



## **Zimbabwe Land Policy Study**

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## **1. EXECUTIVE SUMMARY**

The ‘Zimbabwe Land Policy Study’, is a policy research paper, commissioned and edited by the Zimbabwe Institute. The paper contains a detailed overview of existing land policy in Zimbabwe, providing in-depth analysis of its prominent shortcomings and mapping out a way forward. One of the fundamental aims of the paper was to evaluate and critique the MDC’s existing policy on land reform and to provide guidance on the way forward. It is hoped that the policy recommendations contained in the paper will assist the MDC with improving and strengthening their own policy paper on land reform, which is scheduled to be published shortly.

Chapter Two provides a background to the land issue in Zimbabwe, highlighting its historical dominance of political discourse. This chapter also sets out the purpose of the study, its terms of reference and the methodology that was used.

Chapter Three provides a concise overview of the history of land reform since independence. It points out that at independence in 1980 land reform was acknowledged as the key policy instrument for addressing chronic problems of poverty, household security and inequality that were at the vanguard of the crude legacy left by the white minority regime. The issue of land reform had, after all, been one of the driving forces of the liberation war. Despite the public rhetoric on the need for land reform the policy itself, in the form of ‘*Land Reform and Resettlement Programme Phase I and II*’ (LRRP I and II) achieved little in the way of success.

Under LRRP I the plan was to resettle 168,000 families, however, by 1990 only 52,000 families had been resettled. The paper suggests a number factors that help to explain why this initial attempt at land reform failed to achieve the objectives that had been set. One of the key reasons put forward was that the ‘willing-buyer and willing-seller’ principle contained in the Lancaster House Constitution did not enable the government to buy sufficient land to meet the objectives set out under their land reform programme. Moreover, under the terms of the Lancaster House agreement the government had to abide by this clause in the constitution for the first ten years of independence.

In 1992 therefore, the government, free from its obligations under Lancaster House, enacted the Land Acquisition Act which contained provisions empowering the government to compulsory acquire land for resettlement. In order to raise funds to finance LRRP II the government convened a donors conference in 1998 in Harare, however, funds were not forthcoming as the government refused to address donors concerns on issues relating to transparency and accountability vis-à-vis the land reform process. At this stage it was already becoming apparent that the land reform process was primarily aimed at rewarding the loyalty of the elite rather than tackling the pressing issue of land hunger.

The second part of the overview of the land policy pursued by the Zanu PF government focuses more on the impact of the current ‘fast track’ phase and the arbitrary and unconstitutional changes that were made to the legislative framework pertaining to land acquisition. This section draws attention to the fact that a systematic effort was made by the

Executive to undermine the independence of the judiciary and subvert the rule of law in order to remove obstacles to the implementation of the land reform programme.

Arbitrary changes to the legislative framework have contributed to the high level of confusion that has been provoked by the fast track initiative. The paper points out that in most cases the judicial process required to legalise acquisition on most farms has not been finalised and that many people were holding onto land which has not been properly acquired in terms of sections 5, 7 and 8 of the Land Acquisition Amendment Act.

In addition to pointing out the confusion that reigns over the legal status of farms acquired under the fast track scheme, this section of the paper also provides a detailed analysis of the negative impact the scheme has had with regards to agricultural productivity, farm workers, the environment and the economy.

Chapter Four focuses on the MDC's land policy. It begins by outlining the salient points contained in each of the existing papers that account for the evolution of the MDC's land policy and proceeds to analyse the core prescriptions vis-à-vis this policy programme. In its evaluation of existing MDC policy, the paper identifies a number of key areas that require either strengthening or further clarification such as 'land rights', 'rural infrastructure development', 'restitution/compensation', 'decongestion' and the proposed 'rationalisation' strategy.

On the issue of the process of rationalisation (which would seek to reconcile the MDC land policy with the situation on the ground) the paper points out that this element of the policy agenda needs to be expanded in order to clarify the specific procedures and envisaged outcomes of the rationalisation process. This section also draws attention to the need for the MDC to strengthen the gender component of its land policy. For instance, the analysis of the MDC's current position on 'land distribution structure' highlights the need for the MDC to provide clear guidelines on gender access.

Chapter Five attempts to map the way forward, on the basis of observations and analysis contained in chapters three and four, by outlining a proposed land policy framework. It begins by looking at the future legal framework and points out that it is crucial to set up this framework before any actual planning commences. The chapter then proceeds to explore in depth the issues of land administration and land rationalization, highlighting the critical role of the Land Commission and making recommendations as to its terms of reference. One of the key issues that the Land Commission will have to address is the issue of compensation. It will need to determine the level at which it will be set and what the cut-off point is for compensation. For instance, in South Africa the restitution date was set at 1913, the date of the first Land Act. In Zimbabwe a strong case can be put forward to suggest that only those who bought their farms after independence with a certificate of 'no interest' from the government will be entitled to full compensation.

Proposals to increase the amount of land available for redistribution include the introduction of a land tax and the imposition of a ceiling on landholdings. The case for the introduction of a land tax is premised on the fact that this is a fundamental requirement for stimulating the land market on the grounds that it would encourage those who underutilize their land to voluntarily surrender it.

On the critical issue of land tenure a number of significant reforms need to be implemented, in particular amending the legislative framework so that land tenure is held under one law and putting in place a series of measures aimed at creating a single tenure system – which will include dissolving the communal areas.

Chapter Six looks at the implementation strategy, in particular the transitional recovery plan. The immediate challenge for a new democratic dispensation will be to ensure that a recovery plan is developed and implemented at the earliest opportunity in order to tackle the humanitarian crisis that has engulfed Zimbabwe. It will be important, at an early stage, to identify areas with above average agricultural production and getting these areas back into production with support for essential inputs such as seed, fertilizer etc. Once the land has been identified, direct negotiations for implementing the envisaged programme will need to be held with those who are occupying the land.

The final chapter contains the conclusions and recommendations and summarises and highlights some of the crucial points emerging from the paper. One of the key issues that is highlighted concerns the need to have a long term strategy that addresses agrarian reform beyond land reform. This will require assessment of the levels of technical, financial and institutional support for the agricultural sector as a whole.

Land reform is central to Zimbabwe's socio-economic development. Unless the land issue is effectively resolved, to the satisfaction of all stakeholders, it will remain a contentious issue within Zimbabwe and an issue therefore capable of having a destabilising effect both in a political context as well as in a broader socio-economic context. It is hoped that this paper will play an influential role in shaping a policy agenda that can resolve the land question once and for all and ensure that this fundamental natural resource is utilised in a sustainable manner to the benefit of all Zimbabweans.

## **2. INTRODUCTION**

### **2.1 Background**

The land issue has been a dominant factor of the history of Zimbabwe ever since the colonial settlers established their power of conquest over one hundred years ago. Since independence in 1980 various attempts have been made to address the Land Question, with varied results. After a slow but orderly process of redistribution between 1980 and 1999, from 2000 onwards the government embarked on a violent and forceful land redistribution coined the “Fast Track Land Resettlement Programme.” This phase has seen a major transformation in the policies governing land ownership. Various terms “an agrarian revolution” or “Third Chimurenga” by the ruling party, this latter phase of land redistribution resulted in the acquisition of some 11 million hectares, from mostly white commercial farmers for redistribution in a process often characterized by coercion and violence. (Sachikonye, 2003).

By commissioning a land audit conducted by Minister Flora Buka (early 2003) and by establishing the Utefe Land Review Committee (2003) and the Presidential Land Resettlement Committee (2004), the government has tacitly conceded that the land reform programme has experienced a number of problems, despite public statements to the contrary. Recently, even the government-controlled newspapers, *The Herald* and *The Sunday Mail*, conceded that “major problems are emerging with the land reform programme, with growing allegations and reports from all provinces indicating that not all is well with the scheme... [and] that these problems have unsettled many new farmers who were either allocated land or were expecting to be allocated land.”<sup>1</sup> Some of the highlighted problems in the current programme include:

- ▶ the displacement of newly settled farmers by the elite;
- ▶ multiple ownership of farms by the elite;
- ▶ underutilization and neglect of huge amounts of productive farmland allocated under the fast track programme; and
- ▶ low uptake of allocated land.

### **2.2 Purpose of this Study**

This study was commissioned to assist in mapping out the way forward on the contentious issue of land reform in the socio-economic and political arena of the country.

The specific terms of reference called for the consultant to do the following:

- ▶ Implement a desktop review of all current policies on land;

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<sup>1</sup> See *The Herald*, 17 May 2004; *The Sunday Mail*, 30 May 2004; *The Herald*, 1 June 2004

- ▶ Review the current strategies and shortcomings on land reform;
- ▶ Critique what is currently going on in the land reform programme and where possible map out who owns what and on what basis; and
- ▶ Critique and revise current MDC policy, produce a summary and critique and update the transition strategy.

### **2.3 Methodology**

The study sought to investigate the issues elaborated in the specific terms of reference through reviewing available and existing documentation from both official and other agencies. A number of consultative meetings were held with various stakeholders, which included farmer organizations. On the specific MDC-related policy questions and aspects of MDC policy, interviews were held with selected party functionaries who were asked their views on the following critical issues:

- ▶ What is to be done with the fait accompli situation in terms of those who have been resettled under the fast track programme?
- ▶ What is the party's position on black empowerment?
- ▶ What is the party's position on the issue of restitution/compensation of commercial farmers who wrongfully lost land and property during the Fast Track programme?
- ▶ What are the prospects for land markets in both Large Scale Farming and Communal Lands?
- ▶ What is to be done about the current militarisation of the land?

### **2.4 Outline of the Report**

The report includes the following:

- ▶ Introduction and background on what has transpired in the last three years;
- ▶ Critique of the MDC policy, past and present;
- ▶ Proposals for a Land Policy Framework for the Future;
- ▶ Proposed implementation strategy; and
- ▶ Conclusions and recommendations.



### **3. OVERVIEW OF THE LAND REFORM POLICY AND LEGAL FRAMEWORK**

#### **3.1 Pre-independence Land Tenure Systems**

At independence in 1980, Zimbabwe inherited four types of land tenure:

***Large Scale Commercial Farms (LSCF) and urban areas:*** Title deeds could be obtained for the large-scale commercial farms and for commercial and residential stands in urban areas. Land could be bought, sold or used as collateral against loans, or in any other ways subject to certain laws. Prior to independence in 1980, only white farmers held land in the LSCF. The farms became accessible to blacks after 1980. By 1994, 450 of the 4,400 LSCF farmers were black. In 1986, the average farm size in this sector as estimated at 2,200ha (ZWRCN; 1994).

***Freehold Tenure of Small Scale Commercial Farms (SSCF):*** These were in African Purchase Areas, where blacks were required to successfully train as 'Master Farmers' to be allowed to own a farm. Title deeds could be obtained on the small-scale commercial farms if certain pre-conditions were met. Once a title deed had been obtained, the farms could be bought or sold and assets on the farms could be used as collateral against loans.

***Communal Areas:*** These are the former Native Reserves / Tribal Trust Lands of the colonial era. In 1986, the average landholding size was estimated at 23 ha per family (ZWRCN; 1994). Traditional leaders periodically re-allocate land-use rights to account for demographic changes (UNICEF; 1994). By the end of 1999, over 6 million Zimbabweans lived in the communal areas (S. Moyo, 2000:7). Communal areas comprise 42% of Zimbabwe's land area, with as much as 75% of it located in drought-prone agro-ecological regions. Before the disturbances of 2000 onwards, 60% of Zimbabweans were reportedly living and eking out their meagre livelihoods from communal smallholdings.

***State land:*** The state owns land in both urban and rural areas, and disposes of the land as it sees fit, e.g. as national parks or future urban residential or industrial areas.

#### **3.2 Land Reform and Resettlement Programme Phase 1 and II (LRRP 1and II)**

At independence in 1980, land acquisition and redistribution was one of the Government's key measures for addressing the problems of poverty, household food security and indigenisation of the national economy. The task was enormous, requiring very large budgetary allocations and a high degree of inter-ministerial cooperation and coordination to ensure that essential infrastructure and amenities (water points, schools, clinics, roads, veterinary services, credit facilities etc) were in place ahead of settler emplacement (UNICEF, 1994).

The Government retained existing tenure systems but also created a fifth category - *Resettlement Area*; introduced during the first phase of the land reform and resettlement program (LRRP 1). There were three resettlement models:

- (i) **Model A Scheme**, which constituted villages schemes where settlers were issued with three permits - to build residential accommodation, to engage in arable farming on 5 hectares, and to graze domestic animals on up to 70 hectares of land;
- (ii) **Model B Scheme**, being former commercial farms being run as single units by cooperatives, and;
- (iii) **Model C Scheme**, these being former commercial farms run as a commercial core estate administered by a central estate authority with settlers as out-growers working on smaller individual units. Security of tenure depended on continued residence and continued farming. Tenure could be passed onto descendants.

The land for resettlement was carved out of the Large Scale Commercial Farming Areas and state owned land. The first phase of the land reform and resettlement programme (LRRP 1) was meant to resettle some 168, 000 families, but by 1990 it had only managed to settle some 52, 000 families. The failure to reach targets that had been set down can be attributed to a combination of factors:

- ▶ The willing- buyer and willing- seller principle then enshrined in the Lancaster House Constitution, which protected the interests of white, large scale commercial farmers and did not enable the government to buy enough land to meet the ever increasing needs of a growing population.
- ▶ The poor quality of the land on the farms acquired by the government under the willing seller-willing buyer arrangement. By 1990, the government had acquired 3.5 million hectares, but a key problem was that only 19 per cent of the land acquired was prime land, the rest was either in marginal rainfall areas or unsuitable for agriculture. (Moyo, 1987)
- ▶ Lack of sufficient funds on the part of the Zimbabwe government to purchase land, particularly in the late 1980s when the economy was in recession and the government could not match the British financial contribution, as provided for in the Lancaster House 'pound-to-pound' agreement.
- ▶ Lack of political will on the part of the government to resolve the issue, always using the constitutional provisions as an alibi. (Hlatshwayo; Gutto, 1991)
- ▶ British Government reluctance to continue bankrolling the programme in light of allegations of abuse of some of the land acquired for resettlement by government officials and ZANU PF politicians. Some of the farms purchased in the 1980s were used for state farming or leased to the elite and did not benefit the rural poor. Differences over procedural and policy issues resulted in some 3 million pounds of the initial project money not being spent. (S. Moyo, 2000; 13)

- ▶ Dependence on external funding which meant that when donor agencies (mostly the United Kingdom and USA governments) stopped bankrolling the purchase of farms the government's own meagre financial resources were insufficient to purchase more land for the programme.
- ▶ The government's decision to slow down the programme, after realizing that it was not progressing as planned due to numerous structural problems. These problems included (a) the selection of settlers lacking management skills and experience (b) poor access to input and commodity markets, mainly due to inaccessible plots (c) poor access to agriculture research and extension services (d) transport bottlenecks and high transport costs, and (e) peasant apprehension about the programme owing to tenure concerns- permits of occupation conferring only temporary use rights.

### **3.3 The Land Acquisition Act**

In 1992, two years after the expiry of the Lancaster House Constitution, the government enacted the Land Acquisition Act which sought to empower the government to compulsorily acquire land for resettlement. Despite the changes to the Land Acquisition (Act 1992), the government did not commit sufficient resources to compensate white farmers who would lose their land in the process. Hence the revised targets of resettling some 110, 000 families on 5 million hectares never materialized. Moreover, the criteria for settler selection and the land tenure system to be used were not resolved.

In 1998 a donor's conference was convened in Zimbabwe to solicit external support for the second phase of the land reform and resettlement programme (LRRP 2). Pledges were made, on condition that the Government of Zimbabwe first produced a clear land policy and established transparent and accountable mechanisms for land acquisition and redistribution. The government saw the issues of transparency and accountability as infringements on its sovereignty and hence did not act accordingly. As a result LRRP II was never implemented.

Generally, Zimbabwe's land reforms under-performed in terms of policy targets, delivery, and social expectation in the first two decades of independence. The failure of the government to deliver land in the wake of continued land-hunger posed a challenge to the nation.<sup>2</sup> By the late 1990s, it was clear that the country was faced with a crisis concerning land use and land allocation, and sporadic land invasions/ farm occupations by peasants from neighbouring communal areas were taking place in different parts of the country. The government dealt with these occupations and managed to control them, including the 1998 farm invasions which were triggered by the farm invasions carried out by peasants from Svosve Communal area about 100 km to the east of Harare. The government's response to spontaneous lands invasions changed when the electorate rejected the draft of a new constitution in plebiscite held in February 2000. In response

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<sup>2</sup> By 1987, the population in the Communal Areas had risen to 5.1 million and the national average population density was 36 people per km, up from 3.9 million and an average population density of 27 people per km in 1982. See Zimbabwe Government Population Census, 1987.

to its defeat in the national plebiscite the government decided to exploit the land crisis for political advantage.

### **3.4 The “Fast Track” Phase and Further Amendments to the Legal Framework**

Following the rejection of the Draft Constitution in the February 2000 referendum the government, in collaboration with war veterans began to mobilise peasants to participate in the farm occupations. It let the “farm invasions” go unchecked, claiming they were “demonstrations” about racial inequity in land distribution. The “official” launch of “*Fast Track Resettlement Programme*” was made in July 2000, barely a month after the ruling party posted a narrow majority in the controversial and violent parliamentary elections of June 2000. During the campaign for the March 2002 Presidential Election, Zanu PF used the land issue as the centrepiece of its election strategy, adopting the slogan: “Land is the economy: The economy is land.”

The launch of the Fast Track Resettlement Programme was accompanied by numerous changes to land legislation. Changes were made to the Constitution relating to land acquisition, adding a new Section, 16A, to the existing constitution. The amendment became law in April 2000 and significantly extended the grounds for compulsory acquisition of land with no compensation, except for improvements on the land or on-farm developments such as dams and irrigation infrastructure, boreholes etc. The amendments stipulated that the “the former colonial power” was to pay for any compensation for land, since it was the “colonial power” who had stolen the land from the rightful owners to give it to the white settlers.”

Since then, the government has been making arbitrary and unconstitutional changes to legislation relating to land acquisition to suit its own political agenda. In May 2000, using the Presidential Powers (Temporary Measures) Act of 1986, more changes were made to the Land Acquisition Act (Chapter 20:10). This was ostensibly “*to improve the procedures for compulsory acquisition of land, especially the acquisition of agricultural land required for resettlement purposes.*” This removed the need for first designating the land prior to compulsorily acquiring it if it was defined as “*agricultural land required for resettlement purposes.*”

In November 2000, in a two-day process, further amendments were made to the Land Acquisition Act through Statutory Instrument 338. The changes empowered Government to resettle people on acquired farms immediately after serving the farm owner with the Acquisition Order before this Acquisition Order had even been confirmed by the Administrative Courts. Another law, the Rural Land Occupiers (Protection from Eviction) Act (2001) was also passed to protect occupiers from eviction for a period of six months, if they had occupied the farm before March 2001.

Major, additional, amendments to the Land Acquisition Act were made in 2002 by amending Section 8 of Chapter. 20:10, so that:

*Where land is offered for acquisition by the owner in terms of subsection (2), (3), or (4) of section six A or subsection (2) or (3) of section six B and*

*accepted by the acquiring authority, it shall not be necessary for the acquiring authority to make an order in terms of subsection, and as such land shall vest immediately in the acquiring authority upon acceptance of the offer as if an order had been made in terms of this subsection.*

The amendment bars the landowner from continuing with any farm operations after an acquisition order has been made, on penalty of imprisonment, or a fine “*not exceeding twenty thousand dollars*” (Section 8 of the Land Acquisition Act).

In August 2002 a number of commercial farmers won temporary respite through a High Court judgment which “*impugned the validity of certain acquisition (Section 8) orders where there had been no service of the relevant preliminary (Section 5) notices upon bond-holders under the principal Act*”. In response the Government enacted the Land Acquisition Amendment (No. 2) Act, which overrides these provisions with such additional clauses as Section 9 of the principal Act providing “*for the eviction of any owner or occupier of land subjected to an order made under Section 8 of the principal Act.*” The new Act was also a punitive law since the effect of paragraph (a) of the proposed amendment was to increase the fine for non-compliance with the above provision from \$20, 000 to \$100, 000. (*Land Acquisition Amendment (no.2) Act*; September 2002).

### **3.5 Analysis of The Legal Framework**

The manner in which the legal framework has been crafted and implemented has often been unconstitutional and punitive. By its own admission, the government, through a statement issued by the Minister of Justice, Legal and Parliamentary Affairs, in Parliament, confirmed the bungling manner in which it carried out the land reform process “*I take the responsibility. It was an oversight on our part. I do not know what really went wrong. We have come up with a number of factors, some of which border on sabotage.*” (Hansard 2002). These amendments exhibit some contradictions with other Acts such as Rural Land Act, Resettlement Act, Deeds Registry Act, and the Agricultural Land Settlement Act.

The various amendments to the Land Acquisition Act allow the government to re-issue any eviction notices previously rendered invalid by the High Court. Farmers issued with such an order (after the expiry of the initial 90-day notice) are given seven days to vacate the land. In effect, Government empowered itself to make a “hostile take-over” without compensation of the 2, 900 commercial farms that were still outstanding in August 2002. The frequent amendments also amount to a coded message to the judiciary that it cannot apply the laws in accordance with the Constitution. The impartiality of the judiciary has also been compromised by the forced retirement of Chief Justice Gubbay and the appointment of the pro-ruling party Justice Chidyausiku as his successor. In a landmark ruling in November 2001, the Supreme Court, under the direction of Chief Justice Chidyausiku, confirmed that all these ex-post regularisations were constitutional. In essence, the ruling meant that there was no legal recourse for a commercial farmer retaining his land once it had been designated and appropriated by the state.

The arbitrary changes to legislation relating to land has also caused a lot of confusion about the whole land reform exercise: from the procedures for formal acquisition of land and the status and ownership of some of the acquired farms, to the validity of some offer letters and the terms and conditions of occupancy. This confusion reigns even in government where government officials, including those in the top echelons, do not fully comprehend procedural issues relating to land reform. Recently, in an interview with *Sky News*, President Mugabe himself appeared confused about the procedures being followed to effect land acquisition. When asked about the fairness of the current practice of simply taking over farms (without having served the owner with a preliminary notice of intent), he maintained that there were no such provisions in the country's laws. As he said, *"I don't think we have that kind of practice. We deliver the notice to the individual who owns the farm and warn him that government wants to take it over and give him time to prepare for it."* However, clause 2 of the Land Acquisition Amendment Act stipulates that the publication in the Gazette of a preliminary notice will be deemed to constitute service of notice in writing upon the owner of the land to be acquired. The previous law stated that a preliminary notice was required to be served personally upon the owner of the land to be acquired.<sup>3</sup>

In most cases, the judicial process required to legalise acquisition on most farms has not been finalised and many people are holding onto land which has not been properly acquired in terms of sections 5, 7 and 8 of the Land Acquisition Amendment Act. The land acquisition process is supposed to be confirmed by the Administrative Court, but very little has been done in this regard. (*The Herald*, 17 May 2004) [Refer to Utete Committee report on this point.] Constitutionally, the acquisition of these farms is not legal as long as the acquisitions have not been confirmed by the Administrative Court.

### **3.6 Land Redistribution under Fast Track Resettlement**

The objectives of the Fast Track Resettlement Program were stated in 2000 as follows:

- ▶ Immediate identification for compulsory acquisition of no less than 5 million hectares for Phase 2 of the Resettlement Programme for the benefit of the landless peasant households;
- ▶ The planning, demarcation and settler emplacement on all acquired farms;
- ▶ Provision of limited basic infrastructure (such as boreholes, dip tanks and scheme access roads) and farmer support services (such as tillage and crop packs)

The move to target the Large Scale Commercial Farming (LSCF) sector for resettlement emanates from the study commissioned by the World Bank in the 1990s. The study showed that only 30% of this sector was utilized and could potentially absorb further settlement by small-scale farmers. The Zimbabwe Agricultural Policy Framework (ZAPF) 1995-2015 envisaged acquiring *a target of 5 million hectares* from the LSCF sector for resettlement and this was endorsed by the 1998 Donor Conference on the

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<sup>3</sup> The Business Tribune (Zimbabwe), 28 May-3 June 2004

Land Reform Programme. There seems to be a policy shift in the present politically driven phase of the Land Reform Program, in terms of the purpose of land targets for land acquisition and redistribution, towards a *fully indigenised* commercial agriculture. As a way of intensifying resettlement, the recommended *maximum arable* land allocated per settler for crop based farming systems ranges from 5 to 50 hectares.

Model A2 formulated under the Fast Track Programme, was meant to give blacks access to land and infrastructure to enhance their participation in commercial farming. The scheme, under the Agricultural Land Settlement Act (Chapter 20:01) is presented under four variants: Peri-urban, Small Scale, Medium Scale, and Large Scale Commercial Farm Settlement schemes.

**Table I** below indicates the amount of land that has been made available for resettlement from 2000 to September 2002.

<b>Table 1: Cumulative Land Acquisition 2002 – September 2002</b>					
<b>Province</b>	<b>Farms Gazetted</b>		<b>Land Available</b>		<b>Suitability Reports Submitted</b>
	<b>Farms</b>	<b>Ha</b>	<b>Farms</b>	<b>Ha</b>	
Manicaland	848	807 306	635	615 239	144
Mash Central	1 043	1 203 364	770	862 863	96
Mash East	1 684	1 622 877	1115	1 076 381	441
Mash. West	1 880	2 743 895	1297	2 076 620	413
Masvingo	706	3 112 437	405	1 653 028	104
Mat.North	703	2 035 753	559	1 722 324	209
Mat.South	454	1 597 599	364	1 250 577	184
Midlands	833	1 499 381	600	1 148 321	105
<b>TOTAL</b>	<b>8 151</b>	<b>14 622 612</b>	<b>5745</b>	<b>10 405 353</b>	<b>1 696</b>
Source: GOZ 2002					

Some 8,151 farms totalling 14,622,612 hectares have been gazetted since June 2000. Out of these, 5, 745 farms totalling 10.4 million hectares had been made available for the land reform program as of 16 September 2002. Compensation to the outgoing commercial farmers of about Z\$1.03 billion had been paid out as at the beginning of 2003. The balance of 2, 406 farms totalling 4, 217 259 hectares had, by August 2002, been de-listed for one reason or another (MOLARR 2002). Some of the reasons for de-listing included the realisation that the owner of the designated farm only had one farm, or that the property is an agro-industrial concern “involved in the integrated production, processing and /or marketing of poultry, beef and dairy products and seed multiplication”. Equally important to note is that while 8, 151 farms were initially gazetted for resettlement, only 1, 696 had been assessed for suitability, and that over 25% of the farms were subsequently de-listed. The implication is that there was inadequate capacity for carrying out the suitability assessment of the farms

The figures for land reform beneficiaries emanating from various government agencies do not always tally, indicating problems of inter-departmental coordination and an inefficient management information system. Initially, the government was claiming that it had resettled over 300, 000 households under its Model A1 Resettlement Scheme. However, the August 2003 Land Audit by the government-appointed Utete Land Review Committee, provided figures way below the projected ones. According to the report, nationally a total of 2, 652 farms, with a combined hectarage of 4, 231, 080 had been allocated to 127, 192 households under the A1 resettlement scheme by 31 July 2003. Another 1,672 farms amounting to 2, 198, 814 hectares had been allocated to 7, 260 A2 beneficiaries. (*Report of the Presidential Land Review Committee under the Chairmanship of Dr Charles M.B. Utete (Utete Commission)*, Vol. 1: Main Report, 2003

**Table II: Total Provincial Allocation of both Model A1 and A2 Beneficiaries under the “Fast Track” Phase from July 2000 to October 2002**

Provinces	Model A1			Model A2			Total	
	Area (ha)	%	Beneficiaries	Area (ha)	%	Beneficiaries	Area (ha)	Beneficiaries
Manicaland	186 650	70	10 903	81 569	30	1 405	268 219	12 308
Mashonaland Central	1 521 371	88	17 441	210 872	12	4 011	1 723 243	21 452
Mashonaland East	446 963	63	21 572	266 821	37	8 109	713 784	29 681
Mashonaland West	688 073	58	27 013	489 856	42	12 082	1 177 929	39 095
Midlands	565 197	75	17 512	184 506	25	1 341	747 703	18 853
Masvingo	1 093 194	84	37 872	215 959	16	988	1 309 153	38 860
Matebeleland North	1 147 403	90	13 270	125 000	10	168	1 272 403	13 438
Matebeleland South	1 630 037	91	14 757	164 966	9	224	1 795 003	14 981
TOTAL	7 269 888	81	160 340	1 739 549	19	28 328	9 009 437	188 668
Source: GOZ 2002								

In essence, the initial target of acquiring 5 million hectares of land was exceeded. The 10.4ha million classified as ‘available’ is double the target previously cited in the Zimbabwe Agricultural Policy Framework (ZAPF) 1995-2015. When the government announced an official end to the fast track resettlement scheme, only 1, 323 white farmers remained with 1, 377 farms, amounting to 1, 175 607 hectares, or 3% of the country’s total land mass. (*Utete Commission*, 2.) Apparently, of the 5,300 farms acquired during the Fast Track phase, only 3,310 had been inspected as of December 2003, with only 156 farmers having received compensation. (The figures of those who have been compensated vary depending on the source –CFU on the former and Ministry of Lands and Agriculture on the latter.)



As a result of the developments described above, the agricultural landscape has been altered drastically. Over and above the allocated land there have been reports of fresh illegal farm occupations in National Parks. This means more land has been subjected to the effects of the “Fast Track Land Resettlement Programme” than the officially recorded figures shown here. In fact, the Utete Report states that “*a total of 367 farms were unofficially settled countrywide*”. Other such occupations in Gonarezhou National Park were also cited in the Utete Commission report, whereby the Resident Minister was quoted as seeking alternative land for these illegal occupants.

Yet, despite the acquisition of this considerable amount of land, a substantial number of people who applied for land were not allocated plots and there has not been any significant decongestion of the Communal Areas. Recently, it was reported that there are still 250, 000 people on the waiting list for the A1 model and about 9, 000 for the A2 model. (*The Herald*, 20 May 2004.) The *Utete Report* revealed that Provincial Governors, chiefs and others interviewed “agreed that the impact of resettlement programme on decongestion in communal areas was quite negligible.” (*Utete Report*, 75) These indications obviously raise questions about the success of the Fast Track Resettlement Programme.

Another disturbing revelation from the *Utete Report* was the disappointingly low uptake rate for the plots, especially in the A2 model. The up-take rate under the A2 model was reported to be disappointing, with only 42% of A2 farm recipients in Manicaland taking up their plots. Nationally, 34 % of applicants failed to occupy their allocated pieces of land, leaving “a considerable amount of land lying fallow or unused.” (*Utete Report*, 2) The reasons for the low uptake rate are cited as varied but include the following:

- ▶ failure by officials to inform successful applicants
- ▶ lack of developed infrastructure in the resettlement schemes
- ▶ resource constraints and the location of allocated farms in zones which are being contested in court

The most important causes for the slow uptake of both A1 and A2 plots has been tenure insecurity and lack of infrastructural development. Most of the resettled people in the A1 model have bemoaned the lack of basic and essential infrastructure needed in new areas of human settlement, such as boreholes, schools, clinics, shops, roads and dip tanks. Most Fast Track beneficiaries have in fact cited the lack of infrastructure in the resettlement areas as the main reason for maintaining dual ownership of land in both the communal areas and resettlement schemes. The lack of security has also been quoted by many beneficiaries as sufficient reason for their minimal commitment to the newly acquired plots. That there has not been any significant decongestion of the Communal Areas may be evidence of the fact that there has not been any complete movement to the newly acquired plots as land beneficiaries hedge their security on land retention in the Communal Lands by leaving behind members of their households. For A2 plot holders, both tenure insecurity and lack of resources has contributed to the slow uptake of plots.

Table III: Zimbabwe: Land Distribution by Sector in 1980, 2000 and 2002 (million hectares)						
Sector	1980		2000		October 2002	
	Extent (million ha)	% of total area	Extent (million ha)	% of total area	Extent (million ha)	% of total areas
Large Scale of which:						
CFU members	-		8.6	21.7	0.8	2.02
ICFU	-		1.2	3.03	1.2	3.03
Others: Cold Storage Company Forestry Company etc	-		1.2	3.03	1.2	3.03
Sub-Total	15.5	39.14	11.0	27.8	3.3	8.08
Small scale commercial	1.4	3.54	1.4	3.54	1.4	3.54
Communal Land	16.4	41.4	16.4	41.4	16.4	41.4
Resettlement as follows:						
Prior to Fast Track Prog(1980/00)	-	-	3.5	8.84	3.0	7.58
Model A1	-	-	1.0	2.52	5.4	13.64
Model A2	-	-	-	-	5.6	14.14
Sub-total	-		4.5	11.36	14.0	35.35
National Parks and Urban	6.0	15.15	6.0	15.15	4.3	10.86
State land	0.3	0.76	0.3	0.76	0.3	0.76
TOTAL	39.6	100	39.6	100	39.6	100
<i>Sources: GOZ Land Reform Action Committee 2002, CFU Reports</i>						

### 3.7 Impact of Fast Track Resettlement

#### 3.7.1 Agricultural Productivity

The impact of the Fast Track Resettlement on both the economy and society has been far reaching. It relates to abrogation of the rule of law, the disruption of farm production and the knock on effects in the economy, which is heavily dependent on agriculture. Over and above the physical casualties that accompanied the violent occupation of farms, the economy suffered heavily from loss of investor confidence. Donor communities suspended almost all aid programmes, save humanitarian assistance to the country and many moved out of the country altogether.

There has been significant contraction of the volume of agricultural produce from the Large Scale Commercial Farming Areas due to the disruption of normal production. The recorded output reduction in LSCFAs indicates a drop in maize production from 800, 000 tonnes in 2000 to about 80, 000 tonnes in 2003; wheat from 225, 000 tonnes in 2002 to 100, 000 tonnes in 2003; soya beans from 145, 000 tonnes in 2000 to 30, 000 in 2003; and tobacco from 230 million kgs in 2000 to about 70 million kg in 2003. (Commercial Farmers Union, 2003). For a country with an agro-based economy, the disturbances in agriculture have led to a decline in the Gross Domestic Product (GDP). The GDP fell by 1 per cent in 1999, by 5.1 per cent in 2000 and by 7.4 per cent in 2001. In 2002 the drop was estimated to be above 11 per cent.

Foreign exchange earnings from tobacco sales have been severely impacted as production fell to below a third of the normal levels.

The contraction in food production has also been due to the significant reduction in the area that is normally put under irrigation in commercial agriculture, from 73% to 6.8 %. Similarly, the area under irrigation run by ARDA (Agriculture Rural Development Authority) was reduced from 13 500 to 7,620 hectares. Generally, production of food grains has declined during the Fast Track Land Reform Programme period through reduced plantings and declining yields. General insecurity during farm “occupations” also led to the theft of some grain crops. Admittedly, some gains were made by the smallholder sector that occupied both A1 and A2 models (20, 070 ha) but in most cases this potential has been lost by lack of irrigation equipment and power cuts to motorised pumping facilities.

The drop in Large Scale Commercial production, coupled with the incidence of drought in the 2001-2002 and 2002-2003 seasons, plunged the country into a humanitarian crisis which left up to 6.4 million people threatened with starvation. Food security was affected at both the household and national level. The slow up-take of land allocated for settlement has meant that many hectares of productive land have been lying idle.

Other negative impacts were recorded in the area of the environment as the new “settlers” tended to wantonly destroy natural resources like trees for construction and firewood for either their own use or for sale.

**Table IV: Distribution of Irrigated Area in the Pre- and Post- Fast Track Era, in the Country as a Whole**

Category	Size of Irrigated Area			
	Before Fast Track		After Fast Track	
	Area (ha)	% of total	Area (ha)	% of total
A1	-	-	7 620	6.3
A2	-	-	12 450	10.3
Communal and Resettlement	10 000	6	11 860	9.8

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Indigenous Large Scale Commercial	-	-	9 250	7.7
Traditional Large Scale Commercial	-	-	8 140	6.8
ARDA	13 500	8	7 620	6.3
Settler	3 600	2	3 600	-
Other	-	-	63 470	52.7
Informal	20 000	11	20 000	NA
TOTAL	186 600	100	120 410	100
<i>Source: DAE cited in Vol. 11 of Uteete Commission Report. (2003)</i>				

Livestock trends have also been seriously affected by the changes in the land administration and holdings accompanying the Fast Track Land Reform phase, as can be seen from Table V below:

<b>Table V: Beef Cattle Herds between 1997 and 2002 (in millions)</b>						
<b>Farming sector</b>	<b>1997</b>	<b>1998</b>	<b>1999</b>	<b>2000</b>	<b>2001</b>	<b>2002</b>
Commercial Farms(LSCF)	1.23	1.56	1.68	1.66	1.30	.053
Communal Areas	2.89	3.50	3.69	3.68	4.40	3.95
Small scale Commercial Farms	0.49	0.40	0.47	0.61	0.51	0.25
Old Resettlement	0.20	0.22	0.23	0.23	0.22	.055
A1 Resettlement	-	-	-	-	-	0.19
A2 Resettlement	-	-	-	-	-	0.07
Total	4.81	5.68	6.07	6.18	6.43	5.47
Bulled heifers/Cow(LSCF)	0.72	0.70	0.68	0.64	0.58	0.25
<i>Source: Department of Veterinary Services</i>						

Tables for dairy herds also show similar declines in numbers, leaving only 282 dairy producers in 2003 as compared to the 340 in 1997. Milk production in the same period declined from 193 million litres to some 112 million litres in 2003.

The notable decline of agricultural production on the whole is also a result of low investments in the agriculture sector over the years, particularly in the Fast Track phase of the land reform programme. A number of new beneficiaries of the programme did not have adequate financial capabilities to sustain production at previous levels.

### **3.7.2 Farm Workers**

The impact of the FTRP has also been severely felt among farm workers.<sup>4</sup> It is estimated that the farm worker population on commercial farms ranged from 320, 000 to 350, 000 before the beginning of the Fast Track programme. The population whose livelihoods were supported by these farm workers numbered about 2 million.

Estimates of job losses vary from 50, 000 workers (Utete Report 2003) to upwards of 70% of the original farm workforce (Sachikonye 2003). The Fast Track Phase of the land reform programme was only able to absorb some 2, 097 workers - 1.9% of the Model A1 settlers. (Local Government, March 2002). In a sample survey only about a quarter of the farm workers who lost jobs had received severance packages by the end of 2002. (Sachikonye 2003) These packages would only have been able to cushion them against loss of income for a few months.

In terms of movement, there is evidence that perhaps up to 50% of farm workers stayed on the same land even if they were no longer in employment. This has been a cause of social tension and strife between this group and the new “beneficiary settlers”, who often accuse ex-farm workers being “thieves” or “squatters”.

Others have sought refuge outside the small urban-type settlements, such as Glendale, Mvurwi, Mutorashanga and Selous, that used to provide farm supplies. Changes in farm ownership has meant that farm workers have also been prejudiced in terms of access to social services such as clinics, schools, safe water and shops which were previously provided by the farm owner. “Other vulnerable groups in the farm worker community include migrant workers and their descendants, women, the elderly, youth and children. Most migrant workers or their descendants have no Communal Area homes, land or jobs to fall back on”(Sachikonye, 2003).

The challenge is to find alternative means of livelihood for a largely unskilled agricultural labour force, a large proportion of whom have no home, even in Communal Areas.

### **3.7.3 The Environment**

In 2001 the Ministry of Environment and Tourism, charged with the protection of all natural resources, issued a policy statement to address its concerns (Integrated Conservation Plan for Fast Track Land Resettlement). The thrust of the plan was to protect wildlife, forestry and soils through an integrated management plan that would involve its own Natural Resources officers. It was concerned that previous wanton destruction of the environment had led former resettlement areas to

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<sup>4</sup> The impact of the Fast Track Phase of the Land Reform Programme on farm workers is a controversial issue which is often couched in emotive language by the affected group or minimal discussion by the official reports. In official reports the issue is not seen as anything particularly deserving of special discussion as it is seen as covered by other social programmes.

become as barren as some of the Communal Areas. However, these management plans were not implemented, leading to the following consequences:

- ▶ Forests and woodlands were cleared for arable agriculture to provide building timber, firewood and poles for sale.
- ▶ Wildlife has been threatened by two trends; translocation from listed farms to other areas, and poaching by new settlers who see them as food “before their own production system is in place”
- ▶ There were numerous veld fires during this period in both commercial farming and resettled areas. In this regard the bio-diversity that has characterized some of the farm woodlands has been lost during this period. Evidence from the VEGRIS Project (satellite mapping) at the Forestry Company of Zimbabwe indicates that this trend has been observed in previous resettlement schemes as well.
- ▶ The ownership of woodlots and dams in A1 farms had not been clarified-leaving them at the mercy of new “legal” and illegal settlers instead of local authorities.
- ▶ Some A2 farmers were reported to be overstocking, resulting in overgrazing. Many new settlers were reported to be involved in gold panning in such diverse areas as Mudzi, Mazowe and Nyadire rivers as they saw this enterprise more lucrative than farming.

## **4. MDC LAND POLICY**

The main documents in which the MDC's policy on land has been expounded are:

- ▶ MDC Manifesto: August 1999
- ▶ Land For Development Land For Democracy: A Synopsis of the MDC Vision on Land
- ▶ Agriculture, Land and Water Policy Statement: April 2001 prepared for the Presidential Election 2002
- ▶ Land and Agriculture: Audit Options 2003, and the Land, Agriculture and Water Policy (May 2004)

### **4.1 The 1999 Manifesto**

The election manifesto was the first written statement of the party on what it saw as the way forward on a number of issues affecting the nation. On the specific issues relating to land and agriculture, the document spelt out the following:

- ▶ Land is a people's asset and a national productive resource.
- ▶ The MDC recognizes the significant inequality in access to land and is committed to redistribution of land. The MDC will tax land above defined levels and use the funds from these taxes towards financing land reform.
- ▶ The MDC will promote the more effective and intensive use of land through investment in secure water supplies and irrigation systems and other infrastructures and services.
- ▶ The MDC will move towards provision of title deeds in communal areas to enable land to be used as security to attract much needed investment, but in a manner that recognizes traditional land management systems and that provides strong safeguards against the transfer of land from poor people to the rich or to finance institutions.
- ▶ People must drive land policies, and decisions on land allocation and use should be brought under public control.
- ▶ The MDC will manage land distribution through a transparent and technically sound process, under a Land Commission that involves all interest groups. (August 1999)

The document recognises the various types of tenure regimes existing in the country, from state, private and common property, and proposes to "provide for mechanisms for registration and use of such ownership for purposes of security, collateral and inheritance." In terms of targets, the party pledged to "*actively redistribute over 5 years at least 5 million hectares of agricultural land to 100, 000 families.*" The land to be

redistributed would be drawn from “*across communal, small scale commercial, resettlement and large scale commercial areas.*” The acquisition methods would range from “*compulsory designation, willing seller-willing buyer, tax and other regulations stimulating subdivision and sale as well as commercial acquisition.*” The general thrust of the envisioned agricultural policy was to promote self-sustenance, food security, diversification of food resources and building support for institutional services for credit and extension, *inter alia*.

#### **4.2 Land for Development, Land for Democracy: A Synopsis of the MDC Vision on Land, April 2000**

The brief paper from the then Secretary for Land in the MDC gives some insights into the way in which the party sought to address the contentious issue of land redistribution. Its point of departure is the legal framework. Drawing from international jurisprudence, it seeks to distribute land in accordance with the provisions of Article 17 of the Universal Declaration of Human Rights as well as Article 14 of the African Charter on Human and People’s Rights which recognize private property as a human right and empowers the state to acquire land in the interests of the public good. Some of the salient proposals advanced in this paper include the following:

- ▶ Freeing of the excess land already held in the commercial agricultural sector by introducing land taxes on unproductive land and by proposing the concept of *one farm-one family*;
- ▶ Availing to the people land from the 19 million hectares of land owned by the state that is capable of being used for high powered commercial agriculture
- ▶ Deliberately creating the emergence of genuine black landowners, preferably as a communal group owning the land collectively, with expertise and commitment to land;
- ▶ Creating the conditions of easy entry into the commercial sector by black people by making the cost of capital and implements affordable, making the establishment of a Land Bank essential
- ▶ Public sector investment aimed at the construction of tarred roads, dams, electrification and other social amenities such as decent housing in the Communal Areas
- ▶ The provision of freehold title to the communal lands either through collective ownership by communities, constituted as companies, cooperatives or collectives as the pre-condition for the ultimate urbanization of the country.

#### **4.3 Agriculture, Land and Water Policy Statement: Movement for Democratic Change, April 2001**

The policy statement sets the three main objectives of an MDC government as:



- ▶ Seeking to empower the majority of Zimbabweans who depend on the land for their living. This will be done by making land available within the framework of a legal and transparent process, with stakeholder participation and granting security of tenure to all farmers with the required technical and other support required for viability
- ▶ Establish equity on the land issue to the satisfaction of all stakeholders
- ▶ Promoting the economic viability of the agricultural industry and pursuing its growth and expansion on a sustainable basis.

The rest of the policy statement expands on the themes developed in the April 2000 Synopsis paper referred to in the section above. Part of the expansion of the land reform theme is the need to move towards an agrarian reform, which is much more encompassing and seeks to transform the whole agricultural sector. The document also outlines ways of addressing decongestion in the communal lands and maintaining a competitive edge in commercial agriculture.

#### **4.4 Land and Agriculture: Audit Options (2003) & Land, Agriculture and Water Policy (May 2004)**

These are the Party's most recent documents detailing the MDC's position on land in the current context. They suggest ways of dealing with the chaos prevailing with respect to the ownership and distribution of land. These two documents are an update on the Main Policy Document of 2001. They also review the Fast Track resettlement programme and conclude that there is no convincing evidence of decongestion in any communal area and that there will be need to put in place a land reform programme that addresses this issue. Having noted that the Fast Track resettlement programme has been recklessly implemented, and that the situation on the ground with regard to land ownership and use is chaotic, these documents suggest an audit to configure current patterns of land ownership and utilisation. The audit will be carried out by a *Land Commission*.

Having noted the problems bedevilling the Fast Track Programme, the May 2004 document proposes a programme based on the following guiding principles:

- ▶ An immediate return to the rule of law.
- ▶ Commitment to the protection of property rights with the state still retaining dominion over land.
- ▶ Transparency in land distribution and greater stakeholder participation.
- ▶ Transformation of communal and resettlement areas and creation of conditions of entry to commercial agriculture by black people.
- ▶ Reinstatement of a vibrant land market.

- ▶ Progressive land tax to discourage farmers from owning unutilized land and facilitate land release on the market.
- ▶ Encouragement of voluntary sub-division in order to release more land for the redistribution market.
- ▶ Restriction on farm ownership in the short to medium term as a way of facilitating land release.
- ▶ Stricter observance of the selection criteria developed in the LRRP 1 Phase of the 1980s.
- ▶ Re-integration of farm workers in the design of both land and agrarian reform.
- ▶ Devolution of administration lower tiers that will enhance popular participation.

The options for the future discussed in these reports include:

**Land Audit:** to be done through an Act of Parliament, to ascertain both the physical and legal status of all commercial farmland.

**Land Commission:** set up in terms of the Constitution manned by land experts, which will control and manage land acquisition and settlement. This Land Commission will be established by an Act of Parliament, and will be constituted as an “*independent professional agency, with a pre-defined lifespan*”, tasked to bring “*fairness, openness and order to land resettlement.*”

**Rationalisation:** which would seek to reconcile the MDC Land Policy with the situation on the ground. The process will apply the principle of “need and ability.” In the rationalisation process, “*there is absolutely no question of the pre-February 2000 status being restored, but equally there is no way in which the current 2004 status quo will be maintained.*”

**Co-existence/Co-development:** which is supposed to occur after the re-establishment of the rule of law. According to the model, a commercial farmer who wishes to return to his farm that has new settlers can be allowed to do so, after discussions and mutual consent by all parties.

**Alternative farm settlement:** for those who are not keen to return to their former farms and co-exist with the new settlers but still have a desire to farm. Such farmers may be given an opportunity to have access to farm land elsewhere in the country under an alternative farm system/model in a normal, legal and orderly way.

**Compensation:** to be paid to those that no longer want to continue farming or are going to lose their land following the completion of the rationalisation process.

**Tenure:** The MDC will seek to reform and guarantee security of tenure in all communal areas.

**Agro-industrial Linkages:** to be promoted through the improvement of smallholder farmers' access to more land, as well as their farming skills.

#### 4.5 Evaluation of the MDC Policy

The inclusion of the resolution of the land question in the election Manifesto of 2000 was laudable as well as inevitable, given the centrality of the issue in the history of the country.

The paper on the vision of agriculture written in April 2000 made some critical advances on the previous documents. This paper serves as the basis of the April 2001 statement on Agriculture, Land and Water Policy. The inclusion of reference to international observation and norms on Human Rights in the National Constitution are a very useful reminder of the desire to return to normality and protection of citizens before the law.

**The last two policy papers on Land, *Options for Land Audit* and *Land, Agriculture and Water Policy* (2004) both clearly show that a lot of work has now been put into crafting a comprehensive policy document that deals with the controversial issue of land.**

Key Areas of Analysis:

**Rationalisation Strategy:** While there is a definite need for rationalisation of land allocation and use in the transitional phase, the MDC's statement that "*there is absolutely no question of the pre-February 2000 status quo being restored, but equally there is no way in which the current 2004 status quo will be maintained*" requires further clarity. It would be helpful to outline the specific issues of the MDC's audit procedures and its preferred land allocation patterns, on land acquisition and on the land use/agricultural policy. The policy needs to clarify the specific procedures and envisaged outcomes of the rationalisation process, since this forms an integral part of its land reform policy.

Since many events have taken place with regards to land reform, the MDC policy needs to be grounded upon clearer analysis of the facts on the ground in relation to existing government land policy, the existing land allocation patterns and the impacts of this on production, in relation to the performance of the macro-economy. With the militarisation of the land issue, it is incumbent upon the Land Commission to handle both A1 and A2 settlers professionally, fairly and sensitively if we are to avoid conflict, violence and, more dramatically, another war. The historical injustice of the land imbalance must be recognised.

**Decongestion:** While both documents note that the Fast Track Land Reform Programme, in spite of having transferred over 11 million hectares of land into the hands of the state, has not solved decongestion in the communal areas; they do not clearly lay out a programme of action to deal with this critical issue. The proposed Land Audit should have as one of its specific terms of reference an assessment of the amount of "decongestion in the communal lands that has taken place as a

result of Fast Track and indeed LRRP 1". This is important so that the MDC does not promise the electorate the impossible. The Communal Lands have, and will continue to provide, a safety net or social security system that absorbs those retiring from urban employment, the retrenched, the dying and so on. In reality it is not feasible to hold the numbers down and then decongest, rather the numbers always fill up again and this scenario will continue until the economy is near full employment. Presently, in the majority of cases, those that are leaving the Communal Areas for the new resettlement areas are usually people who are already benefiting from their parents'/relatives' sub-divisions of both arable and residential plots.

**Land Divisions:** The recommendations on sub-division as a way of releasing more land for redistribution is a pragmatic approach. The fact that the Party also recognises that the issue of appropriate farm size will have to be revisited, is also progressive in the sense that we need to move towards an approach that seeks to develop agriculture in a modern way, where emphasis should be on intensive and qualitative use of smaller areas rather than the profligate ways of the colonial and post-independence era. However, the fact that such sub-divisions will be voluntary makes the task a daunting one, especially in cases where there will be a definite need to sub-divide but the landholders might not be willing to do so, as has happened in the past.

**Land Market:** A land market, supported by strong industrial growth, would create jobs in towns to which people living in the rural areas would be attracted. This transfer of labour, known as structural transformation, is an inherent part of economic development. This process frees up (decongests) land in the rural areas to allow larger farms and higher rural incomes. Without this process, underdeveloped economies remain agrarian (dependent on smallholder agriculture) and, inevitably, mired in poverty.

**Land Rights:** The statement on the provision of title deeds in the communal lands (1999 Election Manifesto) was not adequately discussed and explained in terms of the mechanics of implementation. For this reason, it remained susceptible to dismissal as an ambitious programme, not feasible to implement in the Zimbabwean context.

**Taxes:** The issue of freeing "*unproductive land through taxes*" is a good idea that will stimulate the land market. The idea was first mooted in the 1990s (John Bruce/World Bank), but the present government has not been committed to implementing it. Taxation of underutilised land should be brought into the debate in order to ensure that not only Large Scale Commercial but also Small Scale Commercial Farming Areas are all productively utilised.

**Rural Infrastructural Development:** The inclusion of proposals on how to revitalise the Communal Lands, through massive infrastructural investment is a welcome move, which should form part of a comprehensive Agrarian reform later referred to in the Agriculture, Land and Water Policy Statement. There is however need for careful planning and consultation on this since a top-down approach

might end up failing to yield the required results. Also, it might be important to start by revisiting the current government's policy plan for its failed "Growth Point" strategy.

**Land Administration:** Devolution of land administration is something that has to be encouraged in the light of the bad experiences in the last two decades. It has been noted that *"highly centralised systems of governance, combined with bureaucratic top-down decision making systems tend to impose decisions on people at the grassroots level."* (Rukuni, 2003) As things stand there is need to allow self-directed community driven resettlement programs. These can be cost effective as they do not rely on the state spending large sums of money in bureaucratic processes. The opening of areas ridden with tsetse fly in the north of the country-in the Kanyati-Dande-Muzarabani triangle in the last twenty years has been such a spontaneous resettlement which is often not officially recognised despite its impact on the settlement of communities in post-independent Zimbabwe.

**Restitution/ Compensation:** The reference to restitution/compensation of some of the properties to "previous owners" seems to be a noble ideal. The issue of restitution, as opposed to compensation, is a difficult one to deal with. Restitution means different things to different audiences. In the South African context, it has been applied to reclaim land and property lost by blacks under apartheid. In the Zimbabwean context, it has come to mean land and property lost by white commercial farmers following the farm invasions of 2000. Yet, once effected, the principle can also be applied retrospectively by African groups to reclaim land and property lost after 1890, bringing in further complications. It was precisely for this reason that the post-independence government decided against the principle of restitution and opted for compensation. The MDC should therefore avoid adopting a policy of restitution and instead focus on the principle of compensation.

**Co-existence/ Co-development:** The co-existence model needs careful consideration in order to test its feasibility. The MDC needs to detail the modus operandi of its proposed co-existence models and how they would operate. Co-existence also might need to be piloted in several locations, as part of a confidence building exercise before it could be adopted as national policy.

**Farm Workers:** The re-integration of farm workers, as is the case of ensuring gender balance in land reform, is a long overdue Human Rights principle, which should be encouraged for all models of land reform. Efforts should be sought to cater for the aged ex-farm workers who are no longer able to work on the farms and have no rural home. Schemes for alternative livelihoods for this group should be vigorously pursued.

**Black Commercial Farming:** To encourage black empowerment in agriculture, the mechanisms for settler selection need to be spelled out clearly to ensure transparency. The programme should be geared to satisfy need rather than greed as has been the case in the last few years. As far as possible settler selection

should revert to the lowest grassroots levels if elements of transparency are to be the norm. It needs to be clear how the market in the LSCF areas will be made more accessible to this type of farmer in a transparent manner that will ensure that those who have entered this arena of commercial farming should be kept productive in a competitive manner. Similarly, ease of exit from the same market should be ensured so as to allow dynamism. It is important to revisit the processes and subsequent outcomes of introduction of Small Scale Commercial Farming (formerly African Purchase Areas) and the Model Bs of the 1980s LRRP Phase 1, when advancing the cause of the black commercial farmers.

**Land Distribution Structure:** The current redistribution of land has had a significant impact on general equity in terms of access to land, especially along class, race and gender grounds. Some sections such as farm workers did not benefit enough. The MDC policy needs to provide clear guidelines on gender access, and how it hopes to include other excluded and vulnerable groups.

**Land Allocation:** The MDC policy on beneficiaries also needs to establish clarity on what is meant by such concepts as “*need and ability*”, since such terms have different political connotations to different audiences. In a country with a peculiar legacy of property rights like Zimbabwe “ability” can be misconstrued to mean “white commercial farmers.” On the notion of “need”, how are these needs going to be specified? The policy document also needs to provide clarity on the types of farm sizes. It should also be clear how the policy would improve upon the current pattern of access to redistributed land by the poor.

**Land Institutions:** The proposal to establish a land commission is a good idea. However, the task proposed for this institution is limited to addressing the short term problems of the land ‘audit’ and ‘rationalization’, rather than the long term institutional requirements of land management, during and after land reform. There is need for better coordination of the various institutions dealing with land and agrarian issues and, this should entail some form of rural governance and land management institutional reforms, including capacity building. A more thorough analysis of the problems of central and local land management institutions is thus required. Moreover, the question of developing a comprehensive land act and a revised land policy, to guide these institutions and to reflect the post land reform demands, should be addressed.

**Language:** The use of language is very important in conveying a message of policy. “Co-development”, for example, carries a more positive connotation than “co-existence.” Similarly, when one talks of the “rule of law” one needs to be aware of the political connotations/messages associated with that concept. Also, concepts like “viable agriculture” and “ability to farm” require clarity.

## **5. LAND POLICY FRAMEWORK FOR THE FUTURE**

This chapter attempts to map the way forward, based on observations and analysis of the issues raised thus far in this paper.

### **5.1 Legal framework**

As things stand, the country does not have an official Land Policy which sets guidelines on how to administer and manage this vital resource. Previous attempts at formulating relevant policies include the Zimbabwe Agricultural Policy Framework (ZAPF) 1995-2015 (by the Ministry of Agriculture) and the National Land Policy Framework Paper (S. Moyo, W. Ncube, D. Gunby and I Shivji, December 1998.) None of these attempts were taken up as official state policy and the proposals contained in those documents never saw the light of day. However, the documents do give very useful background material for the formulation of such a Policy and Legal Framework. It is, therefore, crucial to set up this framework before any planning commences. The framework will help to re-establish stability in agriculture and build investor confidence. The policy and legal framework should be predicated on the return to the rule of law and as such provide a measure of security amongst all citizens and all categories of land tenure.

### **5.2 Land Administration**

Implementation of the land resettlement should be led by a competent authority, such as the proposed Land Commission, which will in turn work with properly constituted organs of government and local authority structures. The Land Commission will be set up by an Act of Parliament and should report to Parliament so as to be free from Ministerial rivalries and also partisanship. The three main objectives that the MDC wishes to pursue (elaborated above) are a pertinent starting point for the envisaged strategies stated below.

To this end, the MDC strategy should maintain a stance that makes land an apolitical and non-racial issue by pursuing the following:

- ▶ Ensuring that land is ultimately dealt with by all levels of courts of law
- ▶ By establishing land administration systems that are professional, accountable and detached from Party politics
- ▶ By promoting programmes that promote a vibrant land market

### **5.3 Land Rationalization**

Rationalisation of land allocation will be one of the toughest challenges, given the chaos prevailing at the moment. However, the prevailing situation on the ground gives government an overwhelming control of land related issues. The recent decision to lease all resettlement land means that most of the land acquired for resettlement, communal land and land in the National Parks is State Land. This gives any government, old and new, a free hand to deal with the issue once and for all. Hence, matters of land

redistribution (which in the MDC are to be part of the main focus of the Land Commission) will include identification of land beneficiaries, what they are doing on the land and whether they qualify to be on that land. Focus should also be on establishing cases deserving compensation and relocation of those wanting to move out of agriculture. The situation gives any government an opportunity to move on with land reform in a planned, systematic and consultative manner, and therefore the MDC should start working towards the creation of institutions to do that.

The Land Commission will have an enormous task to clean out the stables. It will have to deal with the militarisation that has occurred in land ownership and distribution. As a starting point the Land Commission will have to revisit both the Flora Buka and Utete Land Review Committee Reports and take up any positive suggestions therein about how to rationalise land ownership and distribution. The Commission will need to work closely with the courts and Parliamentary Committees to deal with cases of politically privileged individuals who have been involved in fraudulent land dealings. Its starting point could be going through the records of the Flora Buka and Utete Land Audits, Justice for Agriculture and the CFU which all provide valuable information on what has been going on since 2000 and suggestions on the way forward. In this way the *fait accompli* situation on the ground will be dealt with in a transparent manner.

The most important thing to bear in mind here is that the rationalisation process has to be done carefully to avoid destabilising both the country and agriculture. The current simmering of tensions occurring over the incumbent government's attempts to regularise land allocation, which has witnessed government ministers and other top civil servants receive threats from war veterans and other individuals occupying pieces of land, simply serves to show the kind of problems which the MDC government is going to confront in its land rationalisation process. (*The Sunday Mail*, 30 May 2004; *The Herald*, 1 June 2004.) The MDC government has to proceed very carefully on this issue, and make sure that individuals who do not deserve to be on certain pieces of land are forced to give up that land through methods which are not misconstrued to be vindictive.

## **5.4 Size of Landholdings**

The issue of imposing maximum limits on the farm sizes is problematic. While it is desirable that the state intervenes to balance the size of landholdings in order to create a more equitable distribution of a limited resource, the applicability of this policy is always difficult. First, there are cases where the absolute size of a farm is not important, but the amount of productive land that is important. Second, farmers with different skills and capital can efficiently manage different sizes of farms. Third, different types of farming enterprises require different types and sizes of operation, an example being the difference between the intensive nature of horticultural production versus the extensive nature of game ranching. And, fourth, some operations would require different size land holding, such as plantation crops (sugar, tea, even tobacco) where out-growers would provide produce to a central processing plant.

However, in the interests of equity and fairness in the distribution and ownership of land, it will be necessary to impose a ceiling on landholdings, i.e. in terms of size and



number as has been the case in Asian and Latin American reforms. In this case, the government will have to fix minimum and maximum farm sizes for different agro-ecological regions and farm typologies. AGRITEX has already conducted a study of minimum farm sizes for various activities in the commercial and small-scale sectors by natural regions (*Chaonwa, 1989*). When set, farm sizes will provide clear guidelines for subdividing farms and determining whose land should be taken (See *Bruce and Roth, 1994*, pp. 116-117, for details on how this can be effectively done.)

## 5.5 Land Taxes

In principle, the land tax would stimulate the land market by encouraging those who underutilise their land (or use it unproductively) to voluntarily surrender their land (i.e. sell their farms) because the tax burden would become too onerous vis-à-vis their farm income. (Economically speaking, the tax reduces the return on the farm investment). Alternatively, those with large farms could decide to subdivide their farms, selling off underutilised sections to avoid tax. In this way the market is used as a distributive mechanism.

Government can choose to introduce taxes in its short-medium term planning in an effort to encourage people to release land. The groundwork for this has already been done. The new government can simply go back to the *Land Acquisition Act of 1992* and employ its concept of “underutilised land” to deal with some derelict pieces of land. A fixed land tax affects inefficient producers mostly because it lowers land values accruing to speculative landlords (by decreasing capital asset value.) Owners of large tracts of land who are relatively inefficient will tend to sell under a land tax regime. While efficient producers are also affected by such a regime, the profits accruing from efficient use of the land generally tend to offset the negative effects of a higher tax. However, the tax imposed on farms will have to vary from region to region, depending on the productive value of the land. (See *Bruce and Roth, 1994*, pp. 125-126.) The issue of a Land Tax was also discussed in the *Chavunduka Report* (1982, 165) and *Commission of Inquiry into Taxation* (1986, pp. 228-236.)

It should however be noted that while land taxes were sound in (economic) principle (i.e. they do not distort markets, they increase utilisation and sub-division, and they raise revenues), they are notoriously difficult to administer fairly and carry high costs of administration because of the need to classify land, as well as the high cost of inevitable arbitration and litigation. Setting the tax rate (the shape of the curve) is crucial to have the desired effect.

## 5.6 Compensation

Compensation will have to be paid to both black and white farmers who have/ would have lost land and property. Compensation, as observed above, will have to be carefully planned. As part of its audit, the Land Commission will have to establish the precise number of commercial farmers still left in the country, the figure for the farmers who have been compensated and those who have a right to compensation. The Commission should also work on the mechanics of such compensation, including the criteria for compensation (cut off date, status of farm, etc), levels of compensation, time frame for

compensation, the nature and form of such compensation and how it has to be disbursed.

Also, the new government's commitment to compensation should be based on its ability to raise enough funds for compensation. Although donor funds were promised at Lancaster House in 1979, at the 1998 land conference, and at Abuja in 2000, they might not be immediately forthcoming. The MDC should clearly set out its priorities, in terms of the rationalisation process and the issue of compensation. There is also need for clarity on who should be compensated and who should not and the cut off date for compensation. One way of looking at this is to focus on those who had purchased farms after independence, excluding those who owned farms before independence since many of these could have received them through the system of colonial patronage. Another way of addressing this complex process is to focus only on those farmers who had received "*certificates of no present interest*" from the government. In this case, the cut-off date will have to be 1985, when the certificates were introduced. This date, however, is problematic because many 'no interest' certificates had been issued by the government in a ploy to allocate farms to the ruling elite.

The problem which arises when it comes to establishing the cut off date is that there are farmers who might have bought farms immediately before independence and are bound to lose. Those farmers who might have inherited farms might have also invested heavily in their farms after independence, when the new regime asked commercial farmers to stay and rebuild the country and are bound to cry foul over the 1980 cut off date. The cut-off date is however crucial because there would always be winners and losers. In South Africa, for example, the land restitution date was set at 1913, the date of the first Land Act. Care should also be exercised when setting cut-off dates due to the amount of litigation that often ensues. Ultimately, political and technical issues determine policy, but legal arrangements are very important and should be given due attention.

Another area that needs to be examined is the ownership of farms by companies, where shares were simply transferred it might be difficult to tell what has really happened. This needs to be investigated to decide who should receive compensation.

## **5.7 Co-existence**

The elements of **co-existence** referred to above can be explored in this context for mutual benefit of new settlers and farmers alike. In all of these transactions the law will have to be upheld, but emphasis should be placed on the building of good neighbourliness in order to avoid racial as well as tribal tensions that might flare up again in future and cause instability to agriculture and the economy at large.

## **5.8 Black Empowerment**

One of the major challenges of the Land Commission is ensuring that Black Empowerment in Land redistribution is transparent and is not meant to be a form of self-aggrandisement, or payback for political affiliation. It must ensure that mechanisms for productive occupation of Model A2 type farms are followed. Otherwise sanctions should be applied, including eviction of non-performers after a certain stipulated grace

period-of say five to ten years. The institution of land tax should be vigorously pursued and implemented as a check on land speculation at the earliest possible time.

## 5.9 Land Tenure

It is important to give an explanation to the subject of land tenure as it is often couched in emotive and ideological positions. Land reform encompasses any change which redistributes land, the ownership of which generally denotes wealth, social status and political power-hence *all forms of land reform are political*. Whereas land tenure reform, on the other hand, involves changes in the rules that govern land and related property rights (Rukuni, 2003). Scholarly discourse on the subject of tenure places emphasis on the need for “tenure security”, and that the various types of tenure-including “registered title” can be secure or insecure depending on social, legal and administrative institutions in a given society. Alternative options for secure tenure are being debated, including statutory protected rights. In the case of Zimbabwe, much of this discourse is elaborated in the *Land Tenure Commission Report* (1994) and the subsequent *National Land Policy Framework* (Shivji et al 1998) commissioned by the Ministry of Lands and Agriculture and sponsored by FAO/UNDP

Security of tenure is associated closely with a plethora of rights constituting:

- ▶ **Use rights:** rights to grow crops, trees, make permanent improvement, harvest trees, fruits, etc
- ▶ **Transfer rights:** whereby land use can be transferred, i.e. rights to sell, give, mortgage, lease, rent or bequeath
- ▶ **Exclusion and inclusion rights:** rights by individual, group, or community to exclude others from rights discussed above
- ▶ **Enforcement rights:** refer to legal, institutional and administrative provisions to guarantee rights

Figure I. Categories of land tenure systems	
Category	Ownership of Exclusive Rights
Open Access	None
Communal	Defined Group
Private	Individual Legal Entity
State	Public Sector

In the Zimbabwe case, it would be simplistic to assume that the communal areas could be easily converted into lease with option to purchase. Property rights to land (land tenure) should not be static, but evolve with people’s understanding of property rights, and the advantages and implications (risks) of freehold tenure and a land market. It was suggested that a set of tight restrictions could initially be attached to registered

traditional property rights, which provides secure tenure that is protected by the state. These restrictions could be gradually lifted as certain conditions are met and people make informed decisions. For example, better farmers might be able to rent adjacent land, then later consolidate land into maximum farm sizes. Over time, land sales could be permitted within a ward or district. Eventually a land market could develop and mature as people make informed choices to the mutual benefit of all parties. The long run effect will be the emergence of a single tenure system and the dissolution of the communal areas as a subsistence economy and a reservoir of cheap labour. The Kenyan scholar Okoth-Ogendo articulates a tenure system that evolves dynamically through institutional change.

Given the arguments advanced in the previous discussions and interviews it is the consultant's view for the way forward that we proceed hence:

- ▶ Land tenure should be held under one law for the three existing types: Private, Communal and State, in order to break the previous dualism (As things stand almost most pieces of land acquired under Fast Track and old resettlement land, including A2 lands held under ARDA etc is State land. The Land Commission under a new government will have jurisdiction over this land and hence has the opportunity to redefine its use and ownership")
- ▶ Village level courts should have jurisdiction about dealing and handling land issues and disputes. These should work with the Land Commission in decentralising the system and processes that involve stakeholders and are free from Party politics.
- | ▶ The law should allow for private, state and community ownership. In this regard agricultural land should mostly be private and community owned. ← - - - - Formatted: Bullets and Numbering
- | ▶ Improving infrastructure will go a long way to improve smallholder agriculture's economic viability at this level. In this regard the policy of promoting small dams is better for smallholder irrigators since this brings water to where they already are and they can supplement their rain-fed production. Large dams are more useful for large scale farms and plantation estates.

### **5.10 Governance**

There is need to ensure that peoples' voices are heard and also their sentiments find their way into policy. It is obviously going to be a central task of the Land Commission to ensure that these observations are taken on board during the early stages of its deliberations. It has been observed that highly centralized systems of government "were judged as the most serious threat to tenure security under all types of tenure in Zimbabwe." (Rukuni 1994)

In this regard, it is strongly suggested that the land administration in the country should be on the following basis:

- ▶ Decentralised local boards modelled along the Botswana example. The local Boards should be developed from broad stakeholder participation and be apolitical and detached from traditional systems, State and Party politics.
- ▶ The implementation procedures for the new Land Policy should be cognizant of the rights of citizens as provided for in the Constitution
- ▶ Gender considerations in land redistribution should be addressed in the country's policies and laws on access to management, and utilisation of land and land-based resources.

The above will have to be closely enshrined in the rules and regulations governing the establishment of the Land Commission, which should be set up by parliament and report through parliament and have structures that are above party politics.

### **5.11 Economic**

The major elements to be taken care of in order to encourage better economic performance of land and agriculture in the country will hinge on the following:

- ▶ Low inflation, which promotes long-term investment.
- ▶ Good macro-economic fundamentals to promote both local and export markets
- ▶ Flexible resettlement models to allow for creativity in production and marketing
- ▶ Need for a vibrant land market in the long run through ease of sub-division and consolidation, access to capital and effective support institutions as accompaniment to the whole agrarian reform thrust.
- ▶ An efficient land registry will be a pre-requisite of an orderly land market as will be effective sub-division laws.
- ▶ Appropriate land taxes should be collected by local authorities rather than Central Treasury so that they are hypothecated for funding the maintenance of existing public infrastructure like rural roads network, etc.

| ▶ There is need for long-term work and investment, including rural infrastructure, agro-industry, particularly the seed and fertilizer industries; in this regard banking policies that promote land and agricultural development should be encouraged

| ▶ There has to be a concerted effort at revamping the high value horticulture and eco-tourism industry.

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Given the crisis which has engulfed agriculture in the past few years, many people are no longer prepared to be directly involved in the sector. Ways of seeking alternative livelihoods should therefore be promoted. For instance there are a number of displaced farm workers and farmers alike, who may not be absorbed back into farming but have useful skills that could be put to good use.

## **6. IMPLEMENTATION STRATEGY**

### **6.1 Transitional Recovery Plan**

The immediate challenge for a new legitimate, democratic dispensation will be to ensure that a recovery plan is developed and put into effect at the earliest opportunity. There is already a humanitarian crisis, precipitated by successive drought periods and the disruption of commercial agriculture in the country as a whole. The type of response for crisis management of this kind might involve:

- ▶ Consultative processes which bring on board all the various stakeholders in order to chart a way forward. Allowing participation of all stakeholders will ensure maximum input of ideas and full co-operation when it comes to the implementation of the programme of action.
- ▶ Identification of areas with above average agricultural production and getting these areas back into production with support of farm inputs like seeds, fertilizers and mechanical traction. Once the land has been identified, direct negotiations for mounting such a programme will have to be held with those who are occupying the land. Skilled farmers and agricultural workers can then be deployed to these farms to assist in the recovery programme.
- ▶ A quick audit of those farmers in the productive areas to see whether they can be part of the immediate recovery programme. The audit will have to take into consideration their terms of occupancy, their capital needs and skills capability.
- ▶ Assistance to the resettlement and Communal Area farmers with inputs for the immediate recovery, such as seeds, fertilizers and draught power should be done simultaneously. In the event of assistance to farmers this should be conducted through existing market distribution channels at cost or subsidised rates, but not free and not through non-market channels.
- ▶ Communicating to the various stakeholders and the general public the draft terms of reference for the Land Commission.
- ▶ Allowing private sector partnerships with farmers to expedite production on the land. Discussions with such establishments as COTTCO, Farmers Development Trust, AGRIBANK, etc should be opened and facilitated.

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### **6.2 Long Term**

The long term plan for the restoration of agricultural viability will be something that the new Ministry of Lands and Agriculture will have to lay out in the first six months of its reconstitution. Its programme of action has to be informed by the new realities in agriculture that include the following:

- ▶ The agricultural landscape is now dominated by smallholder farmers, whether they be in Model A2, old Small Scale Farming Areas, and the Communal Areas. The

competencies of these farmers are very varied as is their resource endowment in terms farming skills, management, draught power, and capital base.

- ▶ The remaining Large Scale Commercial Area is still a vital component of the agricultural map of the country and its productivity should be maintained for the good of the economy. Efforts to de-racialise it should be seen as an urgent process of the long term stabilisation of agriculture and the economy.
- ▶ The capacity for both land reform and support to the new agricultural landscape will have to be addressed as a matter of urgency. This capacity is not only restricted to physical numbers of personnel but their expertise and commitment to work for people in a changed political environment. They have to have commitment to help new farmers to farm the land productively in order to achieve food self-sufficiency at both the household and national levels. The personnel may need both technical, financial, and institutional capacity building.
- ▶ The role of institutions on the ground needs to be reviewed towards formulating a strategy of empowering them to take decisions about their immediate physical environment. This will include strengthening village development committees on the schemes and the offices of the Rural District Councils. Wherever possible there is need to harness the positive synergies of both the public and private sector for development.
- ▶ A strong Monitoring and Evaluation capacity will have to be built at various levels i.e. resettlement and village scheme level, Rural District Council, Provincial, National levels. These units should have a reporting relationship to the Land Commission. For instance, it is crucial that a Land Information Management Service, currently being mooted in the FAO/UNDP Framework programmes for Zimbabwe is positively encouraged.
- ▶ Review parastatal monopolies on such activities as purchase of grain, with a view of opening up these to other actors such as the private and NGO sector.
- ▶ As stated before, there have been some positive self-driven and community based settlement in the pre-and post-independence era. The door should not be closed on such initiatives, rather institutional support should be rendered wherever and whenever possible

## **7. CONCLUSIONS AND RECOMMENDATIONS**

This section summaries and highlights some of the crucial points emerging from this work.

- ▶ It is clear that the issues pertaining to land are central to the resolution of a number of areas that affect the economic well being of the country. It is therefore essential that clarity of purpose is exercised in dealing with the Land Question not only as a political but as an economic entity for the good of the country.
- ▶ The recent chaotic land acquisition process has ironically provided the incoming government with an opportunity to resolve once and for all the difficult question of inherited imbalances in the distribution and ownership of land, a deeply contested economic and political resource in the region. This has been made possible through the transfer of land ownership to the state, which means the new government now has the simple task of rationalising the process and dealing with the matter in a thoughtfully planned manner.
- ▶ An agricultural recovery program incorporating sector specific proposals (grains, pulses, horticulture, livestock-both beef and dairy,) be mounted as a matter of urgency
- ▶ A Land Policy framework needs to be finalised as soon as possible in order to regularise land acquisition, land use and land management. The groundwork for this has been done in the past and contained in the Land Tenure Commission Report (1994) and the National Land Policy Framework (1998).
- ▶ The most important legal framework is to make the laws that govern land management enforceable at all levels of the Courts of Law. The law should ensure that women's substantive rights (as those of farm workers) are recognised and protected. The policy framework should provide guidelines on the mechanisms for implementation and it is important to synchronise the provisions of traditional, local and central government laws on this issue.
- ▶ A competent authority such as a Land Commission, set up by an Act of Parliament, and funded by central government, should be set up as a matter of urgency and be empowered to deal with rationalising the management of lands already acquired and those to be acquired for resettlement and other purposes. The Land Commission should work with local authorities and civil society on a professional and non-partisan basis. The Land Commission should work through decentralised local boards that take into consideration the aspirations of the local populace, in a manner that is above party politics, traditional leadership and State institutions.
- ▶ Land tenure should be held under one law for the three existing types of Private, Communal and State tenure systems.
- ▶ As a long term strategy, there is need to address **agrarian reform** beyond **land reform**. This will require assessment of the levels of technical, financial and institutional support for the agricultural sector as a whole.



Finally, in order to initiate the plans for the use of the land it is essential that the new policies and principles regarding the acquisition, use and management of land are formulated through widespread consultation with key stakeholders.

## 8. POSTSCRIPT

In our concluding remarks, the consultants want to make reference to a very important observation made by one of the region's experts on land and agrarian studies, Professor Ben Cousins. Drawing on the experiences of both land reform and democratisation in the southern African region as a whole, Professor Cousins has poignantly noted that the process of land reform has been stalled largely because of the shortcomings in the current approaches and the polarisation of positions on the subject. This polarisation has seen, on the one hand, the emphasising of the "*protection of private property under the rubric of good governance and effective neo-liberal economic management*", and on the other, the invocation of identity politics and authoritarian nationalism to call for radical land redistribution, but often masking corrupt and exclusionary practices. Neither of these polarised positions, Cousins further argues, has the capacity to provide solutions to the current crisis in "*developmental democracy*" facing the region, thus making the search for alternative approaches focusing on reducing poverty and undermining the foundations of structural inequality while simultaneously deepening democracy, imperative.

## **ANNEXE I – REFERENCES**

Confederation of Zimbabwe Industries; 2002: Annual Report 2001/2002

Dore D, Grant J, Ngaribvume J, Keith A: 2003. Vision for Agriculture: Emergency food production Programme: A pilot project for agricultural recovery in Zimbabwe. August 2003

Food and Agricultural Organisation; 2002: Special Report FAO/WFP Crop and Food Assessment Mission to Zimbabwe 29 May 2002

Government of Zimbabwe 2001: Land Reform and Resettlement Program Revised Phase II. Ministry of Lands, Agriculture and Rural Resettlement. April 2001

Government of Zimbabwe; 2001: People First; Zimbabwe's Land Reform and Resettlement. June 2001. Min. of Lands and Agriculture and rural Resettlement and the Ministry of Information

-----; 2001: Integrated Conservation Plan for Fast Track Land Resettlement. May 2001. Min. of Environment and Tourism

-----; 2001: Land Reform and Resettlement Program: Revised Phase 2: Min. of Lands, Agriculture and Rural Resettlement: April 2001

-----; 1995: Zimbabwe's Agricultural Policy Framework 1995-2020. Min. of Agriculture

-----:1994.Report of the Commission of Inquiry Into Appropriate Agricultural Land Tenure Systems. Volume 1.(Chaired by Prof.M.Rukuni) October 1994

-----;1998 National Land Policy Framework Paper. Ministry of Lands and Agriculture with the assistance of Food and Agriculture Organization, United Nations Development Programme (eds. Prof I Shivji, S. Moyo, D. Gunby and W. Ncube)

-----2003.Report of the Presidential Land Review Committee Under the Chairmanship of Dr Charles M. B. Utete. Vol 1 and Vol II. Government Printers .Harare August 2003.

Financial Gazette:2003. "Utete Land report" Article by Bulawayo Bureau Chief.16-22 October 2003.Harare

Justice For Agriculture, 2003: A brief overview of the Current Situation

-----: Vision For Agriculture

Lahiff E.2002.CChapter 5.The regional implications of the crisis in Zimbabwe. (internal document. PLAAS. University of Western Cape. South Africa)

---

## Zimbabwe Land Policy Study

- Mbaya, Sue 2001: Land Issues in East and Southern Africa. An Overview. Volume 1. Southern Africa. MWENGO 2001
- Moyo, Sam; 2002. Land Reforms and Sustainable livelihoods in Southern Africa. Paper presented at Regional Multi-stakeholder Workshop on Fighting Poverty Through Sustainable Rural Livelihoods. Durban. South Africa 4-6 July 2002
- Moyo Sam, Matodi P, Moyo Y: 2003;The Zimbabwe Land reform Experience: Paper presented at the W.K.Kellogg Foundation workshop on Land Reform and Related Issues in Southern Africa. Centurion. Pretoria. August 2003
- Movement for Democratic Change:1999 Election Manifesto 2000
- :2000;Land For Development and For Democracy. A Synopsis of the MDC Vision on Land. April 2000
- :2001. Agriculture, Land and Water Policy Statement. April 2001
- : 2003.Land and Agriculture: Audit and Options(Draft)
- ;2003. Social Democratic Policies For Land and Rural Production.2003
- :2003. Policy Review Outputs. MDC Land and Agriculture Committee. 28 August 2003
- :2003. MDC's Restart Programme: Reconstruction, Stabilisation, Recovery and Transformation. September 2003
- Ndlela, D B; 2002: Zimbabwe's Economy since 1990. Paper Prepared for the Hf Guggenheim Foundation Sponsored Conference on Zimbabwe's Crisis and its impact in the Southern African Region, held in London 15-16 June 2002
- Nyoni J M, Tichagwa W.2003.Zimbabwe's Land Reform Experiences 2000-2003
- Report for the United Nations Development Programme .March 2003
- Rukuni M. 2003. Why Land tenure Security in Africa is Central to Land Reform and Community Based Governance, Economic and Social Progress. Paper presented at WKKF Land Reform and Related Issues in Southern Africa Workshop. Centurion Pretoria. August 2003.
- Sachikonye L. 2002: Between Authoritarianism and Democracy: Politics in Zimbabwe since 1990.
- Sachikonye L 2003. The Situation of Commercial Farm Workers after Land Reform in Zimbabwe. Farm Community Trust of Zimbabwe. March 2003

SADC/FANR/Zimbabwe Vulnerability Committee 2002: Zimbabwe Emergency Food Security Assessment Report. September 2002. Prepared in Collaboration with Min. of Finance-Food And Nutrition Council, Min. of Agriculture - National Early Warning Unit, Civil Protection Unit, WFP, FEWSNET, SC (UK) FAO, CARE, and UNICEF

United Nations Development Program; 2002: Zimbabwe Land Reform And Resettlement: Assessment and Suggested Framework for the Future. Interim Mission Report; Jan 2002

## **ANNEXE II – LIST OF PERSONS INTERVIEWED**

<b>Name</b>	<b>Organisation</b>	<b>Designation</b>
Connolly D	Justice For Agriculture	Chairman
Worswick J	Justice For Agriculture	Vice-chairman
Barker J	Justice For Agriculture	Vice-chairman
Ncube W	MDC	Secretary General
Biti T	MDC	
Mudzengere N	MDC	Secretary for Lands
Gasela R	MDC	
Raftopoulos B	MDC	
Kay K	JAG	
Stevenson T	MDC	
Sam Moyo	African Institute for Agrarian Studies. Harare	Director

**END**