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**STUDY FOR THE GUIDING PRINCIPLES:
LAND TENURE IN DEVELOPMENT COOPERATION**

**STUDIE ZUM ORIENTIERUNGSRAHMEN:
BODENRECHT UND BODENORDNUNG**

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Contents

1. The Regions of Zimbabwe Distinguished by Agrarian Structure	3
1.1 Historical Outline.....	3
1.2. The Communal Areas (CAs)	6
1.3 The Small Scale Commercial Areas (SSCAs).....	9
1.4 The Large Scale Commercial Areas (LSCAs).....	11
2. The Resettlement Program	13
2.1 The Resettlement Program as an Element of a New Agricultural Policy	13
2.2 Objectives and Implementation of the Resettlement Program	13
2.3 Experience with the Resettlement Program and the Government's Response	17
- <i>Scale of Implementation</i> -	17
- <i>Principal Problems</i> -	17
- <i>The Government's Response</i> -	21
3. The State of the Debate on Land Reform and National Land Tenure Policy	22
3.1 The Current Controversy Surrounding the Resettlement Program	22
3.2 The Stage Reached by Discussions of a New National Land Policy	26
Appendices.....	29
Appendix 1.1: Agroökologische Regionen in Zimbabwe	29
Appendix 1.2: Agro-Ecological Regions.....	30
Appendix 1.3: Distribution of Major Agricultural Land Use Categories	31
Appendix 1.4: Landklassifikation nach Sektoren und agroökologischen Regionen, 1980	32
Appendix 2.1: Land Acquired for Resettlement.....	33
Appendix 2.2: Anzahl und Umfang der Kreditvergabe durch die AFC nach Sektoren, 1979 bis 1991	34
Appendix 3.1	35
Appendix 3.2: Terms of Reference.....	37
References.....	38

1. The Regions of Zimbabwe Distinguished by Agrarian Structure

1.1 Historical Outline

As elsewhere in Southern Africa, Zimbabwe's system of rural land tenure is heavily influenced by its colonial past which finally ended 1980 when the struggle for independence against the apartheid regime was completed.

The first white settlers who came to Zimbabwe at about the turn of the century, were initially interested in mining and the extraction of mineral resources. However, the focus of their interest changed relatively fast when their mining activities failed to produce the expected returns. Increasingly, white settlers came to the area with the aim of starting up farms, a trend which the British government quickly took into account.

The result was that the autochthonous population were increasingly forced out of their home areas and into specially allocated territories. African farmers were driven out of the best agricultural regions, which were then claimed by white farmers. Among the means used by the white colonial masters to secure cheap labour was a fiscal policy which forced the native population to give up their subsistence-oriented way of life and either to market their produce or to take up paid employment.

From 1931 the Land Apportionment Act formed the legal framework for this policy of displacement. The Act divided the land into what was defined as European (Crown) and African land. The "Crown" land accounted for about 50% of the total land area and was granted to white farmers in the form of freeholds, while the "Native Reserves" only represented 22% of the total area. Africans were prohibited from making any claims to Crown Lands, although the land area which had been allocated to them was recognised as being too small for the approximately one-million-strong population given the extensive fallow farming systems traditionally used.

A law was also passed to create a third category of land referred to as African Purchase Areas, which covered 8% of the total land area. In formal terms Africans had been granted the right to acquire their own private property in these areas. The irony of this was that Africans were supposed to buy back their own land which had been occupied by the whites. There are a number of different views on the exact intention behind the establishment of the African Purchase Areas, but there is agreement over their main function in practice. They served as a social buffer for the oppressed African farmers. The more enterprising Africans were given the opportunity to compete with the European settlers from their own private property. At the same time the colonial administration hoped that these privileged Africans would form a collaborative middle class.

In addition the three farming areas, the Land Apportionment Act also designated a fourth category, which covered approx. 20% of the country: "unsigned land". This land was not intended for agricultural use, and served as an important basis for the national parks later.

These laws were extended, amended and adapted on a number of occasions over the years. In 1941, for example, access to the European Areas was made even more difficult for Africans. The sale, leasing and other forms of transfer of the land in the European Areas to native people were explicitly prohibited. This was supposed to prevent direct economic competition between the whites and the blacks, but also to prevent a black elite from forming and becoming established.

Using the argument that native Africans were allegedly farming the land in the Native Reserves in an ecologically inappropriate manner, the white administration secured additional powers of intervention and control over African agriculture in the form of the 1951 Native Land Husbandry Act (NLHA). Yet the administration's actions were themselves the root cause of these farming methods, having allocated insufficient land to the black majority. In formal terms, the Act provided for direct intervention in a bid to increase the adoption of intensive farming methods to protect natural resources, to reduce the number of livestock to a sustainable level and to prevent the progressive fragmentation of the farmland. However, this approach failed because of the lack of acceptance among the African farmers. They resented the planned imposition of "white" ideas, and did what they could to resist this interference in their own system of values and standards. "The NLHA's implementation collapsed in the face of widespread opposition in 1962..." (Bogedain 1993:40, World Bank 1991:71.)

Under the Tribal Trust Land Act (1965), which dealt principally with the internal management of the Native Reserves and which will be considered later, the Native Reserves were renamed the Tribal Trust Lands.

Finally in 1969 the Land Apportionment Act was revised by the administration once more and became the Land Tenure Act. Following the reallocation of land under the Act and the reclamation of new land, the European and Native Areas each now covered approximately 40% of the total land area. However, since the preferential treatment of white settlers in allocating agricultural land continued, their farms were still much larger on average, and were held under a freehold system. They were also located in the more favoured agro-ecological regions, whereas African farmers were only able to acquire small plots of fragmented land in the Tribal Trust Lands. This system of land classification remained largely intact until the Lancaster House Agreement of 1980 which marked Zimbabwe's independence and the end of white supremacy.

Based on this historical background, the ZANU government inherited a three-tier agrarian structure in 1980, comprising the following subsectors:

- a market-oriented sector, formed by large-scale white farmers;
- a subsistence, or only partially market-oriented group of smallholders comprising African smallholders in the Native Areas (known as the Tribal Trust Lands after 1965);
- a partially market-oriented group of medium-sized farmers centred around the African Purchase Areas.

With Independence, the colonial terms of European Areas, Tribal Trust Lands (TTLs) and African Purchase Areas (APAs) were replaced by the more neutral terms of Large Scale Commercial Farming Areas (LSCFAs), Communal Areas (CAs) and Small Scale Commercial Farming Areas (SSCFAs).

The regional distribution of the three subsectors at the time of Independence is noteworthy from a historical perspective. Zimbabwe can be broadly divided into five agro-ecological regions based both on the amount and probability of rainfall and on soil properties. The land is graded for agricultural use on a declining scale from I-V (cf. Appendices 1.1-1.2). At the time of Independence the distribution of the land in the three subsectors among these agro-ecological regions was as shown in Appendices 1.3-1.4.

In order to highlight the gross inequality of this land distribution, the World Bank later published the following figures (World Bank 1991:8)

- 74% of the CAs were in regions IV and V
- 75% of the SSCAs were in regions III and IV
- 51% of the LSCAs were in regions I-III

In spite of the land reform under the Resettlement Program (cf. Section 3) this structure has essentially changed very little to the present day. Recent developments and problems in these areas will be briefly outlined in the following sections. After that, the Resettlement Program, which has dominated discussion on agricultural policy over the last decade, will be considered more closely.

1.2. The Communal Areas (CAs)

In 1980, the year of Independence, about 700,000 households lived in more than 150 Communal Areas. Today the figure is thought to be about 1 million households, making a population of approximately 7 million. The average farm size is about 23 hectares (ha.), but this does not differentiate between arable land farmed on an individual basis and communal pasture, since the two are not separately recorded.

According to studies by the Ministry of Agriculture, the average cultivated area is only 3 ha. and ranges from 1.5 to 4.5 ha. The main crops are maize, varieties of millet, peanuts and sunflowers, which are essentially farmed on a subsistence basis. Cotton is an important cash crop.

Agricultural services in the form of credits, new technology, equipment and extension services are still only provided by the State on a rudimentary basis and continue to be inadequate.

Prior to the 1982 Communal Land Act (CLA) the **system of land tenure** was governed by the Tribal Trust Act (TTA) of 1967. Following the failure of the NLHA implementation in the Sixties the Tribal Trust Act returned formal powers of land allocation to the traditional authorities (chiefs, kraal heads) who managed the land on the traditional basis of communal property. That gave formal recognition to the socially prevailing land tenure system in the CAs.

However, rights of disposition relating to the allocation and use of land were taken back from the chiefs and kraal heads by the CLA (1982), and transferred to local, democratically-elected government representatives. The land was therefore formally owned by the State, represented ultimately by the President. However, land was still intended to be and has indeed continued to be allocated according to the principles of customary law.

Under the new Act, 55 district councils were established in the Communal Lands - twice the number of the African Councils they replaced. Their *de jure* role extended from the designation of arable and pasture land to crop regulation and to determining what resource-protection measures were needed. The decentralised, participatory planning system laid down in the Prime Minister Directive of 1984 also did not allocate any special role to the traditional hierarchical authorities, although they were eligible to be elected to the district councils and community courts. As the latter were primarily concerned with land disputes and the traditional leaders regained control over the courts in the second half of the Eighties, their actual importance in relation to land matters rose substantially again. However, the interaction between modern and traditional authorities varies considerably from region to region, as does the relative importance of the two forms.

Even in the present day **land** is still **allocated** *de facto* in accordance with the traditional system which over time has proved to be very adaptable to changing conditions.

In pre-colonial times access to land was governed by the traditional agrarian principles of the individual ethnic groups. Among the Shona, the largest and most

influential ethnic group in Zimbabwe, each member of the tribe was given unrestricted rights to an adequate share of the arable land on the basis of the autochthonous social consensus. The community, represented by the chief, had to determine the amount of land to be allocated, taking into account the subsistence needs of a household with a given number of members. These powers of determination also included the right to increase or to decrease the arable areas allotted, e.g. in line with the family's demographic cycle. Pasture land was treated differently, and no exclusive individual use rights were granted. All of this common land was available to all the members of the tribe for animal grazing, without any major restrictions.

The advent of colonialisation which made farming land scarce, population growth, the fact that ethnic groups were living closer to each other, and changes in other frame conditions (agricultural markets, consumer preferences, etc.) have all put the traditional system of land tenure under pressure to adapt. A good example of the system's adaptive dynamism in response to externally generated structural change is provided by the reform of the rules of inheritance within the traditional system. As the land no longer reverts to the traditional authorities' common pool for reallocation under these new rules, this can be regarded as a further step in the direction of **individualisation** of land tenure.

The overall demand for exclusive property rights by influential groups in the CAs has increased considerably over the last few years. Experts believe that, for practical purposes, pasture is the only land managed on a communal basis today. *De facto*, then, the law is now such that most of the arable land in the CAs is held under a private property regime (Moyo 1994.9), because individual families have appropriated overall control over the land and its transfer. Control over the land, transfers of land and bidding for land now arise out of such situations as inheritance, informal land transfers ("sales") and agreements on infrastructure investment which involve the transfer or leasing of arable land. The State normally turns a blind eye to this **budding "market activity"**. Increasingly the local authorities responsible for land allocation are said to be receiving material benefits from land allocation services. The disposals also increasingly involve the allocation of land to "non-villagers". These first features of an emerging land market in the CAs are attributable to the declining acceptance of the ideology of communal land and the increasing trend towards individualistically motivated, capitalist forms of behaviour. However, this change is not in any way purely endogenous, but is a reaction to the political, economic and demographic trends of the last few years. Methodological individualism is of course a basic principle of Western economic and political ideology, which is also becoming increasingly widespread among Zimbabwe's black elite. The problems associated with individualisation and the development of a land market are, on the one hand, the lack of an adequate institutional framework and, on the other hand, the risk of potential adverse effects on the distribution of wealth and income.

The **system of land tenure** in the CAs today can be **summed up** as follows:

- Property rights in respect of the Communal Areas are vested in the State.
- Formal and informal powers of disposition are not identical. Formal and informal institutions (i.e. district councils and traditional bodies, respectively) coexist when

it comes to land allocation. Which of the two predominates varies greatly from region to region, but both institutions are supposed to perform their land allocation roles according to customary law.

- The system of land tenure in practice is based largely on customary law and accordingly guarantees each individual a usufruct (right of use) in respect of land for housing, pasture and agriculture, and other common resources such as wood and water.
- The system guarantees individual usufructs for a residential plot and arable land during the rainy seasons.
- As long as individual farmers continue to work their arable land year after year, they will retain their exclusive usufructs. If they do so, their usufructs may also be inherited.
- Contrary to the autochthonous system of land tenure, dynamic legal reality is showing signs of an emerging informal land market and increasing individualisation in relation to arable land.
- Access to pasture and common resources is unlimited for any member of the community. No individual has the right to prevent others from using these resources. In addition, pasture and community boundaries are often only vaguely defined.

In addition to the trend towards individualisation and the development of a land market, three further trends affecting the CAs are currently evident, and these constitute the areas' most vital problems. Though the trends are described separately here, in reality the individual problem areas are very interdependent, and to some extent they mutually reinforce each other.

- increasing pressure from population growth

As stated above, the population in the CAs grew from approx. 5m to 7m between 1980 and 1990. There is no sign of any change in this trend and, indeed, further growth is forecast. One indicator of the potential demographic trend, for example, is the percentage of the total population accounted for by young age cohorts. In Zimbabwe as a whole the percentage of under-15-year-olds is about 45%, and in the CAs it even exceeds 50%. According to official forecasts, therefore, the total population of Zimbabwe will increase from the current 10m to between 12m and 13.5m in the year 2000, and the largest share of this growth will take place in the CAs. Without political intervention the differential between the population density in the CAs (about 65-70 inhabitants per sq.km.) and that in the Commercial Areas (about 10/sq.km.) will rise, with adverse consequences for economic and social development. This trend will place particularly high demands on future forms of land use, in relation to which the system of land tenure and the management of the anticipated migration will play a key role.

- Increasing fragmentation of agricultural areas

Today the arable land has to be divided among approx. 1 million households compared with 700,000 at the time of Independence. Behind this trend lie the general pressure of population growth and the dynamism with which patterns of inheritance in relation to land-use rights have continued to evolve. The eldest son's socially recognised right to his inheritance increasingly has to be defended against the inheritance claims of other relatives. Explicit bequests made by the current owner of land rights are also becoming more common. Apart from this, the uncontrolled development of an informal land market is contributing to the further fragmentation of agricultural land.

- Falling soil fertility and increased signs of degradation

Inappropriate farming methods in relation to changes in the overall operating environment and inadequate planning of land use lead to overuse, soil degradation and ultimately to falling productivity. The level of soil erosion, one of the manifestations of degradation, is quite alarming in some areas. Erosion values have already been recorded of up to 50 tonnes per hectare per annum for arable land and of 75t./ha. for pasture land. These are equivalent to surface losses of 4 and 6mm respectively per annum. With regard to the first problem area outlined above it is significant that there is a positive correlation between erosion and population density.

1.3 The Small Scale Commercial Areas (SSCAs)

The farmers in the Small Scale Commercial Areas (SSCAs) also belong to the smallholder sector of Zimbabwean agriculture alongside the farmers in the CAs, even though the average size of their farms, at 125 ha., is relatively large. In fact, their average area under arable cultivation is only 10 to 15 ha. The subsector comprises about 8,500 farms and a population of about 170,000 people.

The relative importance of arable and livestock farming within the usual mixed farms varies according to the region and the environment. The main crops are essentially the same as those in the farms in the CAs, namely maize, cotton, millet and peanuts. The principal livestock are cattle, goats and sheep.

SSCAs are not very different from CAs in terms of cultivation methods, but the picture certainly is different when it comes to the **system of land tenure**. As outlined in section 1.1 above, the Africans were given the opportunity to purchase land in these areas. Formally the system of land rights in this subsector can be described today as freehold tenure because the farmers were granted comprehensive property rights (rights of purchase, of use, of sale, inheritance rights and the right to mortgage).

But even in the colonial period the formal trappings of freehold tenure gave a false picture of the true legal position. Even before people could acquire their farms, they had to overcome difficult and hence also discriminatory state restrictions. In addition to making an application to the Native Land Board, a number of personal requirements (personal qualities, agricultural competence etc.) had to be met and

these were formulated in such a vague way that the Land Board had extensive discretion in the selection of “suitable” candidates. The applicant had no statutory right of appeal against a negative decision by the Land Board. The purchase process was divided into two stages. Initially the farmers were granted a lease of just three years, which was only converted into a right to purchase once the State had inspected the farming methods used. Restrictions were also placed upon the farmer’s rights of disposition to prevent fragmentation of the farms: transfers of land to relations from the CAs and the division of the land holding as such among heirs were both prohibited.

Following Independence the SSCAs did not feature particularly in agricultural policy. The sector was neither expanded nor promoted, nor was any attempt made to reduce its size. Instead the ZANU government’s policy towards the SSCAs involves maintaining a critical distance from private real property. After all ZANU still felt committed to socialist ideals in line with its tradition as a liberation movement. Today prospective buyers of farmland in these areas may therefore only acquire already existing farms, e.g. at one of the small number of auctions. However, because of the limited supply, the market is extremely tight. Thus **change of ownership** is usually due to inheritance.

But this practice, along with the informal transfer of farms to relatives, has become one of the main reasons for the accumulation of **unresolved property rights** in the SSCAs. This issue of unresolved title is the **key problem relating to land tenure** in the SSCAs.

As the farms were allocated primarily to middle-aged or elderly people, given the restrictive qualification criteria which used to be applied, many of the original purchasers no longer farm the land themselves. The resulting concurrence of various inheritance and usufructuary claims from relatives on the one hand and voluntary long-term land transfers on the other have increased the proportion of cases of unresolved title, and contributed to the legal uncertainty of the farmers’ position today. Apart from the question of whose name should be used when entering the new title deed in the land register, transaction costs (information costs, administrative fees, etc.) are a further reason for the delay in official transfers of inherited estates. High transaction costs are also responsible for the inadequate number of leases and other transfers which are formally recorded.

Studies show that in 1993 between 30% and 40% of the SSCAs were being farmed on the basis of unresolved property rights. Title was unresolved either because the owner had died and no successor had yet been registered or because the owner was permanently absent and the person running the farm did not have regular contact with him/her (Bogedain 1993:200 et seq.).

In spite of the formal system of freeholds, no significant reduction in the proportion of unresolved title in the SSCAs is expected in the future because institutional regulations (transfer, inheritance, sale procedures) continue to be unclear and transaction costs are still high. The State needs to respond by providing an appropriate legal framework and decentralised local administrative and decision-making. The details of the policy options are outside the scope of this study, but would be a useful subject for a specific study.

The following additional problem areas are at least partly attributable to problems concerning land tenure or are closely intertwined with them:

- increasing land fragmentation;
- insufficient availability of credit, a problem which has tended to be aggravated over the last few years because of the greater commercial orientation of the Agriculture Finance Cooperation (AFC) (profit-maximisation, loss-minimisation and related risk considerations);
- higher proportion of subsistence farming combined with unsatisfactory access to markets and lack of management experience;
- falling yields and failure to adopt modern sustainable farming methods;
- insufficient availability of and access to material inputs (machinery, means of transport, etc.).

1.4 The Large Scale Commercial Areas (LSCAs)

Prior to Independence this sector comprised about 10,000 large-scale farms run by white farmers who carried out intensive agriculture using modern farming methods. During the Eighties and the early Nineties these were joined by a small number of black large-scale farmers. Nevertheless the total number of these large-scale operations has roughly halved since Independence. This is related to the mass emigration of white farmers in the early Eighties, but also to the Resettlement Program started in 1982 which will be considered in more detail in the following section.

The remaining large-scale farmers, numbering about 5,000, have farms with an average size of about 2,200 hectares in the most-favoured agro-ecological areas. They are commercially-oriented and produce for both the domestic and export markets. Nevertheless their economic importance is greater as far as exports are concerned. Through its principal crops of tobacco, cotton, wheat, maize, tea and coffee, the sector is responsible for 68% of gross agricultural output and 86% of export earnings from agricultural production (von Blanckenburg 1992:166).

The economic success of the large-scale farms is predominantly due to the provision of massive state support before Independence. Marketing and pricing policy were geared to the needs of the large-scale farms, while African farmers were not allowed to market their produce through the state marketing boards; the State added to this favourable treatment by subsidising important inputs (agricultural technology, fertilisers, capital). By exploiting cheap African labour, the farms were able to build a secure economic foundation for themselves which was reflected in factors such as relatively high productivity ratios. Today the large-scale farmers still benefit from their acquired expertise on input procurement and marketing, but also from having superior farmland.

The majority of large-scale farms are still freeholds today. There are also a smaller number of leased farms which are owned by the State. Since Independence the LSCAs have suffered from the fact that they symbolise the inequality of colonial land

distribution. As a result the large-scale farms are at the centre of the debate about redistribution in Zimbabwe which continues to be right at the top of the political agenda. In addition to the classic arguments in favour of land reform based upon social justice and equity, economic arguments are also repeatedly put forward. Most of these relate to a notion that many large-scale farms are underutilised, which is strongly disputed among the interest groups involved (CFU, ZFU, etc.); the issues under debate include microeconomic considerations of the optimum farm size. This theory continues to be put forward by various interest groups in the context of the political debate surrounding the Resettlement Program which began in 1980. The Program's objectives, implementation and problems relating to its realisation are considered in the following section.

2. The Resettlement Program

2.1 The Resettlement Program as an Element of a New Agricultural Policy

The Resettlement Program announced immediately after Independence was only part of the planned restructuring package for the agricultural sector. The reform package aimed, on the one hand, to reshape agricultural policy and on the other hand, under the Resettlement Program *per se*, to redress the unequal distribution of land between black small-scale and white large-scale farmers.

The overall intention was to support the smallholder sector in moving away from subsistence farming towards production for the market. Some essential elements of agricultural policy therefore consisted in opening up state marketing, financing and advisory organisations to smallholders and in strengthening these farmers' financial, material and personnel resources (the agricultural policy is set out in detail in Bogedain 1993:53 et seq. and Rukuni 1992:21 et seq.).

The success of this agricultural policy was also quite tangible for a time in the mid-Eighties. However, many experts took the view that the key socio-economic problems were closely connected with solving the land issue.

According to the political perspective of the socialist ZANU government, the core of the land problem lay quite simply in the inequality of land distribution and for that reason land reform was concentrated purely on this issue. On the other hand, the precise form of real property rights, which is regarded by experts today as a very important question, has played no major role in the Resettlement Program to date. In future, however, this is the real, central issue which the Zimbabwean government and its advisers will have to address in detail.

2.2 Objectives and Implementation of the Resettlement Program

The literature on agricultural reform, which should also be taken to include the programme in Zimbabwe, draws a theoretical distinction between four **objectives**. Von Blanckenburg (1992), like Kuhnen (1982), identifies political, social and economic objectives, to which he adds a fourth: that of ensuring that agriculture is sustainable. Depending on the political intentions of governing powers, varying degrees of importance are attached to these specific components within the actual programme, ranging from none at all to a very high level.

As already outlined above, the motives behind Zimbabwean efforts to achieve reform are chiefly political, with social motives next in line. Following the numerous sacrifices demanded from the African population during the years of white supremacy, any political force which wanted to be certain of the voters' support had to offer a programme incorporating a retransfer of economic goods and property to the black majority. In such a situation it makes sense to choose what is probably the most symbolic form of transfer, the redistribution of land, because land continues to be of particular traditional and spiritual importance to many Zimbabweans. Even during the struggle for independence both leading liberation groups exploited the

popular demand for land redistribution for their own purposes. The fact that it fitted well into the political and ideological contexts of the opposition and future governing parties and also had plausible social-policy justifications was of course a bonus. Economic cost-benefit analyses played a comparatively minor role. On the contrary, substantial costs were expected which were to be offset by intended improvements in the pattern of farm sizes.

In the official description of the Resettlement Program its **objectives** were formulated in a very **populistic** manner, comprising several elements which could not be clearly defined, but which addressed the needs of the majority of the population at that time in a very skilful political way.

In summary the official objectives were to

- reduce population pressure in the CAs
- improve the agricultural output base
- raise the living standards of the largest sector of the population, the smallholders
- relieve the misery of the victims of the War of Independence
- make the distribution of land more just
- expand the infrastructure and the supply of services and
- safeguard national stability and economic progress.

These broad objectives probably in themselves placed too heavy demands on the Program and at the same time gave rise to unrealistic expectations. It would certainly have made more sense to establish more pragmatic, realistic objectives.

Government plans relating to the **scale** of the proposed **resettlement** were based on the recommendations of the Riddell Committee whose report had proposed that 220,000 families be resettled from the CAs in order to reduce population pressure. In the Transitional National Development Plan (1982), the government eventually announced that only 162,000 families would be resettled on 9 million hectares of land by 1985. However, disappointing experiences with resettlement programmes in other countries already indicated that even this reduced target would be difficult to achieve because of the high input of administrative, organisational and financial resources required.

Resettlement candidates were selected in the first instance on the basis of social and political criteria and in the end about 85% came from the CAs. The detailed criteria for resettlement candidates were that they should be

- effectively without land, unemployed, poor, married or widowed with dependants, between 18 and 55 years old and physically capable of using the land allocated to them productively on their own and to the full,
- or returned Zimbabwean refugees, that is, belonging to a group which had been given special status,

- or experienced in agriculture, and certificated as a master farmer.

There were essentially three **organisational models** proposed for the resettlement process. Model A involves an individual farming pattern, similar to the type predominating in the CAs, whereby each family receives five hectares of arable land and grazing rights on common pasture. Model B is built around the formation of cooperatives in which the majority of the production takes place on a communal basis. As a rule the members of the cooperative can only farm about 0.5 ha. privately. Model B farms have to be organised and managed on a cooperative basis. Model C provides for a similar form of resettlement to model A, but in connection with a centralised state or cooperative farm. The government regarded model C as an instrument to promote cooperative ideals by demonstrating the benefits of cooperative activity. There was also a fourth model (model D) which applied to resettlements within the CAs and did not change the farmers' institutional pattern of land use.

The form of the planned land acquisition by the State and the legal form under which the land was to be used by the resettlers are the significant aspects in terms of land tenure.

The provisions governing the **acquisition of land by the State** until 1990 were already set down in the Lancaster House Agreement which encapsulated the outcome of the independence negotiations. The provisions were based upon the "willing-seller, willing-buyer" principle. The State could not simply expropriate the land, but had to purchase it from the large-scale farmers. The Constitution guaranteed that each vendor would not only receive prompt and appropriate compensation, but would also have the right to resort to a court if necessary, to determine the level of compensation. The government was also committed to transfer the compensation within a reasonable time period and, on request, to make the payment in foreign currency, to any specified country without tax being deducted. Owing to the strong desire of many white farmers to sell up and emigrate in the early years after Independence there was a sufficient supply of vendors. However, this proved to be just a one-off, short-term situation.

Important details of the legal principles relating to land acquisition were changed in 1985 as a bottleneck **loomed** for the rapid implementation of the Resettlement Program. Vendors of farms now had to offer the land to the government at a fixed price and had to grant the government preemption rights. The government was also permitted to pay the required market price in domestic currency. Nevertheless, the willing-seller, willing-buyer principle continued to apply. Thereafter the amount of land purchased increased slightly once more but this effect was also only temporary (cf. Appendix 2.1). By and large the planning and other uncertainty associated with the willing-seller, willing-buyer principle are a major disadvantage, even if this principle does help to reduce conflict with the large-scale farmers who play an important role in the economy.

In line with socialist ideals the majority of the ensuing **resettlement** was intended to be in accordance with model B, with the State continuing to own the land. However, model B did not find favour, given the tradition of individual forms of farming. 80% of the resettlements were *de facto* model A resettlements, where the State only granted rights of use to those resettled. "Each settler is granted three permits. One to

depasture a certain number of livestock on a communal basis, one to cultivate an arable plot and one to reside on a specific residential plot. These permits are for no specific duration and there is currently no prospect of their being upgraded to leasehold or freehold status" (World Bank Background Paper No.12 produced for the Zimbabwe Agriculture Sector Memorandum 1991). Informally a ten-year right of use is often granted, but ultimate control over the land remains with the State. The State even retains the right to terminate the permit without paying compensation for any improvements made to the land. Of course this has implications for planning certainty and, therefore, for investment patterns and the introduction of sustainable farming methods.

The Department of Rural Development (DERUDE) which was part of the Ministry of Lands, Resettlement and Rural Development until 1985, is technically **responsible** for **implementing** the resettlement. However, following the reorganisation and the merger of the Ministry of Lands, Resettlement and Rural Development with the Ministry of Agriculture to form the Ministry of Lands, Agriculture and Rural Resettlement, the Department of Rural Development became part of the newly established Ministry of Local Government, Rural and Urban Development. DERUDE has only been part of the Ministry of Lands, Agriculture and Rural Development since 1991. Other organisations involved in the Resettlement Program are the state advisory service, Agritex, and the Department of Veterinary Services, both of which were part of the Ministry of Agriculture until 1985 and since the reorganisation have been part of the new joint ministry. However, the organisational problems associated with the Resettlement Program, partly due to the division of functions and responsibilities between two ministries at certain times, were not finally resolved by the reorganisation. Accordingly observers have a largely negative view of the status and powers of the decentralised departments, the Provincial Resettlement Offices.

Local administration in the individual Resettlement Schemes is the responsibility of the designated Resettlement Officers (ROs) representing central government. Their responsibilities include the allocation, registration and monitoring of the land permits. Those resettled do not have their own elected representatives at local government level, but the ROs are required to help the settlers to set up and run development committees (Village and Ward Development Committees, VIDCOs and WADCOs respectively).

From the beginning the **financing** of the Resettlement Program was a critical element of the overall concept, particularly because the willing-seller, willing-buyer principle made long-term planning of land acquisition costs impossible. In addition substantial local infrastructure and personnel costs were forecast. Without the support of external donors it would probably have been impossible to implement the Program. In the Eighties the most important donors, the United Kingdom, the EC (as it then was), Kuwait and the African Development Bank funded about half the total costs. A major funding bottleneck resulted from a requirement by the foreign donors that the Zimbabwean government should prefund the resettlement projects and then apply for reimbursement later. The EC, in particular, largely helped to overcome these financing problems by agreeing to make a prepayment.

2.3 Experience with the Resettlement Program and the Government's Response

- Scale of Implementation -

By October 1991 about 53,000 families had been resettled on about 3m ha. in 213 Resettlement Areas (RAs). This meant that barely a third of the programme's resettlement target of 162,000 families on 10m ha. of land had been achieved. As already mentioned, the preferred form of resettlement among the settlers was clearly model A. Model B, favoured by the government, really only played a subsidiary role. This phenomenon can at least partly be attributed to the tradition among African farmers of working with a scattered settlement pattern where farming is carried out on an individual basis.

The distribution of the resettling families and their farms among the various regions is as follows. Whereas about 75% of the area resettled lies in the less favoured agro-ecological regions III, IV and V, only 60% of the settler families have been relocated to these regions. This differential in the distribution of settlers and land is principally attributable to the fact that the availability of pasture and the relative emphasis on livestock farming in the Resettlement Areas increase in line with the number of the region (i.e. they are at their greatest in region V). The type of farming practised naturally varies from region to region. Within regions I and II the majority of farming income is derived from arable farming. In regions III and IV arable and livestock farming are roughly equal in importance, while income in region V is derived predominantly from livestock farming.

- Principal Problems -

One of the principal problems of the Resettlement Program to date has been that the planned **scale of resettlement** could not be achieved. The government believed this was essentially due to the procedure for acquiring land laid down by the Constitution (the principle of willing buyer, willing seller). However, in the opinion of most experts the modest scale of the resettlement had various causes, deriving from the combination of limited land supply, limited financial resources on the demand side (on the part of the State) and administrative bottlenecks within the institutions involved. The 1985 Land Appropriation Act (see below), which was an attempt by the government to increase the Program's effectiveness, also failed to meet expectations. As a consequence the principal aim of the land reform, the reduction of rapidly growing population pressure in the CAs, was not achieved. As outlined above, the population of the CAs increased from about 5m in 1980 to about 7m in 1990.

The World Bank's view, however, was that the Resettlement Program's principal problem was not so much the modest scale of resettlement achieved, but rather the **disappointing agricultural output** in the Resettlement Areas (RAs). Von Blanckenburg (1992) also regards this as the central problem of land reform and refers to a conflict of objectives in Zimbabwe's resettlement policy. He believes that more equal land distribution and improvements in agricultural production cannot be achieved simultaneously in the short to medium term because of the remarkable efficiency of large-scale farms and the relatively low efficiency of the settlers' farms.

This is because improved agricultural production is not only dependent upon what might be a better scale of farming operations. The conflict faced by the government in relation to its objectives is that, on the one hand, it has to fulfil its promises to redistribute land while, on the other, it is faced with ever-increasing internal and external requirements in terms of agricultural production. Von Blanckenburg observes that, in the inevitable process of setting economic policy priorities, the government has so far decided in favour of avoiding major loss of output and foreign currency earnings, and hence against more rapid redistribution of land.

The large-scale farmers continue to account for 82% of the arable crops produced for market and 94% of the animal produce. They also account for 86% of the export earnings from agricultural production. By using modern, intensive farming methods, yields per hectare achieved by large-scale farms are more than twice as high as those achieved by smallholders, even when natural production conditions are similar.

As suggested earlier, efforts were made to close this productivity gap by providing improved agricultural support, but the results have been disappointing. It is possible, particularly in the RAs, to identify a number of reasons for this, which at the same time should be regarded as **problem areas** that are **intrinsic to the Program**.

Selection of settlers: To date settlers have been selected virtually exclusively according to social and political criteria. However, the families selected (those having no or only small amounts of land, refugees, etc.) have not only lacked the required agricultural experience but also the necessary financial and material resources to apply intensive farming methods on their land. As a result subsistence farming has become more widespread in the Resettlement Areas because the majority of settlers have not been in a position to produce beyond that level. "Had better resourced and experienced farmers, with a greater capacity to bear the risk of innovation, been selected for resettlement, then current productivity levels would almost certainly have been higher." (World Bank Background Paper No.12 1991 produced for the Zimbabwe Agriculture Sector Memorandum 1991). The government only decided to change the selection procedure and to give preferential consideration to experienced farmers and "master farmers" at the end of the Eighties. The future intention is only to resettle people who have been selected by the local authorities and whose selection is supported by the government extension service and the relevant agricultural organisations. At this point the conflict between those of the Resettlement Program's objectives which are based upon social considerations and those based upon production economics becomes patently clear.

Support through agricultural policy: The intention was to change agricultural policy such that not only the farmers in the RAs, but all African smallholders would receive assistance both on production and on marketing their produce. However, putting this into practice proved a complex matter. The individual marketing boards, the Agriculture Finance Cooperation (AFC) and the Agricultural Technical and Extension Service (Agritex) had geared their activities totally to the needs of the LSCAs, as a result of which their structures now had to change. However, at a time when these bodies were experiencing their own difficulties in terms of their funding and organisation a change in focus, particularly towards the resettlement farms, was not a very attractive commercial proposition for any of the three organisations.

Nevertheless, in spite of various forms of opposition, smallholders were given access to the **marketing** organisations (GMP, CMB, DMB and CSC) and a system of fixed purchase prices was established. In order to strengthen the incentives to produce for the market purchase prices were also progressively raised until the end of the Eighties, but were later frozen again under pressure from international donors. However, marketing and pricing policy only had a minor impact in making farming systems more intensive because the problems chiefly stemmed from a lack of expertise and capital.

On the **financing side**, a deeper involvement was envisaged for the semi-state-controlled AFC. Its terms of reference were extended with the aim that it would now enhance the supply of credit to smallholders. To satisfy the settlers' increased credit needs, particularly in the initial years, the AFC was to introduce a special credit programme, the Resettlement Credit Scheme (RCS), in 1982. Under the RCS the settlers were eligible to receive short and medium-term credits between the second and fourth year after their resettlement. It was assumed that after four years the settlers would be experienced and knowledgeable enough to receive credits under the second programme, the Small Farm Credit Scheme. The number and volume of loans provided to the settlers' farms increased sharply at that time, but fell again at the end of the Eighties. Since then the volume of credit has remained at a relatively low level (cf. Appendix 2.2). In 1984 60% of the families resettled received a credit, compared with only 10% in 1990. The main impact of the initial credit boom was on the use of fertilisers, but it did not have a beneficial long-term effect on the sector as a whole. The World Bank was solemn in its judgement of the RCS - "The performance of the RCS is one of the most disappointing features of the resettlement programme" (World Bank Background Paper No.12 1991 produced for the Zimbabwe Agriculture Sector Memorandum 1991). The reasons for the failure and the gradual withdrawal of the AFC from the RCS identified by the World Bank were poor repayment rates and the need for the AFC to consolidate its business. In January 1990 the non-repayment ratio from resettlement farms was about 77%. So far no attempt has been made to reestablish a special credit programme for the RAs.

It is very difficult for settlers to access the normal capital markets. Like farmers in the CAs they generally do not have any collateral to offer to lenders. As liens imposed upon land continue to be one of the most important types of collateral, this problem is of course closely related to the existing system of land tenure in the RAs. The permit system makes it impossible for the farmer to take out a mortgage on the land.

As in other subsectors Agritex is responsible for providing agricultural **advice**. The Agritex advisors normally live within the Resettlement Areas they serve. In the model-A Resettlement Areas, the most widespread model, one field adviser covers about 400 settler families. However, in reality the farmer-adviser ratio only averages 800:1. Apart from an insufficient supply of personnel, the extension service also suffers from poor logistical support, unspecific monitoring of the results achieved by advisers, too little use of demonstrative techniques and too little practical orientation in the training programmes. The "training and visit" approach recommended by the World Bank was terminated after a pilot study because it was considered to be too expensive, inflexible and incompatible with existing methods.

Land tenure: On top of the above problems of settler selection and policy support, a third problem area, that of land tenure, has been highlighted for some time in connection with the disappointing agricultural results in the RAs. The settlers have neither a formal long-term lease nor ownership title in respect of the land allocated to them. Land tenure in the RAs is based purely on a **permit system** administered by the Resettlement Officers of the Ministry of Local Government. The permit does not have a specific term and may be withdrawn at any time without compensation having to be paid for any investment the farmer has made. In principle, therefore, the purchase of land by the State to date under the Resettlement Program has been equivalent to nationalisation of what was previously private property.

Meanwhile extensive theoretical and empirical studies have been undertaken regarding the economic effects of land tenure systems. These show that the type of legal framework selected for the RAs can have an adverse economic impact. Even individual rights of use may, if they have insufficient institutional protection as in the case of arable land in the RAs, **impede intensification of production** and, with it, improvements in productivity. If rights of disposition are uncertain farmers and providers of credit will behave in an economically rational manner by deferring investment or reducing the amount of credit they will provide. Land markets which only exist in a rudimentary form also prevent further efficiency gains. In the case of the RAs, not even the semblance of a land market can develop because the land is owned by the State and long-term leases, which could be used to grant subleases, do not exist.

In the case of communal pasture rights the incentive for the individual to invest and to improve shared resources is even smaller, while the incentive to “free-ride” and to exploit the resources in question to the maximum is very great. **Overgrazing** and the overstocking of pasture land in the RAs provide confirmation of this.

The position relating to communal pasture is typical of the divergence between individual and communal rationality, which can only be controlled by recognised **community institutions**. In traditional societies chiefs, kraal heads and common values and norms ensured that communal rationality prevailed. In the artificially created Resettlement Schemes these institutions do not exist, which is why the Resettlement Officers were intended to perform this role. However, they often do not have the socio-cultural basis and authority, nor the necessary individual motivation, to pursue communal interests.

The problems faced by the Resettlement Program can be **summarised** as follows:

1. Problems in relation to the scale of the resettlement. The major factors which limited the scale of the resettlement were the willing-seller, willing-buyer principle and the limited availability of funding and administrative resources. The government’s politico-economic reservations and considerations also played a complementary role.
2. The RAs economic problems resulting from the social and political criteria applied in selecting resettlement candidates, inadequate support for agricultural policy and the unfavourable land tenure system.

- The Government's Response -

The government's response to the experience gained from the Resettlement Program bears the stamp of political pragmatism.

Since the early Nineties when the Structural Adjustment Programme and the associated extensive liberalisation came to an end, the scope for providing support through agricultural policy and, specifically, through marketing, pricing and credit policies has been very limited. This argument has created a defence which the government can easily fall back on if progress proves disappointing on the agricultural front. A special study to identify and consider the opportunities which do still exist despite the difficult environment could provide more detailed information on this.

As regards land tenure, there has been more discussion since the early Nineties on how to make the institutional framework and hence also the system of individual incentives more efficient. For example, it was proposed that a rolling, inheritable leasehold system be introduced, combined with a land tax or a lease rental. It was also proposed that individual private property rights be granted. To date these proposals have yet to be translated into action and this is not likely to happen until a new national land policy, currently at the discussion stage, is introduced. This is considered in section 4.2.

To demonstrate that the government is nevertheless willing to act, the Minister of Agriculture announced a new programme in June 1990, which can be termed the **second phase** of the Resettlement Program. The new **quantitative target** provides for the acquisition of 6.5m ha. of land from the LSCAs of which 6m ha. are intended for redistribution under the Resettlement Program and 500,000 ha. to expand the State agricultural sector.

Ten years after the Lancaster House Agreement the opportunity was taken to support the Program by lifting a number of restrictive measures which were said to have had an adverse effect on the rate of redistribution. As a first step the protection of property rights written into the Constitution was qualified in relation to expropriation for resettlement purposes by the **Constitution of Zimbabwe Amendment Bill No.11**. As a second step the 1992 **Land Acquisition Act**, which finally abolished the willing-seller, willing-buyer principle, was passed by the government. As a result of this legislation the State authorities responsible for expropriation were given much greater powers, which also covered the selection of large-scale farms. The compensation provisions were also changed so that the government no longer had to enter into lengthy price negotiations with vendors. Under the new legislation, the government is itself able to determine a fair price for the farm designated for compulsory purchase and the vendor may no longer appeal to the courts against this price.

Since the Act was passed it has formed the focus of intense political and legal discussion, thus acting as a surrogate for the entire Resettlement Program. To date therefore the new program has also produced little in the way of results. The discussion regarding the Land Acquisition Act and the debate which also began in 1992 about the system of land tenure within the individual agrarian subsectors will be outlined in the next section.

3. The State of the Debate on Land Reform and National Land Tenure Policy

3.1 The Current Controversy Surrounding the Resettlement Program

The new program has so far had little success since the constitutionality of the Land Acquisition Act has been under open debate for a number of years, and since the government continues to proceed very hesitantly in practice. The small amount of resettlement undertaken in the Nineties related only to land which the State had acquired before the Land Acquisition Act was passed, on the basis of the willing-seller, willing-buyer principle before 1990. Not a single land-holding designated for nationalisation and compulsorily purchased under the new Act has yet been handed over to the Department of Rural Development (DERUDE) for resettlement.

Even before the Land Acquisition Act had been passed, the seeds of the **political and legal debate** about its legality had already been sown by the very negative stance of the Commercial Farmers' Union (CFU), the group representing the interests of the large-scale white farmers. The CFU regarded the new form of compulsory purchase or nationalisation, which no longer granted any individual right of appeal to expropriated parties, as an infringement of the protection of property rights incorporated in the Constitution. In general terms the CFU is not opposed to a redistribution of land, but believes that the acquisition of land on the basis of the willing-seller, willing-buyer principle is more appropriate and more just. Where resettlement is carried out on this basis, the CFU is even prepared to cooperate with the government.

By energetic lobbying of the major donor countries and organisations the CFU used **political means** to attempt to bring about a change in government policy. One statement which should be seen in this context was Douglas Hurd's comment when he was the British Foreign Secretary, that "The land reform proposals would have rather 'deep implications' for Zimbabwe's prospects for raising foreign funding". However, the lobbying was not successful because the government, having an eye to its own electorate, continued to push through a change in the law. Thereafter the CFU tried to prevent the bill from being passed by initiating individual court actions against it. President Mugabe responded to this challenge by announcing publicly that the government would not tolerate a court ruling which rendered the proposed form of land nationalisation illegal. In the 1993/94 national budget Z\$21.2m (US\$3.3 m) was earmarked for the proposed nationalisation of 70 farms covering 190,000 ha. Mr Mugabe also criticised the governments of Canada, the United Kingdom and the USA for allegedly opposing the new land reform in the interests of the white farmers. He warned the CFU that the farms might be confiscated without any compensation if it continued to lobby.

However, hardly had the difficulties with foreign donors, and, to an extent, with the CFU, seemed to subside in early 1994, when the government was rocked by a **lease scandal** in the context of land reform. Indeed, the press treated this as a corruption scandal. The problems began when it was disclosed that Mr Magwende, the Minister of Education, who had previously, as Minister of Agriculture, been primarily

responsible for the enactment of the 1992 Land Acquisition Act, had been granted a lease over 1,200 ha. of what had formerly been “white” farmland for a minimal charge. The farm had originally been intended for the resettlement of 33 landless farmers’ families. The scandal spread when it became known that a total of 98 former “white farms”, compulsorily acquired under the Land Acquisition Act, had been leased to senior officials, often for small amounts of money.

In order to retain his political credibility President Mugabe revoked all new leases in April 1994 after Mr Kangai, his Minister of Agriculture, failed to convince the public that the land had been allocated on a proper basis using a racially-oriented line of justification. At first this political step also led to great uncertainty for large-scale and small-scale commercial farms operated on older long-term state leases, which only proved after some delay to have been unaffected by the revocation measure.

Unlike this wave of political scandals, the **legal debate** on the constitutionality of the Land Acquisition Act was to drag on for several years. There had already been intense academic and political debate since 1992, but it was not until mid-1994 that the High Court was required to rule on the issue when dealing with an action brought by three large-scale white farmers. A judgement was reached on the action in November 1994. The ruling stated that the designation and nationalisation of land under the Land Acquisition Act was constitutional and also consistent with the general interpretation of the applicable Roman Dutch Law.

The essence of the legal case was the plaintiffs’ position that even before the expropriation itself the designation of a farm for nationalisation constituted a curtailment of property rights for which the Land Acquisition Act (part IV) did not allow any entitlement to additional compensation. The Act only provides for compensation to be paid in respect of the expropriation itself. However, according to the plaintiffs this was an infringement of the constitutional guarantee of compensation associated with compulsory acquisition: the Constitution both commits the State to pay appropriate compensation and guarantees the individual’s right thereto. Many observers therefore expected this view to be confirmed by the High Court of Zimbabwe. However, the High Court did not consider the designation of farms for expropriation pursuant to Part IV of the Land Acquisition Act to be unconstitutional, or that compensation should have to be paid against the impact of that designation. According to the court the designation of a farm did not have adverse effects on the owner’s use thereof.

The High Court concluded that the implementation of the Resettlement Program was an activity in the public interest in terms of the Constitution; this was the basis from which the legitimacy and also the legality of the expropriation process under the Land Acquisition Act were derived.

Whether the government will actually make use of this increased leeway to **implement** the promised **Resettlement Program** is still unclear. The recently increasing demand from the black elite for large-scale farms reflected, for example, in the lease scandal at the beginning of 1994, is of political and economic importance. Given the involvement of these groups in government decision-making it has to be assumed that important decisions on the implementation of the Resettlement Program could be delayed or even impeded by taking account of special interests. As Mr McSporran, the President of the CFU, reported in October

1994, about 20% of the large-scale farmers are now black and more than half of the cabinet members have now joined the CFU. The economic power of the large-scale white farmers in combination with their new African colleagues could also be a major political factor.

Observers agree increasingly that the lack of political will on the one hand, and also the lack of specialist knowledge and resources on the other, will make it difficult to implement the planned second phase of the Program. In the government's 1994/95 Finance Bill only Z\$26m (US\$3.11m) was set aside for land acquisition. This is only 1% of the amount which would have been required for the proposed resettlement of 5m ha., even if the government were only to pay one third of the market price in compensation.

Meanwhile experts and political observers believe that the political rhetoric surrounding the Resettlement Program, which has also adversely affected the investment perspectives of individual farmers, will come to an end following the forthcoming elections in the first half of 1995. This belief is supported by the Public Service Commission's proposals to wind up the Department of Rural Development which is responsible for implementing the Program. The merger of DERUDE with the District Development Fund (DDF) and other departments which was briefly discussed by the government was rejected by the President's Office in September 1994. Owing to a requirement to cut staff costs DERUDE is also believed to have lost its most able members of staff. Only a few experts now believe that DERUDE will continue to exist long-term after the elections. The department's few remaining activities will probably concentrate on resettlement on land which has already been nationalised.

Nevertheless, this forecast trend is contrary to the strategy of the farmers' representative group in the SSCAs and the CAs, the **Zimbabwe Farmers' Union (ZFU)**, whose political importance has grown substantially over the last few years, not least because of its charismatic president Mr Makazire. In its policy document the ZFU calls for the Resettlement Program to be implemented as planned and also makes detailed proposals to improve the net economic performance of the Resettlement Areas (cf. extract from the policy paper in Appendix 3.1). However, the ZFU is not out to become the champion of marginalised groups, but is pinning its hopes in particular on the productive resources of the medium-scale farmers. Following the merger agreed in 1991 between the Zimbabwe National Farmers' Union (ZNFU), the association representing the SSCAs farmers, and the National Farmers' Association of Zimbabwe (NFAZ), the association of the CAs farmers, ZNFU officials came to occupy many of the key positions within the ZFU as exemplified by Mr Makazire's appointment to the presidency. If the ZFU were, unexpectedly, to be successful in reviving resettlement policy in Zimbabwe thanks to its strong commitment, this reform would certainly have no direct beneficial effects on the groups which are marginalised and socially deprived. At best, they would only benefit from secondary effects.

The further development of the Resettlement Program in Zimbabwe and the disappointing results to date are particularly important for efforts to implement land reform in **Namibia** which has a similar system of land tenure. Here, over four years after Independence, the land reform promised by the government has yet to

materialise. About 4,500 white farmers continue to own more than three quarters of the farmable land. The black population accounts for about 95% of Namibia's 1.5 million inhabitants, but has only about one quarter of the land. However, the government has not so far acted very consistently on land reform. The Swapo government had allocated US\$5,700 per family for the promised land and settlement reform, but so far only US\$28.5m have been made available. Farms which are owned by foreigners are generally excluded from the redistribution so as not to deter foreign investment. Mr Kabanji, the minister responsible for land matters, does believe that land was taken unlawfully from the black Africans in the colonial period, but also that two wrongs do not make a right.

In line with the position in Zimbabwe in the Eighties, the resettlement programme in Namibia now appears to be trailing behind its schedule, which may make economic sense in terms of investment and production, yet which harbours the risk of major socio-political conflict. Even now, discontent about this delay is clearly on the increase in the expanding city slums. In Zimbabwe President Mugabe, who enjoys a high level of confidence among the Zimbabwean people, has so far always been able to defuse potential conflict. In Namibia, on the other hand, the situation is quite different and government representatives have already warned that emotions are running high. The subject of land reform is so sensitive that it might lead to a new civil war. Even Minister Kabanji said recently, "This country could still rapidly revert to the position it was in before the ending of hostilities in 1989".

With regard to reform efforts in Zimbabwe and Namibia, it would be helpful to review systematically the experience gained and lessons to be learned from the Zimbabwean Resettlement Program, concentrating especially on aspects of political implementation. As this brief analysis of the Resettlement Program has shown, the influence of particularised interests has so far been a heavily neglected aspect in the implementation planning of reform measures. They essentially determine the course, speed and direction of a reform process. A more precise **analysis of the interest groups**, of their objectives in exercising political influence and the means by which they do so, and of the interaction between various groups within the reform process, should be carried out. Such a study could be used, on the one hand, to draw important conclusions about future strategy for the implementation of land reform in Namibia and Zimbabwe and, on the other hand, to provide valuable information for the GTZ sector project. The aim of the sector project is to develop and describe, within an orientational framework, instruments and methods which improve the consideration given to land tenure issues in relevant development cooperation projects. Both this analysis and the practical use of the instruments will require a basic understanding of the rationality, activities and responses of the groups involved.

In addition to providing this analysis, the study should also aim to develop methods and instruments to ensure that the activities of the interest groups involved are taken into account in a better and more appropriate way by state implementation planning. At the same time it is important not only to develop a set of reactive instruments, but also, if possible, a pro-active concept of conflict management. For example, the study could examine whether it might be beneficial to redirect conflict by involving various groups at an early stage in the state planning process. By appointing representatives of various groups to the Land Tenure Commission, the Zimbabwean

government has already started to go down this road in its endeavours to draw up a new national land policy.

3.2 The Stage Reached by Discussions of a New National Land Policy

The Zimbabwean government came to realise in 1990 that there was a major national land-tenure problem, affecting every subsector and unrelated to land distribution. The land-tenure problems in the CAs, SSCAs and the RAs described above were therefore recognised. In addition it was admitted that a policy aimed solely at redistribution or nationalisation, as pursued under the Resettlement Program, is not an adequate means of ensuring that land use is efficient and socially balanced. From the point of view of what was still formally a socialist government this was a remarkable admission. In line with the international discussions in the academic and development-policy fields, the importance of **rights of disposition being granted on an individual basis** was recognised and emphasised.

Accordingly in June 1990 the government decided to establish a **Land Tenure Commission** which was to create the basis for an active national land policy. In 1992 the terms of reference for the Commission were submitted and adopted. Finally, in November 1993 twelve experts were appointed to the Land Tenure Commission under the chairmanship of Professor Rukuni. In addition to representatives of commercial farmers, the members of the Commission included several Members of Parliament, as well as the president of the ZFU, Mr Makazire. The president of the ZFU has the important role of representing the interests of smallholders in the SSCAs, CAs and the RAs.

According to the terms of reference the role of the Commission is to analyse the existing systems of land tenure together with associated problems and development trends. In addition the Commission was asked to draw up **recommendations for an alternative land policy** and proposals as to how it can be operationalised in institutional and legal terms (cf. Terms of Reference in Appendix 3.2). Initially it was intended that the Land Tenure Commission would submit its report in August 1994, but its publication has been delayed on numerous occasions. In December the Commission finally presented an overview of the concept and of its preliminary conclusions to the government. However, none of the report's substance has yet filtered out to the outside world. If, in spite of speculation to the contrary, the report is indeed eventually published, for political reasons that will undoubtedly not take place until after the elections. Observers are eager to see the report, not so much for its analysis of the problem, but for its recommendations on future political action and the medium to long-term objectives.

Unlike the government, the principal agricultural interest groups have already expressed their views or submitted policy documents on the subject of land-tenure reform. The CFU's proposals are not very convincing for it of course believes that individual freeholds would be the most appropriate form of land tenure in the LSCAs, in accordance with the interests of its own members. At the same time it does not have any separate proposals to offer for the smallholders, whom it does not represent.

The **ZFU** on the other hand presented a detailed **policy document** on national land-tenure policy in February 1994. Taking account of the particular problems of the individual subsectors the ZFU comes to the conclusion that the existing systems of land tenure in the CAs and the RAs do not ensure that development will either be ecologically, socially or economically sustainable. The basic position of the ZFU on this question is that only a system of tenure based upon secure individual property rights will ensure that individuals have a sufficiently long-term perspective for their land use. It believes that such a long-term perspective, in turn, is a fundamental prerequisite for individuals to undertake investment in a way which is economically, ecologically and socially appropriate and that it is therefore a crucial element in the implementation of sustainable agricultural development. All in all, their basic ideology is heavily influenced by neoclassical concepts of the theory of property rights. The arguments according to which individualisation clarifies accountability for resource utilisation and enables arable land to be mortgaged for financing purposes also come under this heading.

In contrast to its basic ideology, the ZFU's policy recommendations are more pragmatic. The ZFU is aware that the desired transition can only be achieved in the long term, but it pleads for its initiation in a focused way.

In essence a policy of selective individualisation and "titling" of arable land, concentrated on the most productive farmers, is recommended for the CAs. The farmers would have to share the cost of "titling" by paying fees. The ZFU believes that the system of common use should be continued for pasture land. It proposes that local Farmers' Committees or Land Boards, composed of VIDCO chairmen and councillors to represent the formal local administration, and kraal heads and chiefs to represent the traditional informal community, should be responsible for administering grazing rights and for monitoring compliance with land-use rules. In order to achieve a more equal and fairer distribution of land the ZFU proposes that land should be reallocated within the CAs. In addition, in order to ensure that the reallocation achieves the required distribution, the principle of imposing sanctions against disposals by the Land Boards should be considered. However, in general land sales should be formally allowed under the proposed system. The ZFU has not indicated what form the sanctions would take. Taxation, e.g. on the basis of a progressive local purchase or sales tax related to the size of the plot, would certainly be one option.

The same system of land tenure ought to be introduced in the **RAs**, thereby replacing the unsuitable permit system, according to the ZFU's proposals. The ZFU proposes that a lease system, incorporating a purchase option in respect of residential and arable land, should operate for a transitional period. Evidence that the farmer has practised sustainable agriculture could be required before the purchase option could be exercised. Individual rights of disposition in respect of pasture should, say the proposals, be granted where permitted by conditions in the region. The ZFU proposes that this package of amendments should be incorporated immediately in plans for forthcoming resettlements.

On the basis of experience gained in the SSCAs the ZFU also highlights important **complementary requirements** in addition to the system of land tenure as such, which it believes should be met if the objective of deriving as widespread a positive

impact as possible from the reform is to be achieved. It points out the importance of an appropriate agricultural policy (pricing, marketing and credit policy), promotion of the institutional and administrative decentralisation of land tenure and land-use planning, and the government's responsibility for creating a clear and efficient system of inheritance.

It remains to be seen to what extent the ZFU proposals will be incorporated in the Land Commission's recommendations. However, whatever those recommendations, experts and observers expect only **minor changes to be made to what has been a rather passive national land policy to date**. Nobody would therefore be surprised if the report were to remain unpublished.

The international donor community has not so far provided any direct support for the concept of an active land policy. The Zimbabweans are currently trying to resolve what is an internal political issue themselves and have not, as far as we are aware, sought assistance from any donor organisation. Certain donors are only involved indirectly in their capacity as advisers to ministries. However, because of the extremely sensitive political nature of the issue, even advisers to the Ministry of Agriculture, such as Dr. Walker on behalf of GTZ, have only had limited access to channels of information and influence on key organisational levels as regards future land policy, e.g. the Land Commission. A means of exercising influence which is probably growing in importance and which, from the point of view of **German development cooperation**, is already being used by the FES, is to advise and cooperate with the ZFU. By involving the ZFU's chief economist the FES currently has direct contact with the organisation's senior officers. However, as the largest and most important NGO in Zimbabwe, the ZFU is very much in demand among other donor organisations as a point of contact, which does not make for easy cooperation.

If the GTZ intends to become more involved in Zimbabwean land policy in the future we would recommend that it undertakes two **further studies**.

Firstly an analysis of the expected impacts of implementing the ZFU's proposals would be useful. This would enable information to be obtained about the advantages and disadvantages of the proposals and therefore about whether they should be promoted. The same study should of course also identify potential levels and starting-points for any such promotion.

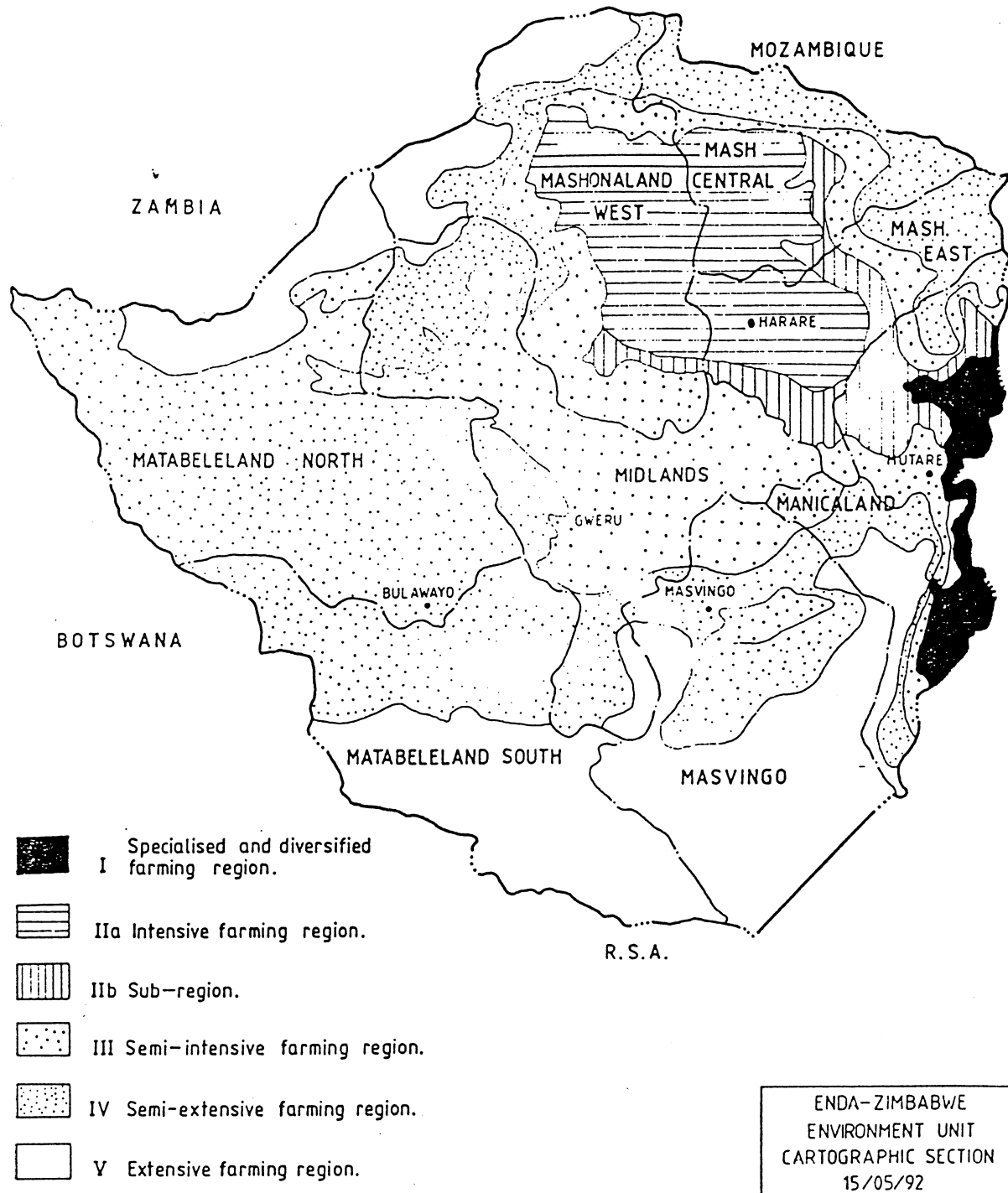
Following on from the recommended special study on the Resettlement Program, we would advocate a second study to concentrate on opportunities for the political implementation of land tenure transition, that is, a study of the political economy of transition policies in the broader sense. Both studies would also be of great value as examples for other countries in Southern Africa, such as Namibia and South Africa. However, priority should be given to the second study because of its importance in relation to all reform and transition initiatives. This subject has not yet been studied in great depth, even in the context of the international academic, development-policy discussion on land tenure and transition processes.

Appendices

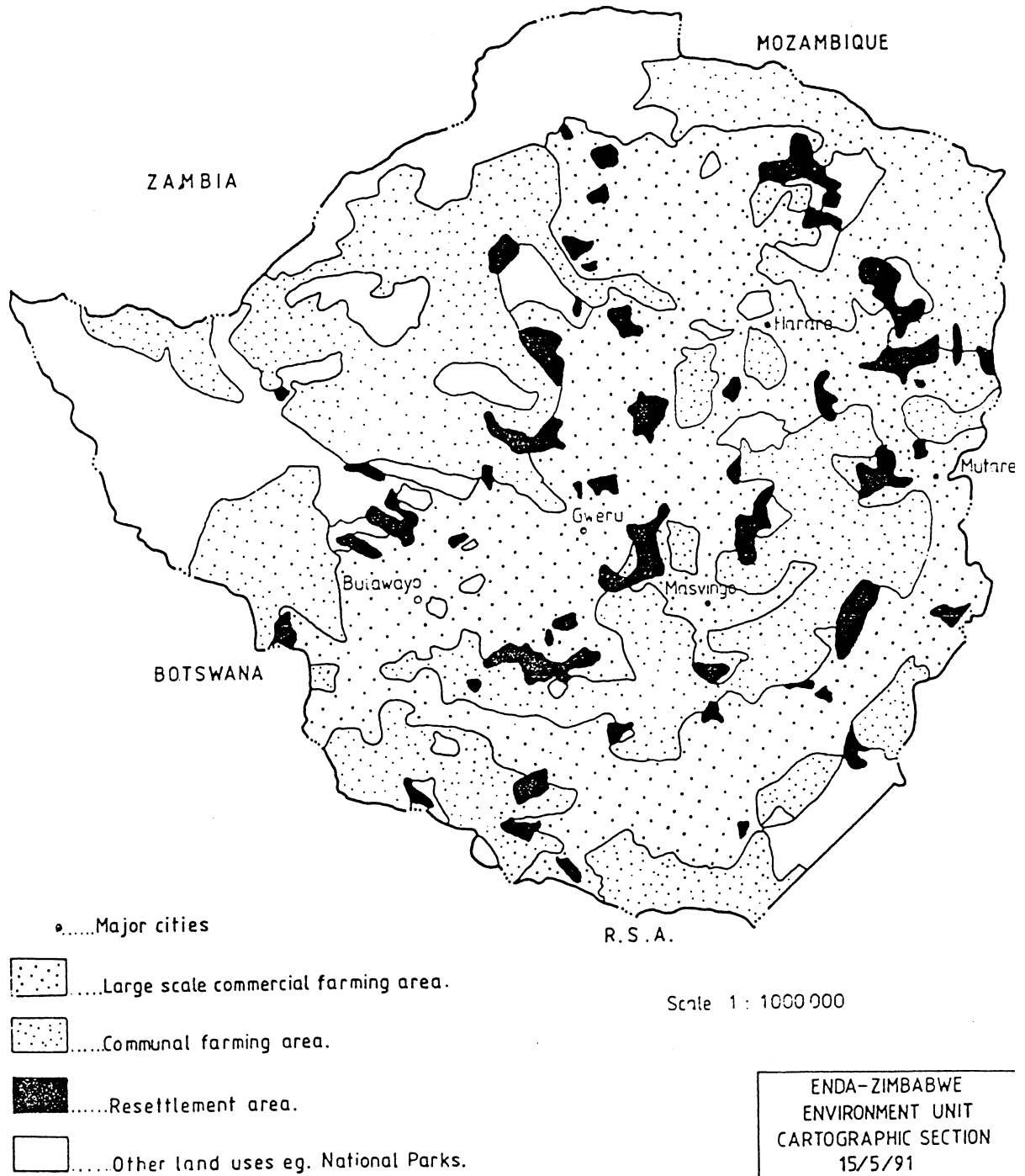
Appendix 1.1: Agroökologische Regionen in Zimbabwe

Naturregion	Farmregion	Anteil an Gesamtfläche (%)	Merkmale
I	spezialisiert	1,8	östliches Hochland, kühl aber fehlende Fröste, effektive jährliche Niederschläge über 1000 Millimeter, geeignet für Obst, Gemüse, Tee, Kaffee, Milchviehhaltung, Forstwirtschaft
II	intensiv	15,0	nordöstliche Plateaulage, jährliche Niederschläge zwischen 750 und 1000 Millimeter, Anbau von Mais, Tabak, Baumwolle, Weizen, Gemüse
III	semi-intensiv	18,7	zentral gelegen, geringere Höhenlage, durchschnittliche jährliche Niederschläge zwischen 650 und 800 Millimetern, stärkere Trockenperioden, geeignet für dürreresistente Baumwolle und Getreidearten, Sojabohnen, Sonnenblumen
IV	semi-extensiv	37,8	weiter abfallende Höhenlage, vorwiegend westlicher Teil des Landes, geringe durchschnittliche Niederschlagsmenge von 500 bis 650 Millimetern, starke Trockenperioden, geeignet nur für halbextensive Viehhaltung
V	extensiv	26,7	Lowveld, sehr heiß, geringe und äußerst unbeständige Niederschläge unter 500 Millimetern, geeignet für extensive Viehhaltung

Appendix 1.2: Agro-Ecological Regions



Appendix 1.3: Distribution of Major Agricultural Land Use Categories



Appendix 1.4: Landklassifikation nach Sektoren und agroökologischen Regionen, 1980

Region	Sektor (1000 Hektar und Prozent)											
	CA		LSCFA		SSCFA		Wald		Nationalparks etc.		Gesamt	
	Hektar	%	Hektar	%	Hektar	%	Hektar	%	Hektar	%	Hektar	%
I	140	1	430	3	10	1	70	8	50	1	700	2
II	1270	8	4330	28	250	18	-	-	10	0	5860	15
III	2820	17	3240	21	540	38	140	15	550	12	7290	18
IV	7340	45	4020	25	520	36	640	69	2250	48	14780	38
V	4780	29	3650	23	100	7	70	8	1840	39	10440	27
Gesamt	16350	100	15680	100	1420	100	920	100	4700	100	39070	100
Anteil der Gesamtfläche	41,8 %		40,1 %		3,6 %		2,4 %		12,0 %			

Quelle: CSO (1989a), S. 171.

Appendix 2.1: Land Acquired for Resettlement

Year	Land Purchase (HA)	Cost (\$)	\$/ HA	Constant 1980 \$
1979 / 80	162,555	3,104,380	19	19
1980 / 81	326,972	3,616,172	11	11
1981 / 82	819,155	15,414,248	19	16
1982 / 83	807,573	21,414,248	27	21
1983 / 84	173,848	4,596,078	26	18
1984 / 85	74,848	3,062,930	41	25
1985 / 86	86,187	3,444,610	40	22
1986 / 87	133,515	389,335	3	1
1987 / 88	80,554	2,889,328	36	16
1988 / 89	78,097	7,431,575	95	36
Total:	2,743,304	65,362,904	24	17

Appendix 2.2: Anzahl und Umfang der Kreditvergabe durch die AFC nach Sektoren, 1979 bis 1991

Jahr (April bis März)	LSCFA		SSCFA		RA		CA		Gesamt	
	Anzahl	Mio. Z\$	Anzahl	Mio. Z\$	Anzahl	Mio. Z\$	Anzahl	Mio. Z\$	Anzahl	Mio. Z\$
1979 / 80	2233	75,6	4348	1,7	-	-	-	-	6581	77,3
1980 / 81	2526	86,9	3333	3,7	-	-	18000	4,2	23859	94,8
1981 / 82	2103	88,8	3649	4,6	911	0,5	30150	10,1	36813	104,0
1982 / 83	1645	88,7	2953	4,5	4154	1,5	38912	13,2	47664	107,9
1983 / 84	1400	110,2	3052	8,1	19874	10,6	50036	23,4	74362	152,3
1984 / 85	1484	110,3	2744	8,7	19926	10,7	65793	32,0	89947	161,7
1985 / 86	1308	113,0	2569	11,5	13866	8,5	77526	38,9	95269	171,9
1986 / 87	1007	94,9	1910	9,6	11800	8,6	77384	60,0	92101	173,1
1987 / 88	990	111,2	1542	6,8	11217	9,0	69885	49,4	83634	176,4
1988 / 89	900	117,4	1140	5,3	7022	5,9	57679	41,3	66741	169,9
1989 / 90	969	136,3	844	4,5	5193	5,9	43846	33,4	50852	180,1
1990 / 91	1133	195,1	761	3,6	4658	4,7	30190	26,4	36742	229,8

Quelle: AFC 1990, S.11 und AFC 1991b, S. 14

Appendix 3.1

15. Land Reform

Background:

The Acquisition of land by Government for resettlement by smallholder farmers has been one of the major post independence agricultural development achievements in the smallholder farm sector. However, an examination of the production and economic performance of resettled farmers have not fully exploited the production potential their new farm properties. The poor performance can be attributed to the poor agroecological areas used, poor settler selection and inadequate financial and infrastructural support for settlers.

Policy View Points:

- I. The Land Acquisition ACT, enacted in 1990 is the only meaningful way in which Government can acquire land for resettlement. The ZFU is fully supportive of this legislation.
- II. It must therefore be realised that nor everybody can derive livelihood out of land and other means of accomodating excess population and those displaced from urban centers should be found.
- III. The state should not compete for farming land with farmers. The current state farming activities through the Agricultural Development Authorities (ADA) and the Cold Storage Commission (CSC) are undesirable. State farming activities should be undertaken as part of a rural development programme. The Agricultural and Rural Development Authority (ARDA) can play a key role in this regard in utilising its estates in promoting and developing out grower settlement schemes in which the authority provides services before the growers can stand on their own. ARDA should undertake at least one such scheme in each District.
- IV. Prime land should be included in land acquired for resettlement. The Resettlement Programme should only provide land to those people who have demonstrated that they can use land productively or those who have the potential (through formal training) to do so.
- V. The State should insure the basic infrastructure in the form of water, roads and schools is put in place before settlers move in.
- VI. In order to succeed settlers would also require supportive financial packages to acquire the necessary inputs and capital items.
- VII. Land units should be planned according to Agro-ecological zones. A minimum type of enterprise mix should be worked out for each resettlement scheme and settlers must be made aware of the recommended enterprises before they move in. Once they move in they must adhere to this mix or only change for more profitable

enterprises. The success story of sugar (e.g. Mkwesine), coffee and tobacco settlement schemes offer great hope for small holders to be resettled on commodity specific settlement schemes where they can specialise in high value crops.

- VIII. ZFU believes that the only type of resettlement that can succeed is that which is based on individual allocations on leasehold or freehold systems to ensure an accountability to resource utilisation.
- IX. Resettled farmers need management support so that they can husband the land in a manner that achieves high level of sustainable production. Towards this end each scheme must have a competent extension manager who will provide the necessary managerial support to settlers. The settlers would eventually contribute towards the financing of such a manager.
- X. The ZFU supports leasing of land as the only way that can enable those who would like to enter commercial agriculture to be able to do so. This system is justified given the need to extend and widen the production base as part of the indigenisation of commercial agriculture and the high cost of acquiring land which is beyond the reach of most people.

Appendix 3.2: Terms of Reference

The specific Terms of Reference of the Commission are as follows:

- I. to consider the appropriateness or otherwise of each of the land tenure systems, i.e., communal, resettlement permit, leasehold and freehold title in relation to sustainable resource management, farm productivity and investment;
- II. to consider experiences from the existing land tenure systems as well as from the experiences of other countries, and recommend the most suitable land tenure system that is feasible for each farming sector;
- III. to examine the present inheritance system in each of the subsectors of agriculture and on the basis of the proposed system of land tenure, recommend appropriate inheritance procedures to be followed;
- IV. to assess the extent of the problems of sub-division of plots into uneconomic units and the ownership of different parcels of land in Communal Areas, determine what impact this has on agricultural production and recommend appropriate measures to alleviate the problem;
- V. In relation to the exercise of the Replanning and Re-organisation of Communal Areas to recommend appropriate farm sizes per household according to the recommended farming system for agro-ecological regions;
- VI. to consider what land rights, if any, people in full-time employment in industrial, mining and urban areas should have in communal areas.
- VII. to recommend appropriate institutional arrangements for the administration of each of the proposed land tenure systems for each of the farming sectors taking into account existing legislative arrangements and
- VIII. to consider the need or otherwise of new legislative measures to bring the recommended land tenure systems into effect.

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