



CHANNEL AFRICA

INTERVIEW BY PETER NDORO, CO-HOST OF 'RISE & SHINE' CURRENT AFFAIRS PROGRAMME FOCUSING ON NEWS AND PEOPLE ACROSS AFRICA

Peter Ndoro:

Ben, for people who may not fully know the background of this story, what happened during Zimbabwe's land reform process from 2000 onwards? And why does this compensation question remain unresolved 25 years later?

Ben:

Well, essentially what happened was in 1999, an opposition party [the Movement for Democratic Change or MDC] was formed in Zimbabwe. We'd been a one-party state prior to that, and a referendum was called to change the constitution, which would entrench Robert Mugabe's power. And part of the sweetener was to be able to take land for free. And the people rejected that in February 2000. They rejected that new constitution, and within two weeks of that constitutional referendum, we had these land invasions begin to intimidate our farm workers.

We had about 20% of the Zimbabwean electorate on commercial farms at that time. And so there was an intimidation program that began, which then ended up with rewarding party faithfuls with farms and keeping judges, keeping policemen, keeping military people, keeping the members of parliament for ZANU-PF sweet by handing out farms, but not paying the owners of those farms.

And so the owners still hold the title deeds to those farms and were violently removed, as everyone knows, but there was no compensation paid. And then they made a law back in — or they changed the constitution anyway — about five years later in 2005, to say that they could take the land for free and anyone on a listed farm was now a criminal if they were still in their own home and committing the crime now of farming in a country that was hungry.

And so we, in a personal capacity by then — the Commercial Farmers Union had decided, well, there's no point in using courts because the courts have been so totally compromised by then — we, in our personal capacity as a family, decided we needed to challenge this. As Christians, as people that believed in justice, we needed to take that risk and challenge it.

And the [regional court of justice and court of last resort] the SADC Tribunal opened in that process. And when we had had our hearing in the Supreme Court of Zimbabwe, within a week of that hearing, suddenly this new court, the SADC Tribunal, based in Windhoek, was open for business for 400 million people in the whole of Southern Africa.

And we were able to go to that court, and five judges gave us a judgment that said, no, this is discriminatory, that the compensation should be paid for the land and for the improvements on the land, and that the process by which our farms were being taken was against the SADC Treaty.

So that obviously displeased the Zimbabwe government immensely, and Robert Mugabe went on an all-out offensive to try and get this court closed down. And so he effectively achieved that, and we have not had that court open now since about 2011.

So even though that court had made a judgment to say that compensation must be paid, the Mugabe regime did not pay that compensation. We had a coup in 2017, and President Mnangagwa took over power in 2017, and then there was an election in 2018 that kind of semi-endorsed it. But still, no compensation was being paid.

And then more recently, due to, I think, quite a lot of international pressure, they have started paying those people who have foreign ownership. So there are various treaties with Zimbabwe by the Germans, by the Dutch government, by the Swiss. You know, it amounts to maybe 200 farmers, which is nothing in the great scheme of things.

But those farmers are being paid out now in cash for the land and the improvements on their farms, and given the option, if they want, of restitution — so as actually going back to their farms. But if you are unfortunate enough to have a Zimbabwean passport or to be a South African, for example, who was farming up here in Zimbabwe, there is no such privilege.

But what they did do as a sort of propaganda coup, I believe, is put US\$3 million toward the compensation of thousands and thousands of farmers, which is — you know, US\$3 million doesn't pay many bills. So it was really a propaganda thing, I think, more than anything else.

But what we are calling for is equal treatment before the law. We can't have Germans and Swiss and Dutch being treated in a way that is different to the way that Zimbabweans are being treated. And it's a discriminatory process at the moment, and that needs to change. And there needs to be pressure put on the Zimbabwe government to comply with international law, to comply with the SADC Treaty, and come to the party and do things in a lawful way.

If they want investment in this country, if they want business to run, it has to be protected and these issues need to be sorted out. It's been now 26 years since the land invasions began. Many farmers are obviously more or less paupers now. A lot of people have died with no money.

Peter Ndoro:

Ben, we're running out of time, unfortunately, and maybe just one last question, because it is a sensitive issue, land on the continent. South Africans are dealing with it even now. What do you say to people who say, but hang on, how can we pay you for land that was taken away from us during the colonial era? We're just taking back what is ours?

Ben:

Well, the SADC tribunal looked at that question — five black judges from different countries around southern Africa — and they came up with their decision, and we stand by their decision. We led the argument regarding the historical narrative, and we put together a whole dossier of all the historical things that had happened in this country ...

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