



Democracy and Land Reform in Zimbabwe

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Executive Summary

Some of the views expressed at the IPA meeting in New York on 25 February 2002 on "Democracy and Land Reform in Zimbabwe" included the following:

- ❑ *Market-based land reform failed in Zimbabwe* and represents an obstacle to meaningful land redistribution in both South Africa and Namibia. Ownership of land in Zimbabwe remains a major source of conflict. New approaches are needed that can capitalize on the opportunities of the market, while ensuring that the state is able to intervene in land and related markets to direct resources to the poor.
- ❑ *The violent methods being employed in Zimbabwe are widely contested. But struggles over land in Southern Africa are not restricted to President Robert Mugabe's regime* and are likely to continue unless or until substantial redistribution of land to the poor and landless is achieved. Specific proposals towards a future land reform program in Zimbabwe included the following:
 - Land reforms need to form part of agrarian reforms that redistribute access to resources and opportunities other than land;
 - Building viable institutions is necessary, specifically at the level of local government, to implement an effective land reform program;
 - Targeting the poor through means-tested eligibility is crucial to the success of land reform;
 - Alternative non-market measures by the state – such as land taxes, expropriation and the right of first refusal in land sales – can assist in making land available for redistribution;
 - Redistribution needs to be accompanied by tenure reform in order to clarify, secure and upgrade existing tenure rights. It must be seen to benefit the needy and not primarily the regime's supporters.
- ❑ *The relationship between land reform and the rule of law is complex.* The law has historically been used to dispossess black Zimbabweans of their land and to

perpetuate racially skewed ownership of land. The constitution negotiated at Lancaster House in 1979 remains, in the eyes of many, an obstacle to land reform. The recent farm invasions have overtaken legal processes of land reform. However, given the highly politicized nature of demands for land, racially skewed land ownership also undermines the rule of law.

- ❑ *Responses to the crisis in Zimbabwe* reflect the enduring tension between respect for national sovereignty and the use of international mechanisms to promote human rights and good governance. In order to be effective, punitive intervention by external actors must have widespread legitimacy and must be consistently applied through multilateral institutions.
- ❑ *The role of regional actors* is central to resolving the situation in Zimbabwe. Thabo Mbeki's "quiet diplomacy" has been criticized by many commentators in the West and South Africa as a form of appeasement. South Africa is expected to provide regional leadership and there have been calls for Pretoria to impose punitive sanctions on Mugabe's regime. Mbeki's stance has been motivated by the need to act in concert with regional partners and the concern that public criticism could reduce leverage over Mugabe, with the Southern African region suffering the consequences of further instability in Zimbabwe. The Southern African Development Community (SADC) has not taken a firm stand against Mugabe, due to its leaders' shared problems and a shared history of cooperation in the anti-colonial and anti-apartheid liberation struggles. Subregional institutions remain weak in Southern Africa; it is imperative for future stability that SADC's conflict management capacity is strengthened and that clear guidelines are established to respond to future subregional conflicts.
- ❑ *Intervention by multilateral external actors* is preferable to interventions by unilateral actors. The antagonistic relationship between Britain and Zimbabwe has been counterproductive and is seen by many Africans as linked to the national interests of the former colonial power and the long-term failure

to address long-standing issues resulting from the agreement at Lancaster House. Though it can play a diplomatic role in the crisis, it was widely felt that the Commonwealth lacks the tools and institutions to deal effectively with Zimbabwe. It was suggested instead that the United Nations should spearhead an international effort to resolve the problems of Zimbabwe through the office of the Secretary-General, in partnership with SADC and based on the Abuja Agreement of September 2000. The UN system allows for the integration of a diplomatic response with a longer-term engagement to promote land reform and economic reconstruction.

Introduction

On 25 February 2002, the International Peace Academy hosted a policy forum in New York on the topic of democracy and land reform in Zimbabwe, chaired by Professor Ibrahim Gambari, UN Undersecretary-General and Special Adviser on Africa to the UN Secretary-General.¹ Discussions focused on recent events in Zimbabwe, with particular emphasis on the role of internal, regional and external actors. The purpose of the meeting was to assess the prospects for democracy and land reform in Zimbabwe. The forum occurred about two weeks before Zimbabwe's presidential elections held on 9 to 11 March 2002.²



David M. Malone, President, International Peace Academy and Professor Ibrahim Gambari, Under-Secretary General/Special Adviser on Africa, United Nations

¹ This meeting built on an IPA seminar on regional security in Southern Africa, held in Botswana in December 2000. A published report titled *Southern Africa's Evolving Security Architecture: Problems and Prospects* is available at www.ipacademy.org.

² The IPA meeting on Zimbabwe was initially planned for November 2001 but unfortunately had to be postponed due to scheduling difficulties.

This report is organized in four parts. First, it provides a summary of the presentations and discussions on land reform in Zimbabwe, the relationship between land and democracy, and the roles of internal actors in the conflict. Second, the report provides comparative perspectives from South Africa and Namibia, examining lessons from these countries for Zimbabwe and the implications for Pretoria and Windhoek of the Zimbabwean crisis. Third, the report describes the roles of regional actors to date, specifically the Southern African Development Community (SADC), and the South African President, Thabo Mbeki, in pursuing a regional solution to the problems of Zimbabwe. Fourth, the report highlights the ways in which external actors, such as the Commonwealth, the United Kingdom, and the United Nations, have sought to intervene in the conflict and identifies appropriate ways in which they might assist in seeking solutions to the Zimbabwean crisis.

1) Democracy and Land Reform in Zimbabwe

Land reform is fundamental to both economic and political security in Zimbabwe. The significance of land lies both in its economic value and in its political importance as the resource over which struggles have been waged in the colonial and independence eras. The presentations and discussion focused on a series of themes relating to the nature of current struggles around land, their historical precursors, the pitfalls of the land resettlement program, and the constrained parameters of the constitution imposed by external actors.

Zimbabwe's land reform failed to achieve the far-reaching resettlement expected by much of the population. A number of factors underlay this failure. The agreement reached at the settlement of Lancaster House in 1979 was, in the view of many, unworkable as it established an unfeasible system of market transfer and did not resolve the nature of colonial responsibility. The acceptance of the market-based model by the liberation movements was premised on the availability of British funding for the land reform programs, not all of which was forthcoming. In the context of a model of reconciliation, land reform was subordinated to the state's focus on stabilizing political and social conditions. The Zimbabwean state and its international partners have shown inadequate commitment to land reform, with the state committing inadequate resources and failing to manage the mounting and unsatisfied demands for land. Following a fairly impres-



Ms. Margaret Dongo, Former Member of Parliament, Zimbabwe

sive start with the resettlement program in the few years immediately after the political settlement at Lancaster House in 1979, the Zimbabwean government failed to prioritize land reform. Similarly, civil society in Zimbabwe paid insufficient attention to land issues, emphasizing civic rights over social and economic rights.

Zimbabwe's land reform was market-oriented from the start. The program was based on the sale of land between willing buyers and willing sellers. The cost of land purchases was to be met by the Zimbabwean and British governments in equal proportion. Approximately 3.5 million hectares were redistributed in this manner in the first eighteen years of the program (1980-1998), with the UK's contribution amounting to £33 million. The use of revenue from Zimbabwe's limited tax base for the purchase of land has remained an important source of contention in the country. Paying for underutilized land is an alien concept in customary tenure regimes that are familiar to most rural Zimbabweans, but it was also seen as unjust to use public money to buy land that was considered to have been "stolen". In this sense, the failure to reconcile the interests of the state, the colonial power and landowners represents a failure of decolonization.

It is crucial to understand that struggles for land are a continuous feature of Zimbabwean politics. These have been fundamental to the configuration of the Zimbabwean state over the past hundred years. Unequal land ownership structured other inequalities and policy discrimination in areas such as access to infrastructure and resources like water, energy, transport and communication. National liberation and social

movements resisted and challenged this economic and territorial apartheid created by the racial segregation of land ownership. Political mobilization around land was a key feature of the wars of colonial conquest and of national liberation – the first and second *Chimurenga*³. One manifestation of such conflict has been illegal occupations of land, which have a long history in Zimbabwe. Occupations occurred in both ad hoc and coordinated ways during various periods, notably in the 1940s and 1950s under colonial rule, during the liberation struggle in the 1960s and into the early 1980s, and in the years immediately following the declaration of Zimbabwean independence. Early resettlement frequently amounted to the recognition of *de facto* illegal occupations of land. According to one observer, the analysis of class and social relations provides a more historical and compelling explanation for the recent land occupations and associated violence than the adoption of a biographical focus on Mugabe.

The relationship between land rights and the rule of law has been deeply political and reflects the incomplete decolonization of Zimbabwe with reference to property relations. The position of the Ian Smith regime (1965–1979) was to uphold “the rule of law”, thereby protecting the rights of landowners at the expense of demands for land reform. The failure to effect land reform on a significant scale forms part of a larger failure to transform and broaden participation in the economy – an essential step for future stability in the country. Ultimately, the rule of law may be untenable unless it reflects the aspirations of the majority of Zimbabweans. It was suggested that land reform might therefore be seen as a precondition for the rule of law.

The unresolved status of the land question in Zimbabwe is a structural source of conflict. A significant shift in the recent past has been the way in which the state has responded to this enduring problem – and the ways in which it has been politically manipulated. The timing of the current crisis is integrally linked to the changing economic fortunes of Zimbabwe. In this sense, Zimbabwe reflects the difficulties of responding to a resurgence of nationalism in a context of globalized neo-liberalism.

The neo-liberal economic framework espoused through the Economic Structural Adjustment Program (ESAP) from the early 1990s extended the logic of market-led

change to the economy as a whole. This had the effect of reducing the labor absorptivity of the Zimbabwean economy and intensifying the demand for land as a source of livelihood for the poor. The current intensification of demands for land began in 1997 in response to the negative impact of ESAP, including job losses, stagnating wages and demands from war veterans for pensions and land expropriation. This led to further economic deterioration, as the International Monetary Fund (IMF) and the World Bank withheld funding and imposed new conditionalities in 1996–7. The liberalization of the economy also expanded opportunities for export agriculture and tourism for those with capital to invest. In these ways, Zimbabwe’s liberalization policies had the effect of intensifying demand for land among both the landless poor and the middle class.

According to several participants at the meeting in New York, the exclusive focus on the role of the state in precipitating the current crisis is erroneous. Both the ruling Zimbabwe African National Union-Patriotic Front (ZANU-PF) and its opponents in the opposition, the Movement for Democratic Change (MDC), appear to be party to the failed statist approach to land reform. The role of civil society has been largely overlooked. Civil society is organic and essential to any liberal democratic regime. It will be important, in evolving new approaches to land reform, to think in terms of a spectrum of actors who are able to contribute to the process. The deep-seated problem of land forms a substantial basis for social action, such as land occupation movements. This pent up anger is susceptible to political manipulation. The long-term goal for Zimbabwe must be to ensure that, by redistributing substantial amounts of land, the land question cannot form the basis for politically directed violence.

There was some debate on the extent to which the land occupation movement of the past two years has been politically orchestrated. Some participants suggested that war veterans and others had initiated illegal occupations of land and that Mugabe had attempted to manipulate this for his own political ends, but that the Zimbabwean president did not control or direct their actions. Others claimed that top levels of the state engineered the recent land occupations: that occupiers of land were paid stipends to invade farms and that party officials organized occupations of land. Whatever the case, the emergence of both dynamics appears to have brought

³ Chimurenga is a Shona word meaning “to fight or to struggle”. The first Chimurenga was the war of resistance to colonial conquest from 1896. The second Chimurenga was the war for the national liberation of Rhodesia, fought through the mid-1960s up to the settlement at Lancaster House in 1979.

about recent invasions of land: land occupation movements had a momentum of their own but were co-opted and subjected to a degree of state control.

A second point of contention was the extent to which redistributed land had been allocated to middle class blacks, specifically the political elite. The meeting heard that the Zimbabwean parliament had compiled a register of senior government employees who had obtained land through the resettlement program and that this contained approximately 400 names. Relative to the scale of resettlement, the amount of land that found its way into the hands of the political elite or middle class was not significant. According to this view, this program has been regularly misrepresented in the press, both in Zimbabwe and internationally. Several participants disagreed with this view, insisting that the government had distributed land among the politically connected elite rather than undertaking genuine land reform that would benefit the masses.

Some participants noted with concern that the Movement for Democratic Change (MDC) did not appear to have a clearly articulated policy position on land reform. It was by no means certain that the MDC would necessarily prioritize a land reform process should it come to power. It was implied that local and foreign private sector interests constitute a powerful faction within the MDC and would pursue neo-liberal economic policies, to the detriment of the land reform agenda. Farm workers were repeatedly identified as a constituency that should be prioritized in future land reform efforts, not least because they have suffered the most as a result of recent lawlessness and farm occupations. Farm workers have lost their jobs and many have also lost their homes and are currently internally displaced.

One participant argued that it was anachronistic to assert land reform as a central challenge of policy in the twenty-first century and proposed that access to employment should be the prime focus of future policy in Zimbabwe. This view was widely contested. In response, some participants noted that in a country that cannot provide a comprehensive social safety net for its citizens, land constitutes a welfare system as well as a basis for economic development. This was particularly the case for women, children and the elderly. In the

recent period of economic contraction, an even larger portion of the population has come to rely on subsistence agriculture for survival. It was further noted that the Abuja Agreement⁴ of September 2000 had confirmed that land reform is the central policy issue that Zimbabwe needs to address, and had endorsed a phased program to acquire and resettle a further 5 million hectares of agricultural land.

Some participants noted that the land question is not specific to Mugabe's regime. Any future regime will also need to tackle the politics and economics of the land issue in Zimbabwe. This needs to be pursued through the framework of the Abuja Agreement.

2) Comparative Lessons from South Africa and Namibia

Zimbabwe, South Africa and Namibia share a history of land dispossession through colonial conquest. Land was a crucial focus in the struggles for national liberation in all three countries and entailed significant rural resistance. Land reform is important in shaping these post-colonial states and has been viewed as necessary to complete the process of decolonization. Post-independence land reforms focused on redressing past injustices and the racially skewed ownership of land, providing access to land on an equitable basis, and promoting sustainable rural livelihoods.

Market-based land reforms have not enabled sufficient land reform to take place. It was argued that South Africa's land reform does not offer a workable model for Zimbabwe: the African National Congress (ANC) government has redistributed a fraction of the target set by the World Bank. Less than 1 per cent of agricultural land was redistributed in the first five years after 1994, as opposed to the 30 per cent intended by policymakers. This has been due to institutional weaknesses as well as the difficulties for poor people of accessing grant funding to purchase land. The market-based land reforms in South Africa and Namibia have led to a reliance on current landowners to determine when, where, and at what price land is made available for redistribution. In some cases, landowners have been able to inflate land prices. The reforms have been hampered by a lack of funds, not only for the purchase of land but

⁴ The Abuja Agreement was concluded between Nigeria, the UK and Zimbabwe in September 2000 through the Commonwealth and promised financial assistance to Zimbabwe in return for an end to illegal farm occupations and the restoration of the rule of law.

also to invest in institutional capacity to implement the program.

Insufficient political will partially explains the slow pace of redistribution. In South Africa, land reform has never been allocated more than 0.4 per cent of the national budget. As in Zimbabwe, the state has been unwilling or unable to utilize fully the resources and powers at its disposal to prioritize land reform. Since independence in 1989, the Namibian government has transferred 79 farms comprising 461,000 hectares to 3,464 households, but has been unable to speed up redistribution due to financial constraints.

South Africa has also experienced land-related conflict. Land has been illegally occupied, since its transition to democracy in 1994, in three distinct contexts. There have been encroachments – rather than wholesale invasions – on commercial farms, particularly in the province of KwaZulu-Natal. In a few instances, people who were dispossessed of land under apartheid have re-occupied their land in an effort to force the resolution of their claims. Finally, people whose informal shacks had been destroyed in floods occupied peri-urban land outside Johannesburg and Cape Town during 2001; in a highly publicized conflict, the squatters refused to move and were forcibly evicted by the state.

Another South African trend that may indicate conflict related to the demand for land involves a spate of rural murders: more than 930 white farmers have been murdered since 1994. Spatial analysis of these attacks show that they have been clustered in areas where commercial farms are adjacent to former homelands characterized by overcrowding, landlessness and immense poverty, indicating that this violence is linked to pressure on land. In addition, social movements are emerging to voice the demand for land in South Africa, Mozambique and Namibia. In South Africa, the Landless People's Movement (LPM) marched under the slogan "Landlessness = Racism" at the World Conference Against Racism that took place in Durban in September 2001.

Land reform in South Africa has perpetuated statist and bureaucratic approaches to development. There are continuities between failed apartheid-era policies of promoting black commercial farmers in the former "bantustan" homelands and the new thinking of the South African government on land reform. As in Zimbabwe, planning of land reform is premised on the

view that officials know best and perpetuates stereotypes of unproductive and irrational African traditional farming practices. Land reform needs to transfer resources and opportunities, and not be linked to mechanisms of control by state bureaucracies.

Land reform also needs to achieve more than the redistribution of land. The tendency in South Africa to redistribute land without providing resources for its development has led to the criticism that land reform risks replicating the apartheid policy of "dumping" in the former homelands. In the 1980s, Zimbabwe came closer to an agrarian reform than South Africa or Namibia, providing extension advice, training, inputs and marketing depots together with social infrastructure in resettlement areas. One participant suggested that South Africa could learn from Zimbabwe's achievements in this regard.

Building viable institutions is crucial to land reform. Both Zimbabwe and South Africa have devolved responsibilities to rural district councils, but have not provided additional resources or sufficient authority to these institutions. Most rural councils are weak and need to be invested with financial and human resources to assist them to administer land and to resolve land disputes. Local government can also provide for increased participation by civil society in land reform and assist in the identification of land potentially available for redistribution.

Targeting the poor is critical to the success of land reform. Indigenization addresses the racially-skewed pattern of land ownership. However, it is insufficient to transfer resources from white to black hands. Economic development depends on who obtains the land: the introduction of measures to enable middle class blacks to participate in land reform can be problematic if this diminishes access to land by the poor who depend on it most for their livelihoods. South Africa adopted this approach through its recent Land Redistribution for Agricultural Development (LRAD) strategy, under which applicants able to contribute assets and loan finance will receive larger grants from the state than those too poor to do so. Income ceilings are needed in the selection of beneficiaries to give preference to the poor. Positive measures to give priority to women are also essential, as women constitute the majority of the rural poor.

Alternative non-market measures can also assist land reform. Land taxation was one non-market mechanism

proposed to bring land onto the market, though this has not been adopted in any of our three cases. Although, in line with its Constitution, the South African government can expropriate property for the purposes of land reform and pay compensation below market rates, it has not used these powers to make additional land available for redistribution. The land market can also be harnessed to speed up land reform: approximately 6 per cent of agricultural land changes hands each year in South Africa. The state needs to use the market by proactively purchasing farms and by utilizing a right of first refusal; it should also supersede the land market through selective expropriation.

Redistribution needs to be accompanied by tenure reform. Freehold title is not necessarily the most secure form of tenure and can lead to insecurity for poor people as it makes land alienable. The permits held by resettled farmers in Zimbabwe are also insecure and can be revoked for violations of land use regulations established by state officials. A Communal Land Rights Bill recently released by the South African government proposes to vest rights to communal land in institutions rather than the people living on the land. Chiefs would hold land in trust for their subjects. This may be unconstitutional and would perpetuate the apartheid experience of people living on land under the authority of institutions that are not accountable to them. Tenure reform in Zimbabwe should aim to vest rights in people living on the land by recognizing and providing institutional support to customary tenure. Land reform should address insecure tenure among residents of communal areas, resettlement areas, and commercial farms.

The meeting noted that countries in Southern Africa have highly uneven access to multilateral and bilateral funding for land reform. Lack of sufficient finance was cited as a key obstacle in Namibia and Zimbabwe, while in South Africa, institutional weaknesses have prevented the Department of Land Affairs from spending its budget and it has even had to return donor funding that it was unable to spend.

Some white farmers in South Africa see land reform as a way to bail themselves out of financial difficulties. They are eager to sell their land for redistribution, as their profitability has been undercut by the liberalization of agricultural trade. In this context, it is difficult to see why the government advocates that poor black people should incur debt to engage in the risky undertaking of commercial farming within the inappropriate model of

white capital-intensive production established by the apartheid regime.

Several participants concurred that significant and pro-poor land reform is a precondition for long-term political stability in the Southern African region as a whole. Market-led land reform is inherently limited; the state needs to engage in the land market to ensure that the unequal distribution of land does not constitute a continuation of territorial apartheid in the post-colonial states of Southern Africa.

3) Regional Efforts at Resolving the Zimbabwe Crisis

Any solution to the Zimbabwe crisis needs to take into account not only the complex relationship between internal and external interests in Zimbabwe, but also recognize that the problems in Zimbabwe are not restricted to the land issue and reflect the regional challenges of nationalism and transition to democracy. Any understanding of regional dynamics in Southern Africa must also take into account the legacy of apartheid and South Africa's dominant role in the subregion.

The Role of SADC in Resolving the Crisis

The approach taken by SADC to the situation in Zimbabwe has differed starkly from the positions taken



Dr. Christopher Landsberg, University of the Witwatersrand, Professor Mwesiga Baregu, University of Dar es Salaam, Professor Ibrahim Gambari, Under-Secretary-General/Special Advisor on Africa, United Nations and Professor Robert Rotberg, Harvard University

by the UK, the European Union (EU) and the US. According to some participants, these three actors have adopted “coercive diplomacy” towards Zimbabwe, whereas SADC has adopted a “constructive engagement” approach to avoid the creation of hostilities in the region.

The positions adopted by SADC members are linked to their common history of liberation struggles and their shared land problems. Namibia, Angola, South Africa, Malawi and Tanzania have all had to deal with land reform as part of their attempt to address the legacy of colonial policies. Countries of the region face similar challenges, though responses have differed widely. While more recently liberated countries have pursued market-led land reform with poor results, Tanzania and Mozambique’s policies of nationalizing land were relatively successful.

Southern Africa is a fragile region where countries like Zimbabwe have many other pressures such as their involvement in the conflict in the Democratic Republic of the Congo (DRC), low economic growth and establishing the rule of law. These challenges have created tension in the region and made SADC’s position more precarious. Although SADC leaders have repeatedly condemned Mugabe in private, SADC’s public response has been one favoring cooperation and friendship with the government of Zimbabwe. Instead of isolating and criticizing Mugabe, SADC has engaged in dialogue with him in a bid to find solutions to the land question. A SADC Ministerial Task Force was established in September 2001 to conduct talks with the Mugabe regime and its opponents. However, several participants at the meeting felt that SADC had not sufficiently embraced opposition parties or members of civil society. Critics of SADC argue that its “constructive engagement” approach could simply be regarded as a form of appeasement.

On the other hand, Britain, the US and the EU have employed a policy of “coercive diplomacy”. They have challenged the government’s position on land reform by calling for a more orderly, market-based solution. In response to Zimbabwe’s non-compliance with their insistence on human rights, a cessation of violence, and freedom of the press, the EU, led by the UK, imposed sanctions on Zimbabwe in February 2002. It was, however, argued that these “smart sanctions” are likely to be ineffective: they are “too little, too late”. By holding Mugabe personally responsible for the situation in

Zimbabwe, western governments have also isolated him, while strongly urging Zimbabwe’s neighbors to be more outspoken and critical of Mugabe’s rule. This has made him a martyr in the eyes of some regional leaders. Although most participants argued that external actors could assist in creating a level playing field in the region, others contended that other interests, including considerable economic interests, may guide the forceful approach of external actors like the UK.

Despite the differing approaches of SADC and other external actors, most participants agreed that the Abuja Agreement of 2000 should remain the key process to resolving the Zimbabwe crisis, especially since this accord provides an established platform for a collaborative effort to move the land reform process forward.

Thabo Mbeki’s ‘quiet diplomacy’ gets noisy

Tensions between South Africa and its neighbors revolve around market liberalization – the degree to which Pretoria is willing to drop trade barriers with subregional states – but more critically around South Africa’s advocacy of liberal democracy in the region. Having played an aggressive, destabilizing military role in its subregion, particularly in the 1980s under the apartheid regime, South Africa is often open to criticism when it intervenes in regional disputes. There is also a tendency on the part of many analysts and western governments to overstate South Africa’s leverage. Most believe that, since South Africa is economically more powerful than its neighbors, it should be able to translate this power into political clout and leadership.

While South Africa’s economic dominance has engendered fear and distrust among its neighbors, its own weaknesses undermine a strong diplomatic presence in the subregion. Its government presides over a deeply divided society with acute poverty levels, making processes of domestic political and economic transformation difficult. In addition, South Africa has to deal with other domestic problems including its own land reform program. Pretoria has encountered a problem of legitimacy in the subregion, calling into question the extent to which it can “preach” to its neighbors. Although it is an emerging market and regional power, South Africa is still largely inexperienced in regional diplomacy and has a relatively weak administrative capacity.

While in office between 1994 and 1999, Nelson Mandela was an outspoken critic of Mugabe and the situation in

Zimbabwe – an attitude that contributed to a breakdown in relations between Pretoria and Harare. South Africa was seen to be behaving like a “revisionist” power, spreading its values of democracy and human rights, while pursuing conservative economic policies. Further, after criticizing the intervention of Zimbabwe, Namibia and Angola in the DRC in 1998, South Africa intervened militarily in Lesotho shortly afterwards, together with Botswana, to reverse a military coup and prevent further instability. After Mandela’s presidency came to an end in 1999, Mbeki came to the conclusion that he would have to work with Mugabe in order to create stability in the region. South Africa’s main foreign policy priority was to resolve the conflict in the DRC, and Mbeki felt that this could not be done while isolating Mugabe.

Many observers and journalists have urged Mbeki to punish Mugabe, sometimes even implying that South Africa is responsible for the crisis in Zimbabwe because it has failed to take a decisive and aggressive stance against Mugabe. Since 1999, Mbeki has quietly but consistently called for the observance of the rule of law, an end to violence and a new land reform policy in Zimbabwe. He has also offered to mediate between London and Harare, and urged a number of countries to contribute financially to a new land reform program. Some of his recent public statements have been more critical of the Mugabe Regime.

Mbeki is in an invidious position: he can either work with SADC and build coalitions while running the risk of criticism from abroad, or he can “go it alone” and risk accusations of unilateralism by South Africa’s neighbors. Though there are harsh consequences either way, the latter seems particularly detrimental to regional relations. By choosing caution, Pretoria has to deal with a form of “collective punishment” imposed by the West. Zimbabwe’s current crisis has hurt South Africa, with investor confidence fluctuating in tandem with events in Zimbabwe. A suggestion by one participant that South Africa should launch a military intervention into Zimbabwe to remove Mugabe from office was dismissed as unrealistic and misguided.

4) The Role of External Actors

The right of international actors to intervene in the domestic affairs of a sovereign state, sometimes referred to as “humanitarian intervention”, is a long-standing controversial debate. Whether through “quiet diplomacy”

(engagement and offering incentives) or through “megaphone diplomacy” (condemnation and imposing sanctions), external actors such as the UK, the EU and the Commonwealth are confronted with questions of the utility and morality of intervention in Zimbabwe. Some of these actors’ historical and economic links to Zimbabwe add to the complexity of the situation.

Britain, The Commonwealth and Zimbabwe

Some participants noted that it is particularly difficult for Britain to maintain its credibility as a well-meaning actor, as it has to prove that it is not acting as a former colonial power – or solely in the interests of white farmers – but out of a genuine concern for the future of Zimbabwe. Within the Commonwealth, the UK needs to adopt a prudent strategy to avoid being seen as reverting to an imperial style of engagement. The US and the EU have deferred to the UK the primarily responsibility for taking an international lead on the Zimbabwe crisis. Some argue that the British government and media have taken the matter on very actively partly because of national economic interests and the 20,000 British passport holders in Zimbabwe. Other analysts are willing to give British Prime Minister, Tony Blair, the benefit of the doubt and are pleased that he has put Africa back on the agenda, as reflected by his assertion that “Africa is a scar on the conscience of the international community”. Blair has initiated moves to alleviate the economic ills of the continent but also to limit tolerance for bad governance, dictatorial leadership and human rights violations. Some felt that this position has informed his hard-line approach in dealing with Mugabe, including the imposition of sanctions.

Some participants, however, argued that Britain’s intervention, instead of changing Mugabe’s behavior, has made him more critical of external intervention and has given him the opportunity to dismiss his critics as representing the imperialist interests of a former colonial power. The current EU sanctions, which include a travel ban on Mugabe and his senior officials, freezing his financial assets overseas, and prohibiting arms sales, seem unlikely to change Mugabe’s behavior. It is not clear whether the sanctions would have made a difference if imposed earlier but participants agreed that harsher sanctions, such as sanctions on oil or energy, would have affected Zimbabwe’s neighbors and created further destabilization in the region. Some argued instead that the decision of the EU to withdraw observers and impose sanctions might have been counterproduc-

tive as there was a greater need for more international observers to monitor the election results.

Some participants argued that the UK could no longer act as an "honest broker" as it has personalized the problem by equating the situation in Zimbabwe with Mugabe. According to this view, the British government and media have focused on Mugabe rather than on tackling the real issue of land reform. Some critics argued that Britain can not be a reliable partner to help resolve Zimbabwe's problems because of the inherent weaknesses in the troika model, adopted in the cases of Angola and the DRC, in which former colonialists intervene to help resolve conflicts between governments and their opponents.

Tony Blair had until recently attempted to rally the other members of the Commonwealth behind his approach towards Zimbabwe. The Commonwealth has been split between the former white dominions of Canada, New Zealand and Australia, which have called for sanctions to be imposed against Zimbabwe, and the rest of the members who have largely not. However, the Commonwealth rejected Britain's call to suspend Zimbabwe from the organization and to impose punitive sanctions, recommending instead that action be taken following the presidential election in March 2002. In general, though, the Commonwealth is not an institution able to provide significant leadership on diplomatic relations. The sheer size and diversity of the Commonwealth, coupled with a consensus and unanimity decision making style and a lack of real institutional structure other than its secretariat, impedes the ability of the organization to generate decisions and implement sanctions. However, action by the Commonwealth may be particularly credible given that its membership spans both North and South and includes much of Africa.

The Role of the UN

There was general agreement that there should be a strong role for the UN since it can address the issue of land reform in Africa in its much wider context of cultural and religious value as much as its economic value. The UN can also address the social upliftment of the underprivileged and those without any means of livelihood. Because of the very complex relationships

between external actors and the Zimbabwe crisis, the UN, with its universal membership - through the office of the Secretary-General - may be the only capable intermediary as its multilateral nature may defuse the sectarian interests of other actors.

The UN may also be better placed than other external actors to address the violence in Zimbabwe. Some suggested that the UN Secretary-General, Kofi Annan, be involved as a neutral mediator and that the Abuja Agreement of 2000, which recommended that external actors engage with the United Nations Development Program (UNDP) and SADC to work with the government, should be followed and backed up with stronger financial commitments. With the view that successful lessons of land reform can be applied to other countries in the region, some agreed that there should be a larger role for the UN such as resource mobilization with an agreed land reform program that could include a trust fund managed by the UNDP.

The UNDP is already playing an important role in Zimbabwe. In an interim report published in January 2002⁵, the UNDP highlighted the problems of unequally and racially skewed distribution of land in Zimbabwe, the reluctance of white commercial farmers to offer land at reasonable prices, and a lack of funding for land purchases. Participants welcomed UNDP's efforts and offered several recommendations for a stronger UNDP role. These included assistance to resettled farmers and farm workers, and provision of social and productive infrastructure. Other recommendations for a UN role included conducting confidence-building measures between Zimbabwe and Western countries and ensuring that agreements and commitments are respected and implemented.

It was generally agreed that although the involvement of the international community to help resolve the Zimbabwe crisis is necessary, the principal responsibility lies with the Zimbabwean people. There are bound to be setbacks along the way, but several participants underlined the importance of strong political will within the UN system to overcome these problems. It was also agreed that efforts by external actors would achieve more effective results if channeled through the UN, SADC, the government, and local civil society actors in order to reach a solution that does not

⁵ United Nations Development Program, Interim Mission Report January 2002, *Zimbabwe, Land Reform and Resettlement: Assessment and Suggested Framework for the Future*.

negatively affect the region and Zimbabwe's impoverished population.

It was noted that the United Nations could also set a standard of conduct in terms of humanitarian assistance, and could set a moral tone to avoid charges of double standards in the treatment of Mugabe. In terms of resource mobilization, some participants called for a donors' conference on Zimbabwe as a serious step to resolving the problem of land reform. They asked that this intervention be channeled through the UN and SADC.

Postscript

Presidential elections were held in Zimbabwe on 9-10 March 2002. A third day of polling in Harare and Chitungwiza was ordered by the High Court, in view of the queues of voters who had not been able to vote by the end of the second day. Fewer polling stations than usual were opened in urban areas, while more polling stations were opened in rural areas than in previous elections. In total, 55 per cent of registered voters turned out. According to official figures, ZANU-PF's Robert Mugabe won the election with 56 per cent of the vote, beating the MDC's Morgan Tsvangirai who received 42 per cent of the ballots cast.

There has been a polarization in assessments of the poll among election observers and analysts. The most widespread criticism was that the vote was prejudiced in opposition strongholds in urban areas. The official South African delegation declared the elections "legitimate" but purposefully did not use the words "free" and "fair". Official observer teams from Nigeria and Namibia declared the poll "free and fair". The SADC Electoral Commission's observer mission also declared the poll "free and fair", while the SADC Parliamentary Forum's observer mission condemned it as neither free nor fair. EU member states and Commonwealth observer teams uniformly characterized the poll as unfree and unfair. The UK and US governments did not recognize the outcome of the election. These varying interpretations of the validity of the election arise at least in part from whether observers emphasized the poll itself or the larger political context in which it took place, including the violence that preceded it.

The proposal of the South African government that a Government of National Unity be formed in Zimbabwe was rejected by both ZANU(PF) and the MDC. Shortly

after the presidential election, Zimbabwe was suspended from the Commonwealth for a period of one year on the recommendation of a three-country team comprising South Africa, Nigeria and Australia. An unnamed US official had warned that the international community would not support the African initiative, the New Partnership for Africa's Development (NEPAD), if Pretoria and Abuja did not act against Mugabe by suspending Zimbabwe from the Commonwealth. This has led to an interpretation that the suspension was a strategic move to salvage NEPAD and reflects another manifestation of diplomatic leverage that the West holds over African countries.

The absence of Commonwealth and other international action in response to the flawed presidential elections in Zambia of December 2001 – in contrast to the punitive response to the Zimbabwean election – has fueled opinion in Africa that foreign positions on democratic processes continue to be characterized by inconsistency, thus weakening African support for punitive sanctions against regimes like Robert Mugabe's in Zimbabwe. The aftermath of the land invasions and contested election in Zimbabwe, including EU sanctions and Commonwealth suspension, have, however, damaged the country's international standing and rendered western assistance for its land reform process more difficult to obtain. Sooner or later, the issues raised in this report will need to be addressed in a positive spirit. Perhaps a beginning was made in April 2002 when mediators from South Africa and Nigeria traveled to Harare in search of a political settlement between the government and opposition MDC.



Participants at the IPA meeting on *Democracy and Land Reform in Zimbabwe*

ANNEX Agenda

Chair: Professor Ibrahim Gambari,
Under-Secretary-General/Special Adviser on Africa, United Nations

- 9:15 AM – 9:30 AM **Introductory Remarks**
- Dr. David M. Malone*, President, International Peace Academy
- Professor Ibrahim Gambari*, Under-Secretary-General/Special Adviser on Africa, United Nations
- 9:30 AM – 10:45 AM **Democracy and Land Reform in Zimbabwe**
- Panelist: *Professor Sam Moyo*, Independent Expert, “The Politics of Land Reform”
- Discussant: *Ms. Margaret Dongo*, Former Member of Parliament, Zimbabwe
- 10:45 AM – 12:00 PM **Regional Efforts at Resolving the Zimbabwe Crisis**
- Panelists: *Dr. Christopher Landsberg*, University of the Witwatersrand, “Thabo Mbeki’s ‘quiet diplomacy’ gets noisy”
- Professor Mwesiga Baregu*, University of Dar Es Salaam, “The Role of SADC in Resolving the Crisis”
- Discussant: *Professor Robert Rotberg*, World Peace Foundation, Harvard University
- 12:00 PM – 1:00 PM **Democracy and Land Reform: Comparative Lessons from South Africa and Namibia**
- Panelists: *Ms. Ruth Hall*, Oxford University, “Lessons from South Africa”
- Dr. Kaire Mbuende*, Member of Parliament, Namibia, “Lessons from Namibia” presented by *H.E. Martin Andjaba*, Permanent Mission of the Republic of Namibia to the United Nations
- Discussant: *Professor Muna Ndulo*, Institute for African Development, Cornell University
- 1:00 PM – 2:00 PM **Lunch**
- H.E. Dr. Tichaona Joseph B. Jokonya*, Permanent Representative of Zimbabwe to the United Nations, “Land Reform in Zimbabwe”

2:00 PM – 3:00 PM **The Role of External Actors**

Panelists: *H.E. Martin Andjaba*, Permanent Representative of the Republic of Namibia to the United Nations, "The Role of the UN"

Professor Jack Spence, Kings College, London, "Britain, the Commonwealth and Zimbabwe"

Discussants: *Dr. John Tsimba*, former Member of Parliament, Zimbabwe, and *Professor George Nzongola-Ntalaja*, Consultant, UNDP, Abuja, Nigeria

3:00 PM – 3:45 PM **Wrap-up Session**

Chair: *Professor Ibrahim Gambari*, Under-Secretary-General/Special Adviser on Africa, United Nations



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