resources than before and without the mutual planks of an urban wage and rural subsistence.

Gender, Land Ownership, and the LRP

Gender, Colonial Rule and the 'Head of Household'

Though exacerbated by the LRP, gendered inequities in land access were present in pre-colonial and colonial Zimbabwe/Southern Rhodesia. Human Rights Forum (HRF) argues that "Colonial Rhodesia was a patriarchal society across the board, for all racial categories", for white expatriate women as for indigenous women, irrespective of age or marital status. Yet, "Black women suffered even greater disabilities, being subordinated by 'African customary law' as well as 'general law'", and were perceived by the colonial State as "perpetual minors at law".¹⁷³ In Zimbabwe, women are still the most vulnerable social group.

One of colonialism's profound acts was the State-driven codification of indigenous common law as Customary Law – the solidification of flexible and perpetually-negotiable social and cultural understandings – and transferral of ultimate control over Customary Law from the local society and culture to the State. This process was continued after Independence, as Traditional Authorities were reconstructed as Local Authorities, and as

¹⁷² SBS Broadcasting Corporation, *Dateline*, television broadcast, Australia, 1 September 2005.

¹⁷³ Human Rights Forum (Zimbabwe Research Unit), 'Gender and Constitutional Issues, Special Report No 2', Harare, HRF (Zimbabwe), March, 2001, p. 4.

Customary Law was entrenched in the constitution. This is *not* a strengthening of the right of a culture or society to autonomously determine, in accordance with its own understandings, the laws and norms for its people, but a process of constraining Customary Law to suit the purposes of a centralised State.

Under Customary Law as recognised by the colonial State, the recognised social unit was the *family* rather than the individual. Within this family, “the head of household was indisputably male and the plot was required to be registered in the husband’s name, regardless of whether he was around to do the farming”.¹⁷⁴ Mvududu argues that “In the traditional culture of Zimbabwe, women do not own any property”,¹⁷⁵ and for women there is no right of inheritance from a previous generation, nor on the death of a husband nor consequent upon divorce.¹⁷⁶ On the death of a male head of household or dissolution of marriage, his brother is entitled to the lands he worked. Prior to colonisation, this also entailed the expectation that this brother would look after the widow. Now, widows (and daughters and other female dependents) have uncertain legal right to the familial lands on which they worked and depended.

Women are disadvantaged as males are recognised as *head of household* and hence able to decide the usage of, access to, and disposal of land and resources. Even though women do most of the agrarian work and may be responsible for feeding a family, and even though some lands may be brought into the familial domain through the female line, Customary Law typically recognises a male as head of household in registered and unregistered customary marriages. In general, women only become head of household in the absence of a husband or

¹⁷⁴ Sara Mvududu, 'Gender Issues, Constraints and Potentials in AGRITEX - An Overview', AGRITEX/Government of Zimbabwe, United Nations Development Programme, and Food and Agricultural Organization of the United Nations, accessed July 2002 at <http://www.fao.org/DOCREP/x0240e>, 1994, section 2.6.6, Tenure of irrigated land.

¹⁷⁵ Ibid., Section 3.5, Decision-making. 'Property' is used in a loose sense of land holdings.

¹⁷⁶ Ibid., Section 3.6, Land Tenure.

father, and providing that they have managed to retain control of familial lands in the absence of a male head of household.¹⁷⁷

Thus on the Communal Lands, women hold only fragile possession. They have little actual control over productivity and always vulnerable to dispossession. Within the farm worker communities, women are equally vulnerable as, for example, when many farm workers were evicted en masse in the late 1990s.

Independence: The Possibility of Change?

The Patriotic Front indicated that in the Independence Constitution “every person was to be protected from having his [sic] property compulsorily acquired ...”.¹⁷⁸ The assumption seems to be that *males* own property. As well as pointing to gender-blindness (perhaps even sexism) within the PF, this is a fair statement of *what is* in colonial and post-independence Rhodesia/Zimbabwe. It *is* males who predominantly hold property and communal land. Though married females had cultural rights to land attached to an obligation to provide food for themselves and their children within the constraints of the male as *prima facie* head of household with power to decide land and resource usage, by the end of the colonial era, the codification of Customary Law by male chiefs and colonial administrators had seen consolidation of male control over Communal Lands and over the relationships of indigenous females to land and resources.

Though the Liberation War was fought for the political and economic emancipation of *all* Zimbabweans, HRF argues that, “As in most revolutions, the issue of gender equality was regarded as less pressing than other inequalities, by those men who fought for liberation and settled at Lancaster House in 1979”.¹⁷⁹ Yet, as many others have argued, gender inequalities

¹⁷⁷ Hellum, and Derman, 'Land Reform and Human Rights in Contemporary Zimbabwe', pp. 15 and 24.

¹⁷⁸ Government of Zimbabwe, 'Land Issue - Fact Sheet'.

¹⁷⁹ Human Rights Forum, 'Gender and Constitutional Issues', p. 4.

are perhaps the main inequalities, being operant within indigenous and settler societies and spanning the pre-colonial to Independence eras, and becoming increasingly intransigent and refractory.

The Independence Constitution proclaims the equality of all citizens irrespective of gender. Yet practice differed, and Hellum and Derman point to the manner in which “being a male member of a patrilineage” is an important element in being “a full citizen of Zimbabwe”.¹⁸⁰ For example, communal lands are allocated through patronage that is in turn constructed in part around patrilineal relationships. The *neo-patrimonial* State uses relationships of patronage to mediate access to State-controlled resources, again enabling patrilineage to become an important element in the relationship of citizen to State, and enabling differentiation based in gender.

In the same year as the Lancaster House negotiations, the UN-sponsored *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW, or Women’s Convention), 1979, Article 14 “obliges States Parties to ensure equal treatment between men and women in land and agrarian reform including land resettlement schemes”, with reference to direct and indirect discrimination on the basis of race, class, ethnicity and gender. Hellum and Derman note that “In order to achieve real equality, the CEDAW recognizes utilizing affirmative action in favour of women”.¹⁸¹

Even though this Convention was concurrent with the Lancaster House negotiations, and even though both addressed issues of land reform, agrarian reform, equality of rights, and the right or obligation of the State to actively intervene in pursuance of these goals, the Zimbabwean Government has *not* successfully addressed issues of gender equality. Moreover, this failure can *not* be attributed to factors beyond the Government’s control. No matter how limited the Government’s powers and capacity for land acquisition, it *would* be completely

¹⁸⁰ Hellum, and Derman, 'Land Reform and Human Rights in Contemporary Zimbabwe', p. 2.

¹⁸¹ *Ibid.*, p. 12.

within the Government's powers to create land reform, on however limited a scale, that gave primacy to women's concerns.

In the first five years of Independence, the new Government introduced legislation that supported women's access to land. The *Legal Age of Majority Act (1982)* accorded full legal capacity and rights to all adult citizens – thus reversing the colonial presumption that indigenous women were perpetual minors at law, and giving women the right to own property. The *Matrimonial Causes Act (1985)*, *Maintenance Act* and *Taxation Amendment Act*, recognised women's property rights on the dissolution of marriage.¹⁸²

Later, under the *Administration of Estates Act (1 November 1997)*, “a widow retains rights to land on the death of her husband” for deaths after this date, though “in practice, women still occupy a subordinate position in the communal areas and in general only have access to land through their husbands”.¹⁸³

The LRP: A Return to Gender Inequity

Yet Hellum and Derman argue that the LRP has undermined the rights of women. Rather than increasing their opportunities, land reform has further disadvantaged many women. As early as three years after Independence, Jacobs argued that post-Independence land reform policies directed towards women are limited in scope and reinforce their place in the domestic domain despite their contribution to the liberation struggle.¹⁸⁴ Not only are entitlements under the LRP resettlement process mediated through patrilineal kinship, legal inequality is reaffirmed by the constitutional acceptance of the validity of Customary Law.¹⁸⁵

¹⁸² Human Rights Forum, 'Gender and Constitutional Issues', pp. 4 and 5.

¹⁸³ Human Rights Watch, 'Fast Track Land Reform in Zimbabwe', Section IV, Human Rights Violations. The situation was further complicated as the Supreme Court ruled in April 1999 (*Magaya v. Magaya*) that “a woman could not inherit land from her deceased father” – though this was for deaths prior to 1 November 1997.

¹⁸⁴ Susie Jacobs, 'Women and Land Resettlement in Zimbabwe', *Review of African Political Economy* 10, no. 27/28: Winter, 1983, pp. 33-50.

¹⁸⁵ Hellum, and Derman, 'Land Reform and Human Rights in Contemporary Zimbabwe', p. 2.

Where Customary Law conflicts with principles of equity, Section 23 of the Constitution accords priority to Customary Law, no matter how much this Customary Law is a product of recent or present power and gendered relationships. The Government's Draft Constitution (1999) proposed to abolish Section 23, but was abandoned.

This gendered difference is further entrenched through the increasing emphasis on skills and training (and financial resources) in the evolution of the LRP. The criteria for allocation to indigenous commercial farmers (LARP Phase II, Model A1) specify that land should be granted to those with farming experience. Hence Agritex Master Farmer Certificates have become an important element in eligibility for land allocation.¹⁸⁶ Many women have enrolled in these courses and Agritex has directed courses specifically towards women. Yet, Agritex documentation indicates that even if women complete a Master Farmers Certificate, the Certificate will be awarded to her husband, as head-of-household over the land she works, even if she holds the land in her own right. Then, lands are allocated to males as *heads of household* and holders of Master Farmer Certificates, even where these certificates were gained by his wife whose farming experience is critical to familial productivity.

Hellum and Derman argue that the Rukuni Commission (1994) "did not adequately address women's tenorial concerns nor directly respond to presentations made to them by women's groups. The husband's patrimonial power which is at the root of the unequal distribution of land between married men and women was not questioned".¹⁸⁷ Somewhat later under LARP Phase II, the Government specifically indicated that land redistribution will be gender-sensitive.

In the Draft Constitution rejected by the electorate in the Referendum of 12-13 February 2000, the Government reiterated its commitment to gender equality within a liberal

¹⁸⁶ Agritex is a Government Department that addresses rural productivity through its 'Extension Programmes' and teaches improved farming techniques to small farmers, in particular on the Communal Lands.

¹⁸⁷ Hellum, and Derman, 'Land Reform and Human Rights in Contemporary Zimbabwe', p. 15.

framework of social and political rights. In defining the rights and freedoms of the citizens of Zimbabwe, the Draft (under *National Objectives*) would have guaranteed “gender balance and fair representation of marginalised groups”, while *Section 2* obligated the State to “promote full representation of women in all spheres of Zimbabwean society on the basis of equality with men”, and *Section 3* obligated the State to “take all practical measures to ensure that women have access to land and other resources on the basis of equality with men”. The major section addressing *Fundamental Human Rights and Freedoms* reiterated a liberal’ conception of social and political rights. For example, “freedom from discrimination, freedom of speech and expression, freedom of movement and residence”, and “equality before the law” for “every Zimbabwean citizen”, and specifies that “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”. Yet, given the ongoing marginalisation, even oppression, of women by Zanu-PF through the Liberation War and into Independence, these clauses have the appearance of ideological tack-on or ritual feminism, designed to appease those within and without Zimbabwe who place a greater emphasis on gender equality.

With the introduction of the FTLRP, the Government stated in October 2000 “that it would ensure a 20 percent quota for women to benefit from the fast track resettlement”, yet this was never implemented.¹⁸⁸ Seeking a measurable target that would make the Government *accountable* for the gender impacts of its policies, the Women and Land Lobby Group asked that 30% of the land allocated under the FTLRP should be allocated to women in their own name, “regardless of marital status”.¹⁸⁹

All of these consecutive commitments were contradicted as the LRP privileges heads of households, ‘youth’ and males with linkages to the neo-patrimonial polity. The Constitution acknowledges gender equality, yet through its acceptance of Customary Law

¹⁸⁸ Human Rights Watch, 'Fast Track Land Reform in Zimbabwe', Section IV, Human Rights Violations.

¹⁸⁹ Hellum, and Derman, 'Land Reform and Human Rights in Contemporary Zimbabwe', pp. 23-24.

introduces the legal and conceptual space for gendered practice. The LRP in its consecutive phases places gender equality and the redressing of gendered inequalities at the forefront. Yet as it interacts with gendered social practice, the LRP entrenches gender inequalities.

The hierarchical, bureaucratic and face-to-face nature of the neo-patrimonial State places women at a further disadvantage. Through the colonial era, the State apparatus was constructed along gendered lines, with expatriate males filling significant roles, and with indigenous males filling some of the lower (e.g. manual labour) ranks. At Independence the Government inherited and perpetuated a *gendered* State bureaucracy, while Zanu-PF, as a military organisation and as a political party and as a Government, has struggled rather unsuccessfully to include women within its ranks at all levels. Hierarchical relationships are not in themselves necessarily gendered, yet hierarchical relationships, especially where history and culture have allowed differential gendered access to the levels of this hierarchy, have clearly accommodated gendered hierarchy.

Lastly, Hellum and Derman point to the involvement of the War Veterans as potentially damaging to the rights of women:

Their track record regarding treatment of women has been appalling. They are the least likely candidates to favour the rights of women. Also because the war veterans as male leaders will be getting the best lands, the best housing, along with all of their other benefits is highly discriminatory towards women.¹⁹⁰

Tanya Lyons has evocatively described the profoundly gendered roles of the participants in the Liberation War, including the sexual subservience of women even as they were lauded as patriots.¹⁹¹ Margaret Dongo, herself a war veteran and a vocal critic of the

¹⁹⁰ Ibid., p. 26.

¹⁹¹ Tanya Lyons, *Guns and Guerrilla Girls: Women in the Zimbabwean National Liberation Struggle*, Lawrenceville, New Jersey: Africa World Press, 2004.

Government in Parliament, has been successfully sidelined, relegated to an opposition voice and disempowered within the War Veteran's movement.¹⁹²

Summary of the LRP

In its implementation and outcomes, the LRP is in part a success and in part a failure, even a disaster. Through market-based land acquisition under LRRP from 1980 to 1992, and under LARP Phase I, when no compulsory acquisition was successfully implemented, 3.5 mha of land was acquired and redistributed to 71,000 smallholders, predominantly the dispossessed, or farmers from the overcrowded Communal Lands. Amongst this group are those disparagingly referred to as the *kulak* class,¹⁹³ successful and prosperous smallholders who took early advantage of the opportunities and State support offered under the LRP.

Yet, as the Government argued, market-based acquisition faced inherent limits – due in large part to the resistance of white farmers and paucity of funding – and never achieved the hoped-for widespread redistribution.

The targeted acquisition of a total of 8.3 mha and resettlement of 162,000 families was outlined in the *National Land Policy Statement (1990)*, and reiterated under LARP Phase II (1997) and expanded in the FTLRP as the Government moved more overtly towards compulsory acquisition. Initially 'fair' compensation was significantly reduced as the Government claimed that Britain was liable for compensation for the value of the *land* though not for improvements.

Through the late 1990s, through a series of legislative changes that were a product of contingency, crisis and political opportunity, the Government created a constitutional and legislative environment that would enable wholesale compulsory acquisition while concentrating State power. It summarily dismissed legal challenges to compulsory

¹⁹² Government of Zimbabwe, and Centre On Housing Rights and Evictions, 'The Dongo List', in *Land Housing and Property Rights in Zimbabwe*, Annex 2 in COHRE, Africa Programme Mission Report, Geneva, 2001.

¹⁹³ Ahmed, 'Stop Imperialist Intervention in Zimbabwe'. Gran, 'Land Reform and Trust in Zimbabwe', p. 8.

acquisition, then moved decisively towards widespread acquisition. In the first years of the new century, the Government finally acquired the thousands of farms, and many millions of hectares that it had always sought, and resettled the small farmers in the numbers anticipated in the *National Land Policy Statement (1990)*.

In these latter years, Government moved increasingly towards 'indigenisation' of commercial farming, while also retaining an emphasis on redistribution to the poor and dispossessed within an ideal of poverty reduction, greater equality, and relieving the overcrowding on the Communal Lands.

This process has been accompanied by violence and coercion directed against the white farmers as War Veterans and Zanu-PF 'youth' harass white farmers and black commercial farmers who are not allied to Zanu-PF. The process has seen dubious legal and Parliamentary processes, and rampant corruption in the distribution and allocation processes. The resettlement process has brought enormous confusion and uncertainty over who is entitled to what lands and how these lands are demarcated. In places the acquisition and redistribution process has degenerated into a free-for-all land grab involving not just black settlers versus white farmers, but black settlers versus other black settlers. The Government has not had the facilities, and seemingly little will, to organise and control an orderly redistribution, and has had minimal funding to provide support services for resettled families.

The land issue has been purposefully used by the Mugabe Government as it retained its grip on political power in the post-Independence decades. As well as a resource that can be redistributed in an ongoing manner in order to 'buy' political support that translates into votes, the land issue has been an effective tool of 'wedge politics'.

A political party seeking election or re-election *might* seek to create a broad popular consensus by promoting issues and policies on which many can agree. This might involve seeking a 'middle ground' on potentially divisive issues, and common values might be seen as more important than any differences. If such a party formed Government, it could claim a broad mandate and that its policies represented the broad will of the people. It might well

implement policies that were more broadly inclusive than exclusive, taking account of oppositional voices, rather than simply rejecting or demonising them.

The idea of wedge politics takes a different course. If there exists an issue or potential issue on which much of the populace will have sharply divided opinions – even if these opinions are influenced by the media or Government and even if this issue is not critical to the future of the polity – then a party or Government may seek to deliberately polarise the debate, driving a wedge through political opinion. It would only do this if it felt sure it could position itself on the winning side of this polarisation, such that it gained an electoral majority rather than relegating itself to opposition. Faced with such a strategy, other political parties may have no option but to position themselves within this polarisation, and risk being a minor and subordinate voice on the dominant side of the debate, or vilified and marginalised on the subordinated side of the debate. If a party comes to power through such a strategy, then much of the electorate may feel disenfranchised as alternative viewpoints are denied.

In Zimbabwe, the Government has adopted a polarising attitude towards the land issue, and has seemingly done this in order to gain electoral support. Oppositional voices, from MDC to the white farmers and even the black commercial farmers, have been vilified, in a process that in political rhetoric and in practical outcomes (as in land redistribution) amounts to: 'If you are not with us, then you are against us'. As 'wedge politics', the land issue enabled Zanu-PF's victory in the elections in 2000 under the slogan "Land is the Economy, The Economy is the Land"¹⁹⁴ but with only a slender majority. With this polarisation, almost half of the electorate and populace is effectively disenfranchised.

¹⁹⁴ Raftopoulos, 'The State in Crisis', p. 1. Moore, 'Is the Land the Economy and the Economy the Land?'

7 PROPERTY AND THE NEO-PATRIMONIAL STATE

This chapter introduces an explanatory model applicable to the 'informalisation' of the contemporary Zimbabwean State, the blurring of the distinction between public and private, and the seeming weakness of the State as it is co-opted by personal agendas while its powers and realm of control are increased and extended. At its heart is the concept of the neo-patrimonial State which simulates a modern rational-bureaucratic and liberal-democratic State, yet is organised through personal relationships using State and national resources to create and strengthen political alliance and obligation.

Colonialism and the Neo-Patrimonial State in Africa

Traditional African polities and societies were typically patrimonial, with hierarchical and patriarchal mediation of social and productive relationships, creating mutual yet unequal obligation and the conditionality of rights, for example of residence and use of resources.¹

Colonial authority added a new layer of rational-bureaucratic governance and administration as it reconstructed, co-opted and subordinated the existing patrimonial forms. Under Britain's much-favoured Indirect Rule, formal structures of rational-bureaucratic rule were dominant in the colonial capitals. In the hinterlands, power devolved through established or 'constructed' traditional rulers and institutions, all being more or less patrimonial.² Local rulers "could exercise their own power personally, arbitrarily, clientele-oriented and corruptly

¹ For example: Patrick Chabal and Jean-Pascal Daloz, *Africa Works: Disorder as Political Instrument* Oxford and Indiana: James Currey, Indiana University Press, International African Institute, 1999. Patrick Chabal, 'Violence, Politics and Rationality in Contemporary Africa', Kings College, London, accessed October 2003 at <http://www.kcl.ac.uk/depsta/humanities/pobrst/patrickchabal.pdf>, 2003. Morocco, Liberia, the DRC and Mauritania (etc) have been described as neo-patrimonial. Anthony J. Vinci, 'Lawless States and Illicit Commerce', *Parallax: The Journal of Ethics and Globalization* June, 2003 (accessed October 2003 at <http://www.parallaxonline.org/flawless.html>). Dirk Axtmann, 'Political Parties in Morocco', German Institute for Middle East Studies, Cambridge UK, and Deutsches Orient-Institut, Hamburg, working paper accessed October 2003 at http://www.duei.de/doi/en/content/research/northafrica/axtmann_parties_morocco.html, 2002. Marianne Marty, 'Mauritania: Political Parties, Neo-patrimonialism and Democracy', *Democratization* 9, no. 3: August, 2002 (abstract accessed October 2003 at http://www.frankcass.com/jnls/dem_2009-2003.htm). Christopher Clapham, 'Clientelism and the State', in Christopher Clapham (editor), *Private Patronage and Public Power: Political Clientelism in the Modern State*, pp. 1-35, London: Frances Pinter, 1982, p. 4.

² Paralleling the dichotomy that Mamdani explicated: of urban citizen versus rural subject. Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*, Princeton, New Jersey: Princeton University Press, 1996.

– within the limits set by the colonial state”.³ Though ostensibly modern and rational-bureaucratic,⁴ the colonial State was itself patrimonial as it appointed favourites as chiefs and ‘traditional authorities’, and favoured some peoples over others. In pursuit of the colonial State’s interests in resource appropriation, chiefs were recreated as Native Authorities, still operating through local patrimonial relationships, with authority to collect taxes and appropriate resources on the State’s behalf.⁵ Chiefly powers of appropriation were enhanced by State linkages, yet their leadership powers were diminished by their subordination to and economic dependence on the colonial State. Chiefly accountability to a people was redirected to the colonial State. Though no longer the locus of ultimate title, chiefs now held an even less accountable power of distribution and allocation of rights over lands.

The neo-patrimonial nature of the State persisted into independence⁶ as the “the democratically legitimised state inherits the institutional legacy of the neo-patrimonial state”.⁷ For Chabal, the political system of post-independence Africa was neo-patrimonial, and “Contemporary politics in Africa is best understood as the exercise of neo-patrimonial power”.⁸ Lindberg claims that neo-patrimonial governance is “Africa’s primary historical

³ Gero Erdmann, 'Neo-Patrimonial Rule: Transition to Democracy has not succeeded', *Development and Cooperation* 1: January/February, accessed October 2003 at <http://www.dse.de/zeitschr/de102-4.htm>, 2002, pp. 8-11, p. 3.

⁴ While the State that was bequeathed to the Independence Government was ‘modern’, Worby points to the abandonment of ‘white’ modernity by Mugabe and Zanu-PF, and the construction of another modernity, a synthesis of local and global modernities and centred in local understandings. Eric Worby, 'The End of Modernity in Zimbabwe? Theorizing Power from the Margins', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, p. 8.

⁵ Nantang Ben Jua, 'Indirect Rule in Colonial and Post-Colonial Cameroon', in *Perspectives on the State: From Political History to Ethnography in Cameroon. Essays for Sally Chilver*, Toronto: (Paideuma, Frobenius Institute, J.W. Goethe University, Frankfurt and Main, accessed October 2003 at <http://lucy.ukc.ac.uk/Chilver/Paideuma/paideuma-Conclus-2.html>), 1995.

⁶ Ibid. In many colonies, notably Nigeria, British colonial authorities favoured specific groups, elites and individuals in the lead-up to independence elections.

⁷ Erdmann, 'Neo-Patrimonial Rule', p. 4.

⁸ Patrick Chabal, 'Africa in the Age of Globalisation', *African Security Review* 10, no. 2, 2001 (accessed May 2003 at <http://www.iss/co.za/Pubs/ASR/2010No2002/Chabal.html>). Chabal, 'Violence, Politics and Rationality in Contemporary Africa'.

legacy” underpinning society and the ‘capstone’ State.⁹ Despite changes in the legal status of the State, in the political and economic rights and responsibilities its citizens were supposed to enjoy, patrimonial and informal relationships remained the key to bureaucratic practice, and remained the context within which rights and access to resources were negotiated. The most important change at independence was that “the patrimonial, clientele logic of rule spread to the remaining core of rational administrative bureaucracy”.¹⁰

Rather than a hangover or expression of ‘primitive’ social relations, Clapham argues that clientelism and patrimonialism remain *rational* strategies in specific circumstances: when “critical resources [are] controlled by one particular group within a society”, when clients can only gain access to these resources except through a patron, and when the public allocation of resources has failed.¹¹ Though patron-client relationships were constructive of traditional social structures, they are now a *modern phenomenon* of neo-patrimonial rule.¹² Though client-patron relations are not new in Zimbabwe, the cooption of the LRP has enabled the extension of patrimonialism.

The Neo-Patrimonial State and Neo-Patrimonial Governance

In a neo-patrimonial society, rights to and the arrangement of all State resources, services, and public goods are based in face-to-face informal relationships rather than in an idealisation of the formal relationship of citizen to State. All rights are *conditional* and *privatised*. For example in the neo-patrimonial administration of the Cameroonian forest industry, it is administrative *functions* – rights to a wage, and the ability to obtain bribes or

⁹ Staffan I. Lindberg, 'Building on Neopatrimonialism and International Dependency: Prospects for Democratic Consolidation in Africa', Lund University, Sweden, Draft outline of Ph-D thesis in Political Science, accessed October 2003 at http://www.svet.lu.se/Staff/Personal_pages/Staffan-lindberg/Thesis.pdf, 1999.

¹⁰ Erdmann, 'Neo-Patrimonial Rule', p. 3.

¹¹ Clapham, 'Clientelism and the State', pp. 7-8.

¹² Erdmann, 'Neo-Patrimonial Rule', p. 3.

favours and devolve all lower administrative functions in return for obligations – that are subject to patrimonial distribution.¹³

Despite a facade of rational-bureaucratic State governance, “power transits essentially through the informal sector”.¹⁴ State functions are *informalised* as its institutions become sites of mediation and access to the patrimonial relationships controlled by State-linked elites. At the heart of the neo-patrimonial State are patron-client relationships extending through society from the President to the impoverished manual labourer. For Medard, the neo-patrimonial State “dissimulates the private while simulating the public”.¹⁵

Access to the State is gained via formal processes of rational-bureaucratic and democratic governance – through election to Parliament, formal employment and advancement in State and State-linked institutions, corporations and agencies. As the State gains increasing control over the polity’s most abundant and potentially valuable resources, access to the State and its agents/agencies becomes the most significant locus of accumulation of wealth and power.¹⁶ The task for (would-be) elites is to gain access to the State and bring the polity’s resources under State control.¹⁷ Accumulation is based on appropriation of the

¹³ Samuel Nguiffo, 'The goat grazes where it is tied: Remarks on the neo-patrimonial administration of Cameroon's forestry sector. Report section in: Forests Monitor Ltd, 'Sold down the river: The need to control transnational forestry corporations: A European case study', Cambridge UK, Forests Monitor Ltd, accessed November 2003 at <http://www.forestmonitor.org/reports/solddownriver/cameroon.htm>, March 2001. Erdmann, 'Neo-Patrimonial Rule', p. 3.

¹⁴ Chabal, 'Africa in the Age of Globalisation'. Chabal, 'Violence, Politics and Rationality in Contemporary Africa'.

¹⁵ P. Medard, 'The Underdeveloped States in Tropical Africa: Political Clientelism or Neo-Patrimonialism?', in Christopher Clapham (editor), *Private Patronage and Public Power: Political Clientelism in the Modern State*, pp. 162-192, London: Frances Pinter, 1982, p. 181.

¹⁶ Michael Bratton, Nicholas van de Walle, Peter Lange, Robert H. Bates, Ellen Comisso, Peter Hall, Joel Migdal, and Helen Milner (editors), *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective*, Cambridge Studies in Comparative Politics, Cambridge, UK: Cambridge University Press, 1997, pp. 65-66. Clapham, 'Clientelism and the State', p. 25.

¹⁷ For example in Nigeria, Beckman argued that elites were intent on using the State as a means of acquiring wealth and prestige. However, in his summary of Beckman, Bangura argues that “it was believed that economic expansion, professionalism and class struggles would ultimately discipline ruling classes and policy makers, forcing them to make the state more efficient, increase its capabilities and ensure that it becomes accountable to social interests”. Bjorn Beckman, 'Whose State?: State and Capitalist Development in Nigeria', *Review of African Political Economy* 9, no. 23: January-April, 1982, pp. 37-51. Yusuf Bangura, 'New Directions in State Reform: Implications for Civil Society in Africa', Geneva, United Nations Research Institute for Social Development, UNRISD Discussion Paper No 113, accessed May 2003 at <http://www.unrisd.org>, May 1999, p. 3.

polity's resources and extraction from a dependent populace, rather than capital investment and appropriation of a profit. Such *primitive accumulation*, in Iyayi's neo-Marxist terminology; occurs "where indigenous capital is weak and lacks possibilities for accumulation through exploitation of ... less developed markets",¹⁸ while Moore argues that States and societies "have always instigated processes of primitive accumulation – the basis for modernity – through state-coordinated violence"¹⁹

The conflation of formal and informal realms and roles, or the *informalisation* of politics, is such that government and State decision-making and social interaction are formed in face-to-face and mutual, yet unequal patron-client relationships. The political realm extends into the informal sector, and politics is no longer a realm of predominantly public deliberation, but of private and personal negotiation and factionalism, "a network of personal links of loyalty".²⁰ Material advancement is impossible without political connections, and political power depends on the ability to distribute access and use rights over services and resources. To seek wealth is to seek power and vice versa.²¹ The neo-patrimonial polity is characterised by *uncertainty* and *insecurity* for all except the top patron in the polity,²² creating the "the reign of the arbitrary".²³

¹⁸ Festus Iyayi, 'The Primitive Accumulation of Capital in a Neo-Colony: the Nigerian Case', *Review of African Political Economy* 13, no. 35: Spring, 1986, p. 27. Iyayi also points to *corruption* as a process of primitive accumulation in Nigeria. Moore also uses the term 'primitive accumulation' to describe the accumulation of lands and resources by the BSAC and settler population in Southern Rhodesia from settlement in the late 1880s through to the formalization of land laws under the *Land Apportionment Act (1930)*. Moore, *Zimbabwe's Fight to the Finish*, pp. 14-20.

¹⁹ David Moore, 'Marxism and Marxist Intellectuals in Schizophrenic Zimbabwe: How many Rights for Zimbabwe's Left? A Comment', *Historical Materialism* 12, no. 4: Research in Critical Marxist Theory, 2004, p. 412.

²⁰ Jon Abbink, 'Violent and state (re)formation in the African context: the general and the particular', Paper presented at War and Society Seminars, Session: 'Warfare, Violence and Social Structure', Aarhus University, Denmark, 28 April, 2000'.

²¹ Nguiffo, 'The goat grazes where it is tied', discussing Medard, 'The Underdeveloped States in Tropical Africa', pp. 162-192. In mercantilist/early-capitalist England, Harrington made a similar observation: C.B. Macpherson, *The Political Theory of Possessive Individualism: Hobbes to Locke*, Oxford, UK: Oxford University Press, 1962, pp. 160-191.

²² Erdmann, 'Neo-Patrimonial Rule', p. 4.

²³ Nguiffo, 'The goat grazes where it is tied'.

Erdmann argues that “the entire [neo-patrimonial] political system is ... characterised by a deep and thorough privatisation and usurpation of public resources”. Public resources (material resources, roles and offices) are seen as a “personal asset”, a “personal right” and a “private resource”.²⁴ Nguiffo points to the “confusion of the public and the private” as the “key plank of the neo-patrimonial system”, and to the *personalisation of power* as “each official with a little bit of power appropriates and manages it for their own benefit”.²⁵ The ‘public’ is not that which belongs to all and which requires the consent of all before it is privatised, but as a Lockean wilderness of resources that do not yet belong to anyone, needing no-one’s consent as they are privately appropriated. As Bratton et al. argue, “Neopatrimonial leaders made little distinction between the public and private coffers, routinely and extensively dipping into the state treasury for their own political needs”.²⁶

Politics then, is the realm in which these assets are redistributed, and the State becomes “the super-patron of society” within which “the line between private and state property is almost non-existent”.²⁷ Despite this neo-patrimonial redistribution, and despite the State’s weakness, the net resource flow is upwards via *extractive corruption* into the realm of the State-linked elites and transnationally as elites form links and financial relationships with elites in other countries, and transfer resources beyond the national economy.²⁸ By the late

²⁴ Inge Amundsen, 'Corruption - Definitions and Concepts: Redistributive and extractive corruption - from below vs. from above', Chr Michelsen Institute, and Norwegian Agency for Development Cooperation, Oslo, translated by Francis McDonagh, accessed June 2004 at http://www.norad.no/default.asp?V_DOC_ID-668, 2003.

²⁵ Nguiffo, 'The goat grazes where it is tied'. As a dispute over the allocation by State agencies of ‘private’ rights over ‘public’ land-based revenue-rich resources, the Cameroonian forest industry bears similarities to the ‘land question’ in Zimbabwe and oil rights in Nigeria.

²⁶ Bratton et al. (editors), *Democratic Experiments in Africa*, p. 66.

²⁷ Robert Fatton, *Predatory Rule: State and Civil Society in Africa*, Boulder, Colorado, and Covent Garden, UK: Lynne Rienner Publishers, 1992, pp. 46, 48, 55, and 59.

²⁸ NORAD (Norwegian Agency for Development Cooperation) distinguishes *redistributive* corruption in which a ‘briber’ (from civil society) is comparatively more powerful than bribed State officials such that net resources are redistributed downwards from the State, from *extractive* corruption in which State-linked ‘bribees’ are comparatively more powerful than those who pay bribes in return for access to resources, such that the State-linked elites extract resources from society. Amundsen, 'Corruption - Definitions and Concepts: Redistributive and extractive corruption - from below vs. from above'.

1980s, the World Bank, through its focus on *governance* in Africa, was decrying “the extensive personalization of power... widespread corruption, and the prevalence of unelected and unaccountable government”.²⁹

Neo-patrimonial polities may retain a liberal-democratic semblance through periodic, popular and ‘free’ elections, yet rather than a measure of political accountability, elections become a way of organising and mobilising factional relationships.³⁰ Rather than accountability to a populace or political ideal or direction, ‘accountability’ and ‘representation’ are seen in terms of a patron’s ability to deliver rewards and resources, to deliver on their half of the pattern of mutual obligation.

Neo-patrimonial governance tends not only towards consolidation of power in State-linked hierarchies and elites, but also in a person – in African contexts this is often a male who cultivates an image of patriarch or ‘father of the nation’ or *pater familias*. In a post-liberation context, this often means a male who has led or been significant in the struggle against colonialism and who has consolidated his leadership in the post-independence State. Hierarchies of patronage run up to and merge in him. There is no patronage, power or wealth that is not traceable up to him, and State power becomes Presidential power;³¹ such a ruler may act like a traditional ruler, addressing and redressing grievances personally, even seeming to act benevolently.³² For Fatton, a paternal and lifelong “Presidential monarch” is “the ultimate dispenser of favour and disfavour, of gift and confiscation, of privilege and ruin”, “the only sun”, and “father of the nation, to whom filial respect is always due”.³³

²⁹ World Bank, *Sub-Saharan Africa: From Crisis to Sustainable Growth*, Washington, D.C.: World Bank, 1989. Discussed in Goran Hyden, ‘Governance and the Study of Politics’, in Goran Hyden and Michael Bratton (editors), *Governance and Politics in Africa*, pp. 1-26, Boulder, Colorado, and Covent Garden, UK: Lynne Rienner, 1992, p. 5.

³⁰ As in Keneally’s depiction of Civil War America. Keneally, *American Scoundrel: Murder, Love and Politics in Civil War America*.

³¹ Fatton, *Predatory Rule*, pp. 46, 48, 55, and 59.

³² Bratton et al. (editors), *Democratic Experiments in Africa*, p. 64.

³³ Fatton, *Predatory Rule*, p. 46.

Elite power is also based in historic patterns. Fatton talks of the persistence of a *hierarchical ethic* and “culturally sanctioned hierarchical relationships”, that, though based in and legitimated by (pre-) colonial structures, are also freed from prior constraints by their linkages to the Independent State. This enables the persistence of privilege and power, and creation of new inequalities. While earlier hierarchies were constrained by principles of equality based in kin, community and relationship, later hierarchies enable despotism. The colonial State’s coercive power has merged with a hierarchical ethic to create an ethic of coercive hierarchical power.³⁴

As a way of organising or perceiving a society and polity, the neo-patrimonial idea stands in contrast to horizontal structures such as class or age-cohort. The power of the President, ruling class and State create the powerlessness of much of the populace, who “experience such exploitation not as classes ... but as powerless individuals enmeshed in highly parochial forms of dependence”. Pervasive patron-client relationships enable elites to *disorganise* and disempower subordinate classes and “accentuate[d] their isolation and individualization”.³⁵ Rather than seeing their interests as lying in horizontal alliance, for example ‘class consciousness’ that might enable subordinate peoples to act in concert, all within this universal hierarchy see their interests in terms of linkages to a higher level patron.³⁶ Those at a lower level are disarticulated, and have no common voice.³⁷ Even elites are only as powerful as allowed or enabled by their linkages to the President.

³⁴ Ibid., pp. 87-88.

³⁵ Ibid., p. 53.

³⁶ Clapham argued that “Patron-client bonds by their nature ally members of different classes, and foment factional divisions between members of the same class” Clapham, ‘Clientelism and the State’, p. 25.

³⁷ The word *articulate* has an interesting double meaning: firstly of the way in which different parts of a body (a human body, or other) intermesh and *articulate* together to enable movement; and secondly that of an *articulate* person who can speak well. In this political context then, *disarticulate* can carry the double meaning of a group of people whose (potential or actual) interlinkages have been severed such that they can not act in unison, *and* a group of people who have no common voice.

Seeking an understanding of the State–Government–Zanu-PF ruling elite that administers and feeds off the present neo-patrimonial Zimbabwean polity, the metaphor of a hungry ruling group consuming the resources of nation, polity, or people is widespread in contemporary African analysis. For Bayart, “the politics of the belly” and the idea of *eating* are descriptive of contemporary elite strategies of (material) accumulation; for Frimpong-Ansah, colonial and independence Ghana evidences a ‘vampire State’, while Nguiffo uses the metaphor that *the goat grazes where it is tied* to describe the tendency of neo-patrimonial agents in Cameroon to *consume* the resources within their reach. More generally in Africa, Fatton describes the *predatory* rule of a ruling-class that “tr[ies] to establish a set of property rights that enhances their revenues, status, and wealth, even if it has devastating effects on the rest of society”.³⁸ Conflating the ideas of power and size, a *big man* has consumed and eaten well and has abundant resources: to become a client of such a patron is a way of accessing some of this abundance.³⁹ In Zimbabwe, President Mugabe is just such a *big man*, the ultimate locus of the nation’s resources and power, the paternal distributor of social and economic goods, the *father of the nation*.⁴⁰

In his poignant novel of the collapse of hope in post-Independence Ghana, Armah asks “How long will Africa be cursed with its leaders? There were men dying from the loss of hope, and others were finding gaudy ways to enjoy power they did not have”. Africa and Zimbabwe’s leaders were confronted with real problems and constraints – poverty, inequality, an undeveloped economy with the nation’s resources held and controlled by aliens (settlers or foreign companies), and new democratic and constitutional forms and market relationships –

³⁸ In French as in English, the title of Bayart’s book – *L’Etat en Afrique*, or *The State in Africa* – carries the double implication of a formally constructed African State, and the state of affairs in Africa. Bayart, *The State in Africa*, p. xviii. Jonathan H. Frimpong-Ansah, *The Vampire State in Africa: The Political Economy of Decline in Ghana*, London and Trenton: James Currey, and Africa World Press, 1991. Nguiffo, ‘The goat grazes where it is tied’. Fatton, *Predatory Rule*, p. 3.

³⁹ Karl Maier, *Into the House of the Ancestors: Inside the New Africa*, New York: John Wiley & Sons, 1998, p. 247.

⁴⁰ An idea that overlaps with the idea of Mugabe as *liberator of the nation* through his leadership of Zanu-PF as the most significant political and military element in the *Liberation War*.

and choices were difficult. Moreover, Zimbabwe's leaders have become enthralled by what Armah calls "the blinding gleam", the attraction of material wealth and accumulation and social display – all of which can be reached "by one bold, corrupt leap that gives the leaper the power to laugh with contempt at those of us who still plod on the daily round, stupid, honest, dull, poor, despised, afraid".⁴¹ Governance has become corrupted and directed towards personal rather than national good, and "the state is a pie that everyone greedily wants to eat".⁴² Perhaps the options at Independence in Zimbabwe were limited. Constitutional protection of the white farmers' property rights "cement[ed] the continued dominance of settler and foreign capital", thus "assur[ing] that an emergent African bourgeoisie would exploit the state to acquire interests in a highly skewed socio-economic order".⁴³

While neo-patrimonial has value as a descriptor, Bangura points to "A growth industry of unsavoury epithets on the African state..." which is "described as a 'lame leviathan', 'a shadow state', a 'predatory state', a 'crony state', or as a State that promotes 'the politics of the belly' ".⁴⁴ Such pejorative epithets have little explanatory value and can become a means whereby observers blame African elites for all the problems besetting the State in Africa, while minimising the very real effects of external constraints and historic context.

National Development and the Neo-Patrimonial State

In the Independence era, with a vibrant national economy and resources to lubricate the State-linked patron-client networks, the African State could hide its nature beneath a

⁴¹ Ayi Kwei Armah, *The Beautiful Ones Are Not Yet Born*, London, Ibadan and Nairobi: Heinemann, 1968, p. 94, 65, and 113.

⁴² Medard, 'The Underdeveloped States in Tropical Africa', p. 182.

⁴³ Moore, *Zimbabwe's Fight to the Finish*, p. 73.

⁴⁴ Bangura, 'New Directions in State Reform', pp. 3-4. William Reno, 'Shadow States and the Political Economy of Civil Wars', in Mats Berdal and David Malone (editors), *Greed and Grievance, Economic Agendas in Civil Wars*, Boulder, Colorado, and Covent Garden, UK: Lynne Rienner Publishers, 2000. Fatton, *Predatory Rule*. Bayart, *The State in Africa: The Politics of the Belly*.

developmental façade, directing resources towards those productive and political ideals favoured by a liberal-developmental vision. The neo-patrimonial independence State was a *simulation* of a rational-bureaucratic, democratic and accountable State, and democratisation required that leaders as politicians, rather than as hereditary elites or dynasties, mobilise support across the whole populace. Yet, as seen in many countries, national productivity gradually declined (internal and external financial and governance factors can be implicated) and competition for access to declining State and national resources became more important, widespread and overt. The rational-bureaucratic façade of governance and government becomes untenable, and the *neo-patrimonial* collapsed into the more simply *patrimonial*. No longer able to maintain a fiction that it is fulfilling its formal functions, the State is more overtly informal: “what has changed is merely the ability of the state to maintain the proprieties of its formal role”,⁴⁵ and “functional neo-patrimonial systems” are becoming increasingly dysfunctional.⁴⁶

In the Independence era, allocation of national resources to African elites could be portrayed as nationalisation or indigenisation, as the promotion of national productivity, controlled by and for nationals, with profits retained in the national economy. The inherent factionalism, nepotism and patronage could be temporarily overlooked, and given the small size of the indigenous elite at independence, those with the intellectual, financial, and organisational resources to ‘develop’ the nation’s resources were also part of the patronage networks of State and Government. Yet as resources fail, the neo-patrimonial State must cease even the pretence of being developmental. In the early 2000s, Moore argues, the challenge for

⁴⁵ Chabal, 'Violence, Politics and Rationality in Contemporary Africa', discussing Patrick Chabal and Jean-Pascal Daloz, *Africa Works: Disorder as Political Instrument*, Oxford and Indiana: James Currey, Indiana University Press, and International African Institute, 1999.

⁴⁶ Chabal, 'Violence, Politics and Rationality in Contemporary Africa'.

Zimbabwean development is for the State to encourage an entrepreneurial indigenous capitalist class that is *less* dependent on the State.⁴⁷

Yet the neo-patrimonial State, linked to society through pervasive patron-client networks, is a “vacuous shell”,⁴⁸ facing a *crisis of capacity*,⁴⁹ incapable of differentiating itself from society and without the institutional, political and financial resources to implement meaningful policy change or productive reform.⁵⁰ The weak neo-patrimonial State is incapable of directing national resources towards productivity and long-term development, or of creating a culture that will sacrifice immediate benefits for long-term productivity. It is primarily capable of appropriating resources which, for its survival and social reproduction must be redistributed through networks of patronage.⁵¹

Having inherited the colonial ‘capstone’ State that ‘sat over’ society rather than being created through and representing society, the Independence polity gained “strong blocking powers but weak enabling powers”. It was “strong in the sense of being able to preserve the *status quo* and prevent society from using its organisational power, however ... weak in the sense that it cannot operate through society”, and was incapable of “form[ing] a co-operative relationship with society”.⁵²

⁴⁷ Moore, *Zimbabwe's Fight to the Finish*, p. 92. Bratton and Rothchild (discussing Richard Joseph) reflect a similar theme of the importance of a viable non-State sector. Michael Bratton, and Donald Rothchild, 'The Institutional Bases of Governance in Africa', in Goran Hyden and Michael Bratton (editor), *Governance and Politics in Africa*, pp. 263-284, Boulder, Colorado, and Covent Garden, UK: Lynne Rienner, 1992. Richard A. Joseph, 'Political Renewal in Sub-Saharan Africa: the Challenge of the 1990s', in Richard A. Joseph (editor), *African Governance in the 1990s*, Atlanta: Carter Center, 1990.

⁴⁸ Similarly Nguiffo points to “the institutional atrophy of the State”. Nguiffo, 'The goat grazes where it is tied'.

⁴⁹ Bangura, 'New Directions in State Reform', p. 5. Similarly Moore talks of Zimbabwe's ‘development crisis’. Moore, *Zimbabwe's Fight to the Finish*, p. 1.

⁵⁰ Abbink, 'Violent and state (re)formation in the African context'.

⁵¹ Within Liebenberg's matrix of a weak/strong State versus weak/strong civil society, the neo-patrimonial polity is a weak State / weak civil society polity – reflecting Migdal's seminal work on weak and strong States in Africa. Joel S. Migdal, *Strong Societies and Weak States: State-Society Relations and State Capabilities in the Third World*, New Jersey, USA: Princeton University Press, 1988. Ian Liebenberg, 'Consolidation of Democracy in Africa: Inhibitors of Civil Society', *African Security Review* 6, no. 4, 1997 (accessed October 2003 at <http://www.iss.co.za/Pubs/ASR/2006No2004/Liebenberg.html>).

⁵² Lindberg, 'Building on Neopatrimonialism and International Dependency'.

The need to ensure an ongoing down-flow of resources to maintain political support contradicts any possibility of deferring consumption and investing into future national productivity. Inevitably, this lack of investment reduces future resources available for redistribution, making the State's neo-patrimonial nature even more overt and inhibiting it from being *developmental*; for Chabal, the neo-patrimonial State is "essentially inimical to economic growth".⁵³ Instead, political policy "favours large symbolic gestures, the distribution of largesse and promises of favours, but not, in general, promises to resolve structural problems with better policies".⁵⁴

Law and Order Under a Neo-Patrimonial Regimes?

Within the context of an increasingly dysfunctional and competitive neo-patrimonial polity, disorder – as opposed to *irrationality* – may have instrumental and political *uses* and be *rational*. As available resources are depleted, it is to the advantage of elites to use disorder instrumentally.

In Zimbabwe, justice and security which are supposedly 'public' goods have become *privatised* and primarily available to those with the right relationship to the neo-patrimonial State.⁵⁵ The much-criticised collapse of law and order – the rectification of which was a condition for restoration of donor funding, for example at the Donors Conference at Harare in 1998, and Abuja in 2000 – is not so much a *failure* of, but a facet of, neo-patrimonial governance. With escalating competition, the Government must revert to a divide and rule

⁵³ Chabal, 'Africa in the Age of Globalisation'. Chabal, 'Violence, Politics and Rationality in Contemporary Africa'.

⁵⁴ Kate Bird, David Booth, and Nicola Pratt, 'Food security crisis in Southern Africa: The political background to policy failure'. London, Forum for Food Security in Southern Africa, 2003. In Sindzingre's dichotomy of the *developmental* versus *neo-patrimonial State*, the fundamental difference is not the mode of wealth extraction, but whether or not resources are directed towards (national) production. Alice Sindzingre, 'The Developmental State, Patrimonial State and Economic Development: Are Sub-Saharan Africa and East Asia Comparable?', Paper presented at Lebanese Center for Policy Studies Workshop: The Developmental State model and the challenges for Lebanon, 15-16 February, Beirut, 2002.

⁵⁵ Vinci, 'Lawless States and Illicit Commerce'. Discussing Reno, 'Shadow States and the Political Economy of Civil Wars'.

strategy in order to exclude people from access to dwindling resources. The very weakness of the informalised neo-patrimonial State, especially its inability to create consensus, tends towards its injustice and use of violence as it is incapable of constructing institutions sufficiently differentiated from the pervasive patron-client networks to impartially contain and use the State's coercive force. Justice and security have collapsed *only* for those Zimbabweans outside the State-linked patron-client networks, thus enabling some to profit from the insecurity of others. Within "a world of disorder", the informal vertical networks that construct the neo-patrimonial order will offer more opportunity than the more formal horizontal networks that underpin a liberal State and civil society.⁵⁶

Zimbabwe and the Neo-Patrimonial Ruling Elite

The Concentration of State and Presidential Power

The concentration of State power which is integral with the consolidation of a State-linked and neo-patrimonial political elite has a long history in Zimbabwe.

The colonial State as it imposed itself in Southern Rhodesia was a centralised and coercive, though not large, bureaucracy. Through the colonial Protectorate era (1890-1923), power over the lives and livelihoods of the Zimbabwean peoples, all of whom including elites were initially rural, became increasingly concentrated in the centralised State, as indigenes were defeated militarily, dominated politically, and lived on white farms or were increasingly confined to Native Reserves.⁵⁷ As argued, customary law was recognised and accorded protection in Section 14 of the BSAC Royal Charter. In this process, customary law became

⁵⁶ Chabal, 'Violence, Politics and Rationality in Contemporary Africa', discussing Chabal and Daloz, *Africa Works: Disorder as Political Instrument*.

⁵⁷ Tapera Knox Chitiyo, 'Land Violence and Compensation: Reconceptualizing Zimbabwe's Land and War Veteran's Debate', *Centre for Conflict Resolution* 9, No. 1: May, University of Cape Town, RSA, 2000, pp. 1-51. The Native Reserves were established by the 1899 Order in Council: 'the Council shall assign to the natives land sufficient for their occupation, whether as tribes or portions of tribes, and suitable for agriculture and pastoral requirement', such that these Native Reserves were initially set up for the protection of indigenes.

dependent on State power.⁵⁸ Rather than a mode of autonomous indigenous authority, *customary law* was only powerful as it was codified, recorded and recognised by the State, and *customary title* was accorded no recognition. Rather than a progressive step, Britain's acceptance of the validity of customary law (and indigenous culture and forms) was part of a process that sought, within an ideal of Indirect Rule over the *subjects* of the colonial State, to "marshal the authoritarian possibilities of native culture".⁵⁹

Under the self-governing Colony of Southern Rhodesia (1923 onwards), State power was extended further, as under the direction of Commissioner E.D. Alvord (of the Natives Department) and using ideas such as the Herskovits *cattle complex* theory, African farming practices were subject to the scrutiny of Western science and ideals of efficiency and rationality,⁶⁰ as well as all lands being allocated as either white settlement, Native Reserves, Native Purchase Areas, or State lands. The *Land Apportionment Act (1930)*, based on recommendations of the *Morris-Carter Commission (1925)*,⁶¹ enforced State ideals of rational land management within the Native Reserves. The *McIllwaine Commission of Enquiry Report (1939)* continued the demonisation of African farming. Its recommendations were implemented in the *Natural Resources Act (1942)*, while more stringent intervention in African farming practices was implemented through the *Native Land Husbandry Act (1951)*.⁶²

⁵⁸ Angela P. Cheater, 'Contextualizing Cultural Policy in Post-Colonial States: Zimbabwe and New Zealand', Griffith University, Australia, draft text accessed May 2003 at http://www.gu.edu.au/centre/cmp/6_1_04.html, 2003, discussing M.F.C. Bourdillon, 'Is 'customary' law customary?', *NADA* 11, no. 2, 1975, pp. 140-149. Angela P. Cheater, 'Fighting over Property: The articulation of dominant and subordinate legal systems governing the inheritance of immovable property among blacks in Zimbabwe', *Africa Institute Bulletin* 57, no. 2, 1987, pp. 173-195. J.F. Holleman, 'Disparities and uncertainties in African law and judicial authority: a Rhodesian case study', *African Law Studies* 17, 1979, pp. 1-35.

⁵⁹ Mamdani, *Citizen and Subject*, pp. 21-22, and 286.

⁶⁰ Thorvald Gran, 'Land Reform and Trust in Zimbabwe', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, p. 11. Melville J. Herskovits, *Man and His Works: The Science of Cultural Anthropology*, New York: Alfred A. Knopf, 1966, pp. 195-196. Robin H. Palmer, *Land and Racial Domination in Rhodesia*, London: Heinemann Educational, 1977, p. 220. Terence O. Ranger, *Peasant Consciousness and Guerrilla War in Zimbabwe: a Comparative Study*, London: James Currey, 1985, p. 70.

⁶¹ Lebert, 'An Introduction to Land and Agrarian Reform in Zimbabwe'.

⁶² Chitiyo, 'Land Violence and Compensation'. Government of Zimbabwe, 'Land Issue - Fact Sheet'. President Robert Mugabe, 'Address to the Donors Conference on Land Reform and Resettlement, 9 September, Harare'.

One of the State's first roles was to *stifle* the accumulation propensities of an independent Zimbabwean agrarian bourgeoisie, to both appropriate the productive assets of the local population and control their productivity such that their productivity promoted the productivity and asset base of the settler population.

Then in 1967, under the *Tribal Trust Lands Act* and as part of a policy of 'Community Development' adopted by the Government in 1962 – Native Reserves became Tribal Trust Lands (TTLs). Traditional Authorities were recreated as Tribal Lands Authorities (TLAs – State sanctioned 'traditional' leaders), answerable to the 'Independent' State and with power to mediate land tenure on the TTLs.⁶³

Independence continued the trend of ever-increasing State power and increasing subordination of local institutions and authorities to a centralised State. But now this State was in Zimbabwean hands. Though not at first sight directly related to the LRP, in 1981 the newly Independent Government introduced the *Communal Land Act*, converting the TTLs into Communal Lands and seeking modernisation of their administration. The Act created new pathways to power via relationship to the State, and enhanced the power of the State and State-linked elites. In this process, authority to mediate access to Communal Lands was transferred from TLAs to State-appointed Local Authorities in the form of District Councils

Government of Zimbabwe, Harare, accessed May 2003 at <http://www.gta.gov.zw/Land%20Issues/LAND%20CONFERENCE.html>, 1998. Lebert, 'An Introduction to Land and Agrarian Reform in Zimbabwe'. Norman Mlambo, 'Resource Conflicts in Southern Africa: Zimbabwe's Land Conflict in Historical Perspective, A Critique of Paul Collier's Greed Versus Grief Theory', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, p. 15. Palmer, *Land and Racial Domination in Rhodesia*, p. 243.

⁶³ The *Tribal Trust Lands Act* replaced the *Native Land Husbandry Act (1951)*: Chitiyo, 'Land Violence and Compensation'. Government of Zimbabwe, 'Land Issue - Fact Sheet'. Baffour Ankomah, 'Why Mugabe is right ... and these are the facts', *New African*, Cover Story, accessed July 2002 at <http://dSPACE.dial.pipex.com/town/terrace/lf41/na/may00/nacs0501.htm>, June 2000. Katri Pohjolainen-Yap, 'Power and Thought in the Practice of Citizenship: The Case of Zimbabwe, with reference to the Matabeleland Conflict 1980-1987', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, p. 3. Pohjolainen-Yap further indicates that Tribal Courts Act (1969) "gave chiefs the power to judge civil and certain criminal cases".

and Village Development Committees.⁶⁴ Rather than a simple negation of chiefly power and roles, Chitiyo argues that “chiefs were generally co-opted into the state system”,⁶⁵ and local patrimonial structures and relationships were co-opted into or discarded by the structures and agencies of the formal ‘rational bureaucratic’ State.

This post-Independence concentration of State power has been paralleled by the consolidation of State, Government, and Zanu-PF. In contemporary Zimbabwe, the Mugabe Government identifies itself with the idea of Zimbabwe and its Government. It controls and directs the mechanisms of political, social and material selection and advancement, and is in turn made up from those who have advanced through this process; the supposedly a-political structures and processes of State and civil service come to be integrally linked with party and Government. Several ideas are conflated, political party conflates with the actual Government of the day, the actual Government of the day perceives itself as the historically-inevitable Government of Zimbabwe, and the Government becomes so interlinked with the institutions and personnel of the State that State and Government and political party become unitary.

As a political party, Zanu-PF has identified itself as synonymous with the Government and State. Going beyond the normal competitiveness of democratic politics, Zanu-PF and its leadership, who have held Government since Independence, have consistently demonised all opposition, and have attempted to suppress opposition voices, even to the extent of accusing opposition MPs of treason.⁶⁶ As the Zanu-PF Government has administered the post-

⁶⁴ Government of Zimbabwe, 'Land Issue - Fact Sheet'. However the 1999 Draft Constitution sought to re-empower the traditional leaders: Centre On Housing Rights and Evictions, 'Land Housing and Property Rights in Zimbabwe', p. 21.

⁶⁵ Chitiyo, 'Land Violence and Compensation'.

⁶⁶ Evidenced in the trial of Morgan Tsvangirai (leader of MDC) on charges of treason; these have only recently been dismissed. Much of the ‘evidence’ for this treason was in the form of a video tape leaked from Zanu-PF to Mark Davis, an Australian journalist working for the BBC in Africa. The tape seemingly implicated Tsvangirai in attempts to solicit others to assassinate Mugabe, and in which Tsvangirai clearly indicated that Mugabe would die. Yet the tape appeared to have been ‘edited’ to suit Zanu-PF’s vilification of Tsvangirai. Raftopoulos, Brian, 'The State in Crisis: Authoritarian nationalism, selective citizenship and distortions of democracy in Zimbabwe', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, p. 12. Andrew Meldrum, 'Mugabe holds opponents in jail', *Guardian Weekly*, London, 12-18 June 2004, p. 2. British Broadcasting Corporation,

Independence civil service, the State has become dominated by Zanu-PF affiliates, from Departmental Heads down to Local Authorities, and many have argued that membership of Zanu-PF has become a seeming prerequisite for appointment to, and promotion within, the civil service. Zanu-PF has so completely identified itself with the idea of Zimbabwe that to be opposed to Zanu-PF is to be opposed to Zimbabwe. Why appoint to the civil service someone who is opposed to Zimbabwe?

With the creation of a directly-elected executive Presidency through legislative changes which enabled “the use of the state for a process of ‘class formation behind closed doors’”,⁶⁷ power has been increasingly concentrated in the person of Mugabe (as leader of the State and ruling constellation), and power is *personalised* in the leader, shaped by the leader’s preferences rather than by codified law.⁶⁸ At the heart of political power in contemporary Zimbabwe is the Zanu-PF Politburo, headed by a 4-person ‘Presidency of Comrades’, comprising the President Robert Mugabe, Vice Presidents Joseph Msika and Joyce Mujuru, and Zanu-PF National Chairman John Nkomo, and including 18 Ministers, 18 Deputy Ministers and 10 other appointed committee members.

The Realm of the Ruling Elite

The post-Independence Zimbabwean Land Reform Programme has been co-opted by a ruling political elite which spans the realms of Zanu-PF, Government and State, including the civil service, judiciary, military, and employees and managers of Zimbabwean and international corporations and non-government organisations with linkages to the State, in particular with linkages to the rural economy and the LRP.

‘Zimbabwe's treason tape saga’, BBC News, Tuesday, 26 February, 2002, accessed June 2005 at <http://news.bbc.co.uk/1/hi/world/africa/1841846.stm>.

⁶⁷ Raftopoulos, 'The State in Crisis', p. 8.

⁶⁸ Bratton et al. (editors), *Democratic Experiments in Africa*, p. 61. Discussing Max Weber, *Economy and Society*, New York: Bedminster Press, 1968.

As under colonialism, consolidation of the State-linked Zimbabwean ruling elite is inextricably linked to land,⁶⁹ and through the mechanism of the LRP, land was used as “a commodity with which to purchase elections”.⁷⁰ Human Rights Watch points to “The blunting of the distinction between government and the ruling party in the structures responsible for allocating land”.⁷¹

In a complex interplay of concentration of power and creation of relationships of dependency and exclusion, the elites and aspirant elite have sought access to the State and its institutions, and have sought to extend and consolidate the formal and informal realm of State control and intervention, and have reconstructed the nation’s resources as State resources.

In a process that polarised the polity, the ruling elite has incorporated and subordinated much of the populace into relationships of political and material dependency. This process of inclusion and consolidation of the relationship between elites and broader populace has worked to exclude political opposition, minority groups and white settlers from the realm within which access to the (State) resources is determined.

The ruling elite’s domain of control and mutual dependency has extended to all levels of society, to the whole range of persons, groups and elements who are included within and dependent upon the patrimonial networks that the ruling elite controls, co-opts, or seeks to control. In return, this ruling elite is politically dependent on its coopted populace, as well as being politically powerful and in many cases wealthy. Rather than seeing power oversimplistically in terms of the power that an elite can exert over subordinate classes and peoples, Zimbabwe points to a broader understanding of power via processes that are both

⁶⁹ Even the white landowners were dependent on the State through State subsidies etc., were important to the colonial State’s revenue base, and were influential within the State, for example through the Rhodesia Front which in the latter pre-Independence decades represented their interests in Parliament.

⁷⁰ Kinsey, 'Opportunists and Occupiers: The Slow Evolution from Corruption to Crisis in Zimbabwe's 'Land Question', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, p. 1.

⁷¹ Human Rights Watch, 'Fast Track Land Reform in Zimbabwe', *Human Rights Watch*, Harare, 14, No. 1a: March, 2002, accessed August 2003 at <http://www.hrw.org/reports/2002/zimbabwe/index.htm>.

inclusionary and exclusionary. As well as through the horizontal relationships, which may be alliance-based or competitive and exclusionary and whereby the ruling elite is consolidated, power is constructed vertically through patron-client relationships that operate both within the elite and downwards to the populace.

This *formation* which dominates the political and material resources of Zimbabwe, and is seemingly intent on extending its realm of control, is far broader than the politically-connected and State-connected ruling elite. Being so enmeshed with and dependent on all who have been incorporated into formal and informal relationships with the neo-patrimonial State, from the upper levels of Government down to the lowest levels of local government, local leaders of the War Veterans, local Zanu-PF officials, and all with whom these have formed a relationship, this formation can be seen in terms of a *dominant constellation* that encompasses a large proportion of the Zimbabwean populace. This constellation has become the realm within which political support for Zanu-PF is organised, yet is more extensive than the formal membership of Zanu-PF, being broadly commensurate with Zanu-PF's somewhat more than 50% electoral support.⁷² This is the realm of the neo-patrimonial ruling elite, and would come within Fatton's definition of *the State* as "the entire complex of political and theoretical activity by which the ruling classes not only justify and maintain their domination but also succeed in obtaining the active consent of the governed".⁷³

Just as the dominant constellation is in the process of self-construction and consolidation through elite consolidation, concentration of State and Presidential powers, and control of the LRP, it also brings ever-more of the Zimbabwean populace under its control. While Fatton talks of the possibility of an 'uncaptured peasantry' not yet in thrall to a central

⁷² In the light of consistent claims that Zanu-PF and its supporters have engaged in vote-rigging, the actual electoral support may be less than 50%. Zanu-PF is not hegemonic in the sense of having gained the active and willing support of most Zimbabweans, but has successfully controlled the democratic processes through mechanisms of fear and ongoing and widespread social intervention. David Moore, 'Zimbabwe: Elections, despondency and civil society's responsibility', *Pambazuka News, Weekly Forum for Social Justice in Africa*, Thursday April 7 2005, accessed January 2006 at <http://www.pambazuka.org>.

⁷³ Fatton, *Predatory Rule*, p. 29.

State and still capable of resisting State control,⁷⁴ the realm of the dominant constellation is expanding to assert control over the 'peasantry'. Via State control of Communal Lands, via ongoing co-option of traditional and local authorities, and via State-mediated land allocation under the LRP, land holding at all scales from subsistence farmers to small- and large-scale commercial farmers becomes dependent on maintenance of relationships with the ruling elite. In Fatton's terminology of the interdependence and dialectical integration of the "social ensembles" of State and civil society, which are conflictual yet profoundly interdependent and impossible without each other,⁷⁵ the Zimbabwean ruling elite seeks to create and 'recognise' a politically-loyal, subordinated and dependent civil society. All outside this realm of recognition are rejected from access to the national resources that are commandeered by and mediated through the dominant constellation.

It is in the interests of the ruling elite and all to whom it is linked that the State is ever more powerful, with increasing control over ever-more of the resources of the polity which then become the resources of the dominant constellation. This constellation needs a powerful President as ultimate patron of its power, influence and access to resources, a President who can act unilaterally and in its interests. Conversely, and however corrupt the electoral processes, the democratically-elected President, not quite a chief or king, needs the support of Parliament, the civil service, the ruling elite, and other populist groups. It is not just the President who benefits from the concentration of Presidential power. All those who successfully maintain a relationship with the President also benefit, from the upper echelons of the elite of the ruling constellation, to the rank and file of Zanu-PF on whom the President depends for ongoing electoral and populist support.

⁷⁴ Ibid., p. 34. Discussing Goran Hyden, *Beyond Ujamaa in Tanzania: Underdevelopment and an Uncaptured Peasantry*, London: Heineman, 1980, pp. 8-29 See also Mamdani, *Citizen and Subject*, p. 12. Much of the colonial State's actions in Southern Rhodesia were directed towards the economic and social 'capture' of the Zimbabwean peoples.

⁷⁵ Fatton, *Predatory Rule*, p. 3.

The Ruling Elite – a National Bourgeoisie?

To a large extent a determining factor in the construction of positions of power and authority in the neo-patrimonial relationships headed by the Zimbabwean ruling elite is membership of Zanu-PF or its former military wing ZANLA as the dominant locus of political opposition to the former white Government; participation in the Liberation War, or family or personal relationship to those who did, is significant. With Zanu-PF domination of the State and civil service, membership of or linkages to these bodies is another determining factor. Progressing beyond ZANU and ZAPU's original base in an indigenous elite and (would-be) urban petite bourgeoisie, the post-Independence Government represented the interests of an aspirant national bourgeoisie.

In the late 1990s, it seems that the unfinished business of the Liberation Struggle, in the sense of the widespread *nationalisation* of the lands was *only* implemented when Mugabe and the elites of the Liberation War and Independence era had consolidated their power and control over the State and its institutions (including an ability to control the allocation and distribution of resources within the national economy) and knew they could control and divert this nationalisation to their own material and political benefit. The contradictions between the originally-urban nationalist petite bourgeoisie/intellectual elite leadership and the radical rank-and-file remain, for example as the ruling constellation seeks to constrain and co-opt the War Veterans and their leadership with increased pensions and lease allocations,⁷⁶ and marginalising the unco-opted urban rank and file through the suppression of the MDC and other opposition voices.

The Zimbabwean ruling elite is strong as it controls processes of resource allocation and appropriation, yet weak in that its only viability rests in this control. It *must* exert ongoing control over resource allocation within the ruling constellation in order to meet the obligations inherent in the ubiquitous neo-patrimonial structure.

⁷⁶ Moore, 'Marxism and Marxist Intellectuals in Schizophrenic Zimbabwe', p. 411.

The land nationalisation now implemented is hardly the nationalisation hoped for by the socialist radicals of the Liberation War. True, the lands of the white farmers have been seized, yet it is in the redistribution rather than appropriation that socialist/nationalist ideals are betrayed. Land is nationalised for and in the name of the Zimbabwean people, yet reallocated on a factional and partisan basis. Any ideal of Zimbabwean lands returning to the broader Zimbabwean peoples has failed.

There has been debate as to whether the African ruling elites are a truly a ruling class, which in turn involves debate as to what it means for a social grouping to be a *class* and whether these 'classes' are defined by *power* or by relationship to mode of production. Rather than a capitalist bourgeoisie, the African elites have been variously referred to as an 'administrative bourgeoisie' (a term first used by Frantz Fanon), or 'state bourgeoisie', 'bureaucratic bourgeoisie' or 'managerial bourgeoisie'.⁷⁷ For Forrest, "If a class does not *control* the means of production, then it is not a *ruling class*". Yet it is also clear, as evident in Zimbabwe, that the ruling elite now aspires to *also* control the means of production, to *become* a ruling class.

Much earlier in post-feudal England, James Harrington (1611-1677), had first theorised the relationship between political power and property – and his argument extends to the relationship between political power and control over the means of production. In his 'principle of the balance' he argued that for political stability, and allowing for short periods of disequilibrium, "the balance of power must correspond to the balance of property".⁷⁸ In this understanding political instability will be the result if the interests of a landed class are not adequately and commensurately represented in State and Government, and similarly if an elite

⁷⁷ Joshua B. Forrest, 'Debates: The Contemporary African State: A 'Ruling Class'?', *Review of African Political Economy* 14, no. 38: Spring, 1987, pp. 66-67. Frantz Fanon, *The Wretched of the Earth (Les damnés de la terre)*, translated by Constance Farrington, Suffolk, UK: Penguin Books (first published by Francois Maspero, France, 1961), 1969.

⁷⁸ Macpherson, *The Political Theory of Possessive Individualism*, pp. 160-163.

holds political power yet has little direct control over or material interest in the productive resources of the polity.

Within the constraints of the 'principle of the balance', Harrington did not see all commensurate distributions of property and power as equally just: rather than the concentration of power and landholdings in an aristocracy, he favoured a broader distribution of both, and his is an argument for the economic and political rights of the *landed gentry* vis-à-vis the fading aristocracy and nobility.

Bringing this theoretical understanding to contemporary Zimbabwe, the differing balances of political power and property in post-Independence Zimbabwe clearly contradicted Harrington's 'principle of the balance': those who held political power had little financial interest in and only little control over the commercial farms which were the mainstay of the formal economy, their material interests lying in the political realm and in their access to the State. Conversely, those who controlled the commercial farmlands of Zimbabwe had little political power (though their property rights, and hence economic privilege, were constitutionally protected), being few in number and minimally represented in Parliament, but more importantly, they were in large part accountable to international markets, rather than to the Zimbabwean people and polity.

The LRP has brought some commensurate balance between landholdings and political power: those with significant property but no commensurate political power were dispossessed (though they were eligible for landholdings commensurate with the remainder of the population), and those with political power have started to gain landholdings that reflect their status and power. The converse – that those with significant landholdings gain commensurate political power – would have been the reinstatement of colonial relations of power and property. Where Harrington's argument was essentially an argument for the political rights of the gentry in England commensurate with their landholdings, the Zimbabwean LRP has brought landholdings to the elite commensurate with their political

power. Both are steps towards the creation of a bourgeoisie with control over the means of production and the political power to protect and further their material interests.

Conclusion: The Impossibility of Property Under a Neo-Patrimonial Regime

In a neo-patrimonial system, use rights and access to services and resources must be conditional grants rather than permanent rights or alienable commodities. In a declining economy and with a predominantly rural populace for whom access to land is the traditional basis of material life, land is the obvious resource to be redistributed to elites and populace to create and maintain political support and obligation.

Because this State is dependent on its ability to appropriate and re-allocate rights and access to services and resources in return for political obligation, and because political loyalty must be continually re-ensured, a neo-patrimonial regime requires ongoing resources for redistribution. Access to and use of the nation's resources and lands must be allocated in a time-limited manner rather than permanently and unconditionally. This is incompatible with the unconditionality, alienability and unlimited accumulability of property. If land, as a finite resource, were redistributed as *property* then the power to mediate tenure would also finite, and power over land would pass beyond the patron's control. Hence the very idea of landed tenure held in perpetuity and without political or hierarchical obligation, and alienable without reference to a higher power is antithetical the idea of neo-patrimonial power, such that in the neo-patrimonial State *property is impossible*.

The State requires both ultimate tenure (as does a liberal-capitalist State) and an ongoing ability, contradicting the idea of property, to control and mediate the *immediate* usage of the nation's resources. Hence in Zimbabwe, the former *property* of white farmers has been redistributed as *leasehold* against the State, such that possession and tenure are conditional and vulnerable into the future: the socio-cultural and political unconditionality of property has been reversed. This insecurity, and the relationships of obligation and conditionality enabled by this insecurity, are constructive elements in the present neo-

patrimonial polity. That the property of many small-scale commercial black farmers has also been seized and redistributed confirms that this is an attack on the unconditionality of property, as much as indigenisation or redistribution directed towards justice or greater equality.

In the conflation of the private and public within contemporary neo-patrimonial Zimbabwe, land as *property* must be redefined as a *private* holding, and redirected as a *public* and State-mediated asset which can then be *conditionally re-privatised* via the ability and authority of State-linked agents to determine tenure holdings.

In his defence of property, Locke argued that “a legitimate government is limited, constitutional, non-arbitrary, and confined to the regulation and securing of men’s property”.⁷⁹ In his view, a State that supports and defends private property rights must also be constrained in its right or ability to interfere in these private rights and there should be a clear demarcation of the public and private. Conversely the neo-patrimonial State has conflated the public and private such that ‘private’ rights are no longer possible, and the realm of State interference is almost universal.

Lands redistributed to small-scale farmers are allocated as semi-formal leasehold. Pre-1997, lands were issued under a one-year permit with the expectation that, in time, these permits would be converted to formal State leasehold.⁸⁰ Post-1997, villagised settlers received no formal title, though “it is made clear that they have usufruct rights to the land and that the Government will protect those rights”.⁸¹ Yet there is still widespread apprehension regarding security of tenure.

⁷⁹ Ryan, *Property and Political Theory*, UK: Basil Blackwell, 1984, p. 15.

⁸⁰ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement: Assessment and Suggested Framework for the Future: Interim Mission Report', New York, UNDP, January 2002, p. 6. Up to 1997, resettled farmers were given written permits or Temporary Occupation Licenses (issued by a resettlement officer, rather than Local Authorities) to live on and use their assigned lands.

⁸¹ *Ibid.*, pp. 6, and 30.

Similarly, lands allocated to urban and ruling elites for the indigenisation of commercial agriculture are leasehold against the State, via 99-year leases under the CFSS and varying terms under the OTFS.⁸² This enables greater security than is available to the villagised settlers, yet none have gained land as property.

As well as creating an *insecurity of tenure*,⁸³ this process centralises power in the State and its employees and officials.⁸⁴ Where tenure is increasingly dependent on political affiliation, then insecurity of tenure is a way of ensuring ongoing political loyalty and obligation. As UNDP indicates, this kept “resettlement beneficiaries vulnerable to arbitrary change in Government policy or administrative practice”, and was a means of “subjecting land allocation and administration to patronage and nepotism”.⁸⁵ As an apparently inclusionary process, as people, for example the War Veterans, are co-opted into Zanu-PF,⁸⁶ this is also an *exclusionary* process, as those who for material, ideological or political reasons choose to *not* engage with these patrimonial networks are excluded from the opportunities within the realm of the ruling constellation. As Bratton et al. argue, elites tend to be held together by pragmatic concerns of access to resources, largely despite potential ideological differences, such that their “political position comes to be defined according to whether they are *insiders* or *outsiders* in relation to the patronage system.”⁸⁷

As much as a material resource that is valued for its productivity, the ruling elite’s co-option of the LRP is a way of exerting *control over people* – and Kariuki argues that

⁸² The Ordinary Farmer Tenant Scheme is discussed in greater detail in Chapter 8.

⁸³ Mandivamba Rukuni, 'Why Tenure Reform is Critical to Zimbabwe's Future Governance, Economic and Social Progress', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001', p. 13.

⁸⁴ The TLAs (formerly Traditional Authorities, the lowest tier of the State and more-or less the former chiefs), are sidelined and rendered somewhat irrelevant.

⁸⁵ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', p. 51.

⁸⁶ Moore, 'Marxism and Marxist Intellectuals in Schizophrenic Zimbabwe', p. 411.

⁸⁷ Bratton et al. (editors), *Democratic Experiments in Africa*, p. 86.

“monopoly control of land leads to monopoly control of power over people”.⁸⁸ In contemporary Zimbabwe, control over people is established by control over land, and control over land and the LRP is established through the personalised power of neo-patrimonial State-linked elites.

⁸⁸ Samuel Kariuki, 'Echoes of a Distant Future? The South African Land Reform Policy Experience (1994 - 2001): Past, Present and Future Challenges Via the Zimbabwe Experience', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, p. 32.

8 ELITE REDISTRIBUTION: A NAMING OF POWER

The Dongo List

Background

Much land redistribution in post-Independence Zimbabwe has been to smallholders from the over-crowded and environmentally-degraded Communal Lands. Significant redistribution has also been to the Zimbabwean elite, specifically to those with linkages to the ruling elite of Zanu-PF–Government–State. As the redistribution to small farmers (Model A1, as per LARP Phase II) has been via conditional tenure rather than property, land allocation to elites (for example as part of allocation to indigenous commercial farmers via Model A2) has been via conditional leasehold rather than property. The LRP is not just about the transfer of property from expatriate alien hands to indigenous Zimbabwean hands, but is a process of *appropriating property and redistributing conditional tenure* as temporary occupation licences and short to long term State leases: in denial of property, new political relationships are constructed and enabled.

Under colonial and UDI rule (in particular the *Land Apportionment Act, 1930*), black Africans were always permitted to purchase lands as property in designated Native Purchase Areas. Yet this was merely a *right* rather than a financial *ability* – and not even a right that was equally available for all. An alternative mode of tenure open to many white settlers and corporations was leasehold over State lands, over small or large parcels of land for short to long time-spans. This mode of land tenure was retained at Independence, though in a minor role, but has over the last eight to ten years become the pathway for allocation of State (that is national) resources to elites.

The ‘Dongo List’ is a critical document in the explication of the present allocation of leasehold land to the ruling elite and dominant constellation, illuminating the nature, development and composition of the neo-patrimonial polity in contemporary Independent Zimbabwe. Margaret Dongo was MP for Harare South, and originally a member of Zanu-PF and the Government. She served in the Liberation War and was a founding member of the

War Veterans Association. Her history illustrates the conflictual relationship between the War Veterans and Government. It also reveals the conflictual relationship between the use of land allocation to create and entrench an indigenous elite that is supportive and creative of the neo-patrimonial State, rather than redress injustices and benefit 'the people'. Her story illustrates the *gendered* nature of Zimbabwean politics. As the Harare-based Human Rights Forum argues, Margaret Dongo successfully resisted the "considerable social pressure" placed on female veterans after Independence "to abandon their liberationist roles and credentials, and to re-create their identities as demure, outwardly-submissive, respectably-married women".¹ Margaret Dongo continued a politically activist stance, and rejected the constrictive role that would have been available to her in Zanu-PF.

In 1999, Margaret Dongo, as President of the Zimbabwe Union of Democrats and one of three independent MPs,² asked a question in Parliament requesting data on large-scale land allocations under the LRP. The Government tabled a list of farm leases allocated to Zimbabweans for commercial usage, which Margaret Dongo released with a press statement as the 'Dongo list' in late 1999/early 2000.³ The list is the subject of scrutiny and comment by the opposition, yet surrounded by silence from Government.

¹ Human Rights Forum (Zimbabwe Research Unit), 'Gender and Constitutional Issues, Special Report No 2', Harare, HRF (Zimbabwe), March, 2001, p. 5.

² With Parliamentary seats so strongly polarized between Zanu-PF and MDC, MPs from other minor parties tend to be referred to as 'independent'. Margaret Dongo lost her seat in the Parliamentary elections of June 2000.

³ The full Dongo List and press statement are available as a pdf file from the website for the Centre On Housing Rights and Evictions (COHRE, a Geneva-based NGO which undertook an investigative mission to Zimbabwe in 2000), and as an EXCEL file from ZWNEWS, a USA-based independent news-collating service drawing reports and commentaries from 5 independent sources within Zimbabwe. ZWNEWS draws on:

1. *The Daily News*, produced by Associated Newspapers of Zimbabwe, based in Harare, accessible at: www.dailynews.co.zw (and now banned from publication).

2. *The Zimbabwe Independent*, a daily newspaper produced by Zimind Publishers (Private) Ltd – headed by Trevor Ncube who also owns the Johannesburg-based *Mail and Guardian* – and based in Harare; accessible at: www.theindependent.co.zw

3. *The Standard*, a Saturday paper published in Harare by the owners of the *Zimbabwe Independent*, and accessible at: www.thestandard.co.zw

4. *The Financial Gazette, Zimbabwe*, a weekly paper published in Harare and with linkages to the Reserve Bank; accessible at: www.fingaz.co.zw

5. and *The Media Monitoring Project, Zimbabwe*, an independent trust established by 3 NGOs (the Global Campaign for Freedom of Expression; the Catholic Commission for Justice and Peace, Zimbabwe; and the Media Institute of Southern Africa, Zimbabwe Chapter) – initially to monitor the State media (Zimbabwe Broadcasting Corporation, and Zimbabwe Newspapers Ltd) but later to also monitor private media; accessible at: www.mmpz.icon.co.zw

The list comprises 180 leases under the *Ordinary Tenant Farmer Scheme* (OTFS) totalling 242,100 ha, and 244 leases under the more recent *Commercial Farm Settlement Scheme* (CFSS) totalling 228,632 ha, both being expressions of land allocation for commercial farming or commercial purposes, rather than for subsistence farming. Data is included for lessee name, lease name and location, lessee occupation and/or employer, lease area, commencement and expiry dates, and lease rental (though with many omissions, especially from the CFSS list).⁴ Leases span the period from the early 1960s to 1999. For ease of reference within this text, leases have been numbered sequentially from CFSS#1 to #244, and from OTFS#1 to #180 (Appendix 2).

With inconsistencies and a profusion of missing data, the Dongo List is an incomplete source of information. Yet in contemporary Zimbabwe, hard data is scarce, and the Government's documentation contains more polemic than fact.⁵ Political questioning is often met with violence. It seems that few, with the exception of major NGOs, have access to Government data. In the confusion of land allocation, even the Government records may be incomplete and contradictory, reflecting not just weak State bureaucratic capacity but a deliberate intent to obscure reality.⁶

If a rigorous approach is taken to the idea of *data*, then there may be little data obtainable for analysis and criticism. Then little could be said and, in effect, criticism would

The ZWNEWS (EXCEL) file was most useful, being amenable to statistical analysis, while the COHRE (pdf) file is a useful confirmation of the list (including its internal errors and inconsistencies). The Dongo list as downloaded from ZWNEWS is included as Appendix 2. Government of Zimbabwe, and Centre On Housing Rights and Evictions, 'The Dongo List', in *Land Housing and Property Rights in Zimbabwe*, Annex 2 in COHRE, Africa Programme Mission Report, Geneva, 2001. Government of Zimbabwe, and ZW News, 'The Dongo List', ZW News, accessed May 2003 at www.zwnews.com/dongolist.xls, 2001.

⁴ The list does not detail the thousands of indigenous farming households or families who were allocated small family-sized farming lots, with the expectation that these would be labour-intensive operations, producing for family/household use or for local markets.

⁵ For example its web pages.

⁶ Evidenced in Government of Zimbabwe (The President's Office), Flora Buka, Osias Hove, and Sam Moyo, 'Addendum To The Land Reform And Resettlement Programme National Audit Interim Report, Leaked Confidential Government Report', Government of Zimbabwe, Harare, Government of Zimbabwe, ZW News, accessed May 2003 at www.zwnews.com, 2003.

be silenced, thus perhaps fulfilling the Government of Zimbabwe's agenda. In order to say *anything* about contemporary Zimbabwe, then the idea of *data* must become more fluid. The Dongo List as reproduced by COHRE and ZW News from Parliament is clearly accepted as a real document by commentators within Zimbabwe. Identical versions available from a number of sources, appearing to indicate their reliability. The tests of proof must accord with their context: in a society and polity where rational bureaucracy is obscured by partiality and partisan relationships, where questioning is met with violence, where reality is deliberately obscured, then 'truth' must emerge from what seems reasonable in this context, of internally consistent information that conforms to fact, and in accord with other sources.

Though the Dongo List presents the CFSS list *before* the OTFS List, the OTFS leases *pre-date* those of the CFSS – the transition happening in about 1998. There is apparent confusion as commentators intermix the terms, referring to the CFSS in the pre-1998 era, and the OTFS since 1998. Much of the uncertainty derives from missing data within the Dongo List, in particular for Commencement Dates for many CFSS leases. Hence a discussion of the OTFS and CFSS Lists must start with a discussion of the data as presented, working towards a preliminary resolution of some of the inconsistencies.

The OTFS: the Data

Where known or interpreted commencement dates for the CFSS are all in the late 1990s, commencement dates for the 180 OTFS leases span the period from 1962 to the late 1990s, that is from the colonial era through the UDI era and into the Independence era. Lease terms range from one to 99 years; many expired prior to the release of the Dongo List, and it is unclear whether these lapsed or were renewed.

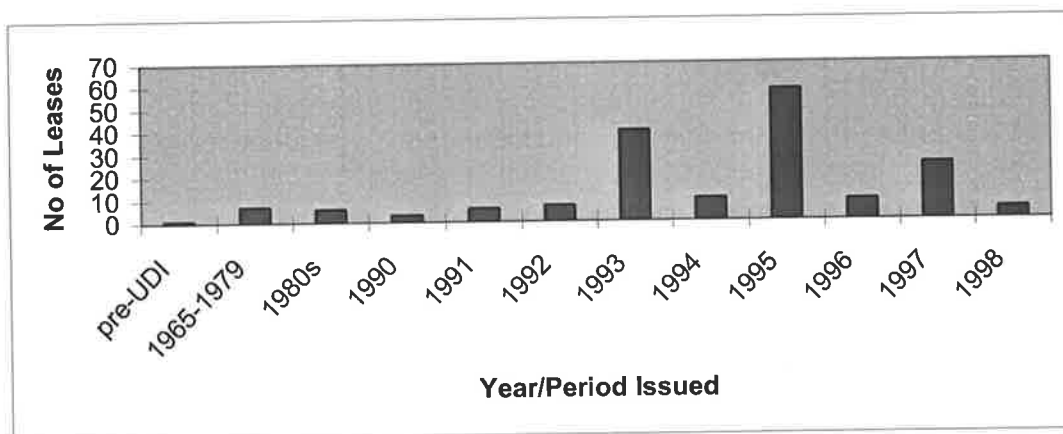
Eight leases have pre-1980 commencement dates – that is in the colonial era, one being pre-UDI and the others post-UDI – and vary enormously in size. All were probably genuine commercial leases, and the recipients are private individuals (farmers, miners),

parastatals, companies and social organisations that may well have supported the Ian Smith regime.⁷ Within this group, Sigmund J Rosenfels, Mrs L Abrahamson, and Monica Fraser are the only obviously non-African names in the OTFS (or CFSS) List. Many leases from this era may have lapsed, or been converted to freehold.

Another six leases were granted in the 1980s and follow the 1960s-70s pattern, that is to private owners (though with African/Zimbabwean rather than European names), companies, parastatals and organisations with presumably legitimate productive needs for land.⁸

The remaining 166 leases were granted in the 1990s (Figure 1), with 142 of the 180 leases in a 5-year period from 1993 to 1997. None were allocated in 1999, in the year preceding the tabling of the Dongo List.

Figure 1: The Dongo List: OTFS-Leases, Year/Period of Issue



The eight leases issued in the 1960s and 1970s were for terms of 20, 21, or 35 years – indicating they were leased with a view to capital investment and longer-term productivity.

⁷ In chronological order these leases were to Cold Storage Com (OTFS#37, Magudu Ranch, 1962), Lions of Umfuli (OTFS#31, 1972; appears to have been replaced by OTFS#92 in 1987), Sigmund J Rosenfels (OTFS#7, 1972), Outward Bound Association, (OTFS#130, 1973), Mrs L Abrahamson (OTFS#13, 1974), Sungwi Safaris (OTFS#163, 1974), Sungwi Safaris (OTFS#167, 1974), Monica Fraser (farmer, OTFS#93, 1976).

⁸ In chronological order these leases were to Magadzire P/L (OTFS#172, 1983), Hotel Properties Co (OTFS#65, 1984), Kadoma Rural Council (OTFS#91, 1985), Rotary Club (OTFS#92, 1987; formerly granted to the Lions of Umfuli as OTFS#31), Cold Storage Com (parastatal, OTFS#125, Glendow Farm, 1987), N Nhari (OTFS#32, 1989). Dube, of Cold Storage Company, also acquired part Sessombi, in Kwe-Kwe as CFSS#175.

The six leases issued in the 1980s after Independence were for terms of 5, 10, or 20 years. Of the 163 leases issued in the 1990s, most (113) were for a 5-year term (with a lesser number for four years (19) or 10 years (11), and far fewer for longer terms), and seemingly leased with a view to shorter-term profitability, perhaps via subletting, profit extraction from an established operation, or anticipating later purchase or renewal on more favourable terms.

The range of OTFS lease sizes is far broader than in the CFSS, with a large number of small to medium leases, a lesser number of larger leases, and a smattering of leases above 3400 ha up to a maximum of 15,066 ha. In terms of total areas (number or leases within a range multiplied by the median area of that range), about as much total area was allocated as small leases as median and large leases.

The 180 OTFS leases are spread across Zimbabwe (Figure 3), in more fertile zones⁹ and in the more arid lowlands of western Zimbabwe, in the eastern foothills of the southeastern highlands, and even below and east of the escarpment at the base of these foothills. Many leases were in comparatively remote areas, somewhat removed from main regional centres and transport corridors. In most cases, the lessee is an individual, with 23 leases to legal entities, including tourist safari companies, rural councils, NGOs and community clubs.¹⁰

With leases from 1962 to 1998, the OTFS is clearly the continuation of a colonial scheme directed towards the material welfare of a class of State-supported rural producers. The range in lease sizes and terms, the allocation of larger leases in marginal zones, and the

⁹ Including in Mashonaland East and Mashonaland Central (around, and north and east of Harare), where no CFSS leases were allocated.

¹⁰ 23 OTFS leases were to corporate entities, some of these being Local Government or parastatals.

Companies: Pabst Holdings Ltd (OTFS#1), Cold Storage Co (OTFS#125), Hotel Properties (OTFS#65), Pride of Zimbabwe Safaris (OTFS#66), Alaska Dolomite Pvt (OTFS#114), Fairford Transport PL (OTFS#118), Inyati Agro Dev Co (OTFS#122), Sungwi Safaris (OTFS#163 & #167), Outward Bound Association (OTFS#130)

Councils: Centenary Road Council (OTFS#14), Hwange Rural Council (OTFS#67), Kadoma Rural Council (OTFS#91), Marondera Road Council (OTFS#124).

NGOs: Siyabonga Orphanage (OTFS#70), CREDO (OTFS#121), Mutoko Horticulture Ass (OTFS#146), ZIMFEP (OTFS#149), Mat Dev Foundation (OTFS#179).

Clubs: Lions of Umfuli (OTFS#31), Suri-Suri Rotary Club (OTFS#37 & #92), Redcliff Lions Club (OTFS#95)

diversity of lessees points to a scheme that was, in its colonial and early Independence incarnation, substantially directed towards diversified rural productive activities including tourism, and still is in some part directed towards genuine indigenisation of rural productivity, even if lessees are drawn increasingly from the ruling elite. Many leases are of a size that would be commercially farmable.

From 1990 onwards, the scheme was increasingly directed towards Zimbabwean entrepreneurs and farmers; the increase in lease allocations coincides with an increasing emphasis on indigenisation under LARP, on the creation of a class of Zimbabwean commercial farmers and rural producers who would replace the white farmers and maintain Zimbabwean rural productivity as white farmers were displaced.

Then, through the mid-1990s, the scheme became increasingly politicised and directed towards those within and with linkages to the ruling elite. The late 1990s decrease in lease allocations under the OTFS coincides with the public advertising and allocation of leases through the CFSS, the successor to the OTFS.

The CFSS: the Data

In contrast to the broad geographical spread of OTFS leases, CFSS leases are all on 10 'Estates' – that is large to very large State-owned farms¹¹ – in 9 districts in 5 provinces (see Figure 3), ranging from one lease on Kezi to 50 leases on Coburn:

- 27 leases at Battlefields, in Kadoma (Mashonaland West)
- 4 leases at Chisimbi, in Lomagundi (west of Chinhoyi, Mashonaland West)¹²

¹¹ Margaret Dongo indicated that these lands had been 'bought' by the State; see introduction to Appendix 2. ZWNNews, 'The Dongo List'.

¹² The area of Lomagundi has been renamed Nyamakonde: 'Lomagundi' was an Ndebele word, and 'Nyamakonde' is a Shona word. Some (in particular among the Ndebele and other minorities within Zimbabwe) perceive the widespread renaming of towns, districts and provinces within Zimbabwe as part of a process of 'Shonalising' the landscape of Zimbabwe and 'establishing Shona hegemony', as an element in the suppression of Ndebele culture by the dominant Shona. For example, the original Ndebele kingdom of Mzilikaze and Lobengula – and referred to as 'Mthwakazi' by those seeking to reassert Ndebele culture – extended though present Midlands and into part of Mashonaland West (including Lomagundi), and was thus much larger than the present area of Matabeleland North and South; the reconstruction of Provincial boundaries is portrayed as the annexation by the present Shona elites of parts of the Ndebele lands, and is portrayed as the continuation of colonial policies which favoured the Shona over the Ndebele. MAGGEM, 'Establishing Shona Hegemony in Matabeleland: A Deliberate Case of Language Imperialism and Ethnic Cleansing', London, Mthwakazi Action

- 50 leases at Coburn, in Chegutu (Mashonaland West)
- 10 leases at Endeavour, in Mhangura (near Kadoma, Mashonaland West)
- 47 leases at Marula, in Bulalima Mangwe (Matabeleland South)
- 1 lease at Kezi, in Bulalima Mangwe (Matabeleland South)
- 8 leases at Nyamazura, in Mutare (Manicaland)
- 40 leases at Sessombi, in Kwe-Kwe (Midlands)
- 29 leases at Sikato, in Masvingo (Masvingo)
- 28 leases at Vungu, in Gweru (Midlands)

Taking a broad view of Zimbabwean ecology and geomorphology, all estates are in prime fertile farming zones, and 7 estates / 207 leases (Battlefields, Chisimbi, Coburn, Endeavour, Marula/Kezi, Sessombi, and Vungu) are within the fertile productive corridor striking north-northeast from Botswana through central Zimbabwe, focused around the main Bulawayo – Harare transport corridor, along the gentle western slopes of the highlands of central-southeastern Zimbabwe; the other 2 estates / 37 leases (Nyamazura/Manicaland and Sikato/Masvingo) are southeast of eastern highlands. Moreover, leases/estates are focused in peri-urban areas within 50-100 km of capitals or regional centres, rather than in the more arid hinterland sloping northwest towards the Zambezi Valley.

In contrast to the distribution of landholdings evidenced several years later in Zimbabwe,¹³ none of these estates were in Mashonaland Central or East – the heartland of both of the old white settler colonial culture and polity, and of Zanu-PF support and resistance to the former colonial culture. The State estates allocated through the CFSS were not in the tightly-held white farmer heartland where most land was held as private property, nor in the marginally-productive hinterlands of the west and far southeast, but in the peripheral fertile zones within which the Independence State had inherited larger parcels of State lands from

Group on Genocide and Ethic Cleansing in Matabeleland and Midlands, accessed May 2005 at <http://members.aol.com/maggemmm/Imbizo2.htm>, 1999.

Clapham argues that widespread patrimonial relations, as they cut across horizontal social structures, lend themselves to the mobilization of ethnic identity in the struggle for access to resources. Clapham, Christopher, 'Clientelism and the State', in Christopher Clapham (editor), *Private Patronage and Public Power: Political Clientelism in the Modern State*, pp. 1-35, London: Frances Pinter, 1982, p. 23.

¹³ The VIP List and Leaked Confidential Report, as discussed later in this chapter.

the colonial State which had in turn purchased these lands from the British Government which had purchased them from the BSAC in 1923.

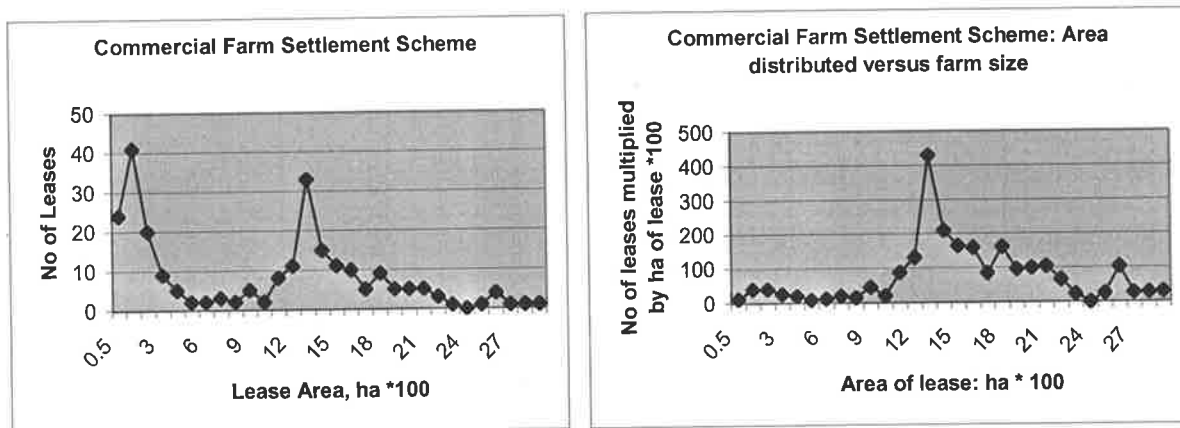
Rather than an ad-hoc allocation of lands, the CFSS represents an ultimate and decisive phase of the OTFS, and an apparent transition in thinking, as the Government stepped away from a prior logic of allocating lands to those who might be able to indicate a genuine need for lands for productive purposes and sought access to State land for these purposes, to a logic of purposeful advertising of specific subdivision of State lands – and hence opening a pathway amenable to political persuasion. This was a decisive step, and a step towards the larger-sale appropriation of lands by the Zimbabwean elites.

That the CFSS is directed towards medium to large scale farming is indicated by lease sizes (Figure 2). Leases range from 15 to 2923 ha, with a bimodal distribution, with many small leases (around 15 ha; shown as <0.5 times 100 ha in Figure 2), and a second grouping at 1100–1600 ha. Plotting the number of leases in each size range multiplied by that size range (*how much* of the 228,632 ha allocated through this scheme was allocated in each size range, rather than *how many* of the leases) highlights the scheme’s focus on medium to large scale farming: most of the *land area* was distributed in leases in the 1100-2100 ha range – commensurate with broad-acre commercial farming.¹⁴

¹⁴ Range of lease sizes (minimum and maximum) and mean lease size and standard deviation for each of the 9 provinces is shown below; some of these distributions are closer to a random scatter than a binomial distribution. As might be expected, the size range and standard deviation is lower on estates with fewer leases (Chisimbi, Endeavour and Nyamazura), and somewhat larger on estates with a larger number or leases (Battlefields and Vungu). Yet, in contrast, the range and standard deviation on some estates with a larger number of leases is comparatively tight (Coburn, Sessombi and Sikato), while the range and standard deviation for the Marula leases is very large. The widest range in lease size is in Marula/Kezi, in the more open/flatter lands of Matabeleland.

Estate	Province	State	No of leases	Min. ha	Mean	Std Dev.	Max. ha	Total Area
Battlefields	Kadoma	Mash West	27	924	1534	315	2150	41,422
Chisimbi	Lomagundi	Mash West	4	902	1023	100	1122	4,092
Coburn	Chegutu	Mash West	50	60	256	231	951	12,822
Endeavour	Mhangura	Mash West	10	109	144	24	191	1,438
Marula, Kezi	Bulalima Mangwe	Matabeleland South	48	77	1550	861	2923	74,3989
Nyamazura	Mutare	Manicaland	8	166	203	28	260	1,622
Sessombi	Kwe-Kwe	Midlands	40	723	1244	177	1456	49,757
Sikato	Masvingo	Masvingo	29	15	61	82	356	1,761
Vungu	Gweru	Midlands	28	1072	1476	277	2154	41,318
Total			244	15	937	757	2923	228,632

Figure 2: The Dongo List, Lease Sizes Under the CFSS



Commencement and Expiry dates are indicated for only 100 CFSS leases – even though these clearly represent the subdivision of specific estates in the late 1990s: 95 were issued between 1st January 1998 and 1st October 1999 for terms of 95 to 99 years.¹⁵ Five of the eight leases on Nyamazura Farm have Commencement Dates of 1st October 1966 and Expiry Dates of 30th September 2097, seemingly 32-33 years before other dated CFSS leases and for 32-33 years longer. Given that the CFSS represents the post-1996 subdivision of farms,¹⁶ these leases were probably issued in 1999 (rather than 1966) – a simple typographic error – and are 98-year leases; four lessees are prominent in Zimbabwean politics in the late 1990s, confirming a recent issue date.¹⁷ These 100 CFSS leases (95 in 1998-9; five interpreted

¹⁵ 13 on Battlefields, 1 on Chisimbi, 42 on Coburn, 6 on Endeavour, 7 on Marula, 13 on Sessombi, 8 on Sikato, and 5 on Vungu.

¹⁶ ZWNews, 'The Dongo List'.

¹⁷ P&M (Patrick) Chinamasa, Attorney General/Minister of Justice, Legal and Parliamentary Affairs, CFSS#140, EU#10 - Appendix 6; Christopher Mushowe (note spelling difference), Principal Director of the President's Office, MP for Mutare West, Deputy Minister of Transport and Communications, Deputy Energy Minister, and Director of State Residences since the mid-1990s, CFSS#141, EU#63 - Appendix 6; Henry Muradzikwa, CFSS#144, was former Editor-in-Chief of *Zimbabwe Inter-Africa News Agency (ZIANA)*, which was reformed by Mugabe as *New Ziana* in 2001, and Muradzikwa, not always a Mugabe supporter, was retrenched. Anonymous, 'Zimbabwe: New assault on free press', *The Telegraph*; *The Sydney Morning Herald, Weekend Edition*, London and Sydney, United Nations IRIN News (Integrated Regional Information Networks), and UN Office for the Coordination of Humanitarian Affairs, accessed April 2004 at http://www.irinnews.org/report.asp?ReportID=13768&SelectRegion=Southern_Africa&SelectCountry=ZIMBABWE, 9 November 2001.; General Michael Reuben Nyambuya, MP (note spelling difference), CFSS#147, EU#74 - Appendix 6 (CFSS#147)

as 1999) are the 100 leases advertised in 1996, as the possibility of lease allocations to urban elites first came to public and political attention, and Government was obliged to make leases more widely available.¹⁸ The remaining 144 undated CFSS leases are interpreted as post 1998-9: these include 23 leases 'Reserved' for specific but unnamed lessees, seven yet to be allocated 'Vacant' leases¹⁹ and 114 undated but named leases.²⁰

In the CFSS list, 193 of 244 leases (79%) were still 'to be assessed' for rental (in comparison to 55 of 180, or 31%, of OTFS leases), including *all* leases with no Commencement/Expiry Dates – again hinting that these are very recent leases.

Until assessed for rental, these leases are 'free', and in the present political climate they may *never* be assessed. Commentators – within and without Zimbabwe, including Government apologists – point to the slowness of the assessment process (even to its politically partisan nature), and to the paucity of valuers and assessors: the lack of assessment indicates State weakness, either that Departments do not have the resources to assess rentals, or that elites can manipulate Departmental personnel so as to avoid paying rental.

As with the OTFS, most of the lessees are persons, though in contrast to the OTFS where 23 leases were corporate entities with a rural focus, only two CFSS leases were granted to corporate entities (1#229 to Gotora Engineering with occupation listed as 'Engineer', and this may be a small personal company; 1#142 to Farmers Development Trust, a Harare-based NGO). This would seem to reflect a shift in emphasis away from entities with a genuine interest in rural production. In addition, the CFSS included 22 leases to couples.

¹⁸ Parliament of Zimbabwe, 'Report Of The Committee On Parastatals And State Investments On Agricultural Policy, Presented to Parliament on Thursday, 20th May, Report No S.C.9-1999, section 5.7', Government of Zimbabwe, Harare, accessed September 2004 at http://www.parlzim.gov.zw/Committees/Reports/state_investments/body_state_investments.htm, 1999.

¹⁹ For these Reserved and Vacant leases, locations are indicated but data is missing for lessee name, employer/occupation, and in most cases for lease rental

²⁰ Many of these lessees were/are politically-prominent in the late 1990s.

A Preliminary Summary of the OTFS/CFSS

The OTFS (presumably also meaning the CFSS) and the list of recipients received comment in the House of Lords in the UK Parliament through questions tabled on 5th April 2000 by Lord Moynihan and directed to the Blair Government, specifically to Baroness Scotland of Asthal. Lord Moynihan asked:

Whether they (Her Majesty's Government) have received reports that, following the compulsory purchase of land from white farmers in Zimbabwe, government ministers, members of the judiciary and members of the armed forces have received farms from the state

and

Whether they have received reports that public servants and members of the armed forces have taken advantage of the Ordinary Tenant Farmer Scheme as 'ordinary tenants' in Zimbabwe; and whether land reform there was initiated as a policy to help the poor.

Baroness Scotland of Asthal responded (18th April 2000) that the Government was aware of these criticisms, and "will only consider supporting land reform when it generally helps the poor".²¹

At the London Land Negotiations with British officials on 27th April 2000, Minister John Nkomo indicates that the Commercial Farm Settlement Scheme (CFSS) was inherited from the colonial regime (more correctly it was the OTFS which was inherited from the colonial regime), and was aimed at "indigenising medium to large-scale commercial agriculture" and at "the development of an efficient large-scale [indigenous] commercial farming sector as a parallel process to land redistribution under the resettlement programme",²² that is in parallel with the resettlement of communal and subsistence farmers under Model A1. According to the Government, the CFSS seeks to "bridge the gap between

²¹ Parliament of the United Kingdom, 'Responses No 1905 and 1906, Tuesday 18 April', London, accessed February 2004 at <http://www.parliament.the-stationery-office.co.uk/pa/ld199900/ldhansrd/vo000418/text/00418w03.htm>, and <http://www.parliament.the-stationery-office.co.uk/pa/ld199900/minutes/000405/ldordpap.htm>, 2000.

²² John Nkomo, 'Minister John Nkomo's Opening Statement at the London Land Negotiations, April 27', Government of Zimbabwe, Harare, accessed February 2004 at <http://www.gta.gov.zw/Land%20Issues/MinisterNkomoOpeningspeech.htm>, 2000.

small holder communal and resettlement farmers and large scale commercial farmers by creating a viable medium-scale [indigenous] commercial farming sector".²³

In its colonial expression, the scheme was directed towards British (white) war veterans from World Wars I and II and other European immigrants, and within the colony towards "numerous white government officials and ministers of past regimes and other members of the public".²⁴ From the present Zimbabwean viewpoint, the scheme was in its colonial inception directed towards the enrichment of a selective minority and was never *impartial*. According to Nkomo, the present scheme uses similar criteria as did the colonial scheme, yet imposes more stringent leasehold conditions and is 'an improved policy'. He rejects any criticism of these criteria, arguing that while the colonial scheme empowered a white community, the present scheme is empowering black people of Zimbabwe. To now criticise a scheme that was accepted under colonialism would be 'racist'.

Anticipating criticism of the CFSS, Nkomo argues that land distributed through this scheme has not been *acquired* via the LRP (neither by market acquisition nor by compulsory acquisition). It is land the State already held in its own right, as transferred from the colonial State.²⁵ According to the *Sunday Mirror* critique of the CFSS (some months after release of the Dongo List),²⁶ at Independence the Zimbabwean State inherited about 1700 farms located within the area set aside for white agricultural land, and that apparently were set aside by the colonial State for distribution to white settlers.²⁷ These lands included State farmlands,

²³ Parliament of Zimbabwe, 'Report Of The Committee On Parastatals And State Investments On Agricultural Policy'.

²⁴ Nkomo, 'Minister John Nkomo's Opening Statement at the London Land Negotiations, April 27'.

²⁵ *Ibid.*

²⁶ The *Sunday Mirror* is an independent newspaper (established in 1997 and published by Ibbo Mandaza, a left-wing thinking Zanu-PF official adopting a moderately critical stance towards the Government and critical of the Government's land grab) published by Southern Africa Publishing House (SAPHO), Harare. The paper is accessible at <http://www.africaonline.co.zw/mirror/>

²⁷ Voice of the Mirror, and Innocent Chofamba Sithole (Editor), 'Land Reform', in *The Sunday Mirror*, edited by Southern Africa Printing House (SAPHO), Harare, Group Publisher and Editor, Ibbo Mandaza, 20 April 2000. The *Sunday Mirror* article, published a week before Minister Nkomo's London speech, reflects a similar pro-Government line, rejecting criticisms of 'cronism', nepotism and blatantly political land allocation.

forests, and lands that were leased from the State. Some of these State lands were also transferred to the LRP for smallholder resettlement.

Implicitly rejecting criticisms based on the Dongo List, Nkomo argues that, “less than 10% of those who have benefited from this scheme are government officials and ministers of the present government”. But he dissembles, as the number of lessees who are State employees or who have familial/personal relationships to State officials and Ministers is much higher. The Dongo List is replete with lease allocations to family members of MPs and Ministers, to the families of the ruling elite of the neo-patrimonial polity. He goes on to argue that, “At any rate those few government officials benefiting from this scheme have qualified openly for the farms and use them adequately”.²⁸ Yet it is clear that few of the State and Government officials who gained leases have the practical experience to bring these lands to optimal productivity.

Similarly Ankomah rejects any criticism that “Mugabe was giving the land to his ‘cronies and political allies’”.²⁹ The *Sunday Mirror* argues instead that the colonial Government had allocated leasehold farms to its own cronies, to ‘the party faithful’ and senior members of Government and the civil service, at minimal rental and irrespective of farming experience. Moreover, few white settlers had farm experience *before* they settled in Southern Rhodesia; they only became viable farmers with the assistance of State grants and subsidised loans, and “a policy framework that made the Rhodesian farmer one of the most cuddled and privileged on earth”.³⁰ Why would the Zimbabwean elites, at home in this culture and these lands, be less successful than the white farmers?

²⁸ Nkomo, 'Minister John Nkomo's Opening Statement at the London Land Negotiations, April 27'.

²⁹ Baffour Ankomah, 'Why Mugabe is right ... and these are the facts', *New African*, Cover Story, accessed July 2002 at <http://dSPACE.dial.pipex.com/town/terrace/1f41/na/may00/nacs0501.htm>, June 2000.

³⁰ Voice of the Mirror and Innocent Chofamba Sithole (Editor), 'Land Reform'. Kariuki argues that “from the 1930s, (State) macro-economic and agricultural policies promoted LSCF access to capital, technology, foreign currency and commodity markets ... which helped to bolster their agricultural production ...” Samuel Kariuki, 'Echoes of a Distant Future? The South African Land Reform Policy Experience (1994 - 2001): Past, Present and Future Challenges Via the Zimbabwe Experience', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, p. 35.

Despite these attempts at legitimation, it is clear from the Dongo List that *some people* rather than *the people* are 'empowered'. Nkomo legitimates the CFSS in terms of continuity with its colonial precursor, yet it is in its continuities that it deserves criticism. As the colonial scheme empowered a white minority, that is the *citizens* of the colonial State, at the expense of a majority of black *subjects*,³¹ the present scheme empowers an indigenous elite yet fails to empower a black populace. The scheme reverses a racial polarity, but entrenches inequalities of wealth and power based on political linkages to the State.

The *Sunday Mirror* indicates that the CFSS (OTFS) and the cronyism persisted through the brief transitional black regime under Abel Muzorewa (following the Internal Settlement of 1978), and makes the odd claim that with the appointment of a white Minister of Agriculture (Denis Norman, an independent MP) in newly Independent Zimbabwe, the scheme remained largely unknown until Norman was replaced by Minister Kumbirai Kangai³² in the mid-1980s. Rather more believably, the *Sunday Mirror* argues that Ministers Kangai, and then Witness Mangwende,³³ sought to keep the scheme relatively quiet, using it as a mode of private cronyism and patronage until the scheme became public knowledge in 1995 and Government felt obliged to broaden its application.³⁴ Accordingly 100 leases were advertised in 1996 and subsequently allocated – with another 144 (or more since 2000) being subsequently allocated. The advertising of leases was *not* a negation of politically-partisan lease allocation, but an expansion to include a broader range of politically-linked lessees. And the CFSS suffers the same structural defects as other resettlement and indigenisation schemes

³¹ The colonially-constructed dichotomy of citizen and subject has been discussed herein in Chapter 7. Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*, Princeton, New Jersey: Princeton University Press, 1996.

³² Minister of Labour and Social Welfare in the Independence Government; EU#11 - Appendix 6.

³³ Witness Pasichigare Madunda Mangwende, MP and Provincial Governor, Harare, EU#36 - Appendix 6; holds Rudolphia in Mashonaland East (according to VIP List; see Table 8). Unknown relationship to Chief Jonathan Mangwende, MP and indicated as 'President' of Parliament on Zimbabwean Parliamentary web page. Unknown relationship to Deputy Minister Alois T Mangwende who gained lease OTFS#133 in the Dongo List.

³⁴ Voice of the Mirror and Innocent Chofamba Sithole (Editor), 'Land Reform'.

– lack of access to training and commercial resources including electricity, water and marketing infrastructure.³⁵

The *Sunday Mirror* presents summary figures on the CFSS: in 2000, there were fewer than 400 black lessees holding small-medium sized farms of 50 to 5000 ha, covering a total of 423,000 ha,³⁶ median farm size is about 700 ha (at the small end of the scale for commercial farms) with larger farms concentrated in low fertility areas (Natural Regions IV and V), and medium sized farms in more fertile areas. Arguing that the CFSS is only a small part of the overall LRP, the *Sunday Mirror* claims that the lessees comprise less than 0.7% of total beneficiaries of land reform and hold only 10% of the land so far redistributed.³⁷ Yet this means that, on average, these lessees hold more than 15 times the holdings of other LRP beneficiaries.³⁸

In comparison to the apparent emphasis in the OTFS on land allocations for diversified rural uses, the CFSS reflects a greater emphasis under LARP Phase I, and increasingly under LARP Phase II, on land allocation for broad acre commercial farming in the more fertile zones in Zimbabwe, and, as the listing of *lessees* indicates, an ongoing allocation of larger farms to those with the right political connections.

³⁵ Parliament of Zimbabwe, 'Report Of The Committee On Parastatals And State Investments On Agricultural Policy'.

³⁶ The *Sunday Mirror* cites Sam Moyo, without further details; Moyo is the 'Land expert' associated with the Leaked Confidential Report discussed later in this Chapter. The Dongo List includes 244 CFSS leases (including 30 Reserved or Vacant) totalling 228,632 ha and 180 OTFS leases totalling 242,100 ha (some have expired), most probably indicating that the *Sunday Mirror* is talking of the sum of CFSS and OTFS leases. Voice of the Mirror and Innocent Chofamba Sithole (Editor), 'Land Reform'.

³⁷ Ibid.

³⁸ 10 over 0.7, all divided by 90 over 99.3

The Lessees – the ‘Who’s Who’ of Land Allocation in Zimbabwe

Though spokespersons for the Government have consistently rejected any criticisms of cronyism or nepotism in land allocations under the OTFS and CFSS, the list of beneficiaries in both schemes is astounding in the blatancy with which those with high rank, position or authority or influence are dominant amongst the beneficiaries. At the highest level, beneficiaries are drawn from Government (MPs and Provincial Governors) and State (the leadership of the civil service, military and the corporate sector). Slightly below this, less-powerful beneficiaries are selected so as to create a sub-elite that is dependent on Government, State and Zanu-PF elites, drawn from the middle to lower levels of the civil service, Zanu-PF leadership, and linked organisations. For simplicity the two lists are discussed separately, though they have much in common and have many parallels.

The OTFS

Because it lists employer/title but not role/occupation, the OTFS list is less politically illuminating than the later CFSS. Ten leases were to members of the upper level of Government, including Ministers, MPs, and Governors:

- Elliot M Chauke, MP (81 ha in Chiredzi, #44),
- Deputy Minister Mabel Chinomona (14 ha in Mutoko, #145),
- Provincial Governor Border Gezi (deceased, 1200 ha in Bindura, #3),
- former Governor Welshman Mabhena of Matabeleland North (1088 ha in Bubi, #12),³⁹
- a Cabinet Minister (Mandizvidza Enterprises Private Ltd, 650 ha in Chegutu, #23),
- Deputy Minister Alois T Mangwende⁴⁰ (15 ha in Mutoko, #133),
- Ambassador Elliot Tapfumanei Manyika,⁴¹ Minister without Portfolio (302 ha in Shamva, #156),

³⁹ Mabhena, no longer governor, is now vociferously opposed to Zanu-PF.

⁴⁰ Perhaps related to Witness Pasichigare Madunda Mangwende, Provincial Governor, Harare, EU#36 - Appendix 6 – and who is in the news as he usurps the powers of mayors and councillors, etc. in Harare.

⁴¹ EU#37 - Appendix 6.

- Deputy Minister, and Provincial Governor, Matabeleland North, Obert Mpofo⁴² (1026 ha in Nya-mandlovu, #148),
- Richard M Ndlovu, MP (1829 ha in Bulalima Mangwe, #9), and
- C Sibanda, MP (220 ha in Wankie,⁴³ #177),

Notably there are no OTFS leases to ranking military officers – a group who come to prominence in the CFSS and later.

As well as these upper Government levels, the OTFS includes 43 middle/lower level civil servants and employees of parastatals and State-linked organisations – including 29 ‘civil servants’ and one police officer, four ‘consultants’, five employees of the Cities/Municipalities of Harare, Bulawayo and Chinhoyi, two employees of parastatals, and two unspecified employees of the University of Zimbabwe.

Some of these mere ‘civil servants’ hold far higher rank than indicated. OTFS#43 was to TS Chipanga, ‘civil servant’, but this is Tongesai Shadreck Chipanga,⁴⁴ Deputy Minister of Home Affairs. OTFS#115 was to Charles Utete, ‘civil servant’, yet more importantly Chairman of the Presidential Land Review Committee and retired head of the President’s Office.⁴⁵ OTFS#153 was to Willard A Chiwewe, ‘civil servant’, yet also Senior Secretary in the President’s Office.⁴⁶ Possibly many OTFS lessees hold higher rank than indicated, and understatement to the point of misrepresentation of roles and positions may be a deliberate ploy to obscure lease allocations to political elites.

⁴² EU#50 - Appendix 6.

⁴³ No longer in Parliament. Lease 2#151 of 449 ha in Nya-mandlovu was granted to Charity Sibanda – presumably the same Charity Sibanda cited in the *Zimbabwean Herald* of 2004, as a (fairly wealthy) human resources manager for a clothing firm, protesting at the failure of the banks in Zimbabwe. Sifelani Tsiko, ‘Indigenisation under threat’, *The Herald*, Harare, 10 January 2004.

⁴⁴ EU#12 - Appendix 6.

⁴⁵ EU#93 - Appendix 6. Presidential Land Review Committee (Zimbabwe), and Dr Charles MB Utete, ‘The Utete Report’. Though now retired, Charles Utete is considered the *eminence grise* off Zanu-PF, that is the unseen power behind political power. He is from the same village as President Mugabe and reportedly set up Robert Mugabe with Grace, his present wife, also from the same village.

⁴⁶ EU#14 - Appendix 6; see also the discussion of the VIP List

Many of the OTFS leases to the political elite in the 1994–1998 era were for short periods (commonly five years – with the exception of the 99 year lease to Border Gezi – some expiring before release of the Dongo List), and many were clearly not commercial farms on the scale that is common in the CFSS. Perhaps some were prestige ‘hobby farms’ or for genuine small-scale commercial usage; or, the legal framework and permissive environment which enabled the larger-scale land allocations of the CFSS had not yet been established.

As with the CFSS, leases were granted to employees of (unspecified) NGOs,⁴⁷ but in contrast to the CFSS, nine were granted directly to NGOs: three broadly agrarian NGOs (Mutoko Horticulture Association, Zimbabwe Foundation for Education with Production/ZIMFEP, and Matabeleland Development Foundation), four community organisations and two welfare organisations.⁴⁸ The assumption is that leases were for welfare/humanitarian purposes rather than the personal enrichment of NGO employees.

Private sector OTFS lessees are somewhat lower in social ranking than in the CFSS, and include agribusiness employees, safari operators (these are amongst the largest leases allocated), and employees/operators/owners of a range of financial, manufacturing, retail and media concerns – many being quite small leases. In contrast to the CFSS, many leases thus seem to be directly related to productive land-based wealth creation, in accordance with the ideals of the LRP. As well as these employees and companies, the other 81 private sector lessees are dominantly ‘self employed’, three to medical professionals, nine to ‘businessmen’ and one ‘businesswoman’,⁴⁹ and 53 to ‘farmers’.

⁴⁷ BA Zimbabwe, OTFS#34; Freedom Nyamubaya, OTFS#102

⁴⁸ OTFS#31: Lions of Umulfi, 7 ha in Chegutu; OTFS#70: Siyabonga Orphanage, 95 ha in Insiza; OTFS#92: Rotary Club of Kadoma, 7 ha in Kadoma; OTFS#95: Lions Club of Redcliff, 9 ha in Kwe-Kwe; OTFS#121: CREDO (Christian welfare organization?), 261 ha in Makande; OTFS#130: Outward Bound Association, 40 ha in Melsetter; OTFS#146: Mutoko Horticulture Ass, 164 ha in Mutoko, OTFS#149: ZIMFEP, 1755 ha in Nyamandlovu; OTFS#179: MatDev Foundation, 1918 ha in Wankie.

⁴⁹ OTFS#160, Nancy Saungweme, 929 ha in Urungwe

The CFSS and the State Elite: 1998 Onwards

Among the 244 CFSS lessees are many members of the broader Government,⁵⁰ in the sense of those with significant power within the apparatus of State and Government (within Departments, parastatals, and Parliament itself). The CFSS list (summarised in Table 6) includes lessees from the upper levels of Parliament:

- *Chief Fortune Zefanaya Charumbira*, an appointed rather than elected MP,⁵¹
- the *Attorney General*, Patrick & M Chinamasa,⁵²
- the *Deputy Speaker*, Edna Madzongwe,⁵³
- the *Minister of Mines*, Simon Khaya Moyo,⁵⁴
- the *Principal Director*, of the President's Office, Christopher Mushowe, MP,⁵⁵
- the *Speaker*, Hon Cyril Ndebele,⁵⁶
- the *Deputy Minister of Transport*, Zenzo Nsimbi,⁵⁷
- *General Michael Nyanbuya*, MP,⁵⁸

Within the President's Office, lessees include:

- *Spokesperson*, George Charamba,⁵⁹
- *Director*, V.R.M. Nyathi,

⁵⁰ This is approximate as the actual role and power of some lessees is open to interpretation, and some of these 43 lessees are more or less closely or less obviously linked to the State than are others.

⁵¹ Most probably Fortune Zefanaya Charumbira, Deputy Minister for Local Government, Public Works and National Housing, EU#6 - Appendix 6.

⁵² EU#10 - Appendix 6.

⁵³ EU#30 - Appendix 6.

⁵⁴ Simon Khaya Moyo, Zanu PF Politburo Deputy Secretary for Legal Affairs, EU#49 - Appendix 6.

⁵⁵ EU#63 - Appendix 6, where his name is spelt Mushohwe.

⁵⁶ Dr Cyril Enoch Ndebele, former Parliamentary Speaker (1995-2000); now out of favour with the Mugabe Government. Kevin Boyle, Vice Chancellor Professor, 'Speech at presentation of Honorary Doctorate to C.E. Ndebele, University of Essex', University of Essex, UK, accessed April 2004 at <http://www.essex.ac.uk/vc/orate2001/Ndebele%20oration.rtf>, 2001.

⁵⁷ Zenzo Nsimbi is currently Deputy Ministry of Transport and Energy, and former High Commissioner to Botswana. Details accessed April 2004 at <http://www.theindependent.co.zw/news/2003/June/Friday20/362.html>.

⁵⁸ General Michael Reuben Nyambura (note slight spelling difference in surname), EU#74 - Appendix 6.

⁵⁹ George Charamba, EU#5 - Appendix 6, listed as Permanent Secretary Department for Information and Publicity.

- and *Permanent Secretary*, Mishek Sibanda.⁶⁰

Within the leadership of Government, within Departments and institutions with no overt linkages to the rural/agrarian economy, lessees include:

- General P. Zvinavashe,⁶¹
- Mrs N Ncube, wife of the Director (Nicholas Ncube) of the Zimbabwe Investment Centre which is charged with administering foreign investment approval,⁶²
- a Director of the Government of Zimbabwe (M.I. Sibanda⁶³),
- the Chief Executive of the National Railways (Alford Mabena),
- High Court Judges Cheda and Malaba who are both supportive of the Government's LRP,
- the Permanent Secretary of the Ministry of Home Affairs (Tineyi Chigudu),
- the Under Secretary in the Ministry of Industry & Commerce (W. Nyembwa),
- the Executive Officer of the Ministry of Education (F.B. Makore),
- the Director General of the Ministry of Environment and Tourism (M.D. Munemo),
- Ambassador K. Nkomani,
- an Assistant Secretary in the Ministry of Mines (D. Marongwe),
- and the Executive Mayor of the City of Kwe-Kwe (J.R. Mawere).

Within the leadership of Departments and State institutions concerned with rural development,⁶⁴ lessees include a Director and Deputy Director of Agritex, the Director General of the District Development Fund, and the Deputy Director of the Department of Research and Special Services of Agritex.

⁶⁰ Mishek Julius Mpande Sibanda, Cabinet Secretary, EU#87 - Appendix 6.

⁶¹ Most probably General Vitalis Zvinavashe, EU#95 - Appendix 6.

⁶² Nicholas Ncube is now Permanent Secretary for Finance, and is put forward as a possible future Reserve Bank Governor. Business in Africa, 'Change the only certainty in Zim elections', *Business in Africa Online*, accessed May 2005 at <http://www.businessinafrica.net/features/politics/420737.htm>, 2 March 2005.

⁶³ Presumably this is *not* Mtoliki Sibanda, MDC politician; if the 'I' is a typographic error for 'J', it may well be Mishek Julius Mpande Sibanda, Permanent Secretary/Cabinet Secretary.

⁶⁴ Being intimately involved with the allocation of lands through this scheme, and intimately involved in and with the structures of neo-patrimonial power through which access to land is mediated, personnel within these institutions may well have first access to lands.

Other lessees are drawn from the leadership of parastatals with strong linkages to the State and a focus on agrarian/rural production and development. These include the Deputy General Manager, Assistant General Manager and an Assistant Manager of the Agricultural Finance Corporation (AFC), and the President (Silas Hungwe), Director General (K Matekaire), and Deputy Director (E&A Zhou) of the Zimbabwe Farmers Union (ZFU).⁶⁵

Lessees within Zimbabwean mutual societies (which, by virtue of State supervision and structural linkages, must be seen as virtual State financial institutions) include the Assistant General Manager of the National Social Security Association, and the Director General of the Found Mutual Society.

Within the educational sector, four upper level lessees include *Professor* LR Ndlovu and *Professor of Law* Welshman Ncube (both from the University of Zimbabwe),⁶⁶ the Executive Officer of the *Zimbabwe Teachers' Association*, and the Director General of the *Zimbabwe Institute of Public Administration and Management* (ZIPAM, a State-financed training centre). The list includes another 16 lower level educationalists from teachers to lecturers, mostly within UZ, but also within the Ministry of Education and regional training colleges (some with an agrarian focus). These point to the co-option of the educated elite, especially those charged with creating the intellectual climate within which the State is legitimated, and to the 'normalising' of Government behaviour and practices. The inclusion of a Professor of Law (as well as Justices Cheda and Malaba) is unsurprising, as a fundamental political task confronting the Mugabe Government is the construction of the perception (both in the Zimbabwean legal community and in the broader populace) that the Government's

⁶⁵ Silas Hungwe is much criticized in recent news reports by opposition voices for his pillage of ZFU resources; possibly related to Josaya Dunira Hungwe, Provincial Governor, Masvingo. ZFU is the union of black commercial farmers, far fewer in number than the white farmers, and with smaller and less capitalized farms. Rather than a union of workers or employees, ZFU represents the *aspirations* as much as the reality of the would-be indigenous farming elite, at a polar opposite from the subsistence farmers amongst the spectrum of hopeful beneficiaries of land reform.

⁶⁶ Though part of the elite, Welshman Ncube is one of the few members of the opposition to have gained leases. In 2004 he was secretary general of MDC, and was arrested for 'treason' along with Morgan Tsvangirai Meldrum, 'Mugabe holds opponents in jail', p. 2.

actions under the LRP are *legal* – and failing this, the construction of legal forms that will render these actions legal. The Government must exert influence over the members and institutions of the judiciary, over the legal culture and the teaching of the legal community. In the same realm of control over ideas and knowledge and teaching, there is the Editor in Chief of *ZIANA*, a State newspaper.⁶⁷ Control over knowledge and ideas is an essential element in the normalisation and promotion of the ruling constellation's practices.

The CFSS and the Broader Idea of 'Government'

Below these upper levels of 'Government', and extending the idea of government to encompass the whole set of hierarchical relationships that link State and Government and political party to populace, the CFSS list includes another 92 civil servants within Government Departments and parastatals – that is the State-linked professional salaried classes. These include 40 civil servants in the agricultural sector, including 18 lessees (mostly agrarian professionals) from the Ministry of Agriculture and 12 (mostly Extension Officers) from Agritex. There are another 21 engineers, consultants and professionals from other State Departments, institutions and parastatals with clear linkages to the rural/agrarian economy, and prominent among these are eight employees of the Agricultural and Rural Development Authority (ARDA).⁶⁸

The CFSS also includes 13 lessees linked to NGOs, many with linkages to the rural/agrarian economy and many in a position to determine usage and disbursement of NGO funds (accountants, project managers, coordinators). Employees of Zimbabwean NGOs include:

⁶⁷ Non-State newspapers refer to *ZIANA* as a Government 'mouthpiece'.

⁶⁸ 9 if ARDER (CFSS#114 to B Noko, Estate Manager) is a typographic error for ARDA. ARDA was inherited from the colonial state and 'run into the ground' by Dr Joseph Made.

- the Deputy Director and a Resource Officer with Southern Alliance for Indigenous Resources (SAFIRE),⁶⁹
- a development worker with the Dondolo Mudonzvo Credit Scheme (Mrs E Sibanda),
- a Project Officer with Christian Care,
- and an employee of Agricultural Research Trust,

while employees of multilateral development agencies include

- a programme coordinator and an unnamed ecologist with UNDP
- a World Bank population specialist
- and an accountant with Africa Capacity Building Foundation,⁷⁰

As Ferguson argued in Lesotho,⁷¹ intervention by foreign (and foreign-funded) bilateral and multilateral agencies in local socio-political and economic relations provides a powerful conduit for entrenchment of State influence and control, and consolidates and empowers State elites as they establish influence or control over usage and disbursement of foreign funding. These multilateral employees are closely linked to the State elite, having the power to constrain or redirect resource flows. Zanu-PF influence within the 'formal' sector is such that NGO employees may well be Zanu-PF members or supporters, and as with land redistribution, beneficiaries of NGO support may be mostly Zanu-PF supporters.

The multilaterals are beyond the control of the Government of Zimbabwe, yet individual employees within these development organisations, especially those appointed from within and working within Zimbabwe, are already in the 'development' industry and well acquainted with opportunities in the rural sector, and on the other hand may retain linkages to local neo-patrimonial modes of resource allocation. Rather than arguing whether or not these employees are 'agents of imperialism' or complicit with imperialism, the

⁶⁹ Details on SAFIRE are available at <http://www.safireweb.org/html/humanres.htm>, accessed April 2004.

⁷⁰ A major international capacity-building organisation seeking to build up economies in the neo-liberal mould.

⁷¹ James Ferguson, *The Anti-Politics Machine: 'Development', Depoliticization, and Bureaucratic Power in Lesotho*, Cambridge: Cambridge University Press, 1990.

presence of these in the CFSS indicates how the neo-patrimonial elite undermines the efforts of the international liberals in order to create a class in their own image.

Among Zimbabwean NGOs, both SAFIRE and Christian Care are seemingly independent of State involvement or co-option, being privately or internationally funded and directed towards grassroots emancipation, development and empowerment – contradicting State-led ‘dirigist’ development. Yet the inclusion of a SAFIRE Deputy-Director as a lessee indicates a more structural (if not formal/legal) linkage to the State, and to the potential and actual co-option of these ‘independent’ NGOs.

The CFSS and the Private Sector

The CFSS list includes many lessees from the private sector of the national economy. At the highest levels, lessees include ‘captains of industry’ from the managerial elite of the private business-industrial-finance sector (Table 6). Some are from international companies and manufacturers or their local subsidiaries: Anglo-American, Honda Group, Hubert Davis, Bells Engineering, Plastique Industries, Interim technology and Clama Interlinks.⁷² Others are Zimbabwean companies – notably with linkages to the rural economy: Zimbabwe Sugar Refinery (Pvt), Rainbow Tourism Group, Seed Co Ltd, Unifreight Ltd and Zagrinda (Pvt) Ltd. Notable is the Human Resources Manager for Anglo American (J.P. Maposa), a major international company with significant global mining interests and significant landholdings in Zimbabwe: it was against such companies with multiple large land holdings in Zimbabwe yet answerable to foreign shareholders and foreign market forces that the Government has directed much of its ‘neo-colonial’ and anti-imperialist and anti-British rhetoric.⁷³

In addition, there are a small number of salaried employees from the business-industrial-finance sector, again dominated by those with links to the rural/agrarian economy

⁷² A subsidiary of Clama Consulting, a Portuguese communications technology company.

⁷³ Yet, as per the Land Acquisition (Amendment) Act of 2000, these large foreign-owned farms could be delisted after being served with Section 5 (*preliminary notice of acquisition*) and Section 8D (*acquisition order*) notices, and have hence remained immune from compulsory acquisition; see Appendix 1.

within companies providing inputs, services and advice to the rural economy, and including agronomists, agricultural economists, agricultural engineers and civil engineers. Also included are several minor company 'directors', some of whom may be better seen as small-scale entrepreneurs.

The 'self-employed' lessees are similarly illustrative of the creation of a loyal politically-linked elite that depends on the State for its ongoing wealth and opportunities for advancement and accumulation, and that has been rewarded for its loyalty with State assets. The list includes five medical professionals, two legal practitioners, an architect, and two unspecified 'consultants', none having obvious linkages to the agrarian-rural economy. Another 14 leases were granted to self-employed business people, from 'directors' to 'partners' to 'businessmen' (and one 'businesswoman'). Some may have been businessmen/women *before* they gained access to leases; others *became* businessmen/women by gaining control over established commercial farming ventures. Here are those whose *business* is their linkage to the ruling elite, whose material life is sustained by access to State contracts, permits, and business. Here is a clearly visible space for political patronage and nepotism, for granting of resources to those with no qualifications or expertise other than their personal linkages to the ruling elite, and for the potential creation of a *contractocracy*⁷⁴ dependent on financial flows from the State.

CFSS lessees include 16 'self-employed' farmers and one miller.⁷⁵ As with the 'businessmen', it is unclear whether these were farmers *before* or *after* they gained leases. Of these, 11 in Chegutu are notably smaller than the average allocation – compatible with the likely resources available to genuine indigenous commercial farmers rather than a would-be elite. They might include those with some farm experience who through lease allocation

⁷⁴ This is seen more clearly in West Africa, for example in Frimpong-Ansah's description of Ghana. Jonathan H. Frimpong-Ansah, *The Vampire State in Africa: The Political Economy of Decline in Ghana*, London and Trenton: James Currey, and Africa World Press, 1991. Larry Diamond, *Class, Ethnicity and Democracy in Nigeria: The Failure of the First Republic*, New York: Syracuse University Press, 1988, p. 41.

⁷⁵ Included here because of the close relationship between farming and milling.

successfully moved into small-scale commercial farming, thus fitting an ideal of indigenisation. Or they might simply have successfully used their political connections.

Table 6: The Dongo List, CFSS Lease Allocations to the Upper Levels of the Ruling Constellation

B-Mangwe = Bulalima Mangwe; Min. = Ministry

Lease	Lessee	Occupation	Employer	Region	EU# ⁷⁶
Parliamentarians					
#197	Charumbira, Chief Z	Chief, MP		Masvingo	#6
#140	Chinamasa P & M	Attorney General	GOZ	Mutare	#10
#44	Madzongwe E	Deputy Speaker	Parliament of Zim.	Chegutu	#30
#128	Moyo Hon S K	Minister	Min. Mines	B-Mangwe	#49
#141	Mushowe C	Principal Director, MP	President's Office	Mutare	#63
#224	Ndebele Hon C	Speaker	Parliament of Zim.	Gweru	
#95	Nsimbi Z	Deputy Minister	Min. Transport	B-Mangwe	
State officials - President's Office					
#2	Charamba Mr G	Spokesperson	President's Office	Kadoma	#5
#208	Maunganidze B		President's Office	Masvingo	
#131	Nyathi V R M	Director	President's Office	B-Mangwe	
#63	Sibanda, Mishek	Permanent Secretary	President's Office	Chegutu	#87
State officials - Department Heads, etc.					
#193	Chigudu T E	Permanent Secretary	Min. Home Affairs	Masvingo	
#100	Mabena A	Chief Executive	National Railways	B-Mangwe	
#233	Marongwe D	Assistant Secretary	Min. Mines	Gweru	
#39	Munemo M D	Director General	Min Env & Tourism	Chegutu	
#94	Ncube N Mrs	Wife of Director	Zim Investment Centre	B-Mangwe	
#98	Nkomani K	Ambassador	Min Foreign Affairs	B-Mangwe	
#206	Nyembwa W	Under Secretary	Min Industry & Commerce	Masvingo	
#150	Sibanda M I	Director	GOZ.	Kwe-Kwe	
State officials - legal					
#129	Cheda Justice M A	High Court Judge	Min Justice	B-Mangwe	
#126	Malaba Justice L	High Court Judge	Min Justice	B-Mangwe	
State officials - military					
#147	Nyanbuya M	General, MP	Zim. National Army	Mutare	#74
#79	Zvinavashe P	General	Zim. Defence Forces	Chegutu	#95
State officials - Agritex, etc.					
#202	Danda E T	Deputy Director	Agritex	Masvingo	
#35	Jonga JK	Director General	District Development Fund	Chegutu	
#228	Makadho Dr J	Director	Agritex	Gweru	
#67	Mlambo SS	Deputy Director	Dept Research & Special Services (Agritex)	Chegutu	
#211	Munezvenyu P	Deputy Director	Scientific & Ind. Research & Dev.	Masvingo	

⁷⁶ The Zimbabwe Independent/Staff Writer, 'Bank of England adopts new EU list on Zim, Friday', *The Zimbabwe Independent*, Harare, accessed April 2004 at <http://www.theindependent.co.zw/news/2004/March/Friday5/2208.html>, 5 March 2004.

Centre / Research Council Zim

State officials - local government

#13	Mawere JR	Executive Mayor	City of Kwe-Kwe	Kadoma
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State officials - education

#214	Makore F B	Executive Officer	Min. Education	Masvingo
#239	Ncube Prof W	Professor of Law	UZ	Gweru
#102	Ndlovu Prof L	Professor	UZ	B-Mangwe

State-linked parastatals & NGOs

#14	Chimbwanda W T	Ass. Gen. Manager	Agricultural Finance Corp.	Kadoma
#8	Sithole L & N	Dep. Gen. Manager	Agricultural Finance Corp.	Kadoma
#191	Machida C	Asst Manager	Agricultural Finance Corp.	Masvingo
#190	Hungwe S	President	ZFU	Masvingo
#60	Matekaire K	Director General	ZFU	Chegutu
#18	Zhou E & A	Op. Director	ZFU	Kadoma
#167	Mandebvu F G	Director General	Found Mutual Society	Kwe-Kwe
#16	Kundhlande G & F	Deputy Director	SAFIRE	Kadoma
#144	Muradzikwa HH	former Editor	ZIANA	Mutare
#120	Ndhlovu Dr C D	Director General	Zim. Inst. Public Admin & Management (private college)	B-Mangwe
#195	Teveraishe C	Asst Gen Manager	National Social Security Authority (mutual society)	Masvingo
#71	Zinoywera D A	Executive officer	Zim. Teacher's Association	Chegutu

Private Sector

#24	Tarugarira N S	General Manager	Honda Group	Kadoma
#27	Maposa J P	Human Res. Manager	Anglo American	Kadoma
#30	Seremani Mr A	Commercial Manager	Zim Sugar Refineries	Lomagundi
#34	Chiganze T	Chief Executive	TA Holdings	Chegutu
#42	Magumise C E	Director General	Hubert Davis	Chegutu
#47	Chizengeni T	Managing Director	Bells Engineering	Chegutu
#87	Tigere J	Shipping Manager	Plastique Industries	Mhangura
#96	Nkala H	Chief Executive	Rainbow Tourism Group	B-Mangwe
#121	Sibanda P & Mrs A ⁷⁷	Managing Director	Zagrinda (Pvt) Ltd	B-Mangwe
#132	Malusalila P	Business Dev Manager	Seed Co Ltd	B-Mangwe
#145	Dengu E&R	Director	Interim technology	Mutare
#165	Makova W C	Manager	Clama Interlinks	Kwe-Kwe
#209	Munonyara A M	Company Secretary	Unifreight Ltd	Masvingo

Gender and the Dongo List

The Dongo list gives only inconsistent information about the gender composition of lessees. For some lessees there is clear information: Mr/Mrs, businessman/woman. Some

⁷⁷ Possibly Lieutenant General Phillip Valerion Sibanda, Commander Zimbabwe National Army, EU#88 - Appendix 6.

occupations are exclusively male, including Chief or General in the Zimbabwe Army, though, given the leases granted to high-ranking women and the women included in the list of high-ranking Zimbabweans against whom the European Union has imposed economic sanctions,⁷⁸ it would be false to assume that high-rank necessarily indicates male. Though CFSS lessees are identified only by a family name and initials, many OTFS lessees are also identified by given name which may indicate gender, in particular for biblical or English given names.⁷⁹

Thus under the CFSS, 19 leases were, with certainty, assigned to males, and five to females.⁸⁰ Under the OTFS, 91 leases were assigned to males, and 10 to females.⁸¹

The OTFS list includes *no* couples: land tenure was in effective male title. In contrast, some 22 CFSS leases were assigned to a couple: for example 'L&N Sithole' or 'E & Mrs Gova'. Leases were issued to G & Mrs N Ncube (Extension Officer, Agritex) and a nearby lease to Mrs N Ncube, listed as Director of the Zimbabwe Investment Centre (ZIC).⁸² Nicholas Ncube (now Permanent Secretary for Finance) was Director of ZIC; one lease is clearly to his wife and the other may be to them as a couple or to related family members. Most probably, such lease allocations to couples disguise multiple lease allocations to families (in contradiction of National Land Policy Statement 1990 and LRP guidelines), and lease assignment to couples under the CFSS indicates its greater political co-option.

⁷⁸ For example Deputy Minister Mabel Chinomona (OTFS#145); and Mrs N Ncube, Centre Director with Zimbabwe Investment (CFSS#94). The Zimbabwe Independent/Staff Writer, 'Bank of England adopts new EU list on Zim, Friday'.

⁷⁹ From an external viewpoint gender of some African names is less ascertainable. Some leases were genderless, including Vacant and Reserved leases and leases to corporate entities.

⁸⁰ CFSS List, Male: 4 to lessees designated 'Mr' (#2, #28, #29, #30); 12 to 'businessmen' (#4, #105, #115, #152, #157, #158, #188, #200, #232, #234, #240); and 2 Generals (#79, #147) and a Chief (#197).

Female: 3 to lessees designated 'Mrs' (#31, #94, #118); and 2 to 'businesswomen' (#46, #203)

⁸¹ OTFS List, Male: all except #28, #119 were assignable on the basis of given names; these 91 included 8 leases assigned to 'businessmen' (#28, #36, #83, #84, #119, #135, #141, #176)

Female: 1 to a lessee designated 'Mrs' (#13); 1 to a 'businesswoman' (given name 'Nancy' would also confirm this, #160); 8 based on given names (#19, #24, #39, #40, #61, #93, #138, #145)

⁸² 1#94, Mrs N Ncube (Centre Director, Zimbabwe Investment Centre), 1496.4 ha at Marula 3, and 1#124, G & Mrs N Ncube (Extension Officer, Agritex), 2592.4 at Marula 33, both in Bulalima Mangwe.

Thus most leases were to males, with a few to women with power and influence, whether formal through the institutions of State and Government, or informal through familial relationships. In this, the female lessees are no different than male lessees.

The Dongo List and Family Linkages?

Taking the Dongo list as a sample of surnames, some names occur repeatedly. For example, of the 180 OTFS and 244 CFSS leases there are 10 lessees with the surname Moyo and another 10 with the surname Sibanda, 6 to lessees with the surname Ncube and another 6 with the surname Ndhlovu or Ndlovu. This concentration probably represents the allocation of lands through familial connection. Amongst the *Moyo* lessees, OTFS lessees are mostly lower-ranking State and private sector employees,⁸³ while CFSS lessees are mostly middle-ranking State-linked professionals.⁸⁴ Less than half have any obvious linkage to the rural economy. Most prominent amongst these Dongo List lessees is Simon Khaya Moyo, while more recently July Moyo and Jonathan Moyo have come to political prominence.

The *Sibanda* lessees in the Dongo List exhibit a somewhat higher-ranking profile, with three from the upper levels of the political elite – Mishek Sibanda (Cabinet Secretary), C Sibanda (MP) and MI Sibanda (Government Director) – and another five from the professional/managerial elite, many having linkages to the rural economy.⁸⁵ Beyond the Dongo List, Jabulani Sibanda is Chair, National War Veterans Association, while Lieutenant General Phillip Valerio Sibanda is Commander Zimbabwe National Army, both being on the EU List. The *Ncube* lessees show a somewhat similar pattern, including Permanent Secretary of Finance (Nicholas Ncube), Professor of Law (Welshman Ncube), and others generally

⁸³ OTFS#30, 62, 82, 119, 165

⁸⁴ CFSS#56, 128, 133, 184, 242

⁸⁵ OTFS#151, 177, CFSS#62, 63, 103, 105, 118, 121, 122, 150

from the managerial/professional elite with linkages to the rural economy.⁸⁶ Beyond the Dongo List, Abedinico Ncube is Deputy Minister for Foreign Affairs and #68 on the EU List.

The *Ndhlovu/Ndlovu* lessees show a bias towards the educational sector.⁸⁷ As well as an MP (Richard Ndlovu), lessees include: Professor L Ndlovu (UZ), DS Ndhlovu (retired school teacher), and Dr CD Ndhlovu, Director General of the Zimbabwe Institute of Public Administration and Management, a private training college. Beyond the Dongo List, Naison Ndlovu, Politburo Secretary for Production and Labour, and Sikhanyiso Ndlovu, Politburo Deputy Secretary for Commissariat, are #70 and #71 on the EU List.

Thus there is a clear concentration of farm holdings amongst those who are possibly related to and have linkages to the upper levels of the ruling elite.

The CFSS: Is this 'Indigenisation'?

Leases have been allocated predominantly to members of the ruling elite of Government and State, notably to important members of Government: to MPs, military leaders, and those with leadership roles in State agencies. This list of the Zimbabwean leadership extends to those in a position to influence or control the discourse of Zimbabwean politics and influence and control the dissemination and construction of ideas, to judges capable of creating a legal climate that will support the LRP, to teachers of law and leaders of education, and to those who, through their control over the public media, can direct, influence or constrain debate and comment within Zimbabwean society.

At lower levels of the ruling constellation, the largest group of CFSS lessees (92 of 244) are employees of State and State-linked organisations (including parastatals, and local and international NGOs). Prominent amongst these are employees of the Ministry of Agriculture, Agritex, and other State institutions with linkages to the rural/agrarian economy,

⁸⁶ OTFS#180, CFSS#3, 94, 124, 153, 239

⁸⁷ OTFS#9, CFSS#102, 106, 120, 125, 137

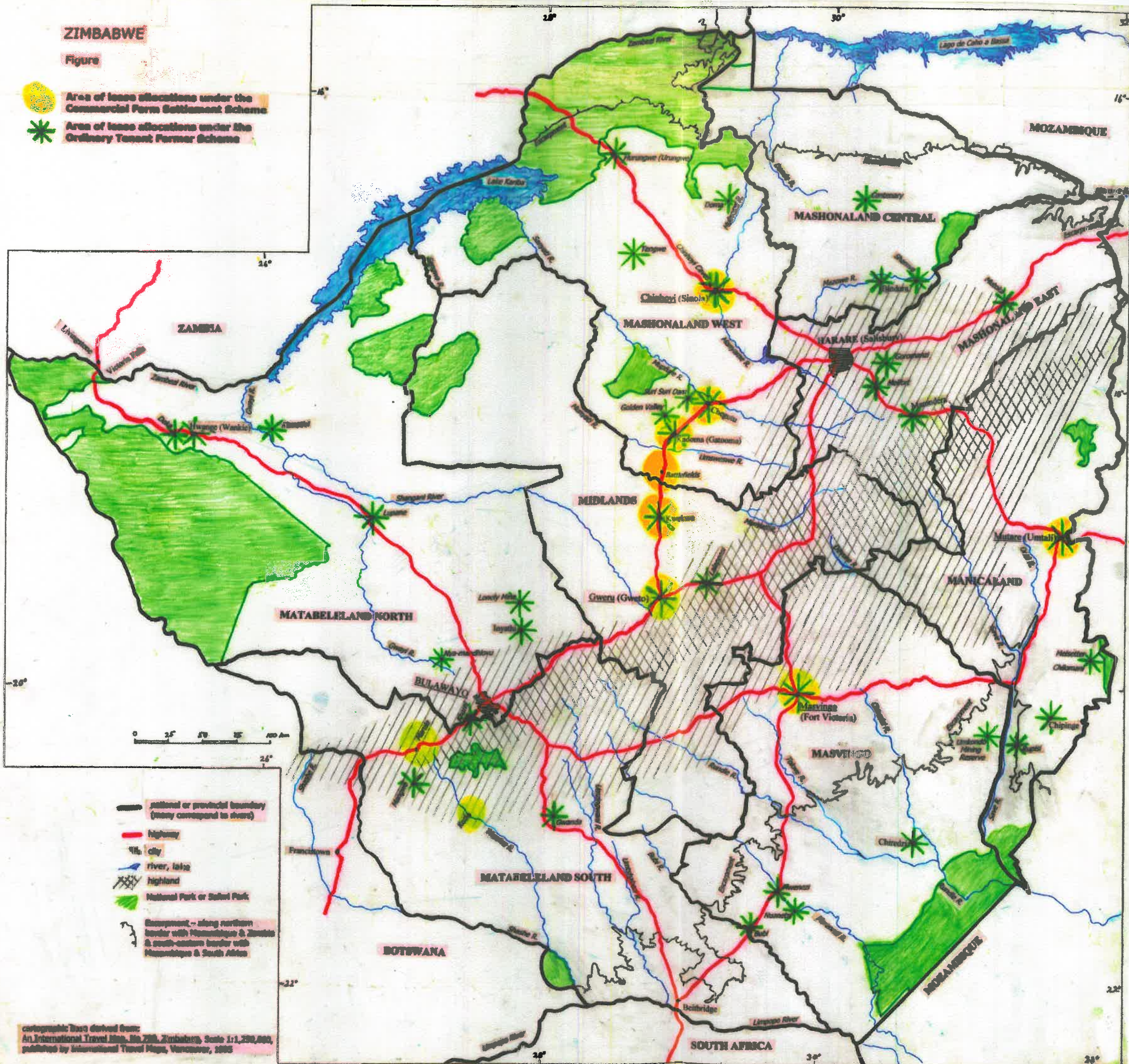
and lessees from the State education sector. A lesser number of leases were granted to the private sector – prominent among these are ‘captains of industry’, and ‘businessmen’, ‘businesswomen’, and ‘farmers’.

Figure 3: THE DONGO LIST, DISTRIBUTION OF LEASES UNDER THE COMMERCIAL FARM SETTLEMENT SCHEME, AND ORDINARY TENANT FARMER SCHEME

ZIMBABWE

Figure

-  Area of lease allocations under the Commercial Farm Settlement Scheme
-  Area of lease allocations under the Ordinary Tenant Farmer Scheme



Cartographic Base derived from:
 An International Travel Map, No. 278, Zimbabwe, Scale 1:1,250,000,
 published by International Travel Maps, Vancouver, 1982

The *Sunday Mail* (Harare) / ZW News VIP List, 2002

The Dongo List is now more than five years old; many leases have lapsed and some lessees are deceased. Subsequently the Ministry of Lands and Agriculture released a list of land allocations which was published by the *Sunday Mail* (Harare) in February 2002.⁸⁸ This list was republished and amended by Justice for Agriculture (JAG, a radical white farmers' group, focussing on elite allocations). The amended list is available as an EXCEL file at ZW News, a USA-based web page under the name 'CONFIRMED VIP'S ALLOCATIONS – Working Document No 1 as at May 2002' – and is referred to herein as the 'VIP List'.⁸⁹

Though it is at least as illuminating as the Dongo List in that it includes significant relationships, rather than just formal roles, it is not clear what data was issued by the Government (presumably lessee name, date granted, and location), and what data has been added by JAG and/or ZW News (presumably political relationships, and probably the data on former owners). The additions by JAG are politically motivated, and purposefully directed towards the denigration of land acquisitions by the Zimbabwean elite, and hence must be treated with caution. Yet the VIP List tells a similar story to the Dongo List; many of the names are the same, and the same sorts of political and familial connections are evident; the credibility of the Dongo List adds credence to the VIP List. The Government of Zimbabwe Leaked Confidential Report (discussed later in this chapter) confirms some of the detail of the VIP List, in particular the names and farms for those with multiple holdings (see Table 8).⁹⁰ As with the Dongo List, hard data is scarce in Zimbabwe – especially data relating to private

⁸⁸ The *Sunday Mail*, though somewhat more critical of the Government than is the *Sunday Mirror*, is a Government-linked paper published by the *Herald* and Zimbabwe Newspapers Limited. Differences between the *Mail* and *Mirror* reflect divisions within the ruling party. At the time of writing this thesis, the *Sunday Mail* web pages were consistently inaccessible.

⁸⁹ Government of Zimbabwe, Ministry of Lands, Justice in Agriculture, and ZW News, 'Confirmed VIP's Allocations - Working Document No 1 as at May 2002', Based in part on lists published by Ministry of Lands (Zimbabwe) in *The Sunday Mail*, February 2002, Harare, and republished by Justice in Agriculture, then by ZW News, accessed May 2003 at www.zwnews.com, 2002.

⁹⁰ Government of Zimbabwe et al., 'Addendum To The Land Reform And Resettlement Programme National Audit Interim Report, Leaked Confidential Government Report', Section 4.

and personal relationships within the ruling elite. Despite its political bias, the VIP List seems *reasonable*, internally consistent, and more or less consistent with other sources.

This list includes 181 lessees, some with multiple leases in contravention of the Government's principles. The list includes name and role of the lessee, and in many cases this includes their political role and relationship to political figures. In addition, the list includes the 'Owner' of the farm – that is the property owner prior to appropriation and re-allocation of the farm. What this list does *not* indicate is lease period and rental (though date granted is indicated for some), nor accurate locations.

As with the Dongo List, the list is clearly incomplete, and focuses on high-ranking lessees, and very recent leases. In contrast to the larger number of low to middle to high-ranking civil servants in the Dongo List, the VIP List details land allocations to the elites, and to the families and supporters of these elites. The VIP List supports the conclusions drawn from the Dongo List: that leases are allocated via neo-patrimonial relationships, and predominantly to males, with the exception of some high ranking women and women related to high-ranking males.

The Ruling Elite

At this point, another documentary source becomes relevant. In February 2002, the European Union announced a range of economic and travel sanctions against 95 members of the Zimbabwean elite, seeking to place pressure for reform on the Zimbabwean Government and limit the Zimbabwean elite's roting of their own national economy and resources to the detriment of the broader populace: "The European Union List of Prominent Zimbabweans Against Whom Sanctions have Been Imposed", referred to herein simply as the 'EU List'.⁹¹

⁹¹ The Zimbabwe Independent/Staff Writer, 'Bank of England adopts new EU list on Zim, Friday'. The list is also accessible, together with details of the legal processes of listings, and details of the history of the list, at Government of the Isle of Man, 'Sanctions Notice 8, European Union Sanctions, Zimbabwe'. Pressured initially by the UK backed by Germany, Sweden and the Netherlands, sanctions had been first announced in 2002 against 72 members of the Zimbabwean elite. Ian Black, 'EU extends sanctions on Harare elite: 72 senior members of Mugabe's regime face visa ban and have assets frozen', *Guardian Weekly*, London, 25-31 July 2002. Osborn, and Meldrum, 'Mugabe given EU sanctions deadline', p. 7.

Sanctions include restrictions on the ability to export funds to European banks and other financial institutions, restrictions on access to credit, and travel restriction to Europe.⁹² The list of those persons against whom sanctions were imposed has been undated annually, and the list as updated on 25 February 2004 is included in Appendix 6.

The VIP list details the farms held by many Zimbabwean politicians, both elected and appointed, serving and retired, as well as at least 14 related family members or associates. Where the Dongo List details farms over which formal leases have been granted to Zimbabwean political elites, the VIP List does not indicate on what basis these farms are held: it clearly hints at a broader trend of direct farm appropriation and seizure by members of the political elite – in some cases without, or in anticipation of, the granting of formal title by way of lease.⁹³ What is obvious is the scale of land allocation to a political elite and their families. What is also clear is the increasing involvement of the military. The list includes 20 persons who are included in the EU List.⁹⁴

Notable is land allocation to President Mugabe's extended family (Table 7), which was invisible in the Dongo List. These include two of President Mugabe's sisters, Dr Gata and Sabina Mugabe (Sabina is a powerful politician in her own right), and his brother-in-law, his wife's nephew, and his lawyer. In addition, Grace Mugabe reportedly seized Iron Mask estates (about 1000 ha in Mazowe) in late 2002, using military support and evicting the white landowners on the spot.⁹⁵

⁹² In 2005, Mugabe flouted these restrictions as he went, unannounced and uninvited, to the funeral of Pope John Paul II at the Vatican. Presumably the Italian authorities thought this was *not* an opportune moment to refuse entry.

⁹³ Hence the language in this text changes: in the discussion of the Dongo List, the terminology 'leases were granted to' was used; now the phrasing becomes 'farms are held by'.

⁹⁴ The Zimbabwe Independent/Staff Writer, 'Bank of England adopts new EU list on Zim, Friday'. Included as Appendix 6.

⁹⁵ Jon Jeter, 'Zimbabwe land reform takes from the rich to give to the rich', *Guardian Weekly*, London, 21-27 November 2002, p. 31.

Still at the highest levels of Government, farms are held by Vice President Joseph W. Msika, former Vice President Simon (Tsitsi) Muzenda (now deceased) and his son, and 12 Ministers or Deputy Ministers (notably Witness Mangwende and Elliot Manyika; 11 Ministers are male, and Shuvai Mahofa is female) and three related family members (notably Patrick Chinamasa's sister). Both Vice Presidents and 11 of the 12 Ministers are on the EU List (Table 7).

Farms are held by eight Members of Parliament (five males, three females) and to five of their family members (a brother and male family member to two of the male MPs, a husband to one of the females, and two male relatives of another of the females). Notable among these are Stephen Nkomo, Governor of Matabeleland South, Josaya Hungwe, Governor of Masvingo,⁹⁶ and Chief Charumbira. Four of these are on the EU List.

Extending beyond the realm of elected or appointed MPs and Governors, the VIP List includes a range of high-ranking State and State-linked officials, from Directors and Permanent Secretaries of Government departments and offices, to a District Attorney and the CEO of Zimtrade; 15 of these are listed in Table 7, with 13 being male and 2 being couples. Notable are Willard Chiwewe, Permanent Secretary for Foreign Affairs and Senior Secretary in the President's Office, and David Munyoro, Permanent Secretary, Gender & Employment Creation. For one of the couples (Mr A S & Mrs Chatiza, Director of Ministry of Employment Creation), the male partner is presumably the ranking official, yet for the other (Nancy and Elliot Zitsanza, Deputy Permanent Secretary for Lands & Agriculture) the female is more probably the ranking official.

Farms are held by ranking military personnel from Commander of the Zimbabwean defense Forces to General and Brigadier down to Flight Lieutenant, and to three non-ranking military personnel. Notable are Commander Constantine Chiwenga, Brigadier Ambrose

⁹⁶ Unknown relationship to Silas Hungwe, President of the *Zimbabwe Farmers Union.*, and lessee in CFSS in Dongo List.

Mutinhiri,⁹⁷ Minister for Youth Development, Gender and Employment Creation and MP for Marondera West, and General Solomon Mujuru (retired),⁹⁸ all on the EU List. Also included is the 'consort' of General and Mrs Constantine Chiwenga.⁹⁹ With the exception of this 'consort' (gender unknown), all were male. Still within the coercive arm of the State, farms are held by seven senior police and prison officers (all being male), one of whom (Police Commissioner Augustine Chihuri) is on the EU List.

Significantly, and because the Government places a high level of control on the media in Zimbabwe,¹⁰⁰ the list includes four journalists or media personnel (all males), three being employees of the State-owned Zimbabwe Broadcasting Commission (ZBC)¹⁰¹ and one, Kindness Paradza (MP and publisher of the *Tribune*) being a now-ostracised member of the ruling elite.¹⁰²

⁹⁷ mentioned in Chapter 6 as having seized Waltondale Farm; EU#65 - Appendix 6.

⁹⁸ EU#60 - Appendix 6. Mujuru was a close associate of Mugabe during the Liberation War, and though now retired is still influential in the army, as well as owning many businesses; he reputedly first got rich by smuggling rhino horn from Mozambique game reserves when ZANLA was based in Mozambique in the Liberation War. He is married to Vice President Joyce Mujuru.

⁹⁹ In Zimbabwe, the word 'consort' is used in the sense of 'associate'; in British history, in contrast, the word 'consort' could include an implication of intimacy, as when a female was consort' of a king.

¹⁰⁰ For example Andrew Meldrum, 'Mugabe tries to silence his critics', *Guardian Weekly*, London, 15-21 November 2001, p. 8.

¹⁰¹ Of these, Supa Mandiwanzira (VIP#80) has already been included in 'The Ruling Elite' by virtue of familial linkages to President Mugabe.

¹⁰² The VIP List describes Kindness Paradza (male) as 'Consort' to the 'maverick business mogul' Mutumwa (or Mutuma) Mawere, chairman of Africa Resources Ltd. He is/was also powerful in his own right, as MP for Makonde, and publisher of the *Tribune* newspaper whose licence was suspended in April 2004. Paradza is in conflict with Zanu-PF, accused of undermining party and government policies (and of "colluding with the government's enemies after he tried to raise funds from the owners of the opposition Daily News and British investors" – Reporters sans Frontieres), and for disrespect in that he criticised Jonathan Moyo and Mashonaland West Provincial Chairman Philip Chiyangwa. He is currently under investigation by a committee led by John Nkomo, and including Security Minister Nicholas Goche, Justice Minister Patrick Chinamasa and politburo member Angeline Masuku; Paradza has been suspended as an MP. Augustine Mukaro, 'Paradza to appear before disciplinary committee', *The Zimbabwe Independent*, Harare, accessed October 2004 at <http://www.theindependent.co.zw/news/2004/September/Friday3/512.html>, 3 September 2004. Reporters sans frontiere/Reporters without borders, 'Government closes another newspaper', RSF, accessed October 2004 at http://www.rsf.org/article.php3?id_article=10592, 11 June 2004. Reporters sans frontiere/Reporters without borders, 'Closure of The Tribune confirmed by High Court', RSF, accessed October 2004 at http://www.rsf.org/article.php3?id_article=10592, 22 July 2004. Hama Saburi, 'Mawere breaks silence: I am not on the run', *The Financial Gazette*, Harare, accessed April 2004 at <http://www.fingaz.co.zw/fingaz/2004/February/February5/4678.shtml>, 2 February 2004.

As in the Dongo List, the VIP List includes several 'captains of industry' in the private sector, including the General manager of Gath Mine and Managing Director of the Metropolitan Bank; four (three males, one female) are listed in Table 7.

In contrast to the Dongo List, the VIP List includes many farm-holders whose *only* significant rank is within Zanu-PF or the War Veterans Association (WVA). These range from Chairman of Mashonaland Central Youth to Chairman of the WVA to a simple Zanu-PF official (Table 7). These sit a little lower in the hierarchy; none are on the EU List, and none are prominent in news commentaries on the Zimbabwean Government.

Amongst these higher-ranking elites, gender is determinable from first names or familial relationships, and, in some cases, for example Kindness Paradza, from other sources. Males are much more strongly represented, yet females are not totally excluded: of 21 politicians, 19 are male and two are female (both being ordinary ranking MPs), while within the ruling elite as a whole, there are 88 males and 10 females.

Within this total of 98, there were 16 farm-holders who, having no formal political power in their own right, gained lands through personal relationship to others in power, and again males are more strongly represented. These relationships span the range of sister, brother, brother-in-law, wife, husband, relative, and legal representative to President Mugabe.

What is also clear is that those with higher rank have a greater number of dependent lessees – reflecting on the one hand their greater power within the neo-patrimonial hierarchy to influence and control the processes of lease allocation and to make lease allocation a tool of patronage, and on the other hand the greater calls that are made upon their ability to distribute patronage and resources.

The Lower Ranks

Farm-holders in the VIP list include many who, while not within the ruling elite, are constructive elements of the dominant constellation and are broadly part of the political class.

Almost all are male, with fewer females and couples. For example, there are three employees of the Central Intelligence Organization and two middle-ranking employees of the Ministry of Lands and Agriculture, and a Chief Labour Officer.¹⁰³ Within the private sector,¹⁰⁴ the list includes five doctors/medical professionals and three prominent lawyers,¹⁰⁵ as well as employees of a Zimbabwean NGO and of UNDP, and two 'businessmen' (in addition to four business leaders already mentioned).¹⁰⁶

Below this in formal rank, yet enormously significant in their influence within Zanu-PF and Government, are 49 *war veterans* and 14 *war collaborators* – by far the largest group of land-holders in the VIP List, and not even mentioned as a class in the Dongo List.

Of the War Veterans, given names indicate seven males (five being high ranking military officers of WVA) and one female, the remainder being indeterminable (indicated by surname and initials rather than given name), as are all 14 war collaborators. Most are merely listed as 'war veterans', but will also be Zanu-PF members and may have informal linkages, perhaps dating to the Liberation War era, to the political elite. While some 'war veterans' have other stated roles, no 'war collaborators' do.

These veterans and collaborators have sufficient power and influence, perhaps even 'moral' authority based on their war service, to exert a claim against the Government, yet are probably not powerful in the sense of being able to control the allocation of the nation's resources to others. Given the partially confrontational and partially cooperative relationship between War Veterans and Government/Zanu-PF, this represents the *expansion of elites*¹⁰⁷ as

¹⁰³ VIP#43, 137, 147; 133, 135; 6, respectively.

¹⁰⁴ In the absence in the List of any indication as to whether or not these doctors and legal professionals are employed by the State or private sector, it has been assumed that they are in private practice.

¹⁰⁵ VIP#15, 46, 65, 170, 174; 23, 169, 173, respectively.

¹⁰⁶ VIP#54, 126, 64, 89.

¹⁰⁷ Rather than the *reciprocal assimilation of elites*, as discussed by Bayart. Bayart, *The State in Africa*, p. xiv. Richard Werbner, 'Multiple Identities, Plural Arenas', in Richard Werbner and Terence O. Ranger (editor), *Postcolonial Identities in Africa*, pp. 1-25, London and New Jersey: Zed Books, 1996, pp. 13-14. Leys, *The Rise and Fall of Development Theory*, pp. 67-74, 'Rethinking Third World Politics', especially pp. 70-71.

the political elite accepts the imperative that this social/political group – not wholly an opposition, and which demands inclusion and cannot be silenced – must be co-opted either in whole or through its leadership. Many within the ruling elite (including Robert Mugabe) fought in the Liberation War or are related to or descendents of those who did. These are as much ‘war veterans’ as those in the WVA.¹⁰⁸

Hence the Government has accommodated the War Veterans movement within the dominant ideals of the LRP, and has used them to implement aspects of the LRP, to express the ‘land hunger’ of the people, and intimidate white farmers and opposition groups. In this, some War Veterans, including some of high rank who have gained or seized significant landholdings, have managed to construct a mutually beneficial relationship with Government (Margaret Dongo did not) and have roles and ranks that must class them within the ruling elite of contemporary Zimbabwean politics.

Geographical Distribution of VIP Leases

Land allocations to the ruling elite in the VIP List are predominantly in Mashonaland – the Zanu-PF political heartland – in particular in Mashonaland Central, with somewhat fewer in Masvingo, even fewer in Mashonaland East, and only a smattering in Mashonaland West and elsewhere. Amongst the private sector lessees (professional and lower ranking) and middle ranking State employees, lease allocations are more widespread and do not reflect this same concentration. In contrast, 44 of 49 war veteran lessees were allotted leases in Mashonaland East (with three in Masvingo, one in Chinhoyi/Mashonaland West, and another in Mashonaland Central), as were all 14 war collaborator leases.

The geographical spread of leases relates to socio-political status and power. Mashonaland (especially Mashonaland Central, centred around Salisbury/Harare) and

¹⁰⁸ Even the white settlers who fought against the ZANLA and ZIPRA in the Liberation War are ‘war veterans’, and in the setting aside of differences and quarrels at Independence should be as eligible for pensions and land allocations as the black Zimbabwean War Veterans.

Masvingo (centred around Fort Victoria/Masvingo) were the heartlands of white settler farming, containing the most fertile and productive farms. In the redistribution process, the ruling elite is grabbing the best lands, in order of preference from Mashonaland Central to Masvingo, Mashonaland East, and Mashonaland West. In contrast, the 'war veterans' and 'collaborators' gain less desirable lands in Mashonaland East and West.

Table 7: The VIP List, a Summary of the Ruling Elite¹⁰⁹

Where roles and ranks as indicated on the EU List differ from those indicated in the VIP List, they are included in italicised brackets

Mash. = Mashonaland; Mash C. = Mashonaland Central; Mash W. = Mashonaland West; Mash E. = Mashonaland East; Mat. North = Matabeleland North; Manica. = Manicaland; Marond. = Marondera;

Name	Relationships, Rank and Role	EU #	Location
Members of President Mugabe's family			
Dr Gata	Sister to President Mugabe; Director, Research & Specialist Services		Mash. C.
Supa Mandiwanzira	Nephew in law to Grace Mugabe, the President's wife; ZBC Anchorman		Mash. E.
Reward Marufu	Brother-in-law to President Mugabe		Mash. C.
Sabina Mugabe	Sister to President Mugabe; Zanu-PF MP for Zvimba; & a powerful politician	EU#58	Norton
??? Samkange ¹¹⁰	Attorney with Byron Venturas & Partners, representing Pres. Mugabe		Masvingo
Vice Presidents and related family members			
Joseph W. Msika	Vice President	EU#51	Umguzo
Simon Muzenda	Vice President (now deceased)	EU#67	Masvingo
Mr Muzenda	Son to VP Muzenda; Managing Dir. Zim Alloys		Masvingo
Ministers or Deputy Ministers and related family members			
Edward Takaruzo Chindori-Chininga	Minister of Energy, <i>former Minister of Mines</i>	No 11	Mash. C.
?? Chinamasa	Sister to Justice Min. Patrick Chinamasa (EU#10)		Mash W.
Nicholas Tasunungurwa Goche	Min. Defense, <i>Min. of State for National Security in President's Office</i> , Zanu-PF MP for Shamva	EU#17	Mash. C.
Shuvai Ben Mahofa (female)	Dep. Min. Employment Creation, <i>Dep. Min. Youth Development, Gender & Employment Creation</i> , Zanu-PF Political Commissar for Masvingo, MP for Gutu South	EU#31	Masvingo
Paul Munyaradzi Mangwana	Dep. Min. Justice, <i>Min. of Public Service, Labour & Social Welfare</i> , MP for Kadoma East	EU#35	Chegutu
Witness Pasichigare Madunda Mangwende	Minister of Higher Education; <i>Provincial Governor: Harare</i>	EU#36	Mash. E.
Elliot Tapfumanei Manyika	Min. of Youth Employment & Gender, Zanu-PF National Political Commissar	EU#37	Mash. C.
Kembo (Campbell Dugishi) Mohadi	Dep. Min. Local Government & Housing, <i>Minister of Home Affairs</i>		Masvingo
Mrs Mohadi	Wife to Minister Kembo Mohadi		Masvingo
Swithun Mombehora	Min. Transport, Zanu-PF MP for Beitbridge	EU#46	Mash. W.

¹⁰⁹ Summarized from Government of Zimbabwe, Ministry of Lands, Justice in Agriculture, and ZW News, 'Confirmed VIP's Allocations - Working Document No 1 as at May 2002'.

¹¹⁰ Possibly related to the authors of a book lauding the communal, inter-relational/interdependent and human basis of Zimbabwean political thought. Samkangwe, and Samkangwe, *Hunhuism or Ubuntuism*.

Dr. Samuel Mumbengegwi	Min. Higher Education, <i>Min. Industry & International Trade</i> , Zanu-PF chair for Masvingo	EU#61	Masvingo
Dr. Herbert Muchemwa Murerwa	Min. Industry & International Trade, <i>Minister of Higher & Tertiary Education</i>	EU#62	Mash. E.
Dr. David Pagwese Parirenyatwa	MP, Acting Min. Health, <i>Min. of Health & Child Welfare</i>	EU#76	Mash. E.
Sam Parirenyatwa	Brother to Minister Parirenyatwa		Mash. C.
Sydney T. Sekeremayi	Min. of State Security, Minister of Defence	EU#81	Mash. E.
Members of Parliament (and related family members)			
David Chapfika	MP for Mutoko North, <i>Dep. Min. Finance & Economic Development</i>	EU#4	Mash. E.
Mr Chauke	MP for Chiredzi North		Masvingo
Nobbie Dzinzi	MP for Mzarabani		Mash. C.
Josaya Dunira Hungwe	Zanu-PF MP, Provincial Governor - Masvingo	EU#21	Masvingo
Mawasa Hungwe	family member of Josaya Hungwe		Mwenezi
Saviour Kasukuwere	Chairman of Parliamentary Committee, MP for Mt Darwin South; <i>Dep Secretary for Youth Affairs</i>	EU#24	Mash. C.
Donald Kasukuwere	Brother to Saviour Kasukuwere		Mash. C.
Vivian Mwashita	Former MP, Zanu-PF Women's league official		Mash. C.
Everson Mwashita	Husband to Vivian Mwashita		Mash. C.?
Stephen Nkomo ¹¹¹	MP & Governor of Matabeleland South		Masvingo
Irene Zindi	MP for Norton		Mash. C.
Oscar Zindi	Relative of Irene Zindi?		Mash. C.
Shelton Zindi	Relative of Irene Zindi?		Mash. C.
Traditional authorities			
Chief Charumbira	Probably Fortune Zefanaya Charumbira, MP	EU#6	Masvingo
Peter Chanetsa	Governor of Mash. West		location?
Christopher Chingosho	Provincial Administrator of Mash. East, Provincial Lands Chairman		Marond., Masvingo
Obert Moses Mpfu	Governor of Mat. North		Umguza?
Senior State and State-linked Officials			
Wayne Dongo Bvudzijena	Spokesman for Zim. Republic Police		Mash. C.
Mr AS & Mrs Chatiza	Director, Ministry of Employment Creation		Mash. C.
Freddy Chawasarira	CEO Zimtrade		Mash. C.
Joseph Chinotimba	Vice President of ZFTU, Zanu- PF Political Commissar, Harare Central, head of War Veterans' Association after death of Chengerai 'Hitler' Hunzvi		Mash. C.
Willard Chiwewe	Permanent Secretary for Foreign Affairs; <i>Senior Secretary in President's Office</i>	EU#14	location?
Albert Mandizha	Senior Assistant Commissioner, Bulawayo		Mash. E.
Ngoni Masoka	Permanent Secretary for Lands & Agriculture		Mash. C.
Mr J Mbedzi	District Attorney for Beitbridge		Masvingo
Peter Mbizvo	Perm. Secretary, Gender & Employment Creation		Mash. C.
Peter Mbizvo (#102), David Munyoro (#128), & Thomson Tsodzo (#172) are all listed as Permanent Secretary for Gender & Employment Creation			
Tobaiwa (Tonmeth) Mudede	Registrar General		Mash. C.
David Munyoro	Perm. Secretary, Gender & Employment Creation		Mash. C.
Mariyawanda M Nzuwa	Chairman of Electoral Supervisory Commission & Public Service Commission		Mash. C.
Selo Nare	Former Judge		Mash. C.
Thomson Tsodzo	Perm. Secretary, Gender & Employment Creation		Mash. E.
Nancy & Elliot Zitsanza	Deputy Perm. Secretary for Lands & Agriculture		Mash. C.
Local and District Government			
Webster Bepura	Mayor of Bindura		Mash. C.

¹¹¹ Uncertain relationship to John Landa Nkomo, Minister of Special Affairs in President's Office, and to Joshua Nkomo, deceased leader of ZAPU and Zanu-PF in Liberation War.

Mr Chikova	District Administrator of Gutu		Masvingo
Joseph J Macheke	Former Mayor of Chitungwiza, Zanu-PF official		Mash. C.
Christopher Shumba	District Administrator		Norton
Mr Zindove	District Administrator of Mwenezi		Masvingo
Military personnel, in order of rank			
Constantine Chiwenga	General, Commander Zim. Defence Forces, War Veteran	EU#13	Mash E.
T Mautsa	Consort to General & Mrs Constantine Chiwenga		Mash. E.
Solomon T.R. Mujuru	Retired General, Politburo member	EU#60	Mash. E.
E Chiweshe	Brigadier		Mash. C.
Edson Dube	Brigadier		Mash. W.
William Kanhanga	Brigadier		Mash. C.
Ambrose Mutinhiri	Retired Brigadier, Min. Youth Development, Gender & Employment Creation, MP for Marondera West	EU#65	Mash. E.
T Tamirepi	Army Major		Mash. C.
David Mazamban	Wing Commander, Suri-Suri air base		Chegutu
Colonel X			location?
Mangachena	Army Colonel		Mash. E.
Bonniface Chidyausiku	Retired Lieutenant Colonel, Ambassador, permanent representative to UN		Mash. C.
Jumbi	Flight Lieutenant		Mash. W.
Un-named	Senior Army Finance Officer		Mash. E.
Daniel Mutenja	unspecified military role		Mash. W.
Comrade Kara	Regional liaison officer of Defense Force		Masvingo
Police and Prison officers			
Augustine Chihuri	Police Commissioner	EU#8	Mash. C.
Sheperd Gwasira	Officer Commanding Mash. West, former Senior police HR officer at HQ		Mash. W.
Inspector Marufu	Officer Commanding Gwanda		location?
Godwin Matanga	Dep. Police Commissioner, Chairman National Wheat Lands Task Force		Mash. E.
Mr Matize	Chief Prisons Officer		location?
Mr Siziba	Deputy Director of Prisons		location?
Paradzayi Zimondi	Head of Prisons		Mash. E.
State-run Media			
Reuben Barwe	ZBC Chief Correspondent		Mash. W.
Supa Mandiwanzira	Nephew-in-law to Grace Mugabe, ZBC Anchorman		Mash. E.
Kindness Paradza	Former MP, journalist/publisher (male)		Manica.
Admire Taderera	ZBC Head of Sportsnet (male?)		Mash. E.
Business leaders			
Wonder Maisiri	former CEO, ZNCC		Mash. E.
(?) Moyo	Gen. Manager, Gath Mine, Mashava, Relative of Vice President Moyo??		Mashava?
Philip Mugadza	ZIFA Board member, Chairman Market Giant Holdings		location?
Florence Sigudu	Managing Director of Metropolitan Bank		Mash. E.
Zanu-PF officials: those whose significant rank is within the Zanu-PF structure			
Dickson Mafiosi	Chairman of Mash. Central Zanu-PF youth		Mash. C.
Magadu S Fungai	Zanu-PF official (female?)		Mash. C.
Felix Mukonowengwe	Senior Zanu-PF official		Mash. C.
Christopher Pasipamire	Zanu-PF official		Masvingo
Paddy T Zhanda	Chairman of Zanu-PF East, & Colcolm/Cotton Co		Mash. E.
Leadership of the War Veterans			
Mr Phillimon Mbedzi	Chief War Veteran		Masvingo
Endy Mhlanga	Secretary General, WVA		Mash. C.
Cde Mudarikwa	War Vet Chairman, Chief Lands Officer		Mash. W.
Patrick Nyaruwata	Chairman, WVA		Mash. C.

The Leaked Confidential Report – ‘Addendum to the Land Reform and Resettlement Programme National Audit Interim Report’, 2003

Another document points to the inequalities, injustices and illegalities of the Government’s LRP, and to the creation of the neo-patrimonial State. According to the *Sunday Mirror* (Harare),¹¹² this document was an Addendum to a report prepared within the office of Flora Buka, Minister of State for the Land Reform Programme in the President’s Office, by Flora Buka,¹¹³ Osias Hove¹¹⁴ and Professor Sam Moyo,¹¹⁵ a “land expert” employed as a consultant. Reportedly, the document was leaked by Sam Moyo to Patrick Smith, editor of the British based newsletter, *Africa Confidential*. The text of the leaked Addendum and a *Sunday Mirror* commentary on the list (Sunday 16th March 2003) are available at ZW News, and the text of the leaked Addendum is included as Appendix 4 herein.¹¹⁶

That the idea of ‘indigenisation’ has been coopted by a political elite, and that indigenisation sits uneasily with the idea of redistribution to a broader populace, is illustrated at Fountain Farm, Insiza District.¹¹⁷ The Insiza District Land Identification Committee (DLIC) recommended that the farm and its infrastructure “be allocated to youths from the

¹¹² The Sunday Mirror, 'Commentary on Government land consultant leaked audit report', *The Sunday Mirror*, Harare, accessed May 2003 at www.zwnews.com, 16 March 2003.

¹¹³ EU#2 - Appendix 6.

¹¹⁴ Unknown relationship to Richard Hove, Zanu PF Politburo Secretary for Economic Affairs, EU#20 - Appendix 6.

¹¹⁵ Samson Moyo (born 1954) was educated in Sierra Leone and gained a Ph.D. in geography from the University of Western Ontario, Canada. He was then a researcher at the Zimbabwean Institute for Development Studies on land and agrarian issues under Ibbo Mandaza. Moyo then established the Institute of Agrarian Studies (an NGO with funding from the World Bank and OXFAM). He was a technical advisor to Charles Utete in the President’s Office. He is certainly part of the Zimbabwean elite, but has been both a Government supporter and critics, and does not seem linked to the predatory aspects of this elite. Ibbo Mandaza (editor), *Zimbabwe: The Political Economy of Transition, 1980-1986*, Dakar and Harare: Codesria, and Jongwe Press, 1987. Moyo, 'The Land Question'. Samson (Sam) Moyo, John Makumbe, and Brian Raftopoulos, *NGOs, the State and Politics in Zimbabwe*, Harare: Sapes Books, 2000. Moyo, 'The Political Economy of Land Acquisition and Redistribution in Zimbabwe, 1990-1999'.

¹¹⁶ Government of Zimbabwe et al., 'Addendum To The Land Reform And Resettlement Programme National Audit Interim Report, Leaked Confidential Government Report'. The leaked report is referred to rather obliquely by Raftopoulos and Phimister, 'Zimbabwe Now: The Political Economy of Crisis and Coercion', p. 370.

¹¹⁷ Government of Zimbabwe et al., 'Addendum To The Land Reform And Resettlement Programme National Audit Interim Report, Leaked Confidential Government Report', Section 3.3.2.

Ministry for Youth Development, Gender and Employment Creation's National Service training programme as an agricultural skills training centre for the Ministry." Yet, contrary to this recommendation, the farm was allocated to the Hon. Comrade S. Nyoni MP,¹¹⁸ Minister for Small and Medium Enterprises Development – and considerable violence in the form of 'hired thugs' was used in asserting this claim of possession.

The DLIC recommendation would have seen this farm used in a manner that benefited many Zimbabweans, especially small farmers seeking to expand their productivity beyond mere subsistence farming. Yet, final allocation was to a member of the political elite. Though the DLIC queried this decision with Dr Joseph Made, Minister of Lands, Agriculture and Rural Resettlement,¹¹⁹ the Minister reportedly "promised to withdraw the Hon Mrs Nyoni's offer letter but to date this has not been done". This hints at unspoken political and social dynamics, of relationships of power which are enormously powerful yet largely hidden, and which are only overtly evidenced in the actual political actions and decisions of the government and the State. Dr Made, one of the most outspoken of government apologists, is almost certainly entangled in this elite competition, and may be as much constrained as empowered by the ties of political obligation amongst the political and State classes.

The document indicates many other cases where farms were offered to Model A1 lessees (small-scale, subsistence farmers) by official decision-makers at one level, only to be countermanded by higher level decision-makers with the implication that higher-level decision-making has been based in patronage, cronyism, or nepotism,¹²⁰ or local-level decision-makers have allocated farms to themselves.¹²¹ In one case the document reports a

¹¹⁸ Sithembiso Gile Glad Nyoni, MP, EU#75 - Appendix 6. Biography accessed at http://www.parlzim.gov.zw/Mps_index/Nyoni_stembiso/nyoni.html, October 2004, no details: Stembiso Nyoni (*female*, and note spelling difference in given name).

¹¹⁹ EU#29 - Appendix 6.

¹²⁰ Government of Zimbabwe et al., 'Addendum To The Land Reform And Resettlement Programme National Audit Interim Report, Leaked Confidential Government Report', Section 3.3.2.iv.

¹²¹ *Ibid.*, Section 3.3.2.vii.

case of “outright corruption” where “money is alleged to have changed hands in exchange for plot allocations”.¹²²

Land and resource allocation have become intensely politicised and unimpartial, as those with power (Ministers, and others in positions of influence within Government and state) have pressured DLICs to list desired properties for compulsory acquisition, and have sought to direct and control their re-allocation.¹²³

In addition to this competition between the peasantry and would-be-bourgeoisie, and between political elites and rural land officials (in particular the DLICs) seeking to implement Model A1 redistribution, the document also points to overt competition *within* the rising bourgeoisie, as for example where “Dr R Ngwenya is reported to be causing havoc in the Goromonzi area where he was allocated land under the A2 model. He is alleged to be encroaching onto other beneficiaries plots e.g. Prof Chetsanga and is uprooting irrigation equipment from these plots for use on his allocated area”.¹²⁴ According to the document, intra-elite competition is higher in more fertile lands, and that with confusion over tenure as elites squabble amongst themselves, lands remain idle.

Much of the legitimating rhetoric of the Government’s LRP pointed to the gross racial inequalities in land holdings that were ‘inherited’ by the Independence Government at in 1980. The *National Land Policy Statement (1990)*,¹²⁵ implemented through the *Land Acquisition Act (1992)*, targeted acquisition of unused or under-utilised or multiple farms

¹²² Ibid., Section 3.3.2.vi.

¹²³ Ibid., Section 2.2 It is unclear from this text whether these 2 hotels are owned by European expatriates, or are owned by indigenous Zimbabweans, or by those of other African descent or Asian or Indian descent, etc.

¹²⁴ Ibid., Section 3.2.

¹²⁵ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement: Assessment and Suggested Framework for the Future: Interim Mission Report', New York, UNDP, January 2002, p. 5. President Robert Mugabe, 'Address to the Donors Conference on Land Reform and Resettlement, 9 September, Harare', Government of Zimbabwe, Harare, accessed May 2003 at <http://www.gta.gov.zw/Land%20Issues/LAND%20CONFERENCE.html>, 1998.

from white farmers. Yet it is clear from this leaked document that these same problems have been recreated among the black elites who have gained commercial farms through the LRP.

This leaked document points to a large number (32) of indigenous VIP lessees who hold more than one farm.¹²⁶ Many are familiar from the Dongo List (2000) or 'Sunday Mail – ZW News VIP List' of May 2002 – including 13 politicians (MPs or 'Honourable' Ministers, ten males and three females), two high-ranking military officers, and Mutumwa Mawere, a businessman and associate of Kindness Paradza (both now having fallen from favour).

Significant amongst these are:

- Peter Chanetsa, MP, former Governor of Mashonaland West,¹²⁷
- Elliot Chauke, MP for Chiredzi North,
- Ignatius MC Chombo, MP, Minister of Local Government, Public Works and National Housing (and nephew to President Mugabe)
- Joram Gumbo, MP
- Josaya Dunira Hungwe, MP, Provincial Governor of Masvingo,
- Brigadier E. William Kanhanga,
- Saviour Kasukuwere, MP, Politburo Deputy Secretary for Youth Affairs,
- Edna Madzongwe, MP, Deputy Parliamentary Speaker,
- Shuvai Ben Mahofa, MP, Deputy Minister for Youth Development, Gender and Employment,
- Elliot Tapfumanei Manyika, MP, Minister without Portfolio, Governor of Mashonaland Central; Manyika is also head of the notorious 'Green Bombers', ostensibly a national training service for youth but really little more than a youth militia.
- Mutumwa Mawere, chairman of Africa Resources Ltd,
- the wife of Kembo (Campbell) Dugishi Mohadi, MP, Minister of Home Affairs,
- J. Moyo,¹²⁸ MP, Minister of State for Information and Publicity in the President's Office
- Obert Moses Mpofo, MP, Provincial Governor, Matabeleland North,
- and Sabina Mugabe, MP, Politburo member,

¹²⁶ Government of Zimbabwe et al., 'Addendum To The Land Reform And Resettlement Programme National Audit Interim Report, Leaked Confidential Government Report', Section 4.

¹²⁷ No longer listed on Parliament of Zimbabwe web page.

¹²⁸ Most probably Jonathan Moyo, Minister of State for Information and Publicity in the President's Office (EU#47), or possibly July Gabarari Moyo, Minister of Energy and Power Development (EU#48).

- and Air Marshal Perence Shiri.

The leaked document argues: “It is very urgent to take urgent corrective measures [against such multiple ownership] particularly where the leadership is the perpetrator of anomalies as the general public is restive where such cases exist and a multitude of people are still on the waiting list”. If it is legitimate to appropriate farms from whites who had acquired multiple farms legally, and had invested capital and their labour into these farms, then surely it should be unacceptable for those to whom these farms are re-allocated to acquire more than one farm? Moreover, the constraint on multiple ownership (even if enforced) might be incapable of preventing ownership of separate farms by closely related family members.

The document also indicates a number of multiple lease holders who acquired a second farm, whether as property or leasehold, after first gaining a Model A2 lease, pointing to the conceptual limits of Government’s policy. Having granted a lease to an indigenous farmer, there are few steps that the Government can take to prevent multiple farm ownership by market acquisition. Since Independence, Government has been encouraging would-be indigenous elites to purchase farms from expatriate white farmers, while also allocating leases over appropriated commercial farms to would-be indigenous elites.

While a Government might say that any lessee can only be granted one lease, or that existing landholders are ineligible for leases, the condition that lessees can *hold* only one lease – if this is to be anything more than a moral ideal or an element of politically-articulated rhetoric used to attack the declining power of the white farmers or the rising power of the indigenous elites – verges on a requirement (that is being actively implement in Zimbabwe) that the State control all land-holdings.

The criteria for land allocation under Model A2 (for indigenous commercial farming) had allowed for a maximum farm size of 350 ha (this has been exceeded in many cases in the Dongo List and VIP List), though large sizes were permissible subject to approval from relevant authorities. Yet the report complains of allocation of larger farms, outside the

guidelines and without DLIC consent, though seemingly with the consent and perhaps complicity of Provincial Governors; the report points especially to Elliot Manyika, Governor of Mashonaland Central.¹²⁹ Beneficiaries of this favouritism have been high level elites. Even more, some of these larger Model A2 farms had previously been allocated or redistributed to small scale farmers under Model A1.

Beyond the complaints about multiple holdings, farm seizures and dispossession of resettled farmers, in its dependence on oral and local sources rather than official bureaucratic channels and processes, the leaked report points to a deliberate obscuring of reality, and/or the collapse of rational bureaucracy. It seems that the State bureaucratic system in Zimbabwe is incapable of indicating just who holds what leases or property, such that that an investigator appointed by the Government of Zimbabwe to review the progress of its own LRP must rely on *oral sources* to ascertain land holdings.

For example, the authors of the report have consistently, yet unsuccessfully, requested that Comrade Masoka (Permanent Secretary of the Ministry of Lands, Agriculture and Rural Resettlement) supply details to the Honourable Vice President Comrade Msika of the issuance of 'Certificates of No Present Interest' relating to the farms that have already been resettled under Model A1, thus allowing black elites to *purchase* these farms and evict the resettled farmers.¹³⁰ As well as the injustice of black elites evicting resettled black farmers, and the complexity of power struggles at the highest elite levels, the point here is the deliberate obscuring of land seizures by black elites, not just from outsiders but from others within the elite. The land seizures become invisible.

¹²⁹ Government of Zimbabwe et al., 'Addendum To The Land Reform And Resettlement Programme National Audit Interim Report, Leaked Confidential Government Report', Section 3.1.

¹³⁰ *Ibid.*, Section 2.1.

In the present climate, there are real limits to oral sources as well. For example the report indicates that the listing of multiple farms may not be complete, as many people are obligated to or intimidated by indigenous land-holding elites, and are reluctant to talk.¹³¹

Elite Land Allocations: a Summary

Elite behaviour, and the way that farms were acquired and held, changed over the years from the expansion of the Ordinary Tenant Farmer Scheme in the early 1990s to the larger-scale land allocations of the Commercial Farm Settlement Scheme in the 1998–2000 to the patterns evident in 2002–2003.

In continuance of colonial policy, since Independence there had always been a small number of farm leases issued under the OTFS to corporations and persons. Leases were over portions of State farms or lands (rather than over farms acquired on a market basis or compulsorily), and were widely dispersed across Zimbabwe; some leases were quite small (e.g. to a rural cold storage company) or very large (to tourism and safari operators). Until the early 1990s all seem to have been to persons or corporations more-or-less genuinely involved in rural endeavour – though for many lessees, no doubt, access to the right person in Government or State may well have been instrumental in securing a lease. The number of OTFS leases expanded rapidly in the early to mid 1990s, peaking at 40 in 1993 and 58 in 1995, and in this period lease allocations became intensely politicised, as the scheme was increasingly accessed by those (including elites) with linkages to Government, State, and Zanu-PF. Yet some leases were still quite small, and some may have been acquired with the intention of genuine productive usage. The OTFS represents the vanguard of a revolution, the initially slow but then rapid expansion and redirection of a scheme that had been directed, in the colonial era, towards State support for white settlers and genuine rural industry (including tourism and food processing).

¹³¹ Ibid., Section 4.

Then, with the public advertising of commercial farm leases in 1996, the scheme expanded enormously with the issuance of 244 CFSS leases in 1998-2000. As with the latter years of the OTFS, lease allocations were intensely politicised as the political class, and the urban bourgeoisie with linkages to the political class, scrambled for the land. Leases were granted over portions of ten larger Estates or State farms in nine districts in five provinces (Mashonaland West, Midlands, Manicaland, Masvingo, and Matabeleland South), mostly within the fertile corridor trending north-north east through Bulawayo and Harare, on the western flanks of the eastern highlands, and within 50–100km of cities or major rural centres. There were many small leases (less than 15ha) which may be prestige holdings or small-scale productive ventures, and many leases in the 1000–2000ha range, commensurate with genuine commercial farming – yet it would seem that few have been used to their potential.

Overlooking for the moment the increasing politicisation of the processes of land allocation under the LRP since the early to mid 1990s, and questions of nepotism, factionalism and patrimonialism, the OTFS and CFSS, as detailed in the Dongo List, point to a time when legal and bureaucratic forms were intact, when formal leases were allocated for set periods to specific named persons and in accordance with guidelines established under the *National Land Policy Statement (1990)* for the *indigenisation* of commercial farming under Model A2, as well as redistribution of lands to small-scale farmers under Model A1.

In contrast, the VIP List and Leaked Confidential Report point to the collapse, several years later, of even the semblance of formal process in land allocation. Lands are seized and invaded by elites (or proxies in the form of Zanu-PF ‘youth’ or ‘War Veterans’) and are held by force of *mere possession*. State approval of land holdings, and mediation of disputed holdings, now operates through less formal mechanisms, including direct approach to Government Ministers or Provincial Governors. In part this process is retroactive, as approval is sought *after* lands are seized. Multiple farms and oversize farms are held in contradiction to guidelines; family networks are used as pathways of land allocation, and as means whereby individuals within families or couples can either hold farms individually or disguise their

multiple holdings. As Zanu-PF elites are seen to enrich themselves as a landed elite, they seem the successors to the exploitative colonial conquerors against whom all of the discourse and practice of 'land reform' has been directed. No wonder the populace is 'restive', and that Zanu-PF elites are at pains to keep such multiple ownership from public scrutiny.

Blending the information from the Dongo List, the VIP List, the Leaked Confidential Report, and the EU List, 130 of those who have are implicated to some degree in the pillaging of the nation's landed resources are summarised in Table 8. Perhaps the word 'pillage' seems harsh, yet the accumulation of national assets and resources by a political and State-linked elite, and the cronyism and personal favouritism in Zimbabwe is comparable to if not worse than that seen in Frimpong-Ansah's 'Vampire State' in Ghana,¹³² and to the 'predatory rule' described by Fatton¹³³.

Some names begin to stand out amongst this cast of elite players in Zimbabwe (Table 8). At the very top, President Mugabe is seemingly aloof from the affray: there were no farm leases issued to him personally, and he is seemingly distanced from farm invasions and seizures. Yet there were many in his family and personal circle and within the President's Office, who are more directly involved.¹³⁴ His sister Sabina Mugabe – a powerful politician in her own right, on the EU List, and a member of Zanu-PF since the Liberation War – holds 3 farms, two being oversized. Farms are held by his wife Grace Mugabe, his sister Dr Gata, his brother-in law, and by the nephew of his wife Grace. His nephew Ignatious Chombo (Minister for Local Government, Public Works and National Housing) holds multiple farms. A CFSS lease at Coburn was allocated to G. Mugabe, 'extension officer' with the Ministry of Agriculture; this is probably not Grace Mugabe, but, given the proximity to other elite leases at Coburn, may well be a relative of President Mugabe.

¹³² Frimpong-Ansah, *The Vampire State in Africa*.

¹³³ Robert Fatton, *Predatory Rule: State and Civil Society in Africa*, Boulder, Colorado, and Covent Garden, UK: Lynne Rienner Publishers, 1992.

¹³⁴ Oral sources within Zimbabwe indicate there may be many Mugabe farms, on which workers do not receive good wages.

Sheba Ranch is reputedly held by Mugabe's attorney (Samkange, from Byron Venturas and Partners): in a climate in which Mugabe has manipulated the legislative process to enable the LRP and FTLRP, and in which close associates and political allies are seemingly in breach of guidelines in terms of number of farms and farm sizes, an attorney may be a useful asset, both vis-à-vis those who are opposed to the LRP and its processes (including white farmer groups and opposition groups such as the MDC) and vis-à-vis competing elites, even within Zanu-PF and Government.

Within the President's Office – and obviously these are all Zanu-PF members or supporters, and directly supportive of and dependent upon Mugabe – CFSS leases are held by the Principal Director Christopher Mushohwe, Minister of Transport and Communications and one of the 30 MPs appointed directly by Mugabe to Parliament; George Charamba, Spokesperson in the President's Office according to the Dongo List and Permanent Secretary in Department for Information and Publicity according to the EU List; and Permanent Secretary Mishek Sibanda – all being on the EU List.

A number of politicians held OTFS leases in the opening phase of elite landholdings: Tongesai Chipanga, Deputy Minister for Home Affairs (and referred to in Dongo List as 'civil servant'), Willard Chiwewe, Senior Secretary in President's Office (and referred to as a 'civil servant' in Dongo List), Border Gezi (Provincial Governor, deceased), Welshman Mabhena, former Provincial Governor of Matabeleland North, Cabinet Minister Mandizvidza, Deputy Minister Alois Mangwende, Minister without Portfolio/Minister for Youth Employment and Gender and Governor of Mashonland Central Elliot Manyika (the VIP List and Leaked Confidential Report indicates he holds Duiker Flats and a sub-division of Caledon, and has been implicated in the widespread approval of oversize Model A2 farms to other members of the political elite), Obert Mpofu, Provincial Governor of Matabeleland, MP Richard Ndlovu, and MP C. Sibanda. Of these, Chipanga, Chiwewe, Manyika and Mpofu are on the EU List.

A number of prominent Zanu-PF MPs hold CFSS leases: Chief Fortune Zefanaya Charumbira, Deputy Minister for Local Government, Public Works and National Housing,

who was also appointed directly to Parliament by Mugabe; the outspoken Attorney General Patrick Chinamasa, while his sister holds Buffalo Dawns¹³⁵; Simon Moyo, Politburo Deputy Secretary for Legal Affairs/Minister of Mines, Environment & Tourism; and Edna Madzongwe, Deputy Parliamentary Speaker who also reportedly holds Bourne Farm.¹³⁶ Shuvai Ben Mahofa (MP, female) reportedly holds Lothain, Lochnivar, Eyrie, and Spring SP farms. All of these persons are also on the EU List.

According to the VIP List and leaked Confidential Report, David Chapfika, MP for Mutoko North and Deputy Minister of Finance and Economic Development holds 'The Groove' Farm; Edward Chindori-Chininga, former Minister of Mines holds Calgary (of 1500 ha) in Mazowe in Mashonaland West and is displacing Model A1 settlers; Josaya Hungwe, Provincial Governor for Masvingo holds Winterton and portions of Nuanetsi Ranch and Constance Farm; and Saviour Kasukuwere, Secretary for Youth Affairs, holds Bamboo Creek and portion of Pimento Farm. Though not herself directly linked to farm holdings, Flora Buka (#2 on the EU List) is Minister of State in the Vice President's Office; the damning – yet Confidential but 'leaked' report on the roting of the LRP was prepared in her office.¹³⁷ All of these persons are also on the EU List. Moreover, close relatives of Josaya Hungwe and Saviour Kasukuwere also hold farms.

In addition, Elliot Chauke, MP for Chiredzi North, holds the Ngwindi Sugar Estate; Nobbie Dzinzi, MP for Mzarabani, holds portion of Dendere Farm; Vivian Mwashita (former MP) holds Watakai Farm, while her husband holds portion of Dendere; Stephen Nkomo, MP and Governor of Matabeleland South, holds portion of BEA Ranch; and Irene Zindi, MP for Norton holds Howickvale Farm (while presumed relatives hold portions of Rutherland Farm).

¹³⁵ Government of Zimbabwe, Ministry of Lands, Justice in Agriculture, and ZW News, 'Confirmed VIP's Allocations - Working Document No 1 as at May 2002'.

¹³⁶ Government of Zimbabwe et al., 'Addendum To The Land Reform And Resettlement Programme National Audit Interim Report, Leaked Confidential Government Report'.

¹³⁷ Ibid.

A CFSS farm was allocated to the Honourable Dr Cyril Ndebele, Parliamentary Speaker from 1995 to 2000. He was chairman of ZAPU in 1970, part of the Patriotic Front delegation at Lancaster House in 1979, and elected to Parliament in 1990 and to the role of Speaker in 1995. He came into conflict with Mugabe and lost this role in 2000, and is no longer in Parliament.¹³⁸ Two High Court Justices were allotted CFSS leases: Justice M.A. Cheda and Justice L. Malaba.

Several very high ranking military officers are prominent in the parcelling out of the lands of Zimbabwe: CFSS leases were granted to General Zvinvashe (portion of Coburn), Retired Lieutenant General Michael Nyambuya, MP and Provincial Governor for Manicaland, and to Air Marshal Perence Shiri while the Leaked Confidential Report indicates that Shiri also holds Eirin Farm in Marondera at the expense of 96 families. Retired Brigadier Ambros Mutinhiri, Minister of Youth Development, Gender and Employment Creation and MP for Marondera seized Waltondale Farm – a significant property,¹³⁹ and the VIP List indicates that General Constantine Chiwenga, Commander of the Zimbabwean Defence Forces and ‘War Veteran’, holds Risumbe Extension (while the ‘consort to Chiwenga and his wife holds Sherperd Hall Farm), and General Solomon Mujuru holds Elim and Alamein Farms. Still within the coercive arm of the State, Police Commissioner Augustine Chihuri holds Woodlands A in Shamva. All are also on the EU List.

The Dongo List (CFSS List) and VIP List also include many other high to lower rank or non-ranking military, police and prison personnel – including Brigadiers E Chiweshe, Edson Dube, EW Kanhanga, and Major T Tamirepi. Significant in the political process, though not himself seemingly holding farmlands, is Retired Air Marshall Josiah

¹³⁸ Kevin Boyle, Vice Chancellor Professor, 'Speech at presentation of Honorary Doctorate to C.E. Ndebele, University of Essex', University of Essex, UK, accessed April 2004 at <http://www.essex.ac.uk/vc/orate2001/Ndebele%20oration.rtf>, 2001.

¹³⁹ Augustine Mukaro, 'Mutinhiri seizes farm, equipment valued at \$400 million', *The Zimbabwe Independent*, Harare, 19 April 2002. Confirmed in VIP List.

Tungamirai,¹⁴⁰ Minister of State for Indigenisation & Empowerment (and #92 on the EU List): this whole exercise in appropriation of lands from expatriate commercial farmers and re-allocation to indigenous elites is seen by the Government as an exercise in *indigenisation*, as a process that brings commercial farming into indigenous Zimbabwean control. It is also a process that brings *empowerment* to some Zimbabweans.

Of the remaining panoply of State and Government linked elites who have seized or been allotted farms (Table 8), many have linkages to the rural economy – there are high ranking members of the Zimbabwe Farmers' Union including its President Silas Hungwe, the Director of Agritex, Dr J Makadho, and Charles Utete, Chairman of Presidential Land Review Committee; others hold varying ranks and roles within Agritex and the Ministry of Lands and Agriculture, and within rural parastatals.

Of importance politically, but only more recently incorporated into the ruling elite, are the numerous 'war veterans' and 'war collaborators', some with official roles within the War Veterans Association (including Chief War Veteran Phillimon Mbedzi, Secretary General Endy Mhlanga, and Chairman Comrade Mudarikwa and Chairman Patrick Nyaruwata) and many more with no specified role or rank.

Amongst this cast of players is continuity and the consolidation of an elite who participated in the Liberation War, evidenced in those who are 'War Veterans' (whether their current primary role is within the War Veterans Association, or whether they made the transition into formal roles as ranking officers in the Zimbabwean military) or were participants on behalf of the Patriotic Front at Lancaster House in 1979, in particular those within Zanu-PF.

Then overwhelmingly, the elite is based in Zanu-PF as the political party that had held Government since Independence. All of the Ministers, Deputy Ministers, Provincial

¹⁴⁰ A war veteran and Chief Political Commissar for ZANLA in the early 1970s. Terence O. Ranger, *Peasant Consciousness and Guerrilla War in Zimbabwe: a Comparative Study*, London: James Currey, 1985, p. 205.

Governors, Cabinet Secretaries, and Politburo members mentioned in the Dongo List and VIP list and Leaked Confidential Report hold these positions as members of Zanu-PF. To a large extent the elite is based in and around Government and the upper levels of the civil service including State-linked parastatals and NGOs, especially those with linkages to the rural economy. This high level political class includes MPs and Ministers (including Cabinet Ministers) who were appointed directly by Mugabe rather than through popular election, Politburo members, and 'civil servants' in the President's Office and in the offices of other MPs and Ministers who are significantly involved in the development and implementation of Government policy. These are far more 'political' than would be seen as appropriate within a Westminster style of democracy.

The elite extends to captains of industry, especially leaders of Zimbabwean firms involved in the rural economy, and to a wide range of middle to lower level entrepreneurs – including 'businessmen', 'businesswomen' and 'farmers' – with linkages to Zanu-PF or Government. Yet rather than production and productive investment, these entrepreneurs, empowered by their linkages to the State, are engaged primarily in accumulation of assets and resources. As Fatton argues, "The absence of a hegemonic bloc African bourgeoisie grounded in a solid and independent economic base and successfully engaged in the private accumulation of capital has transformed politics into a material struggle".¹⁴¹

¹⁴¹ Fatton, *Predatory Rule*, p. 28.

Table 8: Summary of Land Allocations to and Seizures by High Level Elites

TABLE 8: THE CAST OF PLAYER IN THE LRP

Sources: 1. Govt Zim., & Centre On Housing Rights & Evictions. "The Dongo List; Annex 2 in Land Housing and Property Rights in Zimbabwe". Geneva: COHRE, Africa Programme Mission Report, September, 2001.

2. Govt Zim./Ministry of Lands/Justice in Agriculture/ZW News. "Confirmed VIP's Allocations - Working Document No 1 as at May 2002", 2002.

3. Govt Zim./President's Office, F Buka, O Hove, & S Moyo. "Addendum to the Land Reform & Resettlement Programme National Audit Interim Report, Leaked Confidential Government Report", 2003.

EU = European Union List of prominent Zimbabweans against whom sanctions have been imposed
 Dep. = Deputy; Min. = Minister; Dev. = Development

WV = War Veteran; LH = present at Lancaster House; IG = member of Independence Government

Name	EU	Role	WV/LH/IG	Dongo List 1999/2000	VIP List, 2002	Leaked Confidential Government Report, 2003: farms held
President Robert Gabriel Mugabe	1	Head of State & ultimate head of the LRP	LH	-	-	-
Dr Gata	-	Sister to President Mugabe; Director, Research & Specialist Services	-	-	Tsatsi area, in Mash Central	-
Supa Mandiwanzira	-	Nephew-in-law to Grace Mugabe, the President's wife; ZBC Anchorman	-	-	Lang Glen, in Mash Central	-
Reward Marufu	-	Brother-in-law to President Mugabe	-	-	Leopards Vlei & Glendale, in Mash Central	-
Grace Mugabe	57	The President's wife	-	-	-	(newspaper reports indicates she seized Iron Mask Estate, 1000ha in Mazowe)
G Mugabe	-	Extension Officer with Ministry of Agriculture; possibly a relative	-	CFSS#43, Coburn 12, in Chegutu	-	-
Sankange	-	Attorney with Byron Venturas & Partners, representing President Mugabe	-	-	Sheba Ranch / Weipe, in Masvingo	-
Flora Buka	2	Min. of State in Vice-President's Office	-	-	-	The Leaked Report was prepared in Flora Buka's office
Peter Chanetsa	-	former MP, former Governor of Mash West	-	-	-	Multiple: R/E of Riverside E, Greenleaves of Biri, Gabaro in Hurungwe, Romsey in Makonde
David Chapfika	4	Dep. Min. for Finance & Economic Development, MP for Mutoko North	-	-	The Groove, in Mash East	-
George Charamba	5	Permanent Secretary, Department for Information & Publicity	-	CFSS#2, Battlefields 02, in Kadoma	-	-
Chief Fortune Zefanaya Charumbira	6	Deputy Min. for Local Government, Public Works & National Housing	-	CFSS#197, Sikato 10, in Masvingo	Lots 5 & 6 of Mkwesine Central, & Sangokwe North in Mwenezi, all in Masvingo	-
Elliot M Chauke	-	MP for Chiredzi North	-	OTFS#44, S/D 07 of Lot 6 Essanby, in Chegutu	Farm 748 of Ngwindi Sugar Estate, in Chiredzi in Masvingo	Multiple: farm 748 of Ngwindi Sugar Estate in Chiredzi, Sikato 10 in Masvingo
Justice Mafios A Cheda	-	High Court Judge	-	CFSS#129, Marula 38, in B-Mangwe	-	-
Imeyi Chigudu	-	Permanent Secretary, Ministry of Home Affairs	-	CFSS#193, Sikato 6, in Masvingo	-	-
Augustine Chihuri	8	Police Commissioner	-	-	Woodlands A in Shamva in Mash Central	-
T Chimbwanda	-	Assistant General Manager, Agricultural Finance Corporation	-	CFSS#14, Battlefields 14, in Kadoma	-	-
Patrick A Chinamasa	10	Min. of Justice, Legal & Parliamentary Affairs	-	CFSS#140, Nyamazura 1, in Mutare	-	-
Chinamasa	-	Sister to Justice Min. Patrick Chinamasa	-	-	Buffalo Dawns, in Hurungwe in Mash West	-
Mabel Chinomona	-	Deputy Minister	-	OTFS#145, Plot 14 Block A Rathmines, in Mutoko	-	Plot 14 of Rathmines, & R/E of Redbuck Kop in Goromonzi
Edward Takaruzo Chindori-Chininga	11	former Min. of Mines	-	-	Farm in Mash Central	Calgary in Mazowe (1500 ha), displacing Model A1 settlers
Christopher Chingosho	-	Provincial Administrator of Mash. East, Provincial Lands Chairman	-	-	Makarara, Showers B, Solitude, Retreat of Sanzara, Chigori, Rapids, in Marondera in Mash East	Multiple: Makarara, Showers B, Solitude, Retreat of Sanzara, Chigori, Rapids all in Marondera & Lot 6 of Mkwesine Central in Chiredzi
Joseph Chinotimba	-	Vice President of ZFTU, Zanu- PF Political Commissar, Harare Central, head of War Veterans' Association after death of Hunzvi	-	-	Part Pimento, & Watakai in Mazoe, in Mash Central	-
Longesai Shadreck Chipanga	12	Deputy Min. for Home Affairs; 'civil servant' in Dongo List	-	OTFS#43, S/D 06 of Lot 6 Essanby	-	-
Constantine Chiwenga	13	Commander, Zimbabwe Defence Forces	General	-	Risumbi Extension, in Goromonzi in Mash East	-
T Mautsa	-	Consort to General & Mrs Constantine Chiwenga	-	-	Shepherd Hall, in Goromonzi in Mash East	-
Chiweshe	-	-	Brigadier	-	Greenhithe in Harare Central in Mash East	-
Willard Chiwewe	14	Senior Secretary in President's Office; 'civil servant' in Dongo List	-	OTFS#153, Lot 1 of Chipoli, in Shamva	Farm	-
Ignatius Morgan Chiminya Chombo	15	Min. for Local Govt, Public Works & National Housing, MP for Zvimba North, nephew to President Mugabe	-	-	-	Multiple including Allan Grange (300 ha) & Oldham in Chegutu
Ernest T Danda	-	Deputy Director, Agritex	-	CFSS#202, Sikato 15, Masvingo	-	-
WLC of Muzarabani	-	District Land Committee	-	-	-	Allotted themselves A2 plots on Lot 1 of Mutorazeni & Carse Farms
Edson Dube	-	-	Brigadier	-	Leconfield in Hurungwe in Mash West	-
Robbie Dzinzi	-	MP for Mzarabani	-	-	Farm	-
Order Gezi (deceased)	-	Provincial Governor	-	OTFS#3, Lot A of R/E Shashe Estate, in Bindura	-	-
Nicholas Tasunungurwa Goche	17	Minister of State for National Security in President's Office, MP for Shamva, former Minister of Defense	-	-	Ceres in Mash Central	-
Frank Gumbo	-	MP	-	-	-	Multiple: Lot 12A of Nuanetsi Ranch A in Mwenezi, & Wolewehoek (1299 ha) in Makonde; purchased Oldbury (916 ha), displacing Model A1 settlers.
Richard Hove	20	Zanu-PF Politburo Secretary for Economic Affairs	-	-	Winterton, & Lot 1 of Constance/Piananda Lodge, both in Masvingo	mentioned
Josaya Dunira Hungwe	21	Provincial Governor for Masvingo, MP	-	-	-	Multiple: Lot 21 A of Nuanetsi Ranch (14713 ha) & Bryn Chegutu
Mawasa Hungwe	-	family member of Josaya Hungwe	-	-	Lot 21A of Nuanetsi Ranch in Masvingo	-
Mas Hungwe	-	President, Zimbabwe Farmers' Union	-	CFSS#190, Sikato 3, in Masvingo	-	-
John Jonga	-	Director General, District Development Fund	-	CFSS#35, Coburn 4, in Chegutu	-	-
Jonga	-	War Veteran	WV	-	Showers B, in Murehwa in Mash East	-

Name	EU	Role	WV/LH/IG	Dongo List	VIP List	Leaked Confidential Government Report: farms held
Kumbirai Kangai	22	Politburo Committee Member, in charge of OTFS/CFSS in early 1990s; Min. of Labour & Welfare in Independence Govt	IG	-	-	-
E William Kanhanga	-	-	Brigadier	-	Stella & Stockwell, in Mazowe in Mash Central	Multiple: Stella (425 ha) & Stockwill (2443 ha) in Mazowe
Saviour Kasukuwere	24	Zanu-PF Politburo Deputy, Secretary for Youth Affairs, MP for Mt Darwin South	-	-	Part Pimento Farm, in Mash Central; Bamboo Creek, in Shamva	Multiple: Pimento Farm, Bamboo Creek & Harmony; displaced Model A1 settlers from Harmony
# Donald Kasukuwere	-	Brother of Saviour Kasukuwere	-	-	Usaka & Sangokwe North, in Mwenezi	-
Gladman & F Kundhlande	-	Deputy Director, SAFIRE	-	CFSS#16, Battlefields 16, in Kadoma	-	-
Welshman Mabhena	-	former Governor, Matabeleland North	-	OTFS#12, Killagar, in Bubi	-	-
Joseph Mtakwese Made	29	Min. for Agriculture & Rural Dev; announced final eviction of white farmers at Selous, 2002	-	-	-	mentioned
Edna Madzongwe	30	Dep. Secretary for Production & Labour, Deputy Parliamentary Speaker	-	CFSS#44, Coburn 13, in Chegutu	-	Multiple: Bourne & Corburn 13 both in Chegutu
Shuvai Ben Mahofa (f)	31	Dep. Min. for Youth Development, Gender & Employment Creation, Political Commissar for Masvingo, MP for Gutu South	-	-	Lothian, in Gutu; plots at ZAKA Scheme; Spring Sp, Lochinvar, Eyrie/Lauder/Wragley in Masvingo	Multiple: Lothain in Gutu, Lochnivar, Eyrie, Spring SP
Dr J Makadho	-	Director, Agritex	-	CFSS#228, Vungu 12, in Gweru	-	-
Justice L Malaba	-	High Court Judge	-	CFSS#126, Marula 35, in B-Mangwe	-	-
FG Mandebvu	-	Director General, Found Mutual Society	-	CFSS#167, Sessomi 20, in Kwe-Kwe	-	-
Mandizvidza Enterprises P/L	-	Cabinet Minister	-	OTFS#23, R/E of Bougainvillea, in Chegutu	-	-
Paul Munyaradzi Mangwana	35	Min. of Public Service, Labour & Social Welfare, MP for Kadoma East, former Dep. Min. of Justice	-	-	Faun in Chegutu	-
Alois T Mangwende	-	Deputy Minister	-	OTFS#133, Plot 02 Block A Rathmines, in Mutoko	-	-
Witness P.M. Mangwende	36	Provincial Governor, Harare; Min. of Higher Education	-	-	Rudolphia in Masonaland East	-
Elliot Tapfumane Manyika	37	Min. without Portfolio, Min. for Youth Employment & Gender, Governor of Mash Central, Ambassador	-	OTFS#156, S/D 3 of Caledon, in Shamva	Duiker Flats in Mash Central	Multiple: Duiker Flats & Sub Division of Caledon; has also approved oversize Model A2 farms
Inspector Marufu	-	Officer Commanding Gwanda (perhaps related to Reward Marufu, Mugabe's brother-in-law)	-	-	Glenala Park, Esigodini	-
Ngoni Masoka	-	Permanent Secretary for Lands & Agriculture	-	-	Dunmaglas in Mazowe, Mash Central	mentioned as obstructive
K Matekaire	-	Director General, Zimbabwe Farmers' Union	-	CFSS#60, Coburn 29, in Chegutu	-	-
A Mawere	-	employee of Ministry of Lands, Agriculture & Rural Resettlement	-	-	-	Replanned Holderness Farm in Makonde District from A1 to A2 beneficiaries
BR Mawere	-	Executive Mayor, City of Kwe-Kwe	-	CFSS#13, Battlefields 13, in Kadoma	-	-
Mutumwa Mawere	-	Chairman of Africa Resources Ltd; owner of FSI	-	-	part Bea Ranch, Beitbridge, in Mwenezi in Masvingo	Multiple: Sanga (1137 ha) & Chigori (871 ha); FSI has acquired farms in Mash East & West
J Mbedzi	-	District Attorney, Beitbridge	-	-	part Bea Ranch, Beitbridge, in Mwenezi in Masvingo	-
Mr Phillimon Mbedzi	-	Chief War Veteran	WV	-	Nalire, in Mazowe, in Mash Central	-
Endy Mhlanga	-	Secretary General, War Veterans Association	WV	-	-	-
SS Mlambo	-	Dep. Director, Department of Research & Special Services (Agritex)	-	CFSS#67, Coburn 35, in Chegutu	-	-
IG Mlambo	-	War Veteran (unknown relationship to E Mlambo, at Lancaster House)	WV	-	portion of Carruthersville, in Marondera, Mash East	-
Kembo (Campbell) Dugishi Mohadi	46	Dep. Min. for Local Government & Housing, Min of Home Affairs	-	-	part Bea Ranch, Beitbridge, in Mwenezi in Masvingo	-
# Mrs Mohadi	-	Wife to Min. Kembo Mohadi	-	-	part Bea Ranch, Beitbridge, in Mwenezi in Masvingo	Bothasrus & Bea Ranch, both in Beitbridge
Withun Mombhora	-	Min. for Transport, Zanu-PF MP for Beitbridge	-	-	-	-
Professor Jonathan Moyo	47	Min. of State for Information & Publicity in President's Office; Zanu-PF MP, appointed directly by Mugabe but now dumped	-	-	-	Professor J Moyo MP: could be Jonathon or July: Little Connemara 1 – Nyanga, & Patterson, both in Mazowe, & Lot 3A of Dete Valley in Lupane
July Gabarari Moyo (male)	48	Min. of Energy & Power Development; MP appointed directly by Mugabe	-	-	-	-
Simon Khaya Moyo	49	Zanu-PF Politburo Deputy Secretary for Legal Affairs	-	CFSS#128, Marula 37 in B-Mangwe	-	-
Mike Moyo	-	War Veteran	WV	-	Mayfield, in Masvingo	Mike Moyo & C Pasipamire are evicting settlers from Mayfield (2127ha) in Mazowe
??? Moyo	-	General Manager Gath Mine, Mashava	-	-	Worrington of Cokpoxi	-
Robert Moses Mpfu	50	Provincial Governor, Matabeleland North; Deputy Minister	-	OTFS#148, Auchenbery of Rochester, in Nyamandlovu	Part of Umguza Block, Nyamandhlovu	Multiple including Auchenburg in Nyamndlovu, in Umguza & another farm he has purchased.
Joseph W. Msika	51	Vice-President	LH	-	Part of Umguza Block, Nyamandhlovu	mentioned
Comrade Mudarikwa	-	War Veteran Chairman, Chief Lands Officer	WV	-	Elka, in Mash West	-
Tobaiwa (Tonnet) Mudede	55	Registrar General	-	-	Ballineethy, in Mash Central	-
Abina Mugabe	58	Zanu-PF Politburo member, MP; sister to Robert Mugabe	WV?	-	Gowrie, in Norton	Multiple including R/E of Mlembwe (1037 ha), Longwood (924 ha)
Joyce Teurai Ropa Mujuru (f)	59	Min. of Water Resources & Infrastructural Development; currently much in favour with Mugabe and now Vice President; married to Solomon Mujuru	-	-	-	-
Solomon Mujuru	60	Zanu-PF Politburo member; retired General; married to Joyce Mujuru	General	-	Elim & Alamein in Beatrice	-
Samuel Creighton Mumbengegwi	61	Min. for Industry & International Trade, Min. of Higher Education, Zanu-PF Chair for Masvingo	-	-	part Irvine Farm, Gutu	-
P Munezvenyu	-	Dep. Director, Scientific & Industrial Research & Development Centre / Research Council of Zimbabwe	-	CFSS#211, Sikato 24, in Masvingo	-	-

Name	EU	Role	WV/LH/IG	Dongo List	VIP List	Leaked Confidential Government Report: farms held
David Munyoro	-	Permanent Secretary, Gender & Employment Creation	-	-	Pentland, in Mash Central	-
Henry H Muradzikwa	-	former Editor, ZIANA	-	CFSS#144, Nyamazura 5, in Mutare	-	-
Herbert Murerwa	62	Min. for Higher & Tertiary Education, & for Industry & International Trade	-	-	Rise Holm, & Arcturus, in Masonaland East	-
Christopher Mushohwe	63	Min. for Transport & Communications, prominent in President's Office; MP for Mutare West	-	CFSS#141, Nyamazura 2, in Mutare	-	-
Ambros Mutinhiri	65	Retired Brigadier, Min. for Youth Development, Gender & Employment	Brigadier	-	Waltondale in Marondera West	-
Tsitsi (Simon) V Muzenda	67	Vice President	-	-	Chindito & Endama, in Gutu	-
Mr Muzenda	-	Son to Vice President Muzenda; Managing Director of Zim Alloys	-	-	Chindito & Endama, in Gutu	-
Vivian Mwashita	-	Former MP, Zanu-PF Women's league official	-	-	Watakai in Mazowe in Mash Central	-
Everson Mwashita	-	Husband of Vivian Mwashita	-	-	Dendere	-
Abedinico Ncube	69	Deputy Min. for Foreign Affairs; Zanu-PF MP for Gwanda South	-	-	-	Has an 'overbearing influence' on farm allocation
Welshman Ncube	-	Professor of Law	-	CFSS#239, Vungu 23, in Gweru	-	-
Mrs Nicholas Ncube	-	Nicholas Ncube was Director, Zimbabwe Investment Centre; now Permanent Secretary of Finance	-	CFSS#94, Marula 3, in B-Mangwe	-	-
Dr Cyril Enoch Ndebele	-	Parliamentary Speaker, 1995-2000	-	CFSS#224, Vungu 8, in Gweru	-	-
Dr CD Ndhlovu	-	Director General, Zimbabwe Institute of Public Admin & Management	-	CFSS#120, Marula 29, in B-Mangwe	-	-
Dr LR Ndhlovu	-	Professor of Animal Science, University of Zimbabwe	-	CFSS#102, Marula 11, in B-Mangwe	-	-
Richard M Ndhlovu	-	MP (unknown relationship to C Ndhlovu, present at Lancaster House)	-	OTFS#9, Luchabi Outspan, in B-Mangwe	-	-
K Nkomani	-	Ambassador	-	CFSS#98, Marula 7, in B-Mangwe	-	-
John Landa Nkomo	73	Min. for Special Affairs in President's Office (nephew of Joshua Nkomo who founded ZAPU in 1962; both were at Lancaster House in 1979)	LH	-	-	-
Stephen Nkomo	-	Governor Matabeleland South, MP	-	-	part BEA Ranch, Beitbridge, in Mwenezi, Masvingo	mentioned
Zenzo Nsimbi	-	Deputy Min. for Transport & Energy; former High Commissioner to Botswana	-	CFSS#95, Marula 4, in B-Mangwe	-	-
Michael Reuben Nyambuya	74	Retired General, MP	General	CFSS#147, Nyamazura 8, in Marula	-	-
Patrick Nyaruwata	-	Chairman, WVA	WV	-	Nalire, in Mazowe, Mash Central	-
FRM Nyathi	-	Director, President's Office	-	CFSS#131, Marula 40, in B-Mangwe	-	-
Mthembisio Gile Glad Nyoni (f)	75	Min. for Small & Medium Enterprises Development	-	-	-	Fountain Farm in Insiza, contrary to wishes of DLC
Kindness Paradza	-	Former MP, journalist/publisher (male); 'consort' to Matunwa Mawere	-	-	Manicaland	-
Dr. David Pagwese Parirenyatwa	76	Min. for Health & Child Welfare	-	-	Rudolphia, in Mash East	-
Sam Parirenyatwa	-	Brother to Min. Parirenyatwa	-	-	Danbury Park, in Mazowe, Mash Central	-
Dudney Tigere Sekeramayi	81	Min. for Defence, Min. of State Security	-	-	Manganga Estate, in Marondera	Ulva in Marondera; displaced Model A1 settlers.
Perence Shiri	84	Air Marshal	-	CFSS#5, Battlefields 05, in Kadoma	-	Multiple: Maple Leaf, R/E of Audrey Farm, Eirin (1460 ha) in Marondera, displacing 96 Model A1 settler families from Eirin.
K Shumba	-	(unknown relationship to IM Shumba, Dep. Min. for Education, Sports & Culture, EU#85)	-	-	-	Multiple: Maine & Lot 1 Orange Grove in Chegutu, Chinomwe Estate in Makonde
Sibanda	-	MP	-	OTFS#177, Oliphant Ranch Outspan, in Wankie	-	-
Misheck Julius Mpande Sibanda	87	Cabinet Secretary (unknown relationship to SK Sibanda, present at Lancaster House)	-	CFSS#63, Coburn 32, in Chegutu	-	-
SI Sibanda	-	Director, Government of Zimbabwe	-	CFSS#150, Sessombi 3, in Kwe-Kwe	-	-
P & Mrs A Sibanda	-	Managing Director, Zagrinda (Pvt) Ltd	-	CFSS#121, Marula 30, in B-Mangwe	-	-
Phillip Valerio Sibanda	88	Commander, Zimbabwe National Army	Lieut General	-	-	-
P & N Sithole	-	Deputy General Manager, Agricultural Finance Corporation	-	CFSS#8, Battlefields 8, in Kadoma	-	-
T Tamirepi	-	-	Major	-	Nan Terra, in Mazowe, Mash Central	-
Estiah Tungamirai	92	Retired Air Marshall, Min. of State for Indigenisation & Empowerment	Air Marshall	-	-	-
Charles Utete	93	Chairman of Presidential Land Review Committee; referred to in Dongo List as a 'civil servant'	-	OTFS#115, Ridziwi, in Logamundi	-	-
Emmerson & A Zhou	-	Operations Manager, Zimbabwe Farmers' Union	-	CFSS#18, Battlefields 18, in Kadoma	-	-
Irene Zindi	-	MP for Norton	-	-	Howickvale, in Mash Central	-
Oscar and Shelton Zindi	-	Relatives of Irene Zindi?	-	-	Rutherdale, in Shamva, Mash Central	-
Francis & Elliot Zitsanza	-	Deputy Permanent Secretary for Lands & Agriculture	-	-	Ballineethy, in Mash Central	-
Titlis Zvinavashe	95	Retired General: the Dongo List refers to General P Zvinavashe	General	CFSS#79, Coburn 45, in Chegutu	-	-

The elite is also fragile, and a realm of intense political competition and manoeuvring. For example Matumwa Mawere, chairman of Africa Resources Ltd, has fallen out of favour, as have Kindness Paradza MP, publisher of the *Tribune* and 'consort' to Mawere, and Henry Muradzikwa, former Editor in Chief of *ZIANA*, and Dr Cyril Ndebele former Parliamentary Speaker, the latter three being recipients of CFSS leases in the late 1990s. That Paradza has been suspended from Parliament and is under investigation by a high level Parliamentary Committee for disloyalty and breaking Zanu-PF policy, in that he approached *British* interests for funding for his newspaper,¹⁴² indicates the power and control exerted by Zanu-PF *within* the elite. It similarly illustrates the extent to which demonising Britain (and other foreign 'imperial' or 'neo-colonial' interests) has become an essential tool in a political discourse that maintains the confrontational and militaristic rhetoric of the Liberation War and *chimurenga*, and that enables the Government to demonise opposition as disloyalty, and to dismiss all criticism of the ideals and implementation of the LRP.

Intra-elite political manoeuvring intensified in the lead-up to the March 2005 elections, in which Zanu-PF gained a small majority (78 of 120 elected seats – though MDC won most of the urban seats¹⁴³), amidst claims of Zanu-PF intimidation of opposition candidates and voters.¹⁴⁴ With the extra 30 parliamentary seats assigned directly by Mugabe, Zanu-PF holds an unassailable majority. Elite dissent was evidenced in the 'Tsholotsho Declaration' whereby a number of senior Zanu-PF members – including Parliamentary Speaker Emmerson Mnangagwa, Minister of Information Jonathan Moyo,¹⁴⁵ Justice Minister

¹⁴² Reporters sans frontiere/Reporters without borders, 'Government closes another newspaper', RSF, accessed October 2004 at http://www.rsf.org/article.php?id_article=10592, 11 June 2004.. Reporters sans frontiere/Reporters without borders, 'Closure of The Tribune confirmed by High Court', RSF, accessed October 2004 at http://www.rsf.org/article.php?id_article=10592, 22 July 2004. Hama Saburi, 'Mawere breaks silence: I am not on the run', *The Financial Gazette*, Harare, accessed April 2004 at <http://www.fingaz.co.zw/fingaz/2004/February/February5/4678.shtml>, 2 February 2004.

¹⁴³ Anonymous, 'Zimbabwe: Zanu-PF Sweeps To Victory', *Africa Research Bulletin*, accessed May 2005 at http://www.africa-research-bulletin.com/political/political_feature.htm, 2005. Andrew Meldrum, 'Mugabe vows to govern until he is 100', *Guardian Weekly*, London, 8-14 April 2005, p. 4.

¹⁴⁴ Brian Raftopoulos and Ian Phimister, 'Zimbabwe Now: The Political Economy of Crisis and Coercion', *Historical Materialism* 12, No. 4: Research in Critical Marxist Theory, 2004, pp. 365-367.

Patrick Chinamasa,¹⁴⁶ and Minister for Energy and Power Development July Moyo, several provincial governors and senior party and government officials – defied a directive by Mugabe at the Zanu-PF Congress in December 2004 to elect Rural Resources and Water Development Minister Joyce Mujuru as party and government Vice-President (and as Zimbabwe's first female Vice President). As a consequence, Chinamasa and July and Jonathan Moyo were barred from the elections and from the new Government.¹⁴⁷ Chinamasa and Jonathan Moyo (as General Election Campaign Manager for Zanu-PF) had been architects of much of the Government's more radical anti-MDC and anti-white settler rhetoric and of its media policies. Yet, surprisingly, Jonathan Moyo won a seat as Independent MP for Tsholotsho in the March 2005 election. Adding to his woes, and perhaps adding impetus to his political demise, Jonathan Moyo is currently being sued (through courts in Kenya) for the return of US\$108,000 which it is claimed he embezzled from the Ford Foundation when he worked for them as a Programme Officer from 1993 to 1997.¹⁴⁸

Other members of the elite have also been sidelined: Dr Chris Kuruneri, former Minister of Finance, has been jailed for 'externalising' foreign currency, and perhaps the Government is actually confronting the issues of capital flight and corruption.¹⁴⁹

There is another hidden story amongst these struggles over the distribution of and access to resources and power in contemporary Zimbabwe, and that is a story of 'tribal' and clan conflict. This story is only hinted at in the data on land allocations. As well as being

¹⁴⁵ In many texts, his name is spelt 'Jonathon'.

¹⁴⁶ Along with Agriculture Minister Joseph Made, Jonathan Moyo and Patrick Chinamasa (as the 'three musketeers') had been at the forefront of the radicalisation of Government rhetoric and action since 2002. Andrew Meldrum and Nicholas Watt, 'Hardliners fill new Mugabe cabinet', *Guardian Weekly*, London, 29 August - 4 September 2002, p. 4.

¹⁴⁷ Business in Africa, 'Change the only certainty in Zim elections', *Business in Africa Online*, accessed May 2005 at <http://www.businessinafrica.net/features/politics/420737.htm>, 2 March 2005.

¹⁴⁸ Anonymous, 'Zimbabwe minister sued', *BBC News, Africa*, accessed May 2005 at <http://news.bbc.co.uk/1/hi/world/africa/1187047.stm>, 23 February 2005.

¹⁴⁹ Business in Africa, 'Change the only certainty in Zim elections'.

based in political and ideological differences, the ZANU – ZAPU split in 1963 had reflected a Shona versus Ndebele schism, with ZANU containing a greater proportion of Shona and being a vehicle for Shona nationalism, and ZAPU being based in a more predominantly Ndebele constituency. While there are many Ndebele names among these elite landholders (notably Ndlovu/Ndhlovu, Ncube), there is a preponderance of Shona names; yet names may be a poor indicator of identity and a very poor indicator of political allegiance. It is clear that the Shona are strongly represented, but equally clear that others are not absolutely excluded.

At least as important as this broader-scale Shona – Ndebele divide are clan divisions *within* the Shona. The five main Shona clans – Karanga, Zezuru, Manyika, Ndau and Korekore – all speak dialects within the broader Shona language family; Karanga, Zezuru and Korekore are closely related dialects, while Manyika and Ndau are less closely related. With approximately 35% of the Zimbabwean population, the Karanga are the largest clan; they provided a large proportion of the ZANLA force in the Liberation War and Karanga were prominent in the ZANLA and ZANU leadership. With approximately 25% of the Zimbabwean population, the Zezuru are the second largest clan, yet politically the most powerful and influential.

Mugabe and his family are Zezuru, and he has increasingly promoted the interests of his clan over others. In Cabinet reshuffles since late 2004, Zezuru have increasingly filled important political positions at the expense of Karanga and other clans.¹⁵⁰ It is clear that Mugabe's family (Zezuru) are prime beneficiaries of land reform. Reflecting their political power and influence and Mugabe's political favouritism, it is extremely probable that the

¹⁵⁰ Joseph Chinembiri, 'Mugabe to Boost Zezuru Clan Power', Institute for War & Peace Reporting, Lancaster House, London, accessed June 2005 at http://www.iwpr.net/index.pl?archive/ar/ar_ze_025_1_eng.txt, 4 April 2005 (Joseph Chinembiri is a pseudonym used by an IWPR journalist in Zimbabwe). Benedict Unendoro, 'Tribal Rivalry May Split ZANU PF', Institute for War & Peace Reporting, Lancaster House, London, accessed June 2005 at http://www.iwpr.net/index.pl?archive/ar/ar_ze_018_1_eng.txt, 4 April 2005 (Benedict Unendoro is a pseudonym used by an IWPR journalist in Zimbabwe; the IWRP is run by veteran British journalist Fred Bridgland and tends to see the Zimbabwean politics, and the nature of the ruling class, from the viewpoint of ethnicity). Raymond G. Gordon, Jr. (editor), *Ethnologue: Languages of the World*, Fifteenth edition. Dallas, Texas, accessed June 2005 at <http://www.ethnologue.com>, 2005.

Zezeru are over-represented amongst the beneficiaries of land reform, though this is indeterminable from the available data.¹⁵¹

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For those for whom clan identity is ascertainable, it is clear that Zezeru now hold many high-ranking roles, and that for the Karanga elites, their power is historic rather than current.

Zezeru:

Robert Mugabe	President (obviously his family are also Zezeru)
Joseph Msika	Vice President
Joyce Mujuru	Vice President
Sydney Sekeramayi	Defence Minister
Constantine Chiwenga	General, Army Chief
Perence Shiri	Air Marshal, Air Force Chief
Augustine Chihuri	Chief Commissioner, National Police
Tobaiwa Mudede	Registrar General
Godfrey Chidyausiku	Chief Justice
Nathan Shamuyarira	Minister of Defence (Mugabe's trusted lieutenant since the Liberation War)
Ignatius Chombo	Local Government Minister (nephew of Mugabe)

Karanga:

Kumbirai Kangai	Minister of Lands
Simon Muzenda	former Vice President, now deceased
Eddison Zvobgo	Minister of Local Government at Independence
Emmerson Mnangagwa	Speaker of Parliament (now out of favour with Mugabe)
Josiah Tungamirai	Air Marshal, retired
Vitalis Zvinavashe	General, Army Commander, retired
Rugare Gumbo	Involved in a peripheral manner in the guerrilla war from 1973 onwards; imprisoned by Mugabe in Mozambique in 1978; reportedly 'anti-tribalist'
Eddison Zvobgo	deceased
Josiah Tongogara	ZANLA military commander in exile (died in Mozambique on the eve of Independence in a car accident)

9 THE ZIMBABWEAN SOLUTION

Zimbabwe: the Land Issue and the Land Reform Programme

Since 2000, the Mugabe Government has brought land, and the relationships between people and land, to the forefront of politics in contemporary Zimbabwe, campaigning in the 2000 elections with the slogan “Land is the Economy, The Economy is the Land”, and reinvigorating the ‘land issue’ as an issue that might mobilise political support and as an issue that enables the creation of political enemies – the white farmers, the neo-colonial British Government, and all who can be portrayed as their supporters – against whom the Mugabe Government can take a stand. As Palmer argued, “land has always provided the lifeblood of Rhodesian [now Zimbabwean] politics”.¹

In the early 21st Century, Zimbabwe – once the ‘bread-basket’ of Southern Africa – is heading towards apparent political and economic crisis, towards authoritarian and factionalised governance, State-sponsored violence and a break down in law and order and security. The farmlands, facilities and infrastructure of the expatriate colonial settlers – the ‘white farmers’ – are ‘invaded’ in a process that for some is a grass-roots response to ‘land hunger’ and for others is ‘State-sponsored anarchy’.² Their lands are seized by the State for redistribution to Zimbabwean smallholders and elites, and the productive output of this predominantly agrarian polity is collapsing.³

Zimbabwean politics have become polarised around the ‘land issue’ or ‘land question’. Based in *historic injustice*, it is unjust that white farmers hold lands appropriated coercively and without compensation by the colonial State from black Zimbabweans. Based in *present inequality*, it is unjust that black Zimbabweans are poor and dispossessed, with

¹ Robin H. Palmer, *Land and Racial Domination in Rhodesia*, London: Heinemann Educational, 1977, p. 246.

² Movement for Democratic Change, ‘State-sponsored anarchy on farms’, MDC Press, Harare, accessed August 2002 at <http://mdczimbabwe.com/archivemat/statements/land/mdcpres010820txt.htm>, 20 August 2001.

³ Brian Raftopoulos and Ian Phimister, ‘Zimbabwe Now: The Political Economy of Crisis and Coercion’, *Historical Materialism* 12, No. 4: Research in Critical Marxist Theory, 2004, pp. 369-370.

reduced opportunities and life choices. Redistribution of lands was seen by the Government of independent Zimbabwe as a means towards future justice, both reversing unjust historic processes and reducing inequality. Debate centres on the range of possible solutions and the constraints confronting the State, and whether or not the land issue is or was at the heart of the present political and economic crisis.

The Zanu-PF Government led by Robert Mugabe, and which gained political power at Independence and has held Government since then, had a clear political mandate to address the land issue, even if there have been widespread doubts about the electoral process, and hence the Government's mandate, in more recent elections. Yet in the first decade there was minimal progress in land reform: while the Government has pointed to the intransigence of white farmers and the paucity of foreign donor funding (especially from the UK), it is clear that radical resolution of the land issue was *not* initially a high priority for the Government. For the first two decades of Independence, the Mugabe Government maintained a positive relationship with most white farmers.

Seeking to address and redress the land issue, the post-Independence Government implemented successive phases of its Land Reform Programme (LRP) within which the ideas of *property* and of *property rights* have played a pivotal yet ambiguous role. Just as the patterns of land distribution are contested – both in the scale of inequalities and in their racialised character – so is the very idea of property as a form of tenure that will be allowed to persist in Zimbabwe.

For a decade or more, the Government accepted, even if under sufferance, the validity of the idea of property. Simultaneously, and slowly and inexorably, the Government has also sought ways to constrain the idea of property, by increasing its powers of compulsory appropriation, by reducing its obligations for compensation, by seemingly allowing greater scope for trespass and occupation of the property of white farmers with minimal and inconsistent State action against such trespass, and finally by seizing and redistributing all of

the broad-acre property in Zimbabwe – primarily the property of white farmers, but also that owned by smaller-scale black commercial farmers.

In 1992, through the *Land Acquisition Act (1992)*, the Government started the process of compulsory acquisition under LARP Phase I, while still continuing with market-based acquisition on a reduced scale. As much through Government mismanagement and lack of institutional capacity as from white farmer legal challenges, LARP Phase I faltered in 1997 with no farms compulsorily acquired. Throughout this era of market-based acquisition from 1980 to 1997, 3.5 mha (of approximately 15 mha held by white farmers at Independence) was acquired and 71,000 families resettled – most in the 1980 to 1990 period.

Post 1997, under LARP Phase II, claiming that the white farmers had been consistently resisting any significant land reform via market-based mechanisms as they failed to offer sufficient land for sale at fair prices and mounted legal challenges to the LRP, the Government moved increasingly towards compulsory land acquisition (and acquired farms from a small number of black commercial farmers, as well as from white farmers), and increasingly reduced its legal liabilities for compensation. The process was accompanied by increasing violence by War Veterans and Zanu-PF ‘youth’.

Zanu-PF had mobilised the ‘land issue’ as the core issue of peasant conscientisation in the Liberation War that led to independence, and still holds that the land issue was and is the core issue. The issue was remobilised in 2000, as a consequence of the Government’s and ruling elite’s failing hold on power, evidenced in the rejection of its Draft Constitution in the Referendum of February 2000, and in the rising popularity of MDC, the newly formed opposition party representing a merger of trade union and civil society elements, and with a strongly urban focus. Thus, Zanu-PF campaigned, and won, the Parliamentary Elections of June 2000 with the populist slogan “Land is the Economy, The Economy is the Land”.⁴

⁴ Brian Raftopoulos, 'The State in Crisis: Authoritarian nationalism, selective citizenship and distortions of democracy in Zimbabwe', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, p. 1. David Moore, 'Is the Land the Economy and the Economy the Land? Primitive Accumulation in Zimbabwe', *Journal of*

Violence, and land occupations or 'invasions' by War Veterans and Zanu-PF youth increased in the aftermath of the failed Constitutional Referendum of February 2000 and in the lead up to the subsequent Parliamentary elections of June 2000 which were only narrowly won by Zanu-PF. Others argued that the Government's emphasis on the land issue has been a smokescreen for its failure to deliver on genuine economic and social development that would provide broad opportunities for an increasingly urban populace. With limited opportunities in the formal urban economy, the urban populace has been driven to increasingly direct, though informal, reliance on access to the already overcrowded and degraded Communal Lands, thus exacerbating the 'land issue'.⁵

The land issue was driven not only by political opportunism, and by ideals of redistribution and rectification of historic injustices, but also by the neo-patrimonial ruling elite's need to appropriate the nation's resources in order to be able to redistribute these resources in return for political support, and in a form that enabled its ongoing control over these resources.

The compulsory acquisition process was accelerated in 2000 under the FTLRP as targets for acquisition and redistribution were expanded. In the same year, the allocation of lands for commercial farming to urban elites became more overt, as the ruling elite more openly appropriated the resources of the polity and nation. In excess of 3000 farms (7.3 mha) were appropriated, in excess of 100,000 families resettled, and hundreds of farms and plots (on a scale in excess of that needed for subsistence farming) were allocated to urban elites and entrepreneurs – notably those within or with linkages to the elite of the ruling constellation. In

Contemporary African Studies 19, No. 2, 2001, pp. 253-266. Raftopoulos and Phimister, 'Zimbabwe Now: The Political Economy of Crisis and Coercion', p. 368.

⁵ In mid June 2005, television news reports indicate that Mugabe has, in the preceding several weeks, razed the slums and shanty suburbs around Harare and other cities. Estimates are that 250,000 people have been displaced and rendered homeless; many are returning to kin on the Communal Lands, and some have been forcibly removed to under-populated lands (meaning barely fertile lands) on the Communal Lands, with minimal resources to develop the land and plant crops, poor water supplies and no food.

March 2002, the Government announced the compulsory acquisition within one year of all 5,500 commercial farms in Zimbabwe.

The Government, which has been accused by many of abandoning the rule of law and order and encouraging its political supporters to act beyond the constraints of law, actively sought to establish the *legality* of the FTLRP and LRP in the face of legal challenges from the CFU, and widespread internal and international criticism. The Government successfully co-opted the High Court, and introduced a range of back-dated legislation to underpin its actions. Rather than adapting the LRP to comply with the law and the Constitution, the Government used highly politicised processes to make the Constitution and legal framework comply with the ideals of the LRP.

In this process, the Government has reconstructed the basic norms of land tenure, and has consequently reconstructed the way that much of the populace relates to the State – as all tenure relations involve some relationship between an immediate landholder and some entity which is accorded some rights of mediation of tenure. Tenure is never a solitary idea. In this process, State and Government and Zanu-PF have become so closely interlinked as to be almost synonymous. All distinction has collapsed between State/Government and that portion of ‘civil society’ that is loyal to Government; the distinction is now between the ‘loyal’ and ‘disloyal’, between insiders at all levels versus outsiders who are increasingly marginalised politically and economically.

Formal relationships collapse into the informal as the realm of State/Government control expands to cover all tenure relationships, such that there is no tenure that is not beholden to the elite of the State-Government-Zanu-PF dominant constellation. Tenure relationships become a tool of, and constructive of, power relationships.

A Historical Materialist Approach

The portrayals and perceptions in the mainstream media are of crisis. This crisis is in part a consequence of the choices and agency of Mugabe and his government in Zimbabwe,

yet is also a consequence and outcome of structures and forces that predate and persist since Independence and have their prime locus outside Zimbabwe. From a historical materialist perspective (broadly Marxists, and emphasising the structures associated with and developed through increasingly globalising capitalism over recent centuries), the denigration of African polities, society and leaders as 'barbaric' or "corrupt, violent and backward" overlooks the profound structural constraints that were and still are imposed by Zimbabwe's historic incorporation into patterns of global (initially imperial) capitalist production and exchange on an unequal basis and in a subordinate, even unwilling, role.⁶ This denigration becomes a way of placing all of the blame for the 'crisis' on the actions and policies of the Zimbabwean Government (and also in other similar polities) and the actions of national elites.

If many voices place all of the blame for the present Zimbabwean crisis on the policies and actions of the Mugabe Government, Mugabe and his Government place all of the blame on factors beyond their control: on the structures including land distribution and property rights established under colonialism; on the cultural and physical dispossession and dislocation of the Zimbabwean peoples; on the white farmers (and even their sympathisers) as the present representatives of a racist colonial occupation and as the agents of ongoing neo-colonialism; on the failure of Britain, as former colonial power, to provide adequate funding for land purchase to help resolve the 'land issue' as prime expression of the colonial legacy. Moreover, what others see as a main element in the problem (the coercive appropriation of the lands of the white farmers, and its redistribution to indigenous Zimbabweans, both to small-scale farmers under Model A1 and to indigenous elites under Model A2, via processes that are seen as corrupt or politically-partisan), is, for the Mugabe Government, a part of the solution. Yet this over-emphasis on structural constraints is as misleading as the converse over-

⁶ Liam Campling, 'Editorial: Introduction to the Symposium on Marxism and African Realities', *Historical Materialism* 12, no. 4: Research in Critical Marxist Theory, 2004, pp. 51-53. Pablo L.E. Idahosa and Bob Shenton, 'The Africanist's New Clothes', *Historical Materialism* 12, No. 4: Research in Critical Marxist Theory, 2004, p. 67.

emphasis on the choices and actions (that is the *agency*) of the Mugabe Government in the seeming absence of structural constraints and imperatives.

Zimbabwe is still trapped in arguments about colonialism. Elites use the instruments and powers of the State – powers that were initially constructed by the colonial State and bequeathed to the Independence Government, and that have been extended and strengthened, rather than reduced – to enrich themselves, and do this as ruthlessly as did the colonising power. The politics of favouritism, divide-and-rule, and inclusion and exclusion are mobilised to maintain a Government and dominant constellation and to disempower a populace, and as the lands of the nation are handed out to the favourites of the State in a process every bit as divisive, unfair and coercive as was the colonial land grab and redistribution.

Zimbabwe is also clearly trapped in a *neo-colonial* rather than post-colonial state. This is as much a description of the nature, actions and policies of the 'Independent' State and ruling constellation as it is a description of a political and economic context confronting the Independent State. As Cabral argued, the neo-colonial situation is marked not only by structures (including formal property rights, and a colonially-constructed distribution of control over lands and resources), but by the behaviour of a neo-colonial elite (or 'African bourgeoisie' to use a term that has almost fallen from favour) that uses these structures for its enrichment and as a base of social, economic, and political power.⁷ In this understanding, despite an ongoing Zanu-PF discourse criticising the 'neo-colonial' behaviour of the British Government and white farmers of Zimbabwe, and of all seem to oppose the Government's policies, it is the Government itself and related political elites which are at the heart of Zimbabwe's neo-colonial state as they use State powers derived from the colonial State to further personal and class enrichment.

⁷ Amilcar Cabral, *Revolution in Guinea: Selected Texts by Amilcar Cabral*, translated by Richard Handyside, edited by Richard Handyside, New York and London: Monthly Review Press, 1969, Chapter 8, 'The Weapon of Theory', pp. 107-109.

Moreover, the land issue is an important element in the popular imagining of Zimbabwe. Werbner argues that “young nations, like old ones, resort to a myth of political origins for imagining the ongoing formation of the nation”, and that “In Africa’s nation-states, virtually all of which are young, the political origin myths usually imagine the founding of the nation in decolonisation”.⁸ For Zimbabwe, the land issue is inextricably linked to the perception of the creation of Zimbabwe, to the imagining and portrayal of Zimbabwe as an entity and to the imagining of Zimbabweans as a people. As an element in public imagination (and vigorously promoted by Government), the land issue runs in parallel with the ritual public memory of those who struggled in the Liberation War.⁹

Colonisation had dispossessed and displaced the Zimbabwean peoples. In the Liberation War, the guerrilla forces (led in large part by an urban elite, in part an intellectual strata and in part an indigenous petite bourgeoisie, whose own concerns had initially been focused on urban issues of employment, advancement and political rights) had deliberately conscientised the peasantry around the land issue and the idea of regaining the ‘lost lands’:

In popular discourse, an often-recurring theme is the loss of ancestral land, inalienable for its people and yet seized by outsiders who are perceived to be rich, powerful and associated with the state.¹⁰

Yet for de Boeck, as well an argument about actual restitution or redistribution of lands, this ongoing discourse and rhetoric “reveals a more generic sense of insecurity, displacement,

⁸ Richard Werbner, 'Smoke From the Barrel of a Gun: Postwars of the Dead, Memory and Reinscription in Zimbabwe', in Richard Werbner (editor), *Memory and the Postcolony, African Anthropology and the Critique of Power*, pp. 71-102, London and New York: Zed Books, 1988, p. 75. Discussing Etienne Balibar, 'The Nation Form: History and Ideology', in Etienne Balibar and Immanuel Wallerstein (editor), *Race, Nation, Class: Ambiguous Identities*, London: Verso, 1991.

⁹ Richard Werbner, 'Beyond Oblivion: Confronting Memory Crisis', in Richard Werbner (editor), *Memory and the Postcolony, African Anthropology and the Critique of Power*, pp. 1-17, London and New York: Zed Books, 1988, p. 7. Yet Werbner also points to a rising 'counter memory' of post-colonial state terror.

¹⁰ Filip de Boeck, 'Beyond the Grave: History, Memory and Death in Postcolonial Congo/Zaire', in Richard Werbner (editor), *Memory and the Postcolony, African Anthropology and the Critique of Power*, pp. 21-57, London and New York: Zed Books, 1988, p. 25.

detritorialization and loss of place in the postcolony".¹¹ As it allocates lands to elites and Zanu-PF supporters, the LRP creates a place in the world, a sense of belong and territoriality for only a few.

Restitution versus Redistribution versus Deracialisation or Indigenisation

The land issue has consistently contained a broad idea of restitution: that the lands of Zimbabwe should be returned to the Zimbabwean people. However the Government has never sought to implement or promote the idea of formal restitution of lost lands to those who were actually displaced or dispossessed, or to their descendents. Instead the Government has focused on widespread redistribution.

The LRP has incorporated elements of two very contradictory ideals, and these are implicit in the very idea of and description of the land issue. On one hand, the land issue is about inequality, that some have much while others have little. On the other hand it is about the racial character of this inequality, that it is *whites* who have much while *blacks* have little.

From 1980 to 1992, the LRP in the form of the LRRP focused on greater equality, as land was redistributed on a scale commensurate with subsistence farming by family units. Land allocations were to the dispossessed, landless, poor and impoverished, and to farmers from the overcrowded Communal Lands.

According to the criteria outlined in the *National Land Policy Statement (1990)*, and legislated via the *Land Acquisition Act (1992)*, land allocation under LARP Phase I, from 1992 to 1997 would expand to include those with agricultural training and expertise. This was the first step towards a greater emphasis on indigenisation of commercial farming.

In effect *indigenisation* does not seek to undo or negate or reduce inequalities, but, rather seeks to construct a different 'racial' character to these inequalities: rather than foreigners or expatriates, or white settlers in the Zimbabwean case, having ownership and

¹¹ Ibid., p. 25.

control of the nation's resources, a policy of indigenisation would see ownership and control of these resources transferred to indigenous hands. This process might see some reduction in inequality as very large expatriate holdings are redistributed among a select class or group of indigenes. Yet from this viewpoint the injustice to be redressed is that of alien control and ownership, rather than the injustices of gross inequality.

If a given pattern of control and ownership is racialised, then indigenisation might be seen as the deracialisation of these structures. Yet rather than the negation of racism, such that new distributions, however unequal, have no racial patterning (such as for example, there would now exist the same probability for anyone, whether black or white, being rich or poor), this is the construction of a new racialised pattern within which expatriate whites are excluded rather than privileged.

In brief, the LRP over the decades has seen a shifting balance between two ideals, both of which can be portrayed as just. From an earlier emphasis on broad-scale redistribution in the furtherance of greater equality, the LRP has seen a more recent greater emphasis on indigenisation in a process that has been portrayed by the Government as the undoing of racist structures, or as racist from the viewpoint of the white farmers.

While some may criticise any process of indigenisation, in that it must inevitably challenge the property rights of expatriates, the greater criticism in the Zimbabwean case is that these processes have not created a viable indigenous commercial farming class. In part the blame can be apportioned to those who have been granted lands yet have left their lands fallow and unused (and one of the Government's prior criticisms had been that the white farmers left much of their land under-utilised or unused), even to the point of destroying or selling off the infrastructure. In part the blame can be apportioned to the Government which on the one hand has failed to ensure that land beneficiaries have used their lands productively, and on the other hand has failed to provide the support services that might enable them to become productive farmers.

Indigenisation and the Cooption of the LRP by the Ruling Elite

The evolving LRP always sought a profound redistribution of land from the white farmer minority to the Zimbabwean majority. There has been a continual emphasis on allocation of lands to the poor and dispossessed, to the landless and to farmers on the overcrowded and environmentally-degraded Communal Lands.

However, another consistent and increasing theme has been the allocation of lands to a would-be indigenous (rural) elite who might continue commercial production, enabling a continued rural surplus and foreign exchange earnings. Arguments are couched in terms of the *indigenisation* of commercial agriculture: that medium (perhaps even large) scale commercial farming should continue – for its benefits to the Zimbabwean economy and Zimbabwean people – but should be in Zimbabwean hands.

Arguments that it is unjust that some should have much while others have little – an argument that gross inequality is unjust – are tempered, and become an argument that it is unjust that *white* farmers should have much while *black* farmers have little¹². Thus that it will be *just* if some black commercial farmers have much (but probably on a lesser scale than the white farmers) while other black farmers have at least minimal holdings.

In many African nations, as a precursor to Independence or as Independence policy, *Africanisation*, *indigenisation*,¹³ *Nigerianisation*,¹⁴ or *Zimbabweanisation* of the economy

¹² One is reminded of the conflict between Maximilian Robespierre and Gracchus Babeuf in the French Revolution: as Babeuf sought the radical equality of all citizens (and hence argued against the idea of property, and correctly perceiving that an equality of property rights would enable new inequalities), while Robespierre as leader of the Jacobins who took control of the Revolution sought the elimination of gross inequality yet argued that complete equality was a chimera.

¹³ Michael Woolcock, 'Globalization, Governance, and Civil Society: Globalization, Growth, and Poverty: Facts, Fears, and an Agenda for Action, Background Paper', Washington, USA, Development Research Group, The World Bank: DECRG Policy Research Report, accessed July 2004 at http://econ.worldbank.org/files/2871_governance_woolcock.pdf, 10 August 2001, p. 1. The idea of 'indigenisation' was very strongly developed in post-Independence Nigeria, in particular with respect to the lucrative oil industry; laws stipulated that certain percentages of oil interest had to be held by nationals, and rather than a means of excluding foreign capital, this was a way in which the local 'political class' forged linkages with foreign capital, and "offered a focal point for national self-assertion by the domestic bourgeoisie" Bjorn Beckman, 'The Liberation of Civil Society: Neo-Liberal Ideology and Political Theory', *Review of African Political Economy*, 58, 1993, pp. 40-43.

¹⁴ The term 'Nigerianisation' was applied to the opening up by the colonial Government of State employment (even at higher levels) to locals in the lead up to Independence. Oshomba Imoagene, *Social Mobility in Emergent*

was undertaken for the best of motives, that is to transfer control over the resources of the national economy to indigenous members of that economy, to repatriate the economy rather than letting control rest in foreign or alien hands, to generate opportunities for locals. For Mamdani, such policies represent “the dismantling of racially inherited privilege”, yet have fallen foul of particularism and favouritism along lines that are “regional, religious ethnic, and at times just familial”.¹⁵

The ‘indigenisation’ of Zimbabwean commercial farming has taken an evolving trajectory. The earliest manifestation was the racialised and politically-partisan Ordinary Tenant Farmer Scheme (OTFS), whereby the colonial State allocated commercial leases to white settlers. At Independence this became a means of allocating lands to Zimbabweans, initially to a small number of persons or corporations with rural interests.

Contrary to the later emphasis on State ownership of land and leasehold allocation to tenants, in the late 1980s the Government took steps towards creating an indigenous *property-owning* commercial farming elite as “over 400 indigenous persons were given loans through the Agricultural Finance Corporations to acquire large-scale farms”.¹⁶

The ideal of black Zimbabwean ownership of larger-scale commercial farmlands was not emphasised in the *National Land Policy Statement (1990)* nor in its implementation via the *Land Acquisition Act (1992)* as LARP Phase I in 1992–1997. Yet while emphasising redistribution based on *need* (to the poor and dispossessed, and farmers on Communal Lands), this Phase also emphasised redistribution to those with farming skills and training, for example to Communal Lands farmers with a Master Farmer’s Certificate. However, the

Society: A Study of the New Elite in Western Nigeria, Canberra and Ibadan: Australian National University Press, 1976, pp. 54-68. Douglas Rimmer, 'Elements of the Political Economy', in S. Keith Panter-Brick (editor), *Soldiers and Oil: The Political Transformation of Nigeria*, London: Frank Cass, 1978, pp. 155-157.

¹⁵ Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*, Princeton, New Jersey: Princeton University Press, 1996, p. 20.

¹⁶ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement: Assessment and Suggested Framework for the Future: Interim Mission Report', New York, UNDP, January 2002, p. 4.

Government failed to use the *Land Acquisition Act (1992)* to enact widespread small-scale indigenisation.

The Rukuni Commission's recommendations (1994), if they had been implemented, might well have enabled the indigenisation of commercial agriculture via market mechanisms and State support for indigenous farmers and State support for property rights: legal and institutional reform might have enabled a greater number of Zimbabweans to purchase lands at prices that reflected their future productive potential (such that commercial or State-subsidised finance could be raised for their purchase) and market and taxation reform would have pressured white farmers to sell off lands they were not using productively.

Yet the Government took a more direct approach, and an approach that bound the new landholders to the State rather than giving them autonomy as property owners. In 1993–1995, the number of leases allocated under the OTFS increased significantly, from seven or less per annum, to 108 over a three-year period. Moreover, lessees were now predominantly from the political elite. Then, in 1996, an initial tranche of 100 leases were publicly advertised under the Commercial Farm Settlement Scheme (CFSS), and in 1998–2000 more than 200 leases were issued, again predominantly to the political elite.

This was paralleled by an increased emphasis, under LARP Phase II (1997–2000), on land redistribution to indigenous (small-scale) commercial farmers.¹⁷ New criteria were defined for land allocation to indigenous commercial farmers under Model A2 resettlement; land would be allocated on commercial scales to those with skills and expertise *and* resources, including capital resources.¹⁸ The latter idea is both a practical necessity for viable commercial farming, and a *filter* that enables resource allocation to an elite. While the objectives were unchanged from LARP to FTLRP (2000 onwards), the UNDP now describes a scheme that while allocating land to 160,000 small-scale farmers via the Model A1 Scheme,

¹⁷ Ibid., pp. 5, 7, and 11.

¹⁸ Ibid., pp. 9–10.

also sought to allocate larger land parcels to 51,000 *indigenous commercial farmers* under Model A2.¹⁹ As policy, *indigenisation* can be supported as control over and access to the nation's resources are transferred, using State power and resources (even State coercive power), from colonial or expatriate people or entities into the hands of the indigenous people. Yet in contrast to this ideal the practice of indigenisation in Zimbabwe has seen transfer of national resources to an elite – and this has quite rightly been criticised by many Zimbabweans and outsiders.

Then, with the announcement on 17 January 2001 of the increased focus in Phase II of the FTLRP²⁰ on allocation of commercial leases to those with mobilisable resources, the emphasis shifted to would-be landed and urban elites, who responded en masse.²¹ Over the decades since Independence, the processes of allocation of lands on a larger scale to elites has become more visible, overt, and exclusionary.

It seems that the idea of redistribution to indigenous commercial farmers has been co-opted by the actuality of redistribution to the ruling elite. Yet it is almost impossible to distinguish between these two contradictory ideals: the indigenisation of commercial agriculture which is a claim that the nation's commercially-productive resources should be owned and controlled by people of that nation, versus the allocation or donation of the nation's productive resources to politically-linked elites in a process that might be seen as corruption. Is it indigenisation or patronage and nepotism?

In many cases politically-linked elites are the most obvious candidates for indigenisation. They may already have access to the capital resources – even if these are the coffers of the State – that would enable investment and development. They may already have

¹⁹ Ibid., pp. 7 and 11.

²⁰ Movement for Democratic Change, 'Land Resettlement - Phase II', MDC Press, Harare, accessed August 2002 at <http://www.mdczimbabwe.com/archivemat/statements/land/mdcpress010117landtxt.htm>, 17 January 2001. UNDP dates this phase to April 2001 United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', p. 4.

²¹ Movement for Democratic Change, 'Land Resettlement - Phase II'. As detailed in Chapter 6.

linkages to the national economy and the ability to organise the purchase, sale and transport of inputs and outputs. In the Zimbabwean context (with a dominantly rural populace and economy, and where AGRITEX and the Ministry of Agriculture and related State organisations are so important), many of the political elite already have linkages to the agrarian/rural economy and skills in rural production. In a modern economy, where technical, financial and managerial skills can be purchased, capital is as useful a farming resource as personal experience and expertise in broad-acre farming. If productive and efficient indigenisation is truly the goal, then it is rational that this political elite should be heavily represented amongst the beneficiaries of land allocation.

Moreover, to direct too much criticism at the Government as it allocates lands to those with only minimal farming experience would be to overlook the very similar practices of the colonial State. From the very first, lands were allocated to 'policemen' who accompanied the Pioneer Column in 1890, and to those drawn by the promise of mineral wealth as negotiated under the Rudd Concession rather than by farming opportunities. In subsequent decades, lands were allocated and sold to British settlers and European settlers from the Cape Colony, and to British and Rhodesian returned soldiers (War Veterans by another name) at subsidised prices. How many of these were skilled farmers *before* they gained lands in Southern Rhodesia? It was largely through experience and with the ongoing agricultural and marketing support of the colonial State (and its financial support), that these farmers *became* the efficient large-scale producers that were so important to the formal economy. Surely black farmers, familiar with the climate and culture of Zimbabwe and gaining commercial-scale holdings, might, with experience and support, become just as efficient and productive as the white farmers.

And to condemn them for their lack of commercial farming experience is disingenuous. The white settlers were not similarly condemned for their same lack of initial farming experience. Moreover, through the colonial era, blacks were in large part excluded from large-scale commercial farming: their lack of experience is a function of racialised

colonial structures over which they had no control. This 'lack of experience' is the very injustice that indigenisation seeks to confront and reverse. Hence, and almost inevitably, the beneficiaries of programmes of indigenisation of commercial farming will include many with limited, even zero, commercial farming experience.

The Dongo List and later documents point to the widespread re-allocation of commercial farms in whole or part to members of the ruling elite of Government-State-Zanu-PF, and to those with familial or personal connections to them. Many lessees have no obvious farming skills and no prior connection to the rural economy, either directly as farmers themselves or indirectly as employees of State institutions such as Agritex.

The question is thus whether this is genuine indigenisation, or rampant political opportunism? What validity lies in the criticisms from outside and from the Zimbabwean opposition of 'cronyism' in land allocation?

If the Zimbabwean Government were genuinely committed to creating an indigenous rural bourgeoisie, capable of maintaining output and production (and food security and foreign earnings) after the white farmers are removed, then *many* amongst this list would be just the sort of lessees who, with the right support, might be able to become productive commercial farmers. These would include Extension Officers with Agritex (with a sound knowledge of efficient farming practices), agricultural consultants and animal health professionals, development personnel from national or international NGOs, educators (many in the rural – agrarian realm). Even the 'businessmen' may be the right sort of lessees if their business skills can be directed towards commercial farming.

Moreover, since Independence, access to the State (both directly via employment, or indirectly through access to the resources and opportunities of the State, including Government contracts, or through State-linked NGOs etc) is a prime means of advancement and wealth accumulation for ambitious Zimbabweans, while the formal private sector, including commercial farming, was initially dominated by expatriates. In such a polity with a

poorly developed autonomous bourgeoisie, genuine indigenisation of commercial farming would necessarily include many new landholders from the political and State-linked classes.

Many who have gained lands have other public roles which will clearly limit their ability to act as full-time productive farmers – for example ranking military officers and Government Ministers. Yet if these owners were to use their financial resources to employ farm managers and workers, then even this might fit an ideal of indigenisation of production.

Even though many leases were granted through political favouritism and the mutual obligations of a neo-patrimonial hierarchy, this does not in itself mean the lands will *not* be brought to productive use. It does not necessarily mean that the project to create an indigenous commercial farming sector and rural bourgeoisie will necessarily fail. Instead, the test of the scheme's ultimate fairness and viability must rest with the Government's ability or willingness to provide support and infrastructure to these lessees. Just as the colonial State actively and materially supported the white settlers, the present Zimbabwean Government must actively *enable* the productivity of these lessees (including a requirement that lands are used productively), otherwise the Government can fairly be criticised for giving away the nation's lands to an inefficient and unproductive elite, while the majority is impoverished and dispossessed in a collapsing economy.

Measured against an ideal of indigenisation, there are two major criticisms of the allocation of commercial farm holdings to the Zimbabwean elite.

Firstly, injustice might lie not as much in those who are *included* in the range of new landholders, but in those who are *not* included. It is in the apparent exclusion of supporters of opposition parties (notably MDC) that this becomes a politically-partisan allocation of the nation's resources, rather than genuine indigenisation. Surely many who are not allied to Zanu-PF – including opposition MPs, urban workers, trade union members and officials and others prominent in civil society – would have the necessary financial and entrepreneurial

resources. And if the institutions of the State were less politicised, then all would have greater access to the support and resources that the State might provide.

There is a certain logic to indigenisation to a State-linked elite with the consequent resources to use the land productively. Yet Zanu-PF has held Government since Independence in 1980, and has controlled access to and promotion within State institutions, from Parliamentary officers and employees all the way down to local government, and including the judiciary, military and police. This State-party symbiotic relationship is the pathway whereby a State-linked elite conflates to a ruling political elite loyal to Zanu-PF, effectively excluding all others.

This pattern of politically-partisan favouritism extends to smallholder allocations via Model A1 of LARP, with widespread reports of favouritism to Zanu-PF members and War Veterans. At a local level, the land allocation process is administered through local government and by Local Authorities which are linked to or part of broader Zanu-PF structures, to the extent that the paperwork for land application is available only from Zanu-PF Local Authorities. The Leaked Confidential Report points to the pressure that is placed on local District Land Identification Committees by members of the elite, such that lands which could be or have been set aside for Model A1 resettlement are instead allocated to elites.²² Conversely there are reports of DLICs who have allocated lands to themselves.

Secondly, criticism of the Mugabe Government should *not* be that it allocated lands to those with minimal farming experience, nor that it allocated lands to elites with financial resources, but that it has *not* provided the support and encouragement to enable these new landholders to become efficient and productive farmers; funding for AGRITEX has become inadequate, and new farmers acquire new lands with minimal infrastructure, no support for inputs, collapsing local markets, and no training in farming or marketing or management.

²² Government of Zimbabwe (The President's Office), Flora Buka, Osias Hove, and Sam Moyo, 'Addendum To The Land Reform And Resettlement Programme National Audit Interim Report, Leaked Confidential Government Report', Government of Zimbabwe, Harare, Government of Zimbabwe, ZW News, accessed May 2003 at www.zwnews.com, 2003, Sections 2.2, and 3.3.2.

In the LRP, Zanu-PF mounted a concerted attack against under-utilised and unused lands of the white farmers, targeting these for compulsory acquisition with the intention to redistribute these lands to smallholders. Yet the new landholders of the political elites have done no better. Quite recently Mugabe himself has criticised the “ ‘telephone farmers’ who use their new farms merely as weekenders for holding ‘braais’ (barbeques)”.²³ The State has stood by as lands allocated to the ruling elite are left derelict and unproductive, as farming infrastructure is looted, as crops are not planted, as crops ripen and are left to rot in the fields. The State has stood by as the formal rural economy is disrupted by petty squabbles amongst the State-linked elite, between the elite and lower ranks, and between those within and outside the dominant constellation.

The LRP has become an element in the construction of a new class of Zanu-PF “suitcase capitalists” who have “grown rich through hoarding, currency speculation and financial fraud”.²⁴ Yet these riches have not been reinvested in greater production, in the employment of Zimbabweans. While this is certainly elite accumulation of wealth, it fails even as ‘primitive accumulation of capital’ – to revert to an old Marxist idea – as this wealth is *not* used as capital to increase productivity.

A Failure of Vision

Brazil, RSA, and Zimbabwe have all, at least in part, sought to implement market-based land reform, though in different forms. As these countries show, market-based land reform always depends on funding – because market-based reform implies *acquisition* of land on a market basis, that is that the property rights of existing landholders are respected, and lands are acquired on a willing-seller–willing-buyer basis. Moreover, market-based land reform always depends on the willingness of landholders to sell, and on the price at which

²³ Brian Stephens, 'Zimbabwe: Mugabe comes in from the cold?', *Green Left Weekly*, Harare, Online Edition accessed May 2005 at <http://www.greenleft.org.au/back/2005/619/619p19.htm>, 2005.

²⁴ Ibid.

landholders will sell. Moreover, the Zimbabwean Government has consistently claimed that white farmers, who it accuses of opportunism and intransigence, have offered only poorer and marginal lands (unused or under-utilised lands in poorer agro-environmental zones) at inflated prices, and that it has not been able to buy sufficient quantities of contiguous lands in fertile areas at what it believes to be fair market prices.

Having acquired lands through market mechanisms, the *idea* of market-based land reform is open as to whether or not these lands are *redistributed* as property.

In both Brazil and RSA, lands were 'redistributed' as property – the word redistributed is somewhat suspect, as the lands were never acquired by the State and then redistributed: rather the State *enabled* their 'redistribution' as debt-loaded property in Brazil, or as more-or-less debt-free property in RSA; in both cases the new owners were legal entities representing communities.

Zimbabwe took a different course in its approach to market-based aspects of the LRP. Firstly, land was acquired by the State on a market-basis and on a scale that was limited by market relations, that is on a basis that respected the property rights of the landholders, most of whom were white farmers. Thus, the State acquired direct ownership, as well as its existing ultimate tenure over these lands. Then, in contrast to Brazil and RSA where the beneficiaries of State-mediated market-based land reform acquired property rights (predominantly as legal entities) over these lands, the Zimbabwean State devolved leasehold tenure to the beneficiaries of land reform.

So Zimbabwe has seemingly avoided the Brazilian pitfalls of debt-ridden resettled communities struggling to make marginal land productive.

Yet in this process, the State, which has always in its modern incarnation held ultimate title over the lands of the polity, also gained the double power of mediating immediate tenure – a power which from which other 'liberal democratic' States have restrained or been constrained. Thereby, the Zimbabwean State is directly involved in the ongoing mediation and distribution of land holdings.

In Brazil, market-based land reform privileged State-linked elites and enabled their ongoing enrichment and accumulation of property, while potentially re-disempowering local communities. In RSA, market-based land reform enabled the autonomy of communities vis-à-vis the State, and landlords. Yet in Zimbabwe, market-based land reform constructed a new form of dependency of landholders vis-à-vis the State as mediator of direct tenure and as holder of ultimate tenure.

In 1994, the Rukuni Commission pointed to legislative and institutional reforms might generate land reform within the context of State support for property rights.²⁵ Yet the Government failed to take advantage of mechanisms such as taxation and land law reform that might result in greater redistribution within the context of market-based land reform. It failed to grant secure forms of tenure to the beneficiaries of the LRP. Even though others – for example Proudhon – had argued that property rights are of zero benefit to those who cannot afford to buy or hold property, while *enabling* the rich to acquire productive resources from the poor, the Rukuni Commission had argued that the protection afforded by property rights would have been of greatest benefit to the weakest and poorest in society, to those who have no other socio-political means of protecting or ensuring security of tenure, and who are most vulnerable to the predation of elites or the State.

Lastly, it failed to implement a diversity of forms of group tenure including group property. In the recommendations of the Rukuni Commission, the Zimbabwean Government was clearly cognizant of State-supported yet not directly State-controlled modes of tenure that might enable the autonomy and security of tenure of smallholders. Even more, the reform initiated in post Independence RSA pointed to the real possibilities of such tenure. While many have criticised the Government's coercive appropriation of land, it is in the redistribution that the Government should be criticised. Looking past a redistribution that is

²⁵ Mandivamba Rukuni (Chairman), and Government of Zimbabwe, 'Report of the Commission of Inquiry into Appropriate Agricultural Land Tenure Systems (The Rukuni Commission), Volume Two: Technical Reports, October', Government of Zimbabwe, Harare, 1994.

seemingly 'corrupt' and that has been coopted by a ruling political elite, a more fundamental criticism is that the Government failed to implement any tenure that is independent of direct and ongoing State mediation and control.

As indicated in the Rukuni Commission, and as evidenced in RSA, the Zimbabwean Government had a choice: the property of the white farmers, which was appropriated in the name of the Zimbabwean peoples, could be returned to the Zimbabwean peoples as the *property* either of individual Zimbabweans or of groups or communities. In the latter case, this would entail forms of tenure that emphasised group rights and group autonomy while also enjoying a level of support and protection by the State. A wider distribution of property might have enabled the greater autonomy of the Zimbabwean people from the State and State-linked elites.

The Negation of Property and the Re-Politicisation of Tenure

As it has appropriated the lands of the commercial farmers (or allowed the widespread invasion and trespass of their lands), the Government negated their property rights; moreover, the Government's denial of any obligation for financial compensation for the value of the lands seized is a profound negation of the idea of property rights. Yet property rights are always a construct of positive State law rather than being in any way a natural and inviolable right, and as such are always and inevitably within the realm of State control. Even more, as it redistributed these lands as conditional leasehold, the Government has negated the realm of property – a truly revolutionary step – such that property scarcely exists in 21st Century Zimbabwe. In this the Government has enacted the antithesis of a bourgeois revolution.

Irrespective of the LRP's success in providing access to land for dispossessed or impoverished peoples and farmers from the overcrowded and degraded Communal Lands, the prime outcome of the LRP has been to reconstruct all rural land tenure as conditional tenure as lease or permit issued by the State (or promised by though not yet issued). No longer is legitimate tenure an outcome of legitimate purchase as with property, or of culturally

constructed mutual obligations, as with chiefly or communal tenure. It is increasingly a function of socio-political relationship to those within the ruling constellation of Government-State-Zanu-PF.

Rather than protection of property rights or group tenure that might enable productive autonomy, the State implemented tenure that brings each landholder, as an individual and disarticulated from other tenure holders, into direct relationship with the State as personal landlord. As Derman and Hellum argue, under the LRP, "the Government of Zimbabwe will own virtually all land".²⁶ The Government of Zimbabwe will become the ultimate landlord to whom all immediate landholders are beholden.

At all levels from smallholders to commercial farm redistribution, the LRP has been co-opted by State-linked ruling elites, in particular the *Shona* who coalesced around Mugabe.²⁷ Land has become a commodity to be redistributed to bolster the government's popularity, to divert attention from corruption, and to enable ongoing elite accumulation.²⁸ As evidenced in the Dongo List, commercial farms are redistributed in whole or in part to the elites of the ruling constellation leading to "the widespread perception [amongst Zimbabweans] that the entire top echelon of government is ... a pack of self-serving, corrupt thieves".²⁹ Smallholdings are redistributed to reward and ensure political loyalty, thus becoming part of the mechanism enabling the ruling elite's hold on power.

²⁶ Anne Hellum and Bill Derman, 'Land Reform and Human Rights in Contemporary Zimbabwe: Balancing individual and social justice through an integrated human rights framework', Paper presented at Land Reform and Conflict Management in Southern Africa Conference, United States Institute of Peace, Washington, DC (draft paper was presented at: Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, 4-5 September 2001, Centre for Development Research, Copenhagen), 22 October, 2001, p. 7.

²⁷ Thorvald Gran, 'Land Reform and Trust in Zimbabwe', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, p. 23.

²⁸ Bill H. Kinsey, 'Opportunists and Occupiers: The Slow Evolution from Corruption to Crisis in Zimbabwe's 'Land Question'', Paper presented at Research Seminar: *Rethinking Land, State and Citizenship Through the Zimbabwe Crisis*, Centre for Development Research, Copenhagen, 4-5 September, 2001, pp. 2-3.

²⁹ *Ibid.*, p. 1.

The Mugabe Government has *politicised tenure*, such that rights to land are no longer universal or equal civil rights held as a consequence of *citizenship*. Rather tenure rights, that is the right to acquire and hold and use and dispose of lands, are conditional on political linkages, and in particular the hierarchical linkages of the neo-patrimonial State.

For resettled smallholders, who were promised temporary occupation permits to be converted eventually into permanent leasehold, the informal and poorly implemented system enables a new conditionality directed towards a ruling elite. For elites, tenure is also conditional. Commercial farmlands were generally redistributed via short term leases, as short as five years under the former OTFS – scarcely enough time to show a profit on investment. Thus, leaving aside any idea of the public good, the only sure way to profit from such an allocation might be to loot the resources left behind by the previous dispossessed owner.

This is a far cry from ‘communal’ tenure – a complex idea and certainly not immune from relationships of power – which was the widespread in pre-colonial Africa. Where tenure was mediated through communal norms, even in more chiefly forms, then active membership of and participation in a community was sufficient to generate a ‘right’ to land allocation within that community’s norms. Many chiefs and communities sought to attract people to their domain of control in order to increase the productivity of that community or polity and in order to assert or extend a right of control over land – as abandoned or unworked lands were always vulnerable to appropriation by neighbouring peoples.

Yet membership of the polity of Zimbabwe is no longer a sufficient to generate a ‘right’ to land. Rather, membership of and linkage to the neo-patrimonial dominant constellation are the sufficient cause of tenure rights. In contrast to Neale who argues that “a right to share in communal or state property implies the right not to be excluded from that right by others”,³⁰ many in Zimbabwe are excluded. As with the colonial State, the rights of some are implemented through the exclusion of others.

³⁰ R.S. Neale, 'Introduction', in Eugene Kamenka and R.S. Neale (editor), *Feudalism, Capitalism and Beyond*, pp. 2-27, Canberra: Australian National University Press, 1975, p. 6. Discussing C.B. Macpherson, 'Capitalism,

Rather than restitution or broad redistribution, and rather than enhancing national productivity and the material and social welfare of all or most Zimbabweans, the LRP instituted an almost universal *insecurity of tenure*. The LRP has been a key ingredient in the creation of a *neo-patrimonial* State and polity that enables specific elites to hold power by their ability to mediate possession and usage of the nation's resources. Though seemingly mediated through the legislatively-defined forms of the LRP, land is allocated through personal and patron-client relationships, through membership of political party and through relationships with those in State and Government. In a predominantly agrarian society, the ability to allocate lands – which for many are the prime or sole means of sustaining existence – in return for political loyalty is a significant form of socio-political power and a key to wealth accumulation.

As Bratton et al. argued more generally in contemporary Africa, the weak national bourgeoisie in Africa supported the idea of *property rights* as a way of limiting State ownership and intervention.³¹ In Zimbabwe, this weak opposition has been overpowered, and the State is increasingly at the center of all land tenure.

The negation of property in Zimbabwe is a revolutionary rather than evolutionary change. As Engels argued, “All revolutions until now have been revolutions for the protection of one kind of property against another kind of property. They cannot protect one kind without violating another”.³² Property in a liberal-capitalist sense of commodified tenure that is based primarily in market relationships free of socio-political obligation and conditionality has been destroyed, to be replaced by conditional tenure mediated through and supportive of a polity organised through neo-patrimonial relationships. In a comment that might well apply to post Independence Zimbabwe, Marx and Engels argued in *The Communist Manifesto (1848)*:

and the Changing Concept of Property', in Eugene Kamenka and R.S. Neale(editor), *Feudalism, Capitalism and Beyond*, pp. 104-125, Canberra: Australian National University Press, 1975, p. 107.

³¹ Bratton et al. (editors), *Democratic Experiments in Africa: Regime Transitions in Comparative Perspective*, *Cambridge Studies in Comparative Politics*, Cambridge, UK: Cambridge University Press, 1997, p. 89.

³² Frederick Engels, *The Origin of the Family, Private Property and the State*, Moscow: Progress Publishers (Zurich, 1884), 1977, p. 103.

You are horrified at our intending to do away with private property. But in your existing society, private property is already done away with for nine-tenths of the population; its existence for the few is solely due to its non-existence in the hands of those nine-tenths.³³

Similarly property was already an impossibility for most Zimbabweans, and in large part this was a direct consequence of the property rights of the white farmers. The property rights of a minority of landholders were the effective cause of the propertylessness of the majority.

Despite historic arguments that property is a right that predates the State and for the protection of which the State is constructed,³⁴ or that attaches to people through some form of natural law or legitimate private appropriation and possession which a legitimate State should then uphold, clearly property is impossible without the support and mediation of State. If, as the utilitarian/instrumentalist and legal positivist theorists have argued, our rights are only those that the State legitimates, then surely this same State has both the power and the right to recreate property and tenure rights in any form that furthers the interests of the community which the State represents. A State can negate the commodification (as property) of some or all of the lands within the polity, either as it purchases these lands on a willing-seller-willing-buyer basis or appropriates them subject to fair compensation and converts them into Crown/State lands or leasehold lands against the State. Both processes maintain the integrity of property rights. Or, in a *revolutionary* act, the State as creator and upholder of rights may simply decide that the purposes of the polity are no longer enhanced by its ongoing support of specific rights. From a legal positivist view, just as a State can *create* real and enforceable rights, the Zimbabwean State can choose to undo rights.

³³ Karl Marx and Friedrich Engels, *Manifesto of the Communist Party*, Moscow: Progress Publishers (1848), 1967, pp. 65-66.

³⁴ John Locke, *Locke's Second Treatise of Civil Government: A Contemporary Selection*, edited by Lester DeKoster, Grand Rapids, Michigan: William B. Eerdmans Publishing Company, 1978.

To emphasise this point, on 31 September 2005, amidst jubilant scenes in Parliament, the Government of Zimbabwe abolished all freehold property rights in Zimbabwe!³⁵ Property is no more!

The Realm of the Ruling Elite

The Zimbabwean polity is increasingly dominated by a ruling elite centred on the Government, State and Zanu-PF which become an interlinked monolith. Political loyalty to this elite is now the key to access to the resources of the State and polity. This ruling elite controls a realm within which access to the LRP is negotiated through neo-patrimonial relationships. In turn the ruling elite is empowered through its control over and cooption of the LRP. All this is matched by the fading of the *inclusive* policies of the early years of Independence.

This realm with the ruling elite at its head extends from the President downwards, dividing the polity vertically and blurring the boundary between State and civil society to the point that their distinction is almost meaningless. Rather than a dichotomy of populace or civil society that interacts formally with the State and a society within which horizontal relationships amongst equals are important, Zimbabwe has become a polity divided vertically into those who are included and those who are excluded from this realm. Vertical relationships between unequals are the key to access to power and resources, and power is exercised both formally and informally. Power is relational, and to form a relationship with one who has more power is in itself a means towards power. In this, a new form of State is constructed, *strong* in that it can act coercively and through semi-formal and semi-legal mechanisms yet *dependent* in that the ruling elite is as dependent on political support enabled by their control of resource flows as those below them are on access to these resource flows.

Linking these elements together, it seems that, as a *tendency* rather than an absolute imperative, *property is impossible within neo-patrimonial regimes*. Of course private property

³⁵ SBS Broadcasting Corporation, *Dateline*, television broadcast, Australia, 1 September 2005.

clearly and actually exists within many neo-patrimonial regimes. Zimbabwe was in large part neo-patrimonial prior to the final seizure of all white farms, such that these farms as *property* coexisted with the increasingly neo-patrimonial regime of governance. Colonial regimes, which can be seen as neo-patrimonial, actively promoted and distributed *property*. Yet there is still a profound contradiction between the *conditionality*, and hierarchical yet mutual *obligation*, that neo-patrimonial structures require versus the autonomy of property as a mode of resource distribution that is based in market rather than in patrimonial relationships.

Whither the Revolution?

Clearly Robert Mugabe has shamelessly manipulated the political and legal processes to ensure his hold on power, and to ensure the continuing political dominance of the Zanu-PF Government he leads. Clearly he has overseen the diminution of civil and political rights. He has pressured and manipulated the judiciary, and enacted retrospective legislation that has been affirmed by the judiciary he and his Government control. He and his Government have overseen a collapsing economy and collapsing national welfare, and have sought to reject and suppress all criticism and all political opposition.

Politics has become a 'winner-takes-all' game, with little respect for minority or opposition voices, and with access to State-supported rights and State-mediated resources being consequential on the right political affiliation and connections. But the colonial economy was also a 'winner-takes-all' game as blacks were dispossessed and marginalised and whites assumed control of the State, economy, and lands.

The Mugabe Government has overseen a general decline in law and order. The farms of large-scale white landholders as well as black commercial farmers are invaded, black farm labourers (of Zimbabwean or immigrant descent) are evicted and dispossessed, and crops are despoiled. Theft and violence become rampant and widespread against white farmers and all others perceived as opposition voices or as not being active supporters of Zanu-PF.

Rights have become dependent on political affiliation rather than on citizenship. Those with the correct relationship to Zanu-PF have access to better security of tenure, better protection against the seizure or invasion of their lands, and access to better police and State protection of their property and assets and persons.

Mugabe has cleverly used the legal and political processes to implement his Government's controversial policies. Though his opponents have argued vigorously that Mugabe and his Government and supporters have acted illegally in the implementation of the LRP, Mugabe has successfully constructed legislative, Constitutional and juridical backing for his Government's actions. This highlights the way that 'liberal' constraints can be legally circumvented when a Government holds an unassailable Parliamentary majority and is prepared to act politically in its interactions with the judiciary, police and army, and is prepared to use its majority to implement profound legislative change. Through its manipulation of the electoral process, the Government has managed to ignore if not silence all opposition. Through its control and influence over society, inclusive of the State down to the local institutions and authorities, the media, the processes of law and order and access to productive resources, the Government has not so much constructed a consensus as negated all opposition.

Yet, is this the sum of our judgment of Mugabe? Even if he and his Government have behaved harshly towards the white farmers on the one hand, and towards indigenous opposition voices and movements on the other hand, are there mitigating circumstances? In answer, there *were* mitigating circumstances that in large part justify the Government's desire to acquire the bulk of the land of the white farmers, and in part justify its harsher attitude towards the white farmers, given their reluctance to deal constructively with these Government objectives. But no, there is no moral or ethical justification, apart from mere political necessity, for the Government's divisive policies towards its populace.

As a group, the white farmers showed little pro-active cooperation with the Government's well-articulated and fundamental ideal of broad-scale land redistribution. Claiming the primacy of their property rights over other purposes, the farmers mounted legal challenges to the LRP and to the Government's compulsory acquisition. The Government had initially sought to *cooperate* with the white farmers, and had sought 'complementary initiatives' whereby the farmers might offer lands for purchase or acquisition, and whereby Government and farmers and external donors might agree on the financial aspects of this acquisition. Yet until large-scale compulsory acquisition seemed imminent, the white farmers made little effort to offer farms for sale or acquisition on the scale sought by the Government, and at prices commensurate with Government capacity. For example, the ZJRI of September 2000 represented a significant compromise by the white farmers as 561 farms were offered for resettlement, along with other concessions. Yet the ZJRI can also be seen as a last ditch attempt by the white farmers to retain ownership of at least some of their lands, presumably including the best lands, and to preserve their privilege.

By 2000, few options were left to the Government. Since implementation of LARP Phases I and II in 1992 and 1997, and as it sought to establish a legal climate supportive of large-scale compulsory acquisition with decreasing obligations for compensation, donor funding had become increasingly conditional on the Government's support of market-based acquisition and on maintenance of law and order. With reduced internal and external funding, compulsory acquisition increasingly became the only option.

Thus, and with reference to *acquisition* of lands under the LRP, the eventual compulsory acquisition of the farmlands of the commercial (white) farmers in the face of ongoing resistance is justifiable. Yet the violence and disorder associated with their dispossession cannot be justified. Even so, it would have been far better if the Government had undertaken land acquisition in a more controlled and orderly fashion, rather than letting the process be co-opted by militant War Veterans and Zanu-PF 'youth' or of letting these elements be the public face of a revolutionary change that had Government support.

These compulsorily-acquired lands had originally been coercively appropriated by the BSAC or colonial State with no compensation, less than 100 years ago and only decades ago in some cases. Property is only one form of land tenure amongst many that a Government might choose to support. It seems ludicrous to accord too great a legitimacy to the property rights that the commercial farmers have only recently (less than a century) established over these lands. Their property rights must be balanced against the injustice if not illegality of their creation, and against other ideals that are important to the Government or polity.

Given the collapse of the Z\$, an option might have been to compulsorily acquire the lands of the white farmers and pay for them in full in Z\$ (or even in Government bonds denominated in Z\$, with conditions placed on sale or redemption of these bonds), with the proviso that these funds either cannot be transferred outside Zimbabwe, or can only be done so with Government permission. The integrity of the Government's support of property rights would have been maintained. The cost to the Government would have been minimal; the currency is collapsing *anyway*, and there would have been minimal risk of these payments leaving the Zimbabwean economy. It must be surmised that the Government rejected this obvious solution because it was politically opportune to maintain, even exacerbate, the conflict with the white farmers, to continue to blame the UK for a failure of donor funding – in order to divert attention away from the Government's failings and mobilise electoral support.

Regarding the *redistribution* of lands under the LRP, what cannot be justified is the factionalism and divisiveness created through the Government's management of these processes. Linkage to Zanu-PF and the ruling constellation is the key to land allocation for subsistence farmers to elites, and opposition voices are excluded from land allocation. Taking a long term view, the LRP has become a process that finally, 20 years after 'Independence', divides the spoils of Zanu-PF's victory in the Liberation War. The defeated enemy are not just the white settlers, but other Zimbabwean political and resistance movements, as opposition political parties are confronted violently and through legal means (e.g. the series of treason charges against Morgan Tsvangirai, leader of the MDC), as bases of opposition within civil

society are destroyed (the recent *Operation Murambatsvina* which destroyed urban political opposition as it destroyed their houses and livelihoods). Within Zanu-PF, the 'winners' are increasingly drawn from Robert Mugabe's *Zezeru* clan, while the majority *Karanga* clan (who provided many of the soldiers in the Liberation War) are increasingly sidelined, as are other minority clans.³⁶ The spoils are not just the resources of the State (including power within and over the State, and privileged access to State institutions) but the resources of the nation.

With specific reference to redistribution, the Government has failed to provide adequate support services for resettled farmers (from subsistence farmers to elites) and has seemingly tolerated the misuse and non-usage of farms re-allocated to State-linked elites. This points to a process of reward for political loyalty, rather than a process that seeks to promote indigenous productivity.

As Fatton argues "the crisis in Africa consists precisely in the fact that while the old ways of producing, organising, and governing are dying, the new forms are struggling to be born".³⁷

The Zimbabwean 'revolution' has introduced profound changes, and it is difficult to see how there can be any going back to the recently negated old order. The reinstatement of the property rights of the dispossessed white farmers (and a lesser number of black commercial farmers) is now a political impossibility, the Government has made no moves towards granting *property* over any redistributed lands, and the realm of property is negated. Tenure is now politically-mediated, reversing the idea of property mediated through market

³⁶ Joseph Chinembiri, 'Mugabe to Boost Zezeru Clan Power', Institute for War & Peace Reporting, Lancaster House, London, accessed June 2005 at http://www.iwpr.net/index.pl?archive/ar/ar_ze_025_1_eng.txt, 4 April 2005. Benedict Unendoro, 'Tribal Rivalry May Split ZANU PF', Institute for War & Peace Reporting, Lancaster House, London, accessed June 2005 at http://www.iwpr.net/index.pl?archive/ar/ar_ze_018_1_eng.txt, 4 April 2005.

³⁷ Robert Fatton, *Predatory Rule: State and Civil Society in Africa*, Boulder, Colorado, and Covent Garden, UK: Lynne Rienner Publishers, 1992, p. 138.

mechanisms, independent of social or political relationship or obligation and supported by a State that upholds the equal property rights of all citizens.

Though there can be no going back, there are signs that Zimbabwe now seeks some form of compromise, in light of the ongoing financial crisis. In May 2005, Gideon Gono, Governor of the Central Bank, suggested that some of the white farmers should be invited back to their lands “to resume growing crops to boost flagging agricultural output”. He saw this in terms of joint venture arrangements with indigenous farmers, with lands held through five to ten year leases, with guarantees of Government protection against land invasion and disruption of production.³⁸

Zimbabwe, partly through deliberate intent and partly through the response of other countries, moved towards the ‘delinking’ advocated by Samir Amin, a radical voice amongst the Dependency Theorists of the 1980s. Like Frank, Amin saw both development and underdevelopment as artefacts of global capitalism.³⁹ Thus, for the economies on the periphery of global capital, development requires a fundamental rupture with the imperatives of global capitalism. Amin saw delinking as a process in which the relationships between countries (as an economist, Amin focused primarily on economic relations) were based in “the varying imperatives of their own internal development”.⁴⁰ Rather than equating development with linkage to the global system, as is the practice for many local elites or would-be bourgeoisies in the peripheral economies, delinking is a counter project, a “demand for a national and popular construction” and the negation of any “blind surrender to the demands of international competitiveness”.⁴¹ Rather than rejecting the idea of economic and industrial development,

³⁸ Andrew Meldrum, 'Mugabe plea for white return', *Guardian Weekly*, Pretoria, 27 May - 2 June 2005, p. 5. At the same time he announced a 31% devaluation of the currency.

³⁹ Andre Gunder Frank, 'The Development of Underdevelopment', *The Monthly Review* 18, no. 4: September, 1966, pp. 17-31. Samir Amin, *Delinking: Towards a Polycentric World*, London: Zed Books (first published in French, 1985), 1990, p. 62.

⁴⁰ *Ibid.*, p. xii. See also Samir Amin, *Maldevelopment: Anatomy of a Global Failure*, London: Zed Books, 1990.

⁴¹ Amin, *Delinking: Towards a Polycentric World*, pp. 111, and 52.

and ultimately of capitalist development, delinking is a way of fostering indigenous social development, capital accumulation and industrial and economic development.

The consequences of the Government's 'resolution' of the land issue are still evolving, and many questions are raised:

What security of tenure will Model A1 and Model A2 landholders have under the new regime? There are widespread complaints and fears about insecurity of tenure under the new regime of land tenure in contemporary Zimbabwe, and numerous examples where these fears have been well founded, as elites evict smallholders, even recently resettled smallholders, as Zanu-PF youth and War Veterans drive off the farm workers who had worked for the white farmers, and those whose sympathies do not lie with Zanu-PF.

Will tenure become increasingly conditional on political loyalty and on maintenance of relationships with those in positions of influence within the ruling elite?

Will rural productivity be enabled or hindered by the expansion of this more conditional and less capitalisable forms of tenure, and by the subdivision of larger commercial farms into smaller Model A2 commercial farms held by indigenes or into much smaller Model A1 plots held by small scale farmers? – remember, Rukuni and others argued that small-scale farming could be just as efficient and productive as broad acre commercial farming. Yet, with the collapsing economy, State support services for resettled Model 1 and Model A2 farmers are collapsing (and for those on the Communal Lands), and many of the elite who have gained (either by allocation or seizure) commercial farm lands seem to be making little effort to bring these lands to full productivity.

Will these processes lead to greater equality, or to greater opportunity for most Zimbabweans, including women? Regarding the gender balance of recipients of land redistribution, the LRP has been a failure on its own terms; its own stated objectives are ignored,⁴² and Government has reinforced the role of Customary Law, which has become

⁴² Most notably the stated ideal that under the FTLRP (2000), there would be a 20% quota for women. Human Rights Watch, 'Fast Track Land Reform in Zimbabwe', *Human Rights Watch*, Harare, 14, No. 1a: March, 2002,

increasingly male-oriented.⁴³ The architect of an earlier and equally violent revolution, Maximilian Robespierre, leader of the Jacobins during The Terror in the French Revolution, saw extreme inequality of wealth as an evil to be confronted, but accepted that absolute equality of wealth was a 'chimera'.⁴⁴ Thus, it may well be acceptable that some smallholders do better than others and become comparatively wealthy based on their productivity and resourcefulness. It would probably even be acceptable that the land reform programme created a new class of elite black Zimbabwean larger-scale landholders if these landholders were productive and brought employment opportunities to other Zimbabweans and wealth to the Zimbabwean economy; it might even be acceptable that this new landed elite was based largely in a political elite linked to Zanu-PF. Yet this enormous inequality (less marked than the earlier inequalities between white farmers and black smallholders) can not be justified if it is at the expense of the broader populace, as employment opportunities are destroyed and not reconstructed, as productivity which underpins national food self-sufficiency and which adds to the national wealth is destroyed.

Zimbabwe will have to find a way forwards rather than backwards. The challenges are profound. Zimbabwe has become a pariah State, substantially excluded from the global economy. The polity is divided and factionalised, and politics has become the realm of resource allocation and wealth creation. Either through, or despite, the profound land redistribution of the LRP, the task will be to maintain food self-sufficiency, maintain the well-being of the populace, and create a broadly inclusive, rather than exclusive and divisive, political climate. Yet national productivity has declined, and Zimbabwe (along with other countries in Southern Africa) is now dependent on external food aid. It would appear that Zimbabwe's experience of land reform has, at least in the short term, undermined rather than

accessed August 2003 at <http://www.hrw.org/reports/2002/zimbabwe/index.htm>, Section IV, Human Rights Violations.

⁴³ Hellum, and Derman, 'Land Reform and Human Rights in Contemporary Zimbabwe', p. 2.

⁴⁴ Maximilian Robespierre, 'The Doctrine of Jacobin Revolution: Speech to the National Convention, 25 December 1793', in Herbert H. Rowen (editor), *From Absolutism to Revolution: 1648-1848*, Milwaukee: University of Wisconsin, 1963, pp. 201-204.

enhanced its rural productivity. Whether or not the 'indigenisation' of commercial farming that is evident in the allocation of lands to political elites, and the broader allocation of subsistence farming lands to the wider populace, will be enough to re-establish Zimbabwe's national productivity and food self-sufficiency is doubtful, yet still open.

Appendix 1: Procedures under the Land Acquisition (Amendment) Act (2000)¹

Section 5 outlines procedures for the serving of a *preliminary notice of acquisition* (*Section 5 Notice*) to be served “on the owner of the land to be acquired and the holder of any other registered real rights in that land whose whereabouts are ascertainable after diligent inquiry at the Deeds Registry”, with this notice to remain in effect until it is withdrawn or until the land is acquired under *Section 8*. A *Section 5 Notice* was contestable within 30 days. *Section 7* stated that if an owner is served with a *Section 5 Notice* for acquisition for resettlement, then “it shall be presumed that the land is suitable for that purpose”, thus limiting an owner’s right to appeal the acquisition, and stated that a successful appeal by the landowner “shall not prevent the acquiring authority from issuing a fresh preliminary notice and subsequently acquiring the land concerned in terms of this Act”.²

Section 8 allows that, 30 days after serving a *Section 5 Notice*, the State may serve a *Section 8D Notice (acquisition order)* which effectively transfers the title to the acquiring authority (unless subsequently revoked or successfully challenged). *Section 8* also enabled the State to acquire, with the consent of the owner and subject to fair compensation, lands other than those served with a *Section 5 Notice*. This “allow[s] an owner to offer land in substitution for, or in lieu of, land required for settlement, and to subdivide land to be acquired and offer a portion thereof for acquisition, subject, however, to compliance with any requirement as to permissible maximum sizes stipulated under the Rural Land Act ...”. An owner who willingly offers alternative land may be in a better position to negotiate compensation.

A *Section 9 Notice of Eviction* may be issued subsequent to a *Section 8 Order*, requiring owners or occupiers to vacate the land and enabling the acquiring authority to

¹ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement: Assessment and Suggested Framework for the Future: Interim Mission Report', New York, UNDP, January 2002, pp. 10-11, and 26-28. Government of Zimbabwe, 'Constitution of Zimbabwe Amendment (No 16) Bill', Government of Zimbabwe, Harare, accessed May 2003 at <http://www.gta.gov.zw/Land%20Issues/Land%20Acquisition%20amendment.htm>, 6 April 2000. Angela Cheater, 'Human Rights and Zimbabwe's June 2000 Election, Special Report No 1', Harare, Zimbabwe Human Rights NGO Forum (Zimbabwe), and Human Rights Research Unit, January 2001, p. 13.

² Later reduced to 2 years.

commence demarcation and allocation of the lands – though a further three months notice must be given to leaseholders and *owners-in-residence*.

Section 16 reaffirmed the requirement to pay fair and timely compensation – though under the amended Constitution, the Government is liable only for compensation for *improvements* on or to the land. The Act redefined ‘fair compensation’ as compensation fixed by the Compensation Committee pursuant to a set of principles ...”, and “staggered the payment of compensation in cash, bonds or other securities over a period of five years”.

In addition the Act limits the free market sale of land – unless this land has been offered for sale to the Government, and prohibits the transfer of control over land (e.g. by sale or transfer of shares) without the permission of the Minister.

Racialisation and Politicisation of Farm Designation and Acquisition

The process of *land identification* was devolved to State-appointed local authorities: Rural District Councils (RDCs) identify farms for acquisition, submit lists to the District Land Identification Committee (DLIC) which checks their legal compliance and forwards lists to the Provincial Land Identification Committee (PLIC), which forwards provincial lists to the Ministry of Land, Agriculture and Rural Resettlement.³ Lists are gazetted by the Ministry and owners are served with a *preliminary acquisition notice* (a *Section 5 Notice*) followed by, after the expiry of at least 30 days, an *acquisition order* (a *Section 8D Notice*).

In the 30 days between *Section 5* and *Section 8D Notices*, an owner can appeal to the PLIC/DLIC⁴ and can negotiate to swap listings, or offer part of their lands in order to avoid listing the whole property, with the proviso “that the owner withdraws all legal claims aimed at contesting the acquisition of the land”.⁵ The Act stipulates lands that can be delisted –

³ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', pp. 10-11

⁴ Government of Zimbabwe, 'Land Issue - Fact Sheet', Government of Zimbabwe, Harare, accessed May 2003 at <http://www.gta.gov.zw/Land%20Issues/factsheet.html>, 2000.

⁵ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', pp. 10-11

farms that have become Environmental Protection Zones or Conservancies, large-scale industrialised farms,⁶ church or mission properties, and farms protected by bilateral agreements (e.g. a farm using Government-approved foreign investment).⁷

As with the *Land Acquisition Act (1992)*, the designation and acquisition process was not overtly racialised: the process provides impartial and non-racial guidelines for the listing of farms, and does not overtly target 'white farmers'. Initial listings contained black commercial farmers as well as small- and large-scale white farmers. Yet the process becomes intensely racialised through the more politically negotiable, less tightly stipulated, process of delisting. The UNDP indicates that "the majority of farms de-listed to date were properties of indigenous farmers and the State".⁸

Seeking the illusion of a process directed towards fairness and equality, the only way to appropriate *all* white farms and *only* white farms (apart from blatant racism) is to create a universal and apparently non-racialised process of designation, and to then allow this process to be negated via partisan mechanisms of appeal and negotiation. In other words, the process must initially appropriate all farms (in order to be assured of capturing all 'white' farms), and the appeals process must then be sufficiently broad and susceptible to partisan interpretation that justifiable reasons can be given for delisting farms owned by indigenous Zimbabweans.

The problem is that this process can become partisan even between indigenous Zimbabweans, and will, inevitably, become a tool of political power. This process is part of the constructive mechanisms of the neo-patrimonial State, as the ability to hold resources becomes linked to and dependent on partisan political processes.

⁶ Whose productivity would be negated by subdivision

⁷ United Nations Development Programme, 'Zimbabwe, Land Reform and Resettlement', p. 12.

⁸ *Ibid.*, p. 14.

Appendix 2: The Dongo List: Lessees Under the Commercial Farm Settlement Scheme, and Ordinary Tenant Farmer Scheme, Late 1990s

Accessed at: ZWNews, 'The Dongo List', ZWNews, accessed May 2005 at <http://www.zwnews.com/dongolist.cfm>, 2000. Government of Zimbabwe, and Centre On Housing Rights and Evictions, 'The Dongo List', in *Land Housing and Property Rights in Zimbabwe*, Annex 2 in COHRE, Africa Programme Mission Report, Geneva, 2001.

When the list of OTFS and CFSS lessees, as supplied by the Government in response to a question in Parliament by Margaret Dongo MP, was released publicly by Margaret Dongo, she included a short message:

Not every person is born to be a farmer. The reason people want land now is because there are very few jobs and people are suffering. The reason there are very few jobs is because our economy is dying. The reason our economy is dying is because of the corruption and mismanagement by Zanu PF. The economy needs to be turned around and jobs will be created by a free market and a healthy economy. We need to attract investors into the country, and they will only come to invest if they see that their investments are safe. If they see property owners being threatened with eviction, they will not come because they will fear that their money and businesses can also be taken away from them.

This is the official list of farm land which was bought to resettle the landless. Look at it and see what has happened to the land.

I appeal to my fellow war veterans not to let your suffering be used by selfish and greedy politicians who caused your suffering. This will not benefit you at the end of the day. It is the responsibility of the government to ensure that you have land or jobs, not to use you to create a commotion. The government have used you to fight for independence and they are using you again to hold onto power after twenty years of empty promises. If they get power again they will abuse it to their own benefit again, and you will have nothing again. Comrades, you should stand up and be a watchdog of Parliament. If you do not do this, you will have fought for nothing.⁹

⁹ ZWNews, 'The Dongo List', ZWNews, accessed May 2005 at <http://www.zwnews.com/dongolist.cfm>, 2000.

1ST LIST - COMMERCIAL FARM SETTLEMENT

Lease#	EU#	FARM NAME	DISTRICT	EXTENT ha	LESSEE	COM DATE	EXP DATE	RENTAL p.a.	EMPLOYER	OCCUPATION
CFSS # 1		Battlefields 01	Kadoma	1620.6932	Mutandi R&E	October 1, 1999	September 30, 2097	To be assessed	Price Waterhouse	Agric Consultant
CFSS # 2	EU#5	Battlefields 02	Kadoma	1571.5984	Charamba Mr G			To be assessed	President's Office	Spokesperson
CFSS # 3		Battlefields 03	Kadoma	2035.5786	Ncube D M			To be assessed	Ncube-Burrow P/L	Civil & Agric Engineer
CFSS # 4		Battlefields 04	Kadoma	923.9748	Mufandaedza C			To be assessed	Self	Businessman
CFSS # 5		Battlefields 05	Kadoma	1878.3286	Kahwa S	October 1, 1999	September 30, 2097	To be assessed	Dept of Agritex	Extension Officer
CFSS # 6		Battlefields 06	Kadoma	1185.796	Msindo S G	October 1, 1999	September 30, 2097	To be assessed	Self	Partner
CFSS # 7		Battlefields 07	Kadoma	1409.6066	Runyova P & J L	October 1, 1999	September 30, 2097	To be assessed	Self	Med. Practitioner
CFSS # 8		Battlefields 08	Kadoma	1300.1152	Sithole L & N	October 1, 1999	September 30, 2097	To be assessed	Agric Finance Cor [Agricultural Finance Corporation/AFC - parastatal]	Dep General Manager
CFSS # 9		Battlefields 09	Kadoma	1151.2584	Mupangu E G	October 1, 1999	September 30, 2097	To be assessed	Enterprise Works	Agrulturist
CFSS # 10		Battlefields 10	Kadoma	1486.0717	Kanengoni E C			To be assessed	Self	Legal Practitioner
CFSS # 11		Battlefields 11	Kadoma	1293.6668	Shereni W & S			To be assessed	Tsetse Control [within the Dept. of Agriculture]	Chief Tsetse Officer
CFSS # 12		Battlefields 12	Kadoma	1267.7494	Mundangepfupu E T	October 1, 1999	September 30, 2097	To be assessed	Self	Consultant
CFSS # 13		Battlefields 13	Kadoma	1527.9968	Mawere J R			To be assessed	City of Kwekwe	Executive Major
CFSS # 14		Battlefields 14	Kadoma	1192.1414	Chimbwanda W T	October 1, 1999	September 30, 2097	To be assessed	Agric Finance Cor [a parastatal]	Ass. Gen. Manager
CFSS # 15		Battlefields 15	Kadoma	1576.6003	Rugube Lovemore M			To be assessed	University of Zimbabwe	Lecturer
CFSS # 16		Battlefields 16	Kadoma	2101.0321	Kundhlande G & F			To be assessed	Safire [Gladman M Kunhlande is present Director of Southern Alliance for Indigenous Resources (SAFIRE), a Harare-based NGO Details accessed at UZ web page: http://www.uz.ac.zw/agriculture/agex/msc_staff.htm , 26 April 2004]	Deputy Director
CFSS # 17		Battlefields 17	Kadoma	1830.6699	Sunguro S			To be assessed	Dept of Water	Water Engineer
CFSS # 18		Battlefields 18	Kadoma	1761.4402	Zhou E & A			To be assessed	Zimbabwe Farmers Union	Op. Director
CFSS # 19		Battlefields 19	Kadoma	1902.7689	Mbanje D	October 1, 1999	September 30, 2097	To be assessed	ARDA [Emmerson Zhou is indicated as Deputy Director of ZFU in 1998, & seemingly more moderate than President, S Hungwe ZFU was formed in 1991 via merger of National Farmers' Association of Zimbabwe & Zimbabwe National Farmers' Union]	Planning co-ordinator
CFSS # 20		Battlefields 20	Kadoma	2149.662	Mugwagwa N O	October 1, 1999	September 30, 2097	To be assessed	World Bank	Authority - parastatal]
CFSS # 21		Battlefields 21	Kadoma	1696.3918	Madzingo J T			To be assessed	City of Harare	Population Specialist
CFSS # 22		Battlefields 22	Kadoma	1120.7128	Gopo J M			To be assessed	SIRDC	Valuer & Estates Manager
CFSS # 23		Battlefields 23	Kadoma	1219.6238	Murau C H			To be assessed	Fidelity Printers	Director
CFSS # 24		Battlefields 24	Kadoma	1427.4687	Tarugirira N S			To be assessed	Honda Group	Chief Security Officer
CFSS # 25		Battlefields 25	Kadoma	1482.8636	Ushewokunze-Obatolo H U	October 1, 1999	September 30, 2097	To be assessed	Dept of Vet Services	General Manager
CFSS # 26		Battlefields 26	Kadoma	1625.4755	Manika F & R	October 1, 1999	September 30, 2097	To be assessed	Self	Veterinarian
CFSS # 27		Battlefields 27	Kadoma	1703.0355	Mposha J P	October 1, 1999	September 30, 2097	To be assessed	Anglo American	Human Resources Manager
SUMMARY BATTLEFIELDS ESTATE - KADOMA										
Occupied by farmer				0						
Absentee lessee, some agricultural experience				3						
Absentee lessee, no apparent farming experience				24						
Vacant				0						
Deceased				0						
Total				27						
CFSS # 28		Chisimbi 01	Lomagundi	901.7348	Chinembiri Mr F	October 1, 1999	September 30, 2097	To be assessed	Dept of Agritex	Animal Specialist
CFSS # 29		Chisimbi 02	Lomagundi	946.0802	Mpepereki Mr S			To be assessed	University of Zimbabwe	Lecturer
CFSS # 30		Chisimbi 03	Lomagundi	1122.0269	Seremani Mr A			To be assessed	ZSR [Zimbabwe Sugar Refinery - private company]	Commercial Manager
CFSS # 31		Chisimbi 04	Lomagundi	1122.2583	Mudimu Mrs R			To be assessed	Self	Radiographer
SUMMARY CHISIMBI ESTATE - LOMAGUNDI										
Occupied by farmer				0						
Absentee lessee, some agricultural experience				1						
Absentee lessee, no apparent agricultural experience				3						
Vacant				0						
Deceased				0						
Total				4						
CFSS # 32		Coburn 1	Chegutu	636.00	Chadenga V	January 1, 1998	December 31, 2096	\$147,000	Min Agric - Tsetse control	Health inspector
CFSS # 33		Coburn 2	Chegutu	927.00	Marimira G	January 1, 1998	December 31, 2096	\$123,000	Min Agric - Vets	Chief Executive
CFSS # 34		Coburn 3	Chegutu	951.00	Chigange T	January 1, 1998	December 31, 2096	\$74,000	TA Holdings	Director General
CFSS # 35		Coburn 4	Chegutu	890.00	Jonga J K	January 1, 1998	December 31, 2096	\$221,000	DDF [District Development Fund]	Farmer
CFSS # 36		Coburn 5	Chegutu	712.00	Gororo H M	January 1, 1998	December 31, 2096	\$195,000	self	Accountant
CFSS # 37		Coburn 6	Chegutu	535.00	Munonyara D	January 1, 1998	December 31, 2096	\$95,000	Population Services [Population Services (Zimbabwe), or Population Services (International); both are NGOs]	Farmer
CFSS # 38		Coburn 7	Chegutu	183.00	Vacant			\$246,000		Director General
CFSS # 39		Coburn 8	Chegutu	559.60	Munemo M D	January 1, 1998	December 31, 2096	\$75,000	Min Env & Tourism	Dairy farmer
CFSS # 40		Coburn 9	Chegutu	412.40	Dzingwa L K	January 1, 1998	December 31, 2096	\$75,000	self	Agronomist
CFSS # 41		Coburn 10	Chegutu	110.00	Muza H & L	January 1, 1998	December 31, 2096	\$27,000	Min Agric	Director General
CFSS # 42		Coburn 11	Chegutu	110.00	Magumise C E	January 1, 1998	December 31, 2096	\$25,000	Hubert Davis	Extension officer
CFSS # 43		Coburn 12	Chegutu	102.00	Mugabe G	January 1, 1998	December 31, 2096	\$65,000	Min Agric	
CFSS # 44	EU#44	Coburn 13	Chegutu	102.00	Madzongwe E	January 1, 1998	December 31, 2096	\$116,000	Parliament of Zimbabwe	Deputy Speaker
CFSS # 45		Coburn 14	Chegutu	82.00	Charamba I	January 1, 1998	December 31, 2096	\$12,000	self	Farmer
CFSS # 46		Coburn 15	Chegutu	82.00	Mushamba C R	January 1, 1998	December 31, 2096	\$18,000	self	Businesswoman
CFSS # 47		Coburn 16	Chegutu	87.00	Chizengeni T	January 1, 1998	December 31, 2096	\$34,000	Bells Engineering	Managing Director
CFSS # 48		Coburn 17	Chegutu	87.00	Chiminyi N	January 1, 1998	December 31, 2096	\$72,000	Hubert Davis	Agric engineer
CFSS # 49		Coburn 18	Chegutu	60.00	Muza A	January 1, 1998	December 31, 2096	\$75,000	Self	Farmer
CFSS # 50		Coburn 19	Chegutu	60.00	Karima A	January 1, 1998	December 31, 2096	\$26,000	University of Zimbabwe	Lecturer
CFSS # 51		Coburn 20	Chegutu	60.00	Dube W	January 1, 1998	December 31, 2096	\$26,000	Min Home Affairs	Police Officer
CFSS # 52		Coburn 21	Chegutu	60.00	Karase C	January 1, 1998	December 31, 2096	\$25,000	self	Company Director
CFSS # 53		Coburn 22	Chegutu	94.00	Chabikwa W	January 1, 1998	December 31, 2096	\$62,000	Self	Farmer
CFSS # 54		Coburn 23	Chegutu	94.00	Zimbwa G	January 1, 1998	December 31, 2096	\$203,000	self	Farmer
CFSS # 55		Coburn 24	Chegutu	245.00	Vacant			\$74,000		Farmer
CFSS # 56		Coburn 25	Chegutu	389.90	Moyo C	January 1, 1998	December 31, 2096	\$65,000	self	Farmer
CFSS # 57		Coburn 26	Chegutu	128.00	Vacant			\$38,000		Farmer
CFSS # 58		Coburn 27	Chegutu	129.00	Vacant			\$38,000		Farmer
CFSS # 59		Coburn 28	Chegutu	92.00	Mujaho Z	January 1, 1998	December 31, 2096	\$114,000	self	Farmer
CFSS # 60		Coburn 29	Chegutu	92.00	Matekai K	January 1, 1998	December 31, 2096	\$53,000	Zimbabwe Farmers Union	Director General
CFSS # 61		Coburn 30	Chegutu	91.00	Gombo S T	January 1, 1998	December 31, 2096	\$42,000	ARDA	
CFSS # 62		Coburn 31	Chegutu	91.00	Sibanda L M	January 1, 1998	December 31, 2096	\$62,000	Linds Agric Svcs	Agric consultant
CFSS # 63	EU#87	Coburn 32	Chegutu	354.90	Sibanda M	January 1, 1998	December 31, 2096	\$144,000	President's Office	Permanent Secretary
CFSS # 64		Coburn 33	Chegutu	234.30	Mutemeri L	January 1, 1998	December 31, 2096	\$38,000	Agric Research Trust	
CFSS # 65		Coburn 34	Chegutu	252.80	Jandies V	January 1, 1998	December 31, 2096	\$32,000	self	Farmer
CFSS # 66		Coburn 35	Chegutu	211.20	Vacant			\$36,000		Farmer
CFSS # 67		Coburn 36	Chegutu	201.80	Mlambo SS	January 1, 1998	December 31, 2096	\$38,000	Dept Research & Spec Svcs	Deputy Director
CFSS # 68		Coburn 37	Chegutu	256.60	Vacant			\$30,000		Resource Officer
CFSS # 69		Coburn 38	Chegutu	252.10	Mubaya GB	January 1, 1998	December 31, 2096	\$25,000	Safire [Southern Alliance for Indigenous Resources - a Zimbabwean NGO]	Estate Manager
CFSS # 70		Coburn 39	Chegutu	419.10	Chiripamberi B	January 1, 1998	December 31, 2096	\$21,000	ARDA	Executive officer
CFSS # 71		Coburn 40	Chegutu	297.00	Zinoywera D A	January 1, 1998	December 31, 2096	\$22,000	Zimbabwe Teacher's Association	Auditor
CFSS # 72		Coburn 41	Chegutu	297.80	Nhari S	January 1, 1998	December 31, 2096	\$22,000	ARDA	Farmer
CFSS # 73		Coburn 42	Chegutu	487.60	Matindike A	January 1, 1998	December 31, 2096	\$24,000	self	Farmer
CFSS # 74		Coburn 43	Chegutu	201.10	Mukwena C	January 1, 1998	December 31, 2096	\$28,000	deceased	Farmer
CFSS # 75		Coburn 44	Chegutu	278.70	Muzenda C	January 1, 1998	December 31, 2096	\$41,000	self	Farmer
CFSS # 76		Coburn 45	Chegutu	168.30	Nyika J	January 1, 1998	December 31, 2096	\$13,000	Dept Vet Svcs	Prov vet Officer
CFSS # 77		Coburn 46	Chegutu	201.10	Gaka R	January 1, 1998	December 31, 2096	\$13,000	Min Home Affairs	Police Officer
CFSS # 78		Coburn 47	Chegutu	143.80	Chinengundu M R	January 1, 1998	December 31, 2096	\$20,000	City of Harare	Chief Security Officer
CFSS # 79	EU#95	Coburn 48	Chegutu	115.70	Zvinavashe P	January 1, 1998	December 31, 2096	\$29,000	Zimbabwe Defence Forces	General
CFSS # 80		Coburn 49	Chegutu	115.70	Vacant			\$19,000		
CFSS # 81		Coburn 50	Chegutu	80.90	Vacant			\$18,000		
SUMMARY COBURN ESTATE - CHEGUTU										
Occupied by farmer				9						
Absentee lessee, some agricultural experience				10						
Absentee lessee, no apparent agricultural experience				22						
Vacant				8						
Deceased				1						
Total				50						
CFSS # 82		Endeavour 1	Mhangura	191.36	Mwamuka N			To be assessed	ICRISAT [International Crop Research Institute for the Semi-Arid Tropics]	Farm Manager
CFSS # 83		Endeavour 2	Mhangura	154.21	Mashingwani N	January 1, 1998	December 31, 2096	To be assessed	Min Agric	Farm Manager
CFSS # 84		Endeavour 3	Mhangura	171.70	Mazambani E	January 1, 1998	December 31, 2096	To be assessed	Forestry Commission	Health Inspector
CFSS # 85		Endeavour 4	Mhangura	149.43	Chitehwe D M			To be assessed	Min Agric	Farmer
CFSS # 86		Endeavour 5	Mhangura	123.77	Mangombe F	January 1, 1998	December 31, 2096	To be assessed	Self	Farmer
CFSS # 87		Endeavour 6	Mhangura	157.01	Tigere J	January 1, 1998	December 31, 2096	To be assessed	Plastique Industries	Shipping Manager
CFSS # 88		Endeavour 7	Mhangura	128.48	Mautsa	January 1, 1998	December 31, 2096	To be assessed	University of Zimbabwe	Programme Coordinator
CFSS # 89		Endeavour 8	Mhangura	117.65	Nyahondo C B			To be assessed	Dozmary Training Centre	Lecturer
CFSS # 90		Endeavour 9	Mhangura	135.64	Vacant			To be assessed		
CFSS # 91		Endeavour 10	Mhangura	109.13	Muk					

Deceased											
Total											
CFSS #	FARM NAME	DISTRICT	EXTENT ha	LESSEE	COM DATE	EXP DATE	RENTAL p.a.	EMPLOYER	OCCUPATION		
CFSS # 92	Marula 1	BulalimaMangwe	76.63	Bango Dr G L			To be assessed	Min Health	Medical practitioner		
CFSS # 93	Marula 2	BulalimaMangwe	90.74	Nyashanu H			To be assessed	Self	Businessman		
CFSS # 94	Marula 3	BulalimaMangwe	1496.37	Ncube N Mrs			To be assessed	Zim Investment Centre	Director		
CFSS # 95	Marula 4	BulalimaMangwe	1665.82	Nsimbi Z			To be assessed	Min Transport	Dep Minister		
CFSS # 96	Marula 5	BulalimaMangwe	1719.15	Nkala H			To be assessed	Rainbow Tourism Group	Chief Executive		
CFSS # 97	Marula 6	BulalimaMangwe	1589.33	Mjimba R			To be assessed	Min Agric	Rural state land officer		
CFSS # 98	Marula 7	BulalimaMangwe	1613.74	Nkomani K	January 1, 1999	September 30, 2097	To be assessed	Min Foreign Affairs	Ambassador		
CFSS # 99	Marula 8	BulalimaMangwe	1271.05	Vuma D	October 1, 1997	September 30, 2097	To be assessed	University of Zimbabwe	Lecturer		
CFSS # 100	Marula 9	BulalimaMangwe	1642.53	Mabena A			To be assessed	National Railways	Chief Executive		
CFSS # 101	Marula 10	BulalimaMangwe	1422.54	Nyathi Dr & Mrs K H			To be assessed	Min Agric	Researcher -livestock		
CFSS # 102	Marula 11	BulalimaMangwe	2031.02	Ndlovu Prof L			To be assessed	University of Zimbabwe	Professor		
CFSS # 103	Marula 12	BulalimaMangwe	953.11	Sibanda A & Mrs Z			To be assessed	Dept Water	Civil Engineer		
CFSS # 104	Marula 13	BulalimaMangwe	1521.33	Nyathi M & Mrs J			To be assessed	Agritex	Extension Officer		
CFSS # 105	Marula 14	BulalimaMangwe	1474.56	Sibanda O			To be assessed	Self	Businessman		
CFSS # 106	Marula 15	BulalimaMangwe	1251.91	Ndlovu I P Z			To be assessed	IPZ consult	Financial consultant		
CFSS # 107	Marula 16	BulalimaMangwe	2718.79	Chivere T			To be assessed	Cottco	Agronomist		
CFSS # 108	Marula 17	BulalimaMangwe	2610.66	Maphenduka J	October 1, 1999	September 30, 2097	To be assessed	Self	Farmer		
CFSS # 109	Marula 18	BulalimaMangwe	2507.37	Mthupha G M	October 1, 1999	September 30, 2097	To be assessed	Self	Architect		
CFSS # 110	Marula 19	BulalimaMangwe	2081.08	Tebele Ntando Dr			To be assessed	Min Agric	Researcher -livestock		
CFSS # 111	Marula 20	BulalimaMangwe	2051.31	Mililo P & Mrs N	October 1, 1999	September 30, 2097	To be assessed	NUST	Lecturer		
CFSS # 112	Marula 21	BulalimaMangwe	1631.60	Malaba Dr E			To be assessed	Self	Medical practitioner		
CFSS # 113	Marula 22	BulalimaMangwe	1526.74	Nyoni G			To be assessed	Self	Legal practitioner		
CFSS # 114	Marula 23	BulalimaMangwe	1940.39	Noko B			To be assessed	ARDER	Estate manager		
CFSS # 115	Marula 24	BulalimaMangwe	1784.68	Sitshoni T			To be assessed	Self	Businessman		
CFSS # 116	Marula 25	BulalimaMangwe	2585.25	Malinga L T			To be assessed	Self	Farmer		
CFSS # 117	Marula 26	BulalimaMangwe	1789.57	Nleya G G			To be assessed	Merex Property Sales	Real estate agent		
CFSS # 118	Marula 27	BulalimaMangwe	1771.83	Sibanda Mrs E			To be assessed	Dondolo/Mudonzvo C Scheme	Development worker		
CFSS # 119	Marula 28	BulalimaMangwe	2923.09	Jamela K S			To be assessed	Hillside Teachers college	Lecturer		
CFSS # 120	Marula 29	BulalimaMangwe	2840.60	Ndlovu Dr C D	October 1, 1999	September 30, 2097	To be assessed	ZIPAM	Director General		
CFSS # 121	Marula 30	BulalimaMangwe	2033.62	Sibanda P & Mrs A	October 1, 1999	September 30, 2097	To be assessed	Zagrinda (Pvt) Ltd	Managing Director		
CFSS # 122	Marula 31	BulalimaMangwe	1140.13	Sibanda Dr Z			To be assessed	Tobacco Research Board	Nematologist		
CFSS # 123	Marula 32	BulalimaMangwe	2279.95	Dube F J			To be assessed	Min Education	Education Officer		
CFSS # 124	Marula 33	BulalimaMangwe	2592.43	Ncube G & Mrs N			To be assessed	Agritex	Extension Officer		
CFSS # 125	Marula 34	BulalimaMangwe	2235.23	Ndlovu D S			To be assessed	Self	School Teacher Retired		
CFSS # 126	Marula 35	BulalimaMangwe	1866.02	Malaba Justice L			To be assessed	Min Justice	High Court Judge		
CFSS # 127	Marula 36	BulalimaMangwe	2131.95	Mpabanga E			To be assessed	Agric Finance Corp	Branch Manager		
CFSS # 128 EU#49	Marula 37	BulalimaMangwe	2034.83	Moyo Hon S K			To be assessed	Min Mines	Minister		
CFSS # 129	Marula 38	BulalimaMangwe	2039.49	Cheda Justice M A			To be assessed	Min Justice	High Court Judge		
CFSS # 130	Marula 39	BulalimaMangwe	1866.11	Nkala D			To be assessed	UNDP	Programme coordinator		
CFSS # 131	Marula 40	BulalimaMangwe	154.42	Nyathi V R M			To be assessed	UNDP	[United Nations Development Programme]		
CFSS # 132	Marula 41	BulalimaMangwe	85.19	Malusaila P			To be assessed	President's Office	Director		
CFSS # 133	Marula 42	BulalimaMangwe	107.95	Moyo S			To be assessed	Seed Co Ltd	Business Devpt Manager		
CFSS # 134	Marula 43	BulalimaMangwe	123.08	Madlela A H			To be assessed	ARD	Estate manager		
CFSS # 135	Marula 44	BulalimaMangwe	141.42	Tlou R			To be assessed	Zimrail Consultancy	Consultant		
CFSS # 136	Marula 45	BulalimaMangwe	117.93	Dungeni B			To be assessed	Zimbabwe Farmers Union	Agric extension officer		
CFSS # 137	Marula 46	BulalimaMangwe	137.55	Ndlovu G			To be assessed				
CFSS # 138	Marula 47	BulalimaMangwe	139.21	Jamela Z			To be assessed				
CFSS # 139	Kezi 1	BulalimaMangwe	2569.20				To be assessed	UNDP	Ecologist		
SUMMARY MARULA ESTATE & KEZI ESTATE - BULALIMA-MANGWE											
Occupied by farmer											
Absentee lessee, some agricultural experience											
Absentee lessee, no apparent agricultural experience											
Vacant											
Deceased											
Total											
CFSS # 140 EU#10	Nyamazura 1	Mutare	259.57	Chinamasa P & M	October 1, 1966	September 30, 2097	To be assessed	Govt Zimbabwe	Attorney General		
CFSS # 141	Nyamazura 2	Mutare	221.25	Mushowe C	October 1, 1966	September 30, 2097	To be assessed	President's Office	Principal Director		
CFSS # 142	Nyamazura 3	Mutare	200.35	Farmers Dev Trust [Harare-based NGO]			To be assessed				
CFSS # 143	Nyamazura 4	Mutare	199.57	Pswarayi P M			To be assessed	Self	Farmer		
CFSS # 144	Nyamazura 5	Mutare	183.97	Muradzikwa H H			To be assessed	ZIANA	Editor in Chief		
CFSS # 145	Nyamazura 6	Mutare	166.12	Dengu E&R	October 1, 1966	September 30, 2097	To be assessed	Interim Technology	Director		
CFSS # 146	Nyamazura 7	Mutare	174.75	Madondo SB	October 1, 1966	September 30, 2097	To be assessed	Agritex	Extension Officer		
CFSS # 147	Nyamazura 8	Mutare	216.20	Nyanbuya M	October 1, 1966	September 30, 2097	To be assessed	Zim National Army	General		
SUMMARY NYAMAZURA ESTATE - MUTARE											
Occupied by farmer											
Absentee lessee, some agricultural experience											
Absentee lessee, no apparent agricultural experience											
Vacant											
Deceased											
Total											
CFSS # 148	Sessombi 1	Kwe Kwe	1284.79	Chiponzana V			To be assessed	Min Education	Teacher		
CFSS # 149	Sessombi 2	Kwe Kwe	1284.79	Vacant			To be assessed				
CFSS # 150	Sessombi 3	Kwe Kwe	1292.75	Sibanda M I			To be assessed	Government of Zimbabwe	Director		
CFSS # 151	Sessombi 4	Kwe Kwe	1276.80	Vacant			To be assessed				
CFSS # 152	Sessombi 5	Kwe Kwe	1290.79	Vudzijena V			To be assessed	Self	Businessman		
CFSS # 153	Sessombi 6	Kwe Kwe	1278.76	Ncube S	January 1, 1998	December 31, 2096	To be assessed	Agritex	Research Technician		
CFSS # 154	Sessombi 7	Kwe Kwe	1284.78	Runesu T N			To be assessed	Agritex	Extension Officer		
CFSS # 155	Sessombi 8	Kwe Kwe	1284.78	Vacant			To be assessed				
CFSS # 156	Sessombi 9	Kwe Kwe	723.16	Mhondiwa A O			To be assessed	Triangle Ltd	Farmer		
CFSS # 157	Sessombi 10	Kwe Kwe	723.16	Chivurungwe RO			To be assessed	Chivurugwi Timbers	Businessman		
CFSS # 158	Sessombi 11	Kwe Kwe	1123.27	Njovana C A			To be assessed	Self	Businessman		
CFSS # 159	Sessombi 12	Kwe Kwe	793.00	Vacant			To be assessed				
CFSS # 160	Sessombi 13	Kwe Kwe	786.54	Nyoni M			To be assessed	Min Defence	Farm Manager		
CFSS # 161	Sessombi 14	Kwe Kwe	1178.53	Kwela P	January 1, 1998	December 31, 2096	To be assessed	UZ [University of Zimbabwe]	Lecturer		
CFSS # 162	Sessombi 15	Kwe Kwe	1234.04	Mukurumbira L			To be assessed	Min Agric	Agronomist		
CFSS # 163	Sessombi 16	Kwe Kwe	1333.84	Malumani J M	January 1, 1998	December 31, 2096	To be assessed	UZ	Physics technician		
CFSS # 164	Sessombi 17	Kwe Kwe	1133.13	Vacant			To be assessed				
CFSS # 165	Sessombi 18	Kwe Kwe	1222.82	Makova W C	January 1, 1998	December 31, 2096	To be assessed	Clama Interlinks	Manager		
CFSS # 166	Sessombi 19	Kwe Kwe	1294.58	Mabika H	January 1, 1998	December 31, 2096	To be assessed	Clama Interlinks is a subsidiary of Clama Consulting, a Portuguese communications technology company	Farmer		
CFSS # 167	Sessombi 20	Kwe Kwe	1294.58	Mandevu F G			To be assessed	Found Mutual Soc	Director General		
CFSS # 168	Sessombi 21	Kwe Kwe	1299.94	Vacant			To be assessed				
CFSS # 169	Sessombi 22	Kwe Kwe	1296.12	Zimuto R C	January 1, 1998	December 31, 2096	To be assessed	Heifer Project Ins	Project coordinator		
CFSS # 170	Sessombi 23	Kwe Kwe	1259.78	Hikwa D & D			To be assessed	Self	Medical practitioner		
CFSS # 171	Sessombi 24	Kwe Kwe	1271.76	Vacant			To be assessed				
CFSS # 172	Sessombi 25	Kwe Kwe	1284.78	Vacant			To be assessed				
CFSS # 173	Sessombi 26	Kwe Kwe	1309.86	Vacant			To be assessed				
CFSS # 174	Sessombi 27	Kwe Kwe	1356.27	Hove D & B	January 1, 1998	December 31, 2096	To be assessed	ARDA	Section manager		
CFSS # 175	Sessombi 28	Kwe Kwe	1355.30	Dube	January 1, 1998	December 31, 2096	To be assessed	Cold Storage Company			
CFSS # 176	Sessombi 29	Kwe Kwe	1269.05	Mungani S	January 1, 1998	December 31, 2096	To be assessed	Self			
CFSS # 177	Sessombi 30	Kwe Kwe	1308.45	Mudzindzadi C	January 1, 1998	December 31, 2096	To be assessed	Agricura	Sales Rep		
CFSS # 178	Sessombi 31	Kwe Kwe	1313.57	Vacant			To be assessed	Agricura P/L, a subsidiary of Chemco Holdings Ltd]			
CFSS # 179	Sessombi 32	Kwe Kwe	1252.41	Vacant			To be assessed				
CFSS # 180	Sessombi 33	Kwe Kwe	1233.62	Vacant			To be assessed				
CFSS # 181	Sessombi 34	Kwe Kwe	1299.90	Muchineripi P			To be assessed	Astra Holdings	Training manager		
CFSS # 182	Sessombi 35	Kwe Kwe	1432.35	Vacant			To be assessed				
CFSS # 183	Sessombi 36	Kwe Kwe	1363.62	Mhlanga A T			To be assessed	Min Agric	Principal Research Officer		
CFSS # 184	Sessombi 37	Kwe Kwe	1413.79	Moyo P	January 1, 1998	December 31, 2096	To be assessed	Min Agric	Veterinary surgeon		
CFSS # 185	Sessombi 38	Kwe Kwe	1410.04	Vacant			To be assessed				
CFSS # 186	Sessombi 39	Kwe Kwe	1451.39	Nhunhama G	January 1, 1998	December 31, 2096	To be assessed	Min Local Govt	Hydrogeologist		
CFSS # 187	Sessombi 40	Kwe Kwe	1456.43	Maravanyika E	January 1, 1998	December 31, 2096	To be assessed				
SUMMARY SESSOMBI ESTATE - KWE KWE											
Occupied by farmer											
Absentee lessee, some agricultural experience											
Absentee lessee, no apparent agricultural experience											
Vacant											
Deceased											
Total											
CFSS # 188	Sikato 1	Masvingo	44.77	Makuwe C	January 1, 1999	September 30, 2097	To be assessed	CM Sheetmetal Works	Businessman		

CFSS # 189	Sikato 2	Masvingo	28.55 Mbanje R E	January 1, 1999	September 30, 2097	To be assessed		
CFSS # 190	Sikato 3	Masvingo	39.90 Hungwe S			To be assessed	Zimbabwe Farmers Union	President
CFSS # 191	Sikato 4	Masvingo	44.00 Machida C	January 1, 1999	September 30, 2097	To be assessed	Agric Finance Corp	Asst Manager
CFSS # 192	Sikato 5	Masvingo	38.86 Dube D&C			To be assessed	ARDA	Agricultural consultant
CFSS # 193	Sikato 6	Masvingo	36.38 Chigudu T E			To be assessed	Ministry Home Affairs	Permanent Secretary
CFSS # 194	Sikato 7	Masvingo	34.04 Mandengu C & M			To be assessed	Capacity Building Foundation [Africa Capacity Building Foundation (ACBF) - Harare-based NGO]	Accountant
CFSS # 195	Sikato 8	Masvingo	20.36 Teveraishe C			To be assessed	NSSA [National Social Security Authority, a mutual society]	Asst Gen Manager
CFSS # 196	Sikato 9	Masvingo	21.03 Mbetu KC	January 1, 1999	September 30, 2097	To be assessed	Min Higher Education	Lecturer
CFSS # 197 EU#6	Sikato 10	Masvingo	40.85 Charumbira Chief Z			To be assessed		Chief
CFSS # 198	Sikato 11	Masvingo	23.57 Mazvidza J			To be assessed	Bondolfi Teachers College	Lecturer
CFSS # 199	Sikato 12	Masvingo	15.19 Maposa B			To be assessed	Agritex	Extension Officer
CFSS # 200	Sikato 13	Masvingo	18.98 Changamire M	January 1, 1999	September 30, 2097	To be assessed	Contact Human Resources	Businessman
CFSS # 201	Sikato 14	Masvingo	19.08 Chuma C			To be assessed	Christain Care [NGO]	Projects Officer
CFSS # 202	Sikato 15	Masvingo	18.73 Danda E T			To be assessed	Agritex	Deputy Director
CFSS # 203	Sikato 16	Masvingo	18.33 Chisenga G & T			To be assessed	Geopta [Zimbabwean construction company]	Engineer/Businesswoman
CFSS # 204	Sikato 17	Masvingo	19.23 Chamboko T	January 1, 1999	September 30, 2097	To be assessed	Min Agric	Economist
CFSS # 205	Sikato 18	Masvingo	17.60 Hakutangwe M & Mrs			To be assessed	Agritex	Chief Training officer
CFSS # 206	Sikato 19	Masvingo	15.87 Nyembwa W			To be assessed	Min Industry & Commerce	Under Secretary
CFSS # 207	Sikato 20	Masvingo	38.80 Maswerakuenda E			To be assessed	Ceres Farms [a farm traineeship programme - through International Ass. of Agricultural Students - Zimbabwe (IAAS) based at UZ, & linked to IAAS (International)]	Farm manager
CFSS # 208	Sikato 21	Masvingo	15.13 Maunganidze B			To be assessed	President's Office	
CFSS # 209	Sikato 22	Masvingo	27.15 Munonyara A M			To be assessed	Unifreight Ltd	Company secretary
CFSS # 210	Sikato 23	Masvingo	62.23 Chipaliso D P			To be assessed	Agritex	Extension Officer
CFSS # 211	Sikato 24	Masvingo	50.56 Munezvenyu P			To be assessed	SIRDC	Deputy Director
CFSS # 212	Sikato 25	Masvingo	42.53 Chivonivoni C M	January 1, 1999	September 30, 2097	To be assessed	National Railways	Civil engineer
CFSS # 213	Sikato 26	Masvingo	144.90 Muti T			To be assessed	Triangle Limited	Agri economist
CFSS # 214	Sikato 27	Masvingo	355.85 Makore F B			To be assessed	Min Education	Executive Officer
CFSS # 215	Sikato 28	Masvingo	253.59 Chifamba I K			To be assessed	Min Agric DRSS [Department of Research and Specialist Services]	Branch Head
CFSS # 216	Sikato 29	Masvingo	254.94 Muliwanyuka P	January 1, 1999	September 30, 2097	To be assessed	COMESA Secretariat [Common Market for Eastern and Southern Africa - a trans-national agreement]	Programme analyst

SUMMARY SIKATO ESTATE - MASVINGO

Occupied by farmer

0

Absentee lessee, some agricultural experience

7

Absentee lessee, no apparent agricultural experience

22

Vacant

0

Deceased

0

Total

29

CFSS #	FARM NAME	DISTRICT	EXTENT ha	LESSEE	COM DATE	EXP DATE	RENTAL p.a.	EMPLOYER	OCCUPATION
CFSS # 217	Vungu 1	Gweru	1777.85	Reserved			To be assessed		
CFSS # 218	Vungu 2	Gweru	1787.55	Reserved			To be assessed		
CFSS # 219	Vungu 3	Gweru	1785.72	Reserved			To be assessed		
CFSS # 220	Vungu 4	Gweru	1540.59	Reserved			To be assessed		
CFSS # 221	Vungu 5	Gweru	1199.36	Reserved			To be assessed		
CFSS # 222	Vungu 6	Gweru	1436.54	Reserved			To be assessed		
CFSS # 223	Vungu 7	Gweru	1634.34	Reserved			To be assessed		
CFSS # 224	Vungu 8	Gweru	1802.78	Ndebele Hon C			To be assessed	Parliament of Zimbabwe	Speaker
				[Dr Cyril Enoch Ndebele was chairman of ZAPU in 1970, & part of PF delegation at Lancaster House (1979); elected to Parliament in 1990 & to role of Speaker in 1995; he came into conflict with Mugabe & lost this role in 2000.					
CFSS # 225	Vungu 9	Gweru	1522.23	Manyuchi Dr EP			To be assessed	Self	Consultant
CFSS # 226	Vungu 10	Gweru	1298.06	Vengai BM			To be assessed	Mbudaya Enterprises	Managing Director
CFSS # 227	Vungu 11	Gweru	1271.71	Shoniwa S			To be assessed	Dept Water	Water engineer
CFSS # 228	Vungu 12	Gweru	1375.63	Makadho Dr J			To be assessed	Agritex	Director
CFSS # 229	Vungu 13	Gweru	1256.61	Golora Eng P			To be assessed		Engineer
CFSS # 230	Vungu 14	Gweru	1229.35	Madziyire Dr M	October 1, 1999	September 30, 2097	To be assessed	Min Agric	Veterinarian
CFSS # 231	Vungu 15	Gweru	1272.54	Gova E & Mrs			To be assessed	Agritex	Agronomist
CFSS # 232	Vungu 16	Gweru	1300.17	Simango FB			To be assessed	Self	Businessman
CFSS # 233	Vungu 17	Gweru	1405.57	Marongwe D	October 1, 1999	September 30, 2097	To be assessed	Min Mines	Assistant Secretary
CFSS # 234	Vungu 18	Gweru	1333.11	Mushonwa ET			To be assessed	Self	Businessman
CFSS # 235	Vungu 19	Gweru	1394.31	Makoni JJ			To be assessed	Self	Miller
CFSS # 236	Vungu 20	Gweru	1350.32	Mwamuka Dr J			To be assessed	Min Agric	Veterinarian
CFSS # 237	Vungu 21	Gweru	1173.69	Nyamambi BD			To be assessed	ARDA	Estate Manager
CFSS # 238	Vungu 22	Gweru	1621.07	Magoche Dr EB			To be assessed	Self	Medical practitioner
CFSS # 239	Vungu 23	Gweru	1099.76	Ncube Prof W			To be assessed	University of Zimbabwe	Professor of Law
				[Professor of Law, Welshman Ncube, was a leading member in 1999 of NCA (which provoked the Government's CRC), & is a supporter of land reform & Constitutional reform, & has at times challenged the Government's implementation; Institute for Justice & Reconciliation, National Constitutional Assembly (NCA) and the Constitutional Review Processes in 1999', South Africa, accessed at: http://www.ijr.org.za/monitors/mon_pgs/zim/NATIONAL%20CONSTITUTIONAL%20ASSEMBLY%20(NCA).doc , 27 April 2004					
CFSS # 240	Vungu 24	Gweru	2126.22	Mtindi JT			To be assessed	Self	Businessman
CFSS # 241	Vungu 25	Gweru	2154.44	Muwandi DT	October 1, 1999	September 30, 2097	To be assessed	Self	Farmer
CFSS # 242	Vungu 26	Gweru	1071.91	Moyo D			To be assessed	Min Education	Educationist
CFSS # 243	Vungu 27	Gweru	1424.15	Vunge M	October 1, 1999	September 30, 2097	To be assessed	Dairy Devpt Programme [subsidiary of the Agricultural Rural Development Corporation]	Extension Officer
CFSS # 244	Vungu 28	Gweru	1672.42	Mguni Dr J	October 1, 1999	September 30, 2097	To be assessed	Min Agric	Research officer

SUMMARY VUNGU ESTATE - GWERU/KWEKWE

Occupied by farmer

1

Absentee lessee, some agricultural experience

4

Absentee lessee, no apparent agricultural experience

16

Vacant

0

Reserved for undisclosed persons

7

Deceased

0

Total

28

2ND LIST - ORDINARY TENANT FARMER SCHEME (BY DISTRICT)

OTFS #	FARM NAME	DISTRICT	EXTENT ha	LESSEE	COM DATE	EXP DATE	RENTAL p.a.	EMPLOYER	OCCUPATION
OTFS # 1	Umkondo Mining Reserve	Bikita	6625	Pabst Holdings P/L	July 1, 1995	June 30, 2015	To be assessed		Company
OTFS # 2	Kerry of Butleigh	Bindura	730	Danda Artwell	November 1, 1993	October 31, 1998	\$36,380		Farmer
OTFS # 3	Lot A of R/E Shashe Estate	Bindura	1200	Gezi Border	May 1, 1998	June 30, 2097	\$58,564		Provincial Governor
OTFS # 4	Melfort Extension	Bindura	107	Matanga G T	October 1, 1993	September 30, 1998	\$1,585		Civil Servant
OTFS # 5 EU#34	R/E of Audrey Farm	Bindura	2836	Shiri Perence	October 1, 1995	September 30, 2000	\$50,600	Air Force of Zimbabwe	Air Vice Marshal
OTFS # 6	Stella Outspan	Bindura	28	Chivizhe Raymond	January 1, 1997	December 31, 2096	To be assessed		
OTFS # 7	Three Streams Extension	B'lima Mangwe	350	Rosenfels Sigmund J	October 1, 1972	September 30, 1992	\$150		Farmer
OTFS # 8	Ingwazi Outspan	B'lima Mangwe	199	Mangena Enock G	October 1, 1995	September 30, 2000	To be assessed		Farmer
OTFS # 9	Luchabi Outspan	B'lima Mangwe	1829	Ndlovu Richard M	October 1, 1995	September 30, 2000	To be assessed		Member of Parliament
OTFS # 10	Mtunduluka Township	B'lima Mangwe	169	Nondo Pius Jack	June 1, 1994	December 31, 2000	\$1,200		Civil Servant
OTFS # 11	Ballonack/Sargents Farm	B'lima-Mangwe	80	Ngwazane Ignatious	October 1, 1994	September 30, 1999	\$27		Civil Servant
OTFS # 12	Killegar	Bubi	1088	Mabhena Welshman	October 1, 1995	September 30, 2000	To be assessed		Provincial Governor
OTFS # 13	Stand D Lonely Mines S/L	Bubi	4	Abrahamson Mrs L	October 1, 1974	December 31, 1994	\$48		Self employed
OTFS # 14	Great Dyke R/E	Centenary	14171	Centenary road council	October 1, 1993	September 30, 1998	To be assessed		Local Authority
OTFS # 15	R/E of Mooldart	Charter	676	Munyai Waston	October 1, 1995	September 30, 2000	To be assessed		Civil Servant
OTFS # 16	Delcia A Mining Reserve	Chegutu	471	Nyamulambo Vashiko	October 1, 1991	December 31, 1996	\$540		Farmer
OTFS # 17	Delcia B Mining Reserve	Chegutu	463	Mundingi Mischeck	October 1, 1995	September 30, 2000	\$7,000		Farmer
OTFS # 18	Delcia C Mining Reserve	Chegutu	576	Mundiya N T	October 1, 1995	December 31, 2000	To be assessed		Farmer
OTFS # 19	Evanston/Kintra Unit 1	Chegutu	658	Chitava Patricia W	October 1, 1995	September 30, 2000	\$18,000		Civil Servant
OTFS # 20	Evanston/Kintra Unit 2	Chegutu	520	Chikuni Farayi	September 1, 1995	August 31, 2000	\$12,000		Farmer
OTFS # 21	Evanston/Kintra Unit 3	Chegutu	643	Tembo Solomon	October 1, 1996	September 30, 2001	\$8,200		ZIMRE
				[Zimre Holdings Ltd, formerly Zimbabwe Reinsurance Co, with major investments in Africa etc]					
OTFS # 22	Evanston/Kintra Unit 4	Chegutu	863	Mhaka Isaac	July 1, 1996	June 30, 2001	\$9,200		Civil Servant
OTFS # 23	R/E of Bougainvillea	Chegutu	650	Mandizvidza Ent P/L	July 1, 1995	June 30, 2000	\$21,000		Cabinet Minister
OTFS # 24	R/E of Marlow	Chegutu	512	Hativagone Audrey	October 1, 1995	September 30, 2000	\$220,000		Self employed
OTFS # 25	S/D A of Lot 1 of Mopani	Chegutu	136	Ndanga Oswald T	November 1, 1995	December 31, 2000	To be assessed		Consultant
OTFS # 26	S/D B of Lot 1 of Mopani	Chegutu	187	Chirenje William M	October 1, 1995	September 30, 2000	To be assessed		Self employed
OTFS # 27	S/D C of Lot 1 of Mopani	Chegutu	175	Vhurumuku Douglas	October 1, 1995	September 30, 2000	\$7,700		Farmer
OTFS # 28	S/D D of Lot 1 of Mopani	Chegutu	245	Gahamadze Devoy	November 1, 1996	December 31, 2000	\$6,500		Businessman
OTFS # 29	Sable & R/E Bushy Park	Chegutu	1542	Gwasira Shepherd	October 1, 1993	September 30, 1998	\$5,000		Civil Servant
OTFS # 30	Shepherd Reef S/L	Chegutu	665	Moyo Esau	October 1, 1995	September 30, 2000	\$31,600		Civil Servant
OTFS # 31	Sun Sun Dam Site 10	Chegutu	7	Lions of Umfuli	January 1, 1972	December 31, 1992	\$72		Club
OTFS # 32	Turkoise State Land	Chegutu	1974	Nhari N	October 1, 1989	December 31, 1999	\$800		Farmer
OTFS # 33	Springbok and Wildemess	Chilimanzi	180	Muzvidza Davet	October 1, 1993	September 30, 1998	\$64		Farmer
OTFS # 34	Outward Bound Mountain School	Chimanimani	40	O B A Zimbabwe	January 1, 1995	December 31, 2005	\$100		Association
OTFS # 35	Rupisi Hot Springs/Lot 4&5	Chipinge	353	Gata Sydney Z	August 1, 1995	July 31, 2000	To be assessed		Consultant
OTFS # 36	Faversham Annexe	Chiredzi	1352	Maluleke Titus	October 1, 1993	September 30, 2003	\$400		Businessman
OTFS # 37	Magudu Ranch	Chiredzi	10701	Cold Storage Comm	January 1, 1962	December 31, 1996	\$9,200		Parastatal
OTFS # 38	S/D 01 of Lot 6 Essanby	Chiredzi	67	Takavarasha Gillmore	June 1, 1997	May 31, 2096	To be assessed		Farmer
OTFS # 39	S/D 02 of Lot 6 Essanby	Chiredzi	48	Makuni Linda	June 1, 1997	September 30, 2001	To be assessed		Civil Servant
OTFS # 40	S/D 03 of Lot 6 Essanby	Chiredzi	47	Chitambo Bekkie L	June 1, 1997	September 30, 2001	To be assessed		Farmer
OTFS # 41	S/D 04 of Lot 6 Essanby	Chiredzi	61	Tamirepi Elisha	October 1, 1997	September 30, 2002	To be assessed		Cargil Zimbabwe
				[? Cargil International Corp; registered in Bahamas, with links to cotton production in Zimbabwe]					
OTFS # 42	S/D 05 of Lot 6 Essanby	Chiredzi	66	Gwenzi Moses	June 1, 1997	September 30, 2001	To be assessed		Farmer
OTFS # 43 EU#12	S/D 06 of Lot 6 Essanby	Chiredzi	76	Chipanga T S	June 1, 1997	September 30, 2001	To be assessed		Civil Servant
				[Deputy Minister of Home Affairs]					
OTFS # 44									

OTFS #	56	Umtshabezi Outspan	Gwanda	152 Dr. JJ Gugar	June 1, 1990	December 31, 1994	\$1,800	Medical Doctor
OTFS #	57	Plot 11 Gweru West Block	Gweru	12 Maturure Cain L	January 1, 1995	December 31, 1995	\$490	Civil Servant
OTFS #	58	Plot 15 Gweru West Block	Gweru	17 Dube Mberengwa	January 1, 1991	December 31, 1995	\$480	Farmer
OTFS #	59	Plot 16 Gweru West Block	Gweru	17 Waldman Alexander	January 1, 1995	December 31, 1999	\$4,800	Farmer
OTFS #	60	Plot 21 Gweru West Block	Gweru	26 Chimwaza George	September 1, 1994	August 31, 1999	\$880	Parastatal
OTFS #	61	Plot 22 Gweru West Block	Gweru	20 Morgan Maria L	January 1, 1996	December 31, 2000	\$3,150	Self employed
OTFS #	62	Plot 23 Gweru West Block	Gweru	20 Moyo Abraham T	January 1, 1998	September 30, 2006	\$1,500	Philips electrical
OTFS #	63	West Gweru Block 4	Gweru	200 Vacant				
OTFS #	64	Imbwa	Harare	1444 Machipisa Philemon	October 1, 1998	September 30, 2007	\$46,770	Farmer
OTFS #	65	R/E of Sikumi	Hwange	2908 Hotel Properties	January 1, 1984	December 31, 1993	\$30,000	Company
OTFS #	66	Railway Farm 52 Extension	Hwange	2214 Pride of Zim Safaris	August 1, 1996	July 31, 2006	To be assessed	Company
OTFS #	67	State Land V	Hwange	15066 Hwange Rural Council	January 1, 1994	December 31, 2004	\$20,700	Local Authority
OTFS #	68	State Land F Hwange	Hwange	3400 Mhlanga Geoffrey S	November 1, 1993	October 31, 2003	To be assessed	Consultant
OTFS #	69	State Land C	Hwange	10500 Musariri Tobias	October 1, 1993	September 30, 1998	To be assessed	Businessman
OTFS #	70	Ptn Westondale S/L	Insiza	95 Siyabonga Orphanage	January 1, 1994	December 31, 1998	\$250	Welfare organisation
OTFS #	71	Bannerlands Extension	Kadoma	560 Kujinga Kumbirayi	October 1, 1993	September 30, 1998	\$201	Farmer
OTFS #	72	Belfast Estate Lot 1	Kadoma	638 Chimanikire Titus	October 1, 1996	September 30, 2001	\$15,600	Farmer
OTFS #	73	Belfast Estate Lot 2	Kadoma	614 Majongwe Peter	October 1, 1995	September 30, 2001	\$8,600	Consultant
OTFS #	74	Belfast Estate Lot 3	Kadoma	611 Chiuswa Damiano	October 1, 1997	September 30, 2006	\$9,200	University of Zimbabwe
OTFS #	75	Belfast Estate Lot 4	Kadoma	617 Mupupuni Tennyson	October 10, 1995	September 30, 2000	\$9,300	Farmer
OTFS #	76	Belfast Estate Lot A	Kadoma	1607 Vambe Crispin	October 1, 1995	September 30, 2000	\$17,800	Farm manager
OTFS #	77	Belfast Estate Lot B	Kadoma	1593 Nemaunga Matyekupinda	October 10, 1995	September 30, 2000	\$17,700	Self employed
OTFS #	78	Farm 1 of Dunroming Estate	Kadoma	617 Bhami Timothy	October 1, 1996	September 30, 2001	\$13,200	Farmer
OTFS #	79	Farm 2 of Dunroming Estate	Kadoma	625 Mutsambiwa Sydney	October 1, 1995	September 30, 2000	\$8,300	Anglo American
OTFS #	80	Farm 3 of Dunroming Estate	Kadoma	666 Badze Tautaira	October 1, 1995	September 30, 2000	\$9,700	City of Harare
OTFS #	81	Farm 4 of Dunroming Estate	Kadoma	873 Marovatsanga Kidwell	October 1, 1995	September 30, 2000	\$12,300	Self employed
OTFS #	82	Farm 5 of Dunroming Estate	Kadoma	794 Moyo John	October 1, 1995	September 30, 2000	\$7,700	Farmer
OTFS #	83	Farm 6 of Dunroming Estate	Kadoma	853 Ngoshi Ingnatious	October 1, 1996	September 30, 2000	\$7,600	Businessman
OTFS #	84	Farm 1 of Dunsinaa Ranch	Kadoma	1714 Mugwambi Peter	October 1, 1995	September 30, 2000	\$33,000	Businessman
OTFS #	85	Farm 2 of Dunsinaa Ranch	Kadoma	1700 Ngwenya Enock	October 1, 1995	September 30, 2000	\$31,000	Farmer
OTFS #	86	Farm 3 of Dunsinaa Ranch	Kadoma	1770 Miilo George	October 1, 1995	September 30, 2005	\$25,000	City of Bulawayo
OTFS #	87	Farm 4 of Dunsinaa Ranch	Kadoma	1770 Chinoda Collins	October 1, 1995	September 30, 2000	\$27,000	Farmer
OTFS #	88	Glenorchy Mining Reserve	Kadoma	256 Jachara M	November 1, 1992	October 31, 1997	\$4,500	Farmer
OTFS #	89	Ordoff Extension	Kadoma	38 Chihuri Maxwell	January 1, 1993	December 31, 1997	\$160	Civil Servant
OTFS #	90	Ordoff Extension	Kadoma	264 Kujinga Kumbirayi	October 1, 1997	December 31, 2001	To be assessed	Farmer
OTFS #	91	Pnt of Golden Valley	Kadoma	20 Kadoma Rural Council	January 1, 1985	December 31, 1989	\$12	Local Authority
OTFS #	92	Suni Suni Dam Site 10	Kadoma	7 Rotary Club	January 1, 1987	December 31, 1991	\$85	Club
OTFS #	93	Trafalgar	Kadoma	171 Monica Fraser	October 1, 1976	September 30, 1996	\$307	Farmer
OTFS #	94	Collynie Extension	Kwe Kwe	325 Whabira Job	October 1, 1993	September 30, 1998	\$75	Civil Servant
OTFS #	95	Pnt of Cactuspoort Dam S/L	Kwe Kwe	9 Lions Club Redcliff	January 1, 1993	December 31, 1997	\$100	Club
OTFS #	96	Wareberry Outspan	Lalapanzi	31 Midzi Robert	November 1, 1991	December 31, 1995	\$144	Farmer
OTFS #	97	Angwa South Unit 1	Lomagundi	6370 Chimusimbe Pension	October 1, 1993	January 1, 2003	To be assessed	Safari Operators
OTFS #	98	Angwa South Unit 2	Lomagundi	4767 Gurumani Herekiya D	October 1, 1995	September 30, 2000	To be assessed	ZFC
OTFS #	99	Angwa South Unit 3	Lomagundi	8625 Makwanya Henry	July 1, 1995	June 30, 2000	To be assessed	[probably Zimbabwe Fertilizer Co, with linkages to agribusiness]
OTFS #	100	Angwa South Unit 6	Lomagundi	7420 Mombeshora A	November 1, 1993	October 30, 1998	\$1,700	Farmer
OTFS #	101	Chinhoyi Aerodrome S/L	Lomagundi	1259 Makore A T	June 1, 1992	December 31, 1996	\$7,260	Russ Broom safaris
OTFS #	102	Conway/Conway Extension	Lomagundi	1717 Nyamubaya Freedom	October 1, 1996	December 31, 2011	\$4,410	Self employed
OTFS #	103	Crescent Park Extension	Lomagundi	781 Chivende Mudhomeni	October 1, 1993	September 30, 1998	To be assessed	NGO
OTFS #	104	Forest Extension	Lomagundi	949 Gasela Renson M	October 1, 1993	September 30, 1998	To be assessed	Farmer
OTFS #	105	Forest Extension 2	Lomagundi	1397 Mutongwizo Swinfen	November 1, 1993	October 30, 1998	\$170	Self employed
OTFS #	106	Gravelotte Extension	Lomagundi	4610 Maroveke Norman	October 1, 1996	September 30, 2006	\$4,450	City of Harare
OTFS #	107	Innesfree Extension 2	Lomagundi	4967 Mutasa R N	October 1, 1993	September 30, 2003	To be assessed	Farmer
OTFS #	108	Innesfree Extension 3	Lomagundi	3157 Taiga Alois	October 1, 1995	September 30, 2005	To be assessed	Civil Servant
OTFS #	109	Innesfree Farm	Lomagundi	1738 Jangano Frankheart	October 1, 1993	September 30, 1998	\$2,500	Civil Servant
OTFS #	110	Kanenje	Lomagundi	4594.98 Chimanga F T	October 1, 1992	September 30, 1995	\$860	University of Zimbabwe
OTFS #	111	Kanyanga Extension 1	Lomagundi	4620 Vacant				Self employed
OTFS #	112	Kanyanga Extension 2	Lomagundi	94 Bibi Tadios	June 1, 1997	May 31, 2007	To be assessed	
OTFS #	113	Nhabeni Farm	Lomagundi	2023 Gombe P	October 1, 1993	September 30, 1998	\$150	UDC
OTFS #	114	Pnt Chinhoyi Caves S/L	Lomagundi	150 Alaska Dolomite (Pvt)	January 1, 1995	December 31, 1999	\$9,185	[UDC Holdings Ltd, the largest established leasing company in Zimbabwe]
OTFS #	115 EU#93	Ridziwi	Lomagundi	3350 Utete Charles	October 1, 1991	September 30, 2000	\$60,000	Company
OTFS #	116	Sadoma Extension	Lomagundi	2741 Maguvaza Clemence	October 1, 1993	September 30, 1998	\$960	Civil Servant
OTFS #	117	Shambi Ranch Extension	Lomagundi	2896 Muzofa James	November 1, 1993	October 30, 1998	\$1,350	Farmer
OTFS #	118	Wilderness	Lomagundi	2895 Fairfield Transport P/L	July 1, 1994	June 30, 1999	\$10,044	Municipality of Chinhoyi
OTFS #	119	Volunteer 47	Lupane	851 Moyo B D	August 1, 1993	July 31, 2003	To be assessed	Company
OTFS #	120	Conway Extension 2	Makonde	1365 Charasika Misheck M	October 1, 1993	September 30, 2003	To be assessed	Businessman
OTFS #	121	Lazy River State Land	Makonde	261 CREDO	January 1, 1993	December 31, 1998	\$250	Self employed
				[Christian? welfare organization]				Welfare organisation
OTFS #	122	Inyati Outspan	Marondera	89 Inyati Agro Dev co	October 1, 1994	September 30, 1999	\$420	Company
OTFS #	123	Lot 2 of Parongwe O/Pan	Marondera	115 Mudziva Jokonia	November 4, 1992	December 31, 1996	\$1,700	Farmer
OTFS #	124	Wenimbe Outspan	Marondera	8 Marondera Road Council	October 1, 1992	September 30, 1997	To be assessed	Local Authority
OTFS #	125	Glendow Farm	Masvingo	1537 Cold Storage Comm	January 1, 1987	December 31, 1996	\$2,800	Parastatal
OTFS #	126	Robin Hood and Revuli Farms	Masvingo	1094 Magwisi Saunders	October 1, 1991	December 31, 1995	\$3,700	Farmer
OTFS #	127	Thankerton Quarantine	Masvingo	1285 Khan NA	October 1, 1992	December 31, 1995	\$4,500	Farmer
OTFS #	128	Khami & Mabogutwane O/P	Matobo	561 Ndimande Bonface N	March 1, 1996	February 28, 2011	\$8,415	Farmer
OTFS #	129	Medows Estate	Mazowe	1142 Gwata Tizirai	November 1, 1993	October 31, 1998	\$116,835	Farmer
OTFS #	130	Martin Forest Area	Melssetter	40 Outward Bound Ass	October 1, 1973	December 31, 2004	\$100	Medical Doctor
OTFS #	131	Mzuri	Mutare	205 Mahachi Charles	April 1, 1993	March 31, 1998	\$9,000	Association
OTFS #	132	Plot 01 Block A Rathmines	Mutoko	12 Muzunze Xavier	August 1, 1995	July 31, 2000	\$1,725	Farmer
OTFS #	133	Plot 02 Block A Rathmines	Mutoko	15 Mangwende Alois T	August 1, 1995	July 31, 2000	\$2,280	Farmer
OTFS #	134	Plot 03 Block A Rathmines	Mutoko	11 Kanomanyanga A T	August 1, 1995	July 31, 2000	\$1,600	Farmer
OTFS #	135	Plot 04 Block A Rathmines	Mutoko	8 Katsunde Richard	August 1, 1995	July 31, 2000	\$1,260	Businessman
OTFS #	136	Plot 05 Block A Rathmines	Mutoko	11 Murwisi John Chitsa	August 1, 1995	July 31, 2000	\$1,680	Farmer
OTFS #	137	Plot 06 Block A Rathmines	Mutoko	16 Mvundura Washington	August 1, 1995	July 31, 2000	\$1,725	Farmer
OTFS #	138	Plot 07 Block A Rathmines	Mutoko	14 Baureni Annah	August 1, 1995	July 31, 2000	\$1,520	Self employed
OTFS #	139	Plot 08 Block A Rathmines	Mutoko	14 Mwenye Albert	August 1, 1995	July 31, 2000	\$1,510	Self employed
OTFS #	140	Plot 09 Block A Rathmines	Mutoko	11 Chikowe Jonah	August 1, 1995	July 31, 2000	\$1,360	Farmer
OTFS #	141	Plot 10 Block A Rathmines	Mutoko	10 Katsande Peter	August 1, 1995	July 31, 2000	\$1,090	Businessman
OTFS #	142	Plot 11 Block A Rathmines	Mutoko	10 Chibanda Chipameso	August 1, 1995	July 31, 2000	\$1,040	Farmer
OTFS #	143	Plot 12 Block A Rathmines	Mutoko	11 Muchemwa Dzingai	August 1, 1995	July 31, 2000	\$1,245	Farmer
OTFS #	144	Plot 13 Block A Rathmines	Mutoko	43 Chibanda Benjamin	August 1, 1995	July 31, 2000	To be assessed	Self employed
OTFS #	145	Plot 14 Block A Rathmines	Mutoko	14 Chinomona Mabel M	August 1, 1995	July 31, 2000	To be assessed	Farmer
OTFS #	146	Rathmines Farm (portion)	Mutoko	164 Mutoko Horticulture Ass	October 1, 1992	June 30, 1993	\$1,000	Farmer
OTFS #	147	Nuanetsi S/L D	Mwenezi	180 Charumbira Farai M	October 1, 1995	September 30, 2000	To be assessed	Self employed
OTFS #	148 EU#50	Auchenbery of Rochester	Nyamandlovu	1026 Mpofu Obert	September 1, 1994	August 31, 1999	\$15,600	Civil Servant
OTFS #	149	Bongolo & Caithness	Nyamandlovu	1755 ZIMFEP	October 1, 1991	December 31, 2005	\$30	Deputy Minister
				[Zimbabwe Foundation for Education with Production; based in Harare]				Welfare organisation
OTFS #	150	Mzohluzo	Nyamandlovu	1031 Mphoko P	October 1, 1998	September 30, 1998	\$1,800	Civil Servant
OTFS #	151	R/E of Ibana	Nyamandlovu	449 Sibanda Charity	October 1, 1995	December 31, 2004	\$13,200	
OTFS #	152	Dillon	Shamva	1625 Mavindidze Sylvester	October 1, 1995	September 30, 2000	\$7,700	Farmer
OTFS #	153 EU#14	Lot 1 of Chipoli	Shamva	714 Chiwewe Willard A	October 1, 1993	September 30, 1998	\$37,400	Civil Servant
				[Senior Secretary in the President's Office]				
OTFS #	154	S/D 1 of Caledon	Shamva	132 Kwaitona Martin	June 1, 1997	December 31, 2002	To be assessed	Police Officer
OTFS #	155	S/D 2 of Caledon	Shamva	175 Mavhudzi Cuthbert	December 1, 1998	November 30, 2007	To be assessed	Farmer
OTFS #	156 EU#37	S/D 3 of Caledon	Shamva	302 Manyika Elliot T	June 1, 1997	May 31, 2002	To be assessed	Ambassador
				[Minister Without Portfolio]				
OTFS #	157	Inkari of Bakwekop	Sipolilo	695 Machirori Ngoni M	October 1, 1990	September 30, 1996	\$200	Farmer
OTFS #	158	Mapetu Extension 2&3	Sipolilo	248 Chokwenda C M	September 1, 1990	August 31, 1995	\$624	Farmer
OTFS #	159	Garowa Extension	Urungwe	943 Nenguke Edmond	October 1, 1995	September 30, 2000	To be assessed	Self employed
OTFS #	160	Kure Kure Ext	Urungwe	929 Saungweme Nancy	October 1, 1997	December 31, 2002	To be assessed	Businesswoman
OTFS #	161	Meidon Extension 2	Urungwe	925 Mapupu Stephen V	November 1, 1993	October 30, 1998	\$450	Retrofit
OTFS #	162	Tengwe 107 Extension	Urungwe	106 Takura Wilson	October 1, 1993	September 30, 1998	\$111	Farmer
OTFS #	163	Tengwe 37 Extension	Urungwe	1246 Sungwi Safaris	October 1, 1974	September 30, 1994	\$795	Company
OTFS #	164	Tengwe 52 Extension of 129	Urungwe	368 Ngwenya E	October 1, 1993	September 30, 1998	\$348	Farmer
OTFS #	165	Tengwe 68 Extension	Urungwe	2186 Moyo Collin	November 1, 1993	October 31, 2013	\$960	Civil Servant
OTFS #	166	Tengwe 69 Extension	Urungwe	2133 Chakabva X	October 1, 1993	October 31, 1998	\$945	Civil Servant
OTFS #	167	Tengwe 76 Extension	Urungwe	2156 Sungwi Safaris	October 1, 1974	September 30, 1994	\$684	Company
OTFS #	168	Tengwe 89 Extension	Urungwe	2178 Matangi T	November 1, 1993	October 30, 1998	\$792	Company
OTFS #	169	Tengwe 91 Extension	Urungwe	2236 Beremauro Stuart V	October 1, 1995	September 30, 2000	\$828	Civil Servant
OTFS #	170	Tengwe 92 Extension	Urungwe	2052 Zhanje ASC	November 1, 1993	October 31, 1998	\$945	City of Harare
OTFS #	171	Tengwe 93 Extension	Urungwe	928 Chikwenhere I	November 1, 1993	October 31, 1998	\$450	Civil Servant
OTFS #	172	Utopia Farm	Urungwe	773 Magadzire P/L	January 1, 1983	December 31, 1987	\$200	Civil Servant
OTFS #	173	Zinyewe Extension 1	Urungwe	593 Risinamhodzi Hosea	October 1, 1993	September 30, 1998	\$66	Now Late
OTFS #	174	Zinyewe Extension 2	Urungwe	914 Rusere Boswell	October 1, 1993	September 30, 1998	\$420	Farmer
OTFS #	175	Pnt S/L D Doma	Vacant	9595 Vacant			\$1,500	Journalist
OTFS #	176	Deka State Land	Wankie	7349 Mvundura John C	October 1, 1993	September 30, 1998	To be assessed	Businessman
OTFS #	177	Olyphant Ranch Outspan	Wankie	220 Sibanda C	October 1, 1995	September 30, 2000	To be assessed	Member of Parliament
OTFS #	178	Option Area	Wankie	4300 Mayihlome	October 1, 1993	September 30, 1998	To be assessed	Civil Servant
OTFS #	179	Ptn Kamativi S/L	Wankie	1918 Mat Dev Foundation	July 1, 1994	June 30, 2015	\$1,500	Welfare organisation

Appendix 3: The Sunday Mail (Harare) / ZW News VIP List, 2002

CONFIRMED VIP'S ALLOCATIONS - Working Document No 1 as at 16 May 2002

This is the list of prominent persons who appear to have been allocated farms. Please note that the information contained in this document was prepared from information received from various sources including the lists (February 2002) published in the Sunday Mail by the Ministry of Lands and Agriculture. It is released as a working document in the interests of transparency and fairness. We recognised that the list is based on initial information and invite comment from those listed to achieve complete accuracy.

Name of VIP and title	Farm	Owner	Area (ha)	District	Province	Comment
Barwe Reuben ZBC Chief Correspondent	Sunnyside	Sunnyside is owned by Kevana Investments	830 ha	Norton	Mash West	Announced his presence at Sunnyside farm last year.
Bepura, Webster, Mayor of Bindura	Avondur	Mr Roy Guthrie	150 ha	Bindura	Mash Central list 3rd Feb	
Black Ganda War vet	Gorajena and Igava	Bruce & Vicki Campbell daughter Katharine Reimer.			Mash East	
BUDE W - War Veteran	DOUNE	DOUNE FARM P/L	965 ha	Wedza	Mash East 24 Feb list	
Bvudzijena, Wayne Dongo - ZRP Spokesman	1. Mabubu as per advert 2. Koodoo Hill, by presence	1. Bernard Thorn Vernon Nicole	2.	GURUVE	Mash Central list 3rd Feb	Chopping down trees in pastureland
Chamunogwa Mr - Chief Labour Officer Mwenzezi	Soetveld Ranch	Ledwood Ranch PL	6250 ha	Mwenzezi	Masvingo	
Chanetsa Peter Governor Mash West	1. Biri 2. Greensleeves	1. K. Nicolle 2. Derek Van Royen	1. 638 ha 2. 625 ha			
Chapfika David - Member of Parliament Mutoko North	The Groove	STAUNTON AG & SONS P/L	1086	Goromonzi	Mash East list 17 Feb	
Charumbira A Chief	Lot 6 of Mkwasi Central	Paul Spear, Mkwasi Estate or LT Engels		Chiredzi	Masvingo	
Charumbira C Chief	Sangokwe North, Mwenzezi, Masvingo	Johannes du Plessis Sangokwe				
Charumbira D Chief	Lot 5 of Mkwasi Central	Paul Spear, Mkwasi Estate		Chiredzi	Masvingo	
Chatiza A S Mr & Mrs Director Ministry of Employment Creation	1 of Umvukwe Flats Farm 748 / Ngwindi Sugar Estate	NORVER P/L	195 ha	MAZOWE	Mash Central list 3rd Feb	
Chauke Mr MP for Chiredzi North	Farm 748 / Ngwindi Sugar Estate	MJS and JPF / P. Tennant	380 ha	Chiredzi	Masvingo	
Chawasarira Freddy, CEO Zimtrade	Goede Hoop	BIGBERRY FARM P/L	1492 ha	Mazoe	Mash Central list 3rd Feb	
Chawawa M (Dr)	The Groove	STAUNTON AG & SONS P/L	1086	Goromonzi	Mash East list 17 Feb	
Chidyausiku Boniface Retired Lt Col Ambassador/ permanent representative to the United Nations	ESTEES PARK	MILLAR AL & SONS P/L	895 ha	Mazoe/Conscension	Mash Central list 3rd Feb	
CHIGUME V - War Veteran	BRANTINGHAM	John Malzer		Wedza	Mash East 24 Feb list	
CHIGUMIRA T W - War Veteran	Membga	Martin Stewart	304 ha	MARONDERA	Mash East 24 Feb list	
Chigwedere F F Gudo - War Veteran	Scorror Estate	Ian Duvenage	1500 ha	Hwedza	Mash East list 17 Feb	
Chihuri Augustine- Police Commissioner	Woodlands A	Pat Butler		Shamva	Mash Central	
CHIKAZAZA E. - War Veteran	CHIFUMBI NORTH	ARUSHA FARMING P/L	623 ha	GOROMONZI	Mash East 24 Feb list	
Chikova Mr - District Administrator Gutu	Swaarverdon	C. Erasmus		Chatsworth	Masvingo	
Chikumbirike J & M Prominent Lawyer	1. Harmony and also listed for Danbury Park	Ferrar Farming and TS Bayley		Mazoe	Mash Central list 3rd Feb	
CHIMAIWACHE F - War Veteran	1. Brechin and 2. Merryhill	Brechin / Merryhill		Wedza	Mash East 24 Feb list	
CHIMONYO P - War Veteran	MERRYHILL	MERRYHILL P/L		Wedza	Mash East 24 Feb list	
Chinamasa - Sister to P. Chinamasa	BUFFALO DAWNS	BUFFALO DOWNS P/L	1304 ha	HURUNGWE	Mash West	Arrive on the farm and identified herself to the owner as Chinamasa's sister.
Chindori-Chininga Edward, Minister of Energy	Unnamed farm, Mashonaland Central					
Chingosho Christopher - Provincial Administrator - Provincial Lands Chairman	MAKARARA / SHOWERS B / SOLITUDE / RETREAT OF SANZARA / CHIGORI / RAPIDS /	Hamish Charters		MARONDERA	Mash East 24 Feb list	6 farms were listed to C. Chingosho and one in Chiredzi
Chingosho Christopher Prov Admin Mash East	Lot 6 of Mkwasi Central	Paul Spear, Mkwasi Estate or LT Engels		Chiredzi	Masvingo	
CHINGWERE G T - War Veteran	ALEXANDRA	CRADOCK ENTERPRISES P/L		MARONDERA	Mash East 24 Feb list	
Chinotimba, Joseph, ZFTU Vice President / Political Commissar Hre Central	1. Part of Pimento Farm, Mash Central 2. Watakai, Mazoe	1. Oliver Newton Walter Barton	2. 1. 3209 ha 2. 1240 ha	MAZOWE	Mash Central list 3rd Feb	He was ploughing on Pimento Park but has appeared in the press as the proud owner of Watakai
CHINWADA F - War Veteran	SHOWERS B	Timothy Millwarde		MUREHWA	Mash East 24 Feb list	
CHINYANI C T - War Collaborator	VOORSPOED	S. Du Plessis Meyer		Beatrice	Mashonaland East list 24 Feb	
CHIPORE S - War collaborator	BRANTINGHAM	John Malzer		Wedza	Mash East 24 Feb list	
CHIPUNGU P - War Veteran	BRANTINGHAM	John Malzer		Wedza	Mash East 24 Feb list	
Chirava, Nigel War Vet	Highlands Farm, Chinhoyi	GM Moyse				He demanded that the homestead should be spotlessly clean and tidy before his move into 'his' new home.
CHIREMBA T - War Veteran	BRANTINGHAM	John Malzer		Wedza	Mash East 24 Feb list	
CHISANGO D. - War Veteran	WOODLEIGH	DRAPER W & SON P/L	1249	HARARE	Mash East 24 Feb list	
CHIWENGA Constantine General - War Veteran	RISUMBE EXT	Shepherd Hall / Chakoma Estates	1276 ha	GOROMONZI	Mash East 24 Feb list	
Chiweshe E Brigadier	Greenhithe	PB Arnott - P & R Farming		Harare West	Mash Central list 3rd Feb	
Chiwewe, Willard Perm Sec Foreign Affairs	Maxton	C. Rorbye				
CHOKOWO A - War Veteran	MERRYHILL	MERRYHILL P/L		Wedza	Mash East 24 Feb list	
CIO Unnamed	Part of Umguza Block	Cold Storage Company Also owns an adjoining farm				The CIO has been given a small section at the bottom of the farm
Clophers	Rapids Farm, Marondera North, Mash East	M. Pereira	1300 ha			Arrived 07.04.02, with youth - harassed the occupant. The message was to go in 'Peace or Pieces'.
Colonel X	The Carse	R. Pascoe	1190 ha			
DHLIWAYO D (DR)	LAUREL	WIGGIL CK	1327 ha	MARONDERA	Mash East 24 Feb list	

Dube Edson Brigadier	LECONFIELD	LENCONFIELD FARMS	1081 ha	HURUNGWE	Mash West	Said to be a Brigadier based at Magunjabag
Dzinzi Nobbie Member of Parliament Mzarabani	Dendere	Lawrence Staunton	450 ha	Centenary	Mash Central list 3rd Feb	
GAMBARA P. - War Collaborator	MT SHANNON M/DOWS	MT LOTHIAN ESTATE P/L	572 ha	GOROMONZI	Mash East 24 Feb list	
Gata Dr - sister to President Mugabe - Director Research and Specialist Services				Tsatsi	Mash Central	Gata Sydney is ZESA Board Chairman
GAYAHAYA T - War Collaborator	SHOWERS B	Timothy Millwarde		MUREHWA	Mash East 24 Feb list	
Goche, Nicholas Minister of Defense	Ceres, Mash Central	Tish Morkel			Mash Central	
GONDO G - War Collaborator	MERRYHILL	MERRYHILL P/L		Wedza	Mash East 24 Feb list	
Gonesu, Cosmos Author/ executive Officer NGO	Constance	G. R. Richards	2000 ha		Masvingo	Executive officer of Astrek NGO that broke away from ZIRCON
GURURE M - War Veteran	ALEXANDRA	CRADOCK ENTERPRISES P/L		MARONDERA	Mash East 24 Feb list	
Gwasira, Sheperd OC Mash West - former Senior police HR officer at HQ	Mete, Raffingora, Mash West	Nick Arkell				The police official already owns a 2000 ha farm but has been allocated another 110 ha farm as it abound with game
Hungwe Josaya Governor Masvingo	Lot21A of NRA (Nuanetsi Ranch) 2. Winterton 3. Lot 1 of Constance (Piananda lodge)	1. Brian Caywood 2. CSC 3. G. R. Richards			Masvingo	Running cattle on Wintertons
Hungwe Mawasa - Family member	Lot21A of NRA (Nuanetsi Ranch)	Brian Caywood			Mwenezi	
JONGA L - War Veteran	SHOWERS B	Timothy Millwarde		MUREHWA	Mash East 24 Feb list	
Jumbi Flight Lt - Airforce	Koodoo Hill Mash West	Vernon Nicole			Mash West North	
KANETA C. - War Veteran	RISUMBE EXT	Shepherd Hall / Chakoma Estates	401 ha	GOROMONZI	Mash East 24 Feb list	
Kanhanga Brigadier. William	Stella	BARTON SD	425 ha	MAZOWE		
Kanhanga E William, Brigadier	Stockwill	SURREY ENTERPRISES P/L	2443	MAZOWE	Mash Central list 3rd Feb	
Kapare Mr. - Business man	Northdale	H. Jovner	2900 ha	Chatsworth	Masvingo	
Kapembeza C Dr.	Sanga	SANGA FARMS P/L	1137 ha	Goromonzi	Mash East list 17 Feb	
Kara, Comrade - Regional liaison officer of Defense Force	Farm 36	G. Henning		Chiredzi	Masvingo	Allocated himself this farm
Kasukuwere Donald Brother to Saviour	Usaka and Sangokwe North, Mwenezi	USAKA FARMS P/L / H du Plessis	2705	MAZOWE	Mash Central list 3rd Feb	
Kasukuwere Saviour, Member of Parliament / chairman of a Parliamentary Committee	1. Part of Pimento Farm, Mashonaland Central 2. Bamboo Creek, Shamva	1. Oliver Newton 2. N Richardson / R. Morkel				
KOCHI J T - War Veteran	DOUNE	DOUNE FARM P/L	965 ha	Wedza	Mash East 24 Feb list	
KUMBAWA P - War Collaborator	BRANTINGHAM	John Malzer		Wedza	Mash East 24 Feb list	
MABHAUWA.E. - War Collaborator	WOODLEIGH	DRAPER W & SON P/L	1249	HARARE	Mash East 24 Feb list	
Macheka Joseph J - Former Mayor of Chitungwiza and ZANU PF official	Cairnsmore	D. Elson	3000 ha	Tsatsi	Mash Central list 3rd Feb	
Mafiosi Dickson	1. Part of Pimento Farm. Mashonaland Central	1. Oliver Newton 2.			Mash Central list 3rd Feb	
Mashonaland Central ZANU PF youth chairman	2. Melfort	Reed/ Frank Roger Godwin		Mazoe		
Magadu S Fungai ZANU PF Official	Mackay and Stockwell	MILLAR AL & SONS P/L	1773 ha	Mazoe/Consces sion	Mash Central list 3rd Feb	
Mahofa Shuvai ,Member of Parliament and Deputy Minister of Employment Creation/ ZANU PF Political Commissar Masvingo	1, Lothian, Gutu 2. Plots at the ZAKA Scheme 3. Spring Sp 4. Lochinvar 5. Eyrie/Lauder/Wragley	1. A. R. Millar 3. M. Firth 4. G. Olds 5. H. S. Veldman			Masvingo	Is said to visit the area shopping around.
Mahova - War vet	Sub div B of Shashe Fox / Felixburg	M. Macintosh		Felixburg	Masvingo	Claiming managers homestead
Maisiri Wonder Former CEO ZNCC	Nyambanje	SMITH DN	1345 ha	Goromonzi	Mash East list 17 Feb	
MAKOMBE S W - War Collaborator	DOUNE	DOUNE FARM P/L	965 ha	Wedza	Mash East 24 Feb list	
MANDIGORA CHRISTINE - War Veteran	Enter Rios and WYCHWOOD	ENTRE RIOS ESTATE P/L and CR Barker		Bromley	Mash East 24 Feb list	
Mandiwanzira, Supa, ZBC Anchorman, Nephew in law to Grace Mugabe	Lang Glen	PAYNE DW	1921	SEKE	Mashonaland East list 24 Feb	
Mandizha Albert Snr assistant Comm. Bulawayo	Sanga	SANGA FARMS P/L	1200 ha	Goromonzi	Mash East list 17 Feb	
Mangachena. Colonel Army officer	Gorajena	Bruce & Vicki Campbell daughter Katharine Reimer.		Marondera	Mash East	
Mangwana Paul, the deputy Minister of Justice and Member of Parliament	Faun , Chegutu					Continues to apply pressure on the owner to vacate the homestead
Mangwende, Witness, Minister of Higher Education and Member of Parliament	Rudolphia	GOOD RETURN INVESTMENTS P/L	800 ha	HARARE	Mash East 24 Feb list	
Manyika Elliot, Minister of Youth Employment and Gender / ZANU PF National Political Commissar/ Singer / Member of Parliament	Duiker Flats	Linabo Estates PL				
MARIMBIZHKE A. - War Collaborator	MANDALLAY/ Manderley	JM Fick		GOROMONZI	Mash Central Mash East 24 Feb list	
Marufu, Inspector Officer Commanding Gwanda	Glenala Park, Esigodini	Alistair Coulson				
Marufu, Reward, Brother in law to President	Leopards Vlei, Glendale, Mash Central	Ian Duncan, Manager Bob Duncan			Mash Central list 3rd Feb	Former Ambassador
Mashoka, Mr - Business man Gutu	Northdale	H. Jovner	2900 ha	Chatsworth	Masvingo	
Masoka Ngoni	Dunmaglas	CRAFTHOLE ENTERPRISES P/L	378 ha	MAZOWE	Mash Central list 3rd Feb	
MATANGA G T - War Veteran	S/D M OF CARRUTHERSVILLE	John Harris	1314 ha	MARONDERA	Mash East 24 Feb list	
Matanga, Godwin Deputy Police Commissioner and Chairman National Wheat Lands Task Force	Nurenzi, Wedza	Southlawn, Harry Orphanedis		MARONDERA		
Matangira, War Veteran	Thrums, Bindura	Christopher Crawford				Neighbour to Reward Marufu
Matize Mr , Chief Prisons Officer	Kiaora	Vernon Nicole				
MATONGA FORBES (REV)	FAROE	BREYTENBACK WP	1271 ha	MUREHWA	Mash East 24 Feb list	
MATONGO I K - War Collaborator	ALEXANDRA	CRADOCK ENTERPRISES P/L		MARONDERA	Mash East 24 Feb list	
MATSENGARWODZI S. - War Veteran	Ruware Ext and MANDALLAY/ Manderley	Lamsdolme Est /JM Fick		HWEDZA	Mashonaland East list 24 Feb	
MAUTSA T - Consort to General and Mrs Chiwenga	SHERPERD HALL	SHEPHERD HALL FARM P/L	256	GOROMONZI	Mashonaland East list 24 Feb	

Mazamban, Mr David - Wing Commander, Suri-Suri air base	Exwick, Chegutu	Italian national				
Mbedzi Mr J - DA Beitbridge	BEA Ranch	R. Roth - Kayalami Ranch		Beit Bridge / Mwenezi	Masvingo	Has moved 142 head of cattle onto the farm
Mbedzi Mr Phillimon - Chief War Vet	BEA Ranch	R. Roth - Kayalami Ranch		Beit Bridge / Mwenezi	Masvingo	Reports to the DA Mbedzi
Mbizvo Peter (Perm Sec Gender, Employ Creation)	Lazy 7 Ranch of BARWICK ESTATE	BEATTIE RA & SONS P/L	6659 ha	Tsatsi	Mash Central list 3rd Feb	
Mhlanga, Endy Secretary General War Vet Assn	Nalire	HALE HI P/L	270 ha	MAZOWE	Mash Central Mash East 24 Feb list	
MLAMBO G - War Veteran	S/D M OF CARRUTHERSVILLE	John Harris	1314 ha	MARONDERA	Mash East 24 Feb list	
Mohadi Kembo - MP - Deputy Minister of Local Government and Housing	BEA Ranch	R. Roth - Kayalami Ranch		Beit Bridge / Mwenezi	Masvingo	
Mohadi Mrs - Wife to Minister	BEA Ranch	R. Roth - Kayalami Ranch		Beit Bridge / Mwenezi	Masvingo	
Mombeshora Swithun, Minister of Transport	Orleston, Lions Den, Mash West	Lesley de Jager	1265 ha			
Moyo Mike - War veteran	Mayfield, Masvingo	Makamba PA / AFRICAN INDEPENDENT CHURCHES CONFERENCE				
Moyo, Gen Manager Gath Mine, Mashava	Worrington of Cokpoxi	G. R. Richards				
Mpeperekhi Sheunesu	Masvingo					
Mpofu Obert, Mat North Governor	Part of Umguza Block	Cold Storage Company in Nyamandhlovu				Mpofu (Obert) has the section with the camp Mpofu is out their almost every weekend hunting. Said to be leasing pasture
Msika Joseph, Vice President of Zimbabwe	Part of Umguza Block	Cold Storage Company in Nyamandhlovu				Umguza block - The Vice president is said to be leasing grazing.
MUDADI L. - War Veteran	MANDALLAY/ Manderley	JM Fick		GOROMONZI	Mash East 24 Feb list	
MUDANGWE N - War Veteran	LOT 1 OF HULL	ENGLAND D P/L	485 ha	Wedza	Mash East 24 Feb list	
Mudarikwa, Cde War Vet Chairman - Chief Lands Officer	Elka	Mr Von Breeda		Karoi	Mash West	
Mudede, Tobaiwa, Registrar General	Ballineethy, Mash Central	Catherine Townsend	3147 ha	Nyabira	Mash Central list 3rd Feb	
MUDIMU J. - War Veteran	MANDALLAY/ Manderley	JM Fick		GOROMONZI	Mash East 24 Feb list	
MUFANDAEDZA J - War Collaborator	Laasgedenk	Petros Botha	572 ha	Beatrice	Mash East 24 Feb list	
Mugabe Sabina MP Zvimba Sister to R. G. Mugabe	Gowrie Farm, Norton	Mr Terry Ford				
Mugadza, Philip ZIFA Board member - Chairman Market Giant Holdings	Kiaora	Vernon Nicole				Assaulted the farmer and his son. Normally armed. Also has interests in the UK - Fabulous Beauty Salons
MUGARISANWA S - War Veteran	MERRYHILL	MERRYHILL P/L		Wedza	Mash East 24 Feb list	
MUHLWA E - War Veteran	ALEXANDRA	CRADOCK ENTERPRISES P/L		MARONDERA	Mash East 24 Feb list	
Mujuru Solomon, Retired General and Politburo member	Elim and Alamein in Beatrice	Guy Watson Smith				Movable assets valued at over Z\$ 120 million taken from the Owner. They were illegally auctioned off under the guise of providing gratuity packages to farm workers.
Mukonowenawe Felix - Senior ZANU PF Official	Wataikai, Mazoe	Walter Barton	1240 ha			
Mumbengegwi, Samuel Dr. ZANU PF chair for Masvingo and Minister of Higher Education	Irvine Farm (a), Gutu	Mr. and Mrs Cias Vosloo,				Brother to Simbarashe Mumbengegwi who is Zim's High Commissioner to the UK; brother to Dr. Clever Mumbengegwi University of Zimbabwe.
Mungwindi Mr works for UNDP	Northdale	H. Jovner	2900 ha	Chatsworth		
MUNYARADZI AGRIPAH - War Veteran	DOUNE	DOUNE FARM P/L	965 ha	Wedza	Mash East 24 Feb list	
Munyoro, David (Perm Sec Gender, Employ Creation)	Pentland, Mash Central	Colin Waddell	2400 ha			
MURANGANWA M - War Veteran	ALEXANDRA	CRADOCK ENTERPRISES P/L		MARONDERA	Mash East 24 Feb list	
Murerwa, Herbert Dr. Member of Parliament / Minister of Industry and International Trade	Rise Holm, Arcturus	CB Allison	500 ha	GOROMONZI	Mash East 24 Feb list	
MUSENGEYI R - War Collaborator	BRANTINGHAM	John Malzer		Wedza	Mash East 24 Feb list	
MUSONZA C. - War Veteran	MANDALLAY/ Manderley	JM Fick		GOROMONZI	Mash East 24 Feb list	
Musoro Mr - Chief Lands Officer Masvingo	Farm 748 / Ngwindi Sugar Estate	MJS and JPF / P. Tennant	380 ha	Chiredzi	Masvingo	
Mutenja Daniel - Military	Igava	A. V. Campbell		Marondera	Mash West	
Mutero Mr, works in Lands Office Ministry of Lands and Agriculture Masvingo	Farm 31	P. Werrem		Chiredzi		
Mutinhiri, Ambrose, Retired Brigadier Member of Parliament Marondera West	Waltondale Farm, Marondera West	Guy Cartwright				Also forcibly seized equipment valued at \$400 million.
Muzariri Livingstone - President Office (CIO) Central Intelligence Organisation	Avondur	Mr Roy Guthrie	150 ha	Avondur, Bindura	Mash Central list 3rd Feb	
Muzenda Mr, Son to VP Muzenda and MD Zim Alloys	1. Chindito Gutu 2. Endama, Gutu	1. Chris Nel 2. F Smit				Son of the Vice President
Muzenda, Simon Vice President of Zimbabwe	1. Chindito Gutu 2. Endama, Gutu	1. Chris Nel 2. F Smit				Negotiations have been very cordial. Farmer hoping to receive compensation of about \$15 million for farm assets.
MUZHAMBA J S - War Veteran	DOUNE	DOUNE FARM P/L	965 ha	Wedza	Mash East 24 Feb list	
MUZOREWA S - War Veteran	Laasgedenk	Petros Botha	572 ha	Beatrice	Mash East 24 Feb list	
Mwashita Everson (Husband to Vivian)	Dendere	Lawrence Staunton	450 ha			
Mwashita Vivian - former MP and ZANU PF Official (Women's league official)	Wataikai	RHODESIA LANDS LTD	6195	MAZOWE	Mash Central list 3rd Feb	
Nare, Selo former Judge	Mat South					
NGAVI B. - War Veteran	CHIFUMBI MEADOWS	EDWARDS HL & SONS P/L	1364 ha	GOROMONZI	Mash East 24 Feb list	
NGOMBE T.F. - War Veteran	MANDALLAY/ Manderley	JM Fick		GOROMONZI	Mash East 24 Feb list	
Ngulube Mr - CIO Harare	BEA Ranch	R. Roth - Kayalami Ranch		Beit Bridge / Mwenezi	Masvingo	Said to be one of the Presidents Bodyguard
Nkomo Stephen - MP and Governor Matabeleland South	BEA Ranch	R. Roth - Kayalami Ranch		Beit Bridge / Mwenezi	Masvingo	
NYAMUNDANDA C - War Veteran	ALEXANDRA	CRADOCK ENTERPRISES P/L		MARONDERA	Mash East 24 Feb list	
Nyaruwata, Patrick, chairman Zim War Veterans Assn	Nalire	HALE HI P/L	270 ha	MAZOWE	Mash Central	
Nzuwa Mariyawanda M - Chairman Electoral Supervisory Commission - and Public Service Commission	Stella	BARTON SD	425 ha	MAZOWE	Mash Central list 3rd Feb	

Paradza Kindness, Journalist turned politician and NDA coordinator / consort of Mutuma Mawere	Manicaland					
Parirenyatwa Dr. David, Acting Minister of Health and Member of Parliament	Rudolphia	GOOD RETURN INVESTMENTS P/L	802 ha	HARARE	Mash East 24 Feb list	
Parirenyatwa Sam Brother to Minister	Danbury Park	Tommy Bayley		Mazoe	Mash Central list 3rd Feb	
Pasipamire Christopher- ZANU PF official	Mayfield					
POLI GIFT - War Veteran	MERRYHILL	MERRYHILL P/L		Wedza	Mash East 24 Feb list	
RUSIKE J. - War Collaborator	WYCHWOOD	CR Barker		Bromley	Mash East 24 Feb list	
RUWAZA M - War Veteran	ALEXANDRA	CRADOCK ENTERPRISES P/L		MARONDERA	Mash East 24 Feb list	
SAMHOKORE I - War Veteran	VOORSPOED	S. Du Plessis Meyer		Beatrice	Mash East 24 Feb list	
Samkange, Attorney with Byron Venturas & Partners	Sheba Ranch / Weipe	Michael Gawler	14487 ha	Mwenezi	Masvingo	Apparently represents the President RG Mugabe and Governor Masvingo
Sekeremayi Sydney, Minister of State Security and MP	Maganga Estate			MARONDERA		Farm not listed??
Senior Army Finance Officer	Bundale Estate	Bruce Laver		GOROMONZI		
SHONIWA K. - War collaborator	MANDALLAY/ Manderley	JM Fick		GOROMONZI	Mash East 24 Feb list	
Shumba, Mr Christopher District Administrator	Maine Farm	Graham and Trevor Taunton		Ayrshire	Norton	
SIGUDU FLORENCE - Managing Director of Metropolitan Bank	DUNEDIN	SMITH RPM	584 ha	SEKE	Mash East 24 Feb list	
Siziba, Mr Deputy Director of Prisons	Glenala Park, Esigodini	Alistair Coulson				
TADERERA ADMIRE - ZBC Head of Sportsnet	GLEN WYVIS	Mark Sanderson	2460 ha	MUREHWA	Mash East 24 Feb list	
TAKAWIRA P. - War Veteran	MT SHANNON M/DOWS	MT LOTHIAN ESTATE P/L	572 ha	GOROMONZI	Mash East 24 Feb list	
Tamirepi T, Major	Nan Terra	RADOO FARMING P/L	916 ha	MAZOWE	Mash Central list 3rd Feb	
Taveringie Dr - Medical Practitioner	Northdale	H. Jovner	2900 ha	Chatsworth	Masvingo	
TIVAONE T - War Veteran	LOT 1 OF HULL	ENGLAND D P/L	485 ha	Wedza	Mash East 24 Feb list	
TSODZO THOMSON - Permanent Secretary in Gender & Employment Creation	LIZZIESDALE	EAD Finaughty		MARONDERA	Mash East 24 Feb list	
Uchena Tendai and P - Prominent Lawyer	Eastwolds	Gordon Chance		Urmvurwi	Mash Central list 3rd Feb	
WASHAYA G (DR)	BRECHIN	BRENCHIN ESTATES P/L	6309	HARARE	Mashonaland East list 24 Feb	
ZHANDA Paddy T - Colcolm / Cotton Co / Chair ZANU PF east	CHIFUMBI MEADOWS	EDWARDS HL & SONS P/L	1364 ha	GOROMONZI	Mash East 24 Feb list	
Zimondi Paradzayi - Head of Prisons	Upton	PART - POSSIN INVESTMENTS P/L	1029	Goromonzi	Mash East list 17 Feb	
Zindi Oscar	Rutherland	COLESBURY INVESTMENTS P/L	251 ha	SHAMVA	Mash Central list 3rd Feb	
Zindi Shelton	Rutherland	COLESBURY INVESTMENTS P/L	251 ha	SHAMVA	Mash Central list 3rd Feb	
Zindi, Irene , Member of Parliament Norton	Howickvale, Mash Central	AJ Laurie		Tsatsi	Mash Central list 3rd Feb	
Zindove Mr - District Administrator Mwenezi	Soetveld Ranch	Ledwood Ranch PL	6250 ha	Mwenezi	Masvingo	
Zitsanza Nancy and Elliot - Deputy Perm Sec Lands and Agriculture	Ballineethy, Mash Central	Catherine Townsend	3147 ha			

Appendix 4: The Leaked Confidential Government Report: 'Addendum to the Land Reform and Resettlement Programme National Audit Interim Report, 2003'

Confidential

ADDENDUM TO THE LAND REFORM AND RESETTLEMENT PROGRAMME NATIONAL AUDIT INTERIM REPORT¹⁰

1. Introduction

This addendum covers the following provinces which were the subject of my audit. Midlands, Mashonaland Central, Mashonaland West, Mashonaland East, Manicaland, Matabeleland North and Matabeleland South. The audit was carried out to identify anomalies and policy violations in the implementation of the Land Reform and Resettlement Programme with a view to realigning the programme implementation to the policy and legislative provisions. The addendum will therefore highlight policy violations and will give specific information related to the Provinces so far visited.

2. Land Acquisition

2.1 Certificates of No Present Interest

It is disturbing to note that Certificates of No Present Interest have been issued to some indigenous people authorising them to purchase farms that are already resettled resulting in the displacement of resettled people. When the Ministry of Lands, Agriculture, and Rural Resettlement was questioned on this development, the Permanent Secretary Cde Masoka promised to furnish the Hon Vice President Cde Msika¹¹ with a list of farms under this category whose Certificates of No Interest had since been rescinded and the farms regazetted but up to now we have not received this list in spite of concerted efforts by my office to obtain it from the relevant office. Cde Tzvaki whose section is responsible for this information could not make it available to my officer.

The following farms are reported as having been acquired after some people had already been officially resettled:

Mazowe District

- i) Oldbury (915.8700 ha) purchased by O Gumbo¹²
- ii) Howick Vale 8 and Howick Vale 9 (Howick Vale Estate) 1478.8554 ha
- iii) Rockwood Estate
- iv) Bedford Estate

Bindura District

- i) Benridge (81.1830 ha)

¹⁰ Government of Zimbabwe (The President's Office), Flora Buka, Osias Hove, and Sam Moyo, 'Addendum To The Land Reform And Resettlement Programme National Audit Interim Report, Leaked Confidential Government Report', Government of Zimbabwe, Harare, Government of Zimbabwe, ZW News, accessed May 2003 at www.zwnews.com, 2003. The Sunday Mirror, 'Commentary on Government land consultant leaked audit report', *The Sunday Mirror*, Harare, accessed May 2003 at www.zwnews.com, 16 March 2003.

¹¹ Joseph W. Msike, EU#51 - Appendix 6.

¹² Possibly related to Rugare Eleck Ngidi Gumbo, Minister of State for State Enterprises and Parastatals in the President's Office born 8.3.1940; EU#11 - Appendix 6.

- ii) Dimitra Farm (1317.1163)
- iii) Balcombe (472.5730 ha)

Makonde District

- i) Chaosina (577.7828 ha)
- ii) Dalston (1223.3000 ha)
- iii) Kashwao (1337.9233 ha)

(All allegedly bought by Alex Jongwe of Barclays Bank)

- FSI a company owned by Cde Matumwa Mawere¹³ is also alleged to have acquired a number of farms or the buildings and equipment on those farm thereby prejudicing the resettled families. Cases were reported in Mashonaland West and Mashonaland East.

Bubi District

- i) Subdivision 1 of Graves End (905.45 ha)
- ii) 19 of Robert Block (646.64 ha)
- iii) 20 of Robert Block (6046.7 ha)
- iv) Muckleneuk (2452.1287 ha)
- v) Induba (2544.57 ha)

All the above-mentioned properties were allegedly purchased by Dr Ibo Mandaza¹⁴ who has since taken the settled families to court in an attempt to evict them from the properties. The situation on these farms is potentially volatile and requires a speedy resolution.

Hwange District

- i) Dete Dahlia (3165.156 ha) allegedly sold to ZDB

Umguza District

- i) Redbank A

NB. Other properties in this category could not be ascertained due to the non-availability of information from the Ministry of Lands, Agriculture and Rural Settlement as indicated above.

2.2 Gazetting

There are allegations that the Hon Deputy Minister of Foreign Affairs Cde A. Ncube¹⁵ and the Chairman of the Gwanda Rural District Council Cde O. Mlilo have an over bearing effect on the Gwanda District Land Committee to the extent that they have directed the DLC to gazette Tod's Guest House and the Jesse Hall Hotel (both hotels) for compulsory acquisition which is both a violation of the National Land Policy and the Land Acquisition Act.

3. Settler Emplacement

3.1 Replanning A1 Farms to A2 Model Farms

The following farms which were originally settled under the A1 model have been replanned to A2 model farms thereby displacing the A1 settlers.

- i) Mayfield in Mazowe District (2126.9700 ha) where Cdes Chris Pasipamire and Mike Moyo are violently evicting 36 settlers who are recognised by the province which has recommended the withdrawal of

¹³ His 'consort' Kindness Paradza (MP, and journalist) gained lease VIP#152.

¹⁴ The editor of (and contributor to) a book that evaluates, and not always from a pro-Zanu-PF viewpoint, the political and economic transitions in the first years of Zimbabwe's independence. Mandaza (editor), *Zimbabwe: The Political Economy of Transition, 1980-1986*, Dakar and Harare: Codesria, and Jongwe Press, 1987.

¹⁵ Abedinico Ncube, Deputy Minister of Foreign Affairs, EU#69 - Appendix 6.

- the latter's offer letters. Some of the 36 settlers have been assaulted and reports have been made to the ZRP Marlborough.
- ii) Problems also exist at Fairview.
 - iii) Maryvale in Mazowe (671.3533 ha) where Cde J Makamba has removed settlers.
 - iv) Calgary in Mazowe (1500 ha) where the Hon Chindori-Chininga MP moved in¹⁶.
 - v) Harmony in Mazowe (500 ha) allocated to Cde S. Kasukuwere¹⁷
 - vi) Oldbury in Mazowe (915.8700 ha) taken by Cde O. Gumbo¹⁸
 - vii) Whitfield in the same district (202.6600 ha) involving Councillor Nyakudya
 - viii) Louisrust, Tsatse and Kwayedza farms in Mazowe are also affected.
 - ix) Eirin Farm in Marondera allocated to Air Marshall P Shiri¹⁹ at the expense of 96 families.
 - x) Ulva Farm in Marondera allocated to the Hon S. Sekeramayi²⁰ MP moving 21 families.

NB All A2 Model allocations of more than 350 ha in Mashonaland Central are made with the blessing of the Hon Governor Cde E Manyika²¹. All the Mashonaland Central mentioned above are above 350 ha meaning that the Hon Governor is aware of the existing problem caused by these allocations.

3.2 Dr R Ngwenya is reported to be causing havoc in the Goromonzi area where he was allocated land under the A2 model. He is alleged to be encroaching onto other beneficiaries plots e.g. Prof Chetsanga and is uprooting irrigation equipment from these plots for use on his allocated area.

3.3 A2 Allocations

3.3.1 Gwebi/Hunyani ICA

The Gwebi/Hunyani ICA in the Nyabira area of Mashonaland West with almost 90 farms has remained unallocated for almost two years now because the Hon Governor and Resident Minister Cde P Chanetsa and the Ruling Party Zanu (PF) Provincial Leadership including the provincial Chairman Cde P Chiyangwa and the Hon Minister of Local Government Public Works and National Housing Dr I. Chombo²² have failed to come to an agreement of the prospective beneficiaries.

It is imperative for the province to resolve this impasse urgently as the area in question is traditionally a highly productive area which normally contributes to our food security. Moreover, Mashonaland West is lagging behind other provinces in terms of A2 allocations.

3.3.2 Contentious Allocations

- i) Fountain Farm, Insiza District

¹⁶ Edward Takaruzza Chindori-Chininga, former Minister of Mines, EU#11 - Appendix 6.

¹⁷ Saviour Kasukuwere, Zanu PF Politburo Deputy, Secretary for Youth Affairs, EU#24 - Appendix 6.

¹⁸ *Possibly* related to Rugare Eleck Ngidi Gumbo, Minister of State for State Enterprises and Parastatals in the President's Office (EU#19 - Appendix 6), or to Joram Gumbo, MP.

¹⁹ Air Marshal Perence Shiri, EU#84 - Appendix 6.

²⁰ Sydney Tigere Sekeramayi, Minister of Defence, EU#81 - Appendix 6.

²¹ Elliot Tapfumanei Manyika - Minister without Portfolio, EU#37 - Appendix 6.

²² Ignatius Morgan Chiminya Chombo, Minister of Local Government, Public Works and National Housing, EU#15 - Appendix 6.

The Insiza District Land Committee reported that it had recommended that Fountain Farm which has highly developed infrastructure and produces poultry, citrus and livestock, be allocated to youths from the Ministry from Youth Development, Gender and Employment Creation's National Service training programme as an agricultural skills training centre for the Ministry.

However, the District Land Committee was surprised when the Hon Minister for Small and Medium Enterprises Development Cde S. Nyoni MP²³ was allocated the farm under the A2 Model directly from Harare. When the District Land Committee queried this, it is alleged that the Hon Minister of Lands, Agriculture and Rural Resettlement Dr J Made MP²⁴ promised to withdraw the Hon Mrs Nyoni's offer letter but to date this has not been done.

It is disturbing to note that violence is the order of the day on this farm with 'hired thugs' allegedly driven in from Bulawayo by the Hon Minister. The violence has not spared the members of the District Land Committee who threatened to resign if the relevant authorities did not intervene. These cases have been reported to both the ZRP in Gwanda and the President's Department in Gwanda and arrests were effected at the time of my audit

- ii) Holderness Farm in Makonde District was recommended for allocation to 7 A2 beneficiaries by the Provincial Land Committee and offer letters were duly written by Ministry of Lands, Agriculture and Rural Resettlement. However, a Mr A Mawere from the same ministry is alleged to have sent an AREX team from Harare to replan the farm and made an allocation to 11 other people without the knowledge of the province.
- iii) Cde Munetsi the Hurungwe DA who is suspended pending investigations of allegations of impropriety is alleged to have held back the delivery of 504 offer letters to A2 beneficiaries and instead substituted some of these with letters of his own allocating plots to illegal beneficiaries on Buffalo Downs and Buttervent Farms. It is suspected that outright corruption might have occurred as money is alleged to have changed hands in exchange for plot allocations. ZRP is investigating.
- iv) The District Land Committee in Muzarabani allocated themselves A2 plots on Lot 1 of Mutorazeni and Carse Farms outside the National Land Policy.

4. Multiple Farm Ownership

The following have been identified as owning more than one farm which is a violation of the one man one farm policy of our Land Reform Programme.

- Hon Dr I.M.C. Chombo MP²⁵ Allan Grange (300 ha) and Oldham in Chegutu
- Hon J. Gumbo MP²⁶ – Lot 12A of Nuanetsi Ranch A in Mwenezi and Wolwehoek (1299 ha) in Makonde
- Hamadziripi M.K. – Bailineety in Nyabira (3147 ha) and Wolwehoek (1299 ha) in Makonde
- Hon J. Hungwe MP – Lot 21 A of Nuanetsi Ranch in Mwenenzi (14713 ha) and Bryn Chegutu²⁷

²³ Sithembiso Gile Glad Nyoni, Minister of Small and Medium Enterprises Development, EU#75 - Appendix 6.

²⁴ Joseph Mtakwese Made, Minister of Agriculture and Rural Development, EU#29 - Appendix 6.

²⁵ Ignatius Morgan Chiminya Chombo, EU#15 - Appendix 6.

²⁶ Joram Gumbo, MP.

- Kangachepa Kufaingano – Mafuta (1300 ha) and R/E of Mvurachena Estate (711 ha) both in Makonde district
- Brig E.W. Kanhanga – Stella (425 ha) and Stockwill (2443 ha) both in Mazowe district
- S. Kasukuwere MP – Pimento Farm, Bamboo Creek and Harmony²⁸
- J. Macheka – Cairnsmore (300 ha) in Mazowe and Doornfontein (864 ha) in Masvingo
- E. Madzongwe – Bourne and Corburn 13 both in Chegutu²⁹
- Hon S. Mahofa MP – Lothain in Gutu, Lochnivar, Eyrie, Spring SP³⁰
- N. Makura – Brecknin and Laung Glen in Seke district
- Hon E. Manyika MP – Duiker Flats and Sub Division of Caledon³¹
- M. Mawere – Sanga (1137 ha) Goromonzi and Chigori (871 ha in Murehwa)³²
- Hon K. Mohadi MP – Bothasrus and Bea Ranch allocated to Mrs Mohadi – both in Beitbridge³³
- Hon Prof J. Moyo MP – Little Connemara 1 – Nyanga, Patterson, Mazowe, and Lot 3A of Dete Valley in Lupane³⁴
- Hon O. Mpofo – Auchenburg in Nyamndlovu, Umguza Block in Umguza and one other farm he is understood to have purchased³⁵
- S. Mugabe – R/E of Mlembwe (1037 ha) Longwood (924 ha) and Gowrie Farm³⁶
- F. Mukunowengwe – Watakai and Nan Terra in Mazowe district
- L. Mutemeri – Carlton Curlieu of Trelawney Estate (570 ha) Makonde and Corburn 33 (234.30 ha) Chegutu
- V. Mashwita and spouse – Dendere/Harmony and Watakai in Mazowe
- Boniface Shamu³⁷ – Meando and Vilendy in Marondera
- Air Marshal P. Shiri³⁸ – Eirin (1460 ha) Marondera Maple Leaf and R/E of Audrey Farm
- C. Shumba³⁹ – Maine Farm Chegutu Chinomw Estate Makonde and Lot 1 Orange Grove in Chegutu
- W. Bvudzijena – Templeton Ranch and Koodoo Hill

²⁷ Presumably this is Josaya Dunira Hungwe, MP and Provincial Governor: Masvingo.

²⁸ Saviour Kasukuwere, Zanu-PF MP, Politburo Deputy, Secretary for Youth Affairs, EU#24 - Appendix 6.

²⁹ Edna Madzongwe, Zanu PF Politburo Deputy Secretary for Production and Labour, Parliamentary Deputy Speaker, EU#30 - Appendix 6.

³⁰ Shuvai Ben Mahofa, Deputy Minister for Youth Development, Gender and Employment Creation, female, EU#31 - Appendix 6.

³¹ Elliot Tapfumanei Manyika, Minister without Portfolio, EU#37 - Appendix 6.

³² Mutumwa Mawere, chairman of Africa Resources Ltd, now out of favour with Zanu-PF

³³ Kembo Campbell Dugishi Mohadi, Minister of Home Affairs, EU#46 - Appendix 6.

³⁴ Jonathan Moyo, Minister of State for Information and Publicity in the President's Office, EU#47 - Appendix 6.

³⁵ Obert Moses Mpofo, MP, Provincial Governor: Matabeleland North, EU#50 - Appendix 6.

³⁶ Probably Sabina Mugabe, MP, Zanu PF - Politburo member, sister to President Mugabe, EU#58 - Appendix 6.

³⁷ Unknown relationship to Webster Shamu, Minister of State for Policy Implementation in the President's Office, born 6.6.1945.

³⁸ Air Marshal Perence Shiri, EU#84 - Appendix 6.

³⁹ Unknown relationship to Shumba Isaiah Masvayamwando - Deputy Minister of Education, Sports and Culture, born 3.1.19.

- Hon P. Chanetsa MP – R/E of Riverside E, Greensleaves of Biri, Gabaro Farm in Hurungwe, Romsey Farm in Makonde Spouse – Erewhon Farm
- C. Chingoso – Makarara, Showers B, Solitude, Retreat of Sanzara, Chigori, Rapids all in Marondera and Lot 6 of Mkwesine Central in Chiredzi
- M.M. Chinomona – Plot 14 of Rathmines and R/E of Redbuck Kop in Goromonzi⁴⁰
- E. Chauke – Farm 748 Ngwindi Sugar Estate n Chiredzi and Sikato 10 in Masvingo District⁴¹
- J. Chibizhe – Sabi Dog and S/D 9 of Lot 6 Essanby
- N. Machwori – Morning Star and another farm he bought on his own

NB The list is not exhaustive as the people interviewed were scared to reveal any information least they might be victimised by the multiple farm owners who seem to have their loyalist within the various land committees.

It is very urgent to take urgent corrective measures particularly where the leadership is the perpetrator of anomalies as the general public is restive where such cases exist and a multitude of people are still on the waiting list.

5. **Recommendation**

It is recommended that the information supplied by this audit be utilised to take corrective measures immediately so that the Land Reform and Resettlement can be brought back in tandem with the policy. Perpetrators of all cited anomalies should be censured and institutional arrangements strengthened so that all land committees can operate freely within the policy guidelines.

⁴⁰ Deputy Minister Mabel Chinomona.

⁴¹ Elliot Chauke, MP. The Dongo List indicates Sikato 10 was allocated as a CFSS lease to Chief Fortune Zefanaya Charumbira.

Appendix 5: List of Delegates from Southern Rhodesia at Lancaster House, London,

1979

This List is derived from

Mr Mugabe, Mr Nkomo and delegation (*that is the Patriotic Front*)

(those who gained Ministerial roles in the Independence Government)

- Mr J.M. Nkomo (Joshua Nkomo, MP for Zapu-PF, Minister of Home Affairs)
- Mr J.M. Chinamano
- Mr E.Z. Tekere (Edgar Tekere, Minister of Manpower, Planning & Development⁴²)
- Gen J.M. Tongogara
- Mr E.R. Kadungure (Earnest Kadungure, Minister of Transport & Power)
- Dr H. Ushewokunze (Herbert Ushewokunze, Minister of Health)
- Mr D. Mutumbuka (Dzingai Mutumbuka, Minister of Education & Culture)
- Mr J. Tungamirai⁴³
- Mr E. Zvogbo (Eddison Zvogbo, Minister of Local Government & Housing⁴⁴)
- Mr S. Mubako* (Simbi Mubako, Minister of Justice & Constitutional Affairs)
- Mr W. Kamba
- Mr J.W. Msika⁴⁵ (Joseph Msika, MP for Zapu-PF, Minister of Natural Resources & Water Development)
- Mr T.G. Silundika* (George Silundika, Minister of Public Works)
- Mr A.M. Chambati
- Mr John Nkomo*⁴⁶
- Mr L. Baron*
- Mr S.K. Sibanda*
- Mr E. Mlambo*
- Mr C. Ndlovu*
- Miss E. Siziba

⁴² Tekere had been with ZANLA in Mozambique. Ranger, *Peasant Consciousness and Guerrilla War in Zimbabwe: a Comparative Study*, pp. 268-269.

⁴³ EU#92 - Appendix 6.

⁴⁴ Also spelt 'Edson' Zvogbo. Ranger, *Peasant Consciousness and Guerrilla War in Zimbabwe: a Comparative Study*, p. 305.

⁴⁵ EU#51 - Appendix 6.

⁴⁶ EU#73 - Appendix 6.

* replaced by Mr W. Musarurwa, Mr D. Dabengwa⁴⁷, Mr A. Ndlovu, Mr R. Austin, Mr R. Mpoko, Mr R. Manyika, and Mr L. Mafela for some sessions of the Conference⁴⁸.

Bishop Muzorewa and Delegation (*representing the coalition Government, headed by Bishop Muzorewa, created under the Internal Settlement of 3 March 1978*)

Bishop A.T. Muzorewa

Dr S.C. Mundawarara

Mr E.L. Bulle

Mr F. Zindoga

Mr D.C. Mukome*

Mr G.B. Nyandoro*

Rev N. Sithole Ndabaningi Sithole (founder of ZANU)

Mr L. Nyemba*

Chief K. Ndiweni

Mr Z.M. Bafanah*

Mr I.D. Smith (Ian Smith, the former Prime Minister)

Mr D.C. Smith

Mr R. Cronje

Mr C. Anderson

Dr J. Kamusikiri

Mr G. Pincus*

Mr L.G. Smith

Air Vice Marshal H. Hawkins

Mr D. Zamchiya

Mr S.V. Mutambanengwe

Mr M.A. Adam

Mr P. Claypole

* replaced by Mr A.R. McMillan, Mr D.V.M. Bradley, Gen P. Walls, Mr K. Flower, and Mr P.K. Allum for some sessions of the Conference.

⁴⁷ Dumiso Dabengwa, Zanu-PF Politburo member, EU#16 - Appendix 6.

⁴⁸ Many of these surnames – Ndlovu, Sibanda, Manyika, etc – are prominent in contemporary Zimbabwe, and the later actors may well be related to these earlier participants in the Liberation War and at Lancaster House.

Appendix 6: The European Union List of Prominent Zimbabweans Against Whom Economic Sanctions Have Been Applied, 2004

*The Zimbabwe Independent, Staff Writer, Friday, 5 March 2004*⁴⁹

“Bank of England adopts new EU list on Zim

THE Bank of England (BOE) has adopted the revised European Union list on Zimbabweans slapped with targeted sanctions over repression and human rights abuses in Zimbabwe.

BOE on Tuesday issued an addendum to the original notice on Zimbabwe on the EU's renewed measures against President Robert Mugabe and 94 of his associates who are on the 15-member bloc's black-list.

The EU unanimously renewed its sanctions on February 25 for another year, saying the crisis in Zimbabwe has remained largely unchanged.

Sanctions, which include a travel ban, asset-freeze and an arms embargo, were first imposed in February 2002. They were renewed last year and last month for a year.

BOE said its supplement to the financial sanctions on Mugabe and his cronies was to update the EU blacklist lodged with the bank.

‘The purpose of this supplement, which is issued in accordance with the powers delegated by HM (Her Majesty's) Treasury, is to advise of the addendum to council regulation no 314/2004 issued by the European Union on 25 February 2004,’ the bank said.

‘The prohibition against making funds or economic resources available shall not prevent the crediting of frozen accounts by financial institutions that receive funds transferred by third parties to the account of the listed person or entity, provided that any addition to such accounts is also frozen.’

The bank said financial institutions are required to inform it of any such transactions.

Here is the EU list of Mugabe and his lieutenants under targeted sanctions:

1. Mugabe Robert Gabriel - President, born 21.2.1924
2. Buka Flora Minister - of State in Vice-President's Office, born 25.2.1968
3. Bonyongwe Happyton - Director-General Central Intelligence Organisation, born 6.11.1960
4. Chapfika David - Deputy Minister of Finance and Economic Development
5. Charamba George - Permanent Secretary Department for Information and Publicity, born 4.4.1963

⁴⁹ The Zimbabwe Independent/Staff Writer, 'Bank of England adopts new EU list on Zim, Friday', *The Zimbabwe Independent*, Harare, accessed April 2004 at <http://www.theindependent.co.zw/news/2004/March/Friday5/2208.html>, 5 March 2004. The list is also accessible, together with details of the legal processes of listings, and details of the history of the list, at Government of the Isle of Man, 'Sanctions Notice 8, European Union Sanctions, Zimbabwe'.

6. Charumbira Fortune Zefanaya - Deputy Minister for Local Government, Public Works and National Housing, born 10.6.1962
7. Chigwedere Aeneas⁵⁰ Soko - Minister of Education, Sports and Culture, born 25.11.1939
8. Chihuri Augustine - Police Commissioner, born 10.3.1953
9. Chikowore Enos - Zanu PF Politburo Secretary for Land and Resettlement, born 1936
10. Chinamasa Patrick Anthony - Minister of Justice, Legal and Parliamentary Affairs, born 25.1.1947
11. Chindori-Chininga Edward Takaruza - former Minister of Mines, born 14.3.1955
12. Chipanga Tongesai Shadreck⁵¹ - Deputy Minister of Home Affairs
13. Chiwenga Constantine - Commander Zimbabwe Defence Forces, General, born 25.8.1956
14. Chiwewe Willard - Senior Secretary in the President's born 19.3.1949
15. Chombo Ignatius Morgan Chiminya - Minister of Local Government, Public Works and National Housing, born 1.8.1952
16. Dabengwa Dumiso - Zanu PF Politburo Member, born 1939
17. Goche Nicholas Tasunungurwa - Minister of State for National Security in the President's Office, born 1.8.1946
18. Gula-Ndebele Sobuza - Chairman of Electoral Supervisory Commission
19. Gumbo Rugare Eleck Ngidi - Minister of State for State Enterprises and Parastatals in the President's Office born 8.3.1940
20. Hove Richard - Zanu PF Politburo Secretary for Economic Affairs, born 1935⁵²
21. Hungwe Josaya Dunira - Provincial Governor: Masvingo, born 7.11.1935
22. Kāngai Kumbirai - Zanu PF Politburo Committee Member, born 17.2.1938⁵³
23. Karimanzira David Ishe-munyoro Godi - Zanu PF Politburo Secretary for Finance, born 25.5.1947
24. Kasukuwere Saviour - Zanu PF Politburo Deputy, Secretary for Youth Affairs, born 23.10.1970
25. Kuruneri Christopher Ticha-ona - Minister of Finance and Economic Development, born 4.4.1949
26. Langa Andrew - Deputy Minister of Transport and Communications
27. Lesabe Thenjiwe V - Zanu PF Politburo Secretary for Women's Affairs, born 1933

⁵⁰ Spelt 'Enias' on Zimbabwean Parliamentary web page.

⁵¹ Spelt 'Tongesayi' on Zimbabwean Parliamentary web page.

⁵² Minister of Public Service in 1980 Independence Government.

⁵³ Minister of Labour and Social Welfare in 1980 Independence Government.

28. Machaya Jason⁵⁴ Max Kokerai - Deputy Minister of Mines and Mining Development, born 13.6.1952
29. Made Joseph Mtakwese - Minister of Agriculture and Rural Development, born 21.11.1954
30. Madzongwe Edna - Zanu PF Politburo Deputy Secretary for Production and Labour, born 11.7.1943
31. Mahofa Shuvai Ben - Deputy Minister for Youth Development, Gender and Employment Creation, (female) born 4.4.1941
32. Mahoso Tafataona - Chair, Media and Information Commission
33. Makoni Simbarashe - Zanu PF Politburo Deputy Secretary General for Economic Affairs, born 22.3.1950
34. Malinga Joshua - Zanu PF Politburo Deputy Secretary for Disabled and Disadvantaged, born 28.4.1944
35. Mangwana Paul Munyaradzi - Minister of Public Service, Labour and Social Welfare born 10.8.1961
36. Mangwende Witness Pasichigare Madunda - Provincial Governor: Harare born 15.10.1946
37. Manyika Elliot Tapfumanei - Minister without Portfolio, born 30.7.1955
38. Manyonda Kenneth Vhundukai - Deputy Minister of Industry and International Trade, born 10.8.1934
39. Marumahoko Rueben - Deputy Minister of Energy and Power Development, born 4.4.1948
40. Masawi Ephrahim Sango - Provincial Governor: Mashonaland Central
41. Masuku Angeline - Provincial Governor: Matabeleland South, born 14.10.1936
42. Mathema Cain - Provincial Governor: Bulawayo
43. Mathuthu T. - Zanu PF Politburo Deputy Secretary for Transport and Social Welfare
44. Midzi Amos Bernard - Minister of Mines and Mining Development born 4.7.1952
45. Mnangagwa Emmerson Dambudzo - Speaker of Parliament, born 15.9.1946
46. Mohadi Kembo Campbell Dugishi - Minister of Home Affairs, born 15.11.1949
47. Moyo Jonathan - Minister of State for Information and Publicity in the President's Office, born 12.1.1957
48. Moyo July Gabarari - Minister of Energy and Power Development, born 7.5.1950
49. Moyo Simon Khaya - Zanu PF Politburo Deputy Secretary for Legal Affairs, born 1945
50. Mpfu Obert Moses - Provincial Governor: Matabeleland North, born 12.10.1951
51. Msika Joseph W. - Vice-President, born 6.12.1923
52. Msipa Cephas George - Provincial Governor: Midlands, born 7.7.1931

⁵⁴ Spelt 'Jaison' on Zimbabwean Parliamentary web page.

53. Muchena Olivia Nyembesi - Minister of State for Science and Technology in the President's Office born 18.8.1946
54. Muchinguri Oppah Chamu Zvipange - Zanu PF Politburo Secretary for Gender and Culture, born 14.12.1958
55. Mudede Tobaiwa Tonneth - Registrar General, born 22.12.1942
56. Mudenge Isack Stanilaus - Gorerazvo Minister of Foreign Affairs, born 17.12.1941
57. Mugabe Grace - Spouse of Robert Gabriel Mugabe, born 23.7.1965
58. Mugabe Sabina - Zanu PF - Politburo member, born 14.10.1934
59. Mujuru Joyce Teurai Ropa - Minister of Water Resources and Infrastructural Development born 15.4.1955
60. Mujuru Solomon T.R. - Zanu PF Politburo member, born 1.5.1949
61. Mumbengegwi Samuel Creighton - Minister of Industry and International Trade, born 23.10.1942
62. Murerwa Herbert Muchemwa - Minister of Higher and Tertiary Education, born 31.7.1941
63. Mushohwe Christopher Chindoti - Minister of Transport and Communications, born 6.2.1954
64. Mutasa Didymus Noel Edwin - Minister of Special Affairs in the President's Office in charge of the Anti-Corruption and Anti-Monopolies Programme, born 27.7.1935
65. Mutinhiri Ambros - Minister of Youth Development, Gender and Employment Creation, Retired Brigadier
66. Mutiwekuziva Kenneth Kaparadza - Deputy Minister of Small and Medium Enterprises Development born 27.5.1948
67. Muzenda Tsitsi V - Zanu PF Politburo member, born 28.10.1922
68. Muzonzini Elisha - Retired Brigadier, Ambassador Kenya, born 24.6.1957
69. Ncube Abedinico - Deputy Minister of Foreign Affairs, born 13.10.1954
70. Ndlovu Naison K. - Zanu PF Politburo Secretary for Production and Labour, born 22.10.1930
71. Ndlovu Sikhanyiso - Zanu PF Politburo Deputy Secretary for Commissariat, born 20.9.1949
72. Nhema Francis - Minister of Environment and Tourism, born 17.4.1959
73. Nkomo John Landa - Minister of Special Affairs in the President's Office
74. Nyambuya Michael Reuben - Retired Lieutenant General, Provincial Governor: Manicaland
75. Nyoni Sithembiso⁵⁵ Gile Glad - Minister of Small and Medium Enterprises Development, born 20.9.1949
76. Parirenyatwa David Pagwese - Minister of Health and Child Welfare, born 2.8.1950

⁵⁵ Spelt 'Stembiso' on Zimbabwean Parliamentary web page.

77. Pote Selina M, Zanu PF - Politburo Deputy Secretary for Gender and Culture
78. Rusere Tinos Deputy - Minister for Water Resources and Infrastructural Development, born 10.5.1945
79. Sakupwanya Stanley - Zanu PF Politburo Deputy Secretary for Health and Child Welfare
80. Samkange Nelson - Tapera Crispen Provincial Governor: Mashonaland West
81. Sekeramayi, Sydney Tigere - Minister of Defence, born 30.3.1944⁵⁶
82. Shamu Webster - Minister of State for Policy Implementation in the President's Office, born 6.6.1945
83. Shamuyarira Nathan Marwirakuwa - Zanu PF Politburo Secretary for Information and Publicity, born 29.9.1928⁵⁷
84. Shiri Perence - Air Marshal, born 1.11.1955
85. Shumba Isaiah Masvayamwando - Deputy Minister of Education, Sports and Culture, born 3.1.1949
86. Sibanda Jabulani - Chair, National War Veterans Association, born 31.12.1970
87. Sibanda Misheck Julius Mpande - Cabinet Secretary, born 3.5.1949
88. Sibanda Phillip Valerio - Commander Zimbabwe National Army, Lieutenant General, born 25.8.1956
89. Sikosana Absolom - Zanu PF Politburo Secretary for Youth Affairs
90. Stamps Timothy - Health Advisor in the Office of the President, born 15.10.1936
91. Tawengwa Solomon Chirume - Zanu PF Politburo Deputy Secretary for Finance, born 15.6.1940
92. Tungamirai Josiah T - Retired Air Marshall, Minister of State for Indigenisation and Empowerment, Retired Air Marshall, born 8.10.1948
93. Utete Charles - Chairman of the Presidential Land Review Committee, born 30.10.1938
94. Zimonte Paradzai - Prisons Director, born 4.3.1947
95. Zvinavashe Vitalis - Retired General, born 27.9.1943

⁵⁶ Dr Sekeramayi, Minister of Lands, Resettlement and Rural Development in 1980 Independence Government.

⁵⁷ Minister of Information and Tourism in 1980 Independence Government.

Appendix 7: List of Zimbabwean MPs, 2004

Details accessed at Parliamentary web page.⁵⁸ Of these 144 listed MPs, 55 are on the EU list (2004) of 95 Prominent Zimbabweans against whom sanctions have been imposed.⁵⁹

NC = no constituency (i.e. Zanu-PF member appointed directly by President Mugabe)
 DOB = Date of Birth N/D = no details

NAME	EU List	Sex	DOB	Political affiliation
Zanu-PF Politburo Presidency of Comrades:				
President Mugabe	EU#1	M	1924	Zanu-PF, NC; present at Lancaster House
Vice Presidents:				
Joseph Msika	EU#51	M	1923	Zanu-PF, NC; present at Lancaster House
Tsitsi (Simon) V Muzenda	EU#67	M	1922	Zanu-PF, NC
(now deceased and replaced, eventually, by Joyce Mujuru)				
National Chairman:				
John Nkomo	EU#73	M	1934	Zanu-PF, NC; present at Lancaster House
Parliamentary leadership:				
Emmerson Mnangagwa	EU#45	M	1946	Zanu-PF, Speaker Of Parliament
Edna Madzongwe	EU#30	F	1943	Zanu-PF, N/C, Deputy Speaker
Baloyi, Aaron		M	1949	Zanu-PF
Bennet, Roy		M	1957	MDC (expatriate European)
Bhebhe, Abedinico		M	1966	MDC
Bidi, Ndiweni		F	1957	Zanu-PF, Chief/NC
Biti, Laxton		M	1966	MDC
Buka, Flora	EU#2	F	1968	Zanu-PF
Bushu, Show		M	1939	Zanu-PF, Chief/NC
Chaibva, Gabriel		M	1966	MDC
Chamisa, Nelson		M	N/D	N/D
Chapfika, David	EU#4	M	1957	Zanu-PF
Charumbira, Fortune	EU#6	M	1962	Zanu-PF, Chief/NC
Chauke, Elliot		M	1944	Zanu-PF
Chebundo, Blessing		M	1956	MDC
Chigwedere, Enias	EU#7	M	1939	Zanu-PF
Chikiyi, Innocent		M	1945	Zanu-PF
Chimombe, George		M	1956	Zanu-PF, Chief/NC
Chimutengwende, Chen		M	N/D	Zanu-PF
Chinamasa, Patrick	EU#10	M	1947	Zanu-PF, NC
Chindanya, Jefta		M	1937	Zanu-PF
Chindori-Chininga, Edward	EU#11	M	1955	Zanu-PF
Chipanga, Tongesayi	EU#12	M	1946	Zanu-PF
Chirau, Dzomba Dzvaka		M	1934	Zanu-PF, Chief/NC
Chitongo, Oswald		M	1957	Zanu-PF
Chirowamhangu, Leonard		M	1943	MDC
Chiyangwa, Phillip		M	1959	Zanu-PF
Chombo, Ignatius	EU#15	M	1952	Zanu-PF
Coltart, David		M	1957	MDC (expatriate European)
Dokora, Lazarus		M	1957	Zanu-PF

⁵⁸ http://www.parlzim.gov.zw/Mps_index/mps_index.html, accessed October 2004 (not available May 2005).

⁵⁹ The Zimbabwe Independent/Staff Writer, 'Bank of England adopts new EU list on Zim, Friday'.

Dzinzi, Nobbie		M	1954	Zanu-PF	
Gabbuza, Joel		M	1967		MDC
Gasela, Renson		M	1946		MDC
Goche, Nicholas	EU#17	M	1946	Zanu-PF	
Gonese, Innocent		M	1962		MDC
Gumbo, Rugare	EU#19	M	1940	Zanu-PF	
Gumbo, Joram		M	1949	Zanu-PF	
Gwetu, Milford		M	1928		MDC
Hama, Zishiri Mutibenga		M	1926	Zanu-PF, Chief/NC	
Hungwe, Josiah	EU#21	M	1935	Zanu-PF	
Kangai, Kumbirai	EU#22	M	1938	Zanu-PF	
Karimanzira, David	EU#23	M	1947	Zanu-PF	
Kasukuwere, Saviour	EU#24	M	1970	Zanu-PF	
Kaukonde, Ray		M	1963	Zanu-PF	
Khumalo, Bafana		M	1938		MDC
Khumalo, Nomalanga		F	1953		MDC
Khupe, Thokozani		F	1963		MDC
Kumbula, Wilson		M	1950		ZANU
Kuruneri, Christopher	EU#25	M	1949	Zanu-PF	
Langa, Andrew	EU#26	M	N/D	Zanu-PF	
Machaya, Jaison	EU#28	M	1952	Zanu-PF	
Mackenzie, Isaac		M	1967	Zanu-PF	
Made, Joseph	EU#29	M	1954	Zanu-PF, NC	
Madiro, Phone		M	1952	Zanu-PF	
Madzimure, Willias		M	1962		MDC
Madzore, Paul		M	1969		MDC
Mafudze, Hilda		F	1960		MDC
Mahofa, Shuvai	EU#31	F	1941	Zanu-PF	
Majange, Charles		M	1954	Zanu-PF	
Makokove, Bernard		M	N/D		N/D
Makova, Claudius		M	N/D		N/D
Makuvaza, Dunmore		M	1957		MDC
Makwembere, Stanley		M	1945		MDC
Malinga, Abedinigo		M	1957		MDC
Mangwana, Paul	EU#35	M	1961	Zanu-PF	
Mangwende, Jonathan		M	1936	Zanu-PF, Chief/NC	
Mangwende, Witness	EU#36	M	1946	Zanu-PF	
Mangono, Silas		M	1964		MDC
Manyika, Elliot	EU#37	M	1955	Zanu-PF	
Manyonda, Kenneth	EU#38	M	1934	Zanu-PF	
Marumahoko, Rueben	EU#39	M	1948	Zanu-PF	
Masaiti, Evelyn		F	1965		MDC
Masawi, Ephraim	EU#40	M	N/D	Zanu-PF	
Mashakada, Tapiwa		M	1968		MDC
Masuku, Angeline	EU#41	F?	1936	Zanu-PF	
Matewu, Mathias		M	1962		MDC
Matiza, Biggie		M	1960	Zanu-PF	
Mazikana, Paul		M	1960	Zanu-PF	
Mbalekwa, Meeting		M	N/D	Zanu-PF	
Mdlongwa, Esaph		M	N/D		MDC
Mhashu, Fidelis		M	1942		MDC
Midzi, Amos	EU#44	M	1952	Zanu-PF	
Misihairabwi, Priscilla		F	N/D		MDC
Mkandla, Eleck		M	1940	Zanu-PF	
Mkhosi, Edward		M	N/D		N/D
Mohadi, Kembo	EU#46	M	1949	Zanu-PF	
Moyo, Jonathan	EU#47	M	1957	Zanu-PF, NC	
Moyo, July	EU#48	M	1950	Zanu-PF, NC	

Moyo, Lovemore		M	1965		MDC
Mpariwa, Paurina		F	1965		MDC
Mpofu, Obert	EU#50	M	1951	Zanu-PF	
Msipa, Cephas	EU#52	M	1931	Zanu-PF	
Muchena, Olivia	EU#53	F	1946	Zanu-PF	
Mudenge, Gorerazvo		M	1941	Zanu-PF	
Mugabe, Sabina	EU#58	F	1934	Zanu-PF	
Mujuru, Joyce	EU#59	F	1955	Zanu-PF	
Mukahlela, Timothy M		M	1948		MDC
Mukota, Tigu		M	N/D	Zanu-PF,	Chief/NC
Mukwecheni, Sydney		M	1952		MDC
Mumbengegwi, Samuel	EU#61	M	1942	Zanu-PF	
Munyanyi, Tichaona		M	1958		MDC
Mungofa, Pearson		M	N/D		N/D
Munyoro, Gibson		M	N/D		N/D
Mupukuta, Lovemore		M	1967	Zanu-PF	
Murerwa, Herbert	EU#62	M	1941	Zanu-PF	
Mushohwe, Christopher	EU#63	M	1954	Zanu-PF	
Mushoriwa, Edwin		M	1973		MDC
Mutasa, Didymus	EU#64	M	1935	Zanu-PF	
Mutema, Tichafa		M?	N/D		N/D
Mutendadzamera, Justin		M	1965		MDC
Mutinhiri, Ambrose	EU#65	M	N/D	Zanu-PF	
Mutiwekuziwa, Kenneth	EU#66	M	1948	Zanu-PF	
Mutsauri, Walter		M	1963	Zanu-PF	
Mutsekwa, Giles		M	1948		MDC
Ncube, Daniel		M	1957	Zanu-PF	
Ncube, Abedinico	EU#69	M	1954	Zanu-PF	
Ncube, Fletcher		M	1940		MDC
Ncube, Welshman		M	1961		MDC
Ndlovu, Moses		M	1953		MDC
Nhema, Stan		M	1959	Zanu-PF	
Nyambuya, Michael	EU#74	M	N/D	Zanu-PF	
Nyathi, Paul (Themba)		M	1946		MDC
Nyauchi, Esther		F	1955	Zanu-PF	
Nyoni, Peter		M	1966		MDC
Nyoni, Stembiso	EU#75	F	1949	Zanu-PF	
Paradza, Kindness		M	N/D	Zanu-PF	
Parirenyatwa, David	EU#76	M	1950	Zanu-PF,	NC
Rusere, Tinos	EU#78	M	1945	Zanu-PF	
Samkange, Nelson	EU#80	M	N/D	Zanu-PF	
Sansole, Jealous		M	1964		MDC
Sekeramayi, Sydney	EU#81	M	1944	Zanu-PF	
Shamu, Webster	EU#82	M	1945	Zanu-PF	
Shoko, Gilbert		M	1962		MDC
Shumba, Isaiah	EU#85	M	1949	Zanu-PF	
Sibanda, Gibson		M	1944		MDC
Sibanda, Mtoliki		M	1952		MDC
Sikalenge, Bayele		M	1952	Zanu-PF,	Chief/NC
Sikhala, Job		M	1972		MDC
Stevenson, Lottie		F	1944		MDC (expatriate European)
Thabani, Jacob		M	N/D		N/D
Tungamirai, Josiah	EU#92	M	1948	Zanu-PF, NC;	present at Lancaster House
Ziyambi, Zachariah		M	1949	Zanu-PF	
Zwizwai, Murisi		M	N/D		N/D

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