

Prospects for Equitable Land Reform in Zimbabwe: Revisiting Sam Moyo's Work on the Land Question

Agrarian South: Journal of
Political Economy
5(2 & 3) 1–25

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and Education for South (CARES)
SAGE Publications
sagepub.in/home.nav
DOI: 10.1177/2277976016682083
<http://ags.sagepub.com>



Tendai Murisa¹

Abstract

Zimbabwe's decolonization could never be complete without addressing the land question. Sam Moyo's work, spanning over three decades, has been a point of reference in the discussion of land policy performance, rural mobilization and trends in land reform. His work mostly focused on influencing policy, creating connections between local processes (such as land occupations), national policy and global debates. The article provides a summary of Sam Moyo's writing on land reform policy in Zimbabwe. It highlights the complex relationships that exist between policy formulation, rural mobilization and implementation of policy. Whilst celebrating the work of an icon, the article also takes a more critical stance on outstanding issues as pertaining to the fast-track land reform process that began in 2000. The Government of Zimbabwe (GoZ) has not adequately resolved the land tenure question and currently faces the threat of elite capture.

Keywords

Zimbabwe, fast-track, land tenure, rural production, mobilization

¹ Executive Director of TrustAfrica, Dakar, Senegal.

Corresponding author:

Tendai Murisa, Lot 4, Almadies Ngor, Dakar, Senegal.

E-mail: tendai.murisa@gmail.com

Introduction

In 2003, the Government of Zimbabwe (GoZ) officially adopted the Fast-track Land Reform Programme (FTLRP). The story of the FTLRP will, undoubtedly, never be complete without discussing the contributions of Sam Moyo. Up until the time of his death, Moyo had significantly contributed towards an improved understanding of what probably stands out as one of the most difficult moments of our post-independence history. Indeed, the programme had been vilified by many as part of Zimbabwe African National Union Patriotic Front's (ZANU-PF) attempts of retaining power and also as 'the end of development'. One can also argue that were it not for Sam Moyo's various writings (e.g., Moyo, 2001, 2004, 2005), his collaborative work (Moyo & Chambati, 2013; Moyo, Helliker & Murisa, 2008; Moyo et al., 2009) and those of others (Scoones, 2010), the story of land reform would not have been comprehensively understood.

Yet, 13 years later the FTLRP has not been completed. There are many outstanding issues, such as clarifying the position on compensation and the methodology thereof, multiple farm ownership and incoherence around land tenure. In this article, I will discuss the significance of Sam Moyo's contribution in land reform in Zimbabwe and how it influenced the intellectual and policy debates. Instead of merely celebrating Sam (which is important), I will also focus on identifying some of the outstanding issues that need urgent scholarly intervention, such as land tenure issues in fast-track areas, as part of an approach to help mobilize the desperately required financing mechanisms to spur agricultural production. Sam was cognizant of these issues; he had started tracking their development and significance as far back as 2007, in what he called the 'normalization process' (Moyo, 2007, 2013). The main goal of the article is to ensure that contributions made by Sam Moyo are properly understood, insofar as they help in advancing a much more comprehensive understanding of Zimbabwe's national question.

Sam Moyo and Zimbabwe's Land Question

Sam will be remembered as a brave and highly productive scholar, who, in the face of seemingly organized voices against his work, preferred to stand on principle instead of political expediency, or even to satisfy donor agendas. His writings covered most of the post-independence land reform initiatives (Moyo, 1986, 1995, 1998, 2001, 2005, 2013). Although it is very difficult to pigeonhole Sam, it is perhaps safe to say that his name became synonymous with the land question, especially

in the post-2000 period, and very few discussions could be held on this subject without referring to his work or having him in attendance. He also made important contributions to the study of the environment, broader rural development and civil society.

It is very important to note from the beginning that Moyo was first a nationalist and above all concerned with the national question, that is, the economic and political processes that would lead to liberation from the neocolonial trap in which Zimbabwe had entered since 1980. He belonged to the league of those who combined academic prowess with engagement in practical initiatives. Amongst his many national duties, he was a member of the short-lived 'Team Zimbabwe',¹ a joint initiative of the Commercial Farmers' Union (CFU), the finance sector and land policy experts to find an amicable solution to the land issue and to keep donors and the government engaged on the possibilities of funding land reform (Selby, 2006, p. 32). This initiative was established at a time when ZANU-PF, and President Mugabe, through his speeches and stance, was quickly moving towards a more radical land reform. Moyo was also involved with the Presidential Land Reform Commission (PLRC), headed by the former Secretary of State, Dr Charles Utete. In fact, what is commonly referred to as Volume 2 was developed under the intellectual supervision and guidance of Sam Moyo. Immediately after the PLRC, Sam Moyo, as head of the African Institute for Agrarian Studies (AIAS), worked closely with the Ministry of Lands in carrying out Provincial Dialogues on Land Reform.

Sam Moyo argued strongly that the agrarian question was at the centre of the national question. Like many other former settler colonies, Zimbabwe's agrarian question could not be resolved without addressing the land question. Sam Moyo's scholarship was dedicated to the resolution of this question, without romanticizing any particular farm model over another, but instead focusing on how to disentangle Zimbabwe from the web of neocolonial existence into a truly functional and articulated economy with sufficient linkages between the rural and the urban. He also saw the potential of a genuine land redistribution process to contribute to democracy. Like many other progressive rural development scholars (see, for instance, Necosmoss, 1993; Veltmeyer, 2005; Warriner, 1955), Sam Moyo also subscribed to the idea that a land reform that prioritized smallholders and farmworkers would broaden participation in agricultural commodity markets, ensure rural social reproduction and contribute towards an expanded and more equitable formal economy, beyond the minority white-dominated large-scale commercial farm sector. He was passionate about the gender and farmworker's questions (see Moyo,

Rutherford & Amanor Wilks, 2000). He also devoted scholarly attention to interpreting the significance of the demands for land from below.

Sam's seminal book, aptly titled the *Land Question in Zimbabwe* (1955), provided one of the most comprehensive understandings of the multiple dimensions of the land issue. He argued that there were five dimensions to Zimbabwe's contemporary land question, which required urgent policy attention as described in Table 1.

In terms of distribution, the majority (83 per cent) of the black population was resident in communal areas and had to contend with declining

Table 1. The Dimensions of Zimbabwe's Land Question

Dimension of land question	Issues to be resolved
Land Distribution	Inequitable and unjust access to land Limited rights/access for majority black Costly and cumbersome transfers of land
Land Utilization	Speculative underutilization of land in freehold areas (studies carried out by World Bank and others had shown that LSCF were on average using only one-third of their farms Unsustainable use in overcrowded areas Coercive regulations in some tenures
Land Tenure	Insecurity of some tenures Discriminatory protection systems Over-centralized regulations Weak rights for women (especially in customary areas)
Land Administration	Coercive and centralized approach Poor representation of majority Unclear separation of duties between traditional authority and decentralized structures of government
Land Adjudication	Biased towards markets and state sectors No restitution/victims' compensation Merged powers of local courts/authorities

Source: Compiled by the author from Sam Moyo's various writings.

quality of land, diminishing land sizes, overpopulation and insecure usufruct to customary lands. Meanwhile, there were approximately 6,000 white-owned, large-scale commercial farms on 15,500,000 hectares, or 39 per cent of Zimbabwe's arable land, and 8,500 African small-scale commercial farmers on 1,400,000 hectares (4 per cent). Moyo showed that over 66 per cent of the communal areas had excess populations of more than double their assessed carrying capacity.

At the time of independence, the communal areas were characterized by high levels of landlessness, which became manifest through increasing population density and declining average farm size. As families grew, the male head would be forced to subdivide his portion of arable land for his male sons, who would also do the same when their own male children came of age. This negatively affected the social reproduction capacities of many rural households. The communal lands had on average over 25 people per square kilometre, contrasted with 9 people per square kilometre on commercial land of superior quality. The average landholding size was 3.8 hectare in areas with average family sizes of six (Moyo, 1995, p. 166). The restricted land resource base limited the spontaneity and efficiency required for sustainable social reproduction at the household level (Moyo, 1995, p. 167).

He argued that the envisaged land reform programme should be seen as part of an economic policy of broadening accumulation from below and, in the process, resolving the challenges of social reproduction. He was also alert to the fact that any land reform would have to dilute the power or influence of large-scale commercial agriculture, as part of the broader democratization processes. Thus, for Moyo, land reform had to resolve three challenges: historical dispossession, economic empowerment and deepening of democratization. He was to later state that, 'land reform was meant to redress historical settler-colonial land dispossession and the related racial and foreign domination, as well as the class-based agrarian inequalities which minority rule promoted' (Moyo, 2013, p. 29).

Sam Moyo on Mobilization and Land Reform

Moyo also emphasized the significance of rural and informal politics in the changing political economy of the land question (Yeros, 2002, p. 123). Critical issues raised by Moyo regarding rural politics and land occupations include, first, the inability of formal, urban-based, donor-dependent civic organizations to tap and articulate systematically the rural grievances of smallholders engaged in petty-commodity production

and the wage economy. Second, he noted the existence of a fragmented land occupation movement which emerged in the euphoria of independence and evolved through various phases of intensity and visibility.

Moyo was not alone in raising the issue of land occupations; others such as Ranger (1985), Alexander (1993, 2003, 2006) and Marongwe (2002) have made similar observations of the existence of land occupations (squatting) as a tactic of attaining land. However, it is the interpretation of the land occupations of 2000 that has led to acrimonious debate. They all argued that land-needy rural households used a variety of methods to acquire land, which included land occupations (squatting), natural resource poaching and fence cutting (Alexander, 2003, p. 87; Moyo, 2001, p. 313). The tactics used by land-hungry peasants varied according to the natural region (NR): in the drier parts (NR IV and V), the tactics entailed 'poach grazing' (Alexander, 2003, p. 85), while in the wetter areas (NR I–III), they involved land occupations. People turned to the local party structures to demand specific pieces of land on the basis of historical claims (Moyana, 1984).

But in terms of the organization of these demands for land, Moyo (2001, p. 312) states that, empirically, a land occupation movement that was not necessarily organized on a national level but which shared common grievances existed since the pre-independence period across the country. These land occupations remained the single most important and visible strategy of advocacy for radical land reform in the country (Moyo, 2001, p. 313). The essence of the movement had been the same since 1980, and the tactic of land occupations had been used to gain access to land in various tenure categories, including white-owned commercial land, state land and communal lands (Moyo, 2001, p. 314). The occupations went through different phases of intensity throughout the post-independence period. Accordingly, land occupations or squatting tended to become an organized community strategy, and state-owned lands increasingly became a 'soft target' for occupations, especially in Matabeleland and Manicaland, where forests and parks have been predominant (Moyo, 2003, p. 68).

Moyo (2001, p. 313) proceeded to develop a periodization of the land occupations, composed of four phases. The first phase, from 1980 to 1983, was one of 'low-profile but high-intensity land occupations'. During this time, there were widespread land occupations which received substantial support from local and state elites with links to the ruling party. However, these occupations remained hidden from the public in terms of media coverage. The media was more focused on the wildcat strikes taking place within the urban areas and participating in the

euphoria of independence. The central government tolerated the occupations as long as they were on abandoned farms, but disapproved of occupation of utilized commercial farmland. As independence progressed and the initial equity thrust of land distribution tapered off, because of the increasing disinterest with land reform within the ruling political party and the fiscal crises of the state, a rift began to grow between ZANU-PF and its rural base.

The second phase, from 1984 to 1996, was one of 'low-profile and low-intensity occupations', and it took place in a context of dwindling resources for land resettlement, alongside economic liberalization which resulted in the loss of jobs in urban areas and mines (Moyo, 2001, p. 318). Moyo made an important connection between economic policy and land reform. In his 2000 book, *Land Reform under Structural Adjustment*, he argued that the Economic Structural Adjustment Programme (ESAP) in Zimbabwe had created incentives for large-scale commercial farmers to diversify into other land-use patterns, such as wildlife ranching and new export crops, but had not adequately brought smallholders into these circuits of production and accumulation, leading instead to growing inequality. The ESAP had also created a disincentive for land reform, under the 'willing-buyer-willing-seller' model, given that it created a boom in large-scale agriculture and, thus, an incentive to keep land.

During this period, there was a shift in the treatment of land occupiers ('squatters'). Those occupying white-owned farms were evicted and described as 'undisciplined and criminal elements who intended to frustrate the agricultural industry and resettlement process' (Alexander, 2003, p. 90). In 1985, the Minister of Local Government was assigned by Cabinet the responsibility to 'deal' with 'squatters' and rapidly instituted several changes which included the establishment of 'squatter control' committees in every District Council (Alexander, 2003, p. 89).

The effectiveness of land occupations declined during this period of 'low-profile, low-intensity' occupations, as vacant land became scarce and resettlement schemes filled up. The government used forced evictions to restrain land occupations, especially during the transition to the liberalized economic policy framework. The brutality with which these evictions were carried out by police and farmers alike was reminiscent of the colonial era (Moyo, 2001). In 1986, the Minister of Local Government stressed that land grabbers would be removed and that no squatter would be allocated land (Alexander, 2003, p. 89).

The third phase, from 1997 to 1998, was one of 'high-profile and low-intensity land occupations'. The designation of 1,471 white-owned farms

by GoZ in 1998, and, subsequently, the delisting of the majority of the farms due to legal contestations, was followed by a spate of occupations, mostly on the originally designated farms, throughout the country. The land occupations that followed received wide media coverage (hence, 'high profile') and were initially viewed as a form of political demonstration to symbolize the level of demand for land.

The occupations during this third phase came in waves, starting with about 30 cases in 1997, mostly on farms that had been identified for compulsory acquisition (Moyo, 2001). Ten more land occupations occurred in Mashonaland East, within Goromonzi district. In Matabeleland, 200 families occupied about four farms in the Nyamandlovu area, apparently where 25 of the 26 farms earlier designated farms had been delisted by the GoZ as unsuitable for resettlement (Lisbeth, 2000; Marongwe, 2002, p. 23). In a high-profile case, the Svosve people of Marondera in Mashonaland East occupied four farms in June 1998, and received support from some government officials. The group, led by Chief Svosve and war veterans, approached Igava, Daskop and Homepark farms in Marondera and informed the owners of their intention to take over, based on their historical claim to the land. This was followed by the actual movement of villagers into these farms with their belongings, within five days of their giving notice of intention to occupy. In Masvingo province, 36 war veterans occupied Agricultural and Rural Development Authority (ARDA) Mkwesine Estate (owned by the state) in Chiredzi district, while some 700 people led by war veterans occupied Longdale Farm, 15 km south of Masvingo (*Daily News*, 1999; Marongwe, 2002, p. 23). There were further occupations nationwide carried out by thousands of people who were mainly communal and resettlement area farmers, retrenched workers and war veterans (Yeros, 2002, p. 241). Knight (1998, p. 13) aptly captures this moment: 'land invasion followed land invasion becoming almost a national movement'. The occupations spread to Guruve, Makonde, Macheke, Hurungwe and Odzi (Yeros, 2002, p. 241). Unlike in past phases of land occupations, most of the land occupied was white-owned commercial land.

The first two decades of independence were indeed characterized by the growth of the land movement across classes and regions. As the land occupations were proving successful, the numbers began to swell and the membership broadened (Moyo, 2001, p. 315). While in the 1980s and the first half of the 1990s, the movement was essentially composed of the rural landless and poor, in the late 1990s, it began to incorporate retrenched workers from the urban and mining areas (Yeros, 2002, p. 244).

In the process, Moyo (2001, 2005) helped unpack the process of rural mobilization, power relations and the social relations of production. He tracked mobilizations for land in terms of the material demands and the class category of those making those demands, and, contrary to what others have argued, he did not seek to romanticize the peasantry but rather engaged critically in an effort to understand their agency. His interpretation of the land movement, especially his views on the similarities between the land movement pre-2000 and post-2000, has been subject to intense debate. Moyo (2001) argued that the essence of land occupations has been the same since independence: the overriding grievances spurring demands for land reform remained; the land movement was still made up of landless rural people and urban unemployed; and the manner of mobilization and leadership had been the same since 1980. Furthermore, since 1980 the state remained ambivalent about land occupations. In the early years (1981–1983), the state used a strategy of formalizing land occupations, while in the mid-1980s preferred to use squatter control committees to contain land occupations.

On the other hand, Hammar, Raftopolous and Jensen (2003), Sachikonye (2005) and Marongwe (2002) argued that there was no continuation or similarity between the pre-2000 and post-2000 land occupations, largely because of the changed role of the state. Selby (2006) argued that while prior to 2000 the state mostly aligned itself with large-scale commercial farmers and opposed land occupations, after the February 2000 referendum on the government's constitutional reform proposal, which was defeated, and which included *inter alia* a clause on the right to expropriate land, the state seemed to be the main instigator of the land occupations. Moore (2003) and Alexander (2003) portray the post-2000 land occupations and fast-track programme as a response on the part of ZANU-PF to the referendum defeat. For instance, Moore (2003) described the referendum defeat as 'the straw that started to break the ZANU (PF) camel's back' and posits this as the direct catalyst for the Third Chimurenga, or liberation struggle, now by means of fast-track land reform (Moore, 2001, p. 255). Scholars such as Sachikonye (2005), Moore (2001) and Raftopolous (2003) at that time reduced 'fast track' to a mere regime survival strategy. However, their analysis did not adequately include the motivations of those among the land occupiers, especially their socio-economic contexts and the significance of land to rural social reproduction.

Selby's (2006) assertion that the state was the main instigator of the land occupations overlooks grassroots-based forms of mobilization and the role of war veterans in land occupations. However, Moyo (2011a)

cautioned against conflating war veterans as part of the ZANU-PF machinery without comprehensively analyzing the relationship between the two. Those opposed to land reform privileged the political factors, especially the regime survival imperative at the expense of the colonial history of land alienation, the difficulties of redistributing land within the Lancaster House Agreement which sealed independence, the failure of the willing-buyer-willing-seller model to effectively redistribute land and the impact of structural adjustment, especially the loss of urban wage jobs and intensification of rural poverty. Even the first phase of land reform is dismissed as largely benefitting ZANU-PF elites, without acknowledging evaluations which showed the positive outcomes of land reform (Cusworth & Walker, 1988; Kinsey, 1999).

Sadomba (2008a)² has noted that land occupations did not really stop between 1999 and 2000, but that in some parts of the country, political elites convinced the rural people desirous of land to wait first for the outcomes of the Donor Conference, in progress at the time, and then the constitutional reform process, in which it was envisaged that the new dispensation would allow the state to redistribute land quickly. The 'No' vote was translated as meaning the denial of land reform through the legitimate process.

Sam Moyo collaborated with many scholars but perhaps it was his joint work with Paris Yeros in their 2005 book which remains seminal in many respects, especially the manner in which they analyzed the Zimbabwe land reform within a Global South context. In the processes, they helped to debunk myths regarding the possibility of development via the liberalization project of the Washington Consensus. They demonstrated how the failure of Structural Adjustment Programmes across the entire Global South yielded land occupations by the marginalized peasantry. Their 2005 book, *Reclaiming the Land*, on land occupations across the Global South and the different types of peasant-based movements such as the Movimento Sem Terra (MST) in Brazil, the Landless People's Movement (LPM) in South Africa and that of the war veterans in Zimbabwe was instrumental in creating connections between seemingly disparate and disconnected struggles for land. In response, the African Union hastened the process of developing its Land Policy Guidelines for its member states, and the World Bank increased its investments towards policy dialogues on land.

Moyo and Yeros (2005b, p. 165) recognized the local and global significance of these land occupations, arguing that they are 'the most important challenge to the neo-colonial state in Africa under neo-liberalism'.

To their credit—and this is missing in many discussions on land reform—they acknowledged the agency of the rural dwellers through land occupations as possibly the only remaining force of resistance to the market philosophy of resource management, although its ideology has not been adequately developed to wage a sustained campaign against the state.

Moyo on the FTLRP

Sam Moyo did not romanticize the land occupations; he spent time in the field talking to land occupiers and also engaging the state in terms of understanding how they were responding. When the GoZ officially announced the FTLRP, in 2001, he began to make calls for a more effective state to be at the centre of the process of land reform. He argued that the FTLRP had been negatively affected by the absence of an effective mechanism for coordinating and ensuring the implementation of numerous multi-sectoral land reform functions (Moyo, 2004). He noted that land administration and management systems, information systems and skills required to coordinate the functions at the various levels of government were under resourced (*ibid.*). The mechanisms for resolving conflicts between the various levels of government remained ineffective, while the management of conflicts between settlers, landowners and government officials over land matters was poorly coordinated. It is no wonder, therefore, that the FTLRP to many others became synonymous with chaos and corruption. In fact, Moyo, in one of his most recent chapters on land, also identified corruption as one of the biggest challenges to the effective resolution of the outstanding issues. He argued that, ‘the FTLRP allocation process was not free from corruption. In particular, the A2 scheme entailed jumping application queues to gain better capitalized plot (*e.g.*, with irrigation facilities) and “whole farms” and unsubstantiated plans to justify access to larger sized plots, using “pseudo-legal” administrative loopholes’ (Moyo, 2013, p. 37). In our field surveys (as part of the AIAS), we came across many cases where political elites, state officials and private citizens with connections had gained temporary, but free, use of the underutilized state farms, and some of the lands acquired by the state but not unallocated.

Despite the evident challenges of land administration, Moyo argued that the outcome of fast-track had been significantly redistributive: of the 15 million hectares of land which in 1980 were controlled by about 6,000 white farmers, over 13 million had, by 2009, been formally transferred

to over 240,000 families of largely rural origin (Moyo et al., 2009), leading to a radically different agrarian structure (Table 2). The fast-track phase alone officially benefitted 168.671 families on 9.2 million hectares (Moyo, 2013, p. 42). He also observed that fast-track has led to a net transfer of wealth and power from a racial minority of landed persons to various classes of black people, including mostly the previously landless and land-poor classes and a substantial number of low-income, wage-earning and unemployed workers, as well as various categories of the petty bourgeoisie (*ibid.*, p. 44). Fast-track also substantially reduced the overall land concentration and expanded the numbers of those involved in farming.

Together with others (see, for instance, Murisa, 2009; Scoones et al., 2010), Moyo observed that the most of the beneficiaries of fast-track came from rural areas, being largely peasants from the communal areas, with a few coming from the farmworker population in large-scale commercial farms, while about 25 per cent were from the urban areas (Moyo et al., 2009). One of the most important claims that Moyo made was the fact that fast-track land reform has undermined the class logic of settler colonial agrarian relations, founded on monopoly control over land which deprived peasants of land-based social reproduction and compelled cheap agrarian labour supplies (Moyo, 2013, pp. 60–61). Based on Moyo's claim, one can then argue that fast-track land reform has ushered in a new set of agrarian labour and production relations, barring any changes that could be effected in the future.

Outstanding Land Tenure Reforms

Although I can never speak on behalf of Sam Moyo with authority, my suspicion is that among many other things that he would have wanted to see resolved is the question of land tenure in the aftermath of fast-track land reform. Prior to fast-track, the state redistributed land through three resettlement models, 'A', 'B' and 'C'. The most common resettlement types were Model A and Model B. The former offered individualized plots averaging 5 hectares per household and provided for common grazing lands, while the latter entailed the formation of cooperatives. The majority of those who were offered land for resettlement were settled within the Model A scheme, which replicated the pattern and conditions of the Native Land Husbandry Act of 1951, which had been designed to promote limited individual ownership and production for Africans. In terms of land tenure, the beneficiaries' claim to land was based on

Table 2. Zimbabwe's New Agrarian Structure

Farm Class	Land Tenure	Farms/Households		Area		
		Numbers	% of Total	Hectares (million hectare)	% of Total	Farm Size (hectare)
Smallholder	Communal	1,100,000	81.2	16,400	49.9	15
	Old Resettlement	75,000	5.5	3,667	11.2	49
	A1	145,800	10.8	5,759	17.5	40
	<i>Sub-total</i>	<i>1,321,000</i>	<i>97.6</i>	<i>25,286</i>	<i>78.6</i>	<i>20</i>
Small-to-medium-scale	Old SSCF	8,500	0.6	1,400	4.3	165
Commercial	Small A2	22,700	1.7	3,000	9.1	133.9
	<i>Sub-total</i>	<i>31,200</i>	<i>2.3</i>	<i>4,400</i>	<i>13.4</i>	<i>142</i>
Large-scale	Medium-LargeA2	217	0.03	0,509	1.6	2,345
Commercial	Black LSCF	956	0.07	0,531	1.6	555
	White LSCF	198	0.01	0,117	0.4	593
	<i>Sub-total</i>	<i>1,371</i>	<i>0.11</i>	<i>1,157</i>	<i>3.5</i>	<i>844</i>
Corporate Estates	Corporates	20	0.001	0,806	2.5	40,320
	Conservancies	8	0.001	0,247	0.8	30,875
	Parastatals	106	0.01	0,296	0.9	2,788
	Institutions	113	0.01	0,146	0.4	1,289
	<i>Sub-total</i>	<i>247</i>	<i>0.022</i>	<i>1,495</i>	<i>4.5</i>	<i>6,051</i>
Total		1,354,000	100	32,878	100.0	24.3

Source: Moyo (2011).

state-issued, annually renewable permits that provided very little security (Gaidzanwa, 1981). The state had basically used the resettlement programme to acquire land from the freehold sector and to cancel title to it and expand state ownership (Cheater, 1990, p. 197). Table 3 provides a summary of the evolution of land tenure regimes in Zimbabwe.

The onset of fast-track also saw the extinguishing of most private property rights in agricultural land and the broadening of the effective occupation and use/ownership of the redistributed land through socially differentiated forms of land tenure (Moyo, 2013, p. 45). The GoZ committed to a new tenure system of permits held in perpetuity for A1 plots and 99-year leases for A2 plots. Thus, on paper, the land tenure issue has been resolved: A1 beneficiaries will be issued with the permits, whilst A2 beneficiaries will be issued with leases for 99 years. However, in practice, it remains outstanding for a variety of issues. Less than 5 per cent of the beneficiaries have been issued with these signed documents. Many of the former large-scale commercial farmers are still to be compensated, or to agree to terms with the GoZ on how they will hand over title.

The GoZ justified the extinguishing of private property of land and introduction of permissory and leasehold tenure as a safeguard against land concentration (interviews with officials from Ministry of Lands, September and March 2007). The insecurities derive from the fact that the state has, with a stroke of a pen, cancelled freehold land without attendant consultations and compensation for the actual land, raising the question of what would stop it from doing the same with permits and leases, especially considering that it now owns the land (based on submissions made at an AIAS Policy Review Dialogue on Land Tenure, August 2007). Furthermore, the GoZ has not clarified the institutional arrangements for the administration of the new land tenure system. The Land Board that was introduced in 2000 remains largely inactive and is based within the Ministry of Lands, instead of having an autonomous structure that would enable it to interact with the Ministry of Lands as an equal.

During the initial stages of resettlement, land beneficiaries were issued with an 'offer letter' representing official recognition of the right over land. However, this offer letter did not provide adequate security to new landholders. Clause 7 of the letter states that the offer to land can be withdrawn at any time with the government having no obligation to compensate for any improvements that might have been made (World Bank, 2006). However, in practice, there have been very few families that have been removed from the land that they have occupied.

Table 3. Types of Land Tenure Arrangements in Zimbabwe since Independence

Sector	Type of Tenure	Rights	Administrative Arrangements	Security
LSCF	Freehold tenure based on surveying, mapping and lodged with the Deeds registry	Secure rights Land used as collateral Use of courts to protect rights	Individual responsibility Local authority's collection of unit tax Intensive conservation areas	Secure in a normal situation, but insecure in a context of demand for land based on historical circumstances
SSCF	Freehold tenure as above	Secure rights and land may be used as collateral	Individual responsibility Local authority's collection of unit tax	Problems of inheritance and fragmentation because of pressures for access to land
Resettlement (old)	Permit system then revised into leaseholds	Rights of the authorities are prioritized than those of the settlers	State through MALGRUD and now traditional leaders	Highly insecure because of the ministerial powers which allows for expulsion
Communal Area	Customary tenure	Usufruct rights Private use of arable land and shared commons Land can be taken without recourse to courts	Traditional leaders (chiefs, headmen, etc.) Local authorities through Viscos and Waco's State through its statutory agents	Secure in principle, but land cannot be used as collateral
State Land	State land	Leasing, licensing, statutory allocations	State administers land through its own parastatals	Secure for the state but not so for individuals when the lease period comes to an end
A1	Offer letter issued by the minister of Molar	Insecure rights Seem usufruct rights with promise of leaseholds	State and traditional leaders contesting to govern	Highly insecure as the situation on the ground is still fluid
A2	Offer letter issued by the minister of Molar	Promises of leaseholds Highly insecure	Individual State and traditional leaders contesting to govern	Highly insecure as the situation on the ground is still fluid

Source: Moyo (2004).

Zimbabwe's agricultural land is now divided into 12 tenure regimes, as shown in Table 2. Whilst the number of land evictions has gone down, questions of improving productivity on the farms loom large. The nexus of production and tenure security needs further investigation at two levels: ensuring that there are optimal farm sizes by introducing deterrent taxes that discourage land hoarding and creating land tenure instruments acceptable by the financial sector and the broader agro-industry to address the shortage of financing arrangements currently inhibiting productivity. These two issues largely remain unresolved within the fast-track areas and the remaining large-scale commercial sector.

In 2006, the GoZ introduced the permit system for A1 farms and leasehold tenure for A2 farms. According to Ministry sources, the delay in the issuance of permits was caused by legal hurdles in the acquisition of land, and these were only 'resolved' in 2005, when the Constitution was amended to enable the government to nationalize all agricultural land.³ Prior to the constitutional amendment that nationalized all agricultural land, the government could not transfer the ownership of land to the new land beneficiaries because of the appeals against compulsory acquisition lodged by the former landowners. The government faced two options: either to respond to every individual appeal, or to come up with legislation that nullified these appeals. In 2005, the state took the latter route, and through Amendment No. 17 precluded the courts from deliberating on matters surrounding compulsory acquisition, although they retained jurisdiction over contests regarding improvements on farms. By the close of 2007, the GoZ had not issued any permits to landholders in the A1, while approximately 6 per cent of A2 beneficiaries had been issued with leases (Moyo, 2007, p. 12).

The land permit essentially offers partially similar usufruct land rights to those provided under customary tenure, in terms of the nature and breadth of rights to use land for the homestead, cropping and the shared utilization of common grazing and woodland areas (Moyo, 2007, pp. 12–13). The permit is registered in the names of both spouses (in the case of married couples) and is offered in perpetuity to the beneficiary household.

There are nuanced differences between the land rights being bestowed in the newly resettled areas and those existing in customary tenure areas (Murisa, 2009). In the customary areas, land access and use rights are based on belonging and membership to a lineage group, while traditional institutions and authority are prominent in the distribution and administration of customary lands. In the newly resettled areas, the A1 permit elevates the role of the state as the initial provider of land and

responsible for administrative oversight. The permit is silent on the role of the traditional authority regarding the administration of the land, despite the fact that chiefs were mobilized by the state to verify applicants for A1 farms. However, Moyo (2013, p. 45) was dismissive of these nuanced differences, arguing that the A1 permit provides similar forms of land rights to those provided under the customary tenure. Instead, it is their legal status that differs from their customary area counterparts: in the fast-track areas, the state directly owns such land and controls the land allocation process using criteria which transcend those defined by membership to given 'communities'. He argued that, in effect, the A1 land tenure relationship is 'thus a vertical legal and social relationship between the state and the families, which is complemented by elements of customary land administration practice' (Moyo, 2013, p. 45). The complexity of the new arrangements and required administration system is quite evident.

The A2 land beneficiaries are being issued with a 99-year lease agreement and per the government (Government of Zimbabwe [GoZ], 2006, p. 4):

the lease provides for an annual rental to be paid to the lessor (state), the leased land to be effectively utilised with due regard to good husbandry and environmental enhancement and protection and bans ceding or subletting of land without the express permission of the lessor's representative.

The lease requires the beneficiaries to institute basic farm developments, minimum land utilization and recommended natural resources management practices. The lease requires that the lessee allocates 20 per cent of the land to growing food grains, or to sell 20 per cent of the cattle to the state-owned cold storage company.

The lease is subject to the succession and inheritance laws of the country. The government retains the right to cancel the lease in cases where the lessee has been judged insolvent, or where the lessee either owns or is leasing some other property for agricultural purposes and fails to pay rentals, levies and rates (Government of Zimbabwe, 2006, p. 6). By 2010, less than 1,000 A2 beneficiaries had received the lease contracts.

The Challenges of the New Land Tenure Regimes

The discussion of tenure has been dominated by concerns of financing and investment in agriculture. The discussions have focused on the logic

of improving production, tenure security and the tradability of the A2 lease (see, for instance, Mhishi, 2007; Moyo, 2007; Richardson, 2005). Although Sam wrote extensively on land tenure (Moyo, 2007, 2013), he was careful not to be prescriptive (to a fault), but instead he mostly preferred to discuss the different social, economic and political trajectories that were influencing the preferred tenure regimes. He was clearly concerned about the danger of re-concentration of land, if freehold tenure were restored. He spent more time going through the different versions of the lease (A2) and permit (A1) and produced probably one of the most credible analysis of the documents.

The jury is still out on whether the new arrangements are permanent and sustainable. Moyo (2007) noted the many strands of arguments that had emerged around land tenure, primarily among market-based actors, such as bankers and other agro-industry firms, identified tenure insecurities as an explanation for limited financial investments in the fast-track areas and made a clear push for the return to freehold tenure, as in the large-scale commercial farming sector. At the same time, the GoZ remained mostly ambivalent, preferring to emphasize the legitimacy of the 99-year leases for A2 farmers (commercial) and the permits for A1 farmers (smallholders). Market-based actors have pursued a purely economic position, arguing that freehold tenure is a superior form of tenure with potential to unlock the desperately needed financial investments for ensuring improved production on the farms. The state has on the other hand avoided an overall rush towards freehold tenure and instead seems to prefer a more gradual approach, by introducing leasehold fees which may end up serving as a form of purchase of the farms. Furthermore, he also argued that the new tenure regimes were more socially legitimate and less insecure compared to the tenure system that was introduced in the first phase of resettlement (see Moyo, 2007).

There is also another strand to the argument: the previous farmers still hold the paper titles to the land, which in itself suggests an unresolved contested issue of ownership, especially given some of the legal victories that these farmers have scored at the now defunct Southern African Development Community (SADC) Tribunal. Furthermore, one can also perceive an implicit position on the part of the ZANU-PF state, that is, the need for control: the creation of an independent bourgeoisie on A2 farms and smallholders on A1 farms not beholden to the party is not part of the vision of the ruling elite (see, for instance, Murisa, 2013).

The current powers invested in the state lead to a third concern regarding the current tenure regimes: the possibility of state capture. There are fears amongst some of the resettled that a policy shift within

government could lead to loss of land amongst the newly resettled in both A1 and A2 areas. The state capture concern is also directly linked to democratization concerns raised above: how will land tenure reform contribute towards rural democracy? Murisa (2013) has demonstrated how land reform has provided an opportunity for the ZANU-PF government to enhance its control of the rural space and even created new ‘traditional’ local government authorities. The delays in creating a coherent land administration framework, especially in A1 areas, have led to the emergence or replication of customary land administration structures and norms. While the legal contract through the permit seeks to promote a certain form of social relations, it remains inadequately explained and promoted. On the other hand, the introduction of traditional authority without the necessary rule book of what the village heads can and cannot do has contributed to misunderstandings concerning their powers in terms of governing the land. The introduction of the new permissive system has not yet been adequately explained to the beneficiaries. Their understanding of land tenure provisions is currently based on sketchy information from local leaders and government officials to the extent that some of the beneficiaries that we interviewed as part of the AIAS eight-district survey believe that the chiefs have the authority to allocate land or to move them off the land. The situation is compounded by the fact that many of the beneficiaries are from customary areas where a strong relationship between traditional structures and land exists. During interviews with A1 beneficiaries in Goromonzi and Simba, the respondents revealed that they expect traditional leaders to ensure that land and natural resources are being managed properly. Notably, most of the respondents did not see a problem with the expansion of traditional authority into the fast-track resettlement areas.

Connecting the Zimbabwe Debates to Global Discourse

Garret Hardin’s 1968 essay aptly entitled ‘The Tragedy of the Commons’ played a major role in shaping neoclassical policy prescriptions on land tenure from the 1970s well into the 1980s. In brief, Hardin argued that a shared village grazing pasture would tend to get overused and eventually destroyed because more people utilized the common grazing ground without paying for the cost of maintaining it, a phenomenon known in economics as ‘free riding’. This view inspired a variety of land

reforms with a general trend towards market-oriented access to, and the privatization of, land through private entitlement. The premise was simple: individualized tenure offers the best certainty in land rights, which provides incentives for sustainable use and facilitates access to credit for investment in agriculture and natural resources, hence contributing to increased productivity and improved natural resource stewardship (Economic Commission for Africa [ECA], 2004, p. 15). However, the assumptions of the allocative efficiency of freehold tenure have also been challenged; for instance, the World Bank (1991, 1995) in its technical studies on land in Zimbabwe revealed that land underutilization was mostly practised by large-scale farmers—only 65 per cent of commercial farmland was under productive use.

Meanwhile, in Kenya, a study carried out by Rutten (1992) in one of the three Maasai districts, where the individualization of title was pursued through the establishment of group ranches, with funding from the World Bank and the UK's Department for International Development (DFID), showed that grazing land had diminished by well over 40 per cent over the period 1982–1990, leading to increased vulnerability and destitution of pastoralists, and it had also led to accelerated wanton environmental degradation.

In 2009, the Nobel Peace Prize Committee awarded prize for Economics to the now late Elinor Ostrom, Professor of Development Economics at Indiana University, together with Professor Oliver E. Williamson. Professor Ostrom was being recognized for her work on common property regimes; could this be a signal of a paradigm shift from the Hardin-inspired period? Essentially, Ostrom (1990) argued that far from a tragedy, the commons can be managed from the bottom-up towards shared prosperity, given the right institutions. She forcefully argued that other solutions exist instead of privatization, and these entail stable institutions of self-government which can be created if certain problems of supply, credibility and monitoring are solved. In terms of land tenure, the argument seems to suggest the rethinking of customary/communal forms of tenure with an adequate institutional framework to address challenges of supply, production and preservations.

The Hardin and Ostrom approaches to property rights and management have a significant bearing on how the debates on land tenure have evolved in Zimbabwe since 2003. Basically, the debates have been inspired on Hardin, while very limited scholarly attention has been devoted towards exploring ways in which the 99-year lease and the A1 permit could be used to unlock value for agricultural production, except maybe for Sam Moyo's writing. One of the most influential writers on

the Right has been Craig Richardson (2005), who has argued that the manner in which land was acquired despoiled agricultural land property rights and that these no longer exist in Zimbabwe. Richardson, and also Mhishi (2007), dismissed the legal basis of introducing new forms of property rights, due to the fact that the land rights of the former land-owners were undermined and that the redistribution exercise is still under litigation in the courts. Richardson (2005) argued that land reform is the cause of economic decline because of the way it undermined property rights and dampened investor confidence. On the other hand, Moyo (2007) argued the A1 permit and A2 lease offered by the state are formal statutory land rights that should be recognized by banks and other market players (Moyo, 2007, p. 9). However, it is important to remember that land reform has always been part of the agenda of the state as an attempt to redress the historical settler-colonial land dispossession and the related racial and foreign domination, as well as the class-based agrarian inequalities which minority rule promoted (Moyo, 2013, p. 29). In fact, Moyo (2013) and others have actually argued that land reform also contributes towards democracy by breaking the monopoly power held by white-settler agriculture, including its representative unions (see Murisa, 2009).

The above provides a summary of the contradictory, or even polarized, positions that have characterized the land tenure reform debates in Zimbabwe. Whilst the state has, at times, seemed unconcerned about the weaknesses inherent in the existing tenure reforms, the weak participation of actors such as banks in the agrarian economy and also the desire for re-insertion into global commodity and financial circuits has led the government to make announcements on compensation of former white farmers, creating possibilities to issue freehold title. It is also important to bear in mind that almost every cabinet minister owns at least one farm and they have an interest in resolving their ownership status whilst still in power, given the contested way these farms were acquired.

Conclusion

This article has provided a detailed background to Zimbabwe's land question and demonstrated how Sam Moyo was central to most of the debates and also how he helped shape land policy. The article has also discussed land tenure in fast-track areas as an outstanding issue requiring urgent attention to resolve the problem of farm investments and production and also to curtail the powers of the state on the farms. There is an

implicit shift towards freehold title, especially in A2 farms connected to party elites. The delays in the issuing of leases and permits will not only constrain production on the farms, but perpetuate the state's implicit agenda to ensure some form of control through the opaque administration of the leases and permits, which creates uncertainty and room for manipulation of land beneficiaries. The ambivalence on the part of the state has partially contributed to limited investments, thereby hampering a quicker turnaround in terms of agricultural production.

Notes

1. The leading actors of this initiative were Dr Robbie Mupawose, former Permanent Secretary in the Ministry of Agriculture, Greg Brackenbridge, Chairperson of the Bankers Association, and Professors Mandivamba Rukuni and Sam Moyo, land policy experts.
2. One of many others to be mentored by Sam Moyo.
3. It seems the GoZ has reconsidered this position and compensation for acquired farms is back on the policy agenda. The Minister of Finance has, on more than one occasion, reassured the former farmers that compensation is being organized.

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