

Shifts in the Zimbabwean Land Reform Discourse from 1980 to the present

A Chilunjika

PhD Candidate: Department of Public Management and Governance
University of Johannesburg
South Africa

D E Uwizeyimana

Department of Public Management and Governance,
University of Johannesburg
South Africa

ABSTRACT

The article captures the post-colonial developmental path of the Land Reform Programme in Zimbabwe since 1980, when Zimbabwe got its independence from Britain. The shifts in the Zimbabwean Land Reform Programme since 1980, unveil four distinct phases that punctuate the Land Reform trajectory as well as exhibit their unique and distinct characteristics. The four phases of the land reform programme in Zimbabwe include: the willing buyer willing seller paradigm (1980–1990), the compulsory acquisition with fair compensation paradigm (1990–2000), the Fast Track Land Reform Programme (FTLRP) where there was compulsory acquisition with no compensation (2000–2002) and the partnerships and agricultural contracts between white commercial farmers and the indigenous black landholders (2014 to date).

The article highlights the key drivers to policy shifts, as well as the incremental pattern that punctuated the first and second paradigms, with the third paradigm assuming a radical policy leap in what was called the FTLRP. The fourth phase shows that the Government is making a U-turn on its stance about acquiring land without compensation. The Government is currently encouraging partnerships and contracts between black landholders and the previously evicted white commercial farmers. In this regard, the absence of a robust supporting legislative policy framework to substantiate these farming partnerships makes these contractual arrangements unpredictable.

As theoretical underpinning the article adopts American scientist, Thomas Kuhn's scientific knowledge development paradigm (Kuhn 1962) where Kuhn narrated the transitions that normally take place in the scientific discipline and coined such fundamental changes or approaches underlying assumptions 'paradigmatic shifts'.



INTRODUCTION

The concept of policy paradigm shift reflects a set of policy related assumptions, concepts, values and practices. In tracing the Zimbabwean land reform policy trajectory, four distinct phases or paradigms were identified. The first paradigm (The Lancaster House phase of 1980–1990) was characterised by the willing buyer willing seller policy. In this regard, the white land holders were given the autonomy to exercise their discretion with regards to ceding land to the Zimbabwean Government; hence they did it on self-ruling bases.

There was a gradual shift from the willing buyer willing seller policy, after it was seen that white commercial farmers were not willing to let go of the vast land tracts that they owned. Hence, the Government shifted to the compulsory land acquisition with fair compensation paradigm which exhibited dominance in the land policy domain between 1990 and 2000. The willing buyer willing seller approach, despite being a bit more effective than its predecessor with regards to the land tracts that were acquired was not sustainable and effective since the Government did not have adequate funds to compensate the white commercial land holders, as Britain the former colonial master did not live up to its promise of helping the Zimbabwean Government in compensating the white landholders.

Being displeased with the pace with which the land reform programme was being undertaken, the liberation war fighters (also known as war veterans or war vets) teamed up with many other aggrieved citizens and they resorted to violent land grabs and farm invasions. This marked a radical and boisterous third paradigm shift which was characterised by compulsory land acquisition with unfortunately no compensation whatsoever. This spontaneous and sporadic policy paradigm shift marked the beginning of what is known as the Fast Track Land Reform Programme (FTLRP) and existed from 2000 to 2002. The FTLRP saw vast tracts of land being repossessed by the Zimbabweans. Instead, since 2014, an incremental approach, whereby the Government is now encouraging partnerships between the black land owners and the formerly evicted white commercial farmers are followed. However, the absence of a robust major legislative framework makes it difficult to decode some policy outlines and forms of this current dispensation.

POLICY PARADIGM SHIFTS

The concept of policy paradigm reflects a set of policy related assumptions, concepts, values and practices constituting a way viewing reality in a given polity or community. According to Auriacombe (in Schurink and Auriacombe 2010:435 & Auriacombe 2012:98) *“due to the different ontological and epistemological beliefs of researchers belonging to different paradigms, the criteria for trustworthy, credible research can never meet everyone’s approval”*. This article selected the developmental phases of paradigms as introduced by Kuhn in *The Structure of Scientific Revolutions* (1962), as the most appropriate theoretical underpinning for policy paradigm shifts. Kuhn (1962:150) noted that a paradigm can be dominant (that is prevalent, governing, ingrained) but it is perpetually prone to the confrontation of competing and often opposing paradigms. Kuhn (1962:150) argues that a domineering paradigm in a particular period will eventually be deposed by a competing one. When that happens, the latter paradigm will resultantly assume primacy and dominance for a distinct time-period,

but over time it will also face a challenge from other contenders and the cycle of change will continue (Uwizeyimana and Maphunye 2014:90). In the real world of public policy, according to Chikozho (2008:70) “the point at which an embedded paradigm is dislodged by a contending rival marks ‘a policy paradigm shift’ and this kind of change is a disjunctive process associated with periodic discontinuities in policy” (see also Hall 1993:279). According to Masunungure and Chimanikire (2007:11) it is at the point of replacement of one paradigm by another that a paradigmatic revolution takes place.

In their analysis of the development of public policy paradigms, Carson, Burns and Calvo (2009:3) argued that “over the past 20 years a constellation of concepts, principles and models have emerged which entail a promising new approach to capturing the interactions between ideas, organised actors and institutions in political, administrative and related social environment” (Carson *et al.* 2009:3). Consequently, these policy drivers serve as preconditions upon which a shift in the policy is predicated. Hall (1989:361) highlighted the preconditions for policy change by articulating that a “sufficient degree of political support is equally important” (Vogeler 2013:5). This political buy in, as Vogeler puts it “legitimises the new-fangled policy courses especially when they perfectly align with the overall goals of the ruling party, possible coalition partners and interest groups” (Vogeler 2013:5).

In order for policy shifts to take place it is important to ensure that the existing institutions have sufficient administrative capacity in order for them to be able to enforce policies related to the new paradigm (Vogeler 2013:5). In this regard, as Vogeler (2013:5) continues to argue, “administrative viability serves as a shell within which the acceptance of a new paradigm is housed. Emerging paradigms should be backed by a robust system of administration (administrative capacity) as well as by sound institutional settings which also provide room for the full and expeditious implementation of new policy measures” (Vogeler 2013:5). Another key ingredient for policy change is “economic viability, which has to be analysed against a specific national background, which is the current economic structure; the embedment in possible international regimes or economic constraints needs consideration as these may limit the possibilities for national policy-making” (Hall 1989:371 cited in Vogeler 2013:5).

Hall (1993:280) called these policy transformations “paradigmatic changes”. Paradigmatic changes can take the form of incremental and radical policy shifts. A radical policy change can be justified by a “new political actor or economic paradigm at any time” (Vogeler 2013:9). In defining a radical change, Vogeler (2013:2) is of the view that it entails a change (or a significant alteration) of the superior and long-term goals of policy-making. Notably, radical policy change entails the amendment of policy instruments, a change in policy goals and objectives as well as in certain circumstances the alteration of the policy ideological culture. This implies a modification of the underlying goals and ideas shaping policy-making. In addition radical change is a rather infrequent juncture and occurs more often than not as a rejoinder to domestic and outer shocks within the political system. Accordingly, Vogeler (2013:3) highlights that “shocks external to the political system have a strong influence on changing discourses”. A radical change in policy is a result of the rigorous and complete alteration of the procumbent and dominant core beliefs (Vogeler 2013:3).

On a contrary note incremental change as noted by Capano (2009:12) in Vogeler (2013:3) is a “regular feature of the policy-making process as it is closely associated with the concept of social learning which results in an adaptation of particular policy instruments

whilst the overall policy goals remain intact". Surel (2000:495) asserts that the "stability of institutions and their intrinsic resistance to change is a decisive element in this context" (Vogeler 2013:3). Hayes (2013:95) defines incrementalism as "a theory of public policy-making, according to which policies result from a process of interaction and mutual adaptation among a multiplicity of actors advocating different values, representing different interests and possessing different information". As such, Lindblom (1959:137) in Jones (2015:3) noted that "policy makers will build on past policies, focusing on incremental rather than wholesale changes". Incrementalism as a policy-making strategy produces decisions marginally different from past practice (Lindblom 1959:137). Incrementalism thus reflects some marginal adjustments to the status-quo (Schinckus 2015:3).

McCarthy-Jones and Turner (2011:549) argue that policy change is mostly incremental but there could be occasions when policy is radically transformed over a relatively short period of time. In this regard it can thus be noted that "drastic changes in policies may lead to mistrust, lack of buy-in and ultimately failure of drastic change to be successfully implemented" (Hayes 2013:16). The following analysis of the development of land reform policy paradigm shifts in Zimbabwe between 1979 and 2015 shows that the land policy shifts have been generally incremental but also sometimes violent in nature.

THE DEVELOPMENT OF THE ZIMBABWEAN LAND REFORM POLICY PARADIGM SHIFTS: 1979–2015

The 1979 signing of the Lancaster House Agreement officially mandated the commencement of the land reform programme in Zimbabwe (Africa All Party Parliamentary Group 2009:19). The Lancaster House Agreement provided a legal framework for a more equitable distribution of land between the black majority who have been previously disenfranchised and the white minority who had exercised absolute control and total rulership over Southern Rhodesia [now Zimbabwe] from 1890 to 1980 (Hill and Katarere 2002:252). The land reform programme intended to alter the ethnic asymmetries of land ownership which as noted by Njaya and Mazuru (2010:166) saw approximately 97% of the black population occupying 25% of the country, while the Zimbabwean whites which made up 3% of the population owning about 75% of the most fertile land. According to Manjengwa, Hanlon and Smart (2013:23), at independence, "government's stress was on promoting farming in the communal areas", where the majority of the Zimbabweans live. Land reform was believed to be the vehicle that would foster socio-political and economic development in the country. Politically, the scheme was seen as a conduit through which peace and stability was going to be achieved in the country. Socially it sought to redress historical imbalances and inequalities in landholding with a long term thrust to eradicate poverty amongst the rural citizenry. Economically it was modelled "to augment agricultural productivity among the families that have been resettled" (Masiwa 2004:2).

The following periodical phases represent the distinct policy paradigms that were and are still existing in the Zimbabwe land reform trajectory. These phases include the Lancaster House (willing buyer willing seller) 1980–1990, compulsory acquisition with fair compensation (1990–2000), fast track land reform (2000–2002 and beyond) and the phase for partnerships between landholders and former white commercial farmers (2014 to date).

The Willing buyer willing seller phase (1980–1990)

The willing buyer willing seller principle was the reigning paradigm from 1980 to 1992.

The “three month long Lancaster House Conference” culminated in the crafting of the Supreme Law of the country which had a carefully worded section on the land issue (Nyawo 2014:36). According to the All Party Parliamentary Group Report (2009:13) Britain held out to protect white farmers and the Patriotic Front accepted British demands only after the United States (US) and British governments promised money to pay for land. The Lancaster House Agreement required the Zimbabwean Government to wait for a decade before starting to implement any land reform programme. It however permitted government to purchase unoccupied land for resettlement purposes. According to Richardson (2005:25) the draft Constitution agreed upon at Lancaster House sets out a “Declaration of Rights” which could not be changed for 10 years and these rights included the “Freedom from Deprivation of Property”. The other principles that were put forward at the Lancaster House Conference include:

- *“acquisition of land only on a willing buyer willing seller basis;*
- *compensation to be remittable in a foreign currency; and*
- *under-utilised land could be acquired for public purposes but at the full market value”* (Stoneman and Cliffe 1989:1).

The willing buyer willing seller principle entailed that there was no compulsory purchase and the Government would only buy land for resettlement that was offered voluntarily. This principle dictated that all land had to be offered to the Government first, and if the Government turned it down, a certificate of “no present interest” was issued allowing an alternative sale. According to Madhuku (2004:29) the Lancaster House Constitutional scheme severely limited the scope of any land reform based on compulsory acquisition. These are some constitutional impediments in the first phase of the land resettlement scheme; productive farms were exempted from acquisition for resettlement as they fell outside the bracket of under-utilised land, compensation was supposed to be paid promptly and the entrenched constitutional provisions could only be amended under the given circumstances that is, after the lapse of the first decade except with, as stipulated by Section 52(4) of the Lancaster House Constitution a 100% majority of members of Lower Chamber of the then bicameral Parliament (the House of Assembly) has unanimously supported that Constitutional amendment. Because of the Lancaster House Constitution, the Government was bound “to purchase surplus land for redistribution to the landless” and was strictly prohibited from land expropriation for the first ten years after independence.

According to Masiwa and Chigejo (2003:9) the “need to achieve national stability and progress in the country saw the resettlement programme being implemented in a planned and systematic manner”. Bratton (1990:45) asserts that in line with the National Land Policy, two land distribution schemes were availed in the initial phase. The first scheme entailed, “Model A (Normal Intensive Resettlement), whereby individual households would each be given five to six hectare plots, plus a share in a communal grazing area, and Model B (Communal Farming), which provided for farming of commercial farms on a cooperative and mechanised basis” (De Villiers 2003:10). The second scheme, as De Villiers (2003:10) continue to argue, entailed Model C (a core commercial estate with individual small-holdings), and Model D (which provided for pastoral grazing areas).



Some of the significant weaknesses of the land reform programme during the first phase included that land redistribution and “ownership were heavily skewed to the people with political connections with the ruling party (The Zimbabwe African National Union-Patriotic Front, ZANU-PF) rather than the farmers or communities (De Villiers 2003:10). The other problem was that “the Government did not have money to compensate the landowners” (The Mike Campbell Foundation 2008:2) and did not have the finances to support the newly resettled African farmers so that they can establish the farming infrastructure needed to make land fertile and productive. However, according to Kinsey (1982:101), the resettlement programme assumed that settlers under this programme would make use of the “admittedly inadequate infrastructure in adjacent communal areas” to make land productive.

Finally, despite the scheme being rational and well planned, the willing buyer willing seller clause rendered the progress sluggish and expensive. This means that, although “enough land was available for acquisition, the Government was not in a position to target certain areas and therefore had to be guided by land being offered to it and to purchase that land at market-based prices” (De Villiers 2003:45).

The compulsory acquisition with fair compensation phase (1990–2000)

According to De Villiers (2003:16) “the precincts imposed by the Lancaster House Constitution expired on 18 April 1990 and this marked a new constitutional dispensation”. As De Villiers (2003:16) puts it: “the expiry of the Lancaster House Constitution gave the post-independence government the first real opportunity to deal with the land issue and other constitutional matters in its own way”. This, according to Palmer (1990:163) “marked the emergence of a new policy paradigm shift”. Following the expiry of the Lancaster House Constitution “the Government legislated the introduction of its new land policy in two phases—first by amending the Constitution (Constitution of Zimbabwe Amendment Act 30 of 1990 and the Constitution of Zimbabwe Amendment Act 4 of 1993). The second phase was characterised by the introduction of new legislation such as the Land Acquisition Act (LAA) 3 of 1992 which allowed Government to compulsory acquire land (De Villiers 2003:16).

De Villiers (2003:18) argues that, “these constitutional amendments allowed for land—both commercial and unutilised—to be compulsorily acquired for resettlement with ‘fair’ compensation being paid in a reasonable time”. Accordingly, Madhuku (2004:133) highlights that once a new constitutional framework had been put in place, it had to be followed by a new Act of Parliament implementing the principles set out in the Constitution. Consequently, “1992 saw the enactment of the LAA 3 being effected” and “this piece of legislation empowered the Government to buy land compulsorily for redistribution, and a fair compensation was to be paid for land acquired” (Chinamasa 2002:1).

The LAA 3 of 1992 (which replaced the 1985 Act 21) allowed government to compulsorily acquire land. According to Naldi (1993:13, as cited in De Villiers 2003:18) the LAA 3 of 1992 “empowered the president to acquire rural land compulsorily and set out the procedure in accordance with which that acquisition should take place”. A written notice (with a one-year duration) was delivered to the owner of the farm whose farm might have fallen within the acquisition category which meant that after receiving the notice landholders were no longer expected to make any permanent improvements thereon nor to dispose of the land (De

Villiers 2003:18). In addition, section 19 of the LAA 3 of 1992 stated that “Parliament was also empowered to specify through legislation certain principles upon which compensation could be calculated—thereby moving away from the market-value principle and the period within which the compensation had to be paid” (De Villiers 2003:17). In this regard, the LAA 3 of 1992 established a Compensation Committee which was mandated to determine a price tag for the acquired rural land. This was in sharp contrast to the Lancaster House Constitution which empowered the landholders to attach a price tag to the land.

The implementation of the LAA 3 of 1992 met serious challenges since its inception. There were some marked antagonisms between the land acquiring authority and the landowners which saw the landowners challenging the set prices in courts. Another major challenge was lack of funding. The absence of foreign support towards the implementation of the programme made the Government digress from the Lancaster House constitutional guarantees. Echoing similar sentiments, De Villiers (2003:79) argued that:

“The Lancaster House agreement did not contain a detailed and enforceable commitment from any of the foreign donors to actually contribute to land reform. In essence there were no guarantees of any kind, which in turn left the new government exposed to take political responsibility for the programme without necessarily having the means to abide by the constitutional guarantees” (De Villiers 2003:79).

Initially, according to De Villiers (2003:7) “the Government of Britain promised £75 million and the US promised US\$500 million, but there was no written guarantees”. The analysis of the disbursement of such grants shows that, “By the year 2000 Zimbabwe had only received approximately £30 million, in contrast to Kenya where in its land restoration and resettlement process £500 million was provided” (De Villiers 2003:7).

Other prospective donors such as the International Monetary Fund (IMF) and the World Bank had certain conditions that they wanted to be met in order for them to support the scheme.

According to Masiwa (2004:12), the IMF, World Bank and the EU declared that they would only assist in the programme if a sound policy document on the resettlement methodology was produced. These institutions, as Masiwa continues to argue wanted the Government “to employ a market-oriented approach which would involve taxation of under-utilised land that would induce subdivision of farms, as such, this approach would in turn release more land to the market” (Masiwa 2012:12). Some western donors, such as the United Kingdom (UK) and the US as well as international financial institutions such as the IMF and the World Bank also wanted the reform programme to be integrated within the macro-economic framework of the Zimbabwe Programme for Economic and Social Transformation (ZIMPREST), which had specific targets aimed at fostering economic growth (*Zimbabwe Independent* 1998:7). Unfortunately, the Government ignored these requests and proceeded to implement the second phase of the scheme without taking heed of the donor community’s demands. This resulted in an increase in farm invasions and occupations as well as violence against white farmers.

According to Maposa (1995 in De Villiers 2003:19–20) “the vacuum that developed in the land policy field could have been prevented had the Government taken steps in the following areas”:



- *“Proper community-based land management, which should have included communities in decision-making processes.*
- *Improved education programmes and channels of communication.*
- *Equality in access to resources such as land and credit facilities.*
- *Clear tenure rights, which had as their aim security of tenure.*
- *The need for strong institutional capacity and [an] equally strong policy of political and economic empowerment to bring the population within the planning and decision-making framework of the resettlement programme” (Maposa in De Villiers 2003:19–20).*

The former phase was followed by the next phase that was characterised by the compulsory acquisition of white owned land without compensation.

The compulsory acquisition without compensation phase (2000–2002)

The compulsory acquisition of white owned land without compensation was known as the Fast Track Land Reform Programme (FTLRP). The FTLRP was carried out between 2000 and 2002, though the allocation of farms and resettlement of people on the land acquired during the FTLRP period continued well beyond the 2000 to 2002 period.

However, in order to legalise and implement the FTLRP, the Government had to amend the laws governing land reform and the Constitution in order to legalise the FTLRP process. According to the Human Rights Watch (HRW) (2000:3), a draft Constitution which had proposals of clauses to compulsorily acquire land for redistribution without compensation was crafted and the Government organised a referendum on the new Constitution in February 2000 (HRW 2000:3). The new Constitution, had it been approved was going to empower the Government to acquire land compulsorily without compensation. However despite having an adequately large majority in Parliament, the proposed draft Constitution was defeated 55% to 45%. Despite the rejection of the draft Constitution by a ZANU-PF dominated Parliament, the Government proceeded to amend the Constitution such that it was empowered to acquire white commercial farms without any obligation to compensate the landholders for the soil. In terms of section (16A) (1) of the new Constitution Government pledged to pay for the improvements that were made on the farms, but this did not happen because most farms acquired during this period (2000–2002) that were generally acquired through violent land invasions.

The analysis of available literature suggests that the Zimbabwe Government has been motivated by the political climate that prevailed in this period (2000–2002) rather than its genuine willingness to fast track land reforms. For example, according to Shumba (2002:327), the year 2000 was the year in which parliamentary elections were held, and the year 2002 was the year for Presidential elections in Zimbabwe. Both elections happened during the period of heightened political competition as a result of the emergence of strong political opposition parties such as the Movement for Democratic Change (MDC) (Shumba 2002:327). Increased political competition “forced the ZANU-PF-led government to seriously consider rejuvenating the land resettlement programme, Government believed had slowed down over the years” (De Villiers 2003:20). These parliamentary (2000) and presidential elections (2002) also took place at the time when most Zimbabweans and war veterans in

particular had run out of patience. It was therefore not surprising that with the run-up to the 2000 election, the issue of land reform became a useful tool to mobilise public opinion and divert the attention from other serious socio-economic issues facing the country" (De Villiers 2003:20). De Villiers (2003:20) argue that, "Mugabe's ZANU-PF ran the election on the basis of 'Land is the economy, economy is land' and won the election (with 63 of 120 parliamentary seats over 57 seats won by the MDC). Most independent observers argued that the 2000 parliamentary election and the 2002 presidential elections were the "most violence-ridden election in Zimbabwe's history" (Shumba 2002:327).

Subsequent to the 2000 parliamentary elections victory, and just two years before the presidential elections: "the Government again amended the constitution and the LAA 15 of 2000 was introduced with the aim of speeding up land reform" (De Villiers 2003:20). De Villiers (2003:20) argues that "the most controversial part of the amendments concerned compensation for land taken". The Constitution of Zimbabwe Amendment Act 5 of 2000 and the introduction of the LAA 15 of 2000 were undertaken in a bid to authorise land acquisition without paying compensation (Africa Focus Bulletin 2013). Madhuku (2004:138) asserts that these amendments constituted a fundamental departure from previous approaches (where for instance in the first two decades of independence (1980–2000) land reform had proceeded on the assumption that compensation was mandatory, the difference being only over the proper measurement of the compensation). In this regard, according to Tshuma (1997:39), the amendment went even further than what the Patriotic Front (PF) had proposed at the Lancaster House Conference in 1979 where the proposal was to pay compensation to the white farmers at the "discretion of the Government".

In contrast to the LAA 3 of 1992, the amendments in the LAA 15 of 2000 provided that, "should Britain not establish a compensation fund, compensation would only be payable for improvements to the land and not the value of the land itself" (Section 29 of LAA 15 of 2000 cited in De Villiers 2003:21). Britain could not support the FTLRP since its implementation violated the Lancaster House principles. A few days later, according to Mitchell (2001:596) "angered and frustrated by the result of the referendum" and the refusal of Britain to provide funding for the land reforms in Zimbabwe, the pro-Mugabe War Veterans Association organised and mobilised other war vets and landless villagers to go on a rampage marching on white owned farmlands" (Nyawo 2014:36), initially with "drums, song and dance" (Mitchell 2001:596). The commercial farmers were alleged to have campaigned for a no vote against the draft constitution. The land invasions through which "white farm owners were forced off the land violently without any compensation" (Nyawo 2014:36) marked the beginning of a complex crisis in Zimbabwe (Musiiwa 2004:14).

According to the Human Rights Watch (2002:1) the "first wave of farm invasions saw a total of 110 000 sq. km of land being seized". The land seized was then officially divided into "A1 smallholder production and A2 commercial farms schemes" (Scoones, Marongwe, Mavedzenge, Murimbarimba, Mahenehene, and Sukume 2011:1). According to Masiwa (2004:19) "out of the total number of 8 758 farms in the country 6 422 farms accounting for about 10.8m ha were gazetted for acquisition under the FTLRP, thus amounting to more than 73% of the farms owned by large scale white commercial farmers before the fast track scheme". In July 2002, according to De Villiers (2003:21) "notices were given to 2 900 farmers out of the 4 500 to stop all farming activities by 8 August, where after they had to vacate their land without any compensation". In fact, according to De Villiers (2003:21)

“the notice period for the landholders was shortened to seven days instead of the previous 90 days and fines for not complying with an eviction order were also raised”. Nevertheless, “by 2003, nearly 135 000 families had been given land and by 2010, the number was up to nearly 169 000” (Hanlon *et al.* 2013:72).

In terms of dividing the seized land into “A1 smallholder production and A2 commercial farms schemes” the Utete Committee Report (2003:5) shows that “2 652 farms with 4.2m ha had been allocated to 127 192 households under the A1 resettlement model as of 31 July 2003”. With a take-up rate by beneficiaries of 97%, the total of beneficiaries under the A1 scheme was 145 800 with 5.8m ha” of land allocated to them. For A2, Utete Committee (2003) found that “1 672 former white farms with 2.2m ha had been allocated to 7 260 applicant beneficiaries with an average take-up rate of 66% nationally” (The Utete Committee Report 2003:5).

In a bid to bolster the Government’s position on rural land occupation, to legalise farms occupations that were taking place and to close all possible avenues that could be used by the white farmers who lost their farms through the FTLRP, the Government of Zimbabwe enacted a number of amendments to the laws governing land reforms. The amendments to the LAA 3 of 1992 were enacted in 2000 (under the Land Acquisition Amendment Act (LAAA) 15 of 2000) in a bid to accelerate the velocity at which the land was being acquired, by removing the so-called land acquisition “bottlenecks” as well as facilitating the “fast-track resettlement programme” (HRW 2002:3). This was followed by the amendment to the Rural Land Occupiers Act 13 of 2001, which protected people from being evicted from the white farms they have just invaded. Further series of amendments included the LAAA 14 of 2001 and LAAA 6 of 2002. Finally, in September 2005, a ZANU PF dominated Parliament passed a constitutional amendment that “nationalised farmland acquired through the fast-track process and deprived original owners of the right to challenge in court the Government’s decision to expropriate their land” (The Tobacco Institute of Southern Africa (TISA) 2011:2).

De Villiers (2003:64) argued that, “these amendments were aimed at legalising the *ultra-vires* expropriation of land without compensation in the hope that the land reform process could be faster, cheaper, less complicated and less legalistic”.

Partnerships between white commercial farmers and the indigenous black landholders (2014 to date)

It could be argued that there were no new significant policy shifts in the land reform trajectory between 2002 and 2014, since during this period Government focussed on the redistribution of the farms that have been compulsory acquired or violently confiscated through the FTLRP (2000–2002). However, since 2014, the Zimbabwean Government has abandoned the “chaotic and ...wanton violence” which characterised the FTLRP, and has adopted an incremental approach whereby, instead of encouraging land grabbing, the government is now allowing the indigenous black landholders to venture into mutually beneficial partnerships and agricultural contracts with the once ejected white commercial farmers (Gutu 2015:1). Jena (2015:1) notes that the Minister of Lands and Rural Resettlement [Douglas Mombeshora] said farmers were now free to choose who they wanted to engage in joint ventures and contract farming. Thus, emphasis was made on the preparation and production of a contract that protects both parties to encourage fair play and to prevent

manipulation of one party by the other. Despite government efforts, there were some reports of indigenous people who complained of having been chased off by the resettled white farmers after pouring resources into the farms. These incidences highlight the need for improvements in the laws governing the new land reform approaches.

CONCLUSION

Since its introduction, “the Zimbabwean land reform course has gone through four major phases, each one having inimitable and distinct characteristics” (Rungasamy 2011:1). The period 1979 to 1990 was punctuated by the sole dominance of the willing buyer willing seller principle. The willing buyer willing seller principle was the reigning paradigm from 1979 to 1990. The second phase (1990 to 2000) was characterised by the movement from the willing buyer willing seller principle to compulsory land acquisition with fair compensation a move facilitated by “the enactment of the LAA No 3 of 1992” (Chinamasa 2002:1). Commercial white farmers were however, not forthcoming as well as uncooperative in selling back the land. Despite the compulsory acquisition of the land, the Government did not really acquire the intended hectares and in that regard, nothing really changed in terms of the realisation of the key objectives of this process.

In the third phase (2000 to 2014) there was a major change from compulsory acquisition with compensation to compulsory acquisition without compensation. The sluggish progression of the Land Reform Programme angered the indigenous Zimbabweans, who had long stretched their patience to no avail, and this saw the ex-combatants taking it upon themselves to radically invade and forcefully (violently) displace the white commercial farmers. The third phase was resultantly known as the Fast Track Land Reform because of its boisterous and violent nature which represented a radical paradigm shift that saw a far-reaching land reform being achieved in a relatively short period of time. The fourth phase is referred to as the era of partnerships between white commercial farmers and the indigenous black landholders (2014 to date) and is characterised by Government adoption of a softer stance which allows and encourages the indigenous black landholders to venture into mutually beneficial partnerships with the once ejected white commercial farmers.

It can thus be concluded that “the land reform has been part of the political campaign since 1980, it increased over the years in order for the governing party to sustain support and to distract attention from other burning social and economic issues” (De Villiers 2003:23). The land issue will remain an electoral issue until it is methodically and meticulously dealt with and resolved by both the ruling party and the opposition parties. The Government has now made a shift in its land policy by allowing black land owners to venture into contractual farming and partnerships with the white commercial farmers, a move that is meant to enhance the general productivity of the nation as well as reviving the agricultural sector that has been facing some production-related challenges since the clandestine land invasions of the Fast Track Land Reform. The missing link in these purported arrangements is the absence of political buy-in and support by the Government which by and large could manifest itself in the form of a robust legislative framework to substantiate and uphold these agricultural partnerships and contractual arrangements in the Zimbabwean agricultural sector.



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AUTHORS' CONTACT DETAILS

Alouis Chilunjika

PhD Candidate
 Department of Public Management and Governance
 University of Johannesburg
 P O BOX 524
 Auckland Park
 2006
 Email: chilunjika@gmail.com

Dominique E. Uwizeyimana

Lecturer
 Department of Public Management and Governance
 University of Johannesburg
 P O BOX 524
 Auckland Park
 2006
 Tel: 011 559 5115
 Email: dominiquieu@uj.ac.za

