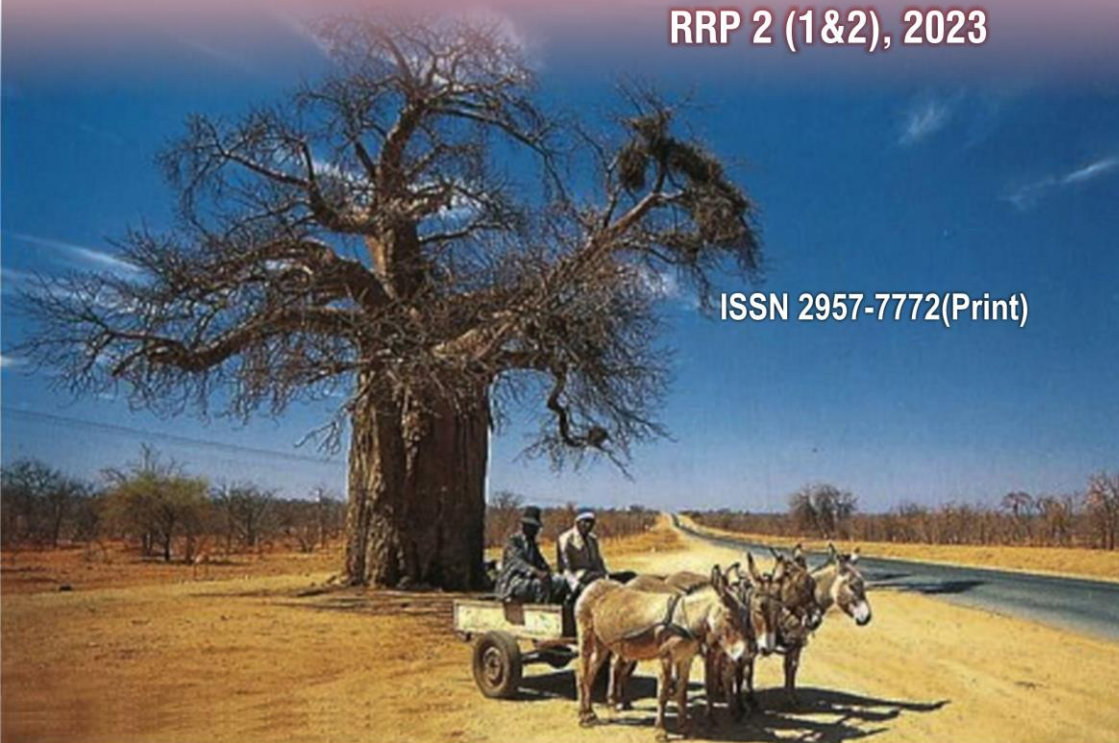




REVIEW OF *Rural Resilience Praxis*

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JOURNAL PURPOSE

The purpose of the *Review of Rural Resilience Praxis* is to provide a forum for disaster risk mitigation, adaptation, and preparedness.

CONTRIBUTION AND READERSHIP

Sociologists, demographers, psychologists, development experts, planners, social workers, social engineers, economists, among others whose focus is that of rural resilience.

JOURNAL SPECIFICATIONS

Review of Rural Resilience Praxis

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SCOPE AND FOCUS

As much as the urban territory is increasing by each day, the rural economy, especially in many developing countries, still retains a great proportion of the extractive and accommodation industry. Retaining some space as rural remains critical given the sectors role in providing ecosystem services to both wildlife and humanity. In this light, rural resilience as practice beckons for critical studies especially in the face of the ever-threatening extreme weather events and climate change that then impact on the livelihoods and lifestyles of the rural communities. Review of Rural Resilience Praxis (RRRP) comes in as a platform for critical engagement by scholars, practitioners, and leaders as they seek to debate and proffer solutions of the rural sector as well as trying to champion the philosophy of the right to be rural. The issue of conviviality between the different constituencies of the sectors, compiled with the competing challenges of improving rural spaces while also making the conservation, and preservation debates matter is the hallmark of this platform of criticality. The journal is produced bi-annually.

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Articles must be original contributions, not previously published and should not be under consideration for publishing elsewhere.

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Ancestry versus Presidency: Unpacking Rural Land Ownership in Zimbabwe

GAMALIEL SIMBARASHE MABHODYERA¹, INNOCENT CHIRISA² AND ROSELIN KATSANDE-NCUBE³

Abstract

For more than 90 years, British settlers ruled Rhodesia, now Zimbabwe. Whilst studies have been conducted to assess and document the history of rural land ownership in Zimbabwe, little has been done to assess the effectiveness in procedure and constitutionality of land reform programmes. This article explores land ownership in Zimbabwe and its relation to state control and the implications of the law. It argues that the quest for land ownership in Zimbabwe created a hostile environment that prompted a review of laws and policies by Africans towards a fair land distribution programme. This is because land in Zimbabwe has been a subject of immense politicisation. In a bid to create a balance of land ownership, the government introduced a strict land reform programme that sought to uphold and promote land ownership among ordinary citizens. Land ownership in Zimbabwe became a central issue for discussion during the Lancaster House Talks to end white dominance of precious land. This was worsened further by the Fast Track Land Reform Programme (FTLRP) in 2000 which changed the shape and look of land ownership. The historical 2000 FTLRP further weakened and paralysed an already deteriorating relationship between the government and white settlers who had remained in Zimbabwe after independence. The article then seeks to unravel the consequences of land reforms in Zimbabwe that caused recorded most violent moments of all time. Further, it shows that the effectiveness of the government scheme for expropriation of land without compensation was later adopted, strengthened and further consolidated in Zimbabwe's Constitution, which then becomes a human rights question. Accordingly, the article affirms that the laws of Zimbabwe simply put communal land in the

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hands of the presidency, something that has drawn wide attention as to the power vested in the presidency towards land ownership.

Keywords: *legislation, segregation, politicisation, land reform, colonialism, constitutionality*

INTRODUCTION

Land is central for social and economic development and its ownership has created a culture of violent disputes since the pre-colonial era. Land ownership has been marred by great radicalism, inequality and total discrimination that favoured white settlers to fully occupy most of Zimbabwe's fertile lands. In the 16th century, Portuguese explorers had attempted to open up Zimbabwe for trading purposes, but the country was not permanently occupied by European immigrants until 300 years later (Nelson, 1975). Inequalities resulted in the government adopting new laws that sought to promote blacks in owning land, something that, however, negatively caused an economic meltdown. After the expiration of the entrenched constitutional conditions mandated by the Lancaster House Agreement in the early 1990s, Zimbabwe outlined several ambitious new plans for land reform (Fisher, 2000). During the periods of disputed land ownership in Zimbabwe, inequalities were caused by a growing population in need of land, great depletion of natural resources and the rise of poverty that created an unstable environment. Quite a few laws were reviewed before independence and post-independence which include the Land Apportionment Act of 1930, the Native Land Husbandry Act of 1951, the Communal Land Act of 1981 and the Land Acquisition Act of 1992. These laws had similar objectives, being to improve the welfare of land ownership, formalise separation of land between blacks and whites, fair compensation for land acquired and acquisition of more land for resettlement. Despite spirited efforts, most of the laws left exclusive powers in the hands of the government ruling elite.

The perceived monopolisation of land by the ruling party, the Zimbabwe African National Union-Patriotic Front (ZANU PF), provoked intense opposition, arguing that those from outside the patronage of ZANU PF, were unlikely to benefit. The 2000 FTLRP was the most celebrated but yet an era of violence that displaced white farmers from much of the land. By the year 2013, every white-owned farm in Zimbabwe had been either expropriated or confined for future redistribution. Of recent, the legislation governing rural land is the Communal Land Act (Chapter 20:18) which repealed the Land

Commission Act No 12 of 2017. The article, therefore, argues that excessive power or authority of rural land ownership in the name of the presidency has created a rhythm of widespread criticism that has brought to the fore that expropriation of land without compensation remains an accepted unconstitutional practice.

Ownership of communal land is vested solely in the state. It is because land is viewed as an essential property that can never lose its value. The researchers conducted indepth interviews with a variety of stakeholders in land administration who gave their insights about the position of rural land ownership. Although primary data was used, the article relied much on secondary data that was efficient in bringing about answers to repeated disputes on rural land ownership. Secondary data, as per this article, involved published materials, articles, books, reports that served as solid sources of information. This allowed the researchers to identify gaps towards effective land ownership programmes leading to the making of key findings and recommendations on what needs to be done in future. The qualitative data collected from published sources were analysed following the grounded theorising approach (Holton, 2017).

The data helped in making thorough analysis on ownership of land before and after independence in Zimbabwe and general African beliefs. Tanner (2002), asserts that,

“Ownership of land, consequently, the idea that people were returning to their land (after the civil war) had ended, had no real foundation. [but the] reality on the ground was very different .and post war occupation of abandoned and apparently ‘unoccupied’ land by new investors gave rise to many conflicts”.

The intention behind the use of all these approaches was for the researchers to quickly adhere to the stages and structure of land ownership, particularly rural land, that is from an era of chieftainship, kingship then presidency. Such constant comparison has helped researchers to keep comparing the pre-colonial period and post-independence which assisted in evaluating whether there has been a bigger change as compared to the customary practices. To this end, the researchers also made use of computer qualitative data, Acts of Parliament governing land ownership in a variety of ways, which then improved the credibility of the findings.

CONCEPTUAL FRAMEWORK

The evolution of land ownership, particularly “rural”, has been a topic worthy of discussion with different theorists bringing conflicting theories on the

concept of land ownership and its distribution process. The value and meaning of land, therefore, become context specific (Borras and Franco, 2010). Historically, evidence has suggested that land belonged to the king who ruled the kingdom, and he monopolised power that gave him inherent authority over his subjects. This article seeks to unpack rural land ownership in Zimbabwe, making use of the Customary Land Theory, being the core theory explaining how communal land is vested in the state. The theory evolves from the customary law, that is a set of rules, usually uncodified, drawing on tradition yet continually evolving under the influence of contextual pressures (Diala, 2017). It has been identified as an uncodified set of laws that is buried in the hearts of the Africans.

According to this theory, land generally belongs to the state headed by a king who has power to distribute land. Because this theory sees the king or ruler as owner of the land, it is still in force in modern-day Africa that has seen Presidents of African societies as owners of rural land (Bekker, 2008). The concept of land ownership, thus has created a wide range of debates that customary land rights or ownership must be replaced by a method of having titles or have such ownership recorded. According to conservative theorists, it is argued that uncodified customary land ownership creates a better tenure of security than the former. This is widely contested, as arguments boiling from this argument stem from a point of rural land ownership being vested in the hands of one man is deemed to be undemocratic (Mlambo, 2014). At the same time, theorists against this argue that the living customary land ownership theory is a hinderance to the development of land markets and modernisation of the economy. Due to the overlay of colonial influence, modern customary tenure systems may carry little resemblance to pre-colonial customs, which may be undemocratic and unconstitutional (Claassens, 2008). These theories have helped shape the study on the concept of rural land ownership and the existing dilemmas on whether the exclusive ownership of land in the hands of the state is democratic.

LITERATURE REVIEW

Literature has extensively debated the rural land ownership issue in Zimbabwe. In a bid to face such contestations, the article has used different literature relating to central terms, being rural land ownership, land

management, presidential powers and literature relating to governing Acts of Parliament which helped in defining the terms. Land has remained an important commodity to advance the sustainable development goals. Rural land is that which is not urban (US Census Bureau, 2017). Rural land is, therefore, identified by its characteristics that include agriculture, natural resources and lesser human development (Davy, 2012). Section 4 of the Communal Land Act (Chapter 20:04) states that communal land shall be vested in the president, who shall permit it to be occupied and used in accordance with this Act. The fact that the Communal Land Act vests communal land in the hands of the presidency, justifies the customary law theory of land ownership that argues that since time immemorial, land was owned by kings or rulers of kingdoms, in contemporary societies, although kings and chiefs are still in recognition, the President, who is the head of the state, has exclusive power over communal land. Rural land was further defined as basically land other than urban land, statutory land or land owned by the state, a statutory body or local authority (Statutory Instruments Rural Land (Farms Sizes) Regulations), 1999). The article used literature from different sources that included textbooks, journals, which provided extensive debates on the concept of ownership and its precise definition. In the case of segmented societies that acknowledge neither a single nor a series of chiefs, these descent lines are usually called dominant clans, aristocratic or landowner lines (Audrey & Irvine, 2003). The literature used then helped in consolidating the objective of the quantitative research on rural land ownership in Zimbabwe and employ methods and hypothesis pertaining to the phenomenon under inquiry.

HISTORICAL PERSPECTIVE ON LAND OWNERSHIP IN ZIMBABWE

The increasing politicisation of land reform was accompanied by the deterioration of diplomatic relations between Zimbabwe and the UK (Andy, 2017). In the early years of 2000 a referendum was conducted on the new constitution that allowed the government to acquire land compulsorily without compensation. This sparked intense unprecedented conflicts as the issue of acquisition without compensation was regarded to be against democratic values. More commonly, violence was directed against farmworkers who were often assaulted and killed by war veterans (David, 2010). The motive behind such action by the war veterans was pushed by the mere fact that, in

Zimbabwe, the distribution and ownership of land have been divisive topics prior to colonisation. For 90 years, black landowners in Rhodesia (now Zimbabwe) saw their land systematically taken from them by British colonists using a system of brutality, segregation and persecution (Peter, 2000).

Following independence negotiations, the Lancaster House Constitution was released as a schedule to the Zimbabwe Constitution Order 1979 (S.I. 1979/1600 in the UK). The Constitution was a British law or idea. Statistics by Shonhe and Muchetu (2016) showed that the white settlers took the best land (51%), leaving the Africans with infertile lands (22%), while the remaining state land (27%) was set aside for forestry and national parks. Through the implementation of post-independence land reform, the black majority was to be resettled from unproductive native reserves. For the first 10 years, beginning in 1980, the land reform phases used a market-based "willing seller–willing buyer" approach. However, from 1992 to 2000, forced acquisitions were based on gazetted compensation fees (Laakso, 1997). Apart from transitional/unallocated land (2 684 million hectares) and corporation, church and corporate estates (2 041 million hectares), 96% of agricultural land in Zimbabwe is owned by its citizens. Many people— (nearly 70%) — live in rural areas and depend on agriculture (World Bank, 2007).

In the 16th century, Portuguese explorers had attempted to open up Zimbabwe for trading purposes, but the country was not permanently occupied by European immigrants until 300 years later (Harold, 1975). Despite many years of unsettled or undefined land ownership, the Government of Zimbabwe had to redress previous injustices of racially unequal land distribution upon independence. The Land Reform Programme, Phase 1 of 1980 to 1989, saw the acquisition of 3.6 million hectares of land under European occupation under the “willing-buyer, willing-seller” basis, as part of an ambitious programme to resettle an estimated 162 000 families (Kanyenze, 2011). Before the implementation date, the process involved determining the land's technical viability, following the proper legal procedures for acquisition, thorough planning and an assessment by an Inter-Ministerial Committee made up of senior officials from government agencies and representatives of development partners.

After the expiration of the entrenched constitutional conditions mandated by the Lancaster House Agreement in the early 1990s, Zimbabwe outlined several ambitious new plans for land reform. This resulted in the programme launched in early 2000 that had one objective, which was to empower blacks against white superiority over land. The FTLRP was launched in July 2000 and was initially scheduled to end in December 2001. But before the FTLRP, in mid-1992, there was a national land policy enshrined as the Zimbabwe Land Acquisition Act of 1992 that empowered the government to acquire any land as it deemed fit. The perceived monopolisation of land by the ruling party provoked intense opposition from those arguing that those outside the patronage of ZANU PF were unlikely to benefit (Andy, 2017).

RURAL LAND OWNERSHIP FROM A CONSTITUTIONAL PERSPECTIVE: LAWS AND POLICIES GOVERNING RURAL LAND OWNERSHIP

The Zimbabwean Constitution, that is the ultimate national law of the country, was approved in 2013. It contains explicit guidelines about the ownership, transfer and hypothecation of agricultural land within the nation, as well as how land should be handled in public discourse. Sections 71 and 72 of the Zimbabwean Constitution govern property and land rights. In terms of the term “ownership”, this is defined to mean a right to hold and use and take benefits perpetually, to alienate (sell) or bequeath to one’s heirs, while “leasehold” denotes a right to hold and use and take benefits for a specified number of years, conditional on payment of rent and depending on lease terms, and possibly other conditions (World Bank, 2015). The property rights system in Zimbabwe has been a contested arena since the colonial era, particularly because colonial subjugation in Zimbabwe was characterised by politically motivated land dispossession and inequitable property rights distribution patterns (Tsabora, 2016). The constitutional regulation of property and land rights in Zimbabwe has always responded to mainstream political and economic undercurrents. Rugege (2016) alludes that South Africa and Zimbabwe share a common history of colonisation where the struggle for liberation from colonial and apartheid domination in South Africa and from colonial and minority rule in Zimbabwe was based partly on the objective of regaining the land.

Agricultural land is defined as "land used for agriculture on a separate piece of land on Deeds Registry" in Section 72 of the constitution of Zimbabwe. However, this definition does not include communal land or rural land, covered by Section 282, that grants traditional leaders the authority "to administer communal land and protect the environment" as well as settle disputes (Constitution of Zimbabwe, 2013). A land tenure system that encourages greater productivity and investment in agricultural land by Zimbabweans is outlined in Section 289(e), whereas Section 289(b) guarantees actual rights to all Zimbabweans, irrespective of gender or race. The "freedom to acquire, hold, occupy, use, transfer, hypothecate, lease, or dispose of, agricultural land" is, thus, granted to citizens who own agricultural land (Polgreen, 2012). It is sufficient to say that landowners in rural areas have restricted rights over the property they occupy. The great majority of native African farmers were restricted to designated Tribal Trust Lands, where customary land distribution was handled by traditional authority. The Communal Land Act of 1982, passed after political independence, transferred power from chiefs to district councils and Village Development Committees (VIDCOs). But in 1996, cabinet decided to go against the recommendations of the Rukuni Commission (1994) and change this (Fisher, 2010).

Part II of the Communal Land Act, specifically sections 3, 5 and 6, defines communal land as land that was once classified as "Tribal Trust Land." Consequently, any minister may designate any land area as communal land by secondary legislation, such as a statutory instrument. A portion of common land cannot be withdrawn until after deliberation with the rural district council and concurrent adoption of a proposed law that will become a statutory instrument. When the Communal Land Act's Part III (occupation and use of communal land) is consulted, it becomes evident that while anyone may, in accordance with the Regional, Town, and Country Planning Act, occupy and use communal land for residential and agricultural purposes, first obtaining permission from the rural district council, should that permission be denied, an appeal may be filed. Following the first application, the rural district council works with the community chief in accordance with the Traditional Leaders Act and further examines customary law pertaining to the distribution, occupation and use of land in the area in question.

Numerous national legislations passed before 2013, and are out of compliance with the national constitution, still need to be adjusted. In contrast, Chapter 16 of section 276 (2) of the Constitution states that,

traditional leaders have authority, jurisdiction and control over the Communal Land or Rural Land for that they have been appointed, and over persons within those Communal Lands or areas, except as provided in Act of Parliament.

The Rural District Councils Act [Chapter 29:13] then grants rural district councils the authority to administer communal land. In accordance with section 296 of the Constitution, the President announced the establishment of a nine-member Zimbabwe Land Commission on Friday, June 10, 2016. It remains to be seen how new legislation eventually in line with the Constitution, will be put into practice. The political will to carry out the Constitution's provisions will also determine it. The Commission will, among other things, “investigate and determine complaints and disputes regarding supervision, administration and allocation of agricultural land” and is silent on rural land (*The Herald*, 13 June 2016).

Zimbabwe's economic policies show that the country urgently needs economic development and expansion. But the overuse of natural resources can have detrimental effects on nearby communities and small-scale farmers' livelihoods that they might never fully recover from. One instance is the Marange diamond extraction in Chiadzwa, where hundreds of homes had to be relocated to make room for what was thought to be a more structured method of mining. Unlike the villagers who were panning on the diamond fields, the Government of Zimbabwe and a few foreign private investors chose to mine for diamonds in the Chiadzwa mining fields. The 2013 Zimbabwean Constitution's section 13 on national development, serves as another evidence of the country's desire for progress. Although internally displaced people are not specifically mentioned in this clause, it is implied by the Zimbabwean Constitution that their involvement in the projected development is required at every stage. The rights of women and children are also specifically protected in this clause. Protection from deprivation of property is one of the human rights guaranteed by the Zimbabwean Constitution, which states that no property of any kind may be seized or taken away without legal justification. Anybody with a right to or interest in land that was forcibly taken for the land

reform programme, however, can appeal against the compensation issue but cannot contest the acquisition in court.

- (I) The lack of a properly designated agency to safeguard the rights of internally displaced rural landowners lead to a lack of knowledge regarding the existence of these inalienable rights. It's also critical to remember that rural landowners in communal areas and AI resettlement schemes make up most people impacted by problems on ownership of land.

RURAL LAND OWNERSHIP AND MINING

In Zimbabwe, ownership of rural land is inextricably linked to the rules governing mining. Before beginning any mining activity, a potential miner must obtain permission from the owner of land whose farm is less than 100 hectares under the Mines and Minerals Act, section 31 (1)(g) (I-iii). Regrettably, this is removed by section 31(1)(g)(iii) also, that gives the Minister of Mines the authority to use his judgment and reject the landowner's request not to allow mining operations to occur on his/her property. Due to the size of their land, landowners who run the possibility of being evacuated have no avenue for arbitration or presentations.

The nearby miners and workers bring new social and cultural norms, relationships and ills, that the farmer must learn to cope with. When a farmer is outnumbered, interactions can sometimes become acrimonious than amicable. The farmer, who might be entirely or partially relocated, is not involved in this case. The minister in charge of mines is the only one with discretionary authority. Under the current land tenure structure, this section can make things worse for the farmers that are currently in place. The present mining laws were passed in 1961, and they have not been updated to reflect the way the mining industry and national policy directions have changed over time. Since private ownership of agricultural land was the predominant land title at the time the current Act was enacted, when farming was mostly done by white farmers who held title documents over farms, the Mines and Minerals Act recognised private ownership of farming land. Therefore, references to private ownership and the ability to demand payment or be bought out are found throughout the Act. These rights are exclusive to private owners. They do not extend to rural landowners who have restricted control

over their property. Since the farmers could demonstrate ownership, it was simple to enforce these rights. To guarantee that people with the right to occupy and use the land are granted, the same benefits and rights as the prior land title-holders, the Act has not been changed. The existing farm occupiers are now in a weaker position to negotiate for compensation because of this. They can have trouble receiving compensation for the value of lost land because the state owns that value and offers investors tremendous negotiating leverage to choose the location of resettlement or even the amount of compensation. A potential miner must obtain permission from the local rural district council over communal land, according to section 31(1)(h).

Rural residents, however, lack tenure documents that would allow them to fight against relocation or bargain for a better place to live. Every land, including state, communal and private land reserved for the Government of Zimbabwe, is considered open to pegging and prospecting under section 26 of the Mines and Minerals Act. However, the parties involved in the negotiations will depend on the title held over the relevant territory.

(I) INFORMATION AVAILABILITY TO RURAL LAND OWNERSHIP.

Sections 15, 16 and 17 of the Water Act also provide for public notice of the plans of the authorities. They nevertheless have the same drawbacks as previously mentioned, namely that notices are published or displayed in a way that makes them difficult for residents to access, making it difficult for them to serve their intended function. It should be highlighted that the corresponding legislation generally leaves the executive with an excessive amount of discretionary power to make the final decision following objections from interested parties. The only option available to the locals will be the legal system, which most of the rural residents find intimidating. Additionally, the necessary time and financial commitment may be beyond their means. Before a final judgment is made, there ought to be an opportunity for arbitration with a third party to guarantee openness and justice in the handling of this kind of business.

The Rural Land Act, that only stipulates in section 5 that a notice of acquisition must be published in a newspaper that is distributed in the region of interest, is now the least progressive Act of Parliament. To put it succinctly,

very few people in rural areas read newspapers. Furthermore, only those with title deeds or whose name is registered on the land are required by the Rural Land Act to plead their case against any purchase. Most of the rural residents in the area are now unregistered and lack a title deed to the land they have lived on for many generations. Although they lack a tenure document, people from rural areas have their names added to a book by a headman as a sign of acceptance and recognition as members of the community (Ashgate, 2000). Thus, it prevents these common citizens from exercising their right to take part in any plans for development, or at the very least, it greatly reduces their negotiating leverage. The Land Acquisition Act, which lays out further choices and requirements for compensating displaced residents, is not even mentioned in the Act. It follows that there is no aim to protect the residents of rural areas from its silence on compensation and resettlement issues as well as its refusal to acknowledge the dominant tenure structure in such areas.

Like the Rural Land Act, the Rural District Councils Act does not offer any kind of inclusion regarding the process of acquiring land for development. Because of this, land acquisition and development procedures run the risk of isolating themselves from the local population, even if rural areas bear the brunt of development's effects — particularly given that sections 13 and 264 of the Constitution explicitly address the topic of development. According to section 78 of the Rural District Councils Act, the minister's wish to see development is all that is required, and anybody impacted by such choices would get compensation under the rules of the Land Acquisition Act. The populace is vulnerable to arbitrary relocation even in cases where it is not truly essential due to the gap in community participation. Section 18 of the Rural District Councils Act points to the need to enforce compensation for acquired property and section 124 also provides rural councils with the option of borrowing to pay for compensation (Makonde, 2001).

(iii) WOMEN'S RIGHTS TOWARDS LAND OWNERSHIP

Most communities have long-established laws to control how land is passed down through generations since land is a valuable resource and a necessary source of income. But women's access to land inheritance is frequently restricted. Customary law states that a man's claim to family property supersedes a woman's, regardless of the woman's age or seniority within the

family. As a result, widows are not eligible to inherit land or other family property (Manilal, 2019). The sons of the head of the household are meant to inherit land from other family holdings upon their death. Since they are taught to be legitimate heirs to family property, older sons are given preference when it comes to property inheritance (Ndulo, 2017). Regarding inheritance, everyone agreed that male offspring should inherit the farm in the event of a death. Both patriarchy and customary law served as the foundation for this. The son inherited the property since he would typically assume the role of head of the household. Unexpectedly, most of the women think that the boys of the departed should be the ones with the final say over the farms, not the girl child.

DISCUSSION

Land security and reforms had reconfigured Zimbabwe's land ownership system. There is much to build and focus on land ownership, particularly development. Thirty-seven percent of Zimbabweans live in urban areas, with most of them residing in unofficial settlements devoid of tenure security and inadequate services (Mpofu, Chavhunduka and Chirisa, 2023). Millions of people are left vulnerable in Zimbabwe because there is no legislation allowing for the regularisation of informal land rights. Critics of land reforms have contended that rural land ownership that was spearheaded by the land reforms programmes had serious detrimental effects on Zimbabwe's economy (Richardson, 2004). When examining the sections of the Zimbabwean Constitution pertaining to the compulsory acquisition of property, it is crucial to remember that it is widely acknowledged, on a global scale, that governments have the authority to acquire property on a compulsory basis. Section 71 of the constitution stipulates that any compulsory acquisition, sometimes known as expropriation, must serve a public purpose, be non-discriminatory and be followed by compensation. In Zimbabwe, land rights and property are governed under the 2013 Zimbabwe Constitution. Since colonial times, Zimbabwe's property rights system has been a contentious one, especially considering that the country's colonial subjection was marked by politically motivated land dispossession and unequal patterns of property rights.

CONCLUSION

Decades of laws forbidding Africans from owning land contributed to an inherent struggle that created, sparked and ignited unprecedented records of violence and deaths in the history of Zimbabwe. The results of the study have

shown that, before Zimbabwe attained its independence, the overall practice, according to customary law, was that land belonged to those who were the “obeyed”, who made laws and his subjects were to follow. Amid socio-economic tensions that dominated Zimbabwe’s land ownership programmes, the FTLRP saw its birth to address land ownership disputes. Rural land ownership became a central point of great contestations accompanied by government interests towards rural land that is primarily fertile for mining activities. The results of the study have shown that land administrators, judiciary and local chiefs are of significance towards fair distribution of communal land. The article, however, presented an argument that ownership of ancestral land in the hands of the presidency is debatable for purposes of advancing democratic values. However, in principle, although land is vested in the presidency, in practice, land belongs to the inhabitants of a certain group, clan or society. The concept of delegation of powers from President to the chiefs in distributing land is now moot. Progressive rural land management is a pre-requisite for essential, effective and progressive production and investment. Improving rural land ownership is central, not only for the lives of rural residents, but since most of Zimbabwe’s mining areas are mainly rural, the government should also take steps in respecting ancestral land, whilst at the same time bear the goal for sustainable development, trade and investment through robust rural development. Rural land must be sufficiently managed because a failure to manage rural land can lead to misuse, environmental degradation and pollution that can repudiate development and scare away potential investors.

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