

The Land Question, Economic Collapse and the Right to Development in Zimbabwe

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Abstract

The latter part of the post-colonial period in Zimbabwe – from the late 1990s to the late 2000s – witnessed the collapse of the economy, with dire consequences for the livelihoods of the majority of the impoverished and distressed black population. The context necessitates, from a right to development point of view, an enquiry into the entitlement to redistributive justice with respect to the guarantee for the equal enjoyment of the common heritage for the attainment of socio-economic freedom. This article revisits two decades of recession in Zimbabwe, to unearth the core and peripheral causes thereof, which centred on the deeply antagonistic land question that was ignored, and the blame shifted to political leadership as the cause of the country's decline into a failed state. While the radicalism that accompanied the land repossession left severe socio-economic repercussions, it is argued that even in the absence of the repossession exercise, the economy was programmed to crash in the face of competing interests. The planned crash of the Zimbabwean economy was a means of undermining the independence project and thwarting the land restitution claim that constituted the basis of the Lancaster House settlement that ended the liberation struggle against oppressive white minority rule. With the economy steadily recovering as a result of the productive use of the land by the black population, we argue that the land repossession in Zimbabwe fulfilled a legitimate right to development expectation.

Keywords

right to development, land restitution, economic collapse, radical socio-economic transformation, Zimbabwe

1. Introduction

The latter part of the post-colonial period in Zimbabwe from the late 1990s to the late 2000s witnessed the severe collapse of the economy, with dire consequences for the livelihoods of

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the distressed black population.¹ Following the controversial political transition that took place in 2017, it is crucial to revisit and assess what might have changed. This requires, from a right to development point of view, an enquiry into the aspect of redistributive justice that concerns entitlement to the common heritage for the realisation of socio-economic and cultural development. In international human rights law, development is regarded as a vehicle for attaining greater freedoms and as a human right – formulated as the right to development, guaranteed to every individual and to all peoples. The liberation of Zimbabwe from colonial rule is viewed as an opportunity to redress the political and socio-economic situation by adhering to the normative commitments and ensuring policy certainty on the standards imposed by the right to development.

In this article, we revisit the path to the two decades of stagflation with the aim of identifying the core and peripheral causes thereof, which centred largely on the deeply antagonistic land question that was ignored, with political leadership being fronted as the cause of the country's decline into a failed state.² While the radicalism that accompanied land repossession in early 2000 left severe socio-economic repercussions, it is argued here that even without the repossession exercise, the economy had been programmed to crash, to undermine the independence project and to thwart the land restitution claim that constituted the basis of the Lancaster House settlement that ended the liberation struggle against oppressive white minority rule.

Mlambo notes that Zimbabwe's acquisition of independence in 1980 was 'full of promise and hope that the future would be one of economic prosperity, political freedom and a generally decent livelihood for all.'³ Indeed, the political economy of Zimbabwe grew exponentially in the first ten years after independence from 1980 to 1990, with visible flourishing in various sectors, including in the areas of education, agriculture, mining and tourism, among others. The economy blossomed with double digit growth rates as a result of a thriving export trade in mineral resources, agricultural produce and foodstuffs to the rest of the African continent and other parts of the world, to the extent that the country became known as the 'breadbasket' and 'envy' of Africa.⁴ Zimbabwe offered hope not only as one of the most promising postcolonial success stories in Africa, but also as an enabling political economy where the exercise and enjoyment of the right to development thrived, albeit just for two decades.⁵

1 Richardson, CJ *The Collapse of Zimbabwe in the Wake of the 2000–2003 Land Reforms* (Edwin Mellen Press, 2004).

2 Murphy, GA 'Robert Mugabe's Africa: Zimbabwe as a Failed State' (2013) 1(3) *Tulane Journal of International Affairs* 1.

3 Mlambo, AS *A History of Zimbabwe* (Cambridge University Press 2014) 194.

4 Noyes, AN *A New Zimbabwe? Assessing Continuity and Change After Mugabe* (Rand Corporation, 2020) 3; Orlet, C 'From Breadbasket to Dustbowl' *The American Spectator* <https://spectator.org/48721_breadbasket-dustbowl/> accessed 10 December 2024.

5 The right to development as it is enshrined in the African Charter essentially guarantees entitlement to economic, social and cultural development. The socio-economic progress recorded during the first two decades of Mugabe's government is read in this light to imply realisation of the right to development during that period.

Zimbabwe should have sustained the path to prosperity, as its early growth indicators suggested. Unfortunately, the situation turned out differently, as a result of a combination of adverse factors that led to the intricate question about land restitution. At independence, a constitutional promise on land restitution was made, but the promise was unjustly delayed and the legitimate expectation of redistributive justice was thus denied to the impoverished black population. When the claim for land took a radical turn in 2000, it provoked widespread hysteria, mixed reactions and a dominant narrative that seemed to suggest it was unpardonable to have taken away farmlands from the white minority. The dynamics dramatically changed, resulting in the collapse of the economy and a downward spiral into a failed state.⁶ As the country slumped deeper into worse levels of recession and the most devastating hyperinflation in world history,⁷ with multiple interwoven adversities for the population, concerns about Robert Mugabe's power monopoly, autocratic leadership, democratic insufficiencies and governance malpractices grew and crystallised; he was seen as a problem, rather than the once-charismatic leader who offered a solution to the country's problems. Perceptions thus shifted to popular demands for transformation of the country's political landscape.

Of course, despite Mugabe's liberation credentials and legacy as the father of the nation, his 37-year-grip on power and his lack of strategy to rescue the country led to the popular consensus that 'Mugabe must go', which became the rallying cry during his last days in power.⁸ The belief was that with Mugabe gone, a new government would be able to fix the socio-economic problems and return the country to normalcy. Although he could not be removed by conventional electoral processes, Mugabe eventually succumbed to an orchestrated palace coup in November 2017, which ushered in Emmerson Mnangagwa as the successor.⁹ Despite the controversial political transition, executive corruption, nepotism, abuse of power and misappropriation of state resources for personal and political party interests have persisted, and it is reported that livelihoods in Zimbabwe have degenerated under the Mnangagwa government.¹⁰ This suggests that the actual problem

6 Mvingi, IJ 'The Politics of Entitlement and State Failure in Zimbabwe' (2008) 40(1) *Peace Research* 79.

7 Johnson, M 'Worst Cases of Hyperinflation in History' (2024) Investopedia <<https://www.investopedia.com/articles/personal-finance/122915/worst-hyperinflations-history.asp>> accessed 14 September 2025.

8 Ogenga, F 'Mugabe Must Go: Textual Meanings of the Representation of the Zimbabwean Situation by the South African Press' (2011) 1(1) *African Conflict and Peacebuilding Review* 39, 39-70; Moyo, J "'Mugabe Must Go": Thousands in Zimbabwe Rally Against Leader' *New York Times* <<https://www.nytimes.com/2017/11/18/world/africa/zimbabwe-mugabe-march.html>> accessed 14 October 2024; British Broadcasting Corporation "'Mugabe Must Go": Demonstrators and Police Clash in Zimbabwe' <<https://www.bbc.com/news/world-africa-36968995>> accessed 22 October 2024.

9 Nyathi, M & Ncube, M 'The 2017 Military Coup in Zimbabwe: Implications for Human Rights and the Rule of Law' (2020) 20(2) *African Human Rights Law Journal* 830.

10 Gavin, M 'Trouble Ahead in Zimbabwe' Council on Foreign Relations <<https://www.cfr.org/blog/trouble-ahead-zimbabwe>> accessed 11 November 2024; Muronzi, C '3 Years after Mugabe Overthrow, Many Zimbabweans Say Life's Worse' *Al Jazeera* <<https://www.aljazeera.com/news/2020/11/14/three-years-since-mugabe-overthrow-zimbabweans-say-life-is-worse>> accessed 11 November 2024.

may not be political leadership but something much deeper, an enquiry that we engage with in this article, seeking to determine the cause of the economic collapse and whether the land question provides the solution.

For Munangagwa, the crisis is the result of ‘a political problem, that is exacerbated by failed policies.’¹¹ Policy failures not only exacerbate the political problem but also jeopardise prospects for realising the right to development. With respect to Zimbabwe’s treaty commitment under the African Charter, the government is obligated to ‘formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire population and of all individuals.’¹² The argument is that fixing the development policy dilemma entails recourse to a people-centred rights-based approach in conceptualising development. Such an approach should take into account the right to ownership and control over the land as an essential component of achieving the development purpose, which will address the economic distress that the country has experienced over the last two decades.

From a right to development point of view on how to address the multi-layered dilemma in Zimbabwe, in the next section, we provide a retrospective analysis of the reasons for the rupture of the economy. With reference to the right to development argument in section 3, we highlight the Zimbabwean government’s duty to ensure the effective and equitable redistribution of the land in response to its treaty and constitutional obligations to equalise opportunities for development. With the economy steadily recovering as a result of the productive use of the land by the black population, we argue that the land repossession in Zimbabwe fulfilled a legitimate right to development expectation. Noting, however, that the land redistribution was skewed in favour of ZANU-PF political elites and their associates who grabbed the most fertile portions of the land,¹³ we argue that redistributive justice demands fairness and equitable access to the land so as to equalise opportunities for development for the benefit of the impoverished segments of the population. The last section concludes the article, by focusing on the right to development prospects for Zimbabwe.

2. Economic collapse

This section provides a retrospective critical analysis of the systemic collapse of the Zimbabwe economy, and identifies the underlying factors that caused the collapse. The socio-economic and political situation in Zimbabwe has rightly or wrongly been attributed to several factors, most of them concerning socio-economic and political concerns relating to maladministration and mismanagement, corruption and misappropriation, bad governance and democratic deficits, tribal politics and nepotism, among others. While these factors have indeed exacerbated the dire economic situation, we contend that they

11 Munangagwa, CL ‘The Economic Decline of Zimbabwe’ (2009) 3(9) *Gettysburg Economic Review* 110, 112.

12 Declaration on the Right to Development Resolution A/RES/41/128 adopted by the UN General Assembly on 4 December 1986, art 2(3).

13 Moyo, S ‘Land Concentration and Accumulation after Redistributive Reform in Post-Settler Zimbabwe’ (2011) 38(128) *Review of African Political Economy* 257.

are peripheral and do not go to the core of the problem. If not identified and accurately responded to, efforts at stabilising the economy will probably not get to the profundity in redressing the principal issues. In delving into the core of the enquiry, we aim to unearth the multi-layered factors and thus, point out the genesis of the distressed political economy so that equilibrium can be established and appropriate measures taken to stabilise the economy and enable the people of Zimbabwe to exercise their right to development.

2.1 Promising start, and then sudden decline – What went wrong?

The extent to which development may be achieved and sustained in any country depends on the model for development adopted. When the Mugabe government took over political leadership of Zimbabwe from white minority rule in 1980, it adopted a state interventionist model, which was cautiously implemented with a ‘mild and pragmatic application of socialism’, with heavy investments in health, education and other essential social services, aimed at accelerating socio-economic development.¹⁴ Mkandawire explains that ‘[t]he government’s major policy declaration on the economy called for “growth with equity” presumably on the grounds that only a high rate of growth would permit improvements in the living standards of the majority without adversely affecting the white minority.’¹⁵ Apparently, the model worked to an extent, and with a relatively well-structured and diversified economy, Zimbabwe fared relatively well with recorded gains in poverty reduction and improvement in living standards for the poor in the first decade post-independence.¹⁶ The expression that ‘if it isn’t broken, don’t try to fix it’ (if something works well already, there is no need to change it) should probably have guided political thinking in Zimbabwe when it was forced by the World Bank and the International Monetary Fund (IMF), among other powerful stakeholders, to adopt the market-oriented Economic Structural Adjustment Programme (ESAP) in 1991. The dilemma with neoliberalism is that it is principally concerned with the growth of the market economy, it promotes monopoly capital, and it is designed to enrich a privileged few much more than it is concerned about social welfare for the impoverished majority.

Unlike the socialist model, which is essentially redistributive in nature, the neoliberal market economy model does not guarantee redistributive justice and hence does not guarantee to the entire population the opportunity to exercise and enjoy the right to development. The right to development is, in our estimation, socialist in nature; it promises equitable redistributive benefits and equality of opportunities for development, and therefore guarantees prospects for shared prosperity and welfare gains for everyone.

14 Mugabe, R ‘Robert Mugabe on Zimbabwe’ 1982 Britannica Book of the Year <<https://www.britannica.com/topic/Robert-Mugabe-on-Zimbabwe-1985189>> accessed 3 October 2024.

15 Mkandawire, TP (1985) “Home Grown” Austerity Measures: The Case of Zimbabwe’ (1985) 10(1) *Africa Development* 236, 247.

16 In 1991, Mugabe’s administration abandoned its intervention economic strategy and adopted what was considered to be a market-driven approach – the Economic Structural Adjustment Programme (ESAP) – with a view to reorienting the economy from the production of non-tradeable goods and services to the production of goods that were tradeable. See generally Kanyenze, G ‘Economic Structural Adjustment Programme (ESAP): Precursor to the Fast-Track Resettlement?’ in Masiwa, M (ed) *Post-Independence Land Reform in Zimbabwe: Controversies and Impact on the Economy* (Friedrich Stiftung 2004) 90.

The socialist model was relevant to the postcolonial context in Zimbabwe, requiring broad-based redistributive measures to redress the structural and systemic imbalances inherited from colonial rule. We contend that the Mugabe government was under no compulsion to fix what was not broken. The only justification for the IMF/World Bank's globalisation expedition was to push the neoliberal (free market) agenda into the political economy of fragile sovereign states. At the time the structural adjustment policies were introduced in Zimbabwe, there was no solid reasoning to restructure an economy that was functioning at its best. Other peripheral factors might have contributed, but probably not to the extent of rupturing the Zimbabwe economy at that stage.

For over three decades since the socialist model was abandoned, it could not be determined whether, how and to what extent it would have succeeded in sustaining development in Zimbabwe. Besides, there is no evidence that the disruptions Zimbabwe began to experience in the 1990s were caused by the socialist model and redistributive policies that the Mugabe government implemented from the 1980s to the early 2000s. There is, however, substantial evidence that the economic decline stemmed directly from the implementation of the World Bank/IMF-imposed structural adjustment policies that mandated recourse to austerity measures, cuts in social spending, increased costs for education and healthcare, the privatisation of public services and the subjugation of the government to unsustainable loan conditionalities.¹⁷ Assessing the adverse impact of structural adjustment on the impoverished population, particularly women and children, and its broader implications for the social welfare benefits that the population had enjoyed in the preceding decade, several scholars affirm that the implementation of the ESAP was disastrous and inopportune.¹⁸ This finding is supported by the fact that the IMF/World Bank's ill-advised structural adjustment programmes also failed in many other African countries, and the impact on the populations in those countries was as dismal as in Zimbabwe.¹⁹ Was it necessary to compel Zimbabwe to abandon its socialist model, which was functioning optimally, in favour of the neoliberal market model that caused the economy to crash?

17 Kingston, KG 'The Impacts of the World Bank and IMF Structural Adjustment Programmes on Africa: The Case Study of Cote D'Ivoire, Senegal, Uganda, and Zimbabwe' (2011) 1(2) *Sacha Journal of Policy and Strategic Studies* 121.

18 Thomson, M, Kentikelenis, A & Stubbs, T 'Structural Adjustment Programmes Adversely Affect Vulnerable Populations: A Systematic-Narrative Review of their Effect on Child and Maternal Health' (2017) 38(13) *Public Health Reviews* 1; Kawewe, SM & Dibie, R 'The Impact of Economic Structural Adjustment Programs [ESAPs] on Women and Children: Implications for Social Welfare in Zimbabwe' (2000) 27(4) *The Journal of Sociology & Social Welfare* 79, 102-103; Kanji, N & Jazdowska, N 'Structural Adjustment and Women in Zimbabwe' (1993) 56 *Review of African Political Economy* 11.

19 Muiyoro, P 'The Effects of World Bank and IMF Structural Adjustment Programs on Developing Countries in Africa' Master's Dissertation, TR Sakarya University Social Sciences Institute (2020) 9-13; Odutayo, A 'Conditional Development: Ghana Crippled by Structural Adjustment Programmes' (2015) *E-International Relations* 1; Lopez, C 'Are Structural Adjustment Programmes an Adequate Response to Globalisation?' UNESCO (1999) 511-519; Zattler, J 'The Effects of Structural Adjustment Programmes' (1989) 24(6) *Intereconomics* 282; Kingston (note 17) 110.

Despite the challenges, the ESAP went along with the Washington Consensus principles, which emphasised cost recovery for social services, the minimal role of the state in the economy, financial liberalisation, competitive exchange rates, trade liberalisation, openness to foreign direct investment, privatisation and deregulation.²⁰ However, the question that might not have been considered when the neoliberal economic policies were introduced was whether such policies were suitable for a country that had just emerged from colonialism and white minority rule, with a huge proportion of its population largely still dispossessed and lacking the capacity to compete in a free market economy. While the ESAP might have been intended to stimulate greater economic growth, there was no indication how the intended growth would benefit the poor. As Machedzede rightly notes, the ESAP instead 'reversed the otherwise steady growth of the economy that Zimbabwe was experiencing.'²¹ The downside of the imposed ESAP was that it virtually opened up the country to free market competition to the disadvantage of the black majority. Under colonial rule, the Zimbabwean population was massively dispossessed of land and resources and thus disproportionately disadvantaged and rendered incapable of engaging equally in free market competition with the privileged and economically strong white minority and foreign investors.

As highlighted above, the Zimbabwean economy experienced a decline principally because of the introduction of neoliberal policies. Many sectors of the economy were negatively affected by retrenchments and the scaling-down of operations, with the adverse impact causing enormous suffering and hardship for ordinary black people.²² The deteriorating economic situation triggered resentment and discontent towards the government, both on the home front by the population, labour unions, the private sector and civil society organisations, and on the external front by multilateral and bilateral donors, including the IMF/World Bank that caused the decline.²³ What is compelling about the IMF/World Bank resentment towards Zimbabwe is that, in addition to their faulty prescriptive neoliberal policies harming the country, they further pressured the government to adopt even more stringent austerity measures with negative effects, including salary cuts and reductions in food subsidies.²⁴

The conditionalities that forced the Zimbabwe government to liberalise the economy were obviously portrayed as well-intentioned. However, as the realities, including the experiences in other African countries eventually revealed, the hidden motive behind the economic liberalisation was to disrupt and collapse postcolonial nation states in Africa and thus pressurise the resultant dysfunctional governments into opening up to the World Bank/IMF-driven globalisation agenda (an extension of colonial imperial domination)

20 Machedzede, R 'Zimbabwe and the IMF: Time for Shifting from Neo-liberal Paradigm to People Centered Development Alternatives' Southern Africa Regional Poverty Network <<https://sarpn.org/documents/d0000758/index.php>> accessed 14 September 2023.

21 Ibid.

22 Ibid 1-2.

23 Ibid.

24 Mkandawire (note 15) 237.

that aims at a subtle takeover of major sectors of the economy,²⁵ not excluding land, which was seized across Africa.²⁶ The neoliberal approach conflicted with the Zimbabwe government's commitment to redressing colonial injustices through a prudent rather than a doctrinaire approach.²⁷ The choice reflected an ethical consideration of what would be good for Zimbabwe, especially concerning the unresolved question of land restitution.

2.2 The vexed land question and the orchestrated collapse of the economy

Confronted with growing adversity that was exacerbated by mounting pressures on the home front by opposition political parties and on the external front by international stakeholders, the Mugabe government became apprehensive about an imminent loss in the parliamentary elections of 2000.²⁸ As a desperate face-saving measure to appease the disenchanted population, the Mugabe government authorised the land invasion that led to the forcible seizure of white-owned commercial farms. Had Mugabe's socialist governance model prevailed, the land restitution would probably have been dealt with in a more prudent manner, in the sense that the redistributive benefits might have prevented the population from resorting to radicalism in repossessing the land. Facing stiff domestic pressure, the Mugabe government was compelled to agree to the popular demand for land, which it exploited politically by running Mugabe's presidential election campaign in 2000 with a focus on land repossession.²⁹ The irate population took advantage of the campaign promises of land repossession and proceeded to invade and seize farms from the whites.³⁰ While Mugabe was criticised for the radical approach to land repossession, there was no reason for the white population to resist returning the land to those whose ancestral entitlement to the land was incontestable.

Gundami affirms that the core purpose of the Zimbabwe liberation struggle was to reclaim the land, which was why the land question formed the central subject of the negotiations at the Lancaster House Conference in London from 10 September to 15

25 Meagher, K 'A Back Door to Globalisation? Structural Adjustment, Globalisation and Transborder Trade in West Africa' (2003) 30(95) *Review of African Political Economy* 57; Olutayo, AO & Omobowale, AO 'Capitalism, Globalisation and the Underdevelopment Process in Africa: History in Perpetuity' (2007) 32(2) *Africa Development* 97; Moore, D 'Neoliberal Globalisation and the Triple Crisis of "Modernisation" in Africa: Zimbabwe, the Democratic Republic of the Congo and South Africa' (2001) 22(6) *Third World Quarterly* 909.

26 Tulone, A et al 'Main Intrinsic Factors Driving Land Grabbing in the African Countries' Agro-food Industry' (2022) 120(106225) *Land Use Policy* 1-9; Hall, R 'Land Grabbing in Africa and the New Politics of Food' Future Agriculture – Policy Brief No 041 (2011).

27 Bratton, M 'Development in Zimbabwe: Strategy and Tactics' (1981) 19(3) *The Journal of Modern African Studies* 447, 447; see also Knight, VC 'The Social and Economic Transformation of Zimbabwe' (1983) 82(482) *Current History* 106, 106.

28 Moore, D 'Is the Land the Economy and the Economy the Land? Primitive Accumulation in Zimbabwe' (2001) 19(2) *Journal of Contemporary African Studies* 253; Moore, D 'Democracy is Coming to Zimbabwe' (2001) 36(1) *Australian Journal of Political Science* 163.

29 Africa All Party Parliamentary Group 'Land in Zimbabwe: Past Mistakes, Future Prospects' A Report by the Africa All Party Parliamentary Group (December 2009) 9.

30 Titanski, JL 'Land Reform Sparks Controversy in Zimbabwe' EBSCO (2023) <<https://www.ebsco.com/research-starters/law/land-reform-sparks-controversy-zimbabwe>> accessed 24 August 2025.

December 1979.³¹ The Conference culminated in the granting of political independence to Zimbabwe. Contrary to the general perception that the land question was resolved during the Lancaster House negotiations, no tangible deliberations took place on the question of land restitution. Rather, there was a fluid agreement, which entitled the minority white settlers to retain ownership over the land in their possession and control, and to dispose of it only on 'willing seller' and 'willing buyer' terms.³²

Justice delayed is justice denied. Twenty years had passed when the radical land repossession happened in 2000. This was beyond a reasonable time for the Lancaster House agreements on land restitution to have been honoured. By every indication, the white settlers were not at any point post-independence willing to freely dispose of the land that they had grabbed and that they controlled.³³ It defeats rational thinking that land in Zimbabwe should be bought from white settlers when the land was forcibly seized from indigenous people during the colonial period and no form of compensation was ever paid to them.

At the end of the colonial era, an estimated 6,700 white settler farmers owned 15.5 million hectares of land, representing 47% of the total farmland under freehold tenure. Only 8,000 small-scale black farmers owned or leased 1.4 million hectares, representing a minimal 4% of the total farmland.³⁴ Gundami explains that the largest proportion of the black population, amounting to about 700,000 peasant households, occupied 16.4 million hectares of Tribal Trust Lands (communal lands), which amounted to 49% of the semi-arid to arid land they shared under communal tenure.³⁵ Under such a dispensation of gross injustice in access to and ownership of land, it is inconceivable that the black population would ever have enjoyed equality of opportunity for development. Justice and fairness required that the terms of the Lancaster House Agreement be honoured to enable the legitimate transfer of the land to indigenous Zimbabweans in return for adequate compensation to the white farmers, which compensation had to be borne by the British government, with support from its western allies.³⁶ The latter reneged on the promise and thus contravened the terms of the Lancaster Agreement.³⁷ By the 1990s (a decade later), with a minimal £44 million made available by the British government, only between 52,000 and 70,000 families were allocated and resettled on previously white-owned farmlands on a willing seller and willing buyer basis, instead of the 162,000 households envisaged in the early 1980s.³⁸

31 Gundami, PH 'The Land Question and its Missiological Implications for the Church in Zimbabwe' (2003) 31(3) *Missionalia* 467.

32 See Onslow, S 'Zimbabwe: Land and the Lancaster House Settlement' (2009) 2(1) *British Scholar* 40, 41-42; Thomas, NN 'Land Reform in Zimbabwe' (2003) 24(4) *Third World Quarterly* 691, 698.

33 Marara, L 'Colonial Land Injustices in Post-Independence Zimbabwe' Origins (April 2025) <<https://origins.osu.edu/read/colonial-land-independence-zimbabwe>> accessed 14 September 2025.

34 Gundami (note 31) 469; Thomas (note 32) 697.

35 Gundami (note 31) 469.

36 Thomas (note 32) 697.

37 Para 4(c) of the Lancaster House Agreement stipulates: 'In concluding this agreement and signing this report the parties undertake: to comply with the pre-independence arrangements.'

38 Kinsey, BH 'Land Reform, Growth and Equity: Emerging Evidence from Zimbabwe's Resettlement Programme' (1999) 29(2) *Journal of Southern Africa Studies* 173, 173-196; Thomas (note 32) 697.

It would seem that the promises made at Lancaster House barely aimed at averting the imminent expulsion of white people from Zimbabwe. Thomas points out that the terms of the agreement basically protected the rights of white minority farmers to retain the land that they possessed and controlled, and they would only offer to sell under-used portions of the land.³⁹ As Onslow points out, the reticence in facilitating land restitution bred resentment among the black population, particularly because of the legitimised injustice that allowed white farmers possession, ownership and control of the most fertile and arable large portions of the land,⁴⁰ while the majority of the black people remained dispossessed. Thomas' solid argument on the moral obligation (anchored on ethical and economic considerations) for land redistribution in Zimbabwe stands against any counterfactual.⁴¹ Land restitution should not have been the subject of any contestation. Rather, concern ought to have centred on the modality of restitution and redistribution. If the British government had been genuinely committed to land restitution as a central factor in the quest for political and economic independence, recourse to taking the land forcibly would not have been necessary.

Besides the distress that the Zimbabwean political economy had begun to suffer because of the miscalculated adoption of the World Bank/IMF-imposed neoliberal structural adjustment policies, as explained in the previous section, more severe political and socio-economic woes gripped the country, following the radical land redistribution programme that involved the forced eviction of white farmers from the extensive farmlands they owned. Although well-intentioned – aiming to redress the inherited injustices in land ownership – the land redistribution policy was heavily criticised and rightfully so, because of the manner in which it was rashly implemented, resulting in counterproductive consequences for which no damage control measures were put in place. The agricultural sector suffered tremendously, with enormous adverse effects on food production. The agricultural sector was at the time the principal source of revenue and lever of the economy, and sectors like banking, manufacturing and many other related businesses also collapsed.⁴² It cannot be stated with certainty whether and to what extent or at what pace Zimbabwe would have recovered from the economic collapse, based exclusively on the political dynamics in the country.

Thomas draws attention to the fact that, as far back as the mid-1980s, there were deliberate efforts to frustrate the land redistribution agreed to at Lancaster for reasons which were characterised by unnecessary complexities, including 'implicit threats of the withdrawal of aid' by foreign donors like the World Bank and the British government.⁴³ The threat was indeed activated when the Zimbabwean government refused to bow to pressure and proceeded to execute the land restitution in its own way. The European Union responded with coercive and exceedingly harsh economic sanctions on the entire

39 Alexander, J 'State, Peasantry and Resettlement in Zimbabwe' (1994) 21(61) *Review of African Political Economy* 325; Thomas (note 32) 697.

40 Onslow (note 32) 41.

41 Thomas (note 32) 697.

42 Taylor, SD 'Business and Politics in Zimbabwe's Commercial Agriculture Sector' (1999) 27 *African Economic History* 177; US Government Print Office 'Zimbabwe Political and Economic Crisis Senate Hearing 107-102 (2001) <<https://www.govinfo.gov/content/pkg/CHRG-107shrg73697/html/CHRG-107shrg73697.htm>> accessed 1 September 2024.

43 Thomas (note 32) 698.

Zimbabwean government in 2002, the United States imposed sanctions in 2003 and the United Kingdom in 2004.⁴⁴ The sanctions hinged on, among other things, infringements on 'property rights', assuming that it was impermissible to have taken away the land from white farmers, in violation of their property rights. Although the sanctions were said to be targeted at specific individuals in the government for human rights violations, as well as policy and democratic deficits, the adverse effects undeniably had devastating consequences on the entire population.

Contrary to critics who dismiss the negative effects of targeted sanctions, empirical evidence illustrates that economic sanctions are generally not only counterproductive; they also have severely harmful ripple effects of a multidimensional nature.⁴⁵ The economic collapse in Zimbabwe is blamed in part on the coercive economic sanctions,⁴⁶ which, as Matumbe illustrates, were compounded by corruption, misappropriation of resources and political patronage by the ruling ZANU-PF elite, who further stifled the economy through their unrelenting grip on power.⁴⁷ The sanctions, however, worsened a bad situation; we contend that the economy would have recovered in spite of the odds that pivot on the rhetoric of black incapacities (the narrative that black people are incapable of putting the land to productive use), which we proceed to interrogate.

2.3 Constructed myth of black incapability

The land redistribution programme that took off in the early 1980s was deliberately stalled; one of the principal reasons was, as Thomas explains, that the Zimbabwean government was 'persuaded that the loss of experienced commercial farmers would drain the economy of vital export earnings'.⁴⁸ Fletcher puts it this way: 'Zimbabwe's white farmers once helped feed Africa — Now their farms lie in ruins'.⁴⁹ The message therefore was that black

44 Council Common Position of 18 February 2002 concerning restrictive measures against Zimbabwe, Acts adopted pursuant to Title V of the Treaty on European Union – Official Journal of the European Communities; Blocking Property of Persons Undermining Democratic Processes or Institutions in Zimbabwe, Executive Order 13288 of March 6, 2003 Federal Register – The Daily Journal of the United States Government.

45 Gutmann, J, Neuenkirch, M & Neumeier, F 'The Impact of Economic Sanctions on Target Countries: A Review of the Empirical Evidence' (2023) 24(3) *Economic Policy Forum* 5; Özdamar, Ö & Shahi, E 'Consequences of Economic Sanctions: The State of the Art and Paths Forward' (2021) 23(4) *International Studies Review* 1646; Peksen, D 'Socio-Economic and Political Consequences of Economic Sanctions for Target and Third-party Countries' <<https://www.ohchr.org/sites/default/files/Documents/Events/Seminars/CoercitiveMeasures/DursunPeksen.pdf>> accessed 12 November 2023.

46 Gumbo, T 'Land Reform as Decoloniality in Zimbabwe' in Bangura, AK (ed) *Socio-Economics, Philosophy and Decoloniality: Exploring the Economic Impact of Colonialism and Neocolonialism Across Africa and its Diaspora* (Palgrave Macmillan 2025) 357.

47 Makumbe, J 'Bureaucratic Corruption in Zimbabwe: Causes and Magnitude of the Problem' (1994) 19(3) *Africa Development/Afrique et Développement* 45; Zinyama, T 'Systematic Corruption in Zimbabwe: Is the Human Factor the Missing Link?' (2021) 12(1) *African Journal of Public Affairs* 132.

48 Thomas (note 32) 698.

49 Fletcher, M 'Zimbabwe's White Farmers Once Helped Feed Africa: Now Their Farms Lie in Ruins' Pulitzer Centre <<https://pulitzercenter.org/stories/zimbabwes-white-farmers-once-helped-feed-africa-now-their-farms-lie-ruins>> accessed 14 November 2024.

Zimbabweans lack the capabilities to use the land like the ‘experienced [white] commercial farmers’, to sustain the economy and ‘feed Africa’. In the last couple of years, mainstream media has resorted to pushing the false narrative that the Mnangagwa government is repossessing unused land from black farmers and resettling white farmers whose farmlands were seized in the early 2000s.⁵⁰ The narrative portrays the black population as incapable of putting the land to use.⁵¹ Interestingly, the mainstream media has not reported on the success stories of the land redistribution programme.

When white farmers owned the land, they made a huge contribution to developing the Zimbabwean economy. Some of the land seized from them has been underused or left to waste. These facts, however, do not outweigh the reality that the black population is equally capable of, and has the potential to achieve, comparable outputs if granted access to the same opportunities, facilities and incentives that enabled the white farmers to thrive. An assessment of the potential of the blacks in relation to the whites must consider peripheral factors that are often deliberately ignored. For instance, when white farmers owned the land, the workers were predominantly blacks, implying that the latter were not by any means lacking technical skills in farming and farm management. It is not possible that because black people now own the land, they suddenly become incapable of putting it to productive use. A 2023 report in *The Telegraph* states that hundreds of white farmers returned to Zimbabwe to boost the agricultural sector, but they can only lease the land or work for the black landlords.⁵²

Research findings reveal that many of the beneficiaries of land redistribution have put the land to productive use. For instance, a study conducted by Tekwa and Adesina reveals that the land reform programme has had redistributive outcomes for various categories of women (married, single and widowed), amounting to 12 to 18% of beneficiaries who gained access to land in their own right as opposed to less than 4% of white farms owned by women or women benefiting as proxies of male-headed households prior to the land reform that took place in the 2000s.⁵³ They contend that the land reform programme has ‘hardly ever [been] assessed as a policy instrument for its redistributive, productive, social protection and social reproduction functions’,⁵⁴ but mostly only from a neoliberal point

50 British Broadcasting Corporation ‘Zimbabwe to Return Land Seized from Foreign Farmers’ <<https://www.bbc.com/news/world-africa-53988788>> accessed 31 October 2023; Al Jazeera ‘Zimbabwe Repossessing Unused Land from Black Farmers’ <<https://www.aljazeera.com/news/2022/3/30/zimbabwe-repossessing-unused-land-from-black-farmers>> accessed 31 October 2024.

51 Gumede, W ‘Lessons from Zimbabwe’s Failed Land Reforms’ University of the Witwatersrand <<https://www.wits.ac.za/news/latest-news/in-their-own-words/2018/2018-10/lessons-from-zimbabwes-failed-land-reforms.html>> accessed 24 October 2024; Richardson, CJ *The Collapse of Zimbabwe in the Wake of the 2000–2003 Land Reforms* (Edwin Mellen Press 2004).

52 Farmer, B & Thornycroft, P ‘Hundreds of White Farmers Return to Zimbabwe in Boost for Agriculture’ <<https://www.telegraph.co.uk/global-health/climate-and-people/white-farmers-return-to-zimbabwe-agriculture-boost/>> accessed 3 March 2025.

53 Tekwa, N & Adesina, J ‘Gender, Poverty and Inequality in the Aftermath of Zimbabwe’s Land Reform: A Transformative Social Policy Perspective’ (2018) 19(5) *Journal of International Women’s Studies* 45, 48-50.

54 Ibid 45.

of view under white ownership. Empirical findings further reveal that following the land repossession, tobacco farming in Zimbabwe has risen steadily, 'with production now often exceeding that generated by white commercial farmers in the 1990s.'⁵⁵ It is reported that 'Zimbabwe has recorded the highest tobacco production in its history. The country's tobacco output in the ongoing 2023 marketing season now stands at 261 million kilograms, surpassing the previous record of 259 million kilograms', representing over 85% of the production coming from small-scale black farmers, 60% of whom are beneficiaries of the land reform programme.⁵⁶ More empirical evidence by Chimhowu et al illustrates that:

During our research, we saw that the farmers had a real passion for farming. We found that farmers are making investments: building houses, round brickkitchens, barns, irrigation and water development and buying farm implements. There may still be disputes about some of the big farms, but the 160,000 smaller farmers feel secure and are investing. These are not really 'small' farmers: they have six hectares or more. They are making the land their own, and they are becoming serious commercial farmers.⁵⁷

Land restitution cannot be objectively assessed exclusively from the viewpoint of agricultural productivity and therefore does not guarantee entitlement for it to be used solely for agrarian purposes. Equitable entitlement to land guarantees access to ancillary opportunities in maximising its productivity, including for housing and real estate development, for setting up businesses, and for exploiting minerals and natural resources, among others. In a study of three emerging small towns in rural Zimbabwe over a period of twenty years from 2000 to 2020, Scoones and Murimbarimba illustrate how, as a result of the land redistribution and the consequent transformation of the agrarian structure, the economies of the three towns, namely Mvurwi (a farmworker settlement), Chatsworth (a railway siding) and Maphisa (the shadow of an estate), have grown significantly to the point of generating new economic activities and employment.⁵⁸ The findings reveal that the emergence of the three towns is because of the collapse of the white-dominated agrarian economy following the land redistribution, which enabled the dispossessed black population to flourish.

55 Shonhe, T et al 'Tobacco Farming Following Land Reform in Zimbabwe: A New Dynamic of Social Differentiation and Accumulation' (2022) 48(2) *Journal of Southern Africa Studies* 251; Ruckert, A et al 'The Political Economy of Tobacco Production and Control in Zimbabwe: A Document Analysis' (2022) *Tobaconomics* 1; Kamuti, T 'A Checkered Pathway to Prosperity: The Institutional Challenges of Smallholder Tobacco Production in Zimbabwe' in Barcus, H, Jones, J & Schmitz, S (eds) *Rural Transformations: Globalisation and its Implications for Rural People, Land and Economies* (Routledge 2022) 71.

56 Coleman, A 'Zimbabwe Sells Record of 261 Million Kilograms of Tobacco' *Farmers' Weekly* <<https://www.farmersweekly.co.za/agri-news/africa/zimbabwe-sells-record-of-261-million-kilograms-of-tobacco>> accessed 19 September 2023; Chingono, N 'Zimbabwe Tobacco Output Expected to Rise 8.5% in 2023' *Reuters* <<https://www.reuters.com/world/africa/zimbabwe-tobacco-output-expected-rise-85-2023-03-08/>> accessed 19 September 2024.

57 Chimhowu, A et al 'Land Reform in Zimbabwe Revisited: A Qualified Success?' Chatham House - Transcript, 31 January 2013, 1-8 <<https://www.chathamhouse.org/sites/default/files/public/Meetings/Meeting%20Transcripts/310113Zimbabwe.pdf>> accessed 24 October 2023.

58 Scoones, I & Murimbarimba, F 'Small Towns and Land Reform in Zimbabwe' (2021) 33(6) *The European Journal of Development Research* 2040.

3. Context for the right to development in Zimbabwe

Sen's idea of development as freedom⁵⁹ basically means, as stipulated in Article 1 of the Universal Declaration of Human Rights, that '[a]ll human beings are born free and equal in dignity and rights' and thus entitled to convert that freedom into development in ensuring constant improvement in well-being and a life worth living with dignity. Development is accordingly conceived as a vehicle for the attainment of greater freedoms and as a human right – formulated as the right to development, which entitles everyone and all peoples to assert a legitimate claim thereto. The liberation of Zimbabwe from colonial rule provided the opportunity to conceptualise development as a freedom and as a human right, without which the majority of the people would remain unfree and impoverished. Against this backdrop, we base the discussion in this section on the argument that the political and socio-economic situation in Zimbabwe can be redressed; doing so requires, on the one hand, adherence to the normative commitments to the right to development and, on the other hand, policy certainty on the standards imposed by the right to development.

3.1 Normative commitments on the right to development

Zimbabwe has been a state party to the African Charter on Human and Peoples' Rights since May 1986 when it ratified the Charter; it has demonstrated its commitment to adhere to Article 1, which enshrines state parties' obligations to ensure the realisation of all the human and peoples' rights enshrined in the Charter, including the Article 22 provision on the right to development. All human rights and freedoms are qualified as the same in nature and therefore ought to be accorded equal status under international law. However, the African Charter deviates slightly from this principle. It underscores the fact that the right to development deserves closer attention. The preamble to the Charter, which articulates the spirit of human rights law as it applies in Africa, highlights the particular attention that should be accorded to the right to development, which implies an obligation to prioritise development across the continent as a legal entitlement owed to all the peoples of Africa. It takes its cue from people like Doudou Thiam, Cardinal Etienne Duval and Kéba M'baye who, in 1967, 1969 and 1972 respectively, insisted on asserting the right to development for Africa.⁶⁰ Sedar Senghor (the Senegalese President at the time), while commissioning the group of experts for the drafting of the African Charter in 1979, emphasised the right to development because of its particular importance to Africa.⁶¹ The position held by these eminent personalities pioneered the idea of a human right to development, which gained recognition not only in Africa but also internationally as an assertion of self-determination against foreign domination.

59 Sen, *A Development as Freedom* (Oxford University Press, 1999).

60 Ngang, CC 'Towards a Right-to-Development Governance in Africa' (2018) 17(1) *Journal of Human Rights* 107, 108-112; Fatsa, O *The African Charter on Human and Peoples' Rights: A Comprehensive Agenda for Human Dignity and Sustainable Development in Africa* (Martinus Nijhoff Publishers, 2003) 298.

61 See *Kelvin Gumne and Others v Cameroon* (2009) ACHPR 266/03 para 173.

The African Charter guarantees that '[a]ll peoples shall have the right to their economic, social and cultural development with due regard to their freedom and identity and in the equal enjoyment of the common heritage of mankind'.⁶² The concept of the 'common heritage' as it is used in this context implies that natural resources are essential to realise the right to development, and they include the land, which in Zimbabwe has remained the subject of immense controversy triggered, on the one hand, by the reticence demonstrated by the white farmers in returning the land to black people and, on the other hand, by the radical manner in which the Mugabe regime repossessed the land. Read together with Article 21 of the Charter, 'the common heritage entitlement' equips the people of Zimbabwe with the right of ownership of the land, as a prerequisite for making the right to development a reality. Zimbabwe is in this regard enjoined with the duty, as stated in Article 22(2) of the African Charter, to create an enabling rights-based environment to ensure that the land is equitably redistributed and productively used to realise the right to development. The obligation requires, in addition, in terms of the Declaration on the Right to Development, Zimbabwe to 'formulate appropriate national development policies that aim at the constant improvement of the well-being of the entire [Zimbabwean] population and of all individuals' and to also take reasonable 'steps to eliminate obstacles to development',⁶³ such as those that emanate from the economic collapse that the country is presently confronted with.

For the people of Zimbabwe, the right to development obtains principally from the African Charter but also from domestic legislation as a constitutional entitlement. The Zimbabwean Constitution of 2013 implicitly provides for the right to development in section 13, titled 'National Development', which envisages a framework for development that guarantees, among other things, equitable access to and equal opportunities for development to everyone and all categories of persons, particularly women, as noted in subsection (3). Section 13 is formulated as a national objective intended to guide the Zimbabwean government in its development policy-making obligation, and therefore may be considered from a positive law point of view as essentially non-binding in nature. Normatively, section 13 is interpreted purposively in accordance with the supremacy clause in section 2(2), which binds all natural and juristic persons, 'including the State', to imply a constitutional right to development that is legally binding. Section 47 additionally states that the legally binding rights enshrined in the Constitution do not preclude other rights and freedoms that may be recognised or conferred by law, to the extent that they are consistent with the Constitution.

62 African Charter on Human and Peoples' Rights, adopted in Nairobi, Kenya on 27 June 1981 OAU Doc cab/leg/67/3 Rev.5 (1981), art 22. The right to development is also enshrined in Art 10 of the African Youth Charter adopted in Banjul, the Gambia on 2 July 2006, which Zimbabwe ratified in 2009, and in Art 19 of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa, adopted in Maputo, Mozambique on 11 July 2003, which Zimbabwe ratified in 2008 and is bound to adhere to and ensure their implementation and enforcement at the national level.

63 Declaration on the Right to Development (note 12), arts 2(3) and 8(1).

As already explained earlier, the right to development is recognised and conferred by the African Charter and other treaty instruments that Zimbabwe has ratified. In the absence of any inconsistency with the Zimbabwe Constitution, the right to development, which is legally binding under the African Charter and ancillary instruments, therefore imposes an obligation on Zimbabwe to ensure its realisation. The obligation envisages, as clearly outlined in section 13, a development policy framework that is inclined to legality and provides assurances of expanded choices, and access to equal opportunities for development, as explained in detail below. This notwithstanding, matters of national development lie at the core of every state government's constitutional mandate, requiring democratic responsiveness to the exigencies of the population and accountability for the exercise of governmental authority in allocating available resources for development. Hence, the inherently non-binding nature of the right to development contained in section 13 of the Constitution does not absolve the state of its obligation (whether legal or moral) to create the requisite conditions for development to take place on an equitable basis. It entails policy certainty that, in pursuing competing national development objectives, the people of Zimbabwe should have the opportunity to exercise their right to development.

3.2 Policy certainty on right to development standards

Policy certainty means that relevant policy instruments must contain substantive guarantees on the right to development as envisaged in section 13 of the Constitution, which imposes an obligation for policy formulation, implementation and enforcement. The following three principal right-to-development standards must apply in redressing the situation in Zimbabwe: (1) active meaningful participation in and contribution to development; (2) legally binding entitlement to the land as an asset for development; and (3) redistributive justice in the allocation of resources and opportunities for development and in the sharing of the benefits resulting therefrom. The Zimbabwean economy can only be revived by the people of Zimbabwe. This requires their active involvement and meaningful participation in the processes for development as a human right, guaranteed under the Zimbabwean Constitution and the African Charter.

Section 13(2) of the Constitution states that the people of Zimbabwe must be involved in the 'formulation and implementation of development plans and programmes that affect them'. The economic collapse in Zimbabwe affected the entire population. In seeking to remedy the situation, the policy questions that the government ought to be preoccupied with are whether the country's economy would be better off being driven by a handful of persons or whether it will be more sustainable empowering the entire population economically and, in the latter instance, what policy measures would be relevant in achieving that purpose. A population with the socio-economic and cultural capacity and the productive capabilities to participate in and contribute to development is definitely more of an asset to the economic growth of a country than an impoverished population.

Article 1(1) of the Declaration on the Right to Development affirms that it is the right of every human person and all peoples to participate in, contribute to, and enjoy economic, social, cultural and political development. Participation in, and contribution to, development cannot happen on the basis of the abstract provisions of the law. It requires

equipping the population with the requisite tools, the capabilities, and the material resources to achieve transformative outcomes. It includes, with reference to right to development standards, equitable entitlement to the resources for development, which incorporate the right of access to and control over the land, which lies at the core of the intersectional issues that collapsed the Zimbabwe economy. To attribute the economic collapse to the inability of the black population to run the economy is antithetical to the right to development, which is supposed to guarantee equality of opportunities to all. White farmers have expertise in commercial agriculture and farm management, but these skills are not exclusive to white people and can be acquired by black people.

White farmers are normally seen to be more productive not only because of ownership and control over the land, but because they benefited from huge subsidies, access to credit facilities and open markets for their produce, in addition to political backing.⁶⁴ The same has not been true for black farmers, who have been disproportionately affected by the irrational sanctions and thus deprived of equal access to the facilities and opportunities that white farmers enjoyed.⁶⁵ If the black population is to attain equitable levels of development, the right to development requires policy certainty on the land question, which is crucial for resuscitating the ailing Zimbabwe economy. The government is under a duty to ensure such policy certainty in accordance with the obligation under Article 22(2) of the African Charter, necessitating a combination of concrete measures to realise the right to development, including equitable redistribution of the land, which is a common heritage to which all the people of Zimbabwe are legitimately entitled.

3.3 Restitution and equitable redistribution of the land

As illustrated, the circumstances in Zimbabwe are largely the outcome of the conflicting entitlement interests of the minority white settlers and the majority indigenous black population with regard to the land. If the land was to be returned to the white farmers, perhaps the sanctions imposed by the United States and the European Union, among others, would be lifted to enable a quick economic recovery. The dilemma in such a scenario is that the *status quo* of development injustice would prevail against the legitimate entitlement and expectations of the black majority and thus contravene the constitutional obligation to ensure equal opportunities and expanded choices to every Zimbabwean citizen on the basis of their right to national development. It is, of course, unfortunate that the land repossession took place in a chaotic manner, characterised by violent evictions, uncertainty and unfairness in terms of who acquired what quantity of land. However, had the land repossession not happened, the law that guarantees the right to development as embodied in Article 22 of the African Charter and section 13 of the Zimbabwean Constitution still obliges the government to formalise equitable redistribution and expanded opportunities for development, which ought to be enjoyed by the entire population. Additionally, Article 21 of the African Charter guarantees exclusive ownership rights over natural resources, including the land, which may not be removed under any circumstances.

64 Chimhowu et al (note 57) 5.

65 Siambombe, A & Hopile, M 'Zimbabwe's Economic Challenges Beyond Sanctions' (2024) 4(1) *African Journal of Inclusive Societies* 109.

Citing the Rhodesian (Zimbabwean) experience, Bashizi, Murhula and Chivasa point out that colonisation, which resulted in the dispossession of indigenous peoples of their ancestral land rights, constituted a crime against humanity.⁶⁶ Equity requires that, for every injustice, there must be a just remedy. Article 21(2) of the African Charter states that if ownership rights over African patrimony are contravened, the dispossessed peoples shall have the right to the lawful recovery of the dispossessed property and to adequate compensation for the loss suffered. Therefore, the people of Zimbabwe are legitimately entitled to adequate compensation for the land they lost to the white colonisers, as the demand is being made that white settlers should, despite the injustices inflicted on the indigenous black population, be compensated for the land they took in the 1880s. If compensation is due to the white farmers (probably for their investment in the land),⁶⁷ justice requires that the original sin of dispossessing the indigenous population of their ancestral land for about a century and the harm caused to them be equally remedied with proportionate compensation.

The right to development guarantees to all the peoples of Africa redistributive justice in the enjoyment of the common African heritage, at the core of which is the land question. Any unjustifiable compromises to the requirement of equitable redistribution constitute not only a development injustice but, in terms of the applicable provisions of the law, a contravention of the right to development.⁶⁸ Moyo notes that the right to development obligates the government of Zimbabwe to ensure that its domestic policies contribute to the realisation of the human rights of its people and also create the conditions favourable for development to happen.⁶⁹ This implies an overarching duty in the face of the prevailing compounding challenges to make conditions conducive to the realisation of the right to development.

Politics in Zimbabwe will, accordingly, only make sense when state actions and policies become sufficiently rational and inclined to people-centred development, which entails upholding human rights in the development process. The constitutional obligation requires enabling measures to facilitate development, including equitable redistribution of the land because the land is a common heritage, to which all Zimbabweans are legitimately entitled. Fukuyama notes that if the politics part of the development process is not corrected,

66 Bashizi, P, Murhula, B & Chivasa, N 'Colonialism in Africa: A Forgotten Crime against Humanity' in Biko, A et al (eds) *The Routledge Handbook of Africana Criminologies* (Routledge 2020) 68.

67 Reuters 'Zimbabwe Agrees to Pay \$3.5 Billion Compensation to White Farmers' Emerging Markets <<https://www.reuters.com/article/us-zimbabwe-farmers-idUSKCN24U1OM>> accessed 4 November 2024.

68 Ngang, CC 'Sustainable Right to Development Governance of Natural Resources in Africa' in Ngang, CC & Kamga, SD (eds) *Natural Resource Sovereignty and the Right to Development in Africa* (Routledge 2021) 25.

69 Moyo, K 'Implementing the Right to Development at the Domestic Level: A Critique of the Zimbabwean Constitution of 2013' in Ngang, CC, Kamga, SD & Gumede, V (eds) *Perspectives on the Right to Development* (PULP 2018) 264; Salomon, M 'Legal Cosmopolitanism and the Normative Contribution of the Right to Development' in Marks, SP (ed) *Implementing the Right to Development: The Role of International Law* (Friedrich-Ebert-Stiftung, 2008) 17; *Centre for Minority Rights Development (Kenya) and Minority Rights Group International on behalf of Endorois Welfare Council v Kenya* Comm 276/2003 (2009) AHRLR 75 (ACHPR 2009) para 298.

none of the other aspects of development will work either; this implies that politics and the institutional agency of the state are instrumental for development policy-making and cannot be taken for granted, lest perilous mistakes be made.⁷⁰

4. Conclusion: Right to development prospects for Zimbabwe

Acknowledging that land is of strategic importance in creating development, as much as the white minority in Zimbabwe took possession of and used land to improve their standards of living, we submit that the dispossessed and impoverished majority black population are equally entitled to and evidently more in need of the land for the same purpose. The right to development is guaranteed to all peoples equally. The black people in Zimbabwe would not have had the opportunity to participate in, contribute to or benefit from development had the land and, of course, the agriculture-driven economy remained under the ownership and control of the white farmers. To the extent that realisation of the right to development entails justice and fairness and recourse to the rule of law, the right to ownership and control of the land by the black population in Zimbabwe is indisputable. Gumbo affirms that the radical land repossession campaign was ‘a legitimate vehicle to address the legacies of colonialism.’⁷¹ With the economy steadily recovering as a result of the productive use of the land, as illustrated,⁷² we argue that the land repossession in Zimbabwe fulfilled a legitimate right to development expectation.

Many Zimbabweans did not benefit from the land redistribution programme and are therefore unfairly excluded and deprived of the opportunity for development. Article 2(3) of the Declaration on the Right to Development and section 13 of the Zimbabwean Constitution enjoin the government to adopt appropriate national policies to ensure that the context for development effectively guarantees constant improvement in the well-being of the entire population and of every individual on the basis of their active, free and meaningful participation in development and in the fair distribution of the benefits resulting from the development process. In addition to consolidating land ownership rights for indigenous people, development also requires an enabling political environment that guarantees policy certainty on measures for eradicating obstacles to development, such as executive corruption, nepotism, abuse of power, and misappropriation of state resources for personal and partisan gains.

How to cite:

Carol Chi Ngang and Garufu Paradzai ‘The Land Question, Economic Collapse and the Right to Development in Zimbabwe’ (2025) 5 *Turf Law Journal* 1-19.

70 Fukuyama, F ‘The Role of Politics in Development’ Centre for Development and Enterprise Insight (2023) 1.

71 Gumbo (note 46) 357.

72 Hiney, F ‘Sowing the Seeds of a Comeback: Zimbabwe’s Agricultural Revival’ *Forbes Africa*, 9 August 2025 <<https://www.forbesafrica.com/current-affairs/2025/08/08/sowing-the-seeds-of-a-comeback-zimbabwes-agricultural-revival/>> accessed 4 September 2025; Chilamphuma, E ‘Zimbabwe Economic Recovery Driven by Mining, Agriculture and Tourism’ *Further Africa*, 2 July 2025 <<https://furtherafrica.com/2025/07/02/zimbabwe-economic-recovery-driven-by-mining-agriculture-and-tourism/>> accessed 4 September 2025.