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The negotiability of state legal and bureaucratic authority during land occupations in Zimbabwe

Arnold Chamunogwa

Department of International Development, University of Oxford, Oxford, UK

ABSTRACT

The article explains how state legal and bureaucratic authority over land access was renegotiated, and at times undone, during land occupations in Mazowe District, Zimbabwe from 2001 to 2002. It explains the logics and strategies used by land occupiers to make use of legal and bureaucratic procedures, in contradictory ways, as they made, protected and validated claims to land and related resources. It also explains the ambiguous role of local state institutions during farm occupations. The author illustrates how certain state institutions adhered to long-standing technocratic ideas and practices of controlling land access, while others undermined and, at times, subverted them.

KEYWORDS

Zimbabwe; land reform; *jambanja*; state authority; ZANU–PF

La négociabilité de l'autorité légale et bureaucratique de l'Etat pendant les occupations de terres au Zimbabwe

RÉSUMÉ

L'article explique comment l'autorité légale et bureaucratique de l'État sur l'accès aux terres a été renégociée et parfois défaite pendant les occupations de terres dans le district de Mazowe, au Zimbabwe, de 2001 à 2002. Il explique les logiques et les stratégies mobilisées par les occupants des terres pour utiliser les procédures légales et bureaucratiques, de manières contradictoires, à mesure qu'ils formulaient, protégeaient et validaient leurs revendications à la terre et aux ressources associées. L'article explique également le rôle ambigu des institutions étatiques locales lors des occupations agricoles. L'auteur montre comment certaines institutions de l'État ont adhéré aux idées et pratiques technocratiques de longue date en matière de contrôle de l'accès aux terres, tandis que d'autres les ont sapés et parfois subverties.

MOTS-CLÉS

Zimbabwe ; réforme agraire ; *jambanja* ; autorité étatique ; ZANU-PF

The Fast Track Land Reform programme (FTLRP) was largely characterised by the widespread occupation of white-owned farms, in a violent and chaotic fashion, by a wide array of actors who included veterans of the 1970s liberation war (known as war veterans), youths, villagers, urban-based land seekers, ruling party activists and traditional leaders (Alexander 2006; Bhatasara and Helliker 2018). Long-standing state technocratic ideas

CONTACT Arnold Chamunogwa chamunogwaarnold@gmail.com

and practices of controlling land access and enforcing order on resettlement farms, which were prevalent during the 1980s and 1990s, were largely undermined, and at times subverted, by the ruling party, the Zimbabwe African National Union–Patriotic Front (ZANU–PF), war veterans, youth militias, a wide array of land seekers and some representatives of state institutions such as District Administrators (DAs).

The lawlessness, chaos and violence that characterised the farm occupations has led most scholarly studies on the FTLRP to present land occupiers, in a generalised way, as subverting legal and bureaucratic procedures of land redistribution (Mutanda 2013; Sachikonye 2005; Selby 2006; Worby 2001). For example Worby (2003) points out that the 'validity of law' was suspended as actors aligned to ZANU–PF conveniently placed themselves outside the law, by unleashing lawlessness on white-owned farms. Matondi (2012, 6), in his study of FTLRP across six districts, contrasts the expectations of 'orderliness and adherence to laws and procedures' by government officials against views held by occupiers that 'order meant doing nothing [and] existing laws and standards were meant to preserve the status quo and did not facilitate their entry into commercial farms … [and] procedures were regarded as technical bureaucracy to delay the resettlement programme'. Even Moyo and Yeros, who consistently argued that analysis of FTLRP should take into account the agency and organic tactics of the land occupation movement, concede that there was a temporary 'suspension of bureaucracy' during the intense period of farm occupations, from 2000 to 2003 (2007, 108–113). This begs the question, how did the lawlessness and chaos co-exist with long-standing state technocratic ideas and practices of controlling land access, and with what effect on state legal and bureaucratic authority in fast-track resettlement areas?

The literature on FTLRP documents the tensions between state technocratic ideas and practices of controlling land access, and the logics of patronage politics and violence that characterised the farm occupations, but it does not adequately explain them. The picture remains incomplete because the literature does not take into consideration how occupiers strategically used legal and bureaucratic procedures of land resettlement to make and protect their claims to land. Chaumba, Scoones, and Wolmer (2003a, 2003b) are an exception. They go beyond the generalised characterisation of farm occupations as lawless and chaotic to argue that state language and practices of technocratic planning were not necessarily absent, though they were variously undermined as the occupations took place outside official channels. They argue that occupiers appropriated technocratic planning ideas and methods which they used to gain state recognition and to validate their claims to land (Chaumba, Scoones, and Wolmer 2003a).

The aim of this article is to explain the negotiability of state legal and bureaucratic authority during the farm occupations from 2000 to 2002, by going beyond the binary tensions between lawlessness and technocratic practices mentioned above, while building on Chaumba, Scoones, and Wolmer's account of the occupier's use of technocratic language and procedures of planning to legitimise land claims. I achieve this by explaining the logics and strategies used by occupiers to make use of legal and bureaucratic procedures, in contradictory ways, as they made, protected and validated claims to land and related resources. I also explain the ambiguous role of local state institutions during farm occupations. I illustrate how and why certain state institutions adhered to long-standing technocratic ideas and practices of controlling land access, while others undermined, and at times subverted, them. I use Das and Poole's (2004) concept of the 'margins of the state' to explain this co-existence between the state's legal and bureaucratic authority, and the logics and

practices of patronage politics and violence during farm occupations. Das and Poole (*Ibid.*) define the margins of the state as a metaphorical space where the state's authority is experienced and undone due to the illegibility of its rules, and as the space where state authority is contested and 'colonised' by competing logics and forms of regulation.

It is at the margins where we can trace and analyse the 'minute, mundane and often obscure practices of the everyday' that help us explain how ordinary people use, and abrogate, the law as they make and protect claims to resources (Cowan 2004, 929). Comaroff (2001, 306–307), in his study of colonialism, culture and the law, argues that 'people who see themselves as disadvantaged' often challenge hierarchies of power 'by either speaking back in the languages of the law or by disrupting its means and ends'. In such cases, the law becomes a site of resistance, refusal and struggle as individuals' lived realities and personal imaginaries shape their experiences and uses of the law (Karekwaivanane and Cooper-Knock 2016). I therefore trace and explain the logics offered by occupiers and local officials, as they explain how and why they violated certain legal provisions whilst observing and upholding others during the farm occupations. Current studies on the FTLRP, with the exception of Chaumba, Scoones, and Wolmer, do not take such an approach; instead they primarily focus on the elements of violence and chaos during farm occupations. I argue that state legal and bureaucratic procedures of land acquisition should be considered together with the occupiers' logics of patronage politics and violence if we are to achieve a nuanced understanding of how state authority was renegotiated, and at times subverted, during farm occupations.

The article is based on qualitative fieldwork conducted in Mazowe District over 15 months from 2015 to 2016. I carried out 86 in-depth interviews with A1 resettled farmers who participated in the occupations at Craigengower Farm, Adura Farm and Hermiston Farm. The three farms make up my study sites. I also interviewed war veterans and local ZANU–PF leaders who participated in the occupations. I also interviewed government officials, i.e. agricultural extension officers, officials in the District Administrators Office and officials from the District Lands Office who participated in or witnessed the occupations in Mazowe District.

The first section of this article details the legal provisions and bureaucratic procedures for land acquisition stipulated in the Land Acquisition Act (2001), which provide a backdrop to the analysis to be done throughout the article. In the second section, I discuss how certain state actors and institutions acted ambiguously during the farm occupations, in an attempt to manage the diverse and conflicting interests of war veterans, ordinary land seekers, local ZANU–PF activists and powerful elites who had vested interests in land in the district. In the third section, I explain how the occupiers' experiences of exclusion from benefitting from material goods on occupied farms, and perceived threats to land claims, prompted them to use violence to challenge the validity of laws which deterred them from interfering with the farming operations of land owners. The fourth section explains how occupiers navigated bureaucratic spaces using their consciousness of legal and bureaucratic procedures to validate their claims to land, at the same time as they violently challenged the validity of the law. The conclusion sums up the article by demonstrating how the uneasy co-existence between the state's legal and bureaucratic authority, and the occupiers' logics of patronage politics and violence, add to our understanding of how long-standing state ideas and practices were undone and renegotiated during the FTLRP.

Legal and bureaucratic procedures of land acquisitions and allocations

The dramatic upheavals of the FTLRP in 2000 put to the test the ZANU–PF government's commitment to a technocratically driven land redistribution exercise, which was increasingly compromised throughout the 1990s. During the 1990s, the gulf between some ZANU–PF leaders' nationalistic and anti-imperialistic rhetoric on deracialising land ownership, and the government's technocratic ideas and practices of land resettlement of the 1980s, increasingly widened. The government had mostly used its technocratic and bureaucratic institutions to control access to land and to direct land use during the 1980s land resettlement programme (Alexander 1994; Drinkwater 1991; Moore 1999). The Ministry of Lands had overarching authority over the programme. Officials from the ministry identified and purchased white farms for resettlement, while its locally based Resettlement Officers identified land beneficiaries together with DAs and District Councils, and, in some areas, in consultation with chiefs (Moore 2005). The department of Agricultural Technical and Extension Services (Agritex) within the Ministry of Agriculture, which had played a key role in the implementation of the Native Land Husbandry Act (NLHA) in the 1950s, developed land use plans for the resettlement farms and it had the responsibility of enforcing good husbandry practices reminiscent of the NLHA era (Alexander 1994; Moore 1993).

Land occupations outside official channels, which were mostly led by chiefs and headmen making restitution-based claims to land, were common during the 1980s and 1990s, but they were treated as 'squatting' in official discourse (Alexander 1994). Squatters were mostly subjected to violent evictions, though in some cases, especially in the early 1980s, they were eventually resettled by the Ministry of Land (Moyo 2001). The resettlement of squatters became less common over time as state institutions consolidated control over land access. The police were deployed to protect white-owned farms from squatters, and, together with squatter control committees established by the Ministry of Local Government, they used court orders to stop and reverse unofficial farm occupations, particularly in the late 1990s.

Following the widespread farm occupations in early 2000, the government established District Land Committees (DLCs) as a way of reasserting central authority over land redistribution. The DLCs were comprised of non-state actors such as war veterans, and the ZANU–PF District Coordinating Committee (DCC) chairperson, and state actors who included district heads of state security institutions, i.e. the army, intelligence agency and police, and district heads of Agritex and the Ministry of Lands, as well as the DA, and chiefs. The DLCs reflected the partisan interests of ZANU–PF during the FTLRP, while the composition of the committee was an expression, in one institution, of the heterogeneity of the 'state' and its mixed claims to authority and competing agendas, all acting very uncomfortably together to shape the land redistribution exercise. The DLCs were largely partisan yet they were also expected by the central government to 'supervise' the legal and bureaucratic processes of land acquisition and allocation at district level, though in practice most farm occupations continued outside of the DLC (Matondi and Dekker 2011; Selby 2006).

The legal procedures of land acquisition and allocations were laid out in the Land Acquisition Act (2000) (incorporating Amendments of 2001 and 2002) as quoted below:

Step 1: Issuance and effect of a Section-5 notice (Listing)

A preliminary notice of intention to acquire land must first be published in accordance with Section 5 of the Land Acquisition Act (commonly known as a 'listing' or 'Section-5 notice'). The Section-5 notice must be served on the landowner and the holder of any registered real right to the land. The effect of the Section-5 notice is that the subdivision or disposal, construction of permanent improvements on or damage or impairment of such land requires the permission of the acquiring authority [i.e. the Ministry of Lands and Rural Resettlement] … An owner who has received a Section-5 notice may contest the notice within 30 days of its issuance and demand the acquisition of the whole property … Where a Section-5 notice is contested, the acquiring authority must move to the Administrative Court for an order that authorizes the acquisition, confirming the acquisition if a Section 8-Order (Acquisition) has since been issued. The Administrative Court may either grant or refuse the application, upon which the acquiring authority may proceed with the acquisition, or, as the case may be, withdraw the Section-5 notice.

Step 2: Issuance and effect of a Section-8 Order (Acquisition)

In all cases where a Section-5 notice is not contested, an acquisition order may be served after 30 days of that notice (commonly known as a Section-8 order). The effect of a Section-8 order is that title to the land passes to the acquiring authority unless the order is subsequently revoked or the Administrative Court refuses confirmation, and the acquiring authority may exercise any right on the land that does not require the eviction of the owner or other occupiers.

Step 3: Issuance and effect of a Section-9 notice (Eviction)

In all cases where a Section-8 order is in place, the acquiring authority may issue a notice of eviction requiring the owner or occupiers to vacate the land (commonly known as a 'Section 9 notice'). [A Section-9 notice] does not evict an owner-in-residence unless a further three-month notice is given; however, it does authorize the acquiring authority to survey, demarcate and allocate land for resettlement but without interference with living quarters and farming operations.

Statutory Instrument No. 338/2001 [amended the Land Acquisition Act and] the Section-8 Order now also serves as a Section 9 Notice, thus prohibiting, with immediate effect, the occupation and use of the land affected and giving further notice to the owner to vacate his/her living quarters within three months after the date on which it is served. The operation of this Instrument is retroactive to 23 May 2000, which means that all farms that have been served with Section-5 notices would be affected should Section-8 Orders be served on them. (United Nations Development Programme [UNDP] 2002: 26–29)

In practice, the legal procedure for acquiring and redistributing land was complex and cumbersome to execute. A junior official from the DA's office I interviewed pointed out that the appeal process to the Administrative Court and its outcome was deemed by occupiers, war veterans and local party activists as obstructive to ZANU–PF's agenda of 'repossessing' white-owned farms.[1] The appeals either 'reversed' or 'delayed' land acquisitions, and this was against the 'urgency' of redistributing land ahead of elections, as expected by ZANU–PF, said the official.[2] Such perceptions shaped the strategies used by the occupiers and local officials, as I show below.

In addition to the protracted appeal processes, the DA's office and Agritex lacked the capacity to follow laid-out legal and bureaucratic procedures of land acquisition, since land records in Mazowe District were a shambles:

> [the DLC in Mazowe] failed to establish the actual number of farms in the district because of the numerous subdivisions and 'remainder of farms'[3] based on a long history of private market land transfers [that had not been updated in official records] … there was a lot of administrative confusion with respect to the names of farms and trading names, or just popular names. (Matondi 2012, 40–41)

A member of the DLC who also worked for a state security institution pointed out in an interview that they adopted a 'dragnet approach to land acquisitions' by gazetting all white-owned farms in the district, since the DA's office and Agritex did not have up-to-date cadastral farm records, given changes in ownership and subdivisions that took place prior to the FTLRP.

From the standpoint of some local officials I interviewed, the acquisition and redistribution of land strictly using legal and bureaucratic procedures was prohibitively elaborate and difficult to execute given the shambolic land records, depleted capacity within government departments and the contentious politics of land. How then did this state of affairs shape the conduct of government officials responsible for enforcing legal and bureaucratic processes of land acquisition, and with what effect on the exercise of state bureaucratic authority during the farm occupations? I address this question in the next section by explaining how partisan politics shaped the conduct of the DA, to the extent that the DA used bureaucratic and legal procedures, together with extra-legal strategies, to meet land redistribution targets while balancing out other competing interests. Whereas Agritex officials insisted on long-established state ideas and practices of controlling land access, while acting under political pressure.

The ambiguity of state bureaucratic interventions during farm occupations

The uneasy co-existence between legal and bureaucratic procedures, and disorder during the farm occupations in my study sites, shed light on the reasons why, and the circumstances under which, state authority over land acquisitions was renegotiated, undone and at times 'de-bureaucratised' during the FTLRP. The three farms which form my study sites were occupied in September 2001 when chaotic occupations of white-owned commercial farms had become commonplace, but there was also greater bureaucratic involvement as legal procedures were being used to acquire land formally (Cliffe et al. 2011; Mujere 2011; Sachikonye 2005). The DA of Mazowe played a far more active and direct role in occupations that took place in my three study sites in late 2001, compared to the first wave of occupations in the district in 2000, cited by Matondi (2012), Sadomba (2010) and Chitiyo (2000). The occupiers I interviewed highlighted that they were directed to occupy the three farms by the DA, in violation of Sections 5 and 8 of the Land Acquisition Act (2001). In this case the DA, as opposed to occupiers led by ZANU–PF and war veterans, is the one who circumvented legal and bureaucratic steps outlined in the Land Acquisition Act (2001) by directing land applicants to occupy farms and force out the farm owners. An official from the DA's office indicated that occupiers were encouraged by the DA and the DLC to 'apply "political pressure" on the white farm owners, by maintaining a "vigilant" presence on the farms, so that they abandon their land'.

The DA was violating legal and bureaucratic procedures in an attempt to balance the competing interests and agendas of war veterans, ordinary land seekers, local ZANU–

PF activists and ruling elites, which could not be entirely accommodated within strict legal and bureaucratic confines. This was for two reasons. First, a junior official in the DA's office said the performance of the DA was assessed against land redistribution targets, as he submitted weekly reports to the Provincial Governor, a political appointee, who in turn forwarded reports to Cabinet and the ZANU–PF politburo. The DA's reporting channels were always centralised, but in this case, they were also highly politicised and partisan. During that time, some senior ruling party officials made regular public pronouncements that there were widespread demands for land that justified the rapid implementation of FTLRP. For example, President Mugabe was quoted in an interview with CNN in July 2000 declaring that there was widespread demand for land, so 'farms will be acquired and acquired with a sense of urgency'.[4] The widespread occupations were also reported in the state-owned media as 'demonstrations', thus implying organic demands for land, and in the process covering the government and ZANU–PF's manoeuvres in directing and urging people to occupy white-owned farms (Willems 2004).

Second, the official indicated that the DA was entangled in factional clashes involving war veterans who had led farm occupations in the district from 2000, and ZANU–PF elites seeking to accumulate prime agricultural land using their influence over local state institutions. The ruling elites included individuals with senior positions in government, in state security institutions and in the ruling party. The 'ruling elites' had enlisted the support of bureaucrats to facilitate farm occupations without the leadership of war veterans (Sadomba 2010). For example, in 2000 war veterans led villagers and artisanal miners from nearby communal areas to occupy Walley Farm, but the occupiers together with war veterans were evicted in 2001 by the DA, and the farm was reallocated by the DLC to a businessman with strong links to ZANU–PF.[5] The factional clashes over access to land elevated the authority of local bureaucrats from the DA's office over that of war veterans who had been influential during the early phases of FTLRP. Nonetheless, this was by no means an elevation of the bureaucratic authority of local officials, over war veterans' claims to authority based on shared land grievances with ordinary occupiers. Instead, bureaucratic institutions were being instrumentalised by powerful ruling elites to gain access to prime agricultural land, a practice that was also common in other areas (Marongwe 2011).

In a contrasting case to the politicised and partisan interventions by the DA, the Agritex department, which had the mandate to carry out land use planning on occupied farms, adhered to provisions of Statutory Instrument No. 338/2000 and Section 8 of the Land Acquisition Act (2001) relating to the subdivision of occupied farms and plot allocation, as was the case elsewhere (Chaumba, Scoones, and Wolmer 2003a). An agricultural extension officer from Agritex indicated that they only went to demarcate (subdivide) plots in my study sites after the white farmers were served with Section 8 Orders around August 2002, i.e. close to a year after the farms were occupied at the instigation of the DA. Though the Agritex department had followed laid-out legal provisions, its extension officers still had to carry out the subdivisions under the supervision of Chief Negomo and Cde Madzivanzira, the chairperson of the ZANU–PF DCC. The two respectively acted on custom-based and partisan claims to authority over land redistribution processes. They were able to supervise Agritex officials using the existing scepticism towards government officials who were at the time suspected of supporting the opposition or being non-committal towards the land reform exercise (McGregor 2002).

The involvement of Chief Negomo and the ZANU–PF DCC during the subdivisions was also done under the pretext that they provided transport to Agritex extension officers while ruling party youths provided 'security', as explained by one of the Agritex officials:

> Those were the days when the Chief had a government allocated Mazda B1800 pick-up truck and the DCC chairperson drove a white Nissan Hardbody double cab he was given by the party … [sighs] these two men had a lot of powers and they ruled this area during those days. The cars showed you their [high] status in society. As you know, very few extension officers have motorbikes or bicycles. Most of us walk very long distances to cover the area of commercial farms. So they would provide transport to extension officers in their cars as we moved from one farm to the other demarcating plots. The [ZANU–PF] chairman always carried party youths in his truck just in case we encountered some trouble with the white farmers and farm workers.

The local Agritex department might have needed transport to fulfil their technocratic duties due to resource constraints, but it is evident that the use of a politicised Chief Negomo and non-state actors such as the ZANU–PF DCC, and youth militias, placed partisan authority side by side with, and at times above, the bureaucratic authority of local officials. Chief Negomo also led the allocation of plots to occupiers in a symbolic demonstration of his customary authority to allocate land.[6] The Agritex official present recorded plot allocations by capturing the name, national identification number and plot number of each beneficiary, and this bureaucratic process validated the occupier's claims to land.

The contrasting logics and practices of the DA and the Agritex department during the farm occupations can be traced to the long histories of these two state institutions and their evolution over several decades, or lack thereof. The Agritex department had a long history of technocratic agricultural interventions, including controlling land access and enforcing technical land use planning. Whereas the District Administrators, who were previously known as Native Commissioners and then District Commissioners during the colonial era, have a long history of pursuing the political goals of the government of the day, including being partisan when they are called on to do so (Alexander 2006; McGregor 1995; Mseba 2016). These different historical trajectories of the two state institutions shaped, to a certain extent, their conduct during FTLRP.

In the next section, I illustrate how the conduct of the occupiers was partly shaped by their experiences and understanding of the Land Acquisition Act (2001).

The Land Acquisition Act: experiences of exclusion and violent challenges to the validity of the law

The Land Acquisition Act prohibited farm occupiers and government institutions from interfering with the living quarters and farming operations of farm owners before Section 8 Orders of Acquisition and Eviction were obtained and executed. Occupiers in my study sites did not evict white owners using force immediately after they arrived at the farms, as was the case in some areas. They were restrained from evicting the white farmers by the DA, who emphasised that legal procedures of acquiring the farms had to be completed according to Sections 5 and 8 of the Land Acquisition Act, even though the DA had previously violated the same provisions by directing land seekers to occupy the farms. They resided on the occupied farms together with the white farmers for a period close to a year, from September 2001 to August 2002.[7] The interactions between the occupiers and

white farmers were mostly mediated through both law and violence, as the two conflicting groups sought to protect their claims to land, albeit with varying success.

On paper, the Land Acquisition Act empowered white farmers to control the conduct of occupiers as it placed restrictions on what the occupiers and government institutions could do or not do before white farmers were served with Section 8 Orders of Acquisition and Eviction. The McGower family, who owned Craigengower Farm and Hermiston Farm, used the law to prohibit the occupiers from using any of the buildings on the farms as shelter or for any other purpose, while citing provisions of Section 8 of the Land Acquisition Act.[8] This was explained by a female interviewee from the nearby Chiweshe communal area, who was part of the first group of occupiers at Craigengower Farm:

> The white farmer told us that the law said we could not use any of his buildings. He said we should go and live at a Musasa tree (Zebrawood) that is close to the river where his school was located. We built makeshift houses made of sticks, plastics and cardboard boxes … The biggest problem was that the white farmer was served with Section 5 papers only and [he was] not yet served with Section 8 papers. So, the DA said we should allow him to do whatever he wanted on the farm as long as he did not try to chase us from the farm.

The white farmers could not evict the occupiers because the Rural Land Occupiers (Protection from Eviction) Act, 2001 protected people from being evicted if they had occupied agricultural land for the purposes of being resettled in the future.

The provisions of the Land Acquisition Act, which seemingly gave power to white farmers, provoked resentment among the occupiers. They resorted to violent strategies to disrupt any symbolic or real continuity of ownership of land on the part of the white farmers. This was explained by an early occupier at Craigengower Farm, who was also a member of the ZANU–PF youth league at the time:

> … around August 2002 one of McGower's sons instructed his tractor driver to go and plough fields in preparation of planting. One of us [occupiers] noticed what was happening and came running to our shacks screaming *minda yaenda!* (we are losing our land!) … Everyone immediately left what they were doing. We gathered and started throwing stones at the tractor driver. The son saw what was happening and ran back to his house and locked the gate. People took machetes, iron bars, slashers and whatever they could lay their hands on and smashed the main gate to the farmhouse compound that was locked until it fell down. We were angry that we were patient with the McGowers for long, but they were taking us for granted. The son escaped through the back and we immediately set up vigil on the veranda of his house singing liberation war songs and dancing – we also lit a bonfire on the veranda. Officials from the DA's Office came and pleaded with us to release his wife and mother stuck inside the house, saying that we were now breaking the law.

The law permitted the McGowers to send their tractor to plough, but the symbolism of the action – i.e. the continuity of ownership of land by the white farmers signified through its use – was perceived as provocative by some of the occupiers. The use of violence in this way was aided by the breakdown in the rule of law, and the widespread impunity prevalent at the time which mostly favoured non-state actors aligned to ZANU–PF (Chaumba, Scoones, and Wolmer 2003a).

In another case, occupiers at Craigengower Farm and Hermiston Farm formed interpretations of the meanings and intentions of the law (i.e. the Land Acquisition Act), which they used to justify the use of violence against the McGower family, who were disposing of their irrigation equipment.

Clashes over irrigation equipment: the 'text of the law' versus 'intentions of lawmakers'

Occupiers at Hermiston Farm and Craigengower Farm devised violent strategies to prevent the McGower family from disposing of irrigation equipment, even though the law permitted them to do so without hindrance. There were intense clashes over irrigation equipment at Craigengower Farm, after the occupiers realised they could not purchase any of the equipment that was being sold by the McGower family. The fights were described by an occupier who was previously an artisanal miner in St Alberts:

> … we [i.e. the occupiers] realised that their eldest son was taking away irrigation equipment from the farm, after most of us failed to raise money to buy it. We quickly called each other and camped at the sheds close to his house. That is where the equipment and machinery was kept … We held a vigil there for two weeks demanding the return of all irrigation pipes. A truckload of pipes had already been taken away. But not all pipes had been taken away. We were fighting for the few pipes that were remaining, as well as engine pumps that were still mounted at the pump-house.

A female occupier at Craigengower Farm who was also a war veteran and a former state intelligence officer justified their violent actions by arguing that 'what was written on paper [i.e. the text of the law]' prohibited them from accessing farm equipment and machinery without fair compensation to the white farmers, whereas the intention of ZANU–PF '[lawmakers] who wrote the law was to empower indigenous Zimbabweans'.

This view was shared in most of my interviews, though in some instances it was articulated from a more pragmatic perspective. For example, a female occupier at Hermiston Farm who originally came from Bare communal areas argued that the law 'did not make sense' for her and her colleagues if it did not put in place 'measures where the "new land owners" could inherit farm equipment and continue production after the white farmers had left'. She further argued that their future success as farmers who 'could contribute to the development of the country' was dependent on their access to and ownership of irrigation infrastructure, which they were being denied because 'the law protected the assets of white farmers'. These local narratives, based on some occupiers' interpretation of what the law was, and was not, meant to do, were in tandem with ZANU–PF's nationalistic and racialised discourses during FTLRP. The ruling party discursively articulated the goals of FTLRP as being part of a broader post-colonial social justice project and a developmental programme aimed at facilitating indigenous agricultural production (Bull-Christiansen 2004). These articulations were rooted in pre-independence nationalist struggles, where land was central to nationalist and peasant grievances (Machingaidze 1991; Phimister 1993; Ranger 1985).

The occupier's use of violent strategies to make and protect claims to farm equipment also had class dimensions. Some occupiers I interviewed accused ruling elites (political and military) of being self-seeking and predatory, as they either grabbed or purchased farm equipment from departing white farmers at the exclusion of ordinary occupiers. The class dimensions played out during violent clashes involving occupiers at Hermiston Farm and a high-ranking military commander who is alleged to have purchased farm equipment through brokers based in the nearby town of Bindura. As mentioned above, high-ranking members of state security institutions wielded influence over state institutions such as the DA and DLC, and over FTLRP processes and outcomes, which they

used to accumulate prime land and related resources (Marongwe 2011; Zamchiya 2011). The occupiers beat up and injured a broker who was alleged to be buying the irrigation equipment on behalf of the army official, and they also threatened to burn the equipment. An occupier who was also an artisanal miner in Mvurwi argued that the commander was being opportunistic by using his position in the army to accumulate farming equipment to the exclusion of ordinary occupiers who had limited financial means. The occupier-cum-artisanal miner further argued that the A1 model of resettlement and the financial support they were promised by the government, through the Agriculture and Rural Development Authority (ARDA), were well-meaning attempts by the government to empower indigenous and poor Zimbabweans. Yet these efforts were being undermined by 'selfish' elites with influential political positions, he argued.

The occupiers successfully blocked the sale of irrigation equipment at both Hermiston Farm and Craigengower Farm, but they did not immediately take over the equipment. Instead, the occupiers at each farm, together with the eldest son of the McGower family, compiled an inventory of all the pipes, engine pumps, electricity transformers and related accessories that they submitted to ARDA for processing of payment. The occupiers eventually paid for the irrigation equipment through a loan extended to them under the ARDA facility, and this was corroborated by an agricultural extension officer who was working in Mazowe District during the time of FTLRP. The occupiers (now 'resettled farmers') at Hermiston Farm continued to use the irrigation equipment from 2002 up to the time of my fieldwork in 2015, though they encountered challenges such as electricity power cuts, breakdowns and shortages of spare parts. At Adura Farm, they stopped using irrigation for close to four years during the hyperinflationary period, from 2006 to 2009, due to general economic collapse. They resumed using it in 2010 and it was in use during the time of my fieldwork in 2015. The same applies to Craigengower Farm.

In the next section, I explain how even though the occupiers challenged the validity of the law in these cases, based on experiences of exclusion and ideas of social justice and empowerment, they also appealed to the same laws as they sought to validate and protect their claims to land.

Navigating state bureaucratic spaces in search of legal authority

The processes preceding official acquisition of occupied farms in my study sites reveal how the occupiers used their consciousness of legal and bureaucratic procedures of land acquisition to validate and protect their claims to land. One of the leaders of occupiers at Adura Farm, who also served in the army, indicated that they were conscious that certain legal and bureaucratic procedures had to be completed if they were to successfully validate and protect their claims to land. He said their consciousness was derived from past experiences during the early phases of occupations in 2000, in which immediate takeovers of white-owned farms did not necessarily result in them being allocated plots officially. He also said they were informed by the DA that local government offices did not have updated cadastral records of the farms they had occupied, and, as a result, it was going to take time for the DLC to obtain the Section 8 Orders required to evict landowners.

The occupiers made use of the strategic positions of some amongst them who worked for state security institutions to navigate bureaucratic offices that kept land records such as

title deeds and survey maps of the farms, and to approach banks that had personal details of white farm owners. The state security officials would then submit the information gathered to government offices that drafted and published land acquisition orders, and government printers who published government gazettes with notices of the legal orders. A female occupier at Craigengower Farm, originally from nearby Chiweshe communal area, explained the process as follows:

> It took a lot time for us to serve the white farmers Section 8 [Orders]. The DA was not helpful. He did not even know the registration details of this farm [Craigengower Farm]. But there was a Central Intelligence Organisation (CIO) officer who was part of us the first people to occupy this farm. He is now late. He went to the banks to investigate the name used by the white farmers for their banking. This farm is called Craigengower, but the name registered at the Deeds Office was different … so he [CIO officer] went to the banks to enquire and he was told that the white farmer's name was McGower. Everyone thought he was called Craigengower [laughing] … He then took down the name McGower and went to other offices [Deeds Office] and managed to get the title deeds for this farm. He then took the files to the office that was responsible for gazetting farms [for acquisition, i.e. Ministry of Lands and Rural Resettlement]. He knew what he was doing because he was a security person [intelligence officer], so he completed all the necessary forms. He was told that they [government officials] were going to come with a letter to evict the white farmer. The letter came. That is how the white farmer was served with the Section 8 Order.

An occupier at Adura Farm, who was a serving soldier at the time of occupations, gave an additional account of how they felt that the white farmers sought cover in shambolic and hazy cadastral records which made the legal acquisitions of their farms difficult:

> When we arrived at Adura Farm, John Saul [the white farmer] was confident it was not going to be gazetted and we [i.e. the occupiers] were not taking over his farm. He did not want us anywhere near his fields, equipment or buildings because the formal processes of taking over this farm had not been completed. People had to go to the Deeds Office to verify ownership documents of the farm. We realised the title deeds were not registered in his name, and he hoped that we do not discover it. He thought since no-one knew that the title deeds are not in his name they [the government] could not find a way of getting the farm. The owners of the farm were based in Australia and he had a five-year lease … He was surprised to see us in a convoy of cars coming from Harare, driving through the farm singing and celebrating that we had finally found a copy of the deed, and managed to get Section 8 Order for his farm to be gazetted and for him to be evicted.

It is evident that the presence of state security agents amongst the occupiers, who at the time had more authority and access to both public and private records than state administrators, enabled them to gain unhindered access to state records and institutions – as well as accessing private banking records. This in turn helped the occupiers validate their claims to land through legal means.

The terms 'Section 5' and 'Section 8' featured prominently in all interviews that I carried out during my fieldwork. Some occupiers said they had neither read the respective sections of the Land Acquisition Act (2000) nor understood their full legal import. Nonetheless they referred to these sections as markers of the 'beginning' and 'end' of land occupations in my study sites. What happened in between was an intense struggle for land. For the occupiers, Section 5 (preliminary notice to acquire land) paved the way into white-owned commercial farms. They justified the use of violence and intimidatory tactics as a 'legitimate' means of achieving egalitarian justice in light of land laws that were perceived

to be biased towards white farmers. Yet they still used the same laws and bureaucratic procedures to obtain Section 8 Orders (Acquisition and Eviction), which then validated their claims to land.

When Section 8 Orders of Acquisition and Eviction were issued they were published through a notice in the government gazette, and press adverts were placed in local newspapers as stipulated in the Land Acquisition Act (2001). Some amongst the occupiers in my study sites bought newspapers with the orders for their respective farms. They kept cuttings of the orders as symbols of victory, which they gleefully showed me during our interviews. Those who could afford to bought and kept the original government gazettes that had the orders. These documents are not only souvenirs with sentimental value, they are linked to claims of 'early occupation'. They are kept as evidence of participating in the struggle for land, and they are evoked whenever there are disputes over resources and boundaries, or when there are questions about belonging to the resettlement farms. The documents have importance as symbols of the legal validity of my informants' claims to the land.

Conclusion

I have explained how the state's legal and bureaucratic authority was experienced, renegotiated and at times undone, as a wide range of people made claims to land and related resources, and articulated 'visions of order' that drew on dominant political ideas and narratives. I have used Das and Poole's (2004) concept of the margins, which focuses on the everyday social and political narratives of power by people making claims to resources, and traces their actions and strategies that simultaneously lie outside and inside the law, to provide a new interpretation of the chaos and lawlessness that characterised farm occupations. I explained the specific ways in which the state's legal and bureaucratic authority was experienced, renegotiated and contested by occupiers in my study sites as they made efforts to make, protect and validate their claims to land and related resources. The imagined social meanings and intentions of the Land Acquisition Act formed by the occupiers, and their perceptions of exclusion as a result of the Act, led them to appeal to, and at the same time to challenge, the validity of state laws that were being used to control access to land and related resources. The farm occupations were not just about the violent takeover of farms through occupations, as Chaumba, Scoones, and Wolmer (2003a, 2003b) showed. As I have also shown, legal and bureaucratic procedures of land acquisition and the political strategies used by occupiers shaped and constituted one another in complex ways that help us understand how the state's legal and bureaucratic authority is renegotiated at its margins.

Notes

1. Interview (January 25, 2016, Mazowe).
2. *Ibid.*
3. A term generally used in the recording and naming of farms whose deed of grant was divided, with a new deed issued specifying the new farms created.
4. http://www.iol.co.za/news/africa/mugabe-land-grab-to-press-on-urgently-42027 (July 1, 2000).
5. Interview with an official in the DA's office (February 17, 2016, Concession).
6. Interview with an Agritex official (November 10, 2015, Mazowe).

7. The report by Human Rights Watch (2002) on land occupations cites numerous examples and methods of eviction.
8. Interview with an occupier at Craigengower Farm who originally came from Chiweshe communal area (August 19, 2015, Mazowe).

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Note on contributor

Arnold Chamunogwa holds a DPhil in International Development from the University of Oxford. He researches on governance and state–society relations in Africa.

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