‘Officially’ Forbidden but Not Suppressed: Vernacular Land Markets on Communal Lands in Zimbabwe. A Case Study of Svosve Communal Lands, Zimbabwe

Admos Chimhowu and Phil Woodhouse
Institute for Development Policy and Management
University of Manchester

Abstract

This paper looks at the role of vernacular land markets in mediating access to land in Zimbabwe’s communal lands. Based on field work in Svosve Communal Lands, the paper considers the historical context in which the markets have developed and the contemporary outcomes. It analyses the institutions and processes through which commoditization of some communal land has taken place. The study shows that settler colonial policies that stifled the incorporation of peasants into the agricultural commodity markets kept vernacular land markets in check. After independence in 1980, incorporation of the peasantry into the product markets as part of the post-colonial agrarian revolution, and, relaxation in movement across geographical space fostered the growth of vernacular land markets. Field work evidence in Svosve suggests that both vernacular land sales and rentals markets are gendered with land sales in particular being shown to be selective. The paper concludes that ‘communal tenure’ has changed significantly since the initial establishment of ‘native reserves’ making the market one of the multiple ways in which access is mediated in these former tribal lands.
1 Introduction

Contemporary discourse on land tenure reform has tended to focus on suggestions that replacing customary tenure with freehold title could be a way out of poverty (de Soto 2000), while devoting little attention to the contemporary dynamics of customary tenure. In a recent paper (Chimhowu and Woodhouse 2006) we argued that contemporary scholarship on land tenure in west and central Africa has shown that access to land is increasingly mediated through what we have termed ‘vernacular land markets’: market-based exchange within customary tenure regimes (see for example Benjaminsen and Lund 2003; Mathieu et al. 2003; Kasanga and Kotev 2001; Gray and Kevane 2001; Amanor and Diderutuah 2001; Platteau 1996; Woodhouse 2003). This work points to a process of commoditization of customary land rights that is generally accepted as taking place in every-day encounters, although official policy has only slowly begun to acknowledge this in the west and central African context.

For southern Africa, however, substantially less work has been done on the role of markets in mediating access to customary lands. This remains a blind spot of contemporary policy whose key assumption is that markets do not and should not play any role in mediating access to such lands. This assumption is bolstered by an enduring regional discourse that characterizes ‘communal tenure’ as being ‘embedded’ within the socio-cultural fabric of ‘indigenous’ groups in the region and as having by and large resisted commoditization (see Quan et al., 2004; Berry 1993), in contrast with markets for labour and agricultural products inherited from the colonial era.

However, recent work in the southern African region is beginning to look beyond the stereotypes of communal tenure and show the variability and complexity of transactions for land held under such tenure regimes (see for example Kishinda 2004 on Malawi; Daley 2005a, 2005b on Tanzania; Cross 1998 and Claassens 2003 on South Africa; Selebalo 2001 on Lesotho; Goredema 2000; Saruchera 2000 on Zimbabwe). These cases suggest a significant change in the way communal land is accessed in the region and, although experiences vary depending on local circumstances, it can be said that transactions in some cases have become less about being entitled to a share of ‘tribal’ lands and more about getting a stake in land through a ‘market’ transaction, irrespective of the ‘official policy’ or legality of the transaction. It would, however, be inaccurate to say all communal lands are now commoditised as, apart from the great variability in experiences across southern Africa, there simply is not enough research across the region to suggest such a conclusion.

In this paper we investigate commoditisation of land in Zimbabwe through a case study of Svosve communal lands. Our focus is on the nature and form of ‘vernacular’ land rental and sales markets and how these influence individuals’ access to land in a contemporary ‘communal’ land area in Zimbabwe.
We also analyse the drivers of this process and look at possible policy scenarios. We show that the market has emerged as one of several ways in which land transactions are resolved. We use the term ‘vernacular markets’ to infer the ‘informal’ nature of these markets and to recognize that the transactions are often shunned by official policy and therefore often have a very local character and definition. The paper first presents the case study of Svosve Communal lands and then locates it in a broader discussion of the emergence and suppression of land markets in rural development policy in Zimbabwe.

Methodology

Investigating vernacular markets presents difficulties because of the official labels that characterize these as ‘illegal’ transactions. With the ‘official’ policy being that communal land may not change hands through the market, participants in land transactions are often reluctant to talk openly about the transactions until sufficient trust has been established. Buyers are concerned to avoid the possibility of a challenge to the legitimacy of their ownership of land, and sellers may have since left the area. Land rental is easier to probe as there is less sensitivity and often both parties are present. In doing this work in Zimbabwe, our intention was in part to trial methods of investigating vernacular markets, so that a variety of methods were employed. Fieldwork on which this paper is based was carried out in Zimbabwe over five months beginning September 2005. We timed field work to coincide with the start of the rains to allow an initial census of the households actually using land rather than just those owning land in the selected villages. The initial census covered entire villages at: Bamhara, Neshamba, Bonda, and Muchemwa. This was then followed by interviews of 168 household heads in these villages, using an interview guide divided into themes on land access and use in Svosve. These interviews yielded largely qualitative data. Seven households were then selected for detailed life history interviews that explored in more detail the ways in which land is accessed in Svosve. A small scale questionnaire survey of 82 households generated quantitative data on livelihoods but was not useful in collecting information on land transactions. A focus group session was also held with selected key informants in the area.

Communal Lands and Communal Tenure in Zimbabwe

As the dust settles on the recently concluded redistribution of mainly white owned farms to the majority black population, focus will soon shift toward communal lands where a majority of Zimbabweans still live (even after the redistribution). ‘Communal’ lands still cover about 16.3 million ha (about 42 per cent of total land area of Zimbabwe) yet are home to about 5.6 million people or 75 per cent of all Zimbabwe’s rural dwellers (CSO 2004: 16). The term ‘communal lands’ in Zimbabwe has been in use since 1980 for the former ‘native reserves’. The term refers to ‘arable and residential
land...held under traditional free hold tenure rights which gives ownership rights to the family and access rights to communal grazing" (GOZ 1994: 24). In every-day post-colonial language, communal areas are still called ‘maruzevha’ a Shona language corruption of their former name ‘native reserves’. These date back to the time of colonial conquest and were established as part of activities to ‘safeguard’ the land interests of the indigenous groups. Article 14 of the Royal Charter given to the British South Africa Company (BSAC) stated that ‘careful regard shall always be had to the customs and laws of the clan or tribe or nation......especially with respect to the holding, possession, transfer, disposition of lands and testate and intestate succession (BSAC Charter, 1889). This, the company tried to do in two ways. Firstly, it established ‘native reserves’ to accommodate the indigenous population although these were always located in marginal areas and were seen as not being suitable for making a living off the land. Secondly, through the issuance of an Order-in-council in 1898 that contained the ‘Cape Clause’, ‘natives’ in the colony were allowed to own or dispose of land on condition that this was done in front of a judicial officer who was required to ensure that the ‘native’ party understood the contract. We shall return to this point later in the discussion, as it forms one of the mechanisms through which Africans could participate in the emerging land market at the time.

A key aspect of the native reserves pertinent to this paper is the nature of land holdings and how the tribesmen access land. Accounts by colonial officials suggest that once people were moved into reserves, a nuanced understanding of communal tenure emerged. For example Taberer, then Chief Native Commissioner for Mashonaland (1905: 314), observed that ‘all land is held in communal tenure, save except(sic) that the actual cultivated garden is the absolute property of the family cultivating it’, which suggests that within the tribal areas colonial officials knew that there was always a lot more control over individual plots than the term ‘communal’ suggests. Similarly, Oliver (1926: 147) opined that ‘the rights enjoyed by natives in agricultural land, though of a somewhat precarious nature, in many respects resemble our conception of individual rather than communal tenure’. Against these accounts, Cheater (1990) and Ranger (1993) have argued that the colonial administration ‘constructed’ communal tenure, re-shaping it to suit colonial discourses on tribal organization around land: thus, Holleman (1952: 12) writing on the Shona of Zimbabwe declared ‘the unity of the tribe and land is a natural conception...based economically on the fact that the tribe depends exclusively on its own territory for its subsistence’. We return later in the paper to the enduring tensions between individual and collective control of land in Zimbabwe, but first we examine the present-day features of access to land in Svosve.
Svosve Communal Lands

Located about 90 kilometres south east of Harare, Svosve communal lands (see Map 1) is one of 286 communal land areas in Zimbabwe. Until the seizure of commercial farm land in 2000, it was virtually an enclave completely surrounded by large scale commercial farmland.

Map Showing Location of Svosve Communal Lands

With total land area of 110km², Svosve is one of the smallest communal lands in the country. It is at an elevation ranging between 1400m and 1660m above sea level. Svosve is classified as falling within agricultural potential region II (Vincent and Thomas, 1962), with seasonal rainfall expected between 750mm and 1000mm. Although region II is suitable for intensive crop and livestock production, because Svosve receives an average of 16-18 rainy pentads (five-day periods) per season (compared with at least 18 for other parts of region II) and experiences dry spells coupled with occasional short rainy seasons, it is classified as region IIb. During good seasons, barring constraints in other
agricultural production factors, households in the region are expected to do relatively well compared with those in other communal areas. Crops grown include cereals (wheat and maize), soya beans, tobacco, sugar beans, ground nuts and sunflowers. Although dairy farming is also practiced in places closer to the line of rail (a transport corridor linking Harare to Mutare and the port of Beira in Mozambique), within Svosve itself this has not been developed as there is an acute shortage of grazing land.

Despite the relatively favourable agro-ecological classification, local topography (Map 1) makes land-based livelihoods in Svosve uncertain and treacherous. Up to 27.3 per cent of the land area is classified as bornhart terrain often characterised by rocky outcrops, boulders, steep slopes and shallow sandy soils that are an impediment to land based livelihoods with existing technologies (Elliot 1989: 101). Coupled with steep terrain, significant rainfall (minimum of 750mm/year), makes 25 per cent of Svosve an area of high soil erosion hazard, a factor that has productivity implications. More favourably, 15 per cent of the land area is made up of dambos, natural wetland areas (matoro) that with careful management offer great potential for production of crops all year round. For most of colonial rule dambos were kept out of production through rigid enforcement of soil conservation laws that restricted cultivation within 100 meters of any wetland areas. This has only recently been relaxed although by the time of independence households had encroached more and more into these wetlands. Overall, nearly 48 per cent of the land area (5 203ha) is classified as unsuitable for cultivation under existing production technologies. This does not mean people did not settle in these areas, rather, that those that settled there could not expect to have secure livelihoods. To understand the dynamics of land use in Svosve and to provide a context for a discussion on vernacular land markets the next section considers the political economy of land and agrarian change in Svosve since colonization.

Agrarian Change and Social Transformation in Svosve

Svosve has a rich record of successive rural interventions by the settler colonial state. Although there are some gaps in the available archival records for the 1940s and the 1970s, we have been able to build a sketch of the political economy of Svosve between 1898 and the time of field work in 2005. As some of the material and files from the then Ministry of Internal Affairs that took over administration of tribal areas in the early 1970s are either missing or are not available to the public we have also been able to infer from some of these records that have started to appear in published form (see Passmore 2002) what the situation in the 1970s was like in Svosve. During field work in 2005 it was also possible to corroborate some of these reports with key informants in Svosve. It is not intended here to give a complete historical account of Svosve but to highlight those aspects of its past that are key to understanding the present dynamics in land markets.
**From Native Reserve to Communal Lands: What’s in a name?**

Aspects of the pre-colonial history of Svosve are provided by Beach (1994), Chigwedere (1980) and Latham (1964). These draw from oral traditions and historical records that suggest that Svosve was part of a larger Mbire dynasty that had ousted the first inhabitants who, oral histories suggest, were the vaHera from ‘Tanganyika’ (north of present day Zimbabwe). By the time of colonial occupation internecine tribal fighting caused by displacement of a larger Rozvi tribal group in the south of the country had started to destabilise the dynasty. After colonisation in 1890 Svosve became part of the administrative district of Marandellas. When the Africans rose in revolt against occupation in 1896 (the ‘first chimurenga’), the chief Svosve was among the local chiefs that collaborated on the side of the settler colonial forces (Beach 1994). When the war ended in 1897, the area was quickly pacified and the reserve delineated in 1898. This means by the time of independence in 1980, the area had seen 90 years of settler colonial rule. It is crucial, however, to note that the present reserve was delineated to coincide with areas to which most of the people had fled during the first chimurenga. Reports suggest that the BSAC drove most of the Svosve people out of security corridor (Palmer, 1977) between a fort at Mutare and fort Salisbury, which later became the present day line of rail and road linking the capital Harare to the port of Beira through Mutare. The evicted Svosve people are said to have sought refuge in the hilly terrain that became permanently assigned to them as a tribal home and from where they still try to eke out a living.

Although the idea of ‘native reserves’ was ostensibly based on the crown’s concern about wholesale land grab by the white settlers (as indicated above), the type of land alienated for use by Africans and the strategic under-development of these native reserves led some like Arrighi (1967) to observe that the reserves were never meant to be viable. Rather they were treated as labour reservoirs. Africans could be raised in the reserves and leave once they were eligible to pay tax. They would then work in the mines, farms, and urban industrial zones till they were too old. At this point they were expected to return and end their days on the reserve. As with other native reserves, conditions in Svosve were therefore meant to ensure reproduction of labour and its circulation in service of the settler economy. It was carved out to ensure viable livelihoods would not affect the ability of local farms to acquire labour. This point has never been lost to the various official investigations in Svosve that have pointed out how unsuitable the area is for making a living. For example, the 1925 the Morris Carter Commission suggested in its report that the area was unsuitable for human habitation while the Native Commissioner for Marandellas wrote in his 1944 report that ‘the reserve consists of rocky hills and very little arable grazing ……It is really useless for the advancement of the native today’. It is therefore fairly clear that although located in agro-ecological zone IIb, the physical geography of
Svosve meant that people would still need to sell their labour to the surrounding large scale commercial farm, mine and emerging urban economies to make ends meet. Yet even as early as 1898 the Native Commissioner faced resistance to commoditization of labour and was writing of the Mashona’s ‘capricious dislike for steady work’ (NC Marandellas 1898).

The Population Growth and Development Dynamics in Svosve 1900-2002

When Svosve was delineated, it had a total land area of about 20 000 hectares and was considered capable of supporting only about 2000 people. Latham (1964) observes that a majority of Chief Svosve’s people displaced from land designated for European farms were resettled in present day Chiota, while others remained ‘squating’ on land alienated for use by white settler farmers. Table 1 shows the population changes in Svosve over a century and is compiled from several sources, including successive Native Commissioners annual reports, census reports for 1982, 1992 and 2002, and Elliot (1989). Table 1 shows that over a hundred years the population has grown nearly ten fold. While it took nearly 80 years to double (owing to strict controls and interventions by the settler colonial state), by the time of the census in 2002 the population had grown four fold in the twenty-two years since independence. Population dynamics before independence can be explained in part by settler colonial policies in the native reserves in general and Svosve in particular.

Table 1 Population of Svosve 1900-2002

<table>
<thead>
<tr>
<th>Year</th>
<th>Population</th>
<th>Households</th>
<th>Total Area Under Cultivation</th>
<th>Area cultivated /household</th>
</tr>
</thead>
<tbody>
<tr>
<td>1900*</td>
<td>2000</td>
<td>Not available</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1920*</td>
<td>1500</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1943*</td>
<td>5090</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1947**</td>
<td>246</td>
<td></td>
<td>4149ha</td>
<td>16.9acres</td>
</tr>
<tr>
<td>1960**</td>
<td>4500</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1965**</td>
<td>312</td>
<td></td>
<td>2110ha</td>
<td>6.8acres</td>
</tr>
<tr>
<td>1969***</td>
<td>3380</td>
<td>391</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1975**</td>
<td>450</td>
<td></td>
<td>2896ha</td>
<td>6.4acres</td>
</tr>
<tr>
<td>1981**</td>
<td>630</td>
<td></td>
<td>2712ha</td>
<td>4.3acres</td>
</tr>
<tr>
<td>1982***</td>
<td>5558</td>
<td>794?</td>
<td></td>
<td></td>
</tr>
<tr>
<td>1992***</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>2002***</td>
<td>19852</td>
<td>4486</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

*based on the Annual Report of the Native Commissioner for Marandellas
**based on Elliot (1989:11)
***data based on official census data sheets for Svosve Communal Lands

Colloque international “Les frontières de la question foncière – At the frontier of land issues”, Montpellier, 2006 8
Estimates for 1920 suggest a decline in population largely as a function of what Elliot (1989) suggests is a combination of errors of enumeration and settling in as households that had been resettled began to physically relocate to Chiota. Similarly, the decline in population between 1943 and 1963 is a function of intermittent interventions when it was felt that the area was over populated. For example, after 1945 increases in the arrival of white settlers and more rigid enforcement of the racial division of land (through the Land Apportionment Act of 1931) meant that some of chief Svosve’s people that had remained ‘squatting’ on land set aside for white settlement had to relocate back to Svosve increasing the population substantially. However, shortly afterwards it was felt that Svosve’s carrying capacity had been exceeded by 1600 people, and a recommendation was made to remove 50 per cent of the taxable males and their families. The NC Marandellas Report for 1947 records the relocation of 256 households to what is now Matitikoti in Mrewa and Rukodzi inWedza districts.

From 1951 until 1961 the implementation of the Native Land Husbandry Act resulted in the most pronounced state interventions in Svosve. By 1956 the whole of Svosve had been reorganised, with some 160ha of dambo areas fenced off and taken out of use. While the present landscape still reflects the reorganisation, following abandonment of the Act, in 1961, settlements gradually began to spread into some of the areas set aside for grazing. The tight control of movement and settlement into Svosve was largely responsible for the slow increase in both population and household numbers before independence in 1980. Over 80 years (1900 and 1980) the number of households barely doubled (Table 1). This contrasts markedly with the post-independence (post 1980) period during which over the twenty two years the number of households has increased nearly eight fold from about 630 in 1981 to nearly 4500 in 2002. Part of this is explained by the relaxation in influx control measures that began to happen during the war of liberation in the late 1970’s. Movement of households intensified soon after independence in 1980 as people exercised newly found freedoms in the context of what Moyo (1995) has called a land administration and policy vacuum.

In a survey done in Svosve in 1987, Elliot (1989: 171) shows that 63 per cent of respondents had been resident in Svosve for less than 20 years. This shows significant in settling during the years leading to independence. The immediate post-independence period, with chiefs stripped of their land allocation powers and the nascent post-colonial state still evolving systems for land management, created an environment for significant population movement. For example, based on our questionnaire survey in January 2006, 42 per cent of the household heads indicated that they had come from outside Marondera district, where Svosve is located. When this is cross-checked with respondents’ place of birth, it becomes clear that immigration has been a significant, as only 32 per cent claim to have been born in Svosve while a majority (52 per cent) of the household heads claim to have been born outside
the district but within the province of Mashonaland West. A minority (about 5 per cent) came from neighbouring Mozambique and Malawi. The rest were born in Zimbabwe, but outside Mashonaland West. Of those born elsewhere, some 14 per cent settled in Svosve after the 2000 land invasions had begun. What is clear from these data is that the idea of kinship-based tribes populating communal areas no longer obtains in Svosve. Rather, in the case of Svosve at least, new communities are being formed in which tribal affiliation is increasingly a secondary consideration. What brings them together is the land, rather than the tribe and kinship.

The search for land is born out by the finding that 50 per cent of Svosve households in our survey reporting that they had access to two or less acres of arable land. About 90 per cent of the households reported having access to less than the standard 5 acres recommended under post-colonial resettlement models for nearby Wenimbi Resettlement scheme. Only four per cent of the households had access to eight or more acres of arable land, the minimum recommended under the NHLA carrying capacity model for Svosve. With up to 80 per cent of household income reported as being agriculture-related during the 2004/5 season, access to adequate land of appropriate quality becomes one of the key proximate determinants of livelihoods security in Svosve. With such limited access to land, in the context of a declining economy closing off possible off farm and non-farm income activities, it was not surprising that, of the 27 households that declared household income to the survey, only one household had an annual income above the food consumption index that in January 2006 was set at Z$13million. An overwhelming 85 per cent of surveyed households reported incomes that were 50 per cent or less than the Food Consumption Index at the time of the study.

Based on an analysis of aerial photography, Elliot (1989) computed the changes in land use over time in Svosve (Table 1). The results suggest a modest increase in the number of farm households but a decline in cultivated land area between 1947 and 1965, and a further decline between 1975 and 1981 due to the war of independence that disrupted rural life, and cultivated area in 1981 was less than in 1947. This in itself is an indication of the effectiveness of land use control under the settler state. Although aerial photos since 1981 were not available at the time of fieldwork, the dramatic population movement after independence has actually seen an increase in area under cultivation including in some wetland areas fenced off during settler colonial rule. Once these areas were fully settled, the focus turned to remaining areas of grazing and related marginal zones. By 1982 the population density of Svosve at 50.5 people per square kilometer was almost double the national average of 25.5 people per square kilometer. By 2002, even after the redistribution of neighbouring white owned commercial farmland (see below) the population density had risen to about 56 people per square kilometer. At the time of the study in 2006, average land holding in Svosve was just above two acres per household.
Given this relatively high population density and the nature of the soils in Svosve, it is not surprising that the Jambanja phase (violent seizure of white owned commercial farmland) of the land redistribution exercise started in Svosve when Chief Svosve led some of his people (mostly from Mupazviriyo, Nyamunyamu and Muchakata villages) in an occupation of Igava, Daskop, Nurenzi and Eirene farms on the 18th of June 1998 (see Herald 19th June 1998). Although they were persuaded to leave the farms at the time, when the state eventually decided to seize all commercial farm land in 2000, the Svosve villagers were at the fore front of the farm occupations. But how did the huge numbers of households that settled in Svosve since independence actually gain access to their land in Svosve communal area? The next section analyses the multiple ways in which communal land is accessed in Svosve.

Accessing Land in Svosve: Supply Side Dynamics in Svosve

Verbal and written accounts of how individuals have accessed land in Svosve are often informed by the official line on what *should be* not what *is*. For those researching land markets, it is often a challenge (both methodologically and logistically) to transcend this protective veneer of official processes that underlie a much more complex process. In this section we use mostly qualitative evidence obtained during fieldwork in Svosve to identify the multiple and complex ways in which households have accessed land.

For households that settled before independence, accessing land was partly in line with what Latham (1964) has described. Discussions with key informants confirmed that it was the custom and tradition among the *Shona* ethnic groups in Svosve that, subject to the availability of land, all adult males with traceable ‘roots’ in the communal lands are entitled to land in their tribal areas as and when they need it. In theory, strangers are considered for land only if present and future land needs of the community are satisfied. Yet, in practice, although it was clear that there was not enough land in Svosve, some ‘strangers’ could still access land through the vernacular market. Minors (in *Shona* culture women, unmarried males and the severely disabled male adults) can only access land through the patriarchy. This means if a woman needs land she could access it by marriage or through adult male members of their immediate family. Similarly, unmarried children, divorced female children, or those that never married also access this resource through their male relations. People from other tribal groupings are allocated land in Svosve at the discretion of the traditional leadership although in view of land shortage increasingly such decisions are taken by individual land rights holders. For example business people, civil servants and retired farm workers of Malawian and Mozambican extraction have found their way to Svosve.
Negotiating for access to land is more than just about access to the resource. It accords rights of access to the common property resources like grazing land, woodland resources water and wildlife. For the traditional institutions however, opening negotiations for land implies a latent desire to submit oneself to the authority of the chiefly authority in general, but more realistically, sabhuku’s rule. It is in this regard that land negotiations often involve a local resident as character reference. At the centre of the supply side dynamics in vernacular markets is the office of the sabhuku. In the next section we spend some time considering this ‘gatekeeper’ of vernacular land markets in Svosve.

The Sabhuku and Supply Side Dynamics in Vernacular Land Markets

Although deriving their authority from Chief Svosve and supervised by the headman, the sabhuku is the anchor of the authority of traditional institutions in Svosve. At the time of field work there were 66 sabhukus in Svosve. The sabhuku administers village communities (bhukus) on behalf of the chief who appoints them. He works with a team of aides and advisors that also help enforce decisions. Under the new Traditional Leaders’ Act of 1999 the sabhuku chairs his village assembly (dare) that meets once every three months. Together they therefore form a crucial cog in land administration by both the formal and informal traditional institutions in Svosve. If there are any requests for land, these should be forwarded to the Ward Assembly with recommendations. Discussions with key informants in Svosve showed that appointment to the post of sabhuku is usually based on one’s social standing in the community although it is not unknown for the chief to appoint distant relations of his.

To cater for the population expansion, more sabhukus have been appointed as and when necessary. For a stranger to get access to land, often a letter from the district of origin for those resettling formally, or a character reference in the form of a ‘personal testimony’ by those already within Svosve is needed before a deal can be clinched. Once the sabhuku is satisfied and the land has been allocated he writes a letter to the chief introducing the one seeking land. In some cases personal introductions are given. If the chief concurs, he then ‘stamps’ the letter which is then taken to the councillor. All things being equal, the candidate is then free to apply to transfer from their district of origin (a letter is required) and then to formally register and begin paying the development levy as a Svosve citizen. The key question however is where the markets feature in such a straight forward and seemingly ‘cashless transaction. It is to this that the discussion now focuses on.

Of Gifts, Kuombera and Vernacular Markets

Sabhukus are not paid a salary in Svosve. Rather they get an allowance to facilitate the work they do especially collecting the development levy. They are the lowest tier of local administration although
they are not salaried. The chiefs and headmen who play a more ceremonial role are paid a salary. This means there is always a temptation for the unsalaried sabhuku to use the dual roles of ‘gate keeping’ (land allocation role) and ‘book keeping’ (sabhuku is shona corruption for one who keeps the tax register) to advantage. The ‘gate keeping role’ is akin to that of a ‘village estate agent’ who mediates access to land. Fieldwork evidence suggests that, in Svosve some sabhukus believe that ‘the more (development levy) you collect the more allowances you are paid’. As a result the motivation to have more people under one’s book is there and field evidence suggests this is only curtailed by the acute land shortage. There is therefore always the temptation to use these dual roles for personal gain through extracting ‘rents’ from those wishing to access land. It is important to point out however that in Svosve as in other communal areas this is seen as deviant behaviour and an exception rather than the rule. In the next section we look at the context in which the sabhuku extracts these rents in Svosve.

Apart from the allowance, their role in mediating access to land often involves an exchange of symbolic gifts. In Svosve the gift called ‘kuombera’ (homage) has assumed greater meaning than the symbolic value the name evokes in the Shona language. Ranger (1993) and Nyambara (2001) have shown how this is a practice that evolved during the settler colonial state and has continued in the post-independence period. Although such practices are viewed officially as abuse of office when used for personal gain, it is a practice that those without local ‘roots’ will often say facilitated their access to land. In the case of Svosve, none of the 24 individuals that had been allocated land by the sabhuku admitted having paid anything to obtain the land. Such is the fear of admitting to have ‘sold’ or ‘bought’ land that when the 82 respondent household were asked if land should be bought or sold, an overwhelming 92 per cent indicated that land can not be bought or sold. However, evidence from the household-level qualitative interviews, corroborated by key informants confirmed the nature and forms of cash transactions.

Off the record respondents coined two terms to define the traits of sabhukus helping people ‘buy’ land. **Sabhuku wenzara (literary the hungry sabhuku)** was characterised as a poor village head ‘who could even sell a piece of land for a mug of beer or a monetary figure of twenty thousand dollars (Z$100 000=US$1 at the time of the field work) or payment for a ride from Marondera, the local town’. For this sabhuku there often was no evidence of any accumulation from the practice. The second was **sabhuku wemari** (the rich sabhuku). For this type **kuombera**, amounts paid ranged from Z$40 000 to Z$500 000 (about US$5) for a 0.5ha plot of land depending on the location and quality of land. Where **kuombera** was transacted in kind, this ranged from the value of a goat, up to three cattle. A single chicken that used to be the standard gift for **kuombera** was no longer adequate. The gifts in kind tended to be worth more than the cash payments. At the time of the field work, a goat was selling for Z$500 000 (about US$5), while on average cattle cost Z$10million (about US$100). By the rural
standards in Svosve this was a lot of money to pay for a piece of land as these values compare well with land values in urban areas that at the time of the study averaged Z$400 000 (about US$4) per square metre for a medium to low density residential plot.

With Svosve largely surrounded by commercial farm land, prior to the land invasions of 2000, there was virtually no room for manoeuvre with respect to stretching the boundaries of the communal lands. Any new land demand in Svosve has therefore had to be met mostly from within. Initially this was through extending into grazing lands and wetlands (mainly allocated through sabhukus). Once most of this land was taken up, any new land demand was met through internal sub-divisions worked out in ‘private transactions’ between the buyer and seller. The sabhuku is still required to give official sanction to these transactions.

Selective and Gendered vernacular markets

Although there are variations in practice from place to place, in general, women in traditional Shona society are considered minors with respect to access to land in communal lands (see Pankhurst and Jacobs 1997). They ideally need a male relative as the ‘face of the title’ to the piece of land. For vernacular land markets, the same discrimination still applies. Sabhukus in Svosve will not easily allow an unmarried female access to land even if there is the inducement of a cash transaction. In some cases sabhukus at the behest of male relatives may allow females in the absence of male heirs to inherit land (often not before reducing it in size). Most of the female headed households that have accessed land in Svosve have done so through the inheritance route. Field work evidence suggests that the vernacular land market excludes single women as buyers. In Svosve as in other communal lands, selling to single women raises visibility of the transaction above the socially accepted level and is therefore generally avoided.

Apart from this gendered dimension vernacular markets in Svosve distinguished between locals buying or renting land and alien ‘buyers’. The latter included those of alien origin, most of whom were once farm workers, as well as Zimbabweans from other districts working in local institutions and business enterprises in Svosve. Former farm workers dominated the land rental market. These were displaced when the commercial farms around Svosve were taken over for redistribution to black farmers. A key informant observed that former farm workers think all they need at present is temporary land as they are ‘still very hopeful that the white farm owners would one day come back to their farms’ and they could then have their jobs back. Some entrepreneurs and civil servants moved into Svosve initially to pursue business interests but eventually decided to stay. For this group, integrating into the community was part of buying autochthony and showing commitment to the area...
and often they were content with buying a residential stand without any arable land. More recent arrivals in Svosve were drawn from among victims of ‘Operation Murambatsvina’ a state programme that destroyed all informal housing in all urban areas in August 2005. Those that came to Svosve were displaced mainly from Dombotombo a low income suburb just outside Marondera although some arrived from Harare some 80 kilometers away. Key informant interviews showed that for this group because of the urgency with which they needed land and risks involved (there were unconfirmed reports that instructions had been given that these sabhukus should not give land to these as they were likely to be opposition supporters), each individual was paying significant amounts (up to Z$5million, then US$50). For all these cases, the sabhuku was the route into Svosve. Twenty four of the 82 households obtained land this way. Next we turn to how the other remaining households accessed land.

Table 2 shows how the rest of the households in the sample accessed land. A significant majority claimed to have been allocated land by a relative. Of these, 19 were cases of sons inheriting from deceased parents. In communal areas this is often a straightforward process that only requires the concurrence of the sabhuku unless the heir is female. In such cases in Svosve there needs to be extenuating circumstances like the absence of a male heir or when the female relation has no where else to go. There were only two women who inherited land from a male heir.

Table 2. Land Allocation In Svosve

<table>
<thead>
<tr>
<th>Land Allocation Authority</th>
<th>Number of Respondents</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inherited from parents</td>
<td>19</td>
</tr>
<tr>
<td>Allocated by relative</td>
<td>17</td>
</tr>
<tr>
<td>Sabhuku/headman</td>
<td>24</td>
</tr>
<tr>
<td>District Administrator</td>
<td>3</td>
</tr>
<tr>
<td>Individual Non-relatives</td>
<td>10</td>
</tr>
<tr>
<td>No Response</td>
<td>9</td>
</tr>
<tr>
<td>Total</td>
<td>82</td>
</tr>
</tbody>
</table>

The remaining 17 claimed to have been allocated a portion of the land owned by a close relative. Field work evidence suggests that these are households that have come to Svosve looking for land and while they await opportunities will borrow land from those hosting them. In the post-colonial discourse on land invasions, Svosve communal lands is seen as a hotbed of radical peasant activism. We showed
earlier on how chief Svosve and his people kick-started the ‘jambanja’ phase of land redistribution in June 1998. Qualitative interview evidence suggests that this reputation also attracted those seeking to benefit from land reform particularly those that could trace their roots to Svosve and have always felt the need for restitution of their ancestral lands.

Three households indicated that they had been allocated land by the District Administrator. Ordinarily, the district administrator does not allocate land except for some public interest cases that he might take up with the sabhuku. These three households in the survey concerned retired farm workers of foreign origin from nearby farms that had nowhere else to go. Qualitative interview evidence suggests that following the seizure of the farms surrounding Svosve during the ‘jambanja’ some of the farm workers displaced in the process have since found their way into Svosve and are renting land. We shall discuss these cases in the next section. Suffice to say that some of the former commercial farm workers have nowhere else to go as they have lost touch with their home countries.

Some respondents also mentioned specific individuals not related to them who ‘gave’ them land. Ten such cases were encountered. The ‘officious’ nature of a questionnaire survey made it difficult to probe this further but discussions with key informants revealed that these individuals had left the area. Only one of the ten admitted to paying Z$15 000 in the early 1980s for their arable land while two cases reported paying for residential stands. Saruchera (2000) also shows how information about communal land sales is often difficult to get until an element of trust has been established. From key informant interviews it was established that there is often an unwritten covenant of security between the buyer and seller of communal land that binds the two to confidentiality. Such information could only surface when the transaction is contested in courts (see Cheater 1990’s report of one such case). The implication therefore is that vernacular land markets tend to be secretive and selective (trusted relatives or trusted acquaintances). A stranger may not just walk in and seek to ‘buy land’ rather, a trusted local individual will need to be there as a character reference. Apart from ensuring confidentiality, a transaction within a kinship group or between acquaintances raises few eyebrows and keeps the land within the social network thus reducing the moral guilt of having ‘sold land’. Field work evidence also suggested that it is easier to sell residential stands where developments have been made as one can point to charging for the improvements they have made on the land. This is often a disguise for the transaction. In the two cases of residential land purchases encountered, the two individuals were much more prepared to talk about the transaction and how they had ‘bought’ the ‘musha’ (home) and not the arable land. Moyo (1995) has reported similar practices in Mhezi, a communal area in Zimbabwe. The principle of paying for improvements has been accepted as standard practice by the state. When communal area residents are displaced by state development projects the compensation given is usually for ‘improvements’ (value of buildings, fruit trees and other
investments on land). In Svosve this was the case when St Ludger Secondary School and Wenimbi Dam were built.

While getting through a transaction is just but one hurdle, completing official transactions is often trickier especially for those from outside the district. Officially they will need to register with the RDC and change their identity card. Without the co-operation between modern and traditional institutions this can prove difficult. If the local councilor co-operates, then the formal process can be completed with ease. Where they do not co-operate, the buyer from outside the district will continue to pay the development levy to the *sabhuku* and wait till close to elections when voter registration starts. At this point being a card carrying member of the dominant party helps as local party structures can then facilitate to ensure that the ‘party cadre’ is on the voters’ roll.

**Buying back the birthright: African participation in land markets in Zimbabwe.**

The emergence of a vernacular land market in Svosve needs to be understood as part of a continuing political and economic process set in train by the initial appropriation of land by the British South Africa Company (BSAC) in 1890, and the violent African resistance (the ‘first chimurenga’) it provoked. In the century since the suppression of the uprising, in 1897, it is possible to chart the development of land markets in Zimbabwe in terms of three sets of relationships. Firstly, the creation of separate land reserves for African settlement, and state governance within them through evolving compromises with ‘traditional’ African leaderships. Secondly, the provision of opportunities for ‘secure access’ to land for a minority of Africans via formal land markets. Thirdly, the administrative control of African labour and its employment in (settler-owned) industry and commercial farming, and the consequences for African demand for land. In this section we briefly trace these dynamics through three periods since the initial resistance to European colonisation: early colonial (1897 – 1930); later colonial (1930-1980); and post independence (1980 – present).

**Early Colonial period (1897 – 1930)**

When European administration was established by the British South Africa Company (BSAC) following the end of the uprising, in 1897, traditional chiefs lost power but retained some authority over land. Ranger 1993: 357) has suggested that most of what we see today as the tradition in how communal land is accessed is a ‘default system’ that evolved during the first two decades of colonial experience. Two native commissioners, one for Matabeleland and another for Mashonaland were appointed to, among other roles administer the native reserve areas.
The creation of the reserve areas was paralleled by the creation of an opportunity for Africans to participate in land markets through the ‘Order-in-council’ in 1898 that contained the ‘Cape Clause’ that stipulated that ‘natives’ in the colony were allowed to own or dispose of land on condition that this was done in front of a judicial officer who was required to ensure that the ‘native’ party understood the contract. Africans became active in the emerging land market after the ‘Cape Clause’ came into effect in 1898. Some Africans were involuntarily incorporated into a land rental market when land alienation started. This group consisted of households that had remained on land ‘bought’ by white farmers. Taberer (1905: 335) documents land rentals pegged at £1 per hut and by 1905 was reporting 10 agreements covering some 2000 Africans.

Apart from rentals, some land purchases are also reported in the literature. Palmer (1977: 281) shows that by 1925 some 14 Africans had purchased up to 49,966 acres of farm land. For example Chief Makoni is reported to have bought 6,350 acre Mbobo Vale farm in Makoni District for £1000 to avoid losing his ancestral land. Some chiefs who testified before the Morris Carter Commission are reported to have indicated willingness to purchase land if only as a way of securing their native reserve areas and avoid being moved on Cheater (1990: 179). Similarly, a John Hogwe and five other teachers at Morgenster in Victoria District are reported to have bought 3242 acre Rugby farm for 100 cattle (Palmer 1977: 281).

It is quite clear from these early reports that some Africans did participate in the land market both voluntarily and involuntarily. However, there is no evidence at this time that any land rental or sales took place in the native reserves. One key factor was lack of demand to land due to limited access to agricultural markets. For native reserves that were close to the markets and where agro-ecological conditions allowed production to occur, settler colonial policy discouraged commoditization of agricultural produce as this was seen as undermining labour supply to farms and mines. In the case of Svosve for example, the native commissioner had in 1909 noted ‘an influx of new (white) settlers paying good cash prices’ for the vegetables grown in Svosve. By 1925 the native commissioner was reporting that ‘all kinds of vegetables are grown and the inhabitants of Marandellas practically rely on natives for their supply of vegetables’.

Fear of competition led the mainly white settler farmer Agricultural Union Congress of 1920 to agitate for the Cape Clause to be abolished, arguing that having many Africans buying land would spread diseases and deter further white migration into the colony (Yudelman, 1964; Palmer 1977). Later, the Morris Carter Commission of inquiry into land apportionment set up by the Southern Rhodesia settler state in 1925 recommended, among other things, abolition of the Cape Clause in order to ‘reduce the point of contact between the two racial groups until the native has advanced much further on the paths
of civilization’ (Government of Southern Rhodesia 1926: 4). This recommendation was taken up in the Land Apportionment Act of 1930 that, apart from abolishing the right of Africans to purchase land in white areas, institutionalized racial division in land ownership.

Later Colonial period (1930-1980)

When BSAC rule ended in 1923 with the formation of the Southern Rhodesia state, all title to ‘crown land’ (all land except that occupied by Africans in tribal areas) was inherited by the settler state. Land title to the 21 600 00 acres set aside for African use through a 1920 Order-in-Council was vested in the British High Commissioner and not the traditional chiefs (Yudelman 1964: 67).

Chiefs only got their powers back four decades later when the Tribal Trust Lands Act of 1967 was promulgated to deal with the internal management of ‘native reserves’. Through this Act, from 1969 to 1982 native reserves were renamed ‘tribal trust lands’ presided over by traditional chiefs under the direction of the District Commissioner. Title to land according to section seven of the Tribal Trust Lands Act was vested in the president. In preparation for the formation of tribal trust lands a delimitation commission was set up to establish the traditional land allocation practices and establish chieftainship boundaries. What is clear from the accounts given by traditional chiefs to the delimitation commission is that by the 1960’s there existed a fairly standardized model of land administration in the native reserves. The reports are all surprisingly similar and seem to draw from the same template across all chieftainships especially with respect to how land was being accessed and managed after nearly sixty years of settler-colonial rule. For example, the report for Svosve the study area states that:

‘The chief is the overall land authority for his area of jurisdiction. Within that area the various headmen or masadunhu are the delegated land authorities for their area or dunhu. However, they must refer to the chief as the ultimate authority on matters of dispute where they are not sure of the law. A headman therefore would have authority to allocate land to newcomers, if he were sure that this was in accordance with the general feeling of the area or nyika as enunciated by the chief. In practice, the chief would then fall in with the wishes of his sadunhu wherever practicable’ (Latham, 1964: 1).

This is strikingly similar to the report for Chief Dandawa in the Urungwe District which also states that:
‘The chief is the overall land authority for his nyika (chieftainship area). Within the nyika the various masadunhu (headmen) are delegated land authorities for their dunhus (sub-region), always however with the understanding that they must refer to the chief as the ultimate authority on matters of dispute or where they are not sure of the law. A sadunhu would therefore have authority to allocate land to newcomers, if he were sure that this was in accordance with the general feeling of the nyika as enunciated by the chief. If however it was his understanding that the chief and the people only accepted people in special circumstances, then his approval would have to be sanctioned by the chief. In practice, the chief would then fall in with the wishes of his sadunhu where ever practicable’ E Kaschula Delineation Commission Report for Urungwe District (1968: 1)

Yet the reports were written by different officials. Our point here is that the ‘historical accounts’ either report a fairly standardised response produced to suit the settler colonial project of ‘tribal trust lands’ or, the reports may indicate that indeed practices were uniform across all tribal areas due to colonial policy direction. We think there is value in both interpretations. The accounts show that a compromise had been worked out between the state and the traditional institutions. This allowed the chiefs to exercise their authority over land, but under overall control exercised by the District Commissioner whose office gave official sanction to any land transactions (see Nyambara, 2001). Once accepted by the traditional institution, the potential migrant was still required to go through a formal registration process that involved the District Commissioners’ office. That way, the settler administration kept track of any population movement (especially of tax payers) that was taking place without necessarily getting involved in local level detail of actual land allocation. The use of tribal authorities had the main advantage of keeping the cost of land administration considerably low on the one hand, while furthering the interests of the political ideology of separate development on the other.

By the mid-seventies however the war of liberation meant that authority of this ‘bureaucratised’ traditional leadership was under challenge from nationalist guerrillas. Ranger (1993) has shown how in essence the settler state manipulated the appointment of chiefs to try and contain the insurgency. As a result by the end of the war of independence in 1980 a number of chiefs had lost legitimacy and power and were seen as ‘sellouts’. In ‘liberated’ zones local people’s committees oversaw issues related to land while in some areas the District Commissioner oversaw land allocation in ‘protected villages’. We can say therefore that for a significant part of the 1970s the war of liberation influenced how land was accessed. Although chiefs had been formally incorporated into the state administration, conditions on the ground made the exercise of this power and authority largely impracticable.
The later colonial emphasis on administrative control in Tribal Trust Lands was paralleled by a continuing policy of allowing access to land via markets for a minority of Africans. Since its establishment in 1923 and the subsequent abolition of the Cape Clause, the settler colonial state was always clear about excluding Africans from freehold title to land, preferring instead to talk of secure tenure. When an emerging black middle class agitated for freehold title, the state instead offered them long term leases in African Purchase areas. Thus, while abolishing the Cape Clause, the Morris Carter Commission also recommended creation of native purchase areas (matenganyika) in which Africans were allowed to purchase farmland of up to 103 hectares in area, initially on 99 year leases. A Land Board was set up to administer the 7.5million acres set aside for this purpose (Palmer 1977). Yudelman (1964) reports that by 1965 some 6 500 African farmers had bought between them about one million hectares of farmland.

This was followed by a short-lived effort to bring about the wholesale conversion of land rights through a market for tradable ‘arable and grazing’ rights, introduced following recommendations of the 1943 Commission of Inquiry into Natural Resources of the Colony of Southern Rhodesia. Among other findings, this report raised concern with what it saw as ecologically inappropriate farming practices in the native areas. Using this argument, the Native Land Husbandry Act (NLHA) was passed in 1951 to give the settler state authority to re-organise native agriculture and commoditise arable land and grazing rights. Like the Swynnerton Plan of 1954 in Kenya, the idea behind the NHLA was to replace customary tenure with some form of secure tenure with tradable rights. This did not create freehold tenure as the title to all native land still remained vested in the British High Commissioner.

The NLHA became law in 1951 and was implemented from 1955. It was scrapped in 1961 when it faced massive resistance and also when it became clear that rather than ameliorate land shortage it had actually increased it in places. It had been hoped that displaced Africans would head for the cities and be absorbed in the industries, but, the projected jobs had not materialized. However, before it was scrapped the Act had commoditised some land rights. According to Yudelman (1964: 125), by 1960, some 1 155 farming rights had changed hands at an average price of £5 9s and 7d per acre while 13 511 grazing rights had been traded at an average price of £4 17s 5d per animal unit. The average price of the rights varied between £3 12s and £11. 11s.11d per acre for arable land while that for grazing land ranged between £ 2.7s4d and £ 15.0s.0d. These rights were to be registered with the District Commissioner once purchased. Reviewing progress in the trade in these land rights, the Chief Native Commissioner wrote that ‘the market is functioning smoothly and in general, the price of land varies according to productive capacity’. A year later the NLHA was repealed although to this day some
households still have these land rights papers known locally as ‘faniro’. As far as such households are concerned, they own this land and these act as legal entitlement to the rights they hold. No work has been done to date to find out if these ‘faniros’ are still being traded but these have certainly been used to asset claims to land in communal lands.

Apart from the long term leases in African Purchase areas, the only other payments for land in the then native reserves were homage payments (‘badza’ (a hoe), cloth, a chicken, or monetary payments) given by individuals external to a kinship group who wished to settle under a chieftainship and as a token of subservience to their rule. This in itself may have created certain obligations but not necessarily an exchange value system. This could only happen if the person who had the land saw it as an asset whose capital value can be redeemed in a market. There is no evidence that during the pre-1980 period this was the case although some ‘entrepreneurial’ traditional leaders could always profit from this homage system. Baker (1989:55) has made the observation that as cash plays an increasingly important role even if ‘custom and law may disapprove, rights to use land rights to use land may in fact be bought and sold’ with the homage payment becoming more and more like land rent paid to a landlord. In Zimbabwe, Ranger (1993: 357) has argued that some chiefs used powers over land allocation bestowed by the 1967 Tribal Trust Land Act to ‘extract fees and gifts often bringing aliens onto the land). Similarly Nyambara (2001: 785) quotes the case of a headman who in 1971 was accused in anonymous letter to the District Commissioner of ‘selling fields at $7 each and a further $12.50 to facilitate registration. Gokwe was then a frontier region that had been opened up for new settlements and is probably one of the first areas where vernacular land markets evolved because it had the conditions for their evolution. Gokwe was one of frontier districts to have witnessed massive migration especially in the 1960s and 1970s while at the same time being incorporated into the cash crop economy as cotton took root as the main crop. It is not surprising therefore that such reports of disguised market access emerged there.

By the mid-1970s’ it was generally accepted that in some communal areas access to land was in part mediated through markets. Bourdillon (1976: 67) has observed that ‘even in tribal trust lands, means have been found according to which land can be bought and sold: initially, the original owner could demand compensation for the work of clearing and preparing farmland; but as land becomes more scarce, value for the land itself is added to the compensation fee, and chiefs and headmen can charge settlers a fee for the allocation of land…….$70 for residential land near Harare). There was no systematic study done to see how widespread this practice was but the anecdotal evidence at the very least point to practices were access to land was via a disguised market.
Restrictions placed on Africans who wished to own private property in both rural and urban areas and lack of security of tenure became some of the sore points for the emerging middle classes. This galvanized support for the nationalist movement in the post-World War II period and eventually led to independence. It should however be stated that even within the nationalist movement there was ambivalence toward private property ownership. On the one hand the emerging middle classes within whose ranks the nationalist movement drew its leadership coveted ownership of land and property especially in urban areas while at the same time others within their ranks (especially labour unions in Matabeleland) thought it immoral to purchase land they argued had been illegitimately taken over by the settler state (see West 2002). The start of the war of independence and its escalation in the 1970s also further curtailed an evolution of land markets as the guerillas insisted that land is not a commodity (see Nyambara, 2001: 788 in the case of Gokwe). Selling land (*kutengesa ivhu*) was seen as a sacrilege punishable by death. When all racist legislation was repealed by the short lived Muzorewa transitional government in 1979 it was mostly the political and bureaucratic elite that took advantage of these and bought land and property on freehold. By 1990, up to 500 Africans (10 per cent of the membership of the mainly white commercial farmers’ union) had bought commercial farmland and joined the ranks of commercial farmers union (Bratton, 1990).

Post-Independence (1980 - )

At independence in 1980, rural local government was revived through the Tribal Trust Land Amendment Act of 1980 and promulgation of the Communal Lands Act (1981) and the District Councils Act (1982). As in the Tribal Trust Land Act it replaced, the Communal Lands Act vests title to communal land in the president. Initially through the 1984 Prime Ministerial Directive on Provincial Administration, and subsequently the Rural District Councils Act of 1988, the chiefs’ authority over land was transferred to 55 elected Rural District Councils (RDC) that exercises delegated legal authority.

The Land Use and Natural Resources Committee (LUNRC) of the RDC, is made up of elected councillors, the District Administrator, Agricultural Extension Staff and Staff from the Department of Natural Resources at district level. Traditional chiefs are also ex-officio members of this committee. Since 1999, the committee has been given elevated status and renamed the District Land Identification and Allocation Committee (DLIAC). Before 1999 the chair of the LUNRC kept a register of all the ‘tax payers’ in his area and worked through the VIDCO chairmen and the sub-committees on land and natural resources at village level. This new dispensation was resented by the traditional chiefs who felt that their influence had been compromised. Inspite of the existence of this ‘official’ legal
administration framework, the 1994 Commission of Inquiry into Land tenure still found however that: ‘interpretation of land law and administrative procedures differs greatly with what is actually happening on the ground’ (GOZ 1994: 3). The reality was that there existed a variously interpreted understanding that chiefs and traditional village leaders (sabhukus) assisted the councils in land administration. This translated into continued discharge of the land function by the traditional institutions sometimes but not necessarily in consultation with the elected officials. The situation was much easier if the elected official was also a sabhuku or was in some way linked to the traditional institutions. Ranger (1993) has shown how chiefs in some areas never really lost power. Although legally emasculated they maintained recognition among their ‘subjects’ and ironically found themselves in open competition with the elected officials at the local level.

In 1999, the Traditional Leaders Act was passed, and restored the role of traditional institutions that had been sidelined at law with respect to land jurisdiction in communal lands. They only featured indirectly in section 8(2) which instructed councils to have ‘have regard to customary law relating to the use and allocation of land’. Without the land allocation function, it was difficult to see how the chiefs could still maintain the traditional influence expected from them by their ‘subjects’. This has led some to comment that the new government did this to punish the chiefs for their support of the settler administration during the war of liberation (Kriger, 1992; Ranger, 1987). In spite of the legal and political marginalisation, traditional institutions continued to command more respect among the communities than the modern institutions created in 1984. This led the state appointed commission of inquiry into Land Tenure to comment ten years into the new structures that: ‘there is evidence that the dissolution of traditional authority and their role in land and natural resources matters at independence was premature, and currently, there is widespread resistance to VIDCO/WADCO structures as credible authorities over land and natural resources’ GoZ (1994: 26).

The traditional chiefs now dispense ‘customary justice’ through the Customary Law and Local Courts Act Number 2 of 1990 which gives them power over customary law minus the land function. Similarly, the Traditional Leaders Act of 1999 gives them a role in land administration and for the first time recognises the offices of the headman and ‘sabhuku’. The chief is empowered by the act to notify ‘the rural district council of any intended disposal of a homestead and the permanent departure of any inhabitant from his area, and, acting on the advice of the headman, to approve the settlement of any new settler in his area’. The legal authority in land matters however (a permit to reside, cultivate and use communal resources) still remains Section 8 (1) of the Communal Lands Act and the RDC Act Chapter 29: 13 of 1988) administered by the elected RDC. It is ironic however that the traditional leaders’ land allocation role is being regularized at a time when there is evidence that their subject feel
they should not be playing such a role. In a recent study Mamimine (2003) only 23 per cent of respondents felt chiefs should have any land allocation authority.

It is our argument in this paper that this contested legitimacy of elected institutions and the continued dominance of traditional institutions facilitated the emergence of vernacular land markets in post-colonial period. There was what Moyo (1995: 193) ‘a time of open land policy’. This created an environment that allowed individuals to be more innovative in how they accessed land. There was also a general atmosphere of despising and disobeying state law and official policies carried over from the war (Kriger 1992). Although new elected institutions were being promoted, these lacked legitimacy and often found people still turned to traditional leadership for land related issues and yet these lacked the legal mandate to do so. The conditions for the emergence of a vernacular land market were further promoted by two key developments. First was the renewed policy focus to modernise African agriculture and integrate it into the mainstream commodity market on favourable terms (Rukuni and Eicher 1992). Second was the relaxation of control of population movement. Together they greatly increased the demand for agricultural land in communal areas. Investment in technologies, human capital development, physical infrastructural development and enhanced input and marketing support to communal farmers tripled maize yield between 1980 and 1987, and by 1985 the communal farmers were, for the first time ever marketing more cotton and maize than the large scale commercial farmers.

It has however been noted that only 10 per cent of the communal farmers where responsible for this revolution (Ruvimbo-Chimedza 2001) and in fact most of this increased output was from increased area under cultivation rather than improved productivity (Eicher and Rukuni, 2005). By the mid 1990s however, the agrarian revolution had stalled and production began to decline. However, by then incorporation of the peasantry into the mainstream agricultural commodity market had given an incentive for people to seek to access land, pushed by acute overcrowding and attracted back to the land by better commodity prices (especially for cotton and maize), extension support.

**Vernacular land markets in Zimbabwe**

In the previous section the repercussions of the appropriation of land by European settlers was identified in a number of continuing tensions: the problem of governability of the African reserves – now ‘communal areas’ – and the associated projects of, on the one hand, suppressing wholesale commoditisation of land on the reserves, and allowing access to land markets to an African ‘elite’ minority. In some respects the key concerns of those holding state power and their partners among the ‘traditional’ African leadership have changed relatively little, with administrative (i.e non-market) control of land a principal implement in retaining government control of rural areas. However, the Svosve case we presented earlier suggests that in the past decade a number of factors, including the
large flows of people resulting from economic crisis and collapse of formal sector employment, evictions of farmworkers from commercial farms, and physical removals of informal urban settlements, have intensified competition, and, as a consequence, the commoditisation of land.

There has been no systematic study done to date to test the prevalence of vernacular land market transactions in Zimbabwe. At law, it is clear that communal land can not be commoditised although there have been cases where the state itself has paid compensation for improvements when it evicts individuals to make way for state projects. When the Commission on Land Tenure recommended long term leases on communal lands as a way to improve security of tenure this was turned down by the cabinet on the grounds that it would result in the poor losing land to the rich. It is however ironic as some have observed that, rather than markets it is state ownership that actually presents insecurity on communal lands (Tshuma 1997; Moyo 1995).

The literature on land issues in Zimbabwe does not specifically refer to the transactions as part of the market as under the prevailing discourse there are conflicting views about whether the transactions observed on communal lands constitute a process of commoditisation. For example Donna Pankhurst’s case study of Murasi in Northern Zimbabwe about an entrepreneurial individual subdividing and selling communal land describes it not as a process of commercialization yet it describes a process in which land is treated as a commodity and sold as such. The official state position that any cash transactions related to communal land are illegal also serves to drive the transactions under ground or elicit clever disguise for the transactions. Moyo (1995:137)’s work in Mhezi illustrates this as he observes that: ‘direct payment for access to land for agricultural purposes tended not to be openly reported….although it occurs’ and ‘some households exact compensation for developments such as huts, sheds, granaries, wooden fencing and sometimes trees on the plots and fields when these are transferred to other community members with local usufructs rights’. This disguise of market mediated access he argues is because of the perceived illegality of the practice.

In frontier regions particularly in the north west of Zimbabwe, market mediated access was fuelled by a new breed of entrepreneurial farmers that sought more ‘land to produce cash crops. They were driven to the frontier regions by the availability of ‘free’ land on which they could make a living. Works by Derman(1987); Worby (1999); Nyambara(2001) Hammer 2002) and Chimhowu 2002) all show how the influx of migrants to the north west district was facilitated in part by the sabhukus accepting these homage payments even when the councils felt that the district where full. We can see from this that making such land transactions illegal does not get rid of them but simply helps them to mutate into vernacular forms in which both the buyer and seller know they are selling land but couch...
this transaction in language that meets with official acceptance. This is particularly important if the parties to the transaction wish to get their deal approved. When the buyer and seller fail to disguise the sale, the law is often upheld leaving the buyer in limbo. In Zimbabwe, Cheater (1990:194) reports a case in Wedza in which a senator paid some Z$160 for land to a chief for land left by a deceased widow. A surviving relation challenged the sale in court. Although the case was withdrawn before being tested at law following an out of court settlement, the state used the case to illustrate and restate the view that such land could not be bought or sold. Further, the case illustrates the insecurity that often surrounds the transactions held under vernacular markets.

Apart from the agriculture related dynamics of vernacular land markets, the massive post-colonial urban growth has played a significant role in fostering the emergence of vernacular markets around major urban centres. The most reported cases in the Zimbabwe press have mostly been the areas around Harare especially Domboshawa, Seke, Goromonzi and Chihota Communal lands. Relaxation of influx control regulations in the period leading to independence resulted in a ‘march of the peasants’ on the cities especially Harare. A combination of inadequate housing and low wages has seen some of the new migrants relocating to the peri-urban fringe (Mbiba, 2000). This has created unprecedented demand for land and in the process activating market mediated access to communal lands near the cities. A recent study in Domboshawa not only showed the prevalence of vernacular land sales but crucially found the transaction now requires the cooperation of both traditional and elected officials for it to work (Saruchera 2000: 69). A plot of land measuring 160m2 for example was offered for $15 000 with some of the transaction costs covering inducements for the cooperation of those that would officially register the buyer.

Conclusions

In this paper we have considered the evolution of vernacular land markets as one of the ways in which land is accessed in communal lands of Zimbabwe. The question of a market in land is an unresolved consequence of the original expropriation of land during European settlement in Zimbabwe, and one that has witnessed recurring and contradictory policies arising from, on the one hand, the government’s use of control of land as an instrument governance of rural areas, and on the other hand, the pressure from an African middle class for access to land through markets. The case of Svosve suggests that the much greater freedom of movement of population since independence in 1980, coupled with an increasingly unstable non-farm economy has greatly increased the number of people seeking land in ‘communal areas’ and an increase in the use of monetary payments as a means to ‘buy’
or rent land. Such ‘vernacular’ land markets are not sanctioned by state authorities, but are ‘socially embedded’, reflecting patterns of privilege and discrimination mediated by customary authority, notably in the person of the sabukhu.

A key finding of this study is the selective and gendered nature of such markets. While it is easier for women and displaced farm workers to transact land rentals, the study has shown how ‘land sales’ in vernacular markets are still leveraged on patriarchy and autochthony that still dominates social life in Svosve inspite of the fact that 40 per cent of the households heads were born outside Marondera District. Based on this, it is clear that vernacular land markets can potentially be discriminatory and disadvantage women participants and groups considered as lacking in local roots.

A further finding of this work is the gate keeping role played by traditional institutions that are enjoying a new lease of life after an acrimonious relationship with the post-colonial state. We have argued that in the case of Svosve, the lead role played by traditional institutions in the land invasions has boosted their local profile and given them more visibility and confidence to override any administrative concerns about land management including sales.
References


Colloque international “Les frontières de la question foncière – At the frontier of land issues”, Montpellier, 2006


Quan, J. (1997). The Importance of Land Tenure to Poverty Eradication and Sustainable Development in Sub-Saharan Africa. Chatham, Natural Resources Institute, Greenwich University.


