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Liberation from Constitutional Constraints: Land Reform in Zimbabwe¹

Norma Kriger

In 1980, Zimbabwe's white minority owned commercial farms covered nearly half the country's agricultural land. Yet today, the state of Zimbabwe, controlled by the ruling Zimbabwe African National Union–Patriotic Front party, holds titles to almost all formerly white . . . owned agricultural land. The removal of constitutional constraints, which accelerated after 2000, was the crucial variable that enabled this transfer of ownership. By developing such a land regime, Zimbabwe has come to resemble most African states, which control rural land and can allocate and re-allocate it unimpeded by constitutional constraints. Today, significant private land ownership in Africa is confined to two former settler states, South Africa and Namibia.

Introduction

The often violent expropriation of land that took place in Zimbabwe beginning in 2000 surprised analysts, international financial institutions, and white farmers. They believed that the protections for private property in the constitution and the economic importance of commercial farming provided meaningful constraints on the exercise of arbitrary state power.² Nonetheless, a closer assessment of post-independence politics in Zimbabwe reveals two key characteristics that made possible the massive expropriation: (1) weak constitutional and legal restraints on the ruling party's exercise of power, and (2) a pattern of economic decision-making to preserve or augment the ruling party's access to state resources for patronage.³ The politics of land threatened to bring together these two hallmarks of post-independence politics in the 1990s and then did so dramatically, beginning in 2000.

This essay offers an overview of the politics of land acquisition and allocation during the post-independence period. In the 1980s, the ruling Zimbabwe African National Union–Patriotic Front (ZANU PF) party ad-

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hered to a constitutional approach to land acquisition, requiring that it purchase land from white farmers on a ‘willing seller-willing buyer’ basis. The government acquired more resettlement land in this decade than has occurred elsewhere in Africa over a comparable period of time. During the 1990s, the ruling party removed constitutional constraints on compulsory land acquisition; however, they acquired almost no resettlement land and threatened to subvert the amended constitution by acquiring land without paying compensation and circumventing the courts. In both decades, the party used resettlement land as a patronage resource. Beginning in 2000, state-sponsored land invasions commenced, driven largely by the ruling party’s need to obtain access to new state resources for patronage, particularly as it sought to overcome the electoral challenge presented by the newly formed opposition political party, the Movement for Democratic Change (MDC).

Too Slow and Too Costly: Market-based Land Acquisition, 1980–1990

At independence, as a result of successive colonial governments systematically dispossessing Africans of their land through violence, war and legislative enactments, Zimbabwe’s pattern of land distribution, ownership, and contribution to the national economy was racially skewed. The agricultural sector comprised three sub-sectors:

- 1) 6,000 white commercial farmers (less than one percent of the population) owned 15.5 million hectares (45 percent) of agricultural land, including the best quality land.
- 2) 8,500 small scale black commercial farmers either leased or held private titles to 1.4 million hectares (five percent) of agricultural land.
- 3) 800,000 African peasants lived on 16.4 million hectares (less than 50 percent) of communal land held by the state and allocated by chiefs.⁴

In 1980, commercial farmers produced 90 percent of marketed food production, their exports contributed essential foreign exchange, and they employed over 25 percent of the formal work force. Moreover, the manufacturing sector was tightly linked to the agricultural sector.

During the war of independence, the liberation movements had promised to return the stolen white lands, but the newly elected ZANU PF government under then Prime Minister Robert Mugabe came to power burdened with significant constitutional constraints on land redistribution. The independence constitution was a product of the two liberation movements –Zimbabwe African National Union (ZANU) led by Robert Mugabe and Zimbabwe African People’s Union (ZAPU) by Joshua Nkomo—having to accept a British-mediated settlement between them and Prime Minister Bishop Abel Muzorewa’s team to terminate the war. Section 16 of the constitution stated that no property “of any description” could be compulsorily acquired except under the authority of a law that required, in the case of land, that the acquisition was “reasonably necessary” for a variety of purposes, including agricultural resettlement, or, in the case of any property,

including land, that the acquisition was “reasonably necessary” in the interests of defense, public safety, public order, public morality, public health, and town and country planning. Another constitutional provision (section 11) made it mandatory for the state to pay compensation when it compulsorily acquired property, and compensation had to be “adequate,” and paid “promptly” and in foreign currency if that was the wish of the owner.⁵ These provisions were effectively entrenched for a period of ten years from the date of independence.

Despite these constraints on land redistribution, the extent of market-based land transfers in the first decade of Zimbabwe’s independence was unsurpassed in Africa.⁶ In October 1989 commercial farmers—including some 500 black farmers who had bought over one million hectares of former

white-owned land (an estimated 8 percent of commercial land)—owned 29 percent of agricultural land, down from 45 percent at independence.⁷ Over 70 percent of commercial farmland was purchased between 1981 and 1983, and most of it was either underutilized or abandoned during the war.⁸ By mid-1989 the government had settled some 52,000 families (416,000 people) on

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2.7 million hectares of commercial farm land⁹—an impressive number but still far below its targets of 162,000 settler families on 8.3 million hectares.¹⁰ In terms of a bilateral agreement between the governments of Zimbabwe and Britain, Britain funded half the costs of resettlement provided the government of Zimbabwe contributed matching funds.¹¹

While the government and scholars have generally agreed that the economic significance of commercial farming and the constitutional constraints were the main reasons for the government *not* acquiring more land, the major explanation for the government’s loss of steam on land purchases after 1983 arguably rested with the ruling party’s two costly military ventures during the 1980s. First, the ruling party attempted to militarily decimate its chief political opponent, ZAPU, and its Ndebele minority base in Matabeleland and the Midlands, to establish its official objective of establishing a one-party state. Second, ZANU PF became militarily involved on the side of the Frelimo government in Mozambique’s civil war. After 1983, when counter-insurgency activities were expanding, Zimbabwe’s already low government expenditures on land resettlement began to decline.¹² Also, the government passed up the opportunity to acquire more land on the market in the first decade. Under 1985 legislation, farmers wishing to sell their land had to give the government the first option to buy. Of the 1,800 commercial farms (1.5 million hectares), which farmers offered to the government between 1985 and 1992, the government purchased less than one-third.¹³

The ruling ZANU PF used resettlement land as a patronage resource to build its party base. However, the ways land was used as a patronage resource have been obscured by scholars who fail to recognize that ZANU PF pursued not only land redistribution, but also political hegemony. Indeed, land redistribution often served as a means to attaining political hegemony. Five key aspects of the resettlement program suggest that the ZANU PF's party-building agenda shaped the process.

First, the lack of tenure security on resettlement land suited the government which could use settlers' insecurity to its own advantage. Unlike the communal areas where local authorities—the chiefs and rural councils—allocate land, the government

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provides settlers with written permits to reside and use the land on which they settled. Permits can be withdrawn without adequate reason or protection of settlers by local authorities. Many commen-

tators remarked on how insecurity of tenure on Model A schemes, which accounted for over 80 percent of those resettled in the first decade, were a disincentive for new settlers to take up plots.¹⁴

Second, the party often ignored its own eligibility criteria in allocating land on Model A schemes. These criteria included that land be allocated to the landless or land poor, war refugees, or war veterans; that settlers give up their land in the communal areas; and that neither settlers nor their spouses hold jobs.¹⁵ An important group of beneficiaries were former squatters on commercial farms who were allied with local party and national leaders; politicians were often able to secure land for their supporters by intimidating and circumventing the bureaucracy.¹⁶ By 1989, some 50 percent of settlers on Model A schemes were former squatters, many of whom got land regardless of whether they met formal criteria.¹⁷

Third, producer cooperatives, or Model B schemes—though economically disastrous and not important in terms of the amount of land used¹⁸—played an important role in keeping demobilized guerrillas occupied. Guerrillas were encouraged to pool their demobilization money to buy land and settle on producer cooperatives. The schemes gave the guerrilla veterans status as symbols and vehicles of a transition to socialism and kept alive for a while the ruling party's myth of a socialist transition.¹⁹

Fourth, the beneficiaries of resettlement were overwhelmingly ZANU PF supporters in provinces under firm ZANU PF control. During much of the 1980s, resettlement was not possible in the conflict-ridden Matabeleland and Midlands provinces, the regional support base of ZAPU, the chief opposition party and the target of extraordinary ruling party-sponsored violence. Indeed, ZAPU guerrillas' producer cooperatives were deliberately undermined by the ruling party on trumped up charges of dissident involvement.²⁰

Fifth, the Matabeleland conflict in the 1980s resulted in vacant land. More white farmers and their relatives in Matabeleland were murdered dur-

ing this conflict than in the liberation war, and many others left because of dissident and pseudo-dissident government force intimidation and violence. The state purchased this vacant land and from 1985 started to lease it to civil servants and politicians—all ZANU PF supporters—for a small fee per head of cattle grazed.²¹

Still Slow and Costly: Compulsory Land Acquisition, 1990–1999

ZANU PF entered its second decade of rule with greater political power. It had established firm control over state institutions; it had incorporated its defeated political opponent, ZAPU; it had a virtual monopoly of control in parliament; and it had an executive president who enjoyed excessive constitutional powers. Yet for all its power, the ruling ZANU PF's legitimacy was threatened. Governing without a state of emergency for the first time since independence, the party had to cope with political demands of newly mobilizing groups, especially the black empowerment lobby and war veterans. Despite the promises of the liberation war, these groups pointed to the continued economic domination of the white minority and demanded economic transformation. Moreover, the party had embarked on economic structural adjustment at the start of the 1990s because the state was living beyond its means, running unsustainable current account and budget deficits.

President Robert Mugabe and his deputy, Joshua Nkomo (himself a big landowner) revived promises of land redistribution and a liberation war discourse in the campaign for the March 1990 elections. They used a populist discourse even as peasant access to redistributed land seemed increasingly overshadowed by black elite demands for commercial farms and the government's desire to encourage the resettlement of master farmers and agricultural college graduates who had farming skills. Government plans to compulsorily acquire white farms were leaked in the press. The ruling party defeated the main opposition party, the Zimbabwe Unity Movement (ZUM), formed only a few months prior to the election and led by a former secretary general of ZANU PF. ZUM did win substantial urban support, though only a few seats.

Later in 1990, the government amended the constitution (section 16) to remove the restrictive clauses on compulsory land acquisition and compensation. Henceforth, the government could compulsorily acquire all land, including utilized land, buildings, and improvements to land. Compensation had to be "fair" (rather than "adequate"), and paid within a reasonable time (rather than "promptly"). The amendment sought to remove the courts from deciding issues of "fair" compensation. Parliament was empowered to rule on the principles of assessing compensation, the amount of compensation, and the time period for compensation to be paid. These constitutional changes were controversial with the judiciary.²² The draft land bill to reflect these amendments sought to exclude the provision of even "fair" compensation but was found to be unconstitutional.

In March 1992 parliament unanimously passed the Land Acquisition Act. A main objective of the Land Acquisition Act was to shift jurisdiction

over property rights from the judiciary to the state executive, and especially the ruling party, to speed up land transfers.²³ The Act stipulated the procedure for the compulsory acquisition of any rural land, including for the purposes of agricultural settlement. “Rural land” was defined to exclude communal lands, land in urban centers, and certain categories of state land. The Act also introduced a procedure for the responsible Minister to designate rural land for future acquisition. The Minister had to indicate the period, not exceeding ten years, within which the designated land would be acquired. The Act provided for the establishment of a compensation committee to determine compensation for land and improvements on it. The compensation committee was to consist of the secretary of the Ministry responsible for Lands, the director of the Agricultural, Technical and Extension Services, the chief government valuation officer, and three other members appointed by the Minister. Disputes over compensation were to be resolved by the Administrative Court.²⁴

The initial listing of lands for compulsory acquisition was published in the government gazette in 1993. After publishing it, President Mugabe, repeating what the Attorney-General Patrick Chinamasa had declared in 1991, said land was a political issue and land redistribution would not be derailed by the courts.²⁵ The ruling party’s commitment to land redistribution was affirmed.

The rhetoric around land was ratcheted up during campaigns for the April 1995 general election and the March 1996 presidential election, notwithstanding the singular lack of viable opposition parties. In both of these elections, the real contest was in primaries within the ruling party.

Party and government leaders continued to threaten to confiscate white-owned farms without regard to the constitution or the land acquisition law.

The use of strong political rhetoric for land redistribution and against whites as racist and unpatriotic was consistent with previous national elections.²⁶ Only now the campaign was relentless and continuous rather than largely confined to electioneering periods, and focused

on white farmers in particular. In the 1996 presidential campaign, Mugabe threatened to take the land within the next five years if the British government, the former colonial power, did not resume its funding for land acquisition, which it had terminated because it, like other donors, opposed funding compulsory acquisition. The government, he said, did not have funds to pay for compensation.²⁷ Mugabe also said he “did not want to send squatters to invade farms” but warned he would consider it if the British did not fund land compensation or if farmers remained intransigent.²⁸

Even after the elections, party and government leaders continued to threaten to confiscate white-owned farms without regard to the constitution or the land acquisition law. In November 1997, after designating almost 1,500 farms for compulsory acquisition, Mugabe said he would only pay

compensation for land improvements and not for land itself.²⁹ After white farmers challenged the November 1997 designations in court, Mugabe warned, as he had before, that the land issue was political and would not be derailed by the courts. He also reiterated that Britain must compensate the farmers for the land which the government compulsorily acquired; the government of Zimbabwe would only compensate farmers for land improvements.³⁰ At the beginning of 1998, the Minister of Agriculture, Kumbirai Kangai, in parliament threatened to designate the farms of “all racists and critics of the government”, and President Mugabe again said land was a political issue and would not be derailed by the courts.³¹ In January 1999, the Attorney-General reiterated the government’s commitment to the November 1997 designations and said it “would not let the law stand in its way.”³²

In mid-1998 villagers invaded commercial farms in a number of provinces. The government said these were ‘spontaneous’ land invasions by land hungry peasants. Commercial farmers claimed the land invasions were organized by politicians. According to the International Crisis Group, “Though some occupations may have been spontaneous and the government occasionally threatened and even carried out evictions [of squatters], it was clear that government and local ZANU-PF party officials tolerated and facilitated squatters to amplify pressure on farmers and donors before a UNDP conference.”³³ In April 1999, Didymus Mutasa, the ZANU PF secretary for administration, lashed out at white farmers for delaying resettlement by challenging land designations in court. He urged Mashonaland West party members to grab white-owned farms, saying: “We have to find the means and ways of forcing them to release the land, or to even drive them out of their farms.”³⁴

From the beginning of the process in April 1993, political criteria dominated the identification of land for compulsory acquisition and allocation processes. The land designated did not comply with the government’s own five criteria for identifying farms compulsory acquisition: derelict land, underutilized land, block designations of land adjoining communal areas, and one-man one farm. Minister of Agriculture Kangai himself conceded that political reasons were a core element of the November 1997 identifications. Most of the designated land was de-listed, either following negotiations between farmers and the government or successful administrative court challenges. The main beneficiaries of designated land that was actually allocated in the 1990s were political party officials and influential party supporters.³⁵ Despite John Nkomo, Minister of Local Government and Rural and Urban Development, and President Mugabe both having made promises to war veterans in 1996 of privileged access to land, whether resettlement plots or commercial farms, war veteran as a group were no more beneficiaries of land reform than were peasants.³⁶

In September 1998 a donor’s conference on land resettlement was held in Harare. Donors and the government of Zimbabwe signed an agreement. Donors would support market-based land transfers to acquire resettlement land, government would acquire 118 farms (113,000 hectares) on high quality land which white farmers were willing to concede, and different

models of resettlement would be experimented with on this land. However, in November 1998 the government issued acquisition notices to 841 farms, indicating its determination to proceed with compulsory land acquisition and violating the agreement it had just signed with donors.³⁷

During the second decade of independence, the government acquired little additional white-owned farm land. By 1998, the government had redistributed a total of 3.5 million hectares: 2.7 million hectares had been acquired from white farmers by the end of the first decade and only 0.8 million hectares in the next eight years. The government's goal for the "second phase" of the land reform and resettlement program for September 1998 to December 2004 was to acquire another 5 million hectares of white-owned land and settle another 91,000 families. This would bring the total redistributed area to about 8.5 million.³⁸

In the first decade, the ruling party blamed constitutional constraints for limiting the acquisition of white-owned land; in the second decade, it was more apt to blame the use of court challenges by white farmers to frustrate land transfers and the government's inability to finance costly land

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acquisition. Given that most farmers' court challenges succeeded, it suggests that the government was not adhering to its own legal procedures and principles or criteria for land acquisition.

On the issue of the high costs of land acquisition, two items of government expenditure call into question just how central a priority actual land acquisition, as opposed to politicizing the land issue, was for the government during the 1990s. In August 1997 President Mugabe conceded gratuities and monthly pensions to war veterans. The gratuities alone cost more than twice total government funding on land reform since 1980.³⁹ A year later, President Mugabe sent troops to the Democratic Republic of the Congo to support President Laurent Kabila who faced multiple armed groups and their foreign state allies. In six months, the government spent more money on the DRC military venture than it had spent on land purchases since 1980.⁴⁰

Fast and Free: The Land Grab, 2000–The Present

In January 2000, Mugabe unilaterally inserted a land clause into the government's draft constitution on which a referendum was about to be held. The new clause said:

"The former colonial power has an obligation to pay compensation for agricultural land compulsorily acquired for resettlement through a fund established for the purpose. If the former colonial power fails to pay compensation through such a fund, the Government of Zimbabwe has no obligation to pay compensation for agricultural land compulsorily acquired for resettlement."⁴¹

However, the clause failed to rouse the populace to action. In the February referendum on the draft constitution, to the ruling party's surprise, the electorate - albeit with a turn-out rate of only 25 percent - was not swayed by the populist attempt to appeal to historical land grievances. People voted against the draft constitution because it did not address excessive presidential powers. White farmers mobilized their farm workers against the land clause but they were also concerned about governance issues and the escalating economic crisis. Mugabe accepted his first electoral defeat since 1980 with seeming equanimity. However, faced with an upcoming election against the newly formed popular opposition party, the Movement for Democratic Change, and bereft of state resources to use for patronage, ZANU PF had to do something dramatic to demonstrate to ordinary people that it had something to offer them.

After two decades of blaming constitutional constraints for the slow pace of land resettlement, ZANU PF began an organized land grab and revived an ideology of revolutionary nationalism. Within days of the defeat in the referendum, the ruling party orchestrated "spontaneous" land invasions, which the war veterans spearheaded.⁴² Paid by the party and with logistical support from state institutions—the Central Intelligence Organization, the police, and the military—veterans and mainly unemployed youth established bases on farms. The bases were intended to ensure that the MDC would not be able to make inroads into the ruling party's rural strongholds. The veterans used violence and intimidation against farmers and their workforce and a liberation war discourse and *pungwes* (night time meetings) to mobilize support. The MDC and its white supporters were portrayed as traitors and British puppets and as lacking liberation war credentials.

Land was presented—as often in the 1990s—as a political issue in which the courts had no role. In March 2000, when a High Court ordered the police to remove invaders from the land, Mugabe instructed the police and the invaders to stay on the land. In April 2000 parliament passed a constitutional amendment to section 16 on compulsory land acquisition. The amendment, incorporating the land clause which Mugabe had inserted into the draft constitution in January 2000, provided that where agricultural land is compulsorily acquired for "the resettlement of people in accordance with a programme of land reform", the obligation to pay compensation for land lies with Britain as the former colonial power and the obligation of the government of Zimbabwe is limited to the payment of compensation only for improvements.

By June 2000, the Commercial Farmers' Union reported that more than 1,500 farms—28 percent of all farms owned by its members and including some black-owned farms—had been invaded.⁴³ In the June parliamentary election, the ruling party won a narrow majority of the 120 contested seats in the general election (30 out of 150 seats were uncontested and guaranteed to ZANU PF), suggesting that the land invasions had produced at least some pay-off for the party.

The campaign for the March 2002 presidential election began after the 2000 parliamentary election. The ruling party's campaign slogan was 'land

is the economy and the economy is land'. The ruling party called the land invasions the Third *Chimurenga*, which was depicted as a continuation of the Second *Chimurenga*, the liberation war of independence. The enemies were the MDC—their urban supporters and rural constituencies concentrated in the opposition strongholds of Matabeleland—and the whites, both stooges of the British.

The government launched a fast-track land reform program in July 2000. The objective was to accelerate the second phase of land reform and to acquire 5 million hectares—the target was then raised to 9 million hectares—by December 2001.⁴⁴ The same criteria as were used in the second phase land reform program for identifying land for resettlement continued to apply. Various types of properties were explicitly excluded from compulsory acquisition.⁴⁵ Land occupations became more formalized, with committees to allocate land. There were two types of land models: the A1-model was for black small scale farmers and was intended to decongest the communal lands; the A2-model was for black commercial farmers and was based on the concept of full cost recovery from the beneficiary.

The Supreme Court's ruling in November 2000 that the land invasions were illegal and had to end were ignored. Land invasions accelerated, and the violence and intimidation of MDC supporters and suspected supporters intensified.

Mugabe was reelected president in March 2002 by 56 percent of the vote; the MDC leader Morgan Tsvangirai won 42 percent of the vote. By the time of his re-election, Mugabe had reconfigured state institutions and the judiciary by removing suspected government opponents and replacing them with loyalists, often war veterans.

Today, there are about 500 white commercial farmers still on the land or farming by 'remote control'. They have survived largely by striking fragile deals with land occupiers. Bargains are made chiefly with respect to profit-sharing from crop sales. Land continues to be confiscated—over 100 fresh eviction notices were served on white farmers in 2006—even though vice president Mujuru announced that land reform was complete. Since September 2005, Constitutional Amendment No. 17 prevents any person from applying to a court to challenge the acquisition of land by the state. As a result, all appeals concerning land acquisition in the Administrative Court were struck off the rolls.⁴⁶ The government has started offering compensation for land improvements to white farmers, but most reject the compensation as derisory.

The government-appointed Utete land audit reported in mid-2003 that of the approximately 9 million hectares acquired by the government, 6.4 million acres had been settled—4.2 million hectares by 127,192 household beneficiaries on the A1-model and 2.2 million hectares by 7,260 applicant beneficiaries on the A2-model. The take-up rate by A1 settlers was 97 percent and by A2 settlers ranged from 42 percent in Manicaland to 100 percent in Matabeleland South province, with a national average take-up rate of 66 percent.⁴⁷ However, many "new farmers" are not actually farming, treating the farms as weekend resorts or farming on a part-time or limited basis.⁴⁸

The key beneficiaries of the A2 scheme—the commercial farms—have been the political elite: ruling party officials, war veteran leaders, military and police officials, soldiers, and leading civil servants. Indeed, on the re-constituted Supreme Court, most judges have farms. Many top politicians have multiple farms, in violation of the “one man, one farm” principle, and many properties which were supposed to be excluded, such as those under bilateral protection and promotion agreements, were confiscated. It is more difficult to know who the beneficiaries of the A1 scheme have been, although the 2002 UNDP report draws attention to the low numbers of farm workers and female household heads who had benefited.

The lack of security of tenure for new settlers helps the ruling ZANU PF control them but it contributes to their low productivity. Settlers on A1-model farms were issued temporary occupation licenses; A-2 model settlers were offered a lease and a leasehold agreement but the lease could be cancelled at the discretion of the Minister.⁴⁹ Towards the end of 2006, the government announced that it would provide 99-year leases to new farmers. However, the leases provide few advantages to the lessees, and substantial advantages to the political authorities. Moreover, with the constitutional amendment that does not permit individuals to challenge any land acquisition by the state, the 99-year leases will continue to be a way in which the ruling party may use the cancellation of a lease to punish disloyalty to the party.

The proliferation of legislation relating to land, occurring as the government attempts to legalize actions previously undertaken illegally, illustrates the inherent insecurity for settlers living on state-owned land. In November 2006, the government repealed the Rural Land Occupiers (Protection from Eviction) Act of 2001 (amended in 2002) and introduced the Land (Consequential Provisions) Act. The current procedure for land acquisition is that only people with offer letters issued by the Ministry of Land Reform are entitled to farm land. Any person occupying land after it has been designated for acquisition commits a criminal offence. The Rural Land Occupiers (Protection from Eviction) Act was introduced to prevent white farmers whose land had been unlawfully occupied from removing the invaders. Now “new farmers” who have been allocated land by a government “offer letter” can evict those who first occupied the land. The issuance of offer letters appears devoid of any transparent procedure.⁵⁰

Land reform in Zimbabwe has not only catalyzed a phenomenal economic decline—a 40 percent drop in growth since 2000—but also an ongoing conflict over land. Even within the ruling party, land rights are now at the center of sharp conflicts among the elite, and also between elites and small scale settlers. The party-state now has direct control over huge swathes of formerly privately-owned land and controls much of the rest of the land through local authorities. The party continues to use land to reward loyal supporters and punish those viewed as disloyal. Ahead of the upcoming presidential election in 2008, the party is promising, once again, to allocate resettlement land to peasants and to ensure that only those who use land productively will be allowed remain on it.

Conclusion

Two outstanding attributes of the ZANU PF regime since independence have been a low regard for the constitution and the predominance of a political logic in economic decision-making. The synergy between these two factors in 2000 led the party to embark on its land grab. Faced with a serious challenge from the MDC in the parliamentary elections, the ruling party needed to win the votes of the disenchanted electorate. After the regime's economic mismanagement in the 1990s, the state coffers were almost empty. A land grab gave it new patronage resources to distribute and raised its ideological status as a revolutionary nationalist party.

The ZANU PF had always railed against constitutional barriers to taking land. In the first decade of independence, ZANU PF had complained that market-based land acquisition, imposed by the British at the end of the war of independence, was too slow and expensive even as it achieved impressive land transfers. In the second decade of independence, the party altered the constitution to make it possible to acquire land compulsorily. Yet the party also resented these more lenient constitutional requirements to acquire land and repeatedly threatened to transgress them. The land grab provided a fast and free approach to acquiring land for resettlement—the ultimate liberation from constitutional constraints on land acquisition. The party now has titles to formerly private-owned land, and has the power, as do most other regimes in Africa, to allocate and reallocate land to win political support and punish disloyalty.

Notes

¹ This essay draws on a draft paper by Catherine Boone and Norma Kriger, "Land as a Patronage Resource: Land Politics and Elections in Zimbabwe and Cote d'Ivoire." The author thanks Catherine Boone for permission to use material from the draft paper for this essay and for her ideas. See also Boone, Catherine. "Africa's New Territorial Politics." *African Studies Review*, 50/1 (April 2007): 59–81; and Boone, Catherine. "Property and Constitutional Order: Land Tenure Reform and the Future of the African State." *African Affairs*, forthcoming October 2007.

² Richardson, Craig J. "Learning from Failure: Property Rights, Land Reforms, and the Hidden Architecture of Capitalism." *American Institute for Public Policy Research*, 2 (2006): 3. Richardson refers to a 1998 IMF asserting confidence that land reform in Zimbabwe would be constitutional and transparent. Selby, Angus. "Commercial Farmers and the State: Interest Group Politics and Land Reform in Zimbabwe." Ph.D thesis in International Development, University of Oxford, 2006. Selby discusses white farmers' failure to appreciate the possibility of unconstitutional compulsory land acquisition.

³ Tsunga, Arnold. *An overview of the human rights situation in Zimbabwe, with specific reference to repressive legislation, impunity, the state of administrative of justice and selective application of the law*, (Legalbrief Africa, 29 April 2004 <http://www.legalbrief.co.za/article.php?story=20040429153819999>). Tsunga discusses state violations of the constitution and legislation. Jenkins, Carolyn and Knight, John. *Economic Decline of Zimbabwe: Neither Growth nor Equity*. New York: Palgrave, 2002. Jenkins and Knight discuss economic policy.

⁴ United Nations Development Programme (UNDP), *Zimbabwe. Land Reform and Resettlement: Assessment and Suggested Framework for the Future*. Interim Mission Report (UNDP, January 2002), 3.

⁵ Angus Selby, in "Commercial Farmers and the State: Interest Group Politics and Land

Reform in Zimbabwe” notes that farmers almost never requested to be paid in foreign exchange, despite the government frequently claiming that this constitutional provision was a serious constraint on land reform.

⁶ Kenya resettled 70,000 families on a million hectares in two decades; Zimbabwe resettled 54,000 families on about 3 million hectares by 1990 (Selby, “Commercial Farmers and the State,” 134). See also Arthur Hazlewood, “Kenyan Land-Transfer Programmes and their Relevance for Zimbabwe,” *Journal of Modern African Studies* 23, no.3 (1985).

⁷ Palmer, Robin. “Land Reform in Zimbabwe, 1980–1990.” *African Affairs* 89, no. 355 (1990): 169–71. Alexander, Jocelyn. “The Unsettled Land: The Politics of Land Redistribution in Matabeleland, 1980–1990.” *Journal of Southern African Studies*, 17, no. 4 (1991): 608, footnote 129. Alexander provides an estimate of black-owned commercial land.

⁸ Alexander, Jocelyn. “State, Peasantry and Resettlement in Zimbabwe.” *Review of African Political Economy* 61 (1994).

⁹ Palmer, Robin. “Land Reform in Zimbabwe, 1980–1990.”

¹⁰ UNDP, Zimbabwe. *Land Reform and Resettlement*, 5.

¹¹ Palmer, Robin. “Land Reform in Zimbabwe, 1980–1990.”

¹² Akwabi-Ameyaw, Kofi. “The Political Economy of Agricultural Resettlement and Rural Development in Zimbabwe: The Performance of Family Farms and Producer Cooperatives.” *Human Organization* 49, no. 4 (1990): 322. According to Akwabi-Ameyaw, resettlement accounted for just over 2 percent of the national budget in 1981/2 and 1982/3 but dropped to ¼ percent in 1983/4 and never recovered. Land acquisition expenditures as a percentage of total expenditures of the Ministry of Lands, Agriculture and Rural Resettlement also dropped sharply in 1984/5 from previous years.

¹³ Selby, “Commercial Farmers and the State.”

¹⁴ Akwabi-Ameyaw, “The Political Economy of Agricultural Resettlement and Rural Development in Zimbabwe,” 1990: 324; UNDP, *Zimbabwe. Land Reform and Resettlement*, 6.

¹⁵ Akwabi-Ameyaw, “The Political Economy of Agricultural Resettlement and Rural Development in Zimbabwe,” 1990: 324; UNDP, *Zimbabwe. Land Reform and Resettlement*, 6 cited a government document which acknowledged the lack of transparency in the selection of settlers.

¹⁶ Herbst, Jeffrey. *State Politics in Zimbabwe*. Harare: University of Zimbabwe Publications, 1990, 73. Herbst reported that 50 percent of squatters on commercial farms still being worked by white farmers were moved off those farms and given plots in the resettlement areas. See also Selby, “Commercial Farmers and the State,” 115, 168.

¹⁷ Alexander, “State, Peasantry and Resettlement in Zimbabwe,” 1994: 337.

¹⁸ According to Akwabi-Ameyaw, 1997, Model B schemes occupied only 66,775 hectares in August 1983; see also Akwabi-Ameyaw, “The Political Economy of Agricultural Resettlement and Rural Development in Zimbabwe,” 1990.

¹⁹ Kriger, Norma. *Guerrilla Veterans in Post-War Zimbabwe: Symbolic and Violent Politics, 1980–1987*. Cambridge: Cambridge University Press, 2003, 141–155.

²⁰ Kriger, *Guerrilla Veterans in Post-War Zimbabwe*.

²¹ Alexander, Jocelyn. “The Unsettled Land: The Politics of Land Redistribution in Matabeleland, 1980–1990,” *Journal of Southern African Studies* 17, no. 4 (1991): 594–6. Parliamentary motion on the Special Report of the Comptroller and Auditor-General on the Land Acquisition and Resettlement Programme, *House of Assembly Debates* (Zimbabwe), v.19, n.78, 11 May 1993, cols.6283–6304.

²² Naldi, Gino J. “Land Reform in Zimbabwe: Some Legal Aspects.” *Journal of Modern African Studies* 31, no. 4 (1993): 586–89.

²³ Selby, Angus. “Radical Realignments: The Collapse of the Alliance between White Farmers and the State in Zimbabwe 1995–2000,” Working Paper No.144. (University of Oxford: Queen Elizabeth House Working Paper Series), <http://www3.qeh.ox.ac.uk/RePEc/qeh/qehwps/qehwps144.pdf>, 3.

²⁴ UNDP, *Zimbabwe. Land Reform and Resettlement*, 26.

²⁵ Selby, “Radical Realignments,” 7.

²⁶ Kriger, Norma. “ZANU(PF) Strategies in General Elections, 1980–2000: Discourse and Coercion.” *African Affairs* 104, no. 414: 1–34. Kriger describes appeals to racist whites who

dared oppose the ruling party, and more generally, the intolerance of any opposition.

²⁷ Selby, "Commercial Farmers and the State," 245–46; Selby, "Radical Realignments," 14

²⁸ Selby, "Commercial Farmers and the State," 286.

²⁹ Selby, "Commercial Farmers and the State," 246.

³⁰ Selby, "Commercial Farmers and the State," 239; Selby, "Radical Realignments," 14.

³¹ Selby, "Radical Realignments," 8, 12.

³² "Chronology" in David Harold-Barry (ed.), *The Past is the Future* (Harare: Weaver Press, 2004), 268.

³³ Report of Presidential Land Review Committee on the Implementation of the Fast Track Land Reform Programme, 2000–2002 ("The Utete Report"), (Zimbabwe: 2003), 15 reflects the government perspective; Selby, "Radical Realignments," 13 provides the farmers' perspective. International Crisis Group, *Blood and Soil: Land, Politics and Conflict Prevention in Zimbabwe and South Africa*. ICG report No.85 (17 September 2004), 91.

³⁴ "Mutasa Incites Farm Takeovers." *Zimbabwe Standard*, 18 April 1999.

³⁵ Selby, "Commercial Farmers and the State", 221, 236–7; Selby, "Radical Realignments," 6.

³⁶ "Govt [sic] acts on land imbalance," *The Chronicle* (Zimbabwe), 29 April 1996; "Mugabe plans massive land grab from farmers," *Southern Africa Report*, 15 August 1997.

³⁷ Selby, "Radical Realignments," 33–34.

³⁸ UNDP, *Zimbabwe. Land Reform and Resettlement*, 7.

³⁹ Selby, "Commercial Farmers and the State," 246, 255.

⁴⁰ Selby, "Radical Realignments," 36.

⁴¹ Bowyer-Bell, T.A.S. and Stoneman, Colin. "Land Reform in Zimbabwe: Constraints and Prospects" in T.A.S. Bowyer-Bell and Colin Stoneman, *Land Reform's Constraints and Prospects: Policies, Perspectives and Ideologies in Zimbabwe Today*. Aldershot: Ashgate Publishing Limited, 2000, 11.

⁴² E.g. Sam Moyo and Parris Yeros, "Land Occupations and Land Reform in Zimbabwe: Towards the National Democratic Revolution," in Sam Moyo and Parris Yeros (eds.), *Reclaiming the Land: The Resurgence of Rural Movements in Africa, Asia and Latin America* (London: Zed Books, 2005); UNDP, *Zimbabwe. Land Reform and Resettlement*.

⁴³ "Chronology" in Harold-Barry (ed.), *The Past is the Future*, 269.

⁴⁴ UNDP, *Zimbabwe. Land Reform and Resettlement*, 7–8.

⁴⁵ Report of Presidential Land Review Committee on the Implementation of the Fast Track Land Reform Programme, 2000–2002 ("The Utete Report") (Zimbabwe: Government of Zimbabwe, 2003), 19. Properties excluded were plantations engaged in large-scale production; agro-industrial properties in poultry, beef, dairy productions, and seed multiplications; properties with export processing zones permits and with Zimbabwe Investment Center certificates; farms belonging to church or missions organizations, and farms subject to bilateral investment promotion and protection agreements.

⁴⁶ Zimbabwe Human Rights NGO Forum. *Zimbabwe's Failure to Meet the Benchmarks in the Cotonou Agreement*. Zimbabwe Human Rights NGO Forum, November 2006, 14.

⁴⁷ The Utete Report, 5.

⁴⁸ Zimbabwe Human Rights NGO Forum. *Zimbabwe's Failure to Meet the Benchmarks in the Cotonou Agreement*. Zimbabwe Human Rights NGO Forum, November 2006, footnote 30, 15.

⁴⁹ UNDP, *Zimbabwe. Land Reform and Resettlement*, 30.

⁵⁰ Zimbabwe Human Rights NGO Forum. *Zimbabwe's Failure to Meet the Benchmarks in the Cotonou Agreement*. Zimbabwe Human Rights NGO Forum, November 2006, 14.