

Access to and Control of Resources in Relation to Conflict and Migration in Southern Africa: A Case Study of Zimbabwe. Paper presented at the Regional Workshop on “Access to and Control of Land and Water Resources in Relation to Conflict and Migration in Southern Africa. Johannesburg South Africa 7-10 May 2007.

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Introduction

A survey of the literature on resource based conflicts reveals that there are four main factors that contribute to the incidence of conflict over access and control of natural resources in Africa. Firstly the political governance systems are informed by the historical evolution of policy and law that governs natural resources generally and natural resource conflicts in particular. In this regard the colonial and neo colonial evolution of the governance system is relevant. The political system defines the power disparities that are a major source of conflicts over natural resources. Those who have political power are able to use that power to gain access to natural resources and to trample on the rights of those without power. In many developing countries political power determines economic opportunities, as the political elite control all aspects of life. (SID, 2004)

Secondly the legal factor in natural resource conflict is also a function of governance. The major problematic in this regard is land tenure. Whilst for most resource dependent communities access to natural resources is mediated by customary communal tenure ; most governments in developing countries are committed to a private , individualized tenure system that is part of the colonial legacy. The interface between community concerns and values (that are inherent in the communal tenure system) and the national interest (modernization and globalization ethic) promoted by the individual private tenure is in itself a source of conflict. That national policy and legal frame works are in open support of the latter only serves to aggravate the situation of resource dependent communities.

Thirdly, are economic factors and these manifesting themselves in natural resource conflicts in two major dimensions. First the economic interests of the individual members of resource dependent communities are not always in agreement. As modernization and external influences associated with it impact on these communities, greater differentiation in terms of economic ambitions emerge, creating competing and diverse demands on the natural resource base. Within these communities there emerge individuals or groups that would seek to appropriate the natural resources for their own gains thus pitting them against the collective claims of the communities. Second, the phenomenon of globalization has created a new dimension with respect to economic factors as national and international commercial interests see natural resources a basis for the creation of wealth for the benefit of investors. Many of these investors are based abroad and have no interest or knowledge in the implication of such exploitation of natural resources on the livelihoods of local communities. Investment interests are largely mediated by trans –national corporations with an extractive mentality informed purely by the urge for greater profits.

Fourthly, are socio –cultural factors from the impact of changes that the traditional communities have undergone and continue to undergo as a consequence of contact with other cultures both nationally and internationally. Urbanization, education, migration, population pressure and cultural globalization are all development that exerts immense

pressure on resource dependent communities, creating with then new conflicts and even accentuating existing ones. One immediate consequence of these influences is the erosion of the capacity of traditional institutions of natural resource management to deal with emerging conflicts in an effective manner.

The underlying causes of conflict are poverty, the policy choices that the state has pursued over the years and the inefficiencies of institutional frameworks for conflict resolution and or prevention. (SID, 2004)

Zimbabwe - Background

Conflicts over natural resources in Zimbabwe predate the arrival of the white settlers in the late 1800's. White settlers introduced new dimensions to resource access, control and ownership all of which resulted in further conflicts. Since then conflicts around resources have become racial/tribal based and then racial and gender based. This dimension has spilled into the contemporary era where racial tribal and gender conflicts around natural resources are evident. Before and during colonization, the conflicts were primarily on access and control over land and mineral resources. Expansion of commercial agriculture also created conflicts in that the new settlers began to appropriate large segments of this fertile land resulting in internal displacements of the black indigenous population into marginal areas that were eventually unable to support their growing numbers.

Land based conflicts

The Zimbabwean economy is agro based and this contributes about 14% of the GDP and employs about 50% of the population. Therefore land is a major and important resource which formed the basis for the independence struggle. Originally land and other resources were under the control of the people who were guided in the use of the resources by their traditional chiefs. The coming of the Europeans and the importation of the Roman Dutch law and British Common law changed the governance of the natural resources in the country and also the way people identified with their resources. The radical title was vested in the Queen of England who held these in trust of her subjects.

The first major impact of colonization was the movement of the local people from their natural habitats into what they termed Native reserves. This movement was meant to create way for the Europeans in areas where there were fertile soils, and minerals they could exploit. The indigenous people were moved into semi arid areas that had fragile soil and received erratic rainfall. The first such reserves were created in 1894; a pattern that continued and culminated in the Land Apportionment Act of 1930, (LAA) that legally divided the country into black and white areas. The division of land and access to resources continued into the 1960's and the LAA of 1930 was amended in 1969 to the Land Tenure Act. The new Act continued to divide the land and other natural resources to the benefit of the white settlers

At independence in 1980 the black majority were still crowded in the Tribal Trust Lands now renamed Communal areas. The structure of land-ownership and use was clearly inequitable. About 6,000 white commercial farmers owned 15.5 million hectares, while 8,500 small-scale farmers possessed 1.4 million hectares. The remaining indigenous communal farmers — about 700,000 households — subsisted on 16.4 million hectares. This was less

than half of the country's agricultural land. Of particular significance was that 75 per cent of the land owned by communal farmers was in agro-ecological regions 4 and 5, which are drier and less fertile. (Sachikonye, 2003) There was therefore a keenly felt sense of historical injustice and deprivation, focused on land. The Lancaster House constitution which ushered in independence did little to redress the issue as it provided for a market led land reform the "willing buyer willing seller" mechanism for the first ten years of independence. The market based land reform and resettlement programme had very little impact. By 1989, 52000 families had been settled, less than a third of the target of 162000 families. (M. Saruchera 2002.) The land transferred by 1990 represented less than 3.5% of total rural land. However over a million hectares of land was sold directly into private hands – mostly of the new political elite – as the government decided that it had no "present interest" in purchasing the land for resettlement. (R. Palmer, 1990)

In the 1990s, on the whole, less urgency was attached to resolving the land question. This was perplexing in view of the earlier impetus and the expiry of the restrictive clauses of the Lancaster House constitution in 1990 (Palmer, 1990; Adams, 2003). Less than 20,000 new settlers received land between 1990 and 1997, a significant slow-down in land reform. By 1997 a total of 71,000 households had been resettled on 3.6 million hectares, a far cry from the original target of 162,000 households. By the mid-1990s, about 500 indigenous commercial farmers had graduated into fully-fledged commercial farmers. About 80 per cent of them had bought farms with their own resources while the remainder rented government leasehold farms (Zimbabwe government, 1998). The official explanation for the slow-down in reform in the 1990s was that land acquisitions through the "willing seller, willing buyer" approach had become more expensive. The approach also significantly limited the scope of matching land supply with the demand for resettlement.

However some analysts attribute the relative slow progress to lack of political will for large scale land redistribution as a lesson learn from Mozambique, which had seen its commercial class of Portuguese origin leave the country upon independence and suffered economic decline as result. (R. Palmer, 1990; C. Jenkins 1997) It is also argued that the well organised white commercial farmer lobby was quite effective in lobbying against a more radical redistribution programme, as this would undermine investor and farmer confidence and cripple production. Other external pressures were also significant: in the face of rising balance of payments deficits, government economic policies after 1986 were similar to many prescriptions recommended by the IMF, and emphasis shifted from land redistribution to improved productivity of communal areas. (S. Greenberg, 2002.)

In the decades following independence, few changes were made from the colonial model, either in terms of legislation, or in terms of the state mindset. The Communal Land Act of 1982 can be viewed as one in a long line of legal instruments to increase the control of the state over rural communities. (C.Huggins and B. Ochieng 2005) Another interesting aspect of post independence governance relates to the states relationship to the customary chiefs and headmen. Generally, they were seen as conservative and associated with "backwardness"

The resettlement process was perceived as a way of creating new so-cio political spaces free from the control of customary authorities , were traditional agricultural practices could be discarded in favor of modern methods. (J. Chaumba, et al, 2003)

The radical title to land is vested in the President who holds it in trust for the people. Thus the people only have user rights and these can be taken by the state in the event that their particular piece of land is required for developments. On the other hand traditional leaders that have a strong base in the local communities have never openly viewed the state as having legitimacy over the claims to the natural resources and this has created conflict between the state and the traditional leaders.

Finally there were vested interests as some members of government and the armed forces had purchased large farms and were members of the of the white dominated Commercial Farmers Union , leading to a convergence of interests between the old white elites and the new black elites. This further reduced political will among the leadership to redistribute the resources to the poor. Others have put this in the wider political context and argue that since Zimbabwe had embraced the neo liberal market led development paradigm, the political will to redistribute land was now less significant than the political elites desire for black entrepreneurial development¹. The most important criteria for resettlement ceased to be poverty and landlessness and were increasingly capability and productivity. (C.Huggins and B. Ochieng 2005)

With expiry of Lancaster House Constitution entrenched conditions in 1990, government in 1992 introduced the Land Acquisition Act to speed up the resettlement process. However in spite of much rhetoric land redistribution did not proceed rapidly, as a result land occupations increased. However land occupations did not start in 1990, as these had been an ongoing phenomenon since independence. These were mostly tolerated by the state as long they only affected vacant land that had been abandoned by the owner or marginal land not under free hold. However occupations that threatened commercial agriculture were not tolerated. (Marongwe2000, Alexander 2003) it is also important to note that the states support to land occupations depended on the political climate; in 1990 they had been tolerated as it was an election year.

From the 1990's starting with the introduction of the Economic Structural Adjustment Programme (ESAP) the incomes of the poor fell drastically and there was massive retrenchments and by 1997 the economy had gone into general decline. This period also saw the emergence a vibrant opposition party the Movement for Democratic Change through the trade union movement. Initial land occupations had not received government support, but after the rejection of the draft Constitution in 2000, the state moved to support the land occupations and introduced the Fast Track Land Reform Programme (FTLRP). The FTLRP aimed to redistribute 80% of all commercial farm land to 160 000 mostly poor beneficiaries and an additional 50 000 small to medium scale black farmers were also targeted.

The FTLRP was accompanied by constitutional amendments which rendered all agriculture land in Zimbabwe state land. The FTLRP has resulted in massive redistribution of over 170 000 people onto prime agricultural land. According to the government of Zimbabwe this has democratized access to land, thus enhancing the economic and agricultural security of the

¹ It is suggested that the Ministry of Agriculture which was responsible for developing the land policy and pro the development of a black commercial class had won the ideological struggle with the Ministry of Local Government Rural and Urban Development which was in control of the resettlement programme which was in favor of the land redistribution to the majority of the people.

country far beyond the control of a white minority which accounted for 85% of the overall economy. However some authors question the validity of these claims and point at a number of interrelated practices and effects of the FTLRP that raise serious doubts about the validity of these claims.

With regard to “resolving and democratizing land issues” they point out to the following developments since 2000; dispossession and impoverishment of hundreds of thousands of farm workers ; explicit allocation of plots along partisan lines , largely excluding opposition supporters ; sustained uncertainty over the legal status of tenure or title of the new occupiers and owners ; extensive multiple land grabbing of prime farms by political and, bureaucratic and business elites affiliated to the ruling party. and the construction of new regimes of private land ownership and inequality along class, ethnic, gender and generational lines. While many landless households have accessed land such trends point to a parallel competing process of “accumulation from above” through which a narrow class of politically enhanced accumulators are positioning themselves for the future. (Hammer. A 2003)

The FTLRP has brought about a new set of land related conflicts depending on the type of settlement model. There are four major categories of people with competing claims to land. The newly resettled farmers under both model A1 and A2, the communal people living in proximity to resettled farms and last but not least the farm workers. The model A1 farmers are meant to be similar to people living in communal areas with clearly defined communal residential, grazing and arable areas. Conflicts have generally arisen over farm boundaries, access roads, use of farm infrastructure access to grazing areas, woodlots and dams. The A2 is a small commercial farming scheme designed to be self contained. Under this scheme major sources of conflict have been over use of farm infrastructure which had been designed for one farmer but must now cater for up to twenty farmers. For the communal farmer conflicts arise over access to grazing land in the newly resettled areas and access to other natural resources such as trees for firewood and house construction.

Although it had generally been expected that the FTLRP would result in a massive displacement of farm workers this has not materialized. These have been generally marginalized in the programme as foreigners who have no land rights in Zimbabwe. (FCTZ, 2002, S. Moyo et al 2000, ZCDT, 2003)

On A1 farms with well developed farm villages, farm workers have in most cases been forced out of their houses and these taken over by the new farmers. Either for residential purposes to accommodate extension workers or as clinics and schools. On some farms while they have been allowed to stay in the farm villages they have nevertheless been denied access to land for own cultivation, do not have access to natural resources on the farms such as trees and grass to maintain their homes, have been denied access to the farm dams for fishing and in some cases have been stopped from burying their dead on the farm. On A2 farms continued stay in the farm village has been made conditional to working for the new farmer. Government policy on with regards to farm workers has not been helpful as there is no coherent policy as to what should happen to farm workers on acquired farms.

Other natural resource based conflicts

Other natural resources based conflicts revolve around access to minerals and water. Due to the importance of mining which contributes about 11% of GDP; the policy frame work governing exploitation of minerals overrides all other policies governing natural resources in the country. This creates conflict as the mining community has more rights than other natural resource users. Thus mineral exploitation has caused conflicts between farmers and miners, and between miners and environmentalists due to the use of chemicals which are not environmental friendly.

Perhaps the second most contentious issue after land are water based conflicts. Zimbabwe suffers from water scarcity and the radical title to all water in the country is vested in the President. The people have user rights to water which are accorded to them through a permit system. The permit allows people to access water for secondary use i.e. for agriculture and mining activities. As a result water is no longer a social issue but an economic commodity for which people are expected to pay for access and use especially with regard to secondary use. Under the "User Pays Principle", users are expected to quantify the water that they use for secondary purposes and which is then costed by the state. This has created conflict between the state and the people as they believe that they have the right to access water and the state has no right to in placing a market value to a natural resource.

The commercialization of water has also caused conflicts over how revenue generated is used. This arises when revenue collected from water users is not ploughed back into the community. The non participatory approach in the management of water has also led to skewed access to water. This best typified in the three –phase development strategy that gives first preference in the provision of water to urban areas with the peri-urban getting the second preference while the rural areas where the majority of people live was placed last.

The hand over of the responsibilities for the selling and distribution of water to the Zimbabwe National Water Authority (ZINWA) has placed central government on a collusion course with local authorities. Local authorities argue that this will led to a loss in revenue as they have been earning about 40% of their revenue from the distribution of water. Secondly as the money will go to a central fund the money will not be ploughed back into the communities. Thirdly they argue that ZINWA does not have the capacity to manage water distribution in urban areas. To date ZINWA has taken over the distribution and selling of water in most urban areas except for the Cities of Bulawayo and Masvingo with disastrous consequences².

Migration

People have always been on the move since human life began. Migration is neither a new phenomenon, a failure of development nor a substitute for development. Migration is undertaken by energetic and resourceful individuals who move as part of their efforts to improve their lives and the lives of their families, to learn new skills, to gain new experiences, to find a job or to flee insecurity, disaster or famine. Migration is an economic, social and political process that affects those who move, those who stay behind and the places they go.

² According to the Zimbabwe Standard of 2 September 2007, there have been out breaks of cholera in Harare, Kadoma and Chegutu while residents of Gweru, Chinhoyi, Gweru, Marondera and Karoi have gone for months without water

Poverty, conflict and bad governance lead some people to feel that they have no option than to leave and search for a better life elsewhere.

We have noted above that colonisation brought with it forced removals of the Africans from fertile agriculture land. The war period saw an increase in both internal (to urban areas) and external migration to other countries in the region and the world. Since the beginning of the political and economic crises in Zimbabwe in 2000, a growing number of Zimbabweans have migrated to different parts of the globe in search of better economic opportunities. As a result of this post-2000 dispersal, Zimbabweans are now found in their hundreds of thousands in Europe, North America and the relatively prosperous neighboring countries of Botswana, Namibia and South Africa (by far the most important destination for both unskilled and skilled Zimbabweans seeking economic survival outside Zimbabwe). There is now an estimated two million Zimbabweans in South Africa, including both legal and illegal immigrants

References

- Adams. M (2003) *Land Reform in Southern Africa: Zimbabwe's Case*, Mimeo
- Alexander. J (2003) "Squatters", *Veterans and the State in Zimbabwe*, in Hammar. A, Raftopoulos .B and Jensen .S (Eds) *Zimbabwe's Unfinished Business: Rethinking Land, State and Nation in the Context of Crisis*.
- Chaumba. J, Scoones. I and Wolmer .W, *From Jambanja to Planning The Reassertion of Technocracy in land Reform in South Eastern Zimbabwe*. Sustainable livelihoods in Southern Africa, Research paper 2, Institute of Development Studies, Brighton, 2003.
- FCTZ (2002) *Assessment of the Impact of the Land Reform Programme on Commercial Farm Worker Livelihoods*, Harare
- Department for International Development (March 2007) *Moving out of poverty making migration work better for poor people*.
- Greenberg. S, *Land and resource rights advocacy in Southern Africa*. Paper presented at the Third Workshop of the Pan African Programme on Land and Natural Resources (PAPLNR). Nairobi November 2002.)
- Hammer (2003) *Zimbabwe's Unfinished Business: Rethinking Land, State and Nation in the Context of Crisis*
- C.Huggins and B. Ochieng (2005) *Paradigms, process and practicalities of land reform in post – conflict Sub-Saharan Africa*: in C.Huggins and J. Clover (Eds)
- From the Ground Up: Land Rights, Conflict and Peace in Sub –Saharan Africa*. African Center for Technology Studies and the African Security Analysis Programme of the Institute for Security Studies
- C. Jenkins (1997) *The Politics of Economic Policy making in Zimbabwe*, Journal of modern African Studies 35(4) Cambridge University Press
- Marongwe, N (2000) *A Case of Land Occupations in Zimbabwe*, Harare: ZERO
- Moyo, S, B Rutherford and D Amanor-Wilks (2000) 'Land Reform and Changing Social Relations for Farm Workers in Zimbabwe', in *Review of African Political Economy*, No. 84
- Palmer, R (1977) *Land and Racial Domination in Rhodesia*, London: Heinemann
- Palmer .R (1990) *Land Reform in Zimbabwe, 1980-1990. African affairs 89*
- Saruchera. M. *Struggles to make rights "Real": Hondo Yeminda in Zimbabwe*. Paper presented at the Third Workshop of the Pan African Programme on Land and Natural Resources (PAPLNR). Nairobi November 2002.)

Sachikonye L.M. (2003) *The Situation of Commercial Farm Workers after Land Reform in Zimbabwe*. A report prepared for the Farm Community Trust of Zimbabwe.

Society for International Development (SID) *Conference Report and Outcomes 1st SID conference on Resource Based Conflicts in Eastern & Southern Africa* Nairobi, May 24-27, 2004

ZCDT (2002) Press Release 4 September 2002, Harare

Zimbabwe Government (1998) *Land Reform and Resettlement Programme (Phase 2)*, Harare

Zimbabwe Government (1999) *Inception Phase Framework Plan 1999-2000*, Harare

Zimbabwe Government (2001) *People First: Zimbabwe's Land Reform Programme*, Harare