

6. Fast Track: 2000-2001

Following the February 2000 defeat of the constitutional referendum, ZANU-PF rushed a subsequent constitutional amendment through parliament, freeing the government from responsibility for compensating owners if land was acquired for reform.¹⁸⁰ The MDC was positioned to make substantial gains in the parliamentary elections slated for later in the year, but President Mugabe and his party were determined not to leave the stage quietly. Accelerated land invasions, a rising tide of political violence and a continuing economic crisis amplified the pressure. In May, after enabling amendments to the Land Acquisition Act were promulgated, Mugabe had successfully put in place the legal basis for fast track land acquisition and resettlement. An MDC parliamentarian explained, "Every time there has been pressure, the government has responded with pressure of its own, and white farmers are a soft target".¹⁸¹

A. THE BARED FIST

In the immediate wake of the referendum, the pace of farm occupations spiked sharply. A former government official involved in the land redistribution program argues that not all were engineered by ZANU-PF but, "the government definitely took advantage of a process that had started".¹⁸² While these farm occupations have often been simply attributed to "war veterans", it would be more accurate to describe those conducting them as lightly-armed militias. Many of those mobilised were far too young to have fought in the liberation struggle. The war veterans, under Chenjerai Hunzvi, played a very active role, and ZANU-PF vehicles were utilised to facilitate the occupations. Party officials often played a coordinating role, and the fact that commercial farmers known to support the MDC were some of those attacked earliest and most violently forces the conclusion that the occupations were driven as much by politics as smouldering resentment of land distribution. White commercial farmers known to cooperate with the ZANU-PF were largely spared during this period. Though President Mugabe obviously did not control the entire

¹⁸⁰ See ICG Report, *Zimbabwe: At the Crossroads*, op. cit.

¹⁸¹ ICG interview, Harare, 7 December 2003.

¹⁸² ICG interview, Harare, 9 December 2003.

process, his willingness to exploit it sent a powerful message that the rule of law would continue to be treated with disregard.

The Supreme Court ruled against the land occupations on 17 March 2000, and Judge Paddington Garwe gave the squatters a day to leave the farms. The court order specifically directed the police to assist with the evictions of squatters and ignore any countermanding directives from President Mugabe. Even Home Affairs Minister Dumiso Dabengwa stated that the occupations endangered farmers and workers and obstructed farming, requesting that they end. However, Mugabe over-ruled his minister of lands and the courts, telling squatters to continue their actions despite eviction orders. "We want the whites to learn that the land belongs to Zimbabweans", he said.¹⁸³ This led the British Foreign Office junior minister, Peter Hain, to complain that the Mugabe government was trying to "put a pistol to Britain's head". The British government grew so concerned that it announced plans to airlift white farmers from Zimbabwe if necessary.¹⁸⁴ The chief justice of Zimbabwe's Supreme Court, Anthony Gubbay, later commented:

"It was declared that the occupation of farms was unlawful, and the Commissioner of Police was directed to instruct his officers and members to enforce the law. It was not, however, obeyed. The President criticised it as nonsensical. That it certainly was not. To have ruled any other way would have amounted to a violation of the law. The unlawful occupations, with the encouragement of the government, have continued at an accelerated pace. This and a subsequent similar order – also ignored – were not meant to prevent the government from pursuing land resettlement. Not at all. This has never been the policy or objective of the courts. The effect of the order was that land resettlement should be carried out within the framework of the constitution and in compliance with the provisions of the Land Acquisition Act, and not by unlawful invasion".¹⁸⁵

On 5 April 2000, the ZANU-PF-controlled parliament passed a constitutional amendment giving the government a much freer legal hand in land acquisition. The amendment, which essentially replicated Clause 57 of the failed constitutional referendum, was quickly signed into law. The new law declared, "the former colonial power [the UK] has an obligation to pay compensation for agricultural land compulsorily acquired for resettlement,

¹⁸³ *The Christian Science Monitor*, 30 March 2000.

¹⁸⁴ *The Independent* (London), 28 March 2000. In early March 2000, Zimbabwe government officials seized a British diplomatic pouch that contained surveillance equipment, further souring relations between London and Harare.

¹⁸⁵ Edited version of speech by Zimbabwe's former Chief Justice, Anthony Gubbay, delivered 20 June 2001. See *Sunday Times* (South Africa). Available at www.suntimes.co.za/business/legal/2001/07/08/carmel03.asp.

through an adequate fund established for the purpose; and 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".¹⁸⁶ With this new law, Zimbabwe placed land reform on the notorious fast track, and vocal British and other foreign opposition allowed Mugabe to paint his stance in anti-imperialist tones: ZANU-PF promised to return the land to the people and blamed white farmers and Britain for blocking the process. All these efforts were designed to camouflage the illegitimacy of the invasions while serving as a direct assault on the MDC's supporters.

On 13 April, the parliament was formally dissolved, and after considerable confusion, elections were eventually rescheduled for June. In mid-April, Mugabe again defied the judiciary, telling a rally, "This is not a problem that can be corrected by the courts; it is a problem that must be corrected by the government and the people of Zimbabwe".¹⁸⁷ This seemed to override Vice President Joseph Msika, who had announced three days previously that it was no longer necessary to carry out the demonstrations on the farms. President Mugabe's statement also came shortly after the World Bank and the UK had offered increased financial assistance in an effort to prevent seizures. Despite the bellicose language and the rapacious

¹⁸⁶ Amendment 16 to the Constitution states: "(1) In regard to the compulsory acquisition of agricultural land for the resettlement of people in accordance with a program of land reform, the following factors shall be regarded as of ultimate and overriding importance – (a) under colonial domination the people of Zimbabwe were unjustifiably dispossessed of their land and other resources without compensation; (b) the people consequently took up arms in order to regain their land and political sovereignty, and this ultimately resulted in the Independence of Zimbabwe in 1980; (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. (2) In view of the overriding considerations set out in subsection (1), where agricultural land is acquired compulsorily for the resettlement of people in accordance with a program of land reform, the following factors shall be taken into account in the assessment of any compensation that may be payable. (a) the history of the ownership, use and occupation of the land; (b) the price paid for the land when it was last acquired; (c) the cost or value of improvements on the land; (d) the current use to which the land and any improvements on it are being put; (e) any investment which the State or the acquiring authority may have made which improved or enhanced the value of the land and any improvements on it; (f) the resources available to the acquiring authority in implementing the program of land reform; (g) any financial constraints that necessitate the payment of compensation in installments over a period of time; and (h) any other relevant factor that may be specified in an Act of Parliament".

¹⁸⁷ *The New York Times*, 17 April 2000.

behaviour of militias on farms, many observers stubbornly clung to the notion that Mugabe was posturing, and the farm invasions were primarily a negotiating tool. Sam Moyo of the African Institute of Agrarian Reform said, "They are not prepared to go to war to take land. They don't really believe in destroying property rights".¹⁸⁸ Mugabe had a long history of talking tough in public at home but being far more conciliatory to international interests behind closed doors. A senior land policy expert at the World Bank noted at the time, "Despite all the talk and all the threatening, on the ground, the government has always followed the law. It hasn't taken a title deed for which it hasn't paid cash".¹⁸⁹

Zimbabwe's 20th anniversary of independence on 19 April 2000 evoked more sadness than celebration. Respected South African Archbishop Desmond Tutu lamented that Mugabe was, "almost a caricature of all the things people think black African leaders do. He seems to be wanting to make a cartoon of himself".¹⁹⁰ On 22 April, the office of the *Daily News* in Harare was firebombed, adding to the sense of the rule of law under siege.

On 21 April, a summit meeting took place at Victoria Falls between Mugabe, South African President Mbeki, Namibian President Sam Nujoma and Mozambican President Joaquim Chissano. Mbeki maintained that a deal had been reached: Mugabe would end the farm invasions and stop his rhetorical blasts at the UK, and Mbeki would try to get the British to free up funds for land reform while pushing the IMF to support Zimbabwe.¹⁹¹ Less than a week later, prior to a meeting on 26 April in London between representatives of the British and Zimbabwean governments, Foreign Secretary Robin Cook said the UK would insist that land reform be carried out within the rule of law and on the basis of fair compensation to farmers. It would have to benefit the "rural poor and not public officials with the right connections".¹⁹² Cook also noted that Britain would actively support wider international backing for land reform only if Zimbabwe held free and fair elections. He reiterated that there would be no further talks on land reform until the violence and occupation of white-owned farms ceased.

In conjunction with the constitutional amendment, the government applied growing pressure through the farm invasions. More than 400 farms were occupied in the wake of the referendum, and more than 1,000 properties experienced some form of squatting by the time parliamentary elections were held in late June 2000. Thousands of squatters moved to

¹⁸⁸ Ibid, 11 April 2000.

¹⁸⁹ Ibid.

¹⁹⁰ Ibid, 30 April 2000.

¹⁹¹ R.W. Johnson, "Mugabe, Mbeki and Mandela's shadow", *The National Interest*, Spring 2001.

¹⁹² Reuters correspondents reports, 26-28 April 2000. Available at www.news.africa.com.

occupy farms, and the government clearly played a decisive organising role. Although many of the farm invaders were led by war veterans and were armed with axes and clubs, the violence was kept at a low boil. Although occupations were often peaceful, the murder of several white farmers sparked sharp international press reaction.¹⁹³

In May, after receiving the consent of both Mugabe and Blair, President Mbeki suggested that UN Secretary General Kofi Annan appoint a mediator. Instead, Annan announced that to "depoliticise" the land issue, he would ask the UNDP to get involved as a neutral player. Mbeki also asked Saudi Arabia and Norway to pledge \$13.6 million through the UNDP to expedite the acquisition of the 118 farms identified at the 1998 conference. Both agreed to commit these funds with an understanding that they would be repaid once violence ended, elections were held and the results respected. Mbeki's initiative had the potential to relieve the impasse with no obvious "linkage or conditionality" that risked sparking further squabbling between London and Harare.¹⁹⁴

On 23 May 2000, the government gazetted revisions to the Land Acquisition Act, despite the fact that parliament had been dissolved.¹⁹⁵ With this and the constitutional amendment, it was now free to move forward with land redistribution as it saw fit. Only a week after Mbeki's apparent breakthrough, the situation broke down. Annan called off a Harare visit by UNDP administrator Mark Malloch Brown to protest the publication of a list of 841 white-owned farms slated for uncompensated seizure.¹⁹⁶ The owners first received notice in the government-controlled press. Malloch Brown's visit had been intended as a first step in reactivating a two-year UNDP program. However, ZANU-PF accused the UN of allowing itself to be used by Britain as part of a plot to derail long overdue land reform. Spokesman Jonathan Moyo said the UNDP efforts appeared designed to "thwart legal moves toward land acquisition" and to "entrench the status quo".¹⁹⁷

Under the fast track program, the government proposed to redistribute some 10 million hectares, mostly large-scale white farms, by December 2001. A select group of wealthy white land owners who directly supported ZANU-PF was spared, as were existing "indigenous commercial farms"

¹⁹³ For example, "'I Could Just Hear Screaming, That's All I Heard....'", *The Scotsman*, 10 May 2000; Manoah Esipisu, "Two More Slain in Zimbabwe", *Toronto Star*, April 26, 2000.

¹⁹⁴ Simon Barber, "Mbeki's Creative Solution in Zimbabwe", *Business Day*, 6 May 2000.

¹⁹⁵ Mugabe took this action under the Presidential Powers (Temporary Measures) Act.

¹⁹⁶ ZANU-PF spokesman Jonathan Moyo argued that these 841 farm expropriations were pursuant to the April 2000 amendment to the constitution and therefore legal.

¹⁹⁷ *Business Day*, 5 June 2000.

and large farms leased from government.¹⁹⁸ In light of the obvious politicisation, Western donors suspended all aid for land reform.

To redistribute confiscated land, the government created a two-pronged strategy: the A1 model would be used for 220,000 small-scale farmers from the communal areas, with an average farm size of 25 hectares; the A2 model would be used for 54,000 indigenous commercial farmers, who would receive farms averaging about 100 hectares.¹⁹⁹ Much of the planning for the fast track program appeared to have been done on the back of an envelope. It was not clear how the government would select the 54,000 indigenous commercial farmers destined to benefit from the A2 model or how they would be trained to farm.²⁰⁰

Technical and economic problems would obviously be encountered in subdividing former commercial ranches. In the southern parts of the country, the livestock-carrying capacity of the savannah is low. The costs of settling families with small herds and flocks on individual farms with reasonable standards of infrastructure would be high and economic returns likely negative. Subdivision of the mainly arable farms could be more straightforward, but water, basic farm buildings and roads would be needed. It was not clear when this investment would be forthcoming due to the shortage of trained personnel and government funds. The high cost of farm credit and the lack of tenure security associated with the anarchic land administration arrangements further complicated the situation, and Zimbabwe's farm production suffered devastating losses. Even under ideal arrangements, farm production would have slumped severely for several years while land tenure and infrastructure problems were sorted out.

The June 2000 parliamentary elections were a central part of the equation, and the land invasions were very much designed to impact their outcome. As a U.S. official commented, "having lost the referendum, ZANU-PF knew they had to take the parliamentary elections seriously".²⁰¹ The ZANU-PF amplified the tactics it had employed in earlier elections, stepping up a campaign of intimidation, uniformly using the state-run media to its advantage and gerrymandering districts. By using all of these methods, the ZANU-PF hoped to avoid the need for gross ballot stuffing on the day of the election itself. Kenneth Wollack of the U.S. National Democratic Institute commented, "I think that most groups who have

¹⁹⁸ *Africa Confidential* 44, no. 4 (21 February 2003).

¹⁹⁹ This information was also contained in Nigerian President Olusegun Obasanjo's letter to Australian Prime Minister John Howard, 13 February 2003. The target for farmers in the A2 model changed to 51,000 in a statement made by Minister of Agriculture Joseph Made, *The Independent*, 4 February 2003.

²⁰⁰ Official government statistics from this point lack credibility given the chaotic nature of the process and notional planning.

²⁰¹ ICG correspondence, 15 March 2004.

monitored elections throughout the world have come to the same conclusion, and that is that the environment leading up to the election day was fundamentally flawed. It was an environment of fear and anxiety. You had a campaign of violence and intimidation directed primarily at the opposition".²⁰²

Between the referendum's defeat in February and the parliamentary ballot, some 30 black Zimbabweans – almost all MDC supporters – were killed in violent incidents. Many of these murders were committed by individuals with clear ties to the ruling party. However, the international media's focus on violence committed against white farmers during this period when black opposition figures and black farm workers suffered more severely made it easier for Mugabe to portray the international community as driven by quasi-imperialist concerns. A louder outcry on behalf of the indigenous opposition and against ZANU-PF violence would have helped underscore that the government's policies had more to do with political survival than historical injustice and were inflicting a grave cost on black Zimbabweans. An MDC parliamentarian commented on the tendency to highlight the plight of white farmers, "The press reports show Mrs. Brown standing by her house; they don't show the 500 farm workers who have been displaced. This allows the government to appeal to anti-colonialism and displaces traditional liberal thinking about democracy".²⁰³

The election was almost a dead heat, a remarkable achievement for the recently formed opposition in light of the intimidation. The MDC captured 57 seats; ZANU-PF, 62 (one went independent). However, because of the 30 non-constituency parliamentarians appointed by the president, the government had a 92 to 57 majority.²⁰⁴ The election also revealed a country that was increasingly polarised: the opposition won every seat in Harare and Bulawayo, the largest cities, and largely dominated Matabeleland – the traditional heartland of the minority Ndebele where memories of the government-directed violence of the 1980s remained fresh. The majority Shona areas mostly remained loyal to the ZANU-PF. The deep bifurcation of loyalties in Zimbabwe remains explosive.

In July 2000, whites offered 600 farms for sale as part of an effort to take the steam out of the land seizures. However, they refused to make the details of these farms available, fearing that they would be immediately confiscated or invaded without compensation. The Commercial Farmers' Union stressed that this would allow the government to move forward with land redistribution without having to conduct illegal occupations. This was one of several such attempts by the farmers but in the superheated political

²⁰² PBS Newshour with Jim Lehrer, "Zimbabwe's Election", 27 June 2000.

²⁰³ ICG interview, Harare, 7 December 2003.

²⁰⁴ A number of election results were challenged in protracted court cases.

climate, the offers were mostly too little too late. As a civil society activist remarked, "The white farmers had been in denial for twenty years, and they woke up and really got bit by the land seizures".²⁰⁵ While there was no great love for white farmers in many parts of society, a large segment of blacks had deep reservations about Mugabe's approach. A social scientist who has conducted extensive polling around the country commented on attitudes toward land seizure: "many feel it was justified, but feel it was done poorly; that land redistribution was unplanned and uncoordinated....I was surprised by the extent to which people saw through the land reform exercise".²⁰⁶

Although Mugabe overhauled his cabinet in July 2000, bringing in some respected technocrats, the downward slide continued. Chenjerai Hunzvi, who had played such a key role both in looting pensions funds designed for veterans and mobilising those same veterans to confront first President Mugabe and later white commercial farmers, was not included. In essence, Mugabe had outflanked Hunzvi and outmanoeuvred both the MDC and white farmers by embracing the farm invasions. But with annual inflation hitting 80 per cent that month, the pressures aligned against Mugabe did not ease.²⁰⁷ If the president had hoped to use farm invasions for short-term tactical advantage before returning to business as usual, he had badly miscalculated.

B. SOUTH AFRICA'S ROLE

While the EU and the National Democratic Institute, among others, sharply questioned the conduct of the June 2000 parliamentary elections, South Africa had a muted response. Where the EU had objected to "serious flaws and irregularities in the electoral process", a South African parliamentary delegation judged the elections to be "legitimate", even though many individual members would not judge the elections "free and fair".

Mbeki also moved quickly to quash objections within his own ANC party about the events in Zimbabwe, and South African diplomats continued to insist publicly and privately that quiet diplomacy was the only way to bring Mugabe back to a more reasonable course. Mbeki often cloaked his position in cultural terms, suggesting it would be inappropriate for younger leaders to lecture a senior African president. Despite the increasingly serious situation, virtually no African statesman had raised concerns publicly about President Mugabe's dangerous missteps by the middle of 2000. Yet, with

²⁰⁵ ICG interview, Harare, 2 December 2003.

²⁰⁶ ICG interview, Harare, 4 December 2003.

²⁰⁷ Hunzvi died on 4 June 2001 of AIDS.

Mugabe's entire career at stake, quiet diplomacy seemed to have little influence.

The crisis was taking an increasingly heavy toll on South Africa's interests: the rand hit a new low against the U.S. dollar in May 2000, and foreign investment in South Africa slumped badly, largely due to concerns turmoil might spill over.²⁰⁸ By December, Zimbabwe was deeply in arrears for oil purchased from South Africa, and more and more commentators observed that Pretoria was positioned to bring political change in Harare simply by switching off Zimbabwe's power supply. South Africa provides some 40 per cent of Zimbabwe's imports and 20 per cent of its power. The fast track program and related political instability created a sizeable Zimbabwean refugee population, much of which went to South Africa. Pretoria became increasingly aggressive in trying to seal the border, further emphasising the need for Mbeki to act.

A South African economist estimated that Zimbabwe's economic decline cost the southern Africa region \$2.6 billion between 2000 and 2002, with much due to cancelled exports and failure to pay for services.²⁰⁹ Tourism across the region also was hurt by the situation in Zimbabwe. That said, the rest of the region has benefited from the exodus of academics, farmers and business professionals from Zimbabwe. Indeed, neighbours, notably Mozambique and Zambia, have actively tried to lure white Zimbabwean farmers, offering favourable packages of land and tax benefits. More than 60 have resettled in Mozambique and are already producing export crops.

Mbeki and some ANC members were concerned about the possibility of a liberation movement losing power to a labour union party. They noted that some of Zimbabwe's political dynamics were replicated in South Africa, where the Congress of South African Trade Unions (COSATU), although formally allied with the ANC, has some deep tensions with the ruling party. Although South Africa did have legitimate concerns about the potential of Zimbabwe collapsing, particularly in terms of refugees, President Mbeki was eager to contain the situation there while ensuring that ZANU-PF remained in power. Much of his approach was also driven by the popularity of the land invasions within South Africa where public support for them remained high. Indeed, more black South Africans supported the land grabs than did black Zimbabweans, likely due to the fact that South Africans did not have to view ZANU-PF violence up close or personally experience the economic hardships created by the land program.

²⁰⁸ The rand recovered once these concerns dissipated.

²⁰⁹ *The Economist*, 6 November 2003.

A Zimbabwean political scientist noted, "Mbeki is sitting on a powder keg. The soft touch pays dividends at home".²¹⁰

C. CHAOS

Despite the fact that the MDC held close to half the elected seats in parliament by mid-2000, violence and anarchic land seizures continued largely unabated. President Mugabe and ZANU-PF sought to accelerate land seizures, silence the free media and undercut a judiciary that they viewed as far too independent. Throughout 2001, prospects for an internationally brokered deal on land reform arose, but, in retrospect, the government did not take them seriously.²¹¹ Negotiations seemed to be more an effort to limit the fallout from international condemnation, although the high economic cost of the fast track program became clear during this period.

By November 2000, more than 2,200 farms had been listed for acquisition. The fast track program was moving with great speed despite little planning. The actual plan was no more than ten pages long, and there was almost no planning in place for redistributing the seized land. A black farm worker complained, "When these people are given land, they aren't given capital. They can't even till the land. First you need to be trained to do farming, and then you can be given the land".²¹² Provincial governors had a great deal of leeway in conducting the fast track program, despite the fact that many publicly acknowledged they lacked expertise and resources. Local political leaders treated the exercise largely as a land grab, with police, military officials and well-positioned ZANU-PF politicians the most frequent beneficiaries. MDC supporters were barred from receiving land.

Land redistribution distinguished sharply between the small A1 and larger A2 properties. The large commercial A2 farms were mainly doled out to key figures within the government and security services. These once productive farms often became little more than weekend retreats for the Harare elite. The term "briefcase farmers" described the many senior ZANU-PF officials who enjoyed large properties but demonstrated little interest in actually farming. A farm worker observed, "As far as I can see the redistribution has not been fair. Many of these new farmers have not produced anything. As long as you can raise your fist up in the air you are being given land".²¹³ An MDC parliamentarian derided the fast track program as "the VIP scheme" that benefited "a who's who in the ZANU-PF

²¹⁰ ICG interview, Harare, 6 December 2003.

²¹¹ See ICG Report, *Zimbabwe: Three Months after the Elections*, op. cit.

²¹² ICG interview, 4 December 2003.

²¹³ ICG interview, 4 December 2003.

and parastatals".²¹⁴ Another MDC parliamentarian claimed that the ZANU-PF reasoned that if civil servants were not interested in acquiring land, "they must be opposition".²¹⁵

The smaller A1 plots were often directed to people loyal to the local power structures, but in most cases these individuals were given the land with almost no additional resources to help them farm. A1 farmers have traditionally lacked access to credit, and such a possibility largely collapsed with the general deterioration of the economy. The lack of investments in the A1 plots is cited again and again as a central obstacle to more effectively developing small farms. "The state's failure to assure inputs – credit, fertilisers and pesticides, irrigation, farm implements, seeds, marketing support and transport – meant that, instead of contributing to surpluses, the best that most new land recipients could hope for was to grow enough food for their own consumption".²¹⁶ In many cases, subsistence was not even possible, and some who received land soon found themselves forced to pay rent to power brokers. A social scientist commented: "Many feel they would be better off if they stayed where they were, given the way the exercise was conducted".²¹⁷

The treatment of white commercial farmers grew even harsher, as the government regularly rode roughshod over its own laws and regulations. Most farmers were given 30 days to leave, despite the fact that the clear majority had purchased their land after 1980 and had government certificates of "no present interest". There was no legal standing for the government to rescind the "no present interest" certificates. An MDC politician complained, "The government wants to eliminate the need to demonstrate a public good in seizing land; that is fascism".²¹⁸ Farmers received no notice of the seizures other than what was posted in the government newspapers. Similarly, a number of individuals complained that they had seen their names published in the paper as beneficiaries of land redistribution but had never actually received anything. One farmer complained, "After 53 years on our farm, we came out with three tractors and some implements".²¹⁹ This was at a time when the government was already the proprietor of very large amounts of land, including substantial underutilised properties. Many farms that were not listed were occupied. Because of the fundamental uncertainty surrounding the status of such land, looting became the most attractive option for those seizing it. Often

²¹⁴ ICG interview, Harare, 7 December 2003.

²¹⁵ ICG interview, Harare, 3 December 2003.

²¹⁶ Bond and Manyanya, *Zimbabwe's Plunge*, op. cit., p. 281.

²¹⁷ ICG interview, Harare, 5 September 2003.

²¹⁸ ICG interview, Harare, 7 December 2003.

²¹⁹ ICG interview, Harare, 5 December 2003.

crops were uprooted and herds and other assets were quickly sold off. One farmer explained, "They broke down my house because they didn't know if they could stay on the land".²²⁰

The list of farms to be seized rose to over 3,000 on 31 July 2000, by which time at least 1,600 were occupied, and the government announced intention to redistribute at least 75 per cent of white commercial farms by the end of the year. In early August 2000, the trade unions, the MDC and white farmers organised a one-day general strike that brought much of Harare and many other cities to a standstill but did little to stop the escalating seizures. The situation also sparked murmurs of dissent within the ZANU-PF about the course down which Mugabe was leading the party. The technicalities of the government program aside, the land seizures were part of a broad government program of intimidation and terror that affected the entire country. Edison Zvobgo, a former cabinet minister and member of the ZANU-PF politburo, complained in September:

We have tainted what was a glorious revolution, reducing it to some agrarian racist enterprise. We have behaved as if the world owes us a living. It does not. We have blamed other people for each and every ill that befell us. As every peasant, worker, businessman or woman now stares at the precipice of doom, let us wake up and draw back.²²¹

Commercial farming suffered major setbacks as a result of fast track. Large fields remained barely cultivated, and yields on most major crops fell sharply. A Zimbabwean food security expert noted, "Prior to 2000, large scale farms provided 40 to 60 per cent of the country's maize, and in the first year of fast track, maize production dropped 50 per cent".²²² Livestock herds were decimated, and those that survived were much more susceptible to disease because of the breakdown in both service structures and the so-called cold chain – refrigeration facilities necessary to keep vaccines fresh. Crops were routinely destroyed and properties looted. As a result, new crops were often not planted, which posed a long-term threat to the country's economy and ability to feed itself. The fast track program turned the balance of agricultural production on its head, and a nation that had long been a major producer of food quickly became a major consumer of emergency food aid.

In spite of these developments, international efforts continued to be made to deal with Mugabe. Victor da Silva Angelo, head of the UNDP mission in Zimbabwe, insisted in November 2000 that the situation "can

²²⁰ ICG interview, Harare, 6 December 2003.

²²¹ *The Guardian* (London), 13 December 2000.

²²² ICG interview, Harare, 8 December 2003.

be brought under control very quickly if resources are made available as well as the technical manpower....We need money to leverage the dialogue."²²³ This was followed by a visit to Zimbabwe in December 2000 by UNDP Administrator Mark Malloch Brown, at the request of the UN secretary general, to explore whether a technical, development-focused approach could lay the foundation for subsequent political dialogue. He put it to Mugabe that Zimbabwe faced a clear choice between the fast track program with limited gains and a more systematic, investment-backed approach, arguing that the latter would produce a well-established community of newly resettled communal farmers, minimum disruption to farming and the broader economy, payment of fair compensation to commercial farmers and support for displaced workers. This could incorporate the fast track target of 5 million hectares, he said, but would proceed at a pace that allowed orderly provision of infrastructure and services. Building on the recommendations of a UNDP technical team, Malloch Brown proposed a trust fund to provide a clear, transparent and accountable mechanism for financing land acquisition and resettlement. The UNDP trust fund would have two primary components. The first would provide financing for resettlement including the provision of farming equipment, extension services and basic infrastructure. The fund's second component would finance compensation to farmers for acquired land and improvements while providing displaced farm workers with support.²²⁴

In a follow-up letter dated 15 December 2000, the UNDP chief also insisted that President Mugabe stop the haphazard land redistribution if he wanted international financial support. He maintained that his organisation supported the principle of land reform but not the Zimbabwean government's method of parcelling out land without planning or compensation: "Neither the secretary general [of the UN] nor I will be able to secure any donor financial support until outstanding law and order issues are being brought under control. Every donor I have consulted with has been adamant on this point".²²⁵

The UNDP's efforts have been criticised on a variety of grounds, from the quality of its technical team's effort,²²⁶ to the very attempt to

²²³ *The Christian Science Monitor*, 8 November 2000.

²²⁴ See UNDP's interim assessment mission report at www.undp.org/rba/pubs/land_reform.pdf.

²²⁵ Dumisani Muleya, "UNDP Offers Mugabe a Last Chance on Land", *Zimbabwe Independent*, 5 January 2001. See also www.undp.org/dpa/frontpagearchive/deccmber00/4dec00/. The full text of the Malloch Brown letter can also be found as an appendix to the Utete report, op. cit.

²²⁶ One U.S. official was sharply critical of the UNDP technical team's effort, calling it a "shoddy piece of work from the UNDP at a critical time". ICG correspondence, 15 March 2004.

engage Mugabe at a time when other governments were cutting off access.²²⁷ In its defence, the UN has argued that "The technical mission was also not intended to be a comprehensive technical report", but rather "a political document to give the government some cover to reengage with donors and downshift off the fast track process"; and that UNDP engagement "was not a go-it-alone policy, but a carefully and mutually agreed tactic on the grounds that the international community could not afford to cut off all lines of communication."²²⁸ The same senior official commented that "in the period after the elections there was a genuine but misguided hope by some key donors that somehow Zimbabwe would take a 'Milosevic option' – mass action in the streets that would trigger a Serbia style revolution. To most political observers that was never on the cards, but it did for a while open up genuine differences of opinion between some donors and international agencies on tactics...."²²⁹

In the event, the UNDP attempt at mediation came to nought, and the situation remained turbulent, with land invasions continuing amid widespread international condemnation, though not without a further diversionary manoeuvre from the president.

In a 21 December 2000 address to the nation, President Mugabe announced that the land seizures were at an end, and the government had enough land for redistribution. With some 2,500 farms formally listed for compulsory acquisition, he proclaimed, "Now we have reached our target, the main focus will be to ensure that people are properly resettled".²³⁰ The performance was all the more remarkable in that it came just six days after the ZANU-PF party conference, where the president had railed against "an evil white alliance" working against black government in southern Africa. Mugabe appeared to hope that by declaring fast track completed, he could lure donors back. However, the land seizure campaign continued. Sadly, the communal areas that were long meant to be the intended beneficiaries of redistribution continued to be pushed to the margins of the national and international debate. A Zimbabwean political scientist commented that the entire fast track program "has hinged upon lawlessness", and now, "the biggest problem is the chaos".²³¹

Demographic pressures continued to provide an important subtext to the crisis. Despite the impact of the HIV/AIDS epidemic, Zimbabwe's

²²⁷ Victor da Silva Angelo's pro-engagement views, and relations with the Mugabe government, have been particularly sharply questioned within the diplomatic community in Harare.

²²⁸ ICG correspondence, 2 July 2004.

²²⁹ Ibid.

²³⁰ *The Times* (London), 21 December 2000.

²³¹ ICG interview, Harare, 6 December 2003.

population doubled, from 6.1 million to 12.6 million, between 1975 and 2000. Likewise, population density leapt from 16 people per square kilometre in 1975 to 32 in 2000.²³² This vigorous growth, which Zimbabwean historian David Beach called "a gigantic increase by anybody's standards", created increased demand for land, as population density within the communal areas reached proportions that would have "staggered the imagination of earlier generations, who were already complaining of overcrowding by 1900".²³³ This, in turn, has forced increasing numbers into urban areas, yielding a host of public problems, including strained water and power supply. As Beach put it:

The increase from 1920 to 1992 was on such a scale that, if an equivalent increase had taken place during the same period....Britain would now have a population of 473,000,000. A similar increase in the USA would have led to a population of 1,236,000,000. I do not think that even the latter economy could have supported such an increase. Is it any wonder that the far less developed economy of Zimbabwe cannot do so either?²³⁴

D. ASSAULT ON THE JUDICIARY

President Mugabe's interest in overhauling the judiciary stemmed not only from his interest in protecting the fast track program but also from acute awareness that the courts could rule on 37 contested parliamentary seats from the 2000 election as well as any potential challenges to the 2002 presidential contest. If the courts found in favour of the MDC, the party could gain a majority in the legislature. In one of many steps to intimidate his opponents, Mugabe offered a blanket pardon to those who had invaded the white commercial farms in October 2000.

The Commercial Farmers' Union challenged the land redistribution program, calling it an unconstitutional process conducted in a lawless environment. It appealed further to the courts by arguing that it was being implemented with heavy racial and political bias and that the government was not observing its own regulations. In November 2000, the Supreme Court ruled that the fast track program was indeed illegal because proper procedures were not being observed, and it again ordered the removal of squatters.

²³² Population Division of the Department of Economic and Social Affairs of the United Nations Secretariat, *World Population Prospects: The 2002 Revision and World Urbanization Prospects: The 2001 Revision*, 1 March 2004. Available at www.csa.un.org/unpp.

²³³ David Beach, "Zimbabwe: Pre-colonial History, Demographic Disaster and the University", *Zambezia* 26, no. 1 (1999), pp. 11, 16.

²³⁴ *Ibid.*, p. 15.

The next month a ZANU-PF-directed mob barged into the Supreme Court to disrupt further proceedings on fast track land seizures. The police failed to act – yet another sign that the government would offer its own militia forces impunity. On 21 December 2000, however, the court found the land program "entirely haphazard and unlawful".²³⁵ It objected to the clear favouritism demonstrated toward ZANU-PF allies in redistributing land, but acknowledged that trying to right the historical wrongs in land ownership was acceptable. This again made the Supreme Court a central focus of the government's anger, particularly Chief Justice Anthony Gubbay and fellow Supreme Court Justice Nick McNally, both of whom are white.²³⁶ That same month Mugabe tried to assert that the MDC's efforts to challenge parliamentary election results were invalid. The Supreme Court quickly ruled his move unconstitutional. Also in December 2000, a ZANU-PF meeting essentially ratified Mugabe as the party's preferred candidate for the March 2002 presidential election.

Militia groups repeatedly called on Gubbay to resign or risk physical assault. In early March 2001, he finally succumbed to the threats and agreed to take early retirement in June. The government pressured other judges it considered too independent-minded. After forcing several more out, President Mugabe expanded the court to eight seats (from five) and appointed three judges known to support ZANU-PF, stacking the bench in his favour. The court quickly reversed its decision that the fast track program was unconstitutional. This series of actions led Welshman Ncube of the MDC to complain that the government was attempting to create a "puppet judiciary".²³⁷ The Legal Resources Foundation of Zimbabwe commented on the systematic assault on the legal system:

The government said it was trying to rid the legal system of its colonial, reactionary elements so that it would support, rather than obstruct, reforms aimed at advancing the rights of the black majority, especially the program of land redistribution. In fact, however, the main aim seems to have been to remould the legal system into a pliant instrument of state power that would allow the government to curtail organised political opposition and clamp down on criticism and dissent.²³⁸

In March 2001, the Commercial Farmers' Union considered a plan to offer a third of its members' land for resettlement, allowing 20,000 black

²³⁵ See Chan, *Robert Mugabe*, op. cit., pp. 154-169, for a good discussion of the confrontation in the courts.

²³⁶ Gubbay was appointed chief justice in 1990 by Mugabe's government. He had enjoyed a solid reputation as a liberal judge even in the most repressive periods of the Ian Smith government.

²³⁷ *The Washington Post*, 3 March 2001.

²³⁸ Legal Resources Foundation, *Justice in Zimbabwe*, Zimbabwe, 30 September 2002.

farmers to be resettled on 100,000 hectares. The CFU was increasingly torn by dissent about the best means to respond to the fast track seizures, and this rift would grow as the crisis wore on. By that time, the MDC was also toning down its confrontational approach. Morgan Tsvangirai commented, "Rallies are out, protests are out. We're not going to give him [Mugabe] a reason to clamp down on us".²³⁹ Nevertheless, in May, in a move that the ZANU-PF hoped would prevent him from running for president in 2002, Tsvangirai was charged with treason because of remarks that the government said encouraged its overthrow. This period also saw extended attacks on civil society groups, international NGOs and even foreign diplomatic missions. A Canadian diplomat was assaulted during the occupation of a CARE International office by government militia forces, and the offices of the Konrad-Adenauer-Stiftung, a German foundation, were also assailed. International condemnation of these attacks on internationals was strong, and the government soon took a different tack.

In South Africa on 25 May 2001, U.S. Secretary of State Colin Powell said that President Mugabe appeared unwilling to "submit to the law and the will of the people".²⁴⁰ A short time later, the U.S. pulled Peace Corps volunteers out of the country. Critical food shortages soon loomed large, and even exceedingly patient institutions such as the World Bank were now openly suggesting that the country would not get back on track without a successful political transition. In August 2001, the UN World Food Program declared that Zimbabwe would soon face an exceptional food emergency. Despite the death of Defence Minister May Moven Mahachi (a key hardliner supporting Mugabe) in a car crash in May 2001 in suspicious circumstances and Hunzvi's death from HIV/AIDS in June 2001, the government remained committed to the fast track agenda.

The economic toll of fast track and international isolation escalated steadily. Speaking on his 77th birthday in February 2001, Mugabe acknowledged that the country was going through a "bad patch", but insisted that "this will be the final year of hardship".²⁴¹ The statistics painted a different picture. By March 2001, unemployment was 60 per cent. An estimated 100,000 jobs were lost in 2000, the national debt had climbed to 35 per cent of GDP and more than 75 per cent of the population was living below the poverty line.²⁴² Zimbabwe's GDP declined by 4.9 per cent in 2000 alone.²⁴³ Tourism, an industry that had accounted for 8 per cent of GDP earnings, suffered badly. Direct investment had largely

²³⁹ *Scotland on Sunday*, 4 March 2001.

²⁴⁰ "Zimbabwe Election Chronology", *Congressional Research Service*, 26 March 2002.

²⁴¹ *The Times* (London), 22 February 2001.

²⁴² *The Insider* (Zimbabwe), 27 March 2001.

²⁴³ Economist Intelligence Unit, December 2003.

ground to a halt, and agriculture was rapidly collapsing. On 1 June 2001, the government increased the fuel price 70 per cent. Inflation dipped briefly in mid-year but soon resumed its assault on earnings and savings. The lawless environment seemed to trigger a wave of government-directed corruption as senior ZANU-PF officials increasingly sought direct enrichment. Government officials and their business connections exploited the parallel exchange rate as inflation grew. The Congo intervention, while directly benefiting a coterie of Mugabe advisors and cronies, continued to drain the treasury, claiming up to 12 per cent of tax revenue.²⁴⁴

E. THE PLIGHT OF FARM WORKERS

As Mugabe pursued the fast track, there was no effort to address the plight of the hundreds of thousands of farm workers and their families rendered homeless and unemployed by the land invasions. Zimbabwe's farm workers have long lingered near the bottom of the socio-economic ladder, and they have largely been marginalised from the political process. Many of these individuals were originally migrants from Malawi, Zambia and Mozambique, and even though many of their families have been in Zimbabwe for more than a generation, they still lacked proper identity documents.

Although the very large majority of Zimbabwe's farm workers were born in Zimbabwe and viewed themselves as Zimbabwean, the government continued to treat them as a "foreign" population that could easily be taken advantage of and disenfranchised. According to one survey, only 78 per cent of the farm workers claimed to have citizenship, suggesting a large population of workers without full political rights.²⁴⁵ Importantly, a 1997 study noted that less than 10 per cent of Zimbabwe's farm workers were foreign born.²⁴⁶ A farm workers' group noted, "The story of farm workers in Zimbabwe is the story of a people excluded, exploited and poor".²⁴⁷ Farm workers and their families have limited educational opportunities, often living far from schools, trapping them in a cycle of poverty. They were especially hard hit by the government's land program, and often singled out for attacks because they were considered sympathetic to white farmers.²⁴⁸

²⁴⁴ *Financial Times* (London), 22 September 2000.

²⁴⁵ Office for the Coordination of Humanitarian Affairs, "The IDP Situation in Zimbabwe: Current Trends and a Strategy for the UN System", 27 May 2002. Available at www.reliefweb.int/idp/docs/reports/Zimbabwecprep.pdf.

²⁴⁶ Panos Southern Africa, *Zimbabwe's Farm Workers: Policy Dimension*, 2001), p. v.

²⁴⁷ *Ibid.* p. i.

²⁴⁸ Lloyd M. Sachikonye, *The Situation of Commercial Farm Workers after Land Reform in Zimbabwe*, Farm Community Trust of Zimbabwe, March 2003.

It is estimated that there were 300,000 to 460,000 commercial farm workers in Zimbabwe when the fast track program was initiated. With their families, they constitute approximately 2 million people, a sixth of the population. The number affected by fast track resettlement is surely well more than 1 million.²⁴⁹ The livelihood of farm workers is inextricably linked with the fate of farms. Almost all these workers' food and cash income come from farm activities: their houses are on the farms; they pay low or subsidised prices for foodstuffs from the farm store; and some are assisted with access to health and education services. Ordinarily, employed workers have food security, but their ability to cope with unexpected shocks is limited and has been severely tested by the current crisis.²⁵⁰ An international group that studies the issue of internally displaced observed, "The social safety net that the commercial farms provided has more or less disappeared", hitting the elderly, households headed by women, orphans and HIV/AIDS victims the hardest.²⁵¹ The UNDP cited a sharp spike in domestic violence and alcoholism among displaced farm workers.²⁵²

Farm workers have been largely shut out of the land redistribution programs under fast track, primarily because the government viewed them as politically suspect. Given the summary nature of most evictions, few farm workers were given "retrenchment packages" mandated by appropriation legislation and meant to help them resettle.²⁵³ The Citizenship Act of 2001 barred "migrant" farm workers from voting in the presidential election. The government suggested that up to one-third of the farm workers should be considered foreign, despite the fact that they had lived and worked in Zimbabwe for more than a generation. Due to pressure from neighbouring states, the government acknowledged the act's flaws, and citizenship was granted to many farm workers after that election. "There were not enough white people to sway the election", a diplomat observed, "but there were enough farm workers to do that, and that is why farm workers have been violently attacked, excluded from resettlement and deprived of their basic rights, including the right to vote".²⁵⁴ Some farm workers remain on their farms, but their existence is extremely tenuous, and they are now largely dependent on food aid.²⁵⁵ The government

²⁴⁹ IRIN, 13 February 2003.

²⁵⁰ Farm Community Trust of Zimbabwe, *The Impact of Land Reform on Commercial Farm Workers Livelihoods*, March 2001.

²⁵¹ "Zimbabwe: Country Profile", The Global IDP Data Base, 25 July 2003.

²⁵² UNDP, *Zimbabwe Land Reform and Resettlement: Assessment and Suggested Framework for the Future*, UNDP Interim Mission Report, January 2002.

²⁵³ Robin Palmer, "History Repeating Itself in Zimbabwe? Evictions in Zimbabwe, December 2002 and 1948", February 2003. Available at www.oxfam.co.uk.

²⁵⁴ ICG correspondence, April 2003.

²⁵⁵ *The Chronicle*, 18 February 2003.

continues to view them as serious potential opposition and consequently gives them a low priority when allowing food aid to be distributed.

The human costs of Zimbabwe's crisis have been very high, with farm workers suffering gross injustices and persistent violence. Those trying to work on redistributed farms have had a difficult time. A representative notes, "It is hard for workers to negotiate with ministers and generals".²⁵⁶ While tales of plucky white farmers standing up to the ZANU-PF have often captivated the international press, it is farm workers' who have borne the brunt of the government repression and policy missteps. A farm workers group argues that the land invasions and clashes with war veterans have:

...left the farm workers in a precarious position, many have been displaced, they now have no jobs, no wages or a roof over their heads. Inadvertently, this has affected their health facilities, their education programs and other social programs. But ironically also, this development has left the farm workers, for the first time, being recognised in the politics of the country as evidenced by the attention they are getting from the different political parties who want their vote. This, however, has seen the different parties using different campaign methods on them, from persuasion, coercion and violence, including brutal beatings.²⁵⁷

Relieving the considerable sufferings of this community, giving it far more equitable treatment and determining how to better harness its considerable agricultural skills are all essential to any long-term recovery plan for Zimbabwe.

²⁵⁶ ICG interview, 4 December 2003.

²⁵⁷ *Zimbabwe's Farm Workers: Policy Dimension*, op. cit.