

The Dilemma
of Children's Right
to Education in the Era
of the Fast Track Land
Reform Programme
in Zimbabwe
Re-Visited

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By

Loveness Mapuva and Jephias Mapuva

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EXECUTIVE SUMMARY

All over the world, human rights have been a fundamental (yet controversial) issue which countries are obligated to observe. State parties are exhorted by the international community to incorporate human and people's rights into their constitutions and into attendant legislation that governs the conduct of individuals. Human rights are also vital in that they determine the *modus operandi* of the state towards its citizens and determine the relationship between the state and citizens. Civil society organisations have become vital cogs in the observance of human rights, given their role of providing checks and balances on state excesses. In that regard the State parties should not lose sight of the importance of human rights in policy formulation and implementation. In Zimbabwe, the Land Reform Programme was one such policy framework that sought to right colonial imbalances in terms of land allocation during which 'landless' people had to be re-settled. But this exercise was supposed to comply with the dictates of human rights instruments. While the concept of human rights is varied and wide, this book seeks to deliberate on children's rights to education during the Fast Track Land Reform Programme, which tentatively commenced towards the end of the year 1999 and whose end is not yet in sight. It can be acknowledged that the people's right to land was observed, but they were other rights such as children's right to education which were compromised in the process. Children's right to education does not exist in isolation but encompasses and is complemented by other rights such as the right to shelter, the right to food and clean drinking water, the right to proper housing, the right to a peaceful environment that is conducive to learning, among others. The right to education means not only that education should be afforded to children of school-going age, but also that what is on offer should transcend this to include the 4-A Scheme: Accessibility, Acceptability, Affordability, and Availability. All these are concepts that are going to form the basis for this book. A detailed discussion on the enduring legacy left behind by the FTLRP on the families of former commercial workers is provided, where the focus is on: the deprivation of education of children of former commercial farm workers; families contending with an uncertain future upon losing their employment on white commercial farms; the emergence of child-headed families; divided families as commercial farm workers (most of whom were of foreign extraction) trooped back to their home countries, leaving

behind some of their children who were already married; the emergence of rogue elements among the unemployed youths from among the now unemployed former commercial farm workers; as well as the re-engagement of former white commercial farmers by those who had acquired farms under the FTLRP but lacked the necessary resources and expertise.

OBJECTIVES OF THE BOOK

The major objective of this book is to provide a critical analysis of the impact of the Fast Track Land Reform Programme (FTLRP). Through this medium, the authors seek to critique the extent to which the politicization of the land question degenerated into chaos and rampant violation of human rights, with special emphasis on children's right to education among other socio-economic rights. Additionally, the book strives to provide recommendations on how best to improve access to education, even in times of conflict such as the one witnessed during the FTLRP. The authors end by exhorting the Zimbabwean State to comply with international and regional instruments, notably on socio-economic rights, if the State is to answer to dissenting voices in society. Such compliance with the dictates of human rights instruments would most likely enhance peace and stability in the country. Lastly, and maybe most importantly, the book re-visits the question of the much-hyped FTLRP and the enduring impact which it has left on the victims, mostly children, and how their quest for a bright future was obliterated within a few months of the commencement of the FTLRP. Of major importance to this book is its revelation and presentation of the lives of the children of former commercial farm workers after the much-hyped FTLRP and the various lost opportunities as life for them took a nasty turn.

APPROACH TO THE BOOK

Data for this book was drawn from interviews with FTLRP beneficiaries, evicted white commercial farmers (whom most protagonists of the FTLRP would ordinarily accuse of being likely to provide biased and vindictive responses), evicted (and dejected) former commercial farm workers, children of commercial workers, as well as civil society organizations. Additionally, exploration of relevant literature provided valuable information and insight into the FTLRP and the *modus operandi* thereof. Document analysis of authoritative sources such as literature from the General Agricultural and Plantation Workers' Union of Zimbabwe (GAPWUZ) has provided invaluable information on the aftermath and effects of the FTLRP. Review of relevant international and regional instruments on socio-economic rights helped in providing a framework which State parties should adopt and comply with to realise human rights, in this case children's right to education, among other socio-economic rights. Informal discussions with members of the public, beneficiaries of the FTLRP, teachers and former commercial farm workers provided a lens through which the authors of this book viewed the after-effects and overall impact of the FTLRP, mostly on children and former commercial workers. The authors would also hasten to say that, while they are aware that there were some former commercial farm workers who benefited from the FTLRP, the number of these was negligible, given the fact that they were accused of being sympathetic to white commercial farmers. Engagement with different stakeholders in the FTLRP on the aftermath of the land acquisition process also helped to obtain information and understand perceptions as well as attitudes towards the FTLRP by different parties.

COMPOSITION AND ARRANGEMENT OF THE BOOK

This book is made up of seven chapters and is a result of an exploratory study of the Fast Track Land Reform Programme (FTLRP) in Zimbabwe. The main focus of the book is how the process of the FTLRP has impacted on children's socio-economic needs, especially the right to education. Documentary analysis as well as interaction with and engagement of beneficiaries of the FTLRP, former commercial farm workers, the new commercial farmers as well as children of former commercial farm workers was used as a platform to glean information on the impact of this controversial land reform process. The book is arranged in a chronological order and comprises 5 chapters as follows:

The book in Chapter 1 starts off by outlining the background to the FTLRP, which in itself was a sequel of the conventional land reform and settlement programme which had started as far back as 1981. The difference is that while the former land redistribution and resettlement project was orderly and gradual, the FTLRP was chaotic, violent and swift. It is in the context of this *modus operandi* that the authors of this book seek to interrogate the impact of such action by politicians on children's socio-economic needs, especially the right to education.

This interrogation of the way the FTLRP was done forms the broader aim of the book, which is to provide a critical analysis of the impact of the FTLRP on children's right to education. The methodology used in extracting information from participants predominantly involved interviews. Exploration of relevant international, regional and national instruments provides the cornerstone of the discussion of children's right to education, particularly in times of conflict. The exploration of relevant legislative instruments seeks to provide a standard under which the domestic law for the protection of children's right to education in Zimbabwe can be evaluated. The book proceeds to provide a detailed discussion of the FTLRP and its impact on children's right to education. The book further provides a critical analysis of the extent to which the FTLRP has violated and hindered children's right to education in Zimbabwe and elsewhere, particularly in times of conflict. The book

concludes by exploring the overall effects of the FTLRP on the wellbeing of the families of former commercial farm workers, with a focus on the provision of social services to children on commercial farms.

INTRODUCTION

This book is a sequel to several literary works on Land Reform in Zimbabwe and explores events on the aftermath of the exercise. Among the visibly evident impacts of the Land Reform Programme have been erratic food shortages, impaired agricultural production with a backdrop of erratic rainfall patterns, and the destruction of the once vibrant commercial farming community, which had always been credited with earning foreign exchange and bringing economic uplift to the country. Also of note, however, has been the erosion and violation of a myriad of human rights, notably freedoms of assembly, expression, and movement, as well as several socio-economic rights, notably the right to health and education. However, the thrust of this book is how the FTLRP impacted upon the right to education, an entitlement contained in several international and regional instruments, and in the Zimbabwean Constitution and the attendant national legislation. The authors of this book blame the politicization of the land reform project on those responsible for its lack of prior planning, preferring to rope in the British Government and blaming it for reneging on its promises to fund the programme. International and regional instruments explored in this book point to the deficiency of those who initiated the FTLRP as they failed to provide the necessary resources, even to the newly resettled farmers. The plundering of farming equipment by the new beneficiaries and other rogue elements contributed to the failure of the new farmers to maintain the agricultural production of the acquired commercial farms. Of note was the failure by the establishment to sustain agricultural production as well as education on the commercial farms, due to lack of appropriate resources, including infrastructure, resulting in the conversion of tobacco barns into classrooms, a development which contravenes the provisions of international instruments on the form and quality of infrastructure required for the provision of quality education.

Locating the Problem Statement

Prior to the implementation of the FTLRP, the agricultural sector in Zimbabwe provided employment to more than 70 per cent of the labour

force in the country and contributed over 40 per cent of total exports.¹ In addition, it also provided food for the whole population of Zimbabwe² and 60 per cent of all raw materials for the industry came from this sector.³ Since the start of the FTLRP, about 75 per cent of farm workers have been evicted during farm invasions.⁴ As a result, they lost their jobs and accommodation as well as other socio-economic services.⁵ Furthermore, the violent character of the land reform exercise led to gross human rights violations such as assaults, torture and loss of lives by those involved in expropriation of white commercial farmland.

Farm schools were also affected when the farm owner was served with an eviction order.⁶ The maintenance of schools, which had previously been under the farm owner, ceased leading to the closure of most farm schools. Although the employment and payment of teachers fell under the auspices of the Ministry of Education, the fact that some schools were closed led to loss of jobs and salaries. The same happened to health institutions such as clinics on the farms, leading to their closure.⁷ In addition, those former farm workers who were fortunate enough to benefit from the FTLRP were resettled in places where there were no social amenities or utilities such as water, schools, clinics and sanitation.⁸ Since jobs were lost, it became difficult for the evicted farm workers to fend for their families, leading to rising poverty and hunger.

¹ Zikhali P 'Fast Track Land Reform and Agricultural Productivity in Zimbabwe' Environment for Development Discussion Paper Series (2008) 2. See also Hove M & Gwiza A 'The Fast Track Land Reform Programme and Food Insecurity: A case of Zimbabwe from 1992 to the present' (2012) 2 (8) *American International Journal of Contemporary Research* 282.

² Zimbabwe's population was estimated at 11 634 663 in 2002.

³ Mushunje A *Farm Efficiency And Land Reform In Zimbabwe* (Unpublished PhD thesis in Agricultural Economics, University of Fort Hare, 2005) 1.

⁴ Hellman A 'Zimbabwe: One Million Casualties of Land Reform' *Inter Press Service News Agency* January 25 2010 1.

⁵ Sachikonye LM The Situation of Commercial Farm Workers after Land Reform in Zimbabwe A report prepared for the Farm Community Trust of Zimbabwe (2003) 7.

⁶ Sachikonye LM (2003) 7.

⁷ Sachikonye L 'Land reform and farm workers', in Harold-Barry D (ed.) *Zimbabwe: the Past is the Future* (2004) 72.

⁸ Sachikonye L (2004) 72.

These developments translated into a deprivation of basic needs such as food, health centers, clean drinking water, housing and sanitation,⁹ which had a negative impact on the realisation of the right to education.¹⁰ As a result, the takeover of commercial farms impinged on the different socio-economic rights, not only of commercial farm owners and their workers but also of their respective families.

Research Objectives

The aim of this book is to re-visit the land question in Zimbabwe, with special reference to the impact of the FTLRP on children's right to education in Zimbabwe. The book is guided by the following sub-objectives:

1. To examine the international and regional legal framework providing for children's right to education as it applies to Zimbabwe.
2. To examine the impact of the FTLRP on the right to education in Zimbabwe.
3. To analyse steps taken by Zimbabwe in providing for children's right to education during the FTLRP.

Significance of the Book

It is acknowledged that much has been written about the FTLRP in Zimbabwe. However, this study, through presenting children as victims of the violation of the right to education during the FTLRP in Zimbabwe, aims to contribute to existing knowledge on children's right to education. Through reviewing relevant literature, the study also sought to fill the gap on aspects of the FTLRP that have not received much attention, notably the impact of the programme on children's right to education in Zimbabwe. The examination of international and regional instruments in

⁹ Magaramombe G 'Displaced in Place': Agrarian Displacements, Replacements and Resettlement among Farm Workers in Mazowe District' (2010) 36 (2) *Journal of Southern African Studies* 367.

¹⁰ Liebenburg S & Goldblatt B 'Interrelationship between Equality and Socio-Economic Rights under South Africa's Transformative Constitution, The Substantive Equality' (2007) 23 *South African Journal on Human Rights* 337. See Liebenburg S *Socio-economic Rights: Adjudication under a Transformative Constitution* (2010) 35.

this study helps to provide a standard under which the domestic laws and policies, providing for the protection of children's right to education in times of conflict in Zimbabwe, can be evaluated.

This research, therefore, should be of interest to a cross-section of individuals and institutions such as legislators, policy-makers and advocates of children's rights. Future land reform programmes and policies will be informed by approaches envisioning civil, political and socio-economic rights as an integrated whole, invoking the international and regional African legal instruments.¹¹ In addition, there are countries which are debating land issues, especially those in Sub-Saharan Africa, and they may also benefit from this study.

Methodology

In determining the impact of the land reform on children's rights to education in Zimbabwe, the authors used documentary analysis of primary sources of law such as international conventions and protocols that seek to protect children's right to education, the Constitution of Zimbabwe, relevant legislation and case law that relates to the land reform programme and children's right to education. Secondary sources such as textbooks, journal articles and newspaper articles that deal with land reform and children's right to education in Zimbabwe were referred to. Internet based publications, reports and other desktop materials were also useful for this book.

Justification for the Exploration of Children's Rights during and in the Aftermath of the FTLRP

There are several reasons why this book has sought to explore children's rights, especially in the context of Zimbabwe's dynamic political landscape. The Land Reform Programme, ostensibly the 'Fast Track' Land Reform Programme (FTLRP) was a hasty political decision that was taken without much public consultation. Indications are that it was a face-saving and political survival skill that was adopted to avoid loss of political hegemony by ZANU PF protagonists. Wherever two elephants fight, it is the grass that suffers. In the case of the FTLRP, children became the unintended victims of a dog-fight between the ZANU PF government and white commercial farmers. The tragic impact on children's right to

¹¹ Hellum A & Derman B (2004) 1801.

education is explored from the lens of the observers, children who lost out on educational opportunities, as well as from the standpoint of academics and civil society organisations. A comprehensive Report by the General Agricultural and Plantation Workers' Union of Zimbabwe (GAPWUZ) of 2000 provides an overview of the goings-on of the FTLRP and the long-term impact of the Programme on innocent children and the subsequent victimization of black commercial farm workers. The aftermath of the FTLRP left most children of commercial farm workers with no substantial parental and State care. This is despite the fact that children are a salient (yet defenceless) component of society and their existence is recognized by the international community through different instruments and constitutional provisions. Children also provide future leaders who should be afforded the opportunity to develop to their full potential.

CHAPTER ONE

EXPLORING THE PRACTICE OF LAND REFORM: A GLOBAL PERSPECTIVE

It has been noted that land reform has been a recurring theme of enormous consequence in world history. In addition, land reform has been associated with food security as it holds the propensity of enhancing agricultural productivity and is also at the heart of sustainable development in the modern world. Land reform has also occurred in the aftermath of colonialism, an era in which the major cause of most conflicts and wars has been the equitable distribution of resources, with land being at the epicentre of this endeavour. During the Industrial Revolution land reform occurred around the world, from the Mexican Revolution of 1917, to Communist China (1952), Bolivia in 2006 and in Zimbabwe in the year 2000. In Europe, Albania has gone through three waves of land reform since the end of World War II: the land in estates and large farms was expropriated by the communist government and redistributed among small peasants; in the 1950s the land was reorganized into large-scale collective farms; and after 1991 the land was again redistributed among private smallholders (Scoones, et al, 2011). Moyo (2010) pointed out that land reform has been especially popular as part of decolonization struggles in Africa and the Arab world, where it was part of the programme for African socialism and Arab nationalism.

Apart from what transpired in Europe mainly as a result of the Industrial Revolution and the attendant agrarian revolution, similar escapades were also taking place in the Middle East and North Africa. For instance, the Ottoman Land Code of 1858 was the beginning of a systematic land reform programme in the Ottoman Empire during the latter half of the 19th Century, with the overall aims of increasing state revenue generated from land and for the state to be able to have greater control over individual plots of land (Dabale, 2014). This was followed by the 1873 Land Emancipation Act. In Iran, land reform took place under the Shah as part of the socio-economic reforms of the White Revolution, begun in 1962 (Theron, 2011).

Similar events have also been experienced in South Africa where land restitution was one of the promises made by the African National Congress when it came to power in South Africa in 1994 (Chitsike, 2003). For South Africa, the land reform process focused on three areas: restitution, land tenure reform and land redistribution. Restitution, where the government compensates individuals who have been forcefully removed, has been very unsuccessful and the policy has now shifted to redistribution with secure land tenure. Land tenure reform is a system of recognizing people's right to own land and therefore have control of the land. Redistribution is the most important component of land reform in South Africa. Initially, land was bought from its owners (willing seller) by the government (willing buyer) and redistributed, in order to maintain public confidence in the land market (Chitsike, 2003).

In an elaborate exposé of the Kenyan experience, Owens (2005) has noted that for Kenya the complexity of the laws governing land ownership and the attendant historical genesis of how these laws were applied to different parts of Kenya, plus the abuse of existing land laws and other state powers, have allowed the irregular allocation (grabbing) of public land to a favoured and privileged few and disorganization, mismanagement and corruption at the Ministry of Lands headquarters and the various District Land Offices in the country. This implies that, in Kenya, land grabbing by the ruling elites has been commonplace for a long time and has been a bone of contention among local communities.

Musemwa et al (2011) explore the land question from a developmental perspective: they note that the first Millennium Development Goal sought to halve the proportion of people living on less than US\$1 a day and the number of those who suffer from hunger before 2015. In Zimbabwe, food security has been at the centre of all development goals and strategies since independence in 1980. Zimbabwe had inherited an agricultural sector characterised by duality and a racially skewed land ownership pattern. Zimbabwe's land reform and resettlement programme can be classified into two broad phases. The first stretched from 1980 to 1997 and was based on a willing-seller/willing-buyer approach in line with the government's policy of national reconciliation and the restrictive Lancaster House Constitution. However, in 1997 the Government of Zimbabwe initiated a process of radical land reform premised on extensive compulsory land acquisition and redistribution (Moyo, 2006). This marked the start of the second phase of the programme. The Fast Track Land Reform Programme (FTLRP), which was officially launched in July 2000, was part of the second phase.

In the various countries where the FTLRP was executed, its primary objective was to accelerate both land acquisition and redistribution, without divorcing the political aspect from the whole process. The political hand was evidently clear in the Zimbabwean case where the ZANU PF political outfit spearheaded the process, ensuring that it benefited its senior membership. The implementation mechanisms of the FTLRP are to speed up the identification of not less than five million hectares of land for compulsory acquisition for resettlement (Moyo, 2006). Compulsory acquisition was largely to be made from white commercial farmers, private companies and absentee landlords. The programme comprises two models: Model A1 is intended to decongest communal areas and is targeted at land-constrained farmers in communal areas. This model is based on existing communal area organisation whereby peasants produce mainly for subsistence. Model A2, on the other hand, is a commercial settlement scheme comprising small, medium and large-scale commercial settlements intended to create a cadre of black commercial farmers (Moyo, 2006). However, the once-thriving Zimbabwean agriculture lost its former position as the bread-basket for Southern Africa. From a net exporter of maize to a net importer, Zimbabwe agriculture plunged into mourning. In its fiscal review of 2011, the GoZ confirmed the fall in agricultural production by noting that the mining sector in Zimbabwe had contributed a significant 65% of the national exports for the country and had surpassed other sectors like agriculture and manufacturing (Moyo, 2010).

In Zimbabwe, the government (ostensibly the President Robert Mugabe and his ZANU PF political outfit) moved swiftly from a willing seller/willing buyer approach to the FTLRP. This was accelerated by popular seizure led by war veterans associated with the ruling party (Scoones, et al, 2011). The FTLRP was designed to be undertaken in an accelerated manner relying on domestic resources. The Programme was a fundamental departure from previous philosophy, practices and procedures of acquiring land and resettling people (Moyo, 2006). However, those disadvantaged by the FTLRP were landless farm workers: large numbers of farm workers have been laid off from paid work. Ironically, farm workers were not among the groups targeted to benefit from land reallocations (Scoones, et al, 2011).

A Historical Review of the Land Question in Zimbabwe

During the 19th Century, the practice of colonization swept across the African continent. Different European countries parcelled out different parts of Africa, with Zimbabwe falling under British rule.¹ Thus, the colonization of Zimbabwe officially began on October 13, 1888, with the signing of the Rudd Concession,² which was an agreement between the white settlers and the Ndebele king which deprived indigenous people of their traditional land. The British settlers, comprising about 5 per cent of the population, occupied half of the agricultural land leaving the indigenous people with inadequate land for agriculture.³

This study of the land reform programme in Zimbabwe can be divided into two main phases. The first part explores the issue of land administration during the pre-colonial, colonial and post-colonial eras. The aim is to lay a framework on which the impact of the FTLRP on children's right to education can be understood. The second part discusses the manner in which the FTLRP was implemented and the impact that it had on human rights, particularly socio-economic rights.

Land Administration before the FTLRP

Pre-colonial era (1000-1886)

The Bantu people were the first people to migrate from the south of Africa around the year 1000. They crossed the Zambezi River⁴ into the country⁵ now known as Zimbabwe.⁶ This Bantu tribe is believed to be the ancestors

¹ Lebert T 'An Introduction to Land and Agrarian Reform in Zimbabwe' in Rosset P, Pate R & Courville M (eds) *Promised Land: Competing Visions of Agrarian Reform* (2006) 41.

² Hone B T *The First Son of South Africa to be Premier, Thomas Charles Scanlen* (1993) 235; Sibanda M & Moyana H *The African Heritage* (1999) 40.

³ Chimhowu A & Woodhouse P 'Forbidden but Not Suppressed: a 'Vernacular' Land market in Svosve Communal Lands, Zimbabwe' (2010) 80 (1) *Africa: The Journal of International African Institute* 14.

⁴ The Zambezi River is the northern boundary that separates Zambia and Zimbabwe.

⁵ Sean S *Cultures of the world: Zimbabwe* 2 ed (2004) 58. Also note that the place had no name during the pre-colonial era. During the colonial era it became known as Southern Rhodesia and later on as Rhodesia. It was only after its independence in 1980 that the country became known as Zimbabwe.

⁶ David L *Guns & Rain: Guerillas & Spirit Mediums in Zimbabwe* (1985) 222.

of the Shona people who make up the majority of Zimbabweans today.⁷ During the 1840s, the Ndebele people also entered Zimbabwe from South Africa and settled in the southwest.⁸ The two tribes, namely the Shona and the Ndebele, lived in small groups of a few hundred people under headmen, chiefs and kings respectively.⁹ They survived on subsistence farming, cattle rearing, hunting, carving and craft production. Some of them were involved in trade with traders who came to Africa from as far as China, India, the Middle East and Europe.¹⁰ They exchanged gold with the traders for commodities such as beads and other ornaments.¹¹ According to their traditional agricultural methods, both tribes would cultivate a piece of virgin land for two or three years and then move to another virgin piece of land. When the land suitable for farming in the vicinity was exhausted, the whole village would shift to another area.¹² The indigenous people were, therefore, semi-nomadic. As a result, villages were moved every six to eight years, mainly depending on the amount of arable land available within their easy reach.¹³ This was possible during that time because the population was still small, there was ample land, and residences could be easily built using mud and poles.¹⁴

As the Ndebele moved up the country in search of fertile lands, they met up with the Shona people. The Ndebele people were known to be riotous and fraught in fighting.¹⁵ Hence, the Shona people feared them as they

⁷ CHIKUHLWA J W A *CRISIS OF GOVERNANCE: ZIMBABWE* (2004) 6.

⁸ DI PIAZZA F *ZIMBABWE IN PICTURES* (2005) 7.

⁹ Sean S (2004) 58. Zimbabwe is a conglomeration of the two main ethnic groups which are further divided into ten ethnic groups of people. These are the Shangani/Tsonga who inhabited the south-eastern parts of the Zimbabwe plateau, the Venda in the south, the Tonga in the north, the Kalanga and Ndebele in the south-west, the Karanga in the southern parts of the plateau, the Zezuru and Korekore in the northern and central parts, and finally, the Manyika and Ndaus in the east.

¹⁰ Government of Zimbabwe on line 'The History of Zimbabwe' available on <http://www.zim.gov.zw/index.php/zimbabwe-in-brief/history-of-zimbabwe> (accessed on 9 May 2013).

¹¹ Dennis N & Brett MR *Images of a Great African Park Kruger* (2000) 2.

¹² Dore D 'Transforming Traditional Institutions for Sustainable Natural Resource Management: History, Narratives and Evidence from Zimbabwe's Communal Areas' (2001) 5 (3) *African Studies Quarterly* 3.

¹³ Dore D (2001) 3.

¹⁴ Bowyer-Bower TAS 'Criticism of Environmental Policy for Land Management in Zimbabwe' (1996) 5 (1) *Global Ecology and Biogeography Letters* 7.

¹⁵ Ndlovu-Gatsheni SJ 'The Ndebele Nation' available at

were stealing their land, cattle, crops and their women.¹⁶ These two tribes fiercely contested the land as a natural resource. Hence, bloody tribal battles were fought for land and other natural resources amongst these indigenous people.¹⁷

During this period land was owned collectively and no individual ownership of land existed.¹⁸ The indigenous people believed that their ancestors were the owners of the land and that certain pieces of land were sacred.¹⁹ Therefore, kings, chiefs and headmen were in charge of allocating it to families, clans and villages falling under their jurisdiction.²⁰ They also had powers to adjudicate any disputes about land and any other issues affecting the people under their leadership.²¹

Additionally, there were no towns or cities during this period, except for a few stone-built partially ruined fortifications found in several parts of the country, such as the Great Zimbabwe.²² Consequently, land was a source of human sustenance. Indigenous people lived and earned their living from tilling the land as subsistence farmers.²³ It has been noted that their

<http://rozenbergquarterly.com/?p=64> (accessed 2 April 2012).

¹⁶ Chanaiwa D 'The Army and Politics in Pre-Industrial Africa: The Ndebele Nation, 1822-1893' (1976) 19 (2) *African Studies Review* 50.

¹⁷ Masiwa M 'The Fast Track Resettlement Programme in Zimbabwe: Disparity between Policy Design and Implementation, The Round Table' (2005) 94 (375) *The Commonwealth Journal of International Affairs* 217.

¹⁸ Peters BL & Peters JE 'Women and tenure Dynamics In Pre-colonial, Colonial and Post Colonial Zimbabwe' in Gonese F & Roth M (eds) *Delivering land and securing rural livelihoods: post-independence land reform and resettlement in Zimbabwe* (2003) 186.

¹⁹ Chitiyo TK 'Land Violence and Compensation: Reconceptualising Zimbabwe's Land and War Veterans' Debate' in Batchelor P, Kingma K & Lamb G (eds) *Demilitarisation and Peace-Building in Southern Africa: National* (2000) 48.

²⁰ Andersson JA 'The Politics of Land Scarcity: Land Disputes in Save Communal Area Zimbabwe' (1999) 25 (4) *Journal of Southern African Studies* 554.

²¹ Chitiyo TK (2000) 48.

²² The fortifications suggest that people may have congregated at these places during inter-tribal warfare or for trading purposes.

²³ Patel D 'Some Issues of Urbanisation and Development in Zimbabwe' (1988) 3(2) *Journal of Social Development in Africa* 18.

agricultural output was enough to feed their families using the labour provided mainly by women and children to produce food crops.²⁴

Furthermore, there was no formal education system, hence neither the Shona nor the Ndebele people had an alphabet or written language.²⁵ Both of them had a rich oral tradition as evidenced by some remarkable rock paintings, which portray scenes relating to their hunting activities.²⁶ In addition, other socio-economic rights such as the right to health were not protected. For example, there were no clinics, and sick people were treated with traditional medicines taken from roots, leaves and the bark of plants.²⁷

Colonial era (1888-1979)

The colonial period of Zimbabwe can be divided into four phases during which the white settlers controlled the land, the economy and political affairs. The first phase was that of the British South Africa Company (BSAC) from 1888 to 1922. Secondly, there was the Responsible Government from 1923 to 1952. Thirdly, there was the Federation from 1953 to 1963 and, lastly, the Unilateral Declaration of Independence from 1964 to 1979.

The British South Africa Company (1888 to 1922)

During the 16th Century, Protestant and Catholic missionaries entered Zimbabwe, ostensibly to spread Christianity into the country.²⁸ They introduced the first formal education system in Zimbabwe. Hence mission schools became the first source of education for the indigenous people,

²⁴ Maravanyika S & Huijzenveld FD 'A Failed neo-Britain: Demography and the Labour Question in Colonial Zimbabwe c.1890 – 1948' (2010) 1 (1) *African Nebula* 1 (1) 25.

²⁵ Furlong A *Gender, Land and Women in Zimbabwe in the Light of Nussbaum's Understanding of the Capabilities Approach* (unpublished M Phil (Peace Studies) thesis, University of Dublin, 2003) No page numbers provided.

²⁶ Furlong A (2003) No page numbers.

²⁷ Akada WE Traditional African Medicine And The Benedictine Monks: A Discourse (2011) 1 (2) *American Journal of Social Issues & Humanities* 139.

²⁸ Maenzanise B 'The Church And Zimbabwe's Liberation Struggle' (2008) 46 (2) *Methodist History* 68. See also Sibanda EM *The Zimbabwe African People's Union, 1961-87: A Political History Of insurgency in Southern Rhodesia* (2005) 18.

and many schools still retain a strong religious affiliation.²⁹ During the 1880s, British and German prospectors entered Zimbabwe from South Africa, under the guidance of Cecil Rhodes, in search of gold.³⁰ This movement was prompted by the massive discoveries of gold on the Rand, now known as Johannesburg in South Africa. They obtained a treaty known as the Rudd Concession from the Ndebele King, Lobengula, which granted BSAC mining and administration rights. The Ndebele King signed the treaty in exchange for an insignificant amount of guns, bottles of wine and some money.³¹ Hence, the signing of the Rudd Concession marked the official colonisation of Zimbabwe.³² The Concession specified, among other terms, that the mining company could do anything necessary for its operations.³³

As a result, the Concession allowed the colonisers to explore minerals in the whole country.³⁴ As the searches infiltrated the inner parts of Zimbabwe into the highlands, gold was indeed discovered and they exploited it.³⁵ Unfortunately, the profits did not turn out to be as they had anticipated because the gold deposits were not concentrated in reefs as in South Africa.³⁶ Unlike in South Africa, gold deposits in Zimbabwe were scattered and therefore impossible for the mining company to extract profitably.³⁷ After the gold deposits had been largely depleted the BSAC encouraged whites to settle for farming as an alternative means of generating income for the company. In 1890, the BSAC sponsored the settlement of whites at Fort Salisbury (now known as Harare), where land was parcelled out as farms with each farmer receiving 6 000 hectares of land. Indeed, this strategy resulted in indigenous people being dispossessed of their land.

²⁹ Shizha E & Kariwo MT *Education and Development in Zimbabwe: A social political Economic analysis* (2011) 13.

³⁰ This movement was spurred by massive discoveries of gold on the Rand Now Johannesburg in South Africa in the late 1970s.

³¹ Douglas RGS *Zimbabwe Epic* National Archives (1984) 182.

³² Ndlovu-Gatsheni (2009) 39.

³³ Thomas NH 'Land Reform in Zimbabwe' (2003) 24 (4) *Third World Quarterly* 693.

³⁴ CHIKUHLA JW A *CRISIS OF GOVERNANCE: ZIMBABWE* (2004) 13.

³⁵ Lebert T (2006) 41.

³⁶ Lebert T (2006) 41.

³⁷ Lebert T (2006) 41.

Unlike the indigenous people, the colonisers believed in individual ownership of land and considered it as a tool for promoting economic growth and human development. Hence, conflicts erupted between them and the Ndebele people forcing the indigenous people to rise up in the war known as the Anglo-Ndebele War of 1893-4. Unfortunately, the colonisers won the war leading to the fall of the Ndebele monarchy.³⁸ In 1894 the colonialists established Native Reserves to suppress and force the indigenous people to work on the farms.³⁹ This was the genesis of indigenous people working as farm workers for the colonisers. From this period, though not required by law, farmers provided for their workers' economic wellbeing as well as for their social welfare through the provision of pre-schools, schools, clinics, and housing, water and sanitation facilities and so on.⁴⁰

During this period more and more fertile land was expropriated from the indigenous people as new commercial farms were established, leading to the eviction of indigenes to less fertile areas.⁴¹ This left the indigenous people with insufficient land for agriculture and for grazing their livestock. In 1896, the indigenous people fiercely resisted the uptake of land by the colonisers in a war known as the '*First Chimurenga*'.⁴² As before, the indigenous people were defeated again. So as to assert their authority over the defeated indigenous people, the colonizers enacted several ordinances and pieces of legislation. Under these laws the colonisers seized about 18

³⁸ Ndlovu-Gatsheni SJ 'Colonial Modernity And The African world view: Theorising And Historicising religious Encounters In South-Western Zimbabwe' available at

http://www.academia.edu/1586505/Colonial_Modernity_and_African_Worldview (accessed on 3 May 2013).

³⁹ Dore D (2001) 3.

⁴⁰ Magaramombe G 'Displaced in Place': Agrarian Displacements, Replacements and Resettlement among Farm Workers in Mazowe District' (2010) 36 (2) *Journal of Southern African Studies* 361.

⁴¹ Douglas RGS (1984) 184. See also Wilson P *Land Reform in Zimbabwe: A Development Perspective* (unpublished MA thesis in Development Studies, UNISA, 2004) 19.

⁴² Sibanda EM (2005) 24. Chimurenga is a Shona word which means a fight, struggle or uprising.

million hectares of land⁴³ in agro-ecological regions with good rainfall patterns.⁴⁴

As a result, more mines and farms were established across the country in areas where there was rich mineral deposits and prime agricultural land respectively. Obviously, this created a demand for indigenous people's labour, coercing them to work as miners and farm workers.⁴⁵ Also during this period the colonisers were in charge of running the country. As the colonisers' population was growing, schools were established in all the major towns for them. Despite missionaries having introduced education for Africans and being in charge of it, the colonisers influenced the content of what was taught to African children.⁴⁶ Consequently, African education was limited to basic literacy and a few relevant physical skills to enable them to provide the required labour.⁴⁷

The table below shows the distribution of land between whites and indigenous people in 1914.

Land distribution in 1914

Race	Population	% Population	Acres of Land Occupied	% Acres of land occupied
White	23 730	3	19 032 320	47
Black	752 000	97	21 390 080	53
TOTAL	775 730	100	40 422 400	100

Source: Report of the Presidential Review Committee (2003) 13.

The Responsible Government (1923 to 1952)

During this period, profits from the mining company continued to go down; hence, it resolved to close down in Southern Rhodesia. The

1. ⁴³ Roder W 'The Division Of Land Resources In Southern Rhodesia' (1964) 54 (1) *Annals of the Association of American Geographers* 41.

⁴⁴ Mazingi L and Kamidza R 'Inequalities in Zimbabwe' in Jauch H. & Muchena, D (eds) *Tearing Us Apart: Inequalities in Southern Africa* (2011) 324.

⁴⁵ John P 'Black and White: The 'Perils of Sex' in Colonial Zimbabwe' (1990) 16 (4) *Journal of Southern African Studies* 701.

⁴⁶ Zvobgo RJ 'Colonialism and education in Zimbabwe' (1996) 37 (3) *The Journal of African History* 497.

⁴⁷ Zvobgo RJ (1996) 497. See also Sibanda EM (2005) 18.