

# MUGABE'S 'LAND GRAB' IN REGIONAL PERSPECTIVE<sup>1</sup>

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Robert Mugabe's attempted land grab has been widely criticised at home and abroad.<sup>2</sup> It has generally been perceived as a crude attempt to deflect attention away from growing opposition and mounting, often self-inflicted, economic problems by finding a convenient and easy scapegoat. Ageing presidents, approaching 20 years in office, surrounded only by praise-singers and out of touch with uncomfortable domestic and international realities, have already brought much economic and social damage to Zambia, Malawi and Kenya. The same trend has now become apparent in Zimbabwe. A deeply corrupt and widely unpopular regime today stands indicted within and without, even by those who genuinely wish Zimbabwe well and were once firm supporters of its government. When friends of Zimbabwe find themselves nodding in agreement with Ian Smith and the IMF, we have indeed entered strange waters.

The specific criticisms of Mugabe's land grab can briefly be summarised. Lack of funds, lack of planning, lack of capacity, lack of accountability and, in Edinburgh, spectacular lack of diplomacy. A recent history of rewarding its own supporters more than landless peasants. A list of 1,480 scheduled farms so full of errors, so far removed from agreed past criteria, and so politically motivated as to be a subject of derision, had it not proved economically damaging both within Zimbabwe and to Zimbabwe's image abroad. The whole affair must be deeply embarrassing to those within government who are attuned to current economic realities, but are unable to prevent their president from continuing to posture. Though internal struggles are clearly continuing, producing very mixed messages, it is probable, as the EIU suggests, that something akin to the CFU's 'Team Zimbabwe' concept represents the best prospect of modest but effective land reform, especially if conceived on a largely self-financing basis.<sup>3</sup> What this paper will focus on, however, is the regional perspective, in particular the possible impact of Mugabe's land grab on prospects for land reform elsewhere in Southern and East Africa.

It matters *when* countries achieved independence or majority rule. The economic choices open to Tanzania in the 1960s, to Mozambique in the 1970s, to Zimbabwe in the 1980s, and to South Africa in the 1990s were all distinctively different. South Africa, for example, is

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<sup>1</sup> This paper was specifically written for the SOAS Conference of 11 March 1998. Given the speed at which developments on land in Zimbabwe and elsewhere are taking place, I have not thought it appropriate to update my original paper significantly, since any such 'updating' would inevitably be out of date by the time that this book is published and this chapter is read.

<sup>2</sup> In contrast to their normal almost total lack of coverage of Zimbabwe (and everywhere else in Africa, apart from South Africa) British papers have discussed Mugabe's land grab in great detail, which doubtless has more to do with race than anything else. The tone of the reporting has been uniformly hostile to Mugabe, while acknowledging the need for further land reform, and this has been largely true of South African media coverage as well. The hitherto ultra-loyal Tommy Sithole was removed as editor of *The Herald* following a critical editorial in which he said it was time the government confronted its problems rather than blame the whites for them.

<sup>3</sup> In constrained economic circumstances, this would suggest a relatively slow initial pace and particular attention being given to ensuring that land transferred, especially currently under-utilised land, is adequately capitalised and that new farmers are adequately trained and resourced. Compensation to the next round of farmers bought out could come from raised production levels. Economist Intelligence Unit, *Zimbabwe Country Report, 1st quarter 1998* (London: EIU, 1998), 6-7.

currently engaged in a 3-pronged programme of land tenure reform, redistribution and restitution in a far more constraining environment than that which initially confronted Zimbabwe. The dominant 'new paradigm' now on offer in South Africa (as in Brazil and Columbia) is one of market-assisted land reform.<sup>4</sup> Under this, the state's role is limited to providing financial support to individuals, but more usually groups, trying to buy land from commercial farmers on the famous willing seller, willing buyer basis. Market forces are expected to iron out any difficulties. One of the problems with this approach - and there is an obvious similarity with Zimbabwe in 1980 - is that it is ahistorical. It effectively ignores all that has gone before (which is very widely known) and it also ignores the current reality that power on the ground still resides very much with the white commercial farmers (described in South Africa as 'organised agriculture') who are in a position to dictate terms - and prices - to would-be buyers and whose lack of enthusiasm for redistribution is well known.

Current problems in South Africa's land reform programme in part mirror earlier Zimbabwean experience. White farmers have evicted thousands of people in anticipation of legislation designed to afford tenants and farm workers greater protection. They remain powerful, organised and fundamentally opposed to land reform. The Department of Land Affairs seriously lacks the capacity to implement land reform at both national and provincial level. Some of its officials from campaigning NGO backgrounds are wedded to communal or collective approaches which are not always most appropriate. The old Ministry of Agriculture remains largely unreconstructed and totally technicist. The wheels of the courts investigating historical claims to land grind exceedingly slowly. The land reform *pilots* are the land reform *programme*. There is growing impatience at the slow pace of land reform and a warning from Derek Hanekom, who holds the difficult combined post of Minister of Lands and of Agriculture, that unless it is speeded up, he may face increasing pressures to go for a Mugabe-style land grab.

There is currently a great deal of serious conflict over land throughout Southern and East Africa,<sup>5</sup> but none of it has attracted anything like the publicity or attention of recent events in Zimbabwe. There are, for example, controversial and highly contested land bills due before parliaments in Uganda and Tanzania later this year (1998).<sup>6</sup> The Uganda Land Alliance<sup>7</sup> and

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<sup>4</sup> As two World Bank writers put it, 'Under the new paradigm of market-assisted program, the main focus is not on the physical transfer of land but on the planning and implementation of "productive projects" by the poor...land is only one component of these projects...The selection of land, and the negotiation of the price with the seller is responsibility of beneficiaries (with some assistance by local NGOs or other organizations). This eliminates the need for a land reform agency and expropriation. Government provides a land purchase grant to eligible beneficiaries [but] its role [is] limited to regulatory oversight with implementation (financing and credit, technical assistance) through the private sector.' Klaus Deininger and Shem Migot-Adholla, 'Principles and Evolution of the [World] Bank's Land Policy: Implications for the Ugandan Draft Land Bill', Land Tenure seminar, Kampala, 2 September 1997, 10.

<sup>5</sup> For full documentation of this, see Robin Palmer, *Contested Lands in Southern and Eastern Africa: A Literature Survey* (Oxford: Oxfam Working Paper, 1997). See also Joseph Z.Z. Matowanyika and Nelson Marongwe, *Land and Sustainable Development in Southern Africa: An Exploration of Some Emerging Issues* (Harare: ZERO Sustainable Land Management Working/Discussion Paper Series 1, 1998). More specifically, a headline in the Ugandan *New Vision* on 19 May 1998 proclaimed 'Museveni fears civil war on land' while on the same day *The Namibian* cited Sam Nujoma, 'Land could spark revolution'.

<sup>6</sup> The Uganda Land Act was passed in June 1998 after a great deal of controversy, heated debate and MPs working round the clock to meet a constitutional deadline. In Tanzania, the government split its original land bill in two, one dealing with national land, the other with village lands. These are expected to come before parliament in October 1998.

the Tanzanian National Land Forum<sup>8</sup> have been leading campaigns to protect community land rights, which they see as seriously threatened by these bills. An important land law (*Lei de Terras*) was passed in Mozambique in July 1997 which, to the surprise of many, gave peasants significant new rights,<sup>9</sup> and the NGOs ORAM (Associação Rural de Ajuda Mútua) and UNAC (União Nacional de Camponêses) are now involved in a campaign designed to enable peasants to assert those new rights. A land commission with a very wide remit has been sitting in Malawi, following earlier ones in Zimbabwe (Rukuni), Mozambique (Quadros), and Tanzania (Shivji). Activist NGOs have formed land alliances or coalitions in Uganda, Zambia and Tanzania, as earlier in South Africa, and new coalitions may be in the process of formation elsewhere. They are pressing hard for governments to allow meaningful national consultation and debate before land laws are passed, recognising government tendencies to work in secret and to exploit poor people's lack of information and power. Some also lobby donors such as the World Bank and DFID (the former ODA), who remain actively engaged in land issues. These days donors tend to stress (as recently to Mugabe) the need for accountability, transparency, and a poverty focus.<sup>10</sup> Donors also in principle support NGO demands for full consultation,<sup>11</sup> though who should do this and how, and who should be consulted are always contentious political issues. The absence of an NGO land alliance in Zimbabwe can perhaps be put down to a more differentiated society and hence competing class and race interests over land, some of which were represented at the SOAS conference.

The context behind all this conflict over land is complex. At the risk of huge oversimplification it is the impact which current economic orthodoxy - and the emphasis on privatisation and market forces in particular - has on access to land which is causing so many problems, especially coming as it does after half a century and more of state interventions in the economy. Governments in Africa now find themselves under great pressures - and competing with each other - to open up to foreign investors in what, in an era of globalisation, is very much an investors' market. This can involve 'selling off the family silver', as Harold

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<sup>7</sup> Uganda Land Alliance, *Open Letter to the Minister of Lands, Housing and Physical Planning on the proposed Land Bill of 1997* (Kampala: Uganda Land Alliance, 1997). The Alliance has also published a series of pamphlets on issues such as titling, customary tenure, and why peasants are selling their land.

<sup>8</sup> National Land Forum, *Azimio La Uhai: Declaration of NGOs and Interested Persons on Land* (Dar es Salaam: Hakiardhi, 1997).

<sup>9</sup> AWEPA (European Parliamentarians for Southern Africa), *Mozambique Peace Process Bulletin*, **19**, September 1997.

<sup>10</sup> 'The British government will not support the Zimbabwean government's land acquisition programme until a number of issues have been resolved including the way in which land was acquired and compensation paid...it would not help the poor in Zimbabwe if land was acquired in a way that undermined agriculture or investor confidence. It would need to be ensured that a proper land register was established, that the process of acquisition and resettlement was transparent and that resettlement schemes were economic and would benefit the poor. "It follows that any programme which Britain might support would need to be carefully planned and phased over time and likely to include support from other donors"...Britain's new international development policies were set out in a government white paper published on November 5...[whose] goal...was to eradicate poverty and its central thrust was the development of partnerships with developing countries that were committed to poverty eradication. "Land reform proposals could be an important part of this but the British government would only be prepared to support land reform as a part of a partnership with Zimbabwe to eradicate poverty" the High Commission said.' *The Zimbabwe Independent*, 7-13 November 1997.

<sup>11</sup> The World Bank's philosophy is said to be 'characterized by reliance on: (i) a process [of] broad consultation and consensus-building regarding main policy principles; (ii) extensive use of pilots to ascertain the viability of the proposed approaches; and (iii) use of highly decentralized mechanisms for implementation that do provide an opportunity to respond flexibly to local needs for differentiation.' Deininger and Migot-Adholla, 'Principles of the Bank's Land Policy', 15.

Macmillan so memorably characterised Margaret Thatcher's privatisation programme in Britain. In Africa, the family silver has come to mean minerals, land, and even water.

Within the context of current land struggles it is possible to distinguish 3 different categories of countries in Southern and East Africa. The first comprises South Africa, Zimbabwe and Kenya, which have all known substantial alienation to white farmers in the past and have sought the very difficult and complex task of seeking to redress their colonial heritage. Here resettlement, in one form or another, of black farmers onto formerly white-owned land is seen as a key priority, though one of the peculiarities of land reform discourse in Zimbabwe is that it is so often couched *exclusively* in terms of resettlement.<sup>12</sup> The second category includes Tanzania, Uganda and Zambia, which saw very little colonial white settlement, but which seem now almost indecently anxious to compensate for that lack by throwing themselves open to what virtually amounts to a second scramble for Africa. The third includes countries like Malawi, Namibia and Mozambique, which witnessed alienation only in certain parts and so tend to exhibit both tendencies. Southern Malawi also shares with Rwanda<sup>13</sup> the disturbing Rift Valley phenomenon of acute landlessness and related tendency for coping mechanisms to cease coping and for viable options to be depressingly few.<sup>14</sup>

So in Tanzania, Uganda, and Zambia there have been and continue to be great pressures to 'open up' and pass legislation to make land easily available to new investors, whether local, foreign, or a combination of the two. Such pressures could well increase if the OECD's controversial Multilateral Agreement on Investment (MAI) comes into force.<sup>15</sup> Opening up applies especially to tourist ventures, in which most countries in East and Southern Africa find themselves competing with each other. Game parks, theme parks and private lodges for the seriously rich have sprung up all over the place, with adverse effects on pastoralist communities in particular, as huge areas of once common grazing land have been fenced off. Increasing mining activities in East Africa are also directly threatening land rights in places like Karamoja. Internally there are strong pressures from those who wield political or economic power to turn this situation to their advantage. In Uganda, for example, landlords have been pressing for the end of remaining state controls in order to be able to exploit 'their' tenants without restraint.<sup>16</sup> More generally, deals are usually struck in an atmosphere of corruption and secrecy, so that local communities are often the last to know that their land has been signed away - as was the case of course in the days of Rhodes and Lobengula.

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<sup>12</sup> There is also a curious fixation with the 'magic' number of 162,000 families needing resettlement. In fact this derives from an original Muzorewa era estimate of 18,000, which was multiplied by 3 around the time of Independence to give a total of 54,000, then multiplied again by 3 to give 162,000 a few years later. Though this figure has absolutely no basis in reality, it continues to figure prominently in the minds of planners and politicians and is religiously repeated in Government pronouncements on land reform.

<sup>13</sup> Catherine André and Jean-Philippe Platteau, 'Land Relations under unbearable Stress: Rwanda caught in the Malthusian Trap', Seminar on Land Tenure and Tenurial Reform in Africa, London School of Economics, May 1996.

<sup>14</sup> See the various reports of the 1996/7 Malawi Estate Land Utilisation Study (ELUS).

<sup>15</sup> The MAI will create common legally binding rules to reduce discriminatory government regulation and control of foreign investors, promote greater legal security and protection for investments, and establish a dispute settlement mechanism. Investment is defined very broadly to include any kind of property or contractual rights to assets or money owned directly or indirectly by an investor, including claims to intellectual property and possibly real estate.

<sup>16</sup> In fact at the end of heated debates on the land bill, landlords in Buganda lost out to tenants. But the conflicts are unlikely to go away.

In addition to such pressures, modernisers in governments often genuinely believe (like their colonial predecessors) in a variant of the survival of the fittest, in which individual title to land is seen as the only way forward, while all indigenous forms of tenure are rubbished as regressive or worse, and landlessness is just one of the social costs you have to pay for progress. Or someone else has to pay. In many African official minds the Kenyan titling and registration model is still seen as the solution, even though the World Bank itself no longer promotes it as once it did<sup>17</sup> and the *verligte* wing of the Bank has openly admitted its many failings, acknowledging that titles in Kenya have become ‘virtually worthless’ because landowners have no incentive to update them.<sup>18</sup>

A persistent theme throughout land reform and resettlement programmes has been a top-down, directive, controlling approach which assumes that officials know best and that peasants and pastoralists need to be told what is best for them. Zimbabwe’s resettlement programme, often unfairly criticised, certainly falls into this category. The Resettlement Areas have been consciously conceived and run as a separate world from the Communal Areas with no attempt to explore more flexible models. South Africa is trying to avoid such rigidity by allowing for a variety of different forms of tenure, but practice on the ground also tends to be rigid. As Donna Pankhurst has pointed out, inflexible thinking has allowed many settler myths about African agriculture to survive long after they should have been buried.<sup>19</sup> Too much attention is paid to the rationality of planners, too little to that of peasants and pastoralists, while the voices of peasants are almost never heard at conferences and workshops.

A key issue in current land reform debates is whether power over allocation, management and sale of land (and other natural resources) should remain centralised or be devolved to local structures. In other words whether power should reside with the ministry or the village. And with whom in the village. This is central to the current debate in Tanzania.<sup>20</sup> The role of traditional authorities in this sphere has also had an interesting and somewhat cyclical history in Zimbabwe and elsewhere. Reviewing the region as a whole, Clement Ng’ong’ola has suggested that the decentralised Botswana land board system has provided an adaptable legal framework for often intractable problems of customary land tenure reform, one which can accommodate evolutionary or revolutionary processes, and could usefully serve as a model elsewhere.<sup>21</sup>

But do people really want land in Zimbabwe or South Africa, and if so, for what purposes? On 1 December 1997, the *Electronic Mail and Guardian* published a piece headed ‘The

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<sup>17</sup> Most experts are now agreed that the Kenyan model has major flaws, has been extremely expensive and has not achieved the goals of agricultural transformation it set out to achieve, partly because resilient indigenous systems of tenure have continued to co-exist with western ones so that the official land registers fail to reflect social reality.

<sup>18</sup> Deininger and Migot-Adholla, ‘Principles of the Bank’s Land Policy’, 7. See also the World Bank and Wisconsin Land Tenure Center collection, John W. Bruce and Shem E. Migot-Adholla (Eds), *Searching for Land Tenure Security in Africa* (Dubuque: Kendall/Hunt, 1994).

<sup>19</sup> Donna Pankhurst, ‘Unravelling the Myths: Land Tenure, Agriculture and Land Reform in Independent Namibia’, Seminar on Land Tenure and Tenurial Reform in Africa, London School of Economics, May 1996.

<sup>20</sup> See the new book by Issa Shivji, *Not Yet Democracy: Reforming Land Tenure in Tanzania* (London and Dar es Salaam: International Institute for Environment and Development and Hakiardhi, 1998).

<sup>21</sup> Clement Ng’ong’ola, ‘Customary Law, Land Tenure and Policy in some African Countries at the Threshold of the Twenty-first Century’, G.E. van Maanen and A.J. van der Walt (Eds), *Property Law on the Threshold of the 21st Century* (Antwerp: Maklu, 1996), 413-4.

people don't even want Mugabe's land'. It cited a study on poverty by the Ministry of Welfare, which had asked 18,000 rural and urban households what were the main causes of poverty and how they could be combated. It found that people 'want jobs in a market economy, and an opportunity to work for a decent living.' Only one percent of those responding said poverty was caused by a shortage of land, only two percent that poverty could be resolved by the provision of land. Those who did want land, the article continued, included the elite, ex-combatants, and indigenous black commercial farmers.<sup>22</sup> A collection of interviews in the same paper this month carried an interesting range of views. For the unemployed Willard Mkuwasenga: 'Among my friends, I am the only one keen on a plot of land - if provided with credit, tools and seeds. Most of my friends prefer jobs to land. But they were born in the city. I come from the rural areas.' For the handicrafts seller Gertrude Gaza, 'Forty-five years in Mabvuku [Harare] have not made me an urban woman. Harare is a transit point. You must have a home in the rural areas. When you are retrenched, unemployed or sick, you go back to the rural areas. Where the ancestors are buried. I want a small commercial farm in Bindura.'<sup>23</sup> These responses crystallise the complexity of the subject in urbanised countries with long histories of labour migration. There certainly *are* demands for land from different groups (including women wanting land in their own right) and for different purposes. What planners often assume wrongly is that people want land for full-time agricultural purposes, whereas in the majority of cases they want it as part of a range of survival strategies, to try to stabilise income when other sources of income are erratic, as they are increasingly in an era of structural adjustment and diminishing urban employment.

This raises the question of whether the planners of the 1951 Native Land Husbandry Act might have got it right after all. Famously described by George Nyandoro as 'the best recruiter Congress ever had' and the instigator of much rural insecurity and unrest, the Act attempted to break the by now traditional links between urban and rural and to turn Zimbabweans into either full-time workers or farmers. Today's optimistic modernisers argue that this indeed has to happen, that Africa's future lies on the path to industrialisation and that people will have to leave the land. An extreme version of this was voiced by Charles Onyango-Obbo, Editor of *The Monitor* of Uganda: 'It sounds heartless, but behind closed doors, businessmen and the smarter politicians will tell you that the solution to the hunger in Africa is to chase the peasants off the land. Not by force, mind you, but through subtle market mechanisms and simply buying them out.'<sup>24</sup> The land NGOs currently struggling to defend peasant and pastoralist land rights do not share that vision of Africa's future, which they see as highly unlikely under globalisation. They argue instead that anti-poverty strategies can only succeed on the basis of economic growth and equitable distributions of incomes and that to raise incomes people need more, not less, secure access to land in order to participate in economic growth, as happened to a degree in South Korea and Taiwan.

Mugabe's land grab is irresponsible, in the regional as well as in the national context, in the last analysis because it gives ammunition to enemies of the poor. It can be of no benefit or comfort whatever to groups like the Uganda Land Alliance, which are struggling to defend previously secure community land rights in the current investor-friendly climate and within the current rules of the game. They know that to achieve anything they have to operate within those rules, whether they like them or not. So they engage with and lobby relevant donors

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<sup>22</sup> 'The people don't even want Mugabe's land', *Electronic Mail&Guardian*, 1 December 1997.

<sup>23</sup> 'This land is your land, this land is our land', *Electronic Mail&Guardian*, 1/2 March 1998.

<sup>24</sup> *The East African*, 29 September - 5 October 1997.

precisely because it is they who are able to influence and pressurise governments,<sup>25</sup> or to ‘arm-twist’ as Mugabe said of the IMF. The Alliance has also engaged with the Ugandan Ministry of Lands, forcing it over time to take their concerns and arguments seriously. They now run workshops jointly with the Ministry as part of the process of consultation. They and other NGOs effectively targeted MPs in a workshop and public meeting in Kampala in March 1998 just before the final draft of the land bill was put before parliament. They have come to learn from experience that there can be an effective *de facto* working alliance of the powerless and the powerful.

The kind of dialogue taking place in Uganda, difficult and problematic though it has been at times, is clearly what needs to be restored in Zimbabwe, as many Zimbabweans are only too keenly aware. For if Mugabe is not persuaded to return to the paths of negotiation and transparency,<sup>26</sup> the economic future for Zimbabwe may well be very grim indeed.

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<sup>25</sup> As happened in a seminar in Kampala in September 1997, which provided the vehicle for critical comments on a draft land bill to be publicly voiced by the Uganda Land Alliance, the World Bank, and an independent consultant working for DFID.

<sup>26</sup> The IMF demanded a ‘public and official statement’ from the Zimbabwean Government to confirm private undertakings given to the EU and the World Bank that it will adhere to the law and the Constitution in implementing land reform. Analysts feared that unless some face-saving formula was found, the economic outlook for Zimbabwe could deteriorate seriously. *The Times*, 11 February 1998; *The Zimbabwe Independent*, 27 February - 5 March 1998.