

# CHANGING THE RULES OF THE RESETTLEMENT GAME: THE DESCENT FROM DEVELOPMENTAL TO PREDATORY STATE

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## EXECUTIVE SUMMARY

As late as 2008, Reuters, a news agency, would invariably add a phrase to their articles to say that “President Robert Mugabe's government began seizing white-owned farms to resettle landless blacks.”<sup>1</sup> It is quite true that the resettlement programme soon after Independence and during the 1980s did resettle the poor and landless. But, by 2008 the debate had moved decisively towards the need for a land audit to identify those Zimbabweans who had seized multiple farms.

This article looks back on how land policy and the rules of the resettlement game have changed over the last three decades. There was never a dispute about the need to correct the historical imbalance in land distribution. Nor was there any question that land would be acquired from white farmers. What have been contested were the criteria, methods, pace, ambitions and, above all, the laws and rules for acquiring and distributing land. In this paper I examine how the rules changed for acquiring land and for allocating it.

Three trends were evident. The first was that the rules changed from supporting the livelihoods of the poorest families to privileging the richest. The second was that resettlement rules changed from promoting national agricultural production to allocating land regardless of any training, aptitude or farming experience. And third, rules that guaranteed strong property rights gave way to wide state discretion over the possession and use of land.

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<sup>1</sup> Reuters, 22 May 2008, *Zimbabwe farm invasions continue unabated – farmer*

This paper concludes that Zimbabwe must move towards a just and pro-poor land policy based on secure property rights, land markets, and the rule of law. These are a *sine qua non* for restoring agricultural productivity, creating employment, and improving rural livelihoods.

### INTENSIVE AND ACCELERATED RESETTLEMENT IN THE 1980S

In 1980 the twin objectives of the resettlement programme were to resolve the historical imbalance in land ownership and to provide relief from population pressure in overcrowded communal areas. Resettlement was considered essential for the “improvement in the levels of living of the largest and poorest sector of the population of Zimbabwe”.<sup>2</sup> The new beneficiaries were to be returning refugees and displaced persons as well as the landless and unemployed. The most important criterion for resettlement was therefore ‘need’.

At Independence, the government was determined that resettlement would not be an extension of subsistence farming. It therefore provided extension advice, infrastructure, and other services to ensure that settler families achieved higher productivity and a better standard of living.<sup>3</sup> Meeting these objectives required careful planning, preparation and implementation. Hence, the earliest programmes were known as *intensive* resettlement. At the time, the government also recognised the role played by commercial agriculture to ensure the nation’s self-sufficiency in food and as an earner of foreign exchange. The acquisition of land for resettlement therefore focussed mainly on commercial land that was not being farmed.

1980 estimate of peasant farming families		780,000
Less:	Numbers who can be accommodated (based on carrying capacity)	325,000
	Numbers of families expected to migrate to towns and cities	235,000
	Numbers settled to January 1981	1,500
	Numbers to be settled to 1984	18,000
	Plus a possible	15,000
		594,500
Excess number of families to be resettled		185,500

Table 1: Source: The Report of the Riddell Commission of Inquiry (Zimbabwe, 1981)

The Riddell Commission’s Report on *Incomes, Prices and Conditions of Services* in June 1981, however, had far-reaching affects on the scope and ambition of resettlement policy. Based on the number of families living in the communal areas and the carrying capacity of the land, the Commission calculated – as shown in the table above – that 185,000 communal families needed to be resettled.

<sup>2</sup> Zimbabwe (1982) *Report of the Commission of Inquiry into the Agricultural Industry* under the chairmanship of Prof. Gordon Chavunduka. Government Printers: Salisbury.

<sup>3</sup> Zimbabwe (1982) *Transitional National Development Plan 1983–1985*. Government Printers: Harare.

Making adjustments to this figure, the government planned to spend Z\$260m (USD282m) to settle 162,000 families on 9 million hectares in just three years. To meet this ambitious target, an *accelerated* programme was designed to settle families urgently. Planning procedures were therefore cut to a minimum and only basic infrastructure was provided.<sup>4</sup> What remained etched in the minds of government planners for the next two decades, however, was the number of families to be resettled and the amount of land to be acquired in order to correct the historical imbalance in land.

Despite the resettlement programme's ambitions, the government's commitment to land redistribution began to wane. As smallholder cotton and maize production surpassed commercial production in the mid-1980s, the government relied more on improved smallholder agricultural production than resettlement to meet its development objectives. In its exasperation to realise productivity gains from poor families that had been resettled, the government decided to include better farmers in the resettlement programme to boost agricultural production, as well as save on the costs of supporting new settlers.<sup>5</sup> Thus, by 1985 master farmers were added to the list of those eligible for resettlement. The allocation of land for resettlement was now to be based both on 'need' and 'ability'.

#### A NEW LAND POLICY FOR THE 1990S

By the end of the 1980s 52,000 families had been resettled. But this achievement fell well short of the government's original target. Rather than rethinking, remodelling and improving the implementation of the resettlement programme, the government turned on the commercial farmers. The President called for a "revolutionary land reform programme to distribute land without inhibitions", stressing that "some farmers had to be made willing to sell their land."<sup>6</sup> In July 1990 the government announced a new National Land Policy to resettle another 110,000 families on an additional 5 million hectares of land to be acquired at a 'realistic' price.<sup>7</sup>

The new land policy also involved changes in the rules for acquiring land. The 'willing buyer-willing seller' principle was dropped in favour of designating farms for compulsory acquisition based on prices fixed by bureaucrats. And, contrary to the principles of natural justice, any recourse to the courts would be denied. The new principles of 'one man-one farm' and limiting farm sizes according to their agro-ecological region would release many

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<sup>4</sup> Appendix E, Intensive Resettlement: Policies and Procedures (Zimbabwe, 1985).

<sup>5</sup> Kinsey, B.H. (1984) *The Strategy and Tactics of Agrarian Reform: Resettlement and Land Policy in Zimbabwe*. Discussion Paper 136, University of East Anglia: Norwich.

<sup>6</sup> *The Herald*: 19 August 1989.

<sup>7</sup> These figures were determined by deducting the 52,000 families already settled from the initial target of 162,000, and by deducting the amount of land already acquired from the 1982 target of 9 million ha.

more farms for acquisition in better farming areas. Crucially, however, the new policy laid greater emphasis on identifying, resettling and assisting large-scale black farmers with finance and training. Henceforth, beneficiaries would not necessarily be poor, but those who could ostensibly make best use of the land. The criterion of 'need' had now been superseded by that of 'ability'.

Although the Land Acquisition Act was revamped in 1992 in order to put these policies into effect, the pace of resettlement remained stubbornly slow. Only 2,500 households were resettled, on average, each year between 1990 and 1993.<sup>8</sup> Worse, in 1994 the resettlement programme became mired in controversy. It became evident that lease agreements with white leasehold farmers had been cancelled, and that a Tenant Farmer scheme had been launched clandestinely.<sup>9</sup> Included in the scheme were farms that had been earmarked for resettlement, but allocated to senior government officials, including ministers, and high-ranking military officers.

The secretive manner in which leases were allocated further deepened concerns in Britain about the process of land reform in Zimbabwe.<sup>10</sup> Britain had other worries too. They wanted to support the needy rather than the well resourced, to maintain agricultural production, and to fund a less ambitious resettlement programme based on the 'willing buyer-willing seller' principle. When the new Labour government expressed reservation about supporting Zimbabwe's revised resettlement plans, a frustrated President rekindled the nationalist narrative. He made it plain that he was not pleading with Britain for development assistance, but demanding the monies that Britain had purportedly promised at Lancaster House for land acquisition. As a sovereign state, the President claimed, Zimbabwe could choose how it spent these funds.

#### JAMBANJA AND THE SEIZURE OF LAND AFTER 2000

Following the ruling party's defeat in a referendum on a draft constitution in February 2000, it moved quickly to secure the rural areas before parliamentary elections scheduled for June 2000. In a process marked by coercion and violence – known as *jambanja* – thousands of party-sponsored settlers occupied commercial farms in an exercise where the army and state intelligence services played a decisive role.<sup>11</sup> Suddenly the established rules for acquiring and allocating land were abandoned in favour of a state-sponsored free-for-all

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<sup>8</sup> Mhishi, S.G. (1995) *A Critical Analysis of the Resettlement Programme in Zimbabwe*. Zimbabwe Farmers Union / Friedrich Ebert Foundation: Harare

<sup>9</sup> Tshuma, L. (1997). *A matter of (in)justice: law, state and the agrarian question in Zimbabwe*. Harare: Sapes Trust.

<sup>10</sup> ICG (2004) *Blood and Soil*. *International Crisis Group*: Brussels

<sup>11</sup> *Ibid.*

seizure of farmland. The only criterion for allocating land was loyalty to the ruling party and the very fact of occupation itself. Thus, when the Supreme Court found the land programme to be 'entirely haphazard and unlawful' in December 2000, it specifically objected to the clear favouritism in distributing land to party supporters.

In June 2001 the government launched *People First: Zimbabwe's Land Reform Programme*, otherwise known as the 'Fast Track Land Reform Programme'. On paper, at least, the main objectives of the 1990 National Land Policy remained intact. The total area of commercial farmland required for resettlement still stood at 8.3 million ha. An A2 resettlement model had been introduced for the participation of black commercial farmers, but the A1 model still catered for poor rural families. What changed was that A2 settlers were no longer required to demonstrate either training or experience in farming; they needed only to show that they had sufficient resources. In fact, neither 'ability' nor 'sufficient resources' were pre-requisites for resettlement. The only criterion was that one was a Zimbabwean of a particular political stripe who 'wanted' land.

In order to allocate land to those who wanted it, the government changed the rules for land acquisition dramatically. After 2002, maximum farm sizes were strictly enforced, and the state was empowered to immediately 'exercise any right of ownership' once a farm owner had been issued with a land acquisition order. By 2004, any limit on the number of settlers or the amount of land to be acquired by government was removed. A new array of productive farming enterprises – from plantation crops to agro-industrial properties – became eligible for acquisition. Farm owners could no longer object to their only farm being compulsorily acquired. Then, in 2005, most commercial farms were nationalised, making their owners trespassers on land that most had bought since Independence.

But these rules did not apply to everyone. Politicians, officials and military officers simply ignored the 'one man-one farm policy' and any restrictions on farm size. They shamelessly helped themselves to any number of farms, sometimes displacing those settlers who originally invaded the farms. From the ideals of pro-poor land policies and promoting national agricultural productivity, the rules of the resettlement game have been changed – or ignored – to suit the depredations of powerful political players. Agricultural production shrunk significantly, and Zimbabwe has become a perennial food importer.

#### MAKING LAND REFORM WORK

The GPA calls for those eligible to be allocated land to be considered for selection irrespective of race, gender, religion, ethnicity or political affiliation. This provision may help restore a more equitable and orderly programme of land reform, but it still presupposes the primary role of the state to acquire and allocate land. Elsewhere I have argued that this *dirigiste* (statist) approach is financially ruinous, administratively unworkable, and inimical to granting the necessary property rights to stimulate agricultural productivity and growth. Any visionary future government should rather concern itself with creating the legal and

institutional framework that enables land markets to operate fairly, efficiently and securely, and in which every Zimbabwean can participate freely without fear of dispossession by a predatory state.