

ZIMBABWE

FAST TRACK LAND REFORM IN ZIMBABWE

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I. SUMMARY

The “fast track” land resettlement program implemented by the government of Zimbabwe over the last two years has led to serious human rights violations. The program’s implementation also raises serious doubts as to the extent to which it has benefited the landless poor. The stated aim of the fast track program is to take land from rich white commercial farmers for redistribution to poor and middle-income landless black Zimbabweans. Under the program, however, ruling party militias, often led by veterans of Zimbabwe’s liberation war, have carried out serious acts of violence against farm owners, farm workers, and, using occupied farms as bases for attacks, against residents of surrounding areas. The police have done little to halt such violence, and in some cases are directly implicated in the abuses. The process of allocating plots to those who want land has frequently discriminated against those who are believed to support opposition parties, and in some cases those supervising the process have required applicants to demonstrate support for the ruling party, the Zimbabwe African National Union-Patriotic Front (Zanu-PF). Zimbabwe’s several hundred thousand farm workers have been largely excluded from the program, and many have lost their jobs, driven from the farms where they work by violence or laid off because of a collapse in commercial agricultural production. Even those people allocated plots on former commercial farms appear in many cases to have little security of tenure on the land, leaving them vulnerable to future partisan political processes or eviction on political grounds, and further impoverishment.

The need for land reform in Zimbabwe is generally acknowledged, even by representatives of the commercial farming sector. Colonial policies of expropriation gave a few thousand white farmers ownership of huge tracts of arable land. About 4,500 large-scale commercial farmers still held 28 percent of the total land at the time the fast track program was instituted; meanwhile, more than one million black families eke out an existence in overcrowded, arid “communal areas,” the land allocated to Africans by the colonial regime. Farm workers, many of whom are of foreign descent, have little or no access to land on their own account, and are also vulnerable to arbitrary eviction from their tied accommodation. Many poor and middle-income black people in urban areas, squeezed by rocketing food and transport price hikes and growing unemployment since the mid-1990s, see land as an alternative source of income and food security. Many land restitution claims relating to forced removals during the era of the white government have also not been addressed. These factors create a significant land hunger in Zimbabwe.

This report considers the human rights implications of the so-called fast track process of land redistribution in Zimbabwe, under which the government has revised the constitution and amended legislation in order to allow it to acquire commercial farms compulsorily and without compensation, and the land occupations that have accompanied it since early 2000. We focus on the violence that has accompanied the land occupations of the last two years, on the discrimination on political grounds that has accompanied the allocation of new plots, and on adverse effects that the fast track land reform process has had for one of the constituencies which was supposed to benefit: the rural poor.

As has been widely reported, war veterans and associated Zanu-PF militia occupying commercial farms have intimidated, assaulted, and in at least seven cases killed white farm owners in the course of occupying commercial farms. A much larger number of victims have come from among farm workers on commercial farms; several tens of farm workers have been killed. In addition, Human Rights Watch collected numerous testimonies indicating that commercial farms are being used as bases for war veterans and Zanu-PF militia to intimidate alleged opposition supporters in neighboring communal areas. Our findings confirmed the reports of Zimbabwean and other international human rights organizations that the police have at best failed to take action against the alleged perpetrators of violent crimes, and in some cases have actively assisted illegal actions. The army, too, has played a role in organizing and facilitating the occupations, without providing any check on the violence.

The desire for land is evident from numerous testimonies, including from people who support opposition parties which have officially opposed the current process. In particular, those who work the land on the commercial farms often have no land of their own or alternative livelihoods. Yet, according to many witnesses interviewed by Human Rights Watch the process of land distribution itself raises serious concerns. The first

problem they identified was the party-political control of access to the forms for applying for land and partisan discrimination in the allocation of plots. The second was the key role of the war veterans' Zanu-PF militias in distributing and allocating land, the same militias that are responsible for violence and intimidation against many who might otherwise apply for a plot. A third was the general exclusion of farm workers from the benefits of land redistribution. Although there is an official structure for allocating land through the civil service and elected officials, in many cases this system is superseded by informal processes governed by the war veterans, who may require demonstrated loyalty to Zanu-PF before allocating a plot. Working in concert with the ruling party militias, the police and army were identified as coordinating some of the land occupations.

Some people from communal areas who genuinely need land to raise themselves out of poverty, as well as some middle class people from urban areas who wish and have the capabilities to enter commercial farming, have been among those who have obtained access to land for the first time. The extent to which real need has been a criterion is difficult to assess because of the difficulties of accessing fast track resettlement areas or talking to the ruling party militia often led by war veterans that control most resettlement areas. Nevertheless, the testimonies we received raise issues concerning the politicized nature of beneficiary selection and thus about the extent to which fast track land resettlement is really benefiting those who most need land.

Because the "fast track" process of resettlement is being carried out so rapidly, short-circuiting legal procedures, some of those who have moved onto new plots or those who might otherwise do so, expressed concern about the lack of certainty that their title to land will be secure. Others who want land have not taken up the opportunity because they do not have the resources to plow the land and because there is little if any government support to assist new settlers. The absence of legal security and government assistance could leave them vulnerable to hunger and displacement. Development organizations following the crisis in Zimbabwe have noted that the disruption to commercial agriculture caused by fast track resettlement has endangered food security in Zimbabwe, usually a maize exporter.

In many ways, those most disadvantaged by the fast track land reform program are landless farm workers: large numbers of farm workers have been laid off from paid work; yet farm workers have not been among the groups targeted to benefit from land reallocations. Those who are descendants of Zambians, Malawians or Mozambicans brought to Zimbabwe as indentured labor during the colonial period may have additional difficulty in accessing the fast track resettlement schemes. Despite government commitments to addressing gender inequality in land distribution, women, whose rights to land under customary law are weak, have also failed to benefit proportionately from the fast track process.

The government has defied court orders requiring the police to remove those occupying farms where land was not acquired in accordance with procedures set down in the law and flouted the court ruling that commercial farmers be allowed to continue operations. It has interfered with judicial independence, in particular by forcing resignations from the Supreme Court, after the court ruled the "fast track" land reform program unconstitutional, and replacing judges with individuals perceived to be loyal to the ruling party. The new court accepted the government's arguments that the rule of law had been restored to land reform by legislation attempting to retroactively validate occupations carried out in violation of legal procedures.

The fast track program has thus violated rights to equal protection of the law, nondiscrimination, and due process. The violence accompanying land occupations has created fear and insecurity on white-owned commercial farms, in black communal areas, and in "fast track" resettled areas, and threatens to destabilize the entire Zimbabwean countryside.

Where the blame should lie for the failure to change the racially skewed nature of land ownership in Zimbabwe over the two decades since minority rule was ended has been a key point in diplomatic interactions over the current land crisis. Zimbabwe received financial assistance for land reform during the 1980s and 1990s from various governments. But conditions were put on the way that the money handed over could be used. The British government in particular, the former colonial power responsible for brokering the agreement that led to the 1980 transition to majority rule, has been protective of white farming interests in Zimbabwe and in the early years

insisted on a market-based land redistribution policy. The World Bank, another key donor, has itself acknowledged that the Economic Structural Adjustment Plan for Zimbabwe embarked on at its recommendation in 1991 had damaging social consequences, in particular by increasing poverty. The donor community also raised various problems with the way in which the funds provided for land redistribution were disbursed—not least that among the recipients of commercial farmland appropriated under land reform measures were a number of senior political leaders. The Zimbabwean government countered the arguments not least on the basis that the money paid was as a matter of historical obligation rather than development assistance. The international donor community thus does not come with clean hands to the current fast track land reform process.

The response of other African countries to Zimbabwe, meanwhile, has been strongly shaped by the history of southern Africa, and the long struggle for an end to colonial and white minority rule. Issues of control over land resonate forcefully in South Africa and Namibia, in particular. Other African states have often supported the Zimbabwe government in its allegations that the response of Britain, in particular, to the land crisis, is essentially racist.

At least partly as a consequence of this history, the strong criticism of the fast track program voiced by the British, the European Union (E.U.), and the United States, among others, has not been matched by similar statements from Zimbabwe's African neighbors. In late 2001, however, both the Organization of African Unity (OAU) and in particular the Southern Africa Development Community (SADC) began to take a stronger—though often inconsistent—line in criticizing the disorder and economic chaos unleashed by fast track land redistribution and other developments, and urging President Mugabe to restore the rule of law to the land reform program and the elections scheduled for March 2002. At the same time, many African states have publicly disapproved of sanctions against Zimbabwe introduced by the E.U. and U.S. The Commonwealth, which brings together both rich and poor former colonies of Britain, has been more outspoken, though often divided along racial lines.

Colonial policies of expropriation established ownership patterns in which white farmers in Zimbabwe possess large, fertile farms while black rural dwellers barely subsist. There is an urgent and long-standing need to change these unequal and race-based patterns of land occupation; and there are well-developed plans approved by the government of Zimbabwe setting out the means to do so. But the fast track land resettlement program sidesteps these, while laying down an infrastructure for rural violence and intimidation that subordinates development plans to political ends. New kinds of hardship and insecurity are being created for rural Zimbabweans, including in many cases the intended beneficiaries of land reform. While international attention has focused on the plight of white farm owners and on the consequences of illegal expropriations of land for property rights and the macro-economy, it is poor, rural, black, people who have suffered most from the violence that has accompanied the fast track process.

It is important that the rule of law be restored to the land reform program; not for the protection of existing commercial farming interests, but to ensure that redistribution of land is carried out fairly and to bring an end to state-sponsored violence and impunity for violent crime. Legal safeguards are imperative to ensure that land redistribution does not result in further discrimination and human rights abuses against those who are supposed to benefit from it. At the same time, there has to be recognition that the fast track land reform program has created new facts on the ground in Zimbabwe. It cannot be a solution to the current crisis simply to use the same arbitrary and violent methods to evict new settlers from the land. Once some sort of stability has been restored, and violence ended, the competing claims of commercial farmers, farm workers, new settlers, and the state to land must be arbitrated by an impartial tribunal with authority to adjudicate disputes over land and allocate title fairly. The international donor community should give generous assistance to efforts to ensure a sustainable settlement to the land question in Zimbabwe.

* * *

During a month-long research visit in the rural areas of Zimbabwe in July 2001, Human Rights Watch interviewed farm workers, farm owners, villagers from communal areas, and settlers in areas resettled during the 1980s, as well as nongovernmental organizations (NGOs) working in rural communities and academics concerned

with land reform. We interviewed some people in “fast track” resettlement areas, though not as many as we would have wished, due to the difficulty of visiting those areas in the face of threats from government party militia. Testimonies were taken in five provinces: Mashonaland Central, Mashonaland East, Mashonaland West, Manicaland, and Matabeleland South. Amnesty International also generously shared with us several testimonies collected during their own missions to Zimbabwe. The report does not describe the general situation of violence and other harassment against the political opposition, in connection with the parliamentary or presidential election campaigns, except insofar as it is related to the fast track reforms.

II. RECOMMENDATIONS

To the Zimbabwean Government:

- Halt the creation and training of militia led by war veterans and Zanu-PF supporters and end the violence and intimidation of those perceived to be in opposition to government policies in Zimbabwe.
- Instruct the police to protect all people equally and bring those who are alleged to have perpetrated crimes to justice.
- Ensure that all state organs respect the law and the decisions of judicial authorities, and that the police enforce judgments made by competent tribunals.
- Provide free access to human rights and humanitarian organizations carrying out human rights monitoring, education, relief, or development programs to all parts of Zimbabwe, including communal areas and commercial farms. Cease threats against such organizations and facilitate proper criminal investigation of threats and assaults against human rights workers.
- Suspend the “fast track” resettlement program and institute a program of land reform complying with the obligations assumed under the September 2001 Commonwealth Abuja Agreement and the conclusions of the 1998 international donors’ conference on land reform. Such a program must set out an open and transparent process and respect the rule of law. It must not discriminate on the grounds of political affiliation or gender.
- Establish by law an independent body—such as a land commission suggested at the 1998 donor’s conference—to resolve conflicts over land allocation, including conflicts caused by occupation of land in violation of the procedures established by the law, in accordance with the principles established at Abuja and at the donors’ conference. Appoint experienced, independent individuals, knowledgeable in land reform issues, to preside over this body, and ensure that their terms of reference are clear, that they are free of state or party interference, and that the body is adequately resourced. There should be a right of appeal to the regular courts.
- Respect the independence of the judiciary, and strengthen the processes that are designed to ensure that judges appointed at all levels of the court system are independent and impartial.
- Ensure an independent and impartial review of the performance of the “fast track” process, for example in cooperation with the United Nations Development Programme, in order to identify problems with the program, especially with regard to political selection of beneficiaries, and propose mechanisms for resolving these problems in the future.
- Incorporate the obligations assumed by Zimbabwe under international human rights treaties it has ratified into domestic law.

To the International Community, including in particular the Southern African Development Community, the Commonwealth, the European Union, the United Kingdom, and the United States:

- Maintain pressure on Zimbabwe to respect its obligations under international human rights law to restore the rule of law both to the land reform program and to the country more generally.
- Make available generous funds to the Zimbabwe government to implement a land reform program that complies with the principles established by the September 2001 Commonwealth Abuja Agreement and the 1998 international donors’ conference on land reform.

- If the Zimbabwe government does not undertake actions in accordance with the recommendations above, take further steps to bring pressure to bear on the government to ensure that it does so.
- Assist civil society groups in Zimbabwe, including human rights groups, to continue monitoring and reporting on abuses, in particular in the rural areas.

III. BACKGROUND

Land Reform in the Twenty Years After Independence

Land has been a source of political conflict in Zimbabwe since colonization, when the country was known as Rhodesia, both within indigenous black communities and especially between white settlers and the black rural communities. Under British colonial rule and under the white minority government that in 1965 unilaterally declared its independence from Britain, white Rhodesians seized control of the vast majority of good agricultural land, leaving black peasants to scrape a living from marginal “tribal reserves.” An end to white minority rule came after a protracted war of liberation in which land was a major issue, but was ultimately negotiated through talks brokered by the British government that led to a settlement known as the Lancaster House Agreement, and then to elections in 1980. Robert Mugabe, leader of the Zimbabwe African National Union-Patriotic Front (Zanu-PF), the dominant liberation movement, won a resounding victory. However, the new government was bound by “sunset clauses” in the Lancaster House Agreement that gave special protections to white Zimbabweans for the first ten years of independence. These included provisions that the new government would not engage in any compulsory land acquisition and that when land was acquired the government would “pay promptly adequate compensation” for the property. Land distribution would take place in terms of “willing buyer, willing seller.” (From 1985, every vendor of land was required to obtain from the government a “certificate of no present interest” in the acquisition of the land concerned before going ahead with the sale.)

Released from the constraints of the Lancaster House Agreement in 1990, the Zanu-PF government amended the provisions of the constitution concerning property rights. Compulsory acquisition of land for redistribution and resettlement became possible. In 1992, the Land Acquisition Act also gave the government strengthened powers to acquire land for resettlement, subject to the payment of “fair” compensation fixed by a committee of six persons using set (nonmarket) guidelines, including powers to limit the size of farms and introduce a land tax. A 1994 land tenure commission also recommended that the best way to achieve vital redistribution was through a land tax, though no tax was in fact put in place.¹ Despite the new laws, the government land acquisition and resettlement in practice slowed down. In the first decade of independence, the government acquired 40 percent of the target of eight million hectares, resettling more than 50,000 families on more than three million hectares.² By the end of the second decade of independence, the pace of land reform had declined. Less than one million hectares was acquired for distribution during the 1990s and fewer than 20,000 families resettled.³ Budgetary allocations showed that land acquisition was not a government priority during these years. By the end of what became known as “phase one” of the land reform and resettlement program in 1997, the government had resettled 71,000 families (against a target of 162,000) on almost 3.5 million hectares of land.⁴ Only 19 percent of this was classed as prime land, the rest was either marginal, or unsuitable for grazing or cultivation.⁵ About 400 black elite farmers were leasing 400,000 hectares of state land, and about 350 black

¹ The commission was known as the Rukuni Commission, after its chair, Professor Mandiyamba Rukuni of the University of Zimbabwe Department of Agricultural and Extension Services.

² Centre for Housing Rights and Evictions, *Land, Housing and Property Rights in Zimbabwe* (Geneva: COHRE, September 2001), available at www.cohre.org, p.16, accessed November 10, 2001.

³ Ibid.

⁴ Technical Committee of the Inter-Ministerial Committee on Resettlement and Rural Development and the National Economic Consultative Forum Land Reform Task Force, *Inception Phase Framework Plan: 1999 to 2000, An Implementation Plan of the Land Reform and Resettlement Programme – Phase 2* (Harare: Government of Zimbabwe, undated (1998)), paragraph 1.2.

⁵ Tapera Knox Chitiyo, “Land Violence and Compensation: Reconceptualising Zimbabwe’s Land and War Veterans’ Debate,” *Track Two Occasional Paper*, vol. 9, no. 1, (Cape Town: Centre for Conflict Resolution, May 2000), p.16.

people had bought their farms.⁶ There were positive and sustainable results from the resettlement process, though problems beset the resettled communities who lacked infrastructure and support networks, whether governmental or from their previous communities.⁷ Moreover, population density in the “communal areas,” the former tribal reserves, actually increased. More than one million families still eked out an existence on sixteen million hectares of poor land. Despite wealth in one sector of the economy, Zimbabwe remained one of the most unequal countries in the world.

Where the blame should lie for the failure to change the racially skewed nature of land ownership in Zimbabwe has been a key point in diplomatic interactions over the current land crisis. In the first two decades of independence, Zimbabwe received financial assistance from various governments, including Britain, which provided £44 million through a “land resettlement grant” and budgetary support to the Zimbabwe government. The land resettlement grant was mostly spent by 1988 and formally expired in 1996.⁸ Conditions were put on the way that the money handed over could be used. Britain in particular, especially under the Conservative Party government in power from 1979 to 1997, favored redistribution based on government purchase of land from willing sellers at full market prices, a bias that contributed to the purchase of scattered, low-quality land for resettlement. In 1997, the new British Labour Party government proposed that its new policy directing development assistance to poverty alleviation guide its support for land reform. But Minister for International Development Clare Short wrote to the Zimbabwean government stating that “we do not accept that Britain has a special responsibility to meet the costs of land purchase in Zimbabwe.”⁹ The donor community also raised various problems with the way in which the funds provided for land redistribution were disbursed; arguments that the Zimbabwean government rejected not least on the basis that the money paid was as a matter of historical obligation rather than development assistance. Zimbabwe accused the new British government of following the same racist policies as its predecessors.

By 1999, eleven million hectares of the richest land were still in the hands of about 4,500 commercial farmers, the great majority of them white.¹⁰ Moreover, some farms purchased for redistribution had in fact been given to government ministers and other senior officials rather than to the landless peasantry.¹¹ Most rural black Zimbabweans continued to suffer immense poverty. In the face of government failure to deliver, grassroots land occupations were already taking place in the 1980s and 1990s; in many cases government security forces then removed people from the land with some brutality. This was particularly the case in the context of the conflict in the 1980s in Matabeleland between Zanu-PF and the Zimbabwe African People’s Union (Zapu), the other main liberation movement, which drew its support base from among the Ndebele.¹² By late 1997 and 1998, much

⁶ Sam Moyo, “The Interaction of Market and Compulsory Land Acquisition Processes with Social Action in Zimbabwe’s Land Reform,” paper presented at SAPES Trust annual colloquium, Harare, September 2000, p.7.

⁷ See, for example, *Zimbabwe: In the Party's Interest?* (London: African Rights, June 1999).

⁸ Background Briefing, *Land Resettlement in Zimbabwe* (London: Department for International Development, March 2000). £20 million was provided as a specific land resettlement grant, and £27 million as budgetary support to help meet the Zimbabwe government’s own contribution to the program. £3 million was eventually returned unspent to the British government.

⁹ Letter from British Minister for International Development Clare Short to Zimbabwe’s Land and Agriculture Minister Kumbirai Kangai, quoted in Chris McGreal, “Blair’s worse than the Tories, says Mugabe,” *Mail and Guardian* (Johannesburg), December 22, 1997.

¹⁰ According to the Commercial Farmers’ Union, basing its summary on official government figures, 39,079,000 hectares of land in Zimbabwe are split among: large scale commercial sector, 11,020,000 hectares (28.2 percent of the total), of which CFU members own 8,595,000 ha; small scale sector, 1,380,000 ha (3.15 percent); communal areas, 16,350,000 ha (nearly 42 percent); resettled areas, 3,540,000 ha (9.1 percent); national parks and forest land, 6,339,000 ha (16.2 percent); state-owned land through ARDA, 250,000 ha (0.6 percent); urban land, 200,000 ha (0.5 percent). CFU statement, October 19, 2001. All CFU documents cited are available on the CFU website, www.mweb.co.zw/cfu/.

¹¹ A list of commercial farm allocations up to 1999 was obtained by independent MP Margaret Dongo, and published in early 2000. Republished in COHRE, *Land, Housing and Property Rights in Zimbabwe*, annex 2.

¹² See *Breaking the Silence; Building True Peace: A Report on the Disturbances in Matabeleland and the Midlands 1980 to 1988* (Harare: Catholic Commission for Justice and Peace, Legal Resources Foundation, February 1997). At least 3,000 people are known to have died in this violence, possibly many more. As part of the effort to resolve the conflict, Zapu later merged with Zanu-PF.

larger scale occupations were taking place.¹³ But, despite occasional saber-rattling by the government, white farmers were mostly left undisturbed; several became prominent supporters of Zanu-PF.

The conflict over land was related to growing tension between the government and veterans of the liberation war. In 1980, there were about 60,000 men and women who had been guerrilla members of the two liberation armies, Zanla (affiliated with Zanu) and Zipra (affiliated with Zapu). About 20,000 were integrated into the national army; the remainder were demobilized and awarded a small pension, but given little other assistance to help them in starting a new life. In April 1989, the Zimbabwe Liberation War Veterans' Association (WVA) was formed, bringing together excombatants from both Zanla and Zipra to lobby for increased government assistance. By 1991, the government opened negotiations with the veterans group and several laws were passed in their favor, including a War Victims Compensation Act (1993). The administration of the compensation, however, was corrupt and inefficient. A number of senior Zanu officials were later found to be claiming large pay-outs, while those in real need remained neglected. The confrontation over these issues provoked a crisis in relations between the government and the WVA. In August 1997, a commission of inquiry was appointed to look into abuses in the payment system (the Chidyausiku Commission), provoking a split in the WVA between those who supported and those who opposed the investigation. In September of that year, at the Zanu-PF summit, Mugabe bowed to pressure and announced a package for veterans that included a once-off payment of Z\$50,000 to each veteran, and a Z\$2,000 per month pension for life. It was not clear how the state would pay for this commitment. The pledge, however, gave some war veterans an interest in the continued rule of Zanu-PF; by mid-1999, the WVA faction led by Chenjerai Hitler Hunzvi, who was to be a key figure in leading the land invasions of 2000, was clearly close to the government.¹⁴

Exacerbating these problems was a growing economic crisis in the country. The new government had borrowed heavily from the World Bank during the 1980s, and servicing the debt rose to 37 percent of export earnings by 1987. Small-holding peasants defaulted on more than 75,000 out of 94,000 loans given to them, worsening the government's fiscal crisis. Loan conditions were placed on the government, which led to food subsidies falling in 1986 to two-thirds of their 1981 level and a cut in education and health spending. The adoption of an Economic Structural Adjustment Program (ESAP) in 1991 led to increases in interest rates and inflation, and drought in 1992 and 1995 compounded the problems. Land reform was not integrated into ESAP, while large scale commercial farmers were the principal beneficiaries of reforms promoting agricultural exports. The stock market fell and manufacture contracted by 40 percent between 1992 and 1996.¹⁵ Many workers were laid off. By 1997, Zimbabwe was in the throes of a serious economic and political crisis. Spiraling food and fuel prices inspired urban strikes and political protests, radicalizing the trade union movement under the Zimbabwe Congress of Trade Unions. A militant strike wave in 1998 saw public sector workers at the forefront of this growing resistance, including two successful national general strikes. Despite the domestic financial problems, in June 1998, the government sent the first of what would eventually be 11,000 soldiers from the Zimbabwean army to the Democratic Republic of Congo, to fight in support of the government of President Laurent Kabila.

In the wake of a growing confrontation between the British and other donors and the Zimbabwean government over the financing of land transfers, and the November 1997 government notice of compulsory acquisition of 1,471 farms (about 3.9 million hectares),¹⁶ an international donors' conference on land reform and resettlement was held in September 1998. This forum aimed to build a consensus among various stakeholders in

¹³ Moyo, "The Interaction of Market and Compulsory Land Acquisition Processes with Social Action," pp.28-30; Chitiyo, "Land Violence and Compensation," p.19. See also Sam Moyo, "The Land Occupations Movement and Democratisation: The Contradictions of the Neoliberal Agenda in Zimbabwe" (unpublished paper, 2001).

¹⁴ See generally, Chitiyo, "Land Violence and Compensation," pp. 19-22; Richard Carver, "Zimbabwe: A Strategy of Tension," Writenet, June 2000.

¹⁵ Patrick Bond, "Radical Rhetoric and the working class during Zimbabwe nationalism's dying days," in Brian Raftopoulos and Lloyd Sachikonye (eds.), *Striking Back: The Labour Movement and the Post Colonial State in Zimbabwe 1980-2000* (Harare: Weaver Press, 2001).

¹⁶ Of these, only 109 were eventually purchased on offer, while the government delisted others on appeal, failed to file papers in time, or was successfully challenged through the courts. Moyo, "The Interaction of Market and Compulsory Land Acquisition Processes with Social Action," p.23.

land reform. A set of principles was adopted to govern “phase two” of land resettlement in Zimbabwe, including respect for a legal process, transparency, poverty reduction, affordability, and consistency with Zimbabwe’s wider economic interests. A technical committee worked on finalizing the details of the new system.¹⁷ Nevertheless, relations between the donors and the government broke down. The Zimbabwe government accused the donors of not actually putting up the funds that they had pledged and of protecting the neo-colonial interests of white-owned agribusiness; the donors accused the government of continued lack of transparency and failure to adhere to the principles agreed at the conference. New conditions related to governance were attached to funding for land reform. Despite these difficulties, some progress was made: by the end of 1999, thirty-five farms totaling 70,000 hectares had been purchased, with others in line to be acquired. A draft land tax bill had been produced, and steps taken to limit farm sizes.¹⁸

While these debates were ongoing, many of those demanding economic and political reform came together in 1997 to form the National Constitutional Assembly (NCA), an alliance of civil society groups which initiated a process of debate on the need for a new constitution. In 1999, representatives of a wide range of interest groups formed a new political party, the Movement for Democratic Change (MDC). The creation of the MDC was the first time in Zimbabwe’s post-independence history that an opposition party had succeeded in creating a genuinely national movement, and thus represented a real threat to the ruling party. In particular, the MDC was the first party to attract support from white Zimbabweans, and received significant financial support from the white business and commercial farming communities. In addition to calling for national renewal on a range of issues, the MDC promised “people-driven land reform.” The party committed itself to purchasing “6-7 million [hectares] of land for resettlement through the acquisition of underutilised, derelict and multiple owned land, land already identified and designated for the purpose and corruptly acquired land.”¹⁹ At the time, the government’s policy was eventually to acquire five million hectares of land from the commercial farming sector for redistribution.²⁰

In an attempt to coopt the demand for constitutional reform, in May 1999 President Mugabe created an official government commission, consisting of almost 400 members, to rewrite the constitution. A large number of public meetings was held to solicit public views, though these were ultimately largely ignored. A draft constitution, including provisions that would greatly strengthen the executive at the expense of parliament, and extend the powers of the government to acquire land compulsorily without compensation, was adopted against the protests of a substantial number of members of the constitutional commission and submitted to a national referendum in February 2000.²¹ The MDC campaigned for a “no” vote. The government was defeated in the referendum, by 53 percent of the 1.3 million votes cast.

In the face of the challenge represented by the MDC and other increasingly outspoken critics of his government, President Mugabe and Zanu-PF responded on two fronts. On the one hand, the government revived

¹⁷ Technical Committee of the Inter-Ministerial Committee on Resettlement and Rural Development and the National Economic Consultative Forum Land Reform Task Force, *Inception Phase Framework Plan: 1999 to 2000, An Implementation Plan of the Land Reform and Resettlement Programme – Phase 2* (Harare: Government of Zimbabwe, undated (1998)).

¹⁸ COHRE, *Land, Housing and Property Rights in Zimbabwe*, p.20; Moyo, “The Interaction of Market and Compulsory Land Acquisition Processes with Social Action,” p.24.

¹⁹ MDC manifesto, paragraph 3; see also Agriculture, Land and Water Policy Statement, June 2000; both available at www.mdczimbabwe.com, accessed December 4, 2001.

²⁰ The “inception phase” of “phase two” of the land reform and resettlement program aimed to redistribute one million hectares in a twenty-four month period; in the longer run, within five years, the objectives of phase two were to acquire five million hectares of commercial farmland and resettle about 150,000 families. Technical Committee, *Inception Phase Framework Plan*, paragraphs 1.1 and 1.2. The MDC did not state a time limit for its own distribution plans.

²¹ See Angela Cheater, *Human Rights and Zimbabwe’s June 2000 Election* (Harare: Zimbabwe Human Rights NGO Forum Human Rights Research Unit, January 2001), pp.8-13 for a summary of the constitution-drafting process. The members of the NGO Forum are: Amani Trust, Catholic Commission for Justice and Peace, Legal Resources Foundation, Transparency International (Zimbabwe), University of Zimbabwe Legal Aid and Advice Scheme, Zimbabwe Association for Crime Prevention and the Rehabilitation of Offenders, Zimbabwe Human Rights Association, Zimbabwe Lawyers for Human Rights, Zimbabwe Women Lawyers Association.

the call for radical land redistribution to fulfill the promises made at independence, giving official blessing to a new wave of land occupations led by members of the War Veterans Association that had rapidly accelerated following the referendum result. Members of the army were also involved in coordinating and facilitating these occupations. Capitalizing on the fact that land reform remains a powerful issue for any political party to invoke, Zanu-PF campaigned for the June 2000 parliamentary elections on the slogan “Land is the Economy; the Economy is Land.”²² The government implemented the provisions of the rejected draft constitution relating to land acquisition through parliament, adding a new section 16A to the existing constitution. The amendment, which became law in April 2000, significantly extended the grounds on which land could be compulsorily acquired and absolved the government from providing compensation, except for improvements; instead, the “former colonial power” should provide any compensation.²³ The Land Acquisition Act was further amended in May 2000, using the power given to the president to enact six month temporary legislation under the Presidential Powers (Temporary Measures) Act of 1986; and again November, through parliament in a two-day process. The stated aim was to “clarify and streamline various procedural aspects of the acquisition process and to prescribe new compensation rules in accordance with the Constitution.”²⁴ On the other hand, the ruling party mobilized violence against the political opposition.

There had been some political violence before the February 2000 referendum, but the parliamentary elections were marked by much worse violence and intimidation, supported by public statements by senior Zanu-PF figures, particularly directed against MDC candidates and supporters, white farm owners and black farm workers, teachers, civil servants, journalists, and residents of rural areas believed to support opposition parties. While there was some reciprocal violence by MDC supporters against the ruling party, all systematic monitoring showed opposition supporters as the majority of victims, and Zanu-PF supporters as the majority of perpetrators.²⁵ There was also widespread criticism of the conduct of the poll, of media bias, and the legal framework provided by the Electoral Act. Nevertheless, the MDC came close to winning more seats than Zanu-PF, gaining fifty-seven seats to the ruling party’s sixty-two (plus thirty MPs appointed by the executive), on a 50 percent turnout. The MDC challenged thirty-nine constituency results in the High Court; the defeated candidates and many witnesses were themselves subjected to serious intimidation. The Zimbabwe Human Rights NGO Forum, basing its findings on information received by its constituent organizations, found that at least seventy-two people had died in pre-election political violence, and eight in post-election violence, up to the end of the year.²⁶

²² In an opinion poll conducted in March 2000, 30 percent of Zimbabweans wanted to see farms removed from white owners. (Land, however, ranked fourth among respondents’ concerns, after inflation, unemployment, and the fall in the value of the Zimbabwe dollar.) The survey was of 1,900 randomly selected respondents interviewed during the run-up to the referendum and results were published in the Harare *Standard* on March 12, 2000; see Cheater, *Human Rights and Zimbabwe’s June 2000 Election*, p.15.

²³ Section 16A now provides that, among other things:

(1)(c)- the people of Zimbabwe must be enabled to reassert their rights and regain ownership of their land; and accordingly—
i - the former colonial power has an obligation to pay compensation for agricultural land compulsorily acquired for resettlement, through an adequate fund established for the purpose; and
ii - if the former colonial power fails to pay compensation through such a fund, the Government of Zimbabwe has no obligation to pay compensation for agricultural land compulsorily acquired for resettlement.

See COHRE, *Land, Housing and Property Rights in Zimbabwe*, for further discussion of Zimbabwe’s constitutional provisions on land acquisition.

²⁴ *Land Reform and Resettlement Programme: Revised Phase II*, paragraph 2.5.

²⁵ Cheater, *Human Rights and Zimbabwe’s June 2000 Election*; Amnesty International *Zimbabwe: Terror Tactics in the Run-up to Parliamentary Elections* (London: Amnesty International, June 2000); see also European Union, *Report of the E.U. Election Observation Mission on the Parliamentary Elections in Zimbabwe 24-25 June 2000* (Strasbourg/Harare: European Union, July 2000), available at www.eueop.org, accessed November 25, 2001. E.U. monitors independently found that, of 250 incidents of violence reported to monitors in the field, Zanu-PF supporters were alleged to be perpetrators in 68 percent of cases, MDC supporters in 7 percent of cases, and other perpetrators including war veterans in 18 percent of cases. The Amani Trust found Zanu-PF supporters and government officials to be responsible for more than 90 percent of the cases of violence reported to it, and MDC and others for 2 percent. Amani Trust Matabeleland Office, *Recount on Political Violence in Zimbabwe* (Bulawayo: Amani Trust, June 2000).

²⁶ Cheater, *Human Rights and Zimbabwe’s June 2000 Election*, p. 35; for detailed statistics see also *Human Rights Monitor 2000 Annual Report* (Harare: Zimbabwe Human Rights NGO Forum, 2001).

Political violence continued in 2001, including in connection with the land reform program, and at least forty-eight people died in political violence during the year.²⁷ According to reports from human rights groups, harassment of opposition activists and intimidation of farm workers escalated by the end of the year and into early 2002; though there was some transfer of geographical focus from commercial farming areas to communal land and towns.

Fast Track Land Reform

The Zimbabwean government formally announced the “fast track” resettlement program in July 2000, stating that it would acquire more than 3,000 farms for redistribution. Between June 2000 and February 2001, a national total of 2,706 farms, covering more than six million hectares, were gazetted (listed in the official government journal) for compulsory acquisition.²⁸ According to the Commercial Farmers’ Union (CFU), which represents the large-scale commercial farming sector in Zimbabwe,²⁹ more than 1,600 commercial farms were occupied by settlers led by war veterans in the course of 2000, though others have questioned the number, and some were occupied only for a short period.³⁰ Not all of these occupations were accompanied by violence.

In April 2001, the objectives of the land reform and resettlement program were, among other things, said to be to acquire not less than 8.3 million hectares from the large scale commercial farming sector for redistribution (an increase from the five million hectares stated in 1998).³¹ In October 2001, the government announced that it intended to list for acquisition 4,558 farms, covering 8.8 million hectares.³² In the same month, based on a survey of its members, the CFU estimated that 1,948 farms had been physically occupied and that the number of people occupying farms had risen to 104,000 from an estimated 25,000 at the end of 2000, with an overall average of fifty-three occupiers per farm.³³ By the end of 2001, about 250 farmers out of the CFU’s total membership of 3,500 had left their farms over the previous year,³⁴ and the Ministry of Land, Agriculture and Rural Resettlement had recorded that 114,830 households had physically moved and resettled on 4.37 million hectares. By January 2002, up to 6,481 farms had been listed for acquisition. Of these, 918 had been removed because they were counted twice, and 689 were delisted after litigation or negotiation; leaving a total of 4,874 listed farms, or 9.23 million hectares of land.³⁵

According to official government documents, the identification of land for compulsory acquisition under the fast track process is in theory coordinated by a National Land Identification Committee, chaired by the vice-president’s office. Four ministries are officially involved: Lands, Agriculture, and Rural Resettlement; Local Government, Public Works and National Housing; Rural Resources and Water Development; and Environment and Tourism. In practice, the Ministry of Local Government, Public Works and National Housing plays the critical role. Provincial Land Identification Committees chaired by the provincial administrator coordinate

²⁷ *Politically Motivated Violence in Zimbabwe, 2000-2001: A report on the campaign of political repression conducted by the Zimbabwean Government under the guise of carrying out land reform* (Harare: Zimbabwe Human Rights NGO Forum, July 2001), p.4; *Political Violence Report January 2002* (Harare: Zimbabwe Human Rights NGO Forum, February 2002).

²⁸ Ministry of Lands, Agriculture, and Rural Resettlement, *Land Reform and Resettlement Programme: Revised Phase II* (Harare: Government of Zimbabwe, April 2001), paragraph 2.4.

²⁹ The CFU is widely perceived to represent white interests, though it has several hundred black members. The Indigenous Commercial Farmers’ Union represents other black commercial farmers; the Zimbabwe Farmers’ Union represents small-scale black farmers, with about 200,000 members.

³⁰ COHRE, *Land, Housing and Property Rights in Zimbabwe*, p.27; Moyo, “The Interaction of Market and Compulsory Land Acquisition Processes with Social Action in Zimbabwe’s Land Reform,” p.31-32.

³¹ *Land Reform and Resettlement Programme: Revised Phase II*, paragraph 1.3; *People First—Zimbabwe’s Land Reform Programme* (Harare: Ministry of Lands, Agriculture, and Rural Settlement, June 2001).

³² “Zimbabwe govt has seized 4,558 white-owned farms: minister,” AFP, October 31, 2001.

³³ CFU statement, October 19, 2001; see also “White farmers see major escalation of violence in Zimbabwe,” AFP, October 19, 2001.

³⁴ CFU “Background briefing” submitted to the SADC heads of state summit January 13-15, 2002. The CFU had 3,514 paid up members as of October 2001.

³⁵ United Nations Development Programme, *Zimbabwe: Land Reform and Resettlement: Assessment and Suggested Framework for the Future—Interim Mission Report* (New York: UNDP, January 2002), p.12.

implementation; a technical committee short-lists and evaluates applications. This structure is duplicated at district level, where committees are chaired by the district administrator (DA). Representatives of the rural district councils (RDCs), traditional leaders, and the War Veterans Association are all members of these committees.³⁶ Zanu-PF Party chairmen are also represented from local to national level. Farm owners can appeal to the Provincial Land Identification Committees if they believe that official criteria are not being followed, and negotiate modifications to the acquisition process.

A United Nations Development Programme (UNDP) technical report on the fast track program noted in January 2002 noted that the program is “affected by cumbersome consultations and decision-making processes involving numerous district, provincial and central government actors.... Problems of weak capacity and poor coordination have led to numerous errors in processing the acquisition of properties.”³⁷ Among the farms listed for resettlement have been properties totally unsuitable for the purpose, including land flooded under dams, land already resettled, or land currently used for industrial purposes. The team commented that even after recent amendments to the law, the land acquisition process was “complex, cumbersome and tedious to execute,” and that the team “is not aware of any other country in the region where the procedure for compulsory acquisition of land is so elaborate.”³⁸

There are two models for resettlement under the fast track program: model A1, “the decongestion model for the generality of landless people with a villagized and a self-contained variant,” to benefit 160,000 beneficiaries from among the poor; and model A2, aimed at creating a cadre of 51,000 small- to medium-scale black indigenous commercial farmers.³⁹ Twenty percent of all resettlement plots under the model A1 pattern are officially reserved for war veterans, repeating a commitment made by the government since the early 1990s.⁴⁰ In order to request land from the fast track program applicants must fill in an application form. This form is available either from the official structures—a district administrator, RDC councilor, or civil servant—or, in practice, from the commander of the war veterans militia leading the occupation of the relevant farm.

³⁶ *Land Reform and Resettlement Programme: Revised Phase II*, paragraph 3.3.6.

³⁷ UNDP Interim Mission Report, January 2002, p.11.

³⁸ UNDP Interim Mission Report, January 2002, p.28.

³⁹ In early 2002, the government began publishing in the state media the names of those who would be granted significant properties under the “A2” resettlement scheme aimed at creating a cadre of black commercial farmers. According to press reports, among the named beneficiaries were senior police officers and other security force personnel, civil servants, journalists with the state-owned *Herald* newspaper, and prominent Zanu-PF supporters. However, many of the allocated properties were allegedly in fact already occupied by Zanu-PF militia members or other settlers, meaning that the proposed new owners could not move onto the land. “Would be farmers yet to see new plots,” *Financial Gazette* (Harare), January 17, 2002.

⁴⁰ *Land Reform and Resettlement Programme: Revised Phase II*, paragraph 3.2.1.3.

According to the land policy statement of the government of Zimbabwe adopted in 1990, which still applies, the criteria for identifying land to be acquired for redistribution are that the land is: derelict, underutilized, owned by a farmer who also has other farms, foreign-owned, or contiguous to communal areas. Some refinements of these criteria can be deduced from government statements.⁴¹ Under the fast track land reform process, as more and more farms have been listed, these criteria have largely been abandoned. In particular during the initial land occupations and when fast track land reform was officially adopted, farms have been selected for gazetting on different criteria, which, judging by the practice, have apparently included whether the farm owner is a prominent MDC supporter, in addition to farms where the farm owner did not treat workers well, those where there was conflict between the farm owner and farmers on surrounding communal area land, and farms where a community now resident in a communal area has a historical claim to the land. However, there is no formal process, for example, to ensure that people from a communal area who have a historical claim get precedence in settling on that land. Rather, the fast track process has brought people who otherwise have no connection with each other together in new settlements. The government has not engaged in any speedy process to guarantee security of tenure on land allocated for resettlement: settlers on A1 model farms are in theory being issued temporary occupation licenses, expected to be converted in time into proper leases.⁴² Moreover, in practice farms have been occupied even when they have not been listed under any of the set legal procedures; though this process seems to have slowed in the last quarter of 2001.⁴³

Since the introduction of the fast track process, government policy and stated aims in relation to redistribution and land occupations have repeatedly changed.⁴⁴ There are clearly divisions within Zanu-PF as to the way forward on land reform, between those favoring an orderly legal process, and those urging a “revolutionary” approach.

New legislation has been brought in to supplement the original laws providing for the fast track program and to legalize processes that were formally illegal at the time they were begun. The Rural Land Occupiers (Protection from Eviction) Act of June 2001 protects from eviction for a period of twelve months (originally six months) those who had occupied land up to February 2001 without following the proper procedures, and suspended the application of court orders for eviction. In November 2001, President Mugabe used his “presidential powers” to amend the Land Acquisition Act, with retroactive effect to May 2000. The new provisions mean that ownership of designated land is transferred immediately, irrespective of any court challenge, to the acquiring authority and serves as a ninety-day eviction notice for the previous owner (penalties for noncompliance include imprisonment for up to two years). At any time after the serving of a “section 8” notice under the amended act, the government has the right to stop farming operations on the farm affected. In November 2001, the minister of lands, agriculture and rural resettlement launched regulations limiting maximum farm sizes to units ranging from 250-400 hectares in the main arable areas and 2,000 hectares in the grazing areas.

The Commercial Farmers’ Union has adopted a two-track approach in responding to the fast track land reform process and land occupations. On the one hand, the union has challenged the new laws and policies in the courts. In December 2000, the CFU was successful in obtaining an interdict from the Zimbabwe Supreme Court barring further land acquisitions on the grounds that the fast track program was unconstitutional, because it was being carried out in a violent and haphazard manner. The government has criticized the courts generally for standing in the way of land reform and has repeatedly failed to abide by court orders; including this one. In November 2001, the same court overturned the interdict, on the grounds that the government now had a lawful program of land reform. The judgment accepted the government’s argument that new legislation had retroactively

⁴¹ Moyo, “The Interaction of Market and Compulsory Land Acquisition Processes with Social Action in Zimbabwe’s Land Reform,” p.24.

⁴² UNDP Interim Mission Report, January 2002, p.30.

⁴³ *Ibid.*, p.18.

⁴⁴ As early as February 28, 2000, the minister for home affairs issued a statement instructing the occupiers of land to leave, but the order was reversed by the president. In April 2000, Acting President Msika again called on war veterans and their followers to vacate the occupied farms; President Mugabe countermanded this when he returned to Zimbabwe from traveling abroad—while claiming that the government had no control over the veterans. Contradictory statements have continued.

legalized occupations that had been carried out in violation of what were then the legal procedures.⁴⁵ Between the two judgments, several judges on the court, including the chief justice, had been forced to retire and replaced with individuals perceived to be loyal to Zanu-PF.⁴⁶

At the same time, the CFU took a decision to negotiate with the government on the land reform process, by offering land for resettlement. Historically, commercial farmers have not taken active steps to move the redistribution process forward. A spokesperson for the CFU noted on this point: “While commercial farmers can be criticized for not doing enough earlier to avert the current crisis, there was no incentive, because the government was doing even less.”⁴⁷ Only recently have land owners offered significant amounts of land in large blocs or contiguous to communal areas for the redistribution program. In November 2001, following an agreement with the Zimbabwe government on land reform brokered by the Commonwealth in Abuja, Nigeria, the CFU formally announced the launch of the Zimbabwe Joint Resettlement Initiative (ZJRI), based on a proposal submitted to government in May 2001.⁴⁸ Under the initiative, the CFU offered 562 farms to the government, representing one million hectares of land distributed across the country, with assistance for newly resettled farmers. Fast track land occupations did not, however, cease.

Production on some commercial farms has continued, where settlers have adopted a pragmatic approach of coexistence, or where land committees have operated to resolve disputes. But the CFU estimated that 31 percent of farms were experiencing total or partial work stoppages in late September 2001.⁴⁹ By January 2002, about 1,000 commercial farms had closed operations completely—either the resident farm owners had left, or were allowed to stay but not allowed to farm by militia occupying the land. The areas particularly affected were Mashonaland East, Central, and West, the most productive arable land in Zimbabwe.⁵⁰ Some farms continue to produce relatively normally, though investment in infrastructure and planting is greatly reduced. In February 2002, however, President Mugabe reportedly told an election rally, attended by senior diplomats among others, that whites whose conduct reflected an unwillingness to live under black rule would be expelled, and urged villagers to take over any properties that might have been left unlisted by government authorities.⁵¹

Problems Caused by a Disorderly Process

Because the “fast track” process of resettlement is being carried out so rapidly, short-circuiting legal procedures, it appears that many of those who have moved to new plots or those who might otherwise do so, are worried about the lack of certainty that their title will be secure. As noted by UNDP, “apart from discouraging settlers from taking up plots allocated to them, this is likely to defeat the productivity goals of the resettlement programme as a whole.”⁵² Others who wanted land told Human Rights Watch that they had not taken up the opportunity because they did not have the resources to cultivate the land and there was no government support to assist new settlers. The absence of legal security and government assistance could leave them vulnerable to hunger and displacement.

⁴⁵ *Minister of Lands, Agriculture and Rural Resettlement and Others vs. Commercial Farmers’ Union* Judgment No. SC111/2001.

⁴⁶ See International Bar Association, *Report of Zimbabwe Mission 2001* (London: International Bar Association, April 2001) for a discussion of the government’s assault on independence of the judiciary (hereafter “IBA report”).

⁴⁷ Human Rights Watch interview, Jerry Grant, Commercial Farmers Union, Harare, July 18, 2001.

⁴⁸ Mr. P.W. Hughes, *GoZ/ZJRI implementation launch, Retreat Farm, Bindura, Mashonaland Central*, November 2, 2001. Statement available on CFU website, www.mweb.co.zw/cfu/ (accessed December 12, 2001).

⁴⁹ CFU statement, October 19, 2001.

⁵⁰ Human Rights Watch telephone interview, CFU, February 12, 2002.

⁵¹ “Mugabe says he will ban ZCTU, expel whites,” *Financial Gazette*, February 21, 2002.

⁵² UNDP Interim Mission Report, January 2002, p.30.

A war veteran who was given a piece of land described to Human Rights Watch how he found that the same land had been reallocated to different people in subsequent weeks when he tried to go back to his plot. He had been given no written proof that the land was allocated to him. He lamented, "I felt angry because I felt there was some kind of disorder and there was no proper responsibility for the exercise."⁵³

In many cases the people being resettled are also told not to erect permanent shelters. There is a high turnover in new settler populations, with people coming and leaving resettled areas after varying periods of time.

You will see a certain plot being pegged ten times to different people. When they bring the first lot, they will stay about five or six weeks, then they leave on the war veterans' tractor, then they come back with some old and some new.⁵⁴

Farmers who are members of the Commercial Farmers' Union have also reported conflict between different groups of settlers, caused by the lack of certainty in the process.⁵⁵

Many rural black Zimbabweans expressed a profound disapproval of the manner in which government is carrying out land reform, in particular the lack of clear criteria for the allocation of land and the lack of structured support for new settlers. "This issue of land, we are not saying people should not be given land, of course they should; but it should be done in a proper way. Some people can just go and settle at a place where there are no facilities like water, schools, clinics, sanitation... And the loss of jobs brings hunger to the farming areas, since the workers aren't buying from the small-scale farmers either."⁵⁶ A UNDP technical team considering the fast track land reform program in late 2001 noted that "the provision of roads, schools, clinics and boreholes, etc. was lagging far behind settler emplacement," and that the provision of essential public infrastructure within a reasonable timeframe "will be impossible on the Government's past track record and its current implementation capacity."⁵⁷ Therefore, the team concluded that

the current scope of the Fast Track is not implementable on a sustainable basis unless (a) the settlement timetable is substantially adjusted; (b) there is a considerable infusion of resources to finance the necessary infrastructure and support services; and (c) there is a stronger basis for optimism on the part of settlers about their future leading them to form viable community organizations aimed at ensuring the sustainability of new settlements.⁵⁸

One women's rights activist commented that the fast track process meant that, "You are just moving poverty from one location to another."⁵⁹

Uncertainty has been exacerbated by the rule that land in the communal area be given up when fast-track land is taken: land in communal areas is allocated for cultivation and occupation by traditional leaders, with no absolute ownership; if the person to whom the land is allocated is not present, he forfeits his right to hold it. Giving up communal land without secure tenure elsewhere may leave one displaced and without any access to land. People respond with pragmatic interim arrangements.

⁵³ Human Rights Watch interview, war veteran, Bulawayo, Mataberland South, August 3, 2001.

⁵⁴ Human Rights Watch interview, farm security officer in Beatrice, Mashonaland East, and settler from Masvingo, July 23, 2001.

⁵⁵ In Mashonaland East, for example, in November 2001, a farm owner reported "fighting between the old and the new settlers over land that has been plowed." Commercial Farmers' Union, *Farm Invasions and Security Report* November 12, 2001.

⁵⁶ Human Rights Watch interview, villager, communal area, Chimanimani, Manicaland, July 17, 2001.

⁵⁷ UNDP Interim Mission Report, January 2002, pp.21-23.

⁵⁸ Ibid. p.24.

⁵⁹ Human Rights Watch interview, Harare, July 12, 2001.

I will give up claims to my land in the communal area by letting my son inherit it. I can't give up my communal area, that's taboo. I will pretend I have.⁶⁰

As a consequence of the perceived lack of security of tenure and of support for new settlers, some of those who might otherwise want land are reluctant to come forward. One councilor described to Human Rights Watch how he was having difficulty filling up his quota:

They asked councilors to give the names of people to be resettled, in my ward I was asked to get ten names. I will hold a meeting to ask who wants to be resettled. I hold a meeting with people in the ward every two months. I've asked two times now for names, but I only got one name, though there are about 400 people at each meeting, and 934 homesteads in my ward, with an average five people per homestead. We were given no forms, we just had to give the names. People don't want to move because they have no money or resources—it's expensive to move to a new place, you need more than land only.⁶¹

Therefore, "you get people who are being pushed onto the farms. If they were not pushed they would not have gone."⁶²

In some areas, occupiers of land are being paid in order to overcome their reluctance to move. In the Marondera area, for example, a farm foreman told human rights researchers, confirming similar reports, that:

The squatters are paid, yes...Soldiers are coming to the farm, and the deputy police commissioner. He's the one who wants this farm. There are big people who employ the squatters to harass the farmers and us, who work for him. They come in groups of 200 or 150 when they see the tractors in the field. They harass us, and chase us. [Q: How do you know?] I hear from the war vet that he [the police officer] wants the farm. He has a white Toyota Hilux twin cab, and we see him driving here on the weekends. [Q: How can you tell that he's paying the squatters money?] I develop a friendship with them, and they tell us. [Name deleted], he is employed as the base commander. He got paid Z\$2,000 to Z\$2,500 for each shack that gets built. There's no floor in the shacks, just walls. No one is supposed to live there, it's just to show that the land is occupied.⁶³

Many people in communal areas reported that those from their area that had gone to the fast track resettlement areas had left their families behind, or the families had returned even if the men had stayed on the new plots. Children who had moved to new areas were missing classes because they sometimes faced walks of twenty-five kilometers or more to school. Even those who have remained have faced problems in securing education for their children, since many teachers have been driven away from their schools by Zanu-PF militia on suspicion of being MDC supporters.

⁶⁰ Human Rights Watch interview, fast track resettlement farms, Bulawayo, Matabeleland South, August 2, 2001

⁶¹ Human Rights Watch interview, councilor, Chimanimani, July 17, 2001.

⁶² Human Rights Watch interview, ex-district administrator, Matabeleland South, August 2, 2001.

⁶³ Amnesty International interview, Marondera, December 4, 2001. Amnesty International made available to Human Rights Watch several testimonies the organization collected in Zimbabwe during a December 2001 mission.

Assessment of the level of satisfaction of those resettled under the fast track program with their land is difficult, since access to those areas for outsiders is regulated by militia supporting the ruling party and often led by war veterans, and thus hard to achieve. Some journalists and NGO workers have been assaulted or narrowly escaped assault by these militia on trying to visit resettled farms.⁶⁴ Undoubtedly, there are people who want land and have the skills and resources to farm who have taken the opportunity presented by the fast track program to obtain a plot. However, problems faced by families resettled during earlier land reform programs do raise concerns about the sustainability of the fast track process. There is a danger that the effect of the unplanned relocations of communal area residents can in some cases be their further impoverishment.

In older resettlement areas, some of the land allocated has been abandoned or not fully utilized, due to lack of resources such as fertilizer or tractors, and in particular lack of access to credit. Assessments of the programs of land redistribution undertaken during the 1980s noted positive and sustainable results, benefiting some of the poorest people, increasing their incomes, and providing access to education and health services. However, they also noted that some areas remained without schools within walking distance or water supplies more than a decade after resettlement, as well as underutilization of land by new settlers, and recommended that these problems be addressed as the land reform program was continued.⁶⁵ At the Musasa resettlement scheme close to Harare, settled in 1986, for example, several household heads told Human Rights Watch that they were only able to plow a small proportion of the twelve acres allocated to them, for lack of resources. "People were very happy back in 1986, but now there are mixed feelings. The problem is just the question of inputs."⁶⁶ As a result, "out of twelve acres I am only using four acres because of lack of access to resources."⁶⁷

Interviews with some newly settled villagers confirm that, because of the hasty nature of the fast track program, there is a danger that this pattern is now being repeated: one commented to Human Rights Watch that she had no idea how she would get the implements and other resources to farm her piece of land, she would just hope that some help would come.⁶⁸ A retired school teacher from the same district said, "In this country it's very hard to get employment, but if they just get dumped on a piece of land that is worse."⁶⁹

Women and men interviewed from a resettlement scheme of the 1980s also disapproved of the fast track program, due in part to their feeling that the process was not fair, but also because of the adverse consequences for themselves. Some of their sons had taken the opportunity to take land on neighboring commercial farms, but this unregulated process was seen to generate problems rather than benefits for the existing community.

This is a different administrative arrangement. It is *jambanja* [confusion, nonsense]. I did not attend the meeting. I am not part of those meetings. Some women went who wanted to hold land for their children...It [fast track] created lots of problems for people. There was cattle-thieving. The children who have gone into fast track no longer go to school. Some of them were employed in town but now they have no money. Crops left drying on drying trays are being stolen...In here it's clear-cut that the *jambanja* people stay there so there's no mixing. Conflict can arise with illegal hunting. In this village there is a policy because we think the way it is done, they were not properly settled. So we think if they go, they must go with their whole families, so we don't have security problems.⁷⁰

⁶⁴ For example, three journalists and a driver from the independent *Daily News* were seriously assaulted in September 2001. "Lawlessness goes on as Mugabe party backs Abuja deal," SAPA-DPA, September 18, 2001.

⁶⁵ Assessments of the land redistribution programs of the 1980s were carried out by the British Overseas Development Association, the Zimbabwe Comptroller and Auditor General, and the World Bank, among others.

⁶⁶ Human Rights Watch interviews, Musasa resettlement area, July 19, 2001.

⁶⁷ Human Rights Watch interview, headperson, 1980s Resettled Area, Beatrice, Mashonaland East, July 19, 2001.

⁶⁸ Human Rights Watch interview, settler, Chikukwa Resettlement Area, Chimanimani, Manicaland, July 31, 2001.

⁶⁹ Human Rights Watch interview, retired school teacher, Communal Area, Biriwiri, Manicaland, July 17, 2001.

⁷⁰ Human Rights Watch interview, headwoman, 1980s Resettled Area, Beatrice District, Mashonaland East. July 19, 2001.

The fast track resettlement program was also seen to endanger food security for the rural population. An agricultural extension officer commented: “I don’t think the land invasions are there to promote production, because when you invade you are disrupting production,” and complained that the unregulated movement of animals to the new areas spreads diseases.⁷¹ Meanwhile, “the war veterans on the farms in this area that are settled are just drinking beer and causing trouble, while they are waiting for the seeds, fertilizer, and tractors that have been promised.”⁷²

In many cases, farm workers and farm owners said war veterans were occupying commercial farm land without using it, other than to harvest crops and kill and eat livestock already on the farm. “On some farms they are planting maize and sunflowers and beans, but on the farm where I work they are just sitting there causing problems. Sometimes they stop the workers going to work; sometimes they are killing cattle to feed themselves.”⁷³ Farm workers and peasant farmers from communal areas repeatedly expressed to Human Rights Watch their dismay at the wastage caused by occupations of efficiently run commercial farms, when there was unused land that could be allocated to new settlers instead.

The Food and Agriculture Organization (FAO) warned in December 2001 that “the already tight food situation has deteriorated as a result of reduced cereal production and general economic decline...705,000 in rural areas are at risk of food shortages. In addition, 250,000 people in urban areas are experiencing food difficulties due to a sharp increase in food prices, while some 30,000 farm workers have lost their jobs and are left without means of assistance.”⁷⁴ The Commercial Farmers’ Union estimated that close to 250,000 head of cattle (nearly 20 percent of the national commercial herd) had been forcibly “destocked” by late 2001, and that over 1.6 million hectares of grazing land had been burnt out, while commercial maize planting was down to 45,000 hectares from 150,000 hectares in the 1999/2000 season. Export crops such as tobacco were similarly affected.⁷⁵ Inflation topped 100 percent per annum in November 2001.⁷⁶ These problems have exacerbated food shortages already generated by a period of drought. The first consignment of donated maize arrived in Zimbabwe, usually a maize exporter, in January 2002, and the World Food Programme began emergency food distribution in February 2002.⁷⁷

IV. HUMAN RIGHTS VIOLATIONS

This report focuses both on the violence that has accompanied the land occupations of the last two years, and on the adverse effects that the fast track land reform process has had for the one of the constituencies it was supposed to benefit: the rural poor. The report does not describe general violence against the political opposition, except insofar as it is related to the fast track reforms.

Violence and Intimidation in the Course of Land Occupations

Eye witness testimony collected by Human Rights Watch in July 2001 confirmed reports collected by journalists and other human rights organizations concerning violence that had taken place in the context of land occupations. According to the Commercial Farmers’ Union, which represents (largely white) farm owners, at least 829 “violent or hostile” incidents had taken place on commercial farms up to the end of September 2001.⁷⁸ This violence has been worst in Mashonaland Central.

⁷¹ Human Rights Watch interview, agricultural extension officer, Chimanimani, July 17, 2001.

⁷² Human Rights Watch interview, communal area, Chimanimani, July 17, 2001.

⁷³ Human Rights Watch interview, farm worker from Marondera area, Harare, July 18, 2001.

⁷⁴ FAO, “Food Supply Situation Tightening in Southern Africa,” *Africa Report No. 3, December 2001*, available at www.fao.org.

⁷⁵ CFU statement, October 19, 2001; CFU “Background Briefing” submitted to the SADC heads of state summit, January 13-15, 2002.

⁷⁶ “Inflation in Zimbabwe surges to record 103.8 percent,” SAPA-AP, December 18, 2001.

⁷⁷ “Programme to send food to Zimbabwe set for clearance,” *Financial Times* (London), January 17, 2002; “Emergency food aid deliveries start,” IRIN, February 21, 2002.

⁷⁸ CFU statement, October 19, 2001.

Assaults Against White Farm Owners

War veterans and Zanu-PF militia occupying commercial farms have intimidated, assaulted, and in some cases killed white farm owners. These assaults have been widely reported, both in Zimbabwe and internationally. According to human rights groups and the Commercial Farmers Union, at least seven farmers have been killed in political violence since the beginning of 2000.⁷⁹ Many of the farmers targeted have been prominent supporters of the MDC: the farm of MDC MP for Chimanimani Roy Bennett, for example, has been occupied by police and army troops. Farm owners have been assaulted and threatened and their farms occupied whether or not their farms have actually been listed for acquisition by the government. President Mugabe has repeatedly singled out white Zimbabweans as enemies of the state.

The first two farmers were killed in April 2000. David Stevens was shot dead at point blank range by settlers who had occupied his farm at Macheke, south of Harare. A few days later, the farm of Martin Olds, in Nyamandlovu, near Bulawayo, Matabeleland, was invaded by more than one hundred Zanu-PF militia led by war veterans. According to a spokesperson for Zanu-PF, Olds opened fire, hitting five of the invaders with shotgun pellets, who then fired back. Neighboring farmers, who came to the scene after Olds radioed for help indicating he had been shot, but could not gain access, insist that Olds was defending his house as the intruders attempted to break into it. Police arrived at the house while the gunfight was ongoing but did not intervene. When the house was set alight, Olds was forced outside, and was shot twice in the head at close range. The intruders then left the farm, not seeking to occupy it. In July 2000, Olds' widow fled Zimbabwe and applied for asylum in the U.K. In March 2001, Olds' mother, Gloria Olds, was shot dead on the same farm, which she had refused to leave.⁸⁰ The most recent farm owner killed was Robert Fenwick, from Kwekwe, in the Midlands, in August 2001. No arrests have been made in connection with any of these murders.

In some cases, white farmers have assaulted those occupying their land. In one prominent case in July 2001, farmer Philip Bezuidenhout, of Odzi, near Mutare, allegedly deliberately ran over and killed Fabian Mapenzauswa, a settler on his farm.⁸¹ Bezuidenhout was arrested and charged with murder. The case has not yet come to court. In other cases, farm workers have themselves organized to drive away the settlers, and injuries have occurred in the context of these clashes.

Overt attacks on white farmers—which have attracted greater international and national publicity than those on black Zimbabweans—have reduced in recent months. However, extortion of money from commercial farmers has increased, with the implied threat of violence behind the demands for money.⁸² Throughout the process of land occupation, however, most victims of the violence have been poor, rural, black Zimbabweans.

Assaults Against Farm Workers

In June 2000, the National Employment Council for the agricultural industry (a tripartite body of government, employers, and unions) published a report noting that, as a result of the farm occupations, at least 3,000 farm workers had been displaced from their homes, twenty-six killed, 1,600 assaulted, and eleven raped. The majority (47.2 percent) were supporters of the MDC; nearly as many (43.6 percent) had no political affiliation; a few (4.7 percent) were Zanu-PF supporters.⁸³ Farm workers have continued to be the victims of violence during farm occupations: the Zimbabwe Human Rights NGO Forum documented the deaths of four farm

⁷⁹ *Human Rights and Zimbabwe's June 2000 Election* (Harare: Zimbabwe Human Rights NGO Forum, January 2001); *Political Violence Report December 2001* (Harare: Zimbabwe Human Rights NGO Forum, January 2002); Human Rights Watch telephone interview with CFU, February 12, 2002. Another two white farmers have been killed in uncertain circumstances.

⁸⁰ "Death at dawn: the agony of Zimbabwe," *Guardian* (London), April 19, 2000; "Hounded out of Africa," *Times* (London), December 18, 2000; Andrew Meldrum, "Mother killed on same Zimbabwe farm as her son," *Guardian*, March 5, 2001.

⁸¹ "Blacks take over white farm after murder in Zimbabwe," AFP, July 17, 2001.

⁸² Human Rights Watch telephone interview with CFU, February 12, 2002.

⁸³ Cited in Cheater, *Human Rights and Zimbabwe's June 2000 Election*, p.34.

workers (including security guards and game scouts) and numerous assaults during 2001.⁸⁴ The CFU reported twenty farm workers killed as of May 2001.⁸⁵

As in the case of violence against white farm owners, violence against farm workers is linked to the support given to the MDC by commercial farmers and, by perceived implication, by their workers too. In many areas, it seems that farm workers have been targeted for violence both so that the assailants could take over their homes, and in order to deprive the white farm owner of numerous potential allies who have a stake in keeping their jobs and might therefore support the farm owner in resisting government policy. Weaknesses in the organizational representation of farm workers have also made them vulnerable to assault and intimidation.⁸⁶

One male farm security worker described how he was threatened and assaulted:

They came to my house on 27 February this year [2001]. The first thing they wanted was for me to get out of my house. They came at twelve at night. They were six, one war veteran who was acting as the leader, the others were even younger than me. They told me to move out. They told me to shift everything by the morning so that they could come. During the night when they came they said, 'we know that all of you people that belong to that farm are MDC.' I came here for work [the next morning]. They followed me here. I was standing outside here close to the window. They grabbed me by the hand and then they hit that hand off the window bar. Whoever felt like they wanted to hit me was hitting. They forced me to go to the house. They drove me to the house. Whoever felt like it was clapping [hitting] me. I was clapped at least seven or eight times. They were saying I should give the keys [of the house]. I lied and said my wife took the keys and I don't know where she's gone.⁸⁷

A woman nurse at a clinic on one commercial farm was beaten by war veterans who were looking for the farm's office:

I was coming from the store, then I saw plenty of people coming, boys and women. Then they said, where's the office. Then they said, you are very slow in telling us. Then they beat me with a stick on my arm. They took us here to the yard. They were saying, 'Pamberi ne Zanu-PF, pasi ne MDC.' [Forward, Zanu-PF, down with MDC.] After some seconds they took another boy and they beat that boy thoroughly. Then they went off.⁸⁸

Interviews by Human Rights Watch confirmed numerous other reports that the occupiers of farms force farm laborers and their families to attend political meetings and demonstrate their support for Zanu-PF, on pain of assault if they refuse. A farm worker described this:

They stop all the workers from going to work. They say there's no work. They tell the workers to go and sit in the compounds. Maybe twice a week in the evening they make meetings. Those times those war veterans bring their heads, the commanders. They beat someone who won't come and say they are MDC, that's why they won't come. At least five people including the foreman were beaten. Some had bad injuries. Two had to go to hospital. The meeting is at their camp which is next to the compound. The meeting takes an hour or more, people singing or making

⁸⁴ *Political Violence Report January 2002.*

⁸⁵ Email communication to Human Rights Watch, February 14, 2002.

⁸⁶ Human Rights Watch interview, union organizers, Harare, July 12, 2001.

⁸⁷ Human Rights Watch Interview, Beatrice, Mashonaland East, July 30, 2001.

⁸⁸ Human Rights Watch interview, nurse, commercial farm, Chimanimani, Manicaland, July 18, 2001.

slogans, *Tsvangirai ucharowa chete nevakomana* [Tsvangirai—the leader of the MDC—will be beaten by the boys].⁸⁹

Even where there is not overt violence, farm workers are intimidated:

The farmer came to us and told us what he had been told. Those who work on this side [of the farm] should wind up their operations. When we finish now, we don't know what is going to be our fate. They pegged the area [i.e. marked out plots for the new occupants] and left. They gave us that last warning, that they didn't want to see us on that side of the farm. They just told us, without threats, but they know we are afraid of them.⁹⁰

There are also cases in which farm workers, communal area residents, or MDC supporters have attacked and beaten those occupying a farm. Such incidents have often resulted in reprisals, in some cases reportedly including police.⁹¹ Monitoring of reported cases by human rights groups indicates that the majority of victims continue to be opposition supporters; however, each and every case of violence deserves equal investigation.

Human rights NGOs report continued violence connected with farm occupations since the visit of Human Rights Watch to Zimbabwe in July 2001.⁹² Similarly, on December 10, 2001, the Commercial Farmers' Union reported that, since September, "the situation on commercial farms has continued to deteriorate, with ongoing incidents of violence, intimidation, extortion and disruption to farming activities."⁹³ Some human rights groups noted a shift in patterns of violence away from commercial farms to the communal areas and towns by early 2002, and a UNDP technical team commented that "acts of lawlessness on large-scale commercial farms now appear to be decreasing."⁹⁴

Use of Farms as Bases to Harass Opposition Supporters

An ongoing feature of violence in the rural areas is the systematic harassment, intimidation, and assault of opposition activists, primarily supporters of the principal opposition, the Movement for Democratic Change (MDC). Human Rights Watch obtained numerous testimonies confirming reports of Zimbabwean human rights groups to this effect. Farms have been among the locations targeted for such assaults, since white farm owners are among the prominent supporters of the MDC and their financial resources have been deployed on behalf of the opposition:

We were campaigning for the MDC in March this year. The constituency results are in dispute and are being contested. The owner of the farm is an MDC member. He's the one who used to give us money and the directions of the operations... We could write posters and go where we see many people and leave them some posters to read. One day we went to [the farm]... As we left the farmer's house and entered the main road, we collided with the war veterans, about seventy of them. We were only fifteen. We decided to run away. As we decided to run away, one of the war veterans was armed with the 303 rifle normally kept by the farmer... Two young boys were captured. We saw them being beaten while we hid in the bush. They took the two [boys] into the bush, some had hoe handles, some with axes, some with sticks. One of them [the boys] was hit by

⁸⁹ Human Rights Watch interview, farm worker, Harare, July 18, 2001.

⁹⁰ Human Rights Watch interview, farm worker, Beatrice District, Marondera West, July 26, 2001.

⁹¹ For example, police reportedly assaulted farm workers and villagers at a farm in Mhondoro after they had challenged war veterans and Zanu-PF supporters who stopped them from taking firewood. "Police attack villagers," *Daily News* (Harare) June 22, 2001.

⁹² See, for example, *Complying with the Abuja Agreement* (Harare: Zimbabwe Human Rights NGO Forum, October 2001).

⁹³ CFU Presentation to SADC Task Force, December 10, 2001.

⁹⁴ UNDP Interim Mission Report, January 2002, p.31.

a hoe in the head...One took a hoe handle, hit one of them on the back. They were asking him, do you think this is going to be successful? Because I promise you are going to die.⁹⁵

Many rural people from communal areas and farms also reported to Human Rights Watch that there is a chain of command that operates amongst the war veterans and their supporters. War veterans and youth supporters form a gang or militia with a structure of command when they invade a farm. A war veteran is appointed as the base commander for a zone of the occupied farm. People in the area have often known these war veterans for a long time and are able to identify them. The war veteran is accompanied by other Zanu-PF supporters, usually young men. The youth are under the instructions of the war veteran whose base becomes a site for control of inhabitants in the resettled area; in some cases, training of youth by veterans is reported.⁹⁶ These war veteran militias use tactics of terror, force, and intimidation to gain and retain access to a farm. The farms that have been seized are then used as bases for war veterans to assault and intimidate perceived opposition supporters in surrounding communal areas or on neighboring farms.

In Mashonaland East, elderly women and their families were the target of war veterans militia based on an adjacent commercial farm. These villagers from communal areas have been subjected to repeated beatings and cannot return to their homes because of the presence of war veterans. A former resident described this:

We were living at our home until a group of Zanu-PF came to our homes in the communal areas around April [2001]. They came from the farm nearby. About 250 were beating us, [saying] 'You are forming some other parties which we don't want in this country.' Myself, my husband and my son and his wife, they know we are the ones who are affiliated to the U.P. [United Party, an opposition party] They came around 2 in the morning. First when they got to our home they told us to lie on the ground and beat us with sticks. Even now my spine isn't working. I am old and I am now sick from the beatings.⁹⁷

Several people from the same village reported that they could not return to their farms because there were war veterans militia living on the farms and they had a base there. Other villagers told how they had been held hostage in such camps.

I spent two to three months in the camp. There were three of us from our area but more than one hundred in the base camp. I had an MDC t-shirt and party card which were taken away. Most of those in the camp were Zanu-PF. About ten of them I know were really forced to go. The base commander and the war veterans were saying that if they see anyone belong to MDC, this country does not belong to MDC, it belongs to Zanu-PF. At the camp I was not abused but the most disappointing thing was the period of holding me which made me lose my job. There was no way to escape. The war veterans were manning the gates. If you went out, they were there.⁹⁸

In other cases, the war veterans militia living on farms cause problems in a less directed way: "the war veterans are causing trouble around here. They come from the farm that has been resettled during the day to the bottle [liquor] store, and in the evening they start up trouble. We try to get help from the police, but they do nothing."⁹⁹

⁹⁵ Human Rights Watch interview, old resettlement farm, Marondera, Mashonaland East, July 27, 2001.

⁹⁶ See, for example, *Political Violence Report December 2001* (Harare: Zimbabwe Human Rights NGO Forum, January 2002).

⁹⁷ Human Rights Watch interview, former communal area resident, Harare, July 16, 2001.

⁹⁸ Human Rights Watch interview, villager, 1980s resettlement farm, Marondera, Mashonaland East, July 27, 2001.

⁹⁹ Human Rights Watch interview, Chimanimani, July 17, 2001.

Reports of the training of ruling party militia have increased in recent months; as have reports of the terrorization of anyone believed to be a potential opposition supporter, whether in rural or urban areas. Human Rights Watch is concerned that an infrastructure for ongoing political and criminal violence has been laid. It will be much harder to restore peace than it has been to mobilize violence for political purposes. An end to impunity is urgently needed.

Police Failure to Protect Victims

Although the Zimbabwean government has called for peaceful coexistence between farm owners and the new settlers, it has dismissed violence against farm workers and farm owners as an unfortunate cost of long-overdue land reform that has been obstructed by white farm owners. Rural militias led by the war veterans can usually count on noninterference or limited intervention by the police when they commit acts of political violence.

On October 6, 2000, President Mugabe, using his presidential powers, issued an amnesty for politically motivated crimes committed between January 1, 2000 and July 31, 2000, the period of the campaign for the February 2000 referendum and the June 2000 parliamentary elections. The amnesty did not cover murder, rape, and robbery.¹⁰⁰

Some victims of violence who had returned home during the period of relative calm that followed the June elections were again victimized by people who had been arrested and were then released following the amnesty. One displaced woman of fifty-four described how she and her family members were beaten and driven from their land in Mashonaland East in June 2000. "A group of Zanu came, some from the nearest farm and some from the locality, beating people up and saying 'you people are supporting other parties, we only want one party in this country.'" She said the police were initially very unresponsive but eventually arrested six people, and the woman and her family, who had fled to Harare, returned home. "Then after the amnesty they started coming back saying we don't want you here."¹⁰¹ Accordingly, they were forced to leave again.

The government dismisses allegations of police failure to act. A senior official in the Department of Land stated to Human Rights Watch that: "I'm not aware of any dereliction of duty on the part of the police.... you can't have a police post on every farm."¹⁰² Yet human rights groups report that the police have become increasingly partisan.¹⁰³ In January 2001, police commissioner Augustine Chihuri, who had initially adopted the attitude that farm occupations were a political matter which could not be handled by the police, stated, "I support Zanu-PF because it is the ruling party."¹⁰⁴ In December 2001, Chihuri accused the opposition of involvement in terrorism.¹⁰⁵

Political interference in police work has been reported by opposition parties and human rights groups, as well as by some current and former police officers. Amnesty International researchers interviewed one former police officer who described his experience:

I had twenty years of service, but I was fired because I was accused of supporting the MDC... I liked my job, I was loyal, I was proud to be a policeman to serve my nation, and now it hurts me to see the police officers are working for a political party, not the nation... The police are frightened of the war veterans, they have their own command structure, and if you arrest them, they will get them out of jail. If one is an ex-combatant, one can be promoted to take your

¹⁰⁰ See IBA report, paragraph 8.17.

¹⁰¹ Human Rights Watch interview, former communal area resident, Harare, July 16, 2001.

¹⁰² Human Rights Watch interview, Dr. Vincent Hungwe, Principal Director of Land and Rural Resettlement, Harare, July 30, 2001.

¹⁰³ See, for example, *Enforcing the Rule of Law in Zimbabwe* (Harare: Zimbabwe Human Rights NGO Forum, September 2001).

¹⁰⁴ *Daily News* (Harare), January 16, 2001; as reported in *Politically Motivated Violence in Zimbabwe, 2000-2001*, footnote 80.

¹⁰⁵ "Police chief vows to clamp down on terror, dissent in Zimbabwe," SAPA, December 7, 2001.

position. Only ex-combatants are promoted. We're at the worst stage now, when everyone is doing what he wants.¹⁰⁶

One resident of a communal area in Mashonaland East described what happened when he reported a crime carried out by war veterans and Zanu-PF supporters based on a nearby farm:

I went to the police the following day. They police came and the CIO [Central Intelligence Organization, the security police] came and took pictures of the burnt houses and told me there's nothing they can do as they are also being beaten. They arrested four youth.¹⁰⁷

The Zimbabwe Human Rights NGO Forum reported a similar case in which a special constable attempting to carry out an arrest was assaulted:

I was working as a special constable at Karuru village. On 22 July 2000 I went to [a farm] with my partner to arrest [someone] who had stolen some maize from this same farm that they had invaded. When we arrived we were beaten together with our suspect. They alleged that we were MDC supporters and [said] we should not interfere with anyone at their base. Also they said that we should not support white people and instead we should leave anyone who steals from the farms. We were forced to roll in the mud and about twelve buckets of water were poured on us. We were also threatened with death. They threatened to burn down our homes. The police came after our torture but took no action and instead [the police inspector] blamed us for interfering with the people at the base. We suffered bruises all over our bodies.¹⁰⁸

A farm foreman told Amnesty International that:

All these guys [a group of five other men] have been beaten. The war veterans said the cops are ours, they do what we tell them to do. Four police officers, then another, came out ... but they didn't stop the beating. The war veterans beat us with sticks and sjamboks [leather whips], we were beaten one by one, being accused of being MDC supporters for [the farmer].¹⁰⁹

There are numerous reports of police failure to apprehend perpetrators of violence, or to arrest suspects only to release them without charge and without registering the case number and providing it to the complainant. Even when police have intervened to protect those threatened by violence, few arrests have been made of the alleged perpetrators since the amnesty. In repeated cases, farm workers and opposition activists told Human Rights Watch how police said the assaults were "political" and that as a consequence they would not intervene. Among the complaints they made were:

- When we went to report it at the police, he said, 'that is your own business. You need to talk to your party leader. Go and fight back.'¹¹⁰
- It was difficult to report to the police because we were just told to go back, it is difficult to sort these things out. They didn't give a docket number. Running away and coming here was our only

¹⁰⁶ Amnesty International interview November 30, 2001.

¹⁰⁷ Human Rights Watch interview, communal area resident, Murerwa, Mashonaland East, July 27, 2001.

¹⁰⁸ *Politically Motivated Violence in Zimbabwe, 2000-2001: A report on the campaign of political repression conducted by the Zimbabwean Government under the guise of carrying out land reform* (Harare: Zimbabwe Human Rights NGO Forum, July 2001), annex I.

¹⁰⁹ Amnesty International interview, farm foreman, Marondera, December 4, 2001.

¹¹⁰ Human Rights Watch interview, villager A from communal area, Harare, July 16, 2001

rescue. We didn't report to the DAs [district administrators] and Rural District Councils because they are all sanctioning the beatings.¹¹¹

- It's useless to go to the police because they do nothing. All the police are ZANU. We did not go there.¹¹²
- We went to report at K...police. It was useless. I spoke to the officer in charge. He said I must go back. He never wrote anything. We never saw any police after that. Four of them were arrested. But they paid fines and were released.¹¹³
- The police were here. They were the ones who took me to hospital. I had my statement taken to the police. They [the assailants] were not arrested. When the police were here, they took them on one side, talked to them and I don't know what they were saying. Then the police just left.¹¹⁴
- After we five farmers filed a joint application in court to declare the police commissioner and the war veterans in contempt, that was when the violence increased. I was held in my house on October 30, 2001. The police were waiting a kilometer away. My mechanic saw them sit there for two hours. The police officers waited until the war veterans went away. Then they came.¹¹⁵

These reports are supported by some individuals who have worked in government. One former district administrator, who said he had resigned because he did not like the increasing lawlessness of government policy, commented:

I've seen a lot of that violence in Shurugwi where farmers have been beaten. Dockets have not been opened. The law enforcement agencies have been helpless. You get cases where they loot the homestead dry.¹¹⁶

By early 2002, there were also increasing reports to human rights groups of beatings and torture carried out by the police.¹¹⁷ Generally, impunity seemed to continue unabated; though human rights groups had been able to obtain court orders for the police to arrest known perpetrators of violent crime, with success in getting the police to act in some areas (notably the Midlands).¹¹⁸

By contrast, where MDC activists have been accused of perpetrating violence, including in cases where they are alleged to have retaliated against harassment by war veterans, police action has usually been swift, especially by contrast with the inaction against Zanu-PF supporters alleged to have committed offenses.¹¹⁹ Several white farmers have been arrested on various criminal charges following clashes with people occupying farm land.¹²⁰ In one case noted by the Zimbabwe Human Rights Forum:

¹¹¹ Human Rights Watch interview, villager B from communal area, Harare, July 16, 2001

¹¹² Human Rights Watch interview, villager C from communal area, Harare, July 16, 2001

¹¹³ Human Rights Watch interview, villager D from communal area, Harare, July 16, 2001

¹¹⁴ Human Rights Watch interview, commercial farm, Beatrice, Mashonaland East, July 30, 2001

¹¹⁵ Amnesty International interview, farmer, Marondera, December 4, 2001.

¹¹⁶ Human Rights Watch interview, ex-district administrator, Matabeleland South, August 2, 2001

¹¹⁷ See Zimbabwe Human Rights NGO Forum political violence reports for January and February 2002.

¹¹⁸ "Signs of progress – ZimRights," U.N. Integrated Regional Information Network (IRIN), January 22, 2002; Human Rights Watch telephone interviews with Zimrights and Amani Trust, February 12, 2002.

¹¹⁹ The Zimbabwe Human Rights NGO Forum has reported on the selective implementation of justice where crimes allegedly perpetrated by MDC members result in swift arrests while no persons are arrested or tried in the case of crimes allegedly perpetrated by members of ZANU-PF. *Politically motivated violence in Zimbabwe 2000-2001. A report on the campaign of political repression conducted by the Zimbabwean Government under the guise of carrying out land reform* (Harare: Zimbabwe Human Rights NGO Forum, August 2001); *Enforcing the Rule of Law in Zimbabwe* (Harare: Zimbabwe Human Rights NGO Forum, September 2001).

¹²⁰ In August 2001, twenty-one white farmers from the Chinhoyi area were arrested and charged with public violence in connection with alleged assaults on black settlers.

It was on 2 August 2000 at around midnight when people came to sing Chimurenga [liberation war] songs at my place. They banged on my door several times but I did not respond. They went away and took my foreman who persuaded me to come out. When I did they started demanding MDC t-shirts and they started beating me. This group of war vets was being led by a man called [name] who is the one who assaulted me with booted feet and a whip. He ordered me to roll in the mud and poured water over me. The torture lasted for about two hours. They left and threatened to come back and kill me. I suffered facial and bodily injuries. I am currently experiencing problems with my teeth, one of which broke during the assault and my right leg is painful even if I walk a very short distance. The gang leader came back threatening me with death several times. I reported the matter at Karoi but Sgt. [name] attended to me and told me to go back home and that the police would come and attend to me. This was on 4 August 2000. On the 6th the police came and arrested me for assaulting one [name] who was part of the group but I denied the charge. At one time they came to the farm numbering more than 100 demanding to see me and declared that no activity was going to take place at the farm but the police came to our rescue. I will be going for trial on the 17 October 2000 despite the fact that I was the one who was assaulted.¹²¹

In some cases, there are allegations that police have worked with war veterans in carrying out land occupations. One worker who described being held hostage by war veterans militia on a farm for a number of months claimed that the Central Intelligence Organization was involved in directing the war veterans.

I only saw CIOs, Bvu Mukumbe and another woman, Jiri. I think the CIO is the link between the [Zanu-PF] MP and the war veterans. The MP could give instructions to the war veterans via the CIO.¹²²

Reports to human rights NGOs and journalists describe the involvement of police and soldiers in assisting some land occupations, and in some cases in looting of commercial farms.

Journalist Basildon Peta of the *Independent* (London and Johannesburg) told Amnesty International:

It was common knowledge that this was not spontaneous land invasions. The army led the invasions in [military] vehicles. They were used by the police and army to shift goods, loot farms. I saw them with my own eyes. The farms that were along the road, you'd see the army vehicles parked out there. When the invasions began last year [2000] you could see army vehicles going along the Bulawayo road to Kadoma.¹²³

A former army officer, who said he was forced to leave the force because of his opposition to Zimbabwe's intervention in the Democratic Republic of Congo, told human rights researchers how the army had been involved in fast track land reform. In addition to senior army officers being involved in the official land acquisition coordinating committees, he said:

Resettlement is led by the army. Agritex, the [government] agricultural technical services arm, identifies land for resettlement, and sub-divides it. Then army coordinates the activities of the war veterans occupying the land. Officers are given leave to help coordinate, they are told they must dress in civilian clothes.¹²⁴

¹²¹ *Politically motivated violence in Zimbabwe 2000-2001*, annex I.

¹²² Human Rights Watch interview, worker, Marondera, Mashonaland East, July 27, 2001.

¹²³ Amnesty International interview, November 30, 2001.

¹²⁴ Amnesty International interview, November 28, 2001

Even when farms have never been designated for acquisition, or have been delisted following negotiations between the farm owner and the government, or where courts have ordered evictions, police have often not removed occupiers from the farms unless given instructions to do so by political authorities backed by Zanu-PF. The UNDP technical team noted that it had been presented “credible evidence” that the toleration of the police of occupations of farms in violation of the law had substantially reduced in the last quarter of 2001.¹²⁵

Discrimination in Land Allocation

The government states that the process of fast track land reform is designed to meet the needs of disadvantaged black Zimbabweans. The desire for land is evident from numerous testimonies, including from people who support opposition parties which have officially opposed the process of fast track reform. As one thirty-nine-year-old villager who supported an opposition party, said: “Do I want land? Yes, I will run. We like that so much. We want to plow because we have poor soils.”¹²⁶

Yet, testimony from witnesses interviewed by Human Rights Watch raises serious doubts as to whether those benefiting from the fast track program are those who are supposed to be first in line according to the government’s stated development plans. The first problem witnesses identified was the party-political channels for access to the forms for applying for land and discrimination in the allocation of plots. The second problem was the key role of the war veterans militias in distributing and allocating land, the same militias that villagers, opposition activists, and farm workers claim are responsible for violence and intimidation. In practice, the official structure for allocating land through civil service and elected officials (such as the rural district councils), is often superseded by informal processes governed by the war veterans and their associated ruling party militia. Because these processes are effectively unregulated, beneficiary selection can become highly politicized.¹²⁷

The blunting of the distinction between government and the ruling party in the structures responsible for allocating land under the fast track program poses further problems. This overlap between the ruling party and government has been a feature of Zimbabwean politics for some time now, as reflected in an interview with a senior government official.

I don’t separate the government from Zanu-PF. Zanu-PF is the ruling party. It is the party that is in power. Zanu-PF is the one that is driving the manifesto and championing the resettlement program.¹²⁸

The perception among many people interviewed by Human Rights Watch was that land allocation was tied to support for the ruling party.

At district level there can also be tension between elected and appointed government officials and the war veterans and other structures put in place for the fast track process. A councilor in Chimanimani, Manicaland, told Human Rights Watch that:

We are twenty-three councilors in Chimanimani, we are the policy makers; but the land reform program is happening without us, it is not us who requested it, but a government issue...I don’t know what criteria are being used to select farms for resettlement, I’ve heard that it is land that is

¹²⁵ UNDP Interim Mission Report, January 2002, p.31.

¹²⁶ Human Rights Watch Interview, villager from communal area, Harare, July 16, 2001.

¹²⁷ Sam Moyo and Prosper Matondi, “Conflict Dimensions of Zimbabwe’s Land Reform Process,” May 2001, p.15.

¹²⁸ Human Rights Watch interview, Dr. Vincent Hungwe, Principal Director of Land and Rural Resettlement, Harare, July 30, 2001.

not being utilized; but that is not the case, and you find land that is already being utilized being taken.¹²⁹

The councilor suggested that an initial emphasis on fairness from the district administrator (DA) had in practice yielded to political considerations in implementation:

When the land program was announced, the DA's emphasis was that although council members were mostly Zanu before MDC was formed, we don't want Zanu only to benefit; he said it was not a party thing but a government program. But when it comes down the chain some councilors, most of whom are Zanu, don't do what they were told by DA and it happens that the people to be resettled are only Zanu. I know it happens, a particular individual is doing such a thing.¹³⁰

In some cases, the political function of the war veterans appears to override the administrative role of local government, influencing the selection criteria for beneficiaries of land redistribution along party-political lines. An ex-district administrator claimed that party-political control of land allocation undermines local government authority:

In practice it's the war veterans and Zanu-PF who are running the show, doing the selection procedure, deciding which farms to invade...It's not a committee. It's a rally.¹³¹

Testimony from rural people showed a widespread perception that the dominant role of Zanu-PF and the war veterans in the process made support for Zanu-PF a criterion for beneficiaries. It is also clear that the local government structures are not in full control of the war veterans directing land occupations. In some cases, when the official structures have ruled that occupiers should leave a farm, since the occupation was against the official criteria set down, police charged with ensuring that the occupiers leave have been forced to back down in face of threats from the war veterans militia.

In addition, many fear the consequences of becoming involved in a process in which a substantial role is played by people responsible for visiting violence on them and their neighbors. Many villagers from communal areas said they needed land but felt that it was difficult for them to apply now because they did not feel comfortable with the central role of the war veterans in allocating land. Some opposition supporters indicated that they would like to get land under different political circumstances but couldn't participate now given the political violence in the country. A thirty-three-year-old woman villager who had been beaten by war veterans said she wanted land but did not feel she could apply:

We are scared that we might be settled near those war veterans. The war veterans are still around. If it were safe, I could go running. [Did you ever apply?] No, we are just afraid because it's a Zanu-PF thing.¹³²

Another respondent told how opposition supporters felt they could not approach the war veterans for land:

The war veterans clearly show us that they don't want to include us in the process. It is against our party [the U.P.] policy because the way they are attacking the farms, that is not our policy. They clearly told us that we from other parties are not eligible.¹³³

¹²⁹ Human Rights Watch interview, councilor, Chimanimani, Manicaland, July 17, 2001.

¹³⁰ Ibid.

¹³¹ Human Rights Watch interview, ex-district administrator, Matabeleland South, August 2, 2001

¹³² Human Rights Watch interview, villager from communal area, Harare, July 16, 2001.

Most respondents said that land was offered via meetings run by war veterans. “The channel is the war veterans, that is the framework.”¹³⁴ In some cases Zanu-PF cards were required:

We tried to get some land in October 2000 at the Charter Estate. This is a resettlement farm.... You go through the gate and there’s an ex-combatant in charge of land occupations there. They said they want data forms and a Zanu-PF card. We didn’t have those. They said we should go and come back some time when we had the necessary forms.¹³⁵

MDC activists felt that they would not be eligible to get land because they supported the opposition:

Yes, I heard about it [land resettlement] but I did not go to register. If they know you are MDC they do not give you land. Known MDC activists cannot go. In our area almost three-quarters do not want to go.¹³⁶

In several areas, according to cases reported to Human Rights Watch, the “fast track” plots were being handed out not only to landless people from the communal areas or war veterans (for whom government policy officially reserves 20 percent), but also to the police, army, CIO, civil servants such as agricultural extension workers (who are involved in demarcating plots), and traditional leaders. A former district administrator described this:

They allocate land to their supporters. We are asked to transport them to the farms, then we just sit back and let them do their thing. When one local administrator didn’t provide transport to war veterans, she was kicked out. It becomes untenable to witness a process that’s very illegal... We are not resettling the landless peasant, who is being sidelined. We are resettling ourselves.¹³⁷

An MDC activist from the Chimanimani constituency told Human Rights Watch how he applied for land. He said he was happy to do so, despite his party’s opposition to the fast track program, since the land in question was a planned resettlement scheme and not a farm occupation. He said he was rejected because of his opposition affiliation:

We thought that because the government is saying that land is not a political issue then let’s also register for land to see what would take place. I went through all the procedures: I registered through my councilor, submitting all my particulars, curriculum vitae, national ID number and so on. The names given to the councilor were taken to the DA’s office. My name was called during the day when land was distributed. I was number ten on the list, but people started shouting: ‘Oh, he’s opposition he doesn’t deserve that. He’s not eligible because he’s supporting Mr. Bennett [the MDC MP for Chimanimani]. If you want land you must go to Mr. Bennett.’ The DA was there, the councilor, and even a number of war vets, about 150 people altogether. Others were given land but not me. The Zanu people and war vets were shouting; the DA and councilor were not involved. I recently consulted the DA to find out what had happened to my claim, and he was

¹³³ Human Rights Watch interview, villager from communal area, Harare, July 16, 2001.

¹³⁴ Human Rights Watch interview, young man, Nhedziwa ward, Chimanimani, July 17, 2001.

¹³⁵ Human Rights Watch interview, Harare resident, July 16, 2001. Party cards are increasingly required even to be able to travel in the rural areas, where youth militia stage informal roadblocks and demand that travelers demonstrate their loyalty to the ruling party. See for example Basildon Peta, “Party cards run out as Mugabe enforces loyalty,” *Independent on Sunday* (London), January 20, 2002, as well as reports from the Zimbabwe Human Rights NGO Forum.

¹³⁶ Human Rights Watch interview, communal area resident, Murerwa, Mashonaland East, July 27, 2001.

¹³⁷ Human Rights Watch interview, ex-district administrator, Matabeleland South, August 2, 2001

saying 'just leave it, because its very sensitive and political. If you are not given land that is now a political issue so better leave it like that for your own safety.'

They are now following up and trying to find out how many members of the opposition were given land so that they can regain it and give it to Zanu-PF people. I heard from war vets that they are reallocating the plots. Their first efforts were haphazard and now they are saying they are going to do it the right way...My friend was lucky in the first round and he was allocated land on the first day. Now they are saying to him that they don't think he will use that land and they want to take it away. He supports the MDC, that's the reason.¹³⁸

Many NGO experts made similar claims of party-political allocation of land:

Beneficiary selection is highly politicized. There is no doubt that this is a politically motivated process, by war veterans and Zanu supporters. Land occupations were orchestrated. These people were genuinely in charge of land occupations. They mobilized people and did it themselves. They were looking for their own faithfuls...There is confusion on who should be in charge of the process, and different people are on the RDC lists from the war veteran lists. Certain people could jump the queue, those with political clout, who were close to the war veterans, so it became automatic for them to get land faster.¹³⁹

Discrimination in selection of beneficiaries is facilitated by the fact that there are no published records of deliberations or of the reasons for selection or rejection of applicants for land at each step in the formal process. The process is not transparent, and there is no provision for an appeal if an application is rejected.¹⁴⁰

The government has in some cases halted land occupations undertaken in the context of the general endorsement of land redistribution, but not orchestrated by its supporters, and expelled the new settlers. Police have evicted settlers on the Matopos Rhodes Estate, a state-owned national park in Matabeleland South. The land was previously Zapu property and is claimed by the members of *Inqama*, a movement to restore the capital of Mzilikazi, the founder of the Ndebele kingdom. According to one new settler there, war veterans led the invasion of a former farm, and after they had occupied the area tens of other families joined them, only to be removed by police:

When the opportunity came for us to grab the farms, we grabbed them...The February [2000] occupations were led by the war veterans and the government gave in because they were war veterans. To be honest Zanu-PF took advantage of the situation because that was the only tool left to them to gain support after the rejection of the draft constitution, but they empowered us by so doing. The majority [occupying the land] were urban, landless people, though the people invading were veterans...Things were quiet until September when [the police] came down and destroyed our shacks. I was there when the police came. They burnt our shacks. There were three 'santanas' [police vehicles] and about twelve policemen. No one was arrested, no one was beaten. We were going to beat them if it was a fight. But we decided it was best to play it cool. At first we stopped them but they said they were calling the army and the Support Unit, so we left. Since then two of the farms have been launched...[but] we were advised by the government not to put up permanent structures.¹⁴¹

¹³⁸ Human Rights Watch interview, July 18, 2001.

¹³⁹ Human Rights Watch interview, NGO expert, Harare, July 16, 2001.

¹⁴⁰ UNDP Interim Mission Report, January 2002, p.20.

¹⁴¹ Human Rights Watch interview, fast track resettlement farms, Bulawayo, Matabeleland South, August 2, 2001.

In August 2001, police again forcibly evicted settlers on the Rhodes Estate.¹⁴²

Many of those taking advantage of the fast track land reform program are individuals or families who have a genuine need of land to cultivate. According to press reports and other anecdotal evidence, it seems that discrimination against those who have not demonstrated loyalty to Zanu-PF may have decreased, as the fast track program has progressed. However, the testimony collected by Human Rights Watch and other organizations reveals that in many cases others who have equal or greater needs were not benefiting, because they were frightened of violence from the war veterans militia, or because they were not prepared to show support for the ruling party.

Gender Issues in Allocation of Land

Women play a key role in subsistence agriculture in Zimbabwe. Women form 52 percent of the population of the country, and 86 percent of them depend on the land for the livelihoods of themselves and their families. They are the main providers of labor for farming (approximately 70 percent) and are the primary managers of homes in communal areas, given that many men are migrant workers in the cities or in other areas away from their homes. Nevertheless, rural women living in the communal areas are largely treated as dependants of men, not as landholders or farmers in their own right. Section 23 of the Zimbabwean constitution prohibits discrimination, but recognizes exceptions to this general principle in issues relating to, among other things, adoption, marriage, divorce, burial, devolution of property on death or other matters relating to personal law, and the application of African customary law. In April 1999, the Supreme Court, basing its judgment on this exception, ruled in *Magaya v. Magaya* that a woman could not inherit land from her deceased father. The Administration of Estates Act of 1997, passed after the events on which the Magaya case was based took place, has changed this position in relation to inheritance specifically, but only for deaths that occurred after November 1, 1997. Under this law, a widow retains rights to land on the death of her husband. In practice, women still occupy a subordinate position in the communal areas and in general only have access to land through their husbands. In another 1999 Supreme Court case, *Mahlangu v. Khumalo*, the court ruled that section 23 of the constitution still exempted African customary law from the principles of nondiscrimination, and other legislation also still discriminates on gender grounds.

A land redistribution and resettlement program should ensure that women are given the opportunity to hold land in their own right on equal terms with men. In October 2000, the government stated that it would ensure a 20 percent quota for women to benefit from the fast track resettlement program, raising hopes in this regard.¹⁴³ This commitment was never implemented: there is no legal or administrative framework in place to ensure gender equality in the distribution of resettlement land. The policy documents and laws setting out the basis of the fast track program make no mention of gender issues.

Zimbabwe's Women and Land Lobby Group has criticized government policy on and the results of past land resettlement schemes from a gender perspective:

Although females heading households can access land and be given permits in resettlement areas, their married counterparts still had to access land through their husbands and have no security of tenure should their husbands die; there are not many women who own land in small scale commercial areas as most women are poor; the legal and policy framework has not incorporated inheritance rights pertaining to land for widows; the fact of women's lack of access and control over land leads to them being excluded from credit, marketing facilities, decision-making powers

¹⁴² *Enforcing the Rule of Law in Zimbabwe*, p.24.

¹⁴³ The government-owned *Daily News* quoted Minister of Local Government Ignatius Chombo as stating that single women would be allocated 20 percent of land acquired by the government for resettlement and that there would be joint ownership of land by spouses, in accordance with official policy statements. IRIN, October 29, 2000.

over agricultural production activities and benefits, negatively impacting on the productive capacity of women.¹⁴⁴

There are no studies available of the effects of the fast track resettlement scheme on women specifically. However, the lack of infrastructure such as schools and markets in the resettled areas is likely to affect women more seriously than men, since women are the principal subsistence farmers, are less likely to have access to casual cash-paid work, and are more responsible for child care. Some accounts suggested that some of the young men who had left to take up plots in the fast track resettlement farms had abandoned their wives in the communal areas and taken new women as partners; alternatively, that women had accompanied their husbands, but finding that the situation in the resettled areas was worse than the home they had left, had returned to their previous houses.¹⁴⁵ Because women are not regarded as having title to land they are vulnerable to men who wish to exploit their labor either in the communal or resettlement areas.

Other accounts indicated that some women seeking allocation of a plot under the fast track scheme had been forced to exchange sexual favors to get on the redistribution lists and that war veterans and Zanu-PF militia members had raped women in the course of the land occupations. In April 2000, for example, two girls aged sixteen and eighteen were raped at a school in Mutoko where war veterans and other people were gathered waiting to be allocated land. The alleged perpetrators were arrested about one week later, when the girls reported to the police. Attempts by lawyers to follow up on the prosecution of the cases with the police were met only with insults.¹⁴⁶

The participation of women in the resettlement program, and the violence to which they have been subjected urgently needs further investigation. Impunity for sexual assault and rape must be ended, and issues of discrimination addressed.

Displacement and Marginalization of Farm Workers

In many ways, those most disadvantaged by the fast track land reform program are farm workers. Prior to the recent crisis, there 300,000 to 400,000 wage-earning workers on commercial farms, perhaps one quarter of the formal sector labor force and between 11 and 18 percent of the total population.¹⁴⁷ Perhaps 25 percent of these are of foreign descent, mainly Malawian, Mozambican, or Zambian, though their families may have lived in Zimbabwe for several generations. Many of these do not have documents establishing Zimbabwean citizenship, either lacking papers altogether or carrying national identification cards bearing the designation “alien.” Prior to the current crisis on farms, farm workers were already the lowest paid workers in the formal sector in Zimbabwe, often housed in poor conditions, and with inadequate access to schooling, health care, and other services—though, following independence, and under pressure from unions and NGOs working with farm workers, increasing numbers of farmers did improve the conditions of service for their labor.¹⁴⁸ Farm workers are vulnerable to arbitrary eviction in old age especially, when they no longer able to work. Female farm workers, in turn, are more likely than men to be employed on short term contracts for casual work, and less likely to have permanent employment with housing included as part of the package.

¹⁴⁴ Women and Land Lobby Group, “Report on WLLG workshop on Women’s Land Rights, held 27-28 November 2000,” (Harare, WLLG, 2001), as quoted in *Gender and Constitutional Issues* (Harare: Zimbabwe Human Rights NGO Forum, January 2001), p.15.

¹⁴⁵ Human Rights Watch interviews, Musasa resettlement area, July 18, 2001; communal area, Chimanimani, July 17, 2001; NGO experts, Harare, July 2001.

¹⁴⁶ Human Rights Watch interview, NGO workers, Harare, July 12, 2001, and subsequent email confirmation.

¹⁴⁷ Dede Amanor-Wilks, *Zimbabwe’s Farm Workers and the New Constitution*, February 12, 2000, available on the Africa Policy Information Center home page, www.africapolicy.org, accessed December 21, 2001; UNDP Interim Mission Report, January 2002, p.35.

¹⁴⁸ Nevertheless, only 59 percent of farm workers’ children attended primary school in 1997, compared to 79 percent of children in communal areas and 89 percent of urban children. *Land, Power and Poverty: Farm workers and the crisis in Zimbabwe* (London: Catholic Institute for International Relations (CIIR), 2000), p.23.

The large-scale occupation of commercial farms since early 2000 has meant that workers' wage employment on the farm is often ended. In some cases, they are allowed to remain on the farm, but cannot work and are not paid; in others, they are displaced, and must find a place to shelter as best they can. As a union organizer commented, "They have been caught in between because their workplace is their home and they have no rural places to go to."¹⁴⁹ Farm workers are also "caught in between" as regards their political affiliations: because of their dependent situation, they may feel obliged to show support for the political party favored by the farm owner, and thus become vulnerable to violence from supporters of other parties, whatever their own beliefs.

One NGO expert commented that not as many farm workers had initially been displaced as was expected, because resettlement was "largely a paper exercise in which people are allocated plots but not taking them up."¹⁵⁰ By October 2001, however, the Commercial Farmers' Union estimated that 75,000 people (13,636 families) had been either forced off the land or laid off because of the shut down of farming operations.¹⁵¹ The Zimbabwe Agricultural Welfare Trust, established in late 2001, claims that between February 2000 and December 2001, about 350 large-scale commercial farms had to close operations, affecting about 15,000 farm worker families.¹⁵² The United Nations noted that by January 2002, the number of farm workers displaced was estimated at 30,000 families.¹⁵³ Though all of these figures must be regarded as estimates, the problem is clearly serious.

Farm workers interviewed by Human Rights Watch reflected these concerns:

When the boss goes away, I've got no job to do. It's about 200 people working on the farm, with families it is plus 300. I can't even say it's good because I don't know what is going to happen tomorrow...They could come and say each and all of you with your boss you have to leave. The boss just says, wait and see. If they come, tell me quickly and I will tell you what to do. When the war veterans come, the boss won't do anything...We will stay on this place but we are very frightened.¹⁵⁴

Even farm workers interviewed by Human Rights Watch who had lost their jobs showed some appreciation of the war veterans' actions in cases in which their employer had a bad record in labor relations: "The war veterans came for the land, and also they said because the farmer is not working hand in hand with his workers, the conditions of working are not good. Sometimes I agree with them, the working conditions are bad... and at other farms the situation is better."¹⁵⁵

The Labour Relations Act has been amended and new regulations promulgated in early 2002 to provide that the owner of a farm whose land is compulsorily acquired by the government of Zimbabwe pay the benefits due to employees when they are laid off. Previously, the law required the acquiring authority to take over responsibility for the legal obligations towards workers on the farm on conditions no less favorable than those existing before.

¹⁴⁹ Human Rights Watch interview, Acting General Secretary, General, Agricultural, and Plantation Workers' Union of Zimbabwe, July 12, 2001.

¹⁵⁰ Human Rights Watch interview, NGO worker, Harare, July 13, 2001.

¹⁵¹ CFU statement, October 19, 2001.

¹⁵² *An Appeal for Assistance for the Beleaguered Farm Workers of Zimbabwe*, Zimbabwe Agricultural Welfare Trust press release, December 3, 2001.

¹⁵³ UNDP Interim Mission Report, January 2002, p.35.

¹⁵⁴ Human Rights Watch interview, farm worker, Beatrice District, Marondera West, July 26, 2001.

¹⁵⁵ Human Rights Watch interview with farm worker from Marondera area, Harare, July 18, 2001.

Many farm workers who are not Zimbabweans by descent (even though they may have or be entitled to acquire citizenship) have no access to the structures that allocate plots in the communal areas. Farm workers are thus among those with the greatest need for land. Surveys suggest that most farm workers would choose to stay on the farm where they are employed, with a plot of land to which they have title, even if they also continued to work in the commercial farming sector.¹⁵⁶ In 1999, the government land policy framework for the first time acknowledged the need for farm workers to be resettled as well as those from communal areas, and recognized that those who entered the country as indentured labor from 1953 to 1963, and their children, are entitled to citizenship.¹⁵⁷

But farm workers have not been among the groups targeted to benefit from the fast track program. As of October 2001, official government statistics indicated that only 2,122 of the 123,979 households recorded as resettled (that is, 1.7 percent) were farm worker households.¹⁵⁸ GAPWUZ, the General, Agricultural and Plantation Workers' Union of Zimbabwe, which claims 100,000 members, in a paper presented to a September 2001 conference, characterized the fast track land reform program as "the biggest challenge currently facing farm workers in Zimbabwe.... There are approximately 2 million people that can be labeled under the farm working community, and it is frightening to note that the land reform programme is silent as to the fate of the same."¹⁵⁹ GAPWUZ has made various recommendations to ensure that farm workers would be protected during the fast track process, including setting aside at least 20 percent of the land acquired for farm workers (along the lines of the same quota allocated for war veterans).

Although farm workers are not precluded from applying for land under the fast track process, the problem for those who cannot prove their citizenship is that the process of registering for land formally involves registration with the council of the communal area from which they come, with no additional mechanisms put in place to enable them to access the new allocations easily.¹⁶⁰ Moreover, those farm workers who are not of Zimbabwean descent have additional problems, since if they are displaced from the farm they have no other place to go. Zimbabweans, on the other hand, usually have the possibility of returning to their family's land in a communal area. As one farm worker commented:

I was beaten during by-elections around November last year. All of us including the farmer were supporting MDC, because we have nowhere to go. I am an alien. My father came from Malawi. We are seven born here and we have nowhere to go. Our last-born is eighteen years old. My father is here. He is a pensioner.¹⁶¹

Another farm worker complained at the policy of favoring war veterans:

I don't agree that the war veterans should have the land. Land might be taken and given to some one else, but if they just give land to me or other people who are not trained as farmers then we are killing the whole nation. I would be happy to have land because most of the people on the farms have no homes; every person on the farms if given a piece of land we will just say thank you. They go to meetings where they discuss land but we are forced to go and attend. But I don't know how that land is allocated. They are just taking it for themselves, not offering it to the farm

¹⁵⁶ *Baseline Survey of Commercial Farm Workers' Characteristics and Living Conditions in Zimbabwe* (Harare: Farm Community Trust of Zimbabwe (FCTZ), April 2000).

¹⁵⁷ Amanor-Wilks, *Zimbabwe's Farm Workers*.

¹⁵⁸ UNDP Interim Mission Report, January 2002, p.36.

¹⁵⁹ GAPWUZ, "Zimbabwe," in *Southern Africa Regional Conference on Farm Workers' Human Rights and Security*, Farm Community Trust of Zimbabwe, September 2001.

¹⁶⁰ Human Rights Watch interview, Dr. Vincent Hungwe, Principal Director of Land and Rural Resettlement, Harare, July 30, 2001.

¹⁶¹ Human Rights Watch interview, farm worker, Beatrice District, Marondera West, July 26, 2001.

workers. I think the government is not giving land to the people, just campaigning for itself...The only people who have no land are those living on the farms.¹⁶²

In practice, however, some farm workers have taken the opportunity to acquire land—at least temporarily—through the unofficial systems operated by the war veterans. However, the offer of land may be tied to a pledge of allegiance to Zanu-PF:

There were regular meetings on the farm where we were offered land. They [the meetings] were run by war veterans and CIO guys. Usually the MP doesn't come. They told the farmers to use their tractors to ferry us to the meetings, Friday 1 to 4 pm and Sunday 8 am to 1 pm. We never disrupted those meetings. They would tell us that [MDC leader] Tsvangirai will never rule this country. They don't want to hear anything about MDC. Yes, they offered us land and said anyone who wants land can get. From our farm seven went, but I think some of them just go for the sake of going. Some were given land at [nearby farms]. They are living there. They are settled there right now.¹⁶³

Sometimes these inducements to sign up for Zanu-PF were linked with threats of assault.

They've [the war veterans] come several times before but this time was worse than before, because now they locked him [the boss] inside. Before they came to the workers and said, you have to support the ruling party. If you don't have to support the party, they did fighting. They are just saying you ought to have your names written down. You must go and join the party.¹⁶⁴

A woman worker on a farm in Marondera told human rights researchers:

The war vets want to occupy the farm worker's houses. They want to make sure we move out...If guys leave the farm, then white farmers won't have the manpower to stay and farm. [Why don't you get your own piece of land here, like the other squatters?] You must have a Zanu-PF card to get land. [Why don't you call the police when attacked?] It's useless because they won't do anything. You're in more shit because the police will send a message to the war veterans this one is making trouble, sort her out, and they will! I've seen policemen in uniforms coming out with government vehicles to see their fields.¹⁶⁵

As in the case of the situation of women within the fast track program, the particular problems of farm workers need further investigation, and urgent action to redress discrimination.

Difficulties for Organizations Working in Rural Areas

The mobilization for land occupations has created problems for nongovernmental organizations (NGOs) and unions seeking to work with farm workers and others in rural areas. During the referendum of 2000, GAPWUZ participated in voter education, an activity which tarred them, and through them the farm workers they addressed, with the brush of support for the MDC. The union claims that GAPWUZ shop stewards have been intimidated in by-election areas.¹⁶⁶ GAPWUZ claimed that a new government-backed union federation, the Zimbabwe

¹⁶² Human Rights Watch interview, farm worker from Marondera area, Harare, July 18, 2001.

¹⁶³ Human Rights Watch interview, villager, 1980s Resettled Area, Marondera, Mashonaland East, July 27, 2001.

¹⁶⁴ Human Rights Watch interview, farm worker, Beatrice District, Marondera West, July 26, 2001.

¹⁶⁵ Amnesty International interview, December 4, 2001.

¹⁶⁶ Human Rights Watch interview, Gapwuz Organisers, July 12, 2001.

Federation of Trade Unions (ZFTU) has deliberately undermined its efforts to organize in commercial farming areas.¹⁶⁷

Many nongovernmental organizations that conduct development-related activities amongst poor rural people have had their activities disrupted. NGOs say that the climate of fear created by war veterans is not conducive to development and educational activities in these rural communities. As a result virtually all groups have suspended activities. War veteran militias investigate activities around fast track resettlement areas which for NGOs sometimes constitutes an implied threat.

On May 31 [2001] we had organized a district team-building meeting in Wedza and then the war veterans came and said, ‘Who are you and what are you doing?’ ...We explained that we are in partnership with government and they sat and listened until the end of the program. They requested us to come to them and make a presentation to the bases. They gather people there forcibly. We went and said we are not political. This was at the school. They wanted us to work in party structures which we diplomatically refused. Of course, the line ministries are quite aware of the predicament we the NGOs are in.¹⁶⁸

NGOs working on development issues or working with farm workers who have attempted to become involved in support for those who have been resettled or in the process of land allocation have been ejected or threatened.¹⁶⁹ NGOs have been forbidden from carrying out voter education in rural areas. Zimrights, a national human rights organization, has been ordered to cease human rights education activities in Masvingo and other rural districts.¹⁷⁰ The rights of election observers to operate freely have been greatly restricted for the March 2002 presidential elections.¹⁷¹

In November 2001, the government announced that humanitarian organizations would be banned from distributing food in rural areas, where there is an acute need for assistance, claiming that aid distribution would be used as an excuse to campaign for the MDC. Churches have openly defied this edict. Roman Catholic Archbishop Pius Ncube charged that “the hunger is caused by the government’s hypocrisy. It wants to distribute food assistance itself, so as to buy votes. It does not care how many people die as long as it can stay in power.”¹⁷²

V. INTERNATIONAL LAW AND CONSTITUTIONAL OBLIGATIONS

Zimbabwe is a party to a range of international instruments, including the International Covenant on Civil and Political Rights (ICCPR); the International Covenant on Economic, Social and Cultural Rights; the Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW); and the African Charter on Human and Peoples’ Rights, among other treaties. Under these treaties, the government has a duty to guarantee equal protection of the law to all persons without discrimination, and to prosecute serious violations of the rights enumerated, including where the perpetrator is a private citizen. Independence of the judiciary is also a cornerstone of these international provisions. Crimes should be investigated and prosecuted in a fair, effective, and competent manner by the relevant judicial, administrative, or legislative authorities.

¹⁶⁷ Human Rights Watch interview, Gapwuz Organisers, July 12, 2001.

¹⁶⁸ Human Rights Watch interview, NGO Coordinator, Harare, Mashonaland Central, July 18, 2001.

¹⁶⁹ Human Rights Watch interviews, Harare, July 2001.

¹⁷⁰ Loughty Dube, “War Veterans Ban Rights Groups from Districts,” *Zimbabwe Independent*, January 4, 2002; Human Rights Watch telephone interview, Zimrights, February 12, 2002.

¹⁷¹ See Human Rights Watch submission to the Commonwealth Ministerial Action Group, January 2002.

¹⁷² Alex Duval Smith, “Zimbabwe churches defy Mugabe by delivering food to starving people,” *Independent* (London), November 29, 2001.

The Zimbabwean constitution provides similar guarantees. Section 18(1) of the constitution stipulates that every person is entitled to the protection of the law. Section 18(9) of the constitution says that every person is entitled to a fair hearing within a reasonable time by an independent court. The independence of the judiciary is guaranteed by section 79b.

Right to Property

The Universal Declaration of Human Rights, 1948 (article 17) states that “everyone has the right to own property alone as well as in association with others,” and that “no one shall be arbitrarily deprived of his property.” This right—always controversial—is not included in the International Covenant on Civil and Political Rights, nor in the International Covenant on Economic, Social, and Cultural Rights. Article 14 of the African Charter on Human and Peoples’ Rights, however, provides that: “The right to property shall be guaranteed. It may only be encroached upon in the interest of public need or in the general interest of the community and in accordance with the provisions of appropriate laws.”¹⁷³ The Convention on the Elimination of All Forms of Racial Discrimination sets forth in article 5 the right of everyone to equality before the law without distinction as to race, color, or national or ethnic origin, including the enjoyment of “the right to own property alone as well as in association with others.” CEDAW establishes the same rights for both spouses with respect to ownership, acquisition, management, administration, enjoyment, and disposition of property (article 16).

The right of governments to acquire land in the public interest is commonly recognized. Effective protection of economic and social rights may require redistributive measures, including measures which do not provide for full market value compensation for land that is expropriated. The complete protection of existing property rights can only be justified in a situation where everyone has a basic minimum for what they need to maintain a decent standard of living. The issue with the Zimbabwe government is thus not the concept of redistribution, but the need for land reform to follow basic criteria of due process and nondiscrimination, as required both by the African Charter in relation to property rights, and by other international instruments more generally.

Right to Due Process of Law and Nondiscrimination

Virtually all human rights treaties include clauses stating that the rights they enumerate shall be enjoyed without discrimination. They also include provisions for all people to have equal protection of the law. Article 26 of the ICCPR provides that:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.¹⁷⁴

The Human Rights Committee, which interprets states’ obligations under the ICCPR, has made clear that article 26 provides for protection against discrimination in the enjoyment of all rights, including rights not mentioned in the ICCPR, such as the right to property. These provisions make it clear that a program of land reform that discriminates in law or fact on the grounds of political belief or other grounds is not in accordance with international human rights law.

¹⁷³The African Charter also provides, in article 21(2), that: “In case of spoliation the dispossessed people shall have the right to the lawful recovery of its property as well as to an adequate compensation.”

¹⁷⁴ Article 2(3) of the ICCPR provides that: “Each State Party to the present Covenant undertakes: (a) To ensure that any person whose rights or freedoms as herein recognized are violated shall have an effective remedy, notwithstanding that the violation has been committed by persons acting in an official capacity; (b) To ensure that any person claiming such a remedy shall have his right thereto determined by competent judicial, administrative or legislative authorities, or by any other competent authority provided for by the legal system of the State, and to develop the possibilities of judicial remedy; (c) To ensure that the competent authorities shall enforce such remedies when granted.”

Land reform is generally advocated in Zimbabwe as urgently necessary to address the stark inequalities in land distribution and wealth. However, as stated in the African Charter and reinforced by the provisions of the ICCPR and other binding international treaties, the rules providing for compulsory purchase should be clearly set out in law, and those affected should have the right to voice opposition to the acquisition and to challenge it before a competent and impartial court. In addition, the security forces and criminal justice system must provide equal protection to all those who are victims of violence, and the law should take its course without interference from political authorities.

VI. ROLE OF THE INTERNATIONAL COMMUNITY

The international community does not come with clean hands to the current fast track land reform process. The British government in particular, the former colonial power responsible for brokering the Lancaster House Agreement that led to the 1980 transition to majority rule, has been protective of white farming interests in Zimbabwe and in the early years insisted on a land redistribution policy based on government purchase of land at full market value from willing sellers. The World Bank, another key donor, was widely blamed for the damaging effects of the Economic Structural Adjustment Plan (ESAP) for Zimbabwe, embarked on in 1991. The Bank itself remarked that the reforms under ESAP “could certainly not be regarded as a roaring success,” noting that the percentage of households classified as poor rose from 40 percent in 1991 to over 60 percent in 1995, and that “the programme design itself was flawed, particularly in the under-estimation of its social consequences.”¹⁷⁵

The response of other African countries to Zimbabwe, meanwhile, has been strongly shaped by the history of southern Africa, and the long struggle for an end to colonial and white minority rule. Issues of control over land resonate forcefully in South Africa and Namibia, in particular.

At least partly as a consequence of this history, the strong criticism of the fast track program voiced by the British and Americans in particular has not been matched by similar statements from Zimbabwe’s African neighbors. In late 2001, however, both the Organization of African Unity (OAU) and in particular the Southern Africa Development Community (SADC) began to take a stronger—though often inconsistent—line in criticizing the disorder and economic chaos unleashed by fast track land redistribution and other developments, and urging President Mugabe to restore the rule of law to the land reform program and the elections scheduled for March 2002. The Commonwealth, which brings together both rich and poor former colonies of Britain, has been more outspoken. However, African countries have refused to endorse sanctions against the Mugabe government introduced by the European Union and United States in response to political violence and restrictions on election observers.

Britain

In 2000, just as farm occupations accelerated, the British government stated that it was “not convinced that the Zimbabwe government has a serious poverty eradication strategy nor that it is giving priority to land reform to help the poor of Zimbabwe. The UK remains concerned about transparency in the election of settlers and the arrangements to help resettlement.” Accordingly the British government stated that, in the absence of a government program conforming with the principles agreed at the 1998 donors’ conference on land reform, it would make available £5 million over three to five years from 2000 for land redistribution through nongovernmental channels.¹⁷⁶ The British government’s public statements have maintained the same position on land redistribution since the fast track program began. At the Abuja meeting of the Commonwealth (see below), Britain stated that, subject to a land reform program being adopted conforming with the Abuja agreement, it would make “a significant financial commitment” to support land reform, and lobby for other money to be raised

¹⁷⁵ Thomas W. Allen, World Bank Resident Representative in Zimbabwe, *Structural Adjustment in Zimbabwe: The World Bank Perspective*, resource paper, 1999. The IMF declared Zimbabwe ineligible to access its resources in September 1999, following an accrual of arrears.

¹⁷⁶ Background Briefing, *Land Resettlement in Zimbabwe* (London: Department for International Development, March 2000).

from international donors.¹⁷⁷ President Mugabe, however, has accused Britain of being “at war” with Zimbabwe, wishing to restore its own version of colonialism.¹⁷⁸

European Union

In October 2001, after months of diplomatic confrontation, the European Union formally opened consultations with Zimbabwe under article 96 of the Cotonou Agreement that regulates the E.U.’s relations with the African-Caribbean-Pacific (ACP) group of countries. Article 96 integrates human rights and good governance criteria into E.U.-ACP relations. If there is no progress on human rights issues within seventy-five days after formal consultations are opened, “appropriate measures,” that is, sanctions, may be undertaken. The E.U. named political violence, media freedom, independence of the judiciary, illegal occupation of properties, and the way in which the 2002 presidential elections would be conducted as its particular concerns. In February 2002, when Zimbabwe refused to allow access to its chosen team of election observers, the E.U. introduced targeted sanctions against key members of President Mugabe’s government, including provisions for freezing assets and visa restrictions.

United States

The U.S. government repeatedly condemned political violence and the breakdown of the rule of law in Zimbabwe in 2000 and 2001. In addition, the U.S. Congress passed the Zimbabwe Democracy and Economic Recovery Bill (the House of Representatives passed the bill in November 2001, and the Senate in August 2001), signed by President George W. Bush in January 2001, ordering U.S. representatives to oppose extensions of any loans to Zimbabwe by the international financial institutions and authorizing the president, in consultation with foreign governments, to take action against the individuals responsible for politically motivated violence and the breakdown of the rule of law. The bill set out conditions for these measures to be lifted, including the restoration of the rule of law “including respect for ownership and title to property,” and “commitment to equitable, legal, and transparent land reform consistent with the agreements reached at the International Donors’ Conference on Land Reform and Resettlement” of 1998. In late February 2002, following the imposition of E.U. sanctions, the U.S. introduced similar sanctions on the Zimbabwe government, under the terms of the Zimbabwe Democracy and Economic Recovery Act.

Commonwealth

A committee of Commonwealth foreign ministers, including the foreign minister of Zimbabwe, met to discuss the situation in Zimbabwe, in Abuja, Nigeria, on September 6, 2001. The communiqué of the meeting “recognised that as a result of historical injustices, the current land ownership and distribution needed to be rectified in a transparent and equitable manner.” The ministers also agreed on the following:

- (a) Land is at the core of the crisis in Zimbabwe and cannot be separated from other issues of concern to the Commonwealth, such as the rule of law, respect for human rights, democracy and the economy.¹⁷⁹ A program of land reform is, therefore, crucial to the resolution of the problem;
- (b) Such a program of land reform must be implemented in a fair, just and sustainable manner, in the interest of all the people of Zimbabwe, within the law and constitution of Zimbabwe;

¹⁷⁷ *Conclusions of the Meeting of the Committee of Commonwealth Foreign Ministers on Zimbabwe*, Abuja, Nigeria, September 6, 2001. Elsewhere, Britain has stated that it is willing to contribute £35 million, provided that land reform is carried out “on these principles: without violence; according to the rule of law; genuinely empowering the rural landless poor in Zimbabwe and giving them a stake in the land rather than distributing land on a haphazard basis after violence, or on a cronyism principle which has unfortunately been the case in the past.” Edited extract from a press conference given by FCO Minister of State Peter Hain, at 10 Downing Street, London, October 25 2001, available on the Foreign and Commonwealth Office website, www.fco.gov.uk.

¹⁷⁸ “Mugabe renews attack on Britain,” BBC website, January 12, 2002.

¹⁷⁹ This statement was challenged by many in Zimbabwe, including the Zimbabwe Human Rights NGO Forum, which stated that “Although land is an important issue, the main reason for the crisis in Zimbabwe is not due to the land problem, but has been induced by bad governance and serious misuse of power.” *Complying with the Abuja Agreement: Two Months Report* (Harare: Zimbabwe Human Rights NGO Forum, December 2001), p.4.

- (c) The crisis in Zimbabwe also has political and rule of law implications, which must be addressed holistically and concurrently. The situation in Zimbabwe poses a threat to the socio-economic stability of the entire sub-region and the continent at large;
- (d) The need to avoid a division within the Commonwealth, especially at the forthcoming CHOGM in Brisbane, Australia, over the situation in Zimbabwe;
- and
- (e) The orderly implementation of the land reform can only be meaningful and sustainable, if carried out with due regard to human rights, rule of law, transparency and democratic principles. The commitment of the Government of Zimbabwe is, therefore, crucial to this process.¹⁸⁰

The Zimbabwe delegation gave assurances that, among other things, there would be no further occupation of farm lands, and that the rule of law would be restored to the process of land reform program. The meeting also “welcomed the re-affirmation of the United Kingdom's commitment to a significant financial contribution to such a land reform programme and its undertaking to encourage other international donors to do the same.”

Representatives of the War Veterans Association said that they would not be bound by the deal with the Commonwealth. The Commercial Farmers' Union noted an escalation of violence in the context of farm occupations over the following weeks.¹⁸¹

In December 2001, the Commonwealth Ministerial Action Group (CMAG), set up to assess compliance by Commonwealth members with the Commonwealth Harare Declaration of 1991, which commits Commonwealth members to democratic governance, met and considered the situation in Zimbabwe (among other countries). CMAG noted that the Government of Zimbabwe had not agreed to receive a Commonwealth ministerial mission, and “reiterated its deep concern about the ongoing situation in Zimbabwe especially the continued violence, occupation of property, actions against the freedom and independence of the media and political intimidation. It agreed that the situation in Zimbabwe constitutes a serious and persistent violation of the Commonwealth's fundamental political values and the rule of law as enshrined in the Harare Commonwealth Declaration.”¹⁸²

In January 2002, CMAG met again. The meeting again “expressed its full support for the process established by the Abuja Agreement” and “looked forward to the publication of the United Nations Development Programme report on equitable and sustainable land reform in Zimbabwe and expressed support for the involvement of the UNDP in this process, as agreed at Abuja” (see below). CMAG further called on the Government of Zimbabwe to ensure amongst other things that: “There is an immediate end to violence and intimidation and that the police and army refrain from party political statements and activities.” The group “noted that the Millbrook Commonwealth Action Programme provides for a range of measures from Commonwealth disapproval to suspension.”¹⁸³ The meeting was, however, clearly divided along racial lines, with resistance from African and other developing countries to the British call for strong action.

United Nations

U.N. Secretary-General Kofi Annan questioned the Zimbabwe government's approach to land reform at the World Conference Against Racism held in Durban, South Africa, in August 2001. He said land reform had to be credible and legal and required adequate compensation to those whose land was being expropriated.¹⁸⁴ A technical team from the U.N. Development Programme (UNDP) visited Zimbabwe in November 2001, on the request of the Commonwealth and the government of Zimbabwe, to investigate the land reform program and make suggestions for resolution of the land crisis in accordance with the Abuja agreement. The UNDP team

¹⁸⁰ Conclusions of the Meeting of the Committee of Commonwealth Foreign Ministers on Zimbabwe, Abuja, Nigeria, September 6, 2001, paragraph 2.

¹⁸¹ “White farmers see major escalation of violence in Zimbabwe,” AFP, October 19, 2001.

¹⁸² “Concluding Statement,” 17th Meeting of the Commonwealth Ministerial Action Group on the Harare Declaration (CMAG), December 20, 2001, available at www.fco.gov.uk, accessed December 21, 2001.

¹⁸³ “Concluding Statement,” 18th Eighteenth Meeting of the Commonwealth Ministerial Action Group on the Harare Declaration (CMAG), January 30, 2002

¹⁸⁴ “Annan criticizes Zim land grabs,” SAPA, September 1, 2001.

submitted its report to the secretary-general in early 2002, concluding that: “while the political philosophy and socio-economic rationale of the Fast Track land reform and resettlement programme as defined by the Government of Zimbabwe remain sound, the current scope of the Fast Track represents and over-reach of the original objectives as stated by the Government. In addition, the manner in which [the] programme is being pursued, while legal because of the many changes in the law, has not provided any scope for formal debate either among elected officials, or among those who will lose and those who will benefit.”¹⁸⁵ In January 2002, Secretary-General Annan issued a statement in which he “encourages the Government of Zimbabwe to implement fully and faithfully the actions it has promised to take, including ensuring freedom of speech and assembly, admitting international observers, investigating political violence and scrupulously respecting the rule of law.”¹⁸⁶ U.N. High Commissioner for Human Rights Mary Robinson added her support for his statement.¹⁸⁷

The Organization of African Unity

The OAU Assembly of Heads of State and Government meeting in Lusaka in July 2001 adopted a resolution on the land question in Zimbabwe. Overruling a resolution adopted by the OAU foreign ministers preparing for the summit, which had fully backed Zimbabwe in its confrontation with Britain, the summit stated in more moderate terms that it “reiterated its demand for Britain to honour its colonial obligation to fund the land resettlement programme in Zimbabwe in accordance with the Lancaster House Agreement” and “called on Britain to cooperate fully and enter into dialogue with the Government of Zimbabwe with the purpose of finding a final solution to this colonial legacy.” The foreign ministers also set up a committee chaired by Nigeria, and comprising Algeria, South Africa, Cameroon, Kenya and Zambia to “coordinate with Zimbabwe at all fora wherever the Zimbabwe land issue is raised.”¹⁸⁸

Southern African Development Community

Responding to the fast track land reform program, the Southern Africa Development Community (SADC) initially took a low key approach. Though President Mugabe was reportedly criticized behind the scenes and urged to end farm occupations, public statements were more conciliatory. In April 2000, President Chissano of Mozambique, speaking for SADC, told reporters that “we think the donors, including Great Britain, have to deliver. They have to fulfil their commitments.”¹⁸⁹ As 2000 progressed, and in particular during 2001, it became clear that Zimbabwe’s SADC neighbors were increasingly concerned about the situation in Zimbabwe, though they stopped short of an outright condemnation. In August 2001, in the communiqué following the Blantyre, Malawi, annual summit of SADC, heads of government expressed their concern at the effect of the economic situation in Zimbabwe on the region. The summit appointed a task force comprising Mozambique, South Africa, and Botswana to work with the Zimbabwe government on the economic and political issues affecting Zimbabwe.

By November 2001, South Africa’s President Thabo Mbeki, with the apparent support of Botswana, was making it clear that he believed the blame for Zimbabwe’s troubles lay with the policies pursued by its ruling party. The government-owned *Herald* newspaper castigated Mbeki for caving in to “Britain’s pressure to protect white and colonial economic interests in Zimbabwe.”¹⁹⁰ In January 2002, South Africa criticized Zimbabwean defense force commander Genera Vitalis Zvinavashe for comments in which he stated that he could only support a president who had fought in the liberation struggle.¹⁹¹ In December 2001, however, SADC foreign ministers appeared to retreat from the position adopted by the heads of state, stating that they opposed the sanctions proposed by the U.S. and E.U., and believed that “violence on the farms had reduced significantly and that the few reported incidents were being dealt with under the criminal justice system,” and that the government was

¹⁸⁵ UNDP Interim Mission Report, January 2002, p.40.

¹⁸⁶ “Secretary-General strongly supports SADC efforts to facilitate free, fair elections in Zimbabwe,” M2 Presswire, January 16, 2002.

¹⁸⁷ “High Commissioner For Human Rights Concerned Over Deteriorating Situation In Zimbabwe,” UNHCHR, January 16, 2002.

¹⁸⁸ “OAU ministers set up special committee on Zimbabwe’s land dispute,” SAPA-AFP, July 8, 2001.

¹⁸⁹ “Southern African leaders back Mugabe over land occupations,” cnn.com, April 22, 2000.

¹⁹⁰ “State media lash out at ‘Mbeki betrayal,’” South African Press Association (Johannesburg), December 3, 2001.

¹⁹¹ “SA condemns Zimbabwe military,” BBC website, January 11, 2002.

committed to holding free and fair elections.¹⁹² Nonetheless, Malawian Foreign Minister Lillian Patel stated that “we have reiterated that the bottom line for Zimbabwe is a just and equitable land redistribution, which however must be done in a legally sound and violence-free manner.”¹⁹³ A SADC heads of government summit held in January 2002 “welcomed” assurances by Mugabe that he would allow independent media to function, respect judicial independence, investigate political violence, allow independent election observers, and respect the right to free assembly; while expressing “serious concern” over Zvinavashe’s warnings.¹⁹⁴ SADC leaders, including President Mbeki, have criticized the international focus on Zimbabwe at the expense of other crises in Africa and have opposed E.U. and other sanctions. In January 2002, Mozambican Foreign Minister Leonardo Simao accused western countries of waging a propaganda war against Zimbabwe.¹⁹⁵

VII. CONCLUSION

There are two main explanations given for the fast track land reform program in Zimbabwe. While all parties recognize the legacy of land inequality and the need to address this legacy with land redistribution, they differ on the causes of the current political crisis. Government and the ruling party, Zanu-PF, blame the international donor community and Britain, the ex-colonial power, for the breakdown in the negotiated process of land reform. This argument has force: enduring economic inequalities, especially in land distribution, have made land ownership a fertile political issue for any political party, and the preference of donors for a redistribution process founded on market values has placed obstacles in the way of rapid progress. The opposition, however, led by the MDC, attributes the fast track program to the emergence of a viable electoral opposition, and government efforts to derail the first serious challenge to Zanu-PF rule since independence. Government and Zanu-PF therefore say that the current land reform program is an economic initiative, to redress colonial imbalances. Opposition supporters say that land reform is a political initiative, having more to do with Zanu-PF’s desperate attempt to stay in power than with concerns for land equality. The polarization of this debate in practice has not been helpful to attempts to resolve the land crisis.

Human Rights Watch’s concern is that the human rights violations that have accompanied the fast track process must cease. The conclusion of this report is that many ordinary Zimbabweans who might anticipate benefiting from a fair and effective land reform program fear the violence and intimidation of the “fast track” reform. They resent the discrimination in the way that land is allocated, seeing that the process of redistribution has too often favored Zanu-PF members and those who already have influence and status, instead of those in most need. As one resident of a communal area commented to Human Rights Watch: “The way I see it, it is political: before we had a stronger opposition we didn’t have this question of land. If it was really important to the government, they would have done something about it in twenty years.”¹⁹⁶ Furthermore, a haphazard land resettlement process without adequate support for resettled populations raises serious concerns that it may create high levels of vulnerability among resettled people and at best simply relocate poverty.

Violence against farm workers, farm owners, those living in communal areas adjacent to occupied farms, and opposition supporters, is ongoing. War veterans and supporting ruling party militia have dominated the resettlement process, as has been widely reported. These rural militias can count on non-interference or limited intervention by the police when they commit acts of political violence. The danger is that, once the current crisis is resolved, these militia will continue to terrorize rural areas: the high rate of violent crime in neighboring South Africa offers a stark warning of the possible consequences for the future of violent political mobilization today.

¹⁹² “Communiqué of the Committee of Ministers for the SADC Organ on Politics, Defence and Security Cooperation, December 17-18, 2001, Luanda, Angola. In response, the CFU stated that “in the month immediately following that meeting, there were two deaths, two armed robberies, sixty-one cases of assault, twenty-three cases of abductions or barricades, forty-four cases of illegal evictions of farmers and nineteen cases of illegal eviction of farm workforces recorded in commercial farming areas.” “Background Briefing” submitted to SADC heads of state summit, January 13-15, 2002.

¹⁹³ “Quiet diplomacy only way with Zimbabwe: Pahad,” SAPA, January 13, 2002.

¹⁹⁴ “Summit takes no action on Mugabe, despite broken promises,” SAPA-AFP, January 15, 2002.

¹⁹⁵ “Mozambique accuses west of propaganda campaign against Zimbabwe,” SAPA-AP, January 25, 2002.

¹⁹⁶ Human Rights Watch interview, communal area, Manicaland, July 17, 2001.

The crisis in Zimbabwe has been presented as a racial one by the government, which states that it is finally redressing the injustices of colonial expropriation. The international media and some political commentary has tended to play into the hands of this presentation by highlighting attacks on white commercial farmers and demanding full market value compensation for expropriated land—as well as by largely ignoring other more serious crises on the African continent. However, as many black Zimbabweans stated to Human Rights Watch, disregard for the rule of law is ultimately more serious for poor, rural, black Zimbabweans than it is for white commercial farmers, who are more likely to have the resources to escape violence and recover their economic position, whether in Zimbabwe or elsewhere. A land reform process that is stated to be directed at past injustice is in practice creating new injustices that may well be more difficult to solve in the future.

In August 2001, a large number of Zimbabwean civil society groups came together to discuss the crisis in their country. In relation to land, the conference adopted resolutions that: “There must be an immediate cessation to the “fast track” land programme,” and that “The present occupations must be rationalized in terms of the law but those guilty of violence on farms must not be eligible for incorporation into a new lawful programme.”¹⁹⁷ Human Rights Watch also concludes that the fast track program must be halted to the extent it generates human rights violations, and that violence must be ended and the rule of law restored. Then the competing claims of commercial farmers, farm workers, new settlers, and the state to land must be arbitrated by an impartial tribunal with authority to adjudicate disputes over land and allocate title fairly. The international donor community should give generous assistance to efforts to ensure a sustainable settlement to the land question in Zimbabwe.

¹⁹⁷ The full text on the land issue reads as follows:

“The Conference fully accepts the present inequitable pattern of land distribution cannot continue and that there is an urgent need for major land reform in Zimbabwe. The land reform programme must, however, be properly planned and executed so that it benefits those in need of land and ensures that resettled farmers are given proper support systems to enable them to farm the land productively. It must also be carried out within a legal framework and without the use of violence.

The Conference notes that the chaotic “fast track” land grab has been carried out with violence and in contempt of the rule of law.

There must be an immediate cessation to the “fast track” land programme.

The present occupations must be rationalised in terms of the law but those guilty of violence on farms must not be eligible for incorporation into a new lawful programme.

There must be immediate compliance with all courts orders issued in connection with the “fast track” land programme.

There must be a transparent and accountable process of genuine land reform in the interests of those who need land. The reform programme must ensure that women benefit fairly and directly from land resettlement. A proper system of land tenure must be put in place and section 23 of the Constitution must be amended so that women can own land in their own right.”

“Crisis in Zimbabwe: A Time to Act – Resolutions,” Harare, August 4, 2001. Following the conference that adopted these resolutions, a “Crisis in Zimbabwe Coordinating Committee” was established, consisting of nine major civil society coalitions, collectively representing in excess of five hundred civil society groups. See, <http://www.kubatana.net/html/sectors/cri001.asp>

VIII. ACKNOWLEDGMENTS

Research for this report was conducted by Darlene Miller, fellow in the Africa Division of Human Rights Watch, Bronwen Manby, deputy director of the Africa Division, and Peter Bouckaert, emergencies researcher for Human Rights Watch. It was written by Bronwen Manby, with contributions from Darlene Miller. Peter Takirambudde, executive director of the Africa Division, and Michael McClintock, deputy program director of Human Rights Watch, edited the report, which was also reviewed by Wilder Tayler, general counsel to Human Rights Watch and Rumbi Mabuwa, researcher in the Women's Rights Division. Production and coordination assistance was provided by Jeffrey Scott, Patrick Minges, and Fitzroy Hepkins.

Human Rights Watch would like to thank the Zimbabwean nongovernmental organizations that assisted in carrying out the research on which this report is based, in particular Zimrights, Amani Trust, and the Women and Land Lobby Group (WLLG). Thanks also to Abby Mgugu, director of WLLG, for comments on a draft of the report. We would also like to thank all those witnesses or victims who spoke to us despite the substantial risks of testifying to human rights groups about abuses in the current climate in Zimbabwe.

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