



## **POLITICAL SURVIVAL: ZANU PF'S "LAND REFORM" AND ITS COSTS**

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When authoritarian regimes begin to crack, these cracks usually emerge from within the regime with external factors becoming secondary. However, when cracks begin to emerge, there are always opportunities for the authoritarian regime to reform in order to accommodate internal dissent so as to survive the external challenges. The regime can itself democratize its structures thereby weakening any external opposition. This is a long term survival strategy and involves system overhaul. This may mean rejuvenation of the system by injecting new blood in the ailing leadership and adopting a new ideology consistent with the demands of the masses. Short term strategies however, that may be adopted by them have limited effect and only ensure immediate survival and do not guarantee survival into the future. Short term strategies include indiscriminately unleashing violence on groups perceived to be in opposition and direct attempts to eliminate the leadership of the opposing group.

ZANU PF rule faced, for the first time, serious challenges in the late 1990s, due mainly to a number of erroneous decisions which had serious political implications. These included participation in the so-called 'Operation Sovereign Legitimacy' to prop up the Kabila regime, a decision to print money to finance war veterans' compensation, resulting in the plunge of the Zimbabwe dollar, rampant corruption in government, and the general failure by the state to provide for its citizens as a consequence of its clumsily applied economic re-structuring. All these culminated in social unrest starting with food riots in 1998 and calls by the Zimbabwe Congress of Trade Unions (ZCTU) for work stoppages. It was evident the government was losing control as there was dissent from all social quarters. This window of opportunity resulted in non-state actors emerging with a strong voice to fill the political vacuum. These included the National Constitutional Assembly (NCA), the ZCTU, and subsequently the emergence of an alternative political party, the Movement for Democratic Change (MDC). The referendum of 14 February 2000 which produced a resounding 'No' to the government sponsored constitution was a rude awakening for ZANU PF, which had to adopt a survival strategy for the impending elections set for June of that year, as opposed to its usual approach of anticipating that its mandate would rubber stamped by the electorate.

It is evident that ZANU PF, faced with rising discontent within itself and outside, opted for the short term survival strategies indicated above. Such calls as 'the

President must go' by party bigwigs were clear signs of cracks within the party, and, coupled with failed policies, the situation worked in favour of the opposition. The failure to secure national support in both urban and rural areas during the campaign for a new constitution served to highlight the extent to which the opposition MDC had gained ground in the face of an election.

Thus, the perceived affiliation of commercial farmers with the MDC was viewed in the context of tilting the power balance in favour of the opposition. These 'claims' were substantiated by video footage showing MDC leader Morgan Tsvangirai receiving financial support from white commercial farmers. More significant, however, was the commercial farm worker population, largely ignored in previous discussions over land reform, and a potentially significant voter block, with a national estimate suggesting as many as 1.5 million potential voters in this group.. Most of this population was resident in the heartland of ZANU PF support (the three Mashonaland Provinces) where their votes could have a decided effect on the outcome of the June 2000 parliamentary election.

The increase in the levels of human rights violations seen in 2000 (and again in 2002) were obviously related to the electoral cycle. Farmers and their workers suffered sustained political attacks because of their allegiance, real or perceived, to the MDC. Despite its economic and social shortcomings, the election results of 2000, 2002, 2005 and council elections show that "land reform" in Zimbabwe was highly successful as an instrument for the mobilization of electoral support in favour of ZANU PF, and suppression of support for the opposition.

A recent report from the Justice and Agriculture Trust [JAG], "*Reckless Tragedy: Irreversible?*", is the first attempt to demonstrate the possible extent of human rights violations perpetrated on over a million citizens in the name of 'land reform'. Most previous reports have relied on case studies or are statistical analyses of the data derived from reports either in the press or from victims reporting to human rights organizations. The JAG data is based on a statistically significant sample from a clearly defined population, the commercial farmers themselves - 418 farmers out of a possible 4,500.

It is important to raise a small methodological point here. Previous reports on the organized violence and torture in Zimbabwe can be likened to the information on HIV/AIDS obtained from persons attending health care facilities: it tells us that there is such a thing as HIV/AIDS, but cannot possibly allow any inference about how widespread is the disease. Not every person with HIV/AIDS goes to a hospital, and not everyone with HIV/AIDS knows that he or she has the disease until he or she is ill, go to a health care facility, and is tested. The way to find out how prevalent is HIV/AIDS is, is to have estimates taken from the general population.

Similarly, not everyone that experiences a gross human rights violation reports to a human rights organization or makes a report to the police. Many people are too

frightened to report their ill-treatment, are unable to get to an organization to report it, or are told that they will be further ill-treated if they do make any kind of report. Furthermore, it is common knowledge that the police have been involved in committing gross human rights violations. It is also well-known that the police are partisan in favour of the government, and will probably do nothing about the complaint. In some egregious cases, the police have even been known to arrest those complaining of ill-treatment.

So, when it is shown in the reports of the Zimbabwe Human Rights NGO Forum that nearly 40,000 violations have been reported to the Forum since July 2001, it is not possible to know whether this represents the total number of all violations in the country or is only a fraction of the total number of violations. The JAG report allows a decent estimate to be made of the scale.

The top three human rights violations recorded in the JAG report were clearly of a political nature: political intimidation (14,118 cases); forced attendance at political meetings (16,685 cases); displacements (19,170 cases); death threats (62.68%); and forcible membership of or contributions to ZANU PF (53.11%). The report recorded 79,943 human rights violations against farmers and their workers in the sample of 418 alone. The report also highlighted an average of 12.82 types of human rights violations per respondent. These violations ranged from rape, torture, murders and assaults and any description of the situation as 'few minor cases of violence' is thus simply not credible.

Extrapolated to the whole commercial farm population, the JAG report indicates that, at a minimum, there were 1.2 million violations in this population alone, and, at a maximum, 4.3 million violations. This is a staggering number, and it must be remembered that this does not include all the violations that occurred outside the commercial farms. When all the violations that accompanied elections, the repression of political parties and civil society organizations are tallied, the figures are likely to be astronomical.

Thus, the justification that the land reform was a genuine programme to equitably distribute resources to Zimbabweans, fails to hold when an analysis is made of the nature of violations. The facts in the JAG report clearly establish the conclusion that human rights violations were a politically motivated, wide spread and systematic campaign against a civilian population, which strongly supports the assertion that this was a crime against humanity.

Additionally, the report attempts to estimate the costs of this violent displacement, and concludes that, at a minimum, commercial farmers lost about US\$6.4 billion in lost earnings, moveable property, destroyed property, stolen livestock and medical expenses. At a maximum, the figure is US\$20.4 billion. This has nothing to do with the value of land, but represents the losses incurred through unlawful actions, and hence can be the basis of claims for civil damages against the ZANU PF government. Here it should be pointed out that violations of

property rights have had very serious consequences for both the law and the economy, and the imposition of virtual impunity against claims for the deprivation of title have created a massive loss of confidence in Zimbabwe and its economy. Any attempt to apply impunity against civil claims for damages would be even more catastrophic, and indicative of the destruction of the last vestiges of the rule of law.:

Whatever justification the ZANU PF government claimed for land reform, it is evident that the manner and the consequences were wholly at variance with any known process of legal land reform. The long-term effects will be extremely serious and will bedevil all future governments. It is indeed, as the JAG report says, a Reckless Tragedy, but it is not clear that it will be Irreversible. This will be the challenge for the new unity government.

The challenge will not be helped by the contempt being shown by ZANU PF for the SADC Tribunal. Asserting that the ruling of the Tribunal has no effect upon Zimbabwean law, as ZANU PF leaders have done, strikes at the heart of the SADC Treaty, and provides yet another example of the refusal by ZANU PF to adhere to the rule of law. It will be interesting to see how this contempt will be dealt with by the SADC Ministers of Justice who are charged with consideration of the issue. Will they accede to ZANU PF's bullying, and fear damage to that now very precious commodity, confidence for the whole region, or will they, for the first time, point out to the ZANU PF leadership that the law is not something that can be sacrificed on the altar of political expediency? Millions of Zimbabweans, impoverished by phony land reform, and denied the protection of the law, wait with growing cynicism SADC's interpretation of the meaning of African solidarity.