Journal of Sustainable Development in Africa (Volume 12, No.4, 2010)

ISSN: 1520-5509

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Land Reform Process and Property Rights in Zimbabwe: Constraints and Future Prospects (1980-2002)

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ABSTRACT

In 1980, land ownership was heavily skewed in favour of 6 034 white commercial farmers who owned more than half the country's arable land. The transfer of land from the white commercial farmers to black smallholder farmers became a precondition not only to attain equity in land ownership but also a way to raise agricultural productivity and reduce poverty in the communal areas. The paper sought to review Zimbabwe's experiences in land acquisition for resettlement during the period 1980-2002 and in the process, clarify the nature and scope of the land reform programme with respect to the intended changes in land-property relations and examine its progress. Three methods of land acquisition have been used in Zimbabwe, namely, land acquisition through the market, compulsory land acquisition and random and spontaneous land occupations (seizures).

Due to a variety of reasons, all of which have their roots in the Lancaster House Agreement of 1979, the resettlement programme did not perform to expectations. Under the willing seller, willing buyer principle, land was not offered in sufficient amounts and that which was offered to government was of marginal quality in regions of low rainfall patterns. Parsimonious funding by Britain, USA and other international donors hampered any meaningful land reform process in Zimbabwe during the first decade after independence. In addition, loopholes in land reform laws, institutional incapacity and absence of a conducive social and political market constrained proper implementation of the reform process. Despite its problems, Zimbabwe's land reform process managed to establish a relatively more equitable distribution than what obtained under apartheid regime of Rhodesia.

Key Words: land reform; A1 and A2 Models; property rights; fast track land reform

INTRODUCTION

The importance of land in an agricultural economy needs no emphasis. It constitutes the primary form of wealth and source of political power. In Zimbabwe, where the majority of people obtain their livelihood directly from agriculture, land ownership and use have always been sensitive issues and became major areas of dispute for blacks and whites since 1890s. Land alienation was a central feature of the colonial economy and by 1894 the Land Commission had dispossessed the indigenous people of over 80% of their cattle and land was alienated to mines, farms and industries. The concept of African Reserves was to ensure permanent supply of cheap labour to the white settler economy.

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Land reform was adopted in 1980 in order to redress past colonial inequities in land ownership and reduce poverty in communal areas. Land acquisition was aimed at reducing the 14.7 million hectares of agricultural land held by white farmers at independence by approximately 50 per cent. The remaining white commercial farming areas were to be desegregated through promoting black entry into the sector. Zimbabwe's land reform comprised of two phases: the first phase from 1980 to 1996, and the second commenced with the gazetting of 1471 farms for compulsory acquisition in 1997. During the first phase, a number of donors including Britain provided financial and/or technical in order to facilitate the process of land redistribution and compensation.

In 1992, after the government was no longer constrained by provisions of the Lancaster House Agreement, the Constitution was amended in order to provide for the redistribution of land within the country. By 1997, however, much of the more fertile land remained under control of a few thousand white farmers. Moreover, much of the land that had been distributed remained in the hands of a few black elites. Meanwhile, the population in already overcrowded communal areas increased and land hunger intensified. In 1998, international donor governments, held a conference to mobilize support for acquisition of land. These governments adopted a set of principles in order to guide "Phase II" of land reform in Zimbabwe. The principles included respect for the legal process, transparency, poverty reduction, consistency and ensuring affordability for acquisition and allocation of land grants. Subsequent to those proceedings, however, the relationship between the Zimbabwean government and donors faced instability which forced the former to abandon market-based land reform accusing donors of attempting to maintain the colonial distribution of wealth.

Political and social tension over land-distribution and compensation intensified in late 1990s where peasants moved onto white-owned farms. In July 2000, the government adopted the fast track land reform programme. The process was an inefficient and inconsistent method of allocating land. Moreover, there were increasing concerns that the method was not monitored by the judicial system. Zimbabwe's land reform process was more diverse and complex than most. The reform process failed to meet the country's needs due to a number of constraints which included absence of a conducive social and political market, parsimonious funding of the reform land reform process, legal loopholes in the laws governing land acquisition and structural weaknesses of institutional framework executing the programme. Despite its problems, Zimbabwe's land reform process managed to establish a relatively more equitable distribution than what obtained under apartheid regime of Rhodesia.

METHOD AND APPROACH

The paper used the historical method which involved collection of published or secondary data from various sources including publications from the Government of Zimbabwe, journal articles, periodicals, and thesis and text books. The debate on land acquisition and restructuring of land rights in Zimbabwe needs to be examined in a historical perspective. Why the ownership of land was distributed as it was in 1980 was a historical question that needed to be addressed in that context.

Although land reform and redistribution entail a variety of aspects such as land use and settlement planning and infrastructure development, the most volatile politics of land reform in Zimbabwe during the period under study hovered around land transfers from the landed elite to the landless blacks. Thus, in this paper, land reform will be restricted to the Government of Zimbabwe's policies aimed at redistributing part or the whole bundle of property rights on land. The analysis was based on the methods of land acquisition such as land acquisition through the market, compulsory land acquisition and spontaneous land occupations (invasions) to see whether the land reform achieved its intended original set objective to transfer a bundle of property rights from minority white commercial farmers to disenfranchised blacks.

Land Alienation in Zimbabwe

It is impossible to understand the nature of land reform in Zimbabwe without first examining the history of land expropriation and allocation in Rhodesia. The pre-colonial economy was largely agro-based and characterized by shifting cultivation. Traditional authority (chiefs and headmen) prevailed and was central to resource allocation. There was little commercialization of the economy although there was domestic and external trade largely conducted through barter system

The colonial economy was established on the basis of conquest and subjugation of indigenous people and land alienation became a central feature. The Lippert Concession (1889) allowed would-be settlers to acquire land rights from the indigenous people. The Act resulted in the British South African Company (BSAC) buying concessions from the British Monarch which was then used as a basis of land expropriation. In 1893, British troops and volunteers, mostly fortune seekers, conquered Matabeleland and Mashonaland. Every British soldier and volunteer was allowed 2 428 hectares of land, and within a year 25 900 square kilometers of the most fertile land was seized. In addition, the white settlers confiscated cattle and coerced the Ndebele and Shona people into serving as forced laborers on the land they once owned. The white settlers had wrong assumption that by depriving the indigenous people of their cattle and land, they could secure their "submission and future tranquility." Unfortunately, the indigenous people's resentments of white rule resulted in an uprising in 1896 where about 10 000 Africans were massacred.

The Native Reserves Order in Council of 1898 created Native Reserves for blacks only in low potential areas. By 1914, the whites (3% of the population) were controlling 75% of the economically productive land whilst blacks (97%) were forcefully confined to 25% of land scattered into a number of reserves as shown in Table 1.

Table 1: Landholding in 1914

Holder	Landholding (Acres)	Percentage
Indigenous Blacks	24 000 000	25.3
BSAC	48 000 000	50.5
White Settlers	14 000 000	14.7
Private Companies	9 000 000	9.5
Total	95 000 000	100

Source: Government of Zimbabwe, 2010

The Land Apportionment Act (1930) restricted landholding by blacks to semi-arid reserves and designated most fertile land for white settlers. From Table 2, more than 51% of the land was reserved for white settlers, with the bulk of it on the arable central highlands. The African population was allocated 30% of the land, which was designated as African Reserve Areas (now known as communal areas). The remaining 20% of the land was either owned by commercial companies or by the colonial government (Crown Land). Although there was a slight increase in landholding by blacks after the apportionment, most of that land was in low rainfall and poor ecological areas.

Table 2: Land Classification after Land Apportionment Act (1930)

Category	Landholding (Acres)	Percentage
African Reserve Areas	29,000,000	30.5
Native Purchase Areas	8,000,000	8.4
European Areas	49,000,000	51.6
Unassigned	6,000,000	6.3
Forests	3,000,000	3.2
Total	95,000,000	100

Source: Government of Zimbabwe, 2010

The immediate effect of the apportionment was to eject indigenous people from land they had held for generations. Race groups were not allowed to acquire land in areas designated for other races and such land structure carried through into the post independence period. The lack of individual title for land designated for indigenous people hindered the development of land through soil improvement, grading, drainage and roads. Land in African Reserves remained abandoned by the state, receiving no support at all. State interference with the black population in the reserves took the form of development control rather than development planning and legislation was the major tool used to try and bring about various changes in cultivation practices. Only a few blacks who had capital could buy large plots of land designated for sale to them in Native Purchase Areas. On the other hand, government policy favoured white commercial farms through training support, direct grants, loan guarantee schemes and funding for agricultural research.

Between 1935 and 1944, about 167 000 African families were expelled from their homes and transported into reserves. As more and more indigenous families were forced from their homes, the reserves became increasingly overcrowded with people and cattle and there was increased degradation of land. For example by 1944, the Godlonton Commission estimated that 24 reserves were more than 5% overpopulated; 19 were 50 to 100% overpopulated and 19 were overpopulated by 100% or more. The administration became convinced that only a major sustained effort to improve African husbandry practices could avert rural poverty and further ecological decline. Accordingly, the Native Land Husbandry Act (1951) was passed and central to it was the limiting of cattle owned by blacks and the introduction of compulsory soil and water conservation methods such as terracing. An estimated one million or more cattle were either killed or confiscated by the white settlers. Meanwhile African resentment intensified and fuelled nationalistic movement. The Act was subsequently repealed in 1961.

The inequities and inequalities of land allocation and associated state support to white commercial farmers became areas of continuous conflict and contention. The hostility between the white settlers and the indigenous people often culminated in wars not only in Zimbabwe, but also in other parts of the world. In Zimbabwe, the chronology of these clashes was 1893-Ndebele War, 1896-7 Shona-Ndebele Uprising and 1965-80 Chimurenga War (liberation war) which finally brought independence to Zimbabwe. Elsewhere in the world, Mexican Revolution (1917), Bolivian Revolution (2006), Chinese Revolution (1952), Mau-Mau Uprising of Kenya (1951-7) and in the Niger Delta there were constant clashes between the indigenous people and the British and French white settlers in the late nineteenth century. This confirms that rights to land have historically been subject to challenge largely backed by force (Debraj Ray, 1998).

Lancaster House Agreement

Land reform officially began in 1979 with the signing of the Lancaster House Agreement which paved way for democracy and more equitable distribution of land between the historically disenfranchised blacks and the minority whites. The British government throughout the conference insisted on a stringent protection of private property with equally strict provisions for prompt and adequate compensation in the few cases where compulsory land acquisition was to be allowed. ZANU-PF and PF-ZAPU (collectively referred to as the Patriotic Front) on the other hand, wanted the British Government to provide money to pay for compensation. An agreement was later reached where Britain, USA and other European countries undertook to participate in a multinational donor effort to assist in land, agricultural and economic development. No specific amount was committed by Britain towards the reform process unlike in Kenya where £500 million was committed towards that country's land reform programme. With the passage of time the Lancaster House promise proved to be worthless.

Although the core issue for the liberation struggle was land, Britain and USA made the granting of independence to the liberation movements conditional. The agreement that resulted from the conference imposed a number of limitations on the new government. One provision stipulated that for a period of ten years, land ownership in Zimbabwe could only be transferred on a "willing seller, willing buyer" basis, a formula that effectively hindered any meaningful attempt at land reform. Whites were also allotted a quota of 20 out of 100 seats in Parliament, far exceeding their actual percentage in the population, and the measure had the effect of making constitutional change nearly impossible.

Objectives of the Land Reform Process

The results of 90 years land disenfranchisement included highly skewed ownership of agricultural land, diminishing agricultural productivity in communal areas, erosion of traditional tenure security and undermining of traditional cultural institutional structures for resource management. In 1980, 6 034 white farmers owned 14.7 million hectares giving an average farm size of 2 400 hectares while 4.3 million blacks subsisted on 15.4 million hectares. The population densities for whites and blacks were one per square mile and 46 per square mile respectively. Table 3 indicates the proportion of arable land in each farm category that was cropped, cultivated or allowed to lie fallow.

Table 3: Arable Land in 1980

(in thousands of hectares and percentages)

Large-scale Small –scale

Commercial land Communal areas Commercial land All sectors

Area	Percent	Are	a Percent	Are	ea Perc	ent Are	a Percent Potential arable	4.800	100.0
500	100.0	8,600	100.0						
620	12.9	1,845	55.9	70	12.0	2,535	29,5		
400	8.3	555	16.8	20	4.0	9,75	11,3		
1,020	21.2	2,400	72.7	90	18.0	3,510	40.8		
151	3.2								
	500 620 400 1,020	500 100.0 620 12.9 400 8.3 1,020 21.2	500 100.0 8,600 620 12.9 1,845 400 8.3 555 1,020 21.2 2,400	500 100.0 8,600 100.0 620 12.9 1,845 55.9 400 8.3 555 16.8 1,020 21.2 2,400 72.7	500 100.0 8,600 100.0 620 12.9 1,845 55.9 70 400 8.3 555 16.8 20 1,020 21.2 2,400 72.7 90	500 100.0 8,600 100.0 620 12.9 1,845 55.9 70 12.0 400 8.3 555 16.8 20 4.0 1,020 21.2 2,400 72.7 90 18.0	500 100.0 8,600 100.0 620 12.9 1,845 55.9 70 12.0 2,535 400 8.3 555 16.8 20 4.0 9,75 1,020 21.2 2,400 72.7 90 18.0 3,510	500 100.0 8,600 100.0 620 12.9 1,845 55.9 70 12.0 2,535 29,5 400 8.3 555 16.8 20 4.0 9,75 11,3 1,020 21.2 2,400 72.7 90 18.0 3,510 40.8	500 100.0 8,600 100.0 620 12.9 1,845 55.9 70 12.0 2,535 29,5 400 8.3 555 16.8 20 4.0 9,75 11,3 1,020 21.2 2,400 72.7 90 18.0 3,510 40.8

Source: Government of Zimbabwe, 1982

In the communal areas, 73% of the land was cropped allowing only 17% to lie fallow while in the large-scale farms only 21% was utilized. The existence of unutilized and underutilized land in large scale farms made it possible for the government to achieve its objective of a fairer distribution of land without sacrificing growth and development through the purchase of land for resettlement.

The fundamental objectives of the land reform programme were to redress the inequities in access and control of land, improve the base for productive agriculture, alleviate population pressure in communal areas, improve standards of living and achieve national stability. The beneficiaries of land reform were to include communal families from overcrowded communal areas (including ex-farm and mine workers); people with training or certificates in agriculture or a demonstrated capacity in farming such as Master Farmers and graduates from agricultural colleges; special groups such as women and indigenous people intent on making a break-through in commercial agriculture. This made Zimbabwe's land redistributive programme rather unique from those in East Asia and Latin America where all cultivatable lands were transferred from absentee landlords to tenants.

Four methods have been tried to acquire land in Zimbabwe, namely land acquisition through the market, community land purchase model, compulsory land acquisition and land invasions (occupations).

Land Purchase from Open Market (Willing Seller-Willing Buyer Principle)

This method of land acquisition was first used in 1980 (in accordance with the Lancaster House Agreement), where the government purchased land on offer from the white commercial farmers on a willing buyer-willing seller principle. Britain provided £47 million for land reform: £20 million as a specific Land Resettlement Grant and £27 million in the form of

budgetary support to help meet the government of Zimbabwe's own contribution to the programme. The government allocated 0.1%, 0.2% and 0.2% of its budget in order to complement British aid during the period 1982-4. About £44 million had been disbursed by 1988. During the period 1980-85, government purchased 2.1 million hectares against a target of 8.3 million hectares and managed to resettle 60 000 families against a target of 162 000. The British grant formally expired in 1996.

As a follow-up to the pledges made at the Lancaster House Conference, Zimbabwe Conference on Reconstruction and Development (ZIMCORD) was convened in March 1981 to mobilize support for land resettlement and rural development, refugees and economic reconstruction as well as training and technical assistance. The conference was attended by 45 countries, 10 international aid organizations and 15 specialized agencies of United Nations. The government received pledges of US\$1.28 billion where 53% were in the form of soft loans and 47% were in the form of grants. About US\$364.8 million was actually honoured to finance economic development including land reform.

The Land Acquisition Act (1985), largely drawn in the spirit of the Lancaster House Constitution, gave the government the first right to purchase excess land for redistribution. Unfortunately, the Act had limited impact because the government did not have enough money to compensate white commercial farmers; the white farmers mounted a vigorous opposition to the Act and also because of the willing seller-willing buyer clause, the government found itself powerless in the face of resistance from the white landowners. As a result, 447 791 hectares were acquired for redistribution to 10 000 families.

A new group of large-scale black commercial farmers represented by the Indigenous Commercial Farmers Union (ICFU) emerged in the 1990s. ICFU members owned over 3.3% of agricultural land by 1998 and there was an apparent stagnation in the government's drive to resettle people from overcrowded communal areas during that period as all the land acquired was either sold or leased to members of the ICFU.

The commercial resettlement programme became an area of contention between the government of Zimbabwe and Britain. In addition the government of Zimbabwe had started intensifying its intentions to compulsorily acquire land from the white commercial farmers. When the British grant officially expired in 1996, Britain refused to extend it alleging lack of transparency in the commercial resettlement programme. In November 1997, the Labour government in Britain categorically stated that it was only prepared to support a gradualistic land reform programme that was demand-driven and that was part of poverty eradication strategy.

Community Land Purchase Model

Communities, not only plan and execute their own settlements, but also search for the land they want to buy and negotiate the price with the seller(s). The executing agency for this model could be local governments or private entity such as a bank.

After the withdrawal of the British funding, the white commercial farmers through the Commercial Farmers Union, proposed an alternate market-based and community initiated model of land transfer similar to the one used in Brazil. Under the Brazilian Community- Initiated Land Reform Scheme, the beneficiaries obtained external financial aid for the payment of fair prices to private landowners whilst the government played a facilitative role. Unfortunately, this method of land acquisition was never tried in Zimbabwe due to a number of reasons.

First, the landless blacks were impoverished, scattered all over the country, were not organized to launch a class action of land acquisition and had different perceptions and understanding of the essence of a land reform process. Second, violent farm invasions and occupations that started in 2000 scared away any potential investors in agriculture. Third, for a decade, (1999-2009), Zimbabwe did not have an IMF-backed economic reform programme and hence the country could not access international aid. In addition, the government was skeptical about a land reform programme spearheaded by the Commercial Farmers Union. More specifically, the government was not comfortable with the lengthy and laborious legal and administrative procedures which it viewed as a way by the Commercial Farmers Union (CFU) to delay and frustrate its efforts to acquire land on time before the watershed elections of 2000 and 2002.

Compulsory Land Acquisition

There are many cases where land reform was undertaken using some force to compel landowners to sell some or all of their landholding at reduced prices. For example, government used outright land expropriations in China and Albania whilst land was forcibly purchased at reduced prices in some parts of East Asia (Taiwan and South Korea) and Latin America. In Chile, farms of more than 80 hectares were expropriated by the government in the 1970s whilst in Colombia, Law 200 (1936) allowed for the expropriation of privately-owned land in order to promote "social interest".

In Zimbabwe, the Lancaster House Constitution prohibited compulsory land acquisition during the first ten years after independence from Britain in 1980. Instead, the government could only purchase land on offer on a "willing seller, willing buyer" basis. Very little land was acquired due to lack of funds and the white farmers' intransigence to continue to offer poor quality land. In 1990, the government amended section 16 of the Lancaster House Constitution, which had governed the country for the past decade (Zimbabwe Amendment Act No. 11).

According to the amendment, all land, not just under-utilized land was subjected to compulsory acquisition. In addition, all land for sale was to be offered to the Government first, before sold to a third party. Government was to pay "fair compensation" within a "reasonable time" as opposed to "prompt and adequate compensation" as previously stipulated by the Lancaster House Constitution. The new constitutional framework was followed by The Land Acquisition Act in 1992, which implemented the principles set out in the amended constitution of 1990. The Land Acquisition Act (1992) removed the Lancaster House Constitution "willing seller, willing buyer" clause, limiting the size of farms and introducing a land tax. However, that tax was never implemented. The Act empowered the government to compulsorily purchase land from white commercial farmers with minimum compensation. Landowners were given 30 days to submit written objections to the acquiring authority. According to the Act, the government was supposed to acquire land from white commercial farmers

based on the following identification criteria; (a) derelict land, (b) underutilized land (c) land from farmers with multiple farms (d) land owned by absentee landlords and (e) land adjacent to communal areas.

The constitution was further amended twice in 1993 (Zimbabwe Amendment Act Nos. 12 & 13). Despite these amendments, not much progress was made in terms of resettling people from overcrowded communal areas. Of the 400 farms acquired, the bulk of these farms went to black entrepreneurs and senior government officials and members of ICFU. Also the identification criteria could not be easily implemented since the government did not have data on identified farms' productive capacities and ownership status (tenure). In 1997, compulsory land acquisition was attempted on 1471 farms and out of these, only 109 farms were purchased on offer whilst the rest were successfully contested in the courts of law by the white landowners. In June 1998, the government launched Land Reform and Resettlement Programme Phase II (LRRP II) which envisaged compulsory purchase of 5 million hectares of land owned by commercial farmers (both black and white), public corporations, churches, non-governmental organizations and multinational companies. The acquisition was to be done over a period of five years and about 150 000 families were to be resettled. In September 1998, the government convened an International Donors' Conference in Harare to mobilize support for the LRRP II. About 48 countries and international organizations attended the conference and unanimously endorsed the LRRP II, saying it was essential for poverty reduction, political stability and economic growth and agreed that an inception phase covering 24 months should commence immediately. A significant number of Donors pledged technical and/or financial support for the programme. Unfortunately, nothing came from the pledges as the donors did not want to be associated with expropriation of land.

Soon after the International Donors' Conference, the CFU freely offered to sell government 15 000 square kilometers for redistribution under LRRP II. The landowners, however, once again dragged their feet and asked for exorbitant prices for their farms which the government could not afford. Again, in November 2001, CFU proposed Zimbabwe Joint Resettlement Initiative to redistribute land with assistance for newly resettled farmers. The proposal did not find support from the government. In 2000, the government again tried to compulsorily acquire 804 farms but only managed to successfully acquire 154 farms. The failure to acquire substantial amounts of land through this method can be traced to loopholes in the laws governing land acquisition and lack of funds to pay for compensation to the landowners. For example, the government's failure to compulsorily acquire 804 was because the Land Acquisition Act was judged to be in breach (ultra vires) of the Constitution by the High Court.

Land Occupations (Farm Invasions)

Spontaneous land occupations (seizures) first emerged in 1981 when communities (both from communal and urban areas) squatted on white-owned commercial farms and then the government subsequently bought that land at market prices. Land occupations slowed down in the late 1980s but re-erupted and intensified from 1997. The 1997 land occupations were spearheaded by peasants who moved onto white commercial farms adjacent to their communal areas. The invasions involved temporary visits of a few days and sporadic repeat visits. A case often cited is that of Chief Svove (Mashonaland East Province) who led his subjects in the invasion of farms abutting his communal areas. The farms targeted for occupations were those where there were long standing grievances against the landowners. For example, landowners who mistreated their

workers, paid slave wages or exhibited blatant racism were far more likely to have their farms invaded than those who had shown respect for their workers and the surrounding community.

The number of farms experiencing occupations peaked at around 800 in 2000 but this number fell to 300 in 2001. Over 300 occupations were accompanied by violence. The scale of violence was often exaggerated and erroneously became the focus of Zimbabwe's land reform process. In fact, compared to rural and urban violence in South Africa, Ireland or Brazil, the level in Zimbabwe was low. The scale and intensity of farm seizures or invasions escalated after a draft constitution was rejected in a February 2000 Referendum. If that constitution was approved, it could have empowered the government to acquire land compulsorily without compensation. A few days after the referendum, "war veterans" cajoled and/or forced peasants and urban dwellers to invade farms surrounding communal lands and urban areas. Not all of them were bona fide war veterans, but unemployed youths some of whom were opportunistic extortionists. It is important to note that prior to 2000, the government was opposed to land occupations and encouraged the eviction of squatters. The formation of the Movement for Democratic Change in late 1999 on the backdrop of increasing disillusionment with slow pace of the land reform and continued economic hardships made the government to somehow condone land occupations. Thus the government unleashed war veterans to violently grab land from white farmers because ZANU-PF was faced with the prospect of losing 2000 parliamentary elections (Chimhete and Sifile, 2010). The government's sincerity and commitment to the rule of law became questionable.

Fast Track Land Reform

Variously known as the Third Chimurenga (liberation struggle) or Jambanja (direct action), the Fast Track Land Reform Programme was officially launched in July 2000 with the stated objective of finally correcting the historical imbalance in land ownership. The government allocated land to new settlers on commercial farms already occupied by the war veterans. Allocation of land was done by various committees, sub-committees, task forces, pressure groups, chiefs and councilors as shown in Figure 1 below.

The Cabinet Committee on Resettlement and Rural Development (CCRRD) was responsible for policy formulation and coordination of rural resettlement and development. It was composed of eleven ministries namely, Ministry of Lands, Agriculture and Rural Resettlement; Ministry of Local Government, Public Works and National Housing; Ministry of Rural Resources and Water Development; Ministry of Finance and Economic Development; Ministry of Environment and Tourism; Ministry of Youth Development, Gender and Employment Creation; Ministry of Mines and Energy; Ministry of Foreign Affairs; Ministry of Transport and Communications; Ministry of Health and Child Welfare and Ministry of Information and Publicity.

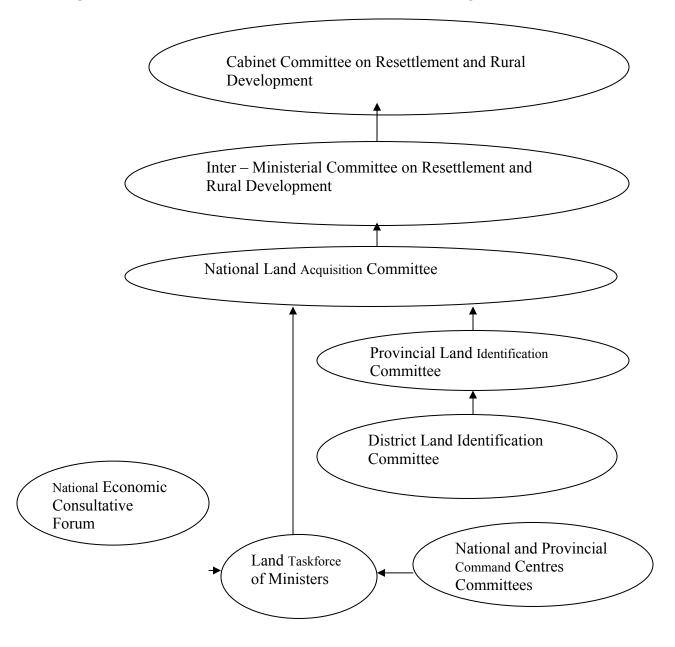
The Inter-ministerial Committee on Resettlement and Rural Development (IMCRRD) complimented the tasks of the CCRRD. IMCRRD was chaired by the President's Office and its major function was to oversee implementation of the resettlement programme.

The National Land Acquisition Committee (NLAC) was made up of the Ministry of Local Government, Public Works and National Housing; Ministry of Lands, Agriculture and Rural Resettlement; Ministry of Environment and Tourism and Ministry of Rural Resources and Water Development. The Committee was again chaired by the President's Office and its task was to identify land for compulsory acquisition and subsequent resettlement. NLAC had structures at provincial (i.e. the Provincial Land Identification Committee) and district (i.e. the District Land Identification Committee) levels, which were chaired by Provincial Governors (or Provincial Administrators) and District Administrators respectively. The Provincial Lands Committee comprised of Provincial Governor, Provincial Administrator, Ministry of Lands, Agriculture and Rural resettlement (Department of Agricultural Extension Services), District Development Fund, President's Office, Zimbabwe National Army, War Veterans Association, Chiefs and Councillors.

To co-ordinate the operation of activities on the ground (resource marshalling and speedy settler emplacement), the NLAC was assisted by a sub-committee called the Land Task Force of Ministers (LTFM). The sub-committee comprised three ministries and was chaired by the Ministry of Local Government, Public Works and National Housing. The government also set up National and Provincial Command Centres Committees (NPCCC) for gathering and dissemination of information. The members in these committees were drawn from six ministries, namely, Ministry of Local Government, Public Works and National Housing; Ministry of Transport and Telecommunications; Ministry of Justice, Legal and Parliamentary Affairs; Ministry of Home Affairs and Ministry of Information and Publicity and Ministry of Defence (Department of War Veterans Affairs). The Secretary for Local Government, Public Works and National Housing chaired National Command Centre. At provincial level, Provincial and District Administrators chaired the Command Centres respectively.

The National Economic Consultative Forum (NECF) was an interface between the government and the private sector. That was done through formal meetings between the NECF and the various institutions involved in the fast track land reform programme.

Figure 1: Institutional Framework of the Fast Track Land Reform Programme



Two models of resettlement were implemented. Model A1 (smallholder farms) aimed to decongest overcrowded communal areas and create a large number of small farms averaging 33 hectares. Model A2 (commercial farming) aimed at establishing black-owned commercial farms averaging 1 600 hectares. The take-up rate for A1 and A2 was 97% and 66% respectively. The take-up rate for A2 farms faced administrative glitches where Ministry of Lands officials sometimes failed to inform

applicants of their selection. Also some former landowners contested acquisition of their farms which resulted in issuance of provisional orders which barred new farmers from taking up their allocated farms.

Landowners of listed farms were notified to stop farming within 45 days and were given an additional 45 days to vacate their farms. As compensation to the white landowners, government only paid for the improvements made on the farm and not for the land itself. The payment was staggered over a period of five years with an option for the government to convert the payment into land bonds. It is important to note that the fast track method started without an institutional and legal framework of implementation. These were developed when the process was already underway. In the 1980s, the government was against haphazard redistribution of land.

"Nobody wants to see hasty unplanned settlement that would shortly turn the whole country into one vast tribal trust land ... The gloomy expectation that the land resource would be debased must not be allowed to come true".

Ministry of Economic Planning and Development, June 1981

The programme was also done without due regard to the identification criteria of 1992, agricultural productivity of the farms and the future of farm workers who were effectively retrenched once a commercial farm was invaded and subsequently subdivided into plots. For example, some farms and agri-businesses though protected by bilateral investment agreements and were producing export crops such as tobacco, horticulture, sugar cane and coffee as well as wildlife conservancies were invaded and subdivided into small plots. With the launch of the Fast Track Land Reform Programme, the whole land redistribution programme became chaotic as summed up by one reporter;

"The invaders immediately began to allocate plots to each other, accusing the land task force of being too slow. Generally plot allocation has degenerated into free for all after it became clear to the invaders that the government lacked the necessary resources to speed up the resettlement process." (The Daily News, December 25, 2001).

The redistribution of land under the fast track programme greatly discredited the economic rationale and efficacy of land reform in Zimbabwe. The programme redistributed over 80% of white commercial farms and racial distribution of access to land was radically improved. There were irregularities in land redistribution where there were cases of double allocation of same plots to different people or some people ended up with multiple farms. The fast track programme had negative consequences on agricultural production. Its outcome also entailed uneven distribution of land and infrastructure, insecurity of tenure and displacement of over 250 000 ex-farm workers.

RESEARCH FINDINGS

During the period 1980-2002, most of the land from white commercial farmers was acquired under the fast track land reform programme as shown in Table 4. The government purchased 3.1 million hectares from the open market and resettled 70 000 families during the period 1980-97. The number of resettled families was well below planned targets due to the weaknesses

in the Lancaster House Constitution, lack of transparency in the commercial resettlement programme, escalating land prices, inadequate external funding of the programme and poor cooperation from white commercial farmers.

Compulsory land acquisition and land occupations and/or fast track land reform programme were used to acquire land from white commercial farmers from 1998 to 2002. During that period, 7.7 million hectares of land were acquired and 334 000 and 54 000 families were resettled under A1 and A2 models respectively. About 1.3 million hectares remained unallocated. As a proportion of the population, more people were resettled under the first phase of the resettlement programme (about 5% of the population) than under the fast track programme, (3% of the population).

Table4: Amount of Land Acquired and Number of Households Resettled during 1980-2003

Method of Land Acquisition	Amount of Land	Number of	
	Acquired (hectares)	households	
Open Market Purchase (1980-85)	2 147 855	60 000	
Land Acquisition Act-1985 (1985-90)	447 791	10 000	
Land Acquisition Act-1990 (1990-97)	789 645	400	
Fast Track Land Reform	7 700 000	384 000	
Total	11 085 291	454 400	

Source: Government of Zimbabwe, 1998, 2003

During 1992-97, most of the land acquired from the white landowners was either leased or sold to members of ICFU. For example, in 1994, all 20 farms secured from white commercial farmers were allocated to wealthy black entrepreneurs and senior government officials (Ayitteyi, 2000). What happened in Zimbabwe during 1992-97 was analogous to what contributed to the failure of Kenya's land reform programme. Initially, the resettlement programme benefited all Kenyans but in the later years larger and more fertile tracts were accumulated by rich, prominent, successful Kenyans (Swindell, 1990). The distribution of land to members of ICFU meant that the government had "abandoned" war veterans and other land hungry groups. Thus when the war veterans demanded land in 2000, the government immediately capitulated to their demands.

CONSTRAINTS TO SUCCESSFUL LAND REFORM

When looking for the reasons of failure of most land reform processes in developing countries, the common mistake made is to lump all the blame on flawed land reform laws and lack of political will without looking at the fundamental social and political conditions prevailing in the country. We investigate the sources of failure and/or constraints to successful land reform programme under four sub-headings, political and social market, land reform laws, financial support and institutional framework that executed the programme.

Social and Political Market

The prevailing political market in a country conditions the success of land reform. For example, the success of land reform programmes in Japan, South Korea and Taiwan was based on favourable conditions of demand for and supply of institutional innovation in the political market (Hayami and Ruttan, 1985). The land reform in Japan was conducted by the US occupation forces that were complemented by a well-disciplined bureaucracy together with a body of accurate data on land ownership and tenure relations.

The social and political environment in Zimbabwe was not conducive to a rational and effective land reform programme. Zimbabwe's landless blacks comprised of peasants, war veterans, farm workers and unemployed youths. Besides being marginally poor, all the above groups were scattered throughout the country which made it difficult to organize them to undertake class action on land transfers. The varied demands for land between peasants, war veterans, farm workers and unemployed youths could not produce a homogenous agrarian society. The establishment of a homogenous agrarian society was not only crucial to the success of land reforms in Japan, Taiwan and South Korea, but also ensured and promoted industrial development in those economies.

On the other hand, the rich white landowners were a well-organized small group that could easily mobilize their wealth to effectively thwart any legal provisions that threatened their property rights on land. The dual economic structure between the impoverished landless blacks and very rich white commercial farmers saw the latter able to challenge any new land acquisition law(s) enacted by the government. The already pauperized blacks on the other hand could only vent their anger and frustration through spontaneous invasions of white-owned commercial farms and poaching wildlife and firewood.

From September 1999, ZANU-PF found itself competing with a strong and vibrant opposition party, the Movement for Democratic Change (MDC) for the support of landless peasants and the growing number of unemployed youths. ZANU-PF politicians found it impossible to disregard the slogans, "land to the landless" and "land is the economy". How political power game(s) influenced Zimbabwe's land reform process can be traced to the events leading to the Constitutional Referendum of February 2000.

In response to intense pressure from the National Constitutional Assembly, the government reluctantly agreed to draft a new constitution in early 1999. The National Constitutional Assembly, a close ally of the MDC, is a group of academics, trade unionists, university students and other political activists who advocate for a new constitution. The draft constitution was widely discussed by the public in formal meetings and amended to include a clause restricting presidential powers, presidential term of office and an age limit of 70 for presidential candidates. This was not seen as a suitable outcome by the government, so the proposals were dropped and replaced with a clause to compulsorily acquire land for redistribution without compensation. There was no connection between the land reform process and presidential terms, but the clause was conveniently introduced in order to distract the public's attention from the power games between ZANU-PF and MDC. The MDC boycotted the drafting stage of the constitution claiming that the new version was meant to entrench the incumbent president politically.

In February 2000, the government organized a referendum on the new constitution. The new constitution was defeated, 55% to 45%. It is important to note that the defeat in the referendum was the first poll defeat for ZANU-PF since it came to power in 1980 and ZANU-PF from thereon never forgave the white commercial farmers since some of them had openly campaigned against the draft constitution.

The referendum result also forced the government to delay parliamentary elections so as to carry out an intensive voter registration exercise. In the June 2000 elections, ZANU-PF lost its parliamentary majority when it received 51.7% of the vote (62 seats), MDC got 47.5% of the vote (57 seats) and ZANU-Ndonga got 0.8% (1 seat). Although ZANU-PF's Robert Mugabe was declared the winner of a tightly contested and disputed presidential election in March 2002, the composition of the new parliament prevented the government from making further amendments to the constitution without support from the opposition.

The land invasions benignly encouraged by the government, though legitimate in their own right, distracted away the economic rationale of the land reform programme. Land reform programmes undertaken during periods of political crisis are bound to fail since they will be based on ideological preconceptions of politicians. The enthusiasm of politicians quickly diminishes as soon as a crisis recedes and they often leave the programme in shambles. During the period 1935-1988, land reform in the Philippines was always revived during periods of political crisis and the reform efforts fell short of that country's needs and only succeeded after the promulgation of a Comprehensive Agrarian Reform Law (1988) that took into account the country's political market (Hayami, 1990).

Land Reform Laws

The Lancaster House Constitution which was foisted on the new black government in 1980 rendered state-led compulsory land acquisition untenable as it was against compulsory confiscation of private property. Although land was at the core of the liberation war of 1965-79 and growing evidence of ZANU-PF and PF-ZAPU winning the war towards late 1970s, Britain and USA made the granting of independence conditional.

The Lancaster House Agreement placed a lot of limitations on the new black government. For example, the provision which stipulated that land ownership in Zimbabwe could only be transferred on a "willing seller, willing buyer" basis for a period of ten years after 1980 effectively blocked progress on land reform in Zimbabwe. In addition whites, though they constituted less than 10 percent of the population in 1980, were allotted a quota of 20 out 100 seats in parliament and that measure made constitutional change impossible during the first 10 years of independence.

Compounding the above restrictions was the fact that after the war there was an urgent need for reconstruction, and measures to address mass displacement and the collapse of peasant production. As a result of the collapse of peasant agriculture, 90% of the country's marketed food requirements were being produced by white farmers. That paradoxically placed white farmers in a strong position both economically and politically in the early 1980s.

Although the passage of Land Acquisition Act (1992) established a more flexible approach to land reform, the process continued to be constrained by external influences. For example, in 1991, the government adopted economic structural adjustment programme (ESAP) at the behest of the World Bank and the International Monetary Fund. Instead more investment was channeled to white commercial farmers involved in agro-export and the structure of land ownership remained unchanged in favour of the landed white elite.

The Amendment of 2000 to the Land Acquisition Act stipulated various factors to be taken into account in future compensation. It freed the government from the obligation to pay compensation for land expropriated for resettlement, only requiring indemnification for improvements on the land. The new process had minimal success, as it was soon tied up in judicial challenges by the white landowners. For example, by 2002, one year after government had confirmed redistribution of land from white farmers to black farmers, only 7 percent of the allocated farms in Mashonaland East and 5 percent in Mashonaland West had been legally confirmed. In Mashonaland East a total of 349 farms remained in the hands of dispossessed commercial farmers after winning their court challenges.

In December 2000, the CFU filed a suit in the Zimbabwe Supreme Court, challenging the legality of the fast track land reform system. The CFU was successful in obtaining an order from the Court, barring land distribution under the fast-track method because the method was held to be unconstitutional. That interdict was overturned one year later after the government allegedly reformed its policies and procedures.

Financial Support for the Land Reform Programme

Lack of international financial support to purchase land made land acquisition through the market unworkable in Zimbabwe. Most land reforms undertaken in Africa and elsewhere obtained significant financial support from former colonial powers with the assistance of the World Bank and western donors.

From 1980-1996, land was purchased by the state from white sellers and redistributed to black beneficiaries. The state could only buy land from those white farmers who were willing to sell. The white farmers offered marginal land abutting communal areas. About 81% of the land acquired for resettlement in the first phase was in the drier agro-economic regions of the country. In addition, the land on offer was widely dispersed making resettlement both expensive and difficult to administer.

The success of market-based approach to land reform hinged on British and American financial support. Unfortunately, of the US\$1-1.5 billion promised to ZANU-PF and ZAPU in 1976 by USA in an agreement to end guerrilla warfare never materialized. Likewise, Britain once it obtained what it wanted in the Lancaster House Agreement, it sharply scaled down its commitment towards Zimbabwe's land reform and by 1996 when Britain ceased funding the programme altogether, it had contributed a paltry £44 million.

The Lancaster House Agreement restrictions effectively ruled out any significant redistribution of land. Compounding those restrictions was the fact that after the war there was an urgent need for reconstruction, and measures to address mass displacement and decline of agricultural productivity in communal areas. The collapse of peasant agriculture implied that about 90% of the country's food requirements were being produced by white farmers. That ironically placed white farmers in a very strong position (economically and politically) during the first years of independence.

British funding of Zimbabwe's land reform made an interesting contrast of its £500 million resettlement grant for Kenya. During ZIMCORD, largely convened in the spirit of the Lancaster House Conference of 1979, only US\$364 million was raised for economic development including land reform.

Although the World Bank insisted on a market-based land reform in Zimbabwe, it failed to mobilize resources needed to support such an approach during the economic structural adjustment programme (ESAP) period, 1991-95. The ESAP period actually saw an even slower pace of reform. For example, the Second Five Year National Development Plan (1991) was silent on land reform demonstrating the influence of neo-liberal policies of the World Bank and the International Monetary Fund. Instead, white commercial farmers were the major beneficiaries of ESAP as they received concessional credits for their new agro-export businesses. That created more demand for land and fuelled conflicts between blacks and white commercial farmers.

The September 1998 International Donors' Conference on Land Reform and Resettlement failed to mobilize support for the land reform programme. Failure to raise support at the Donors' Conference was a clear indication that donors were against compulsory land acquisition. At the same time, government commitment to full market compensation began to evaporate, placing the obligation for historical redress on the former colonial power, Britain. Britain said no country could impose such obligations on another. Also British enthusiasm had waned because the government of Zimbabwe had embarked on a commercial resettlement programme which tended to favour the black elite instead of the needy in overcrowded communal areas. The government of Zimbabwe on the other hand, claimed that they pulled out of the plan in November 1998 because of lack of donor support. Lastly, the Donors' Conference came a month after Zimbabwe sent its troops to support Laurent-Désiré Kabila's efforts to thwart an invasion of the Democratic Republic of the Congo by rebels. Such an expedition was unpopular with the donors who felt that the war was unsustainable for the government of Zimbabwe.

The market-driven land reform was a dismal failure largely because of poor funding by Britain and other donors. The fact that Britain did not commit a specific amount towards the land reform programme demonstrated its lack of enthusiasm to redress the historical unfair distribution of wealth in Zimbabwe. The withdrawal of British funding dealt a heavy blow to land acquisition using market instruments in Zimbabwe and its resumption became premised on such issues as good governance, restoration of the rule of law, investor confidence, macroeconomic stability, and reduction of electoral violence by the ZANU-PF government. The government's failure to fulfill such economic and political conditionalities sidelined further negotiations on British-assisted land reform.

The market approach in Zimbabwe made an interesting contrast with U.S. backing for non-market based land reform in post-war Japan, Taiwan and South Korea, where it was recognized as a necessary measure for rapid development and economic recovery. In those countries, land reform was also seen as a way to counter the appeal of communism, a factor the West no longer felt it had to take into consideration following the demise of USSR in the early 1990s.

Institutional Framework of Land Acquisition and Distribution

The multiplicity of organizations at various levels that managed the land reform process including such tasks as identification of land, planning, demarcation of new plots, infrastructure development, selection of beneficiaries and assistance to the new farmers had unintended consequences. The reform programme was executed by a welter of ministries, departments, parastatals, committees, sub-committees, informal groups and task forces.

The Provincial Lands Committee which spearheaded redistribution of land under the fast track method, comprised of Provincial Governor, Provincial Administrator, Ministry of Lands, Agriculture and Rural Resettlement (Department of Agricultural Extension Services), District Development Fund, President's Office, Zimbabwe National Army, War Veterans Association, Chiefs and Councillors. Such a loose structure was intended to devolve decision making on the belief that local leaders could administer land redistribution in their local areas. Unfortunately, such a dispersed authority and decision making arrangement created opportunities for corruption, cronyism and partisan allocation of land. Because there was no single authority responsible for the allocation of land, it was not uncommon for authorities at different levels to assign the same plot of land to two or more individuals. Also some senior government officials used their influence and ended up with multiple farms sometimes in the same province. For example, in Mashonaland West Province some senior government officials used their political influence to obtain farming plots for their children, some of whom were still going to school, under the A1 resettlement programme (IRIN Africa, 2001). Ownership of multiple farms and double allocation of plots could have been avoided if the land reform programme was executed by a centralised authority.

CONCLUSION

Zimbabwe's land reform has been complex and diverse than most. Despite its problems, Zimbabwe's land reform process managed to establish a relatively more equitable distribution than what obtained under apartheid regime of Rhodesia. However, was the number of resettled farmers enough for the nation to advance economically and reduce widespread poverty in the communal areas? What was the level of decongestion after the reform process? In our view, these should form the benchmark upon which the reform process should be judged in the short-to-medium term. Short-term assessment of the reform process is premature and misleading. Sweeping judgments have been made on the land reform's impact on agricultural productivity and economic dislocation without analyzing the impact of recurring droughts, economic—wide factors, external influence and the lead time required for resettled farmers to become established. For example, soon after completion of Phase II, government's efforts to provide the necessary supporting infrastructure and agricultural inputs were hampered by a number of factors, namely, institutional weaknesses to properly target beneficiaries, corruption and drying up of lines of credits to Zimbabwe after 2000 due to growing arrears on external debt and growing USA and western concerns over the government's governance policies. The reform process should be judged against its original set objectives, namely,

poverty reduction and reduction of overcrowding in communal areas, correction of historical imbalance in asset distribution and use of formerly underutilized land.

Economic dislocation was unavoidable for such a grand programme. Research and surveys of resettled farmers elsewhere, have demonstrated that land redistributions, even radical, do after a lag result in more equally distributed incomes and higher incomes.

Resettled farmers of Phase I represented 5% of the population but were producing about 20% of the country's total maize output by 1995. In addition, the incomes of resettled farmers were more than five times than those of communal households. In contrast, under Phase II, 3% of the population was resettled and it would require considerable time before we can judge whether they would be able to significantly contribute towards the country's food security. In 2002, the area planted to cereals actually increased by 10% with the area planted to maize increasing by 14.6% largely due to expansion in communal and resettlement areas. Unfortunately, the crops were devastated by drought which affected Southern African region.

Criticisms of the land reform often ignored the plight of indigenous farmers in communal areas and glossed over the performance of the white farmers. Such an assessment ignored the fact that yields on white commercial farms were more than four times higher than on communal areas because of the differences in land quality, modern irrigation facilities, greater use of improved technology and greater access to working capital.

Land reform is not only a matter of economic imperatives. The heavily skewed distribution of land under the colonial era could no longer be tolerated and such an injustice had to be corrected. White farmers owned excessively large farms in high rainfall areas whilst black farmers were concentrated in semi-arid areas. Was it just for white commercial farmers to own an average of 2 400 hectares of land when a black family survived on less than 2 hectares in semi-arid communal areas? The most striking example, was the Oppenheimer family which owned Debshan Estate (137 000 hectares) that sprawled across four provinces of Midlands, Masvingo, and Matabeleland North and South provinces. Racial distribution of access to land was greatly improved after the land reform programme notwithstanding the method(s) used.

Decongestion in most provinces was minimal after the resettlement programme. Whereas farmers resettled under Phase I could quickly take up their plots, resettled farmers under Phase II failed to relinquish their old landholdings in communal areas as a form of insurance in case the former white owners won their legal challenges. Also lack of important infrastructure such as roads, schools and clinics forced the resettled farmers to delay complete relocation to their allocated plots. In some cases, only the father and mother moved to the new farms whilst children remained behind in the communal areas. Decongestion was also frustrated by the manner in which land was redistributed under Phase II particularly the fast track land reform programme. For example, some farmers under the A2 model had multiple farms, with some of them owning two to three farms each. That obviously tended to limit decongestion in communal areas.

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