

**Conflict in Perpetuity?**  
**Examining Zimbabwe's protracted social conflict through the lens of land reform**



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## **DECLARATION**

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22 February 2015

## **ABSTRACT**

This dissertation analyses the relationship between civil society and political leadership within the context of Zimbabwe's protracted social conflict, particularly through the lens of land policy. Through the use of strategic informants, it yields important insights into the origins, form and impact of political leadership and civil society in a way that will expose the dynamics of elite and grassroots mobilisation and the political context in which land policy is either made or obstructed. Specifically, this dissertation examines two research questions. First, if political leadership is not representative of the citizenry, is land policy more likely to engender overt conflict? Second, if civil society has an autonomous role in the public sphere, is land policy more likely to benefit citizens? This dissertation also confronts an emerging empirical problem: the absence of descriptive data in regards to how civil society and political leadership have engaged in reforming land policy in Zimbabwe during the period of transition from 2008 to 2013. By measuring representation and autonomy – indicators of human needs satisfaction– this dissertation traced each phase of the protracted social conflict as it both helped to create the conditions for a liberation model of representation while simultaneously further exacerbating protracted social conflict within Zimbabwe.

## OPSOMMING

Hierdie tesis ontleed die verhouding tussen die burgerlike samelewing en politieke leierskap veral deur die lens van grondbeleid, binne die konteks van Zimbabwe se uitgerekte sosiale konflik. Dit het ten doel om belangrike insigte op te lewer in die oorsprong, vorm en impak van politieke leierskap en die burgerlike samelewing. Die word blootgestel in 'n manier wat die dinamika van die elite en mobilisering op grondvlak in ag neem sowel as die politieke konteks waarin grondbeleid óf gemaak is of belemmer word. Hierdie tesis konfronteer ook 'n opkomende empiriese probleem: die afwesigheid van beskrywende data met betrekking tot die betrokkenheid van die burgerlike samelewing en politieke leierskap tydens die grondhervorming proses in Zimbabwe gedurende die tydperk van oorgang tussen 2008 en 2013. Deur die meting van verteenwoordiging en outonomie - aanwysers van menslike behoeftes bevrediging - word elke fase van die uitgerekte sosiale konflik ondersoek met betrekking tot hoe 'n bevryding model van verteenwoordigheid beide gehelp het om die voorwaardes te skep vir die eindeiging van die PSC; maar terselfdertyd het dit ook die sosiale konflik in Zimbabwe verder uitgerek.

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## ABBREVIATIONS

|         |   |
|---------|---|
| AFC     | Agricultural Finance Corporation                    |
| AIPPA   | Access to Information and Protection of Privacy Act |
| BSAC    | British South Africa Company                        |
| CFU     | Commercial Farmers Union                            |
| CIO     | Central Intelligence Organisation                   |
| CISOMM  | Civil Society Monitoring Mechanism                  |
| COPAC   | Constitution Select Committee                       |
| CSO     | Civil Society Organisations                         |
| CZC     | Crises in Zimbabwe Coalition                        |
| ESAP    | Economic Structural Adjustment Program              |
| FRELIMO | <i>Frente de Libertação de Moçambique</i>           |
| FTLRP   | Fast Track Land Reform Programme                    |
| GAPWUZ  | General Agricultural and Plantation Workers Union   |
| GNU     | Government of National Unity                        |
| GPA     | Global Political Agreement                          |
| IFI     | International Finance Institutions                  |
| JOC     | Joint Operations Command                            |
| JOMIC   | Joint Monitoring and Implementation Committee       |
| LAA     | Land Apportionment Act of 1930                      |
| LA      | Land Acquisition Act of 1992                        |
| LOMA    | Law and Order (Maintenance) Act                     |
| LSCF    | Large-scale Commercial Farms                        |
| LTA     | Land Tenure Act of 1969                             |
| MDC     | Movement for Democratic Change                      |
| MDC-T   | Movement for Democratic Change-Tsvangirai           |
| MIC     | Media and Information Commission                    |
| MP      | Member of Parliament                                |
| NANGO   | National Association of NGOs                        |
| NCA     | National Constitutional Assembly                    |
| NFAZ    | National Farmer's Association of Zimbabwe           |
| NHLA    | Native Land Husbandry Act of 1951                   |
| NGO     | Non-Governmental Organisation                       |

|          |   |
|----------|---|
| NPA      | Native Purchase Areas                                 |
| POSA     | Public Order and Security Act                         |
| PSC      | Protracted Social Conflict                            |
| PVO      | Private Voluntary Organisations                       |
| RENAMO   | <i>Resistência Nacional Moçambicana</i>               |
| RF       | Rhodesian Front                                       |
| RNFU     | Rhodesia National Farmers' Union                      |
| TNDP     | Transitional National Development Plan                |
| TTL      | Tribal Trust Lands                                    |
| SADC     | Southern African Development Community                |
| SAP      | Structural Adjustment Programme                       |
| SRANC    | Southern Rhodesia African National Congress           |
| UANC     | United African National Council's                     |
| UDI      | Unilateral Declaration of Independence                |
| UNDP     | United Nations Development Programme                  |
| WLZ      | Women and Land in Zimbabwe                            |
| ZANU(PF) | Zimbabwe African Nation Union (Patriotic Front)       |
| ZANLA    | Zimbabwe African National Liberation Army             |
| ZAPU     | Zimbabwe African People's Union                       |
| ZCTU     | Zimbabwe Congress of Trade Unions                     |
| ZBC      | Zimbabwe Broadcasting Corporation                     |
| ZEC      | Zimbabwe Electoral Commission                         |
| ZESN     | Zimbabwe Election Support Network                     |
| ZFTU     | Zimbabwe Federation of Trade Unions                   |
| ZFU      | Zimbabwe Farmers' Union                               |
| ZMDC     | Zimbabwe Mining Development Corporation               |
| ZNFU     | Zimbabwe National Farmers' Union                      |
| ZIPRA    | Zimbabwe People's Revolutionary Army                  |
| ZLP      | Zimbabwe Liberator's Platform                         |
| ZMMT     | Zimbabwe Mass Media Trust                             |
| ZNLWVA   | Zimbabwe National Liberation War Veterans Association |
| ZUM      | Zimbabwe Unity Movement                               |
| ZZZICOMP | Independent Constitution Monitoring Group             |

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## **Chapter One**

### **Introduction**

#### **1.1 Introduction**

“Land is a finite resource and its ownership is symbolic of wealth, social status and political power; therefore land tenure reform is political in nature as reforms seek to restructure patterns of wealth, income flows, social status, and prestige among others”  
Mandivamba Rukuni (2004, p. 11).

The failure to satisfy human needs generates conditions of protracted social conflict because human beings are inherently driven to satisfy their needs regardless of long-term consequences for the self or society. This dissertation will aim to explain Zimbabwe’s protracted social conflict through the lens of land ownership. It will examine both if and how land policy is able to satisfy human needs by using two indicators of human needs satisfaction: representation and autonomy. The satisfaction of needs can be hindered by repressive political structures, exploitative economic systems, and a lack of autonomy and representation.

Although a number of publications have been produced on Zimbabwe’s land question, very few have focused on the role of civil society, and how its relations with the state and political leadership have shaped the trajectory of land reform. As such, this dissertation systematically explores how authoritarianism and the partisan distribution of land in the post-2000 period preempted cooperation between state and civil society, and how this may exacerbate rather than resolve protracted social conflict in Zimbabwe. This is the dissertation’s distinctive contribution to knowledge and debate about Zimbabwe’s land politics. The dissertation seeks to fill a gap that existed in the discourse on the roles of civil society in land reform, and on roots and depth of protracted social conflict in Zimbabwe.

##### **1.1.1 Rationale for study**

Zimbabwe’s history of colonialism and racism engendered an accumulation of grievances concerning a lack of needs attainment among the black majority. Land ownership has been used by communal groups – ethnic and political – as a means to meet and secure particular needs, often to the detriment of others. As such, land ownership emerged as a key point of contention and conflict as the black majority was dispossessed of land and then prevented from owning land because of constitutional constraints. This is evident throughout three key periods of violent conflict: the First Chimurenga (1896-1897), the Second Chimurenga (1966-1979) and the Third Chimurenga, which began in earnest in February 2000.

Following years of political and economic decay, in conjunction with deep racial, ethnic and political polarisation, land ownership re-emerged, in the 2000s, as a violently contested pivot for power. The 2000 Fast Track Land Reform Programme (FTLRP), in which Government acquired land compulsorily without compensation, exacerbated a period of violence that culminated in the Global Political Agreement (GPA), a political solution to Zimbabwe's impending collapse which set the parameters of a power-sharing government between Zimbabwe's three major political parties.

Fourteen years after FTLRP began, emerging research on land policy reform from Scoones, *et al.* (2010), Matondi (2012), and Hanlon, *et al.* (2013) have tried to demonstrate that policy reform was not a complete failure. The GPA created a space for new forms of land ownership to form. The transition period engendered new institutions that are radically altering Zimbabwe's political economy and how Zimbabweans relate to the land and each other. The transition period began its conclusion when the Constitution Select Committee (COPAC) Constitution was adopted by Parliament in April 2013.

The debates and discourse on land policy reform that took place during the course of this study will have far-reaching and long-term implications on the rights of Zimbabweans and on the governance of Zimbabwe for decades to come. This study aims for the systematic analysis of these debates within the conceptual framework of protracted social conflict (PSC). Not only have these debates played a key role in shaping public attitudes and values, political party positions, and agendas of the international community, they have had both a direct and indirect role in shaping the constitutional reform process and COPAC constitution that was accepted by Zimbabweans in March 2013. These factors form the motivation for my research.

### **1.1.2 Problem statement**

The common discourse in many societies today tends to assume, or blame, the emergence of violent conflict on aggression or, as Burton (1990, p. 32) observed, other human deformities rather than structural or institutional deformities. In developing countries where 'power problems' are constantly shifting among communal groups, awareness of control over land can be acute and competition over the control of land, as a means of determining political, economic, social and cultural structures, can lead to protracted, and sometimes violent, social conflict. As Tai (1974, p. 13) aptly states, "...land tenure problems are power problems, problems of disparity in economic, social and political power". Chiviya (1984, p. 29) posits that



defective land tenure systems, characterised by land maldistribution, landlordism, tenancy, underutilisation, land fragmentation and a lack of collateral are a contributing factor of protracted social conflict.

This dissertation confronts an emerging empirical problem: the absence of descriptive and analytical data in regards to how civil society and political leadership have engaged land reform in Zimbabwe during the period of transition between 2008 and 2013. In particular, the constitution-making process mandated by the GPA, and having concluded in March 2013, lacks empirical description and analysis. The empirical data presented in this dissertation is my source of originality and contribution to the field.

### **1.1.3 Research aims**

The central aim of this dissertation is to trace and analyse the relationship between civil society and political leadership within the context of Zimbabwe's protracted social conflict through the lens of land reform. It aims to yield important insights into the origins, form and impact of political leadership and civil society in a detailed way that will expose the dynamics of elite and grassroots mobilisation and the political contexts in which land policy is either made or obstructed. This Zimbabwean case study seeks to reveal the factors that account for the emergence, shape and impact of political elites and civil society on land policy.

### **1.1.4 Research questions**

Within the rubric of protracted social conflict, this dissertation examines the shifting relationship between civil society and political leadership. It will explore land policy's ability to address political and socio-economic grievances associated with the attainment of needs in order to avoid being a source of violent conflict in a divided society. Pons-Vignon and Lecomte (2004, p. 28) posit that the degree of political organisation and the ability of elites to influence and direct those seeking access to power and resources can lead to violent conflict. As such, when assessing the roles of political leadership and civil society in devising and implementing land policy, representation of needs and the autonomous ability of civil society to articulate interests aimed at needs satisfaction should be considered.

The research questions this dissertation will examine are:

*Research Question 1:* If political leadership is not representative of the citizenry, is land policy more likely to engender overt conflict?

*Research Question 2: If civil society has an autonomous role in the public sphere, is land policy more likely to benefit citizens?*

### **1.1.5 Theoretical framework**

The theoretical underpinnings of this dissertation are based on human needs theory and protracted social conflict. In order to have a better understanding of human needs theory and protracted social conflict, there are two underlying theories that must be briefly mentioned. First, social, or communal identity is the most significant of all variables that engender protracted social conflict. Moreover, it can serve as a catalyst in both positive and negative collective action. Second, theories of violence are mainstreamed throughout this dissertation. Violence contributes to, and is a product of, protracted social conflict.

#### ***1.1.5.1 Social Identity***

In order to understand how human needs shape protracted social conflict, we must understand interactions between groups. Based on a common identity, social groups can recognise their collective deprivation of needs and embark on collective action.

Social identity is defined by the relationships between individuals and their social environment. Demmers (2012, pp. 21-22) notes that social identity is about categories (nationality, religion, gender and ethnicity), and that social identities are often the “primary fault line between groups in conflict.” Social identity occupies a level of needs in Maslow’s (1943) basic needs hierarchy (love and belongingness) and is one of the four variables responsible for generating protracted social conflict (discussed further in Chapter Two).

Human beings have multiple identities that become more or less salient according to the environment people find themselves in. Some identities are more enduring than others. Identities are usually recognised when a person acknowledges something they are not: female not male; Shona not Ndebele; ZANU(PF) not MDC. Networks of signs and images are used to create a system of inclusion and exclusion among communal groups, influencing perceptions, cognition and behaviour towards out-group(s), and providing contexts in which the production of “otherness” is embedded (Väyrynen & Ho-won 1999, p. 64; Hewstone *et al.* 2005, p. 269).

Social identities are constrained and transformed by social systems. Coser (1967, p. 26) defines social systems as structures and patterns of mobility that ascribe status, allocation of resources, and distribution of power. Shifting saliences and the nature of social identity shape – in

conjunction with a lack of shared values, power inequalities, and a sense of collective identity and history – contribute to the emergence and escalation, as well as the resolve and de-escalation, of conflict (Woehrle & Coy 2000, pp. 2-9). Frustrations over needs deprivation provoke collective “outbursts” (Demmers 2012, p. 84). Civil society organisations are one mechanism by which the collective satisfaction of needs is sought.

#### ***1.1.5.2 Theories of violence and conflict***

Violence is built into exploitative and unrepresentative social structures. The two primary levels of violence woven into this dissertation are manifest (overt) and structural violence. Manifest violence is the empirical and observable form of structural violence, for example, the destruction of property or genocide. Manifest violence can be personal or structural. Structural violence refers to the systematic ways in which social structures prohibit people from realising their full potential; for example: poverty, poor education, and a lack of health care. Victims are social groups rather than individuals (Demmers 2012, p. 57; Høivik 1977, p. 60). Demmers (2012, p. 84) summarises human needs theories, stating that “what most human needs approaches have in common is that grievances over the deprivation of needs are directly extrapolated from the individual to the group.”

Latent conflict exists in an environment in which underlying, yet unacknowledged, strains between individuals, groups, organizations, or nations exist, but are not great enough to cause one side to act to mobilise and alter the situation (Lund 2008, p. 299; Brahm 2003). Latent conflict is a product of unequal social relationships that fail to satisfy the basic needs of one or more communal groups (Rubenstein 1999, p. 173). However, discontent arising from the perception of relative deprivation is, as Gurr (2011, p. 13) concludes, a basic and “instigating” condition for violence. Gurr (ibid) defines relative deprivation as the perceived discrepancy between expectations and capability. Or put more simply, when aspirations cannot be achieved. Relative deprivation has two key effects: existing incompatible interests are identified and rising frustration, as a result of relative deprivation, becomes a source of manifest violence (Rubin, Pruitt & Kim 1994, p. 15). A point of reference is either drawn from an individual’s own past, an abstract ideal, or the standards of another group as articulated by a leader (Gurr 2011, p. 25). For example, the unequal distribution of land can lead to relative deprivation conflicts if actors perceive the amount of land they have available is insufficient, even if it allows them to maintain a decent standard of living. Overtime, however, a sense of

hopelessness may develop, diminishing the likelihood of manifest violence as aspirations are adjusted.

## **1.2 Research Design**

### **1.2.1 Research framework**

This dissertation presents a case study of the relationship between civil society and national political leadership in Zimbabwe. The Zimbabwe case study is descriptive, not explanatory. As such, the case study is qualitative and not quantitative as the data presented in this study is descriptive. It seeks to capture the scope and the depth of the relationship between civil society and political leadership through the lens of land policy.

This study is interdisciplinary in nature and has employed a participatory-based research approach composed of a Zimbabwean case study. It is not designed to be a comparative study. Case studies by their very nature provide an in-depth, but very narrow, perspective on only segments of a polity (Herbst 1990, p. 221). The case study and strategic informant interviews encapsulated within this dissertation will identify political grievances that have failed to be addressed by land policies and, as a result, have become sources of conflict. Furthermore, it will offer insights into how Zimbabwean civil society organisations engender and sustain participatory processes, translate those processes into articulated policy alternatives, and engage with political elites.

### **1.2.2 Definitions**

Before this study attempts to address the main topic, it is critical to summarise its dimensions with the following definitions:

*Conflict* is the pursuit of incompatible goals by different actors. Conflict can be both latent and overt. Latent conflict is a product of unequal social relationships that produce strains between individuals, groups, organizations, or nations, but is not great enough to cause one side to act to mobilise to try to alter the situation. Overt conflict, or violent conflict, is direct physical violence.

*Human needs* are those motivations whose satisfaction is necessary for the survival and development of human beings. *Satisfiers* are those elements that reduce frustration and help individuals and groups achieve a tranquil state of being.

*Land* is defined as rural, and privately owned including small land holdings, large land holdings and farm tenancy. *Unequal ownership patterns* are the inequity in land ownership between different groups, including those based on class, gender and race.

As this study will consider policies that aim to alter the distribution of rural land ownership, this study will often refer to *land reform* as public policy and legislation that seeks to restructure defective land tenure systems by compulsory and rapid means for the benefit of landless and poor citizens. Land reform is an encompassing term of reforms concerning land redistribution, restitution and tenure. *Land redistribution* describes the transfer of landholdings to people who are landless. This will include the principle of willing-seller and willing-buyer as well as the forced seizure of land from landowners. *Land restitution* is the process by which land that was forcibly taken from its owners is restored or compensation of equivalent value provided. *Land tenure* comprises of a set of rules that dictate how land be used, includes ownership, tenancy and other arrangements for the use of land (Ciparisse 2003, p. 20). Finally, this study has adopted Prosterman, Temple and Hanstad's (1990, p. 270) definition of *landless* as tenant farmers, agricultural labourers and those who work for a wage or share of a crop.

*Policy* is a continuous and (Heywood 2007) reciprocal process in which an exchange of information and ideas between competing and converging interests takes place. A distinction must be drawn between policy development and policy implementation. *Policy development* occurs when a choice is made between competing alternatives with decisions made on approaches and priorities (Kanji, Braga & Mitullah 2002, p. 2). *Policy implementation* occurs when statements are converted into action (ibid). *Land policy* is defined as "a set of intentions embodied in various policy instruments adopted by the state to organise land tenure and land use" (Ciparisse 2003, p. 69).

### **1.2.2.1 Representation**

There is no single agreed upon definition or theory of representation. Rather, scholars have posited various definitions and characteristics of representation as it evolves with ever-changing political realities. This dissertation will not offer a definition of representation. Instead, it will identify some existing conceptualisations and revisit the theory and definitions of representation in the conclusion (Chapter Seven). Nonetheless, to guide the reader, four principal models of representation are identified here.

The *trustee model* posits that representatives follow their own understanding in the pursuit of the best possible action on the grounds that those whom they represent do not know how to pursue their own best interests. A trustee is vested with formal responsibility for another's property or affairs (Heywood 2007, p. 249). The model assumes that representation is a moral duty, in which educated elites act in the interests of those "less fortunate" (ibid). The model is elitist since it suggests that representatives should think for themselves and exercise their own judgement. It also presupposes that those whom they represent are incapable of expressing or making decisions to satisfy their own needs.

The *delegate model* prescribes that representatives follow the expressed preferences of their constituents. Delegates are conduits for their constituents; they have little or no capacity to exercise their own judgment. The model assumes strong linkages between representatives and those that are being represented; thus, providing greater opportunities for participation and providing a check on self-serving proclivities of representatives (Heywood 2007, p. 251). Weaknesses of the model are apparent. The close relationship between a delegate and constituents limits the scope for leadership and issues that need to be addressed (ibid).

The *mandate model* was developed in response to the changing preferences of voters who were no longer selecting individual representatives based on their personal qualities, rather individual candidates are now often elected based on the political party that they are a member of. The mandate model suggests that after a political party wins an election, the elected members of that party acquire a popular mandate to carry out election promises. The mandate model emphasises the importance of political party values and policies (ibid). A key critique of the model is that it is based on a flawed model of voting behaviour that assumes citizens select political parties based on their values and policies, ignoring the reality that not all voters are rational and can be influenced by "irrational" factors that include personalities of leaders, party image, and other forms of social conditioning (ibid).

The *resemblance model* is one where a representative resembles the group they claim to represent in terms of ascriptive and innate criteria. The model proposes that, "only people who come from a particular group, and have shared the experiences of that group, can fully identify with its interests". For example, a woman can only represent a woman and a Shona can only represent a Shona. While the model suggests representation is narrow, the notion is meant to capture a "representative cross-section" of society (Heywood 2007, p. 252). Finer (1997, pp.

1033-1034) notes that in contemporary political thought, representation is often found to be “typical of, identical with, or at least similar to the represented”. This, he posits, is a weakness because if a person or group substitutes an entire community, then there is no notion of agency; that is, acting on behalf of the interests and needs of the represented. However, descriptive representation opposes accountability as it emphasises communal identity over any other characteristic of representation.

Ultimately, representation should engender legitimacy, the popular acceptance of governing leaders as representative of the citizenry. According to Mersiades (2005, p. 205), legitimacy is based on a combination of social contracts, like security and protection of interests.

In this study, representation is measured by observing the following:

### **Electoral system design**

Electoral systems are a conduit through which citizens gain access to politicians and participate in holding representatives accountable. Reynolds (1999, p. 89) states that elections structure the boundaries of acceptable political discourse and give incentives to political parties to couch their appeals to the electorate in distinct ways. Elections facilitate the installation of political leaders that represent the interests of citizens, including those under-represented within society, bestow legitimacy upon winners and their agendas, as well as provide incentives for conciliatory processes.

There are three primary electoral system designs: majoritarian; proportional representation; and mixed systems. In majoritarian systems, the candidate with the most votes wins. Its advantage is rooted in simplicity, and it tends to produce representatives that are beholden to geographic areas. However, small parties and minorities can be excluded from ‘fair’ representation, which can encourage the development of political parties based on ethnicity or region. Proportional representation translates a political party’s share of votes into a corresponding proportion of seats in the legislature. It is better able to produce a representative legislature as smaller parties are more likely to take up seats; thus minorities are likely to have greater access to representation. While proportional representation encourages political parties to campaign beyond the geographical areas where they are strongest, it can engender coalition governments that are characterised by legislative gridlock and incoherent policies or give smaller political

parties disproportionately large amounts of power. Mixed systems combine the positive and negative attributes of majoritarian and proportional representation systems.

What is essential, however, is transferring an electoral victory into an assumption of power whereby authority, decision-making and control over resources is peacefully transferred from one political leader(s) to another.

### **Freedom of expression and information**

Freedom of expression and assembly allow citizens to participate effectively as they can articulate and communicate their needs. Each are key rights for citizens to persuade and influence their representatives within the political leadership to accept their positions, advance their causes, and promote specific policies aimed at satisfying their needs. Freedom of expression is also critical for what Dahl (1998, p. 37) has termed as “enlightened understanding” in which each individual has equal and effective opportunities to learn about policies and their probable consequences.

### **Freedom of association, assembly, picket and petition**

The ability to form political parties that can freely participate in elections, decision-making and other legislative processes assists with developing a broad consensus and an effective government that has the ability to meet the needs of its citizens. Since needs, values and interests are not evenly shared throughout any society, a political system that allows various political parties to contest for leadership roles creates space for wider representation in the political, economic and social spheres, including marginalised groups, while also creating a platform in which ideas are exchanged and compromise can be reached.

### **Inclusive citizenship**

Citizenship allows people to participate in governance and confers constitutional rights. In trying to define citizenship, Abowitz and Harnish (2006, p. 653), citing Enslin, state that citizenship (a) gives membership status to individuals within a political unit; (b) confers an identity on individuals; (c) constitutes a set of values, usually interpreted as a commitment to the common good of a particular political unit; and (d) involves practicing a degree of participation in the process of political life. Inclusive citizenship constitutes equality among citizens by disregarding inequalities and differences, for example: ethnicity, class, race and gender. All citizens are not only entitled to the protection of the State and to a passport, but to



fundamental human rights: to equality and non-discrimination; to join a political party of their choice and vote; to justice and access to independent and impartial courts; and to own property and have that property protected from unlawful deprivation. For their part, citizens are required to respect the Constitution and laws of the country and pay their taxes. These criteria only apply to constitutional democracies, not authoritarian regimes.

### **Institutional forums**

Institutional forums, including political parties and national, regional and local assemblies that function effectively are mechanisms by which representation is transformed in a way to accrue tangible benefits. Moreover, institutional forums offer a way in which to participation can be measured. Electoral frameworks determine the eligibility of who is to be represented and can fully participate in decision-making forums. For example, age restrictions inhibit youths; property stipulations affect those with a lower socio-economic status. Conversely, legally binding quotas could achieve greater gender parity and representation for women in patriarchal societies.

#### ***1.2.2.2 Autonomy***

Autonomy, within the context of this dissertation, must be considered on three planes: individuals, civil society, and the state. For individuals, autonomy implies recognition. Autonomy is a means by which collective rights are recognised and individuals have a greater measure of self-government and needs satisfaction. Instruments, such as a bill of rights, protect individual autonomy.

Civil society cannot operate with full autonomy from the state or from citizens. According to Shils (1991, p. 4) and Harbeson (1994, p. 20), civil society would not be a part of society if it were completely separate; rather it must be nurtured by the state and society as a whole. The degree of autonomy enjoyed by civil society according to Rigby (2006, p. 50), allows it to take initiatives whilst state agencies and bureaucracies are hindered by a lack of political will and leadership among political leaders. Political leaders within autocratic states are far more disconnected from their citizens than those operating within a democracy. As such, they retain the ability to monopolise public and private spheres by implementing control tactics that repress civil society, relegating it unable to function unless submitting to the will of the government. Furthermore, Taylor (1990, p. 96) cites corporatism as another threat to the autonomy of civil society. Integration into the state can happen in a few ways. Entire organisations can be

assimilated into the state to the point where their capacity – the use of resources and capital – is co-opted by leaders. To gain benefits, grassroots leaders and organisations reproduce concerns of political leaders and foster a culture of patronage without taking advantage of local resources and social networks (Sims 2008).

Migdal (1988, p. 6) defines state autonomy as when the state bureaucracy does not have to act upon the preferences of individuals or groups, rather the bureaucracy can act upon its own preferences. This kind of decision-making by the bureaucracy is encouraged by rules and practices that insulate, not isolate, bureaucrats from the rest of society (Du Toit 1995, p. 52). The result is what Gellner (1983, p. 15) refers to as ‘gelding’, a tactic used to destroy the linkages between leaders and particular social groups that hold significant influence that is used to pursue the satisfaction of a body of narrow needs and interests contrary to those pursued by the state. In modern states, constitutional rules, legislation and policy create the conditions for gelding.

Weak constitutional rules, legislation and policy fail to create the conditions for gelding, instead allowing government to use state autonomy to insulate itself from the rest of society. As such, state autonomy can also be “conceived as the ability of a government to ignore pressures from domestic groups and classes” (Skålnes 1993, p. 402). As a result, state autonomy can be used to marginalise communities and can constitute forms of social control and isolation (Ghai 2000, p. 1). It can also be used as a means to avoid real democracy and liberalisation; for example, decentralisation structures can be used to empower local political elites instead of citizens. Elites can exercise direct control over affairs in which they have special interests while vesting powers within a larger governing entity control over common interests (Ghai 2000, p. 8).

A government’s ability to insulate itself creates opportunities for state structures to be usurped by the regime in power. According to Du Toit, a regime is a component of the state that consist of values, norms, rules and procedures, and structures of authority that structure power within and between the various components of the state as well as between the state and society (Du Toit 1995, p. 28). Regimes are more permanent forms of political organisation than governments, but less permanent than the state (Fishman 1990, p. 428). As this dissertation seeks to demonstrate in Chapter Four, there are cases whereby a regime and the state amalgamate into an indistinguishable unit.

Du Toit (1995, p. 49) posits that strong autonomous states are characterised by the extent to which citizenship, the rules of social control and resulting survival strategies are applied to individuals in a non-discriminatory manner. State capacity must be strengthened in order for it to compete with other political organisations. This can be achieved if the state acquires the characteristics of an autonomous social organisation, whereby the allocation of resources and benefits of citizenship do not exclude communal groups. Rather, the manner in which allocation is implemented engenders ‘jointness’ among different communal groups. Constitutional rules give effect to the principles of citizenship, in which parameters are established for participation and contestation, and to ensure that the state functions effectively and navigate the political loyalties of various communal groups.

However, “contests for hegemony” among competing communal groups threaten state autonomy (Du Toit 1995, pp. 49-54). He posits that the dominant communal group would seek and attain hegemony over the state apparatus, blurring the distinction between the regime and the state.

In this study, autonomy for civil society is measured by observing the following:

### **Freedom of association**

The ability to organise is an important way to channel grievances and influence political leadership and policy-makers. It allows citizens to collectively express, pursue and defend common interests that assist them in securing their needs. The ability to associate also provides citizens with information and skills needed to make informed decisions, and presents opportunities for discussion, deliberation and acquisition of political skills. However, some political leaders impede the ability of individuals to organise. Legislation is often passed to oppress civil society by imposing burdensome registration processes; denying individuals the right to participate in civic and political life; and imposing financial constraints.

### **Press freedom and alternative sources of information**

Responsible and independent media is essential to holding leaders accountable and as a useful tool against corruption. It informs citizens about policy debates and consequences while serving as a platform for both citizens and political leaders to present their views, thus promulgating the free exchange of ideas. Print and broadcast media are a crucial element for the development of

a people driven mass action. Press freedom and alternatives sources of information counter propaganda disseminated by political leaders.

### **Participation**

Participation in political processes and civil society are indicators of political inclusion (Pahad 2005, p. 21). Kaufman (1997, pp. 6-7) states that collective participation allows those excluded from political control to increase and exercise greater control over resources and institutions as well as redefine social priorities and organisation. Furthermore, participation is a means to foster and effect political change.

### **Impartiality and constitutional rules**

Constitutional rules must give effect to constitutional supremacy; an independent and impartial judiciary; separation of powers; the rule of law; equal value citizenship; and give effect to the condition of gelding. Any constitutional rules must give effect to the condition of gelding, as mentioned above. Constitutional supremacy, entrenching a separation of powers, must allow the courts the power to review legislation in terms of constitutional rights, values and principles. Ownership of property only has meaning within the broader system of laws as promulgated by a constitution (Castle 1978, p. 3). Judicial independence and impartiality allows the judiciary check overreaching executive and legislative powers without fear of retribution. The rights of citizens will prevail and protected from encroachment by the state, and vice versa.

#### ***1.2.2.3 Political Leadership and Civil Society***

This dissertation will use Lederach's (1997, p. 39) leadership model to demonstrate a dichotomy of leadership. For the purpose of this study, civil society will be those organisations that are indigenous and, consequently, will be a part of Lederach's grassroots leadership. This dissertation will substitute political leadership with top leadership only in name. Political leadership consists of military, religious, economic and all political leaders, including traditional authority figures, involved on the national political level within Zimbabwe. For the purposes of this study, global leaders, which would generally be classified within political leadership, will be excluded.

**Table 1.1: Dichotomy of Leadership**

| <b>Leadership</b>                     | <b>Types of Actors</b>  |
|---------------------------------------|---|
| Top Leadership (Political leadership) | Military, political, economic, religious leaders with high visibility   |
| Middle-Range Leadership               | Business leaders, ethnic/religious leaders, academics, and foreign NGOs |
| Grassroots Leadership                 | Community leaders, leaders of indigenous NGOs and CBOs                  |

**Source: Lederach (1997)**

### **Political Leadership**

Political leaders manage both physical and social environments, and are responsible for responding to the political, economic and social pressures they produce (Pirages 1976, p. 13). As such, political leaders and governments play a decisive role in land ownership.

A democracy determines the rules of competition and limits the powers and scope of decision-making available to political leadership and to citizens, rules are primarily determined by political leaders. The same is often true in regards to the distribution of land. Ownership is determined by power relationships and distortions among political leaders (Binswanger-Mkhize & Deininger 2007, p. 1). This dissertation aims to demonstrate that the distinction between states and the political leaders that form governments to manage them, is often blurred; particularly in autocracies.

Political leaders govern and make decisions using a mixture of force and persuasion. The use of these tactics allow political leaders to manipulate political, economic and social institutions that effect distribution patterns to either satisfy the needs of groups that they favour or punish those groups that challenge them. This is true for all types of governments, even democracies. However, political leaders in autocracies have more room to manoeuvre without interference from citizens. In authoritarian states, political leaders either eliminate or co-opt institutions that threaten their monopoly on power. There are a myriad of ways this can be accomplished. For example, political leaders can decide not to hold elections, develop legislation that severely inhibits the flow of information and the freedom of speech, assembly or association. Some governments have even gone so far as to set up their own non-governmental organisations, commonly referred to as ‘GONGOs,’ and trade unions. Others co-opt civil society into government in order to counter grassroots driven collective action and criticism.

A penchant for centralised governance methods and policies in many authoritarian states, as Rothchild and Lawson (1994, p. 257) argue, is driven by an elite preference for state action, public expectations for material benefits following independence, concern over national integration and lack of viable alternatives. For example, shortly after independence in Zimbabwe, the decision by newly empowered ZANU and ZAPU political leaders to centralise the state was made to establish a new and separate Zimbabwean identity while solving economic and social difficulties that were a result of colonialism.

In a democracy there are inherent mechanisms in which grievances are channelled and can be redressed. The conditions for PSC (see Chapter Two) are mitigated by open and participatory decentralized political structures as opposed to centralized, dominant and exclusive structures that constitute most autocracies.

Lewis A. Coser's (1967, p. 29) position regarding the rigidity and elasticity of governments is applicable to the causation of protracted social conflicts:

“...the rigidity of the system and intensity of conflict within it are not independent of each other. Rigid systems which suppress the incidence of conflict exert pressure towards the emergence of radical cleavages and violent forms of conflict. More elastic systems, which allow the open and direct expression of conflict within them and which adjust to the shifting balance of power that these conflicts both indicate and bring about, are less likely to be menaced by basic and explosive alignments...”

Elastic systems of government, whereby political leaders peacefully allow the direct and open expression of conflict, engender stability. However, democracy does not just depend on the attitudes and values held by individuals and groups; it also depends on the social organisation of both (Calhoun 1993, p. 268).

### **Civil Society**

Civil society is a vehicle for individuals and groups to organise and engage in collective action intended to pressure or control state institutions and political leaders in order to meet their needs. Harbeson (1994, p. 14) states that civil society is a “dimension of society set apart by its distinctive political functions.” Civil society operates between private and public spheres of human life. The private sphere refers to the domestic or household area. The public sphere,

according to Hall (1984, p. 20), refers to all of which is directly owned, organised or administered by the state.

There are four main functions of civil society. First, civil society guards individuals and groups from intrusive state power and from other zealous individuals and groups within society. As such, it provides a collective means of security for members and non-members alike. Secondly, civil society establishes connections between citizens and their leaders. By articulating interests and identifying goals that political leaders and citizens have in common, civil society can establish platforms for discourse, enhancing mutual understanding and shared experiences that can engender consensus and shape policy that is conducive to society's needs. Thirdly, civil society facilitates and regulates participation within a social setting. It mobilises citizens into action and pressures political leaders to shape policy development and implementation. Finally, protracted social conflict theory states that "individuals cannot be socialized into behaviours that destroy their identity and other needed goals, and therefore, must react against environments that do this" (Sandole 1993, p. 14). Depending on the political environment, civil society can open space where citizens can protest and seek to change policies that counter their identity and goals. It can initiate a process of socialisation whereby norms and customs that are compatible with human rights are internalized (Risse & Sikkink 1999, p. 5).

The types of organisations and actions that define civil society remain in scholarly debate. Oversimplified descriptions of civil society posit it as a political community that has the capacity to organise itself without the specific direction of the state or dimensions of social life that cannot be swallowed up by the state (Calhoun 1993, p. 270; Taylor 1990, p. 95). While correct in acknowledging that some degree of autonomy from the state is an essential characteristic of civil society, Malena and Heinrich (2007, p. 340) hypothesize that limiting civil society to formal organisations inherently ignores informal organisations, including those that the state refuses to legally recognise and exist, and ephemeral movements, including strikes, mass demonstrations of protest, and the dissemination of information vis-à-vis informal networks.

For the purpose of this study, civil society is defined as indigenous and constituent-based organisations and non-governmental organisations. Civil society is a part of Lederach's grassroots leadership (see Table 1.1). These are actors that represent the masses: the individual, the family, the group, the neighbourhood or the community at-large. Actors involved in

governance – local chiefs, governors, MPs, civil service – and international governmental organisations – like the Southern African Development Community – are excluded from this category. While I support Malena and Heinrich's inclusion of informal and ephemeral organisations in civil society, these movements and organisations are not easy to track, particularly in Zimbabwe. As such, I have elected to forgo their inclusion within this study.

Civil society can benefit not only those who directly participate within it, but the citizenry at large if issues are inclusive and articulated well. Endogenous organisations are more likely to understand the dynamics and complexities of land policy and its ability to satisfactorily meet human needs, thereby strengthening the conditions necessary for stability while decreasing the likelihood of PSC. Within a conducive political and economic environment, civil society can identify needs, opportunities and solutions for needs satisfaction as well as facilitate positive social change through a collective decision-making process that includes political leaders and citizens of various social groupings.

Finally, civil society can promote positive inter-group contact. Fisher identifies four ways in which civil society can facilitate this kind of interaction, including: a high acquaintance potential in which members of different groups can break down stereotypes and barriers to interaction; equal status among participants or higher status of minority groups; support social norms and institutional expectations that influence participants toward positive social interactions; and finally, cooperative tasks and reward structures that are directed toward common goals (Fisher 1990, p. 97). The interaction facilitated by civil society allows people to transcend group differences and highlight common goals. It assists with the breakdown of barriers and prevents the psychological ossification generated by PSC that crystallizes negative attitudes, perceptions and behaviours toward members of other groups.

There are inherent weaknesses in civil society that could ultimately exacerbate needs deprivation. Distrust, apprehension, disorder, and displacement generated by conflicts rooted in a lack of needs satisfaction can impair civil society's ability to serve as a mechanism that facilitates dialogue and restores broken relationships within government, among government and citizens, and among citizens. Economic, social, political, and military conditions may not be conducive for civil society actors as they constrain the operability of organisations. Reimann (2005, p. 44) concludes that civil society actors that are dependent on foreign funding are perceived as illegitimate among their constituents as well as the political leaders that they



engage. Furthermore, they detract from representation as they cede control of their priorities and agendas to international NGOs (Martus & Sajjad 2005, p. 123). Legislation restricting the activities and funding of NGOs and the freedom of information have become popular mechanism to restrict civil society and threaten its members.

Lastly, Shils (1991) makes a critical distinction between ‘civil’ and ‘uncivil’ society. He states that “civility is a feature... of equal dignity” in which the rights of all members, regardless of positions, are respected (ibid, p. 12-13). The most frequently mentioned characteristic of uncivil society is the use of violence. For example, grassroots leaders are targeted by adversaries and risk being killed or may decide to live in exile, thus creating a vacuum of leadership and knowledge that facilitates a breakdown of communication and relations between the state and society (Sims 2008, p. 20). Once violence occurs, social cohesion and interdependence break down while mutual protection of interests are replaced by self-serving interests, further exacerbating violence. Competition over scarce resources, including land, increases the likelihood of violence, particularly in multi-cultural societies. As such, civil society will reflect these social cleavages, as interests narrow, and lose its ability to seek cooperation, represent interests across social cleavages and influence political leaders.

### **1.2.3 Data sources**

My primary research sources are comprised of secondary sources on Zimbabwe’s land reform, post-independence politics, civil society activities, and economic and social policies as well as strategic informant interviews. Within this study, there is a need to be able to understand the motivations, behaviours and perspectives of political elites and civil society that can assist to explain land policy successes and shortcomings. These primary sources have either been previously difficult to access or have not had the opportunity to be heard. The presentation of this evidence is a valuable component of this dissertation as these primary sources are both unique and original.

Primary data was gathered by conducting semi-structured interviews with strategic informants in Zimbabwe during the period of November 2011 to May 2014. The use of strategic informants allowed the researcher to obtain information from a range of people, including those with minority or “silent majority” perspectives. Strategic informants were selected because of their personal skills, knowledge, or positions in politics and civil society and who are able to provide information or deeper insight of land policy (Marshall 1996, p. 92).

Purposive/Judgemental sampling and snowball sampling were used by the researcher. Purposive/Judgemental sampling was used to attain the judgement of experts that are particularly informative in regards to the topic at hand. Snowball sampling was used as a method for identifying additional experts, those with minority and “silent majority” perspectives who were not known to the researcher. The use of this method does not imply that each person knows, interacts with, or is influenced by every other person in the network.

Tremblay (1957, p. 692) identifies five characteristics of informants: role within a community; knowledge; willingness; communicability; and impartiality. Of these five characteristics, only the informant’s role within a community, whereby informants are exposed to the kind of information required for this study, can be known to the researcher prior to any interview. Informants will comprise of members of 1) civil society, including NGOs, umbrella organisations and trade unions and 2) political elites, including former and current politicians, ministers and party officials.

Two types of data were extracted from strategic informants: definitional and objective. The objectives of the data collected are:

1. To develop definitions of the concepts involved. Firstly, informants were used to evolve the conception of human needs. The selection of strategic informants, political elites and members of civil society, used in this study seeks to address both the supply and demand side of land policies in relation to human needs. Since the concept of human needs is abstract, strategic informants will be able to contextualise the concept of human needs as it applies in Zimbabwe.
2. Interviews allowed this study to develop insights into who political elites and members of civil society consider citizens. While the concept of citizenship is codified in Zimbabwe, citizenship is contested in Zimbabwe. Interviews will allow the researcher to measure various concepts of citizenship held among political elites and civil society against pre-existing legislation and allow the researcher to determine who are, or should be, the targeted beneficiaries of land policy. Finally, strategic informants will allow the researcher greater clarity regarding the substance of representation and autonomy.

3. To determine the boundaries between the political elite and members of civil society. It is possible that some individuals interviewed may occupy multiple roles within political elite and civil society and that either specific members or organisations representing civil society may be colluding with political parties, thus not truly autonomous. This will be better determined in the interview process.
4. To identify motivations, behaviours and strategy, within a specific political context, of political elites and civil society. In combination with other data, informants will add nuance, background, reasoning, etc., regarding land policies. This information would not likely be available in other resources, but would enhance the information gathered in such sources.

The primary concepts investigated by this dissertation are human needs, protracted social conflict, representation and autonomy. Each of these concepts underpins the theoretical rationale of this study; namely, that land ownership can satisfy a range of human needs that, in turn, will reduce the threat of overt conflict. Interviews with 32 strategic informants were held in Namibia (Windhoek), South Africa (Johannesburg) and Zimbabwe (Bulawayo, Chitungwiza, Gweru, Harare, Mutare, and Victoria Falls) between September 2010 and May 2014.

#### **1.2.4 Validity and reliability**

In conducting research of this nature, the primary sources are bound to raise questions about the validity and reliability of the evidence provided. Complementary evidence from other resources is used to test and enhance the robustness of the arguments this dissertation poses. In researching disputed and contentious issues, the quantity and variety of additional sources was increased.

Most strategic informants had specific agendas, and many were on one side of the highly polarised and politically charged land debate. Their interests were considered when interpreting their responses. Potentially awkward or contentious questions were not posed until the end of the interview, as to avoid jeopardising the bulk of the interview.

### **1.3 Limitations and Delimitations**

#### **1.3.1 Limitations**

Researching land in Zimbabwe during the period of constitution-making and electioneering was difficult. The politically charged environment as well as my visible status as a foreigner restricted my ability to conduct research. Land related discussions and documentation in the wrong environment could have been misinterpreted and have yielded negative and significant consequences for the researcher and strategic informants.

Challenges included the inability to obtain a sense of non-security opinions within ZANU(PF), and the inability to secure interviews with the smaller faction of the MDC and other smaller political parties. Land is a highly sensitive topic, and as such, not all participants were willing to share sensitive information with the interviewer despite guarantees of anonymity. As a result, this gave the dissertation a bias, which the researcher has sought to reconcile with secondary material, media sources and alternative evidence.

Some periods during the course of this research were more contentious than others. This could have affected the positions of informants. Many informants had specific agendas or positions that unabashedly placed them on one side of the land reform debate. It was important to consider their interests, agendas and political affiliations when interpreting their responses. Consequently, interview structures and techniques played an important role. Interviews were always preceded by a review of relevant secondary materials and, where possible, a cross-examination of previous interviews, allowing me to prepare questions pertaining to specific issues in which the informant had a special role or interest. The sensitivity of some questions could have alienated informants. In order to prevent potential confrontation, those questions were always asked last.

I was only able to communicate in English, not indigenous Zimbabwean languages. Lastly, my research was limited by my own financial constraints.

#### **1.3.2 Delimitations**

This dissertation will focus on rural land ownership. It will acknowledge the roles of peri-urban and urban land, however, only in the context of how land scarcity within peri-urban and urban areas is linked to land scarcity and conflict in rural areas. This dissertation covers the period beginning with independence to 16 March 2013, the date of the constitutional referendum. A

brief chronological overview of the colonial period beginning with the arrival of the British South Africa Company in 1890 will be offered to establish context. As such, the information in this dissertation is constrained by chronological boundaries.

#### **1.4 Chapter Outlines**

This dissertation is chronologically structured. Chapter Two explains the linkages and interdependence between human needs, protracted social conflict and land tenure policy. It will introduce Azar's model of protracted social conflict in order to set the parameters of Zimbabwe's protracted social conflict. Then, it will address how land tenure policy, within the context of transition, creates conditions for latent and overt protracted social conflict by introducing the various conceptualisations of human needs.

Chapter Three provides an historical assessment Zimbabwe's pre-conditions of protracted social conflict. The first section will discuss the establishment of settler agriculture that gave rise to the First Chimurenga (1896-1897). The second section identifies and analyses the institutions and policies that engendered the rise of African opposition that would lay the foundation for the Second Chimurenga (1966-1979) following the failure of 'post-war liberalism' of the 1960s. The final section extrapolates the process dynamics that would set the stage for latent and overt conflict within an independent Zimbabwe.

Chapter Four discusses the relationships between land, political leadership and civic participation during Zimbabwe's first two decades of independence. This chapter will measure the capacity and agency of Zimbabwean citizens to influence land policy in order to meet their needs. Two key indicators, representation and autonomy, will be used to highlight the above. This chapter will also identify the issues that land policy sought to address, and the changing profile of human needs.

Chapter Five is divided into three sections. First, the period from 1998 to 2004 which saw the launch of the MDC as well as a number of other civic organisations which directly opposed the actions of ZANU(PF). It was a period that saw a move away from the land conflict towards a focus on the larger pictures of violence, and human rights abuses that took place in the country. Second, the 2005 period where there was a focus on dividing the opposition. Finally, the 2008 elections that saw land and overt violence come to the fore yet again.

Chapter Six examines needs satisfaction (particularly land), representation, and autonomy under the Global Political Agreement. Through the use of interview data collected from strategic informants, this chapter will interrogate Zimbabwean's conceptions of human needs, particularly as they relate to land as an essential satisfier of needs. The chapter will then go on to describe fundamental impediments to those needs.

Chapter Seven will attempt to draw together the various aspects and descriptive elements of this dissertation namely representation, protracted social conflict, autonomy and human needs in order to answer the questions posed in this research. It will also seek to address additional questions and elements revealed in this dissertation that were beyond the scope of study but could provide a platform for further examination.

## Chapter Two

### **Human Needs, Protracted Social Conflict and Land Ownership: a conceptual framework**

#### **2.1 Introduction**

The objective of this chapter is to explore the linkages between human needs, protracted social conflict, and land ownership in Zimbabwe. First, the chapter will introduce Azar's model of protracted social conflict in order to set the parameters of Zimbabwe's protracted social conflict. Second, it will establish how land tenure policy, within the context of transition, creates conditions for latent and overt protracted social conflict. Finally, it will establish a foundation for this dissertation to explore the role of land tenure policy and protracted social conflict in Zimbabwe by introducing the various conceptualisations of human needs, as well its epistemological shortcomings.

Land tenure policy facilitates access to land ownership, a critical element in satisfying various human needs. Through ownership, Marcus (1991, p. 25) maintains that land owners control access to land, determine its use, decide political, economic and social beneficiaries of production as well as how its wealth will be exploited. Land is the gateway to most natural resources, a characteristic that "means the controversies surrounding these [natural] resources often manifest through conflicts over ownership, management, and control of land" (Alao 2007, p. 63). In Zimbabwe, a country with significant mineral and agricultural wealth, land ownership is a determinant of political and economic wealth and inequality. Moreover, cultural ties to land are a key satisfier of social identity.

Land ownership can also create the conditions for overt conflict between groups that either have, or are perceived to have, control over land against those who do not. Land ownership is able to generate acute and highly charged conflicts as it often affects a large number of individuals spread over a wide area (Christodoulou 1990, p. 16). Control over land is a "pivot" of power as it is instrumental in determining political, economic, social and cultural structures (ibid, p.7).

Understanding human needs is crucial to conceptualising and solving protracted social conflicts. It allows conflict to be understood within the specific contexts in which it takes place

as we analyse and seek the root causes of the conflict. Second, we can search for acceptable new structures and relationships that permit the satisfaction of needs (Mitchell 1990, p. 150).

## **2.2 Overview of Human Needs**

There is a longstanding and continuous debate among scholars regarding what constitutes a need. A major obstacle to needs-based research is the lack of a universally accepted definition. Needs cannot be directly observed, but are often inferred by behaviour resulting from their deprivation. We are able to deduce the existence of needs indirectly from satisfiers by observing frustrations that are a result of non-satisfaction (Lederer 1980, p. 3).

The ability to satisfy needs is shaped by social organisation and the models of representation it produces. In Zimbabwe, two of the most relevant forms of social organisation are civil society and political leadership. Each has played a key role in shaping the rules of political, economic, social, and environmental competition. Moreover, they facilitate access to, and the distribution of, resources vital to satisfying human needs. Social organisation determines how civil society and political leadership are able to organise and influence one another and the policies that allow people to satisfy their needs.

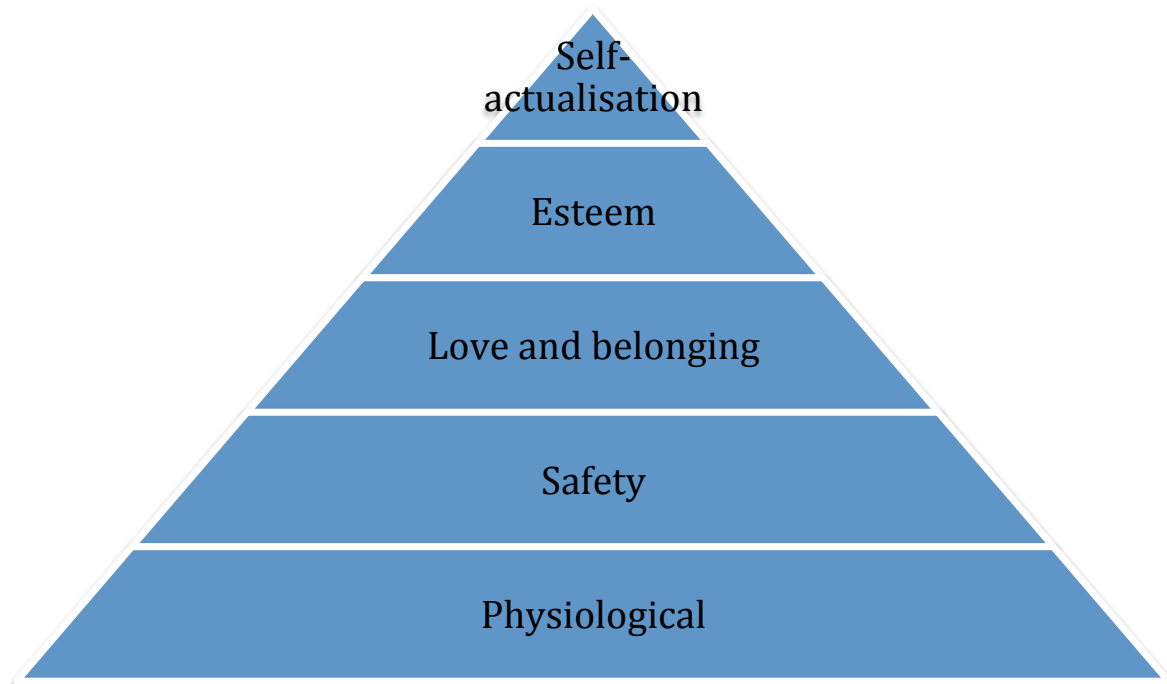
### **2.2.1 Need typology**

Burton (1990, p. 36) distinguishes between needs, values and interests. He defines universal needs as those biologically and primordially driven motivations that will be pursued by humans through any means. It is through the pursuit of needs satisfaction that social groups form in order to strengthen the individual's capacity to satisfy those needs. Over time, social groups develop values, those acquired customs and beliefs that are characteristic of particular social communities (ibid, p. 37). Values, for example, religion, ethnicity and class, as well as any feature that distinguishes groups from one another, cannot be traded, exchanged or negotiated. They are most pertinent during times of crisis and conflict. In conditions of oppression, discrimination, under-privilege and isolation, values become vital buttresses for security and identity needs (ibid). Leadership positions emerge to defend values (ibid); however, values can be used as political fodder and manipulated to further the interests of political leaders and other social actors. Interests are derived from personal roles and opportunities within existing political systems. They are exchangeable and negotiable. Interests influence policies in the pursuit of needs and values (ibid, p. 38).



Masini (1980, p. 227) describes the concept of a need as something that can be understood as those requirements in every human-being that necessitate a response essential for human survival and development (Sites 1990, 10; Masini 1980, 227). Galtung (1980, p. 60) describes needs as conditions that must be satisfied to some degree for the need subject to be able to function as a human being. In more biological terms, Friedman identifies needs as signals indicating a deviation from a state desired by an organism while Mallmann and Marcus (1980, p. 165) believe needs are what are required to avoid a state of illness.

Maslow has classified human needs in terms of a hierarchy. The hierarchy model is based on Maslow's five motivations of human behaviour, and is commonly known as 'basic' human needs. Arranged in a "hierarchy of pre-potency," the model implies that the appearance of one need is dependent upon the satisfaction of another more compelling need (Maslow 1943, p. 370). Azar (1990), Burton (1993) and Hamilton (2003) applied Maslow's theory of basic human needs to the analysis of conflict and its resolution, postulating that the inability to satisfy primordial and universal needs is at the root of all levels of conflict. Each propose a classification of needs that allow us to draw distinctions between the causal relationships among needs as well as needs and conflict triggers. Maslow attempts to explain human motivations and behaviour. The hierarchy of needs is as follows: physiological, safety, love and belonging, esteem and self-actualisation.

**Figure 2.1: Hierarchy of Basic Needs**

**Source: Maslow (1943)**

Physiological needs are vital to the survival and propagation of human-beings. Food, water, shelter, clothing, sexual reproduction and homeostasis form the base of the needs hierarchy. Maslow (1943, p. 373) points out that if all of these needs are unsatisfied, fixation on satisfying these physiological needs will dominate all of the humans' capacities and reduce the importance of all other needs. Burton (1990, p. 36) goes a bit farther to include primordial influences, or kinship ties. With physical needs satisfied, safety needs take precedence. Needs ensure an orderly, predictable and organised environment in which perceived instability, uncertainty and prejudice are controlled. The satisfaction of these two types of needs is directly related to competition for scarce resources (Pirages 1976, p. 8).

Love needs emerge following the satisfaction of physiological and safety needs; they are generally characterised by affection and a sense of belongingness. Esteem needs, in which humans seek self-respect and the respect for others, follow suit. Maslow classifies esteem needs into two categories. The first are a desire for strength, achievement, adequacy, confidence, independence and freedom. The second are a desire for reputation or prestige, attention, importance and appreciation. At the apex of Maslow's hierarchy is the need for self-

actualisation, the desire to be self-fulfilled. Each of these needs can be associated to position scarcity, those positions that confer power, authority privilege, and honour.

The hierarchy of needs suggests that needs and satisfiers do not have equal value. Maslow's model implies that conflict can only be managed or resolved if more important needs are satisfied before secondary needs (Mitchell 1990, p. 157). Mitchell (1990, pp. 165-167) contends that there are two approaches that scholars take when examining human needs: first, needs and needs hierarchies change over time and according to circumstance. Second, different groups can have different needs conceptualisations and hierarchies.

Azar (1990, p. 2) identifies basic needs as security, communal recognition and acceptance, and distributive justice, which include fair access to political institutions and economic participation. Burton (1993, 13; Sandole 1993, p. 14) goes further to include autonomy, dignity, bonding, and development. Hamilton (2003, p. 24) refers to vital and agency needs: needs that are fundamental for survival and conditions that are necessary for 'individual and political agency that is characteristic to human functioning.' While interest-based disputes are negotiable (i.e. wages or roles), needs-based disputes are not. In situations of latent and overt conflict, human beings "are compulsively struggling in their respective institutional environments at all social levels to satisfy primordial and universal needs" (Burton 1993, p. 13). Unless needs are satisfied, no political system, agreement or conflict settlement will be able to engender stability.

Similar to both Mansini and Galtung's definitions, the definition this study seeks to acknowledge is that the satisfaction of needs directly affects the ability of a person to survive and to develop, maintaining flexibility whilst determining the identification of further needs and their satisfiers. A single definition is not possible as it is unable to incorporate the innumerable political, economic, social, cultural and environmental complexities and differences that shape the perceptions of individuals and groups. For the purpose of this study, needs are those motivations whose satisfaction is necessary for the survival and development of human beings. This study will focus on rural land ownership as a satisfier for needs.

### **2.2.2 Need satisfiers**

Need satisfiers include finite or scarce resources; their scarcity being that which engenders conflict. Scarcity can be induced and used as a tool for power, domination, and influence by one group over another. However, individuals and groups that have greater access to wealth and

power are more likely to overcome challenges posed by scarcity (Potapchuk 1990, p. 276). According to Potapchuk (ibid), it is only when less dominant individuals and groups expand their ability to satisfy their needs that they will be forced to satisfy needs in ways that do not oppress or coerce less powerful groups. Through policy development and implementation, leaders are able to not only largely control the distribution of scarce resources for their own benefit they are also able to restrict the ability of the less powerful to attain the power and ability needed to attain satisfaction of their needs. If powerful groups continue to utilise oppressive and coercive tactics, it will result in instability and conflict.

Friedman (1990, p. 257) believes that needs are defined by their satisfiers and that needs and their satisfiers are indispensable pairs. However, Friedman's analysis is too narrow as it fails to account for the implications of diverse social and cultural contexts that shape the choices made by individuals and groups. These social and cultural contexts can be considered in two ways: those needs that are actor dependent and those that are structure dependent. Satisfaction of actor dependent needs – identity needs, for example – rests on the motivation and capacity of an individual or group to attain satisfaction (Galtung 1980, p. 64). Structure dependent needs have a level of satisfaction built into institutional, political, and economic arrangements as they not dependent on individuals or groups (ibid; McHale & McHale 1979, p. 18). Lastly, satisfiers can be both material (land, shelter, etc.) and non-material (ceremonies, self-perception, etc.). Material satisfiers should not be considered to be more important or desirable than non-material satisfiers in order to account for diverse social and cultural contexts. Therefore, for the purpose of this study, I have concluded that satisfiers are simply those elements that reduce frustration and help individuals and groups achieve a tranquil state of being.

Conversely, when citizen's human needs are not satisfied, conflict is likely to ensue. This will be discussed in more detail in the next section.

### **2.3 Human Needs and Protracted Social Conflict**

In this study, the interaction of two primary agents, political leadership and civil society, is examined through the rubric of Edward Azar's theory of protracted social conflict (PSC). PSC is a *product* of denying individuals and their communal groups those elements required for their development and "whose pursuit is a compelling need" in itself (Azar 1986, p. 29). PSC is built on the assumption that all humans have needs that are attained through communal groups. PSC emphasises that conflict primarily occurs within and across states, rather than between them. As

such, the use of human needs theory and the protracted social conflict theory allows us to conceptualise conflicts, motivations, authority roles, political and social structures, needs and interests as well as their corresponding satisfiers that facilitate satisfaction and resolve or mollify overt protracted social conflict.

Azar argues that the characteristics comprising most conflicts are blurred between external and internal sources and protagonists, as well as multi-causal factors that include shifting goals, interests and alliances. Azar's theory of protracted social conflict is derived from the theory of human needs, which will be discussed further on in this chapter. Azar (1990, p. 12) summarises his theory as follows:

“Protracted social conflicts occur when communities are deprived of satisfaction of their *basic needs* (emphasis added) on the basis of their *communal identity* (emphasis added). However, the deprivation is a result of a complex causal chain involving the role of the state and pattern of international linkages.”

### **2.3.1 Preconditions of protracted social conflict**

Four variables serve as the genesis of PSC. These variables are either created or reinforced by the scarcity of land. These are: *communal identity*, *human needs deprivation*, *role of the government and state*, and *international linkages*.

#### **2.3.1.1 Communal identity**

Azar (1990, p. 7) maintains that the relationships between communal groups and the state are at the core of PSC, specifically when “the state [is] dominated by one communal group that is unresponsive to the needs of others in their society”. In Zimbabwe, relations between identity groups and the state are primarily shaped by two variables: the colonial history of a state and uneven access to state power. Settler immigration, as a result of colonialism, created a multi-communal society composed of three major ethnic groups: Ndebele, Shona, and white European settlers. As the next chapter seeks to demonstrate, conquest and subsequent European domination led to the establishment of structures that discriminated on the basis of race. As European settlers enhanced their supremacy over the indigenous population, the policies and programmes produced would play a significant role in ossifying communal identities and impeding the emergence of a functional nation-state. The state's lack of response to the needs of non-Europeans would embed deep-seated distrust and anger between racial groups that would persist after Zimbabwe's independence.

### ***2.3.1.2 Human needs deprivation***

As needs satisfiers are often natural resources, Homer-Dixon (1999, p. 15) distinguishes between three forms of resource scarcity: supply-induced scarcity resulting from the depletion or degradation of a resource; demand-induced scarcity arising from population growth; and structural scarcity which originates from the distribution of a particular resource that generates wealth and power. Azar's theory of PSC omits resource scarcity, but Homer-Dixon's structural scarcity hypothesis largely supports Azar.

Grievances resulting from the deprivation of needs are generally expressed collectively (Azar 1990, p. 9) as various religious, racial, ethnic, linguistic, and class-based groups maintain their own sets of needs, many which are unique amongst themselves. Ramsbotham, Woodhouse and Miall (2007, p. 86) state that needs are ontological (stemming from the condition of being human) and non-negotiable, insomuch that if 'conflict does develop, it is likely to be intense, vicious and irrational'.

### ***2.3.1.3 Role of the state***

A state's inability to equitably provide citizens with the means to develop their individual and collective potential will give rise to PSC. State structures are extensive and intrusive, possessing the capacity and the authority to control resources and their distribution (Chazan 1988, p. 121). As highlighted above, although communal identity and needs satisfaction are important, it is meaningless without state cooperation and support. Weber's interpretation of the modern state is grounded in the administrative and legal order that permit a state to claim binding authority over its members and citizens. Weber (1947, p. 143) maintains that the state has a legitimate monopoly over the use of force. This narrow interpretation however fails to address the state's role in mediating the various interests among its citizens. Hippler (2008, p. 562) asserts the state has a duty to foster stability and maintain social control, factors that involve the subordination of people's own inclinations of social behaviour in favour of behaviours proscribed by state rules (Migdal 1988, p. 22). The latter is particularly salient within multi-communal societies.

Migdal (1988, pp. 32-33) argues that strong states achieve goals because they are able to exercise social control over citizens through compliance, participation, and legitimacy. These three 'indicators' of social control are critical in gaining conformance to state demands,

organising voluntary citizens into undertaking state mandated tasks, and attaining acceptance of the state's rules to attain social control. States demand compliance through the use of force and the distribution of resources and services. National leaders strengthen their positions when they organise their population and complete tasks within 'the institutional components of the state organisation.' For example, the state may require produce or cattle to be sold to a state corporation. Legitimacy is the most 'potent' indicator because citizens comply "from the conviction that compliance is right" (Migdal 1988, p. 35)<sup>1</sup>. However, national leaders can still face resistance posed by powerful local elites, for example chiefs or warlords, reducing the state's capacity to exert control (Migdal 1988, p. 33).

States that fail to provide basic means for their citizens to facilitate needs satisfaction for multiple communities are characterised as incompetent, corrupt, parochial, fragile and authoritarian because they favour some groups more than others (Azar 1990, p. 10). These characteristics are the result of state weakness. As Hartzell, Hoddie and Rothchild (2001, p. 185) posit, "state weakness heightens insecurity because there is no effective agency present that is capable of ensuring implementation of the society's agreed-upon rules."

The disarticulation between state and society is exacerbated by political elites that pursue policies contradictory to the needs of citizens, limiting needs satisfaction to the dominant communal group. Reimann (2002, p. 5) believes that this results in a "crises of legitimacy" as the state is unable to ensure political access, security and acceptance needs among members of excluded groups. Pons-Vignon and Lecomte (2004, p. 28) suggest that the degree of political organisation and the ability of elites to influence and direct those seeking access to power and resources can lead to violent conflict. As such, when communal groups face a shortage of resources (human needs deprivation) they seek to ensure the survival of their own group. This can lead to a scramble for economic dominance and resources resulting in the largest and most dominant group(s) satisfying their own interests first, leaving smaller and weaker groups struggling to meet their needs.

#### ***2.3.1.4 International linkages***

A state's 'political-economic relations dependency within the international economic system' as well as political-military linkages influence the degree of state autonomy. These international linkages can contribute to government's pursuit of needs that are contradictory to the needs of

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<sup>1</sup> Migdal is quoting Giovanni Poggi in his work *The Development of the Modern State* (1978, p. 101)

citizens (Azar 1990, p. 11). Migdal (1988, p. 21) too believes that the role and effectiveness of the state's ability to manage its internal affairs is highly interdependent upon relations with other states. The "forces associated with the spread of world markets" have had a profound impact on indigenous political and economic structures that initially regulated social control (Migdal 1988, p. 97).

For example, in today's globalised economy, International Finance Institutions (IFIs), such as the World Bank Group, regional development banks, and the International Monetary Fund, exert influence on states facing economic difficulties through the use stabilisation loans, grants and other investments, and technical assistance in order to achieve their own goals of economic stability.

Structural adjustment programmes (SAP) in particular have curtailed state autonomy and the ability of a government to represent the needs of its citizens. SAP conditions usually include decreasing government intervention in the state's economy and the forced implementation of free trade policies (Lensink 1996, p. 2). Many IFIs have implemented governance-related conditionality's to their loans, grants, investments and technical assistance. Moreover, many of them have become actively involved in the resolution of conflict. Blank (2002, p. 14) states that IFIs are 'responding in ways that support the international community's efforts to prevent and end conflict or address its after effects'. These newly developed forays into conflict resolution by IFIs threaten to undermine the legitimacy of solutions among political elites and citizens as they will be imposed, rather than organically developed within the context of the conflict.

### **2.3.2 Process-level dynamics and the genesis of overt conflict**

Whether or not the preconditions of PSC – communal identity, human needs deprivation, the role of government or the state, and international linkages – activate latent or overt protracted social conflict depends upon three determining factors: *communal actions and strategies*; *state actions and strategies*; and *mechanisms built into the context*. Together, these three clusters of actions form the '*process-level dynamics*' of protracted social conflict.

#### **2.3.2.1 Communal actions and strategy**

Actions and strategy of communal groups are based on processes that engender the formation of group identities; these include a group's ability to organise and mobilise, the nature of its leadership, the choice of political goals and tactics, as well as the scope and nature of any



externalities (Ramsbotham, Woodhouse & Miall 2007, p. 87). Azar (1990, p. 12) emphasises that collective recognition of individual grievances or incompatible goals leads to collective protest. Collective action becomes contentious when “people lack regular access to institutions, act in the name of new or unaccepted claims, and who behave in ways that fundamentally challenge others or authorities” (Tarrow 1998, p. 3). Participants attain power because they challenge those with power and the structures that distribute it, as well as develop a collective identity and meaning; this, Tarrow (1998, pp. 3-4) concludes, forms the basis of social movements. Generally, political elites respond with repressive tactics, engendering a situation whereby protests escalate. As tensions increase and communication breaks down, excluded groups link the triggering incident with broader fundamental grievances, deepening their perception as victims. Azar (1990, p. 15) posits that existing dependency and client linkages, along with their indirect and direct intervention, ‘not only amplifies the scope of the conflict, but also makes it more protracted’.

#### ***2.3.2.2 State actions and strategy***

Political and economic costs often prohibit states from satisfying all of the needs required by its citizens (Azar 1990, p. 14). At any one time, political elites responsible for governing face an array of policy options to deal with discontented citizens which range from accommodation to ‘coercive repression’. Accommodating collective protests could mollify grievances as the state improves its capacity to satisfy the needs of those making the demands. As a result, accommodation could ultimately manage the conflict’s latency or resolve it completely. Azar, however, posits that accommodation is rare because multi-communal societies tend to have a ‘winner-take-all’ mentality. Accommodation is perceived as a sign of weakness. Instead, states may resort to coercive repression, inviting reciprocal responses from repressed groups that increase the chances of violence (Demmers 2012, p. 82). As with communal actions and strategy, existing dependency and client linkages can affect the conflict.

#### ***2.3.2.3 Built-in mechanisms of conflict***

Two critical self-reinforcing ‘built-in mechanisms of conflict’ are responsible for shaping the perceptions and motivations that lie behind the behaviours of state and communal actors toward one another: the history of experiences in conflict and the nature of communication between antagonistic communal groups. These built-in mechanisms are conditioned by belief systems, experiences, and fears of each group (Demmers 2012, p. 83). Protracted social conflict ‘gains velocity with deepening deprivation of basic needs’ which, as Demmers (ibid) states, causes

further cycles of violent conflict as perceptions of stereotyping, the misattribution of motives, and polarisation occur, engendering an intractable conflict.

### **2.3.3 Protracted Social Conflict and the decay of state and civil relations**

The results of PSC are four conditions that facilitate the decay of state and civil relations: the *deterioration of physical security*, *institutional deformity*, *psychological ossification*, and increased *dependency and clientalism*.

The deterioration of *physical security* occurs as underdevelopment and distributive injustices are institutionalised, depriving communities of the resources - like land - needed to satisfy human needs (Azar 1990, p. 16). In divided societies, individuals who are insecure develop a greater awareness of communal identity and accept greater communal responsibilities within their group to achieve security and satisfy other needs. As such, within these deeply divided societies, ethnicity often permeates organisations, activities and roles that they have never previously affected (Horowitz 2000, p. 7). This type of behaviour engenders segregation and can lead to violence; ultimately risking the security for society as a whole.

Political and socio-economic institutions are designed to regulate conflicts between competition of interests derived from needs. The *deterioration of institutions* makes access to vital needs all but impossible (Azar 1990, p. 16). Thus, while competing for scarce or finite satisfiers, like land, groups are able to prevent others from seeking the same satisfiers. Group(s) under threat will often attempt to acquire satisfiers at the expense of another group(s). The likelihood of conflict will increase as the existing balance of forces, including leadership, or some other economic or political conditions shift (Azar 1986, p. 29). The deprivation of human needs, vis-à-vis resources, destroys existing norms and rules that assist social cohesion.

*Psychological ossification* is a process in which attitudes, perceptions and behaviours become intransigent. Social categorisation, a fundamental aspect of human functioning, organises human interactions into exclusive in- and out-groups; often based on race, ethnicity, religious beliefs, *inter alia*. These social groupings are a mechanism by which individuals can maximise their utility to satisfy their needs. In divided societies like Zimbabwe, distinctions between social groups have the potential to influence the perception of an out-group, which affects cognition, behaviour and perception (Davidio *et al.* 2005, p. 247). In societies where inequality, real or perceived, among groups exist, negative attitudes and beliefs among different groups are

likely to emerge. Over time, these attitudes and beliefs are ossified and internalised; transformed from perceptions to ‘facts.’ Additionally, when competing for scarce or finite resources, group identity and mutual ignorance are reinforced (Hewstone *et al.* 2005, p. 269). Competition among social groups could lead to violence as a means to satisfying needs.

Azar (1990, p. 17) posits that as conflicts protract, communities increasingly become dependent on external actors who are drawn into the conflict and, over time, exercise a greater role in decision-making. However, internal leadership must be considered as well. The Zimbabwe African National Union (Patriotic Front) (ZANU(PF)) has maintained degrees of *dependency and clientalism*, initially through the liberation struggle, as it emerged as the dominant political force within Zimbabwe. Because organised political opposition was weak, following independence, ZANU(PF) was largely able to control access to resources and set the agenda and pace for land reform.

## **2.4 Protracted Social Conflict and the politics of transition and land policy**

As the relationship between the state and civil society deteriorates, and PSC becomes more entrenched, external actors will search for ways to solve the conflict.

### **2.4.1 Power-sharing as a means of solving PSC**

In Africa, power-sharing has emerged as the predominate institutional design intended to manage conflict within deeply divided societies, particularly in the case of African elites seeking ‘African solutions to African problems’<sup>2</sup>.

Consociationalism is an elite-driven model, based upon the idea that cooperation and buy-in among elites and conflicting communal groups will lead to a consociational democracy. Once a consociational democracy is agreed to and implemented, elite cooperation is strengthened by an environment characterised by greater political security and cooperation among communal groups; cooperation that will, theoretically, only continue to increase and produce stability. It has four characteristics: *a grand coalition* government managed by political parties from different segments of society; *segmental autonomy*; *proportionality in both the voting system and civil service*; and the *minority veto* (Lijphart 1977, pp. 25-52).

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<sup>2</sup> Some examples include Burundi (2000), the Democratic Republic of Congo (2002), Liberia (2003), Rwanda (1993), South Africa (1994), and Sudan (2005)

A grand coalition aims to include most, if not all, of society's significant segments in a bid to attain compromise and consensus. Incorporation in political decision-making, rather than exclusion, is key to reducing protracted social conflicts.

Highly centralised political structures are often a source of PSC as centralisation of social institutions, particularly within authoritarian states, induce a fear of marginalisation, increase alienation, and deny groups the means to accomplish their needs (Azar 1986, p. 34). Power-sharing, is a means to decentralise authority, power, functions and resources away from the central government to sub-national authorities in order to provide those at grassroots level more autonomy (Azar 1986, p. 34; Heywood 2000, p. 237; Makumbe 1998, p. 7; Dickovick & Riedl 2010, p. 1). This autonomy can also include territorial autonomy. In certain social contexts however, decentralisation can engender some problems, including: inefficiency, parochialism, and autocracy, while not necessarily addressing inequality (ibid).

For multi-communal societies grappling with PSC, an 'electoral system should reach the goals of representativeness, accessibility, incentives for conciliatory behaviour, accountability, encouraging cross-cutting parties and stability of government' (Reynolds 1999, p. 92; Binningsbø 2005, p. 9). Lijphart believes proportional representation would reduce a weaker communal group's sense of exposure and vulnerability (Rothchild & Hartzell 1999, p. 257). In a situation where a dominant communal group undertakes a decision that directly contravenes the needs of another group within the coalition, a veto system is enacted, guaranteeing protection for weaker communal groups.

A number of conditions have to be present for power-sharing to be successful, including: the ability of elites to accommodate divergent needs and interests of communal groups; the ability to join with rival communal groups; elite commitment to maintenance of the system and to the improvement of its cohesion and stability; and finally, that elites understand the perils of political fragmentation (Lijphart 2008, p. 32). Moreover, a multiple balance of power is preferable to a dual balance of power or hegemony as the leaders of a stronger communal group are less likely to seek domination and instead cooperate with a rival minority groups (Lijphart 1977, p. 55). However, the four conditions generated by PSC, the *deterioration of physical security, institutional deformity, psychological ossification, and increased dependency and clientalism*, reduce the viability of the implementation of a viable power-sharing model.

### **2.4.2 Land policy, transition, and PSC**

The distribution of land ownership is a major factor affecting the transition of one social and political order to another because ‘land institutions are grounded in social, political and cultural antecedents’ (Rukuni 2004, p. 11). Moreover, periods of political transition are shaped by complex relationships between conflicting communal groups and the inheritance of state institutions that are “often embodied with a high degree of popular mistrust” (Simpson, Hamber & Stott 2001, p. 4).

In order to avoid being a source of violent conflict in divided societies, land policy must address political and socio-economic grievances associated with the attainment of needs. Securing land tenure rights can reverse discrimination and the exclusion of weaker communal groups, as well as reduce social and economic inequalities that are linked to inequitable and insecure land rights. Land ownership can create an enabling environment for the attainment of needs. In development and neo-liberal economic theories, land ownership is often linked to income distribution, agricultural production, employment and sustainable development. Rural land ownership directly relates to fundamental aspects of political and economic power, as well as other social implications that affect the levels of needs satisfaction and the probability of PSC. Ethical and moral arguments are often offered in explaining the necessity of reform. Land redistribution and restitution will arguably increase a sense of equality and social justice while righting past wrongs (Thomas 2003, p. 694).

Land tenure should guarantee security of occupancy, fair compensation for improvements at the termination of a lease, and the cancellation of onerous conditions in the lease (Jacoby 1971, p. 253). Equitable conditions, according to Jacoby (ibid) stimulate farming, cultivation practices, and ensure that tenants have a decent standard of living. Those with tenure security will be inclined to make improvements that contribute to development of agricultural resources. Tenure security can be achieved through formal titles, long-term rental contracts, or formal recognition of customary rights and informal settlements that are accompanied by accessible and effective dispute mechanisms (Quan & Payne 2008, p. 7). Rukuni (2004, p. 12) associates security of tenure with four sets of rights as noted in Table 2.1: use rights; transfer rights; exclusion and inclusion rights; and enforcement rights. Each of these bundles impact a variety of human needs, including food security, housing, and employment.

**Table 2.1: Basket of Tenure Security Rights**

| <b>Right</b>            | <b>Application</b>   |
|-------------------------|--|
| Use                     | Right to grow crops, trees, make permanent improvement, harvest trees and fruits           |
| Transfer                | Rights to sell, give, mortgage, lease, rent or bequeath                                    |
| Exclusion and inclusion | Rights by an individual, group or community to exclude others from use and transfer rights |
| Enforcement             | Refers to the legal, institutional and administrative provisions to guarantee rights       |

Source: Rukuni (2004, p. 12; 2012)

Different types of land tenure systems create different conditions that either prohibit or facilitate needs satisfaction. Land tenure systems in Zimbabwe fall into four broad categories: communal, open access, private and State-owned.

While communal tenure varies among groups, general characteristics include a situation where a group holds secure and exclusive collective rights to own, manage and/or use land (Andersen 2011, p. 3). A right of commons may exist within a community where each member has an independent right to use the holdings of the community. For example, members of a community may have the right to graze cattle on a common pasture (Food and Agriculture Organization of the United Nations 2002, p. 8). Open access tenure does not assign specific rights. Land is not exclusive, transferable or alienable (Rukuni 1997). A key distinction between open access and communal systems is that ‘under a communal system non-members of the community are excluded from using the common areas’ (Food and Agriculture Organization of the United Nations 2002, p. 8).

Private tenure consists of the assignment of rights to a private party who may be an individual, a group of people, or a corporate body such as a commercial entity or non-profit organization. For example, within a community, individual families may have exclusive rights to residential parcels, agricultural parcels and certain trees. Other members of the community can be excluded from using these resources without the consent of those who hold the rights. State-owned tenure assigns property rights to an authority within the public sector. For example, in some countries, forest-lands may fall under the mandate of the state.

Therefore it is important that states implement a needs-based land policy that requires a recalibration of power relations between communal groups as land reform calls for the radical redistribution of land, which inherently affects wealth and power (Jacoby 1971, p. 1; Streeten

1981, p. 24). Reform prospects raise questions and concerns about political representation, vested commercial interests as well as values and other social bonds placed on land by individuals and groups; it will inherently enfranchise one group at the expense of another. Abu Zarin and Bujang (1994, p. 10) conclude that when ownership structures are perceived to be intransigent the potential for conflict arises. Whether or not ownership structures are flexible or intransigent depends upon the positions and interpretations undertaken by political leaders and the ability of citizens to apply pressure that will result in policies that will assist in meeting citizen needs.

A key indicator of the state's ability to satisfy needs and to mollify or resolve protracted social conflict is its ability to plan, develop policy and act (Demmers 2012, p. 81; Migdal 1988, p. 4). Policy-making processes are complex and multi-layered, and occur through a network of decision-makers: politicians, civil servants, civil society, media, as well as recipients of policy. Rarely is policy expressed as a single decision or action. Rather, it tends to be defined by a series of decisions or actions which, taken together, produce an understanding of what the policy is. Policy is meant to provide guidance on interpreting legislation and decision-making.

Constitutions establish the framework and rules for land policy formation. This includes which offices have decision-making rights over land policies; if access to those offices is gained either through elections or political appointments; and what are the procedures for establishing land policies. Moreover, constitutions determine how citizens hold their representatives accountable and determine which groups in society are more likely to see their interests sufficiently represented. The establishment of legitimate institutions and the reformation of the rules by which society governs itself are key to the design of policies that influence patterns of land allocation. Institutional arrangements, including instruments for defining and enforcing property rights, are critical in that they are a means by which policy is made and implemented. The enforcement of land rights requires an array of autonomous institutions such as courts, financial institutions, the legal profession, land titling agencies, and civil society that ensure representative solutions to needs satisfaction.

Most political transitions include constitution-making processes in which political elites and citizens compete to establish precedents, norms, and institutional frameworks that guide and entrench a new political order (Lyons 2002, p. 6). According to Wing (2008, p. 2) "the process by which constitutions and democratic institutions are created, and the interaction between

these institutions and people, are important in understanding how legitimacy is constructed.” If the process of transition is inclusive and captures the participation of broad segments of society, public support for policies can be acquired while the expression of diverse citizen’s concerns will assist in reducing the likelihood of overt conflict (ibid). Simpson, Hamber and Stott (2001, p. 2) state that, “the extent to which agreements are voluntarily entered into, and not imposed by an external facilitation process is an important factor in defining the character of transition.” Imposed agreements among elites that are not ready to cooperate will enhance disunity, intra-elite competition, and predatory behaviour. Efforts to enforce integration or co-operation “retards the nation-building process, strains the social fabric and eventually breeds fragmentation and protracted social conflict” (Azar 1990, p. 7).

## **2.5 Summary**

Land ownership facilitates access to, and control over, land. Control over land is a “pivot” of power as it determines political, economic, social and cultural structures that are used to satisfy human needs. As such, land ownership determines political and economic wealth and inequality. Highly skewed land ownership patterns create the conditions for overt protracted social conflict between groups that either have, or are perceived to have, control over land against those who do not.

Human needs, those motivations whose satisfaction is necessary for the survival and development of human beings, are shaped by innumerable political, economic, social, cultural and environmental complexities. Human needs cannot be altered; thus the social, political and economic institutions must be adjusted for needs satisfaction. Human needs theory and the protracted social conflict model allow us to conceptualise conflicts, motivations, authority roles, political and social structures, needs and interests as well as their corresponding satisfiers that facilitate satisfaction and resolve or mollify overt protracted social conflict.

Four variables give rise to PSC: communal identity, human needs deprivation, the role of the state and international linkages. The likelihood of these four variables producing latent or overt and violent conflict depends on a series of decisions made by communal groups and the state. These decisions are often made within the context of pre-existing perceptions and motivations that lie behind the behaviours of state and communal actors toward one another, known as built-in mechanisms of conflict. Together, these three clusters of actions form the ‘process-level dynamics’ of protracted social conflict.



Power-sharing has emerged as the primary means to manage overt and violent PSC by establishing mechanisms that seek to ensure representation and autonomy for excluded communal groups within decision-making processes in order to ensure needs satisfaction. During periods of transition, highly unequal land ownership patterns can affect the transition from one social and political order to another as conflicting communal groups compete for influence and capture of state institutions that are responsible for needs satisfaction.

In order to avoid being a source of violent conflict in divided societies, land policy must address political and socio-economic grievances associated with the attainment of needs. Land tenure rights can reverse discrimination and the exclusion of weaker communal groups, as well as reduce social and economic inequalities that are linked to inequitable and insecure land rights. Land ownership can create an enabling environment for the attainment of needs. Moreover, needs-based land policy will prevent the decay of state and civil relations as defined by four variables generated by PSC – deterioration of physical security, institutional deformity, psychological ossification, and increased dependency and clientalism – potentially enhancing the implementation of a viable power-sharing model.

The following chapter will discuss the history of land as an intractable human need's satisfier in Zimbabwe.

## Chapter Three

### Anatomy of a Conflict: Segregation and Subjugation of Africans in Rhodesia

#### 3.1. Introduction

The objective of this chapter is to provide analysis of the preconditions of Zimbabwe's PSC through the lens of land. The first section will discuss the establishment of settler agriculture that gave rise to the First Chimurenga (1896-1897). The second section identifies and analyses the institutions and policies that engendered the rise of African opposition that would lay the foundation for the Second Chimurenga (1966-1979) following the failure of 'post-war liberalism' of the 1960s. The final section extrapolates the process dynamics that would set the stage for latent and overt conflict within an independent Zimbabwe. Throughout, I explore the central role of land tenure in shaping Azar's preconditions of protracted social conflict.

This chapter relies on a core collection of secondary literature, from which I have extracted material relating to land policy, institutional development, and complexities shaped by internal divisions and shifting ideologies and land policy reforms that have emerged as a result. Several key texts are used extensively: Palmer's (1977) meticulous study of early land policy; Ranger (1967 and 1970), Leys (1959) and Bowman's (1973) analysis of early African opposition; and Alexander (2006) and Yudelman's (1964) analysis of the politics of land and state-making. Much of this work identifies the role of land within the settler political economy and African socio-economic spheres and as an impetus for African opposition. It indirectly recognises the role of civil society in engaging, developing and implementing land reform.

#### 3.2 Seeds of Conflict: Company Occupation of Southern Rhodesia

##### 3.2.1. Occupation and early land policy

The nature of conquest pursued by the British South Africa Company (BSAC, or the "Company") was characterised by violence, racism and significant land expropriation. Founded in 1889, the BSAC sought to exploit lands that were believed to be rich in gold, first in Mashonaland in 1890 and then Matabeleland in 1893. The Company took control of land through violence used to 'pacify' the native population, which Palmer (1977, p. 24) maintains "[was] an unusually brutal process, even by the standards prevailing during the 'Scramble' [for Africa by European states]."

The BSAC's expansion into Southern Rhodesia from the neighbouring Bechuanaland was a result of Cecil Rhodes's failure to capitalise on the South African Rand, as well as his ambition

to reassert British hegemony against an increasingly influential and wealthy Afrikaner colony (Palmer 1977, p. 25). The British government allowed the BSAC significant autonomy in managing the affairs of Southern Rhodesia in order to avoid becoming financially responsible for its administration. In 1890 the Company recruited and organised a ‘Pioneer Column’, a volunteer force of settlers and soldiers, to invade Mashonaland. As a part of its recruitment propaganda, it promised willing pioneers 1500 morgen (3,000 acres) of land in return for their service, even though the Company’s Charter did not assign it any legal right to land ownership (Kepple-Jones 1983, pp. 366-367).

### Map 3.1: Mashonaland and Matabeleland

In 1891, a year after the first Pioneer Column invaded Mashonaland, the BSAC introduced a



form of license that would be used as a title deed to meet the demands for land ownership and security of tenure among settlers. The BSAC’s purchase of the Lippert Concession in April, in which the Company purchased a lease signed by Ndebele King Lobengula from Eduard Lippert, provided the Company with the right to grant, lease, or rent parts of Ndebele land. As a result of the substantial gains of land attained through the purchase of the Concession, the use of title deeds became entrenched among settlers (Kepple-Jones 1983, p. 367). Two categories of title deed were introduced: one for pioneers and one for any individual with a “bona fide and beneficial occupation” subject to £3 per 1500 morgen. The Company retained all mineral rights,

as well as rights of entry and expropriation (ibid). However, by the end 1891, half of the land held by pioneers had been sold to companies amassing large estates (Kepple-Jones 1983, p. 368) and by 1899, an estimated 9.3 of the total 16 million acres of alienated land was owned by companies (Palmer 1977, p. 36).

At the time of the arrival, African agriculture in Mashonaland was prospering at the arrival of the Pioneer Column (Riddell 1980, p. 6). An administrative officer observed that the Shona are ‘essentially agriculturalists’. “They are of the earth, earthy. Agriculture to the Native is not an occupation or trade. It is a mode of life” (Ranger 1970, p. 13)<sup>3</sup>. Kuper’s (1954) early description of traditional Shona land tenure highlights the interdependent links between land tenure and Shona cultural, social and political structures. Ownership under the auspices of a tribe, was maintained with the permission of *Mwari* and ancestors. Chiefs maintained control and projected authority through the allocation of land tenure within their territory. Land within Shona chiefdoms was not assigned by one particular hierarchical level, but assigned by sub-units, who would then allocate land to other sub-units for cultivation. Villages were often comprised of families and would relocate every six to eight years to meet the needs of inhabitants. According to Kuper (1954, p. 25), land rights were not denied to subjects, and foreigners would be able to gain access to land once a chief accepted them. Unlike freehold title, preferred by settlers, land was a community resource. Members maintained ‘an alienable right to a reasonable share’ (Palmer 1977, p. 17).

The dispossession of land and the introduction of new tenure systems by the BSAC and settlers destroyed indigenous Shona land systems and livelihoods.

Upon failing to discover gold in Mashonaland, the BSAC invaded Matabeleland. But it too would fail to yield significant gold deposits. As a result, the BSAC shifted its focus from mineral exploitation to extensive land use vis-à-vis speculation, ranching, and cultivation (Pollak 1975, p. 263). Land emerged as a means for the BSAC to recoup the expenses of its conquest and meet the demands of its investors in London. The legacies of settler conquest and unscrupulousness would be embedded within patterns of land access, control and ownership. In order to support settler agriculture, Company policy prevented Africans from competing with Europeans for credit, transport, markets, labour and land (Duggan 1980, p. 228); by 1915 the

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<sup>3</sup> Quoted from E.D. Alvord, *Agricultural Demonstration Work on the Native Reserves*, Department of Native Development, Occasional Paper No. 3, 1930

colony was independent of marketed African produce that had formerly dominated the market (ibid).

The invasion of Matabeleland in 1893 resulted in the destruction of the kingdom's political, economic, social, and cultural structures. As with the invasion of Mashonaland, the promise of land was used to recruit men for the Pioneer Column, increasing shares to 3000 morgen (6,350 acres) per person without a condition of occupation. Millions of hectares of land in the heart of the Matabele kingdom were expropriated<sup>4</sup>.

The occupation of land and the forced migration to reserves weakened the highly centralised, and military formidable, Ndebele state. The Ndebele king, positioned at the apex of the social order, did not derive his authority from his status as a warrior, but rather in his ability to provide for his people (Alexander 2006, p. 18). Land was held in trust by the king, and assigned for agriculture and grazing as he saw fit. With the abolition of the Ndebele monarchy, control over provisions – namely cattle, labour, housing and land – was weakened as new leadership failed to replicate and exert the authority held by the king (Alexander 2006, p. 19).

The BSAC divided Matabeleland into ranches while miners declared approximately 60,000 mines (Alexander 2006, p. 18). Cattle, which occupied a key role in Ndebele society and sustained the authority and legitimacy of the king (Ndlovu-Gatsheni 2009, p. 148), was looted by Europeans. Herds were drastically reduced, and with them so too was the material wealth of the Ndebele. It was, as Ranger (1967, pp. 89-90) contends, through military defeat and dispossession that led to the establishment of settler rule in Matabeleland. The Ndebele were left “traumatised, defiled and humiliated” (Ndlovu-Gatsheni 2009, p. 156).

Following the invasion, the Company dictated a settlement, the Matabeleland Order-in-Council of 1894, with the Ndebele. Conflict-settlement over land allocation was entrusted within a Land Commission. The Commission recommended the Company to take greater control over land by assuming complete ownership of all unalienated land within Matabeleland (Palmer 1977, p. 32); this would radically reshape land ownership for both Africans and settlers. The Commission also suggested a policy of territorial segregation between settlers and Africans in Matabeleland.

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<sup>4</sup> A hectare is 2.471 acres

Reserves were set aside for the sole and exclusive use and occupation by Africans, with the exception of mineral rights, which remained vested in the BSAC. The first reserves created under this new policy were the Gwaai and Shangani. Ndebele land access was reduced from approximately 100,000,000 acres to a mere 2,486,000 acres (Floyd 1962, p. 572). Commissioners decided where the reserves would be located before hearing or seeing evidence in regard to their suitability, and they had failed to provide sufficient land (Palmer 1977, p. 31; Kepple-Jones 1983, p. 392). Land within Gwaai and Shangani was remote, infertile and dry. Severe land pressures within Matabeleland particularly affected those who owned large herds of cattle, as they no longer had access to sufficient grazing lands.

The nascent policy of separate racial areas did not intend for all Africans to live on Native Reserves as new land owners would seek rent, primarily through labour and produce, from Africans that stayed on their land (Leys 1959, p. 10; Ranger 1970, p. 26). Many Africans continued to reside on European land due to landlord absenteeism, or as Riddell (1980, p. 6) suggests, because many Europeans were uninterested in using the land they had acquired. For a time, this mollified African land grievances<sup>5</sup>.

The Company and settlers imposed other 'pressures' on Africans that were closely linked to settler's satisfaction of needs, including the imposition of taxes and forced labour. Taxes were used by the BSAC and settlers to force Africans off their land and into wage employment on a mass scale. In March 1894, the Company introduced a hut tax in Mashonaland at ten shillings per hut per year. If money was not paid, tax could be collected in the form of labour, produce or stock. However, as Ranger (1967, p. 77) describes, "collection of tax... was arbitrary and irregular, appearing more like a levy of a tribute than a collection of a civil tax." Local opposition was frequent, often expressed through the evasion of government regulations and refusals to pay tax and meet labour requests (Loney 1975, p. 91). Punishment for recalcitrance was 'heavy and indiscriminate' (Ranger 1967, p. 71). Constant patrols and demands made by

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<sup>5</sup> In theory, the 'Cape Clause' permitted Africans to hold land on the same terms as European settlers. The Cape Clause stipulated that 'natives' were allowed to own or dispose of land on condition that transactions were undertaken before a judicial officer responsible for ensuring that the native party understood the nature of the contract. In practice, the BSAC and settlers refused to sell land to Africans and other non-Europeans with the exception of the Mfengu, or 'Cape Boys', who had arrived with the Pioneer Column in 1890 (Pollak 1975, p. 263). Economic and social constraints restricted land ownership to only a few Africans. By 1925, Africans had not acquired more than 45,000 acres of land (Roder 1964, p. 43; Floyd 1962, p. 576)

the Native Department<sup>6</sup> on local chiefs and Africans in 1895 and 1896 led to increasing hostile exchanges between settlers and Africans.

By 1896, as tensions over land dispossession had risen to a crescendo in Matabeleland, so too did they rise over the collection of tax and forced labour in Mashonaland.

### **3.2.2 The First Chimurenga (1896-1897)**

The Ndebele and Shona uprisings “are distinguished from the great majority of attempts at resistance because of their effectiveness” (Ranger 1967, p. 348). Ranger (1967, pp. 348-353) goes on to describe the uprising as ‘supra-tribal and supra-linguistic’, an example of a mass commitment among antagonistic groups of Africans. The common thread uniting the uprisings in Mashonaland and Matabeleland was the rejection of the settler’s modernisation, their way of life, and their material goods (ibid).

One of the earliest settlers, Frederick Selous, posited that the rebellion broke out because “they [Ndebele and the Shona] disliked their position as a conquered people” (Selous 1896, p. ix).

The anti-colonial uprisings had very different consequences for the Ndebele and Shona. The Ndebele had surrendered on terms while the Shona were defeated and compelled to surrender unconditionally. Following the conclusion of the rebellion in Matabeleland, the Company, led by Cecil Rhodes, courted Ndebele chiefs, restoring their powers insofar as they were compatible to settler supremacy (Ranger 1967, p. 329). In Mashonaland, the rebellion continued throughout 1897. It became Company policy to balance the factions within Ndebele society: loyalists against rebels; intransigent against accommodating rebels; district against district (Ranger 1967, p. 375), thus prohibiting the emergence of a unifying candidate people could rally behind. Shona leadership emerged from the First Chimurenga in a precarious situation. Rebellious chiefs were executed, with their sons or heirs – many of whom could not be proven guilty of having any role in the deaths of settlers – were hunted and tried (Ranger 1967, p. 360). Many new Paramount Chiefs in Mashonaland faced resistance from their people because they were perceived as settler stooges and not as true representatives. The defeat of the Shona, much like that of the Ndebele in 1893, disrupted the entire Shona system of governance and order. They emerged as a conquered people.

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<sup>6</sup> The creation of the Native Department in 1894 attempted to centralise a very devolved and informal system of tax and labour collection

The rebellion increased tension between the Company and settlers, who were angry that the Company failed to protect them. A missionary, Douglas Pelly, poignantly expressed the sentiment among settlers:

“I hope the [BSAC] Charter will go; it would be a real blessing to get rid of financial men as rulers. They always have far too many interests to serve, their own private ones being no means the least of these” (quoted in Ranger 1967, p. 228).

Throughout the following decade rumours of uprisings were frequent, and unrest common. Smaller uprisings in Mapondera in Mazowe 1900 and in Portuguese East Africa in 1917 spread fear among settlers. The Chimurenga had exposed their vulnerabilities. The uprisings reinforced settler perceptions of Africans as barbaric.

Following the ceasefire that ended the First Chimurenga, approximately 16 million acres, or one-sixth of the country’s 96 million acres, was expropriated by settlers (Palmer 1977, p. 24). Despite the uprising, land continued to be offered to settlers, companies, and syndicates to encourage these groups to invest in agriculture development and to exploit land for productive purposes (Yudelman 1964, p. 41; Bowman 1973, p. 12). Land policy would be used to reward settlers and punish African recalcitrance. The defeat of Ndebele and Shona would not lead to peace. Rather, the defeat gave the settlers a monopoly on the use of coercion and created a myth of settler superiority (Loney 1975, p. 37), while it was remembered as a stand against settler domination among Africans.

### **3.3 Consolidation of the Settler State**

Settlers increased their demands for constitutionalism and greater self-government after the First Chimurenga. The transition from Chartered Company to self-governing Colony began with the Southern Rhodesia Order-in-Council of 1898, providing the territory with its first constitution. Under the Order, everyone within Southern Rhodesia now had the right to own land. However, neither the Company nor settlers would make land available for purchase by non-Europeans. Additionally, it placed a statutory obligation on the Company to provide land for Africans through the designation of reserves that were ‘suitable for the agricultural and pastoral requirements’ (Leys 1959, p. 9). As a result, Native Reserves were no longer confined to Matabeleland.



In 1903 the settlers achieved parity of representation with members of the BSAC on Legislative Council; by 1908 settlers attained a majority. In 1918 the Privy Council, a group of formal advisors to the British Monarch, heard debates on whether unalienated land belonged to the BSAC by right of purchase, to the Crown by right of conquest, or to the Africans by ‘virtue of the rights unimpaired either by concession or conquest’. The Council ruled that unalienated land within Southern Rhodesia belonged to the Crown (Ranger 1970, p. 64). The decision was significant in that from that point forward, the BSAC could no longer ignore the needs and interests of settlers in policy, nor could the BSAC sell land to defray its operating costs or for the benefit of its shareholders. The decision paved the way for the BSAC to end its administration of Southern Rhodesia and effectively determined that all unalienated land would fall into the purview of the settlers.

In 1922, settlers rejected amalgamation with South Africa in favour of ‘responsible government’ (Bowman 1973, p. 7). Although the United Kingdom retained its ability to veto discriminatory legislation and control appointments to the Native Department, it was widely believed that London, which had rarely involved itself in Rhodesian politics, would meddle in the settler’s internal affairs. The referendum’s result gave settler’s greater autonomy and control over the lives of Africans within its boundaries.

### **3.3.1 Settler identity**

Settlers inherited political, economic, administrative and social structures that allowed them to expand and reform the state apparatus in a way that would entrench their domination over Africans; this included an exploitive dual economy with land policy at its core. From the very beginning, Southern Rhodesia’s economy was dependent on ‘white enterprise’ under the aegis of the BSAC. Settlers were deeply involved in the Colony’s administration, and while they initially had no political representation or control over policy under BSAC rule, their armed support and risk-taking were essential to the success of Southern Rhodesia’s state-building process (Ranger 1967, p. 329). Kepple-Jones (1983, p. 554) surmises:

“One reason why Rhodesians were entitled to a voice was that Rhodesia was essentially theirs by conquest. If ever that was true of a land in the history of the world it was true of both Matabeleland and Mashonaland. Many of the people had laid down their lives or had been murdered in its acquisition and retention, and if anything in the world entitled a large body of men to have a voice in government of a country, it was that they had fought for it and their friends and relations had died in its defence.”

Responsible government presented settlers with an opportunity to seek an arrangement whereby the physical separation of the races, which had earlier emerged in South Africa, would ensure black Africans were provided with 'as little as possible conflict or competition with the white man socially, economically, and politically' (Pollak 1975, p. 264). While the settler population certainly contained within it various social and class strata, Leys (1959, p. 93) posits that during the era of responsible government, no political issue permanently divided settlers. In addition to the absence of linguistic and ethnic barriers, the pursuit of hegemony among settlers was, in a large part, due to the "underlying feeling of racial insecurity" (ibid, p. 88).

Bonello (2010, p. 346), reflecting on personal correspondence among early settlers, revealed that their writings disclosed a collective sense of 'Rhodesian-ness' that was "characterized by insecurity and a sense of separateness from surrounding groups." Insecurity, in conjunction with their monopoly on force, allowed settlers to enforce discriminatory and protectionist policies and laws that subjugated Africans and maintained their superiority<sup>7</sup>. Settler insecurity was only compounded by the events of the First Chimurenga in which ten percent of the settler population was killed (Bowman 1973, p. 10).

Settlers equipped themselves with "self-justifying myths", those built-in mechanisms that facilitate PSC, with regards to the character and history of the Ndebele and Shona. Settlers institutionalised the type of social relationships that provided these myths with validity. Myths included Africans as 'dangerous antagonist[s]' and under-developed (Bonello 2010, p. 348; Good 1974, p. 20). Leys (1959, p. 259) states that the "starting point of European attitudes towards Africans is their backwardness, measured by the degree to which they do not live, think, and behave like Europeans themselves". Stereotypes of African labourers were abounding. They were often believed to be irresponsible, idle, and inefficient, which led many settlers to justify insufficient wage rates and cheap African labour (Leys 1959, pp. 263-64). Colour prejudice validated whites' opinion of themselves as bringers of civilisation, morality and progress.

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<sup>7</sup> Among the most early Acts were the Masters and Servants Act of 1891 and the Master Servant Act of 1901 which established a range of legal penalties for African workers who failed to perform to satisfaction of their white masters. In 1902 a "Pass Act" stipulated that every adult male from the age of 14 had to register with his Native Commissioner and would be required to carry a pass at all times. Passes: either a written note from their white "masters" or a pass showing they were registered for employment and bearing their name, "tribe," age and identifying marks; those who failed to comply were fined up to two pounds or two weeks' imprisonment (Bonello 2010, 348, quoting "British South Africa Co.: Native Rules and Regulations," *Rhodesia Herald*, 29 October 1892)

Using racial identity as a justification for subordination, many settlers sought to develop and protect a country for whites only, whereby they would enjoy the benefits of European civilisation and a high standard of living (Gray 1960, p. 18).

Nonetheless, settlers were not a monolithic group and could be distinguished into sub-groups based on economic class. Good (1974, p. 20, citing Harris 1977, *The Wage and Occupational Structure*) posits the following categories: the numerically large group of skilled and semi-skilled workers, who he states had limited economic influence but greater electoral importance; landowners, who were politically influential; an emerging sector of local capitalists; and a trace of foreign capital. But because the settler community was small, each class depended upon the others, mitigating conflict among settlers. As race had unified Rhodesian whites, Alexander (2004, p. 195) posits that their national identity and idea of a nation was founded on the exclusion of the majority of its black inhabitants.

Initially, only wealthy white men were allowed to vote; representation was skewed to favour the interests of the settler elite. Under the Order-in-Council of 1898, the franchise was available to all men over the age of 21 who were British subjects or had pledged their allegiance to the United Kingdom. Eligible men had to have a minimal amount of literacy and knowledge of English, and have either an income of at least £50, occupation of property valued at a minimum of £75, or a mining claim (Leys 1959, p. 191). Women gained the franchise in 1919. Theoretically, the franchise was available to Africans as the colony operated a common roll. However, income qualifications, originally designed to disenfranchise poor whites (Loney 1975, p. 50), prohibited Africans from voting.

**Table 3.1: Franchise Qualifications**

| Year                  | Income Qualification | Property Value |
|-----------------------|----------------------|----------------|
| 1898                  | £50                  | £75            |
| 1914                  | £100                 | £150           |
| 1951                  | £240                 | £500           |
| 1961 (A) <sup>8</sup> | £720                 | £1,500         |
| 1961 (B)              | £240                 | £450           |
| 1976 (A)              | £2,340               | £4,680         |
| 1976 (B)              | £780                 | £1,560         |

Sources: Lemon (1978, p. 512); Leys (1959, p. 191-92); Loney (1975, p. 50)

Political organisation among settlers was uninhibited, with many organisations lobbying and pressuring Government to meet their needs. Members of the Chamber of Commerce, the Chamber of Mines, and the Chamber of Industries won seats in parliament. However, the political power of farmers was strong, and, as Leys (1959, p. 98) states, unions were ‘reinforced by their unique organisational devices’. In 1942, membership in the Rhodesia National Farmers’ Union (RNFU; predecessor to the Commercial Farmers’ Union) became compulsory under the Farmers Licensing Act, which required farmers to be licensed and levied. RNFU members held key positions within independent regulatory bodies and maintained deep links with Government, particularly the Ministry of Agriculture. In 1957, 19 of the 30 members of the Southern Rhodesian Assembly were members of the RNFU (Leys, 1959, p. 100). Organised labour, notably the Trade Union Congress, and smaller welfare societies and churches were also active.

Land ownership, in the context of settler identity, was significant for three reasons. First, land was the settler's by conquest. They had invested themselves in the land through personal sacrifice and at their own expense. Second, settlers rationalised that the lands they occupied had not previously belonged to anyone since there had not been any improvements to the land; therefore no land had been taken (Frontani & Davis 2008, p. 58). As a result, settlers believed that land alienation “was necessary to improving and taming wild, dangerous, disease- ridden African lands” (Frontani & Davis 2008, p. 57). Lastly, land ownership’s critical role within the

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<sup>8</sup> The 1961 Constitution introduced non-racial A and B Voters’ Rolls. Any person with the higher A roll qualifications was registered on that roll, The 1969 Constitution, although preserving lower qualifications for the B roll, reserved that roll for Africans and the A roll for Europeans (including Asians and Coloureds). Moreover, ‘Income’ refers to annual income for not less than the specified period immediately preceding the data of claim. ‘Property’ refers to ownership of immovable property within Rhodesia valued at not less than the specified figure

settler economy was a means by which settlers developed a ‘cohesive character’ (Good 1974, p. 10).

### **3.4 Land Segregation and Settler Domination**

During the era of ‘responsible government’ the settler state kept the black population locked into the colonial economy through land and agricultural policy and legislation as these areas affected Africans the most (Herbst 1990, p. 27). Key pieces of legislation that helped to establish the conditions for protracted social conflict in the post-independence era were the Land Apportionment Act of 1930 and the Native Land Husbandry Act of 1951.

#### **3.4.1 Rhodesian Apartheid under the Land Apportionment Act**

The global depression of the 1930s increased European farmer’s efforts to restrict African competition<sup>9</sup>. As such, the settler Government sought to ensure an expanding supply of labour and divide the economy into non-competing racial groups under the ‘two-pyramid policy’. Under this policy, it was expected that Europeans and Africans could each attain self-actualisation within their respective territorial areas. However, this was never truly intended as all aspects of African life continued to be subjected to settler interference. The policy was enforced through the enactment of the Industrial Conciliation Act and the Land Apportionment Act. The Industrial Conciliation Act of 1934’s overriding purpose was to protect white wage structures and control African access to employment opportunities. Africans were excluded from skilled trades and collective bargaining. The passage and enforcement of this Act was a form of gelding in that it guaranteed Africans unskilled work and insufficient wages that would keep them poor and dependent upon settlers.

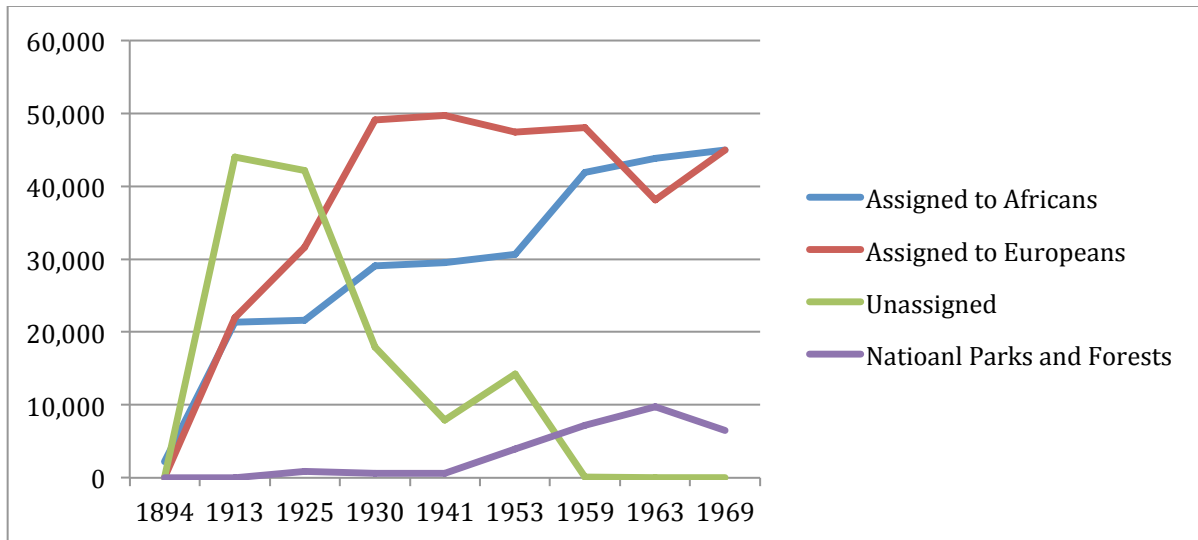
The Land Apportionment Act of 1930 (LAA) had been conceptualised by the 1925 Morris Carter Land Commission that recommended the institutionalisation of the division of land based upon race. Although Africans had given evidence against the Commission’s recommendations, they were accepted by Government and embodied within the LAA. Much like the 1913 Native Land Act in South Africa, the LAA allowed Government to both centralise the control of the rural areas and bifurcate land tenure. White Rhodesians were awarded title deeds for their land while Native Reserves were retained as communal areas without title deeds.

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<sup>9</sup> For example, Africans were unable to sell cattle to Cold Storage Commission, but could sell to settlers who could then sell to the Commission. And while settler cattle exports were subsidised by the state between 1935-1937, a domestic levy was placed primarily on the sales of African cattle

The Act restricted Africans to 43 percent of the whole area of the colony (Huggins & Jennings 1935, p. 300).

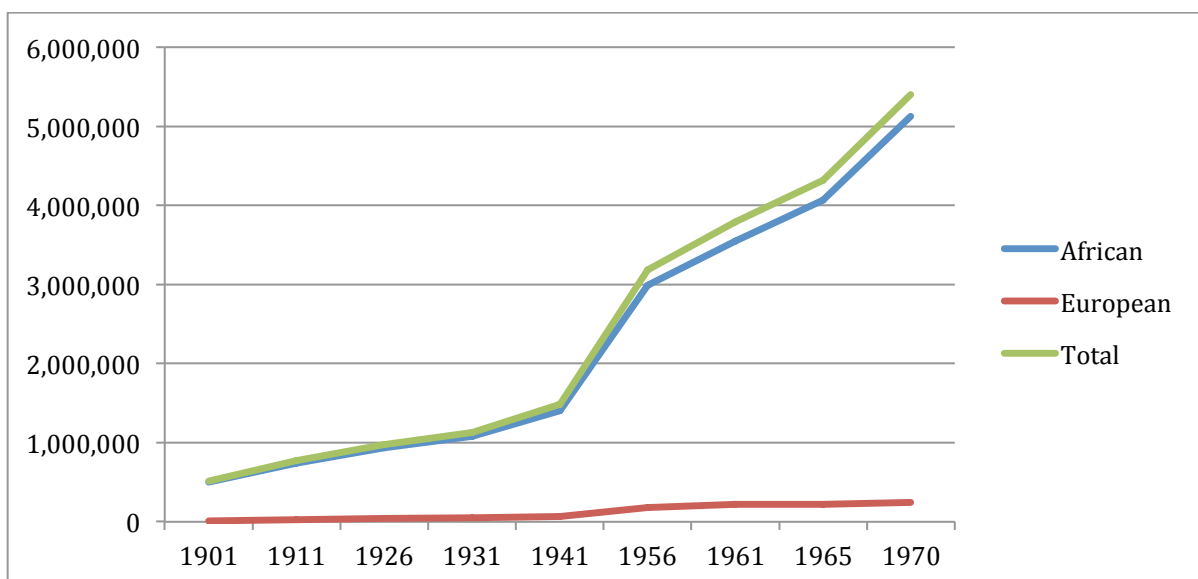
**Figure 3.1: Rhodesian Land Apportionment, 1894-1969**



Source: Bowman (1973, p. 12)

As early as the 1930's, experts agreed that the land allocated for reserves would be insufficient and unable to meet the needs of Africans. Land deterioration would become a permanent fixture of the reserves, encouraging unsustainable migration to urban areas and squatting on European land, until the introduction of the Native Land Husbandry Act in the 1950s.

**Figure 3.2: Rhodesian Population, 1901-1970**



Source: Bowman (1973, p. 13)

The LAA placed limitations on the amount of land the state could make available to Africans for permanent settlement and divided African rural areas into permanent arable and grazing lands (Arrighi 1966, p. 31). Within a six-year period, all Africans living on private land under rent-paying agreements had to relocate either to the Native Reserves or Native Purchase Areas. The LAA did not provide African or non-African immigrant groups the ability to legally acquire land; those that acquired land did so through illegal deals with traditional authorities (Muzondidya 2007, p. 329). By legalising land segregation, the LAA established four categories of land tenure: European Areas, Native Reserves, Native Purchase Areas, and Forests.

Land owned by whites within the European Areas was held privately, with title deeds, and often in Natural Regions I and II. As commercial agriculture subsumed a key role within the Rhodesian economy, the European areas consisted of the most productive, fertile, and resourceful lands, often located near sources of water, labour, markets, railway lines, and main roads (see Table 3.2). Reserves were often located in the less productive Natural Regions IV and V.

**Table 3.2: The Natural Regions of Zimbabwe**

| Natural Region  | Characteristics   |
|---|---|
| I<br>613,233 ha (1.56%)   | Approximately 1,050 mm or more rainfall per year in all months, relatively low temperatures   |
| II<br>7,343,059 ha (18.68%)                                       | Approximately 700-1,050 mm of rainfall per year confined to summer months   |
| III<br>6,854,958 ha (17.43%)                                      | Approximately 500-700 mm of rainfall per year of rainfall, relatively high temperatures with infrequent and heavy periods of rain, subject to drought |
| IV<br>13,010,036 ha (33.03%)                                      | Approximately 450-600 mm of rainfall per year and subject to frequent drought   |
| V<br>10,228,036 ha (26.2%)  | Normally less than 500 mm of erratic rainfall per year, soils are poor  |
| The remaining 1,220, 254 ha (3.31%) is unsuitable for agriculture |   |

Sources: adapted by Rukuni (2006, p. 103) from Vincent & Thomas (1962)

Chiefs were only allowed to allocate land under the supervision of Native Commissioners, diminishing their traditional authority within the reserves. Soil in Native Reserves and Native Purchase Areas (NPA) was poor in quality and often located in remote areas far from sources of water, labour, markets, railway lines, and main roads. The placement of Africans on poor soils lessened productivity of African land and ensured a steady supply of cheap labour (Arrighi

1966, pp. 31-32). Africans who lived on the reserves faced increasing man-made land shortages and constant deterioration of land (Ranger 1970, p. 227). Africans in European areas faced constant eviction without adequate alternatives. In 1944, efforts to claim land intensified as Government sought to settle white veterans returning from the Second World War. The number of white-owned farms increased exponentially, from 3,699 in 1945 to 6,255 a decade later (Rukuni 1994, p. 19).

NPAs emerged as the middle ground between the two races. Government allocated land within the purchase areas, roughly eight percent of all land in Rhodesia, so that it could engender and manage the formation of an African middle class that would be loyal to the new settler state (Arrighi 1966, p. 33; Pollack 1975, p. 264). Not long after the NPAs were established did their inadequacies would became apparent. Economically, the NPAs were no more viable than the reserves. Holdings were limited to 2000 acres and situated next to reserves, forming a transition zone between African and European communities. They were vastly smaller than European farms and viewed as highly discriminatory among Africans. Conditions to purchase and own land in the purchase areas were 'stringent'. Applicants had to have between £5 and £100 in cash, cattle, and small stock (Pollack 1975, p. 265). Titles were granted to Africans, but no copy was issued to the grantee, nor did the title guarantee Africans the kind of freehold tenure that whites were accustomed to. Rather, they were dependent on 'beneficial occupation' of the land with measures of control retained over transfers and subdivisions. Africans did not have a real voice in the administration or future determination of their purchased land. They were merely granted communal, possessory, usufructuous rights.

For Africans, the cost of purchasing a remote farm often precluded sufficient investment (Arrighi 1966, p. 33). Government's failure to assist African farmers with necessary inputs and credits, as they had done for white farmers, allowed many Africans farmers to fail. Government could then disregard the politically insignificant African farmers, and claim that the African farmer's problems were 'due to their imprudent and inefficient methods' (Pollack 1975, p. 269). By 1936, 584 Africans, 468 in Mashonaland and 80 in Matabeleland, had purchased 188,186 acres of land (Pollack 1975, p. 265).

The Native Reserves and NPAs did little to relieve pressures on African land. In 1948, the Danziger Commission estimated that 300,000 Africans still lived in white areas because they



could not be absorbed in to the reserves (Rukuni 1994, p. 18). Displacements and forced migration engendered deep tension and radicalism among Africans.

The settler government controlled the Native Reserves and NPAs, including allowing and prohibiting entry into the Native Areas, granting land, leasing of store sites, cutting of timber and other matters (Huggins & Jennings 1935, p. 306). Among Africans, the LAA entrenched feelings of insecurity and suspicion of whites. Africans believed they had an inalienable right to possess land and the denial of that right was a denial of justice. Pockets of resistance emerged within the reserves and purchase areas.

### **3.4.2 The Native Land Husbandry Act**

Within the first decade after the Second World War, approximately 85,000 families, or nearly ten percent of the African population, were forced to relocate to the Native Reserves (Bowman 1973, p. 49). High European immigration during the post-war years, juxtaposed with the failure of the urban labour market to expand at a pace necessary to absorb the surplus rural African population in the reserves, led analysts to estimate that no land would be available to 30 percent of Africans entitled to it by 1959 (Loney 1975, p. 60). As a result, overcrowding of the reserves led to permanent environmental damage, reducing cultivable areas as well as increasing urban migration and squatting on European farms.

The Native Land Husbandry Act of 1951 (NLHA; became law in 1951 but implementation was delayed until 1955) was presented to the public as a conservation act necessary for African 'progression'. The primary reason for African resistance to the NLHA lay in the further uncertainties it introduced to African life. Under the guise of conservation, the Act mandated destocking cattle, prohibited land subdivision and sought to entrench individual land tenure within the Native Reserves at the expense of communal tenure, which would, presumably, assist in the development of an African middle class that would be loyal to the settler state. The NLHA's secondary objectives were to prohibit soil erosion and environmental degradation in order to prevent migration to urban areas. In essence, the Act was an attempt to create an alliance with an African middle class that would emerge as bulwark against the African masses in an era where African resistance to colonisation began to sweep the continent.

The NLHA was invasive. Destocking was wildly unpopular as most Africans measured their wealth and status by the number of cattle they owned (Bowman 1973, p. 49). Mandated land

tenure reforms further eroded communal tenure and traditional authority within the reserves. Under communal tenure, all Africans had a right to claim land, while Government's direct rule policy allowed traditional leaders to allocate land within the reserves. The NHLA redirected the role of traditional leaders to Native Commissioners, reducing the autonomy of traditional leaders, who now solely controlled access to who could receive land and who could not. Some Africans supported the introduction of individual tenure within the Native Reserves because of the necessity to own property in order to vote and claim the rights and privileges Europeans possessed (Mnyanda 1954, pp. 73-74). Nonetheless, African farmers would have tenure of fixed plots that could not be subdivided or sold. Often, these plots were grossly insufficient for the needs of inhabitants. An employee of the Southern Rhodesia Native Agriculture Department stated that the plots created would likely allow their owners to earn £50 a year, far less than the minimum of £88 required for a family of five to have 'healthy lives' (Loney 1975, p. 59).

The NHLA terminated the land tenure rights of urban Africans, even though the prevention of subdivisions would increase migration from the reserves to urban areas.

The Act never intended to provide land for all Africans. The foundation for African livelihoods was entirely dismantled and entirely under the control of the settler state. Future generations of Africans no longer held the possibility of owning land in the Native Reserves. Africans feared that this would condemn them to perpetual poverty. The implementation of the NLHA profoundly affected the security embedded within traditional structures of African living as the entire foundation of African society was threatened. Grievances generated by the LAA and the NHLA would later engender wide support for nationalists in the rural areas. George Nyandoro, a key nationalist leader, stated that the NLHA was "the best recruiter [the Southern Rhodesia African National] Congress ever had" (Bowman p. 1973, 49; Mtshali 1967, p. 69).

### **3.5 Early African Political Movements and the Rise of African Nationalism**

Early African organisations had their social and cultural roots in rural and migrant labour communities, burial societies, savings groups, and dance clubs (Saunders 2000, p. 9). As the basis for traditional means of ascendancy disappeared, education became more important. Before First World War, education was almost exclusively the concern of missions. Government did not encourage African education; thus Africans were unable to exercise their full political rights. Educated and qualified Africans sought to attain employment that was

commensurate with their skills as well as attain greater access to decision-making processes (Hodder-Williams 1984, p. 69). Van Velsen (quoted in Mtshali 1967, p. 141) states that,

“...early societies tended to be run by and appeal to the new African elite who were greatly concerned to gain from the whites social recognition as ‘advanced natives’ in contrast to the ‘uneducated masses’. The aims and attitudes to these early associations clearly imply that they were resigned to white rule and had committed themselves to many aspects of a new, European modelled way of life. It is therefore not surprising that official white opinion at the time should refer to them as ‘reputable’ organisations<sup>10</sup>.”

Following the First World War, a nascent political consciousness developed among Africans. Lowry (1997, p. 274) asserts that upon returning to Southern Rhodesia, African political leaders underscored their war service in an attempt to claim the benefits and protections available through their imperial citizenship (ibid). Despite their service, political activity continued to be restricted on the reserves and NPAs. However, the cautious expansion and improvement of African education engendered a new form of African leadership.

African Rhodesians living in exile in South Africa led the earliest African civil society movements, the Rhodesian Native National Congress and the Matabele Rhodesian Society, each of which had been formed around 1920. Neither gained much appeal among Africans living within Southern Rhodesia. Other early African movements were modelled on the European political system as they sought a greater share in settler politics. Among them, the Southern Rhodesian Bantu Voters’ Association, the Southern Rhodesian Native Welfare Association, and the Southern Rhodesian Bantu National Congress.

Among the Ndebele, a movement to re-establish the Ndebele nation by obtaining permission to restore the King and secure more land was established by Nyamanda, King Lobengula’s son. Aided by homogeneity and continuity of leadership, the Matabele National Home Movement, led by Nyamanda, successfully articulated Ndebele grievances over land based on Ndebele identity. The Matabele National Home Movement was the first ‘significant modern [African] political movement’ in Southern Rhodesia (Ranger 1970, pp. 69-70). Like many of the African social movements of the period, the Movement sought to work within the structures of the European political system. While the Movement acknowledged shared grievances among a

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<sup>10</sup> Quoted in Mtshali, originally in Van Velsen, J. “Trends in African Nationalism in Southern Rhodesia,” *kroniek von Afrika* (Leiden) vol. 4.2 June 1964

wide cross-section of Ndebele, Nyamanda's own personal interests, including the salary he collected from the Company, prohibited the movement from attaining its objectives.

African Christian churches had mass support (Loney 1975, pp. 92-96). Many Africans participated in independent churches or movements that were unaffiliated with missionaries or European congregations. The Zionist and the Watch Tower movements, and later the Vapostori movement, were labelled subversive by the settler government as they successfully combined religious and political sentiment, and condemned the seizure of African land and the exploitation of African labour. Religious-based movements were responsible for organising labour in the mines and facilitating low-levels of industrial action, for example, Shamva Mine in 1927, as well as the spread of anti-government information and avoiding tax payments (Mlambo 1972, p. 109). To suppress political and religious dissent espoused by these movements, the settler government passed the 1936 the Sedition Act.

Industrialisation and urbanisation in the 1940s and 1950s, and the birth of new organisations, including township resident's associations, emerged to challenge white economic and political domination and organise black interests. Among the most important black civic organisations to emerge was the trade union movement. Black working classes provided a base for organisation. Major strikes in 1945 and 1948, the first large-scale action taken by Africans since the First Chimurenga, impressed upon Government and employers the necessity of providing better conditions. The strikes were reactions to poor wages and various control measures, including pass laws, insufficient health care, and poor access to education. They would each be short-lived as Africans struggled amid the lack of capable leadership, poor organisation, and pressures reciprocally applied by Government and employers (Bowman 1975, p. 46). Organised labour would provide a "backbone for the emerging nationalist movement" through the provision of organisational skills and a broad political constituency (Saunders 2000, p. 10).

### **3.6 African Politics and Liberation**

The nationalist movement developed alongside organised labour and grew to prominence at the end of the 1950s. According to Saunders (2000, p. 10), as the nationalist movement grew, the autonomy and influence of other black civic organisations, particularly trade unions, came under pressure to make the nationalist struggle their priority and engage in overt political confrontation with the settler government. Recurring Government repression led the nationalist movement to rebrand itself under various nomenclatures. The Southern Rhodesia African

National Congress (SRANC) operated from September 1957 to February 1959; re-emerging as the National Democratic Party from January 1960 to December 1961; and finally the Zimbabwe African People's Union (ZAPU) from December 1961 to September 1962.

By the 1960s, the labour movement's power and authority weakened while the nationalist movement became the primary means to challenge the settler state.

Edgar Whitehead's United Federal Party had alienated the majority of whites by replacing the two-pyramid policy, which had become necessary in order for Southern Rhodesia to join the Federation with Northern Rhodesia (Zambia) and Nyasaland (Malawi) in 1953<sup>11</sup>, with one of a 'racial partnership'. The SRANC, led by a former trade unionist Joshua Nkomo, reciprocated a moderate approach toward settler hegemony by adopting a non-racial stance to mollify settler fears and anxieties. However, the SRANC was an initiative of African educated and professional elites rather than a movement based upon a swell of popular support. Nonetheless, the progress demanded by Africans never materialised from this policy. As Leys (1959, p. 273) states, it neither implied a policy of equality nor did it stipulate a continued policy of subjugation.

While Southern Rhodesia's participation in the Federation expanded its economy and increased unskilled wages, limitations for advancement became increasingly apparent. The emergence of a national movement led by a new intellectual elite marked a new stage in African politics. According to Raftopoulos (1995), the influx of indigenous Africans into urban areas, particularly Salisbury, engendered "a more organic link between urban and rural politics..."

In 1960, the 'winds of change' blew through the continent as 17 new states gained independence. Southern Rhodesia responded by enacting of a state of emergency as a way to pre-empt African resistance within its borders. Organisations perceived as hostile to the state were banned, as were public meetings in African areas that were perceived as political. Individuals could be imprisoned for making statements that 'undermined the authority' of any government officer or held in 'preventative detention' for a period of up to five years. In an effort to contain nationalists, the state applied violence through arbitrary detentions, beatings, the use of dogs and tear gas to control gatherings, forceful arrests, and shootings (Sachikonye

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<sup>11</sup> The Federation of Rhodesia and Nyasaland, also known as the Central African Federation, lasted only ten years, 1953 to 1963. Both Zambia (Northern Rhodesia) and Malawi (Nyasaland) gained independence from the United Kingdom in 1964

2011, p. 2). Nearly 500 members, including SRANC leadership, were arrested or detained for various periods throughout the next four years.

These acts alienated moderate Africans who sought to engage government while empowering radicals who favoured violence as a tactic to remove whites from power. Civic organisations were either publically neutralised or forced underground, unable to fulfil their representative purpose. The era of 'racial partnership' was over.

Regrouping under the National Democratic Party and then under ZAPU, and with Joshua Nkomo now in exile, the nationalist movement abandoned its moderate approach and aggressively moved to court international opinion and sanctions against the Southern Rhodesian Government in order to facilitate constitutional change that would give Africans equal status to their European counterparts. The movements were largely focused on organising in urban areas as it had become increasingly difficult to organise in rural areas due to the state's control of African movement. 1960 emerged as a tipping point for nationalists. The Federation had weakened, and nationalists within Northern Rhodesia and Nyasaland were close to attaining independence. Key African individuals, who would later have significant influence within the Lancaster House negotiations and within an independent Zimbabwe, joined the nationalist struggle; including Herbert Chitepo, Enoch Dumbutshena, Leopold Takawira, and Reverend Ndabaningi Sithole.

With their increasing influence recognised by Government, the nationalists were invited as full participants in the 1961 constitutional conference called by the United Kingdom. Rhodesia Prime Minister Edgar Whitehead sought to portray his government as reformist in order to appease Britain, but he was also aware of the unpopularity of his predecessor Garfield Todd's accommodation of African interests that led to his political demise. Despite the participation of the nationalists, the constitutional conference produced a constitution that divided the electorate into 'A' and 'B' roll voters, with 50 seats decided by 'A' roll voters and 15 seats decided by 'B' roll voters in the Legislative Assembly. Africans were mostly excluded from the 'A' roll as they did not meet income, property and education requirements. The constitutional referendum, which had passed with the approval of 66 percent of public support, was cited as proof that white Rhodesians were capable of making concessions to Africans (Hintz 1972, p. 176). Conversely, the new constitution permanently marginalised Africans as the state could now largely withdraw itself from African areas as it saw fit. Protests among Africans, many of

whom had not been active in nationalist politics, was spurred by a mass realisation that majority rule was becoming less attainable.

The banning of ZAPU in 1962 was met with a wave of violence throughout Southern Rhodesia. Schools, government buildings, and BSAC forests and plantations, each a symbol of the government and its repressive tactics, were destroyed (Mlambo 1972, p. 193). In an election fraught with racial acrimony, the Rhodesian Front (RF) took control of government in 1962. The RF ran on an election platform that promised the electorate it would lead Southern Rhodesia to complete independence, without interference from Britain. Most importantly, the RF would entrench white rule. After the Federation was dissolved in 1963, the RF consolidated its base through stirring up fears of race and African domination. The lack of an appealing and viable white opposition party only enhanced the RF's position throughout the following decade.

The RF immediately took steps to eliminate African opposition movements. In 1963, the Preservation of Constitutional Government Act imposed a penalty of up to 20 years for any conviction of 'subversive activities'. African newspapers, *Chapupu*, the *Daily News*, *Moto*, the *Zimbabwe Times*, and *Umbowo*, were banned. Throughout this period, draconian laws, including the Public Order Act, the African (Registration and Identification) Act and the Law and Order (Maintenance) Act, failed to quell African nationalism. Nationalist leaders believed the only way forward was to abandon the constitutional struggle and replaced it with an armed struggle.

Dissatisfaction within the ranks of ZAPU led to a split and the formation of the Zimbabwe African National Union (ZANU) in 1963. Violence between supporters of ZAPU and ZANU began almost immediately after the announcement of the split (Scarnecchia 2008, p. 138). Government used the violence between the factions to justify repressive legislation and violence toward Africans; each faction was banned in 1964. Experts have cited a variety of reasons for the split. Sibanda (2005, p. 157) attributes the split to ethnicity. He states that prior to the split, ZAPU's Executive Committee comprised of ten Shona members and four Ndebele members, only to remain ten Shona and increase to six Ndebele after the split. In contrast, ZANU's executive was comprised of 14 Shona and one Ndebele. He posits that while 'tribalism' may not have affected the membership of ZAPU and ZANU, it did among the leadership. Loney (1975, pp. 104-105) attributes the split to divisions over strategy and Nkomo's top-down and autocratic leadership style. Nkomo's attempt to concentrate ZAPU's

efforts outside of Zimbabwe through a proposed government in exile hastened the split. Moore (1991, p. 486) believes competition among populists and intellectuals within the ranks of ZAPU's leadership created deep divisions.

Violence between the two movements led to an estimated 4,919 acts of political violence in 1963 alone (Zondi 2011, p. 15). As time passed, ZAPU and ZANU became perceived as ethnically aligned: ZAPU as Ndebele and ZANU as Shona. Clashes within ZAPU in 1970 and 1971 led the remaining Shona speakers to leave ZAPU for ZANU. As such, the two movements were no longer heterogeneous and were identifiable by ethnic composition (Stoneman & Cliffe 1989, p. 23).

Rhodesia's 11 November 1965 unilateral declaration of independence (UDI), a key objective of the Prime Minister Ian Smith and the RF, was immediately met with political and economic sanctions, first by the United Kingdom, and then by the United Nations<sup>12</sup>. The RF took incremental, and disingenuous, steps to appease both the international community and African elites, and undermine the burgeoning nationalist movement, during this new political period.

In 1967, the Tribal Trust Lands Act restored land allocation powers among traditional leaders while the African Law and Tribal Courts Act (1969) renewed the authority of traditional leaders in civil law. Severe over population and overstocking of cattle had led to 49 percent of the Tribal Trust Lands (TTLs; formerly Native Reserves) declared as "over-grazed" or worse by 1965. The Land Tenure Act of 1969 (LTA) sought to serve as a final solution that would allow Africans to attain and use land in a manner that would allow them to meet their needs. The LTA was avowed by Government as proscribing the separate development of land among Africans and Europeans "[in] which the interests of Europeans, and in the other of which the interests of Africans, will be paramount" (Minister of Justice D. Lardner-Burke, quoted in Bowman 1973, p. 143). The LTA permanently divided all of Rhodesia's land into two "equal" portions, or 45 million acres, for both Africans and Europeans, even though the African population was 20 times larger than the European population; approximately five million and 250,000 respectively (ibid, p. 142).

However, the LTA included loopholes that allowed settlers to exploit lands designated to Africans. Provisions were made for 'non-racial' residential and industrial areas to be

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<sup>12</sup> Southern Rhodesia became Rhodesia, beginning with UDI until the political transition in 1979-1980



established within African areas, presumably for mining. No such provisions were included for European areas. Government exercised near complete control over the movement of citizens through the enactment of a permit system in order to regulate how members of one race could occupy land reserved for another race. African Purchase Areas and European farming areas were amalgamated into 'general areas', distinct from communal land.

The RF's decision to write a new constitution in 1969 was primarily an effort to exert Rhodesia's independence since the new constitution, for the first time since 1898, would not have to be negotiated with the British government. Following the adoption of the constitution in June, representation within the House of Assembly became based on 50 'A' roll seats set aside for whites and 16 'B' roll seats for blacks, eight divided among Ndebele and Shona chiefs, headmen and rural councillors and eight for approved candidates that stood for an election. Not only was this not representative of the racial demographics of the country, it was also not representative of the Shona and Ndebele as the Shona population was twice the size of the Ndebele (Bowman 1973, p. 137).

The Constitution permitted discriminatory legislation "if such treatment is fair and will provide harmonious relations... by making due allowances for economic, social or cultural differences" (Bowman 1973, pp. 138-139). It made no reference to political differences, as Africans would be prohibited from this sphere until a time whereby they contributed to 24 percent of national income tax. Once they did, representation would slowly increase to 50 percent (ibid).

Under the new constitution African representation was confined to white's understanding of "tribal" politics.

### **3.7 The Second Chimurenga and Political Transition**

A confluence of factors finally pushed Africans and settlers to engage in overt conflict. Since the defeat of the Ndebele and Shona in the 1896 and 1897 uprisings, the state had introduced a myriad of control policies, based on race, which effectively kept the African population subdued and inferior. Territorial separation and segregation were the products of perceived European needs, interests, and ultimately their fears as a result of the First Chimurenga and decolonisation in the region. The failure of African nationalists to influence government, particularly during the 1961 constitution-making process, in conjunction with UDI and the Rhodesian Front's overt racial electioneering, signalled that Rhodesian whites would not submit

to majority rule through dialogue and negotiation. By the end of the 1960s, Rhodesia's unfair and unequal division of income, wealth and opportunity was intolerable to the black majority. The emergence of militant nationalism was a natural response to the settler state's intransigent position of maintaining white superiority and the use of violence against the black majority.

The beginning of the Second Chimurenga is remembered as 28 April 1966, when seven Zimbabwe African National Liberation Army (ZANLA) fighters, the military wing of ZANU, were ambushed and killed by Rhodesian security forces near Chinhoyi. The attack was significant in that it garnered regional military support for ZAPU and ZANU. Like the First Chimurenga, spirit mediums played a significant role amongst the black population. The Zimbabwe People's Revolutionary Army (ZIPRA), ZAPU's military wing, and ZANLA fighters believed ancestral spirits fully supported their struggle to regain land, and that the spirits would protect them in battle because they were the rightful owners (Chung 2006, p. 198). Guerrillas targeted rural black Rhodesians that were suspected of collaborating with the state. These included chiefs, headmen, farm workers, as well as all black government employees; for example, teachers, agricultural advisors, and councillors (Sachikonye 2011, p. 9). A series of attempts by the British government in 1970 sought to conclude the illegality of UDI. The Pearce Commission 'tested' African opinion about a modified constitution that would give them a limited but slowly growing electoral influence. It found that non-Europeans overwhelmingly rejected this approach.

Until December 1972, military exchanges between nationalist paramilitaries and the Rhodesian security forces had been limited; often fought in a conventional mode and contained by the state. The attack on Altena Farm in Centenary, near the Mozambican border, on 21 December 1972 marked a key shift in African resistance from disobedience to civil war waged with guerrilla tactics. Over the next few years, ZAPU sent several armed groups of guerrillas from Zambia into Rhodesia, some of them in joint operations with the South African-based African National Congress. This provided the South African apartheid government an excuse to send its own security services into Rhodesia to support the RF's counterinsurgency (Stoneman & Cliffe 1989, p. 22). During this period, the Rhodesian media was heavily censored. Any news or information about the security sector, information pertaining to how Rhodesia was busting sanctions, and matters pertaining to detention of nationalists, their political activities and military developments were barred (Commonwealth Secretariat 1980, p. 46).

ZAPU guerrillas infiltrated rural communities to store arms caches and mobilise what remained of their local branches before the 1960s ban. However, Rhodesian security forces had already eliminated most of these structures. The 1974 detention and imprisonment of ZAPU's leadership prohibited the development of new local networks. In 1972, ZANU, with support from *Frente de Libertação de Moçambique* (FRELIMO), used TTLs as bases for ambushes. Roads were land mined to eliminate government control over the TTLs. ZANLA was highly centralised. Provincial commands comprised of district committees, covering one TTL. District committees comprised of a village unit, 8-10 units made up a base committee, or ward. As fewer white police could access these rural areas, meetings could be held openly. Eventually, TTLs became 'no go' areas for whites.

Previously, an alliance between Rhodesia, South Africa and Portugal, the colonial master of Angola and Mozambique, assisted in the containment of nationalist movements across southern Africa. Portuguese abandonment of Mozambique in 1975 left Rhodesia's shared border completely vulnerable to incursions, intensifying the need for a negotiated solution to the escalating and ever increasingly internationalised civil war. The conflict spilled into neighbouring countries that supported ZAPU and ZANU as well their ZIPRA and ZANLA guerrillas, respectively. Refugee camps housing Rhodesian Africans were discriminately bombed with napalm, fragmentation bombs, and other incendiary devices, leading to mass casualties and deaths (Chung 2006, pp. 143-144). As the conflict deepened, the Rhodesian state fortified itself in response to the rise of a militant African nationalism that was actively supported by Rhodesia's neighbours and the shocks of international sanctions. As a result, the Smith regime and the liberation movements became more entrenched in their positions.

The racial division of land was highly visible. Injustices surrounding land ownership emerged as a key grievance at the core of both ZAPU and ZANU's struggle to overthrow the Rhodesian regime (Chung 2006, p. 176; Palmer 1990, p. 165; Sibanda 2005, p. 124). After 1975, attacks on farmers became common, particularly in the eastern districts along the Mozambican border<sup>13</sup>. Between 1976 and 1978, 50 farmers were killed and by 1977, only 30 percent of the farms in the area remained operational (Pilosoff 2012, p. 22). At the conclusion of the war in 1979 nearly 300 farmers and members of their families had been killed; more than half of the white civilian population that had been killed during the war (Pilosoff 2012, p. 23).

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<sup>13</sup> The Portuguese revolution in April 1975 saw the overthrow of a military dictatorship and its withdraw from Angola and Mozambique. FRELIMO took control of Mozambique and allowed ZANLA forces to operate military bases along its border with Rhodesia

Nonetheless, support for UDI and the RF among the white population continued. In 1970, the RF swept all the seats in the Legislative Assembly. Whites perceived the ‘bush war’ as terrorism while Africans perceived whites as defending their powerful position within Rhodesian society.

In an effort to counter and contain the insurgency, and because the Rhodesian security forces could not distinguish between civilians and guerrillas, the state used collective punishment measures and forced removals to ‘protected villages’ in order to remove the guerrillas from their primary support base of rural Africans. The extreme brutality and use of force drove those within the rural areas to view the guerrillas with favour.

The quest for a negotiated settlement began in earnest in 1976 following the outbreak of a proxy war between the United States and Soviet Union in Angola. Fearing a similar fate for Rhodesia, South Africa, the Front Line States, Britain and the United States pressured the main parties to negotiate. The Frontline States applied significant pressure on Joshua Nkomo and Robert Mugabe to amalgamate their guerrilla armies under a joint command<sup>14</sup>. The Zimbabwe People’s Army, a combination of ZIPRA and ZANLA forces, was formed to beset some of the divisions between the two nationalist groups.

The Geneva Conference in 1976, insisted by South Africa, the Frontline States, Britain and the United States failed to establish a transitional government and find a peaceful solution among ZAPU, ZANU and the RF. Shortly after the conference in 1977, Smith and the ruling party softened their approach toward Africans. Land laws were amended and racial classifications abolished, with the exception that the 47 percent of land reserved for Africans (TTLs) would be maintained. While the change would certainly assist wealthy Africans, few could afford to buy white commercial owned farms. No new policies sought to address the great inequality of land distribution along racial lines. Smith also pursued his own internal strategy of negotiating with ‘pliable’ black leaders to give the impression that the RF regime had the support of key political and traditional African leaders.

Toward the end of 1978, war had reached urban centres, the heart of white Rhodesian life. In an attempt to appease black Rhodesians and reduce the legitimacy of ZAPU and ZANU, an

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<sup>14</sup> The Frontline States were comprised of Angola, Botswana, Lesotho, Mozambique, Tanzania, and Zambia; Zimbabwe joined in 1980

internal settlement between Ian Smith, the United African National Council's (UANC) Bishop Abel Muzorewa, Ndabaningi Sithole, and the United People's Organisation's Chief Jeremiah Chirau was reached on 3 March 1978. Its legitimacy was questioned both internally and internationally as it failed to include ZAPU and ZANU. Leaders of the internal settlement agreed to a new constitution for Zimbabwe-Rhodesia<sup>15</sup>. The 1979 constitution was adopted following a referendum in which only whites could vote. It passed with overwhelming support.

The new constitution provided for superficial majority rule. Blacks were to occupy half of the seats available within the Executive Council (ministerial). Seventy-two of the 128 parliamentary seats would be elected through universal suffrage and property rights, while control of the security forces, composition of judiciary and civil service would be maintained under the status quo. It was clear to the majority of Africans that they would not attain any significant gains. The nationalist movements emerged with greater legitimacy in the eyes of black Rhodesians and the international community.

In April 1979, elections were held under the new constitution, resulting in a sweeping victory for the UANC. ZANU and ZAPU boycotted the elections and the armed struggle continued. As the year progressed, the adverse effects of war, economic hardship, and a rise in white emigration forced Smith to seek a negotiated settlement with ZAPU and ZANU. ZAPU and ZANU, under the umbrella of the Patriotic Front, agreed to seek a settlement as it became evident that any continuation of the war would cost thousands more African lives and large-scale destruction of infrastructure and industry<sup>16</sup>. Pressure from regional and international leaders on each of the parties had never been greater, while pressure on ZAPU and ZANU to merge was equally as great.

### **3.7.1 The Lancaster House Agreement**

A number of critical issues related to race, the reservation of parliamentary seats for whites, and citizenship divided the RF and the nationalist parties. But it was the issue of land that nearly led to a collapse of the Lancaster House negotiations which were only salvaged when the United Kingdom offered funds to buy land for redistribution for landless black Rhodesians (Tungamirai 1995, p. 37). The proposed Bill of Rights ensured land could not be confiscated by the state and that it could only be purchased by the state on a 'willing-seller, willing-buyer'

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<sup>15</sup> Zimbabwe-Rhodesia was the interim name of the state during the internal settlement until independence in 1980

<sup>16</sup> The white population peaked at 275,000 in 1975 and fell to 100,000 by 1985 (Esterhyusen 2004, p. 41)

basis. Compensation had to be remittable in foreign exchange, reducing government's autonomy to acquire land on a voluntary basis, as well as when and how Government could pay for the land. Although Britain and the United States pledged significant funds to assist it in purchasing land for blacks, the 'willing-seller, willing-buyer' formula meant that there was a possibility that not enough land would become available for Government to purchase and that any future resettlement scheme could be tremendously expensive. Land transfers on the basis of need were excluded.

Compromise and a ceasefire were reached to end a conflict that had killed approximately 36,000 and displaced 1.5 million people (International Crisis Group n.d.).

### **3.8 Conclusion**

Colonialism and minority rule established the preconditions for protracted social conflict. As described in Chapter Two, these preconditions are: communal identity, human needs deprivation, role of the state and international linkages.

Although settler identity was shaped by collective racial insecurity and a sense of separateness from indigenous African groups, land ownership was pivotal in forming and consolidating settler identity. Land ownership symbolised settler's trials and tribulations endured during their armed conquests and risk-taking. Settlers invested themselves in land through personal sacrifice and often at their own expense. The central role land played in settler's economic interests and prosperity provided a key rationale for political domination and land alienation. Ownership was also inextricably linked to the idealism of the superiority of European civilisation over African civilisations. Among the Ndebele and Shona, land ownership was at the centre of political, social, economic and cultural spheres. Land was a "mode of life", providing authority and legitimacy for social order and hierarchy; space for communal interaction; satisfaction of physiological needs like food and shelter; and fulfilling embedded cultural needs.

The state largely existed to serve the needs of the white minority, which were mutually competing and incompatible with the needs of Africans. In order to ensure political and economic superiority, the quality of land reserved agriculture and settlement for Africans was unsuitable and located in remote areas, restricting vital access to water and other natural resources, markets, and governance structures. The quantity too was insufficient, creating severe overcrowding within the Native Reserves. Land set aside for Africans created a false

recognition of the black majority's needs among the settler government. In reality, Native Reserves and Purchase Areas were not autonomous.

Representation among settlers during UDI was characterised by the mandate model. The white community largely united behind the Rhodesian Front that had promised to preserve the settler's superior political and economic status within Rhodesia. Increased black representation under the 1961, 1969 and 1979 constitutions were token. Africans had no real representation under minority-rule and were unable to make decisions that would affect their needs satisfaction. Instead, needs of Africans, as well as satisfiers, were determined by Native Commissioners – agents of the state – who were unable, or refused, to understand the space in which black Rhodesians operated. As an alternative, Africans sought representation through various social and cultural organisations outside of the state apparatus.

However, the network of dispersed and unconnected Reserves and Purchase Areas weakened the ability of black Rhodesians to organise. Most early black social movements were urban-based as their leaders had greater access to services, including education, as well as geographical proximity to government. Political activity was heavily restricted in African areas while the use of violence as a political tool had entrenched itself within Rhodesia. As a result, early civic movements lacked influence and linkages with the rural majority. However, a nascent political consciousness developed among black Africans after the First World War. Africans demanded the same benefits and protections guaranteed by imperial citizenship and the Rhodesian Constitution that had been available to settlers.

Broad and deep opposition to land policies and legislation that prohibited human needs satisfaction among Africans encouraged them to mobilise as a result of a common recognition of injustice among black Rhodesians. Land was a populist tool used by ZAPU and ZANU to create support around key policy aims and to win support in their struggles to take over the state. By the 1960s the settler government faced increasing pressure to allow for black majority rule. Meanwhile, competition between two African nationalist movements further politicised the African majority. Settler intransigence and the Rhodesian Front's refusal to alter its power-relations with the black majority directly resulted in the Second Chimurenga and brutal violence that characterised Rhodesia's transition to Zimbabwe.

As the conflict deepened, the Rhodesian state fortified itself in response to the rise of a militant African nationalism that was actively supported by Rhodesia's neighbours. The isolation of the Reserves and Purchase Areas assisted ZAPU and ZANU in their struggle against the Rhodesian state as it facilitated the development of rudimentary political and administrative systems, in addition to facilitating areas to store arms caches used to wage an armed struggle. ZANU and ZAPU's ability to fight the government depended on military-styled discipline and command. These undemocratic tendencies restricted the pluralistic views that characterised early nationalist movements as decision-making was concentrated in the hands of a few elites. These militaristic, undemocratic tendencies would become manifest in party decision-making in the independence era.

International linkages, brought about by combination of embargo-related economic hardships, independence and majority rule in Angola and Mozambique, as well as the British and American diplomatic initiative in Geneva, eventually forced the Rhodesian Front to agree to majority rule in principle to majority rule. ZAPU and ZANU fell under immense pressure to seek a negotiated settlement by the Frontline States, who were increasingly targeted by the Rhodesian regime and South Africa for their support of the liberation movements. Lastly, and critically, a military stalemate ultimately forced the RF government and the two liberation movements to accept compromise, resulting in the Lancaster House Agreement. While the parties wanted to continue the fight, they were unable to. Distrust would have dire repercussions for reconciliation.

Expectations were high that post-independence, the demands for basic political and socio-economic change would be granted. Because Zimbabwe's independence was a result of a negotiated settlement, economic structures that favoured the settler minority, including land ownership, were left intact. As a result, the settler minority was guaranteed significant influence within the new political dispensation. The Lancaster House Agreement placed significant constraints on Zimbabwe's ability to institute a meaningful reform programmes, limiting the new government's ability to satisfy the needs of the historically marginalised black majority.

The Lancaster House Agreement's failure to mandate key structural changes within the state set the stage for another cycle of overt protracted social conflict. At independence, there was no more great a question than as to how ZANU would implement land reform as they had promised their constituents during the Second Chimurenga and the election campaign of 1980.



The pre-conditions for protracted social conflict were firmly established by the dawn of Zimbabwe's independence. Whether or not the preconditions of PSC would activate latent or overt conflict would upon three determining factors: *communal actions and strategies*; *state actions and strategies*; and *mechanisms built into the context*. Together, these three clusters of actions form the '*process-level dynamics*' of protracted social conflict. This is the focus of the next chapter.

## **Chapter Four**

### **The Capture of the State and Birth of Civil Society: 1980-1998**

#### **4.1 Introduction**

The objectives of this chapter are to provide an assessment of the process level dynamics that shaped Zimbabwe's protracted social conflict after independence. This chapter will interrogate the relationships between land, political leadership and means of civic participation. It will also analyse the capacity and agency of Zimbabwean citizens to influence land policy in order to meet their needs using two indicators: representation and autonomy.

#### **4.2 Political transition: an era of cooperation**

The trajectory the new majority Government was to embark on was heavily influenced by the failure of either ZAPU or ZANU(PF)'s ability to win an outright military victory against the Rhodesian state. ZANU(PF) was compelled to govern with those forces that it had ruthlessly fought for more than a decade.

The Lancaster House Conference paved the way for the African majority to take control of government through an election, not the barrel of a gun. The prime objectives of the Lancaster House negotiations were therefore to achieve a political settlement in Zimbabwe, inasmuch it was only necessary to defuse controversial issues – including land – not to solve them (Africa All Party Parliamentary Group 2009, p. 26). The Agreement left key elements of white Rhodesian society intact, including control over the economy as well as land. As a result of the compromise, ZANU(PF) was forced to balance antagonistic contradictions between its liberation movement supporters on the one hand, and white-Rhodesians, specifically those with links to the security forces and international capital, on the other. Herbst (1990, p. 30) noted that the Agreement, “contained powerful anachronistic elements that were hostile to the political project of the new regime.” ZANU(PF) was plagued with uncertainty over how to design its policies, and whether its strength or influence would be enough to control and direct the state and the economy (Herbst 1990, pp. 25-36).

##### **4.2.1 The politics of reconciliation and state-making**

The mutually reinforcing built-in-mechanisms that shaped the conditions for the violent Second Chimurenga created a tense electoral environment following the Agreement. The 1980 election was administered by the existing Rhodesian administration and was deeply distrusted by

ZANU(PF) and ZAPU<sup>17</sup>. ZANU(PF) estimated that nearly 20,000 of its members had been detained by the former Rhodesian police during its campaign. Robert Mugabe survived two assassination attempts in February 1980. In concluding its electoral observation mission, the Commonwealth Secretariat (1980, p. 73) stated, “Never before have elections been held at a time of tenuous cease-fire, without agreed battle lines, and with rival armies uneasily apart.”

The election platforms between ZANU(PF) and ZAPU were similar in that they both professed unity, the need for racial and gender equality, and the need for land redistribution. In 1980 ZANU(PF) drew on emotive and political issues to rally people around, one of which was land. Their election manifesto stated,

“It is not only anti-people but criminal for any government to ignore the acute land hunger in the country, especially when it is realised that 83 percent of our population live in the rural areas and depend on agriculture for their livelihood”. (Zimbabwe African National Union (Patriotic Front) 1979, p. 9)

The UANC sought to portray ZANU(PF) and ZAPU as ‘beholden to Marxist masters’ in China and the Soviet Union, respectively (EISA n.d.). They also supported land redistribution while acknowledging the centrality of the white community in agriculture (ibid). The RF campaign focused on the need to protect white economic and cultural interests while presenting itself as a bulkhead against the “consequences of unrestrained black majority rule under a Marxist government” (ibid). However, the RFs reconciliatory message was divided. While in the United States, Ian Smith continued to denounce ZANU(PF) and ZAPU as ‘terrorists’, those RF members in the country adopted a conciliatory tone, telling whites to ‘keep faith in the country’ (Gregory 1980, p. 7)<sup>18</sup>. This further exacerbated suspicions and anxiety between the RF, ZANU and ZAPU.

All the African political parties concentrated on winning the rural vote. However, ZAPU, the UANC and ZANU-Sithole complained that they were denied access to rural areas that were controlled by ZANLA (Reynolds 1999, p. 165). While each used guerrillas to campaign,

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<sup>17</sup> Nine political parties contested the election for common roll seats based on a system of proportional representation in eight provinces: The National Democratic Union led by Henry Chihota; the National Front of Zimbabwe led by Peter Mandaza; the Patriotic Front (ZAPU) led by Joshua Nkomo; the United African National Council led by Abel Muzorewa; the United National Federation Party led by Chief Kayisa Ndiweni; the United Peoples Association of Matabeleland led by Frank Bertrand; the Zimbabwe African National Union led by Ndabaningi Sithole; the Zimbabwe African National Union (Patriotic Front) led by Robert Mugabe; and the Zimbabwe Democratic Party led by James Chikerema

<sup>18</sup> The RF was the only political party to contest the election on the ‘A’ voters’ roll. The RF won 14 of the 20 seats unopposed, six others competed against independent candidates and won

ZANU(PF) deployed ZANLA political commissars in the rural areas on a much greater scale and kept thousands of ZANLA guerrillas out of assembly camps in violation of the settlement to ensure their party won the election (Kriger 2003, p. 195).

ZANU won in a landslide, taking 57 of the 100 parliamentary seats and control of government. Both ZAPU and the RF took 20 seats each, with Muzorewa's UANC taking the remaining three.

Patterns of the resemblance model of representation were deeply entrenched following the split between ZAPU and ZANU. ZANU(PF)'s election victory gave the party control over the entire country, including the Matabeleland North and Matabeleland South provinces, where only ten percent of the electorate voted for ZANU (Herbst 1990, p. 3, citing the *Herald* 9 July 1985). Voting patterns support the theory that ZAPU's support was primarily among the Ndebele and ZANU(PF) among the majority Shona groups. While the size of ZANU(PF)'s victory gave it the mandate to govern, its legitimacy was contested. ZANU(PF)'s overwhelming showing in Mashonaland and its dismal performance in Matabeleland led some to believe that Mugabe was a regional leader, not a national leader (Sibanda 2005, p. 242). Many of those living in Matabeleland continued to desire adequate representation.

It was against a deeply divided and potentially explosive environment in which the government of ZANU(PF), led by Prime Minister Robert Gabriel Mugabe, sought to institute a policy of reconciliation. Herbst (1990, p. 236) attributes Mugabe's personal appeal of reconciliation to the reduction of racial tension. Having witnessed the economic collapse of Mozambique following the mass exodus of whites after the abdication of its colonial government in 1975, ZANU(PF)'s policy of reconciliation became a necessity in order to prevent the exodus of Rhodesians that would threaten the new Zimbabwean economy with ruin. According to Weiss (1994, p. xxii), the reconciliation policy sought to bridge the gap between modern and subsistence sectors of society. This could not be achieved without capital and skills, which were primarily held by white Zimbabweans.

Reconciliation, therefore primarily addressed the needs of whites, protecting their property and position in society. In an act of appeasement, Mugabe appointed whites into key positions: the president of the Commercial Farmers' Union Denis Norman became Minister of Agriculture; John Landau was made deputy minister of Trade and Commerce; former Prime Minister

Garfield Todd was made a Senator; and David Smith, a former deputy to Ian Smith, was made Minister of Trade and Commerce.

The policy of reconciliation allowed ZANU(PF) to take advantage of white civil servant's expertise, dispel their fears, dissuade them from a mass exodus, and from committing acts of sabotage. It was largely a success. The Agreement did not seek recriminations nor did it allow for the compulsory expropriation of property. As a group, whites accepted reconciliation as part of the Lancaster Agreement but failed to wholly engage in a process of reconciliation (Alexander 2004, p. 195). Weiss (1994, p. xxiii) maintains that whites continued to perceive that the high level of development was a result of their work. As a group, they had largely ignored the injustices of land alienation, and destruction of traditional ways of life, and they did not see themselves as a defeated party. Despite the overtures from ZANU(PF) the white population declined to 148,000 in 1983, from 232,000 in mid-1979 (Central Statistical Office 1987, 15-17, quoted in Fisher 2010, p. 36).

Reconciliation did not only need to occur between whites and blacks, but also among the various opposing African parties that had fought each other during the long and violent war for liberation. Although it would prove to be short lived, Mugabe kept his election promise to seek a coalition with ZAPU.

Nkomo agreed to support ZANU(PF), forming a coalition that comprised 77 of the 100 seats in the lower house. ZAPU attained six of the 35 cabinet posts, four of the 22 ministerial posts, and two of the 13 deputy ministerial posts (Gregory 1980, p. 13). Nkomo refused Mugabe's offer of non-executive President, but later agreed to take the Home Affairs portfolio in Mugabe's cabinet<sup>19</sup>. Nkomo was not given complete responsibility over the police, leaving the state's mechanisms for coercion and force under Mugabe's control. Mugabe also considered tribal and clan loyalties as he made his appointments to government positions, seeking to ensure the balance of power among various groups (Weiss 1994, p. 140).

Black Zimbabweans held high expectations for post-independence life, including better living conditions, economic transformation and the restoration of land rights. Despite reconciliation efforts, cracks soon emerged within the new ruling coalition.

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<sup>19</sup> Constitutional Amendment No. 7 (Act 23 of 1987) abolished the Ceremonial Presidency and office of Prime Minister for an Executive Presidency

#### ***4.2.1.1 Transitioning liberation movements into political parties***

While attempting to liberate Africans under the new political paradigm, ZANU(PF) was pulled amongst various forces that demanded their attention. These forces included satisfying the needs and requirements of their constituents, managing the needs and requirements of a political partnership with ZAPU and the whites, and improving relations with regional states.

ZANU and ZAPU, who had been relegated to the margins of politics under the RF Government and forced to spend 14 years fighting a brutal war for liberation, now had to transform themselves into a democratic institutional forum. As a part of the Lancaster House Agreement, and a pre-condition for the 1980 elections, all guerrillas who formed the military wings of ZANU and ZAPU had to leave their base camps and report at designated assembly points to be disarmed, demobilised and integrated into the new Zimbabwe National Army<sup>20</sup>. As Alexander, McGregor and Ranger (2000, p. 180) pointedly note, “long-secretive political cadres had to come into the open, order had to be consolidated”. Many guerrillas refused to gather at the assembly points and continued to maintain arms caches within their areas of operational control. Many guerrillas feared that once they assembled, the Rhodesian army, still intact, would attack them; others sought the spoils of war or objected to the ceasefire as a ‘sell-out’ (Alexander, McGregor & Ranger 2000, pp. 181-182). Mistrust and tension between the political and military leadership of ZAPU/ZIPRA and ZANU(PF)/ZANLA, rooted in their 1963 split, remained omnipresent after the election. Each guerrilla wings’ regional pattern of recruitment reinforced ethnic identity and calcified political loyalties within particular geographical areas.

The period between 1980 and 1988 was also dominated by state security concerns. Initially, political leaders from all political parties condemned guerrillas who did not gather at the assembly points. But after the 1980 elections, the guerrilla problem took on a political and partisan tone. Despite the reconciliation measures, clashes between ZIPRA and ZANLA periodically occurred. The turning point came when ZANU(PF) Minister Enos Nkala told a crowd of ZANU(PF) supporters that ZAPU had declared themselves an enemy of their party and that they should form ‘vigilante committees’ to challenge ZAPU in their home areas (Alexander, McGregor & Ranger 2000, p. 186).

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<sup>20</sup> Of the 65,000 ex-combatants, comprising of members from the three security forces – ZANLA, ZIPRA and the Rhodesian security forces – approximately 20,000 were integrated into the Zimbabwe National Army while another 35,000 were demobilized (McCandless 2012, 78)

In February 1982, the Government announced it had ‘discovered’ vast arms caches linked to Joshua Nkomo, albeit many question the authenticity of this discovery. Reconciliation between ZAPU and ZANU was abandoned, the informal unity government dissolved. A few ZIPRA dissidents returned to the bush to carry out attacks against the government. Nkomo fled to the United Kingdom. ZANU(PF) used the ‘discovery’ to portray ZAPU as an enemy of the state, a reaction similar to that of the Rhodesian Forces before independence. ZANU(PF) sent the Central Intelligence Organisation (CIO), as well as the North Korean-trained and exclusively Shona Fifth Brigade, to the Midlands and Matabeleland to “pacify” the rural areas. It made virtually no impact on the ‘dissident’ problem (Stoneman & Cliffe 1989, p. 47). During the period of suppression and violence, now remembered as Gukurahundi (washing away the beaten chaff), approximately 20,000 Zimbabweans were killed<sup>21</sup>.

In 1983 the Emergency Powers Regulations authorised controls on travel curfews and broadened the legal authority for detentions by the security forces (Arnold, Garber & Wrobel 1986, p. 8). Curfews were placed on large areas of Matabeleland in 1983 and 1984 in the battle against ‘dissidents’. Political organising became difficult. Claims of political harassment cropped up in the public space.

Several opposition members were arrested, notably among them was Abel Muzorewa, leader of the UANC, who was arrested on suspicion of subversive activities. Under the Emergency Power Regulation, organisations seeking to hold political rallies were required to obtain permission from the Minister of Home Affairs. Opposition parties complained that their requests to hold rallies were disproportionately denied (Arnold, Garber & Wrobel 1986, p. 11).

Externally, Zimbabwe was highly influenced by the civil war in Mozambique. Waging a war against FRELIMO, the *Resistência Nacional Moçambicana* (RENAMO) posed real threats to security of Zimbabwe. Between 1987 and 1988, RENAMO was believed to be responsible for 101 attacks along the Mozambican-Zimbabwean border (Kalley, Schoeman & Andor 1999, p. 742)<sup>22</sup>. Meanwhile, the apartheid regime in South Africa continued its efforts to destabilise the

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<sup>21</sup> For a thorough analysis, see *Gukurahundi in Zimbabwe: A report on the disturbances in Matabeleland and the Midlands 1980-1988* published by the Catholic Commission for Justice and Peace in Zimbabwe and the Legal Resources Foundation (Johannesburg: Jacana Press, 2007)

<sup>22</sup> RENAMO was created as a counter-insurgency movement to combat FRELIMO and ZANLA by the Rhodesian security forces. RENAMO fell under South African tutelage in 1980. During Zimbabwe’s liberation struggle, FRELIMO allowed ZANLA to establish bases within Mozambique. In 1982, ZANU(PF) directly intervened in the Mozambican civil war when it sent 600 soldiers to secure Zimbabwe’s transport corridors

ZANU(PF) government. As a result, ZANU(PF) was unable to fully control the direction of its economy in a way that would have been beneficial to the majority of black Africans.

The last election to take place under the Lancaster House Agreement was to be held in 1985. This was an opportunity for Zimbabwe to demonstrate how it had progressed five years after independence. Despite the challenges noted above, Government expanded access to health care, education, as well as marketing and extension services within communal areas (Alexander 1994, p. 331). Government supported unionization of many economic sectors and passed minimum wage legislation to improve the lives of workers. However, as Government passed these reforms, repressive measures remained enforced.

The first-past-the-post electoral system was introduced in 1985. Claiming to represent workers, peasants, revolutionary intellectuals, and elements of the bourgeoisie, ZANU(PF) characterised other political parties as ‘puppets and agents of imperialism’ (Ushewokunze 1985, pp. 4-5). With Gukurahundi continuing in Matabeleland and Midlands, largely outside of national and international purview, the partisan tone in Government increased. The state of emergency, in effect since 1965, and renewed every six months since then, remained in effect as ‘dissidents’ remained resolved to take up arms against Government (Arnold, Garber & Wrobel 1986, p. 8).

ZANU(PF) increased its percentage of the vote from 62 percent in 1980 to 77 percent, while ZAPU’s share of the vote declined from 24 percent to 19.2 percent. The UANC’s portion of the vote fell dramatically, from 8.2 percent to 2.2 percent (Arnold, Garber & Wrobel 1986, p. 48). On the white roll, the Conservative Alliance of Zimbabwe, a reincarnation of the old Rhodesian Front and led by Ian Smith, won 15 of the 20 seats available for whites, resoundingly beating the newly formed Independent Zimbabwe Group that ‘espoused reconciliatory politics that shunned separatist white politics’ (Reynolds 1999, p. 172).

ZANU(PF) perceived the Conservative Alliance of Zimbabwe’s strong electoral win as white’s rejection of its reconciliation policy, instead believing that whites remained in favour of ‘racial superiority and confrontation’ even though only 54 percent of whites supported the Conservative Alliance of Zimbabwe (Masiiwa 1985, p. 4; Arnold, Garber & Wrobel 1986, p. 47). Alexander (1994, p. 326) states that “whites were largely free from state repression: their

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and to stop cross-border RENAMO raids (Kalley, Schoeman & Andor 1999, p. 720). On 15 January 1987, Mugabe pledged to increase military aid to combat RENAMO



powerful economic position and constitutionally guaranteed parliamentary seats put them beyond the reach of ZANU(PF)'s project of political control.” Following the elections, Mugabe’s failure to reappoint Denis Norman as the Minister of Agriculture raised white fears of retribution (Arnold, Garber & Wrobel 1986, p. 48).

The 1985 election demonstrated the calcification of ethnicity and regionalism in politics. ZANU(PF) won 63 seats, all but one of the seats in every province except in Matabeleland, ZAPU won all of the Matabeleland seats. UANC no longer had any seats in parliament. In their 1985 ‘victory message’, ZANU(PF) vowed to purge ‘opportunist elements and waiverers [sic]’ in the party, strongly denouncing the former Mayor of Mutare, Davidson Jahwi for switching to ZANU-Sithole and labelling Ngwerume of Chinamhora (ZAPU) as a traitor (Ushewokunze 1985, p. 5).

#### ***4.1.1.2 Birth of a modern civil society***

At independence, civil society representing black social interests remained largely underdeveloped. As ZANU(PF) consolidated its control over the state, it laid claim as the sole legitimate representative of the Zimbabwean people, challenging other forms of organisations operating outside of the party to join ZANU(PF) to prove their allegiance to the newly liberated state (Moyo 1993, pp. 6-7). ZANU(PF) used its popularity and political capital to occupy a central role in the affairs of civil society and its members. For example, the party set process and wages; mediated industrial disputes; directed development investment; and arranged resettlement (Saunders 2000, pp. 52-53). Describing civil society during the first decade of independence, Saunderson’s (2000, p. 54) states that many of the founding members of civic organisations were members of ZANU(PF) and ZAPU. This meant that the civic organisations often became conduits for the state and political parties.

ZANU(PF)’s political position allowed the party to become “patrons” of organisations that catered to their needs and interests while punishing those that resisted close linkages (Moyo 1993, pp. 6-7). Organisations opposed to ZANU(PF) were subjected to severe scrutiny, often having their legitimacy, liberation credentials, and nationalism challenged (ibid; Muzondidya 2009, p. 179). As a result, the expansion of civil society took place in the context of ‘state-centric developmentalism’. Civil society was primarily welfare orientated and complementary of government policies, operating in tandem with the state. Representation of member’s needs and interests were subservient to governments.

Academics, the student union of the University of Zimbabwe, and the labour movement were the first to challenge Government. In response Government increasingly curtailed their ability to remain autonomous from state intervention.

Although organised labour played a central role in the anti-colonial struggles of the 1940s through the 1960s, it became subordinate to the nationalist movements. At independence, leadership among organised labour was weak and divided, allowing it to become dependent on the state for political patronage (Raftopoulos 2001, p. 6). Severely curtailing the right to autonomous representation, in February 1981, ZANU(PF) organised the country's six labour federations, each aligned to a particular political party, under the Zimbabwe Congress of Trade Unions (ZCTU)<sup>23</sup>. ZCTU struggled to engender and maintain grassroots support as its member unions were largely urban-based and confined to formal employment (Moyo & Yeros 2005, p. 180). Following its first national congress, ZANU(PF) allies were appointed to top leadership positions, including Albert Mugabe, Prime Minister Robert Mugabe's brother, as Secretary General. From 1981-1985, ZCTU was plagued by dependence on external and foreign sources, as well as corruption, maladministration and authoritarianism (Sachikonye 1986, p. 265).

Raftopoulos (2000, p. 260) states that tensions between organised labour and nationalist politicians developed over labour's lack of autonomy and its strategies with regard to the objectives of the nationalist parties. Resulting from these struggles was the "substantive subordination of the labour movement to nationalist parties, sometimes through coercive mobilisation strategies" (ibid). Between 1984 and 1988, the leadership of the labour movement purged corrupt leaders, elected new leaders independent from the state, and implemented a national democratisation campaign that mobilised its members against the idea of a one-party state in a bid to challenge Government's perceived anti-worker policies (Moyo & Yeros 2005, p. 180)<sup>24</sup>. During this period there were no legal strikes in Zimbabwe, rather there were "go-slows", demonstrations, and work stoppages. Deep divisions between labour and ZANU(PF) emerged over the Economic Structural Adjustment Program as the policy while relations between John Nkomo, the labour minister, and the ZCTU leadership became publically acrimonious. Pressure and demands for representative leadership and an autonomous executive

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<sup>23</sup> The six trade unions included the African Trade Union Congress (ATUC), the National African Trade Union Congress (NATUC), the Trade Union Congress of Zimbabwe (TUCZ), the United Trade Unions of Zimbabwe (UTUZ), the Zimbabwe Federation of Labour (ZFL) and the Zimbabwe Trade Union Congress (ZTUC)

<sup>24</sup> The 1985 Labour Relations Act exacerbated tensions between government and workers as it restricted worker's right to strike and concentrated powers in the Minister of Labour

accountable to the workers led to a breakdown of the close relationship between ZCTU and ZANU(PF) following the ZCTU's extraordinary congress in 1988 (ibid). At the extraordinary congress, Morgan Tsvangirai, the man that would later lead the opposition movement, was elected Secretary General.

In 1988 the *Bulawayo Chronicle*, published the Willowgate scandal, which uncovered government officials, including ministers, being given preferential access in purchasing foreign cars for substantially less than market price<sup>25</sup>. These officials would then sell the automobiles at substantially higher than market prices, earning significant dividends (Perlez 1989). In an attempt to control political fallout, the Ministry of Information forced Zimpapers to remove the editor of *The Chronicle*, Geoff Nyarota (Rusike 1990, p. 86).

In 1988 and 1989, the Student Representative Council at the University of Zimbabwe staged demonstrations against government corruption. Pressure on ZANU(PF) grew as a new opposition party, the Zimbabwe Unity Movement, focused on corruption scandals to win votes in the 1990 parliamentary election. As tension escalated, police were ordered to clamp down on students. Government then passed the University of Zimbabwe Amendment Act in 1990. The Act restricted the independence of universities and extended the disciplinary powers of government sanctioned university authorities over staff and students. On the first year anniversary of the amendment, protests were organised and violently broken up by police. Following the incident, the University of Zimbabwe was closed for three weeks. Students were only allowed to return after they signed a pledge not to undertake any political activities. This would become the precedent for civil society in the late 1990s.

ZANU(PF) increasingly perceived civil society as a threat to its own credibility and political position. However, state heavy handedness reinforced the legitimacy and credibility of civic organisations and offered civil society an opportunity to identify and coalesce around critical national issues that would engender a broad political base.

#### **4.2.2 Decision-making and Land Policy**

Zimbabwe was one of the most unequal societies in the world at independence. Stoneman and Cliffe (1989, p. 42) state that three percent of the population, consisting of whites, earned 60 percent of the total wages, representing 36 percent of gross domestic income; a further 28

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<sup>25</sup> The *Bulawayo Chronicle* is now known as *The Chronicle*

percent of gross domestic income comprised of operating profits of white-owned incorporated enterprises. As a result, whites owned nearly all the capital for industry and mining, controlled two-thirds of the national economy, and had exclusive ownership of nearly half of agricultural land (Stoneman and Cliffe 1989, p. 42; Moyo, Moyo & Matondi 2004, p. 157). The accumulation of capital among whites engendered indirect and direct power over the majority of black Zimbabweans. Large-scale commercial farms (LSCFs) held 80 percent of all prime land. The rural peasantry was largely confined to communal areas, comprised of 51 percent of agricultural land that was classified as having low agro-ecological potential, located far from commercial centres (ibid). The black majority continued to grapple with severe land shortages and land degradation.

While pursuing its policy of reconciliation, ZANU(PF) embarked on a policy of ‘reconstruction’ as they faced considerable political pressure to redistribute white-owned rural land. At independence, land holdings were divided between 5,600 large-scale commercial farms and 850,000 communal farms, of which, 74 percent of land occupied natural regions III, IV and V (Herbst 1990, p. 39; Rukuni 2006, p. 31)<sup>26</sup>. Approximately 800,000 families faced severe land pressure in which they had neither enough land to live, grow crops or raise cattle (Herbst 1990, p. 43). The Riddell Commission of 1981 and Chavunduka Commission of 1982 set the tone for the agrarian reform debate after independence, recognizing a ‘pervasive demand’ for land and land redistribution. However, their recommendations were unpopular because they were reminiscent of ‘Rhodesian technical development policies’, notably the NHLA (Alexander 1994, p. 332).

During the first decade of independence, the ZANU(PF) Government’s approach was to raise the standard of living for the historically marginalised black population, with an emphasis on the rural population, through the expansion of social, physical, and economic infrastructure (Muir 1992, p. 6). The ZANU(PF) Government believed land was a means to achieve equity and spur economic growth that would lift millions of poor black Zimbabweans from the lowest rungs of the economic ladder. However, the institutional framework the state inherited at independence, as well as the bureaucratic, legalist and technical nature of early land reform efforts, constrained the implementation of a radical land reform programme.

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<sup>26</sup> See Table 3.2

Within the context of the transitioning political environment, it is critical to understand decision-making with regard to land policy in Zimbabwe. First, decision-making within ZANU(PF) is top-down process. After independence, a complex matrix of centralised government systems and frameworks took shape under alongside ZANU(PF) party structures<sup>27</sup> that were used to reduce the autonomy of sub-national units of government. As a result, provincial and district levels of government were reduced to agents of the central government, engendering a culture whereby governance and decision and policy-making are driven by political elites instead of citizens (Sims 2013, p. 7). Centralised decision-making facilitated opportunism and corruption and engendered accusations of the revolution being hijacked as the needs of those at the party base were ignored (Saunders 2000, p. 21).

The centralisation of power within the party reduced the autonomy of parliament, which then reduced citizen's ability to ensure the legislative branch was representative of their views. In an interview with Herbst (1990, 239) a Ministry of Lands official disclosed, "MPs do not play a role. MPs are handpicked from the centre. They don't really represent the people... Many don't know what is happening in the rural areas." A Ministry of Lands official also noted that "No plans emanate from it [party members of ZANU(PF)]. The Politburo sets major goals but government does all the work. The party just has rallies; it doesn't come up with plans or suggestions (Herbst 1990, p. 62)<sup>28</sup>.

Zimbabwe inherited a large body of legislation that decentralised decision-making based on the racial division of land<sup>29</sup>. Urban areas and large-scale commercial farms were reserved for whites, whilst Tribal Trust Lands, were reserved as African commercial farmland. After independence, Government established some modern democratic political structures. A new Ministry of Local Government brought all three types of local government institutions and all legislation under one Ministry.

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<sup>27</sup> The National People's Congress is the supreme decision-making organ of ZANU(PF). It meets every five years to formulate and declare all party policies. The Central Committee is the *de facto* principal party organ, consisting of 230 members drawn from the Party's ten provinces. It acts on behalf of Congress when it is not in session in order to implement its policies, resolutions, directives, decisions, and programs enunciated by Congress. The Central Committee meets every three months. Finally, the Politburo is the standing Committee of the Central Committee and implements all the decisions, directives, rules and regulations of the Central Committee. It meets at least once a month and is answerable to the Central Committee on all matters (Sokwanele 2009)

<sup>28</sup> Herbst is unclear as to whether or not comments from the Ministry of Lands official were made by the same official or by multiple officials

<sup>29</sup> The four relevant and most current statutes that give effect to local government are: the Urban Councils Act (Chapter 29:15); the Rural Development Councils Act (Chapter 29:13); Provincial Councils and Administration Act (Chapter 29:11); and the Traditional Leaders Act (Chapter 29:17)

The central government defined the objective of local government as the creator of participatory and democratically elected structures that identify needs and ensure provision of services (Chakaipa 2010, p. 31). Fifty-five District Councils were created from the amalgamation of 220 African Councils. Members of the new councils were elected, a method that was designed to engender public participation. However, local government was unable to emerge as an independent sphere of the larger central governmental structure. Provincial and local governments were reduced to agents of the central government (Sims 2013, pp. 6-7).

Initially, land allocation was bureaucratically controlled (Herbst 1990, p. 79). District Councils, now responsible for the administration of land rights within Communal Areas, faced significant hurdles that would be partially responsible for the failure of land reform<sup>30</sup>. Council's faced resistance from local elites who found themselves in positions to dispense patronage, including the distribution of land and, according to Weiss (1994, p. 141), control over public sector jobs. Bureaucrats and local government officials who worked against elites did so at risk of their jobs. Norman Reynolds (2001, p. 9), the Government's chief economist from 1981 to 1986, highlighted two events that reduced local autonomy in the land reform process. First, following the establishment of District Councils, ZANU(PF) began to provide party members with permits to settle in other villages and communities in which there were no previous links, creating inter-communal conflict. Second, Government consolidated its control over communal land as it assumed greater direct powers whilst demoting traditional leaders.

Alexander (1994, pp. 332-333) argues that traditional leaders played "innovative roles, regularly reinterpreting 'tradition' in the light of new economic and political demands." She also claims that the exclusion of traditional leaders from land allocation processes, in favour of District Councils, reduced tenure security as tenure was now more dependent on the state. District Council control reduced the adaptability of land tenure in the face of local political and economic demands and changes. Government's failure to address land pressures within communal areas put ZANU(PF) in the awkward position of enforcing existing colonial and unjust property relations. However, studies conducted by Marongwe (1999) and Moyo (1995) have noted that conflict within some chieftainships (including disputed lines of succession,

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<sup>30</sup> The formal land distribution process began with the Department of Rural Development sending qualification forms to each District Council. Each Council would then distribute forms to citizens within their respective areas. When a new area became available for resettlement, the Provincial Resettlement Officer and District Council would jointly review eligibility forms and select farmers to be resettled

illegal sale of communal land, *inter alia*) led some communities to approve the transfer of decision-making powers away from traditional leaders.

#### **4.2.2.1 Land Policy Framework**

Despite the expectations and needs of the rural masses, the Lancaster House Constitution forced Government to undertake a conservative land reform approach, using market-based policies that discouraged squatting and land occupations. Despite being cast by ZANU(PF) in a socialist framework, access to land was largely promoted through market-based policies that were unable to address individual or community base land claims. Farms occupied by squatters were either purchased by the state or were able to call on Government to have squatters forcibly removed; this would later on prove to be a major future obstacle to land policy<sup>31</sup>.

Government pursued a policy of land resettlement based on the principle of ‘willing-seller, willing-buyer’. While some small-scale African farmers were able to leave African Purchase Areas and acquire former white farms to become commercial farmers and rise to become part of a new black middle class, the transfer of land to the majority of Africans who could not afford to purchase land outright was guided by the state.

ZANU(PF) sought to resettle 18,000 families on approximately 1.1 million hectares of land, and by 1983 it acquired 2.2 million hectares (Cliffe 2000, p. 38; Kinsey 1999, p. 178). Initially, lands targeted for acquisition were those that had been abandoned during and after the Second Chimurenga or those that were considered underutilised. The RNFU identified 2.8 million hectares that was underused (Riddell 1980, p. 4). However most of the land acquired in the 1980s was located in the unproductive natural regions III, IV, V (Makadho 2006, p. 167)<sup>32</sup>.

In 1980, land experts believed that 66 percent of all communal areas were carrying more than double the population that they could sustain, engendering poverty and marginalisation (Moyo p. 1995, 131). As such, Government provided four resettlement model schemes that would provide disadvantaged black Zimbabweans with land (see Table 4.1).

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<sup>31</sup> This will be discussed further in 4.2.2.2

<sup>32</sup> See table 3.2

**Table 4.1: Land Resettlement Schemes**

|   |  |
|---|--|
| <p style="text-align: center;"><b>Model A Scheme</b></p> <ul style="list-style-type: none"> <li>• Resettled individual families into clustered villages</li> <li>• Each family allocated 0.4 hectare residential plot; five hectares of arable land; communal grazing rights for 5 to 15 livestock</li> <li>• Three of the five hectares must be ploughed</li> <li>• Tenure: Three permits were needed, one for residence, cultivation and pasturing stock. Time period and land use are unspecified</li> <li>• Women can have permits issued in their own name, widows are a priority</li> </ul> | <p style="text-align: center;"><b>Model B Scheme</b></p> <ul style="list-style-type: none"> <li>• Settler register as a cooperative (50-200 members) and are required to share profits, but can own livestock and 0.5 hectare gardens individually</li> <li>• Tenure: Permit is issued to cooperative society for unspecified period. Buildings need consent of relevant Minister</li> <li>• Ex-combatants and ex-farm workers are priorities</li> </ul> |
| <p style="text-align: center;"><b>Model C Scheme</b></p> <ul style="list-style-type: none"> <li>• Individual settler plots averaging 10 hectares, surrounding a core estate owned by state farm authority, the Agriculture Development Authority</li> <li>• The Agriculture Development Authority provided research, training, credit, input supply and marketing services</li> <li>• Scheme was only briefly tested</li> </ul>   | <p style="text-align: center;"><b>Model D Scheme</b></p> <ul style="list-style-type: none"> <li>• Intended for Natural Regions IV and V, provided land use for ranching for use in Communal Areas</li> <li>• Access to land rotated every three to four years to allow land regeneration</li> <li>• Scheme was only briefly tested</li> </ul>  |
| <p style="text-align: center;"><b>State Land</b></p> <p>The state held title to 20 percent of national land managed by various state bodies</p>   |  |

**Source: adapted from Moyo (1995, p. 86-89)**

The modest market-led land acquisition programme maintained a path between the need for a profitable commercial agriculture sector and the equitable distribution of land while balancing rural and urban levels of incomes in order to prevent a mass exodus to the cities (Hitchens & Stephen 1981, p. 17). The land reform policy that emerged sought to resettle the landless, the poor, unemployed and the destitute (Moyo 1995, p. 118)<sup>33</sup>. Zimbabweans who sought economic refuge in urban centres were not considered for land allocation in resettlement schemes (Makadho 2006, p. 1667). Farm workers and their families living on acquired farms would have priority resettlement.

<sup>33</sup> ZAPU also took a similar position on land distribution, stating that “land [should be given] to all the people with fairness to all to ensure food for all, and a speedy development of the country” and that “resettlement of all refugees and displaced persons, and providing them with the means to make another start in life” develop the rural areas with water, electricity, post (Zimbabwe African People's Union 1980, p.5)



Half of the costs for the resettlement scheme were to be covered by the British government with the rest paid for by Zimbabwe (Herbst 1990, p. 43). However, the Zimbabwean Government would still have to provide agricultural inputs, credit and infrastructure to make resettlements viable.

Government's *Transitional National Development Plan* (TNDP), published in November 1982, revised its intentions and stated it would resettle 162,000 families pending 'financial and economic constraints'. This amounted to approximately 25 percent of all rural land dwellers in Zimbabwe, on 8.3 million hectares by 1985 (Cokorinos 1984, p. 41; Herbst 1990, p. 43). The TNDP stated that if 'effective and appropriate' measures were not taken, communal areas, designed to hold 325,000 families but at a capacity of 700,000 families, would become highly unstable because of the rapid growth of rural families, estimated at 35,000 per year (Government of Zimbabwe 1983, p. 64). The 1982 Census discovered that 73 percent of the rural population resided in Communal Areas (Mehretu 1994, p. 56). The new programme would have purchased nine million hectares or 57 percent of all white agricultural land, at an estimated cost of Z\$570 million (Kinsey 1983, 180-1).

A significant challenge to the policy was that the TNDP paid little attention to the redevelopment of existing communal areas as Government maintained that communal lands, where the majority of the black population resided, were an appendage of colonialism, to which it would not contribute. 'Policy-makers and Government-appointed commissions relied on the same research and assumptions about communal area tenure and productivity that had informed Rhodesian policies' (Alexander 1994, p. 332).

Additionally, the TNDP was developed without a needs assessment or with an evaluation of the state's ability to support a programme of that scope, but rather technical assessments of what could be accomplished with resources provided with British assistance (Kinsey 1999, p. 178). While acquisition moved along at a steady pace between 1980 and 1983, increasing pressures on the economy in addition to a widespread and devastating drought forced Government to reduce its role in transferring land. While 40,000 households were resettled by 1985, only an additional 48,000 households were resettled by 1990 (Cliffe 2000, p. 38).

The tenure security the TNDP sought to engender within Model A and B schemes led them to become the most popular. ZANU(PF) believed permits to de-pasture a specific number of

livestock in communally managed grazing lands along with the right to reside on a specific parcel of land created tenure security (Government of Zimbabwe September 1998, p. 9). However, the Rural Land Act conferred Government with the powers to lease or alienate state land. In each resettlement scheme, the Minister for Lands, Resettlement and Rural Development had the right to terminate or replace land permits for any reason and without notice because legal ownership of land was vested within the state. Occupancy permits, issued to the head of the household, usually a male, fell short of title and lease. They required that land be used productively or the farmer would lose access to the land (Muir-Leresche 2006, p. 106). Land could not be sold, subdivided, or inherited, creating enormous pressures on families. Farm management practices, including land use, crop choice, and husbandry methods were dictated by the State; and anyone who was found to be abandoning these practices could be expelled from the scheme. If new settlers were unable to secure access to credit or the market, they risked losing their farms. As a result of Government's policy of placing land at the centre of needs satisfaction, members of resettled families were prohibited from engaging in non-agricultural employment.

Model B cooperatives were emphasised by ZANU(PF) as a way to address immediate the employment needs of war veterans, most of whom were landless (Kriger 2003, pp. 142-143). Despite a survey that had found nearly 80 percent of war veterans wanted jobs, only four percent had been interested in agricultural-based employment. Cooperatives were a space where government, capital and the rural population could interact and support one another (Sato 1988, p. 15). The Government encouraged guerrillas to pool their demobilisation money and purchase land within Model B schemes (Kriger 2003, p. 144). The cost of purchasing a farm forced many people into partnerships that they otherwise may not have wanted; building a successful cooperative proved difficult as different people had different needs and pursued different ways of satisfying those needs. NGOs, in particular the Zimbabwe Project, assisted Government in dispersing funds to cooperative farmers, and enhanced the capacity of farmers through education, trainings and communication programmes. But increased partisan rhetoric and the beginning of Gukurahundi restricted the environment in which civil society could operate. Members of ZIPRA cooperatives were harassed by the security services and property was destroyed. Some farms associated with ZIPRA were confiscated (Chung 2006, p. 301). NGOs were accused of political favouritism in an environment increasingly rife with suspicion; donors and government abandoned those perceived as biased toward ZAPU. By 1987 many of the

cooperatives had collapsed or failed to raise the standard of living of inhabitants (Kriger 2003, p. 142).

Studying the effects of Zimbabwe's new land policy, Bratton (1987, p. 191) discovered many Zimbabweans did not believe the new resettlement areas would be better able to satisfy needs as many of them choose to retain control of land under traditional tenure allowed within communal areas. Rural land dwellers complained that the Minister of Local Government, Urban and Rural Development had too much control over land allocation, use and conservation (Moyo 1995, p. 133). Additionally, women struggled to gain access to land. Until the passage of the Age of Majority Act in 1982, most black women did not have formal access to credit (Bond & Manyanya 2002, p. 52).

While the resettlement schemes for the poor formed the crux of the land reform programme, Government implemented initiatives to promote black commercial farming through private land transfers. Government primarily focused on acquiring LSCFs through loans provided by the Agricultural Finance Corporation (AFC) and state lease holdings<sup>34</sup>. Development of black farming depended upon Government intervention and International Financial Institutions (IFIs). The World Bank gave the AFC US\$30.4 million line of credit that the AFC in turn used to finance 27,000 communal area farmers and 4,000 small-scale commercial farmers (Bond & Manyanya 2002, p. 51).

Few black capitalist farmers questioned the state's right of ownership or custodianship of land; only the Commercial Farmer's Union and peasants challenged Government's decisions (Moyo 1995, p. 262). Moyo (1995, pp. 114-115) elucidates that the processes were rarely documented and that state lease holdings were often conducted in a manner that was highly secretive. Moyo (ibid) further posits that political networks were critical in land allocation vis-à-vis state leaseholds as evidenced by the prominence of government officials that obtained leasehold farms. Moreover, gender bias was entrenched in AFC. Structural barriers like illiteracy and patriarchal impediments created a situation whereby only 30 percent of borrowers were women (Bond & Manyanya 2002, p. 52).

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<sup>34</sup> The AFC became the Agricultural Development Bank in 1999, and is commonly referred to as AgriBank. It is wholly owned by the Government of Zimbabwe

As Government policy further entrenched the importance of land as a fundamental needs satisfier, the Land Acquisition Act of 1985 gave purchasing priority to Government, allowing it the first right of refusal on any rural land for sale. Anyone who wanted to sell his or her land was required to obtain a "certificate of no present interest" from Government.

Despite Government's best intentions, efforts to reform land ownership remained a complex and highly flawed challenge for ZANU(PF).

#### **4.2.2.2 Obstacles to land policy and security of tenure**

Impediments to land reform emanated from internal and external exigencies. Mumbengegwi (1986, p. 212) posits that available land under the 'willing-seller, willing-buyer' scheme dried up, causing prices to rise significantly (see Table 4.2). The market approach allowed landowners, not Government or intended beneficiaries, to determine the amount, quality, location and price of land (Moyo 2006, p. 147). Moreover, more than 70 percent of the land acquired for resettlement tended to be agro-economically marginal areas (ibid).

**Table 4.2: Land Purchased for Resettlement in Zimbabwe, 1980/81 -1987/88**

| <b>Financial Year</b> | <b>Land Hectares</b> | <b>Gross purchase price in Z\$</b> | <b>Average price per hectare in Z\$</b> |
|-----------------------|----------------------|------------------------------------|---|
| 1980/81               | 223,196              | 3,517,198                          | 15.76                                   |
| 1981/82               | 900,196              | 18,803,158                         | 20.88                                   |
| 1982/83               | 939,925              | 22,009,187                         | 23.42                                   |
| 1983/84               | 159,866              | 4,536,168                          | 28.37                                   |
| 1984/85               | 75,058               | 2,966,849                          | 39.53                                   |
| 1985/86               | 86,187               | 4,444,610                          | 51.57                                   |
| 1986/87               | 133,515              | 3,898,335                          | 29.20                                   |
| 1987/88               | 20,319               | 1,874,200                          | 92.24                                   |
| <b>Total</b>          | <b>2,538,262</b>     | <b>62,049,705</b>                  | <b>24.45</b>                            |

Source: Palmer (1990, p. 170)

New and untested institutional frameworks slowed the pace and effectiveness of reform. Nineteen ministries were involved in land reform processes, and with them, a complex variety of perceptions, objectives and targets concerning the need for land to alleviate a myriad of social, economic and political problems (Moyo 1995, p. 120).

The productive base of the economy was unable to support levels of expenditure that were necessary to fully implement reform. Any decline in agricultural output would reduce foreign exchange and threaten employment. Herbst (1990, p. 45), interviewing a Manicaland Province

official, discovered “government resettlement goals are not translated into budgets. The goals from the top bear little resemblance to what actually goes on”. An attempt to revise and address the TNDP’s shortcomings within the *First Five-Year National Development Plan*, covering 1986-1990, led Government to seek to resettle 15,000 families for each year of the plan as consensus had developed around the TNDP’s unattainable resettlement goals. The policy shift was not communicated to all responsible ministries nor was it sold to ZANU(PF)’s constituents; instead it sowed confusion.

Resettlement eligibility focused on black Africans who were poor, landless, economically disadvantaged, and those that suffered losses from the liberation war, namely those living within the African farming areas that bore the brunt of the war and where infrastructure was largely destroyed (Hitchens & Stephen 1981, p. 17). Yet ironically, although land was a fundamental need satisfier, Government failed to determine or ascertain the actual needs or demands for land ownership (Moyo 1995, pp. 119-121). Moyo describes the process as locally driven, with district officials responsible for maintaining registers for those who chose to be resettled. However, the reliability of registers was disputed. Additionally, ‘moving beyond oral records and community cross-checking was a major task that was never fully accepted in the villages’ (Reynolds 2001, p. 9). Uncertainty of the resettlement scheme, and failure of Government to provide adequate knowledge of its resettlement plans, led many to distrust the process. Most households feared relocation to remote locations and compulsory cultivation. New African settlers who agreed to accept resettlement on acquired farms had to relinquish all rights to land in communal areas and were prohibited from seeking temporary employment in urban areas (Herbst 1990, pp. 65-6; Kinsey 1999, p. 181).

Although national leaders developed land reform policy guidelines, an accumulation of decisions made by the bureaucracy determined the direction and emphasis of the land reform programme (Herbst 1994, p. 61). Although technocrats had control over the land reform process, their autonomy was increasingly curtailed by the ability of local and national politicians to make bureaucratic appointments. Their influence created opportunities for the abuse of the land reform process as land was dispensed for patronage or acquired for personal aggrandisement. For example, toward the end of the 1980s, land was among the benefits distributed to retiring soldiers, a key ZANU(PF) constituency, as a means to enable them to begin a business or build a home (Quintana 2004, p. 86). General Solomon Mujuru, an influential figure within ZANU(PF), was given two farms in Shamva (Meredith 2002, p. 82). A

report by Carol Pearce found that civil servants, cabinet ministers, MPs and ZANU(PF) party officials owned up to eight percent of commercial farmland. Nkomo told an audience in June 1993 that he owned a number of farms “so as not to deprive the indigenous people of this country of their right to own land” (Weiss 1994, p. 187, quoting the *Daily Gazette* 28 June 1993). In effect, the land redistribution process overwhelmingly benefitted political elites as opposed to the intended recipients: the poor and vulnerable rural masses.

During the immediate post-independence period, conflicts over land occurred on two levels: between the different segments of those dispossessed of their land and between the dispossessed communal group(s) and political elites. These conflicts were influenced by policy-makers and shaped the future trajectory of land policy within Zimbabwe. The demand for land during the initial period of independence was expressed through squatting. There were an estimated 500,000 squatters throughout the rural areas and on the fringe of urban areas as urban dwellers faced a housing backlog of 700,000 units (Moyo 1995, p. 119). At its peak in the mid-1980s, 800 farms had been occupied by squatters (Marongwe 2003, p. 162). Squatters were generally small uncoordinated groups in widely separated rural areas with no contact with one another (Herbst 1990, p. 64). They moved quickly to invade land designated for resettlement and sought alliances with local ZANU(PF) officials, sometimes with the encouragement of some national politicians and officials, until the bureaucracy became strong enough to curtail corrupt practices (Kriger 2007, p. 66).

Squatters and local ZANU(PF) officials created a powerful coalition that intimidated the technocrats and pressed national leaders to meet squatter demands (Alexander 2006, p. 154; Herbst 1990, p. 73 & 259; Moyo 1995, p. 113). Initially, Ministers and politicians afforded them protection; for example, police were instructed not to arrest them. However, Alexander (2006, p. 155) states that as squatters sought space on commercial farms, the central government intervened. Occupations of commercial farms and of state owned land, as well as unsanctioned grazing and unregulated exploitation of natural resources, were criminalised. Squatters were arrested and evictions ensued. Squatting declined as vacant land grew scarce, resettlement schemes became more populated and central government control increased (ibid). By 1989, approximately half the settlers on Model A schemes were former squatters.

By 1986, the Government controlled local operations and land occupations; further, it acquired experience to formulate positions, institutionalise procedures, and train personnel (Herbst 1990,

p. 77; Moyo 1995, pp. 89-90). Conflict also emerged between resettled persons and those that stayed in Communal Areas (Herbst 1990, p. 63)<sup>35</sup>. Many communities vehemently rejected members from exogenous communities being resettled on plots at the expense of locals. In areas where land pressure was extreme, Alexander (2006, p. 183) states that communal identities became more exclusive, and violence were used to prevent 'outsiders' from resettling. The national Government's ability to control the process was limited as local authorities challenged decisions and retained control (ibid). Rural Zimbabweans began to perceive legal land resettlement processes to be ineffective due to illegitimate policy formulation and lack of enforcement mechanisms. Consequently, they openly sought to avoid these centrally controlled means of access to land.

Another constraint was the limited availability of funds and private equity to purchase land. ZIMCORD, a donor conference held in 1980, pledged Z\$1.282 billion in assistance. The conference was a result of Lancaster House negotiations that foresaw that Zimbabwean resources for land purchases and rural development would be inadequate (Government of Zimbabwe 1981, p. 19)<sup>36</sup>. The British government, the only foreign donor to allocate funds for land purchases, provided £47 million between 1980 and 1983, half of its allocated funds for resettlement schemes, including land purchase and development costs, once resettlement plans had been detailed and approved (ibid; Cliffe 2000, p. 39). Other donors contributed to land resettlement, but not land purchase. The African Development Bank loaned Zimbabwean US\$27 million, Kuwait provided a loan/grant of £7.8 million, and the European Economic Community provided another US\$6.3 million (Africa All Party Parliamentary Group 2009, p. 28).

In order to access British funds, the Zimbabwean Government had to provide matching funding. However, economic austerity in the latter half of the 1980s meant that Zimbabwe was unable to uphold its commitment to provide the matching funds. Zimbabwe's cutbacks to the land reform programme meant that British funds were not drawn down.

Finally, institutional forums were a hindrance to land policy, The Ministry of Finance and the Reserve Bank created means to support local commercial liberalisation; they included: the Zimbabwe Investment Centre in 1987, the Indigenous Business Development Centre in 1990,

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<sup>35</sup> Tribal Trust Lands were renamed communal lands in Communal Lands Act of 1982

<sup>36</sup> The five areas for aid were: a programme of land resettlement and rural development; war reparations; resettlement of refugees; training and rehabilitation of former combatants; and technical cooperation

and the Zimtrade and Venture Capital Company of Zimbabwe in 1991 (Bond & Manyanya 2002, p. 29). Although these institutions sought to expand and deepen financial access to businesses owned by blacks, 97 percent of bank loans had been awarded to white-owned businesses at the end of 1989 (ibid). Nonetheless, loans to black farmers increased after independence. In 1988, the AFC lent to 18 percent of all communal area farmers, but large overhead costs and high default rates reduced access to credit, and by 1990, only 13 percent of communal area farmers received loans from the AFC, falling further to five percent in 1991. The same trends afflicted SSCFs and resettlement farmers (Bond & Manyanya 2002, p. 52). By 1990, 80 percent of borrowers from the AFC were in arrears (Bond & Manyanya 2002, p. 53).

In 1986, Government debated the Food and Agriculture Organisation's *Policy Options for Agrarian Reform in Zimbabwe: a technical appraisal* at two symposia, first in Nyanga in 1987 and again in Harare in 1988. In his description of the proceedings, Bratton, (1994, p. 76) notes that participants recommended land resettlement should be integrated within a comprehensive strategy to reorganise land use throughout the country through a new Agrarian Reform Agency that would be responsible for land acquisition. Government would establish ceilings on commercial holdings, restore a settlement rate of 15,000 households per year, and rationalise the use of land in communal areas (ibid). The policy recommendations became stuck within the internal machinery of ZANU(PF). The recommendations were submitted to Cabinet in late 1987 but there was no official response until 1990. The Cabinet and ZANU(PF) leaders blocked the Minister of Local Government, Rural and Urban Development from undertaking the new initiative.

#### **4.2.2.3 Civil society and land policy**

There was an absence of countervailing forces and public interest directed at the rights of rural land dwellers, including land displacement and alienation after independence among civil society. Civil society's response to land reform was "ad hoc, fragmented, uncoordinated, localised, and unfocused" (Murisa 2008, p. 128). During the 1980s, civil society, with the exception of organised labour, lacked a "broad-based constituency" that took responsibility for devising a coordinated plan of action (ibid).

In the 1980s, the Commercial Farmers' Union (CFU), which primarily represented white commercial agricultural farmers, encouraged black farming and resettlement in regions with low agricultural potential (Stoneman & Cliffe 1989, p. 57). According to Murisa (2008, p. 131)



the CFU successfully persuaded Government to evict squatters who illegally occupied farms, provide private security to farmers at risk of violence and to drop a proposal for the block purchase of land under the Land Acquisition Act of 1985.

The Zimbabwe National Farmers' Union (ZNFU), formed in 1905 as the African Farmers' Union, and the National Farmer's Association of Zimbabwe (NFAZ), formed in the 1950s as a Master Farmers programme in Masvingo province, primarily represented black farming interests. ZNFU represented the interests of African smallholders who owned private farms within the African Purchase Areas, known as small-scale commercial farms after independence. In 1980 ZNFU membership was 9,500, reaching approximately 12,500 by 1991 (Bratton 1994a, p. 14; 1987, p. 181). NFAZ sought to transfer technical skills and advice to peasant farmers who were trying to enter the agricultural market. Membership peaked in 1988 with approximately 4,000 branches, 85,000 members, and as many as 150,000 occasional supporters throughout the country. More than half its members, although none of its national leaders, were women (Bratton 1994a, p. 14). NFAZ was recognised by Government as the legitimate representative of communal and resettlement farmers. Farmer unions were established under the Farmer's Licensing Act; despite this Bratton (1994a, p. 15) states that they operated with a meaningful measure of institutional autonomy. Both the CFU and ZNFU drew their financial strength from their members. NFAZ received a small operating grant from the public budget.

Government promoted the principle of "one sector, one union" for industry, labour and the public service in an effort to achieve a one-party state (Bratton 1994a, p. 16). Shortly after independence, unsuccessful attempts were made to merge the CFU and ZNFU. In 1985, the CFU, ZNFU and NFAZ formed the Joint Presidents' Agricultural Committee, a mechanism that sought to influence policy, mainly marketing, pricing, and related issues (*ibid*). The CFU had almost exclusive access to policy-makers through the state's agricultural bureaucracy and public corporations (Bratton 1987, p. 198). Leaders of the ZNFU and NFAZ cultivated relationships with key MPs and Ministers by inviting them to union events, or by ensuring the unions were represented at political party rallies (*ibid*). Government's policy was to only consult formally recognised farmers unions operating at the national and provincial levels (Moyo 1995, p. 156).

Unrecognised black farmer unions struggled to directly influence land policy. In 1983, approximately 44 percent of communal land farmers belonged to unregistered informal

agricultural organisations that enjoyed a measure of autonomy that allowed them to articulate their demands (Bratton 1987, p. 198). However, these rural black farmers were largely unable to apply significant pressure on government regarding land policy because Government had chosen to exclude them. Moreover, Government was suspicious of black Africans who owned land during the colonial era, accusing African small-scale farmers of collaborating with the colonial regime during the liberation struggle (Herbst 1990, p. 59). They too were marginalised in decision-making.

As the land reform process reached the end of the first decade, so too did the need for autonomous representation for farmers and rural masses. Civil society would become a more important voice in the discourse of land reform in the 1990s. ZANU(PF), now united with ZAPU, sought to embark on the 'second phase of the revolution' beginning with the 1990 election campaign. Contradictions between ZANU(PF)'s socialist rhetoric and the state's penchant for capitalism were apparent, and land policy in the 1990s would be characterised by this contradiction. At the end of the 1980s, 11 million hectares, or 29 percent of agricultural land, had been transferred to black Africans (Moyo & Yeros 2005, p. 173). This was far short of Government's aim of resettling 162,000 families.

#### **4.3 Economic Liberalisation and Structural Adjustment**

At the beginning of the 1990s, more than 70 percent of the population lived directly off land and more than 60 percent of the economy and economic growth was dependent on agricultural performance (Moyo 1995, p. 79). The state played a key role in allocating land after independence, but whites retained their monopoly on land ownership vis-à-vis freehold land tenure. The expiration of the land clauses in the Lancaster House Constitution in 1990 prompted significant revisions of policies and legislation that would shape the next decade of land reform. A political alliance emerged between the dominant African members of government and a new class of black capitalists that, together, sought to pursue a policy of economic 'indigenisation' within a liberal economic and political framework (Moyo 1995, p. 3; Kinsey 1999, p. 174). Moyo (1995, p. 4) attributes this to the consolidation of a black business and middle class between 1987 and 1990 that favoured a market-oriented economic economy, not the socialist ideology that appealed to the black rural masses.

ZANU(PF) extended the existing system of state-controlled capitalism established under UDI. The lifting of sanctions spurred an economic boom, but it was soon replaced by slow and erratic

economic growth that was a result of insufficient foreign exchange, a lack of new investment and increasing unemployment (Skålnes 1993, p. 402; Trålim 1999, p. 79). In 1989 Government debt was 71 percent of GDP (Sachikonye 1995, p. 43). Pressures from international financial institutions and donors encouraged Government to adopt structural adjustment reforms, reducing state autonomy and the ability of a government to represent the needs of its citizens. Initially, Government adopted internal structural adjustment in 1990 without adequate consultation with workers, small farmers and small business (Moyo 2000, p. 18). The Economic Structural Adjustment Program (ESAP) sought to reduce government expenditure by removing subsidies, cost recovery, civil service rationalisation and the reform of parastatals, currency devaluation and the liberalisation of prices and interest rates (Chattopadhyay 2000, p. 310; Dhliwayo 2001, p. 1; Moyo & Yeros 2005, p. 175). ESAP sought to deliver the following benefits:

- Five percent annual growth;
- The overall budget deficit would be reduced to 5 percent of GDP;
- Increase private sector investment over government investment;
- Increase total investment to 25 percent of GDP by 1993;
- Reduce inflation from 20 percent to ten percent by 1994; and
- Increase direct foreign investment to US\$ 30 million a year from 1992-1995 (Bond & Manyanya 2002, pp. 31-32).

Despite these grandiose promises, ESAP was a disaster. GDP averaged just 1.2 percent from 1991 to 1995 and inflation averaged more than 30 percent during the same period (ibid). The decline in formal sector employment decimated the labour movement. At least 55,000 jobs were lost by 1995, including 22,000 jobs in the civil service (Van der Walt 1998, p. 98). Reforms were implemented during a period of a severe drought, resulting in increased expenditure in order to import maize, wheat, sugar and other foods to avert a crisis. The cumulative effects of the drought, a reduction in social expenditure and an increase in food prices deepened impoverishment among ordinary Zimbabweans. Moyo and Yeros (2005, p. 175) detail the economic results of ESAP below:

“Between 1991 and 1995, deindustrialisation would set in, with a new round of downsizing and bankruptcies, involving the closure of one-fifth of the clothing sector. Utilisation and industrial capacity was further reduced by 65 percent, while by 1998, the contribution of manufacturing to GDP had fallen to 17 percent, down by one-quarter. By 1993, real wages had fallen by two-thirds; by 1995, job losses in both public and private sectors amounted to 45,000; meanwhile the share of wages in the national income had dropped from 64 percent to 40 percent...”

The agricultural industry suffered from the privatisation of marketing boards, and cuts in extension services, credit and subsidies, which raised the production costs for small producers (Moyo & Yeros 2005, p. 176). ESAP devastated the livelihoods of many ordinary Zimbabweans. Civil society observed the deterioration of several health indicators: twice as many women died from childbirth as had before 1990, health services deteriorated by 30 percent and an exodus of qualified medical staff left as spending on healthcare was reduced by 20 percent in real terms (Bond & Manyanya 2002, p. 37; Dhliwayo 2001, p. 1; Muzondidya 2009, p. 189). Economic decline led to food riots in 1993 and 1998, and strikes that paralysed the state and the economy<sup>37</sup>. These acts were an expression of Zimbabwean's suffering, anger, and inability to satisfy needs.

ESAP forced Zimbabweans "deeper into marginal economic activities, illegality and social conflict" (Moyo & Yeros 2005, p. 177).

#### **4.3.1 ESAP and land policy**

Almost a decade of independence had not improved the livelihoods of the majority of black Zimbabweans. Many believed that the superior standard of living among whites remained unchanged. ESAP, in conjunction with the unequal distribution of land, exacerbated the deepening communal divisions. Following the expiration of the Lancaster House Constitution land clauses, pressures on the new unicameral parliament to pass unbridled land reform laws grew<sup>38</sup>. Government responded by introducing an ambitious proposal to resettle 100,000 families on five million hectares. Land was to be acquired from LSCFs. ESAP encouraged Government to place greater emphasis on economic growth as it pursued land reform. Changes in settler selection criteria marked a significant departure from previous policy. Selection would no longer focus on social and subsistence criteria. Instead, the state sought to promote black capitalist farming (Moyo 1995, p. 245; Rukuni 2006, p. 36). The revised focus within the land reform process diluted the poverty-alleviation focus that had characterised resettlement in the 1980s.

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<sup>37</sup> More than 800 people were arrested and schools and businesses were closed for three days following the riots (Sylvester 2003, p. 40)

<sup>38</sup> In 1980 the Senate consisted of 40 members, 14 were elected by an electoral college consisting of the House of Assembly members chosen by the 80 Common Roll constituencies; ten by an electoral college consisting of the House of Assembly members chosen by the 20 White Roll constituencies; five Chiefs by an electoral college consisting of those Chiefs in Matabeleland who were members of the Council of Chiefs; five Chiefs by an electoral college consisting of those Chiefs in Mashonaland who were members of the Council of Chiefs; and six were appointed by the President on the advice of the Prime Minister. It was abolished by constitutional amendment in 1989. It was reintroduced by constitutional amendment in 2005

The 1990 National Land Policy set the stage for greater government involvement in land reform. Government weakened property rights by amending the 1985 Land Acquisition Act and the Constitution. The primary objective was to reduce imbalances in land distribution and to ensure that resettlement and the resultant land distribution pattern led to effective land use. Among its recommendations was to allow government to expropriate land where necessary and in a local currency; that all land transfers take place with the approval of the Minister of Lands, Agriculture and Resettlement; and that the price of agricultural land should be controlled by government (Ministry of Lands, Agriculture and Rural Resettlement 1990, pp. 75-79). No legal processes were established in regard to how decisions to designate land were to be made.

A series of constitutional amendments were passed to assist Government to meet its objectives. In 1990, Constitutional Amendment 11 allowed the government to acquire land in a compulsory manner by paying 'fair' compensation within a 'reasonable time', rather than promptly. The Committee responsible for determining the compensation payable was largely made up of members of the Executive<sup>39</sup>. The urgency of Government to pay compensation was removed. Moreover, the Amendment removed the jurisdiction of the courts to hear a farm owners' appeal against Government's determination of what was considered to be 'fair compensation' and a 'reasonable time'.

Debates about market reform versus compulsory acquisition polarised the land question. A World Bank study found that in 1991 of the 6.3 million hectares of land held by whites, 3.5 million hectares was unused (Mlambo 2003, p. 66). Compulsory acquisition would offer Government an opportunity to acquire more land at a lower price that would, theoretically, allow it to resettle more people. Government passed the Land Acquisition Act of 1992 (LA). The LA retained the principle of 'willing-seller, willing-buyer' as well as channels for legal recourse and compensation. The Act enabled Government to compulsorily acquire land for a set price as it needed to deter speculative valuation of land. The new Act indicated a growing impatience with regard to the pace of land reform.

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<sup>39</sup> The Compensation Committee was composed of the Secretary of the Ministry of Lands, Agriculture and Resettlement, the Director of Agricultural, Technical and Extension Services, the Chief Government Valuation Officers and three other members appointed by the Minister of Lands, Agriculture and Resettlement

Most states guarantee a right to property and expropriation with judicial review. Some stipulate that property must be used for the public good. However, the initial draft of the LA drew scrutiny from the courts and from the CFU because it tried to reduce the role of the courts in land acquisition processes. Zimbabwe's first black Chief Justice, Enoch Dumbutshena, rebuked Government, stating, "It flies in the face of all accepted norms of modern society, and the rule of law" (Meredith 2002, p. 122). The CFU organised 4,000 white farmers to meet with Witness Mangwende, the Minister of Agriculture, as they feared, "While it may not be the intention of government to use these powers in an unreasonable and disruptive way now, they remain enshrined in the Constitution and may be used at some future date" (The Christian Science Monitor 1991). Mangwende attempted to mollify concerns by noting Government's intention to target underutilised land, absentee landlords, foreign-owned derelict land, and land owned for speculative purposes (Meredith 2002, p. 124). The Ministers statement worked as the CFU would later agree to work with Government to meet these objectives.

The LA allowed Government to plan for and target the type, location, and scale of land for a new reform programme at a price it could afford. The LA stipulated that land identified for acquisition was to be designated by a consortium of stakeholders that included Government technicians, farmer's interest groups and other relevant policy-makers (Moyo 1995, p. 247). Nonetheless, land acquisition in the early 1990s was criticised for targeting inadequate land holdings, possibly hinting at Government's cautiousness with LSCF production and the need to expand available land to those living within communal areas (Moyo 1995, p. 253). The LA exposed Government to a deluge of litigation by commercial farmers. As a result, Parliament adopted Constitutional Amendment 13 in 1993, denying landowners the opportunity to apply to the High Court or the Supreme Court for the determination of any question relating to compensation. ZANU(PF) continued to maintain that the "process of nationalisation [of the land] will always be regarded as a matter of last resort where other methods of property acquisition have failed" (Zimbabwe African National Union (Patriotic Front) 1997, p. 5). The party's public position on the Land Acquisition Bill was that it would allocate more powers to Government to acquire land for resettlement wherever and whenever it is required (ibid, pp. 6-7, 16.)

Unlike in the 1980s, land reform was largely driven by the central government. Centralisation of the process resulted in poor transparency as acquisition processes were adjudicated by technical, not political and consultative means (ibid). Centralisation widened the scope for

abuse of the system. In 1993, 70 farms were designated for acquisition, including ZANU (Ndonga) president Ndabaningi Sithole and James Chikerema, opponents of ZANU(PF) (Weiss 1994, p. 192). Public dissatisfaction and anger ensued in 1993 and 1994 when Zimbabwean media disclosed that senior politicians, military officials, and Ministers had received farms well below market value. These included farms to Charles Utete, of the President's Office; Perence Shiri, the current commander of the Air Force; Augustine Chihuri, the current commissioner of the police; and Solomon Tawengwa, mayor of Harare (International Crisis Group 2004, p. 49; Meredith 2002, p. 127). In addition, a 3,000-acre farm forcibly purchased against the owner's objections under the pretext that it would be used to resettle 33,000 landless Zimbabweans. Instead, the media discovered that it had been leased to Witness Mangwende (Meredith 2002, p. 126).

During this period, alliances established between the farmers unions in the 1980s began to unravel. In 1990, the presidents of the three farmers' unions presented a common policy paper on land reform, agreeing that Government should only acquire underutilised land and that recipients should be experienced and productive farmers (Bratton 1994, p. 19). But differences over land reform policies emerged between the three primary unions. The Joint Presidents' Agricultural Committee collapsed in 1994, exacerbating racial and class divisions within the farmer's unions. Moyo (1986, p. 188) noted that there were nearly 300 black commercial farmers in 1985, growing to 500 in 1990 (Palmer 1990, p. 175). By the 1990s, many of these farmers abandoned the CFU. In 1992 former black CFU members formed the Indigenous Commercial Farmers' Union (ICFU) to represent them independently of large white-owned commercial farmers and small-scale black farmers. Despite the consolidation and realignment of the farmers' interests, demands for land reform remained poorly represented (Moyo 1999, p. 15).

Government used its levying authority to coerce the leadership of NFAZ and ZNFU to merge into the Zimbabwe Farmers' Union (ZFU) in order to exert control over a single union (Murisa 2013, p. 257; 2011, p. 131). Members of both organisations were not adequately consulted before the merger took place. The leadership of the ZFU was elected on the suggestion of the Minister of Agriculture (Murisa 2011, p. 131). ZFU was incapable of integrating and articulating the various interests of its diverse membership as its autonomy and ability to represent its constituents was compromised by government interference. Despite the fact that land was the primary needs satisfier for many of their members living in communal areas, ZFU

continued to advocate for land to be redistributed to experienced farmers, a position closely tied to that of Government (Kanyenze, Kondo, Chitambara & Martens 2011, p. 86). By 1995, ZFU's membership was less than ten percent of the total number of smallholder households in Zimbabwe (Murisa 2011, p. 131).

Ambiguity of land tenure reflected the ambiguity of agrarian reform and the failure to articulate the range of needs among the majority of citizens. Moyo (1995, p. 269) captures the various demands made by citizens during this period. He states that black Africans demanded state support to improve their access to land markets and for protection against alienation of their land rights in communal areas, resettlement areas, and the former purchase areas (ibid). By the end of the 1990s, 350 black farmers had purchased land with an additional 400 black farmers leasing 400,000 hectares of land (Moyo & Yeros 2005, p. 177; Murisa 2011). By 1998, Government succeed in resettling 71,000 households on 3.5 million hectares of land, nearly ten percent of Zimbabwe's total land area (Derman & Hellum 2007, p. 163). While it fell far short of Government's original intention to resettle 162,000 families on 8.3 million hectares, this was a major achievement. However, the continuation of the permit system established under Model Schemes A and B continues to provide a source of dissatisfaction amongst rural dwellers. They demanded freehold tenure, which would allow people to secure loans for rural investments, thus expanding their ability to use land as a needs satisfier. As Government recalibrated its approach to land reform in 1998 (see next chapter), it admitted that the majority of those resettled on land felt that the permit system was insecure.

#### **4.3.2 ZANU(PF)'s consolidation of political power**

Two constitutional amendments adopted in 1987 brought Zimbabwe closer to being a de facto one-party state. Constitutional Amendment Act No. 6 abolished the 20 reserved seats for whites. Government, in an appeasement to the 'settler community', appointed 11 white individuals to government posts so that whites would retain a voice in ZANU(PF) (Herbst 1990, p. 237). It also sought to prevent the white community from withdrawing and becoming politically isolated. Constitutional Amendment Act No. 7 introduced the executive presidency with an unlimited term of office, giving Mugabe "omnipotent powers typically given to executive presidents in a one-party state" (Moyo 1992, p. 30). As a result of the Amendment, Mugabe was now the head of state, government, and the military. He secured the authority to declare martial law and could control senior appointments within the civil service, defence,



police, and parastatals. The result was greater opportunities for patronage for Mugabe and ZANU(PF) as they consolidated their power over the state.

In mid-1987, Government banned ZAPU meetings, raided party offices in Bulawayo, and detained party officials. It is alleged that Nkomo agreed to compromise with ZANU(PF) because he feared another Gukurahundi (Tekere 2007, p. 156). In December, ZAPU and ZANU(PF) signed the Unity Accord that effectively merged ZAPU and ZANU(PF), creating a 'dominant-party system' in which the ruling party maintains power for an unbroken period despite the existence of a multi-party system (Sachikonye 2003, p. 102). The Accord eliminated the only viable opposition to ZANU(PF), and for a time, removed ethnicity as the primary basis for political division (Skålnes 1995, p. 198). Following the agreement, ZANU(PF) claimed that 'tribalism and regionalism have been discarded as political weapons' (Zimbabwe African National Union (Patriotic Front) 1990, p. 3). ZANU(PF)'s strategy and tactics of repression and negotiation emerged as a blueprint for suppressing pluralistic political competition and dissent.

The Unity Accord shaped Zimbabwe's transition in three ways. First, among the people of Matabeleland and Midlands, the Accord raised expectations for reconstruction and compensation, for losses suffered during Gukurahundi, as well as development, (Alexander, McGregor & Ranger 2000, p. 232). The only reward for unification was the incorporation of a few ZAPU leaders within ZANU(PF), including Joshua Nkomo's appointment as second Vice President. Political representation was dramatically narrowed to only one political party.

Second, the amalgamation of ZAPU into ZANU(PF) allowed political elites to largely put aside ethnic and political differences. The Ministry of Political Affairs was established to oversee the amalgamation of the parties. Mugabe then extended the function of the ministry to "render administrative service to the party", thus conflating state and party structures (Knight 1991, p. 26). ZANU(PF)'s use of public funds was a tactic to fuse the party to the state at a time where the Lancaster House Constitution prohibited a one-party state (Masunungure 2010, p. 143)<sup>40</sup>. Soon thereafter, Government demanded that all civil servants become ZANU(PF) party members (Laakso 2003). No longer was there any viable political alternative to ZANU(PF) until the emergence of the Zimbabwe Unity Movement (ZUM) in 1989.

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<sup>40</sup> No other party had access to these funds. Under increasing criticism, this Ministry was abolished, but the financing of the ruling party continued under the Political Parties (Finance) Act of 1992 under which a party that has ten percent of seats in Parliament is entitled to public funds. As a result, all funding went to ZANU(PF) until 2000

Political competition and representation was further reduced with Constitutional Amendment Act No. 9 (Act 31 of 1990), which abolished the Senate and expanded the House of Assembly from 100 to 150 seats. One hundred-twenty members would now be directly elected while eight provincial governors (appointed by the president), 10 chiefs, and 12 presidential nominees would occupy the remaining 30 seats. An opposition party would need to win 76 seats, while ZANU(PF) would have to win 46, to have a majority in parliament.

Third, the distinction between state and party became difficult to discern. Structures of decentralization were primarily used to facilitate the creation of a one-party socialist state, which had been ZANU(PF)'s goal (Zimbabwe African National Union (Patriotic Front) 1990, p. 2). Projecting the party's long desired consolidation of power, Mugabe proclaimed that ZANU(PF)

“... is more important that the government, and... the Central Committee is above the Cabinet because Minister's derive their power from ZANU(PF)... In the future there will be no separation from the party from state organs, because after the national congress in August, government programmes will be based on the resolutions of the ZANU(PF) Central Committee (Herbst 1990, p. 7)<sup>41</sup>.”

The narrative of reconciliation was abandoned. In its place ZANU(PF) retreated to the primordial narratives of distrust and racial conflict. In its 1990 electoral manifesto, ZANU(PF) stated that, “The forces of reaction, racism, division and retrogression which were soundly defeated [in the 1980 and 1985 elections] retreated into the background, but they continue to regroup with new tactics and new faces” (Zimbabwe African National Union (Patriotic Front) 1990, p. 1).

ZANU(PF)'s control of the state also extended to the media. The media exerted blatant partisanship. Rejection of South African controlled media after independence<sup>42</sup> led to greater Government control over news agencies through the newly established Zimbabwe Mass Media

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<sup>41</sup> Herbst is quoting ZBC News, Radio, 1.15pm, 18 Feb 1984, cited in ‘Mugabe says party more important than government’, *Foreign Broadcast Information Service: Daily Report: Near East and Africa* [Washington, United States Department of Commerce], 22 Feb 1984

<sup>42</sup> In 1980, all of the main newspapers were owned by the Rhodesian Printing and Publishing Co., Ltd. Forty percent of the shared in the publishing house were owned by Argus Newspapers of South Africa (Commonwealth Secretariat 1980, 45). The main newspapers were *The Herald*, the *Sunday Mail*, the *Bulawayo Chronicle*, the *Sunday News*, and the *National Observer*. Each predominately served white communities and urban areas

Trust (ZMMT)<sup>43</sup>. Government, through ZMMT, owned and controlled the majority share in Zimbabwe Newspapers Ltd. (Zimpapers), publishers of the only two dailies *The Herald* and *The Chronicle*. While Zimpapers is a publically owned company, its partiality has gone unchecked (Biti & Feltoe 1997, p. 4). The Zimbabwe Broadcasting Corporation (ZBC) also operated under a board of governors appointed by the President. Television, radio and print media were perceived to have given significant and positive coverage to ZANU(PF), and insufficient coverage to other parties (Arnold, Garber & Wrobel 1986, pp. 37-38).

Despite ZANU(PF)'s drive toward a one-party state, fissures within ZANU(PF) emerged over the party's increasing authoritarianism. ZANU(PF) primaries in 1990 heightened intra-party tension as party leadership interfered with the candidate nomination process, voiding primary results it found unfavourable (Laakso 2003). Twelve candidates contested the elections as independents, this increased to 29 in 1995. Former Secretary-General, Minister, and former-ZANU(PF) member, Edgar Tekere, formed ZUM after he was expelled for criticising ZANU(PF)'s one-party position. ZUM established broad urban support but failed to attract rural voters. While ZUM was ultimately defeated, winning two seats against ZANU(PF)'s 117 (out of the 120) seats, it won 18 percent of the popular vote (Sithole & Makumbe 1997, p. 128). The legitimacy of the 1995 election was challenged. Eight opposition parties boycotted the election claiming, "partisan state control of the electoral process and unfair press coverage did not give opposition parties a fair chance" (Reynolds 1999, p. 167). As a result, 55 ZANU(PF) members ran unopposed, and in conjunction with President Mugabe's 30 discretionary parliamentary seat appointments, ZANU(PF) had effectively returned to power before the polls opened.

Ethnic voting patterns persisted during the 1990 and 1995 elections. ZANU(PF) did not place any Shona candidates in Ndebele constituencies, and vice versa (Sithole & Makumbe 1997, p. 128). Despite the narrowing political space, smaller political parties emerged throughout the 1990s. However, many of these were short lived. Allegations of CIO infiltration and

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<sup>43</sup> Formed in 1981, ZMMT took a 45 percent stake away from South African investors (Rusike 1990, pp. 65-66). Initially, ZMMT did not received a government subsidy, the Chair was neither a civil servant nor ZANU(PF) functionary, and the board of directors was largely composed of professionals. ZMMT sought to ensure that the media promoted the interests of ordinary Zimbabweans in an effort to counter decades of settler propaganda and misinformation. Rusike argues that Government has a "responsibility to enhance the image and dignity of a people who, for 90 years, were treated as slaves in the land of their birth" (Rusike 1990, p. 66). Additionally, ZMMT was to insulate the press from direct government interference. However, appointments in 1990s included Sarah Kachingwe, permanent secretary in the Ministry of Information; David Zamchiya, a senator; and Don Muvuti, a member of ZANU(PF) Central Committee (Rusike 1990, p. 75)

government-sponsored agitation were blamed for the party's demise (Meldrum 1995). ZUM dissolved when dissidents broke away to form the Democratic Party. The remnants of ZUM merged with the UANC in a union that would last ten months. Opposition parties were not issues-based; rather they were inept personality-driven structures that were highly fluid and lacked efficient capacity. Opposition parties failed to address significant inequalities among men and women within their ranks.

The Indigenous Business Development Centre and Affirmative Action Group and other indigenous business lobbies pressured Government to set aside land for 'indigenisation'. As a result, Mugabe and Nkomo turned land into a core election issue. Land reform was cast in nationalist and economic terms based on the 'failure to accumulate capital required to independently break white dominated land markets' (Moyo 1995, p. 263). ZANU(PF) continued to proclaim that the national economy remained in the hands of foreign-owned multinational corporations (Zimbabwe African National Union (Patriotic Front) 1990, p. 4). As Scoones *et al.* (2010, p. 18) notes, only 20,000 households had been resettled between 1990 and 1996, well below the target of 100,000. In the run up to the general election of 1995 and presidential election in 1996, the political rhetoric around land redistribution took on an increasing racial tone. White farmers were characterised as 'racist and unpatriotic'. Mugabe publicly stated that if the British did not resume funding land acquisitions, government would send squatters to invade the farms (Kriger 2007, p. 68).

Voter turnout declined significantly throughout the 1990s from its high of 94 percent in 1980. Turnout declined from 84 percent in the 1985 election to 54 percent in 1990. It rose slightly to 57 percent in 1995, but reached a significant low of 32 percent in the 1996 presidential election, illuminating growing distrust in government (Sithole & Makumbe 1997, pp. 127-132). Overall, opposition parties failed to turn elections into contests over policy programmes, limiting the effectiveness of elections as a means to translate popular demand into public policy. As political space narrowed and ZANU(PF) structures and state institutions became increasingly conflated, the ability of smaller parties to act as effective representatives of their constituents had been constricted. As these smaller parties collapsed, so too was there a marked decline in voter turnout. This provided impetus for citizens to seek alternative forms of representation.

### 4.3.3 Civil society emerges as a platform for mass action

External events and occurrences in the 1990s played a role in shaping Zimbabwe internal affairs. The collapse of the Soviet Union and China's shift toward a market-based economy meant the socialism that inspired so many in the liberation movement no longer had widespread legitimacy (Chung 2006, pp. 322-323). Negotiations to end South African occupation of Namibia were agreed to in 1988 and Namibian independence achieved in 1990. Also in 1990, the South African government released Nelson Mandela from prison and unbanned the African National Congress, beginning a long transition from apartheid to democracy. In 1991, Zambia's one party state led by Kenneth Kaunda came to an end with the election of a new opposition party and a successful transition of power. ZANU(PF)'s security justifications for a one-party state and repressive legislation no longer carried merit.

The state of emergency, in place since the 1960s and used to suppress the nationalist movements, was lifted. It enabled Government to hold anyone in detention without trial and to detain people who had been acquitted by a court (Human Rights Watch 1991). Civics also sought the release of more than 200 prisoners serving sentences for politically motivated offences. In 1990, despite the crackdown on students the previous year, the state of emergency was terminated and all political prisoners were released. In lieu of the emergency powers, the Presidential Powers (Temporary Measures) Act was enacted, allowing the President to assume legislative powers and rule by decree<sup>44</sup>. The termination of these powers assisted in creating the space for the civic movement to engage government on sensitive governance and human rights issues.

ESAP engendered a new awareness among civil society for the need to play a watchdog role. It also increased the demand for NGO social services, roles reminiscent of the 1980s, as the state was unable to provide needs satisfaction. Saunder's (2000, pp. 68-70) notes that "coping" and self-help" civil society organisations in the form of burial societies, savings clubs, home-based health care organisations, rural development associations, and school development committees emerged to relieve suffering. ZANU(PF)'s popularity eroded as it had failed to create a safety net for Zimbabweans who were negatively affected by ESAP.

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<sup>44</sup> The Presidential Powers (Temporary Measures) Act allows the President to make regulations on virtually any subject if urgent action must be taken in the public interest. The only limitations are that the President must revoke regulations if Parliament requires, and that the regulations made by the President expire after six months, although they can be replaced by similar decrees

By 1997, Raftopoulos (2009, p. 202) notes the decline of several key economic indicators: real wages fell from 100.6 in 1985 and 1990 to 86.0 between 1996 and 1999; employment growth declined from 2.4 percent to 1.5 percent while inflation rose from 11.6 percent to 32.6 percent during the same period; and poverty increased from 40.4 percent in 1990/91 to 63 percent in 1996. Civil society also provided channels for citizens to criticise government. Their increasing role in development led to a contest between the state and civil society as civics challenged government on its failure to promote policies that were in the spirit of the country's struggle and sought to uplift and protect Zimbabweans.

In response to burgeoning civil society, ZANU(PF) continued to intimidate political opponents and civil society by using legislation first passed and implemented under the Rhodesian government. In 1995, the Private Voluntary Organisations (PVO) Act replaced the 1967 Rhodesian Welfare Organisations Act. The PVO gave the Minister of Labour and Social Welfare the authority to register and de-register NGOs; appoint a PVO board that has extensive powers to scrutinise organisations' staff, finances and activities; suspend a civic organisation's executive committee members; and establish funding requirements for NGOs. The scope of the legislation was wide and powers vested in the Minister arbitrary. The PVO was an attack on the representative and autonomous functions of civil society<sup>45</sup>. Demonstrating its ability to check the executive, in 1996 the Supreme Court repealed the sections of the PVO that empowered the Minister to remove an organisation's executive leadership. In addition to the PVO, government had a wide range of legal powers under the Official Secrets Act and the Law and Order (Maintenance) Act (LOMA). LOMA gave extensive powers to the police, the Minister of Home Affairs and the President to address political and security crimes that were vaguely defined

The economic crisis brought on by ESAP provided the conditions for social unrest. After the 1995 elections, the relationship between ZCTU and Government became strained. The first major test of the relationship between Government and civil society transpired when civil society – led by ZCTU – organised a series of strikes to protest the deteriorating economic conditions brought on by ESAP and to pressure government to change its trajectory and implement economic policies that address poverty and unemployment. Under the leadership of Tsvangirai, ZCTU reformed its structures and directly challenged government policies and

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<sup>45</sup> The only organisation to have its executive leadership removed by government was the Association of Women's Clubs in November 1995. The Association of Women's Clubs comprised of more than 100,000 mostly rural women members. Its executive was replaced by individuals closely affiliated to ZANU(PF)'s Women's League, however, a successful Supreme Court Challenge in 1996 reinstated the original executive

accused government of abandoning its liberation principles. During this period, ZCTU also expanded its focus to include broader issues of democratisation and good governance. In these campaigns, ZCTU developed alliances with other civic groups that sought to challenge ZANU(PF). A 1997 poverty assessment<sup>46</sup> released by the Ministry of Labour, Manpower Planning, and Social Welfare discovered that 61 percent of households earning an income fell below the level needed to attain basic needs, while 45 percent of households were unable to meet their nutritional needs (Tandon 2001, p. 221)<sup>47</sup>.

According to Raftopoulos (2003, p. 228), general strikes and mass stay-aways “established the potential effectiveness of labour as a social movement for change” as they could articulate and communicate the linkages between the economic crisis and governance. Strikes within the public sector in 1996 and the 1997 industry strikes, which included the construction, commercial enterprise, hotels and catering, clothing, cement and lime, railways, urban councils and post and telecommunication industries, shook the confidence the ruling party (Moyo & Yeros 2005, p. 186; Raftopoulos 2003, p. 228). Also in 1997, farm workers from commercial farms collectively went on strike for the first time in the history of Zimbabwe. In the face of intensifying strikes and unrest, the state imposed significant penalties on trade unions and employers that incited or facilitated ‘unlawful’ strikes (Raftopoulos 2009, p. 205)<sup>48</sup>.

ZANU(PF) grew suspicious of the role donors were playing in Zimbabwe’s internal political and economic affairs, particularly as tensions mounted over how to address land reform (McCandless 2012, p. 42). By the late 1990s, two-thirds of the ZCTU’s income was based on foreign donations (Moyo & Yeros 2005, p. 180). In 1997 NGOs, community-based organisations, labour unions, churches, student and women’s organisations as well as other social movements and individual members formed a coalition called the National Constitutional Assembly (NCA). Initial seed funding were provided by the German non-profit Friedrich Ebert Stiftung, part of a trend among international donors that had disbursed US\$40 million, which amounted to ten percent of total assistance to Zimbabwe, by 2000; an increase from US\$30 million in 1991 (McCandless 2012, p. 42). In response to social pressures and political and

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<sup>46</sup> The Ministry of Labour, Manpower Planning, and Social Welfare defined poverty as ‘the inability to afford a defined basket of consumption items (food and non-food) which are necessary to sustain life (Tandon 2001, p. 221)

<sup>47</sup> Poverty was more prevalent in rural areas, while female-headed households were more likely to be poor than households led by males (Tandon 2001, p. 221)

<sup>48</sup> The Presidential Powers (Temporary Measures) Labour Regulations of 1998 (Statutory Instrument 368A of 1998)

economic decline, calls for reform coalesced around a new constitution and a Zimbabwean-driven and owned constitution-making process.

The NCA lobbied for a constitution-making process that would be subjected to public scrutiny. The process sought to identify shortcomings of the Lancaster House Constitution (which was widely perceived as imposed by the United Kingdom); to organise a participatory debate that would address historical and contemporary social, economic and political challenges confronting Zimbabwe; and encourage a culture of popular decision-making (Raftopoulos 2009, pp. 206-207). Initially, civic organisations struggled to develop a unified platform, fearing their individual objectives and identities would get swallowed up. But in response to the executive capture of the constitutional reform process (see next chapter), they jointly set the agenda and began to influence public discourse and debate.

#### **4.4 Mobilisation of War Veterans and Financial Collapse**

An additional threat to ZANU(PF)'s political hegemony were war veterans. This constituency formed the core of Mugabe's political base from the time of his appointment to lead ZANU in 1974. During the struggle for independence, Mugabe needed the support of ZANLA's leadership in order to dispel suspicions that the armed wing would be discarded after a political settlement was reached (Chung 2006, p. 182). War veterans were a dangerous and powerful source of opposition to any political leadership that did not take their interests into consideration (ibid). At the end of the liberation war, demobilised war veterans received a severance payment of Z\$400 and a demobilisation allowance of Z\$185 per month over a two year period. Ex-Rhodesian security forces, however, were granted lifetime pensions that were protected by the Bill of Rights within the Lancaster House Constitution (Kriger 2003, p. 175).

Despite their status and numerical strength, war veterans failed to organise and many fell into extreme poverty and destitution during the first decade of independence as government failed to support benefit schemes, including resettlement, and demobilisation benefits ended (Mhanda 2011, p. 8; Saunders 2000, p. 53). In 1989 the Zimbabwe National Liberation War Veterans Association (ZNLWVA) formed as a response to Government's failure to protect the interests of ex-combatants from ZANLA and ZIPRA. Fearing its potential political influence, Government imposed its choice for leadership in order to control the group at its inception (Chung 2006, p. 302; Muzondidya 2009, p. 198).



During the 1990s, a new and younger leadership within ZANU(PF) began to outnumber those that had participated in the struggle. These new leaders gained significant wealth through their political connections (Chung 2006, p. 269). Relations between war veterans and ZANU(PF)'s leadership became strained, creating divisions within the leadership. McCandless (2012, p. 79) describes a long process of negotiations between war veterans and Government whereby the veterans accused ZANU(PF) of aligning with 'white interests' and demanded leadership change within the party. Nevertheless, the War Veterans Act of 1992 formally recognised the ZNLWVA as the primary representatives of war veterans and mandated Government's commitment to provide veterans limited benefits, including access to land. The failure of Model B schemes to improve veteran's livelihoods, as well as Government's failure to reintegrate veterans into society through the provision of equitable and sustainable assistance, engendered deep dissatisfaction and polarisation among war veterans. The fraudulent disbursement of Z\$1,5-billion, a result of collusion between ZANU(PF) officials and ZNLWVA leaders, collapsed the state-sponsored War Veterans Compensation Fund. This set off a wave of discontent among veterans.

While ZANU(PF) grappled with paralysing strikes and stay-aways, Chenjerai 'Hitler' Hunzvi led members of the ZNLWVA, many of whom were poor and destitute, in a campaign to apply public pressure on President Robert Mugabe and ZANU(PF) elites to improve their standard of living. Hunzvi was able to capitalise on veteran's widespread frustration who believed that a post-independence government would "bring the economy to the people" and would give veterans "better pieces of land" instead of leaving land in the hands of the minority (Barnes 1995, pp. 125-127, 136). ZNLWVA organised demonstrations, vandalised ZANU(PF) headquarters, and publicly heckled Mugabe during a nationally televised event. Veterans threatened to invade white-owned commercial farms if Government failed to meet their demands. Many ZANU(PF) elites publically opposed land occupations.

War veterans dominated the proceedings at the ZANU(PF) party congress at the end of 1997. Their influence tipped the balance of power within ZANU(PF) away from the technocrats that had been responsible for land reform toward more radical and populist members. The party congress signalled the deterioration of the alliance between the state, ZANU(PF) and the white-dominated commercial farms. The influence of the war veterans reshaped the politics of land (Sims 2011, p. 4). Land was perceived as a common recognition of injustice. White commercial

farmers symbolised the failures of racial reconciliation and the post-independence institutional order.

Fearing a significant challenge to his rule, Mugabe bypassed parliament and issued a presidential decree that gave veterans a one-time payment of Z\$50,000 and a monthly life pension of Z\$2,000 (tax free); the total unbudgeted pay-out amounted to Z\$4,5 billion (McCandless 2012, p. 79). The state was unable to pay for these unbudgeted benefits. In an attempt to recover some of monetary losses, Government sought to introduce a five percent war veterans levy, an increase in service tax of 2,5 percent, and a tax on pensions and a fuel tax (Kagoro 2003, p. 18; Saunders 2000, p. 87). The unbudgeted expenditure made to the war veterans, as well as additional unbudgeted expenditures linked to Mugabe's decision to send 10,000 troops to the Democratic Republic of Congo, led to the 14 November 1997 currency crash (locally referred to as Black Friday)<sup>49</sup>.

The Zimbabwean dollar lost 71.5 percent of its value against the US dollar while the stock market lost 46 percent of its value. ZCTU called upon Government to engage civil society and seek a resolution to the economic crisis, but the call was rejected. ZCTU consulted a wide range of public actors and organised a nationwide strike with the assistance of the NCA on 9 December 1997. The successful demonstration, according to Kagoro (2003, p. 18), set the leadership of ZCTU and ZANU(PF) on a collision course. The strike involved more than one million formal and informal sector workers, managers, and civil servants (Saunders 2000, p. 88), and was the highest turnout for a strike since independence.

By 1997, Government had acquired a total of 3,498,444 hectares (see Table 4.3); however, land reform policies failed to reduce poverty, overcrowding within communal and resettlement areas, and significantly alter unequal land distribution and ownership patterns. Despite attempts to address the demands of veterans, discontent continued to grow. Based on ZANU(PF)'s belief that land was a fundamental needs satisfier, the party recognised land ownership could be used as a means of compensation.

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<sup>49</sup> Zimbabwe, in addition to Angola, Namibia, Sudan and Chad, deployed approximately 10,000 troops to the DRC, at a cost of spent on average about US\$3 million per month, a total of US\$36 million in a year, in an effort to prop up Laurent Kabila and exploit the DRC's natural resources. For more information, see the UN's *Report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo*

In November 1997, 1,471 commercial farms were designated for compulsory acquisition by way of the Land Acquisition Act. Approximately 45 percent of the land held by white commercial farmers, of which, 20 percent was to be given to war veterans (McCandless 2012, p. 80; Moyo & Yeros 2005, p. 187; Sadomba 2013, p. 84). Ultimately, the farms were not acquired. However, threats for compulsory acquisition, the suspension of structural adjustment programmes, and the International Monetary Fund's suspension of balance-of-payments support put Zimbabwe on a collision course with International Finance Institutions, setting the stage for massive economic upheaval.

**Table 4.3: Land Acquired by 1997**

| <b>Source</b>                | <b>Area (ha)</b> |
|------------------------------|------------------|
| Large Scale Commercial Farms | 2,937,215        |
| Former State Land            | 551,770          |
| Donations and Derelict       | 9,459            |
| <b>Total</b>                 | <b>3,498,444</b> |

**Source: Africa All Party Parliamentary Group (2009, p. 29)**

As Zimbabwe's economic decline hastened, Mugabe deployed the Zimbabwe National Army into the Democratic Republic of Congo under the guise of supporting the fragile regime of Laurent Kabila. Mugabe's decision was an attempt to search for new sources of national income and attain the loyalty of military elites through the creation of new patronage channels. Bratton and Masunungure (2011, p. 27) note that, "health and education spending were sacrificed to a ballooning military budget". Civil disobedience, in conjunction with the creation of a viable opposition to challenge ZANU(PF), strengthened the relationship between military and ZANU(PF) political elites. They developed a mutual dependency that was critical in their shared quests to protect their political and economic interests.

#### **4.5 The Demand for Land and Needs Satisfaction**

Public discontent and civil disobedience grew in response to a floundering economy and greater autocracy. Government embarked upon a new process of formulating land reform policies in response to the demands of war veterans and the rural dwellers. The threat of compulsory acquisition rocketed to the apex of national debate and discourse and galvanised urgency for land reform.

In 1998, Government continued to grapple with multiple crises and threats from war veterans, labour strikes, and an emerging political opposition party. Six hundred delegates from across the “entire and geographic social spectrum of Zimbabwe” officially launched the NCA at the University of Zimbabwe on 31 January 1998 with Morgan Tsvangirai as chairperson (McCandless 2012, p. 48). Government and ZANU(PF) declined to attend. Edison Zvobgo, ZANU(PF) Legal Secretary, was quoted: ‘How can a few people sit under a tree and claim to be a National Constitutional Assembly. They are neither constitutional nor an assembly’ (Kagoro 2004, p. 242). Civic organisations set the agenda for the constitutional reform process. For two years, the NCA pursued its aim of seeking grassroots-driven constitutional reform. Banned from using state-owned media to communicate with Zimbabweans, the NCA established a participatory framework led by an elected Constituent Assembly that was responsible for consulting Zimbabweans. Thereafter, results of the consultations would be incorporated into a report, in constitutional form, that would be debated and adopted by the Assembly. From there, it would be put to a nationwide referendum. Between March and May, a series of national stay-aways gained the participation of more than 86,500 participants (Saunders 2001, p. 168), demonstrating ZCTU’s ability to mobilise mass support.

The occupations of commercial farms by residents of communal and resettlement areas became widespread<sup>50</sup>. In June, aggrieved residents of the Svosve communal areas in Mashonaland East, frustrated by a lack of transparency in the state-led land allocation process, led a campaign to occupy four commercial farms in Marondera District, while at the same time, approximately four other farms in Matabeleland were occupied by 200 families. They received widespread attention from the media. Prominent politicians visited the sites promised resettlement (Alexander 2006, p. 184). Occupations emerged in other provinces, many encouraged by politicians (ibid).

Reasons for the occupations varied. Citing interviews by a local NGO, the Zimbabwe Regional Environment Organisation, Marongwe (2003, pp. 163-165) states that occupations by squatters, as they were still referred to during this period, were driven by relative deprivation, as well as a lack of recognition of historical land claims, the non-consultative nature of resettlement schemes and rising impatience over land grievances. Other reasons included exclusion from

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<sup>50</sup> At the time of the invasions, 86 percent of white-owned land had changed hands after independence (Gubbay 2009, p. 13). Under the law, agricultural land could only be sold after Government issued certificates of ‘no present interest’

decision-making processes, historical land claims, a failure of resettlement policies to meet their needs, and a growing impatience with land reform which had led to failed expectations and relative deprivation (Alexander 2006, p. 184; Marongwe 2003, p. 164; 2002, pp. 31-32). Scoones, *et al.* (2010, pp. 9-10) posits land was either a desired source of private accumulation, a main source of livelihood and security, held symbolic value, and/or represented an achievement in a long-term political struggle in the context of the liberation war against the old Rhodesian state and colonialism.

As opposition to Government's land policies intensified, in conjunction with other political pressures, Government embarked on the second phase of land reform under its new policy framework, *Land Reform and Resettlement Programme Phase II*. The policy was devised in consultation with a broad range of stakeholders that included donors, academics, Zimbabwean NGOs farmer's groups, and local and national government structures. The new policy sought to resettle 91,000 beneficiaries on five million hectares of land acquired from commercial farmland that was derelict; underutilised; absentee-owned; contiguous to communal areas; or from owners who owned multiple farms (Government of Zimbabwe September 1998, p. 10). Among the policy's key aims was to alleviate poverty among the landless poor, farmworkers, and youths in a gender-sensitive manner as well as "increase the conditions for sustainable peace" by removing imbalances in land ownership (*ibid*, p. 11)<sup>51</sup>.

Expectations of a renewed commitment to land reform were high. An International Donors Conference on Land Reform and Resettlement in October 1998 sought to galvanise donor support for a gradual process of land acquisition and to offer an alternative policy approach to Government's earlier decision to compulsory acquire farms in November 1997.

Twenty donor countries, the World Bank, the International Monetary Fund, the United Nations Development Programme (UNDP), and the European Union met with Government, and civic

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<sup>51</sup> Five new types of resettlement schemes were developed, but the primary schemes for resettlement were Models A1 and A2. Model A1 allocated three to six hectare individual arable and residential plots with common grazing land, woodlots and water points. The main beneficiaries were intended to be the landless or farmworkers (Government of Zimbabwe September 1998, p. 12). Model A2 plots were self-contained farm units that aimed to resettle black farmers from communal areas (*ibid*, p. 17). The hectares awarded depended on the natural region the land was located within: 50 hectares for Region II; 150 hectares for Region III; and 300 hectares for Regions IV and V (*ibid*). Significantly, Government moved to adopt the recommendation of granting freehold tenure to land resettlement areas advocated by the 1994 Land Tenure Commission. Title was to be named in either the head of the household (usually a male) or the names of both spouses in an effort to create greater security of tenure for women. Initially, 99-year leasehold titles would be awarded, whereas after a period of ten years of 'productive settlement', settlers would be considered for the option to purchase the land with a freehold title (*ibid*, p.13)

actors that included the CFU and ZFU. Distrust of Government among donors was high. Nonetheless, while donors registered their concerns for the need for rule of law, transparency and greater equality in the next phase of land reform, the Conference concluded with an agreement on the principles for an effective land reform programme and an agreement to begin a two-year funded ‘inception phase’ that would involve the acquisition of 118 farms (113,000 hectares) identified at the Conference.<sup>52</sup> The implementation process was supposed to involve thorough consultation between Government and various stakeholders as well as the full participation of the beneficiaries (Masiwa 2004, p. 11). The programme was to focus on poverty alleviation. Beneficiaries were to be selected from among the landless poor, those living in congested and marginal areas, as well as from the vulnerable groups such as farm workers (ibid).

Of the \$Z42 billion requested by Government, donors only pledged \$Z7,339,000 (ibid). Many reasons are given for the failure of support to materialise following the Conference. A lack of trust among the international community and the ZANU(PF) was surely key in the lack of international support for Zimbabwe’s land reform programme. Failing to secure greater donor support, Government listed an additional 845 farms for acquisition, in violation of the agreement from the donor conference (Pilosoff 2012, p. 35). Margaret Dongo, a former ZANU(PF) MP, released a list of 272 state farms, approximately 1,6 million hectares, that had been leased to ZANU(PF) party officials at little cost (The Post 2000)<sup>53</sup>. Without donor funds, Government resolved to implement Phase II at an accelerated pace, commonly referred to as the ‘Fast Track Land Reform Programme (FTLRP)’. The Inception Phase II programme was revised in March 1999 and sought to resettle and additional 59,000 beneficiaries on five million hectares of land acquired from LSCFs (Technical Committee of the Inter-Ministerial Committee on Resettlement and Rural Development and National Economic Consultative Forum Land Reform Task Force March 1999, pp. 2-3)<sup>54</sup>. It was to be completed by December 2001. Government consulted an array of NGOs representing an array of interests that included

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<sup>52</sup> The principles, as listed in the Inception-Phase Framework Plan, were: transparency and sustainability consistent with the objectives of the Zimbabwe Programme for Economic and Social Transformation; broadened and more flexible approaches to implementing land acquisition and resettlement; broadened and strengthened stakeholder consultations and partnerships; a focus on poverty reduction; addressing gender issues; access to and control of land and proportionate representation on decision-making structures; integrating communal and resettlement area reorganization and development into Phase II; and streamlining land policies such as land taxation, subdivision and tenure (United Nations Development Programme 2002, p. 7)

<sup>53</sup> See Annex A for the complete list

<sup>54</sup> The plan was formally called *Inception Phase Framework Plan, 1999-2000*

women, large and small-scale commercial farmers, farm workers, research-based civics and international humanitarian organisations<sup>55</sup>.

Meanwhile, pressures from other segments of society, especially ZCTU and NCA, continued to mount. Frustration at the inability of leaders to address the lack of land ownership, in conjunction with populist social movements like the ZNLWVA, placed significant social pressure upon ZANU(PF) to act. By the end of the 1990s, a crises of the failure of expectations being met in the state-led acquisition process in conjunction with other preconditions of protracted social conflict that included international economic pressures, the emergence of a viable opposition party and the weakening of ZANU(PF) created the conditions for overt conflict to erupt<sup>56</sup>.

#### 4.5 Summary

The capacity of the newly elected post-independence government to satisfy the needs of the black majority was curtailed by a number of factors. These constraints included, but are not limited to, the failure of either ZAPU or ZANU to win an outright victory against the Rhodesian Front; the overwhelming needs deprivation of black Zimbabweans at independence; the lack of a cohesive post-independence government; and restrictions placed on the new government as a result of regional and global political shifts and economic dependence on IFIs.

The post-independence Government of National Unity's primary objective was to address the needs of all Zimbabweans. ZANU's decision to include whites and ZAPU within positions of power signalled a desire for reconciliation and stability. However, many clauses placed within the Lancaster House Constitution were designed to protect the needs and interests of the white minority who retained economic power, while black Rhodesians gained political power. This largely resulted in the absence of material gain for the majority of the black population (Kagoro 2003, p. 8).

Despite reconciliation efforts, cracks soon emerged within the new unity government. The top-down strategies and politics needed to win the liberation war heavily influenced ZANU(PF)

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<sup>55</sup> Consultees included Women's Land Lobby Group, ZERO – an environmental organization, Farm Workers Development Trust, Indigenous Commercial Farmers Union, Commercial Farmers Union, Zimbabwe Farmers Union, Intermediate Technology Development Group, CARE International, Zimbabwe Women's Resource Centre and Network, SAPES, and Zimbabwe Trust

<sup>56</sup> The preconditions of social conflict are communal identity, human needs deprivation, role of the state and international linkages

governance strategies once the party assumed power. Leaders in the new political dispensation failed to transform the authoritarian and exploitive colonial state into a representative democracy. Both ZAPU and ZANU(PF) were unable to move away from militarised liberation movements into democratic political parties instead relying on coercion, violence and repression as the primary means to maintain power. As ZANU(PF) consolidated control over the state, the distinction between state and party became blurred, undermining the credibility and effectiveness of representative institutions. Institutions also continued to entrench inequality along racial lines.

At independence, the autonomy of civil society was weak as civil society organisations complemented government policies. However, academia, students, and labour began to challenge the status quo. During the first decade of independence, the state largely focused on resettling those displaced by the liberation war, the poor and landless, and war veterans. The objectives of land reform, despite the predominance of market methods, sought to address the needs of the landless and to foster social and political stability. Between 1980 and the late 1990s, the power to determine who would benefit from land reform rested with the state and its technocrats (Marongwe 2008, p. 190). However, Government lacked the expertise and resources needed to transform unrealistic targets into reality. A myriad of land reform policies and programmes created confusion and distrust of the overall process. Policies and legislation failed to enhance equity, efficiency and the sustainable use of land that could have ultimately generated socio-economic growth (Rukuni 2006, p. 54).

Zimbabweans became increasingly disillusioned with national decision-making. The centralisation of power within the executive and the lack of checks and balances undermined the autonomy of representative institutions, engendering poor governance, unaccountability, and corruption as demonstrated by ZANU(PF)'s inability to be bound by its own policies and the law. Through an accumulation of resources, ZANU(PF) elites were able to take control of the state machinery. In its quest to centralise power and create a one-party state, ZANU(PF) instituted a series of authoritarian, repressive and violent strategies and tactics. The lack of a real political competition encouraged a political culture rife with corruption and patronage.

The pattern of international linkages inherited by ZANU(PF) at independence reduced the state's autonomy and forced Government to pursue policies that were contradictory to the needs of its citizens. While South Africa's democratic transition in 1994 reduced the threat of external



destabilisation, the World Bank's insistence on transforming Zimbabwe's economy to one characterised by export-led growth and liberalisation reinforced latent conflict in the form of increased poverty and a lack of access to basic services, including health care, education, and land ownership and access, among citizens. The dependence on international donor funds to support land reform created deep suspicions of donor intentions among Government.

ESAP engendered a collective recognition of Government's failure to address an array of economic and political grievances among the majority of Zimbabweans. The failure of the state and ZANU(PF) to build representative and autonomous institutions led Zimbabweans to develop and participate in other forms of associations in order to fulfil their needs and express political views. Collective recognition was vital in mobilising the masses around human needs. Civil society began to move away from the ruling party. By 1990, organised labour, led by ZCTU, transitioned itself from a wing of ZANU(PF) to an autonomous critical force that had begun to forge broader alliances within civil society. As civil society became more visible and sought to challenge the state, so did state repression increase.

Civil society, especially NGOs, struggled to address land reform because it was politicised and brought upon Government scrutiny. NGOs were primarily urban-based and lacked links to rural areas. The ZCTU and the NCA were able to articulate and broaden collective grievances around a lack of autonomy, lack of representation of Government policies and, ultimately, constitutional change. Land reform was by-and-large addressed indirectly. Escalation increased as ZANU(PF) sought to suppress and repress organised labour and its affiliates as they embarked on a series of crippling strikes.

By 1997, ZANU(PF) had wiped out any viable political opposition, effectively creating a one-party state. In conjunction with the discontent created by corruption and ESAP, ZANU(PF) faced what would be its greatest challenge to maintaining power. War veterans, who after the independence struggle were left with little economic power, rediscovered their political power and used it to ensure their needs could be met. ZANU(PF) had to choose whether or not to address the concerns of war veterans, their powerful constituency, or those that were demanding change under the banners of ZCTU and the NCA. Mugabe's decision to bypass parliament and address the demands of war veterans by authorising unbudgeted expenditures resulted in mass capital flight and the 1997 currency crash. Government was forced to take

drastic action to address the rapidly deteriorating social situation in the country. Land emerged as the primary remedy to address the decline into further economic hardship.

As the next chapter seeks to demonstrate, the process dynamics that emerged within this period of the autochthonous constitutional reform process, which lead to the humiliation and defeat of ZANU(PF)'s draft constitution, would set the stage for the Third Chimurenga.

## **Chapter Five**

### **The Capture of the State and the Demand for Land: 1998-2008**

#### **5.1 Introduction**

In order to discuss Zimbabwe's development of protracted social conflict towards overt conflict, which erupted in the 2000s, it is imperative to discuss the strategies and actions undertaken by ZANU(PF) to ensure that it retained its monopoly on state power. These actions were largely in response to communal reactions to decisions taken by the ruling party.

This chapter is divided into three sections. First, the period from 1998 to 2004 which saw the inception of the MDC as well as a number of other civic organisations which directly opposed the actions of ZANU(PF). It was a period that saw a move away from the land conflict towards a focus on the larger issues of violence and human rights abuses taking place. Second, the Chapter notes the impact of ZANU(PF)'s strategy to divide the opposition. Finally, in the approach to the 2008 elections, land capture and reforms were brought to the fore once again.

#### **5.2 Autochthonous Constitutional Reform**

As the previous chapter described, social pressures and political and economic decline at the end of the 1990s led to calls for a Zimbabwean-driven and owned constitutional reform process. Sensing the momentum gaining behind the NCA's demands for reform, Government initiated a two-pronged strategy of co-option and pre-emption. First, Government continued to decline to participate in the NCA process, citing that its involvement would prejudice the independence of the NCA's review. Then, at its biannual party congress in Mutare in December 1997, ZANU(PF) called for a review of the Lancaster House Constitution. In February 1998, Parliament passed a motion that called upon the President to introduce a mechanism for a constitutional review process. Final recommendations would be presented to the ZANU(PF) Politburo and Central Committee.

Government rushed to establish a Constitutional Commission of Inquiry. The Commission would decide its own rules; all stakeholders would agree to one process; the draft constitution would not be amended prior to a referendum at the end of 1999 or early 2000; and stakeholder grouping (for example, civil society) would choose their own representatives to sit on the Commission (McCandless 2012, p. 106). However, the President would retain the authority and power to intervene in, delay or scupper the recommendations or dissolve the Commission. This

effectively allowed the executive to capture the constitution-making process, prompting the NCA to boycott the review process, which it perceived a fundamentally flawed.

In response, the NCA launched an all-stakeholders People's Constitutional Convention in June 1999. Approximately 7,000 delegates attended in order to establish the parameters for a constitutional commission (Kagoro 2004, p. 245). Among the recommendations made by the People's Constitutional Convention was the refusal to participate in a Government process, thus creating two parallel constitution-making processes. The NCA concentrated on civic education campaigns and gathering people's views on the constitution. Commercial farmers and women's organisations were critical in extending the constitutional debate to the rural areas, the heart of ZANU(PF)'s political base. As the economic and political crises deepened in Zimbabwe, civil society took the government to task over democratisation, openly challenging ZANU(PF).

Government's Constitutional Commission of Inquiry began its work in August 1999. The 400-member commission, including all 150 members of parliament – of which only three were opposition members – were handpicked to draft a new constitution. Members were largely drawn from the ruling party while a few were “from the private sector and a cross-section of state friendly CSOs” (Kagoro 2004, p. 245). The process consisted of a large-scale outreach programme where Commissioners held meetings in every province and international experts were asked to provide guidance to give the constitutional reform process legitimacy. Approximately 700,000 people were consulted vis-à-vis 5,000 public consultations held throughout the country (Kagoro 2004, p. 247; Zondi 2011, p. 19). Meanwhile, opposition to ZANU(PF) continued to rise. In defiance of the rising tide against them, cabinet ministers and deputies were given a 182 percent wage increase in August, fuelling national discontent (Sylvester 2003, p. 40).

Various and contradictory class and social alliances emerged to challenge ZANU(PF)'s hegemony as a result of economic mismanagement, demands for constitutional reform, and a non-transparent land reform process (Raftopoulos 2001, p. 1; Moyo & Murisa 2008, p. 71). After an extensive consultative period between ZCTU and the NCA, throughout urban and rural constituencies in Zimbabwe, the Movement for Democratic Change (MDC) was launched on 11 September 1999. The decision to transition from a civic organisation into a political party was strongly influenced by ZANU(PF)'s direct confrontation with civil society; only by directly challenging ZANU(PF) in an election could an alternative political order be achieved.

The leadership of the MDC was elected at a party congress, with Morgan Tsvangirai, the former Secretary General of ZCTU, elected as its first president. Unlike previous opposition movements and political parties, the MDC was born into a broad and mass political base supported by an array of civil society organisations and their members. Among these members were Zimbabwe's white commercial farmers who continued to have significant economic influence. Sensing a threat to their political and economic hegemony, ZANU(PF) took on a defensive position that led to a clampdown on fundamental rights and freedoms. From that moment forward, civil society informally boosted the MDC's political end electoral campaigns between 2000 and 2008.

Internal conflict within the ruling party erupted as the Commission began to prepare its recommendations (McCandless 2012, p. 111). The recommendation report produced by the Constitutional Commission was never put to a final vote among its membership; rather it was expeditiously sent to President Mugabe who was under no legal obligation to incorporate the views of the people enumerated within the report (Hatchard 2001, p. 213). War veterans threatened to campaign against the constitution unless it was amended to remove the state's duty to pay compensation for annexed land. ZNLWVA Harare Chairman, Douglas Mahiya, was quoted, "We [the ZNLWVA] are saying that the price of the land has been paid by the blood of the people who died during the [liberation] war" (Sadomba 2013, p. 87). In an effort to capture the votes of the war veterans and the rural poor, Mugabe rejected the land provision in the final draft constitution produced by his own Commission and unilaterally added a new provision that provided for the compulsory acquisition of agricultural land for resettlement without compensation<sup>57</sup>. He also made the United Kingdom responsible for compensation for land of white commercial farmers that had been compulsory acquired.

When government released its constitutional draft to the public, the NCA responded with a national vote 'No' campaign in the run-up to the constitutional referendum.

ZANU(PF)'s campaign for a 'Yes' vote largely hinged on land<sup>58</sup>. The party argued constitutional reform was necessary in order to acquire more land and allow the party to

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<sup>57</sup> New provisions banning same-sex marriage and compulsory military service were also added

<sup>58</sup> The International Monetary Fund had already suspended balance of payments support in October 1999, principally because the government seemed uncommitted to economic reform but also because of uncertainties about government's land policy (Boone & Kriger 2010, p. 180)

complete reform by claiming 5 million of the 12 million hectares held by whites (Alao 2012, p. 99). The MDC meanwhile campaigned with the white minority and argued that land reform was a diversion from Zimbabwe's political and economic crises. However, the MDC failed to devise its own unique land policy. In her in-depth analysis of the NCA, McCandless (2012, p. 117) contends that the NCA failed to adequately engage citizens on land. While 'great indabas' were held to address the land question in Bulawayo and Harare, the outreach had largely only made contact with white commercial farmers and farm workers. The indabas failed to engage historically marginalised small-scale and communal farmers.

From 12-13 February 2000, approximately 1.3 million citizens voted in the referendum, with 54 percent rejecting the draft constitution. Voter turnout was low, registering a meagre 26 percent.

Most of the 'No' votes came from urban blacks while rural voters largely abstained despite the land clauses that Mugabe added to the draft (Meredith 2002, p. 165). The results of the referendum demonstrated a deepening split between not only rural and urban constituencies (Sylvester 2003, p. 45), but between races, ethnic groups and various economic classes. ZANU(PF) and the MDC had clearly defined coalitions and sub coalitions with distinct needs and interests. The MDC primarily drew its support from the urban middle class, intellectuals, organised labour, white commercial farmers, and some rural producers. ZANU(PF)'s key constituencies continued to be the rural poor, war veterans and the emerging black capitalist class. The following section will demonstrate the close relationship between land occupations and electioneering.

The rejection of the draft constitution was significant for a number of reasons. First, it was the first symbolic rejection of ZANU(PF) since independence, primarily a result of the poor state of the economy as well as the manner in which the party ignored the views expressed in the outreach programme. Second, the referendum developed into a contest between the NCA/MDC and ZANU(PF). Its defeat signalled the development of an alternative political party that could replace ZANU(PF). Third, ZANU(PF) could no longer take the rural vote for granted. Fourth, race would re-emerge as a factor in overt communal conflict. Whites were blamed for the failure of the constitution to be adopted. As Mugabe publically stated,

“Preliminary figures show there were 100,000 white people voting. We have never had anything like that in this country... The difference between the 'yes' and 'no' votes

would not have been what it was had it not been for this [white] vote” (Chan 2003, p. 145).

Finally, divisions within ZANU(PF) would begin to emerge between those that supported radical reform and those that wanted to take a more pragmatic middle-of-the-road approach. While land redistribution was designed to be a vote-winning issue among the rural poor, the credibility of the president and ZANU(PF) was weak as Government failed to redistribute 2.5 million hectares of land, while the land that had initially been acquired for redistribution was possessed by politicians, officials and businessmen with close links to ZANU(PF) (European Parliament 2000). Nonetheless, ZANU(PF)’s defeat would place land acquisition and redistribution at the fore of its fight to retain political hegemony in the wake of the 2000 parliamentary and 2002 presidential elections.

### **5.3 Recalibrating State and Citizen Relations: Impact of the ‘NO’ Vote**

Following the rejection of the draft constitution, ZANU(PF) realised that it could lose the June 2000 parliamentary elections, and possibly the 2002 presidential poll. To counter the political opposition, ZANU(PF) became “progressive” on land redistribution. Sylvester (2003, p. 29) contends that the loss of the referendum “culminated in ZANU(PF)’s long-time efforts to shape national memories to downplay its ambivalent and worsening governance record and play up its historic role as the founding party of Zimbabwe”.

A multiplicity of organisations and actors were responsible for managing the fast track programme; including key tasks of identification of land to be acquired; planning and demarcation of new plots; infrastructure development; and the selection of resettlement of beneficiaries<sup>59</sup>. A muddle of ministries, departments, parastatals, committees, sub-committees, informal groups, and task forces were responsible for carrying out FTLRP.

By the end of 2002, ten million hectares, or 90 percent of all LSCFs, had been compulsory acquired and redistributed to 127,000 landless peasants and 8,000 black commercial farmers (Moyo & Yeros 2005, p. 188).

New resettlements that emerged under FTLRP were not well planned or socially engineered, rather they were the result of “complex” local political realities (Scoones *et al.* 2010, p. 24). In 2003, Charles Utete, a member of the President’s office, undertook an assessment of FTLRP in

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<sup>59</sup> See Annex B

order to determine the extent to which the policy objectives were achieved and implemented and to recommend measures to address shortcomings. While the report ignored the violence and forces used to remove white farmers and farmworkers from their land and homes, it found that FTLRP achieved a key policy aim to redistribute the majority of agricultural land in Zimbabwe.

Land, war veterans, sovereignty, and ZANU(PF)'s struggle against British and Western anti-imperialism would come to dominate political discourse. The debate over good governance and rights, characterised by the struggle for greater representation and autonomy, which dominated political discourse in the latter 1990s was now perceived by ZANU(PF) as a threat to its hegemony and as a guise by the international community for regime change. Anyone operating under the rubric of governance and democracy, particularly civil society, faced exclusion and repression.

### **5.3.1 Fast Track Land Reform Programme: 2000 to 2003**

Within days, following the constitutional referendum, mass occupations by war veterans in Masvingo province spread to the remaining provinces. FTLRP was dubbed the 'Third Chimurenga' in order to claim the "historical continuities of primary resistance against colonialism in the 1890s (the First Chimurenga), and the war for liberation of the 1960s and 1970s as the 'Second' (Southall 2013, p. 71). Land acquisition targeted two social groups: whites and those sympathetic the MDC. Meanwhile, the state no longer took the position of evicting squatters, rather the state sanctioned the use of violence and mobilised (indirect and direct) war veterans to carry out its FTLRP policies.

FTLRP was implemented without any legal backing nor was it a part of any official national plan or strategy. Initial land occupations were wrought with confusion, misinformation and misunderstandings. As events began, Government support was largely improvised. Under FTLRP, war veterans, with a degree of some state support, mobilised rural land dwellers and led land occupations of predominantly white-owned commercial farms. Interviewing war veterans, McCandless (2012, p. 121) found that the decision to occupy commercial farms were made on the basis of political criteria such as land belonging to "core Rhodesians" "anti-ZANU" or "pro-MDC".

FTLRP sought to acquire five million hectares of agricultural land from LSCFs to relieve pressure on the communal areas and correct the racial imbalance of ownership. In an attempt to



reduce land invasions that had become increasingly violent and destabilising, UNDP sought to establish a mutually acceptable technical basis for donor support for the second phase of land reform in accordance with principles of the 1998 donor's conference. UNDP recommend that Government abandon FTLRP to avoid international isolation in order to the conditions needed to attain the financial backing needed for land reform (Masiwa 2004, p. 22). However, ZANU(PF) considered UNDP's conditions as an attempt to undermine Zimbabwe's sovereignty as it dictated how the land issue should be resolved (ibid). ZANU(PF) vowed to continue FTLRP without international donor support. Henceforth, technocratic and legal conditionality's were replaced by a politically driven process (Marongwe 2008, p. 192) as ZANU(PF) faced significant threats to its political and economic hegemony.

FTLRP, adopting the models presented at the 1998 donor conference, established two new resettlement models. The A1 model sought to create small-scale farms in villagised arrangements or self-contained plots. They were usually established near communal lands in an effort to decongest the area. The A2 model aimed to create a cadre of black commercial farmers. Although temporary and permanent measures would be enacted to justify land occupations in law, the process was clearly illegal when it began.

Moyo, Yeros (2005, p. 190), and Marongwe (2003, p. 166) note that while occupations focused on white farms, black and elite-owned farms, NGO land, as well as peri-urban land were occupied too. Invasions were initially peaceful, but by March, overt conflict erupted as invasions had become exceptionally violent. In March, Home Affairs Minister, Dumiso Dabengwa, ordered "squatters" to vacate occupied land within 24 hours because Government was going to redistribute it to the landless poor (Meldrum 2000a). Chan (2003, p. 147) notes that "squatters" were not yet referred to as "war veterans", indicating that the invasions were possibly autonomous. Days later, not wanting to alienate war veterans, Mugabe stated that no action would be taken against squatters (Meldrum 2000b).

### **5.3.2 War veterans and land reform**

McGregor (2002) describes how war veterans took control of FTLRP and used land committees to attain their own economic and political interests, sometimes at the expense of ZANU(PF)'s control. Evidence of war veterans establishing camps in farming areas that were considered sympathetic to the MDC has been documented (Derman & Hellum 2007, p. 169). Occupations varied across provinces and districts. Sadomba (2013, p. 88) found that occupations were

loosely organised and rooted in vestigial guerrilla arrangements and local structures without a centralised command. Moyo and Yeros (2005, p. 191) discovered that in some cases, individual MPs and traditional leaders who sought to formalise land occupations had to appeal for the support of veterans to legitimise the occupation. Moyo and Yeros (2005) make a strong argument that the ZNLWVA was representative of the rural masses, and that they were impartial in their mobilisation role as opposed to being a key conduit of ZANU(PF)'s strategy to destroy political opposition.

War veterans were not a homogenous group. Examining the ZNLWVA, McCandless (2012) noted divisions based on rural/urban linkages, class, race, ethnicity, and gender created tensions within the movement. A split within the war veterans emerged in 2000 with the formulation of the Zimbabwe Liberator's Platform (ZLP), whose purpose was to focus on their perceived aims of the liberation struggle: freedom, democracy, human rights, equality, peace and social justice (Zimbabwe Liberator's Platform 2004, p. 40). The split from ZNLWVA was, among other things, partially related to its support and role in the land occupations (McCandless 2012, p. 91). Wilf Mhanda, leader of ZLP, claims only 2,000 of 50,000 members of ZNLWVA participated in land occupations (Bond & Manyanya 2002, p. 80). Members of ZLP accused ZNLWVA of not consulting members and failing to pass resolution to support land reform (Zimbabwe Liberator's Platform 2004, p. 40). However, ZLP recognised that the invasions gained broad-based support among a "sizable" portion of the rural population (ibid).

The primary roles of the war veterans within FTLRP hid the growing role of the security sector in politics, particularly the army and the CIO (McGregor 2002, p. 10). ZLP alleges that ZANU(PF) used the state apparatus to invade farms, and only later invited war veterans to participate (Zimbabwe Liberator's Platform 2004, p. 40). Former Supreme Court Justice Anthony Gubbay (2009, p. 13) called the invasions "synchronised". Gubbay (ibid, p. 14), along with Alao (2012, p. 100) and Chan (Chan 2003, p. 150) alleged that government and army vehicles were used to transport war veterans to carry out the invasions, and that once in place, Government supplied food and ensured that occupiers received monthly payments in order to sustain the occupations. During a meeting at ZANU(PF) headquarters on 15 March 2000, Chenjerai 'Hitler' Hunzvi, leader of ZNLWVA, allegedly disclosed that he was paid Z\$20 million to organise farm invasions and campaign for the party during the parliamentary elections (Meredith 2002, p. 169).

Using eyewitness accounts of the murder of Martin Olds, a farmer and former Rhodesian soldier, Quintana (2004, p. 90) notes some war veterans were provided with a “police screen” in the form of a roadblock. McCandless (2012, p. 85) states that shortly after the land invasions began, veterans were brought into the Ministry of Defence; an allocation of US\$4.3 million was set aside for administration and offices that were intended to support land occupations. Many of the alleged war veterans participating in the occupations were believed to not be real veterans as many of them were to be too young to have served in the struggle against the settler regime (Alao 2012, p. 100; Gubbay 2009, p. 14; Mlambo 2003, p. 58).

Nonetheless, through these various accounts describing the role of war veterans in FTRLRP, a confluence of shared needs between rural peasants and war veterans emerged. Through veterans, who had the agency and ability to influence political leaders, rural peasants gained access to land on a scale that had not been facilitated under any previous government policies (Alexander 2003, p. 108). While the extent of government’s collusion with war veterans and those who occupied land is not entirely clear, there are many personal and eyewitness accounts that support the assumption that government and the security services were involved in land occupations.

Ultimately, as stated by Masiwa (2004, p. 20), ZANU(PF) did not have “the will and courage to evict war veterans occupying the farms since they formed a crucial power base for its presidential campaign in the year 2002”.

### **5.3.3 Land ownership under FTLRP**

No single state authority was responsible for the allocation of land during FTLRP; as such, opportunities for corruption and partisan allocation had been created. It was not uncommon for different levels of decision-makers to allocate the same plot of land to more than one individual or for individuals to acquire more than one farm (Njaya & Mazuru 2010, p. 182). Acquired areas also became congested from a lack of coordination between the central and subsidiary agencies responsible for allocation. A National Task Force, led by the Minister of Local Government, Ignatius Chombo, sought to reassert state control through the establishment of Provincial and District Land Identification Committees.

Provincial Land Identification Committees were led by provincial governors (political appointees) and comprised of district administrators, war veterans, members of ZANU(PF), and

members of the police, army and CIO (Derman & Hellum 2007, p. 170). District committees led by district administrators, included war veterans, local representatives of ZANU(PF), traditional leaders, ward councillors, headmen and members of the police, army and CIO (ibid; Alexander 2003, p. 108; Masiwa 2004, p. 21). District level structures coordinated activities, sometimes in close consultation with war veterans, the army, and the CIO. District Land Identification Committees allowed the grassroots to supply information up the chain of command to the national level. Alexander (2006, p. 185; 2003, p. 100) found hierarchies of war veteran's committees tasked with maintaining registers of occupiers, mobilisation, fundraising and security. Masiwa (2004, p. 21) observed that beneficiaries selected for a plot usually resided in the area. Settler selection and emplacement for A1 was largely the responsibility of the district committee while A2 selection and emplacement fell to the provincial committee.

The A2 land allocation process was far more political than the A1 allocation process, in part because of the "intense" competition for the best land and because of ZANU(PF)'s desire to create a class of black commercial farmers (Hanlon, Manjengwa & Smart 2013, p. 139). Hanlon *et al.* (ibid) describe an application process was largely technical<sup>60</sup>. Female applicants, under the technical aspects of the application process, were awarded an additional ten points in an effort to reduce gender disparity in the allocation processes. War veterans also received preference. However, as the allocation process became more institutionalised, political connections became important.

The autonomy of the Provincial and District Land Identification Committees was not always respected by senior ZANU(PF) members, particularly when it came to land acquisition and beneficiary selection (Portfolio Committee on Lands, Agriculture, Water, Development, Rural Resources and Resettlement 2003). The Ministry of Lands allocated land on the recommendation of Provincial Land Identification Committees, but it also allocated land without any reference to Provincial Land Identification Committees. Marongwe (2008, pp. 154, 202-5) discovered that applications for A2 farms were, in some cases, submitted through the Ministry of Defence, President's Office, police and other ministries. "Thus, a list of potential beneficiaries marked 'from the army' etc. would be submitted for consideration" by a members of the army and ZANU(PF) (ibid, Hanlon, Manjengwa & Smart 2013, p. 140). Moreover, while structures and processes varied by location, a common thread throughout was the exclusion of

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<sup>60</sup> Six criteria used to score A2 applications that included: income, property, cash flow, experience, qualification and training in the agri-industry, and gender

the MDC. Matyszak (2010, p. 2) also cites the co-option of traditional leaders by ZANU(PF) during by-elections in Gutu and Lupane in 2004. Chiefs used their authority vested in the Traditional Leaders Act of 1998 to evict villagers perceived to support the opposition, prevent opposition parties from campaigning and control the distribution of food aid on a partisan basis (ibid).

At the core of FTLRP was the uncertainty surrounding ownership and titles. Constitutional Amendment 17 vested all agricultural land within the state. Those who acquired land under FTLRP were only guaranteed usufruct rights. Moreover, the unresolved status of occupied land created a ripe environment for contestation and violence among and between elites and the grassroots level. Similar to the land planning and implementation of the 1980s, conflict between the state and ZANU(PF) played out between technocrats and party stalwarts as technocrats sought to reassert their authority to satisfy the aims of FTLRP against intransigent politicians who used their positions to “offer land as part of their political capital and as a form of patronage” (Scoones *et al.* 2010, p. 25). Shortly after the occupations began, senior government and army officials began occupying farms, disrupting the war veteran led process. In some cases, political elites forcibly evicted veterans and other settlers on farms that had been designated as A1 models. According to a 2005 baseline survey conducted by the Zimbabwe-based African Institute for Agrarian Studies (Moyo *et al.* 2009, p. 46), 21.9 percent of beneficiaries experienced conflict.

The confusion and disorder generated by FTLRP was met with calls for a land audit. A series of audits were undertaken: the most recent survey, although it is now eight years old, was conducted by the Ministry of Lands, Agriculture and Rural Resettlement in 2006, with another led by the Minister of Lands in the President’s Office, Florence Buka in 2003. The results of these audits have never been publically released, creating speculation that the land reform process disproportionately benefitted political elites and ZANU(PF) loyalists.

**Table 5.1: Land Ownership Patterns, 2000 and 2003**

| Category                        | % of total land area as of June 2000 | % of total land area as of July 2003 |
|---------------------------------|--------------------------------------|--------------------------------------|
| A1                              | -                                    | 11                                   |
| A2                              | -                                    | 6                                    |
| Communal and resettled pre-2000 | 50                                   | 50                                   |
| LSCF                            | 30                                   | 6                                    |
| SCCF                            | 4                                    | 4                                    |
| National parks and urban        | 15                                   | 15                                   |
| State land                      | 1                                    | 1                                    |
| Other                           | -                                    | 7                                    |
| TOTAL                           | 100                                  | 100                                  |

Source: Utete (2003, pp. 25-26)

The result of the chaos surrounding FTLRP created an environment of extreme insecurity around land tenure. This, in conjunction with the high level of violence directed towards MDC supporters, farmworkers and other government opposition agents resulted in the inability to sustain livelihoods and consequently fulfil basic human needs.

#### **5.4 ZANU(PF)'s Strategy to Capture the State**

After the failure of the 'Yes' campaign, ZANU(PF) quickly realised its monopoly on state power was threatened. ZANU(PF) consequently undertook a number of state actions and strategies to ensure it remained in control. Understanding role of land within Zimbabwean society, and recalling its demand by the war veterans, Mugabe tacitly allowed invasions of commercial farms in an attempt to garner support in the run-up to the 2000 parliamentary and 2002 presidential elections.

However, additional actions had to be taken in order to ensure that ZANU(PF)'s use of land could effectively be used as a reward to attract supporters and punish critics and the opposition. Tactics of coercion, repression and violence were applied to diminish the power of the judiciary and destroy the political opposition and its allies within civil society if ZANU(PF) was to retain at the apex of state control.

#### 5.4.1 Land reform and electioneering

Land provided a central organising theme for the 2000 ZANU(PF) election campaign. Campaigning under the slogan “Land is the Economy and the Economy is Land”, ZANU(PF) sought to provide a ‘rallying whip’ to attract votes from three constituencies, other than the war veterans. These were rural dwellers that failed to vote during the constitutional referendum as well as ZANU(PF)’s youth and women’s wings, which Makumbe (2003, p. 230) suggests had been lost toward the end of the 1990s as a result of ZANU(PF)’s socio-economic policies.

ZANU(PF) emphasised land “as the sole authentic signifier of national belonging” as defined by a narrow political criteria (Raftopoulos 2001, p. 19). The ruling party portrayed the MDC as an agent of British imperialism and a puppet of a disgruntled white community. Mugabe used British and European interests in land invasions and violence to allege that foreign interests had aligned with civil society, the MDC and “white imperial interests” to engage in unconstitutional regime change (Kagoro 2003, p. 21). This messaging was a resurgence of ZANU(PF)’s nationalist rhetoric from the liberation struggle.

Throughout the campaigns, key differences between ZANU(PF)’s and the MDC’s orientation to the land were exposed. ZANU wanted to “acquire”, “seize”, “confiscate”, “fight white farmers” and “resettle white farms”. A large portion of MDC supporters and financiers were white commercial farmers opposed ZANU land reform (ibid), they spoke of introducing freehold title in communal and resettlement areas to enable land to be used as security to attract investment and a tax on underutilised land (Zimbabwe Institute 2005, pp. 28-30). The MDC’s position failed to resonate with the rural black population.

The MDC failed to articulate a coherent policy on land (Makumbe 2003, p. 228). Although the MDC considered land as the “people’s asset”, the party believed that a title deed was necessary to ensure security (Zimbabwe Institute 2005, p. 20). Eventually the MDC developed a policy that decried violence and blamed ZANU(PF) for failing to address land imbalances (ibid). MDC organised its 2000 and 2002 election campaigns around governance and economic stability, unemployment, which was at 70 percent before 2002 election, and political change (Makumbe 2003, p. 229).

ZANU(PF) revived the coercive and violent lexicon of the Second Chimurenga to give both cause and effect to violence (Chitiyo 2003, p. 181). Land, which was to be redistributed after

elections, was used to intimidate political opponents and “to distract attention from too close a scrutiny of electoral tactics of violence” (Chan 2003, p. 157). War veterans, youth militias, and the security sector undertook a state-sponsored campaign of intimidation and violence to ensure a ZANU(PF) poll win. As the 2000 election campaigning reached a crescendo in May, so too did the violent rhetoric against whites. In Kariba, ZANU(PF) parliamentary candidate Isaac MacKenzie stated, “Let me assure you whites here that once you support the MDC, ZANU(PF) is not going to treat you like business people, but as politicians. Then if you are treated as politicians, it is like signing your death warrant” (Meredith 2002, p. 181; Pilosof 2012, p. 48).

Most reports do not disaggregate violence related to land occupation from political violence associated with elections and maintaining ZANU(PF) hegemony. Throughout the elections that took place between 2000 and 2002, supporters and members of the MDC were targeted by an arrangement of ZANU(PF) tactics that sought their disenfranchisement, including: disallowing voter registration in MDC strongholds; refusing access to election observers; biased deployment of police; pressuring rural headmen to intimidate MDC supporters; forcing people to buy ZANU(PF) party cards; restricting MDC access to media; breaking up of meetings; detention and intimidation of opposition leaders; gerrymandering; and providing false ballots of troops stationed outside Zimbabwe and vote buying in form of land and the allocation of funds for “development projects” (Bond and Manyanya 2002, 76; Makumbe 2003, p. 242; ZESN 2000).

On 17 March 2000, the CFU obtained a Supreme Court order that found the occupations to be illegal and ordered squatters to leave the occupied farms within 24 hours. The Court specifically tasked the police with eviction of those who failed to comply. However, the court order was ignored. The police refused to assist those whose farms were invaded. Police Commissioner Augustine Chihuri, also a war veteran, stated that invasions were “above the police”. He further commented, “It’s a political issue. What do you expect the police to do?” (Maykuth 2000). The President and others publically criticized the court’s ruling.

As the parliamentary elections approached, the speed of invasions and level of violence increased. Two weeks prior to the elections 29 MDC members had been killed, approximately 1,000 farms occupied, and 841 farms had been officially designated for acquisition. The MDC found very few constituencies where it could safely campaign free from intimidation and violence. Commercial farming and rural communal areas became ‘no-go’ areas, particularly



those in Mashonaland. According to one strategic informant, “If you are in control of the rural areas and manipulate people there, you are guaranteed power”<sup>61</sup>.

At its height in June 2000, between 800 and 1,000 farms experienced some kind of occupation (International Crisis Group 2004, p. 79; Moyo & Yeros 2005, p. 188; Sylvester 2003, p. 43). Land occupations unfolded rapidly in an environment rife with overt violence, fear and distrust. It was not until 15 July, nearly seven months following the launch of nationwide land invasions, that government officially launched the Fast Track Land Reform Programme.

A local Zimbabwean organisation, the Amani Trust (2002, p. 9), reported eight instances whereby:

“ZANU(PF) candidates either perpetrated violence themselves; gave direct orders for ZANU(PF) supporters to perpetrate violence; made threats against opposition party members in rallies or statements to their supporters; or knew that violence was being perpetrated and did nothing to stop it. Members of the Central Intelligence Organization and Zimbabwe Republic Police were also involved in the perpetration of crimes”.

By 24 June 2000, the first day of voting, 18,696 people had experienced some form of intimidation or violence (see Table 5.2).

**Table 5.2: Documented Violations during June 2000 Election Period**

| <b>Violation</b>                    | <b>Total number of people</b>       |
|-------------------------------------|-------------------------------------|
| Death (beating, shot, burned, hung) | 37                                  |
| Assault                             | 2,466                               |
| Rape                                | 27                                  |
| Property destroyed/damaged/stolen   | 1,139                               |
| Detention or abduction              | 617                                 |
| Threat of assault                   | 1,904                               |
| Threat of death                     | 2,459                               |
| Displaced                           | estimated to be greater than 10,000 |
| <b>TOTAL</b>                        | <b>18,696</b>                       |

Source: Saunders (2000, p. 109)

Mugabe has access to state resources for his campaigning. He held no fewer than 52 rallies, while Tsvangirai only held eight within the same period (Makumbe 2003, p. 236). Despite this,

<sup>61</sup> Strategic Informant 13, Victoria Falls, 19 July 2012

ZANU(PF) narrowly retained the majority following the 2000 parliamentary elections. The MDC won 57 seats while ZANU(PF) won 62 (down from 117); however, with the President's 30 nominations to the National Assembly, ZANU(PF) held 92 seats. Notably, despite the racial tensions, three whites standing as MDC candidates won seats, including: Mike Auret, a human rights campaigner with the Catholic Commission for Justice and Peace, David Coltart, a Bulawayo-based lawyer, and Roy Bennett, a commercial farmer. This was a strong indication that representation could transcend race. Following the elections, MDC challenged the results in 37 constituencies on the grounds of the use of intimidation, violence and other electoral irregularities. MDC needed to win 20 of these cases in order to take control of parliament.

On 8 December 2000, Mugabe issued an executive order to invalidate the MDC's electoral challenges. MDC responded by challenging the constitutionality of the executive order, arguing that it "represented a blatant usurpation of the judiciary and a violation of their constitutional rights" (The Solidarity Peace Trust 2005). The Supreme Court agreed. Of the 39 challenges launched, seven, including Morgan Tsvangirai's challenge, were ruled in favour of MDC, and nine were ruled in favour of ZANU(PF). The remainder were either dismissed, withdrawn or were never argued before a judge.

#### **5.4.2 ZANU(PF)'s capture of the judiciary**

In an attempt to legitimise state actions and counter claims of acting outside of legal boundaries, ZANU(PF) attempted to devise legislation that would provide a legal basis to legitimise FTLRP. On 5 April 2000, the ZANU(PF) dominated parliament passed Constitutional Amendment No. 16<sup>62</sup>. This Amendment placed the burden of compensation on

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<sup>62</sup> Section 16A of the Lancaster House Constitution was amended to the effect that:

"(1). In regard to the compulsory acquisition of agricultural land for the resettlement of people in accordance with a programme of land reform, the following factors shall be regarded as of ultimate and overriding importance –

‘a. Under colonial domination the people of Zimbabwe were unjustifiably dispossessed of their land and other resources without compensation

b. The people subsequently took up arms in order to regain their land and political sovereignty

c. People of Zimbabwe must be enabled to assert their rights and regain ownership of land and accordingly –

1. The former colonial power has an obligation to pay compensation for agricultural land compulsory acquired for resettlement through an adequate fund established for that purpose and

2. If the former colonial power fails to pay compensation through such a fund, the government of Zimbabwe has no obligation to pay such compensation for agricultural land compulsory acquired for resettlement.

(2). In view of overriding considerations set out in subsection (1), where agricultural land is compulsory acquired for resettlement of people in accordance with a programme on land reform, the following factors shall be taken into account in the assessment of any compensation that may be payable –

the United Kingdom. The Zimbabwean Government was only obligated to pay for improvements made onto land. Eight days later, parliament was dissolved as elections, leaving Mugabe the opportunity to use the Presidential Powers (Temporary Measures) Act to push his political agenda.

On 23 May 2000, Mugabe, issued the Presidential Powers (Temporary Measures) (Land Acquisition) Regulations 2000 and gazetted revisions to the LA. The revisions effectively increased the power of the President to acquire land by reducing procedural safeguards and compensation requirements. Additionally, courts were stripped of their ability to determine whether an acquisition was ‘reasonably necessary,’ instead acquisition was deemed reasonably necessary “purely by its identification as land for resettlement and its publication in the *Gazette*” (Doré 2013a). Government argued that the land reform was a political issue and should not be resolved through the courts.

During the same month, the Supreme Court ruled that the FTLRP was illegal, citing the lack necessary legal requirements to ensure the rule of law and the constitution were upheld. The Court also ordered that squatters be removed for occupied land. The judgement was prefaced with an acknowledgement that land reform was necessary, but that it required a legal framework. Nonetheless, the President openly refused to implement the ruling, publicly contradicting his Vice-President who supported the ruling. Illegal occupations continued unhindered.

The President, Ministers, and war veterans alleged that they were serving the interests of the white minority (Masiiwa 2004, p. 20), and embarked on a campaign to intimidate judges, who were deliberating on FTLRP and electoral misconduct. On 24 November 2000, 200 war veterans stormed the Supreme Court accusing white judges of bias in regards to decision made

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- (a) the history of ownership, and occupation of land
  - (b) the price paid for the land when it was acquired
  - (c) the cost or value of improvements on the land
  - (d) the current use of to which the land and any improvements on it are being put
  - (e) any investment which the state of the acquiring authority may have had with improved or enhanced the value of the land and any improvements on it
  - (f) the resources available to the acquiring authority in implementing the programme of land reform
  - (g) any financial constraints that necessitate the payment if compensation in installments over a period of time, and
  - (h) any other relevant factor that may be specified in an Act of Parliament”

on land reform. Chief Justice Gubbay in particular was accused of making decisions intended to derail the land reform programme (ibid; Meredith 2002).

Throughout the early FTLRP period, Mugabe sought to racialise the conflict through public statements, stating, "We want the whites to learn that the land belongs to Zimbabweans" (Schuler 2000). Not everyone in ZANU(PF) supported radical reform. On 12 September 2000, Eddison Zvobgo stated,

"We have tainted a glorious revolution, reducing it to some agrarian racist enterprise... We have behaved as if the world owes us a living. It does not... We have blamed other people for each and every ill that befell us... as every peasant, worker, businessman or woman now stares at the precipice of doom, let us wake up and draw back. We must clear the slate, bury everything that has divided us and begin again" (Cornwell 2000, p. 5).

Race was used to recast the struggle to retain control of the state in the context of the old pre-independence nationalist struggle against white imperialism. In January 2001, traditional leaders called for the dismissal of Supreme Court Chief Justice Anthony Gubbay. High Court Judge President Godfrey Chidyausiku, an ally of Mugabe, followed suit, publically stating Gubbay was biased and favoured the interests of white commercial farmers, even though the Supreme Court upheld a decision made by Chidyausiku to deny the particular request of white commercial farmer's for compensation in 1996 (Feltoe 2004, p. 206). Public pressure forced Gubbay to take early retirement March 2001. Hunzvi, on behalf of ZNLWVA, demanded the entire Supreme Court Bench and white High Court judges be replaced (Feltoe 2004, p. 208). Following Gubbay's exit, other independent-minded judges followed suit.

In a further attack on justice, Mugabe issued Clemency Order No. 1 in October, a blanket pardon to those who invaded land and committed other politically motivated acts of intimidation and violence during the period of 1 January to 31 July 2000; the period coincided with the timeframe between the constitutional referendum and the parliamentary elections. According to former Supreme Court Justice Gubbay (2009, p. 16),

"The amnesty meant that those arrested and facing trial for such serious offences were released, and no new investigations and prosecutions [could] take place into their crimes".

Mugabe expanded the Supreme Court from five to eight justices. Chidyausiku was appointed Chief Justice. Among his first actions was to reverse the Supreme Court's earlier ruling that declared government's land reform programme illegal. Courts prosecuted leaders of NCA, WOZA, MDC, and other civic organisations. By July 2002, more than 1,000 NCA members had been arrested (McCandless 2012, p. 134). As long as the 2002 elections posed an opportunity to replace Mugabe, Government was less willing to negotiate with the opposition and more likely to meet the needs of occupiers and support land reform.

The purge of the judiciary was part of a broader process of restructuring state institutions aimed at appointing personnel sympathetic to ZANU(PF). Executive control of the state was further centralised as the judiciary was no longer independent, contravening the doctrine of the separation of powers.

After taking control of the judiciary, Mugabe was free to make legislation through presidential decree. Between 2001 and 2004, additional amendments to the legal framework guiding ownership were enacted by presidential decree, only to be adopted by parliament at a later date. The Rural Land Occupiers (Protection from Eviction) Act (2001) legalised land occupations. The Act protected occupiers on land not yet acquired by Government and prevented landowners from holding occupiers accountable for damage they may have caused (Doré 2013a). The Rural Land (Farm Size Amendment) Statutory Instrument 288 of 2000 forced farmers with excess land to subdivide. In 2002, ownership of land identifies for redistribution was immediately transferred from the owner to the state, irrespective of any court challenge (Human Rights Watch 2002). Government prohibited landowners from embarking on farming operations once an acquisition order has been made (ibid). Farmers had to vacate their land within 90 days. Compensation was fixed and determined by a committee that comprised of members and appointees of the executive<sup>63</sup>. Appeals challenging the definition of fairness were not allowed (Doré 2013a).

In order to control the vote, Mugabe enacted the 2001 Citizenship Amendment Act, which targeted farmworkers and whites, two key MDC constituencies with a high proportionality of

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<sup>63</sup> Members included the Secretary of the Ministry for which the Minister is responsible, who is the chairman of the Committee; the Director of Agricultural, Technical and Extension Services; the Chief Government Valuation Officer; and not more than three other members appointed by the Minister

dual citizenship<sup>64</sup>. The Act prohibited dual citizenship and those that did not renounce foreign citizenship automatically lost their Zimbabwean citizenship<sup>65</sup>. The Act stripped many Zimbabweans, including 30 percent of farmworkers, of their citizenship and right to participate in decision-making (Zimbabwe Human Rights NGO Forum 2010a, p. 5); this meant that dual citizens would not be able to vote in the presidential election.

In 2004, the Acquisition of Farm Equipment and Materials Act immediately and compulsory acquired equipment and materials that could be used for agricultural purposes; for examples, tractors, seeds, and fertilizer. The LA was amended again in 2004, expanding types of farms that could be acquired<sup>66</sup>. Government no longer had to serve notice of its intention to acquire land to the individual owner, rather a publication in the Gazette was now sufficient for compulsory acquisition.

In 2005, Constitutional Amendment (No. 17) Act vested ownership of agricultural land, compulsory acquired for resettlement purposed in the land reform programme, in the state, and prevented the courts from challenging any acquisition. Protections of the fundamental right to due process, a fair hearing and the independence of the judiciary no longer applied.

#### **5.4.3 The militarisation of state institutions by ZANU(PF)**

Intimidation of opposition in the 2000s, not uncommon, became overtly violent. ZANU(PF)'s alliance with war veterans and the military, youth militias (often referred to as Border Gezi or Green Bombers), were deployed to rural areas and high density suburbs in December 2001 as Zimbabwe prepared for presidential elections and the number of war veterans participating in state-sponsored violence fell.

According to Alao (2012, pp. 61-62), the historical links between politicians and military in Zimbabwe created an environment whereby defence forces and politicians have continuously influenced one another<sup>67</sup>. In late 1999, the military, under pressure from civil society, issued

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<sup>64</sup> The legal framework for citizenship is provided for within Lancaster House Constitution (1979) and brought into law by the Citizenship of Zimbabwe Act (Chapter 4:01)

<sup>65</sup> In 2003, the Act was amended to exempt descendants of the SADC region

<sup>66</sup> Farms formerly protected from acquisition included those engaged in large-scale production of tea, coffee, timber, citrus fruit, sugarcane; agro-industrial properties involved in poultry, beef, dairy and seed multiplication; and those with export processing zone permits; farms belonging to churches or missions; and farms protected by Bilateral Investment Promotion and Protection Agreements

<sup>67</sup> For example, in 1990 General Vitalis Zvinavashe said that it would be impossible to have an apolitical military until all of those with "bush" experiences have left the military and political scene

two public statements asserting that it would not become involved in politics (Rupiya 2002, p. 257). However, following the rejection of the draft constitution and the 2000 elections, whereby the MDC emerged as not only as the strongest opposition party since independence but also as a potential alternative government, Vitalis Zvinvashe, a commander of Zimbabwe's defence forces, publically stated that the military would only obey a political leader who participated in the liberation struggle, effectively setting a criteria for candidates seeking to contest future presidential elections (Quintana 2002; Rupiya 2002, p. 257).

In the run-up to the presidential election in 2002, salaries of all security forces doubled in what many analysts suspect to be gesture of buying loyalty (Alao 2012, p. 61). Additionally, former military personnel were appointed to manage institutions responsible for elections, including the Electoral Supervisory Commission; the Delimitation Commission; and the Zimbabwe Electoral Commission (ZEC). As a result, the electoral framework responsible for managing elections was no longer autonomous from the state or ZANU(PF) (Booyesen & Toulou 2009, p. 639).

Early policy documents described the need for a National Youth Service Training Programme to develop a sense of national pride and history among youths between 10 and 30 years of age as well as develop skills for employment (The Solidarity Peace Trust 2003, p. 10). Following the 2000 elections, rhetoric shifted toward the need for youths to defend Zimbabwe against “imperialists” (ibid).

The National Youth Service was never formally debated in Parliament, nor was there legislation controlling its implementation, rather it became a tool of “crude propaganda, violence and intimidation to indoctrinate youth into thinking that their own impunity and abuse of power is part of the struggle to protect ZANU(PF) and Zimbabwe from foreign influence” (Smith 2005). ZANU(PF) youths were offered financial incentives to join ZANU(PF) political campaigns to attack opposition members and others whose loyalty to ZANU(PF) was doubted, particularly farmworkers and teachers. Participation in the National Youth Service and other militias, allowed young people the opportunity “to win their stripes as loyal party followers”, and access to positions within ZANU(PF) party structures, incorporation into the police with the benefit of rapid promotion to stations in rural areas, or the acquisition of land (Chaumba, Scoones & Wolmer 2003, p. 541; Meredith 2002, p. 194).

The period preceding the 2002 presidential elections was one of the most “volatile” post-independence elections in Zimbabwe (Zimbabwe Elections Support Network 2008, p. 12). The Zimbabwe Human Rights NGO Forum (2002), a coalition of 19 human rights NGOs, found that the period between the constitutional referendum in 2000 and the presidential election in 2002, 51 percent of MDC supporters and 47.6 percent of those who claimed to be apolitical were victims of political violence. Only 1.4 percent of victims identified as supporting ZANU(PF) (ibid). A survey produced by the General Agricultural and Plantation Workers Union of Zimbabwe found similar political overtones regarding the use of intimidation and violence against farmworkers: 67 percent reported they were forced to join ZANU(PF) while only five percent reported they were forced to join MDC (GAPWUZ 2010, p. 20). In the same survey, 69 percent of farmworkers reported political intimidation and 74 percent forced to attend political meetings. Together, these surveys suggest that land reform was political (ibid). Table 5.3 shows the frequency farmworkers cited particular perpetrators for violations.

**Table 5.3: Perpetrators of Violations**

| <b>Perpetrators</b>                       | <b>% of Violations Committed</b> | <b>Perpetrators</b>       | <b>% of Violations Committed</b> |
|---|----------------------------------|---------------------------|----------------------------------|
| MDC member                                | 0                                | CIO                       | 13                               |
| National Parks staff                      | 1                                | Riot Squad                | 14                               |
| Police Internal Security and Intelligence | 4                                | Councillor                | 14                               |
| Provincial Administrator                  | 5                                | Other                     | 14                               |
| Governor                                  | 6                                | Fellow Farm Workers       | 15                               |
| President’s Office                        | 6                                | Member of Parliament      | 16                               |
| Criminal Investigation Department         | 6                                | Uniformed Branch          | 26                               |
| Support Unit                              | 8                                | Traditional Leaders       | 40                               |
| Zimbabwe Republic Police                  | 9                                | ZANU(PF) member           | 42                               |
| Zimbabwe National Army                    | 10                               | Border Gezi/youth militia | 59                               |
| District Administrator                    | 11                               | War Veterans              | 77                               |

Source: General Agricultural and Plantation Workers Union of Zimbabwe (2010, p. 42)

ZANU(PF) moderates were silenced and party structures packed with Mugabe loyalists (Esterhyusen 2004, p. 44). Mugabe won the election with 56 percent of the vote to Tsvangirai’s



42 percent. Land invasions continued unabated and political violence was sustained. Most of the human rights violations were concentrated in the rural provinces, and ZANU(PF) strongholds, of Manicaland, Masvingo, Midlands and Mashonaland West, ZANU(PF) strongholds (Zimbabwe Elections Support Network 2008, p. 13).

#### **5.4.4 Media**

Government designed and implemented a number of measures that increased control over media and restricted access to information. The NCA was denied access to public media. In one specific instance, the NCA accused the daily newspaper *The Herald* and the ZBC of refusing to publish advertising about its proposed constitutional process because of Government orders to ban the NCA from disseminating its alternative message on the constitutional process. After threatening a legal challenge, advertisements resumed, but then abruptly stopped without explanation (Bureau of Democracy, Human Rights and Labor 2000).

The military and the CIO set a precedent in which they openly flouted the rule of law when they detained civilians in response to a newspaper article about the military. The 10 January 1999 article in *The Standard* stated the 23 officers had been arrested for plotting a coup d'état against Mugabe. Government denied the report and on 13 January, military police and CIO officers arrested the paper's editor, Mark Chavunduka, journalist Ray Choto, and eventually, the paper's publisher Clive Wilson. Chavunduka and Choto were both tortured and High Court orders for their release were ignored.

The use of the Law and Order (Maintenance) Act of 1960, a relic of the colonial era, was applied to prosecute Chavunduka and Choto as well as three other journalists from the *Zimbabwe Mirror* in February 1999. The state also used the anarchistic law to suppress demonstrations, including the 26 January protest against the arrests of the journalists led by the NCA, the Zimbabwe Lawyers for Human Rights, and the Zimbabwe Union of Journalists.

The ZMMT was dissolved in September 2000. As a result, both *Zimpapers* and the Community Newspapers Group came under the control of boards of directors that were directly appointed by the Minister of Information and Publicity, Jonathan Moyo. Moyo took the same approach toward the Zimbabwe Broadcasting Holdings, the parent company of ZBC<sup>68</sup>. Through the

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<sup>68</sup> Zimbabwe Broadcasting Holdings is also the parent company for Power FM, Spot FM, On Air Systems, Zimbabwe Television, Radio Zimbabwe, National FM, Newsnet, Sportnet and Transmedia

boards of directors, Government controlled appointments of editors and senior staff (Article 19 and MISA-Zimbabwe 2004).

Also in September, the Supreme Court ruled that the state's monopoly on broadcasting was illegal as it "violated the constitutional right to freedom of expression by unduly limiting the public's right to receive and impart information" (MISA-Zimbabwe 2007)<sup>69</sup>. Capital Radio<sup>70</sup>, an independent radio operator seeking a license, began broadcasting shortly after the ruling, becoming Zimbabwe's first private radio station. Mugabe, overruling the Supreme Court's decision, issued a presidential decree, *Presidential Powers (Temporary Measures) (Broadcasting) Regulations 2000*, that gave the Minister for Information and Publicity the power to issue and deny broadcasting licenses. Any station broadcasting or using a transmitter without a license could be fined up to Z\$5 million, and individuals could be jailed for up to two years (Committee to Protect Journalists 2000).

The *Broadcasting Services Act* became law in April 2001 despite criticism from civil society and the Parliamentary Legal Committee, which is responsible for determining the constitutionality of all legislation. Among the key provisions established within the Act, was that the Minister of Information and Publicity retained the ability to issue and deny broadcasting licenses, as established under the 2000 presidential decree.

In January 2001, the offices and presses of the *Daily News* were bombed and failed assassination attempts were made against its editor (Moore 2011, p. 57). In January 2002, the *Access to Information and Protection of Privacy Act* (AIPPA) was adopted, effectively giving Government control over who could practice journalism and operate a media outlet (Human Rights Watch 2012)<sup>71</sup>. The Media and Information Commission (MIC), led by Tafataona Mahoso, awarded accreditation based on political considerations. The MIC successfully closed a number of independent media organisations, beginning with the

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<sup>69</sup> See *Capital Radio (Private) Limited v The Minister of Information, Posts and Telecommunications*, Judgement No. S.C. 99/2000

<sup>70</sup> Capital Radio in now known as Short Wave Radio Africa, a London-based radio station staffed by Zimbabwean exile journalists that broadcasts into Zimbabwe

<sup>71</sup> Under AIPPA, journalists had to be Zimbabwean and accredited by the MIC in order to receive a one-year renewable license to practice; Journalists in contravention of the Act face a fine of up to Z\$100,000 or two years' imprisonment; It is an offence to "spread rumours or falsehoods that cause alarm and despondency under the guise of authentic reports"; Journalists cannot publish "unauthorised" reports of cabinet deliberations, nor information that may be harmful to the law enforcement process and national security; and public bodies cannot release information that relates to intergovernmental relations or their financial or economic interests

Associated Newspapers of Zimbabwe, publishers of the *Daily News* and *Sunday Daily News*, in 2003 following a protracted legal battle. The MIC also declined a license to Africa Tribune Newspapers, publisher of *The Tribune* and *The Weekend Tribune*, in 2004. The autonomy of print media was further eroded with government buy-outs. The majority stake in the *Financial Gazette* is widely believed to belong to Reserve Bank Governor Gideon Gono (Moore 2011, p. 69; Munyuki & MISA-Zimbabwe n.d.). The majority shares in the Zimbabwe Mirror newspapers Group, publishers of *The Daily Mirror* and *Sunday Mirror*, are vested in Zistanbal and Unique World Investments; both are widely believed to be shell companies for the CIO.

Between 1999 and 2004, daily consumption of radio news fell by a third, from 60 to 41 percent, while daily newspaper readership fell by half, from 24 percent to 12 percent (Chikwanha, Sithole & Bratton 2004, pp. 25-26). An observation captured by an Afrobarometer survey was the rise in presidential popularity in correlation to the decrease in access to independent newspapers (see Table 5.4).

**Table 5.4: Presidential Popularity by Newspapers**

|                         |          | Every day | A few times a week | A few times a month | Under once a month | Never |
|-------------------------|----------|-----------|--------------------|---------------------|--------------------|-------|
| Presidential Popularity | Positive | 31        | 34                 | 40                  | 45                 | 47    |
|                         | Neutral  | 28        | 29                 | 25                  | 27                 | 30    |
|                         | Negative | 40        | 37                 | 35                  | 27                 | 24    |

Source: Chikwanha, Sithole & Bratton (2004, p. 26)

The survey suggests that the President's high ratings demonstrate the success of Government's media monopoly and propaganda war against the MDC and the West. Zimbabweans, who have little or no access to newspapers, often in rural areas, tend to view the president positively. According to the survey (ibid), "the least literate segments of the population – and perhaps the people who are most susceptible to populist appeals – are the strongest supporters of the existing regime". Only well-resourced urban classes maintained access to relatively independent media during this period (Moore 2011, pp. 68-69; see Table 5.5).

**Table 5.5: Presidential Popularity by Political Propaganda**

|                         |          | Trust Government Media   |                          |
|-------------------------|----------|--------------------------|--------------------------|
|                         |          | A very great deal/ A lot | A little bit/ Not at all |
| Presidential Popularity | Positive | 65                       | 17                       |
|                         | Neutral  | 19                       | 36                       |
|                         | Negative | 16                       | 48                       |

Source: Chikwanha, Sithole & Bratton (2004, p. 26)

The survey concludes “government’s nationalist appeals have apparently induced numerous Zimbabweans – especially older, less educated elements in rural areas – to accept the political status quo” (Chikwanha, Sithole & Bratton 2004, p. 29). The survey also suggests that ZANU(PF)’s portrayal of the Third Chimurenga as a renewed push to complete the struggle of independence through the capture of economic resources, particularly land, as well as a struggle against Western neo-colonialism, in the form of sanctions and the MDC, succeeded in consolidating support, especially among their political base.

### 5.5 Civil Society’s Strategy

There were two major civil society movements that opposed government actions during the early 2000s. The first only addressed the perceived injustices brought about FTLRP whilst the second transcended the land question and dealt with larger issues of human rights and governance. ZANU(PF) had varying success in putting this opposition down.

The CFU, previously a very powerful, predominantly white organisation, recognised that the first phase of Zimbabwe’s land reform (1980-1997) had been a failure; however, they could not agree on policy or a way to redistribute land. In November 2001 the CFU proposed the Joint Resettlement Initiative to redistribute land with assistance for newly resettled farmers. The proposal did not find any support in Government (Njaya & Mazuru 2010, p. 172).

The CFU’s refusal to confront Government and its willingness to negotiate as farms continued to be invaded, coupled with the organisations failure to stop FTLRP through the courts, undermined its credibility among its constituents who then sought other organisations to representation their interests (Pilosoff 2012, pp. 60, 66)<sup>72</sup>. CFU membership was approximately

<sup>72</sup> By 2005, five additional organisations emerged to represent white commercial farmers: Justice and Agriculture, the Zimbabwe Tobacco Association, the Southern Africa Commercial Farmer’s Association, and Agric Africa (Pilosoff 2012, pp. 60, 66)

4,500 in 2000, falling to 3,200 by 2002 (Mabaye 2005). In 2003, the CFU was declared “irrelevant” by the Minister of Agriculture Joseph Made (Bote 2003). By 2004, only 700 CFU members remained on their farms (IRIN 2004). Also in 2004, the CFU and the ICFU discussed a potential merger and the creation of a single multiracial union for all commercial farmers<sup>73</sup>. However, many CFU members would likely have found any merger impalpable due to members of the ICFU having obtained farms through FTLRP. A merger would signal the CFU’s acceptance of FTLRP and would have legitimised land invasions. Thus, ZANU(PF) no longer faced a strong opposition from commercial farmers.

The international community recognised that land reform in Zimbabwe had to, and was going to, take place. In September 2000 a Committee of Commonwealth Foreign Ministers gathered to find a final solution to Zimbabwe’s spiralling conflict. The Abuja Agreement (BBC 2001) recognised that land was at the core of the crisis and could not be separated from other issues such as the rule of law, respect for human rights, democracy and the economy. The Agreement warned that the crisis in Zimbabwe threatened the socio-economic stability of the entire sub-region and the continent. It committed Zimbabwe to implementing a land reform programme in a fair, just and sustainable manner in which the interests of all Zimbabwean citizens were accounted for.

Among the promises Zimbabwean officials made in the negotiations was to provide farmworkers with 20 percent of redistributed land (International Crisis Group 2004, p. 96). Zimbabwe agreed to end all illegal occupations of white-owned farmland and return the country to the rule of law, in return for financial assistance. However, farm invasions and implementation of FTLRP carried on unabated.

Following the 2002 elections, the Commonwealth (2002) suspended Zimbabwe and the international community quickly abandoned Zimbabwe, which had become a ‘pariah’ state (Mlambo 2003, p. 59). Foreign donor funds were withdrawn, with exception of money for ‘humanitarian purposes. IMF suspended voting rights over its failure to pay US\$1.3 billion in arrears. A series of restrictive measures were put in place by the Australia, European Union, New Zealand, Norway, Switzerland, the United Kingdom and the United States. The measures were designed to target select members of the political elite without jeopardising the national economy or exerting a negative impact on the humanitarian condition of the greater population;

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<sup>73</sup> Strategic Informant 18, Harare, 11 November 2011

compel sanctioned persons and entities to change their behaviour by no longer supporting violations of human rights, illegal land seizures and undermining the rule of law; and provide support and legitimisation to the opposition and civil society (Sims, Masamvu & Mirell 2010, p. 5)

As the international community removed support for government, donor funding poured into NGOs. During the early 2000s, NGOs were targeted by donors because of the strength they demonstrated during the “No” campaign, their ability to connect to grassroots (real and perceived), and because of government’s embedded corruption and financial mismanagement. The result was an explosion of “super NGOs”, large coalitions of civil society organisations that organised under an umbrella body<sup>74</sup>. These super NGOs, for example, the Zimbabwe Election Support Network (ZESN), the NCA, National Association of NGOs (NANGO), Zimbabwe Human Rights NGO Forum, and Crisis in Zimbabwe Coalition (CZC), engendered a solidarity that cut across cleavages and was channelled to pressure government on key issues. These coalitions helped make individual organisations less vulnerable to state coercion, while trying to challenge the state’s autonomy in decision-making.

### **5.5.1 State strategy to reduce civic opposition**

Mugabe referred to NGOs, which increasingly mounted challenges to government policies and legislation associated with governance, the economy and land reform, as "hatcheries of political opposition" (The Herald 2002).

In reaction to the pressure civic organisations applied on Government, the 2002 Public Order and Security Act (POSA), the Private Organisations Voluntary Act and the 2004 NGO Bill were used to intimidate and stifle human rights defenders, journalists, political opposition and citizens that opposed ZANU(PF) and its policies.

Derived from the colonial era Law and Order (Maintenance) Act, the language of POSA was vague, allowing Government to interpret the legislation in a manner that allowed it to shut down peaceful political activities. For example, section 2 (iii) of the Act states that “coercing or attempting to coerce Government” is a crime punishable up to 20 years imprisonment. Coercing is defined as “constraining, compelling, or restraining” through “boycott, civil disobedience, or resistance to any law, whether such resistance is active or passive” (Government of Zimbabwe,

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<sup>74</sup> Strategic Informant 1, Harare, 1-2 December 2011

2002). Section 25 of the Act regulates public gatherings, including campaign rallies and civic meetings. It requires the police to be notified of an intention to hold a public meeting or demonstration. However, the vague language of the Act created an environment whereby the Zimbabwe Republic Police has erroneously interpreted this to mean that they have to grant permission for public gatherings to take place.

Opening the Fourth Session of the Fifth Parliament, Mugabe called for a new NGO Act to be passed in order to “ensure that the operations of Non-Governmental Organisations are consistent with and supportive of Government policies and programmes” and to “prevent foreign interests from using the NGO structures to subvert our sovereignty” (Mudehwe 2003). In conjunction with the PVO Act (refer to Chapter Four), the 2004 NGO Bill would permit Government to control the activities of civil society groups and provide it with the legal means to block the foreign funding of human rights groups. While the Bill has never been signed, it has repeatedly been used to intimidate and threaten civic groups.

In September 2002, Government pressured NGOs to register with the Ministry of Social Welfare, a process that could take almost a year. Registration essentially facilitated access to NGO budgets and funding sources, while potentially allowing Government representation on NGO governing boards. To avoid government interference, many NGOs instead registered as trusts, which were not required to register with Government, thus allowing them operate with greater autonomy. However, as Government closed political space and cracked down on opposition, it renewed its effort to exert greater control of civil society. Government refused to engage civil society or hold discussions with the NANGO, which had drafted a new NGO Bill in 2003<sup>75</sup>. Rather, comments made by Ministers and other government officials reflected the desire for the Bill to further control civil society. Although the Parliamentary Legal Committee issued a strong critique of the Bill, it was passed by Parliament.

### **5.5.2 Coalitions and mass action**

Civil society and the MDC were becoming increasingly paralysed as a result restrictive legislation and government interference. In an attempt to reassert themselves and demonstrate broad popular support, civics and the MDC coordinated a series of mass actions in 2002 and 2003. In 2003, a two-day work “stay-away” on 18-19 March was called to protest

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<sup>75</sup> The NANGO (2004) bill sought to create an enabling environment for NGOs through the establishment of a self-regulation scheme of NGOs by NGOs

Government's disregard for political and civil rights. It was also an attempt to reduce electoral fraud during by-elections in Harare and Bulawayo. The stay-away achieved a nationwide participation rate of at least 70 percent (United States Institute of Peace 2003). On 23-25 April, ZCTU protested government's unilateral decision to raise the price of fuel by 300 percent; also achieving a high degree of participation nationwide (ibid). An escalation of state-sponsored repression and violence ensued. At least one person was killed by the police as a result of the March stay-away, Richard Tonderayi Machiridza, an MDC supporter from Chitungwiza (Zimbabwe Human Rights NGO Forum 2003). Between 400 and 600 people accused of planning the stay-away were arrested, 250 people needed medical treatment after violent assaults by youth militia's and members of the security sector. Hundreds more were victimised by state security forces as a result of their perceived involvement with the stay-away (United States Institute of Peace 2003, p. 7; Crisis in Zimbabwe Coalition 2003, p. 2). MDC party officials and MPs were arrested and detained, weakening the party's organizational capacity.

Despite the crackdown, the MDC and civil society embarked on the "final push" from 2-6 June 2003, a mass action that sought to pressure ZANU(PF) to negotiate with the opposition to find a solution to Zimbabwe's political and economic crises<sup>76</sup>. Civil society leaders, in the weeks leading up to the "final push," maintained that mass pressure would lead to multi-stakeholder dialogue which would then produce a transitional authority, a position also adopted by the MDC (Crisis in Zimbabwe Coalition 2003, p. 15). The strikes virtually shut down Harare and Bulawayo for a week. Ultimately, hundreds of arrests were made including, Morgan Tsvangirai who was held on charges of treason.

Government's strategy and tactics did see some success. They engendered fatigue, frustration, and disempowerment among civic movements. Throughout the 2000s, the NCA's membership declined because of the difficulties associated with the operating environment. Its "confrontational" strategies reduced access to constituencies (McCandless 2012, pp. 52, 54). Under severe pressure from Government, the secretariats of many of the major civil society coalitions became isolated from each other, operating in silos and independently of activities and discussions taking place on the ground. Sectoralisation impeded the development of a united front capable of challenging government<sup>77</sup>. Most NGO's are based in Harare or in

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<sup>76</sup> A myriad of civics participated, including the NCA, ZCTU, Transparency International (Zimbabwe Chapter), Crisis in Zimbabwe Coalition, and the Zimbabwe Liberators Platform

<sup>77</sup> The only exception that can be considered is when civics joined in 1999 to defeat the constitutional referendum



provincial capitals, and are detached from rural constituencies where 64 percent of Zimbabweans live, and where people are the most vulnerable. Many organisations failed to build the necessary structures to connect with the grassroots level, leaving them without constituencies needed to generate collective action and to hold civics accountable<sup>78</sup>. Linkages between urban and rural areas, in respect to civil society, are critical to supporting collective action outside urban centres. In rural areas, challenges of acquiring resources and distance inhibit collective action. With a significant amount of rural dwellers, the lack of these linkages ignore or facilitate misperceptions of the needs of rights holders in the rural areas, leaving them susceptible to government sponsored intimidation and violence.

Additionally, much of civil society remained wedded to the MDC even though leaders within the ZCTU and NCA agreed to separate from members who wanted to join political party politics in order to maintain their autonomy and avoid subverting their civic agendas. Many former civic leaders stood for election between 2000 and 2008, further blurring the distinction between civil society and the political opposition. After the ‘No’ vote, the NCA actively supported MDC and tried to get some of its own members elected during 2000 elections. In 2002, two volunteers from the Catholic Commission for Justice and Peace ran as MDC candidates and won seats on the Rural District Council in Binga. Government retaliated by publically accusing the Catholic Commission for Justice and Peace of political partisanship and forced it to abandon its distribution of critical food aid in the area, engendering accusations of ZANU(PF) using food aid for partisan political purposes. While a divergence of interests within civil society is not a problem within itself, various and conflicting interests have been manipulated by those with powerful ties and interests, weakening civil society’s ability to pressure government.

### **5.6 Competing interests for land: 2003 to 2008**

In 2003, a new phase of land reform began as Government established greater control over those who could benefit from FTLRP. War veterans had become a liability for ZANU(PF). Moyo and Yeros (2005, p. 190) posit ZNLWVA became a ‘single issue movement’ that was not unable to develop an agenda beyond land acquisition, nor was it able to establish a ‘self-sustaining, democratic worker-peasant structure’ that could articulate the needs of its members and mitigate emerging class conflict among war veterans. Additionally, veterans were also absorbed into ZANU(PF) party structures. For example, Chenjerai Hunzvi was elected as an

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<sup>78</sup> Strategic Informant 1, Harare, 1-2 December 2011

MP for Chikomba in 2000. Moyo and Yeros (2011, p. 95) describe a pattern whereby an enlarged and empowered black capitalist class repositioned itself with the ZANU(PF) to counter the growing influence of war veterans whose needs and interests diametrically opposed business. From 2003 to 2008, a series of state-sponsored operations were employed to capture and control the fast-evolving political and economic scenarios unfolding in Zimbabwe in an effort to shore up ZANU(PF)'s hold on the state and its resources<sup>79</sup>.

Greater factional fighting emerged within and between ZANU(PF), war veterans, ministers and MPs as they battled over land and accused each other with aligning with white farmers. There was a brief shift toward conciliation with white commercial farmers while Government began to re-engage the CFU on land (Manzungu 2004, p. 57). Evictions of war veterans deeply divided the leadership of ZNLWVA and ZANU(PF). Jabulani Sibanda, ZNLWVA Chairman, accused ZANU(PF) of using the evictions to prohibit war veterans from contesting primary elections (Dube 2005). Another veteran, Richard Mapuringa, stated, "Now we are in the position the white farmer was. The authorities used us" (Carroll 2004). Meanwhile, for many new occupants, tenure remained insecure. Certificates of occupation were awarded in some cases, but they could be withdrawn for many unethical reasons. The lack of a clear policy created deep distrust of Government. The aims of land reform were based on rumours. For example, peasants in Trelawney in Mashonaland West accused Mugabe's sister Sabina and his nephew Joe of seeking to take their land while others believed land had become earmarked for army officers or was being used to by factions within ZANU(PF) to discredit one another (ibid).

FTLRP facilitated the emergence of a black middle class who, according to McCandless (2012, p. 161), used their control of the policy implementation process to favour themselves in land allocation and access to resources (water, inputs, credit), and middle and large-scale capitalists who sought to tailor land and economic policies to meet their needs. In 2005, Joice Mujuru and Joseph Msika noted that the war against white farmers was over (Alao 2012). ZANU(PF) shifted its policy to adopt a 99-year lease system in November 2006, although many continued to rely on official letters from government for tenure security, even though they could be withdrawn by Government for reasons it saw fit.

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<sup>79</sup> Examples include: evictions against rural and urban settlements that emerged under FTLRP were destroyed, Operation Murambatsvina targeted 'illegal' urban dwellers in 2005, in 2006, Operation Chikorokoza Chapera targeted rural 'illegal' miners who resorted to smuggling to survive, also in 2006, Operation Sunrise targeted profiteers who were blamed for expanding the informal market

Much has been made about elite capture of the land reform process; however, there is not enough public data available to have a full picture. Local and international media, civic organisations, and academics have identified political elites and ZANU(PF) supporters that successfully took control of farms as a result of the land. Researching the land beneficiary selection and allocation processes in Goromonzi, Mashonaland East, Marongwe discovered numerous instances whereby entire commercial A2 farms that should have been subdivided and distributed to those in need were instead allocated in their entirety, or combined with additional plots of agricultural land, and distributed to ZANU(PF) elites and allies. In one egregious example of greed, Paradzayi Zimondi, the Director of Prisons, acquired 14 subdivisions of commercial farming land and consolidated them into one A2 plot (Marongwe 2008, p. 332). Additional elite beneficiaries of the land allocation process include:

- Constantine Chiwenga, Commander of the Zimbabwe Defence Forces, received 1020 hectares to grow tobacco and roses for export;
- David Karimanzira, ZANU(PF) Politburo member and Mashonaland East Governor, received 941 hectares;
- David Chapfika, MP for Mutoko and former Deputy Minister of Finance, received 351 hectares;
- Olivia Muchena, former Deputy Minister of Land and Agriculture, received 228 hectares;
- Herbert Murerwa, former minister of Finance and Minister of Lands, received 449 hectares; and
- Patterson Karimanzira, the brother of David Karimanzira, received 370 hectares (Hanlon, Manjengwa & Smart 2013, p. 145).

A survey by the African Institute for Agrarian Studies (Moyo *et al.* December 2009, p. 162) found that 25 percent of respondents were office bearers of political parties, with 30 percent holding positions at district or branch levels. The high percentage of office bearers on the local government level led McCandless (2012, p. 162) to conclude high levels of political party mobilisation and activism within FTLRP, as well as existence of decentralised party structures within resettlement areas. The 2006 A2 Land Audit, which surveyed 79 percent of all allocated A2 farms, found that 44.5 percent of A2 farms were awarded to war veterans (17%); civil service (17%); security sector (7%); Office of the President, Cabinet or Ministers (1.6%); other politicians (.8%); or traditional leaders (.5%) (Hanlon, Manjengwa & Smart 2013, pp. 91, 143). Hanlon *et al.* conclude “less than 5 percent of new farmers with under 10 percent of the land are cronies” (*ibid.*). However, their assessment lacks methodology and fails to account for A1 plots.

Nonetheless, tenure insecurity prompted by FTLRP created further opportunities for abuses of power. In 2006, political elites within government guilefully furthered their economic interests vis-à-vis the tenure insecurity embedded within the Communal Lands Act and Mines and Minerals Act following the discovery of one of the largest discoveries of diamonds in nearly a generation in Chiadzwa, a communal land area in eastern Manicaland. The Mines and Minerals Act (1961, amended in 2007), a relic of the colonial era, perpetuates the disparities of ownership rights between freehold and communal tenure. While the Act mandates compensation for private landowners by holders of mineral rights, communal area residents are not entitled to direct compensation. Because communal land ownership is vested within the state and residents are only entitled to usufruct rights, mining companies pay compensation to the District Development Fund managed by the relevant Rural Development Council. Local authorities are expected to use any compensation to invest in the community; however a study by the Zimbabwe Environmental Law Association stated that “many RDCs have not prioritised community development projects and have not ploughed back the monies they get from mining companies to assist communities” (Mtisi, Dhliwayo & Makore 2011, p. 22). The Mines and Minerals Act, in conjunction with the Communal Lands Act, fails to protect the rights of individuals and communities residing on communal land. The livelihoods of residents who live and work on the land are vulnerable to forced evictions and other human rights abuses; this is even more apparent in situations where the state is involved in mining.

Estimates of the worth of the diamond fields in Chiadzwa have the potential to earn US\$2 billion annually, with some estimates placing its overall value at US\$800 billion (Radio VOP 2011; Sokwanele 2011); possibly making Zimbabwe among the top-producing diamond countries in the world. Shortly after discovering diamonds in Chiadzwa, the state-owned Zimbabwe Mining Development Corporation (ZMDC) revoked the mining license of the British-registered African Consolidated Resources, forcing it to close its mines. Shortly after, the area was seized by the Zimbabwean military, whose activities include subjecting artisanal miners and area residents to egregious human rights abuses. Despite a subsequent court ruling in African Consolidated Resources’ favour, police prevented the company from resuming operations. Government went on to award Candile Miners and Mbada Investments, both joint venture companies in which the state-owned ZMDC holds 50 percent ownership through Marange Resources (Private) Limited, a wholly-owned subsidiary of the ZMDC, formal mining rights. At the time, the Chairman of Marange Resources was Robert Mhlanga, a former Air Force Vice Marshall who was President Mugabe’s former helicopter pilot and a cousin of

Mines Minister Obert Mpfu<sup>80</sup>. In September 2010, the High Court formally revoked African Consolidated Resources' mining rights. The lack of transparency and accountability surrounding the permits awarded to mining companies in Chiadzwa as well as evidence pointing out the deep links between the security sector and the diamond trade indicates elite profiteering and corruption.

Once operations were reassigned Chiadzwa residents were under constant threat of eviction without compensation. Although mining activities began in 2007, residents were not officially notified of plans to evict and relocate to Arda Transau, a semi-urban area approximately 80 kilometres from Chiadzwa, until December 2009. In May 2010, the District Administrator of Mutare Rural District Council gave a verbal two-week notice to some resident to prepare for relocation (Kabemba 2010, p. 6), a decision that lacked adequate consultation or notice. While Government provides land for relocations, responsibility for the construction of houses and other amenities such as schools, clinics and roads, is placed on private mining companies, not the state. As of January 2014, only 1,400 out of about 4,500 families have been relocated to Arda Transau (Bulawayo24 News 2014). Evictions and relocations took place without compensation. Community members lost valuable agricultural and grazing land, undermining their food security (Dhliwayo 2013, p. 5), while others have been left poorer and at the risk of life-threatening diseases as a result of environmentally unfriendly mining activities (Manyukwe 2013). Due to the lack of tenure security in communal areas, communities have either limited or no leverage to negotiate with the state and mining companies (Dhliwayo 2013, p. 3).

Finally, emerging research by Marongwe (2003), Moyo *et al.* (2009), Scoones *et al.* (2010), has shown that that the majority of A1 occupiers were from communal areas. Urban dwellers also benefitted from land reform. Moyo *et al.* (2009, p. 22) found that 20 percent took A1 plots and 35 percent took A2 plots. A key driver among those from resettlement areas was that existing resettlement schemes, unlike communal areas, did not allow parents to sub-divide or allocate land to their children. Scoones *et al.* (2010, p. 73) also found “significant movement” of people into and out of resettlement schemes, suggesting that those who had occupied farms under FTLRP struggled to adapt. Among the reasons for abandoning new plots of land were a lack of tenure security; administrative confusion over offer letters; and a lack of infrastructure,

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<sup>80</sup> In March 2012, Zimbabwe Defence Industries chief executive officer Retired Colonel Tshinga Dube was appointed Chair of Marange Resources (Private) Limited, further entrenching the security sector in Zimbabwe's political economy

fertilisers, pesticides, and marketing support (Scoones *et al.* 2010, p. 75; Bond & Manyanya 2002, p. 79).

During the second half of the 2000s, public perceptions of FTLRP became unfavourable. The Mass public Opinion Institute released two surveys that suggested ZANU(PF)'s land reform policies were no longer accepted by the majority of Zimbabweans. As demonstrated in this section, this is likely to be due to a host of reasons that include a lack of clear land allocation and ownership policy; the militarisation of the land allocation process; and elite capture of agricultural land and land with mineral wealth. In 2005, 72 percent of respondents stated that they had not received land (Masunungure *et al.* 2005, p. 8). Fifty-five percent believed FTLRP was a failure; that figure rose slightly to 57 percent in 2006 (*ibid.*; Masunungure *et al.* 2006, p. 15). Moreover, ZANU(PF)'s linkage of land to the economy no longer resonated with Zimbabweans. Fifty-nine percent of respondents stated that the economy should be government's priority, less than six percent thought that land should be (Masunungure *et al.* 2005, p. 8).

### **5.7 A Revised State Strategy: Divide the Opposition**

The March 2005 National Assembly elections confirmed a stark reality for ZANU(PF). While the party maintained its stronghold in the rural areas, it lost its support within urban constituencies. Unlike 2000 and 2002, violence had been reduced in the run-up to the election and Election Day was largely peaceful.

Nonetheless, ZESN reported many instances of traditional leadership threatening villagers with eviction and other unspecified action if they failed to vote for the ruling party; opposition parties were not free to campaign in certain parts of the country; and that intimidation included the politicisation of food distribution (Matchaba-Hove 2005). ZESN also noted widespread discrepancies between the number of people recorded as having voted and the final vote tallies in many districts, particularly in ZANU(PF) rural areas (*ibid.*). A survey conducted by the Mass Public Opinion Institute (Sithole & Muchena 2004, p. 3), a Zimbabwean non-profit, non-governmental research organization, found that 37 percent of potential voters did not register to vote, while more than half of those surveyed revealed they had encountered some form of electoral offence, with intimidation and violence among the most widespread offences.

On 19 May 2005, just six weeks after the elections for the lower house, ZANU(PF) targeted opposition supporters within urban areas with mass evictions in what would later be known as Operation Murambatsvina. The state-sponsored campaign removed “illegal” dwellings and sought to eliminate informal trade. The United Nations estimated between 650,000 to 700,000 people were directly affected, while 2.1 million were indirectly affected by the Operation’s economic effects (Tibaijuka 2005, p. 33).

The Senate elections in November recorded the lowest ever voter turnout since independence, registering a meagre 19.5 percent (Booyesen & Toulou 2009, p. 634). The intimidation and violence associated with Operation Murambatsvina likely played a role in dampening voter turnout<sup>81</sup>.

Following the March elections, ZANU(PF) used its two-thirds majority to reintroduce the Senate in Constitutional Amendment (No. 17) Act of 2005. The upper house would comprise of 50 senators elected on a constituency basis, six senators appointed by the president, and 10 traditional chiefs. The parliamentary election losses triggered a nationwide debate about the MDC’s future and its ability to challenge ZANU(PF). The reintroduction of the senate exposed deep fissures within the MDC, which had been struggling to “maintain unity along ideological, leadership, ethnic, and generational lines” (Chiroro 2005). Disagreement among the MDC leadership as to whether or not the party should participate in the senatorial elections led the MDC to split into two factions: the anti-senate faction led by Morgan Tsvangirai became the MDC-T, while the pro-senate faction led by Arthur Mutambara and Welshman Ncube, remained the MDC, and took with them many of the MDC's intellectual supporters. The Tsvangirai faction was the larger of the two.

The split raised serious question about the MDC’s intra-party democracy and ethnicity of its leadership and members. The split occurred amid accusations that Tsvangirai was no longer behaving democratically and, instead of receiving the approval of the party's executive committee, making decisions unilaterally. As the party’s top six were unable to reach consensus on whether or not to participate in the Senate elections, the National Council voted 33 to 31 in favour of participation (Muteme 2007). However, Tsvangirai refused (BBC 2005). Many of the

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<sup>81</sup> 47.7percent of voters cast ballots in the March 2005 National Assembly elections

defections of the top leadership were Ndebele, prompting fears of a return to political divisions along ethnic lines. Moreover, the split in the MDC led to a split within civil society<sup>82</sup>.

Meanwhile, new leadership within ZCTU and the NCA sought to demonstrate their autonomy from their predecessors. ZANU(PF) continued to portray civil society, particularly organisations involved in governance and human rights, as appendages of the MDC and Western neo-imperialists. The NCA, led by Lovemore Madhuku, challenged the MDC as its political power increased. Believing that the constitution had been undemocratically changed, the NCA supported a boycott of the 2005 senatorial elections. Its decision exacerbated the MDC split. ZANU(PF) adopted a two-pronged strategy to counter the influence of oppositional civics. First, the party established its own civic organisations to counter those opposed to ZANU(PF). These government affiliated NGOS, commonly referred to as GONGOs, were used to divide the membership of legitimate civic organisations in an effort to weaken them while bolstering ZANU(PF) position as supported by civil society and its members.

An infamous example of this strategy was the creation of the Zimbabwe Federation of Trade Unions (ZFTU). Initially led by war veteran Joseph Chinotimba, Raftopoulos (2009, p. 225) and Tarugarira (2011, p. 215) note that the political alliance between the ZFTU and the government was certain, particularly in that it had the public support of war veterans. Under the leadership of Chinotimba, ZFTU developed few grassroots structures, relying instead on violence, coercion, and state support to sustain it administratively and financially (Bond & Saunders 2005, p. 50). By 'preying on vulnerable sectors of workers in rural agriculture and mining, ZFTU leveraged irregular access to workers and revenue by means of press-gang tactics' (ibid). Tarugarira (2011, p. 218) notes that most of the 13 inaugural affiliates of the ZFTU were registered soon after ZFTU had registered, and most of the trade unions had "ghost memberships". Lacking an authentic constituency, ZFTU would disappear without support from the state and war veterans. Another state-sponsored NGO is the Zimbabwe Congress of Students to challenge oppositional forces within universities, especially Zimbabwe National Students' Union, that have historically challenged ZANU(PF) (see Chapter 4).

Secondly, various local and international reports have accused the CIO of infiltrating civic organisations and opposition parties in order to cause divisions, monitor activities and

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<sup>82</sup> Strategic Informant 4, Harare, 6 November 2012



intimidate members (Zimbabwe Human Rights NGO Forum 2007, p. 15). As one member of the NCA stated,

“Once they [the NCA] want to do anything it is thwarted by the security forces...the intelligence [CIO] gets there first. There are ZANU(PF) members within the hierarchy of the NCA – it was penetrated effectively” (McCandless 2012, pp. 171-172)

Rumours of infiltration eroded trust needed for organisational culture among many civic organisations, retarding participation.

### **5.8 A Crescendo of Violent Conflict: the 2008 harmonised elections**

On 11 March 2007 the Save Zimbabwe Campaign, a coalition of labour unions, students, churches, youths, women’s organizations and political parties led by the Zimbabwe Christian Alliance, organized a prayer meeting at Zimbabwe Grounds (Save Zimbabwe Campaign 2007). The police tried to disrupt the meeting by intercepting and beating up people who were on their way to the venue. MDC-T activist Gift Tandare was shot and killed by the police. Tsvangirai and several of his party supporters were severely beaten and incarcerated. The violence was so brutal that the SADC was forced to hold an extraordinary summit in Dar es Salaam, Tanzania at the end of March 2007. South African President Thabo Mbeki was appointed as the SADC mediator cum facilitator in negotiations between the three warring political parties. Each political party appointed two negotiators and these representatives conducted numerous meetings in Harare and Pretoria. Mbeki’s particular approach to conflict resolution, commonly referred to as “Quiet Diplomacy”, had been taking place since 2004, but had been reinvigorated following the Extraordinary Summit.

South African mediation led to key electoral and constitutional changes in 2007. The Electoral Laws Amendment Bill sought to create an impartial electoral commission, an independent audit of the voters’ roll, the criminalisation of intimidation, the ability for parliament to choose a presidential successor if the incumbent is unable to complete his term in office. It was passed with the support of ZANU(PF), MDC-T and the MDC. The Constitution of Zimbabwe Amendment (No. 18) Act reduced president’s tenure in office from six to five years, harmonised parliamentary, presidential, and local council elections, and expanded the National Assembly from 150 to 210 seats and Senate from 66 to 93 seats. The Amendment was adopted over the strong objections of civil society. Criticisms over the undemocratic election of a

president by parliament and while the president continued to have the power to make appointments to both houses in the legislative body.

In September 2007, members of ZANU(PF) and the two MDCs secretly met at Lake Kariba where they negotiated and agreed upon the “Kariba Draft Constitution”. The constitution-making process only included representatives of the political parties. Little is known about the negotiations, and it has been suggested that no more than six individuals assumed primary responsibility for writing the Draft (NCA 2009, pp. 1-2). The Draft was a ‘hybrid’ of the Lancaster House Constitution and the draft ZANU(PF) had tried to pass in 2000 (Dzinesa 2012, p. 5). More than half of the articles in the Kariba Draft were identical to those in the 2000 draft, while most of the changes made were minor (NCA 2009, p. 2). It maintained executive dominance and the Lancaster Constitutions the state’s unchecked ability to acquire and distribute land (ibid, p. 7). Although the Kariba Draft was not adopted before the 2008 elections, the collusion among the major political parties signalled that an elite political deal was more important than Zimbabweans right to determine the composition of their own constitution.

Throughout the mediation, the Mbeki government emphasised the need for national dialogue between the three principal parties. The anticipated result was that dialogue would lead to free and fair elections, the removal of sanctions, and encourage the military to adopt a position that would support Zimbabwe’s transition (Raftopoulos 2010, p. 711). Initially, the SADC mediation engendered a pre-electoral environment where political violence sharply decreased and, unlike the elections between 2000 and 2005, the two factions of the MDC could conduct door-to-door campaigns (Zondi 2011, p. 23). Both the Electoral Institute for Sustainable Democracy in Africa (2008, p. 41), a regional NGO based in Johannesburg, and ZESN (2008, p. 36), found the pre-electoral environments “peaceful”, “calm”, and “conducive to the expression of political preference”.

Meanwhile, Zimbabwe was experiencing great strain in late 2007 and into 2008. In January 2008, the government statistics office said inflation rose to 100,580 percent from 66,212 percent in December 2007. The official figure was still below the rate calculated by independent analysts who estimated the real rate was closer to 250,000 percent. Additionally, a severe shortage of basic commodities, a cholera epidemic in Bulawayo and Harare, and a 20 percent decline in traditional food crops as a result of FTLRP (Pazvakavambwa & Hungwe

2009, p. 159), led to political and economic turmoil<sup>83</sup>. Still in control of the state, ZANU(PF) used underhanded tactics to secure loyalties among key constituencies. Mugabe banned the distribution of food aid by international relief agencies, alleging political partisanship (IRIN 2008). The ban disrupted the vetting process of potential beneficiaries and delayed in distributions of aid among those in need of emergency food assistance (ibid). The ruling party's interference led to accusations seeking to control the distribution process for partisan purposes. Farming inputs and equipment were also distributed on a partisan basis (Zimbabwe Catholic Bishop's Conference 2008, p. 8). Moreover, the security sector continued to become ever more politicised. Army brass forbade their rank and file from joining the MDC while Paradzai Zimondi, Zimbabwe's Prisons Commissioner, ordered officers to vote for ZANU(PF) (Alao 2012, pp. 63, 66). Members of the security sector were placed in key leadership positions in parastatals, the public sector, and in positions to run ZANU(PF)'s campaigns.

The economic hardships Zimbabweans faced emerged into a key issue in national harmonized presidential, parliamentary, senatorial and local government elections slated for 29 March 2008. POSA and AIPPA were used to crack down on protests and activists. In the months preceding the election, November 2007 to March 2008, there were 1,775 reported incidents of political violence (Ploch 2008, p. 3). Reports from domestic observers suggest that the registration process was inconsistent and the ZEC failed to address alleged inaccuracies in the voters' roll. On the eve of the election, MDC-T accused the government of printing millions of extra ballots in order to rig the vote (Associated Press 2008).

The election results were delayed for over a month, creating fears of fraud and plunging Zimbabwe into a state of paralysis. On 2 May, ZEC, led by Justice George Chiweshe, a former military officer, announced that MDC-T won a majority in the National Assembly, taking all the seats in Harare and Bulawayo and ten of the 12 constituencies in Matabeleland. MDC-T also performed strongly in Midlands and Manicaland. ZANU(PF) relied exclusively on rural dwellers in the three Mashonaland provinces and retained only one urban constituency. Moreover, MDC-T's presidential candidate, Morgan Tsvangirai led Mugabe 48 percent to 43 percent. As neither Tsvangirai nor Mugabe reached the 50 percent threshold, a run-off was scheduled for 27 June. It was the first time ZANU(PF) lost a majority in the lower house and a president was forced into a run-off. Simba Makoni, a former ZANU(PF) politburo member,

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<sup>83</sup> Moreover, GDP per capita in 2008 fell to US\$345, down from its post-independence high of US\$1,085 in 1982. By 2008, Zimbabwe's Human Development Index score, a composite index combining life expectancy at birth, adult literacy and income, fell to 0.49 from its peak of 0.621 in 1985

contested the election as an independent, garnering a sizable portion of the vote. Makoni's decision to contest the election shed light on the anti- and pro-Mugabe factions that emerged in ZANU(PF)'s December 2007 Special Congress.

Following the first round of polling there was a resurgence of violence prompted by the security sector and ZANU(PF) affiliated youth militias against all opposition. SADC and the African Union advised Zimbabwe to cancel the run-off as violence exploded throughout the country (Zondi 2011, p. 23). In April, 4,359 incidents of violence were reported; increasing to 6,288 in May, and skyrocketing to 17,605 by the end of July (Zimbabwe Elections Support Network 2008, p. 54). Tsvangirai was forced to withdraw from the second round of voting. Despite this, ZEC decided to move forward with the poll. According to ZESN,

“Polling Day was characterized by poor voter turnout in urban areas, an extraordinarily high number of spoilt ballots [39,975 in the March Election against 131,481 in the June Election] with a significant number reportedly carrying insulting messages, an unusually high number of assisted voters, and recording of serial numbers – incidents that point to a banal breach of voter rights and secrecy. In most rural constituencies, voters were reportedly herded to polling stations by traditional leaders and allegedly instructed to vote for the ruling party candidate. They were also ordered to record their ballot papers' serial numbers and would after polling give them to the local leaders. Soldiers and police presence was reportedly heavy, in some cases their presence overshadowing that of voters” (Masunungure 2009, pp. 94-95).

The SADC Election Observer Mission (2008) concluded, “the prevailing environment impinged on the credibility of the electoral process.” The African Union refused to recognise results, while leaders of Botswana, Kenya and Zambia publically lambasting ZANU(PF) for its behaviour, a rare occurrence in southern African politics.

## **5.9 Conclusion**

The rejection of the draft constitution signaled that Zimbabweans were shifting politically. ZANU(PF) began to represent “the declining relevance of the politics of national liberation” and was rapidly losing support to the MDC as it promoted a liberal discourse about democracy, economic opportunity and human rights (Bratton & Masunungure 2008, p. 23). The process level dynamics described above address two significant and inextricably linked factors which assisted ZANU(PF) to capture the state: built-in mechanisms and the state's strategy.

First, the character, behaviour, and nature of the settler-dominated colonial and post-colonial states, as well as ZANU(PF)'s historical experiences as a nationalist movement, deeply influenced the perceptions of representation and autonomy among ZANU(PF) elites within the post-independence political paradigm.

At independence, Zimbabweans had never experienced a democratic political culture. The authoritarianism that characterised the pre-independence eras was consequently reproduced within the African nationalist movements. Insecurity and violence that characterised the Second Chimurenga reinforced the authoritarian culture as both ZAPU and ZANU developed highly centralised and militarised structures in order to fight the militarily more sophisticated Rhodesian state.

Moreover, there was “a tendency embedded within national liberation thought which crudely equates majoritarianism with democracy” (Southall 2013, p. 70). Inherent within ZANU(PF) was intolerance of internal and external criticism and dissent. Although now a political party, ZANU(PF) elites maintained their liberation political culture and thinking. Those that did not were excluded and depicted by the party as “enemies rather than opponents, thus implicitly – and often explicitly – justifying violence against them” (Southall 2013, p. 71).

The narrative of the liberation struggle drew upon real grievances. The struggle narrative was (and continues to be) used by ZANU(PF) elites in order to maintain their legitimacy as well as connect to strong sentiments about colonialism and perceived western hypocrisy. Race, featuring heavily within national discourse, allowed ZANU(PF) to continue to blame whites for Zimbabwe's political, social and economic problems. This narrative successfully created new paradigms for exclusion and inclusion.

Neither of the two MDCs nor civil society has been able to penetrate ZANU(PF)'s hegemony of the nationalist discourse. Consequently, citizens, whose views do not correspond with the nationalist rhetoric that dominates the political sphere, withdraw from political life resulting in the further decay of the relationship between the state and citizens.

The architecture of Zimbabwe is essentially a mirror image of its predecessor with ZANU(PF) elites doing little to transform the settler state. Although ZANU(PF) initially sought to co-opt oppositional elements within the first government of national unity in 1980, violence was

ultimately used to suppress and destroy oppositional forces. An extreme example was Gukurahundi in response to ZAPU's persistence in seeking to be an opposition party.

The ruling elite subordinated the imperatives of political and economic development for regime security by implementing a strategy that amalgamated state and party institutions, thus consolidating control within the party.

Through a series of constitutional amendments designed to reduce the autonomy of the judiciary and parliament, while increasing the powers of the executive, ZANU(PF) has used the three arms of government to rubber stamp the decisions of Mugabe and the ZANU(PF) Central Committee. Through its monopoly of state media, ZANU(PF) has reinforced ethnic and racial divisions, placing blame for the failure of the state to satisfy needs on racist, unpatriotic whites and donors, especially the United Kingdom. With a monopoly on state institutions, centralisation provided ZANU(PF) leaders with a means of resource extraction. Greater centralisation insulated political elites within ZANU(PF) from the people resulting in the further inability of citizens and groups the means to meet their needs.

The values, character, and established architecture of the settler state created the conditions for the violent conflict that peaked in 2008 and would result in further erosion of state and civil relations: the *deterioration of physical security, institutional deformity, psychological ossification*, and increased *dependency and clientalism*.

## Chapter Six

### The Decay of State and Civil Relations: 2008-2013

#### 6.1 Introduction

By 2008, Zimbabwe had experienced nearly two decades of post-independence conflict compounded by a century of pre-independence and colonial racism and marginalisation. Zimbabwe's protracted social conflict had engendered conditions responsible for the decay of state and civil relations and the exacerbation of the *deterioration of physical security, institutional deformity, psychological ossification*, and increased *dependency and clientalism*. Once these issues take hold, they reinforce PSC and further entrench the cycle of conflict. In order to create a framework to settle the violent 2008 elections and escalating PSC in Zimbabwe, political leaders instituted the Global Political Agreement (GPA), an internationally mediated, elite driven mechanism. Through the use of interview data collected from strategic informants and the lens of the decay of state and civil relations, this chapter will examine political and civic representation, in relation to human needs satisfaction, under the elite driven power-sharing arrangement. This chapter will interrogate Zimbabwean's conceptions of human needs, fundamental impediments to those needs and how needs satisfaction has the ability to address the decay of state and civil relations.

#### 6.2 The Global Political Agreement

Zimbabwe hung in a precarious balance following the March 2008 elections. ZANU(PF), unwilling to accept defeat, delayed the release of the election results and embarked on a campaign of widespread violence and intimidation under *Operation Makavhoterapapi*. This was achieved in conjunction with members of the security sector, who occupied key positions within national, provincial and local electoral and party structures (Sims 2012). Tsvangirai claims that Mugabe offered his resignation after the March poll, but ZANU(PF) hardliners and the Joint Operations Command (JOC), a committee responsible for organising state security and is composed of senior military, police and intelligence officials, refused to let Mugabe tender his resignation (Cheeseman & Tendai 2010, p. 218; Timberg 2008).

ZANU(PF) tactically used arrests, imprisonment, and allegations of misconduct to weaken the MDC-T and MDC. As a result, *Operation Makavhoterapapi* decimated the capability of either MDC faction to organise and mobilise their supporters, whilst ruling party supporters were able to organise and mobilise freely. Between May and July 2008, five MDC-T and MDC MPs or Senators had been arrested on various charges, five more were held without charge, ten were

placed on the police's wanted list and four more were harassed by the security services (Mazarire 2013, p. 90). On 25 August 2008, two MDC-T parliamentarians were arrested during Parliament's swearing-in ceremony. As ZANU(PF) overtly attacked the opposition, they covertly continued land invasions during the negotiations between the three principal parties in order to suppress support for the two MDC factions.

Despite MDC-T's parliamentary majority, intimidation tactics and violence forced Tsvangirai to withdraw from the presidential run-off in June, leaving Mugabe the winner in an election devoid of domestic and international legitimacy. ZANU(PF)'s use of violence and liberation rhetoric engendered an environment of political polarisation that "established physical and mental barriers to negotiating with the enemy" (Cheeseman & Tendai 2010, p. 215).

Fearing debilitating political and economic consequences under mounting domestic, regional and international pressure, backroom shuttle diplomacy was supported by SADC to find a regional solution (Zondi 2011, p. 21).

On 21 July 2008, the two MDC factions and ZANU(PF) signed a Memorandum of Understanding that broadly outlined the principles that would guide a dialogue between the three principal political parties as they sought to establish a political framework that would resolve Zimbabwe's immediate political and economic crises. ZANU(PF) included land, external interference, and sanctions as agenda points. The MDC-T included security, violence prevention, and the role of SADC and the AU as mediators as their agenda points. This led to the first meeting between Mugabe and Tsvangirai in nearly a decade (International Crisis Group 2008, p. 2). The Memorandum was the first breakthrough toward achieving a negotiated political settlement.

The GPA negotiations were fraught with tension and conflict from external sources as well as between and within the various negotiating parties. A significant factor was the militarisation of ZANU(PF) and state institutions. A hawkish faction within ZANU(PF) led by Emmerson Mnangagwa and members of JOC challenged 'reformist' elements within the ruling party led by Solomon Mujuru and his wife, Joice. Mnangagwa, who had openly expressed support for ZANU(PF) and Mugabe since 2002. This was perceived to have the ability to guarantee the security and financial interests of key people within ZANU(PF) structures, particularly those within the security sector (IDASA 2010). The Mnangagwa faction, in alliance with the security



sector, proved to be most intransigent faction within ZANU(PF), spoiling political accommodation with the MDC factions.

Members of JOC partook in the back-room negotiations, however, as Cheeseman and Tendai (2010, pp. 218-219) note, it is difficult to assess the real impact they had on the negotiations because there are no reliable transcripts of the debates or of the various positions adopted by the different actors involved. However, one can discern from a plethora of public statements and actions by members of the security sector that they played a significant role, particularly in dictating ZANU(PF)'s strategy to defeat the opposition. General Constantine Chiwenga, Commander of the Zimbabwe Defence Forces, stated that members of JOC perceived themselves as "guardians" of Zimbabwean sovereignty and refused to permit the defeat of ZANU(PF) (ibid, p. 217).

The negotiations were wracked with divergent agendas and attitudes both between the parties, which was to be expected, but also, perhaps most significantly amongst those charged with facilitating the negotiations.

The choice of goals and tactics held by ZANU(PF) and the MDC factions during the South African-led mediation were, according to Raftopoulos (2010, p. 47), an area of "intense contestation" among national, regional and international interests. Each party fundamentally disagreed about the meaning of representation as well as who had the right to represent the people and consequently lead the country. ZANU(PF) believed its legitimacy was derived from the "huge sacrifices which accompanied [their] rise to statehood," and not derived from the ballot box (Raftopoulos 2013, p. 6). As liberators from oppressive colonialism they had the mandate to represent the people. MDC-T relied on a delegate model of representation, they believed they derived their legitimacy from elections, which inherently meant they represented the majority of Zimbabweans.

External factors, namely the opposing approaches of the West and SADC, had a significant impact on the negotiations. Many leaders within SADC and the AU adopted positions that encouraged ZANU(PF) to reform itself while the MDC factions were treated as mere protest movements that had weak structures and unconsolidated programmes. Field (2003, p. 358) believes that the region's approach towards MDC-T should be understood in the context of southern Africa's history; namely the high degree of legitimacy former, and now governing,

anti-colonial liberation movements have amongst one other. The West's use of "megaphone diplomacy" to denounce ZANU(PF) and publically question the credibility of regional and continental mechanisms of conflict resolution invoked a defensive stance within SADC (Field 2003, p. 356).

Despite a show of public unity, the Zimbabwe crisis divided also SADC. According to Ndlovu-Gatsheni (2013) and Adolfo (2005), while SADC is dominated by "enduring solidarities among sister movements and brother presidents", SADC is divided between two primary political factions that include the liberation parties on one side and post-liberation parties on the other (Adolfo 2005, p. 13). Moreover, the 1999 "Defence Protocol" between Angola, the Democratic Republic of Congo, Namibia, and Zimbabwe created an alliance within SADC that was sympathetic to Mugabe and ZANU(PF). Botswana, Mozambique, and South Africa were left in a difficult position as neighbouring SADC countries pressured them to challenge Western partisanship. The divisions within SADC constrained South Africa's quiet diplomacy, which was driven by the need to maintain stability and co-existence within the region (Field 2003, p. 360).

SADC believed that a new constitutional and electoral framework would create the conditions for Zimbabwe to hold free and fair elections, which would produce a representative government that Zimbabweans, the region, and the international community would perceive as legitimate. Ultimately, the GPA forced Western donor governments to put their policies of regime change on standby, focusing instead on democratic values and principles, reform of central institutions, such as the judiciary and the security sector, guarantee the rule of law, respect for human rights (Hansen 2011, p. 253), and land reform.

It is within this context that mediation and negotiations took place and produced the Global Political Agreement on 15 September 2008.

Despite seemingly insurmountable challenges, the GPA had a few successes. It established institutions that were fundamental for addressing Zimbabwe's PSC, including provisions for participatory and inclusive constitution making and land reform. Most of the documents that would form the GPA were produced by the three principal political parties themselves, an encouraging sign that potentially signalled that the principal political parties had enough political will to seek a resolution for Zimbabwe's PSC (Chikane 2013, p. 98). For the "sticky

make-or-break issues”, the political parties consulted with the South African facilitation team (ibid).

Numerous forums were established to allow for the three principal political parties to negotiate reforms, establish frameworks, and monitor progress, including: parliamentary portfolio committees, the Joint Monitoring and Implementation Committee (JOMIC), the GPA negotiators meetings, Cabinet meetings, and the weekly GPA Principals meetings (Muzondidya 2013, p. 48).

Key areas of the Agreement were, however, left undecided as they were intended to be the subject of further negotiations between the principal political parties within the Government of National Unity (GNU) framework. Ambiguities concerning the nature of relations between the offices of the president and prime minister, as well as the influence the president and prime minister would have over decisions made in cabinet and the newly created Council of Ministries (International Crisis Group 2008, p. 4), posed opportunities for abuse.

ZANU(PF) resisted and delayed the implementation of many of the institutional reforms enumerated within the GPA, including the security sector, and transparency around resources – particularly diamonds and land. ZANU(PF) created an informal parallel government dominated by securocrats serving within the President’s Office and JOC (Muzondidya 2013; Masimba 2012; Guma 2012). Although the GPA sought to establish civilian oversight over the military and intelligence branches through the establishment of the National Security Council, which included representatives of each MDC faction, JOC continued to operate with impunity. The security services continued to interfere with Zimbabwe’s political processes as they had done since 2000.

The GPA did not reflect the composition of parliament. Instead, the Agreement focused on the distribution of executive power between the president and the newly created post of prime minister. Having won a clear majority in parliament, MDC-T sought to transfer all executive power to Tsvangirai, reducing Mugabe to a figurehead. MDC-T believed that since the party was unable to assume executive power through the ballot box, the GPA would allow them to assume a role in government and reform state institutions. This, ultimately, would allow MDC-T to create an environment conducive to holding free and fair elections whereby the party could finally assume control of the state.

On the other hand, the GPA offered ZANU(PF) an opportunity to reconsolidate its hegemonic grip on power that had weakened since the late 1990s. As the Agreement helped to reduce overt violence, so too did it engender an environment that allowed some economic recovery. The ruling party sought to use the negotiations to bring MDC-T into power as a junior partner in order to stabilise the economy and work toward removing targeted sanctions. With a stronger economy, ZANU(PF)'s leadership was able to "regain its financial muscle", which then, according to Muzondidya (2013, p. 45), allowed the party to strengthen its patronage system.

Meanwhile, the smaller MDC faction, having only captured two percent of the seats in parliament was thrust into the position of 'king-maker' as both ZANU(PF) and MDC-T needed their votes to pass legislation. While only representing a small fraction of the population, the party had significant leverage within the power-sharing arrangement.

The GPA was passed unanimously in parliament and was absorbed into Zimbabwe's law by way of Constitutional Amendment 19<sup>84</sup>. Ten months after the 29 March 2008 elections MDC-T announced it would join ZANU(PF) and MDC in a Government of National Unity. While initially celebrated as "the ultimate prize that has always been the wish of the people" (Motlanthe 2009), the GPA established a worrying precedent for Zimbabwe: election losers, through the use of force and violence, could compel winners into political agreements of forced inclusion.

The GPA was not an agreement that sought to establish a transitional government that would return Zimbabwe to a democracy (Matyszak 2009). Rather, it was an "experiment of co-habitation"; a temporary political agreement that sought to settle the political disputes among three political parties represented within the Zimbabwean legislature (Power-sharing in Zimbabwe 2009; Makumbe 2011). A number of conditions have to be present for power-sharing to be successful, including: the ability of elites to accommodate divergent needs and interests of communal groups; the ability to join with rival communal groups; elite commitment to maintenance of the system and to the improvement of its cohesion and stability; and finally, that elites understand the perils of political fragmentation (Lijphart 2008, p. 32). Moreover, a multiple balance of power is preferable to a dual balance of power or hegemony as the leaders

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<sup>84</sup> Constitutional amendment 19 passed the House of Assembly by a vote of 184-0 and the Senate by a vote of 72-0

of a stronger communal group are less likely to seek domination and instead cooperate with a rival minority groups

In order to understand the motivations of those negotiating the GPA and, eventually, the new constitution, it is important to understand what Zimbabweans view as brokers of power. Addressing the needs of citizens, and particularly of land as a needs satisfier, is important to understanding the aforementioned.

### **6.3 Conceptualisations of Human Needs and Land in Zimbabwe**

In order to understand how the GPA affected Zimbabwe's PSC, this dissertation will first identify Zimbabwean conceptualisations of human needs, one of the four preconditions of PSC as described in section 2.3.1.

The GPA, as described above, was a top down, elite driven power-sharing agreement aimed at ameliorating the overt PSC that had gripped the country. This process was void of input from citizens and civil society.

Strategic informants interviewed for this dissertation have multiple conceptualisations of human needs in Zimbabwe. Human needs, as identified by these informants, can be described on two primary levels: those needs that are essential to survival and those that are necessary for human development. Human needs were imbued with positive normative value. Conceptualisations of human needs reflected the liberal discourse of civil society and human rights in Zimbabwe; namely that needs satisfaction will engender development and deepen democracy.

When asked to define human needs, strategic informants primarily identified the following items in Table 6.1. Human needs were not ranked, rather the table demonstrates how many times a particular need was identified.

**Table 6.1: Strategic Informant’s Definitions of Human Needs**

|                        |                             |
|------------------------|-----------------------------|
| Job with an income (5) | Access to decision-making   |
| Food (9)               | Ability to participate      |
| Education (10)         | Property (3)                |
| Water (6)              | Rule of law                 |
| Shelter (9)            | Access to natural resources |
| Health (7)             | Access to energy            |
| Freedom of expression  | Government stability (2)    |
| Accountability (2)     | Transport (2)               |
| Clothing (2)           | Social networks             |
| Human dignity          | Political power             |
| Security (3)           | Enabling environment        |

**Source: Author’s own compilation**

The definitions identified among strategic informants suggest two noteworthy points. First, basic human needs are not perceived as hierarchical; rather they are perceived as inextricably linked. Regarding a hierarchy of human needs, informants responded in the following ways:

“I think it is very difficult to rank them [human needs] because they are inter-related, intertwined. The one impacts the other. Economic needs impact on your social needs, spiritual needs impact your social-being.”<sup>85</sup>

“As far as I am concerned, even this debate about the different generations of human rights – the civil, political, the economic and social rights – for me it doesn’t exist because they are indivisible. Without one you cannot get the other.” He continued with an example, “If you give me good food and I have no shelter it makes no point. If you give me land and I have no inputs to work the land, it is useless.”<sup>86</sup>

“I think it is difficult to pinpoint which [human need] is important because when you don’t have shelter, even the chances of you getting food, of you getting clothing, and so forth are slim. So I think all those [human] needs are important because they interlink and they are important.”<sup>87</sup>

<sup>85</sup> Strategic Informant 13, Victoria Falls, 19 July 2013

<sup>86</sup> Strategic Informant 21, Harare, 12 November 2012

<sup>87</sup> Strategic Informant 6, Harare, 6 November 2012

Second, as Table 6.2 describes, Zimbabwean conceptualisations of basic human needs slightly expands those identified by Azar and Burton within the context of Zimbabwe's protracted social conflict.

**Table 6.2: Conceptualisation of Basic Human Needs**

|              | <b>Azar</b>   | <b>Burton</b> | <b>Strategic Informants</b> |
|--------------|---|---------------|-----------------------------|
| <b>NEEDS</b> | Security  | Autonomy      | Political power             |
|              | Communal recognition and acceptance   | Dignity       |                             |
|              | Distributive justice (fair access to political institutions and economic participation) | Bonding       | Social networks             |
|              |   | Development   |                             |

**Source: Author's own compilation**

Rukuni, as stated in Chapter Two, noted that satisfaction of land needs, particularly in the case of Zimbabwe, was a major factor that would shape the transition from one social or political order to another. According to the strategic informants interviewed for this dissertation, political power and social networks were identified as needs for their ability to facilitate needs satisfaction in Zimbabwe. While this will be discussed further in section 6.3.2, based on experience with leadership in Zimbabwe that use connections and political influence to gain resources, particularly land, political power and social networks are inextricably linked to needs satisfaction. As such, political leaders involved in crafting the GPA sought to use land to address the human needs requirements of citizens in order to curry favour and gain support.

Strategic informants have many conceptualisations of land in relation to human needs (Table 6.1). None of the informants stated that land was a need. Rather, land was identified as a source of needs satisfaction. This is important in that land is a satisfier of cultural, social, political, and economic needs; all of which overlap within Zimbabwe.

According to a Zimbabwean parliamentary researcher who works with land ownership and use portfolio committees, "...in terms of Zimbabwe's history, Zimbabwe's politics, land has been at the centre of politics, class struggles, and the empowerment of the marginalised and the

improvement of livelihoods for the majority. Access to land has always been viewed as the best way of empowering people”<sup>88</sup>.

Moreover, land, as described by many informants, was mainstreamed through the various process level dynamics that shape Zimbabwe’s protracted social conflict. Three major themes were derived from interviews with strategic informants from civil society, ZANU(PF), and MDC-T. First, land, as one informant stated, is a part of the Zimbabwean “psyche”. Second, land ownership implies political power, and finally, land ownership also implies economic power.

### **Social needs satisfier**

The esteem land ownership carries in Zimbabwean society stems from culture and historical experiences associated with the Second Chimurenga (refer to Chapter Three), as many adult Zimbabweans who lived during that period survive with their memories today. Throughout the post-independence era, land issues, as one informant from a Harare-based research institute stated, continued to “...touch the lives of every village and even of an urban resident. It [land] is something that is very close to the heart of an average Zimbabwean. So you will not talk to any Zimbabwean and get the view that the land issue is something that is peripheral. It [land] is a core issue”<sup>89</sup>.

Reflecting on the liberation struggle, an informant stated that many suffered for land during the liberation struggle; as a result, for many Zimbabweans, “land is sentimental”<sup>90</sup>. Moreover, a member of MDC-T’s National Executive Committee attributed the differences between ZANU(PF) and the MDC faction’s perception of land to the “history between ZANU(PF) and the land”<sup>91</sup>, suggesting some elements of land policy are driven by historical factors and experiences – those built-in-mechanisms of PSC.

A former ZANU(PF) minister posited that “it [land] is part of the struggle itself”<sup>92</sup>. Describing the environment immediately after independence, the former minister continued:

“Not as soon as we got independence, they [a new, younger generation of ZANU(PF)] joined, they all wanted land. I think land is part of the psyche. It is quite annoying

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<sup>88</sup> Strategic Informant 17, Harare, 22 January 2013

<sup>89</sup> Strategic Informant 4, Harare, 6 November 2012

<sup>90</sup> Strategic Informant 4, Harare, 6 November 2012

<sup>91</sup> Strategic Informant 19, Harare, 6 November 2012

<sup>92</sup> Strategic Informant 7, Windhoek, 26 April 2012



working with war veterans. We [Government] trained war veterans in various skills, we had an excellent group who became furniture makers and they were excellent. We went and imported second hand German machines for them. So, I tried to look them up. They sold the factory and the machines and got land. People who were so successful as industrialists became farmers”<sup>93</sup>.

Decades of exclusion from owning land enhanced a perception of land ownership as “prestigious” as “the white [commercial] farmers were seemingly the aristocracy”<sup>94</sup>. Land distribution created a class of Zimbabweans that would be beholden to the ruling party. As another informant noted, land was a tool for patronage and corruption. Land “is a source of making money”<sup>95</sup>. Land is a “sign of wealth”<sup>96</sup> and was used to mobilise the majority of black Rhodesians against minority rule<sup>97</sup>.

### **Political needs satisfier**

Conceptualisations of land ownership as a political tool used to both reward and punish was pervasive among informants. “It [land] has been used as a way for political parties to get votes”<sup>98</sup>. The informant continued, “When there was not much struggle at the political level in terms of a strong opposition party, the land issue was not much of a problem”<sup>99</sup>. You find that the struggle between the commercial farmers and the politicians became acute after the failed referendum after 1999<sup>100</sup>.

However, although land has always occupied political and economic roles in Zimbabwe, one informant stated that since 2000, land has become a “presidential preserve”<sup>101</sup>. And that while civil society may want to influence land policy, they cannot because it’s “barricaded”<sup>102</sup>.

### **Economic needs satisfier**

Informants were asked which was more important in the Zimbabwean context, land or employment. A range of responses were captured.

An informant from the University of Zimbabwe, who received 50 hectares under FTLRP, believed that economic differences between the global North and South created different

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<sup>93</sup> Strategic Informant 7, Windhoek, 26 April 2012

<sup>94</sup> Strategic Informant 7, Windhoek, 26 April 2012

<sup>95</sup> Strategic Informant 12, Harare, 23 August 2012

<sup>96</sup> Strategic Informant 24, Harare, 9 December 2011

<sup>97</sup> Strategic Informant 19, Harare, 6 November 2012

<sup>98</sup> Strategic Informant 17, Harare, 22 January 2013

<sup>99</sup> Strategic Informant 17, Harare, 22 January 2013

<sup>100</sup> Strategic Informant 17, Harare, 22 January 2013

<sup>101</sup> Strategic Informant 4, Harare, 6 November 2012

<sup>102</sup> Strategic Informant 4, Harare, 6 November 2012

conceptualisations of land and its value. Meanwhile, the lack of economic opportunities – specifically employment – increased the demand for land as a satisfier.

“If you are looking at developed countries they have all developed industries in which a person can expect to be gainfully employed, whereas if I am looking at the [global] south, there are all sorts of problems, particularly in Zimbabwe where there is no viable industry so to speak but the economy has gone informal... A person living in Zimbabwe knows that if I can get a piece of land and if I can get my inputs, I can make a livelihood out of that land. Whereas a person who is in Europe never thinks about getting their own land because there is guaranteed employment. Getting employed is the end thing as compared to Zimbabwe where you have to work for yourself most of the time. You become part of the informal industry as the employer or the employee. That becomes distinct to Zimbabwe. This is caused by, of course, the historical issues about going back to colonialism itself and also the Lancaster House Constitution and how it dealt with the issues of land, issues of the economy in general, and the unfulfilled promises of the liberation struggle...”<sup>103</sup>

Some informants believed land and jobs were intrinsically related. A lawyer who represented commercial farmers who lost their land under FTLRP believed that land and employment “go together”<sup>104</sup>. But not just any land, according to an informant with a farmworkers union: land had to “be suitable for agriculture”<sup>105</sup>. Another informant from a union that primarily represents black commercial farmers believed that land was essential for survival, both for reasons of pride and its exploitation for commercial purposes. The informant stated,

“Owning a piece of land is equally as important as getting a job. I went to college to get a qualification that entitles me to get a job, but then again, outside my professional experience, I realise that as a matter of survival I have to pursue other business interests and owning a piece of land then becomes important as well. The ties to land for an indigenous person is a source of pride, apart from having to look at it for commercial reasons. But going beyond that, there is much value to be realised from the exploitation of land. And certainly, I think I would need land.”<sup>106</sup>

A member of the MDC-T National Executive believed that “land can become a source of jobs. Jobs are an urgent need. People want to be employed first. It is the responsibility of the government to create jobs. We then link land with jobs because it is possible to create jobs out of the land”<sup>107</sup>. This sentiment was shared by another informant: “I think employment as this point in time can satisfy needs more than land because there are a lot of rural poor who have

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<sup>103</sup> Strategic Informant 28, Harare, 22 January 2013

<sup>104</sup> Strategic Informant 3, Harare, 28 November 2011

<sup>105</sup> Strategic Informant 8, Harare, 2 December 2011

<sup>106</sup> Strategic Informant 31, Harare, 7 November 2012

<sup>107</sup> Strategic Informant 19, Harare, 6 November 2012

land but at most it gives them food for two or three months because of how the land is [quality] and how they work the land and the other resources<sup>108</sup>.

The Executive Director of a NGO that works to build the capacity of women in government stated, “Land is the most important asset [as opposed to employment] because with land, you can do agriculture activities, minerals, in terms of gold, platinum, if they are in the soil. You get quite a lot of things from the land so I think that it is important that land is distributed<sup>109</sup>. A strategic informant from a Zimbabwean research organisation that has worked with government on land policy also found land more important because it allows people the “autonomy” needed to “construct [their own] life”<sup>110</sup>.

As highlighted in Chapter Two, Friedman notes the inextricable link between needs and their satisfiers. If the satisfaction of needs can “reduce frustration and help individuals and groups achieve a tranquil state of being” then conversely the inability to satisfy needs can, and often does, engender conflict. A further link must be made between those that have the power to furnish and take away satisfiers.

The power of political parties to give and take in Zimbabwe is most powerfully stated by a number of strategic informants. Once ZANU(PF) and ZAPU assumed power, they also assumed patronage structures inherited from pre-independence<sup>111</sup>. Over time, political parties have become a conduit for needs satisfaction. Some informants expected political parties, as opposed to other non-partisan institutions, to undertake this role [of allocating land]. According to the Executive Director of an NGO seeking greater gender parity, “I think politicians should see to it that the people in their political parties have access to land”<sup>112</sup>. Her opinion, demonstrates the perceived role of political parties in the maintenance of needs satisfaction.

#### **6.4 Perpetuating the Cycle of Protracted Social Conflict: the Government of National Unity**

Leaders responsible for implementing the GPA undertook very complex strategies, using citizen’s needs and satisfiers as means of psychological ossification to either maintain or ascend to power. For those on the opposing side, the result was further deterioration of physical

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<sup>108</sup> Strategic Informant 30, Johannesburg, 13 November 2013

<sup>109</sup> Strategic Informant 6, Harare, 6 November 2012

<sup>110</sup> Strategic Informant 25, Harare, 9 December 2011

<sup>111</sup> Strategic Informant 3, Harare, 28 November 2011

<sup>112</sup> Strategic Informant 6, Harare, 6 November 2012

security and decay of state and civil relations, Institutions were also used as a mechanism to reward and punish which resulted in their inability to support and protect citizens, forcing citizens to become increasingly dependent upon their leaders for basic needs and necessities.

#### **6.4.1 Deterioration of Physical Security: obstructing local representation and autonomy**

Throughout the period of the GNU, leaders operating within the national structures of political parties, especially ZANU(PF) and MDC-T, exerted greater control over local government and grassroots party structures. As a result, underdevelopment and distributive injustices persisted, and were arguably institutionalised by the GPA. As stated in previous chapters, land allocation took place through local institutions. The perception of local government institutions as extensions of ZANU(PF) permeates local government institutions. According to one civic in Mutare:

“The only systems and institutions that are working at the grassroots level are those of ZANU(PF) – the VIDCOS [Village Development Committee] and the WADCOS [Ward Development Committee]. It is all towards a political agenda, they do not serve the people or do anything else but to ensure the survival of the political party [ZANU(PF)]”<sup>113</sup>.

The prominent role political parties undertook in resource allocation at the local level engendered a greater awareness of political identity among the insecure masses. Psychological ossification was further instilled and compounded when citizens accepted greater responsibilities within their political parties to achieve security and satisfy other needs.

According to one MDC-T Minister, a political environment characterised by fear, distrust and suspicion made it difficult to organise, especially at the grassroots level<sup>114</sup>. A focus group comprised of MDC-T councillors in Gweru noted that, the party leadership instructed its members to vote for particular candidates in primary elections. The MDC National Executive placed greater emphasis on ensuring members who would toe the line of the National Executive rather than citizens placing their representatives in positions that would most likely meet their needs on the local level. When asked how they perceived their roles and responsibilities, an MDC-T councillor in Gweru said, “The first issue when I look at it [roles and responsibilities] is to maintain the image of my party. I am first of the party at the grassroots”<sup>115</sup>.

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<sup>113</sup> Focus Group, Mutare, September 2012

<sup>114</sup> Strategic Informant, Harare, 23 January 2013

<sup>115</sup> Focus Groups, Gweru, September 2012

Another respondent highlighted that the accessibility of MP's is extremely limited<sup>116</sup>. An MDC-T Member of Parliament echoed this sentiment: "When I sit in Parliament, I represent the people of [Constituency] when we pass legislation. I have virtually no way of knowing what the people of [Constituency] want"<sup>117</sup>. Although the Member of Parliament encourages constituents to visit parliament, attend sessions, holds meetings in her constituency and is active on social media, she admits that, overall, the legislative process is quite removed her constituents<sup>118</sup>.

When asked how she knows if she accurately represents her constituents, she replied:

"To be honest, that really worries me. I don't know that I am able to. Half the time I am left to my own devices. I go according to what I think or what my party policy maybe thinks. But also because of this coalition government, the whipping system has come down [to ensure party members stay in line with the party]. The parties simply tell their MPs how to vote and how to debate. When an issue comes, we simply tow that party line. We don't even go back to ask the constituents what they think"<sup>119</sup>.

Representatives of the MDC-T in Matabeleland dismissed the MDC-N and their constituents because they lack a national base. "Their [MDC-N] problem is regional politics". The MDC-T posited that MDC-N was irrelevant because,

"Regional politics will not take us [Zimbabweans] anywhere in the sense that you need a party to be strong, not strong in one city [Bulawayo]. People want a party that is spread throughout the nation, so that when our candidates win and they go to the central government, they will be able to represent people effectively. So with regional powers, they would just be thwarted. The best option is to have one strong opposition party against ZANU(PF)"

The statement by the MDC-T councillor suggests that representation at the national level is the only means by which needs can be satisfied in Zimbabwe.

#### **6.4.2 Institutional deformity**

The power-sharing arrangement negotiated in Zimbabwe closely mirrored the Kenyan, Ivorian and Sudanese deals in that it was primarily concerned with executive power. It essentially ignored the legislature and the judiciary; two critical institutions that regulate conflicts between

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<sup>116</sup> Strategic Informant, Harare, 6 November 2012

<sup>117</sup> Strategic Informant 11, Harare, 3 November 2012

<sup>118</sup> Strategic Informant 11, Harare, 3 November 2012

<sup>119</sup> Strategic Informant 11, Harare, 3 November 2012

competition of interests derived from human needs and ensure the equitable distribution of needs satisfiers.

Article 20 of the GPA provided for a two-tier executive, which included a president and a prime minister. The President continued to chair cabinet, the body responsible for setting government policy. The Prime Minister oversaw the newly created Council of Ministers, responsible for overseeing the implementation of government policy. Mugabe's vast presidential powers were virtually left intact. The president, whose assent is necessary to pass legislation, could effectively veto the reforms envisioned within the GPA simply by refusing to sign legislation. The president remained commander-in-chief of the armed forces and chair the National Security Council. Presidential power was only limited by the number of Ministers to 31 16 (13 by MDC-T and 3 by MDC) of which had to be from both MDC factions.

The MDC-T and MDC parliamentary majority did provide some space for parliament to check executive power in that all Presidential appointments in terms of the Constitution or any Act of Parliament had to be made after or in consultation with the Prime Minister. However, this would require greater cooperation and agreement between the two MDC factions, who were often antagonistic toward one another after their bitter split.

Immediately after the Constitution was amended to incorporate the GPA on 13 February 2009, Mugabe signalled that he would not consult the Prime Minister in key decision-making processes when he unilaterally appointed 41 Ministers and 19 Deputy Ministers, ten and five more, respectively, than the constitution allowed. In November 2008, Mugabe unilaterally appointed permanent secretaries to the Ministries, ensuring that he could claim control over critical portfolios including Defence, Foreign Affairs, Local Government and Housing, Land, and, initially, Home Affairs (which controlled ZEC and the police). According to Kriger (2012, p. 14), "the MDC factions were allocated "empty" portfolios, junior portfolios or portfolios related to infrastructure or service delivery". The Ministries of Health, Water, Education and Energy, were near total collapse and dependent upon foreign aid (ibid). The collapse of the Zimbabwean economy, the need for foreign donor assistance, and the West's preference for the

MDC-T forced ZANU(PF) to allow MDC-T control of the Ministry of Finance<sup>120</sup>. After facing mounting pressure from SADC, ZANU(PF) and MDC-T agreed to co-manage Home Affairs.

As early as 16 October 2009, the political agreement appeared to unravel. MDC-T announced it was “disengaging” from the GNU, citing ZANU(PF) intransigence. No progress had been made on the democratisation of institutions namely; media, constitution-making process, or land audit. The structures of violence used during the presidential run-off period in 2008 remained intact while 16,000 ZANU(PF) youths remained on Government’s payroll. On 24 October, police raided MDC-T headquarters, claiming weapons missing from Chikurubi Maximum Prison were suspected as having been stolen by the MDC-T.

With the threat of renewed violent conflict due to ZANU(PF)’s procrastination in instituting reforms, SADC leaders urged the principal parties to develop an implementation mechanism and roadmap to elections. In August 2010, a 24-point ‘implementation matrix’ was endorsed at the SADC Summit of Heads of State and Government in Windhoek. The roadmap, agreed to by the GNU in July 2011, outlined steps necessary to hold credible elections under conditions of free and fair political activity without violence and intimidation. Additionally, the roadmap also called upon the GNU to “appoint an inclusive and balanced Land Audit Commission” within one month. It was not just to be the responsibility of the Minister of Lands and Resettlement, but the Cabinet and the principal parties as well.

As ZANU(PF)’s control over the state was strengthened, citizens were limited in their ability to choose political representatives that would seek to satisfy their needs. ZANU(PF)’s quality of the representative diminished. A member of civil society in Gweru noted that individual candidates are elected based on the political party that belong to: “Let’s be very honest, the situation in Zimbabwe for the past 32 years has been that whoever belongs to that party, no matter how good or bad. That person can stand...<sup>121</sup>” As a result, citizens sought alternative means of representation, in an alternative political party.

Opposition representatives struggled to represent their constituents without the resources or the capacity to carry out their roles. Violence and intimidation in the run up to the March 2008 poll

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<sup>120</sup> The economy had collapsed. Inflation was at 231 percent. A loaf of bread would cost between Z\$7,000 and Z\$10,000 (Besada & LaChapelle 2011, p. 2). Unemployment was estimated to be between 80 and 90 percent (Zondi 2011, p. 13; Games 2011, p. 206)

<sup>121</sup> Focus Group, Gweru, September 2012

forced many opposition members to drop their candidacy. As one civic stated, “[In 2008] we were choosing anyone who is not frightened to oppose the other party. If you just try to stand as a candidate, even if you didn’t go to school, we would just say come along, because we wanted to move from point from A to point B”<sup>122</sup>.

But, as other informants pointed out, the lack of skills and abilities to perform and satisfy the needs of their constituents reduced the ability to resolve PSC.

“But what is mostly worrying is the calibre of the person, the quality of that person. Does that person have the capacity? Is that person democratic himself? We [Zimbabweans] lack that scrutiny... We hope that in the near future people we will be looking at the calibre of the person to say is he actually representing him, that he has all the qualities for that person to lead”<sup>123</sup>.

By 2012, frustration with the GNU was high. An unpublished poll conducted by the International Republican Institute (2012) found that 78 percent of Zimbabweans believed the GNU handled issues they believed were important badly<sup>124</sup>. Notably, a 2010 Afrobarometer survey (Mass Public Opinion Institute 2010) found that Zimbabweans no longer perceived elections as mechanisms to ensure representation: 56 percent of respondents believed that elections do not ensure their views are reflected in parliament, while 58 percent believed that elections are unable to remove officials from elected office. Despite these findings, the majority of respondents perceive that it is their responsibility as voters to ensure that Members of Parliament do their jobs once elected.

### **6.4.3 Psychological ossification and representation**

Interviews with strategic informants revealed that while the basis of representation in Zimbabwe is contested, representation is primarily characterised by criteria within two models: the mandate model, which emphasises the importance of political party values and policies, and the resemblance model, in which only people who come from a particular group, and have shared the experiences of that group, can fully identify with its interests.

The deterioration of physical security engendered greater political partisanship, which pervaded all levels of the state and society. Acknowledging the severe economic hardships and

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<sup>122</sup> Focus Group, Gweru, September 2012

<sup>123</sup> Focus Group, Gweru, September 2012

<sup>124</sup> Issues identified include: Corruption (18%); Health (17%); Farming and Agriculture (16%); Electricity (15%); Management of the Economy (13%); Infrastructure/Roads (12%); and Wages/Income (12%)



consequential inability to meet a variety of needs in 2008, one informant stated, “It didn’t matter if it was a dog, they [the people] voted against the status quo”<sup>125</sup> that characterised ZANU(PF)’s decades long rule.

The fierce competition between MDC-T and ZANU(PF) was really a battle for state power, not between competing party platforms. Some comments from informants included the following:

“In 2008, it was not about the person, it was about the party”<sup>126</sup>.

“People voted for the party and expected change, so they voted for MDC”<sup>127</sup>.

“When I was voted in, no one knew about me. They only knew my party”<sup>128</sup>.

“I think it [representation] is based firstly on party affiliation, then secondly on interest... If you really belong to MDC-T, then maybe people can say thumbs up, you also have the interest, then you have the interest then you get the vote”<sup>129</sup>.

One MDC-T Minister agreed, “Some went to vote for the MDC, some had actually never met their candidates or knew them, but they voted for the party”<sup>130</sup>.

According to one informant deeply involved in the constitution-making process, representation is based upon “purely political issues.” The informant continued, “If you’re a representative of a particular political party, then you will be voted for, or not, on that basis. Not on the basis of who you are. Now, that’s not absolutely true, but I think very largely, it is”<sup>131</sup>. A member of the MDC-T National Executive noted “We [Zimbabweans] are still at the level where people vote for the political party.” He continued, “There is still such a clear divided line if you belong to this political party, if you are not of that political party... If MDC wants to stand in Mbare, then forget about it. If ZANU(PF) wants to stand in Harare they are wasting their time. People are not looking for the ability of the individual”<sup>132</sup>.

The GPA organised citizens into one of the three major political parties. Representation was characterised by the mandate model: citizens gave representatives the mandate to act on their behalf trusting that they would act in their best interests. A councillor in Chitungwiza, a

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<sup>125</sup> Focus Group Civics, Bulawayo, September 2012

<sup>126</sup> Focus Group Civics, Gweru, September 2012

<sup>127</sup> Focus Group Civics, Gweru, September 2012

<sup>128</sup> Focus Group Councilors, Gweru, September 2012

<sup>129</sup> Focus Group Civics, Gweru, September 2012

<sup>130</sup> Strategic Informant 10, Harare, 23 January 2013

<sup>131</sup> Strategic Informant 32, Harare 12 May 2014

<sup>132</sup> Strategic Informant 19, Harare, 6 November 2012

township just outside of Harare, stated, “from long back, people voted for a person because that person comes from a political party”<sup>133</sup>. An informant who directly participated in the drafting of the COPAC constitution stated,

“Political parties, ever since the 1960s, have been all important in the political scheme. One opposition figure, in those days, famously said that he Rhodesian Front, that was Ian Smith’s party, could put up a whole row of tailor’s dummies and the electorate would vote for them. And it also applies to the opposition. It does not matter if the opposition put up a tailor’s dummy, the people who would vote for the opposition would vote for the tailor’s dummy. And it’s continued after independence, because the African nationalist parties before independence, which then became the liberation movements, fought with each other very vigorously after independence to try and get the majority of Africans on their side.... And that I think polarised African opinion very much, or predisposed them [the new majority] to parties rather than issues... And that’s been the position of this country ever since”<sup>134</sup>.

As seen in so many cases however, the mandate citizen’s give to the political party to act in their best interests is often just a license for the party to act with impunity. Politicians think as individuals, not with the interests of their constituents. Political parties deal with politicians, not the people<sup>135</sup>. Policy is limited to political parties not individuals. There is not much public engagement<sup>136</sup>.

Despite the clear mandate model of representation, this model includes another aspect of representation, the importance of culture or ethnicity within the Zimbabwean political sphere. For example, the resemblance model of representation features prominently in Bulawayo. This is largely attributed to Matabeleland’s marginalisation under ZANU(PF) rule, as well as atrocities committed during Gukurahundi.

“People will be voting along ethnicity, especially in this part of the country [Matabeleland]. There is a strong sentiment that I need to be represented by someone who stands by me culturally”<sup>137</sup>.

Another informant shared a similar sentiment:

“For me, the whole architecture of our politics is based on ethnicity. Political parties are founded and sustained on ethnicity. Things are done on ethnic grounds in

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<sup>133</sup> Strategic Informant 2, Chitungwiza, 11 September 2012

<sup>134</sup> Strategic Informant 32, Harare, 12 May 2014

<sup>135</sup> Strategic Informant 20, Harare, 2 December 2011

<sup>136</sup> Strategic Informant 15, Harare, 1 December 2011

<sup>137</sup> Focus Group Civics, Bulawayo, September 2012

parliament; there is no doubt about it. This is the first thing a candidate speaks of about themselves. Not about their policies, but about their ethnicity”<sup>138</sup>.

In Zimbabwe the conflict between parties notably affected the quality of representation. Throughout the course of the GNU, members of the political opposition, especially MDC-T, continued to be intimidated, assaulted, and displaced. Notable examples include Douglas Mwonozora, the MDC-T co-chairperson of COPAC, Elton Mangoma, the MDC-T Minister for Energy and Power Development, and Solomon Madzore, MDC-T Youth Assembly president, who were subjected to frequent and sometimes-prolonged arrests. Human rights and media reports on violence, intimidation and torture continued, creating an environment permeated by fear. “I think because of the violent nature of the politics that we have been exposed to [in Zimbabwe], you rarely have managed to attract the best of your society to participate in politics and to campaign to be members of parliament. It has been those who are brave, sometimes those who are seeking employment by being members of parliament. So you rarely manage to get the best of society to represent you”<sup>139</sup>.

While the use of political identity to claim benefits was not new at the time of the GNU, greater scrutiny was now being placed on citizens seeking assistance or services. As one councillor in Gweru aptly noted,

“I think the problem is partisanship in the sense that whenever one wants to express his or her feelings, they [others] will first identify that person with the party. Why is he doing that? Is it not because he is opposition to my party? Therefore he will not get much backing. It is that situation which we want to come out of it and have what we would like to say is freedom of expression... The moment they identify that you belong to a specific party then they don’t join you. It is that kind of situation that we want to remove...”

The result of the greater scrutiny led to greater paralysis within all levels of government as attitudes, perceptions and behaviours among political rivals became intransigent. It became increasingly difficult to hold representatives accountable, which resulted in increased unhappiness and frustration amongst citizens<sup>140</sup>. In addition to the ossification of political identity, negative attitudes and beliefs toward those who were perceived as foreigners emerged.

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<sup>138</sup> Strategic Informant 1, Harare, 1-2 December 2011

<sup>139</sup> Strategic Informant 13, Victoria Falls, 19 July 2012

<sup>140</sup> Strategic Informant 20, Harare, 2 December 2011

#### **6.4.3.1 Citizenship as a facilitator or barrier to human needs satisfaction**

Citizenship, an indicator of representation as discussed in Chapter One, was identified as a key vehicle for obtaining satisfiers to human needs as narrow definitions of citizenship were used by political elites to exclude opponents from obtaining needs satisfiers – like land. However, citizenship, as well as the rights and benefits it bestows, is deeply contested within Zimbabwe. Since 2000, connotations of citizenship have, and continue, to transform. This, in part, can be attributed to the transformation of communal identities within an increasingly polarised and politicised environment. In particular, the methods used to acquire and redistribute land under FTLRP created new paradigms for exclusion and inclusion in Zimbabwe. Land occupations and redistribution under FTLRP highlighted the application of selective citizenship<sup>141</sup>.

Interviews with strategic informants overwhelmingly supported the perception that citizenship, and the benefits it bestows, is abused by political parties. Citizenship was applied with “exclusion” and “control” in order “to appease certain quarters”<sup>142</sup>. One informant referred to Zimbabwe’s citizenship policies as “racist”<sup>143</sup>. There are “advantages of being a black citizen over a white citizen”<sup>144</sup>.

“I think anybody born in Zimbabwe should be a Zimbabwean citizen, but obviously what they [hardliners within ZANU(PF)] are trying to say is if you are not black, you are not a citizen”<sup>145</sup>.

Throughout the early 2000s, Alexander (2004, p. 194) states Government “...subjected the white minority to a rhetoric that frames them as colonialist enemies not only of the state but also of the black majority”. The term “indigenous” was intended to ensure inclusion of those who were economically disadvantaged prior to 1980 because of their colour or race. However, post-2000, Government has applied the term selectively to exclude whites and farmworkers.

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<sup>141</sup> Citizenship is acquired through birth, descent or registration. Chapter Two of the Constitution, amended by Constitutional Amendment (No. 19) Act, 2008 states:

- (1) There is a common Zimbabwean citizenship and all citizens are equal, that is to say citizens are entitled, subject to this Constitution, to the rights, privileges and benefits of citizenship and are subject to the duties and obligations of citizenship.
- (2) It is the duty of every Zimbabwean citizen
  - (a) to observe this Constitution and to respect its ideals and institutions; and
  - (b) to respect the national flag and the national anthem; and
  - (c) to the best of his or her ability, to defend Zimbabwe in time of need.
- (3) Every Zimbabwean citizen is entitled to the protection of the State wherever he or she may be.

<sup>142</sup> Strategic Informant 22, Victoria Falls, 21 July 2012

<sup>143</sup> Strategic Informant 22, Victoria Falls, 21 July 2012

<sup>144</sup> Strategic Informant 29, Harare, 1 December 2011

<sup>145</sup> Strategic Informant 7, Windhoek, 26 April 2012

“White is not indigenous and therefore that white person then becomes deprived of their rights to equal treatment by the law in respect of a very important asset like land. So, instead of the approach to the land question being one of mitigating the injustices caused in the past then turns out to be a racial thing, anybody who is not a black Zimbabwean is not entitled to land, it must be taken away from them, therefore the way the land question is actually enrolled out, or actually has been enrolled out such that it has become a racial thing, thereby violating some of the provisions in the constitutions saying that you cannot discriminate on the grounds of race”<sup>146</sup>.

However, contradictions are apparent. Citizenship, like identity is fluid and interchangeable. For example, Zimbabwe has an Asian community that has been settled for generations as a result of colonisation. As one informant, who is a Zimbabwean of Chinese decent, stated:

“A lot of Chinese [from mainland China] are looking for indigenous partners. So they come to the local [Zimbabwean] indigenous Chinese like myself and ask ‘Wont you be a 51%?’<sup>147</sup> So my brother-in-law, he decided to be a partner of somebody and they [Government] said [to him] you are not indigenous. And he said I am. And they went through a whole lot of dialogue and he went from not being accepted as indigenous to being accepted as indigenous by manoeuvring around.”<sup>148</sup>

The exclusiveness of ZANU(PF)’s interpretation of “indigenous” has been used to deny farmworkers access to land under FTLRP<sup>149</sup>. Studies by Rutherford (2003) and Sachikonye (2003) found that farmworkers, particularly those with Malawian, Mozambican, and Zambian heritage, were often ignored under consecutive ZANU(PF) governments. Only in 1998 were farm workers allowed to vote in Rural District Council elections. Previously, only landowners or leaseholders could vote in these wards, resulting in the majority of these seats being held by white commercial farmers (Rutherford 1994). Moreover, land and residential claims by migrants and their descendants living in communal areas were faced with hostility because they lacked ancestral rights (Muzondidya 2007, p. 329). A 2010 study of 166 farms in six of the 10 provinces (excluding the Matabelelands, Harare and Bulawayo) found that 91 percent of farm

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<sup>146</sup> Strategic Informant 13, Victoria Falls, 19 July 2012

<sup>147</sup> Asking if someone will be “a 51%” is slang for indigenisation status. Fifty-one percent refers to the percentage of ownership of businesses that must be held by “indigenous” Zimbabweans under the Indigenisation and Economic Empowerment Act

<sup>148</sup> Strategic Informant 7, Windhoek, 26 April 2012

<sup>149</sup> Until the 1960s, acute labour shortages encouraged Government to recruit foreign labour. However, immigrant labourers had no land rights in Rhodesia. Rather, Government sanctioned the authority of white farmers to administer the needs of farmworkers. The colonial administration, and later the UDI government, applied this policy as a form of gelding, which sought to keep farmworkers dependent on white commercial farmers. While farmworkers had job security, low wages made them dependent, while quasi-paternalist relationships between commercial farmers and their labour were often the norm (Rutherford, 2001; Tandon, 2001). The difficult spatial reach of the farms made it difficult to unionise farmworkers, which only became legal after independence

workers interviewed were born in Zimbabwe, while 42 percent said their parents were born in Zimbabwe (GAPWUZ 2010, pp. 13-16). However, many farm workers and their families have struggled to attain citizenship papers. Reasons include an inability to register children at birth or denial of registration by government representatives (Derman & Kaarhus 2013, p. 10), leaving them vulnerable to abuse.

Prior to FTLRP, approximately 320,000 farm workers supported a population of about two million (Sachikonye 2004, p. 69). Despite their numerical strength and historical marginalisation, farm workers did not play a major role in FTLRP, nor were they the main beneficiaries. Farm workers had to choose between risking jobs, their primary source of livelihood, and defending their employers, or using their linkages with war veterans or communal areas to join land occupations (Moyo & Yeros 2005, p. 191)<sup>150</sup>. Some farm workers joined the land occupations while others resisted, depending on the complexity of local politics.

As conflict between ZANU(PF) and the MDC transformed from latent to overt in the 2000s, farm workers became trapped between the political split among workers, aligned to the MDC, and peasants, who largely supported the ruling party (Hanlon, Manjengwa & Smart 2013, p. 196). During the 2000 constitutional referendum, GAPWUZ, which was affiliated with ZCTU, participated in voter education campaigns on commercial farms, engendering a perception that they joined with commercial farmers to mobilise farm workers to vote against constitution in support of MDC and defend existing freehold land rights. As one informant stated,

“... there was a perception that they were under the control of white farmers and the white farmers used them to politicize them to support opposition politics, or opposition parties so it was a way of disenfranchising them. Because I see no other reason why there was a need to deprive them of their citizenship and deprive them of certain benefits that they would enjoy as citizens”<sup>151</sup>.

Farm workers were seen as opposed to land reform. One of the punishments for their perceived support of the MDC was the confiscation of national identity cards by war veterans who sought to prohibit labourers from voting (Sylvester 2003, p. 43). Derman and Hellum (2007, p. 176) found that while discussing farm workers with Zimbabweans, there consideration was usually dismissed because of: (1) issue is now being raised because by new farm owners (2) farm

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<sup>150</sup> Permanent workers tended to live on farm compounds, but 40% maintained communal area homes (Hanlon, Manjengwa & Smart 2013, p. 192)

<sup>151</sup> Strategic Informant 13, Victoria Falls, 19 July 2012

workers can join the queue (3) they are not real Zimbabweans. Additionally, civil society has been accused of preferential treatment of farm workers, rather than providing food aid to new settlers on non-selective basis (Sachikonye 2004, p. 74).

As a result of the land occupations, farm working conditions deteriorated and wages fell from Z\$15 billion to Z\$2 billion in 2004 (Sachikonye 2004, p. 69). Trade unions, perceived as an extension of MDC-T, failed to provide farmworkers access to land that, according to Rutherford, would undermine the control farmers had over their working and living conditions and provide more choices and rights (Rutherford 2014, p. 217). The General Agricultural and Plantation Worker's Union (GAPWUZ), a labour union for workers in the agricultural sector, insisted that displaced or retrenched farm workers be provided with land, but less than five percent had in 2002 (Sachikonye 2004, p. 70).

While there was significant local variation of how many farmworkers were resettled, only 15 percent gained land under FTLRP, while 98,000 permanent farmworkers remained unemployed as of 2006 (2009, p. 33; Scoones *et al.* 2010, p. 127). When asked how they would like to be compensated, land was identified as the last satisfier. Rather, housing, social amenities (schools, clinics, adequate living conditions), employment, money and retraining all ranked higher as preferable needs satisfiers (GAPWUZ 2010, p. 77).

#### **6.4.4 Dependency and clientalism**

As highlighted above, the marginalisation of parliament and the judiciary under the GNU weakened vital institutions meant to engender access to vital needs. Emphasis placed on the executive branch within the GPA transformed the presidency into the ultimate goal among the three principal parties as the executive largely controlled Zimbabwe's patronage networks. In order to better understand how political parties are able to maintain degrees of dependency and clientalism, this dissertation sought to better understand the role of land within the context of Zimbabwean's conceptualisations of human needs.

#### **6.5 Civil society as an alternative vehicle of representation**

One civic noted that creating space between civil society and citizens was necessary to ensure civil society could be a conduit for needs satisfaction. However, Zimbabwe's cycles of PSC, in conjunction to the dominant role political parties maintained within society, challenged civil society's ability to serve as an alternative source of needs satisfaction.

The GPA and subsequent establishment of a GNU further split a deeply polarised civil society. On July 15 2008, the NCA convened a meeting of 40 NGOs in Harare in order to develop a common position with regard to the South African-led negotiations. The NGOs called for an 18-month transitional government, led by a neutral person, and rejected any power-sharing arrangement. The Director of a legal association, whose members span the political divide, expressed frustration with civil society's exclusion from the negotiations.

“Civil society made demands when these negotiations were taking place. Civil society made demands of the opposition [the MDC factions] to say our goals despite many things were the same. At least even if we are not being given a space at the table, talk to us and share with us what is happening and hear our perspectives and take it to the table. And the arrogance of the politicians kicked in and they refused. They never roped in civil society in the discussion they were having with ZANU(PF), they did not have capacity and they therefore were second fiddle in terms of the negotiation. But our greatest disappointment was when we made overtures to the facilitator, to Mbeki, to say we need to be at the table, that the people need to be represented at the table. [The response was] You don't represent any real political power. [This echoed] what ZANU(PF) was saying, NGOs are sponsored by foreigners, we don't want foreigners at the table”<sup>152</sup>.

According to Frank Chikane (2013, p. 101), the Director General in the South African Presidency, “civil society was too angry to live with a compromise deal”; rather they chose to discredit the agreement and the political parties because they had not been consulted. Chikane's analysis fails to acknowledge that previous power-sharing agreements have not addressed the symptoms of Zimbabwe's PSC. For example, the 1987 Unity Accord with ZANU(PF)'s nationalist rival ZAPU ultimately reduced political representation as ZAPU was absorbed into ZANU(PF) and furthered ZANU(PF)'s goal of establishing a one-party state.

The Executive Director of a prestigious association of lawyers vented his frustration with the GPA negotiations:

“Our representatives did not meet with Mbeki, they met with, [Frank] Chikane. When he crafted that agreement, unlike the Kenyan experience where civil society was given a right to play a central role, when the GPA crafted, it was almost like, exclude civil society we don't want them to have any say. Exclude ordinary people we don't want them to have any say. It is an agreement between the political parties. I think that, more than anything else, was the beginning of the end or the failure of the GPA. There was nobody to audit what they were doing. There was not a third voice at the table of the politicians... The three of them were also significant perpetrators of violence. One

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<sup>152</sup> Strategic Informant 22, Victoria Falls, 21 July 2012



of the core requirements of the GPA was for the country to be healed and for it to address the root causes of violence and do a reform of institutions. How do perpetrators lead a peace process? Perpetrators can participate in a peace process, and they should, but how would they bring in accountability too? ... they expected victims to be healed by their speeches and so as a result the country still has a lot of anger. *My view is that the anger, unresolved, will tear this country apart [emphasis added]*".

During the negotiations, SADC made two attempts to engage civil society directly, however, the regional body was primarily concerned with political parties as it believed that they were the true, and elected, representatives of the Zimbabwean people (Chikane 2013, p. 101). After the GPA was signed, ZCTU, a major ally of MDC-T, publically rejected the Agreement as the "deal was not all-inclusive as the civic society was not given an opportunity to participate" (ZCTU 2008). ZCTU further resolved that, "ownership of the dialogue process should rest with the people of Zimbabwe, not just a few politicians" (ibid). ZCTU vehemently opposed the GPA because it legitimised the 2008 election losers (Kademaunga & Mkwanazi 2009). The NCA's demands for more civic representation in the COPAC process were not incorporated into the GPA. As a result, the NCA boycotted the COPAC process and developed an alternative people-driven process called 'Take charge!'. NCA Chairperson Lovemore Madhuku believed that "People must write their own constitutions directly, not through politicians, parliamentarians, or government. The surest way to make sure that a constitution is respected is if it is written by the people themselves and carries their word" (Kwenda 2009). However, Shari Eppel (2010) of Solidarity Peace Trust observed citizens struggle to ascertain all of the constitutional concepts presented to them at the outreach meetings.

"Most people at our meetings had no idea of what the difference was between an 'Independent' and an 'Executive' Commission, which commissions currently existed, or how their members should be appointed. They had no clue as to how judges are currently appointed and therefore could only guess on the spur of the moment how they should be appointed in the future. Is it on the basis of such guesses and wondrous exclamations that our constitution should be written?"

While the NCA's position was based on past experiences in which Mugabe usurped established processes and dismissed citizen's input, the NCA's dismissiveness of government's role and its intransigent position toward the COPAC constitution-making process fails to recognize that a constitution is a social contract between the citizens and the state. Moreover, research and assessments that have tried to ascertain whether or not parliament or constituent-led constitution-making processes have not been able to determine which is more suitable for designing new constitutions (Brandt *et al.* 2011).

### 6.5.1 Disputed conceptualisations of civil society's autonomy

The relationship between civil society and the state vacillated throughout the independence period. In the 1980s, civics lacked autonomy because they were closely linked to ZANU(PF) party-state structures. In the 1990s however, civics largely broke away and helped create a viable political opposition. While the GPA sought to considerably expand political and operational space for civil society, civics failed to carve out an autonomous role within Zimbabwe's transition.

The challenge was two-fold: first, civil society was inextricably linked to opposition politics; and second, many civic organisations rely on international donor funds and donor-driven agendas. As one informant stated, civil society was largely divided between those that are “pro-ZANU(PF)” and those that are “pro-democracy”, a reference to the MDC factions<sup>153</sup>. Those who were, or perceived to be “pro-democracy” would not have any meaningful impact on land policy as long as it remains a presidential preserve<sup>154</sup>.

Since the late 1990s, significant attention had been placed upon civil society's relationships with political parties and donors, particularly Western donors. ZANU(PF) successfully constructed a narrative that the West's use of sanctions was designed to enforce regime change. In 2010, 63 percent of Zimbabweans believed sanctions were hurting ordinary citizens (Mass Public Opinion Institute 2010). ZANU(PF) was able to link foreign funding of NGOs, and their perceived support of MDC-T, to the regime change narrative. Nonetheless, foreign donors played a vital role in both strengthening and weakening civil society.

Civil society experienced a number of deficiencies, including the inability to build organisational capacity and solve governance problems. Rural areas were largely in the domain of ZANU(PF) as the party has successfully centralized control over local state structures. As one civic noted, “It is quite easy to hold those public meetings to debate the issues... in the urban areas.” He continued, “It is not that easy in the rural areas, in terms of distance, and in terms of political interference”<sup>155</sup>. There was an explosion of “briefcase NGOs”, instances whereby individuals leading an NGO receive funding for proposals, but ultimately take the money for themselves rather than use it for proposed programming. Unskilled people were

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<sup>153</sup> Strategic Informant 4, Harare, 6 November 2012

<sup>154</sup> Strategic Informant 4, Harare, 6 November 2012

<sup>155</sup> Strategic Informant 13, Victoria Falls, 19 July 2012

susceptible to the allure of the high-paying positions within civil society brought on by an influx of donor funds. Skilled people, particularly from organisations that were affiliated with MDC-T, left to take on positions within the party. There was also the extraneous fact of a brain drain. For this reason, civil society was not necessarily equipped to effectively challenge the GNU.

Perceptions of funding from foreign donors among the informants interviewed varied. Some informants stated that they maintained their autonomy by refusing to implement activities they believed were out of the organisation's scope. Regarding autonomy, informants responded in the following ways:

“As for donors, there are some who would want say ‘Okay, here is some money, but we want you to do A, B and C’, and we look at A, B, C and we see if it is in line with our programmes, then we take it [if it is in line with our programmes]”<sup>156</sup>.

“We have always tried to have a very strict position in that we remain in our area of expertise rather than kind of trying to mutate and follow the money”<sup>157</sup>.

However, accepting money from a foreign government created a perception of greater autonomy. “If they [CSOs] accept money from a foreign government they can still be autonomous. From a foreign government there are no strings attached there as far as I am concerned, it is universally known. CSO's are funded by foreign institutions, but not directly by foreign governments. That is the norm in as far as I know. That is the standard practice”<sup>158</sup>.

To others, autonomy could only be derived from their constituents<sup>159</sup>. As the leader of a war veterans NGO stated “... they [CSOs] must have a base as a starting point and they must be independent of direct political influence from political parties. They must be people of independent minds. People who can stand on their own and are able to stand and support their views to the end”<sup>160</sup>.

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<sup>156</sup> Strategic Informant 6, Harare, 6 November 2012

<sup>157</sup> Strategic Informant 9, Harare, 13 November 2012

<sup>158</sup> Strategic Informant 26, Harare, 23 August 2012

<sup>159</sup> Strategic Informant 8, Harare, 2 December 2011; Strategic Informant 26, Harare, 23 August 2012

<sup>160</sup> Strategic Informant 26, Harare, 23 August 2012

Some members of civil society steadfastly believed that accepting money from the government you are trying to criticise meant a loss of autonomy. “Well they will be compromised [for accepting money from Government], you are already compromised because there is no way you can bite the hand that feeds you in the end”<sup>161</sup>.

Several members of civil society complained of interference from Zimbabwean political parties.

“Zimbabwe is very tricky because you want to criticise this one [MDC-T], they [MDC-T] tell you that this is not the time. It is better that you criticise after we are in the new Government... Why have they [MDC-T] gone so far to give you warnings? They know they don’t have the muscles that can actually protect them at this moment in time, but possibly in the future they will have that can protect them and they will beat you up”<sup>162</sup>.

Another informant stated,

“We have also received a hostile reception from ZANU(PF) when the results [from polling] are against them. The intelligence people, they come here, they have not admittedly harassed you in the physical sense, but they harass you just by showing up and saying ‘give us this and that’, they have done so at least four times”<sup>163</sup>.

The primary areas in which civil society and government cooperated during the GNU were health, education and gender equality (Sims 2011). However, distrust of government’s motivations and intentions persisted. The GPA left the primary monitoring mechanism under the control of political parties, rather than civil society or citizens committees. JOMIC, established under Article 22, was intended to be a mechanism that would engender trust and mutual understanding between the parties in order to address political conflict and ensure the Agreement’s full implementation. JOMIC comprised of a total of twelve members, four members from each of the three principal political parties. The Committee had insufficient support to independently investigate allegations regarding political interference, partisanship exhibited by the police and the military, and hate speech in the state-owned media. The GNU used JOMIC to usurp civil society’s role in holding government institutions to account. The fact that the GPA failed to provide a role for civil society to engage the GPA’s guarantors made it difficult for them to apply pressure on SADC and the African Union to keep Zimbabwe’s transition on their agenda. Requests for meetings were often ignored (SW Radio Africa 2009;

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<sup>161</sup> Strategic Informant 26, Harare, 23 August 2012

<sup>162</sup> Focus Group Civics, Gweru, September 2012

<sup>163</sup> Strategic Informant 4, Harare, 6 November 2012

Zhangazha 2012). Nonetheless, Zimbabwean civics made numerous attempts to apply pressure on SADC and the AU to keep Zimbabwe's transitional process on the agenda.

Civil society's ability to engage the GNU on land was limited. Rather, civil society focused on monitoring state violations of the GPA and political reforms rather than "the structural legacies of Zimbabwe's political economy" (Raftopoulos 2013, p. 25). Civil society, having been excluded from any formal role within the GPA, established its own independent monitoring mechanism, the Civil Society Monitoring Mechanism (CISOMM)<sup>164</sup>, which would assume a key watchdog role independent of the GNU and the GPA's underwriters, SADC and the African Union.

Zimbabwean civil society faced various threats to its autonomy, emanating from internal and external sources. The establishment of the Government of National Unity under the Global Political Agreement failed to create the space for civil society to challenge and pressure the government into respecting the commitments made under the GPA. Despite this, civil society continues to attempt to remain an autonomous key player in Zimbabwe's transitional inclusive government.

## **6.6 The Politics of Land Reform within GPA**

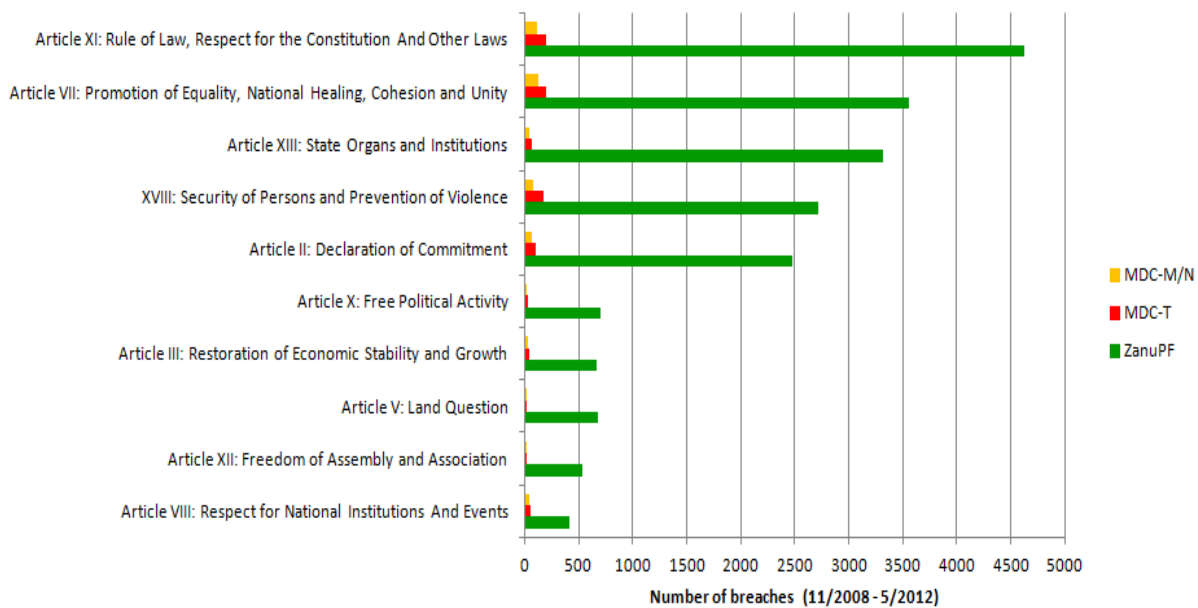
Throughout the course of the GPA, land invasions would continue. According to GAPWUZ, 700 families had been displaced between February and March 2009 (Zimbabwe Human Rights NGO Forum 2010b, p. 25). The CFU reported that, by August, about 80 more farmers had been forcibly evicted from their farms losing personal property in the process (ibid). GAPWUZ reported that over 60,000 farm-workers had been made homeless since February 2009 (ibid).

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<sup>164</sup> CISOMM's 40 members included: Bulawayo Agenda, Centre for Community Development in Zimbabwe, Centre for Research and Development, Christian Alliance, Civic Education Network Trust, Counselling Services Unit, Crisis in Zimbabwe Coalition, Election Resource Centre, Female Students' Network, General Agriculture and Plantation Workers Union, Justice for Children Trust, Legal Resources Foundation, Mass Public Opinion Institute, Media Institute of Southern Africa – Zimbabwe Chapter, Media Monitoring Project Zimbabwe, National Association of Non-Governmental Organisations, National NGO Food Security Network, Oxfam International, Progressive Teachers' Association of Zimbabwe, Research and Advocacy Unit, Restoration of Human Rights Zimbabwe, Save Zimbabwe Campaign, Students Christian Movement of Zimbabwe, Students Solidarity Trust, Transparency International, Veritas, Voluntary Media Council of Zimbabwe, Women's Coalition, Women of Zimbabwe Arise, Youth Agenda Trust, Zimbabwe Association of Doctor for Human Rights, Zimbabwe Coalition for Debt and Development, Zimbabwe Election Support Network, Zimbabwe Human Rights Association, Zimbabwe Human Rights NGO Forum, Zimbabwe Lawyers for Human Rights, Zimbabwe National Students Union, Zimbabwe Peace Project, Zimbabwe Women Lawyers Association, and Zimbabwe Young Women's Network for Peace Building

The table below, published by Sokwanele, documents violations committed by each of the three principal parties between November 2008 and May 2012. ZANU(PF) was overwhelmingly responsible for using land to violate the GPA. Farm invasions continued to target mainly white commercial farmers and farmworkers. According to the CFU (2010), in 2010, 152 of the 300 commercial farms in operation were being targeted for eviction, raising doubts over whether the MDC factions, within the parameters of the GNU, were able to influence ZANU(PF) hardliners to stop invading farms.

**Figure 6.1: Number of Breaches of the GPA between November 2008 and May 2012**



**Source: Sokwanele (2012)**

Article 5 of the GPA, entitled “Land Question”, failed to address the means by which land was acquired and redistributed. Article 5.4 noted the failure of the parties to agree on a “methodology of acquisition and redistribution”. In doing so, the principal parties chose to evade the central issue that could resolve the “land question” as the impact or results of any land reform programme depend upon how land is acquired and distributed (Ruswa 2009).

Article 5.5 recognised the “irreversibility” of FTLRP. 160,000 households, approximately one million people, have been resettled as a result of FTLRP. This statement is noteworthy for two reasons. First, the acknowledgement signalled that MDC-T was abandoning commercial farmers as a constituency. Second, Ruswa states that as long as the 99-year leases fail to address tenure insecurity on farms acquired under FTLRP, as well as the fact that many disposed

farmers continue to challenge government's acquisition in Zimbabwean, regional, and international courts, FTLRP could be reversible.

In November 2008, shortly after the GPA was signed, and while the principal parties struggled to assemble a GNU, the SADC Tribunal ruled that Constitutional Amendment 17 contravened Zimbabwe's obligations to the SADC Treaty as Government denied landowners access to courts and engaged in racial discrimination. The Tribunal ordered the Zimbabwean government to pay fair compensation to farmers whose land was expropriated and to stop interfering in the land possessions of farmers yet to be evicted. Despite the ruling, Zimbabwean officials refused to adhere to the Tribunal's judgment. In September 2009, Zimbabwe formally withdrew from the Tribunal "until the establishment of the court is ratified by at least two-thirds of the bloc's membership as per the requirements of rules and procedures governing the regional grouping" (Weidlich 2009). In effect, the legitimacy of the Tribunal had been called into question, rendering the Tribunal defunct until it was formally dissolved by SADC in 2012.

The principal political parties agreed to "conduct a comprehensive, transparent and non-partisan land audit... for the purpose of establishing accountability and eliminating multiple farm ownerships" (GPA 2008). The land audit was a key MDC-T demand, however, the GPA failed to account for the plethora of land audits commissioned by government during FTLRP. Government suppressed the results of all previous audits. The scope of the audit was limited to the elimination of multiple farm ownership, as opposed to "establishing an equitable, legal and transparent land reform programme" (Doré 2013b). Perceptions of ZANU(PF) intransigence abound. As one informant stated, "[The land audit] has not been taken up by ZANU(PF) because they're the ones who have grabbed the farms and they don't want people to know this"<sup>165</sup>.

In September 2009, ZANU(PF) Minister of Lands and Rural Resettlement, Herbert Murerwa, claimed the Minister of Finance, Tendai Biti (MDC-T), had failed to release the US\$31 million required to conduct the audit (Sebatha 2009). The European Commission offered to fund a "meaningful" audit, however this was rejected by ZANU(PF) because, according to Murerwa, "Zimbabwe will not accept funding for the land audit and any other programmes related to land from foreign groups and countries that want to push for dubious agendas" (The Zimbabwean 2009; Doré, 2013b). They [ZANU(PF)] say that the opposition wants to take back the land for

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<sup>165</sup> Strategic Informant 6, Harare, 6 November 2012

the white people<sup>166</sup>. In the December 2009 budget, Biti allocated US\$30 million for the audit. Nonetheless, the ZANU(PF) Congress, held in December 2009, resolved not to support any outstanding reforms mandated by the GPA, including the land audit, until the MDC factions pressured the West to lift “illegal” sanctions, shut down “pirate radio broadcasts”, ensure an end to Western interference in Zimbabwe’s internal affairs, and the cessation of foreign sponsorship for “political activities of NGOs as a force multiplier for the MDC Formations” (SW Radio Africa 2009; Doré, 2013b).

## **6.7 Constitution-making**

The COPAC constitution-making process created an opportunity in which the measures of representation could potentially be altered and access to intuitions expanded. The outcome of the process would shape the ability of representatives to satisfy needs.

Article 6 of the GPA revisited the core issue of constitution-making. According to one informant, a new constitution was a critical element for any transition government as “People [would] not accept any new Government if there [was not] a new constitution which they can claim to be expressive of their aspirations”<sup>167</sup>. A new constitution, to be inaugurated in 20 months, was a key deliverable that required before fresh elections. Unlike the 1999 Constitutional Commission, which allowed the President to dominate the process, the Constitution Select Committee (COPAC) was led by parliament. COPAC’s 25 members reflected parliament’s gender balance and the relative strengths of the three principal parties (Dzinesa 2012, p. 5)<sup>168</sup>. The COPAC process established agreed upon procedures that created a platform for the development of a democratic constitution. However, some civil society activists argued that the COPAC process was captured by ZANU(PF) and the MDC factions, narrowing the process to a struggle over party-political interests at the expense of the people (ibid). The process excluded all parties that were not a part of the GNU, such as Mavambo Kusile Dawn, ZAPU and ZANU-Ndonga.

### **6.7.1 The COPAC constitution-making process**

The constitution-making process would become a battleground between ZANU(PF) and MDC-T as each of the party’s vied for control. Unlike 1999, civil society was deeply divided about

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<sup>166</sup> Strategic Informant 6, Harare, 6 November 2012

<sup>167</sup> Strategic Informant 13, Victoria Falls 19 July 2012

<sup>168</sup> COPAC consisted of 17 men and 8 women, 11 members of MDC-T, 10 ZANU(PF) members, 3 MDC members and 1 representative of the traditional leaders



participating within constitution-making process. While there was broad consensus around the need for a new constitution, civil society was split on whether or not the process should be led by Government. For example, the Zimbabwe National Students Union split into two factions because of differences over whether or support the COPAC process. As one informant stated, “COPAC...is a parliamentary process, not a civil society process. So the [sic] civil society participated at the invitation of the three political parties who are the key stakeholders in the constitution-making process”<sup>169</sup>.

Despite these divisions, segments of civil society engaged COPAC throughout the constitution-making process vis-à-vis various public and private, and formal and informal, platforms. More than 600 civil society organisations were accredited to observe the COPAC outreach programmes. Additionally, civil society participated in data capturing, thematic committee discussions, and in both All Stakeholders Conferences. Initially, civics were wary of becoming too involved in the constitution-making process, fearing further politicisation. Instead, some key players within civil society became involved “incrementally”<sup>170</sup>. Only after civics realised that “the COPAC train was not going to stop... they felt that it was more prudent to actually be on board... rather than not being able to influence the content of the process and outcome of the process”<sup>171</sup>.

Three notable positions were adopted by civics: observation, direct participation, and a boycott of the process. Organisations that were wary of further politicisation often adopted monitoring and observations roles. For example, the Independent Constitution Monitoring Group (ZZZICOMP), comprised of the Zimbabwe Peace Project, ZESN and Zimbabwe Lawyers for Human Rights, played a critical role in observing the work of COPAC and monitoring the outreach programme that began in June 2010.

The NCA and ZCTU boycotted the COPAC process to protest parliament’s leading role in the constitution-making process.

The constitution-making process became a battleground between ZANU(PF) and MDC-T as each of the party’s vied for control. According to a drafter of the COPAC constitution, the

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<sup>169</sup> Strategic Informant 4, Harare, 6 November 2012

<sup>170</sup> Strategic Informant 4, Harare 6 November 2012

<sup>171</sup> Strategic Informant 4, Harare 6 November 2012

COPAC process was “primarily a negotiation between the different political parties”<sup>172</sup>. MDC-T was concerned with transition of power while ZANU(PF) was concerned with retaining it. Support for the smaller MDC faction led by Welshman Ncube was primarily based in Matabeleland. The end of the GNU would relegate the party to a regional power.

ZANU(PF) insisted that the Kariba Draft should form the basis on which the new COPAC constitution should be drafted to ensure any new constitution reflected its preference for a powerful executive president and the removal of the office of the prime minister. Media reports noted that the ZANU(PF) politburo tasked the Minister of Women’s Affairs, Olivia Muchena, to approach COPAC and enforce the Kariba draft as the reference document (Sokwanele 2009). *The Herald* quoted Mugabe as saying, "We do not want any Constitution which is not the Kariba Draft" and "The parties signed it, page by page. What will happen is that the Kariba Draft will be put to the people at a referendum and the people will decide" (Maodza 2009). Meanwhile, Eric Matinenga, MDC-T Minister of Constitutional and Parliamentary Affairs, acknowledged that while the Kariba Draft was one of several draft constitutions COPAC and the political parties would reference, the MDC-T, at its extraordinary National Executive meeting resolved "to reject any attempts to have the Kariba draft... adopted as the Alpha and Omega of the constitution-making process" (ibid). The small MDC faction agreed with MDC-T.

Under the GPA, MDC-T and the smaller MDC faction, lacking executive and legislative experience, were plagued by a lack of cohesiveness, discipline, and effective leadership. Rather the MDC’s focused on resisting ZANU(PF)’s repressive tactics and attacks on their membership, party structures, and alliances. Deep distrust stemming from the split of the MDC factions led to a failure of both parties to seize the opportunity to address issues of mutual interest and apply greater pressure on ZANU(PF). Like ZANU(PF), MDC-T was plagued with widely publicised corruption scandals. In 2010, 23 MDC-T councillors from Chitungwiza were fired and expelled from the party for corruption<sup>173</sup>. Corruption among MDC-T councils was also uncovered in Bindura, Kwekwe, and Marondera between 2010 and 2012<sup>174</sup>.

Some accused MDC-T of being weak and too accommodating of ZANU(PF). One informant with close ties to the leadership within all three principal parties stated, “Joshua Nkomo and

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<sup>172</sup> Strategic Informant 32, Harare, 12 May 2014

Mugabe had photographs [taken of them] holding hands. You can hold hands and hate each other. I think the MDC-T had a lot of good nature, and they thought that if they cooperated and were really nice they would be get along together”<sup>175</sup>. Obert Gutu, the Deputy Minister of Justice, did not see any prospect of another GNU due to the dysfunctional character of the current power-sharing government (IDASA 2012b). For MDC-T, control of the state hinged upon the constitutional reform process.

### **6.7.2 The outreach programme**

The GPA mandated public hearings and consultations took place in the form of two All Stakeholders Conferences, the first in July 2009 and the second in October 2012. These public forums brought together representatives of civil society, political parties, and ordinary Zimbabweans “for the purpose of identifying issues that should be covered in the new Constitution” (COPAC 2009). The first All Stakeholder's Conference was attended by approximately 4,000 delegates; including all parliamentarians, members of political parties, and civil society. A significant outcome of the first conference was the development and adoption of 17 thematic areas, including land. These thematic areas formed “talking points”, which were used as the basis from which outreach teams would solicit views from citizens with regard to the new constitution<sup>176</sup>. The Conference also mandated COPAC to ensure that 70 percent of the outreach teams were comprised of members from civil society, and 30 percent for political parties. Moreover, COPAC had to ensure gender parity within all of its structures.

Seventy teams comprised of 10 members each, including one member from each of the three principal political parties, three rapporteurs, and four members from civil society, were responsible for conducting consultative meetings throughout Zimbabwe. Two representatives from civil society, Hope Sadza and Phineas Makhurane, served as members of COPAC's Steering Committee<sup>177</sup>. However, many members from within civil society rejected Sadza and Makhurane as their representatives because they were not selected by CSOs; therefore, they were neither representative nor accountable to civil society (Institute for Security Studies 2012). At its conclusion, a total of 4,943 meetings in all ten provinces were held, reaching 1,118,760

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<sup>175</sup> Strategic Informant 23, Harare, 15 November 2012

<sup>176</sup> There were 17 thematic areas: Founding Principals, Arms of State, Systems of Government, Citizenship and Bill of Rights, Women and Gender Issues, Youth, Disabled/disability, Media, War Veterans, Land, Natural Resources and Empowerment, Labour, Electoral Systems, Transitional Mechanisms and Independent Commissions, Executive Organs of the State (Public Service, Police, Defence, Prison Commission), Public Finance, Traditional Institutions and Customs, and Religion, Languages and Culture

<sup>177</sup> The Steering Committee was responsible for overseeing the implementation of decisions of the Management Committee

people. Below, Table 6.3 disaggregates the number of outreach meetings, number of participants, and average meeting attendance per province.

**Table 6.3: COPAC Outreach Meetings**

| Province            | No. of Meetings | Total Participants | Average Meeting Attendance |
|---------------------|-----------------|--------------------|----------------------------|
| Mashonaland East    | 567             | 181,756            | 321                        |
| Mashonaland West    | 509             | 121,647            | 239                        |
| Manicaland          | 677             | 152,130            | 225                        |
| Matabeleland South  | 477             | 48,211             | 101                        |
| Mashonaland Central | 652             | 214,023            | 328                        |
| Matabeleland North  | 614             | 53,077             | 86                         |
| Masvingo            | 622             | 184,208            | 296                        |
| Midlands            | 672             | 102,453            | 152                        |
| Harare              | 96              | 49,699             | 518                        |
| Bulawayo            | 57              | 11,556             | 203                        |
| <b>TOTAL</b>        | <b>4,943</b>    | <b>1,118,760</b>   | <b>226</b>                 |

Source: Constitution Parliamentary Select Committee (2013)

The effectiveness of the constitutional outreach programme hinged upon the operational environment of each meeting; many of which were highly politicised and polarised. As a result of the inhospitable political climate, citizens, in some instances, struggled to express their views on how they wanted to be governed. As one strategic informant stated, “Because it’s such a polarised environment, it [the outreach process] became just another platform for abuse of ordinary people. You come, you are coached, you are told what to say. If you are ZANU(PF), you say this. If you are MDC, you say that. And we have seen that [take place] through the whole process. It is what the political parties want”<sup>178</sup>.

An informant from a research institute believed the “consultative process was really a ritual, it was symbolic in the sense that the ordinary men and women were asked to participate in a process that I don’t think was being taken seriously by the key players, meaning the principals”<sup>179</sup>.

A team leader in the outreach process stated that she attended “pre-meetings” that took place before the outreach programme. These meetings did not include civil society. Rather, she

<sup>178</sup> Strategic Informant 9, Harare, 13 November 2012

<sup>179</sup> Strategic Informant 4, Harare, 6 November 2012

described how political parties would choose and coach members on what to say at outreach meetings<sup>180</sup>. An executive director from one of the three organisations that comprised of ZZZICOMP stated,

“I think our biggest concern was in communities where people were being told that all of you cannot speak. You need to have ‘representatives’ that are going to speak on your behalf. And what we recognised was that those ‘representatives’ were people who were seen as politically correct, who would say the right things. And those that went against the grain and decided to say what they wanted to say in front of the Select Committee [COPAC] were punished after the process”<sup>181</sup>.

“ZANU(PF) seems to have learned [from the 1999/2000 constitution-making process] and they primed people with what they should say. MDC-T also primed their people<sup>182</sup>. Local structures of the political parties chose “representatives” to publically relay the “demands” of their communities. An informant who assisted with the drafting the COPAC constitution stated that, “...the process was heavily politicised from the start, so people were not really allowed to say what they wanted...”<sup>183</sup>

Political interference relegated outreach meetings into “partisan processes, in which tolerance was only accorded to contributions that fell within party-defined parameters” (ZZZICOMP 2010, p. 8); however, partisanship varied considerably by province. Independent media reporting exposed an atmosphere of fear and intimidation in which many outreach meetings were held, especially in rural provinces of Manicaland, Masvingo and Mashonaland (Eppel 2010). Zimbabweans in rural areas also struggled to access information on the constitution-making process, in a large part because of a lack of accessible radio, television and print media. Monitors noted many occasions in which outreach teams would arrive at designated venues in rural areas only to discover that local councillors had not informed their communities of the COPAC meetings.

Throughout the outreach process, political parties and civil society traded accusations of political interference. ZZZICOMP (2010, p. 14) recorded 7,768 violations, suggesting violations were a consistent feature throughout the outreach programme. Political interference accounted for the majority of the violations, which included: chanting of political slogans,

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<sup>180</sup> Strategic Informant 6, Harare, 11 June 2012

<sup>181</sup> Strategic Informant 12, Harare, 23 August 2012

<sup>182</sup> Strategic Informant 32, Harare, 12 May 2014

<sup>183</sup> Strategic Informant 32, Harare, 12 May 2014

singing of political songs, bussing in of participants from other wards to neutralise views of the opposing political party, organising participants along party lines, and the use of opening prayers to express party positions on the constitution (ZZZICOMP 2010, p. 8). Other violations included harassment, restrictions on free speech, and physical violence. Incidents of violence and intimidation were witnessed especially in the Mashonaland provinces. The Director of an NGO that monitors violence nationwide believed that “a lot of the violence happened actually happened before the Select Committee [COPAC] got to the community”, and went unreported<sup>184</sup>. In Harare, violence led to the suspension of 13 scheduled meetings in September 2010. All of this undermined the prospects for producing a legitimate draft constitution.

Despite these challenges, ZZZICOMP (2010, p. 11) reported “COPAC teams made visible efforts to shrug off political party influences and to ensure credibility, inclusiveness, transparency, accessibility and feedback during the constitutional view gathering process”. A strategic informant who had observed the outreach process reported that citizens knew what they wanted in a constitution. “Although some [participants], from our observations, were cautious about what to say, the majority of them were answering in their own capacity”<sup>185</sup>. “The issue of land was one of the issues of the talking points and everybody said that land should be distributed to everyone regardless of sex, religion, whatever”<sup>186</sup>.

Parliamentarians made their submissions to COPAC in November 2010. ZANU(PF) and MDC-T had two very distinct positions (Southern African Parliamentary Support Trust 2010). ZANU(PF) MPs demanded:

- the irreversibility of FTLRP;
- That all remaining white farmers should be disposed of their farms;
- no compensation for ex-white farmers; and
- 99-year lease agreements instead of title deeds

MDC-T demanded:

- a Land Audit;
- the establishment of a Land Commission;
- clear procedures for land distribution and compensation; and
- title deeds.

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<sup>184</sup> Strategic Informant 12, Harare, 23 August 2012

<sup>185</sup> Strategic Informant 6, Harare, 11 June 2012

<sup>186</sup> Strategic Informant 6, Harare, 11 June 2012

Meanwhile, as outreach meetings concluded and results were being tallied, civil society actors continued to be persecuted. In February 2012, Titus Maluleke, the provincial governor of Masvingo Province, banned 29 NGOs from operating within the province because they did not register their activities with the Governors' office including Zimbabwe Lawyers for Human Rights, Crisis in Zimbabwe Coalition, NANGO, and ZESN (Chinaka 2012)<sup>187</sup>. The move was criticized by the NGOs put under fire by the ban, many of which saw the manoeuvre as a clear example of political gamesmanship ahead of further negotiations on the COPAC constitution and ZANU(PF) protectionism.

Despite these challenges, organisations like the Zimbabwe Women Lawyers Association were highly involved in non-threatening activities; for example, constitution literacy. Many women were unaware of how the COPAC process was designed to capture citizen's views. Zimbabwe Women Lawyers Association partnered with women in relevant parliamentary portfolio committees and travelled throughout Zimbabwe's provinces to meet with citizens. Gender audits of the COPAC draft, conducted by Zimbabwe Women Lawyers Association and the Group of 20, were designed to increase awareness of gender sensitive issues.

As a result of these activities, both the Group of 20 and the Zimbabwe Women Lawyers Association, as well as a myriad of other organisations that focused on gender equality, established demands that addressed gender equality throughout the COPAC draft.

### **6.7.3 Thematic data: land ownership and reform**

Following the outreach programme, Thematic Committees were established to align what the people had said in the outreach process with the thematic areas agreed to during the First All Stakeholders Conference. The thematic committees would each produce a report that would be submitted to those who were responsible for drafting the constitution. Pursuant to this, four hundred and twenty five participants, thirty percent of whom were from the political parties and seventy percent from civic society, formed the Thematic Committees. Chiefs and members of eight political parties that had participated in the March 2008 Harmonised Elections or had been part of the other prior COPAC processes also formed part of the participants within the seventy percent category from civic society. However, discussions during the thematic committees

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<sup>187</sup> An examination of the function of provincial governors as laid out in Section One of the Provincial Councils and Administration Act does not suggest that provincial councilors have the authority to ban the operations of NGOs

were polarised and made it difficult to engage in substantial debate (Crisis in Zimbabwe Coalition 2012).

Although the land audit was mandated in the GPA, ZANU(PF) claimed that the MDC-T was trying to reverse land reform through its insistence that parliament appoint commissioners to the Land Commission, rather than the executive (Murwira 2012). However, data that captured majority and minority views has not been publically released. The figures released by the National Statistical Reports are frequencies; in other words the reports capture the number of meetings in which an issue was raised. It does not capture how many people raised an issue, supported an issue, and objected to an issue. For example, let’s assume five outreach meetings were held in which if political party Alpha and political party Beta argued for opposing views. As the first four meetings, 100 members of political party Alpha lobbied to support compensation for government-acquired farmland. However, no members of political party Alpha were present at the last meeting. The frequency of support for compensation would be 4 out of 5, or 80 percent. However, one member from political party Beta attended all five meetings and rallied against compensation. The frequency reflected in the report would be 100 percent. This could be misinterpreted and led citizens to believe that most Zimbabweans rejected compensation when in fact the opposite would be true. As such, the only data publically available at the time of this study is as follows:

**Table 6.4: National Statistical Reports and Land**

|                   |                                     |        |        |                                  |        |
|-------------------|-------------------------------------|--------|--------|----------------------------------|--------|
| Land Reform       | Remain state land                   | 73.44% | Tenure | No 99 year lease                 | 2.05%  |
|                   | Land reform is irreversible         | 63.90% |        | 99 year lease                    | 71.28% |
|                   | Land reform should continue         | 28.26% |        | Title deeds                      | 65.90% |
|                   | Redistribution of land              | 9.54%  |        | No title deeds                   | 52.26% |
| Administration    | Land should be owned by Zimbabweans | 65.95% |        | Urban land must have title deeds | 4.31%  |
|                   | Equitable distribution of land      | 53.69% |        | Security of tenure               | 4.15%  |
|                   | Land audit                          | 52.77% |        | Leasehold                        | 3.69%  |
|                   | One man, one farm policy            | 48.77% |        | 30 year lease                    | 0.87%  |
|                   | Land commission                     | 46.82% |        | 20-50 year lease                 | 0.82%  |
|                   | Productive use of land              | 42.67% |        | 40 year lease                    | 0.41%  |
|                   | Land should not be sold             | 42.21% |        | Regulated land reform            | 0.26%  |
|                   | No compensation                     | 24.56% |        |                                  |        |
| No multiple farms | 23.59                               |        |        |                                  |        |



**Source: Constitution Parliamentary Select Committee (2012a; 2012b)**

In a shocking admission, the “But, so far as the looking at the outreach results we didn’t. They weren’t available. As I say this, I don’t think they are still”<sup>188</sup>.

These committees performed a purely technical function, an interlocutor between the outreach program and the Second All Stakeholders Conference.

#### **6.7.4 The Second All Stakeholders Conference**

Shortly before the Second All Stakeholders Conference began in October 2012, ZANU(PF)'s Politburo accused COPAC of omitting the demands of citizens and proposed 266 amendments to the draft constitution that would be debated at the Conference. The purpose of the Conference was to enable delegates to make comments and recommendations on the draft constitution. ZANU(PF) objected to a number of proposals in the draft, including a reduction of executive power, security sector reform, dual citizenship, and devolution. Three amendments sought to radically alter previous agreements between the three principal parties with regards to land:

- The definition of agricultural land was expanded to include any land used for poultry and apiculture;
- A provision that acknowledged the right of every Zimbabwean, regardless of race, to own agricultural land was removed; and
- The Land Commission, whose functions were, among other things, to audit all agricultural land and regulate the sale or use of agricultural land, was removed (Biti 2012).

ZANU(PF) used the amendment tactic “to discredit the current draft constitution by showing the glaring differences between the compromises in the draft against what may be contained in the national report” (Ndlovu 2012).

Civil society organisations were invited to participate in the Second All Stakeholders Conference, however only directly from the three principal political parties. This was met with fierce resistance, as civics feared their delegates would be regarded as proxies for the principal political parties.

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<sup>188</sup> Strategic Informant 32, Harare, 12 May 2014

According to a former director that led a coalition of civics, civil society was invited under the banner of a political party because there was a perception that civics were aligned with MDC-T. ZANU(PF) demanded a “fair share” of civics, while the MDC-T did not resist either, as the party leadership believed civil society was aligned to them<sup>189</sup>. Another Director of a legal association whose membership derives from across political party lines noted, “The political party [MDC-T] appeared to think that it had entitlement to automatic support from civil society, that civil society programming must support their needs and campaign for them and when that did not happen they started labelling civil society in terms of [whether or not they] support us or they do not”<sup>190</sup>. The Director conceded, however, that, “for civics, their greatest challenge has always been how to maintain a distance from the political parties”<sup>191</sup>.

The Civil Society Constitutional Mechanism on Constitutional Reform (CSCMCR) sent a letter to South African President, and GPA guarantor, Jacob Zuma, stating that COPAC’s decision was “paddocking civil society” (CSCMCR 2012). If political parties were allowed to invite only those organisations and individuals they preferred, then civil society’s impartiality and autonomy would be compromised. McDonald Lewanika, the director of Crisis in Zimbabwe Coalition, stated, “Say you got your invitation from ZANU(PF) or MDC-T. What will the other side think of you when you stand up to contribute? They [the opposing political parties] will immediately say you are compromised because your views represent a particular party’ (Sibanda 2012).

When the Executive Director from one influential NGO was asked why it was important that they not participate in the Second All Stakeholders Conference under the banner of a political party, her response was, “I think it would have compromised our ability to continue monitoring the [constitution-making] process”<sup>192</sup>. She went to note that the membership of the organisation was divided over the leadership’s decision not to directly participate in the constitution-making process. Some members believed that there was an opportunity for the organisation to capitalise on its credibility in order to influence the process, while others believed that because it was a process run by government, the organisation should not participate<sup>193</sup>. She also stated that the organisation tried to remove itself from the rest of civil society, particularly those participating

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<sup>189</sup> Strategic Informant 16, Harare, 5 November 2011

<sup>190</sup> Strategic Informant 22, Victoria Falls, 21 July 2012

<sup>191</sup> Strategic Informant 22, Victoria Falls, 21 July 2012

<sup>192</sup> Strategic Informant 9, Harare, 13 November 2012

<sup>193</sup> Strategic Informant 9, Harare, 13 November 2012

within the COPAC constitution-making process, in order to try and maintain, or gain, the trust of persons from all political dispensations.

Another civil society organisation also refused to participate under the banner of any political party:

“We said we didn’t want this. We [the NGO] cannot put our names under ZANU(PF) and MDC. So we kept our stance and the accreditation day deadline came and went before we were accredited. When they [the political parties] realized we meant it, they said you can come and act as a civil society organization. We need to be principled. We need to walk the walk”<sup>194</sup>.

The number of delegates invited to the second conference was 1,100, far less than the 4,000 that attended the first conference. Delegates comprised of 280 Members of Parliament, 82 members from each of the three principal political parties, and 574 delegates from civil society. For the purpose of the conference, “civil society” included Zimbabwean, not international, NGOs, faith-based organisations, business and industry, agriculture and mining sectors, labour, youth and women’s organisations, and persons with disabilities. COPAC identified the organisations that were to be represented, stating that this would allow for “comprehensive inclusivity”.

At the conclusion of the Conference, Mugabe made an alarming declaration- that the Principals, not the people, will have final say over the composition of the draft that is put to referendum (Mugabe 2012). This effectively nullified the question of participation and the representation of civil society at the conference and in the process as a whole.

### **6.7.5 The COPAC constitution-making process and civil society**

Unlike 1999, civil society was deeply divided about whether or not to participate in the constitution-making process. Initially, civics were wary of becoming too involved in the constitution-making process, fearing further politicisation. Instead, some key players within civil society became involved “incrementally”<sup>195</sup>. Only after civics realised that “the COPAC train was not going to stop... (did) they felt that it was more prudent to actually be on board... rather than not being able to influence the content of the process and outcome of the process.”<sup>196</sup>

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<sup>194</sup> Strategic Informant 27, Harare 14 November 2012

<sup>195</sup> Strategic Informant 4, Harare 6 November 2012

<sup>196</sup> Strategic Informant 4, Harare 6 November 2012

While there was broad consensus around the need for a new constitution, civil society was split on whether or not the process should be led by Government. For example, the Zimbabwe National Students Union split into two factions because of differences over whether they should support the COPAC process. As one informant stated, “COPAC...is a parliamentary process, not a civil society process. So the [sic] civil society participated at the invitation of the three political parties who are the key stakeholders in the constitution-making process”<sup>197</sup>. The NCA and ZCTU boycotted the COPAC process to protest parliament’s leading role in the constitution-making process.

Three notable positions were adopted by civics: observation, direct participation, and a boycott of the process. Organisations that were wary of further politicisation often adopted monitoring and observation roles. For example, the Independent Constitution Monitoring Group (ZZZICOMP), comprised of the Zimbabwe Peace Project, ZESN and Zimbabwe Lawyers for Human Rights, played a critical role in observing the work of COPAC and monitoring the outreach programme that began in June 2010.

Despite these divisions, segments of civil society engaged COPAC throughout the constitution-making process vis-à-vis various public and private, formal and informal, platforms. More than 600 civil society organisations were accredited to observe the COPAC outreach programmes. Additionally, civil society participated in data capturing, thematic committee discussions, and in both All Stakeholders Conferences.

#### ***6.7.5.1 The role of civil society: Women bridge the gap***

As the constitution-making process began, women took advantage of the opportunity to renegotiate their lived reality in Zimbabwe. Women’s organisations were among some of the few successful civil society lobbies that sought and achieved key aims within the COPAC constitution making process.

Section 23(3) of the Lancaster House Constitution restricted the ability of women to be equal with men. This was especially prevalent with regards to land ownership. In order to fully take advantage of a process that was deeply polarising and heavily politicised, women had transcend political divisions and speak with one voice. One of the most contentious clauses on the

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<sup>197</sup> Strategic Informant 4, Harare, 6 November 2012

Lancaster House Constitution was Section 23(3), which restricted the ability of women to own land. As demonstrated by FTLRP, Government failed to devise any specific policies with respect to women and land.

Furthermore, Zimbabwe's post-independence land policy primarily focused on racial imbalances, not gender. A number of barriers constrained women in exercising their land rights, including: patriarchal post-marital residency; low levels of literacy; strong opposition from male kin; social construction of gender needs and roles; and male bias at all levels of public decision-making (Deere 1999, p. 14). According to Hanlon, *et al.* (2013, p. 161), 34 percent of Zimbabwean households are headed by females. This increases to 38 percent in rural areas. However, the de facto number is likely to be much higher as men frequently migrate to find work. In communal areas, where traditional authorities have greater influence on land allocation, registration practices have been based on patriarchal practices (Derman & Hellum 2007, p. 172). The husband's matrimonial power lies at the root of the unequal land distribution between married men and women. The customary law that applies to registered and unregistered customary marriages bestows upon men a status of head of household. As such, a man has the right to hold property on behalf of his family. Under customary law, upon death or divorce, women were denied access to land. The interconnectedness of chiefs and headmen to ZANU(PF), the disappearance of an independent judiciary and collusion between the police, war veterans and ZANU(PF) militias also considerably reduced women's bargaining power (*ibid*). Men primarily dominate these institutions. In essence, women were prohibited from fully enjoying property rights under customary law. This is compounded by the state's ownership of communal land in which the state allocates land to the head of the household, usually a man.

As noted above, needs satisfaction is controlled by political and social power, this power in the case of Zimbabwe is held by political parties. As highlighted by strategic informants, as well as the fact that the GPA was primarily focused on power-sharing within the executive branch on the national level instead of parliament and local government, institutions widely perceived as representative of the citizenry in any democracy, meant that representation is vital to understanding PSC in Zimbabwe.

Sensing an opportunity within the COPAC process, key civic organisations emerged to take up the cause of gender equality and land during FTLRP. Founded by a coalition of academics and activists in 1998, Women and Land in Zimbabwe (WLZ) sought to transform poor rural

women's lives through improved access to land. Initially, confusion around the FTLRP failed to provide an enabling environment that would allow policy-makers, civil society, and women the opportunity to address gender imbalances of land ownership. As previously mentioned, land allocation was ad hoc and the application of law was often highly influenced by patronage, and prevailing political conditions; land allocation was not based on equality. Commenting on the initial state of FTLRP:

“Women activists noted that the process by which land was being allocated and acquired for resettlement was not gender sensitive enough because people had to go out into the farms and stay on open spaces. Then the government would then come and reallocate land to those who had already occupied the land so the situation was not conducive for women especially those who were suckling babies, pregnant and elderly women and even young women, so many things happened during that period. Many young women were raped as people were staying out. The women activists who formed this organisation (Women and Land in Zimbabwe) realised this and started to mobilise one another and went as a group to Government to lobby for women's access to land. That is how this organisation was formed”<sup>198</sup>.

WLZ struggled to participate in the first constitutional reform period in 1999. At times they were invited to participate in the process, at other times, Government excluded them, accusing them of supporting the opposition<sup>199</sup>. WLZ joined with other civic organisations, including umbrella organisations like NANGO and Crisis in Zimbabwe Coalition, in an effort to hold consultative meetings with women in rural areas. Together, they sought out,

“Who was in each constituency, [who] was supposed to go and deliver the message, what is wanted by women to be in that [2000 draft] constitution. So we went out in the rural areas, talked with the women, [told them] that they should not be afraid to talk, they should talk, whatever they think it will help them in future”<sup>200</sup>.

According to NCA Gender Chairperson Tabitha Khumalo, “Without constitutional guarantees women's rights will be partially and unevenly respected” (McCandless 2012, p. 64).

During the COPAC constitution-making process, WLZ emphasised the strength of working within a “hub”, the Women's Coalition of Zimbabwe, a network of women rights activists and women's organisations. As WLZ was unable to organise everywhere, the network allowed WLZ to link up with other likeminded civic organisations, for example, Women's Trust in

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<sup>198</sup> Strategic Informant 27, Harare, 14 November 2012

<sup>199</sup> Strategic Informant 27, Harare, 14 November 2012

<sup>200</sup> Strategic Informant 27, Harare, 14 November 2012

Mashonaland West. WLZ also participates in another membership-based coalition, the Rural Women's Assembly. The Assembly consists of ward, district and national structures that, theoretically, are able to link needs identified on the grassroots level to decision-makers at the national level.

Participation in the Assembly helped link issues of gender and land to broader barriers that prohibit women's rights; for example bridging rural and urban divides, as well as political divides that have engendered deep mistrust and fear throughout Zimbabwean society.

“So in these platforms we are really open to each other and we are also seeing that the women are really helping each other because one of the pillars of this Rural Women's Assembly is solidarity. And again, we are find it as a good tool for peace-building, because it is bringing people from different political parties, people who have not been talking to each other are talking to each other in the rural women's assembly they are talking about solidarity, they are talking of women's economic empowerment. We have noted that there is power when you do campaigning and lobbying as a group<sup>201</sup>.”

However, the politically charged environment that enveloped the COPAC constitution-making process created challenges. Between December 2012 and January 2013, police raided the offices of the Zimbabwean Human Rights Association, Zimbabwe Peace Project, Community Development Trust of Zimbabwe and ZESN – a reminder of the omnipresent threat of violence Government was capable of unleashing. With negotiations continuously underway, political parties applied great pressure upon civics to adopt and advocate for the same policy aims. A representative of a women's organisation pushing for greater land access stated,

“The challenge is that sometimes the political parties want to come and monopolise this [the Rural Women's Assembly] and try to come and own these [processes], but what we have been doing is that we have a constitution for the Rural Women's Assemblies. In the constitution we have made it clear that anyone who holds a position in a political party should not hold a position in this Assembly. The Assembly is for everyone, you come from any political party and be a member of this but, if you hold a political party position you cannot hold a position in this Assembly, we are trying by all means to neutralise it so that no political party will try to dominate it<sup>202</sup>.”

WLZ members were divided on land tenure and ownership. The divisions largely stemmed from the desire for a tenure system that would allow land to be used as collateral. However, fearing the consequences “if government releases all of the land to the people”, WLZ ultimately

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<sup>201</sup> Strategic Informant 27, Harare, 14 November 2012

<sup>202</sup> Strategic Informant 27, Harare, 14 November 2012

decided not to seek freehold tenure<sup>203</sup>. For the time being, the informants supported the land policy in which land gazetted and designated under FTLRP will remain State land, available for 99-year leases, not title deeds,

Although women's ownership of land was broadly perceived as a fundamental issue to be addressed on the COPAC constitution, there were a number of civic organisations that advocated for a myriad of issues that would produce a gender sensitive constitution. As such, there was a broad recognition that women had to coalesce under a unified platform to achieve their goals.

There were 12 points that they believed would make the constitution more gender sensitive (Gender Links 2012):

1. An equality clause;
2. Equal citizenship in Zimbabwe;
3. Anti-discrimination, though it does not address discrimination against natural condition;
4. Security of person, particularly protection against domestic violence;
5. Human rights to supersede customary law;
6. Economic, social and cultural rights;
7. A specific stand-alone women's rights clause;
8. Gender sensitive electoral system based upon proportional representation;
9. Affirmative action;
10. A 50 percent quota for women in Senate and 60 seats reserved for women in the House of Assembly. This will be for the next two parliaments;
11. Gender commission; and
12. Gender sensitive public financing.

In order to achieve their stated goals, organisations like WLZ, and similar organisations, also understood the important of linking with political representatives across all levels of leadership.

In April 2012, the Group of 20, a voluntary coalition of "high-level" women that included civic activists, academics, and representatives from the Women's Parliamentary Caucus and COPAC, emerged as a "working space for women to discuss, mobilise, and organise action around the new constitution, both developing policy and strategy, and advocating for specific measures"

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<sup>203</sup> Strategic Informant 27, Harare, 14 November 2012



(Machanzi 2013). The Group of 20 successfully mobilised women from grassroots organisations and national bodies to advocate around its 'manifesto' for the constitution. They also provided a crucial link and feedback mechanism between different women's groups and those responsible for drafting the COPAC constitution, donors, political parties, and other civil society actors (ibid).

The success of the women's lobby can largely be attributed to three reasons: (1) by 2008 women's issues and rights were largely accepted, therefore what they wanted was not politically contentious; (2) they were organised; and (3) and women engaged all kinds of representatives in civil society and politics.

It is important to note, however, that despite the organised nature of women's groups and their ability to establish broad coalitions that linked political leaders with the grassroots, broadly speaking, there was very little objection to the inclusion of women's issues into the COPAC constitution.

#### **6.7.6 Drafting the constitution**

Three principal drafters – Justice Moses Chinhengo, a judge on the Botswana High Court, Priscilla Madzonga, former Zimbabwe High Court Judge, and Brian Crozier, former legal drafter in the Attorney-General's Office – comprised the drafting committee. One of the drafters described the environment:

“What would happen is the [political party] teams would be negotiating in a far room. Somebody would then come to us [the drafters] and say ‘we would like this provision to be put in’. We [the drafters] would put in a draft provision, and they [the political parties] would say ‘more’ or ‘less’. We [the drafters] were not actually part of the negotiations, but the MDC-T negotiators did an incredibly poor job. Every time ZANU(PF) said ‘No, no we want this’, they would knuckle under. And even after ZANU(PF) had agreed to something, [they would later say] we have reconsidered, we want further concessions and the MDC-T negotiators did not seem to have the balls to say ‘Okay, if you are going to back down on that one, we are going to take back all those concessions we made and we will start again’. They [MDC-T] would just start from concessions that were already made and work back. And one of the things were the land provisions in the new draft constitution, [they were] exactly the same as in the old one, without change”<sup>204</sup>.

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<sup>204</sup> Strategic Informant 32, Harare, 12 May 2014

The negotiation of the Constitutional Reform Process resulted in a draft constitution that, according to Jonathan Moyo, a member of ZANU(PF) who has held a myriad of positions within the party since 2000, was “severely flawed” (IDASA 2012a). Moyo believed that the draft was not based on the views of the people, nor their current or future aspirations reflected in it. “The draft constitution, therefore, is a compromise document. The draft reflects negotiators views and it should be subjected to political parties who will have the final say on its acceptability” (IDASA 2012a).

The first draft produced in February 2012 failed to address the structure of the executive, devolution, dual citizenship, and the role of a land commission. ZANU(PF) used state-owned media, particularly ZBC and *The Herald*, to pressure the drafters to change certain positions within the COPAC draft (Dzinesa 2012, p. 7). According to one of the drafters,

“the first [COPAC] draft was obviously unacceptable to ZANU(PF) and we [the drafters] were accused of introducing alien western concepts. We were ‘hi-jacked’ or had been ‘suborned’ by the evil British and the Americans and others. No doubt, the [first draft] was totally non-Zimbabwean. In fact, quite a lot of it was subsequently adopted and certainly it formed the basis of the [constitutional] negotiations [that would follow]. That was a political gambit. The attempt to discredit it right from the start. And that happened mainly by ZANU(PF) and to some extent, the MDC-T as well, saying that the whole process was being corrupted and hi-jacked...”<sup>205</sup>

The state-owned *Herald* claimed that the MDC-T and the “COPAC mafia” were trying to capture the process to force another GPA that would ensure MDC-T would continue to hold power (Moyo 2012).

“... it is important for readers [of *The Herald*] to understand that this constitution making process is an MDC-T agenda. The MDC-T seeks to ensure that what it failed to do through an election, that is removing ZANU(PF) from power, is done using the Constitution. The MDC-T would like to make sure that all the issues they wanted addressed on behalf of Britain and America, are addressed through the Constitution” (Murwira 2012).

With regard to the controversial issue of land, the drafter acknowledged, “So when it came to land, we were not actually present at the negotiations”<sup>206</sup>. The former drafter continued,

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<sup>205</sup> Strategic Informant 32, Harare, 12 May 2014

<sup>206</sup> Strategic Informant 32, Harare, 12 May 2014

“In the first draft, we adopted [a clause] rather like the South African constitution, where land would have to be, where all property could be taken under eminent domain, subject to fair compensation and fair procedures. Fairly standard international stuff... As far as the existing state of affairs was concerned, we left that out deliberately because that was going to be a hot potato as to should the white farmers go back to their farms, should they be compensated, and so on. And, obviously, that was way beyond the drafters... In effect, land is a non-constitutional issue. And even now, there is effectively no law protecting anybody to rural land and that includes, unfortunately, resettled rural farmers. So the result is that the president’s powers are virtually the same as they were in the old constitution. In fact, more so because at least in theory the president does not need to act on the advice of his cabinet or even on the recommendation of his cabinet”<sup>207</sup>.

When the MDC-T Minister was asked who advocated for the land provisions from the old Lancaster House Constitution to be included in the COPAC draft, the Minister stated “I did not see spirited opposition to that position across the board”. The Minister’s statement suggests that the MDC-T public statements regarding the protection of freehold tenure did not correspond to their positions behind closed doors.

According to and MDC-T Minister directly involved with constitutional negotiations, “My personal view is that we have not been able to address the land issue properly in the constitution”<sup>208</sup>. The Minister continued, “I cannot accept that you can prevent a court from adjudicating on an issue. Any issue for that matter. But we had to carry that provision from our current Constitution into the draft”<sup>209</sup>.

Civics did play a small role in the drafting process. For example, the Law Society of Zimbabwe and the Zimbabwe Women Lawyers Association supplied technical advice to politicians and produced their own draft constitution based on consultations with experts and the general public<sup>210</sup>. The 2010 Law Society draft constitution was presented to COPAC, whilst parts of the Law Society draft, specifically, the provisions on the state of emergency and portions of the Declaration of Rights, were amalgamated into the COPAC draft.

Zimbabwean lawmakers finalised a draft constitution in July 2012; however it was not until January 2013 that the principals agreed to a final draft constitution that would be submitted to a referendum. The property and land lettered clauses were among “the most contentious” of

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<sup>207</sup> Strategic Informant 32, Harare, 12 May 2014

<sup>208</sup> Strategic Informant 5, Harare, 24 January 2013

<sup>209</sup> Strategic Informant 5, Harare, 24 January 2013

<sup>210</sup> Strategic Informant 13, Victoria Falls 19 July 2012

issues the principal party negotiators dealt with, and were among the last clauses to be resolved in the negotiations (Share 2012). Once the agreement was reached, civil society had one month to prepare for the referendum.

An informant on the Management Committee, which provided policy direction to COPAC on the constitution-making process, noted that, “Someone had suggested that ‘look, now that there is consensus amongst the three main political parties it is no use to go to a referendum’<sup>211</sup>. I said, no you can’t do that. There are persons who don’t like this document who feel they have a right to persuade people otherwise. If you are saying no, then you are denying people their constitutional right’<sup>212</sup>.

### **6.7.7 The final draft constitution**

On 16 March 2013, more than two years overdue, Zimbabwe held its long-awaited referendum on its new constitution. More than three million voters turned out, of which 93 percent cast their ballots in favour of the COPAC constitution.

The final draft constitution incorporated three interrelated clauses in relation to property and land: Articles 71 and 72 in the Bill of Rights and a freestanding chapter, Chapter 16. The Constitution established new principles that will guide future policy regarding agricultural land. They are:

- every Zimbabwe citizen regardless of race or colour has right to acquire, hold, occupy, use, lease or dispose of agricultural land;
- allocation and distribution must be fair and equitable and have regard to gender balance and diverse community interests;
- land use should promote food security, good health and nutrition, generate employment and increase productivity and investment; and
- no one may be arbitrarily deprived of right to use and occupy agricultural land.

### **6.8 Conclusion**

The contest between ZANU(PF) and the MDC-T, each with their own conceptualisation of representation, remains unresolved. Within the context of Zimbabwe’s protracted social conflict, two secondary approaches of representation emerged under the GNU: the resemblance and mandate models.

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<sup>211</sup> The Management Committee was comprised of the negotiators of the GPA, the three co-chairpersons of the Select Committee and the Minister of Constitutional and Parliamentary Affairs

<sup>212</sup> Strategic Informant 5, Harare, 24 January 2013

ZANU(PF)'s conceptualisation of representation, while formally adhering to regular elections, is based upon its role within the liberation struggle which led to the destruction of the settler state and the establishment of majority rule. At independence, ZANU(PF) imbued characteristics of the delegate model as they sought to address the needs of the black majority by heavily investing in social services and welfare. However citizen priorities became subservient to the primary agenda of the organisation: regime security. During the Third Chimurenga, and throughout the period of the GPA, ZANU(PF) capitalised on their narrative of the liberation struggle. Representation was based on ascriptive and innate criteria as defined by ZANU(PF) political elites in order to exclude and vilify the MDC-T and their supporters. Resemblance was largely based upon shared experiences; for example, whether or not a person participated in, or shared the values of, ZANU(PF)'s interpretation of the liberation struggle. Race and citizenship, additional resemblance characteristics, were also used by ZANU(PF) to exclude opposition supporters.

The MDC-T, on the other hand, is a product of the era of dominant liberal democratic discourse. The party's basis of representation was grounded in the sovereignty of Zimbabwe's electoral process and constitutionalism. The MDC-T believed that they had really won the 2000, 2002, 2005, and 2008 elections. As such, party leaders and supporters maintained that the MDC-T had the mandate to govern Zimbabwe. However, ZANU(PF)'s capture of the state virtually made it impossible for the MDC-T, as well as any other form of opposition, to develop strong party/constituent relations.

The experiences and nature of violence between ZANU(PF) and the MDC-T had entrenched stereotyping, the misattribution of motives, polarisation, and fear. The GPA provided little room for citizens or other organisations to contest or engage in the political space. Rather, the power-sharing agreement was primarily a platform for the contestation of power between ZANU(PF) and MDC-T. As the GPA distilled representation among the three principal political parties, citizens and civil society had to identify with one of the principal political parties. Political affiliation emerged as a means of access to needs satisfiers; for example, those that identified as ZANU(PF) supporters were more likely to receive land.

As a result, the GPA demobilised citizens and civil society from the sphere of political decision-making, thus further inhibiting the space for the mandate model to develop. The GPA reinforced the resemblance model.

While these two models are not mutually exclusive and can coexist within a democratic regime, in Zimbabwe, ZANU(PF)'s conceptualisation was exclusionary, and will likely exacerbate further cycles of violence within Zimbabwe's protracted social conflict.

## Chapter Seven

### Autonomy and Representation in Zimbabwe

#### 7.1 Introduction

Among Zimbabwe's communal groups, land served as a core satisfier for competing political, social and economic needs. Communal groups have consistently used land ownership as a means to empower one group over another. This dissertation sought to understand the historical genesis of land ownership, its role as a human need or as a satisfier and the role it played within the current context of Zimbabwe's protracted social conflict.

This dissertation explored how issues of representation and autonomy – indicators of human needs satisfaction – shaped the relationship between key actors within the conflict: civil society and national political leadership. This dissertation traced each phase of PSC, beginning with the pre-conditions established in the era of settler domination and minority rule between 1890 and 1979; the various stages of process level dynamics that resulted in overt conflict during the post-independence era between 1980 and 2008; to the decay of state and civil relations under the GPA. Each chapter has drawn a set of detailed summaries and conclusions relating to each of these phases.

This chapter sets out address the two research questions:

*Research Question 1:* If political leadership is not representative of the citizenry, is land policy more likely to engender overt conflict?

*Research Question 2:* If civil society has an autonomous role in the public sphere, is land policy more likely to benefit citizens?

#### 7.2 Autonomy

In order to address representation in Zimbabwe, the second research question must be answered first. When citizens no longer believe that a political party is able to represent them by facilitating the satisfaction of their needs, they will seek alternative mechanisms of representation. In the case of Zimbabwe, these alternative means took the form of opposition political movements, and civil society.

In Zimbabwe, there was a perception that civil society was more autonomous in that they were able to operate outside of the institutions and therefore was more representative. However in the next section we will see this is a problem.

This dissertation was unable to definitively answer the research question with regards to civil society's autonomous role in the public sphere and its ability to benefit citizens. The underlying challenge with this question is that civil society in Zimbabwe, as demonstrated above, has only ever been autonomous in non-threatening areas; for example: health, education and gender equality. In more politically sensitive areas, like land reform, civil society has never been autonomous. Therefore, as defined by the measures of autonomy as expressed in this dissertation, namely *freedom of association; press freedom and alternative sources of information; participation; impartiality and constitutional rules*, autonomy was unachievable.

While the GPA sought to expand political and operation space for civil society, civics failed to carve out an autonomous role within Zimbabwe's transition.

Foreign donors, who were unable to influence political leadership, consequently funded civil society as an alternative means to influence policy. In the 1990s this money helped create a viable political opposition, a fact that would provide further challenges in the next decade.

The 2005 split of the MDC as well as ZANU(PF) perception of civil society as an appendage of the opposition further polarised civil society, particularly organisations involved in governance and human rights.

ZANU(PF) manipulated civics through the use of its strategy to establish or co-opt civic groups as a way of seeking legitimacy. For example, the Zimbabwe Federation of Trade Unions was established by ZANU(PF) to weaken legitimate labour movements and promote ZANU(PF) policies and propaganda. ZNLWVA, an organisation representing of war veterans, posed a significant political threat to ZANU(PF) from 1997 onwards. In response, ZANU(PF) used land to appease and co-opt them, absorbing the group into party structures, using them for their own policy aims.

Today, a serious deficiency in Zimbabwe's once critical civil society is its inability to challenge decision makers of all political persuasions as well as policy put forth by the GNU. A critical



look at civil society finds that it remains largely critical of ZANU(PF) and its affiliates while ignoring, at least publicly, the shortcomings of the other principal parties, particularly with regard to their leadership, policies and their lack of internal democracy<sup>213</sup>.

While a divergence of interests within civil society is not a problem within itself, various and conflicting interests have been manipulated by those with powerful ties and personal interests, thereby weakening civil society's ability to pressure government.

Civil society was excluded from the GPA negotiations because SADC was primarily concerned with political parties; they believed that they were the true elected representatives of Zimbabweans. Despite the fact that some civil society organisations performed a monitoring role, the process was primarily a political negotiation between the three principal parties. Civil society's direct influence within the constitution making process hinged whether or not political parties would allow them to participate.

In the case of women however, the COPAC constitution making process created the space for activists and political leaders advocating for women's issues to get together to address the challenges facing the group. The success of the women's lobby can be attributed to three reasons: women's issues and their rights were largely accepted, it was not politically contentious; they were organised and women engaged with political representatives.

In terms of land policy, throughout Zimbabwe's history, foreign interests and donors have driven land policy. After independence however, as land emerged as the primary means of patronage by which ZANU(PF) could retain state power, institutions that could guide and influence land ownership became the sole prerogative of ZANU(PF). As such, civil society's ability to engage on land policy was limited. In addition, most NGOs are urban-based and do not represent the needs of the landless. Moreover, ZANU(PF)'s ability to isolate rural areas – where the majority of Zimbabweans live – from opposition politics further reduced alternative autonomous channels for representation and needs satisfaction. Understanding the needs and politics underlying land policies pertaining to rural ownership is essential for political elites and civil society to formulate and implement land policies.

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<sup>213</sup> Strategic Informant 1, Harare, 30 November 2011

Whether or not land policy is more likely to benefit citizens if civil society has an autonomous role in the public sphere is a question that will remain. As this section has stated, in the case of Zimbabwe, at no point has civil society, in the case of land policy, been autonomous enough to ascertain whether it would benefit citizens.

### 7.3 Representation

This dissertation demonstrated that if political leadership is not representative of the citizenry, then land policy *is more likely* to engender overt conflict.

As the conclusion of Chapter Six noted, ZANU(PF)'s conceptualisation of representation was inherently exclusionary. The "Liberationist" model of representation espoused by ZANU(PF) legitimised the capture of all of the sites of power within the state in order for the party to ensure its ideals and values were the dominant ideas and values of Zimbabwean society as a whole.

The capture of the state also included the breakdown of autonomy of the state's most vital institutions, including the parliament, judiciary and the military. As a result, the five measures of representation used in this dissertation – *electoral system design; freedom of expression and information; freedom of association, picket and petition; inclusive citizenship; and institutional forums* – were largely shaped by ZANU(PF)'s conceptualisation of representation. As a result, the state's policy-making capacity was limited as the state was unable to insulate its decision-making institutions and processes from the political pressures faced by ZANU(PF).

Moreover, as a viable political opposition was conceived within the civic space, ZANU(PF) sought to capture that as well.

Once in power, the liberationist model of representation prompts and legitimises the actions of elites to concentrate wealth and power in their own hands. This is because ZANU(PF) political elites perceive themselves as vanguards of the party, while the party is the vanguard of ideals and values of the liberation struggle. This claim reaches beyond the boundaries of formal party membership and into the realm of the social movement that drove the struggle. In other words, the vanguard is meant to guide the state, and hence the people.

Concomitantly, ZANU(PF)'s liberationist model restricted citizen's access to state institutions. State institutions, which seek to translate public opinion into public policy, *in turn*, affect the measures of representation as they encourage or limit the influence of public participation in policy making. This facilitated an environment whereby ZANU(PF) elites could channel resources into needs satisfiers based on their own terms in order to protect members and allies of the party. ZANU(PF)'s liberationist model of representation implies the absorption or exclusion of those people that are not a part of the majority as defined by themselves. The claims and needs of minorities are devalued and de-legitimised. This cycle occurs within the process dynamics of protracted social conflict, as it ultimately will shape communal and state actions and strategies.

The use of violence is legitimised within the liberationist model in order to achieve, or to protect, the values and goals of the liberation struggle. Symbols and memories are invoked and the use of exclusionary rhetoric is used to reinforce the narrative of the liberation struggle in order to draw upon real grievances and mobilise support.

Those who subscribe to the liberationist model are willing to defer the costs of their actions onto citizens (unemployment, inflation, deterioration of services). These costs are legitimized by the fact that ZANU(PF) achieved the higher, more worthy, more fundamental goal of liberation, of emancipation, and of national sovereignty. These goals trump any other claim to legitimacy, even that produced by an election.

Finally, this model supports the claim that ZANU(PF) subscribes to a very different conception of democracy in Zimbabwe whereby the party and the state, and not the people, take precedence. Nonetheless, ZANU(PF)'s liberationist model of representation facilitates the decay of state and civil relations as the cycle for domination and contestation creates a culture of conflict and violence: communal identities, political affiliation in the case of Zimbabwe, are ossified and prospects for cooperation between ZANU(PF) and outsiders are reduced. Satisfying human needs among Zimbabwe's communal groups, which is essential for survival and necessary for human development, becomes less likely.

As human needs cannot be altered, it is the social, political and economic institutions must be adjusted for human needs satisfaction. In the case of Zimbabwe, the liberationist model of

representation must be transformed into an inclusive model if any institutions can successfully be altered for human needs satisfaction.

#### **7.4 For further research: measuring representation**

1. This dissertation has described importance of needs satisfaction for citizens. Representation is a key component to ensuring the facilitation of needs satisfaction therefore as described in this dissertation the level and ability of political scientists to measure representation is paramount. The challenge is, however, that there is the belief that representation can be measured because a perfect system exists against which is can be compared. This erroneous belief led to the inability of this dissertation to exact a measure of representation in Zimbabwe. As such, there is a need to revisit the measures of representation. A viable alternative to measuring representation would be to measure needs satisfaction in and of itself. Citizens would either be satisfied or not, and if not, reasons for their lack of satisfaction could be established.
2. As established in this dissertation, a regime is characterised by traits of multiple models of representation. In this sense, it is difficult to establish whether or not a particular regime is more or less likely to favour or inhibit the likelihood of needs satisfaction. As such, there is a need to revisit the standardised set of models of representation presented within this dissertation.
3. If we assume that multi-party democratic systems are most representative of citizens and therefore able to satisfy needs, then there is a need for further examination of the conditions required both internally, within political parties, as well as externally, including the political social, economic, cultural environment of the state, that will determine a successful transition from a dominant party system, directed by traits of the liberationist model, to multi-party democratic systems.

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### Annex A: The Margaret Dongo List of Farm Ownership

| FARM NAME       | DISTRICT | EXTENT HA | LESSEE             | EMPLOYER               | OCCUPATION                   |
|-----------------|----------|-----------|--------------------|------------------------|------------------------------|
| Battlefields 01 | Kadoma   | 1620.693  | Mutandi R&E        | PricewaterhouseCoopers | Agriculture Consultant       |
| Battlefields 02 | Kadoma   | 1571.598  | Charamba Mr G      | President's Office     | Spokesperson                 |
| Battlefields 03 | Kadoma   | 2035.579  | Ncube D M          | Ncube-Burrow P/L       | Civil & Agriculture Engineer |
| Battlefields 04 | Kadoma   | 923.9748  | Mufandaedza C      | Self                   | Businessman                  |
| Battlefields 05 | Kadoma   | 1878.329  | Kahwa S            | Dept. of Agritex       | Extension Officer            |
| Battlefields 06 | Kadoma   | 1165.796  | Msindo S G         |                        | Partner                      |
| Battlefields 07 | Kadoma   | 1409.607  | Runyowa P & J L    | Self                   | Med. Practitioner            |
| Battlefields 08 | Kadoma   | 1300.115  | Sithole L & N      | Agric Finance Corp.    | Dept. General Manager        |
| Battlefields 09 | Kadoma   | 1151.258  | Mupangu E G        | Enterprise Works       | Agriculturist                |
| Battlefields 10 | Kadoma   | 1486.072  | Kanengoni E C      | Self                   | Legal Practitioner           |
| Battlefields 11 | Kadoma   | 1293.667  | Shereni W & S      | Tsetse Control         | Chief Tsetse Officer         |
| Battlefields 12 | Kadoma   | 1267.749  | Mundangepfupfu E T | Self                   | Consultant                   |
| Battlefields 13 | Kadoma   | 1527.997  | MawereJ R          | City of Kwekwe         | Executive Major              |
| Battlefields 14 | Kadoma   | 1192.141  | Chimbwanda W T     | Agric Finance Corp.    | Asst. Gen. Manager           |
| Battlefields 15 | Kadoma   | 1576.6    | Rugube Lovemore M  | University of Zimbabwe | Lecturer                     |
| Battlefields 16 | Kadoma   | 2101.032  | Kundhlande G & F   | Safire                 | Deputy Director              |
| Battlefields 17 | Kadoma   | 1830.67   | Sunguro S          | Dept. of Water         | Water Engineer               |

|                 |           |          |                         |                            |                          |
|-----------------|-----------|----------|-------------------------|----------------------------|--------------------------|
| Battlefields 18 | Kadoma    | 1761.44  | Zhou E & A              | Zimbabwe Farmers Union     | Op. Director             |
| Battlefields 19 | Kadoma    | 1902.769 | Mbanje D                | ARDA                       | Planning co-ordinator    |
| Battlefields 20 | Kadoma    | 2149.662 | Mugwagwa N O            | World Bank                 | Population Specialist    |
| Battlefields 21 | Kadoma    | 1696.392 | Madzingo J T            | City of Harare             | Valuer & Estates Manager |
| Battlefields 22 | Kadoma    | 1120.713 | Gopo J M                | SIRDC                      | Director                 |
| Battlefields 23 | Kadoma    | 1219.624 | Murau C H               | Fidelity Printers          | Chief Security Officer   |
| Battlefields 24 | Kadoma    | 1427.469 | Tarugarira N S          | Honda Group                | General Manager          |
| Battlefields 25 | Kadoma    | 1482.864 | Ushewokunze-Obatolo H U | Dept. of Vet Services      | Veterinarian             |
| Battlefields 26 | Kadoma    | 1625.476 | Manika F & R            |                            |                          |
| Battlefields 27 | Kadoma    | 1703.036 | Maposa J P              | Anglo American             | Human Resources Manager  |
| Chisimbi 01     | Lomagundi | 901.7348 | Chinembiri Mr F         | Dept. of Agritex           | Animal Specialist        |
| Chisimbi 02     | Lomagundi | 946.0802 | Mpeperekiri Mr S        | University of Zimbabwe     | Lecturer                 |
| Chisimbi 03     | Lomagundi | 1122.027 | Seremani Mr A           | ZSR                        | Commercial Manager       |
| Chisimbi 04     | Lomagundi | 1122.258 | Mudimu Mrs R            | Self                       | Radiographer             |
| Coburn 1        | Chegutu   | 636.00   | Chadenga V              | Min Agric - Tsetse control |                          |
| Coburn 2        | Chegutu   | 927.00   | Marimira G              | Min Agric - Vets           | Health inspector         |
| Coburn 3        | Chegutu   | 951.00   | Chiganze T              | TA Holdings                | Chief Executive          |
| Coburn 4        | Chegutu   | 890.00   | Jonga JK                | DDF                        | Director General         |
| Coburn 5        | Chegutu   | 712.00   | Gororo HM               | Self                       | Farmer                   |
| Coburn 6        | Chegutu   | 535.00   | Munonyara D             | Population Services        | Accountant               |
| Coburn 7        | Chegutu   | 183.00   | Vacant                  |                            |                          |
| Coburn 8        | Chegutu   | 559.60   | Munemo MD               | Min Env & Tourism          | Director General         |
| Coburn 9        | Chegutu   | 412.40   | Dzingwa LK              | Self                       | Dairy farmer             |
| Coburn 10       | Chegutu   | 110.00   | Muza H&L                | Min Agric                  | Agonomist                |
| Coburn 11       | Chegutu   | 110.00   | Magumise CE             | Hubert Davis               | Director General         |
| Coburn 12       | Chegutu   | 102.00   | Mugabe G                | Min Agric                  | Extension officer        |

|           |         |        |                |                                |                        |
|-----------|---------|--------|----------------|--------------------------------|------------------------|
| Coburn 13 | Chegutu | 102.00 | Madzongwe E    | Parliament of Zimbabwe         | Deputy Speaker         |
| Coburn 14 | Chegutu | 82.00  | Charamba I     | Self                           | Farmer                 |
| Coburn 15 | Chegutu | 82.00  | Mushamba CR    | Self                           | Businesswoman          |
| Coburn 16 | Chegutu | 87.00  | Chizengeni T   | Bells Engineering              | Managing Director      |
| Coburn 17 | Chegutu | 87.00  | Chiminya N     | Hubert Davis                   | Agric engineer         |
| Coburn 18 | Chegutu | 60.00  | Muza A         | Self                           | Farmer                 |
| Coburn 19 | Chegutu | 60.00  | Karima A       | University of Zimbabwe         | Lecturer               |
| Coburn 20 | Chegutu | 60.00  | Dube W         | Min Home Affairs               | Police officer         |
| Coburn 21 | Chegutu | 60.00  | Karase C       |                                | Company Director       |
| Coburn 22 | Chegutu | 94.00  | Chabikwa W     | Self                           | Farmer                 |
| Coburn 23 | Chegutu | 94.00  | Zimbwa G       | Self                           | Farmer                 |
| Coburn 24 | Chegutu | 245.00 | Vacant         |                                |                        |
| Coburn 25 | Chegutu | 389.90 | Moyo C         | Self                           | Farmer                 |
| Coburn 26 | Chegutu | 128.00 | Vacant         |                                |                        |
| Coburn 27 | Chegutu | 129.00 | Vacant         |                                |                        |
| Coburn 28 | Chegutu | 92.00  | Mujaho Z       | Self                           | Farmer                 |
| Coburn 29 | Chegutu | 92.00  | Matekaire K    | ZFU                            | Director General       |
| Coburn 30 | Chegutu | 91.00  | Gombo ST       | ARDA                           |                        |
| Coburn 31 | Chegutu | 91.00  | Sibanda LM     | Linds Agriculture Services     | Agriculture consultant |
| Coburn 32 | Chegutu | 354.90 | Sibanda M      | President's Office             | Permanent Secretary    |
| Coburn 33 | Chegutu | 234.30 | Mutemeri L     | Agriculture Research Trust     |                        |
| Coburn 34 | Chegutu | 252.80 | Jandles V      | Self                           | Farmer                 |
| Coburn 35 | Chegutu | 211.20 | Vacant         |                                |                        |
| Coburn 36 | Chegutu | 201.80 | Mlambo SS      | Dept. Research & Spec Services | Deputy Director        |
| Coburn 37 | Chegutu | 256.60 | Vacant         |                                |                        |
| Coburn 38 | Chegutu | 252.10 | Mubaya GB      | Safire                         | Resource Officer       |
| Coburn 39 | Chegutu | 419.10 | Chiripamberi B | ARDA                           | Estate Manager         |

|              |                |         |                 |                         |                         |
|--------------|----------------|---------|-----------------|-------------------------|-------------------------|
| Coburn 40    | Chegutu        | 297.00  | Zinoywera DA    | Zim Teacher's Assoc.    | Executive officer       |
| Coburn 41    | Chegutu        | 297.80  | Nhari S         | ARDA                    | Auditor                 |
| Coburn 42    | Chegutu        | 487.60  | Matindike A     | Self                    | Farmer                  |
| Coburn 43    | Chegutu        | 201.10  | Mukwena C       |                         |                         |
| Coburn 44    | Chegutu        | 278.70  | Muzenda C       | Self                    | Farmer                  |
| Coburn 45    | Chegutu        | 166.30  | Nyika J         | Dept. Vet Services      | Prov. Vet Officer       |
| Coburn 46    | Chegutu        | 201.10  | Gaka R          | Min Home Affairs        | Police officer          |
| Coburn 47    | Chegutu        | 143.80  | Chinengundu MR  | City of Harare          | Chief Security Officer  |
| Coburn 48    | Chegutu        | 115.70  | Zvinavashe P    | Zimbabwe Defence Forces | Director General        |
| Coburn 49    | Chegutu        | 115.70  | Vacant          |                         |                         |
| Coburn 50    | Chegutu        | 80.90   | Vacant          |                         |                         |
| Endeavour 1  | Lomagundi      | 191.36  | Mwamuka N       | ICRISAT                 | Farm Manager            |
| Endeavour 2  | Lomagundi      | 154.21  | Mashiringwani N | Min Agric               |                         |
| Endeavour 3  | Lomagundi      | 171.70  | Mazambani E     | Forestry Commission     | Farm Manager            |
| Endeavour 4  | Lomagundi      | 149.43  | Chitehwe DM     | Min Agric               | Health Inspector        |
| Endeavour 5  | Lomagundi      | 123.77  | Mangombe F      | Self                    | Farmer                  |
| Endeavour 6  | Lomagundi      | 157.01  | Tigere J        | Plastique Industries    | Shipping Manager        |
| Endeavour 7  | Lomagundi      | 128.48  | Mautsa          | UZ                      | Programme Coordinator   |
| Endeavour 8  | Lomagundi      | 117.65  | Nyahondo CB     | Dozmery Training Centre | Lecturer                |
| Endeavour 9  | Lomagundi      | 135.64  | Vacant          |                         |                         |
| Endeavour 10 | Lomagundi      | 109.13  | Mukwende B      | ZFU                     | Field & Project Officer |
| Marula 1     | BulalimaMangwe | 76.63   | Bango Dr GL     | Min Health              | Medical practitioner    |
| Marula 2     | BulalimaMangwe | 90.74   | Nyashanu H      | Self                    | Businessman             |
| Marula 3     | BulalimaMangwe | 1496.37 | Ncube N Mrs     | Zim Investment Centre   | Director                |
| Marula 4     | BulalimaMangwe | 1665.82 | Nsimbi Z        | Min Transport           | Deputy Minister         |
| Marula 5     | BulalimaMangwe | 1719.15 | Nkala H         | Rainbow Tourism         | Chief Executive         |

|           |                |         |                    | Group                     |                          |
|-----------|----------------|---------|--------------------|---------------------------|--------------------------|
| Marula 6  | BulalimaMangwe | 1589.33 | Mjimba R           | Min Agric                 | Rural state land officer |
| Marula 7  | BulalimaMangwe | 1613.74 | Nkomani K          | Min foreign Affairs       | Ambassador               |
| Marula 8  | BulalimaMangwe | 1271.05 | Vuma D             | UZ                        | Lecturer                 |
| Marula 9  | BulalimaMangwe | 1642.53 | Mabena A           | National Railways         | Chief Executive          |
| Marula 10 | BulalimaMangwe | 1422.54 | Nyathi Dr & Mrs KH | Min Agric                 | Researcher -livestock    |
| Marula 11 | BulalimaMangwe | 2031.02 | Ndlovu Prof L      | UZ                        | Professor                |
| Marula 12 | BulalimaMangwe | 953.11  | Sibanda A & MrsZ   | Dept. Water               | Civil Engineer           |
| Marula 13 | BulalimaMangwe | 1521.33 | Nyathi M & Mrs J   | Agritex                   | Extension Officer        |
| Marula 14 | BulalimaMangwe | 1474.56 | Sibanda O          | Self                      | Businessman              |
| Marula 15 | BulalimaMangwe | 1251.91 | Ndhlovu IPZ        | IPZ consult               | Financial consultant     |
| Marula 16 | BulalimaMangwe | 2718.79 | Chivere T          | Cottco                    | Agronomist               |
| Marula 17 | BulalimaMangwe | 2610.66 | Maphenduka J       | Self                      | Farmer                   |
| Marula 18 | BulalimaMangwe | 2507.37 | Mthupha GM         | Self                      | Architect                |
| Marula 19 | BulalimaMangwe | 2081.08 | Tebele Ntando Dr   | Min Agric                 | Researcher -livestock    |
| Marula 20 | BulalimaMangwe | 2051.31 | Mlilo P & Mrs N    | NUST                      | Lecturer                 |
| Marula 21 | BulalimaMangwe | 1631.60 | Malaba Dr E        | Self                      | Medical practitioner     |
| Marula 22 | BulalimaMangwe | 1526.74 | Nyoni G            | Self                      | Legal practitioner       |
| Marula 23 | BulalimaMangwe | 1940.39 | Noko B             | ARDA                      | Estate manager           |
| Marula 24 | BulalimaMangwe | 1784.68 | Sitshoni T         | Self                      | Businessman              |
| Marula 25 | BulalimaMangwe | 2585.25 | Malinga LT         | Self                      | Farmer                   |
| Marula 26 | BulalimaMangwe | 1789.57 | Nleya GG           | Merex Property Sales      | Real estate agent        |
| Marula 27 | BulalimaMangwe | 1771.83 | Sibanda MrsE       | Dondolo/Mudonzvo C Scheme | Development worker       |
| Marula 28 | BulalimaMangwe | 2923.09 | Jamela KS          | Hillside Teachers college | Lecturer                 |

|             |                |         |                     |                           |                                 |
|-------------|----------------|---------|---------------------|---------------------------|---------------------------------|
| Marula 29   | BulalimaMangwe | 2840.60 | Ndhlovu Dr CD       | ZIPAM                     | Director General                |
| Marula 30   | BulalimaMangwe | 2033.62 | Sibanda P &Mrs<br>A | Zagrinda (Pvt) Ltd        | Managing Director               |
| Marula 31   | BulalimaMangwe | 1140.13 | Sibanda Dr Z        | Tobacco Research<br>Board | Nematologist                    |
| Marula 32   | BulalimaMangwe | 2279.95 | Dube FJ             | Min Education             | Education Officer               |
| Marula 33   | BulalimaMangwe | 2592.43 | Ncube G &Mrs<br>N   | Agritex                   | Extension Officer               |
| Marula 34   | BulalimaMangwe | 2235.23 | Ndhlovu DS          | Self                      | School Teacher Retired          |
| Marula 35   | BulalimaMangwe | 1866.02 | Malaba Justice L    | Min Justice               | High Court Judge                |
| Marula 36   | BulalimaMangwe | 2131.95 | Mpabanga E          | Agric Finance Corp        | Branch Manager                  |
| Marula 37   | BulalimaMangwe | 2034.83 | Moyo Hon SK         | Min Mines                 | Minister                        |
| Marula 38   | BulalimaMangwe | 2039.49 | Cheda Justice<br>MA | Min Justice               | High Court Judge                |
| Marula 39   | BulalimaMangwe | 1886.11 | Nkala D             | UNDP                      | Programme coordinator           |
| Marula 40   | BulalimaMangwe | 154.42  | Nyathi VRM          | President's Office        | Director                        |
| Marula 41   | BulalimaMangwe | 85.19   | Malusalila P        | Seed Co Ltd               | Business Development<br>Manager |
| Marula 42   | BulalimaMangwe | 107.95  | Moyo S              | ARDA                      | Estate manager                  |
| Marula 43   | BulalimaMangwe | 123.08  | Madlela AH          | Zimrail consultancy       | Consultant                      |
| Marula 44   | BulalimaMangwe | 141.42  | Tlou R              | ZFU                       | Agric extension officer         |
| Marula 45   | BulalimaMangwe | 117.93  | Dungeni B           |                           |                                 |
| Marula 46   | BulalimaMangwe | 137.55  | Ndhlovu G           |                           |                                 |
| Marula 47   | BulalimaMangwe | 139.21  | Jamela Z            |                           |                                 |
| Kezi 1      | BulalimaMangwe | 2569.20 |                     | UNDP                      | Ecologist                       |
| Nyamazura 1 | Mutare         | 259.57  | Chinamasa P &<br>M  | Gov't Zimbabwe            | Attorney General                |
| Nyamazura 2 | Mutare         | 221.25  | Mushowe C           | President's Office        | Principal Director              |
| Nyamazura 3 | Mutare         | 200.35  | Farmers Dev Trust   |                           |                                 |
| Nyamazura 4 | Mutare         | 199.57  | Pswarayi PM         | Self                      | Farmer                          |



|             |         |         |                |                        |                      |
|-------------|---------|---------|----------------|------------------------|----------------------|
| Nyamazura 5 | Mutare  | 183.97  | Muradzikwa HH  | ZIANA                  | Editor in Chief      |
| Nyamazura 6 | Mutare  | 166.12  | Dengu E&R      | Interim Technology     | Director             |
| Nyamazura 7 | Mutare  | 174.75  | Madondo SB     | Agritex                | Extension Officer    |
| Nyamazura 8 | Mutare  | 216.20  | Nyanbuya M     | Zim National Army      | General              |
| Sessombi 1  | Kwe Kwe | 1284.79 | Chiponzana V   | Min Education          | Teacher              |
| Sessombi 2  | Kwe Kwe | 1284.79 | Vacant         |                        |                      |
| Sessombi 3  | Kwe Kwe | 1292.75 | Sibanda MI     | Government of Zimbabwe | Director             |
| Sessombi 4  | Kwe Kwe | 1276.80 | Vacant         |                        |                      |
| Sessombi 5  | Kwe Kwe | 1290.79 | Vudzijena V    | Self                   | Businessman          |
| Sessombi 6  | Kwe Kwe | 1278.76 | Ncube S        | Agritex                | Research Technician  |
| Sessombi 7  | Kwe Kwe | 1284.78 | Runesu TN      | Agritex                | Extension Officer    |
| Sessombi 8  | Kwe Kwe | 1284.78 | Vacant         |                        |                      |
| Sessombi 9  | Kwe Kwe | 723.16  | Mhondiwa AO    | Triangle Ltd           | Farmer               |
| Sessombi 10 | Kwe Kwe | 723.16  | Chivurungwe RO | Chivurugwi Timbers     | Businessman          |
| Sessombi 11 | Kwe Kwe | 1123.27 | Njovana CA     | Self                   | Businessman          |
| Sessombi 12 | Kwe Kwe | 793.00  | Vacant         |                        |                      |
| Sessombi 13 | Kwe Kwe | 786.54  | Nyoni M        | Min Defence            | Farm Manager         |
| Sessombi 14 | Kwe Kwe | 1178.53 | Kwela P        | UZ                     | Lecturer             |
| Sessombi 15 | Kwe Kwe | 1234.04 | Mukurumbira L  | Min Agric              | Agronomist           |
| Sessombi 16 | Kwe Kwe | 1333.84 | Malumani JM    | UZ                     | Physics technician   |
| Sessombi 17 | Kwe Kwe | 1133.13 | Vacant         |                        |                      |
| Sessombi 18 | Kwe Kwe | 1222.82 | Makova WC      | Clama Interlinks       | Manager              |
| Sessombi 19 | Kwe Kwe | 1294.58 | Mabika H       | Agritex                | Farmer               |
| Sessombi 20 | Kwe Kwe | 1294.58 | Mandebvu FG    | Found Mutual Soc.      | Director General     |
| Sessombi 21 | Kwe Kwe | 1299.94 | Vacant         |                        |                      |
| Sessombi 22 | Kwe Kwe | 1296.12 | Zimuto RC      | Heifer Project Ins     | Project coordinator  |
| Sessombi 23 | Kwe Kwe | 1259.78 | Hikwa D & D    | Self                   | Medical practitioner |
| Sessombi 24 | Kwe Kwe | 1271.76 | Vacant         |                        |                      |

|             |          |         |                    |                              |                            |
|-------------|----------|---------|--------------------|------------------------------|----------------------------|
| Sessombi 25 | Kwe Kwe  | 1284.78 | Vacant             |                              |                            |
| Sessombi 26 | Kwe Kwe  | 1309.86 | Vacant             |                              |                            |
| Sessombi 27 | Kwe Kwe  | 1356.27 | Hove D & B         | ARDA                         | Section manager            |
| Sessombi 28 | Kwe Kwe  | 1355.30 | Dube               | Cold Storage Company         |                            |
| Sessombi 29 | Kwe Kwe  | 1269.05 | Mungani S          | Self                         |                            |
| Sessombi 30 | Kwe Kwe  | 1308.45 | Mudzingadzi C      | Agricura                     | Sales Rep                  |
| Sessombi 31 | Kwe Kwe  | 1313.57 | Vacant             |                              |                            |
| Sessombi 32 | Kwe Kwe  | 1252.41 | Vacant             |                              |                            |
| Sessombi 33 | Kwe Kwe  | 1233.62 | Vacant             |                              |                            |
| Sessombi 34 | Kwe Kwe  | 1299.90 | Muchineripi P      | Astra Holdings               | Training manager           |
| Sessombi 35 | Kwe Kwe  | 1432.35 | Vacant             |                              |                            |
| Sessombi 36 | Kwe Kwe  | 1363.62 | Mhlanga AT         | Min Agric                    | Principal Research Officer |
| Sessombi 37 | Kwe Kwe  | 1413.79 | Moyo P             | Min Agric                    | Veterinary surgeon         |
| Sessombi 38 | Kwe Kwe  | 1410.04 | Vacant             |                              |                            |
| Sessombi 39 | Kwe Kwe  | 1451.39 | Nhunhama G         | Min Local Gov't              | Hydrogeologist             |
| Sessombi 40 | Kwe Kwe  | 1456.43 | Maravanyika E      |                              |                            |
| Sikato 1    | Masvingo | 44.77   | Makuwe C           | CM Sheetmetal Works          | Businessman                |
| Sikato 2    | Masvingo | 28.55   | Mbanje RE          |                              |                            |
| Sikato 3    | Masvingo | 39.90   | Hungwe S           | ZFU                          | President                  |
| Sikato 4    | Masvingo | 44.00   | Machida C          | Agric Finance Corp           | Asst. Manager              |
| Sikato 5    | Masvingo | 38.86   | Dube D&C           | ARDA                         | Agricultural consultant    |
| Sikato 6    | Masvingo | 36.38   | Chigudu TE         | Ministry Home Affairs        | Permanent Secretary        |
| Sikato 7    | Masvingo | 34.04   | Mandengu C&M       | Capacity Building Foundation | Accountant                 |
| Sikato 8    | Masvingo | 20.36   | Teveraishe C       | NSSA                         | Asst. Gen Manager          |
| Sikato 9    | Masvingo | 21.03   | Mbetu KC           | Min Higher Education         | Lecturer                   |
| Sikato 10   | Masvingo | 40.85   | Charumbira Chief Z |                              | Chief                      |
| Sikato 11   | Masvingo | 23.57   | Mazvidza J         | Bondolfi Teachers College    | Lecturer                   |

|           |          |         |                    |                         |                        |
|-----------|----------|---------|--------------------|-------------------------|------------------------|
| Sikato 12 | Masvingo | 15.19   | Maposa B           | Agritex                 | Extension Officer      |
| Sikato 13 | Masvingo | 18.98   | Changamire M       | Contact Human Resources | Businessman            |
| Sikato 14 | Masvingo | 19.08   | Chuma C            | Christain Care          | Projects Officer       |
| Sikato 15 | Masvingo | 18.73   | Danda ET           | Agritex                 | Deputy Director        |
| Sikato 16 | Masvingo | 18.33   | Chisenga G&T       | Geopta                  | Engineer/Businesswoman |
| Sikato 17 | Masvingo | 19.23   | Chamboko T         | Min Agric               | Economist              |
| Sikato 18 | Masvingo | 17.60   | Hakutangwe M & Mrs | Agritex                 | Chief Training officer |
| Sikato 19 | Masvingo | 15.87   | Nyembwa W          | Min Industry & Commerce | Under Secretary        |
| Sikato 20 | Masvingo | 38.80   | Maswerakuenda E    | Ceres Farms             | Farm manager           |
| Sikato 21 | Masvingo | 15.13   | Maunganidze B      | President's Office      |                        |
| Sikato 22 | Masvingo | 27.15   | Munonyara AM       | Unifreight Ltd          | Company secretary      |
| Sikato 23 | Masvingo | 62.23   | Chipatiso DP       | Agritex                 | Extension Officer      |
| Sikato 24 | Masvingo | 50.56   | Munezvenyu P       | SIRDC                   | Deputy Director        |
| Sikato 25 | Masvingo | 42.53   | Chivonivoni CM     | National Railways       | Civil engineer         |
| Sikato 26 | Masvingo | 144.90  | Muti T             | Triangle Limited        | Agri economist         |
| Sikato 27 | Masvingo | 355.85  | Makore FB          | Min Education           | Executive Officer      |
| Sikato 28 | Masvingo | 253.59  | Chifamba IK        | Min Agric DRSS          | Branch Head            |
| Sikato 29 | Masvingo | 254.94  | Muliwanyuka P      | COMESA Secretariat      | Programme analyst      |
| Vungu 1   | Gweru    | 1777.85 | Reserved           |                         |                        |
| Vungu 2   | Gweru    | 1787.55 | Reserved           |                         |                        |
| Vungu 3   | Gweru    | 1785.72 | Reserved           |                         |                        |
| Vungu 4   | Gweru    | 1540.59 | Reserved           |                         |                        |
| Vungu 5   | Gweru    | 1199.36 | Reserved           |                         |                        |
| Vungu 6   | Gweru    | 1436.54 | Reserved           |                         |                        |
| Vungu 7   | Gweru    | 1634.34 | Reserved           |                         |                        |
| Vungu 8   | Gweru    | 1802.78 | Ndebele Hon C      | Parliament of           | Speaker                |

|                            |         |         |                    |                             |                      |
|----------------------------|---------|---------|--------------------|-----------------------------|----------------------|
|                            |         |         |                    | Zimbabwe                    |                      |
| Vungu 9                    | Gweru   | 1522.23 | Manyuchi Dr EP     | Self                        | Consultant           |
| Vungu 10                   | Gweru   | 1298.06 | Vengai BM          | Mbudaya Enterprises         | Managing Director    |
| Vungu 11                   | Gweru   | 1271.71 | Shoniwa S          | Dept Water                  | Water engineer       |
| Vungu 12                   | Gweru   | 1375.63 | Makadho Dr J       | Agritex                     | Director             |
| Vungu 13                   | Gweru   | 1256.61 | Gatora Eng P       |                             | Engineer             |
| Vungu 14                   | Gweru   | 1229.35 | Madziyire Dr M     | Min. Agric                  | Veterinarian         |
| Vungu 15                   | Gweru   | 1272.54 | Gova E & Mrs       | Agritex                     | Agronomist           |
| Vungu 16                   | Gweru   | 1300.17 | Simango FB         | Self                        | Businessman          |
| Vungu 17                   | Gweru   | 1405.57 | Marongwe D         | Min Mines                   | Assistant Secretary  |
| Vungu 18                   | Gweru   | 1333.11 | Mushoriwa ET       | Self                        | Businessman          |
| Vungu 19                   | Gweru   | 1394.31 | Makoni IJ          | Self                        | Miller               |
| Vungu 20                   | Gweru   | 1350.32 | Mwamuka Dr J       | Min Agric                   | Veterinarian         |
| Vungu 21                   | Gweru   | 1173.69 | Nyamambi BD        | ARDA                        | Estate Manager       |
| Vungu 22                   | Gweru   | 1621.07 | Magoche Dr EB      | Self                        | Medical practitioner |
| Vungu 23                   | Gweru   | 1099.76 | Ncube Prof W       | UZ                          | Professor of Law     |
| Vungu 24                   | Gweru   | 2126.22 | Mtindi JT          | Self                        | Businessman          |
| Vungu 25                   | Gweru   | 2154.44 | Muwandi DT         | Self                        | Farmer               |
| Vungu 26                   | Gweru   | 1071.91 | Moyo D             | Min Education               | Educationist         |
| Vungu 27                   | Gweru   | 1424.15 | Vunge M            | Dairy Development Programme | Extension Officer    |
| Vungu 28                   | Gweru   | 1672.42 | Mguni Dr J         | Min Agric                   | Research officer     |
| Umkondo Mining Reserve     | Bikita  | 6625    | Pabst Holdings P/L | Company                     |                      |
| Kerry of Butliegh          | Bindura | 730     | Danda Artwell      | Farmer                      |                      |
| Lot A of R/E Shashe Estate | Bindura | 1200    | Gezi Border        | Provincial Governor         |                      |
| Melfort Extension          | Bindura | 107     | Matanga G T        | Civil Servant               |                      |
| R/E of Audrey Farm         | Bindura | 2836    | Shiri Perence      | Civil Servant               |                      |

|                          |               |       |                        |                      |
|--------------------------|---------------|-------|------------------------|----------------------|
| Stella Outspan           | Bindura       | 28    | Chivizhe Raymond       |                      |
| Three Streams Extension  | B'lima Mangwe | 350   | Rosenfels Sigmund J    | Farmer               |
| Ingwezi Outsapn          | B'lima Mangwe | 199   | Mangena Enock G        | Farmer               |
| Luchabi Outsapn          | B'lima Mangwe | 1829  | Ndlovu Richard M       | Member of Parliament |
| Mtunduluka Township      | B'lima Mangwe | 169   | Nondo Pius Jack        | Civil Servant        |
| Ballonack/Sargents Farm  | B'Lima-Mangwe | 80    | Ngwazane Ignatious     | Civil Servant        |
| Killegar                 | Bubi          | 1088  | Mabhena Welshman       | Govern Mat North     |
| Stand D Lonely Mines S/L | Bubi          | 4     | Abrahamson Mrs L       | Self employed        |
| Great Dyke R/E           | Centenary     | 14171 | Centenary road council | Local Authority      |
| R/E of Mooldart          | Charter       | 676   | Munyai Waston          | Civil Servant        |
| Delcia A Mining Reserve  | Chegutu       | 471   | Nyamutambo Vashiko     | Farmer               |
| Delcia B Mining Reserve  | Chegutu       | 463   | Mundingi Misheck       | Farmer               |
| Delcia C Mining Reserve  | Chegutu       | 576   | Mundiya N T            | Farmer               |
| Evanston/Kintra Unit 1   | Chegutu       | 658   | Chitava Patricia W     | Civil Servant        |
| Evanston/Kintra Unit 2   | Chegutu       | 520   | Chikuni Farayi         | Farmer               |
| Evanston/Kintra Unit 3   | Chegutu       | 643   | Tembo Solomon          | ZIMRE                |
| Evanston/Kintra Unit 4   | Chegutu       | 863   | Mhaka Isaac            | Civil Servant        |

|                               |             |       |                      |                  |
|-------------------------------|-------------|-------|----------------------|------------------|
| R/E of Bougainvillea          | Chegutu     | 650   | Mandizvidza Ent P/L  | Cabinet Minister |
| R/E of Marlow                 | Chegutu     | 512   | Hativagone Audrey    | Self employed    |
| S/D A of Lot 1 of Mopani      | Chegutu     | 136   | Ndanga Oswald T      | Consultant       |
| S/D B of Lot 1 of Mopani      | Chegutu     | 187   | Chirenje William M   | Self employed    |
| S/D C of Lot 1 of Mopani      | Chegutu     | 175   | Vhurumuku Douglas    | Farmer           |
| S/D D of Lot 1 of Mopani      | Chegutu     | 245   | Gahamadze Devoy      | Businessman      |
| Sable & R/E Bushy Park        | Chegutu     | 1542  | Gwasira Shepherd     | Civil Servant    |
| Shepherd Reef S/L             | Chegutu     | 665   | Moyo Esau            | Civil Servant    |
| Suri Suri Dam Site 10         | Chegutu     | 7     | Lions of Umfuli      | Club             |
| Turkoise State Land           | Chegutu     | 1974  | Nhari N              | Farmer           |
| Springbok and Wilderness      | Chilimanzi  | 180   | Muzvidzwa Davet      | Farmer           |
| Outward Bound Mountain School | Chimanimani | 40    | O B A Zimbabwe       | Association      |
| Rupisi Hot Springs/Lot 4&5    | Chipinge    | 353   | Gata Sydney Z        | Consultant       |
| Faversham Annexe              | Chiredzi    | 1352  | Maluleke Titus       | Businessman      |
| Magudu Ranch                  | Chiredzi    | 10701 | Cold Storage Comm    | Parastatal       |
| S/D 01 of Lot 6 Essanby       | Chiredzi    | 67    | Takavarasha Gillmore | Farmer           |
| S/D 02 of Lot 6 Essanby       | Chiredzi    | 48    | Makuni Linda         | Civil Servant    |

|                            |           |     |                        |                        |  |
|----------------------------|-----------|-----|------------------------|------------------------|--|
| S/D 03 of Lot 6<br>Essanby | Chiredzi  | 47  | Chitambo<br>Bekkie L   | Farmer                 |  |
| S/D 04 of Lot 6<br>Essanby | Chiredzi  | 61  | Tamirepi Elisha        | Cargil Zimbabwe        |  |
| S/D 05 of Lot 6<br>Essanby | Chiredzi  | 66  | Gwenzi Moses           | Farmer                 |  |
| S/D 06 of Lot 6<br>Essanby | Chiredzi  | 76  | Chipanga T S           | Civil Servant          |  |
| S/D 07 of Lot 6<br>Essanby | Chiredzi  | 81  | Chauke Eliot M         | Member of Parliament   |  |
| S/D 08 of Lot 6<br>Essanby | Chiredzi  | 66  | Matuke<br>Lovemore     | Sando suppliers        |  |
| S/D 09 of Lot 6<br>Essanby | Chiredzi  | 56  | Chivizhe Jospheh       | Civil Servant          |  |
| S/D 10 of Lot 6<br>Essanby | Chiredzi  | 101 | Gava David             | Farmer                 |  |
| S/D 11 of Lot 6<br>Essanby | Chiredzi  | 66  | Chigumira<br>Ancikaria | Dietician/Nutritionist |  |
| S/D 12 of Lot 6<br>Essanby | Chiredzi  | 83  | Koti Alexio            | Mukwasine Estates      |  |
| S/D 13 of Lot 6<br>Essanby | Chiredzi  | 113 | Jarimani Mike          | Farmer                 |  |
| S/D 14 of Lot 6<br>Essanby | Chiredzi  | 114 | Mhungu Richard<br>B    | Mukwasine Estates      |  |
| S/D 15 of Lot 6<br>Essanby | Chiredzi  | 91  | Musanhu Aube           | Civil Servant          |  |
| S/D 16 of Lot 6<br>Essanby | Chiredzi  | 67  | Hlambela<br>Azekiel    | Self employed          |  |
| S/D 17 of Lot 6<br>Essanby | Chiredzi  | 214 | Mhlanga Liberty        | Parastatal             |  |
| Msitwe Outspan             | Goromonzi | 154 | Madzima<br>Welbourne N | Civil Servant          |  |

|                              |        |       |                         |                      |  |
|------------------------------|--------|-------|-------------------------|----------------------|--|
| Umtshabezi<br>Outspan        | Gwanda | 152   | Dr. JJ Gugar            | Medical Doctor       |  |
| Plot 11 Gweru<br>West Block  | Gweru  | 12    | Maturure Cain L         | Civil Servant        |  |
| Plot 15 Gweru<br>West Block  | Gweru  | 17    | Dube<br>Mberengwa       | Farmer               |  |
| Plot 16 Gweru<br>West Block  | Gweru  | 17    | Waldman<br>Alexander    | Farmer               |  |
| Plot 21 Gweru<br>West Block  | Gweru  | 26    | Chimwaza<br>George      | Parastatal           |  |
| Plot 22 Gweru<br>West Block  | Gweru  | 20    | Morgan Maria L          | Self employed        |  |
| Plot 23 Gweru<br>West Block  | Gweru  | 20    | Moyo Abraham<br>T       | Philips electrical   |  |
| West Gweru Block<br>4        | Gweru  | 200   | Vacant                  |                      |  |
| Imbwa                        | Harare | 1444  | Machipisa<br>Philemon   | Farmer               |  |
| R/E of Sikumi                | Hwange | 2908  | Hotel Properties        | Company              |  |
| Railway Farm 52<br>Extension | Hwange | 2214  | Pride of Zim<br>Safaris | Company              |  |
| State Land V                 | Hwange | 15066 | Hwange Rural<br>Council | Local Authority      |  |
| State Land F<br>Hwange       | Hwange | 3400  | Mhlanga<br>Geofrey S    | Consultant           |  |
| State Land C                 | Hwange | 10500 | Musariri Tobius         | Businessman          |  |
| Ptn Westondale<br>S/L        | Insiza | 95    | Siyabonga<br>Orphanage  | Welfare organisation |  |
| Bannerlands<br>Extension     | Kadoma | 560   | Kujinga<br>Kumbirayi    | Farmer               |  |
| Belfast Estate Lot<br>1      | Kadoma | 638   | Chimanikire<br>Titus    | Farmer               |  |



|                            |        |      |                       |                        |  |
|----------------------------|--------|------|-----------------------|------------------------|--|
| Belfast Estate Lot 2       | Kadoma | 614  | Majongwe Peter        | Consultant             |  |
| Belfast Estate Lot 3       | Kadoma | 611  | Chiuswa Damiano       | University of Zimbabwe |  |
| Belfast Estate Lot 4       | Kadoma | 617  | Mupupuni Tennyson     | Farmer                 |  |
| Belfast Estate Lot A       | Kadoma | 1607 | Vambe Crispen         | Farm manager           |  |
| Belfast Estate Lot B       | Kadoma | 1593 | Nemaunga Matyekupinda | Self employed          |  |
| Farm 1 of Dunroming Estate | Kadoma | 617  | Bhami Timothy         | Farmer                 |  |
| Farm 2 of Dunroming Estate | Kadoma | 625  | Mutsambiwa Sydney     | Anglo American         |  |
| Farm 3 of Dunroming Estate | Kadoma | 666  | Badze Tautaira        | City of Harare         |  |
| Farm 4 of Dunroming Estate | Kadoma | 873  | Marovatsanga Kidwell  | Self employed          |  |
| Farm 5 of Dunroming Estate | Kadoma | 794  | Moyo John             | Farmer                 |  |
| Farm 6 of Dunroming Estate | Kadoma | 853  | Ngoshi Ingnatious     | Businessman            |  |
| Farm 1 of Dunsinaan Ranch  | Kadoma | 1714 | Mugwambi Peter        | Businessman            |  |
| Farm 2 of Dunsinaan Ranch  | Kadoma | 1700 | Ngwenya Enock         | Farmer                 |  |
| Farm 3 of Dunsinaan Ranch  | Kadoma | 1770 | Mlilo George          | City of Bulawayo       |  |
| Farm 4 of Dunsinaan Ranch  | Kadoma | 1770 | Chinoda Collins       | Farmer                 |  |
| Glenorchy Mining Reserve   | Kadoma | 256  | Jachara M             | Farmer                 |  |

|                            |           |      |                      |                    |
|----------------------------|-----------|------|----------------------|--------------------|
| Ordoff Extension           | Kadoma    | 38   | Chihuri Maxwell      | Civil Servant      |
| Ordoff Extension           | Kadoma    | 264  | Kujinga Kumbirai     | Farmer             |
| Pnt of Golden Valley       | Kadoma    | 20   | Kadoma Rural council | Local Authority    |
| Suri Suri Dam Site 10      | Kadoma    | 7    | Rotary Club          | Club               |
| Trafalgar                  | Kadoma    | 171  | Monica Fraser        | Farmer             |
| Collynie Extension         | Kwe Kwe   | 325  | Whabira Job          | Civil Servant      |
| Pnt of Cactuspoort Dam S/L | Kwe Kwe   | 9    | Lions Club Redcliff  | Club               |
| Wareberry Outspan          | Lalapanzi | 31   | Midzi Robert         | Farmer             |
| Angwa South Unit 1         | Lomagundi | 6370 | Chimusimbe Pension   | Safari Operators   |
| Angwa South Unit 2         | Lomagundi | 4767 | Gurumani Herekiya D  | ZFC                |
| Angwa South Unit 3         | Lomagundi | 8625 | Makwanya Henry       | Farmer             |
| Angwa South Unit 6         | Lomagundi | 7420 | Mombeshora A         | Russ Broom safaris |
| Chinhoyi Aerodome S/L      | Lomagundi | 1259 | Makore A T           | Self employed      |
| Conway/Conway Extension    | Lomagundi | 1717 | Nyamubaya Freedom    | NGO                |
| Crescent Park Extension    | Lomagundi | 781  | Chivende Mudhomeni   | Farmer             |
| Foret Extension            | Lomagundi | 949  | Gasela Renson M      | Self employed      |
| Foret Extension 2          | Lomagundi | 1397 | Mutongwizo Swinfen   | City of Harare     |
| Gravelotte                 | Lomagundi | 4610 | Maroveke             | Farmer             |

|                         |           |         |                        |                          |  |
|-------------------------|-----------|---------|------------------------|--------------------------|--|
| Extension               |           |         | Norman                 |                          |  |
| Innesfree Extension 2   | Lomagundi | 4967    | Mutasa R N             | Civil Servant            |  |
| Innesfree Extension 3   | Lomagundi | 3157    | Taiga Alois            | Civil Servant            |  |
| Innesfree Farm          | Lomagundi | 1738    | Jangano Frankheart     | University of Zimbabwe   |  |
| Kanenje                 | Lomagundi | 4594.98 | Chimanga F T           | Self employed            |  |
| Kanyanga Extension 1    | Lomagundi | 4620    | Vacant                 |                          |  |
| Kanyanga Extension 2    | Lomagundi | 94      | Bibi Tadios            |                          |  |
| Nthabeni Farm           | Lomagundi | 2023    | Gombe P                | UDC                      |  |
| Pnt Chinhoyi Caves S/L  | Lomagundi | 150     | Alaska Dolomite (Pvt)  | Company                  |  |
| Ridziwi                 | Lomagundi | 3350    | Utete Charlse          | Civil Servant            |  |
| Sadoma Extension        | Lomagundi | 2741    | Maguvaza Clemence      | Farmer                   |  |
| Shambi Ranch Extension  | Lomagundi | 2896    | Muzofa James           | Municipality of Chinhoyi |  |
| Wilderness              | Lomagundi | 2895    | Fairford Transport P/L | Company                  |  |
| Volunteer 47            | Lupane    | 851     | Moyo B D               | Businessman              |  |
| Conway Extension 2      | Makonde   | 1365    | Charasika Misheck M    | Self employed            |  |
| Lazy River State Land   | Makonde   | 261     | CREDO                  | Welfare organisation     |  |
| Inyati Outspan          | Marondera | 89      | Inyati Agro Dev co     | Company                  |  |
| Lot 2 of Parongwe O/Pan | Marondera | 115     | Mudziva Jokonia        | Farmer                   |  |
| Wenimbe Outspan         | Marondera | 8       | Marondera Road         | Local Authority          |  |

|                                |           |      |                        |                 |  |
|--------------------------------|-----------|------|------------------------|-----------------|--|
|                                |           |      | Council                |                 |  |
| Glendow Farm                   | Masvingo  | 1537 | Cold Storage<br>Comm   | Parastatal      |  |
| Robin Hood and<br>Revuli Farms | Masvingo  | 1094 | Magwisi<br>Saunders    | Farmer          |  |
| Thankerton<br>Quarantine       | Masvingo  | 1285 | Khan NA                | Farmer          |  |
| Khami &<br>Mabogutwane O/P     | Matobo    | 561  | Ndimande<br>Bonface N  | Farmer          |  |
| Medows Estate                  | Mazowe    | 1142 | Gwata Tizirai          | Medical Doctor  |  |
| Martin Forest Area             | Melsetter | 40   | Outward Bound<br>Ass   | Association     |  |
| Mzuri                          | Mutare    | 205  | Mahachi Charles        | Farmer          |  |
| Plot 01 Block A<br>Rathmines   | Mutoko    | 12   | Muzunze Xavier         | Farmer          |  |
| Plot 02 Block A<br>Rathmines   | Mutoko    | 15   | Mangwende<br>Alois T   | Deputy Minister |  |
| Plot 03 Block A<br>Rathmines   | Mutoko    | 11   | Kanomanyanga<br>A T    | Farmer          |  |
| Plot 04 Block A<br>Rathmines   | Mutoko    | 8    | Katsunde<br>Richard    | Businessman     |  |
| Plot 05 Block A<br>Rathmines   | Mutoko    | 11   | Murwisi John<br>Chitsa | Farmer          |  |
| Plot 06 Block A<br>Rathmines   | Mutoko    | 16   | Mvundura<br>Washington | Farmer          |  |
| Plot 07 Block A<br>Rathmines   | Mutoko    | 14   | Baureni Annah          | Self employed   |  |
| Plot 08 Block A<br>Rathmines   | Mutoko    | 14   | Mwenye Albert          | Self employed   |  |
| Plot 09 Block A<br>Rathmines   | Mutoko    | 11   | Chikowe Jonah          | Farmer          |  |
| Plot 10 Block A                | Mutoko    | 10   | Katsande Peter         | Businessman     |  |

|                              |             |      |                            |                      |
|------------------------------|-------------|------|----------------------------|----------------------|
| Rathmines                    |             |      |                            |                      |
| Plot 11 Block A<br>Rathmines | Mutoko      | 10   | Chibanda<br>Chipameso      | Farmer               |
| Plot 12 Block A<br>Rathmines | Mutoko      | 11   | Muchemwa<br>Dzingai        | Farmer               |
| Plot 13 Block A<br>Rathmines | Mutoko      | 43   | Chibanda<br>Benjamin       | Self employed        |
| Plot 14 Block A<br>Rathmines | Mutoko      | 14   | Chinomona<br>Mabel M       | Deputy Minister      |
| Rathmines Farm<br>(portion)  | Mutoko      | 164  | Mutoko<br>Horticulture Ass | Association          |
| Nuanetsi S/L D               | Mwenezi     | 180  | Charumbira<br>Farai M      | Civil Servant        |
| Auchenbery of<br>Rochester   | Nyamandlovu | 1026 | Mpofu Obert                | Deputy Minister      |
| Bongolo &<br>Caithness       | Nyamandlovu | 1755 | ZIMFEP                     | Welfare organisation |
| Mzohluzo                     | Nyamandlovu | 1031 | Mphoko P                   | Civil Servant        |
| R/E of Ibana                 | Nyamandlovu | 449  | Sibanda Charity            |                      |
| Dillon                       | Shamva      | 1625 | Mavindidze<br>Sylvester    | Farmer               |
| Lot 1 of Chipoli             | Shamva      | 714  | Chiwewe<br>Willard A       | Civil Servant        |
| S/D 1 of Caledon             | Shamva      | 132  | Kwainona<br>Martin         | Police Officer       |
| S/D 2 of Caledon             | Shamva      | 175  | Mavhudzi<br>Cuthbert       | Farmer               |
| S/D 3 of Caledon             | Shamva      | 302  | Manyika Elliot T           | Ambassador           |
| Inkari of<br>Bakwekop        | Sipolilo    | 695  | Machirori Ngoni<br>M       | Farmer               |
| Mapetu Extension<br>2&3      | Sipolilo    | 248  | Chokwenda C M              | Farmer               |

|                            |         |      |                    |                |  |
|----------------------------|---------|------|--------------------|----------------|--|
| Garowa Extension           | Urungwe | 943  | Nenguke Edmond     | Self employed  |  |
| Kure Kure Ext              | Urungwe | 929  | Saungweme Nancy    | Businesswoman  |  |
| Meidon Extension 2         | Urungwe | 925  | Mapupu Stephen V   | Retrofit       |  |
| Tengwe 107 Extension       | Urungwe | 106  | Takura Wilson      | Farmer         |  |
| Tengwe 37 Extension        | Urungwe | 1246 | Sungwi Safaris     | Company        |  |
| Tengwe 52 Extension of 129 | Urungwe | 368  | Ngwena E           | Farmer         |  |
| Tengwe 68 Extension        | Urungwe | 2186 | Moyo Collin        | Civil Servant  |  |
| Tengwe 69 Extension        | Urungwe | 2133 | Chakabva X         | Civil Servant  |  |
| Tengwe 76 Extension        | Urungwe | 2156 | Sungwi Safaris     | Company        |  |
| Tengwe 89 Extension        | Urungwe | 2178 | Matangi T          | Civil Servant  |  |
| Tengwe 91 Extension        | Urungwe | 2236 | Beremauro Stuart V | City of Harare |  |
| Tengwe 92 Extension        | Urungwe | 2052 | Zhanje ASC         | Civil Servant  |  |
| Tengwe 93 Extension        | Urungwe | 928  | Chikwenhere I      | Civil Servant  |  |
| Utopia Farm                | Urungwe | 773  | Magadzire P/L      | Now Late       |  |
| Zinyewe Extension 1        | Urungwe | 593  | Risinamhodzi Hosea | Farmer         |  |
| Zinyewe Extension 2        | Urungwe | 914  | Rusere Boswell     | Journalist     |  |
| Pnt S/L D Doma             | Vacant  | 9595 | Vacant             |                |  |

|                           |        |      |                       |                      |
|---------------------------|--------|------|-----------------------|----------------------|
| Deka State Land           | Wankie | 7349 | Mvundura John<br>C    | Businessman          |
| Oliphant Ranch<br>Outspan | Wankie | 220  | Sibanda C             | Member of Parliament |
| Option Area               | Wankie | 4300 | Mayihlome             | Civil Servant        |
| Ptn Kamativi S/L          | Wankie | 1918 | Mat Dev<br>Foundation | Welfare organisation |
| Makadho Outspan           |        | 272  | Ncube Aaron Maboyi    |                      |

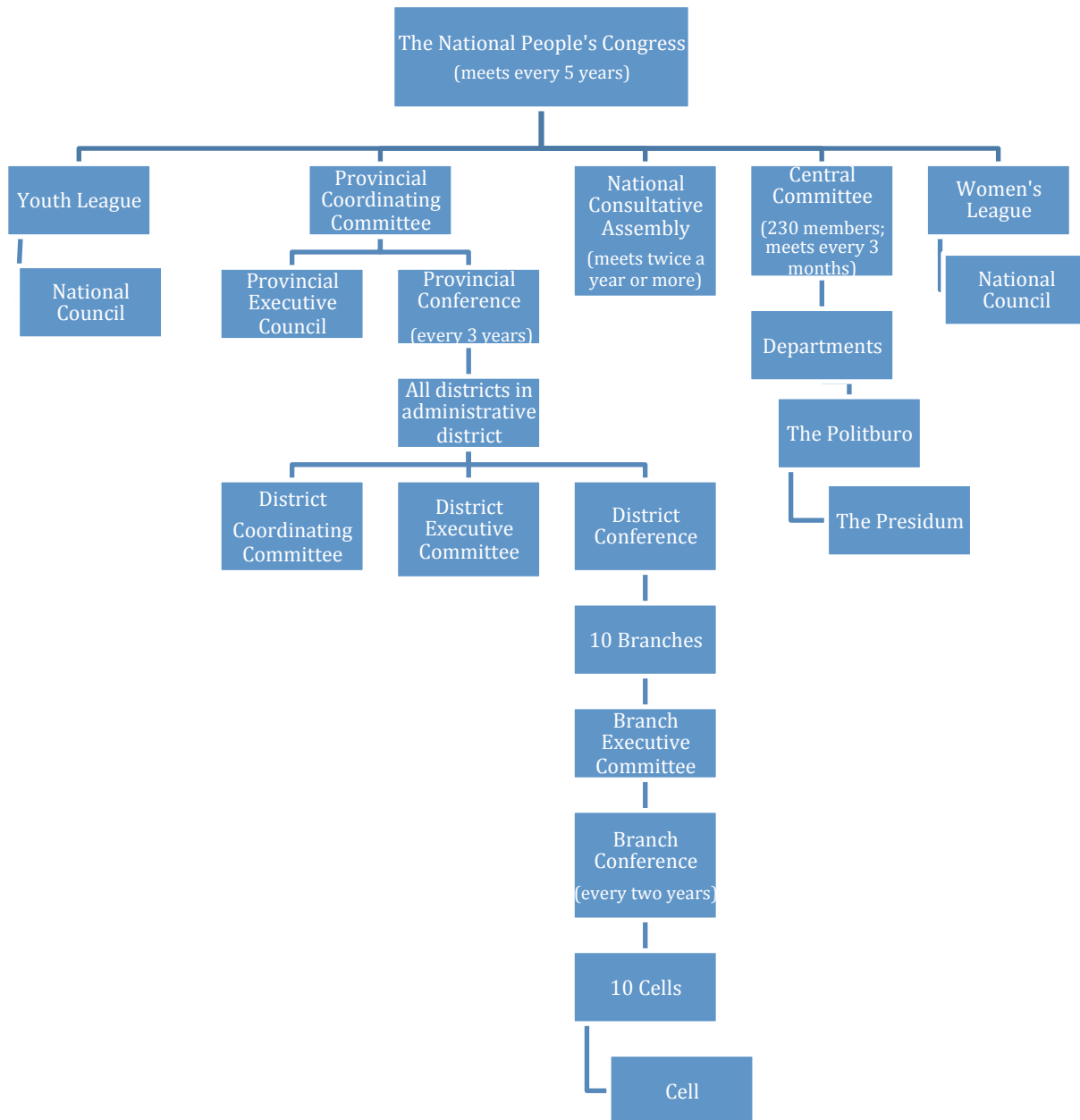
**Annex B: Fast Track Land Reform Institutional Framework**

| <b>Institution</b>   | <b>Composition</b>   | <b>Responsibility</b>  |
|--|--|--|
| Cabinet Committee in Resettlement and Rural Development (CCRRD)            | 11 ministries: Lands, Agriculture and Rural Resettlement; Local Government, Public Works and National Housing; Rural Resources and Water Development; Finance and Economic Development; Environment and Tourism; Youth Development, Gender, and Employment Creation; Mines and Energy; Foreign Affairs; Transport and Communication; Health and Child Welfare; and Information and Publicity | Formulation of land reform policy and co-ordination of rural resettlement and development  |
| Inter-ministerial Committee on Resettlement and Rural Development (IMCRRD) | All ministries in the CRD and chaired by the director in the office of the vice president  | Programme policy appraisal; recommend policy; plan implementation; monitor and evaluate implementation   |
| National Land Acquisition Committee (NLAC)                                 | Ministries of Lands, Agriculture and Rural Resettlement; Local Government, Public Works and National Housing; Rural Resources and Water Development; Environment and Tourism and chaired by the vice president's office  | Land identification for compulsory acquisition; structures were devised at the provincial level (chaired by the provincial governor) and district level (chaired by district administrators) |
| Land Task Force of Ministers   | Sub-committee of the NLAC. Chaired by the Minister of Local Government, Public Works and National Housing  | Co-ordinate activities; speed land delivery; accumulate resources for activities; speed settler emplacement  |
| National and Provincial Command Centres Committee                          | Chaired by the Secretary of Local Government, Public Works and National Housing; security ministers; Minister of Transport and Telecommunication; Information and Publicity; Justice, Legal and Parliamentary Affairs; Department of War Veterans Affairs  | Information gathering and dissemination  |
| National Economic Consultative Forum                                       |  | Links government and the private sector  |

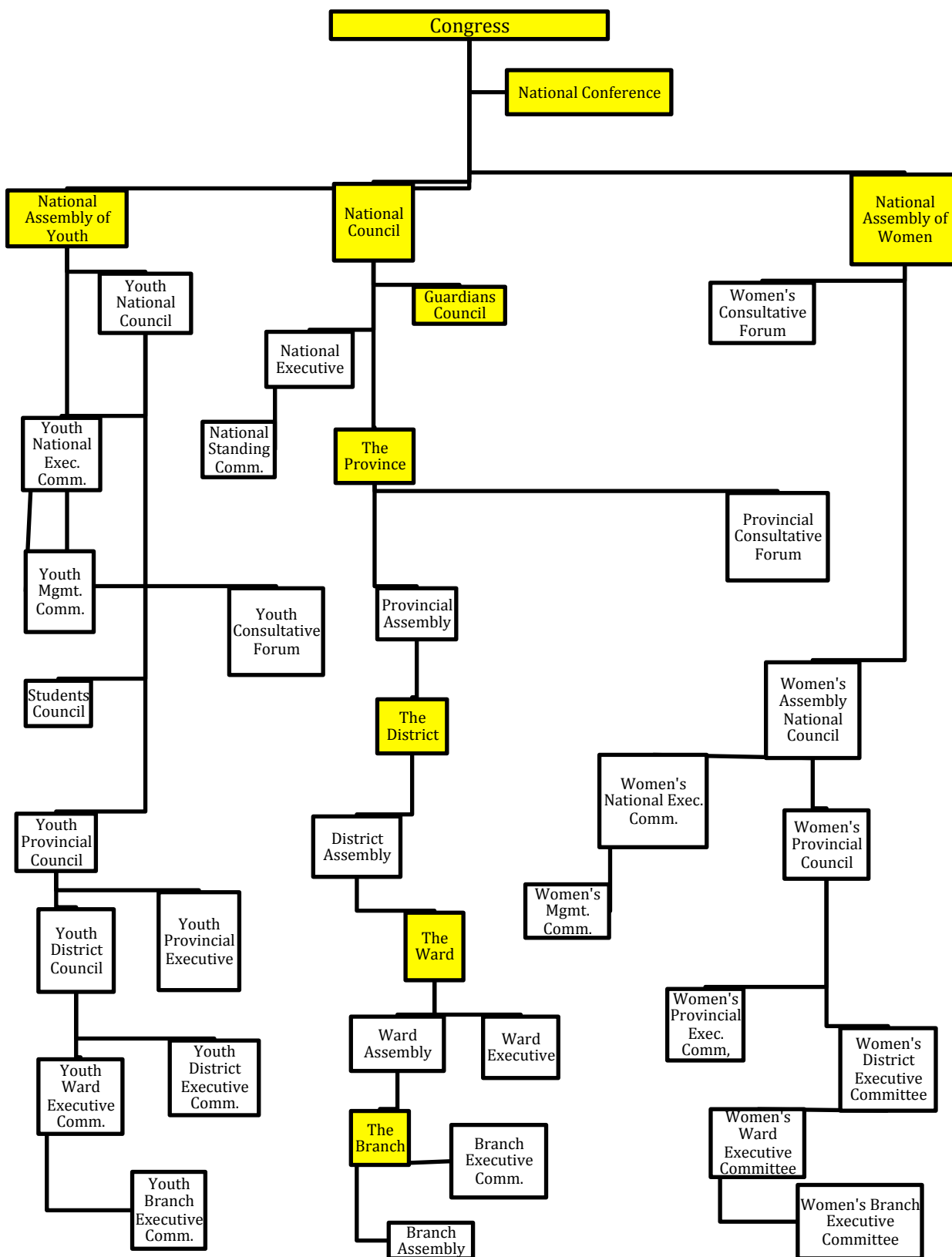
**Source: Masiwa (2004, p. 19)**



### Annex C: ZANU(PF) Organogram as of March 2013



**Annex D: MDC-T Organogram as of March 2013**



## **Annex E: Strategic Informant Questionnaire**

### ***For All Participants***

#### **Human Needs**

- 1) How would you define human needs?
- 2) What is your own understanding of human needs?
- 3) Are certain needs more important than others? If so, which?
- 4) How do you think land will be able/not able to satisfy the needs of people?

#### **Citizenship**

- 1) Who do you consider a Zimbabwean citizen?
- 2) Who do you not consider a Zimbabwean citizen?
- 3) What are the benefits of citizenship in regards to land?
- 4) Are citizens able to freely (without government interference) able to influence the government in Zimbabwe? How or why not?
- 5) As a political leader, what expectations do you have of your constituents? Of Zimbabweans?

#### **Representation and Legitimacy**

- 1) What do political leaders see as important factors for representation of the people?
- 2) How do you, define or explain the basis of representation in Zimbabwe? Is it based on interests, political affiliation, identity, a mixture or something else?
- 3) What are you able to do as a political representative?
- 4) How do you make contact with your constituents?
- 5) How are you able to know what their concerns are?
- 6) Do you think a representative needs to have shared experiences with his or her constituents in order to be effective?
- 7) What do your constituents expect from you in your leadership position?

## **Land**

- 1) How have land policies historically affected Zimbabweans?
- 2) Was there any division within ZANU(PF)/MDC-T/MDC regarding land policy? Any division regarding Article V of the GPA?
- 3) What types of connections did ZANU(PF)/opposition parties have with land organizations before 2000? After 2000 to present? In your opinion, how has this changed?
- 4) What are the major obstacles in (1) forming land policies and (2) implementing policies and reform?
- 5) Which of these land reform initiatives would you deem successful and unsuccessful? Why?
- 6) Who are the stakeholders on land policy?
- 7) What organizations, bodies, or individuals have influenced land policy since independence? How has this changed?
- 8) What were, if any, points of difference between ZAPU and ZANU(PF) following independence regarding land policy?
- 9) In your opinion, what is needed in order to make land reform sustainable in Zimbabwe?
- 10) What are, if any, points of difference between ZANU(PF) and the MDC factions regarding land policy?

## ***Civil Society***

- 1) **What are the roles and functions of Zimbabwean civil society in land policy?**
  - a. What are the roles of Zimbabwean civil society in land reform and redistribution? (Probe for specific activities)
  - b. How does political settlement in 2008 influence Zimbabwean civil society's role in land policy?
  - c. How does civil society influence the government's role in land policy?
- 2) **What are the factors that enhance Zimbabwean civil society engagement in land policy?**
  - a. What are some of the success stories or strengths that have characterized Zimbabwean civil society engagement in land policy?
  - b. What are the reasons behind these successes? (Also probe for context i.e. conflict settlement)

c. Are there other groups that are important in land reform and redistribution other than the civil society groups you have mentioned (alternatives to civil society?)

**3) What are the factors that hinder Zimbabwean civil society engagement in land reform and redistribution?**

a. What are some of the failures or weaknesses that have characterized civil society's engagement in land policy?

b. What are the reasons behind these failures or weaknesses?

c. What specific activities do you think civil society engaged in land reform and redistribution should carry out?

d. How can civil society's capacity to engage be enhanced? (Possibly distinguish between national government and grassroots participation)

**4) What are your expectations of political leaders in Zimbabwe?**

**5) What are your expectations of your constituents?**

**6) Do you have any other comments or questions?**

**Autonomy**

1) How do you define autonomy?

2) Do you consider your organization autonomous from the state? Why or why not?

3) What functions do you perform that the government does not? And in regards to land policy?

**Annex F: Strategic Informant Table**

| <b>Strategic Informants</b>      | <b>Number</b> |
|----------------------------------|---------------|
| ZANU(PF) party official          | 1             |
| MDC-T party official             | 5             |
| COPAC drafter                    | 1             |
| NGO                              | 23            |
| Parliamentary researcher         | 1             |
| University of Zimbabwe professor | 1             |

| <b>Focus Groups</b> | <b>Location</b>                      |
|---------------------|--------------------------------------|
| MDC councillors     | Bulawayo, Gweru, Mutare              |
| MDC-T councillors   | Chitungwiza, Bulawayo, Gweru, Mutare |

## **Annex G: Global Political Agreement**

### ***Agreement between the Zimbabwe African National Union-Patriotic Front (ZANU(PF)) and the two Movement for Democratic Change (MDC) formations, on resolving the challenges facing Zimbabwe***

Preamble

We, the Parties to this Agreement;

CONCERNED about the recent challenges that we have faced as a country and the multiple threats to the wellbeing of our people and, therefore, determined to resolve these permanently.

CONSIDERING our shared determination to uphold, defend and sustain Zimbabwe's sovereignty, independence, territorial integrity and national unity, as a respected member of the international community, a nation where all citizens respect and, therefore, enjoy equal protection of the law and have equal opportunity to compete and prosper in all spheres of life.

ACKNOWLEDGING the sacrifices made by thousands of Zimbabwe's gallant sons and daughters in the fight against colonialism and racial discrimination and determined to accept, cherish and recognise the significance of the Liberation Struggle as the foundation of our sovereign independence, freedoms and human rights.

DEDICATING ourselves to putting an end to the polarisation, divisions, conflict and intolerance that has characterised Zimbabwean politics and society in recent times.  
COMMITTING ourselves to putting our people and our country first by arresting the fall in living standards and reversing the decline of our economy.

EMPHASISING our shared commitment to re-orient our attitudes towards respect for the Constitution and all national laws, the rule of law, observance of Zimbabwe's national institutions, symbols and national events.

RESPECTING the rights of all Zimbabweans regardless of political affiliation to benefit from and participate in all national programmes and events freely without let or hindrance.

RECOGNISING, accepting and acknowledging that the values of justice, fairness, openness, tolerance, equality, non-discrimination and respect of all persons without regard to race, class, gender, ethnicity, language, religion, political opinion, place of origin or birth are the bedrock of our democracy and good governance.

DETERMINED to build a society free of violence, fear, intimidation, hatred, patronage, corruption and founded on justice, fairness, openness, transparency, dignity and equality.

RECOGNISING and accepting that the Land Question has been at the core of the contestation in Zimbabwe and acknowledging the centrality of issues relating to the rule of law, respect for human rights, democracy and governance.

COMMITTED to act in a manner that demonstrates loyalty to Zimbabwe, patriotism and commitment to Zimbabwe's national purpose, core values, interests and aspirations.

DETERMINED to act in a manner that demonstrates respect for the democratic values of justice, fairness, openness, tolerance, equality, respect of all persons and human rights.

SUBMITTING ourselves to the mandate of the Extraordinary Summit of the Southern African Development Community (SADC) held in Dar-es-Salaam, United Republic of Tanzania, on 29th March 2007 and endorsed in Lusaka on 12th April 2008 and in the African Union Summit held in Sharm El-Sheikh, Egypt from 30th June to 1 July 2008.

RECOGNISING the centrality and importance of African institutions in dealing with African problems, we agreed to seek solutions to our differences, challenges and problems through dialogue.

ACKNOWLEDGING that pursuant to the Dar-es-Salaam SADC resolution, the Parties negotiated and agreed on a draft Constitution, initialled by the Parties on 30 September 2007, and further agreed and co-sponsored the enactment of the Constitution of Zimbabwe Amendment Number 18 Act, amendments to the Electoral Act, the Zimbabwe Electoral Commission Act, Public Order and Security Act, Access to Information and Protection of Privacy Act and Broadcasting Services Act.



APPRECIATING the historical obligation and need to reach a solution that will allow us to put Zimbabwe first and give the people a genuine chance of rebuilding and reconstructing their livelihoods.

PURSUANT to the common desire of working together, the Parties agreed to and executed a Memorandum of Understanding on 21 July 2008, attached hereto as Annexure "A".

Now therefore agree as follows:

#### ARTICLE I - DEFINITIONS

1. Definitions The "Agreement" shall mean this written Agreement signed by the representatives of ZANU(PF) and the MDC, in its two formations ("the Parties") in fulfilment of the material mandate handed down by the SADC Extraordinary Summit on 29th March 2007 and endorsed by SADC in Lusaka, Zambia and adopted by the African Union Summit in Sharm el-Sheikh, Egypt. The "Parties" shall mean ZANU(PF), the two MDC formations led by Morgan Tsvangirai and Arthur Mutambara respectively. The "Government" or "New Government" means the new Government to be set up in terms of this Agreement.

#### ARTICLE II - DECLARATION OF COMMITMENT

2. Declaration of Commitment The Parties hereby declare and agree to work together to create a genuine, viable, permanent, sustainable and nationally acceptable solution to the Zimbabwe situation and in particular to implement the following agreement with the aims of resolving once and for all the current political and economic situations and charting a new political direction for the country.

#### ARTICLE III - RESTORATION OF ECONOMIC STABILITY AND GROWTH

##### 3. Economic recovery

##### 3.1 The Parties agree:

(a) to give priority to the restoration of economic stability and growth in Zimbabwe. The Government will lead the process of developing and implementing an economic recovery strategy and plan. To that end, the parties are committed to working together on a full and

comprehensive economic programme to resuscitate Zimbabwe's economy, which will urgently address the issues of production, food security, poverty and unemployment and the challenges of high inflation, interest rates and the exchange rate.

(b) to create conditions that would ensure that the 2008/2009 agricultural season is productive.

(c) to establish a National Economic Council, composed of representatives of the Parties and of the following sectors: (i) Manufacturing (ii) Agriculture (iii) Mining (iv) Tourism (v) Commerce (vi) Financial (vii) Labour (viii) Academia; and (ix) Other relevant sectors.

(d) that the terms of reference of the Council shall include giving advice to Government, formulating economic plans and programmes for approval by government and such other functions as are assigned to the Council by the Government.

(e) to endorse the SADC resolution on the economy.

#### ARTICLE IV - SANCTIONS AND MEASURES

##### 4. Sanctions and Measures

4.1 Recognising and acknowledging that some sections of the international community have since 2000 imposed various sanctions and measures against Zimbabwe, which have included targeted sanctions.

4.2 The Parties note the present economic and political isolation of Zimbabwe by the United Kingdom, European Union, United States of America and other sections of the International Community over and around issues of disputed elections, governance and differences over the land reform programme.

4.3 Noting and acknowledging the following sanctions and measures imposed on Zimbabwe:

(a) enactment of the Zimbabwe Democracy and Economic Recovery Act by the United States of America Congress which outlaws Zimbabwe's right to access credit from International Financial Institutions in which the United States Government is represented or has a stake;

(b) suspension of Zimbabwe's voting and related rights, suspension of balance of payment support, declaration of ineligibility to borrow Fund resources and suspension of technical assistance to Zimbabwe by the International Monetary Fund;

(c) suspension of grants and infrastructural development support to Zimbabwe by the World Bank; and

(d) imposition of targeted travel bans against current Government and some business leaders.

4.4 Noting that this international isolation has over the years created a negative international perception of Zimbabwe and thereby resulting in the further isolation of the country by the non-availing of lines of credit to Zimbabwe by some sections of the international community.

4.5 Recognising the consequent contribution of this isolation to the further decline of the economy.

4.6 Desirous and committed to bringing to an end the fall in the standards of living of our people, the Parties hereby agree:

- (a) to endorse the SADC resolution on sanctions concerning Zimbabwe;
- (b) that all forms of measures and sanctions against Zimbabwe be lifted in order to facilitate a sustainable solution to the challenges that are currently facing Zimbabwe; and
- (c) commit themselves to working together in re-engaging the international community with a view to bringing to an end the country's international isolation.

## ARTICLE V - LAND QUESTION

### 5. Land Question

5.1 Recognising that colonial racist land ownership patterns established during the colonial conquest of Zimbabwe and largely maintained in the post-independence period were not only unsustainable, but against the national interest, equity and justice.

5.2 Noting that in addition to the primary objective of the liberation struggle to win one man one vote democracy and justice, the land question, namely the need for the re-distribution of land to the majority indigenous people of Zimbabwe was at the core of the liberation struggle.

5.3 Accepting the inevitability and desirability of a comprehensive land reform programme in Zimbabwe that redresses the issues of historical imbalances and injustices in order to address the issues of equity, productivity, and justice.

5.4 While differing on the methodology of acquisition and redistribution the parties acknowledge that compulsory acquisition and redistribution of land has taken place under a land reform programme undertaken since 2000.

5.5 Accepting the irreversibility of the said land acquisitions and redistribution.

5.6 Noting that in the current Constitution of Zimbabwe and further in the Draft Constitution agreed to by the parties the primary obligation of compensating former land owners for land acquired rests on the former colonial power.

5.7 Further recognising the need to ensure that all land is used productively in the interests of all the people of Zimbabwe.

5.8 Recognising the need for women's access and control over land in their own right as equal citizens.

5.9 The Parties hereby agree to:

(a) conduct a comprehensive, transparent and non-partisan land audit, during the tenure of the Seventh Parliament of Zimbabwe, for the purpose of establishing accountability and eliminating multiple farm ownerships.

(b) ensure that all Zimbabweans who are eligible to be allocated land and who apply for it shall be considered for allocation of land irrespective of race, gender, religion, ethnicity or political affiliation;

(c) ensure security of tenure to all land holders.

(d) call upon the United Kingdom government to accept the primary responsibility to pay compensation for land acquired from former land owners for resettlement;

(e) work together to secure international support and finance for the land reform programme in terms of compensation for the former land owners and support for new farmers; and

(f) work together for the restoration of full productivity on all agricultural land.

## ARTICLE VI - CONSTITUTION

6. Constitution Acknowledging that it is the fundamental right and duty of the Zimbabwean people to make a constitution by themselves and for themselves; Aware that the process of making this constitution must be owned and driven by the people and must be inclusive and democratic; Recognising that the current Constitution of Zimbabwe made at the Lancaster House Conference, London (1979) was primarily to transfer power from the colonial authority to the people of Zimbabwe; Acknowledging the draft Constitution that the Parties signed and agreed to in Kariba on the 30th of September 2007, annexed hereto as Annexure "B"; Determined to create conditions for our people to write a constitution for themselves; and Mindful of the need to ensure that the new Constitution deepens our democratic values and principles and the protection of the equality of all citizens, particularly the enhancement of full citizenship and equality of women.

6.1 The Parties hereby agree:

(a) that they shall set up a Select Committee of Parliament composed of representatives of the Parties whose terms of reference shall be as follows: (i) to set up such subcommittees

chaired by a member of Parliament and composed of members of Parliament and representatives of civil society as may be necessary to assist the Select Committee in performing its mandate herein; (ii) to hold such public hearings and such consultations as it may deem necessary in the process of public consultation over the making of a new constitution for Zimbabwe; (iii) to convene an All Stakeholders Conference to consult stakeholders on their representation in the sub-committees referred to above and such related matters as may assist the committee in its work; (iv) to table its draft Constitution to a 2nd All Stakeholders Conference; and (v) to report to Parliament on its recommendations over the content of a New Constitution for Zimbabwe;

(b) That the draft Constitution recommended by the Select Committee shall be submitted to a referendum;

(c) that, in implementing the above, the following time frames shall apply: (i) the Select Committee shall be set up within two months of inception of a new government; (ii) the convening of the first All Stakeholders Conference shall be within 3 months of the date of the appointment of the Select Committee; (iii) the public consultation process shall be completed no later than 4 months of the date of the first All Stakeholders Conference; (iv) the draft Constitution shall be tabled within 3 months of completion of the public consultation process to a second All Stakeholders Conference; (v) the draft Constitution and the accompanying Report shall be tabled before Parliament within 1 month of the second All Stakeholders Conference; (vi) the draft Constitution and the accompanying Report shall be debated in Parliament and the debate concluded within one month; (vii) the draft Constitution emerging from Parliament shall be gazetted before the holding of a referendum; (viii) a referendum on the new draft Constitution shall be held within 3 months of the conclusion of the debate; (ix) in the event of the draft Constitution being approved in the referendum it shall be gazetted within 1 month of the date of the referendum; and (x) the draft Constitution shall be introduced in Parliament no later than 1 month after the expiration of the period of 30 days from the date of its gazetting.

## ARTICLE VII - PROMOTION OF EQUALITY, NATIONAL HEALING, COHESION AND UNITY

### 7. Equality, National Healing, Cohesion and Unity

#### 7.1 The Parties hereby agree that the new Government:

a) will ensure equal treatment of all regardless of gender, race, ethnicity, place of origin and will work towards equal access to development for all;

b) will ensure equal and fair development of all regions of the country and in particular to correct historical imbalances in the development of regions;

c) shall give consideration to the setting up of a mechanism to properly advise on what measures might be necessary and practicable to achieve national healing, cohesion and unity in respect of victims of pre and post-independence political conflicts; and

d) will strive to create an environment of tolerance and respect among Zimbabweans and that all citizens are treated with dignity and decency irrespective of age, gender, race, ethnicity, place of origin or political affiliation.

e) will formulate policies and put measures in place to attract the return and repatriation of all Zimbabweans in the Diaspora and in particular will work towards the return of all skilled personnel.

## ARTICLE VIII - RESPECT FOR NATIONAL INSTITUTIONS AND EVENTS

### 8. Respect for National Institutions and Events

8.1 In the interests of forging a common vision for our country, the Parties hereby agree:

(a) on the necessity of all Zimbabweans regardless of race, ethnicity, gender, political affiliation and religion to respect and observe Zimbabwe's national institutions, symbols, national programmes and events; and

(b) that all Zimbabweans regardless of race, ethnicity, gender, political affiliation and religion have the right to benefit from and participate in all national programmes and events without let or hindrance.

## ARTICLE IX - EXTERNAL INTERFERENCE

### 9. External Interference

9.1 The Parties reaffirm the principle of the United Nations Charter on non-interference in the internal affairs of member countries.

9.2 The Parties hereby agree:

(a) that the responsibility of effecting change of government in Zimbabwe vests exclusively on and is the sole prerogative of the people of Zimbabwe through peaceful, democratic and constitutional means;

(b) to reject any unlawful, violent, undemocratic and unconstitutional means of changing governments; and

(c) that no outsiders have a right to call or campaign for regime change in Zimbabwe.

## ARTICLE X - FREE POLITICAL ACTIVITY

### 10. Free political activity

Recognising that the right to canvass and freely mobilise for political support is the cornerstone of any multiparty democratic system, the Parties have agreed that there should be free political activity throughout Zimbabwe within the ambit of the law in which all political parties are able to propagate their views and canvass for support, free of harassment and intimidation.

## ARTICLE XI - RULE OF LAW, RESPECT FOR THE CONSTITUTION AND OTHER LAWS

### 11. Rule of law, respect for the Constitution and other laws

11.1 The Parties hereby agree that it is the duty of all political parties and individuals to:

- (a) respect and uphold the Constitution and other laws of the land;
- (b) adhere to the principles of the Rule of Law.

## ARTICLE XII - FREEDOM OF ASSEMBLY AND ASSOCIATION

### 12. Freedoms of Assembly and Association

12.1 Recognising the importance of the freedoms of assembly and association in a multi-party democracy and noting that public meetings have to be conducted in a free, peaceful and democratic manner in accordance with the law, the Parties have agreed:

- (a) to work together in a manner which guarantees the full implementation and realisation of the right to freedom of association and assembly; and
- (b) that the Government shall undertake training programmes, workshops and meetings for the police and other enforcement agencies directed at the appreciation of the right of freedom of assembly and association and the proper interpretation, understanding and application of the provisions of security legislation.

## ARTICLE XIII - STATE ORGANS AND INSTITUTIONS

### 13. State organs and institutions

13.1 State organs and institutions do not belong to any political party and should be impartial in the discharge of their duties.

13.2 For the purposes of ensuring that all state organs and institutions perform their duties ethically and professionally in conformity with the principles and requirements of a multi-party democratic system in which all parties are treated equally, the Parties have agreed that the following steps be taken:

(a) that there be inclusion in the training curriculum of members of the uniformed forces of the subjects on human rights, international humanitarian law and statute law so that there is greater understanding and full appreciation of their roles and duties in a multi-party democratic system;

(b) ensuring that all state organs and institutions strictly observe the principles of the Rule of Law and remain non-partisan and impartial;

(c) laws and regulations governing state organs and institutions are strictly adhered to and those violating them be penalised without fear or favour; and

(d) recruitment policies and practices be conducted in a manner that ensures that no political or other form of favouritism is practised.

## ARTICLE XIV - TRADITIONAL LEADERS

### 14. Traditional Leaders

14.1 Recognising and acknowledging that traditional leaders are community leaders with equal responsibilities and obligations to all members of their communities regardless of age, gender, ethnicity, race, religion and political affiliation, the Parties hereby agree to:

(a) commit themselves to ensuring the political neutrality of traditional leaders; and (b) call upon traditional leaders not to engage in partisan political activities at national level as well as in their communities.

## ARTICLE XV - NATIONAL YOUTH TRAINING PROGRAMME

15. National Youth Training Programme Recognising the desirability of a national youth training programme which inculcates the values of patriotism, discipline, tolerance, non-violence, openness, democracy, equality, justice and respect. Determined to ensure that the National Youth Training Programme raises awareness of the HIV and AIDS pandemic,



engenders a spirit of community service, skills development and a commitment to the development of Zimbabwe;

15.1 The Parties hereby agree that:

(a) all youths regardless of race, ethnicity, gender, religion and political affiliation are eligible to participate in national youth training programmes;

(b) the National Youth Training Programme must be run in a non- partisan manner and shall not include partisan political material advancing the cause of any political party; and

(c) while recognising that youths undergoing training at national youth training centres have a right to hold political opinions, they shall not, during the period of their training, collectively and as part of a scheme of the training centre be used or deployed for partisan political work.

## ARTICLE XVI - HUMANITARIAN AND FOOD ASSISTANCE

### 16. Humanitarian and food assistance

16.1 In times of need, every Zimbabwean regardless of race, ethnicity, gender, political affiliation and religion is entitled to request and receive humanitarian and food assistance from the State.

16.2 It is the primary responsibility of the State to ensure that every Zimbabwean who needs humanitarian and food assistance receives it.

16.3 Non-Governmental Organisations involved in giving humanitarian and food assistance shall do so without discrimination on the grounds of race, ethnicity, gender, political affiliation and religion and in doing so, shall not promote or advance the interests of any political party or cause.

16.4 In this regard the Parties hereby agree:

(a) that in the fulfilment of its obligations above, the Government and all State Institutions and quasi State Institutions shall render humanitarian and food assistance without discrimination on the grounds of race, ethnicity, gender, political affiliation or religion;

(b) that humanitarian interventions rendered by Non-Governmental Organisations, shall be provided without discrimination on the grounds of race, ethnicity, gender, political affiliation and religion.

(c) that all displaced persons shall be entitled to humanitarian and food assistance to enable them to return and settle in their original homes and that social welfare organisations shall be allowed to render such assistance as might be required.

(d) that all NGO's rendering humanitarian and food assistance must operate within the confines of the laws of Zimbabwe.

## ARTICLE XVII - LEGISLATIVE AGENDA PRIORITIES

### 17. Legislative agenda

#### 17.1 The Parties hereby agree that:

(a) the legislative agenda will be prioritized in order to reflect the letter and spirit of this agreement;

(b) the Government will discuss and agree on further legislative measures which may become necessary to implement the Government's agreed policies and in particular, with a view to entrenching democratic values and practices.

## ARTICLE XVIII - SECURITY OF PERSONS AND PREVENTION OF VIOLENCE

### 18. Security of persons and prevention of violence

18.1 Noting the easy resort to violence by political parties, State actors, Non-State actors and others in order to resolve political differences and achieve political ends.

18.2 Gravely concerned by the displacement of scores of people after the election of March 29, 2008 as a result of politically motivated violence.

18.3 Recognising that violence dehumanises and engenders feelings of hatred and polarisation within the country.

18.4 Further recognising that violence undermines our collective independence as a people and our capacity to exercise our free will in making political choices.

#### 18.5 The Parties hereby agree:

(a) to promote the values and practices of tolerance, respect, non- violence and dialogue as means of resolving political differences;

(b) to renounce and desist from the promotion and use of violence, under whatever name called, as a means of attaining political ends;

(c) that the Government shall apply the laws of the country fully and impartially in bringing all perpetrators of politically motivated violence to book;

(d) that all political parties, other organisations and their leaders shall commit themselves to do everything to stop and prevent all forms of political violence, including by non-State actors and shall consistently appeal to their members to desist from violence;

(e) to take all measures necessary to ensure that the structures and institutions they control are not engaged in the perpetration of violence.

(f) that all civil society organisations of whatever description whether affiliated to a political party or not shall not promote or advocate for or use violence or any other form of intimidation or coercion to canvass or mobilise for or oppose any political party or to achieve any political end;

(g) to work together to ensure the security of all persons and property;

(h) to work together to ensure the safety of any displaced persons, their safe return home and their enjoyment of the full protection of the law.

(i) to refrain from using abusive language that may incite hostility, political intolerance and ethnic hatred or unfairly undermine each other.

(j) that while having due regard to the Constitution of Zimbabwe and the principles of the rule of law, the prosecuting authorities will expedite the determination as to whether or not there is sufficient evidence to warrant the prosecution or keeping on remand of all persons accused of politically related offences arising out of or connected with the March and June 2008 elections.

## ARTICLE XIX - FREEDOM OF EXPRESSION AND COMMUNICATION

19. Freedom of Expression and Communication Recognising the importance of the right to freedom of expression and the role of the media in a multi-party democracy. Noting that while the provisions of the Broadcasting Services Act permit the issuance of licences, no licences other than to the public broadcaster have been issued. Aware of the emergence of foreign-based radio stations broadcasting into Zimbabwe, some of which are funded by foreign governments. Concerned that the failure to issue licences under the Broadcasting Services Act to alternative broadcasters might have given rise to external radio stations broadcasting into Zimbabwe. Further concerned that foreign government funded external radio stations broadcasting into Zimbabwe are not in Zimbabwe's national interest. Desirous of ensuring the opening up of the airwaves and ensuring the operation of as many media houses as possible.

19.1 The Parties hereby agree:

(a) that the government shall ensure the immediate processing by the appropriate authorities of all applications for re-registration and registration in terms of both the Broadcasting Services Act as well as the Access to Information and Protection of Privacy Act;

(b) all Zimbabwean nationals including those currently working for or running external radio stations be encouraged to make applications for broadcasting licences, in Zimbabwe, in terms of the law;

(c) that in recognition of the open media environment anticipated by this Agreement, the Parties hereby: (i) call upon the governments that are hosting and/or funding external radio stations broadcasting into Zimbabwe to cease such hosting and funding; and (ii) encourage the Zimbabweans running or working for external radio stations broadcasting into Zimbabwe to return to Zimbabwe; and

(d) that steps be taken to ensure that the public media provides balanced and fair coverage to all political parties for their legitimate political activities.

(e) that the public and private media shall refrain from using abusive language that may incite hostility, political intolerance and ethnic hatred or that unfairly undermines political parties and other organisations. To this end, the inclusive government shall ensure that appropriate measures are taken to achieve this objective.

## ARTICLE XX - FRAMEWORK FOR A NEW GOVERNMENT

20. Framework for a new Government Acknowledging that we have an obligation to establish a framework of working together in an inclusive government; Accepting that the formation of such a government will have to be approached with great sensitivity, flexibility and willingness to compromise; Recognising that the formation of such a Government would demonstrate the respect of the Parties for the deeply-felt and immediate hopes and aspirations of the millions of our people. Determined to carry out sustained work to create the conditions for returning our country to stability and prosperity; Acknowledging the need for gender parity, particularly the need to appoint women to strategic Cabinet posts;

20.1 The Parties hereby agree that:

20.1.1 Executive Powers and Authority The Executive Authority of the Inclusive Government shall vest in, and be shared among the President, the Prime Minister and the Cabinet, as provided for in this Constitution and legislation. The President of the Republic shall exercise executive authority subject to the Constitution and the law. The Prime Minister of the Republic shall exercise executive authority subject to the Constitution and the law. The Cabinet of the Republic shall exercise executive authority subject to the Constitution and the law. In the exercise of executive authority, the President, Vice Presidents, the Prime Minister, the Deputy Prime Ministers, Ministers and Deputy Ministers must have regard to the principles and spirit

underlying the formation of the Inclusive Government and accordingly act in a manner that seeks to promote cohesion both inside and outside government.

#### 20.1.2 The Cabinet

(a) shall have the responsibility to evaluate and adopt all government policies and the consequential programmes;

(b) shall, subject to approval by Parliament, allocate the financial resources for the implementation of such policies and programmes;

(c) shall have the responsibility to prepare and present to Parliament, all such legislation and other instruments as may be necessary to implement the policies and programmes of the National Executive;

(d) shall, except where the Constitution requires ratification by Parliament, or action by the President, approve all international agreements;

(e) shall ensure that the state organs, including the Ministries and Departments, have sufficient financial and other resources and appropriate operational capacity to carry out their functions effectively; and

(f) shall take decisions by consensus, and take collective responsibility for all Cabinet decisions, including those originally initiated individually by any member of Cabinet.

(g) The President and the Prime Minister will agree on the allocation of Ministries between them for the purpose of day-to-day supervision.

#### 20.1.3 The President

(a) chairs Cabinet;

(b) exercises executive authority;

(c) shall exercise his/her powers subject to the provisions of the Constitution;

(d) can, subject to the Constitution, declare war and make peace;

(e) can, subject to the Constitution, proclaim and terminate martial law;

(f) confers honours and precedence, on the advice of Cabinet;

(g) grants pardons, respites, substitutes less severe punishment and suspends or remits sentences, on the advice of Cabinet;

(h) chairs the National Security Council;

(i) formally appoints the Vice Presidents;

(j) shall, pursuant to this Agreement, appoint the Prime Minister pending the enactment of the Constitution of Zimbabwe Amendment no.19 as agreed by the Parties;

(k) formally appoints Deputy Prime Ministers, Ministers and Deputy Ministers in accordance with this agreement;

(l) after consultation with the Vice Presidents, the Prime Minister and the Deputy Prime Ministers, allocates Ministerial portfolios in accordance with this Agreement;

(m) accredits, receives and recognizes diplomatic agents and consular officers;

(n) appoints independent Constitutional Commissions in terms of the Constitution;

(o) appoints service/executive Commissions in terms of the Constitution and in consultation with the Prime Minister;

(p) in consultation with the Prime Minister, makes key appointments the President is required to make under and in terms of the Constitution or any Act of Parliament;

(q) may, acting in consultation with the Prime Minister, dissolve Parliament;

(r) must be kept fully informed by the Prime Minister on the general conduct of the government business and;

(s) shall be furnished with such information as he/she may request in respect of any particular matter relating to the government, and may advise the Prime Minister and Cabinet in this regard.

#### 20.1.4 The Prime Minister

(a) chairs the Council of Ministers and is the Deputy Chairperson of Cabinet;

(b) exercises executive authority;

(c) shall oversee the formulation of government policies by the Cabinet;

(d) shall ensure that the policies so formulated are implemented by the entirety of government;

(e) shall ensure that the Ministers develop appropriate implementation plans to give effect to the policies decided by Cabinet: in this regard, the Ministers will report to the Prime Minister on all issues relating to the implementation of such policies and plans;

(f) shall ensure that the legislation necessary to enable the government to carry out its functions is in place: in this regard, he/ she shall have the responsibility to discharge the functions of the Leader of Government Business in Parliament;

(g) shall be a member of the National Security Council;

(h) may be assigned such additional functions as are necessary further to enhance the work of the Inclusive Government;

(i) shall, to ensure the effective execution of these tasks, be assisted by Deputy Prime Ministers; and

(j) shall report regularly to the President and Parliament.

#### 20.1.5 Council of Ministers

To ensure that the Prime Minister properly discharges his responsibility to oversee the implementation of the work of government, there shall be a Council of Ministers consisting of all the Cabinet Ministers, chaired by the Prime Minister, whose functions shall be:

- (a) to assess the implementation of Cabinet decisions;
- (b) to assist the Prime Minister to attend to matters of coordination in the government;
- (c) to enable the Prime Minister to receive briefings from the Cabinet Committees;
- (d) to make progress reports to Cabinet on matters of implementation of Cabinet decisions;
- (e) to receive and consider reports from the Committee responsible for the periodic review mechanism; and
- (f) to make progress reports to Cabinet on matters related to the periodic review mechanism.

#### 20.1.6 Composition of the Executive

(1) There shall be a President, which Office shall continue to be occupied by President Robert Gabriel Mugabe.

(2) There shall be two (2) Vice Presidents, who will be nominated by the President and/or ZANU(PF).

(3) There shall be a Prime Minister, which Office shall be occupied by Mr. Morgan Tsvangirai.

(4) There shall be two (2) Deputy Prime Ministers, one (1) from MDC-T and one (1) from the MDC.

(5) There shall be thirty-one (31) Ministers, with fifteen (15) nominated by ZANU(PF), thirteen (13) by MDC-T and three (3) by MDC. Of the 31 Ministers, three (3) one each per Party, may be appointed from outside the members of Parliament. The three (3) Ministers so appointed shall become members of the House of Assembly and shall have the right to sit, speak and debate in Parliament, but shall not be entitled to vote.

(6) There shall be fifteen (15) Deputy Ministers, with (eight) 8 nominated by ZANU(PF), six (6) by MDC-T and one (1) by MDC.

(7) Ministers and Deputy Ministers may be relieved of their duties only after consultation among the leaders of all the political parties participating in the Inclusive Government.

#### 20.1.7 Senate

(a) The President shall, in his discretion, appoint five (5) persons to the existing positions of Presidential senatorial appointments.

(b) There shall be created an additional nine (9) appointed senatorial posts, which shall be filled by persons appointed by the President, of whom, 3 will be nominated by ZANU(PF), 3 by MDC-T and 3 by MDC.

#### 20.1.8 Filling of vacancies

(a) In the event of any vacancy arising in respect of posts referred to in clauses 20.1.6 and 20.1.7;

(b) above, such vacancy shall be filled by a nominee of the Party which held that position prior to the vacancy arising.

### ARTICLE XXI - ELECTORAL VACANCIES

21. Electoral Vacancies Aware of the divisive and often times confrontational nature of elections and by elections; Noting the need to allow this agreement to take root amongst the parties and people of Zimbabwe; and Cognisant of the need to give our people some breathing space and a healing period;

21.1 The Parties hereby agree that for a period of 12 months from the date of signing of this agreement, should any electoral vacancy arise in respect of a local authority or parliamentary seat, for whatever reason, only the party holding that seat prior to the vacancy occurring shall be entitled to nominate and field a candidate to fill the seat subject to that party complying with the rules governing its internal democracy.

### ARTICLE XXII - IMPLEMENTATION MECHANISMS

#### 22. Implementation mechanisms

22.1 To ensure full and proper implementation of the letter and spirit of this Agreement, the Parties hereby constitute a Joint Monitoring and Implementation Committee ("JOMIC") to be composed of four senior members from ZANU(PF) and four senior members from each of the two MDC Formations. Gender consideration must be taken into account in relation to the composition of JOMIC.

22.2 The committee shall be co-chaired by persons from the Parties. 22.3 The committee shall have the following functions:

(a) to ensure the implementation in letter and spirit of this Agreement;



(b) to assess the implementation of this Agreement from time to time and consider steps which might need to be taken to ensure the speedy and full implementation of this Agreement in its entirety;

(c) to receive reports and complaints in respect of any issue related to the implementation, enforcement and execution of this Agreement;

(d) to serve as catalyst in creating and promoting an atmosphere of mutual trust and understanding between the parties; and

(e) to promote continuing dialogue between the Parties.

22.4 JOMIC shall be the principal body dealing with the issues of compliance and monitoring of this Agreement and to that end, the Parties hereby undertake to channel all complaints, grievances, concerns and issues relating to compliance with this Agreement through JOMIC and to refrain from any conduct which might undermine the spirit of co-operation necessary for the fulfilment of this Agreement.

22.5 The new Government shall ensure that steps are taken to make the security forces conversant with the Constitution of Zimbabwe and other laws of Zimbabwe including laws relating to public order and security.

22.6 The implementation of this agreement shall be guaranteed and underwritten by the Facilitator, SADC and the African Union.

22.7 The Parties and the new Government shall seek the support and assistance of SADC and the African Union in mobilizing the international community to support the new Government's economic recovery plans and programmes together with the lifting of sanctions taken against Zimbabwe and some of its leaders.

22.8 The Parties agree that they shall cause Parliament to amend any legislation to the extent necessary to bring this agreement into full force.

## ARTICLE XXIII - PERIODIC REVIEW MECHANISM

### 23. Periodic review mechanism

23.1 Having regard to the Objectives and Priorities of the New Government as set out in this Agreement, the Parties hereby agree that:

(a) they shall constitute a committee composed of two representatives each to review on an annual basis progress on the implementation and achievement of the priorities and objectives set out in this Agreement, namely: Economic (restoration of economic stability and growth, sanctions, land question) Political (new constitution, promotion of equality, national healing

and cohesion and unity, external interference, free political activity, rule of law, state organs and institutions, legislative agenda and priorities) Security (security of persons and prevention of violence) and Communication (media and external radio stations); and

(b) the committee shall make recommendations to the Parties and the new government on any matters relating to this Agreement, more particularly on measures and programmes that may be necessary to take and make to realise full implementation of this Agreement.

(c) this Agreement and the relationship agreed to hereunder will be reviewed at the conclusion of the constitution-making process.

23.2 The Parties will continually review the effectiveness and any other matter relating to the functioning of the Inclusive Government established by the Constitution in consultation with the Guarantors.

#### ARTICLE XXIV - INTERIM CONSTITUTIONAL AMENDMENTS

##### 24. Interim Constitutional amendments

The Parties hereby agree:

24.1 that the constitutional amendments which are necessary for the implementation of this agreement shall be passed by parliament and assented to by the President as Constitution of Zimbabwe Amendment Act No. 19. The Parties undertake to unconditionally support the enactment of the said Constitution of Zimbabwe Amendment No. 19; 24.2 to include in Constitutional Amendment No. 19 the provisions contained in Chapters 4 and 13, and section 121 of the draft Constitution that the Parties executed at Kariba on 30 September 2007 (Kariba draft).

#### ARTICLE XXV - COMMENCEMENT

##### 25. Commencement

This Agreement shall enter into force upon its signature by the Parties.

In WITNESS WHEREOF the Parties have signed this Agreement in the English language, in six identical copies, all texts being equally authentic:

Done at Harare on this 15 day of September, 2008

ROBERT G MUGABE PRESIDENT, ZANU(PF)

MORGAN R TSVANGIRAI PRESIDENT, MDC-T

ARTHUR G MUTAMBARA PRESIDENT, MDC

In WITNESS THEREOF the Facilitator:

THABO MBEKI SADC FACILITATOR