

The Arnold Farm Tragedy: The Deficiencies of Zimbabwe's Fast-Track Land Reform. Dewa Mavhinga*

Within the Reconfigured Political Economy

The ever-recurring Arnold Farm fiasco pitting the 'new farmers' and the ruling elites (including the First Family) points to the deficiencies of Zimbabwe's Fast-Track Land reform. The evictions of the poor residents in favour of the ruling elites are not an isolated case but represents the many underreported stories out there, the continued politics of impunity and ultimately point to the inherent and latent insecurity of tenure underlying fast-track related land. The above three points indicate some of the fundamental points that government, researchers, opposition political parties and civil society needs to pay attention to as we go into the 2018 elections. In some of its previous issues, Gravitas and GravitasLite, flagged the debate on the nature of the reconfigured economy and its likely implications to the 2018 electorate and this piece seeks to expand that debate by giving a narrative account of the emerging forms of social discontent within 'the reconfigured political economy'. In as much as the Fast-Track Land Reform has reconfigured the political economy, there still exists many maladies within it such that the theory and practice of land reform in Zimbabwe continues progressing in a conflictual and tangential development. Ultimately, it is the object of this piece to call for a re-examination of the so-called successes of the Fast-Track Land Reform and ask hard questions regarding the liberatory claims of the programme. It seems Salif 'Lion of Mansa' Keita's caution is instructive to the early celebrations: "It is not Yet Uhuru".



Fig 1.0 Harvest Time at Arnold Farm¹

17 Years After Fast-Track: Not Yet Uhuru

17 Years after the parceling of land to its supporters, the ruling-party political underclass is slowly discovering that it is not yet freedom as they have to constantly fight the political greed and corruption of their leadership. The land was taken in the name of redressing colonial injustices but also what has been happening are systematic and latent processes of self-enrichment exercises by Zimbabwe's ruling elite. The Arnold Farm case represents as a microcosm of the underlying problem and the details are instructive. In the words of Livingstone Musanhi, a leader in the Arnold Farm Residents Association that represents the families under siege, their nightmare began on the 17th of March 2017 when armed and uniformed police from the Support Unit ordered them to leave the farm ostensibly because it was private property owned by 'Mother' Amai Grace Mugabe. The police told Musanhi and others, "This place belongs to Mother [First Lady Grace Mugabe], she now wants to use her property. You must all leave and find somewhere else to go." With that the police began to demolish the homes of some 200 families, forcing the people onto police trucks together with whatever belongings they had and driving off to dump them along Mmurwi road, some 40km away.

Without warning, over 800 people were labelled illegal trespassers on land they had called home for the last 17 years since they occupied the farm in 2000 at the behest of the ruling ZANU-PF party when it embarked on the fast-track land reform programme. When I visited some of the embattled families in Mazowe last month, the Chairperson of the Arnold Farm Residents Association, Dennyboy Chaparadza, said to me: "We are suffering and we have no-one to turn to because the matter involves Amai Grace Mugabe. We live in fear. We did not expect

this kind of treatment from our party leadership and our government; they are treating us like wild animals, and not like people with rights. We want to speak to Amai Grace Mugabe about our plight, but we are afraid to seek audience with her since she is the one giving the orders for our eviction. Our party ZANU-PF used us, we were encouraged to invade this farm, now we are being chased away like dogs; where do we go now?"

Remembering History

A brief background to Arnold farm is that from 2000, as part of ZANU-PF orchestrated nation-wide farm invasions, hundreds of families moved onto the farm just behind the Mazowe dam, measuring some 1300 hectares. Arnold farm was part of a block of farms previously owned by Anglo-American, but leased to local company Interfresh involved in citrus farming and a game park. When the government officially announced the fast track land reform programme in July 2000, all invaded farms were gazetted State land in terms of the Agricultural Land Settlement Act [Chapter 20:01]. Between June 2000 and February 2001, a national total of 2,706 farms, covering more than six million hectares, were gazetted for compulsory acquisition. Standard practice was that the government would issue an 'offer letter' to the farm invaders to formalize occupation of the land. But the families at Arnold farm never received offer letters to occupy that farm. It appears that, much like thousands of others on invaded farms, they occupy that land at the pleasure of the ZANU-PF leadership, and, if a leader covets the land, or if they fall out of favour, as often happens because of factional infighting in the party, then they can easily lose the land.

At the height of the land invasions, the courts repeatedly ruled that the process was chaotic and unconstitutional and directed the police to stop the invasions and remove the invaders. But, in total disregard of the rule of law, the police refused to do anything to stop the invasions. Eventually some war veterans and ZANU-PF supporters turned to independent judges, harassed and haunted them out of office. Even when the SADC Tribunal ruled in favour of Ben Freeth and Mike Campbell barring the government from evicting them from their farms, that was of little help. The government simply ignored the ruling, and instead pushed for the Tribunal to be disbanded. President Mugabe publicly dismissed the SADC Tribunal ruling as "nonsense" and "of no consequence" (Ben Freeth, Mugabe and the White African, Lion Hudson, 2011).

Africans Don't Need Property Rights?

The plight of the Arnold farm families lays bare the illusion of a successful land reform programme as naively portrayed by writers like Joseph Hanlon, Jeanette Manjengwa, and Teresa Smart (Zimbabwe Takes Back Its Land, Kumarian Press, 2013). The ZANU-PF government may have forcibly taken the land from some 4, 500 white commercial farmers, but it has not given that land to the landless black majority. It continues to use the land as a political weapon to temporarily reward supporters, but wielding power to take away that land to give to its leaders, or to punish those who may have turned their backs against the party. A closer look at the unlawful and tragic evictions ongoing at Arnold farm helps to lay bare and expose the fallacy of Zimbabwe's chaotic land reform and how president Mugabe and ZANU-PF may have deployed his political genius to use the highly emotive and genuinely unresolved land reform question for political gain.



Fig 1.1 Demolitions Amidst Harvest Time

The Arnold farm tragedy is a clear indicator that there is no security of ownership for those who invaded land, because there are no ownership title deeds, and the ruling party decides who gets to keep or to move off the occupied farms. The government land audit report, the 2003 Charles Utete report, claims some 134,452 families benefited from the fast-track land reform process. But it is evident that those so-called beneficiaries, like the Arnold farm families, are extremely vulnerable to internal displacements and evictions because the entire process remains under the control of an erratic ruling party and greedy leadership. The fast-track land reform process appears to have been deliberately chaotic, and hurried to short-circuit legal procedures, and keep families on land on which there is no security of tenure. The authors of Zimbabwe Takes Back Its Land concede that the issue of secure land tenure remains largely unresolved and that with just an 'offer letter' most families are still "squatting" on the land they occupy. The biggest failure of Zimbabwe's fast track land reform programme, which exposes it as nothing more than a fraud and a sham, is its failure to ensure security of tenure to all land holders regardless of any social class or political power. It continues inculcating the politics of impunity, perpetuates lawlessness in law enforcement agencies and ultimately fails to accord all citizens equal protection before the law. Like the Arnold farm families, people have invested energy and money on this land over the last 17 years, only for someone higher up in the ZANU-PF command to come and displace them without any compensation, without an alternative land, and virtually with nowhere to go. The question that remains unanswered is; "Why is the state not interested in giving titled security to the farmers"?

When the Revolution Turns Cannibal

In October 2008, the then responsible Minister Didymus Mutasa issued an offer letter for Arnold farm to Matthews T Kunaka, but later withdrew the offer letter following protests from the families at Arnold farm. Sometime in 2015, the government, through the Ministry of Finance, reportedly paid Interfresh compensation for loss of income with regards to the acquisition of Arnold farm. Martin Dinha, the Minister for Provincial Affairs in Mashonaland Central Province (where Arnold farm is located), in an interview published in the State-owned Herald newspaper on March 21, 2017, said the government offered Arnold farm to Amai Grace Mugabe and "requested the First Lady to utilize the land as a way of attracting investment." He said the people on Arnold farm are not farmers but illegal gold panners who had been told to move to make way for the First Lady's investment project which could include setting up a wildlife conservancy next to her other ventures including an orphanage, High School, and hospital that she set up along Mazowe road. In court documents, the police claimed Arnold farm is private property owned by the First Family, but it is unclear whether Grace Mugabe has any concrete, legal proof of ownership of the farm leading many to question the basis upon which Dinha appears to be playing political football with the families at Arnold farm.

A House Built on Sand

For a legal perspective, on the 5th of May 2017, I met the lawyer that Zimbabwe Lawyers for Human Rights deployed to represent the Arnold farm families, Moses Donsa-Nkomo, my former classmate at the University of Zimbabwe. He explained to me that when Support Unit police began unlawful demolitions and evictions at Arnold farm, he approached the High Court for an order to protect the families and stop the unlawful evictions. On March 24, 2017, the High Court granted an order in favor of the Arnold Farm families, which the Commissioner-General of Police, Augustine Chihuri, and the Minister of Lands did not oppose. The court order, which was by consent, was that the Police would restore possession of the plots on Arnolds Farm back to the families; stop harassing the families at the farm, and stop demolishing their houses or trying to evict them without a court order, or alternatively without issuing the families offer letters in respect of other land for them to occupy. In other words, the police had acted unlawfully by demolishing homes and evicting Arnold farm residents without a valid court order, and the High Court had intervened to clarify the law and protect the families.

But, incredibly, instead of complying with the court order, on 24 March 2017, the Police Officer Commanding Support Unit, Senior Assistant Commissioner Dr. Angeline Guvamombe deployed 18 police officers to Arnold farm, where they set up a base camp, to continue with orders to evict the families.



Fig 1.3 Fast-Track Tenurial Insecurity in Pictures

The police cordoned off the farm and set up check points on all main roads to the farm. On the 30th of March 2017, Donsa-Nkomo went back to the High Court for a contempt of court order, that the police had not respected the previous court order. Justice Lavender Makoni issued another order against the police and the minister of lands which said: (i) The police are hereby ordered and directed to immediately stop participating, assisting or supporting, in the demolition of the properties of the families at Arnolds Farm or in their unlawful eviction, (ii) The police are ordered and directed to remove all their officers and vehicles, and refrain from associating themselves with the illegal eviction of the families at Arnold Farm. Again, the police ignored the court order. Country-wide farm invasions succeeded because the government conducted them outside the rule of law as characterized by the police repeatedly ignoring court orders when it suited them as is the case now at Arnold farm. As it was at the height of farm invasions, so it is today at Arnold farm, the partisan police act with impunity, as if they are above the law.

There is utter disregard for the rule of law, and families have no protection, even when the courts have ruled in their favour. The ignoring of court orders by law enforcement agencies is not new in Zimbabwe in cases involving the political elite and dates back to the days of Chief Justice Gubbay when war veterans under the leadership of Chenjerai Hunzvi invaded live court sessions in the name of the revolution with impunity. The Fast-Track Land Reform from the lens of tenurial security is a house built on sand and this presents a lacuna in our legal and law enforcement system that needs the attention of government and political parties as we move into the 2018 elections.

We Need to Invest in Rule of Law and Not Men

When I visited Arnold farm last month, Support Unit police were on the farm patrolling, demolishing homes, and ordering families off the farm. I witnessed demolitions by Support Unit police, and interviewed several people whom the police had beaten on the soles of their feet.



Fig 1.4 Results of the Rule of Men

I spoke to several families who said they had nowhere to go, had no shelter, and were living in fear, their property destroyed, and each time they built temporary plastic shelters for protection from the rain and cold, the police would come and burn or destroy the shelters. I spoke to another leader of the Arnold Farm Residents Association, Innocent Dube, who told me that after armed and uniformed anti-riot police forced his family onto a truck, together with some of their belongings, and dumped by the roadside some 40km away on the 23rd of March 2017, he had hired private transport to return to the farm on the strength of the court order. But the police had again demolished the

plastic temporary structures he had built for his family. The police told him, "Court Orders do not matter because we follow orders from our own leaders. We will not stop coming back to destroy any temporary shelters until everyone leaves the farm. Go back to wherever you came from in 2000 when you invaded the farm."

If the government is willing, the problems at Arnold farm and many other cases of post-fast track internal displacement can be solved. All people involved, including the police, should respect the rule of law, and comply with High Court orders. The families at Arnold farm must not be evicted without a valid court order, and alternative land for them. Unfortunately, at present there is no political will to resolve the Arnold farm issue, and consequently, the land question in Zimbabwe. The question of tenurial security for Zimbabwe's new land owners remain unresolved and offers one avenue for the democratic opposition to challenge ZANU PF's nationalist authoritarianism.

ⁱⁱ Credit to Dewa Mavhinga and Human Rights Watch for all the photos used in this edition.

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Notice from Editors.

We are currently engaged in a process of rebranding and improving the quality of Gravitas and GravitasLite. Therefore, the two publications have changed to monthly publications instead of the usual fortnightly publications.

We are calling for articles interrogating Zimbabwe's Fast Track Land Reform Programme. Articles should have a policy inclination and not longer than 2000 words. Please, may you send your articles to gravitas@jpazim.com by 1300hrs Wednesday, 14th of June 2017.
