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LAND RESETTLEMENT IN POST-COLONIAL ZIMBABWE: A LOOK INTO THE GOVERNMENT LAND RESETTLEMENT APPROACHES

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ABSTRACT

In Zimbabwe, ever since the government embarked on a disastrous land reform agenda in the early 2000s, the issue of land reform and its social-economic effects, such as relocating people, remained a bone of contention. Extensive research has shown that land reform laws and relocation approaches in some remote areas of Zimbabwe are politicised and not consistent and, therefore, catastrophic. However, most studies in land reform and resettlement have been limited, persistently focusing on the impacts and constitutionality of Zimbabwe's 2000s land reform program. This study seeks to contribute to the land reform debate by examining the Zimbabwean government's land reform and relocation activities between 2015 and 2021 using a case study of the Chilonga and Mazoe government-led resettlement programmes. Three key empirical questions are asked - What are the government's intended strategies when relocating the Chilonga and Mazoe people? Is there any resemblance with the colonial resettlement approaches? What legal instruments were used, and were they constitutionally justified? Data for this study was drawn mainly from a systematic review of documents and interviews with key informants and victims (n=40) of the government-led resettlements. Analysis shows that the government's resettlement approaches bear a significant resemblance to the unconstitutional procedures the colonial government employed. We argue that the government's post-2000 land reform laws, especially between 2015 and 2021, must be cleansed of the colonial elements that allow the government to manipulate the laws to suit their political needs at the expense of the general populace.

KEY WORDS coloniality, decoloniality, post-colonial Zimbabwe, land resettlement

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1. INTRODUCTION AND BACKGROUND

On 18 April 2022, Zimbabwe celebrated its 42nd anniversary after obtaining independence from the minority white government in 1980. Like many other African countries, the newly elected black majority government was confronted with the need to address the previous injustices that the colonial governments entrenched. After independence, the question of land ownership and land reform continued to top the new government reform agenda. Palmer (1990) argues that soon after independence, there was an urgent need for equitable land redistribution. This was in keeping with the desire to create an equal society and thus correct colonial injustices. However, few white farmers remained the owners of the most viable land and amassed exorbitant profits from their dominant position in agricultural production.

Initially, the Government of Zimbabwe's (GoZ) land reform program was intended to address the challenges of displacement, overcrowding, and landlessness (Moyo, 2009). To address these imbalances that defined land ownership, the then President of Zimbabwe and his ZANU-PF government tried to transfer land ownership to the black population. These efforts began in 1980 until his demise in 2017. However, in many parts of the 1980s' Robert Mugabe's efforts to institute a land reform programme was limited by the Lancaster House settlement that ruled out any significant land redistribution. As a result, land reform in the 1980s was narrowly confined to the issue of "resettlement: moving black families or cooperatives, in a carefully planned manner, onto land willingly sold by whites" (Palmer, 1990: 165). Several plans were also instituted to rehabilitate the overcrowded native reserves and promote land tenure reform. Palmer (1990: 165) argued that "some of these plans were irreconcilable, while a few were reminiscent of the Land Husbandry Act of the 1950s, which had provoked widespread black resistance." However,

most of these plans did not see the light of day.

The land reform programme in Zimbabwe was implemented in three phases. These phases were characterised by "critical shifts in economic policy and performance and by changes in the electoral political systems" (Moyo, 2009: 31). From 1980 to 1998, the government-led land reform was founded on the state-led purchase of land on the market and its allocation to the selected beneficiaries, "in the context of heterodox economic policies, which enabled increased public spending on social services and peasant agriculture." From 1990, the adoption of neo-liberal policies limited the government's intervention in the markets. As a result, despite the adoption of land redistribution policies, during the 1990s, slow progress in land redistribution was seen. In the final phase, an escalation of the social ills that affected the general population led to political polarisation. The resulting consequence of these ills was the shift in the land redistribution policy towards land expropriation, culminating in the Fast Track Land Reform Program (FTLRP). The FTLRP led to extensive and unsystematic land redistribution and increased economic state intervention (Moyo, 2009).

2. MANAGING RESETTLEMENTS IN COLONIAL ZIMBABWE

The Land Apportionment Act of 1930 segregated land ownership by dividing the country into white and black zones. The Act initially set aside 19.9 million hectares for European white immigrants, with 3 million hectares claimed for the native population. This 3 million was eventually enlarged to 8.8 million hectares and became the sole land outside of reserves available to 60% of the population. The rest of the site was set aside for future development. The white population was estimated to be roughly 50,000 individuals at the time the Act was passed, while the native population was projected to be over 1,081,000. The whites received around 50% of the land, while Africans received 29.8%. White

settlers' lands tended to have richer soils and more rainfall, making them more productive. Natives who had established on what were now white-only lands were compelled to abandon their land rights and were expected to die out on overcrowded reserves. Only native Purchase Areas, located on the outskirts of native reservations, were open to Africans. The land for sale was far removed from the technical services and resources required for proper farming, with some lacking access to water or suffering from overuse and soil erosion. In Native reservations, this is known as "customary tenure." The Native Land Husbandry Act was passed in 1951 by the white majority to create a landless peasant population to aid in the state's industrialisation. To enhance agriculture production, the Act also created tight grazing, land allocation, and ownership rights guidelines within the reserves. As a result, African property ownership was restricted, and the settler administration faced growing hostility.

The Rhodesian Referendum of 1969, in which white settlers attempted to establish a white minority country, updated the 1930 Act with provisions such as the Property Owners (Residential Protection) Act, which allowed the right to remove people of a race other than the majority in the surrounding areas. As a result, a black landowner surrounded by white landowners may be legally required to relocate and forfeit their land rights to protect the surrounding landowners. Subsequent legislation, such as the Land Tenure Act of 1969, was later amended during the civil war in 1977, allowing black land ownership outside the limitations of the Land Apportionment Act of 1930. However, the land question became a focal point for the growth of nationalism and revolt as the movement for independence from the white majority increased. Land reform was addressed near the end of the Rhodesian Bush War in the Lancaster House Agreement of 1979, which established a fund to compensate white farmers who lost their lands in future government-led land reforms.

3. MANAGING RESETTLEMENT IN POST-COLONIAL ZIMBABWE

In 1980, the newly independent Zimbabwean government embarked on a broad-based program of significant land resettlement reform. This project was split into two parts. From 1980 until 1990, the first phase was active. On 3,498,400 hectares of land obtained from the large-scale commercial farming industry, the government resettled around 71,000 households (Mangezi, 2010). The goal of the land redistribution reform was to correct previous land inequalities caused by colonial land management policies. During this early stage of reform, new black farmers were drawn from the ranks of the colonial master-farmer certificate holders. Despite the independent Zimbabwean government's well-intentioned attempts to provide land to landless peasants beginning in 1980, little changed in the communal regions. Some community lands (formerly known as African reserves) are still congested and degraded (Makomeke, 2010).

From 1990 to 1997, the second phase of land reform in post-independence Zimbabwe began. Zimbabwe was already feeling the effects of the 1992 Economic Structural Adjustment Program (ESAP). As a result, land reform was proposed to solve ESAP's issues. The second phase of land reform aimed to acquire five million extra hectares of land to resettle around 150,000 family units across the country. Individual recipients were primarily youngsters, agricultural college graduates, and other black farmers with experience in agricultural production. The second phase of land reform followed in the footsteps of the first phase, which took place in the 1980s.

The Third Chimurenga was unsystematic compared to earlier land reform efforts between 1980 and 1997. Even some senior government officials were taken aback by the news. The current land reform effort began in February 2000 and represented a significant shift from

earlier land acquisition and resettling ideas, policies, and procedures. Its main mechanics were to speed up the acquisition of five million hectares of land, expedite planning, and hasten the demarcation of acquired territory. White settlers were replaced by *varimi vatsva* (new black farmers) on old commercial farms in all provinces across the country. People were displaced from communal areas to erstwhile white commercial farms because of the enormous land purchase. The process, however, was carried out for political reasons rather than agro-economic considerations. According to ZANU-PF, the goal was to resettle as many peasants as possible in preparation for future elections after an enraged population rejected President Mugabe's national referendum on the new constitution. The ZANU (PF) government needed to win as many potential voters as possible in the upcoming elections. It is therefore important to point out that from 2000 to 2017, the FTLR policy under the Mugabe regime became a political tool for gaining electoral votes.

By 2017, the politicised land reform policies failed and did not do enough to keep Robert Mugabe's regime in power, leading to his replacement by Emerson Mnangagwa. He promised to transform and amend the land reform policies. These announcements were motivated by the need to increase agricultural output and to gain the West and donors' trust that post-Mugabe Zimbabwe is committed to providing sound food security. Among the changes, Mnangagwa announced an end to the uncoordinated land grabs that were taking place in most parts of rural Zimbabwe. He also announced that white farmers who had lost their land during the 2000 Land Reform Program were eligible to apply for landholding. While ensuring that farmland is properly utilised impacted Mugabe's decision, highlighting ideological differences between Mugabe and Mnangagwa. Other reforms include extending 99-year land leases to white commercial farmers, formerly only available to black farmers. Under Mugabe's presidency, white farmers were only allowed five-

year leases (The government still owns farmland in Zimbabwe, and farmers rent it).

After nearly two decades of land invasions, the government has moved to pay white farmers in earnest and has just enabled black farmers to lease their property. The change in strategy is mainly to gain the West's trust to remove the economic sanctions and save Zimbabwe's economy from recovering. According to Mnangagwa, the government believes that it will have to pay the white farmers 3 billion new Zimbabwean dollars, or about \$300 million, based on the official exchange rate of the RTGS (Real Time Gross Settlement) dollar, or "zollar," which was proclaimed the country's only legal money in June, despite the country's inflation. This year, his government plans to give the farmers an initial \$5.3 million for land improvements only—not the land itself. On the other hand, White farmers are demanding at least \$11.4 billion for the land and properties taken from them.

4. REGULATING COMMUNAL LAND AND EVICTIONS

The Communal Lands Act of 1982 [Chapter 20:04] governs the designation of land in Zimbabwe as communal land and its change and other connected issues. Section 10 of the Act outlines how communal land, such as that in Chilonga Village in the Chiredzi area, may be set aside and the steps the designated Minister must take. A minister may set aside land for one or two reasons: first, to build a municipality, hamlet, business centre, or industrial zone; secondly, to construct. The designated Minister can then set aside any land within Communal Land for any purpose "which he considers is in the interests of inhabitants of the area concerned or in the public interest or which he considers will promote the development of Communal Land generally or of the area concerned," according to Section 10(2) of the Act. This can only be done after they've consulted any rural district

councils that have been constituted in the region.

5. PROBLEM STATEMENT

From 1985, the land reform policy in Zimbabwe began to lose focus and failed to serve its intended purposes. Moyo (2009) argued that from 1985, different classes within Zimbabweans started to agitate for access to the limited available land. The land reform policy slowly became politicised because of this growing demand that the GoZ could not meet. In most cases, official land reform policies were accompanied by erratic degrees of illegal land dispossession (Dzvimbo, Monga, and Mashizha, 2018). Even though the state tried to repress these illegal occupations, the government has supported the occupation of the land by war veterans since 2000 (Moyo, 2009). The government's support of war veterans shows how the post-2000 land reform policies became politicised to save the will of a few instead of the general will of the populace. In particular, between 2015-2021, the link between political interest and land reform was identified in remote areas such as Chilonga and Mazowe.

Due to the politicisation of the post-2000 land reform policies, such approaches have failed to transform the lives of historically disadvantaged rural communities (Mudau, Mukonza, and Ntshangase, 2018). Scholars argue that Zimbabwe's land reform policy brought more damage than good (Dzvimbo et al., 2018). These politicised land reform and resettlement approach communal land are largely described as disastrous and detrimental to the lives of the people due to the lack of memorandums that allows political elites to use state power to accumulate more wealth (Scoones, 2021). The most enormous and resounding consequence of the current land reform approaches is that only a few people can hoard prime land to the detriment of most landless peasants in Zimbabwe. Political connections are crucial in determining whether private corporations succeed in annexing communal land and relocating people.

Examples include people like Billy Rautenbach and the Coetzee families (Scoones, 2021). Even though the 2017 government of Emmerson Mnangagwa instituted a plethora of reforms that would affect the land reform policies and activities, issues of illegal land dispossessions and land grabs have not stopped. Research revealed that officials linked to ZANU-PF are linked to the nationwide land dispossessions carried out on Zimbabwe commercial farms (Bowyer-Bower and Stoneman, 2018).

Literature on land resettlement policies and laws in Zimbabwe is substantially available. There are two strands of research on the subject. The first group of researchers questions the socio-economic effects of the land reform project in Zimbabwe (Chipenda and Tom, 2020; Marewo, Ncube and Chitonge, 2021; Ngarava, 2020; Tarusarira, 2021; Shonhe, 2019). Scholars from this camp argue that the land reform projects, notably the FTLRP of the early 2000s, had a negative impact on agricultural production and, thus, a knock-on impact on the economy of the country (Chipenda and Tom, 2020; Ngarava, 2020; Shonhe, 2019). However, despite its negative impacts, other scholars in this camp contend that the land reform project successfully resettled the historically landless Zimbabweans to own land and thus own means of production (Chipenda, 2018; Chipenda, 2020; Scoones and Murimbarimba, 2021; Tarusarira, 2021). The second strand of research questions the legality of the Zimbabwean land reform and management processes and procedures (Makonese, 2018; Mwandiringana and Ye, 2021; Scoones, Mavedzenge, and Murimbarimba, 2019). The overarching argument from this camp of researchers is that most resettlement and land dispossessions that have been taking place since the 2000s are not done procedurally and, therefore, illegal (Mudimu, Zuo, Shah, Nalwimba and Ado, 2021). This paper adds knowledge to the latter strand by arguing that the post-2000 land reform policies in some areas of Zimbabwe (Chilonga and Mazoe) are not done procedurally because of

hidden political interest that benefits a few politically affiliated individuals.

Despite the large volumes of literature about land reform and management in Zimbabwe, available research has not gone beyond focusing on the 2000s FTLRP and its ensuing effects. Moreover, researchers have not gone beyond examining secondary data and testing the legality of the Land Reform Program and land management policies in Zimbabwe during the post-2000 Mugabe and Mnangagwa eras, where land reform policies became politicised. As a result, little is known about the most recent attempted or intended land reform and eviction programs in Zimbabwe, such as the Mazowe and Chilonga cases that took place between 2015 and 2021. To date, there is no published study that examines the perceptions of the victims of the attempted uncoordinated land dispossessions that are taking place in remote parts of Zimbabwe, such as Mazowe and Chilonga. To that end, the legality of these politically motivated land reform policies that the government is currently attempting to implement in remote rural areas such as Chilonga is not been thoroughly explored. The study seeks to contribute to the debate by examining the legality and challenges of politically motivated land reform approaches from the perspective of the victims and experts.

6. THEORETICAL PERSPECTIVES: DECOLONIALITY

In general, the decolonial theory is a broad theory that can be applied to refer to discourses that seek to address issues such as historical dominance of the slave trade, imperialism, colonialism, apartheid, neo-colonialism, and even the current globalisation, which remains a manifestation of coloniality (Quijano, 2007; Ndlovu-Gatsheni, 2013). Although decolonisation might mean different things to different individuals, there appears to be some agreement that it entails attaining independence from colonial powers at its most basic level. This process presents itself

in the colonisers' retreat from the colonies and their loss of political and economic dominance over the former colonies. According to Hack (2008), decolonisation should include the mental emancipation of colonised people from colonisers' dominant ideas that may have made them feel subservient and inferior. Eze (2015) believes that the purpose of decolonisation should entail allowing formerly colonised people to return to their real identities, whether this is feasible or not. This is why most African countries' fight for independence was deemed a decolonial process as they fought to overthrow and replace the colonial structures and dominance.

Various scholars argue that Africa's land and land redistribution debate is incomplete without mentioning colonisation and decolonisation (Gutto, 2014; Kepe and Hall, 2014; Ndlovu-Gatsheni, 2013). For instance, Gutto (2014) argues that colonialism and decolonisation have always revolved around land. The land was a focal point of colonial invasion and a rallying emblem of anti-colonial resistance. Scholars like Fanon (1963) argue that decolonisation can still occur even after independence when the national bourgeoisie fails to place themselves in the people's services. What is important to remember is that in the post-colony, decolonisation takes the shape of nation-building, where the national bourgeoisie or political leaders are expected to mediate class, ethnic and tribal differences. Therefore, nation-building seizes to exist if the national leaders frame the will of some (personal interests) as if it is the will of the people (general will). A good example is how some Zimbabweans view the post-2000 land reform as an effort to boost the unpopular regime for electoral gains (Moyo, 2000). This explains why Ndlovu-Gatsheni (2013; 2015) argues that understanding decolonisation as just the opposite of colonisation significantly limits the true essence of the word.

Our interest in understanding decoloniality in land reform is inspired by the works of Fanon (1963) on the national consciousness and how Gordon (2014) integrated Fanon's national consciousness into Rousseau's general will. For Fanon (1963: 38), the agents of the post-colonial government, such as police and military, "speak the language of pure force." In other words, national leaders can abuse their power through institutions such as the police, a behaviour mostly common in military regimes and totalitarian states. Blaming the national leaders for hijacking the national question, Fanon concludes that decolonisation is about challenging illegitimacy from the bottom. Put differently, Fanon (1963) argues that if the decolonisation process is not done properly or if it is hijacked, many will be left wondering if they will risk their lives for a future that resembles the same relations they aimed to overthrow. Therefore, decolonisation must distance itself from frontier politics and colonialism's violent practices and culture. Unfortunately, post-colonial Zimbabwe cannot pass Fanon's decolonisation test as there are instances where frontier politics dominated land reform and resettlement projects in remote areas such as Chilonga. In other areas, such as Mazowe, the government used the police force to evict people forcefully and violently under the orders of the wife of former president Robert Mugabe (Mazuru, 2018). We, therefore, argue that the approaches and the use of laws by the government and elites in post-colonial Zimbabwe bear great resemblances with those during the colonial period. We further argue that the status quo represents a betrayal of the idea of land reform as decolonisation and that transparency in implementing policies such as FTLR can attract national support as opposed to resistance from the bottom or local communities. We rely on the examples from 2015 and 2021 in Mazowe and Chilonga, where local community members resisted the government's attempt to pursue land resettlement which benefited political elites. We further argue that the attempted

resettlement approaches in Mazowe and Chilonga were politicised and can be compared to colonial laws such as the Land Tenure Act and The Southern Rhodesian Land Apportionment Act from colonial Zimbabwe.

7. AIM OF THE STUDY AND METHODOLOGY

This paper explores the GoZ resettlement approaches and laws used to resettle the Mazowe and Chilonga people between 2015 and 2021. The first aim of this study was to classify the strategies the government attempted to use when relocating the Chilonga and Mazowe people. Second, the study investigates the legal instruments the government intended to use to pave the way for the resettlement of the Chilonga and Mazowe people. Third, the study also sought to establish any resemblance between the post-Independence and colonial land resettlement approaches between 2015 to 2021 in Zimbabwe. To test this aim, we picked up the Land Apportionment Act (1930), Land Tenure Act (1970), and Land Husbandry Act (1951) in the study to represent colonial land resettlement policies. Finally, we investigate the resettlement legal instruments and strategies that the government attempted to use to evict Chilonga (2021) and Mazowe (2015) people.

Data for this study were drawn mainly from a systematic review of documents and interviews with key informants and victims (n=40) of the government-led resettlements. The participants for the interviews were recruited using a convenience sampling approach. In this case, the researchers identified the key informants from online news articles and employed a snowballing exercise. The researchers are aware of the limitation of the snowballing exercise in that participants "refer those whom they know and have similar traits; this sampling method can have a potential sampling bias." (Wang and Cheng, 2020: 71). Fieldwork was done in Mazowe and Chilonga in Zimbabwe, where interviews were conducted between March 2022

and May 2022. The sample of this study included community members, community leaders, traditional leaders and human rights lawyers and constitutional law lawyers, and government officials, as shown in Table 1.1. The purpose was to get the views of these people on the strategies and legislature used by the government to evict the people from the land. The researchers also relied on secondary data through the consultation of books, government reports, legislature, and other documents that reflected the colonial and post-colonial land resettlement activities in Zimbabwe. All names used in the presentation and interpretation of data are pseudonyms.

Table 1:1. Breakdown of the study sample and sample size

Sample	Sample Size	Age	Role in Community	Impact of the resettlement
Traditional leaders	2 Chiefs and 2 Headsman	40-80	Custodian of communal land	Directly impacted
Community leaders	10 committee members	35-70	Form part of the community committees	Directly impacted
Lawyers	10	35-67	Represent the communities and government in the court cases	Not directly affected
Community members	16	20-80	Occupants of the land in Chilonga and Mazowe	Directly affected
Government officials	2	26-30	Policy and legislature implementation	Directly affected
Total 40 participants				

8. THE CHILONGA EVICTIONS

Chilonga is a rural community located in Chiredzi in Zimbabwe. The Minister of Local Government, Urban and Rural Development of Zimbabwe issued Statutory Instrument (SI) 50 of 2021 on 26 February 2021, designating 12,940 hectares of communal land in Chilonga, Chiredzi district (Marewo, Ncube and Chitonge, 2021). The Communal Land Act was used to create the above-mentioned Statutory Instruments. According to the Communal Lands Act, all communal land is vested in the President under Section 4 of the latter. Under Section 6 of the same Act, the president has the authority to make additions or subtractions from any communal land. According to the SI, everyone living on this community land was to vacate by the date of the notice’s publishing. The Shangaan people, a Zimbabwean minority community, are native occupants of this land. Local communities met this attempt with strong resistance, sparking ethnical divisions as the Shangaan saw this as another attempt by the Shona people to dispossess them (Scoones, 2001). Due to this controversy, the attempted order seems to be currently on pause. However, approximately 2,258 dwellings and 13,840 individuals were facing eviction.

The Shangaan people were displaced before evicting them from an area that later became the Gonarezhou National Park in the 1960s under the British colonial administration. During the colonial era, the arrival of sugar plantation companies such as Tongaat also forced the Shangaan people to move to Chiredzi, where they are currently on the verge of being evacuated by force (Scoones, 2021). This property is being set aside for lucerne grass cropping, reportedly to feed the cattle held by Dendairy, a private dairy processor that distributes to Zambia, Mozambique, and Malawi. The company is allegedly using its close connection to the president to force the relocation of people to Chilonga (Scoones, 2021). The company has put aside US\$10 million to compensate almost 13 000 villagers who are expected to vacate 12 940 hectares of their communal land (Bulawayo 24News, 2021). This offer was firmly rejected by villagers who chose to protest and drew the attention of civil society, humanitarian organisations, and opposition political parties. Despite the villagers’ refusal, the government allegedly remains committed to the project because of the close connection that Darren Coetzee (Dendairy’s boss) has with president Mnangagwa (Bulawayo 24News, 2021).

9. MAZOWE EVICTIONS

In 2015, the anti-riot police pounced on the Manzou farm and ordered almost 200 families to vacate the farm (Mazuru, 2018). These evictions were intended to pave the way for establishing a wild animal ranch linked to the Mugabe family. The farm is in Mazowe, Mashonaland Central province, where the families have occupied the farm since 2000. The owners of the farm could, however, not be verified. On 24 March 2015, the farm residents obtained a court order to halt the evictions and bar the police from destroying their belongings without a valid court order (Chaeruka, 2019). The police informed the residents that “they were acting on the orders of their “superiors,” but did not have a High Court order approving the eviction, as required by the law” (Mavhinga 2015: 1). The government’s attempt to evict the Mazoe people through the police was described as violent (Mavhinga 2015). For

instance, Mavhinga stresses that

The police demolished most of the homes on the farm, as well as makeshift shelters subsequently built by residents. Many families lost their crops and livestock during the demolitions, and during the time of the invasion, people lived and slept in the open with no protection from the rain and cold. Police harassment has prevented the families from harvesting their corn, sugar beans, and groundnut crops.

10. CATEGORISING THE RESETTLEMENT APPROACHES

This section aims to discuss the interview results and systematically review the literature. Responses from the key informants show that the government adopted and attempted resettlement approaches in Chilonga and Mazowe were politicised, saving the will of the some rather than the general will of the people that unite the nations than dividing it.

11. ATTEMPTED FORCED RELOCATION

It emerged from the informants' responses that the notices issued by the Minister in Chilonga were illegal in that they did not adhere to the legal provisions of the Communal Act of 1982. The law requires the Minister to give reasonable notice, consult with the people and prepare for their compensation (Scoones, 2001). The Shangaan people were not consulted in the land reform directly affecting their communal land. They are expected to relocate and pave the way for a significant investment project. Therefore, the key informants expressed that the government's attempt to evict people from Mazowe and Chilonga was politically motivated and lacked transparency. It was politicised in the sense that the approach was preached as if the eviction was to pave the way for economic development (general will). Yet, the Chilonga communities believed the project would benefit those with political ties (choice of the few). According

to Scoones (2021), some describe the company as the Midlands mafia and are alleged to have close connections to the president via the Coetzee family. Though the government continues to argue that the initiation shows that they care about these poor, marginalised minority groups, the Shangaan do not trust the government. Maybe it is because the community has been marginalised for years, and projects such as Gonarezhou National Park did not improve their area. Shangaan people share the border with Mozambique, yet the road that connects the two countries via their area is still a gravel road. It is understandable why these local communities see the proposed project as another project that will not benefit or improve their society but benefit the individual connected to the project. Various informants agree with these assertions.

When asked, how do you describe the government's approach to resettling the Chilonga people, Nyakasikana, who is a community leader in Chilonga, expressed grave concern that the government was forcefully trying to evict them when he said:

The government did not provide reasonable notice for relocation, plans to pay compensation, and provision of alternative land with infrastructures like schools, clinics, hospitals, and roads. We refuse to be forced to leave our homes without any reasonable notice since the law says we must leave immediately and without any compensation.

Similarly, Kaguvi, a community leader in Mazowe, stressed that the government leaders sent the armed police to evict them from their farms. The community leader said they were never consulted or notified of the eviction. Below are some of Kaguvi's sentiments adding weight to the argument that the government employed forced eviction strategies to resettle the people in Mazowe:

The police were evicting the people using guns to pave the way for the [then] first lady [Grace Mugabe], who reportedly wanted to convert the farm into a game

sanctuary and conduct other projects. This type of eviction is very violent. People lost their belongings.

Additionally, a vivid picture of the attempted forced evictions and how they affected people in Mazowe was described by Futumuka, who describes the activities as violent and anti-humane. Futumuka said

Heavily armed police members stormed Manzou (Mazowe) village around 5 am on Wednesday, 07 January 2015, and ordered villagers to vacate their houses and load their belongings into lorries while their houses were being destroyed. Those who attempted to resist were beaten up.

It is important to point out that the Mazowe and Chilonga are isolated incidences that expose the lack of transparency and abuse of power by political elites in remote areas. From the above three responses, we get a sense that the government is not shy to use force to pursue clientelism policies that often benefit people with political connections. The efforts by local people to resist such government efforts is what Fanon described as another form of decolonisation or the Act of challenging illegitimacy from the bottom. Since 2000, there have been other cases where the Zimbabwean government has used force as a strategy to resettle its people. For instance, the most notable evictions are the 2000 Land Reform and the 2005 Murambatsvina land resettlement. These cases have one thing in common- they were violent and disposed of people's land without following due procedure. We argue that the government approach increasingly displays the traits of the colonial government resettlement approach. Our argument fits Gregory's (2004) conceptualisation of the post-colonial state's *status quo* as a "colonial present." For Gregory (2004), in most former colonies, certain colonial-style relations tend to endure and persist, and some are even reactivated. Harris (2004) describes the colonial style as encompassing the dominant power's violence, dispossession, and control.

As was revealed in the case of Chilonga and Mazowe above, the Zimbabwean government management strategies continue to keep control of the land and ownership in the hands of the few elites through violent and illegal resettlements while the poor and majority are holding on to insecure land rights, most with no title deeds of the land they occupy. This constitutes the colonial presence during a national land reform project (Kepe and Hall, 2018).

12. PATRONAGE RESETTLEMENTS

The role of one's political affiliation was also another issue that the key informants raised. For example, Changinya, a Human Rights Lawyer, stressed that the working strategy implemented to dispose of people's land in Chilonga and Mazowe could best be seen through political patronage. Chimutashu said the political elites do not fear grabbing land because their affiliation with ZANU-PF is a shield. Below are some sentiments from Changinya:

The political elites in Zimbabwe use their political affiliation to acquire and dispose of land without fear of prosecution. The land briefly taken from the people of Mazowe was settled somewhere in the corridors of power. That is why you don't see any arrests. The perpetrators are walking Scot free.

Sentiments about land invasion through political patronage were also echoed by Chimbwido, a Land and Resettlement Consultant in Harare. When responding to the question about the strategies the government used to resettle people in Chilonga and Mazowe, Chimbwido expressed concern over how the political elites were at the centre of the resettlement of the Chilonga people. Chimbwido stresses that the resettlement was not carefully planned, so the ZANU-PF ministers and political elites organised the planned resettlement. Commenting on the Mazowe case, Chimbwido highlighted how Grace Mugabe (the wife of former president Robert Mugabe) was heavily

involved. In addition, these elites wielded political power to negate and disregard policy and legislature (Mazuru, 2018). Below are sentiments from Chimbwido:

When looking at the notice of eviction issued to evict the people of Chilonga by the Minister, look at the purposes of eviction and the person who will benefit from the resettlement. You can only conclude that there are politics and elitism at play. For example, one Member of Parliament from ZANU PF was at the forefront of the deal because he had links with the private company that wanted to invest.

Additionally, the sentiment of patronage was also echoed by Chimutengure, a community leader in Mazowe. Chimutengure is part of the local committee in the Mazowe area. She stresses that the forced resettlement of the people from Manzou farm were meant to benefit Robert Mugabe's wife, who wanted to take over the property to set up a wildlife sanctuary. Chimutengure reasoned that:

We see apparent political patronage and disregard for the rule of law. This land is being disposed from the poor to be given to a person who already owns more than ten farms and mines in this area. Grace Mugabe was getting this land without following procedure because she was the president's wife.

Put together; we observe from the responses above that the land resettlement processes were marred by political patronage systems that flaunt the government policies and laws of land reform. Fanon described this as hijacked nationalities, where national leaders implement policies that benefit a few as if they are meant to fulfil the common good of society (Gordon, 2014). Land distribution using patronage was one common feature of the colonial land management practices in colonial Zimbabwe. For instance, after the failure of the Land Husbandry Act of 1960, the Ian Smith government introduced the Land Tenure Act in 1970. However, white political elites disregarded the

Land Tenure Act, which went rampant to distribute land along racial and political lines. As a result, the elite also encroached on black people's land boundaries.

These 2015/2021 strategies bear resemblance with the typical approaches during 1970 when the Rhodesian government passed The Land Tenure Act that replaced The Land Husbandry Act. Studies by Mkodzongi (2018) found that the white farmers in the 1960s manipulated the Act and began encroaching into the black landowners' boundaries. Despite the illegality of these invasions of boundaries, the colonial government could not punish nor reprimand the actions of the white farmers. This is the same move witnessed in Mazowe and Chilonga, where political connections were allegedly at the centre of the attempted resettlement projects (Scoones, 2021). The influence of the government elites is so profound that they can claim the land and encroach on other people's boundaries without any legal actions against them (Scoones, 2021).

13. QUESTIONING THE LEGALITY OF THE RESETTLEMENTS

Various statutes and regulations guide resettlement and land distribution in Zimbabwe. One of the questions asked to the informants was what laws were used and what constitutional procedures were followed during the attempted resettlement of people from Mazowe and Chilonga. In response to this question, participants had varying opinions. Perceptions differed on the application of the laws and whether the laws were used fairly in places like Mazowe, where some members were forced to relocate.

A response supporting the forced resettlement was recorded from the Ministry of Lands in Zimbabwe. According to the Minister, the resettlement were legal and guided by section 10 of the Communal Land Act of 1982. The Minister reasoned that he had used the Act's provisions to institute an eviction of

the people to pave the way for a project of national importance. The Ministers said:

The Act allows the Minister responsible for local government and urban and rural development to set aside communal land for any purpose after consultation with the local Rural District Council. In addition, the Act permits the Minister to order evictions under certain limited circumstances, including after providing reasonable notice.

A defence of the government resettlement plans was also expressed by the Permanent Secretary in the ministry of information, who justified the resettlement of the people of Chilonga, argued that the government exhausted all legal channels, and consulted with the people. As such, the evictions were legal. Unfortunately, most citizens maintain that they were not consulted by the government (Ntali, 2021). The permanent secretary said

In keeping with the provisions of the Communal Lands Act of 1982, the government had consulted the Shangani people of Chilonga, and they supported the lucerne production project.

However, contrary to the justifications given by the government official regarding the legality of the evictions, some participants in this study had varying perspectives. The participants felt that the government's approaches in Chilonga and Mazowe were unconstitutional because the community members were not consulted. According to Tendai Biti, the vice president of the opposition political party (CCC), the citizens of Chilonga made it clear that they do not want to relocate, and the government would have known this had they consulted (Ntali, 2021). Given the contrary claims from the government and citizens, Biti suggested a referendum be made to allow the people from Chilonga to voice their position publicly. Furthermore, these participants rejected the argument that the decision to relocate people forcefully was made according to the Communal Lands Act, which stipulates

that communal land can be used after consulting with local community members. Instead, participants argue that there was no consultation with the residents in Chilonga. In the case of Mazowe, participants also argue that the forced relocations were in defiance of the High Court order that had stopped the relocations. Below are some responses:

Mr Manyengawana, a constitutional law expert, challenged the constitutionality of some of the sections of the Communal Lands Act. For Manyengawana, some provisions of the Act that the Minister cited could not be consistent with Zimbabwe's constitution. Below is a detailed explanation of Manyengawana:

The Minister justifies the resettlements based on Section 6(1) of The Communal Lands Act says, "The President can publish statutory instruments declaring that land ceases to form part of Communal Land, but before doing so, he must consult any rural district council established for the area concerned. For two reasons the local chief not have to be consulted" This section does not comply with the section.

- Excising land from Communal Land invariably deprives the inhabitants of their collective or individual rights in the land, so under section 71 of the constitution, they must be informed of the intention to excise the land – it is not enough to publish a notice in the Gazette – and they must be allowed to challenge the excision in court and to claim compensation. Unfortunately, the Communal Land Act does not provide for this.
- The chief, who is responsible for administering the land, must at least be consulted, and preferably, he should consult his people

Similarly, Chininga, a Lands and Resettlement expert, concurs with Manyengawana when he challenges the legality of the Chilonga and Mazowe

resettlements. For Chininga, Section 10 of the Communal Lands Act that was cited in the notice of relocating the Chilonga people by the Minister was unconstitutional and, therefore, could not be used as the basis for the relocation. Chininga said Section 10 of the Communal Lands that the Minister cited states that:

The Minister of Lands can set aside areas of Communal Land for townships, business centres, irrigation schemes, or any other purpose. However, before doing so, he must consult. Anyone who refuses to do so is liable to a year's imprisonment.

As cited by the Minister, this Act section does not comply with the constitutional provisions. This is because occupants are presented with what amounts to an eviction notice without being notified of the intention to set aside the land and allowed to exercise their rights under section 71 of the constitution to apply to a court for an order nullifying the proposed setting of the land. And once again, chiefs and their people should be consulted.

Murabaraba, part of the legal team that challenged the forced relocations in Mazowe, commented on the legality of the relocation, saying that the government and Minister did not act legally because they could not adhere to some of the most crucial provisions of the Act and constitution. Murabaraba said:

The eviction ought not have happened in the first place because the government did not provide alternative land for the people. The Ministers in government could also not offer notices and consultation with the people regarding how the evictions would take place. Such omission by the government constituted a disregard for the rule of law.

Wamba Dia Wamba, a human rights lawyer in Zimbabwe, challenged Sections 4 and 6 of the Communal Lands Act that the Minister cited in Chilonga. Wamba Dia Wamba argues that the Act's entirety

needs to be relooked at and amended. This is because most of its provisions are borrowed from the colonial laws predicated on the assumption that an African cannot own land. Wamba Dia Wamba argues that the law was a colonial relic premised on a racist notion that an African could not own land. He spoke the Communal Lands Act was a racist and colonial creature that regarded Africans “as too uncivilised to own land.” There was no consultation, and the community did not want to move. The government did not consult, and we challenged the government to conduct a referendum there, and the people will overwhelmingly vote against their eviction.

Ngaapindehake is a community member in Chilonga. He challenges the legality of the resettlement plans saying that no consultation took place to satisfy the provision of section 10(2) Act that says the Minister should consult the rural district council before effecting such a decision. Ngaapindehake argued that we were never told of the proposed evictions. We only hear about the notice from the newspapers.

From the above responses, the efforts to relocate people against their will and without consulting with them is equivalent to eviction, especially if there is no proper plan and budget set aside to facilitate the relocation, as was the case in Mazowe. Thus, inferences can be made that government evictions in Mazowe (lack of compensation) and the recent attempt in Chilonga (no consultation) were not fully supported by law. For instance, the Mazowe evictions were not done according to the requirements of the law because the government did not give proper notice. Secondly, the government did not provide alternative land before the eviction of the people as required by the law. To that end, we argue that the Mazowe people’s evictions were illegal and, thus, were not meant to happen. The evictions show the abuse of power by political elites to pursue self-interest through state institutions like the police to forcefully relocate people.

This argument is vindicated by the High Court judgment on the Mazowe evictions that reversed the government’s decision to relocate the people occupying the Mazowe farm. The ruling handed down in 2018 ordered that “the evictions were done illegally and ordered the government and the head of police to pay more than \$30,000 in compensation to the 14 farmers.” In addition, the judge said that police used excessive force and that the residents were not given alternative places to live as required by law. We, therefore, argue that the disregard for the rule of law by the GoZ sets the decolonial project back. It is what Fanon (1963) refers to as the high jacking of the national question by political elites to pursue their interest. It does so because allowing people the right to the land is a fundamental aspect of the decolonisation project. Thus, when the intended beneficiaries of the land are disregarded, the whole decolonisation project loses meaning. Our argument here is comparable to those by Keep and Hall (2018: 123) when they argue that “contrary to populist political discourses, in South Africa, the ruling party’s land policy approach reproduces paternalistic relations that echo apartheid practices and represent the colonial present.” This reality starkly contrasts the initial aim of land reform, which was conceived as part of a larger project of decolonisation.

Our findings that the laws cited by the GoZ when evicting the Chilonga people were illegal are supported by arguments from Zwelithini Xaba, cited in Human Rights Pulse (2021: 1), who vehemently criticised the SI, saying that the instrument was unconstitutional. Xaba argues that the absence of a sufficient legal basis in the SI renders the statutory instrument void.

The Minister has acted outside his delegated powers by setting aside the land for lucerne farming, which is not a purpose provided under sections 10(1) and (2) of the Communal Lands Act. As a result, the Minister published SI 63A, which seeks to correct SI 50. The new SI corrects the purpose from “lucerne production” to “establishment

of an irrigation scheme,” which is one of the permitted reasons to set aside land under the Communal Lands Act. In addition, the government finally passed Statutory Instrument 72A of 2021. This SI repealed the first statutory instrument (50 of 2021) but still set aside the land in Chilonga to establish an irrigation system.

14. EVIDENCE OF “COLONIAL PRESENT” AND THE DECOLONIALITY ARGUMENT

From these results above, it emerged that the government of Zimbabwe employed illegal and sometimes violent strategies in its resettlement approaches in Mazowe and Chilonga. This was evinced in the government’s utter disregard for the provisions of the constitution and the Communal Lands Act. We argue that the disregard for the land management laws and policies seen in Mazowe and Chilonga stands in stark contrast to the land reform’s initial aim, which was conceived as the crux of the decolonisation project in Zimbabwe. The two examples of land resettlement policies in Zimbabwe are inconsistent with the project of decolonisation. This is because land redistribution in Zimbabwe has drifted away from the ideal of social justice in that it displays the traits of the colonial resettlement approaches. Our argument is consistent with concerns about post-colonial bourgeoisies’ ability to pursue the heroic and fruitful decolonial path. Scholars like Kepe and Hall (2018) agree with the assertion that the land distribution approaches in post-colonial Africa are retrogressive and resemble those of colonial governments. These scholars argue that “land redistribution in most African countries has drifted away from the ideal of social justice; it increasingly displays symptoms of what the colonial present and recolonisation” (Kepe and Hall, 2018: 130).

The paper does not criticise the land reform laws in Zimbabwe but is concerned with how they were implemented in areas such as Mazowe and Chilonga and the intention behind such laws forcing people to relocate in such remote areas. In particular, the politicisation of such policies is no different from how colonial policies were implemented, such as Land Tenure Act. Communal Lands Acts of Zimbabwe contradict the 2013 constitution in many ways. These contradictions are most noticeable in some parts of the Act that limits the power of land administration to the chiefs while giving the Minister excessive power to add or subtract what can be done on the communal lands. Unfortunately, the contradictions have not been addressed to date. The parts of the Act that restrict the people's powers to decide what they can do with land were borrowed from the Land Tenure Act of 1970. The 1970 LTA is a colonial government law founded on the assumption that Africans could not be allowed to own a sizable amount of land and limit control of the land to the minority white settler. The philosophies that informed the LTA of 1970 are also noticeable in the Communal Lands Act, particularly section 6(1), which says, "The President can publish statutory instruments declaring that land ceases to form part of Communal Land." Mudombi-Rusinamhodzi and Thiel (2020: 121) argue that this Act "deprives the inhabitants of their collective or individual rights in the land, so under section 71 of the Constitution, they must be informed of the intention to excise the land". Our argument that the Communal Lands Act is founded on the philosophy of the colonial settlers is supported by the court judgment handed by Judge Ndewere cited in Kubatana (2021) in the case of Chilonga villagers vs Minister of Lands and President of Zimbabwe. In his ruling, the judge states that "the Communal land Act and particularly the vesting of the title of land in any person other than the occupiers themselves has its origins on the pathological hatred of the aboriginal races by the colonial powers" (Kubatana, 2021: 3).

Section 12 of the Communal Lands Act states that when land is set aside under section 10, persons who have been dispossessed or whose right to occupy the property have been diminished must be provided with the right to occupy or use alternative land if no alternative land is available. Similarly, persons forcibly dispossessed of their property have a right to adequate compensation, which must be provided before the property is acquired or within a reasonable time afterwards, according to section 71(3) of the constitution. The Mazowe victims of evictions were neither offered alternative land nor compensated for their loss and development made on the land. The Shangaan people in Chilonga have indicated that they are extremely opposed to relocating and do not know where they will be relocated to. Due to the government's reputation, they do not trust that they will be compensated. Nevertheless, the high court recently gave the government the go-ahead to relocate the people. Ignoring that most Shangaan people do not want to relocate, the government shows signs of what Fanon warned as illegitimate. According to Fanon (1963), post-colonial governments must strive to politically privilege the rural population and make national policies that benefit those who fought for independence. Taking land from the Shangaan people without consulting or ignoring their concerns shows how post-colonial leaders can easily be caught in pursuing the will of some rather than the general will or Rousseau's common good.

Our results revealed a tendency by the government and political elites to dispose of land from the people based on needed to establish businesses and other economic activities. This assumption is premised on the argument that poor people have nothing to do with the land and can therefore be disposed of. As warned by Fanon (1963), the most important thing about decolonisation is that a plan must not be made by a few and executed without the approval of the majority. Instead, genuine independence and decolonisation involve the inclusion of the people in

the planning and implementation phase of any plans or policies that directly affect them. In Chilonga, the land was being taken to launch a grazing ranch. In Mazowe, the people were resettled because the president's wife wanted to establish a wild animal ranch. We argue that the GoZ and powerful political figures' approaches to resettling the land occupants in Mazowe and Chilonga were premised on the dual colonial approach of 'productive use' and 'trusteeship.' These two concepts that were central in justifying colonial land dispossession are currently central in the trajectory of land reform in Zimbabwe and elsewhere.

Therefore, a legitimate government must reflect the people's general will, not some or a few, or the decolonisation process will have to continue in the form of local people challenging the government through whatever means necessary. Moreover, the use of police force by Grace Mugabe to forcefully relocate people in Mazowe for her interests explain why scholars like Fanon blame national leaders for imitating colonial tactics. According to Gordon (2014: 146), national leaders, in Fanon's eyes, "can only think to imitate and so repeat, in exaggerated form, the insults of former colonists. With them, the continuous presence of police and army is reintroduced, now in African uniforms". Thus, complete decolonisation is not only the removal of colonial rulers but also guarding against local political leaders who can take advantage of the law to pursue their interests. The concerns raised by the Chilonga against politicised land resettlement plans offer excellent insight into land reform and Fanon's decolonial discourse.

15. CONCLUDING REMARKS

Between 2000 and 2020, Zimbabwe has made significant progress in redressing the inequitable redistribution of land. As a result, most of the country's land is owned by black people today. Depending on the size of the land, the beneficiaries of the land reform program are mainly using the land for either subsistence or commercial farming.

However, there are incidences where national leaders have ignored the concerns of local communities and forced people to relocate for personal interests or business opportunities. This study examined the approaches and legislation used by the GoZ when it attempted to relocate the people of Chilonga and Mazowe from their so-called land. In particular, how the government overlooked the people's concerns by failing to follow democratic procedures which allow local chiefs and members to be consulted regarding the use of their communal land. The evidence from this study suggests that land resettlement in Mazowe and Chilonga did not reverse the experience of land as a symbol of conquest and government conquest. What can be observed from the Chilonga and Mazowe land resettlements is what can be described as the colonial present. The cases unmask how national leaders can politicise land reform in remote areas to pursue the will of some instead of the majority's will, which is needed to boost nation-building. Our paper argues that politicised land reform policies are ineffective in nation-building as they often create resentment from local members, as in Mazowe and Chilonga. They are applied selectively and benefit the ZANU PF elites and their followers. In such cases, the idea of independence and decolonisation (mediating tribal and ethnic differences) ceases to exist among the affected local members, as was the case with the Shangaan people labelling relocation attempts as another attempt by Shona people to rob them of their communal land.

Drawing on this, we argue that the resettlement approaches are reminiscent of the colonial approaches that aimed to benefit the few whites (will of some) by dispossessing the black population from their land (general will).

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