

UNITED NATIONS DEVELOPMENT PROGRAMME

ZIMBABWE

**LAND REFORM AND RESETTLEMENT:
ASSESSMENT AND SUGGESTED FRAMEWORK FOR THE FUTURE**

Interim Mission Report

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OUTLINE

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ZIMBABWE

LAND REFORM AND RESETTLEMENT

PART ONE

ASSESSMENT OF THE CURRENT LAND REFORM AND RESETTLEMENT PROGRAMME

I. INTRODUCTION

This report is an Interim Assessment by the United Nations Development Programme-led mission to assess progress of land reform in Zimbabwe requested by both the Government of Zimbabwe and a Committee of Commonwealth Foreign Ministers in Abuja, Nigeria, on September 6, 2001.

The Abuja signatories agreed that progress on land reform would depend on the implementation of all pillars of the Abuja agreement. As regards the current land reform programme they agreed on the following: (a) no further farm occupation; (b) the speeding up of the process by which farms that do not meet the set criteria are delisted; (c) the moving of occupiers from undesignated farms to legally acquired lands; (d) the restoration of the rule of law on the land reform programme; (e) the acceleration of discussions with UNDP, with a view to reaching agreement as quickly as possible; (f) Zimbabwe's international partners continuing to contribute to poverty-reduction programmes; and (g) the commitment of the United Kingdom to a financial contribution to an agreed land-reform programme and its undertaking to encourage other international donors to do the same.

Within that overall context UNDP was asked to explore the prospect of putting in place a comprehensive, internationally-supported land reform programme along the lines proposed in the letter sent by Mark Malloch Brown, UNDP Administrator, to President Mugabe on December 15, 2000.

The UNDP mission to Zimbabwe led by Mr. Abdoulie Janneh, Assistant Secretary-General and Director for the Regional Bureau for Africa, took place from 13 November to 5 December 2001 and benefited from support by the World Bank, Commonwealth Secretariat and the European Commission. The mission's stated objectives were to: (a) make an assessment of the status of the land-reform and resettlement programme and (b) suggest a programmatic framework for future implementation of the programme that could involve international partners.

The mission held broad consultations with the full range of stakeholders including government officials, technical experts, commercial farmers, war veterans, small-scale farmers, inhabitants of congested districts, civil society organizations, members of the political opposition and donors. With the support and cooperation of the Government of Zimbabwe it was also able to make several field visits. However due to time and other constraints the mission was not able to make as detailed and wide-ranging an assessment of the situation in the rural areas as it feels is necessary to offer a comprehensive proposal.

Since the mission's departure from Zimbabwe, the situation on the ground has already shifted very rapidly. In particular the Government has sharply accelerated its land reform programme, not only making much of the information on which the mission was intending to base its conclusions and recommendations outdated but also creating greater uncertainty about how the agreements which were the basis of this should be interpreted. The Government has also announced a date for Presidential Elections, with differing versions of land reform representing a central plank of the political campaign for both main political parties.

Given these circumstances, particularly the election campaign, while the mission had initially hoped to be able to publish a comprehensive report outlining the status and progress of existing land reform efforts as well as make concrete recommendations on what modifications could be made to make the overall programme more effective and draw in international support as set out in the Abuja Agreement, it does not feel this is the appropriate moment to secure a consensus around these proposals.

The mission accordingly recommends that a follow up technical mission be dispatched to Zimbabwe immediately after the election for a more extended visit at a time when there will be more clarity on the Government of Zimbabwe's own policies and objectives on land reform.

In the interim, to help inform decisions by the Abuja signatories and other concerned stakeholders on how to proceed, the mission is issuing this partial report. While some of the conclusions will help the Abuja signatories to ascertain progress in other aspects of that agreement, it should be stressed that this document, in accordance with the mission's mandate, seeks only to present preliminary findings and lay out the broad parameters of a sustainable, internationally-supported land reform programme. As such it is intended primarily to provide a platform for further discussion between Commonwealth states and the Government of Zimbabwe and to help them provide further guidance to UNDP and its partners on how to proceed to meet the shared objectives of all stakeholders.

II. CONTEXT OF THE CURRENT LAND-REFORM PROGRAMME

A. Social and Political Imperatives

At independence (1980), Zimbabwe inherited a racially skewed system of ownership of agricultural land. Under this system, the large-scale commercial farmers, consisting of less than one per cent of the population, occupied 45 per cent of the agricultural land. Another 6.3 million hectares were mainly public lands reserved for national parks and urban settlements. More than half of the large-scale commercial farms were in the areas of the country with high rainfall, where the potential for agricultural production was high. 35 percent of the large-scale commercial farming land was either unutilized or underutilized. Indigenous populations were translocated to marginal lands in the predominantly low-potential agricultural zones. The independence war was mainly fought for majority rule and the land issue, and the rural people were the main force behind the war, because of their strong historical attachment to the land. Access to land plays a crucial role in the survival strategies of the impoverished majority.

The successful struggle to attain majority rule and nationhood did not lessen the conflict over who was to control the country's land and natural resources. The decades-old tension between settlers and the indigenous population dominated the political dynamics of independent Zimbabwe, which took the form of balancing two contradictory elements: the need to protect the economic structure dominated by the minority and the establishment and consolidation of political control to govern the country effectively. At that time (1980), the large-scale commercial farmers owned 15.5 million hectares while 8,500 small-scale commercial farmers, who were indigenous Zimbabweans, owned 1.4 million hectares or five per cent of the agricultural land. Furthermore, the majority of the indigenous population subsisted on 16.4 million hectares of leased and congested communal lands that represent less than 50 per cent of the total agricultural land.²

Most communities in rural Zimbabwe depend primarily on land resources for their livelihoods. Given the rapidly rising population growth rates (until recently above 3 per cent per annum) and the decreasing opportunities for non-farm employment over the years, many rural dwellers were thrown into increasing poverty as a result of inadequate and poor-quality land for subsistence farming and unemployment. The imbalances and inequities implied by the above scenario have been the motivation for the Government's determination to correct the past injustices caused by dispossessing the indigenous people

¹ Zimbabwe's agricultural land (about 32.2 million hectares) is divided into five natural ecological zones (natural regions). Natural regions I, II and III (covering about 12.6 million hectares) are characterized by high rainfall, lush vegetation and rich soil, properties that are most suitable for agricultural production. On the other hand, natural regions IV and V (covering about 19.6 million hectares) have low rainfall, scant vegetation and soil properties of low inherent fertility.

of the land. The Government began this process by initiating modest efforts at land redistribution in the first 10 years following independence. During this period, the Government purchased close to 3 million hectares on which it resettled over 60,000 families. During the late 1980s, it also tried to open up large-scale commercial farming land to a very small but growing indigenous elite. For instance, over 400 indigenous persons were given loans through the Agricultural Finance Corporation to acquire large-

III ASSESSMENT OF THE LAND-REFORM PROCESS

A. Assessment of Policies and Programmes

1. Mandate

The mission's TOR required an examination of the current status of Zimbabwe's land reform and an assessment of the extent to which it is sustainable as a social, economic and political process. The mission understood this to entail an evaluation of the policy and programme aspects of the process and any other initiatives complementary to the efforts of the Government of Zimbabwe.

2. Policy objectives

A brief history of the Government's land reform programme is found in *Land Reform and Resettlement Programme – Revised Phase II*, released in April 2001, and in *People First-Zimbabwe's Land Reform Programme*, published in June 2001.² Three government programmes and one joint government/large-scale commercial white farmer programme have been implemented since 1980.³ The first programme, characterized as the Land-Reform and Resettlement Programme - Phase 1, spanned the period from 1980 to 1997. Phase II of the Programme was begun in 1997/1998, with an inception phase during 1998/1999. This was overtaken by the Fast Track programme, which started in June 2000. The overall objectives and characteristics of these programmes are summarized briefly below, while detailed features are described in Annex 5.

The objectives of land-reform and resettlement programmes have evolved considerably since independence in 1980. Following an agreement with the Government of the United Kingdom, land reform in the 1980s focused on settling people selected by the central government on land sold willingly by large-scale farmers, purchased willingly by the

² *People First – Zimbabwe's Land Reform Programme*, Ministry of Lands, Agriculture and Rural Settlement in conjunction with the Department of Information and Publicity, Office of the President and Cabinet, June 2001. See also *Inventory of Resettlement Schemes in Zimbabwe*, prepared by the Southern Africa Regional Institute for Policy Studies, Harare, draft, March 2001.

³ There have been a number of smaller initiatives entailing collaboration between landowners and the Government of Zimbabwe. A few large business corporations have submitted small amounts of land for phases I and II of the Land-Reform and Resettlement Programme. One such example is the Karoi Initiative, which aimed to resettle 1,300 to 1,500 low-income rural households on 20,000 ha in the Karoi and Marondera areas using community-based resettlement approaches based on market-assisted, negotiated transfers of commercial farm land to low-income rural households, assisted by the Karoi Trust.

Government of Zimbabwe, and financed with funds from both Governments.⁴ At the expiry of that agreement in 1990, a draft National Land Policy was prepared that specified the target for land redistribution for the main land-use categories in Zimbabwe, as shown in table 1. In 1992, the Government also passed the Land Acquisition Act, which enabled the Government of Zimbabwe to facilitate land delivery for subsequent reform phases through compulsory acquisition.

Table 1. Original and Target Allocations of Land among Major Use Categories

Use Categories	Area (million hectares)	
	Actual at 1980	National land policy target
Large-scale commercial farms	15.5	6.0
Small-scale commercial farms	1.4	1.4
Communal farms	16.4	16.4
Resettlement farms	-	8.3
National parks and urban areas	6.0	6.0
State lands	0.3	1.5
Total	39.6	39.6

Source: Ministry of Lands, Agriculture and Rural Settlement, 2001.

Approximately 10 years later in June 2001, the Government restated these objectives more clearly,⁵ namely, to:

- acquire not less than 8.3 million hectares from the large-scale commercial farming sector;
- reduce the population pressure in communal areas;
- reduce the extent and intensity of rural poverty among rural families and farm workers by providing them with adequate land for agricultural use;
- increase the contribution of the agricultural sector to GDP and to export earnings;
- promote environmentally sustainable use of land through agriculture and eco-tourism;
- develop and integrate small-scale farmers into the mainstream of commercial agriculture;
- create conditions for sustainable economic, political and social stability.

The Government has sought to implement these objectives in several initiatives.

3. Land-Reform and Resettlement Programme - Phase I (1980-1997)

Phase I of the land-reform programme was planned to redistribute 8.3 million hectares through four farm-settlement models of varying sizes and land use. By 1997, only 3.5 million hectares had been either purchased or acquired and 71,000 families from communal areas had been settled, compared with a target of 162,000.⁶ Some larger farms

⁴ The Government of the United Kingdom contributed about £30 million sterling during the 1980s.

⁵ *People First – Zimbabwe’s Land Reform Programme*, Ministry of Lands, Agriculture and Rural Settlement in conjunction with the Department of Information and Publicity, Office of the President and Cabinet, June 2001, p. 2.

had been allocated to a small number of individuals selected by the Government. Settlers on the small farms had been provided with start-up tillage services and inputs for half a hectare of crops for each family. Infrastructure development included boreholes, schools, clinics, staff houses, cattle dip tanks, toilets and roads. These were relatively small but by no means insignificant achievements, even if the process was constrained by the stringent rules of the Lancaster House Agreement. The progress made was in large part due to the post liberation energy and enthusiasm of the Government in the context of urgently needed reconstruction, but also because the United Kingdom Government GBP 33 million over the decade to cover the acquisition and a portion of the resettlement costs.

The results of Phase I have been studied by the Government and others. Some conclusions are summarized in the draft Policy Framework and Project Document for Phase II (1998) of the Land-Reform and Resettlement Programme that was tabled at the Donor Conference in September 1998. That document notes that there were some substantial problems with the earlier settlements. For example, the willing seller-willing buyer approach meant that, inevitably, settlements were scattered. It was therefore difficult to generate economies of scale in the development of both settlement areas and infrastructure. As a result, access roads to farmers' fields were often inadequate; only about 10 per cent of planned roads within the scheme were constructed. Also, while 86 per cent of schools were built, they were often not within walking distance for young children. In addition, only 34 per cent of the planned blair toilets were constructed. The land purchase and acquisition processes were cumbersome and expensive, and there was a lack of transparency in the choice of settlers.⁷ Despite the problems with the earlier settlements, it has been estimated that settlers, many of whom produced high-value crops such as tobacco, cotton and paprika as well as maize, in combination with livestock, earned higher incomes per family than in their previous occupations (often also farming) in communal areas. On the other hand, because family size often increased over time, per capita incomes did not always increase.⁸

The system of land tenure in resettlement areas during Phase I of the Land-Reform and Resettlement Programme was based on the Government of Zimbabwe providing settlers with written permits to reside and use the land on which they settled in a setting overseen by resettlement officers rather than by established local authorities. However, "most settlers feel that the permit system is insecure" because in theory, the permits could be withdrawn without adequate reason or protection of settlers by local institutions. This motivated Phase II to shift the land-tenure policy towards providing 99-year leases.

4. Land-Reform and Resettlement Programme - Phase II (September 1998-December 2004)

⁶ The meanings of "acquisition" and "settled" are discussed in section III B in Part One. The breakdown the land acquired during Phase I shows that 2.937million hectares (83.9 percent) was from the large-scale commercial farming sector, 0.552 million hectares (15.8 percent) from former state lands, and 0.010 million hectares (0.3 percent) from donations and derelict land. See Southern African regional Institute for Policy Studies, *Inventory of Resettlement Schemes in Zimbabwe*, draft report, March 2001, page 13

⁷ Government of Zimbabwe, *Land Reform and Resettlement Programme II: A Policy Framework and Project Document(draft)*, June 1998.

⁸ Bill Kinsey, personal communication, November 2001

In June 1998, the Government prepared the Land-Reform and Resettlement Programme - Phase II, in which it outlined a programme aimed at acquiring 5 million hectares and settling 91,000 families.⁹ The beneficiaries were to include the landless poor and overcrowded families and youths as well as graduates from agricultural colleges and others with experience in agriculture, who were to be selected in a gender-sensitive manner. Phase II was expected to bring the total redistributed area to about 8.5 million hectares. The basic objectives included reducing poverty, increasing agricultural GDP by increasing the number of commercialized small-scale farmers, promoting environmentally sustainable land use, and enhancing conditions for sustainable peace and social stability.

The Phase II programme was prepared in advance of a Government-organized Donor Conference on Land Reform that heralded the Government's interest in entering into a dialogue with donors on land reform. The Conference ended with an agreement on principles for effective land reform and an agreement to begin with a two-year funded inception phase.¹⁰ The Government prepared the Inception-Phase Framework Plan that included a 24-month action plan covering one million hectares to benefit “as many beneficiaries as possible” using two approaches: improving the methods of land redistribution of the Government of Zimbabwe and initiatives by non-State actors, on an experimental basis. However, donors were not prepared to finance the Inception Phase and the only tangible result that emerged from the Donor Conference was a World Bank-assisted pilot project (\$5 million) aimed at testing the feasibility of two possible models for land reform that were designed to be an integral part of the Inception Phase.¹¹ Only 4,697 families were settled under Phase II amounting to an area of 145,000 hectares.

5. Fast Track Resettlement Phase (July 2000-December 2001)

Following the failure of a substantive follow-up to the Donor Conference and two years of relatively little activity, the Government resolved to implement Phase II at an accelerated pace, code named “Fast Track”. The objective was to accelerate the process of land acquisition of 5 million hectares planned for Phase II, completing it by December 2001. The objectives of the Fast Track programme were the same as those of Phase II. However, the targets of the programme in terms of land redistributed and beneficiaries shifted upwards to 9 million hectares to cover 160,000 (A1 land-reform model)

⁹ An additional area of resettlement of 5 million hectares was, on the basis of independent research, regarded as an area that would not prejudice the strategic role of the large-scale commercial farming sector in national agricultural production.

¹⁰ The principles, as listed in the Inception-Phase Framework Plan, were: transparency and sustainability consistent with the objectives of the Zimbabwe Programme for Economic and Social Transformation; broadened and more flexible approaches to implementing land acquisition and resettlement; broadened and strengthened stakeholder consultations and partnerships; a focus on poverty reduction; addressing gender issues; access to and control of land and proportionate representation on decision-making structures; integrating communal and resettlement area reorganization and development into Phase II; and streamlining land policies such as land taxation, subdivision and tenure.

¹¹ The project was designed to increase the emphasis on settlement approaches with direct community participation and continued consultation with stakeholders on the broader land-reform agenda. However, it never became effective because the Government could not comply with the conditions for effectiveness.

beneficiaries from among the poor, and 51,000 small- to medium-scale indigenous commercial farmers. The methods of land acquisition, settler selection and provision of settlement support were also changed to a completely government-driven approach so as to ensure the rapid completion of these three tasks while spreading infrastructure developments over 10 years. The results of the Fast Track programme, which are at the heart of the assessment in this report, are discussed in detail below.

6. Complementary initiatives: The Zimbabwe Joint Resettlement Initiative (September 2001)

There have been few effective efforts by non-State actors to proactively promote land redistribution as a complementary initiative that adds the efforts of the Government of Zimbabwe. Landowners have tended to regard their placing of land on the market as the legitimate basis for the Government's land redistribution programmes, while the Government of Zimbabwe has found such land to be too costly to purchase, scattered and not always appropriate for its objective of decongesting communal areas. Moreover, the Government has always expected large blocks of land to be mobilized for transfer alongside the mobilization of donor support for land purchase and infrastructure development.

The skeptics in government have tended to see complementary initiatives as serving to stall the land-reform programme, especially the Fast Track processes. For example, in June 2000, the Commercial Farmers Union (CFU) made the first substantial offer of 200 farms to the Government of Zimbabwe, following the gazetting of 804 farms (amounting to 2 million hectares) for compulsory acquisition. Since then, the CFU, in conjunction with the private sector, has offered 561 farms on 1 million hectares through the Zimbabwe Joint Resettlement Initiative (ZJRI).

The ZJRI, the most important complementary initiative, arose out of a special meeting of the CFU Congress on 21 March 2001. Recognizing that it was necessary to take a national perspective with respect to the formulation of land policy, the CFU resolved to actively pursue a proactive partnership with the Government, other farming organizations, the private sector and potential donors in order to make progress on land reform. Key features of the ZJRI were: (a) an offer of one million hectares (561 farms) of uncontested land; (b) settlement mainly for small-scale commercial farmers; (c) one hectare of free tillage for each of the new families; (d) a Z\$60 million grant for agricultural inputs; (e) establishment of a Z\$1.375 billion revolving soft-loan facility funded by subscriptions and international donors to support capital development on commercial farms; (f) provision of at least three consultants per province to assist new settlers with technical advice; (g) mounting of an international publicity campaign to convince the donor community that Zimbabwe had the ability to settle its land-reform problems in an orderly way and thereby secure financial support from the donor community; and (h) settlement of disputes that might arise during the implementation of the ZJRI through negotiation. The Government accepted this initiative in September 2001, one day before the Abuja agreement, and it was launched at Retreat Farm in Shamva on 2 November 2001.

Thus in the two years since 2000, complementary initiatives have climbed from offering 5 per cent of the original government Fast Track targets of land acquisition to offering 20 per cent, whereas during the Inception Phase programme, well below 1 per cent of the land targets was on offer by large-scale commercial farmers. The minimalist approach to land delivery is at the root of the failure of the earlier complementary initiatives, given the established high government targets for land transfer. Only recently have landowners organized a dialogue that is based on the systematic offer of significant amounts of land for internationally supported and funded land reform.

Although the ZJRI offers only 20 per cent of the Government's Fast Track target for land redistribution, it is the first attempt by landowners to cooperate with the Government in a major land-redistribution effort. This initiative addresses the Government's needs and concurrently provides a basis for the mobilization of substantial international resources for land compensation as well as resettlement. This approach could succeed since it represents an important step in a process of commitment by large-scale farmers to meet the Government's target of land redistribution, and it can probably generate further success if it is rewarded by external support with which to compensate the landowners.

The lack of immediate cash to provide full and lump-sum compensation for land seems to be the key reason why landowners have not committed land to the Government of Zimbabwe. The Government's lack of confidence and trust regarding the landowners' intentions concerning their support of land reform has a long history. The ZJRI is a significant development insofar as it represents the emergence of a spirit of collaboration among some white farmers within the CFU although there is a perception that the white farming community pursues a dual strategy of negotiation and resistance to land reform.

The ZJRI and the collaborative technical planning that emerged from the dialogue are particularly significant because the Initiative has reduced conflicts emerging from land acquisition by the State. It avoids confrontations between large farmers and the Government as played out through court litigation and the resulting bad publicity. The initiative has mobilized local financial and farming resources in support of the resettlement process. The principle of State and non-State collaborative activity is thus currently accepted in the form of the Government-ZJRI programme. This complementary activity dovetails into the Government approaches to land valuation and compensation, settler selection, demarcation, the provision of tillage, inputs and credit. It should be emphasized, however, that the ZJRI is not fully funded until, for example, financing is available for compensation and for the soft loan facility.

7. Summary Assessment

There have been changes in the articulation of policy and the extent of the success achieved from Phase I to Phase II of the Land-Reform and Resettlement Programme. Over the years, the policy objectives have shifted from rehabilitation of the displaced to a greater focus on poverty reduction based on resettling the landless and the poor and thereby decongesting the communal areas. The Phase II and Fast Track objectives have

also become clearer in their intention to promote indigenous commercial farming so as to de-racialize the large-scale commercial farms (LSCFs) by allocating about 30 percent of targeted land to the A2 model.

The mission found the sheer scale of the land acquisition programme staggering as were the difficulties that it has had to confront in the past year. These are not always easy to manage even under the best of circumstances. Nonetheless, the mission shares the widespread concern that the policy-making process could have been more participatory with the involvement of rural communities and more transparent. The selection of beneficiaries also could have been improved, with priority given to those in the greatest need and those already with some experience in agricultural production. Experience from Phase I of the LRRP also suggests that, with more attention paid to land use planning, the contribution of Phase II to the overall economic growth of Zimbabwe could have been enhanced. The mission was unable to assess the attempt by various stakeholders such as non-government organizations to develop land-reform initiatives that would be complementary to the programme of the Government of Zimbabwe since, for various reasons, these have not yet been operationalized. On the other hand non-government organizations have an important future role in assisting communities to organize and mobilize resources for the sustained management of resettlement areas. The mission found the ZJRI to be a good first initiative for which donors could start providing support to move the process of land reform forward in a form and at a rate that could be accepted by all stakeholders.

B. Assessment of the Implementation Process

1. Mandate

The mission's TOR required that it specifically assess the process of implementation of the land-reform programme, with particular reference to the criteria for land acquisition, designation, listing and de-listing and the criteria for land occupation. A further requirement was that the mission assess the status of new resettlements and the extent to which the infrastructure and services necessary for production were available to them.

2. Land transfer process

(a) Acquisition

The government has established ¹² five criteria to apply in identifying farms for acquisition: (a) derelict land; (b) underutilized land; (c) land under multiple ownership; (d) foreign-owned land; and (e) property adjacent to a communal area.

A decentralized process is used in land identification. The Rural District Councils (RDCs) identify properties for acquisition and submit lists to the District Land

¹² Ministry of Lands, Agriculture and Rural Resettlement, Land Reform and Resettlement Programme, Revised Phase II, April 2001. Note that Section III C of this report contains a detailed discussion of legal and institutional issues associated with land reform.

Identification Committee (DLIC), which verifies whether these comply with Government requirements. District lists are then transmitted to the Provincial Land Identification Committee (PLIC), which is responsible for the collation and transmission of such lists to the Ministry of Land, Agriculture and Rural Resettlement. Farm owners can appeal against farm identification to the PLIC if they feel that Government principles are not being followed, provided, of course, that they are made aware that their property is being listed. They can also enter into negotiations with the PLIC, with a view to swapping properties (in the case of owners of multiple farms) or to subdividing their farm for resettlement on a section of the property.

Once a property has been listed and gazetted, a written preliminary acquisition notice (Section 5) is served on the owner. An acquisition order (Section 8D) then follows after at least 30 days. During this period, the owner can, within 30 days, in accordance with the law, submit an offer to the PLIC/DLIC for a swap and/or a subdivision of his/her property, provided that the owner withdraws all legal claims aimed at contesting the acquisition of the land. Since the publication of Statutory Instrument 338 on 9 November, 2001, the Government has the right to peg the land and resettle farmers on it from the moment an acquisition order is served, that is, before the acquisition has been completed. The mission assessed this process as lacking compassion, but given the recent changes in land laws and regulations they were generally within the law.

The evidence indicates that there has been a substantial increase in the land being acquired for resettlement purposes since mid-2000. The target has moved from 5 million to about 9.2 million hectares. Of the latter, some 7.3 million hectares (3,074 farms) have been planned and pegged by the Ministry of Land, Agriculture and Rural Resettlement and 160,340 settlers have been allocated plot numbers on this land where they are to be resettled. Of these, 114,830 households have been recorded by Provincial Governments as having physically moved and resettled on 4.37 million hectares.

This process is itself affected by cumbersome consultations and decision-making processes involving numerous district, provincial and central government actors. Moreover, problems of weak capacity and poor coordination have led to numerous errors in processing the acquisition of properties. These processes are further complicated by the frequent litigations that farmers have brought before the courts. Some confusion has resulted over the status of the number of gazetted farms because of the relisting or re-gazetting of properties. Some farms have been delisted because, in most cases, they were mistakenly gazetted or they were referred back by the administrative courts for having been filed in error.

There is a discrepancy in the official estimates of the average size of the farms being made available to settlers. The Ministry of Land, Agriculture and Rural Resettlement estimates the average farm size to be 45.3 hectares, while data from the Ministry of Local Government, Public Works and National Housing indicate that the average farm size is 38.1 hectares. The implication of this difference is that the 9.2 million hectares of land available for resettlement could, in theory, accommodate between 204,000 and 240,000 families. But either way, the large area likely to be acquired under the Fast Track programme means that the Government's target of resettling 250,000 families during the

entire Land-Reform and Resettlement Programme (Phases I and II including the Fast Track) will be exceeded by a very wide margin. Based on the facts on the ground, the mission felt that the new much higher target will not be practical and implementable. The economic consequences of trying to implement such a large programme, without considerably extending the time frame, will be highly negative because of the resources it would drain from the Government's budget and from private capital.

(b) De-listing of farms

In its Land-Reform and Resettlement Programme - Phase II (revised) document, the Government stipulates that land that falls in the following categories can be de-listed: (a) plantation farms engaged in large-scale production; (b) agro-industrial properties involved in integrated production, processing and/or marketing of meat, dairy products and seeds; (c) properties within the EPZ and the ZIC permits; (d) farms belonging to church or mission organizations; (e) farms protected by bilateral investment agreements; and (f) approved conservancies. It was agreed at Abuja that, in order to build up confidence in the land-reform process, the Government of Zimbabwe would accelerate the process by which farms that did not meet the set criteria would be de-listed. The mission's assessment is that the Government did not immediately comply with this agreement. Nevertheless, it is acknowledged that the Government is accelerating the de-listing process.

Since the inception of the Fast Track programme in June 2000, up to 6,481 farms have been listed for acquisition. Of these, 918 have been removed because they were counted twice and 689 were de-listed. This reduced the total number of listed farms to 4,874, yielding a total of 9.23 million hectares. The provincial breakdown is given in Table 2.

Table 2. Summary Status of the Fast Track Resettlement Programme

Farms acquired (or in the process of being acquired) by Province June 2000-20 November 2001						
Province	No. of farms listed	No. double counted	No. of farms de-listed	No. of farms currently listed	Size of farms currently listed (Ha)	Average farm size (Ha)
Manicaland	640	70	49	521	548,790	1,053
Mashonaland Central	815	83	67	665	808,189	1,215
Mashonaland East	1,196	234	134	828	746,837	902
Mashonaland West	1,534	262	128	1,144	1,905,183	1,665
Masvingo	648	116	156	376	1,479,072	3,934
Matabeleland North	550	51	42	457	1,615,943	3,536
Matabeleland South	362	21	30	311	1,138,079	3,659
Midlands	736	81	83	572	991,766	1,734
Total	6,481	918	689	4,874	9,233,859	1,895

Source: Ministry of Land, Agriculture and Rural Resettlement. Data as at 16 November, 2001

Table 3. Status of the Fast Track Resettlement Programme

Available gazetted farms ^{a/}			Farms planned and pegged ^{a/}			Farms settled ^{b/}		
No. of farms	Area (Ha)	Estimated number of families	No. of farms	Area (Ha)	Settler capacity	No. of farms	Area (Ha)	No. of settlers
4,874	9,233,859	Min. 203,655 Max. 242,359	3,074	7,269,936	160,340	2,020	4,373,097	114,830
			Average farm size 45.34 ha			Average farm size 38.08 ha		

Source: ^{a/} Figures for farms gazetted, planned and pegged provide by the Ministry of lands, Agriculture and Rural Resettlement in a handout at a presentation to the mission on 19 November, 2001. Data as at 16 November, 2001. ^{b/} Figures for farms settled (allotted farms actually occupied by legal settlers) provided by the Ministry of Local Government, Public Works and Housing, based on Form A returns as at 16 November, 2001.

Note that A1 farms typically include a small area of arable land (at least 3 hectares but sometimes more depending on the agro-ecological zone) and a much larger area of communal grazing land (providing a total area of as much as 70 hectares, depending again on the agro-ecological zone).

All these data should be treated with caution since they may be amended as double-counted farms are removed from the list. Additional de-listings may also occur as ongoing negotiations between landowners, settlers and local authorities are finalized and submitted to the Ministry of Lands, Agriculture and Rural Resettlement.

A breakdown of farms according to the reason for de-listing (see Table 4) shows that the majority of farms de-listed to date were properties of indigenous farmers and the State. The mission found that while 689 had been identified for eventual delisting before the Abuja meeting, they were legally gazetted as de-listed only after the meeting in September 2001.

Table 4. Breakdown of De-listed Farms According to Reason for De-listing

Province	Reason for de-listing												Total no. of farms	Area (Ha)
	State and parastatals	Indigenous farmers	Church institutions	Agro-industry	Bilateral agreements	ZIC permits	EPZ Zone	Single farms	Urban, mining development	Conservancies	Alternative offer made by owner	Unknown		
Manicaland	6	30	2	8	1	0	0	2	0	0	0	0	49	33,267
Mashonaland Central	47	19	0	0	1	0	0	0	0	0	0	0	67	89,557
Mashonaland East	14	60	3	11	18	4	1	6	15	1	0	1	134	142,762
Mashonaland West	8	107	0	3	7	2	0	0	0	0	0	1	128	123,916
Masvingo	26	92	3	8	1	4	0	5	5	2	9	1	156	880,033
Matabeleland North	3	27	1	5	6	0	0	0	0	0	0	0	42	119,616
Matabeleland South	3	16	1	3	3	0	0	4	0	0	0	0	30	156,952
Midlands	23	57	2	1	0	0	0	0	0	0	0	0	83	93,521
Total	130	408	12	39	37	10	1	17	20	3	9	3	689	1,639,624
Percent of total farms	18.9	59.2	1.7	5.7	5.4	1.5	0.1	2.5	2.9	0.4	1.3	0.4	100.0	

Source: Ministry of Lands, Agriculture and Rural Resettlement. Data as at 16 November, 2001.

It appears that current negotiations are focused on the more complicated de-listing requests, such as agro-industrial and plantation properties, conservancies and farms that are protected by bilateral investment agreements. Much of the delay in de-listing is a result of poor communication, administrative bottlenecks, the need for consensus-building at various levels on decisions to de-list farms, and mistrust between landowners and local authorities as well as interventions by local interest groups.

During field visits, the mission found that in some provinces (e.g. Midlands), a number of requests for de-listing were still being processed following successful negotiation between farmers and the Provincial administration on the swapping and subdivision of farms.¹³

The processing of requests to de-list farms needs to be actively pursued by the Ministry of Land, Agriculture and Rural Resettlement and carried out expeditiously in line with the agreement reached in Abuja. This would considerably improve the effectiveness of and confidence in the programme while minimizing the disruption of agricultural production activities.

At the moment, there is considerable uncertainty among those farmers who have agreed to negotiate with the Government regarding the swapping and/or subdivision of their land and who have consequently withdrawn all legal claims against the acquisition process.

¹³ The “Midlands Model” of negotiated resettlement in Midlands Province, characterized by the direct involvement of high ranking Government officials from the Central and Provincial Government, has been held up as a successful process for resolving conflicts at the Provincial level. On the other hand the mission found that successful negotiations were also achieved in other provinces such as Manicaland

The fear is that for those whose negotiation proposal is acceptable to the Government, there could still be further gazetting of their land for acquisition if policies, laws and regulations are subject to further change.

(c) Valuation and compensation for improvements

The Government's 2002 Public Sector Investment Programme has allocated Z\$3 billion for land acquisition and infrastructure development. This amount represents a 50 per cent increase in real terms over the 2001 allocation, which is commendable. Of course public expenditures on land reform and resettlement are incurred by most branches of government. The mission was not, however, able to obtain an estimate of what proportion of the central government budget is allocated to land reform and resettlement.

Current land compensation payments by the Government are made only for improvements on or to the land. Compensation payments are scheduled to occur over a five-year period, with one quarter being paid upon acquisition. Given the prevailing economic situation, high inflation rates, comparatively low interest rates and a substantial depreciation of the Z\$ against the US\$ on the parallel market, commercial farmers are concerned that the real value of their entitlement to compensation will be eroded substantially over time.

The Land Acquisition Amendment Act 2000 (Part V.A) defines the procedure to be followed in the valuation of compensation. It calls for the Compensation Committee to provide the owner with written notification of the estimated value without delay after a preliminary valuation has been carried out by a designated valuation office. As to the timing of the notification, it would be normal to expect that it would be provided prior to the departure of the former landowner from the farm so as to minimize possible conflicts arising from the eventual degradation of the property after departure. It appears, however, that there is a serious shortage of qualified personnel to undertake the preliminary valuations. The mission was advised, that although temporary staff are being recruited to speed up the valuation process, valuation methods are inconsistent from one farm to another.

The mission was concerned to hear that many large-scale farmers have not been officially informed that a valuation was under way on their farms. Since more Section-8 orders are now being issued, the mission is concerned about the possible legal implications of litigation arising from delayed notification of the Committee's compensation assessments. Poor relations between farmers' organizations and government at the local and central levels have limited communications on these processes since the focus of communication has been on the conflicts over litigations and the media coverage of such conflicts.

(d) Summary Assessment

Land redistribution under the Fast Track resettlement programme has been both fluid and varying in terms of the settlement dynamics at the local level. Progress has changed on almost a daily basis.

The contesting and de-listing of farms have created confusion within Provincial Governments and this has introduced uncertainty into the whole process. The mission has concluded that the Government must have a transparent, open policy on negotiated acquisitions and de-listings. The Government needs to state its position on these matters publicly to increase confidence and predictability in the land-reform process and to encourage negotiated settlements. This approach would encourage those farmers who are still reluctant to enter into negotiations with the Government to do so and it would allow the orderly resumption of farming activities on those farms where a settlement of differences has been mutually agreed.

Valuation and compensation are critical parts of the process of the LRRP. The mission observed that there is a serious shortage of capacity and trained personnel to undertake preliminary valuation. It is *recommended* that the Government should set common valuation standards and provides intensive training to newly recruited valuation officers. It is also *recommended* that, to increase existing capacity, private professional valuers be hired to accompany and/or supervise the preliminary valuations.

3. Current status of land occupations

Perceptions of the nature and status of land occupations vary among the key stakeholders according to their definition of “occupation”. The mission defined land occupation as “the spontaneous settling of people, without the consent of the owner, on part of or a whole farm which has not been listed for acquisition or which had been delisted by government”. The Government refers to these settlers as “informal” settlers while commercial farmers have referred to them as “illegal” settlers on farms that are unlisted or for which the acquisition process is incomplete.

(a) Post-Abuja Occupations

The Government of Zimbabwe gave assurances at the Abuja meeting of Commonwealth Foreign Ministers that it would work to ensure that: (a) there would be no further occupation of commercial farmlands, and (b) that occupiers on non-designated farms would be moved to legally acquired lands.¹⁴

The mission found that a number of unlisted and de-listed farms were still occupied. Evidence provided by Provincial Governments indicates that as of 16 November 2001, 157 farms, covering an estimated area of 405,277 hectares, were still occupied by 14,286 illegal settlers. Twenty-six of these (covering 128,495 hectares) were farms that had been delisted, while 3 were gazetted and 3 were on State land (see Table 4). It appears from the evidence, however, that only 27 farms have been newly occupied since then.¹⁵

¹⁴ A complete list of occupied farms, supplied by the Ministry of Lands, Agriculture and Resettlement, is given in Annex 5.

¹⁵ A summary table provided by the Ministry of Local Government, Public Works and Housing and dated 14 September, 2001 shows a figure of 130 farms affected by informal settlements. The information in Table 4 suggests that as of mid November, 2001, 27 additional farms have been occupied since 14

Table 4. Details of Informal Settlements

Categories	Number of farms affected	Area (hectares)	Number of illegal settlers
De-listed farms	26	128,494.88	4,075
State land	3	19,224.00	1,422
Gazetted farms	3	6,630.21	63
Unlisted farms	125	250,928.38	8,726
Total	157	405,277.47	14,286

Source: Ministry of Local Government, Public Works and Housing. Data as at 16 November, 2001

The mission found that in at least two of the cases of post-Abuja occupations, new settlers (a war veteran in one case and a senior government official in another) had occupied, pegged and begun plowing plots on non-gazetted farms. The owners of these farms claim that they had informed the police about these incidents and allege that the police officer in charge would not file a formal report on these cases. On the other hand, the Zimbabwe Republic Police (ZRP), in a presentation to the mission, while acknowledging that there have been post-Abuja occupations, asserted that the police have responded substantially to such occupations in keeping with the resources available for policing these scattered rural sites and provided documentation of these activities as an evidence.

In the first case, which the mission observed in Mashonaland East, a war veteran who is a farm-occupations base commander permanently employed by a government parastatal, had occupied and allocated plots of land to settlers and farm workers on 50 hectares of land that had already been plowed by the farm owner. The war veteran was seen during the weekend bringing workers to the plots to cultivate them while only six people had been permanently occupying the land living in makeshift shelters before the Abuja agreement.

The Government has confirmed that it is determined to act on these illegal occupations, particularly the new ones. It promises to remove illegal settlers as and when new land becomes available through the appropriate legal acquisition procedure. The overall trend is a substantial decline in the number of occupations after Abuja, but there were still a few post-Abuja occupations. Even if the trend is a steady decline, full compliance with the Abuja agreement is required.

The issue of land occupations and the resultant conflicts between the informal settlers and the owners of the farms continues to be a matter of major concern. Indeed, it tarnishes the image of the Fast Track programme by fuelling the large-scale commercial farmers' concern about insecurity, lawlessness and unpredictability in the land-redistribution process. This in turn reduces their willingness to release land for resettlement. Given the widespread perception among large-scale commercial farmers that the police do not give

September (17 in Mashonaland East Province, seven in Masvingo, and one each in Manicaland, Matabeleland North, and Midlands). However, further verification is needed to validate this information.

sufficient attention to illegal occupations, the former commonly allege that occupiers are not subject to prosecution because they enjoy political backing. The ZRP denied this allegation, asserting that they had taken action to the best of their ability and indicated that a substantial portion of resources and time had been spent on addressing problems arising from conflicts relating to land occupation.

It has been suggested that land occupations represent the cumulative failure of all stakeholders to address inequity and manage a meaningful land-reform programme. Indeed, because expectations after the independence were not matched by adequate land redistribution, there has been a growth in spontaneous settlements and occupations of land by war veterans and landless people. These have received substantial political support.

(b) Summary Assessment

As at mid November 2001 there were 157 large-scale farms which were occupied by illegal settlers. Removing illegal settlers, in an orderly way, from occupied land and resettling them on newly acquired farms should remain an urgent priority for the Government. This would help to defuse allegations that land-grabbing is tolerated politically and assuage the currently poisoned relations between large-scale farmers and the Government.

There is evidence to show that mounting political pressure, particularly from war veterans camped on the farms, forced Provincial and other local-level governments to settle people on contested farms.

Provincial authorities should initiate and mediate negotiations between farmers and informal settlers on commercial farms with the objective of reaching agreement on whether to remove such settlers from the land or subdivide the occupied properties and legalize these settlements. The central Government should set transparent targets that can be monitored so that progress in removing illegal occupants from unlisted farms can be measured.

4. Resettlement process

Resettlement is the final act in a process of land distribution. It takes place after an applicant has successfully completed a number of steps that have determined his/her eligibility and the applicant is finally allocated his/her area as a result of either a random selection among other successful applicants or a negotiation with the former owner of the land and the relevant government institution.

(a) Modes of resettlement

The current Fast Track provides for two basic resettlement models: the A1 model and the A2 model (see Annex 6 for details). One of the Government's objectives for the LRRP, the A1 model is the decongestion of communal areas. It provides for farms that are

relatively small but adequate to sustain a family and produce a surplus. They can be of two types: villagized or self-contained. For the former, settlers are provided with at least three hectares of arable land and communal grazing. Each village in the settlement scheme is provided with minimum social services. The self-contained farm is one contiguous area that could be used for crops and livestock. A settlement scheme may be composed of several such units but without a village structure.

Whether farms are of adequate size to provide a sufficient and sustainable income for an average settler household is difficult to judge. Nevertheless the process used to select successful applicants for the A1 model is based on six steps which are set out in detail in Annex 7. While power over the applicant selection process is distributed to all levels of government, the power to make final decisions over applications is vested with the central government. It is also an unwieldy and cumbersome process. There are no published records of deliberations or of the reasons for selection of applicants at each step; therefore, the process is not transparent. Those whose applications are rejected are typically not advised of the reasons and there is no provision for an appeal.¹⁶

The A2 model is aimed at providing small-scale commercial farms to applicants with experience in agriculture, preferably those who have been trained to be master farmers. Applicants also need to show evidence of access to enough capital to develop the farms into viable production units. In addition, they need to demonstrate the ability to repay the cost of the farm as determined by the Government. Successful applicants are provided with 99-year leases with the option to purchase. The Government refers to this model as a means of de-racialization of commercial farms. To date, only 51,000 applicants out of 99,000 have been approved and the Ministry of Land, Agriculture and Rural Resettlement is currently processing offer letters for 10,260 farms that are immediately available based on the A2 model. Information available to the mission was inadequate to enable it to judge the efficacy of the selection process for these farms.¹⁷

(b) Families resettled

Table 5 provides the latest data on resettlement under the A1 model. It shows that as of mid-November 2001, about 160,000 families have been resettled on 3,074 previously large-scale commercial farms covering an area of about 7.3 million hectares. This means that, including about 76,000 families resettled under Phases I and II, the total number of families settled to date under the land-reform programme amounts to 236,000. This suggests that about 1.4 million people (or about 10 per cent of the population) have moved (or are planning to move) to new homes from communal and urban areas throughout Zimbabwe since the early 1980s. The mission was advised that about 90 per cent of resettled families have actually moved and are living on their farms. The accuracy of this advisement is questionable, given the data from Provincial Governments

¹⁶ Evidence from the village of Nyamunokora in Manicaland.

¹⁷ While the mission was advised of the successful settlement of A2 farms under the auspices of the Farmers Development Trust, it was also informed of a number of serious irregularities in the allocation of some A2 farms in the context of the land reform programme.

that as at 16 November 2001 only 4.3 million hectares have actually been settled by new farmers in the Fast Track programme.

Table 5. Summary of Area and Families Resettled under the A1 Model

Province	No. of farms	Area (Ha)	Residential and arable (families) ^{a/}	Self-contained (families) ^{b/}	Total families settled
Matabeleland North	383	1,147,452	9,458	3,581	13,270
Matabeleland South	470	1,630,037	12,275	2,482	14,757
Mashonaland Central	414	1,512,371	16,703	738	17,441
Mashonaland East	434	446,963	18,953	2,619	21,572
Mashonaland West	582	688,072	26,884	129	27,013
Manicaland	234	186,650	9,529	1,329	10,903
Masvingo	274	1,093,194	34,077	3,764	37,872
Midlands	283	565,197	16,495	1,017	17,512
Total	3,074	7,269,936	144,374	15,659	160,340 ^{c/}

Source: Ministry of Land, Agriculture and Rural Resettlement, Department of Lands. Data as at 12 November, 2001

a/ Number of families with arable plots plus access to grazing rights

b/ Number of families with self-contained farms, on 99-year lease with option to purchase

c/ The mission was not able to ascertain why numbers of families in the table did not add up

(c) Services and infrastructure to support production

The Government has expressed the wish to support newly settled farmers as well as other small farms with part of their financial requirement for seasonal inputs for crop and livestock production during the 2001/2002 season. The cost of this requirement for 2001/2002 is estimated to be in the vicinity of Z\$15.5 billion. By early December 2001, however, the total of funds released from the Ministry of Finance was only Z\$6.5 billion, leaving a shortfall of Z\$9.0 billion. Most of these funds are for land preparation, seeds, fertilizer and various chemicals and are required during the period from October 2000 to January 2001. The mission expressed its concern about the public distribution of agricultural inputs since international experience shows that such distributions have rarely been successfully sustained. It would, in the mission's judgement, be more constructive for the Government to encourage a greater private sector role in the land reform programme. For example, incentives could be designed for private traders to provide support services to agriculture. Such incentives could form the basis for a stronger role for the private sector in providing services to rural settlements in the future.

As regards infrastructure, the mission was advised that the provision of roads, schools, clinics, and boreholes, etc. was lagging far behind settler emplacement. In fact, fewer than 500 new boreholes have been drilled to date and fewer than 50 classrooms and teachers' houses have been constructed. ¹⁸ Officials expect existing farm infrastructure (schools, boreholes, etc.) to be converted into temporary facilities. Most basic services

¹⁸ The number of boreholes compares with 2,020 families already settled under the Fast Track programme, not to mention the water requirements for various institutions such as schools and medical centers.

and infrastructure are to be developed during the 10 years that follow. This reflects the minimalist planning targets of the Fast Track programme and was not regarded by the mission as a satisfactory plan for sustained development of the new settlements.

(d) Credit services

Access to private-sector bank credit in Zimbabwe has tended to be concentrated on the large-scale commercial farm sector,¹⁹ while public-sector financial institutions have slowly begun to increase their coverage of smallholder farmers. Although the capacity of these public sector institutions to provide long term credit has been limited, the Government's financing of seasonal credit through parastatal suppliers has been growing relative to the role of the private sector.

The Government's funds for seasonal credit are channeled to settlers mainly through the Grain Marketing Board (GMB) and, to a small extent, through the Agricultural Development Bank (AGRIBANK). The GMB uses its branch structure for distribution but repayment rates have been disappointing. The Farmers Development Trust (FDT) also obtains funds from the Government to provide seasonal credit, which it provides to tobacco farmers. The Cotton Company of Zimbabwe (COTCO) provides seasonal credit to small-scale cotton farmers using its own funds. Finally, the Agricultural Development Assistance Fund (ADAF), which was born out of the commercialization of the former Agricultural Finance Corporation, was established in 1999 under the control of the Minister of Agriculture. Since then, however, it has been placed in the AGRIBANK, where it has lost its independent identity as an institution providing credit for small-scale farmers with limited or no collateral. ADAF is making seasonal and investment loans and, with an excellent recovery rate, makes a profit compared with AGRIBANK, which, despite serving the large-scale farmers, currently runs at a loss. The mission concluded that ADAF could be an important institution for providing credit on a competitive basis to all small-scale farmers and that it could grow efficiently if it were to become independent. However, there is a need to augment the capital resources available to ADAF for credit for inputs for the resettled farmers.

(e) Research and extension

Agricultural research and extension services are essential elements of any resettlement or agricultural development programme. Recent research in Zimbabwe has shown that extension advice is a statistically significant explanation for the success of farmers in a Phase-I settlement in Mashonaland Central.²⁰ In general, extension officers in Zimbabwe are well trained and competent, but in recent years, the flow of new research has declined and this has made the impact of extension workers less effective. Moreover, the resources allocated to extension workers for field travel, training and planning support to

¹⁹ The mission was advised that about 18 percent of the exposure of the major private banks in Zimbabwe is attributable to large-scale agriculture. This is, of course, a major concern if the lion's share of the assets of large-scale farmers are being taken over by the Government as part of its land reform programme.

²⁰ Trudy Owens, John Hoddinot and Bill Kinsey, "The Impact of Agricultural Extension on Farm Production in Resettlement Areas of Zimbabwe," (forthcoming in *Economic Development and Cultural Change*).

in the resettlement areas have been dwindling. The capacity of the existing staff to provide new settlers with the intensive advice required at the initial stages of development was found to be limited.

(f) Summary Assessment

Evidence collected by the mission suggests that there has been considerable over-reaching as well as slippages in the planning and implementation of the Fast Track settlement programme. There are at least three indicators that support this conclusion.

- First, the cumulative designations (or listings) that have been gazetted for the Fast Track programme amount to about 9.2 million hectares or almost double the original objective of 5 million hectares. Taken together with land acquired under previous programmes, close to 80 percent of the large-scale commercial farming sector has been acquired for resettlement. On the basis of the Government's own justification for the resettlement of an additional 5 million hectares in Phase II, the resettlement of almost double that figure will have a serious detrimental impact on the strategic role of the large-scale commercial farming sector in national agricultural production.
- Second, it is clear that providing essential public infrastructure such as feeder roads to farming areas, domestic water supplies, sanitation, and agricultural support services for 9.2 million hectares within a reasonable timeframe from a settler's point of view (say 5 years) will be impossible on the basis of the Government's past track record and its current implementation capacity. Where seasonal inputs on credit have been provided for new settlers the volume of inputs has been inadequate to total needs, and the experience is that the repayment rate for seasonal credit is low. Even if seasonal inputs supplied were sufficient for the first year of settlement, supplies will not be sustained in future years if suppliers are concerned about the repayment of credit.
- Third, it is apparent that most new settlers are likely to have major difficulties establishing agricultural and pastoral activities in the short term unless they already have farming skills, capital, and a negotiable legal tenure for their farms. Those farmers without skills, capital and legal tenure will take many years to generate sustained incomes for their families. Nevertheless, evidence from resettlement programmes in the eighties suggests that families can improve their welfare. Community support and participation would also enhance their prospects. Improvements in welfare on a per capita basis will depend on whether family size changes or not. It should not be over-looked that a drought would make the task of earning a higher income that much more difficult, particularly in an environment in which off farm income is scarce because of the weak economy.

Given that Zimbabwe still has one of the highest levels of poverty in sub-Saharan Africa, the land-reform programme needs to be implemented in a manner that will generate sustainable increases in per capita income. The mission is not in a position to assess the

extent to which the resettlement process will reduce poverty in both communal and resettlement areas. It can be said, however, that when the LRRP has been completed, at most an additional 10 per cent of the rural urban households in Zimbabwe are likely to have gained access to productive land assets. This does provide them with a starting point from which to pursue more remunerative livelihood strategies. On the other hand, at least 50 per cent of households in Zimbabwe live below the poverty line and hence land redistribution will address a major part of the country's poverty problem as indicated above, the foundation for achieving a better livelihood on a sustained basis is tenuous at present.

In conclusion, since most settlers are not well-prepared for farming, since infrastructure development is in most cases totally inadequate, and since social and agricultural support services are weak it is extremely difficult for new settlers to address the fundamental problem of successfully settling in a new environment, the mission concluded that the current scope of the Fast Track is not implementable on a sustainable basis unless (a) the settlement timetable is substantially adjusted; (b) there is a considerable infusion of resources to finance the necessary infrastructure and support services; and (c) there is a stronger basis for optimism on the part of settlers about their future leading them to form viable community organizations aimed at ensuring the sustainability of new settlements.

C. Assessment of the Legal and Institutional Framework

1. Mandate

An important commitment made by the Government of Zimbabwe in the Abuja agreement, and accepted by all stakeholders, was that the Land-Reform and Resettlement Programme would be conducted strictly in accordance with the Constitution and laws of Zimbabwe. The mission understands this commitment to mean, first, that nothing precludes Parliament or any other authority with power to legislate at any level or in any form from legislating on matters relating to land reform; second, that the process of legislating and implementing laws should, in addition to satisfying the technical requirements of legality, also conform to the principles of justice, fairness and equity; and third, that any legislation passed should not, as far as possible, adversely affect the accrued rights of any Zimbabwean.

2. Legal framework

The legal framework for land reform in Zimbabwe is defined by the Constitution and a number of statutes.

(a) Constitutional provisions

Constitutional provisions of relevance to land reform are the result of attempts by the Government of Zimbabwe over the last 20 years to deal with a fundamental problem, namely, unequal and racially skewed distribution of land and wealth. Despite its many democratic tenets, the Constitution that ushered Zimbabwe to independence in 1980 gave

no hope for an immediate rectification of that legacy. The original wording of Section 16 of the Constitution forbade the compulsory acquisition of property “of any description” unless it was “reasonably necessary” for a variety of purposes, including agricultural settlement, land reorganization or the relocation of displaced persons; and the payment of “prompt and adequate” compensation assessed on the basis of market principles.

Persons whose properties had been compulsorily acquired were free to remit the compensatory sum in any currency and to any country of their choice without paying any taxes or other levies. In addition, Section 52 (3) (b) (i) of that Constitution, read together with its subsection (4), stipulated that provisions concerning fundamental rights (which included the property rights spelled out in Section 16) could not be amended for 10 years without an affirmative vote of all the members of the National Assembly – a body that guaranteed 20 seats to Zimbabwe’s white population during these first 10 years. These constitutional stipulations effectively blocked any meaningful programme of land reform and resettlement for at least the first 10 years of national sovereignty unless land was available on the open market.

When Section 52 of the Constitution lapsed in 1990, the Government amended Section 16²¹ so that the acquiring authority would henceforth be obligated only to give “reasonable notice” of an acquisition, pay “fair compensation within a reasonable time” (rather than “prompt and adequate” compensation), and apply for an order of confirmation of acquisition within 30 days if such acquisition were contested. However, this amendment did not change the principle of compensation, which remained for “land or interest or right therein”.

Nevertheless, the reluctance of white commercial farmers to offer land at reasonable prices in the market continued throughout the 1990s and, despite pledges at the 1998 Donor Conference, donor support for land purchases also continued to lag behind demand. Given the political pressures for reform driven by sporadic land invasions, the Government inserted into the Constitution a new section 16A,²² which provided, inter alia, that where agricultural land is compulsorily acquired for “the resettlement of people in accordance with a programme of land reform”, the obligation to pay compensation for land lies with the United Kingdom as the former colonial power, and the obligation of the Government of Zimbabwe is limited to the payment of compensation only for improvements. In effect, unless proof could be shown that the land acquired had been purchased, the Government’s overriding compensation obligation was limited to improvements on the land at the time of acquisition. This is the current constitutional position.

²¹ Act No. 30, 1990.

²² Act No. 5, 2000 enacted on April 6, 2000.

(b) Legislative provisions

(1) Regarding acquisition of land

a. 1992 – 2000

To implement the constitutional changes outlined above, the Government enacted legislation setting out principles and procedures for the resolution of land-acquisition cases. The most important of these was the Land Acquisition Act,²³ which stipulated the procedure for the compulsory acquisition of any rural land for purposes, inter alia, of agricultural settlement. This procedure is set out in annex 8. “Rural land” was defined so as to exclude communal lands, land in urban centres, and certain categories of State land. The 1992 Land Acquisition Act also introduced a procedure whereby the Minister could designate rural land for future acquisition. The Act required the Minister to indicate the period, not exceeding 10 years, within which land so designated would be acquired.

Compensation for the land and improvements on it at that time was to be determined by a Compensation Committee consisting of the Secretary of the Ministry responsible for Lands; the Director of the Agricultural, Technical and Extension Services (Agritex); the Chief Government Valuation Officer; and three other members appointed by the Minister. Compensation disputes fell to the Administrative Court for resolution.

b. July 2000 – November 2001

Following the enactment of the new Section 16A of the Constitution, the President, acting pursuant to the Presidential Powers (Temporary Measures) Act,²⁴ issued Statutory Instrument No. 148A of 2000, which changed the Land Acquisition Act significantly in a number of ways. For example, it eliminated the requirement for designating land for acquisition; expanded the Compensation Committee; redefined “fair compensation” as compensation fixed by the Compensation Committee pursuant to a set of principles enumerated in the instrument; staggered the payment of compensation in cash, bonds or other securities over a period of five years; and limited “diligent enquiry” in relation to serving notice on an owner or occupier to a search in the Deeds Registry or, if need be, the Companies Register. In addition, it extended the duration of the preliminary notice of acquisition indefinitely and stipulated that its withdrawal or a refusal by the Administrative Court to confirm an acquisition would no longer prevent issuance of a new notice in respect of the same land. It forbade the Administrative Court from inquiring into the acquiring authority’s assertion that the land earmarked for acquisition was indeed suitable for agricultural resettlement. It further gave the acquiring authority the power, within six months after an acquisition, to revoke it, but such action would not preclude subsequent acquisition of the same land.

²³ Act No. 3 of 1992.

²⁴ Act No. 1 of 1986.

As required by the 1986 Act, the above instrument was subsequently enacted as the Land Acquisition (Amendment) Act,²⁵ which, in addition to reproducing the Statutory Instrument, also introduced provisions:

- allowing an owner to offer land in substitution for, or in lieu of, land required for settlement, and to subdivide land to be acquired and offer a portion thereof for acquisition, subject, however, to compliance with any requirement as to permissible maximum sizes stipulated under the Rural Land Act,²⁶ and
- enabling the acquiring authority to revoke a Section-8 order within six months of its gazettelement, thus restoring full ownership rights to the erstwhile owner but without conferring immunity against subsequent acquisition.

In June, 2001, the Land Acquisition Act was further amended (see the Land Acquisition (Amendment) Act²⁷ to provide, inter alia, for the following: (a) a Section-5 notice would henceforth run for only two years and not indefinitely; (b) the refusal of an Administrative Court to confirm an acquisition would not automatically terminate a Section-5 notice or prevent the issuance of a subsequent notice in respect of such land; and (c) the acquiring authority would not be entitled to acquire any land in respect of which acquisition authority had been refused on the same grounds as those that had already been rejected by the Administrative Court.

c. Immediately before Abuja

The legal position with respect to the compulsory acquisition of land for resettlement immediately before the Abuja agreement was therefore as follows:

i) Issuance and effect of a Section-5 notice (Listing)

- A preliminary notice of intention to acquire land must first be published in accordance with Section 5 of the Land Acquisition Act (commonly known as a “listing” or “Section-5 notice”);
- the Section-5 notice must be served on the landowner and the holder of any registered real right to the land;
- the effect of the Section-5 notice is that the subdivision or disposal, construction of permanent improvements on or damage or impairment of such land requires the permission of the acquiring authority;
- the Section-5 notice remains effective for two years unless revoked earlier;

²⁵ Act No. 15 of 2000.

²⁶ Chapter 20.18.

²⁷ Act No. 14. of 2001.

- an owner who has received a Section-5 notice may contest the notice within 30 days of its issuance and demand the acquisition of the whole property; if part only is affected, offer land in substitution for, or in lieu of, the land affected and subdivide the land and offer part thereof for acquisition.
- where a Section-5 notice is contested, the acquiring authority must move to the Administrative Court for an order that authorizes the acquisition, confirming the acquisition if a Section 8-order has since been issued;
- the Administrative Court may either grant or refuse the application, upon which the acquiring authority may proceed with the acquisition, or, as the case may be, withdraw the Section-5 notice.

ii) Issuance and effect of a Section-8 Order (Acquisition)

In all cases where a Section-5 notice is not contested, an acquisition order may be served after 30 days of that notice (commonly known as a Section-8 order). The effect of a Section-8 order is that title to the land passes to the acquiring authority unless the order is subsequently revoked or the Administrative Court refuses confirmation, and the acquiring authority may exercise any right on the land that does not require the eviction of the owner or other occupiers.

iii) Issuance and effect of a Section-9 notice (Eviction)

In all cases where a Section-8 order is in place, the acquiring authority may issue a notice of eviction requiring the owner or occupiers to vacate the land (commonly known as a “Section 9 notice”). A Section-9 notice does not affect leaseholders unless a further three-month notice is given or the lease expires. It does not evict an owner-in-residence unless a further three-month notice is given; however, it does authorize the acquiring authority to survey, demarcate and allocate land for resettlement but without interference with living quarters and farming operations. A Section-9 notice may be revoked within six months, but revocation does not prevent the subsequent issuance of a Section-5 notice.

The land-acquisition procedure was thus complex, cumbersome and tedious to execute. According to the calculations of the Government of Zimbabwe itself, it took at least 180 days from the date a Section-5 notice was gazetted to the time when a Section-9 notice was effected. In practice, this process could take much longer. The mission is not aware of any other country in the region where the procedure for compulsory acquisition of land is so elaborate.

d. After November 2001

In an attempt to cut through that complexity, the President of Zimbabwe, in pursuance of powers conferred by the 1986 Act, issued (on November 9, 2001) Statutory Instrument No. 338, the effect of which was to amend the Land Acquisition Act by providing that the

issuance of a Section-8 order in respect of agricultural land required for resettlement purposes would have the following additional effects. The acquiring authority is now entitled to survey, demarcate and allocate land for resettlement. Also, any interference with the activities of the acquiring authority on the land is now a crime. Most importantly, the Section-8 order now also serves as a Section 9 notice, thus prohibiting, with immediate effect, the occupation and use of the land affected and giving further notice to the owner to vacate his/her living quarters within three months after the date on which it is served. The operation of this Instrument is retroactive to 23 May 2000, which means that all farms that have been served with Section-5 notices would be affected should Section-8 orders be served on them.²⁸

Statutory Instrument No. 338 was followed, on 23 November 2001, with the Rural Land (Farm Sizes) Regulations issued by the Minister of Lands, Agriculture and Rural Resettlement in terms of Section 15 of the Rural Land Act. These regulations divide Zimbabwe into five natural regions and forbid the ownership of rural land exceeding the following maximum sizes:

- 250 hectares in natural region I;
- 400 hectares in natural region II;
- 500 hectares in natural region III;
- 1,500 hectares in natural region IV; and
- 2,500 hectares in natural region V.

The regulations further require owners whose farms exceed the stipulated maximum sizes to subdivide them by 1 February 2002, failing which the Minister will do so at the owner's cost. The sale or disposal of any farm land the size of which is above the relevant maximum size is prohibited. The regulations do not apply to farms that were the subject of bilateral, multilateral or international agreements, owned by the State or agency of the State or owned by church organizations on 1 November 2001.

Except for the fact that the implementation of these regulations will create more farm units under separate titles, it is difficult to assess their full implications for the Land-Reform and Resettlement Programme. The expectation of the Minister when he launched the regulations was that the subdivision process would make more land available for redistribution. It must be understood, however, that it will still be necessary to comply with the provisions of the Land Acquisition Act.

(2) Regarding tenure on resettled land

The diligence with which procedures for land acquisition are being legislated is not accompanied by an equally determined effort by government to guarantee the security of tenure on land allocated for resettlement. The mission was informed that the Government of Zimbabwe intends to issue government leases under the Agricultural Land Settlement Act²⁹ to settlers receiving allocations under the various settlement models. In the

²⁸ The mission has since learned that all outstanding Section-8 orders are in fact being issued.

²⁹ Chapter 29:17.

meantime, however, settlers on A1-model farms were being issued temporary occupation licenses, which are expected to be converted in time into proper leases.

There are multiple dimensions to this problem. First, for any leasehold grant to satisfy the requirements of the law, the farms to which it relates will need to be subdivided, surveyed and certified by the Surveyor-General's office. This requires precise triangulations and beaconing in order to satisfy registration requirements. Under current law, compliance with these requirements can take up to five years even in the best of circumstances. Thus, the upgrading of the land-tenure systems would require the commitment of more substantial resources to land surveys and titling than are provided for under the Fast Track programme.

Second, the provisions of Section 29 of the Traditional Leaders Act,³⁰ which provides that any area of resettlement land may be brought under the authority of a communal area chief (upon which it becomes a village under that Act) could create further tenure uncertainties, especially for A1-model settlers. Even though land so declared does not, *ipso jure*, become part of communal land, the manner in which the chief exercises his jurisdiction in land matters is bound to impinge on the settlers' tenure rights whatever these are. There is thus a need for government to clarify the roles and responsibilities of traditional authorities in resettlement areas and to promote the evolution of effective local-authority structures in these areas.

Third, the pro forma offer of a lease and leasehold agreement intended as a basis for A2-model settlement that was made available to the mission appears to offer very little security for settlers. First, the former does constitute a firm offer and may be cancelled at the discretion of the Minister. Second, although the letter contains an option to purchase the holding, this is by no means an entitlement. According to the letter of offer, the conditions governing the exercise of the option "shall be reviewed by the Minister from time to time"!

For some time, therefore, one must expect substantial insecurity of tenure in the resettlement areas. Apart from discouraging settlers from taking up plots allocated to them, this is likely to defeat the productivity goals of the resettlement programme as a whole. This is clearly undesirable.

(c) Summary Assessment

An assessment of the legal framework described above reveals major contradictions in the LRRP over time. First, the application of this framework led inevitably to a flood of litigation by, and uncertainty among, large-scale commercial farmers and their representative, the Commercial Farmers Union. The litigation has been at two levels. The first was at the level of the constitutionality of the LRRP *per se*. The essence of this litigation was, *inter alia*, that aspects of the, especially the Fast Track programme inaugurated in July 2000, were unconstitutional since their acquisition of land in respect thereof was not in pursuit of a programme of land reform. Moreover, it was claimed,

³⁰ Chapter 20.01.

since the land acquisition process was being directed only at white commercial farmers, it was discriminatory and thus unconstitutional. Finally, it has also been claimed that several amendments or purported amendments to the Land Acquisition Act were unconstitutional for a variety of reasons, including the fact that they were introduced by way of executive decrees. After inconclusive rulings by the High Court and the Supreme Court on many of these issues, the latter finally ruled, on 3 December 2001, that a land-reform programme that satisfies the requirements of Section 16A of the Constitution indeed exists. The effect of this is that the constitutionality or otherwise of the Fast Track programme cannot now be challenged.

Second, litigation has focused on the level of land rights security in light of violations in the form of farm invasions, trespass and other illegal interference with quietude of possession on large-scale commercial farms. This litigation has been in response to spontaneous or planned invasions of farms as described earlier, which started in March 2000. As regards this level of litigation, there is substantial evidence that the Government of Zimbabwe has not always been able or willing to enforce court judgements against its agents. Indeed, the mission was advised during field visits that whenever cases of invasions of, and lawlessness on, large-scale farms were reported to local police posts, these were routinely dismissed by the police or the authorities as politics rather than crimes, even after Abuja. Therefore, the passing of the Rural Land Occupiers (Protection from Eviction) Act³¹ in July 2001 appears to have been as much an attempt to protect illegal farm occupiers from forcible eviction as it was to remove responsibility for complying with relevant court judgements from those agents. Although this would seem to have been the general position before the Abuja agreement, credible evidence indicating that the attitude of the police towards invasions and occupations has substantially changed was made available to the mission by the Zimbabwe Republic Police. Indeed, acts of lawlessness on large-scale commercial farms now appear to be decreasing.

With respect to the second level, the manner in which the Government of Zimbabwe has been legislating on land-reform and resettlement issues has created a great deal of anxiety in the large-scale farm sector. There are two clear-cut conclusions on legal issues that emerge from the mission's evaluation. First, the legislative framework and the procedures it enjoins the authorities to follow for the public expropriation of land in the interest of land reform are complex to the extent of being cumbersome and restrictive. It is rare to find such a limitation on the State's right to acquire land in the public interest. Second, the law presented extensive scope for landowners to contest compulsory acquisition, on many occasions on frivolous grounds. This led to mounting frustration and reviews of the law - frequently on an ad hoc basis - in order to confront the litigation and administrative bottlenecks as they arose.

However, the rush to change the law has not always been based on an adequate assessment of the impact of the change on the landowners, in particular on its fairness. The instruments used have tended to be blunt, having inappropriate blanket effects on all farmers, including the most productively used agro-industrial estates. Clearly, the law

³¹ Act No. 13 of 2001.

needs to be qualified to prevent unnecessary disruptions to production, to enhance its fairness and to provide ample opportunity for landowners to negotiate and/or adjust to the new legal regime. This situation has inspired little confidence in the future in an environment in which virtually national economic indicators are hardly robust. The timing and content of all legislation and statutory instruments enacted or issued after March 2000 are loud and clear on this issue. Indeed, the Minister of Lands, Agriculture and Rural Resettlement underscored this point during the inauguration of the maximum land-size regulations when he declared that “the Land Acquisition Act has been amended and will continue to be amended to streamline the procedural aspects of the acquisition process”. Because this process appears to be constantly in flux, Statutory Instrument No. 338 may not be the last word on this issue.³²

3. Institutional framework

(a) Mandate

The TOR for the mission also required that it assess any existing impediments to and requirements for successful land reform and recommend a framework that would move the programme forward. The mission believes that one of these impediments is the institutional framework in which land reform and resettlement policies are made, operational decisions are taken and programme implementation is carried out.

(b) Current institutional structures and capacity issues

As a general rule, the current institutional structures are concerned more with policy formulation than detailed hands-on implementation issues, the latter being left to the technical staff of the relevant ministries and local authorities. The most important among these structures derive their authority not from legislative instruments but from the Cabinet, which constitutes and reconstitutes them. They thus operate on the basis of policy directives emanating from this source. The most important of these are:

- Parliamentary Committee on Lands, Agriculture, Rural Resources, Water Development and Resettlement;
- Cabinet Committee on Resettlement and Rural Development;
- Working Party of Officials;
- Inter-ministerial Committee on Resettlement (IMRCD);
- Cabinet Action Committee on Land and Agriculture;
- National Land Identification Committee;
- Provincial and District Land Identification Committees; and
- National Economic Consultative Forum.

³² Indeed, it was not since on Friday, 23 November 2001, the Minister of Lands, Agriculture and Rural Resettlement gazetted Statutory Instrument No. 346 of 2001, entitled the Land Acquisition (Offers of Land in Substitution for Land to be Acquired for Resettlement Purposes and Related Matters) Regulations, setting out the procedure for swaps, subdivisions, etc. under the Land Acquisition Act.

Some of these structures are in fact dormant. A few, such as Provincial and District Land Identification Committees, have their responsibilities underscored in specific legal instruments. Other institutions established by law, such as the Land Compensation Committee, the Administrative Court and the Agricultural Land Settlement Board, are either inoperative or barely tolerated.

The coordination and management of the programme are affected by the absence of an effective mechanism for coordinating and ensuring the implementation of numerous multisectoral land-reform functions. These functions are currently managed through multiple standing committees, some of which are duplicative. Communication between central-level committees and between the district and central government levels is poor. The management systems, information systems and skills required to coordinate the functions at these various levels are weak. The resolution of conflicts between these various levels is ineffective, while the management of conflicts between settlers, landowners and government officials over land matters is poorly coordinated.

The capacity to implement land reform shows clear-cut deficiencies at five levels: policy formulation; coordination and management of implementation processes; provision of specialist technical services; field supervision and extension; and monitoring and evaluation.

The institutional framework or systems for policy formulation are weak, poorly coordinated and do not have staff with appropriate skills. They are inadequately equipped with support systems for information management and analysis. Numerous policy improvements, legal reforms and institutional re-engineering activities are required but are not presently funded. National private-sector capacities for these services are underutilized but at the same time, they are inadequate for the scale of the need created by the Fast Track programme. There is a shortage of numerous specialist skills and inadequate systems for mobilizing and managing them.

(c) Summary Assessment

Although these structures may, between them, draw together all of the Government of Zimbabwe organs and agencies with a portfolio on land-related issues, the mission concluded that many of them add little value to the LRRP. Specifically, these structures provide few avenues for stakeholder participation in the programme. In addition, they are responsible for the policy confusion that appears to dominate the programme. Also, they produce internal conflicts between the operational (i.e., technical) staff of the various ministries involved, and finally, they may, by reason of their plurality, complexity and lack of clear hierarchy, be responsible for the slow pace at which the Fast Track programme (in terms of rural development) is, in fact, moving. While there are numerous areas in which the capacity to implement needs to be augmented, the institutional structure needs to be simplified and the report recommends the establishment of an independent Lands Commission that could take on many of the functions of the various disparate institutions involved at present. This recommendation is discussed in greater detail in section Part Two, section III of this report.

D. Assessment of Social and Humanitarian Dimensions

1. Mandate

The TOR of the mission also required that it assess the wider humanitarian impact of Zimbabwe's land-reform process. The mission understood this to involve an identification of population groups vulnerable to specific side effects of the process, and, in particular, the status of farm workers displaced by the land-acquisition and resettlement exercise.

2. Context

Since early 2000, and especially as the Fast Track process is accelerated, disadvantaged populations are being created and humanitarian interventions may be required to support those who are adversely affected. The fundamental challenge facing the Government of Zimbabwe is to ensure that in its implementation of the Fast Track programme, the number of people that become disadvantaged by the process is minimized. Consideration for the special needs of existing vulnerable populations must therefore be firmly embedded in the Fast Track and authorities at all levels must guard against potentially adverse humanitarian consequences. This issue has three dimensions: protection of vulnerable populations, food security, and the impact of HIV/AIDS.

(a) Vulnerable populations

The causes of humanitarian crises are very complex. Economic hardships (e.g., high unemployment, high inflation), natural causes (e.g., drought and floods) and the direct and indirect impact of the HIV/AIDS epidemic and a general decline in health or nutrition are among the major causes. The transformation and changes in farming activities due to the LRRP are also some of the key factors that significantly contributed to the causes and complexity of the humanitarian situation in Zimbabwe. At least two population groups are especially vulnerable to the impact of the LRRP.

(1) Farm workers

Many farm workers on large-scale commercial farms targeted for resettlement have become, or are at risk of becoming, victims of the land-reform process.³³ They have been laid off as farms cease production and, in many cases, they have been forcibly evicted from their homes.

i) Origin of farm workers

The widely held belief that most farm workers are itinerant labour migrants from neighbouring countries and are therefore ineligible for inclusion in the Land-Reform and Resettlement Programme needs qualification. While many claim ancestry in

³³ For a more detailed discussion of the problem of farm workers, see annex 9.

neighbouring countries, the greater majority were born in Zimbabwe and most are third- or even fourth-generation residents.³⁴ Most have married Zimbabweans and thus have ties to communal areas.

ii) Permanent and casual workers

The core commercial agricultural labor pool is made up of permanent farm workers living with their families³⁵ on commercial farms. In general, they enjoy food security and access to education, health services and clean water. Most large-scale commercial farms also depend on seasonal casual labour which is supplied by family members of permanent farm workers and by nearby communal areas. Casual work on large-scale farms provides an important income supplement, especially for those from impoverished communal areas. Following the occupation and settlement of LSCFs, casual labourers are normally the first to lose their jobs. This is especially devastating for the casual labourers from the communal areas, many of whom are women, who are heavily dependent on such seasonal activities for the survival of their household.

iii) Number of affected farm workers

The number of Zimbabwean and foreign nationals displaced as farm workers is currently estimated at 30,000 families. Several surveys indicate that the number of farm workers in Zimbabwe ranges from 300,000 to 400,000. Various reports indicate that approximately 10 per cent of them may be displaced following evictions.

In many areas, the farm workers' future is becoming increasingly precarious and their livelihoods are being placed in jeopardy. They also stand to lose a number of benefits, such as farm-based schools and health facilities, support with transportation to off-farm schools, or their children's access to school.

The violence to which many farm workers have been exposed since early 2000, together with increasing uncertainty about their future and their ability to sustain access to basic education and health services for their families, has led to heightened levels of depression and despair among many of them. This is manifesting itself in increased family violence among farm workers and their families. The incidence of wife and child abuse has risen dramatically in the past two years as has the consumption of alcohol among male farm workers at the expense of household incomes. Civil-society support groups, such as the Farm Community Trust of Zimbabwe (FCTZ), the Farm Orphan Support Trust (FOST) and the Zimbabwe Council of Churches (ZCC), have all drawn the mission's attention to such social problems.

³⁴ The recent survey by the Ministry of Public Service, Labour and Social Welfare showed that 78 per cent of farm workers claimed to be Zimbabwean citizens.

³⁵ The average household size is approximately five persons.

iv) Options for farm workers

Farm workers who have been adversely affected by the land reform process have a limited number of options:³⁶

- to remain on the farm in their compounds and await the outcome of the acquisition process in the hope that commercial operations may be resumed at some stage;
- to return to their homesteads in communal areas or join extended-family members in such areas;
- to move to other large-scale farms that are still in operation;
- to seek out new employment opportunities being generated on the new settlers' farms;
- to gravitate to peri-urban or rural informal settlements.³⁷

Farm-worker support groups³⁸ maintain that few farm workers are becoming beneficiaries of the LRRP. Statistics on resettlement compiled by the Ministry of Local Government, Public Works and Housing support this. As of 5 October 2001, only 2,122 of the 123,979 households resettled (i.e., 1.7 per cent)³⁹ were farm worker households under the Fast Track programme.⁴⁰ The Ministry of Land, Agriculture and Rural Resettlement counters by stating that many farm workers are resettled as communal area settlers, but the mission's field visits tended to confirm that few farm workers have become beneficiaries. While there is no indication that the national resettlement policy discriminates against farm workers, at the local level, where settler selection is carried out, such discrimination is allegedly taking place on political grounds.

Government officials indicated to the mission that the plight of farm workers is deliberately exaggerated by commercial farmers who use them for political purposes and encourage them not to participate in or benefit from the resettlement process. Farm owners are reported to have facilitated the participation of their workers in political rallies organized by the opposition party. Thus, farm workers are caught between two conflicting interest groups.

v) Compensation, pensions and other benefits

As mentioned already, farm workers displaced by the LRRP not only lose their source of livelihood but also risk losing benefits and entitlements that they had as permanent employees, e.g., basic social services such as schools and clinics, clean water and sanitation, and supplementary rations or access to plots on which to grow food. There is

³⁶ See Annex 10 for a more detailed discussion of these options.

³⁷ Such as the Chihwiti informal settlement in Mashonaland West recently surveyed by the FCTZ.

³⁸ Such as FCTZ, the General Agricultural and Plantation Workers' Union of Zimbabwe (GAPWUZ) and ZCC.

³⁹ Ministry of Local Government, Public Works and Housing data provided to the UNDP mission.

⁴⁰ It has been calculated that in Phase I about 15 percent of ex-farm workers displaced from commercial farms land for resettlement purposes. In Phase I war veterans were not a significant group. See *Inventory of Resettlement Schemes*, op cit, page 13.

also considerable concern about the inability of farm workers to draw on their pension benefits from the National Social Security Authority (NSSA) because many lack identification cards or birth certificates and do not have an NSSA account number. Similar concerns exist about receipt of the proposed retrenchment packages. Once displaced, it will be difficult to trace the farm workers to provide them with such packages.

(2) Women

Women head one in three households in Zimbabwe and natural mortality looms at 695 per 100,000.⁴¹ While female-headed households constitute about 35 per cent of all households, their access to settlement land is relatively modest. This is especially true for women farm workers and even more so for casual women farm labourers. There are no legal frameworks in place that ensure gender equality in the distribution of resettlement land. While there is no provision in the LRRP – Phase II policy document for joint registration of settlement permits by spouses, in practice, the operationalization of this process is complicated. According to statistics of the Ministry of Local Government, Public Works and Housing, of the 123,979 persons resettled by 5 October 2001, only 18,351 were women (about 16 per cent).⁴²

(b) Food security

Food security in Zimbabwe began to be a serious concern during the period from 2000 to 2001. The recent Food and Agriculture Organization of the United Nations (FAO)/World Food Programme (WFP) Crop and Food Supply Assessment Mission has determined that there will be a shortfall of 447,000 tons of grain during the current marketing year.⁴³ Part of this shortfall can be attributed to vagaries of weather, especially the lingering impact of cyclone Elaine in 1999-2000 and the erratic rainy season of 2000-2001. HIV/AIDS has compounded the problem by reducing productivity on farms. These events have resulted in two consecutive seasons of poor production in the most vulnerable areas of the country.

Disruptions to the commercial farming sector caused by the LRRP have compounded the shortfalls as a result of cutbacks in areas planted to crops, particularly maize, during the 2000-2001 season. The current crop season is expected to see further substantial cutbacks in production. As a consequence of the anticipated food shortages, the Ministry of Finance and Economic Development appealed to the United Nations for emergency food assistance in October 2001. WFP has responded with a proposal for a US\$60 million food assistance package to meet the shortfall. This food aid package is being targeted at some half million beneficiaries in the most vulnerable communal lands in 19 districts of the south, west and extreme north of the country.

⁴¹ UNICEF and UNAIDS.

⁴² Data from the Ministry of Local Government, Public Works and Housing.

⁴³ FAO-WFP Crop Food and Food supply Assessment Report, June 2001

The expectations of some officials implementing the Fast Track programme that the settlers' production will more than make up for shortfalls in production on commercial farms must be viewed as overly optimistic. To date, the District Development Fund (DDF) has only plowed a total of 10,000 hectares for the resettled farmers.⁴⁴ The amount of land tilled by settlers is not known. Given that many settlers have been located on unused or even virgin land, there has been insufficient time for them to clear and de-stump land for mechanized tillage. As mentioned earlier in this report, there are also serious concerns about the availability and distribution of farm inputs for the settlers.⁴⁵ The mission therefore shares the view of many independent observers that there will be a considerable shortfall in food production among resettled populations and that, unless they have access to surpluses on their communal areas, many may well face a serious food security problem later in 2002.

(c) Impact of HIV/AIDS

The HIV/AIDS epidemic presents Zimbabwe with one of its most formidable constraints to sustainable development. A crisis in itself, the epidemic amplifies the current humanitarian crisis across sectors. The incidence of HIV/AIDS is one of the highest in the world, having increased from 28 per cent of the population in 1998 to an estimated 35 per cent currently. The incidence rate is reputed to be as high as 40 percent in Mashvingo province.⁴⁶ The Ministry of Public Service, Labour and Social Welfare estimates that about 2,000 persons die of AIDS per week throughout the country. The number of orphans is believed to be between 600,000 and 1,000,000 (a staggering 5-9 per cent of the total population), many of whom are HIV/AIDS related.⁴⁷ These numbers clearly have serious implications for both the farm worker and settler populations on the one hand and the current and future productivity of all rural areas on the other. The impact of HIV/AIDS is exacerbated by pervasive poverty and poor nutrition in rural areas.

The scenario of a substantial loss of able-bodied adults in farming areas (among both new settlers and farm workers) over the next decade, with resultant serious set-backs in farm operations and productivity, has not been adequately woven into the overall planning for agrarian reform in Zimbabwe.⁴⁸ A worst-case scenario is that much of the productive land currently being redistributed may well become underutilized in a few years as a consequence of the loss of settlers and laborers to the AIDS epidemic.

Non-governmental organizations (NGOs) have been supporting farm-worker communities in their efforts to cope with their orphan populations through financial and other assistance to foster parents. However, as farm workers' incomes shrink owing to work stoppages and lay-offs resulting from the LRRP, their ability to foster orphans declines commensurately. Access to education is the first right to be lost by the orphans,

⁴⁴ Information conveyed orally by the DDF to the Representative of FAO

⁴⁵ FAO estimates that there is a significant shortage of seeds.

⁴⁶ Recent finds at Bhurea Hospital in Manicaland indicate an HIV/AIDS prevalence rate of 50 per cent among pregnant women.

⁴⁷ United Nations Children's Fund (UNICEF).

⁴⁸ UNAIDS points to the fact that the prevalence of HIV/AIDS in rural areas has increased dramatically in recent years, almost closing the gap between rural and urban areas.

and child-headed households living in acute poverty increase. Older orphans are drifting to towns to add to the expanding populations of street children, young girls drift into prostitution, and the incidence of child labor among desperate orphans grows. Also, many elderly are now required to support their grandchildren at a time in life when they would normally depend on support from their children. The capacity of the

Ministry of Public Service, Labor and Social Welfare to provide support to orphans is constrained by its limited resources. It is feared that as the LRRP eliminates the employment of farm workers so the informal support systems for orphans will increasingly be transferred to already overcrowded and inadequately serviced orphanages. The Ministry agrees that such a solution is not optimal and that other fostering arrangements must be found. The Ministry of Public Service, Labour and Social Welfare is attempting to build the capacity of the local and district authorities to address this national problem.

(d) Summary Assessment

The mission concluded that substantial social and humanitarian problems face the Fast Track programme of the LRRP. Deliberate efforts must therefore be made in the management of the land-reform and resettlement process to anticipate and plan for the very serious impact on vulnerable populations that is already evident in rural Zimbabwe. This matter is particularly crucial for farm workers, women and for those directly and indirectly affected by the devastation the HIV/AIDS epidemic among farming communities. Failure to take the necessary steps is bound to compound the poverty and food-insecurity crisis already looming in the country.

E. Overall Assessment

Part One of this report has examined and evaluated the current status of land reform in Zimbabwe and especially its policy, programmatic, legal and institutional aspects as well as its implications for economic and political development based on the Abuja Agreement in the light of earlier UNDP proposals. The mission fully understands and appreciates the historical, social and political imperatives that have defined the need for land reform in Zimbabwe and that have set the pace for its implementation over the years. There are, however, many problems which the Government of Zimbabwe needs to resolve if the programme is to be efficient and environmentally sustainable.

Beyond the political pronouncements and apparent enthusiasm for the redistribution of land, implementation of a broad-based sustainable land-reform and resettlement programme will require compromise from all parties and the formal incorporation of divergent internal and external stakeholders into the implementation process. Currently, the programme is hampered by suspicion and there is a lack of information among the two main stakeholders. This atmosphere has polarized the perception of land reform as a simplistic two party battle between government and large-scale commercial farmers, with all other stakeholders reduced to spectators in a wait-and-see mode.

Despite some positive aspects, the Fast Track programme is controversial because it carries many negative features. The Government and supporters of the programme emphasize the former while those who oppose it focus on the latter.

The overall assessment of the mission is that, while the political philosophy and socio-economic rationale of the Fast Track land reform and resettlement programme as defined by the Government of Zimbabwe remain sound, the current scope of the Fast Track represents an over-reach of the original objectives as stated by the Government. In addition the manner in which programme is being pursued, while legal because of the many changes in the law, has not provided any real scope for formal debate either among elected officials, or among those who will loose and those who will benefit. Specifically, the mission has concluded that:

- the policy-making process and programme implementation have become so eclectic that it is no longer possible to predict, on the basis of objective criteria, who is likely to be affected by the programme or benefit from it;
- the current scope of the Fast Track programme (currently about 9.2 million hectares) is not the consequence of debated and clear government policy but rather the aggregation of a series of one-off executive actions
- the constitutional requirement that compensation for land (as opposed to improvements thereon) compulsorily acquired for resettlement is not payable unless and until the United Kingdom establishes a fund for it, is impractical and offers no real guarantee for landowners, some of whom do not hold original titles; the constitution of one country cannot place obligation on a second country, unless this is based on a binding mutual agreement between the two. In the light of the history of Zimbabwe, there well may be a moral obligation on the "formal colonial power" to fund compensation for land acquired for redistribution purposes. However, no legal obligation to do so can be derived from the Zimbabwean constitution.
- the use of post hoc or retroactive legislation to clean up what are essentially political contradictions and problems for implementation and the fact that many of these changes are openly at variance with the doctrine of natural justice provide fertile ground for obstructive and unproductive litigation which have tarnished the image of the judiciary;
- the apparent disregard of accrued rights and interests (both social and economic) of large-scale commercial farmers in the land-acquisition process is clearly injurious to the national economy; and
- growth in other sectors of the economy will continue to be sluggish as long as the land-reform process remains problematic; slow growth of the economy as a whole will continue to delay poverty reduction .

The mission believes, however, that full confidence in the land-reform and resettlement process can be restored if all stakeholders in this matter, namely, the Government of Zimbabwe, the large-scale commercial farmers, the beneficiaries of settlement, and the private and civil-society sectors, are prepared to make a number of short- and long-term commitments. This requires a programmatic and institutional framework in terms of which negotiations can be conducted in good faith and appropriate and binding commitments can be made. Such a framework is set out in part two of the present report.

The mission also evaluated the impact and sustainability of the LRRP by comparing the results to date with the objectives that are intended to address these two important generic areas. This evaluation can only be tentative because most of the intended impact and conditions required to ensure sustainability can be measured only in the medium term (two to three years from now).

1. Impact

The objectives relating to impact are: (a) transfer of land from large-scale commercial farmers to smallholder agriculture; (b) reduction of population pressure in communal areas; (c) reduction of rural poverty; and (d) an increase in the contribution of agriculture to GDP and export earnings. An evaluation of the results against each of these objectives is presented in the following paragraphs.

(a) Transfer of land

As already mentioned, the transfer of land within the current laws of Zimbabwe is taking place at an extraordinarily rapid rate compared with the original aim of acquiring 5 million hectares for the Fast Track programme announced in July 2000. At the time of the UNDP mission in November 2001, about 7.3 million hectares had been acquired and settled, and an additional 1.9 million hectares had been gazetted (listed) and were likely to be acquired by the end of December 2001. Obviously, these actions do not mean that all of the 7.3 million hectares that have been settled are occupied by families living in new homes and engaged in farming, or that all legal formalities for the transfer of the additional 1.9 million hectares acquired have been completed. It is clear that new settlers are not yet using most of the 7.3 million hectares formerly owned by large-scale commercial farmers, rather the Government estimates that only about 4.3 million hectares are actually occupied by legal settlers. The mission is confident in its assessment that while the transfer of land ownership is being achieved extremely rapidly, the effective use of the land by new settlers will require many years of intensive investment in productive infrastructure, social and agricultural support services before sustainable increases in incomes will be achieved.

(b) Reduction of population pressure

It has been 10 years since a census was carried out; therefore, reliable information on changes in population is not available. Nevertheless, the Government itself has stated that decongestion of communal areas did not take place in Phase I. Experienced Zimbabwean observers have concluded that congestion of communal areas during Phase II has not been reduced for two reasons. First, the actual movement of families to new settlements has been slow. Second, the homes and property rights of families who have left communal areas for new settlements have been taken up by the many landless people in communal areas and by an influx of families from urban areas who have become unemployed owing to the sharply reduced growth in the manufacturing industries. Moreover, too much undue hope seems to have been placed on the objective of decongesting the communal areas, given that little investment has been made to date in reorganizing and developing these areas.

(c) Reduction of poverty in rural areas and among farm workers

Unfortunately, Zimbabwe has one of the highest rates of poverty and inequality in sub-Saharan Africa. There are no recent household surveys, but on the basis of surveys in the mid-1990s, rural poverty on a per capita basis has been estimated at between 70 and 80 per cent. Experienced observers claim that poverty has probably increased in recent years. The reduction of poverty among the resettled population can be measured only after the people have been established for a few seasons. On the other hand, it is likely that the rate of poverty in resettlement areas is much lower than rural averages.

There can be little doubt that families gaining land through resettlement also gain a substantial asset base which can be used to improve their welfare. The available evidence based on areas settled in the 1980s suggests that families who resettled in agricultural areas have achieved higher crop yields, higher incomes and a higher level of well-being than they had in communal areas. On a per capita basis, however, the results are not clear. An unpublished analysis of survey data in the older resettlement areas suggests that, owing to increases in family size over time (arising out of family members moving to resettlement areas because of the better living conditions found there), per capita poverty has increased, but poverty rates in resettlement areas are probably still below the average in other rural areas.

(d) Contribution to GDP and exports

The Zimbabwean economy is expected to slump from a projected negative growth of 2.8 per cent to an estimated negative growth of 7.3 per cent per annum in 2001.⁴⁹ The agricultural sector during the same year is estimated to have declined by 12.2 per cent, more than any other sector; thus, the contribution of agriculture to GDP has also declined. According to the Minister of Finance and Economic Development, reasons for the decline were persistent inflationary pressures, continued uncertainty over the land-reform programme, declining business confidence, withdrawal of support by the international

⁴⁹ Budget speech, 1 November 2001.

community and shortages of foreign exchange. For 2002, aggregate GDP is projected to grow at -5.3 per cent. Agricultural exports have also declined due to disruptions associated with the land-reform programme and other factors such as the overvalued exchange rate. One of the largest commercial banks in Zimbabwe has projected that tobacco exports, the largest source of foreign exchange, will decline by 10 per cent in 2002 owing to reduced planting due to uncertainties surrounding land reform and high production costs.

The inevitable conclusion is that the land-reform programme has not contributed to increasing GDP from agriculture or to an increase in the export of agricultural commodities. On the other hand, a transition period before the full benefits from the LRRP is to be expected. At present, however, the transition period will be at least five years unless infrastructure and support services are provided quickly for the resettlement areas. Government experts believe that, as improved collaboration between the remaining LSCF farmers and government in the LRRP is achieved, it is expected that export production could be expanded through an increased number of export producers emerging from the A2 model scheme.

2. Sustainability

The programme also included a number of objectives relating to sustainability: (a) promote environmentally sustainable land use; (b) develop small-scale commercial agriculture; and (c) create conditions for sustainable economic, political and social stability.

(a) Promote environmentally sustainable land use

On the basis of the mission's observations, older resettlements have not caused long-term damage to the environment. With adequate advice from the extension service and compliance by farmers, it is anticipated that there will be no damage to the soil following clearing and cultivation. On the other hand, major environmental damage has already resulted from the indiscriminate cutting of trees for firewood for sale or use in tobacco kilns as well as for cultivation along rivers and stream banks, causing the silting of dams. Major efforts, such as small-scale plantations and land-use controls, will need to be made to avoid further damage. The promotion of land use for eco-tourism among the newly resettled may increase sustainability.

(b) Develop small-scale commercial agriculture

This objective requires a longer-term vision and more broadly based input than are specified in the Fast Track programme. A draft, unpublished study by the International Food Policy Research Institute has shown that typical small-scale farms that emerge from the Land-Reform and Resettlement Programme can be viable family farming operations. However, they will be viable on a sustainable basis only if they are supported by adequate infrastructure and support services. Unfortunately, experience shows that the provision of infrastructure in the older resettlement schemes has been wholly inadequate

and farmers have faced enormous difficulties, for example, with the marketing of their products. It is inevitable that the Fast Track programme will not provide an adequate infrastructure for settlers and, unless this problem is squarely addressed, there will be serious detrimental consequences for the future incomes and welfare of settlers.

The introduction of the A2-model scheme on an expanded scale is predicated on the assumption that the more skilled and those capable of mobilizing private and commercial resources for investment in commercial agriculture will expand the production of high-value and export commodities. At least three years are required to test this assumption adequately although greater racial integration of the LSCF should emerge in the short term.

(c) Create conditions for sustainable economic, political and social stability

Zimbabweans have suffered from considerable instability within the last two years because of the dissent and conflict that have surrounded the LRRP. In effect, the programme that was supposed to provide stability is at present the cause of much of the economic, political and social instability in the country. In the medium term, however, as greater equality takes root, there could be less political grievance over past injustices and less reason for conflict over land and economic control. There is no reason why the programme should not provide the basis for improved distribution of income and thus economic, political and social stability in Zimbabwe. Part two of the present report contains suggestions as to how the programme could be moved ahead in order to contribute to greater stability.

PART TWO

PARAMETERS AND PRINCIPLES FOR SUSTAINABLE LAND REFORM

I. CONTEXT

This part of the report focuses on basic principles, the support from international partners and programme improvements that are needed for effective land reform in Zimbabwe. Given the rapidly evolving nature of developments in Zimbabwe, the mission was not in a position to provide detailed proposals for sustainable land reform programme, but proposes that this task be done by a follow up technical mission to Zimbabwe after the Presidential elections.

Previous sections of this report have shown that land “acquired” under Zimbabwe’s Fast Track land-reform programme is already close to double the original objective of 5 million hectares. The number of families “settled” has also surpassed the objectives by a wide margin.⁵⁰ To date, the original land owners may have left their former farms some time ago or they may have departed quite recently, depending on the precise circumstances and stage of negotiations in the Government’s land-acquisition process. Therefore, land acquisition, resettlement, and resettlement of families is still in motion. This transitional process will continue for many years.

The underlying objectives of the various phases and formulations of the LRRP since 1980 have had the strong support of the Zimbabwe public as well as the support in principle of international donors. The basis for this support is the overwhelming logic of the redistribution of land among Zimbabwe’s population, with the aim of increasing average incomes and reducing poverty, decongesting communal areas, and increasing exports of crops such as tobacco and horticultural products. Even though there are weaknesses in institutions that manage the programme, the quality of personnel and their dedication to the implementation of the programme cannot be faulted. Finally, although there are always going to be inadequacies in the basic data on land ownership and land classification, Zimbabwe is nevertheless well endowed with such information so that informed decisions about the implementation of the Land-Reform and Resettlement Programme can be made if data are made transparent.

The proposed institutional and programmatic framework will achieve the following objectives for the three major groups of stakeholders involved:

- settlers. Effectively generate increased and sustainable incomes for settlers and therefore the nation within a programme that can be implemented with the resources available to the Government from its own budget and the financial assistance from international partners;

⁵⁰ Note that “acquired” means only that Section 8 notices under the Land Acquisition Act have been served. “Settled” means that plots have been legally allocated to settlers, but they do not necessarily need to be occupying the land they have been allocated.

- public and private sectors. Establish an efficient institutional arrangement, involving both the public and private sectors, which supports new settlers as they embark on a new life in unfamiliar locations; provides effective management of the ongoing Land-Reform and Resettlement Programme at all levels of government; and supports the private sector to deliver a range of services to settlers and their families;
- large-scale farmers. For farmers whose farms have been legally acquired, compensate fairly the original landowners for the cost of land and improvements for those who purchased it (or for improvements only if land was not purchased) and for fixed farm infrastructure; and, for those whose farms have been listed or have not yet been listed, ensure a transparent and predictable Government approach to any future legal actions.

II. PRINCIPLES AND CONDITIONS FOR IMPROVED AND SUSTAINABLE LAND-REFORM PROGRAMMES

Developing a sustainable land-reform programme will rest upon commitment to basic principles, the support of partners, and improvement of policy components and the institutional arrangements and capacities for managing the implementation process.

A. Basic Principles⁵¹

To achieve an equitable, sustainable land-reform and resettlement programme that addresses the concerns of the main stakeholders as well as the numerous groups that are affected by the programme in one way or another, there should be adherence to the following principles.

1. Public confidence in and ownership of the policy-making process

It is essential to achieve clarity in land-reform and resettlement policy if the objective of predictability of important elements of the programme, including the legal and institutional framework within which it operates, is to be ensured. It is necessary for all stakeholders to have a common understanding of programme implementation processes so as to minimize uncertainties.

2. Community participation

The programme should involve a major restructuring of the rural sector with a number of groups (e.g., commercial farmers, farm workers, large-scale suppliers of agricultural inputs, transport operators and many others) who will lose assets and opportunities while others (e.g., the landless in the communal areas, local small-scale contractors, owners of

⁵¹ Note that footnote 11 recorded the principles agreed at the Donor Conference on land reform in Harare in September 1998. The principles suggested here encompass and are consistent with those agreed in 1998.

small shops, and contractors who build infrastructure) will gain assets and opportunities to earn higher incomes. All groups will be faced with new challenges, but clearly there will be winners and losers. The manner in which gains and compensation for losses are assessed, and how payments are made, will result in tensions unless old and new communities participate in the major decisions that are needed to implement the programme successfully. This will call for mature leadership from all groups.

3. Co-existence

As Zimbabwe continues its development and becomes a more integrated multicultural society, the concept of co-existence in urban and rural areas will need to become a natural way of life. In newly settled rural areas, such co-existence is likely to become an important force for mutual support in the difficult transition that all stakeholders will need to make during the structural change in agriculture.

4. Mutual respect and negotiation in good faith

As small and large communities change their economic and racial character, friction over controversial issues will doubtless arise. In the course of the dialogue that must be established to resolve these issues, there should be mutual respect for the views, rights and freedoms of all groups and individuals. Such mutual respect will be a necessary condition for reaching satisfactory agreements on the many controversial decisions that will need to be taken during the implementation of the reform programme. Harassment from any group should not be tolerated. Rather, the good-faith negotiations among all parties should become the hallmark of the Land-Reform and Resettlement Programme.

5. Transparency and accountability

It is necessary to ensure that there is adequate public access to information on key aspects of the land reform so as to ensure public accountability and prevent the current management problems that emerge from the use of inaccurate and distorted sources of information by the numerous stakeholders. The consistency, accuracy and timeliness of access to basic information on land acquisition, settler selection processes, investments, policy and legal changes, and the roles and responsibilities of various public and private agencies, are also critical to ensuring the effective coordination of the programme and guaranteeing its fairness. Well-informed public debate, policy analysis and media coverage should be encouraged by proactively making basic information available and facilitating dialogue between information gate-keepers and its various end-users. Regular and formal progress reports and public briefings are key forums, while opening up access to key public records may be critical to ensure transparency, effective monitoring and accountability.

6. Compensation for Land

The state has the right to acquire land in the public interest and carry out a land reform program. However, an essential pre-requisite in the process of property acquisition by the

state is the principle of fair compensation for land and improvements. Even the clearing of land and the physical development of soil is an improvement that needs to be given due weight in determining improved land values.

B. Support from International Partners

1. Abuja agreement

A basic premise for the collaboration of international partners in the Land-Reform and Resettlement Programme is commitment by all stakeholders to the key elements of the Abuja agreement. These include:

- the cessation of illegal occupations and relocation of such settlers;
- delisting of inappropriately listed farms;
- restoration of the rule of law to the process of the land-reform programme;
- engaging with international partners by pursuing an effective, sustainable land-reform programme on the basis of the UNDP proposals of December 2000;
- focusing on a phased programme of redistributing 5 million hectares.

2. International support and partnership

Attempts to negotiate a second phase of support for Zimbabwe's land-reform programme since the Donors Conference in 1998 have been bedeviled by fundamental differences over the political context, legal framework and programmatic focus of the Fast Track programme. Differences over goals, how land is acquired and the definition of who benefits from it are complicated by disagreements over strategy and administration (timing, phasing and logistics). In the event there was no agreement among donors for support for the land reform programme even though the Donor Conference had agreed to a logical set of principles and the concept of an Inception Programme. This lost opportunity led to considerable frustration within the Government and resulted in the Fast Track programme which has essentially ignored most of the hard-won agreements at the Donor Conference.

Support for a comprehensive and balanced land reform and resettlement programme among the international community is a critical first step in promoting dialogue and consensus-building with the Government. A spirit of partnership rather than traditional and complex new conditionality is required to address the land question. The international community needs to be critical yet at the same time acknowledge the positive aspects of the land-reform programme. In a particularly polarized context good will is needed from all sides, and that it is critically important to limit media confrontation. Most of the financial support required will be for land compensation and the development of infrastructures in newly resettled areas. This international assistance in financing land compensation would be valuable for a successful resolution of the land reform issue in Zimbabwe.

C. Suggested Improvements in Land-Reform Programme

As programme implementation continues land-reform policy should be continuously improved. Such improvements could be applied immediately with significant results. The following areas for improvement need to be addressed.

1. Land policy

The Government prepared draft national land policy papers in 1990 and again in 1998, but neither draft has been adequately discussed and ratified, although they are widely regarded as national policy. Any discussion of matters such as the distribution of land, the allocation of areas for specific land use, land tenure and ownership, and the environment should be guided by a fully detailed and ratified national land policy. It is therefore suggested that a comprehensive land policy for Zimbabwe be finalized, debated in appropriate forums, and adopted as national policy.

2. Moratorium on changes in existing laws and regulations

The law presented extensive scope for landowners to contest compulsory acquisition of land, on many occasions on frivolous grounds. This has led to mounting frustrations on the government's side. As a result the Government has over the last two years frequently amended laws and regulations related to land reform. This has caused considerable uncertainty. It is suggested that there should be a moratorium on amendments to existing laws, rules, regulations, criteria, and policies by the Government whenever it deems it convenient to do so. It follows that any changes in laws and regulations should be thoroughly reviewed and debated before being made law.

3. Balanced growth

The focus on land reform has, apart from the numerous controversies, had some negative impact on growth in the agricultural sector. Opportunities should also be explored which would lead to a slowdown in the pace of land acquisition and settlement so as to preserve the power of the large-scale farming sector to efficiently generate export income. Negative growth in the manufacturing sector, which at independence was a dominant sector of the economy, has also been a major problem for the economy. It is understood that many manufacturing companies have closed over the last 12 months and that this has placed considerable pressure on the labor market, particularly in urban areas. Manufacturing is reported to have declined by 7.5 percent in 2001, with a 7.0 percent decline projected in 2002. A major effort is required to promote the improvement and growth of production and service linkages between industry and agriculture in the context of a restructuring of the rural sector. The mission suggests that those factors that constrain the growth of agricultural exports and manufacturing be addressed as a matter of urgency in order to return balance to the economy as a whole.

4. Sustainable environment

One of the most obvious dangers Zimbabwe's increasingly rapid resettlement programme is that there will be substantial long-term damage to the environment. Clearly, many areas that previously had not been used for agriculture will be cleared. Therefore, special care will need to be taken to ensure that the development of land for agriculture will not endanger the long-term sustainability of the cleared areas and of the adjacent watercourses. Where environmental difficulties arise alternative energy source (perhaps supported by some kind of subsidies) should be considered. In addition, any resettlement plan should ensure the preservation of adequate refuge areas for Zimbabwe's rich natural flora and fauna. It is suggested that improvements of environmental policy should include encouraging new settlers to engage in various natural-resource enterprises, including eco-tourism.

5. Rural and social development in the communal areas

One of the objectives of the LRRP is to achieve decongestion of communal areas. The Government's Phase II report (June 1998), submitted to the Donor Conference in September that year, acknowledged that there had been no decongestion in these areas during Phase I. Information received by the mission indicates that there are still no significant changes in population pressure in communal areas. Because of the substantial urban-rural migration and the reluctance of Zimbabweans to relinquish their traditional ties to communal areas, the Government may wish to consider placing greater emphasis on stimulating economic activity in these areas as well as providing the necessary support services. The mission therefore suggests that Government support for rural development should include support for the development of communal areas to stimulate growth rather than to focus only decongestion.

6. Land tenure arrangements for new settlers

Settlers in the Phase I programme received permits for the arable, grazing and residential land they received. In Phase II and the Fast Track programme, settlers have not received any formal ownership instrument, but it is made clear that they have usufruct rights to the land and that the Government will protect those rights. This is an unsatisfactory situation that contributes to the already insecure situation in which these settlers find themselves, even in the short term. The Government's report for Phase II (June 1998), which included a review of Phase I experience, noted that settlers felt insecure when depending only on a land permit. While it is clear that the resettled land has not been surveyed and that it is therefore not possible to provide a precise specification of even the arable land to which the settler has been given rights, a better arrangement should be found. Settlers will need to use credit at some stage in their development to finance structures, equipment and various improvements on their land. A weak land permit will not provide adequate collateral to a small-farmer credit institution such as ADAF (see Section III B). The deliberate increase of land holding by the state as a result of the Fast Track programme, and exclusion of other land ownership options (including individual and group free holds), has a number of implications such as: affecting land market which has

a direct impact on the banking and agriculture credit industry; keeping resettlement beneficiaries vulnerable to arbitrary change in Government policy or administrative practice; subjecting land allocation and administration to patronage and nepotism. Therefore a secure land tenure instrument is recommended.

7. Extension and training

Support services in new settlement areas will need strengthening so that settlers can receive adequate technical advice in aspects of agricultural and livestock production. Social research shows that the availability of extension advice improves the performance of settlers. The mission, therefore, suggests that the Government ensure that settlers are provided with adequate extension services in all aspects of agricultural and livestock production. To enhance the extension services, strong backup is needed from the Department of Research and Specialist Services so that the services are relevant to the new resettlement area

8. Agricultural credit

At present, considerable energy is being devoted by the Ministry of Lands, Agriculture and Rural Resettlement to ensuring that new settlers receive seasonal inputs such as seeds, fertilizer, chemicals and other materials. As explained earlier, these inputs are currently provided on credit for one season by various institutions (mainly financed directly by the Government) at varying interest rates but typically at 20 per cent, which is well below the market rate. To address its concern about the sustainability of such credit arrangements, the mission suggests that the Agricultural Development Assistance Fund (the only institution with a broad mandate for agricultural credit for small-scale agriculture and with an extensive branch system) be established as an independent, semi-public credit institution to serve small-scale farmers. This institution could facilitate the evolution of other private-public partnerships in expanding the provision of credit and inputs to smallholder production by building upon experiences with COTCO, FDT and other private initiatives.

9. Protecting and enhancing the rights of farm workers

The principle of providing for land or protecting the rights of farm workers is an important one. There is a need to address the wider problems of the social and land rights of the farm workers. Government statistics suggests that in the last two years, much more land allocated under the A1 model has been provided for farm workers selected from allocations that have increasingly being reserved for them. However, the percentage of total farm workers who have qualified for resettlement land is not known. While the government policy states that farm workers qualify for land, no commitment was made regarding a specific proportion of the land resettled. On the other hand war veterans, were allocated 20 per cent of the land (as stated in the policy documents) although they represent a much smaller proportion of the population than farm workers. The key problem here is the need to address those displaced from gainful full-time or part-time jobs in the large farm areas, that is, the more than 30 per cent of non-

Zimbabwean farm workers and the others without identity documentation. They also require support in formalizing their citizenship and/or rights to land in resettlement or communal areas. People who may want only permanent residence – and not citizenship - in Zimbabwe need assistance in achieving this goal without undue hardship. Those who seek independent residential land rights to enable them to continue operating as farm workers in rural areas should be supported through the development of hamlets and dual service centers. It is suggested that the rights of farm workers should be explicitly taken into account in future land reform and resettlement programmes.

10. Gender and land rights

In general, the Government has acknowledged the need for equitable gender access to and control of land and, to a lesser extent, equitable gender access to the control of key decision-making structures. Settler households may choose to register their properties jointly. The rights of the vulnerable women, such as the widowed, divorced and destitute, are also being recognized. However, preliminary observations indicate that this is not being practiced very frequently. Government policy does not yet address the needs of single or young women. The legal - rather than the administrative - requirement to ensure the effectiveness of these gender-sensitive policy pronouncements has not been specified. In addition, there is no provision in the operational guidelines or procedures to ensure that an adequate number of women in different categories of need receive the land and capacity to ensure that the poorer women achieve these land rights is weak. Therefore, while considerable progress has been made in acknowledging the need for equitable gender-based land rights, greater effort is required to elaborate the policy, provide it with a firm legal basis, operationalize it, and mobilize capacity to ensure its implementation and effective monitoring.

11. Humanitarian support

Droughts and floods, as well as HIV/AIDS have afflicted the whole of Zimbabwe for many years, but these issues do become problems in re-settlement areas. For example, the development of small-scale farming operations with limited options for diversification makes agriculture more vulnerable to natural disasters resulting in sharp reductions in income and food insecurity. On the other hand, reduced food production on farms that are in transition between large and small-scale operations affects food security on the supply side. In addition, the dislocation of farm worker families disrupts fostering support systems for HIV/AIDS orphans. In addition the large movement of people associated with resettlement may result in a more rapid spread of HIV infection. There is therefore a need to create a framework for improved humanitarian support and social services to assist those affected by food insecurity, the breakdown of fostering systems for HIV/AIDS orphans, and the spread of HIV infection during the implementation of the land reform and resettlement program.

D. Institutional Arrangements and Capacity-Building

Ensuring the effective implementation of a sustainable land-reform programme will require securing improvements in the legal framework, institutional arrangements, capacities to implement the programme and supervise resettlement schemes, and appropriate frameworks for dialogue and funding. These are elaborated below.

1. Legal framework

Laws related to land have become inconsistent as a result of numerous ad hoc changes in the laws and regulations over the years, leading to confusion about many legal issues pertaining to land. The mission, therefore, suggests that the Land Acquisition Act be revised; that land acquisition legislation be reconciled with the agricultural settlement legislation; and that a real property law be enacted. Government should ensure that the rules, criteria and policies are respected and not changed or amended from time to time as it sees fit.

2. Institutional framework

The current decision-making process for the LRRP is complex and is not transparent. Decision-making is also highly centralized. Therefore, the mission suggests that a Land-Reform and Resettlement Board or Land Commission be established to reduce the many layers of decision-making and decentralize more power to local (accountable) government. The suggested agency should be responsible for: settler identification with assistance from local authorities; demarcation of plots and settler emplacement; planning for infrastructure and services required; monitoring and evaluation of the programme; marketing and outreach services; and administration of the Trust Fund proposed below. The suggested agency would provide effective decentralization and clarification of central and local-level responsibilities, and provide for the separation of adjudicative, executive and representative structures that are not well separated in Zimbabwe's land reform and resettlement programmes at present. While such an agency could be a temporary institution, it might be prudent to retain it permanently and to vest in it all decisions related to transitional, traditional and public land rights.

3. Institutional capacity

The implementation of sustainable land reform will be enhanced by developing capacities in national land policy analysis; land information management systems; agricultural credit; research and extension; agricultural marketing; valuation and compensation; the development of infrastructure, domestic water supplies and tillage strategies; as well as the design, surveying, monitoring and evaluation of resettlement programmes.

4. Creating the basis for dialogue and stakeholder participation

The LRRP needs to provide adequate forums for dialogue on various policy, legislative and administrative matters and enable negotiations between government and key

stakeholders such as landowners, farm workers, new settlers, war veterans, representative unions and associations involved in land reform and other civil-society organizations. The provisions of the Land Acquisition Act for swaps and subdivisions could be improved and operationally clarified while clauses could be added to other existing legislation and policies in order to encourage and ensure opportunities for negotiations. In particular, special clauses to protect those engaged in negotiations and to inform the public are crucial.

A pragmatic approach to the promotion of a participatory approach to land reform needs to be designed in such a manner that it does not provide scope for delaying the implementation of the Land-Reform and Resettlement Programme. Adequate technical and financial resources need to be mobilized to coordinate and co-opt available national resources and skills towards implementing participatory strategies of post-settlement support, making land tenure secure, and monitoring and evaluation. External technical assistance might be critical to facilitate these actions. This may include building the capacity for non-government actors to participate more effectively than is presently the case.

5. Administration of the resettlement schemes

Another constraint relating to the pace of resettlement is the reduced number of resettlement officers since January 2000, when many were given notice. The mission understands that there is now only one resettlement officer per district. This seems inadequate for the effective administration of newly settled areas since these officers play an important role and provide a significant link between farmers and the district administrator. The mission suggests that there be a review of the need to increase the number of resettlement officers in new resettlement areas.

6. Trust Fund

The mission has concluded that the establishment of an independent trust fund, which UNDP would be willing to manage, for the land-reform programme is critical to guarantee adequate funding and to mobilize various sources of support. Such a fund could have two components, the first to provide resources for the resettlement process including basic infrastructure on acquired land equipment and tools, extension services as well as training and support to capacity building and technical assistance to the Government. The second will provide direct compensation to farmers for land acquired, for resettlement and improvement, including infrastructure as well as support for displaced farm workers.

List of Abbreviations and Acronyms

ACP	AIDS Control Programme
ADAF	Agricultural Development Assistance Fund
ADMA	Agricultural Dealers and Manufacturers Association
AFC	Agricultural Finance Corporation
AGRIBANK	Agricultural Bank of Zimbabwe Ltd.
AUSAID	Australia Agency for International Development
CFU	Commercial Farmers Union
COTCO	Cotton Company of Zimbabwe
CREATE	Community-Based Resettlement Approaches and Technologies Project
DDF	District Development Fund
FAO	Food and Agriculture Organization of the United Nations
FCTZ	Farm Community Trust of Zimbabwe
FDT	Farmer Development Trust
FOST	Farm Orphan Support Trust
GAPWUZ	General Agricultural and Plantation Workers' Union of Zimbabwe
HARP	Humanitarian Assistance and Recovery Programme
IFAD	International Fund for Agricultural Development
IMCRD	Interministerial Committee on Rural Development
IOM	International Organization for Migration
LRRP	Land-Reform and Resettlement Programme
LSCF	large-scale commercial farm
MDC	Movement for Democratic Change
NGO	non-governmental organization
NLP	national land policy
NSSA	National Social Security Authority
RDC	Rural District Council
RRU	Relief and Recovery Unit
SARIPS	Southern African Regional Institute for Policy Studies
UDI	Unilateral Declaration of Independence
USAID	United States Agency for International Development
WFP	World Food Programme
ZBC	Zimbabwe Broadcasting Corporation
ZCC	Zimbabwe Council of Churches
ZFU	Zimbabwe Farmers Union
ZIMPREST	Zimbabwe Programme for Economic and Social Transformation
ZINISA	Zimbabwe Network for Informal Settlement Action
ZJRI	Zimbabwe Joint Resettlement Initiative
ZLRRN	Zimbabwe Land Reform Research Network
ZNA	Zimbabwe National Army
ZNLWA	Zimbabwe National Liberation of War Veterans Association
ZRP	Zimbabwe Republic Police