Delivering Land and Securing Rural Livelihoods: Synthesis and Way Forward? [1]

by

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Introduction

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I first came to Zimbabwe in 1990 on a World Bank mission to participate in a land sub-sector study. There was virtual agreement even then among Zimbabweans and the international community that land reform needed to be accelerated to redress Zimbabwe's unequal and racially biased land distribution. But, there was also the sense, from my point of view, that government, in addition to enabling land reform, was also unwittingly obstructing it through excessive centralisation and monopolisation of land acquisition and resettlement (Roth 1993). It is not an issue of capacity and skills, for the land administration machinery within Zimbabwe has an abundance of both. Rather it is an issue of a patriarchal land administration that has asserted far more controls over land allocation, land use, land management and resettlement than it can satisfactorily deliver, but it avoids creating space for private market solutions that would help complement its own efforts (see also Chigumete, Masendeke).[4] This chapter aims to synthesise key findings of the research papers and perspectives in this volume, and from plenary discussions at the conference, and then proceeds with proposing a strategic policy roadmap for reengaging government, donors and civil society in land and agrarian reform in Zimbabwe.

[4] All citations refer to chapters or perspectives in this volume with the exception of references included in the bibliography.

Incoherencies

A number of contradictions in land policy have become evident that confound the coherency of Zimbabwe's land policy framework, most notably:

- Land reform has been completed according to some in government, yet compulsory land acquisitions on the ground continue
- Land access for the poor has been enhanced by Fast Track, but poor settlers live in a tenure void (absent secure property rights) and lack secure livelihoods
- Deeds registration and survey confers secure rights, but the durability of these rights and the utility of the system have been cast in doubt by compulsory acquisition and Fast Track occupation
- Fast Track Land Reform while providing land to new-found beneficiaries has also led to the collapse of the private land market that until the late 1990s was successfully redistributing land to black emerging farmers, including women (Rugube et al, Petrie et al)[5]
- Results of Fast Track land reform, while applauded by some for helping to redress the land question in Zimbabwe, has also created economic regress, agricultural productivity decline, severe capital depreciation, disinvestment, and collapse of land values and agricultural markets for seed, fertiliser and credit
- There has been and continues to be subdivision restrictions which have denied the downsizing of farms from 400 to several thousand hectares in size based on grounds of economic threshold or viability (Sukume and Roth), yet farm size limits have been waived under Fast Track resettlement resulting in rapid and sometimes ad hoc fragmentation of commercial farms into small parcels
- Careful beneficiary selection or traits are needed to ensure good land husbandry on model A2 farms (Mukute, Gonese and Mukora), yet many beneficiaries under Fast Track, who have been self-selected, are poor and lack the farm management skills and wherewithal to do little more than engage in subsistence agriculture[6]
- Land reform is intended to help equalise land and uplift those in poverty, yet farm workers who are among the most impoverished and vulnerable have suffered from displacement, destitution, lost employment and violence (Magaramombe)[7]

It is these multiple facets of land reform that are polarising the land policy debate in Zimbabwe and are creating confusion over intent, motives, and actions on the part of government. For it is inconsistency, incoherency and selective application of law that erode confidence in government's

[5] Rugube et al documents the collapse of the land and financial bond markets beginning in the 1990s but accelerating after the onset of Fast Track. They also show the acceleration of the market for public leases as government has begun to unload properties acquired through the 1990s.

[6] According to Daniel Ncube (personal communications), the broad policy of decongesting communal lands for resettlement (outside A2 schemes) is administered on a first-come, first-served basis.

[7] Magaramombe notes that while it is not government policy to displace farm workers, the reality on the ground is contradictory. There is resurgence of the perception that farm workers are aliens and do not warrant equal rights or consideration. Unfortunately, despite lost employment, low levels of education make it difficult for them to secure other forms of employment, hence many have been driven into poverty.

ability to govern, and to protect individual interests. The land policy framework is thus in need of reformulation, and the issues above are key starting points for considering change.

Trust

Decline of trust and loss of confidence in the social and economic order are at the root of the economic malaise and agrarian decline in Zimbabwe. It is trust that underpins the foundations of property institutions and economic organisation. It is trust that confers tenure security and confidence that contractual arrangements will be upheld (see Hasluck, Mukute). Trust is hard earned and easily lost, and once lost, is difficult to regain. It is on the basis of trust that financial institutions lend money on good faith statements of borrowers that money will be repaid, that land and property will have value, and that assets leined can be foreclosed upon to repay debt. It is trust that enables lessors and lessees in communal areas and on commercial farms to enter into land rental agreements, or to secure access to inputs or financial capital through informal credit mechanisms (Hasluck, Hungwe, Nyambara). It is trust that allows a commercial farmer or agroprocessor to engage in a contract with smallholders, where the farmer/processor is assured that produce will be delivered on time and in accordance with quality standards, and the tenant has assurance that s/he will receive fair and reasonable compensation for services rendered.

What has been revealed instead (based on a number of papers in this volume and on plenary discussions) are numerous symptoms of a breakdown in law and order, in property institutions, and in the functioning of agrarian contracts, caused by or connected with loss in trust and the ethical foundations for market transactions. Furthermore, an institutional void has been created as rules governing land ownership and business dealings are disregarded or selectively applied, thus undermining confidence in the economic order.

In the case of rural land transactions and sharecropping in Gokwe, for example, Nyambara found that land rental agreements are mainly oral, confined to transactions among kin, result in low output shares received by the tenant, and are short term in duration, all symptomatic of land tenure insecurity (on the part of the landholder) and lack of sufficient trust within the rural farming community. Lack of trust deprives the potential lessor of rental income from a land resource that is more efficiently farmed by another, and gives the lessor too little incentive to invest in the land or provide sufficient inputs to tenants. It also deprives the landless and poor of an affordable way to secure land access (beyond land purchase) that would otherwise increase access to wealth and secure improved livelihoods.[8]

[8] See Hasluck who submits that leasing and sharecropping can help improve the welfare of communal farmers, farm workers, tenants and new land reform beneficiaries. But, tenure insecurity is constraining these land contracts among commercial farmers and settlers, in the former case by government policy shifts that continue to carve off successive pieces of farms for resettlement despite restraining orders, and in the latter case by boundary and ownership disputes among settlers. Nevertheless, leasing and sharecropping arrangements are still entered into, sometimes for mutual benefit (risk spreading, resource sharing, and co-responsibility for minimizing theft), absentee settlers

Concerns of tenure security reach beyond land ownership to contract farming that theoretically provides smallholders access to higher incomes through delivery of produce to agroprocessors or commercial farmers. However, in the case of canneries in Mushandike (see Dzingirai), contracts are observed to be verbal, vague on terms of payment, and sometimes "exploitative".[9] In the case of the green tea-leaf collection system in Honde valley (see Mtisi), contracts are formal but are ambiguous in content, and are sometimes ignored or disregarded when it suits the interest of the agroprocessor.[10] Indeed, according to Hungwe (see perspective), land tenure and contract farming is sometimes insecure, but canneries can also be exploitative because smallholders lack alternative market opportunities. Beyond a robust legal system through which injury can be addressed through court of law, factor and product markets must be broadened and better integrated to provide these opportunities.[11]

What is required is not strictly replacement of the large-scale commercial sector by smallholders on the basis of formal resettlement models that lock-in land sizes, but rather an agrarian structure that seeks to instil integration where farmers, large or small, can right-size farm holdings and resource imbalances through secure and flexible land transfers (sales, rentals and sharecropping) and marketing contracts.[12] However, at least according to one commentator, more secure land contracts while important, should not become a mechanism that bolsters or preserves the monolithic structure and power of the large scale and corporate farming sector of the past. Can agrarian contracts unlock economic opportunity in Zimbabwe? Certainly yes if trust and rule of law is restored (with clear, equitable and enforceable contracts) and ethical standards of business are widely invoked, but as pointed out by Dzingirai, Mtisi, Hasluck, Nyambara and Hughes in this volume, the challenges are formidable.

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leasing land back to farmers, and sharecropping arrangements being entered into between farmers and farm workers to avoid marketing regulations that require grain delivery to the GMB on onerous terms.

[9] For example, when the agroprocessor introduces and inappropriate new bean variety, but the tenant is forced to bear all the risk of crop failure (Dzingirai)

[10] For example, tenants bear the loss of deterioration in leaf quality when the agroprocessor fails to meet the pick-up or delivery schedules, or delivery points are too few in number or too remote to adequately serve the needs of outgrowers (Mtisi).

[11] Hungwe mentions IDEAA as one example of a program where key factors and markets are mainstreamed to secure rural livelihoods.

[12] Interestingly, Chatora observes that the model C scheme implemented after 1980 faired better than models A (villagized resettlement) or B (cooperative model). The Model C scheme theoretically incorporates a commercial core estate (typically managed by ARDA), which provided essential services (mechanisation, transportation, inputs and crop processing and marketing), and the settlers as outgrowers. While not applicable in all situations, such model (if involving private sector ownership or management, even by the former land owner) could provide an alternative development pathway by enabling the continued employment of farm workers (Magaramombe), maintaining an integrated agricultural sector, and retaining management expertise to overcome capacity constraints. Unfortunately, very few farms were made available to this model between 1980-89. A distant variant is the Farmer Development Trust established in 1994 as a joint public-private sector initiative which provides small holders guaranteed access to inputs and markets (i.e. tobacco) in Model A schemes.

The simple truth is that government has focused so intensely on reversing the unequal distribution in physical land assets that it has neglected property rights in land, and without adequate tenure security, land is devoid of meaning. Tenure security has been undermined, and markets for land and bond financing have collapsed as rules are disregarded or selectively applied (Chigumete). It is one of the ironies of Fast Track land reform that black commercial farmers and women in Zimbabwe have been disadvantaged by the collapse of land markets and loss of agricultural markets including mortgage financing (Rugube et al, Petrie et al) at the same time that government has committed itself to their advancement.

With economic regression has come the cry for more government controls on market prices and availability that in turn act to encourage "black" markets, drive up prices, and curtail the supply of services to new land reform beneficiaries. Government's ability to provide services in turn is eroded by the shrinkage in tax revenues, limiting its ability to provide services or implement the regulations it has set for itself. Lack of confidence has set in – lack of confidence in law, legal recourse, government's ability to manage the economy, and the economy's ability to provide employment and livelihoods. The outcome is a downward spiral – as the economy sinks deeper into recession, government seeks more controls, and more controls inevitably lead to more corruption, rights abuse, and yet more measures to ensure compliance that in turn lead to economic regress.

According to land reform beneficiaries, and based on anecdotal evidence in plenary discussions, government's delivery of land services has been guardedly poor (Odero and Marimira), compounded by economic regress. This is not because government is unaware of the problem or is unwilling to provide assistance, but it is because resources are limited, the need is great, and it is therefore unable to deliver on "hefty" promises and responsibilities (see Gonese and Mukora). These are symptoms of an administrative economy; an economy where government is trying to substitute administrative allocation for market forces, and where too little space is provided for private sector solutions. While government may advance on a few fronts, with a few notable achievements, the larger concern is that it is on pace to lose the larger war against poverty, food insecurity and broad based development because of tight controls and its limited reach.

Transition?

There is a sense in some circles that Zimbabwe is in a state of transition from old to new, and that the current problems and economic malaise afflicting the country are temporary phenomena that will somehow be corrected with time. Indeed, something drastic had to be done to accelerate land redistribution (after all land acquisition and resettlement had stalled from the mid 1980s to the early 1990s). And, land reform is neither easy nor pretty; it is a messy and complex business involving decades to achieve full success. Kinsey in this volume describes a theoretical dip in livelihoods immediately following resettlement, followed by income growth and asset accumulation in subsequent years. Might then the current downward spiral reverse itself after 2 or 3 years with a rebound of economic growth and political stability? There is reason to be doubtful this will occur, not without fundamental policy change. And, even if the downward spiral is reversed or halted without these fundamental changes, it would take a long time in coming, far longer than many Zimbabweans hope or anticipate. There are two fundamental problems with the transition:

First, as long as government is in the business of acquiring and redistributing land without committing to some reasonable assurance of private ownership, tenure insecurity is going to prevail, and as long as tenure insecurity prevails, there is going to be a long-term negative impact on economic growth and livelihood. Perhaps land reform is now complete, as stated by one participant at the conference! But another participant remarked that land is scarce and in short supply, and Kinsey observes that the benefits from resettlement hold for only a few decades until population pressures begin to reverse the benefits.[13] It is worthwhile examining the experiences of China and Ethiopia. For decades, these countries engaged in land redistribution programs, shuffling and reshuffling land (mainly from large landholders to the landless or the state) to accommodate the needs of population growth, migration, industrialisation and urban development. With each new generation there is again the need to redistribute land, and people who were once beneficiaries one day become victims as their land is redistributed to others.

The effects can be profound – under-investment for fear that assets accumulated through savings or hard work might be lost, over-investment with shoddy and haphazard infrastructure to demonstrate land use and strengthen land claims, or fear that the inheritance of one's children is in jeopardy – all a result of tenure insecurity invoked by government through land redistribution programs to ensure equity, or enforcement of conditions on land use. As reported in the press and elsewhere, a number of relatively well-to-do or influential people have obtained land through Fast Track land reform, either through cash purchase, or a public lease or grant issued by government. While these people may hold comfort in becoming beneficiaries today, they are at risk tomorrow of becoming victims, unless government brings its programs of compulsory acquisition to closure and commits instead to securing land rights of all land holders, regardless of race, gender or political affiliation.

Second, it is not clear whether or not Fast Track settlers will stay on the land and become permanent landholders. In the peri-urban areas, Marongwe provides case study evidence that beneficiaries feel rooted and intend to stay.[14] But, one government official at the conference deemed their tenure status to be doubtful based on prevailing land use plans. Government outside peri-urban "squatter" settlements has assisted land reform beneficiaries with land occupation, but maintains the right to expropriate and reallocate the land to another if use or investment does not comply with

[13] Chatora observes the same phenomenon on small-scale commercial farms; three decades after resettlement of the original master farmers, some farms have been subdivided into sub-economical units. In addition, early Model A and accelerated resettlement schemes suffered from invasion by squatters and subdivision of arable plots when the population increased.

[14] Marongwe's paper seems to conclude that fast-track settlers are there to stay, and however haphazard their settlement, there is need to upgrade their rights and begin the process of investing in physical infrastructure and development. As with Sukume and Roth, this paper underscores the major incoherencies in land use planning in Zimbabwe today; i.e. that informal settlement spearheaded by the executive branch of government has proceeded with abandon while administrative (municipal) departments maintain strict land controls on land use and development.

conditions imposed.[15] There is also reported cases of absenteeism – beneficiaries after occupying land returning to the city or communal areas because they lack the means to put their new found land to productive use.[16]

Returning then to the central themes of restoring trust and securing property rights, the above two problems raise rather enormous policy questions. Are "land equality" and enforcement of "land use conditions" to be the twin pendulums hanging over the heads of all Zimbabwean landholders waiting to subdivide land holdings or change landholders as circumstances or changes in government policy dictate? Or are land and property rights to be secured? And from the practical standpoint of securing rights of land reform beneficiaries under Fast Track, to whom are they to be assigned if they are absent or non-permanent – the state, absentee beneficiary, the tiller, or the former commercial farmer? It is not immediately clear that the beneficiary (even if s/he can be identified as residing on the land) is the rightful landowner, and that the former landowner is not, in all situations. The concern is that government policy, whether wilfully or involuntarily, is positioning government to become the land holder of both first and last resort with yet more management oversight (for land allocations and land use) added to it's already strained resource base and capabilities.

Policy Path for Moving Forward?

Phase 1

If lack of trust and tenure insecurity are the problems, government must commit to stopping compulsory acquisitions, restoring ethical foundations for business, securing peace and restoring rule of law (Hasluck, Masendeke, Mukute). Government in addition must openly and robustly assert the land rights of all Zimbabweans regardless of race, colour and creed. Government must demonstrate a proactive commitment to defending these rights without prejudice, both immediately and widespread. Simply decreeing law would not be sufficient; law (and restoration of trust) is given visible weight only through consistent and steadfast state assurance of rights, sustained initiative, and enforcement with legal recourse through a truly independent court of law. Finally, dialogue must be established or strengthened among stakeholders, from local to national levels; the

Phase 1:

Re-establish Property Rights and Institutions

† Government commits to stopping compulsory acquisitions

† Government robustly asserts the land rights of all Zimbabweans irregardless of race, color and creed

† Government demonstrates commitment to defending and assuring these rights

† Government takes the lead & initiative in building and reestablishing trust through a deliberate policy of reconciliation in pursuit of peace, justice, and economic security

† National dialogue is strengthened among government and stakeholders

[15] According to Chatora, under the Commercial Farm Settlement Scheme (Tenant Scheme) persistent non-performers were evicted.

[16] According to Chigumete, the take-up or occupancy rate is reportedly low due to lack of beneficiary capacity to undertake commercial farming, their lack of secure tenure, and absence of institutional/market support.

seeds for such dialogue have been sown with signs of emergence (Rwafa).[17] Land policy interventions will be doomed to either sporadic success, stagnation or outright failure until there is faith and trust that government seeks to assure rights and protect institutions rather than acting to deprive them.

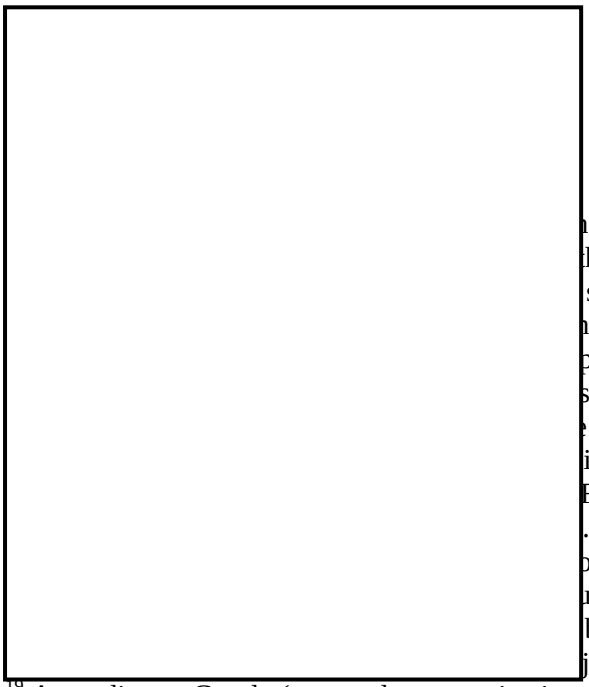
Phase 2

As early as possible, a comprehensive and detailed land audit (Mukute, Samuriwo) should be initiated by parliament with the assistance of farmer organisations that identifies for each pre-1998 commercial farm or farmholding the following:[18] [19]

- Names of all land claimants including, as relevant, the former owner of the commercial farm, farmworkers, and new land reform beneficiaries (both resident and absent);
- Size and location of their respective landholdings; and
- Size and nature of physical assets owned or claimed.

Such audit should seek to comprehensively identify all land and property claims, even if these claims are multiple and overlapping. It is unrealistic to expect this process to proceed quickly, but with the ample land administration machinery that exists in Zimbabwe and commitment, such task need not be extraordinarily lengthy, particularly if assisted by civil society.

Once the land audit is completed, a second process of adjudication would be required to systematically regularise landholdings and reconcile overlapping land claims. In most situations, it would not be possible, desirable or even politically feasible to return to the pre-1998 agrarian structure. A solution is required that balances the compelling needs of the landless (land reform



ıent Initiative (ZJRI) comprised of the CFU, other
hat in 2001 submitted to government a proposal to
settlers, withdraw litigation, and give dialogue a
ıe dialogue became irregular, inconsistent and finally
process of dialogue among all stakeholders
s capable of finding a home-grown solution to the
land redistribution program would have been more
itiatives are demonstrating constructive dialogue and
Forum, the Tri-partite Negotiating Forum, and the
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uld reveal who is where on the land, what activities
uctive, and whether a single family is claiming two
be accompanied by a policy framework guaranteeing
ject to maximum farm size limits.

[19] According to Gasela (personal communications), the land audit must also include whether the farm has been legally acquired. Once rule of law has been restored, the land should belong to the holder of title, and there will be need for a process of rationalisation to remove land that has been allocated but "never set foot upon", and right-sizing land holdings of beneficiaries to adjust for housing and land quality differences.

beneficiaries) in Zimbabwe with the interests of landholders who wrongfully have lost land and property.[20] Apriori, decision rules would need to be reached and decided upon for determining restitution. Then, based on facilitated negotiations (by civil society organisations) between former commercial land holders and new land reform beneficiaries, land reform proposals would need to be prepared that formally identify all landholders, demarcate their land holdings, identify resettlement needs, and determine the level of financial restitution based on pre-1998 fair market value. One shoe need not fit all! Any number of variants are possible, for example:

- The former landowner may relinquish his or her remaining land in exchange for financial compensation, in cash or an annuity, for land willingly given up.
- The former landowner may continue to farm privately on a smaller commercial farm, or may convert the farming operation into a company or equity share scheme with the owner and farmworkers as shareholders.
- Land reform beneficiaries may receive only land, or, instead of, or in addition to, may be offered a state-funded beneficiary grant (size to be determined) that enables him or her to give up the land for life in the city, return to communal areas, or for investment on the farm.[21]

A Land (Acquisition) Compensation Fund ought to be established by donors to compensate farmers, both black and white, for land lost through Fast Track land reform since 1998.[22] It was unreasonable in 1998 for donors and multi-lateral organisations to place the burden of land acquisition solely or even predominantly upon Zimbabweans via income transfers or taxation.[23] During this phase, donors would begin to recommit funds for restitution and resettlement as rule of law is restored.

Why should parties be willing to work toward a negotiated solution? First, a 3-5 year window might be established, within which the former land owner would be eligible for legal recourse and restitution, and the land reform beneficiary would be eligible for secure land rights (via title); proposals not submitted within this window would lapse in priority. There are other policy options: 1) maintain ceilings on farm numbers or farm size; 2) impose a highly progressive tax structure to encourage

[20] The land question in Zimbabwe is rooted in the colonial era, where the ancestral lands of black Zimbabweans were enclosed and expropriated without compensation by the former colonial government. With this history comes a moral obligation of the international community to help redress this historical wrong through meaningful land reform, but also to restore the rights of commercial farmers, both black and white, most of whom bought their properties with cash and long-term mortgage financing.

[21] While an option, careful attention would need to be given to implementation to ensure that land equity objectives are not compromised. For example, according to one commentator, such a strategy might be manipulated by commercial farmers, the well-to-do, or the influential, to acquire the land (and consolidate land holdings) while the former beneficiaries end up as the unemployed in cities or as squatters on the same farms.

[22] Alternatively, financing might be obtained through long-term mortgages on concessionary terms.

[23] According to Rogier Van den Brink and John Bruce (personal communications), the World Bank has recently changed its policy and is now able to finance land purchases. The US government also made provision for financing land purchases under the Zimbabwe Democracy Act. The UK has financed land purchases in Zimbabwe since the 1980s.

subdivisions; or 3) provide tax deferments to farms that willingly give land to farmworkers or beneficiaries. However, the economic malaise of the recent past provides the most cogent evidence of the failure to overcome the present political crisis and achieve both meaningful land reform and return to political stability and peaceful coexistence. It is doubtful that this outcome could be achieved without strong government endorsement and leadership.

Phase 3

A number of practices raise the disturbing prospect of government becoming the repository of land in Zimbabwe. It is not unusual for government to be the owner of last resort (as in the case of crown land). However, in the case of Zimbabwe, there is the emerging risk of government becoming the owner and operator of first resort, acquiring or controlling land through compulsory acquisition (Rugube et al). The government of Zimbabwe despite 20 years of resettlement has failed to provide beneficiaries with secure land rights by title, lease or otherwise. As land is acquired or leased, government reserves the right to retake possession of the land, if the holder does not abide by the terms of the lease. As government acquires land through compulsory acquisition, land is held in stock until it can be redistributed either through public lease or sale.[24] Government continues to maintain land ownership through ARDA estates, and in the maintenance of state land.

Government should convert all contested state land into 99-year leases that are automatically renewable. If there is concern about land speculation, a 3-5 year moratorium on land transfer might be imposed to ensure that beneficiaries are intent on farming, and that once intent is demonstrated, the land is sold to the lessee on a comparable market value with funding from cash or banking institutions.[25] The lessee may be given a deed of transfer or a 99-year lease. What is important, however, is that the lease be transferable and automatically renewable; at the end of the lease period, it should be at the landholder's discretion how the land is disposed.

Phase 3:

Re-vitalize Land Markets

- † Government converts all uncontested state land into permanent leases:
  - ⇨ 3-5 year moratorium to demonstrate land use
  - ⇨ Land sold to lessee on comparable market value
  - ⇨ Lessee given title or a 99-year lease
  - ⇨ Leases transferable and automatically renewable
- † Liberalize markets (subdivision, deeds and surveying transactions costs, special credit facilities)
- † Formal leasing law to protect rights

[24] As noted by Chigumete, current lease agreements encourage financial institutions to lend to farmers. Such is not possible as land formerly locked in the commercial farming sector is now locked in the hands of the state on terms that disable beneficiaries from trading in land. Reforms are handled by the political establishment to the exclusion of the private sector. Financial institutions in turn have rolled back support, leaving government as the sole supplier of inputs and support to resettlement farmers.

[25] It is possible, even likely, that some new beneficiaries will lack credit worthiness warranting the need for a special credit facility that engenders financial discipline and capacitates the poor.

During this phase, the emphasis should be on liberalising the land market, in particular, substantially easing sub-division regulations that constrain the downsizing of farms (Sukume and Roth), converting public land into privately held leases or grants (based on fair market value) that are easily transferable at low cost (Rugube et al), injecting capital into the financial system, and designing special credit facilities (Lyne and Darroch) that help to broaden the poor's access to resources and markets. This phase might also include the development of a formal leasing law that protects the interests of both lessees and lessors. All these measures are intended to restore and strengthen trust in land and financial market transactions in Zimbabwe.[26]

Phase 4

The large volume of land units created under Fast Track has put severe strain on the capacity of land and agricultural institutions to provide land services which are key to unlocking the expansion of land markets (Chigumete).[27] According to Chigumete, a reengineering process is needed that removes systemic institutional inertia and invokes a new atmosphere of higher quality, lower cost, and speedy delivery of land to stabilise land tenure. Is devolution the answer? There does not appear to be consensus on this issue. Jacobs and Chavunduka seem doubtful on the feasibility of devolving land administration in Zimbabwe, while Maminine urges the need for it and Chatiza develops an organisational framework based on Botswana's Land Board model to implement it. Mamimine's paper seems cautious about including chiefs in land administration, while Chatiza's paper seems to want to formalise, even enhance, their role. Ndlovu and Mufema also see the need for decentralisation and capacity strengthening to deepen agrarian reform, but it is the Rural District Councils (not Land Boards as in Chatiza's case) that are the principle agents for change. Central government however has not been inclined to devolve resources or decision making power to the RDCs (Chatiza, Kuwanda, Mamimine), which casts doubt on whether it would be inclined to do so for Land Boards (and the new costs entailed in their administration) in the future.[28] [29]

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[26] Mlalazi asserts that there is no proof that subdivision regulations discourage subdivision applications, constrain private land market transactions, or prevent the downsizing of farms. Rather, Zimbabwe is relatively well-planned by developing country standards because of land use controls such as subdivision regulations. After all, the major cry against Fast Track resettlement today is that occupation preceded planning and infrastructural development. Nevertheless, Mlalazi too questions the use of viability assessments for predicating subdivision decisions both because of the income norms used and "business plans not worth the ink they are written with."

[27] According to Chigumete, functions such as land identification, land planning and information, and land survey and registration are affected by severe capacity constraints. There is lack of qualified or experienced personnel, duplication of functions, and lack of coordination and autonomy. Institutions are housed in different ministries, operate disharmoniously, are fast losing capacity and institutional memory, and have too few resources to support land and agrarian reform. Tax revenues have declined as commercial farming and agrarian structures have withered.

[28] Kuwanda asserts there are problems of sustaining infrastructure because it is handed over to RDCs who can neither expand nor maintain it, and there is no meaningful financial transfer from Central government to assist with the work. Resettlement farmers appear to be unwilling or unable to pay levies to the Councils, with the result that infrastructure is poorly maintained.

[29] Mamimini in particular documents the inclination of civil servants in rural land administration to be upwardly accountable to their superiors to the neglect of their clientele; "…transparency is one major casualty of self-serving agents…in central government."

In many instances, it remains unclear what is being devolved in terms of specific functions and responsibilities. It is interesting that the Deeds Registry and Land Survey offices which appear so prominent in papers elsewhere in this volume (Mugabe and Magaya, Rugube et al, Sukume and Roth) seem to fade away in discourse about devolution in this volume. Whatever form devolution takes, it should not be seen as simply decentralisation of government administrative functions to local areas, but in addition, should provide formal mechanisms for increasing stakeholder participation in decision making at all levels. And despite the largesse of the current land administration bureaucracy in Zimbabwe, there are others who feel it is Zimbabwe's "sacred-cow" that should be left to stroll along as is.

Phase 4:

Devolve Land Administration

- † Establish a Land Commission at the national level to coordinate land policy development comprised of both government and civil-society interests
- † Confer upon this commission broad powers to identify pathways and mechanisms for devolving land administration through further consultation
- † Conduct a cost-benefit analysis of the land bureaucracy to identify inefficiencies, overlaps and gaps and advise concrete changes for enhancing the efficiency of the public sector
- † Decide upon appropriate organisational mechanisms for securing land rights in rural areas
- † Avoid the temptation to devolve at the expense of coherency. Keep changes modest and gradual to minimise the risk of further worsening delivery of land services in the short-run
- † Devolve land functions if they are cost reducing or affordable on the basis of tax levies in rural areas

The central problem is that Fast Track land reform and resettlement has so radically shifted the terrain of agrarian structure and development needs in Zimbabwe, that the old bureaucracy at times seem outmoded given present day realities, while the mountains of new demands dictated by beneficiaries seem insurmountable. The current bureaucracy of land administration seems to be coping at best and overwhelmed at worst by the immensity of the present rural development challenge. While the present day realities are asking ever more of government to deliver, government's resources will remain tight both due to constrained tax revenues and tight global demand for donor funding. Indeed, far too many papers in this volume are asking government (and civil society) to do more, when the harsh reality is that resources are likely to be sufficient only for much less.

So what is the appropriate development path for land administration in Zimbabwe? In short, it's difficult to say! There is need for both downsizing (in areas related to state management of agricultural land or farms, subdivision policy, land market controls, and oversight and development of land use planning), upsizing (in areas related to beneficiary support services and infrastructural development), and economising (right-sizing government supply of services commensurate with demand for land services and the new fiscal order). A number of options are worth considering.

Establish a land commission under the National Economic Forum with responsibility for coordinating, managing or overseeing the land policy framework, land administration, Land (Acquisition) Compensation Fund, Land Resettlement Fund, and donor funding. This Commission in addition would be responsible for a process of consultation that might identify pathways for devolution and appropriate organisational forms in rural areas, whether they be land boards, RDCs, or some combination of both. Changes in land administration should be made commensurate with adequate review of cost and effectiveness, and be kept modest, to ensure that coherency of land administration and present delivery is not compromised by the urge to devolve. Finally consider instituting a joint government, civil-society forum that over time works on reducing tensions, and increases the effectiveness of partnership between the two groups based on principles of mutual respect, transparency and inclusivity. However, according to Masendeke, this focus on devolution should not detract us from the point that land institutions operate better when there is a functioning and efficient central government, for it is the state that must uphold rule of law, assure rights, and spearhead good governance.

Community-Led Land Development

A private land market involving purchases and sales will generally not benefit the poor because they are incapacitated through lack of assets to purchase land, or to mobilise resources on terms that are competitive with the non-poor. There is a great need to overcome capacity constraints in the communal and resettlement sectors.[30] As advised by Mundeiri, Kuwanda, [31] Mukute, among others, training and extension is needed on social skills, business and farm management, development and implementation of business plans, marketing, maintenance of equipment, and soil and water conservation via both experiential and formal learning. Development of social capital is needed to help new settlers articulate demands, be cognisant of their rights, and empower them to action. But as noted by Dube, resettled farmers under the Zvishavane Water Project are making impressive progress with limited resources based on “self-help and self-reliance”; it is this dynamic that can and should be mobilised and expanded upon through support and facilitation provided by government and civil-society organisations.

As government seem inclined to recommend in 1998, efforts should be undertaken to upgrade land entitlements of beneficiaries with leasehold title (GOZ 1998); these should be of sufficiently long-term duration and be automatically renewable and transferable to secure land rights.

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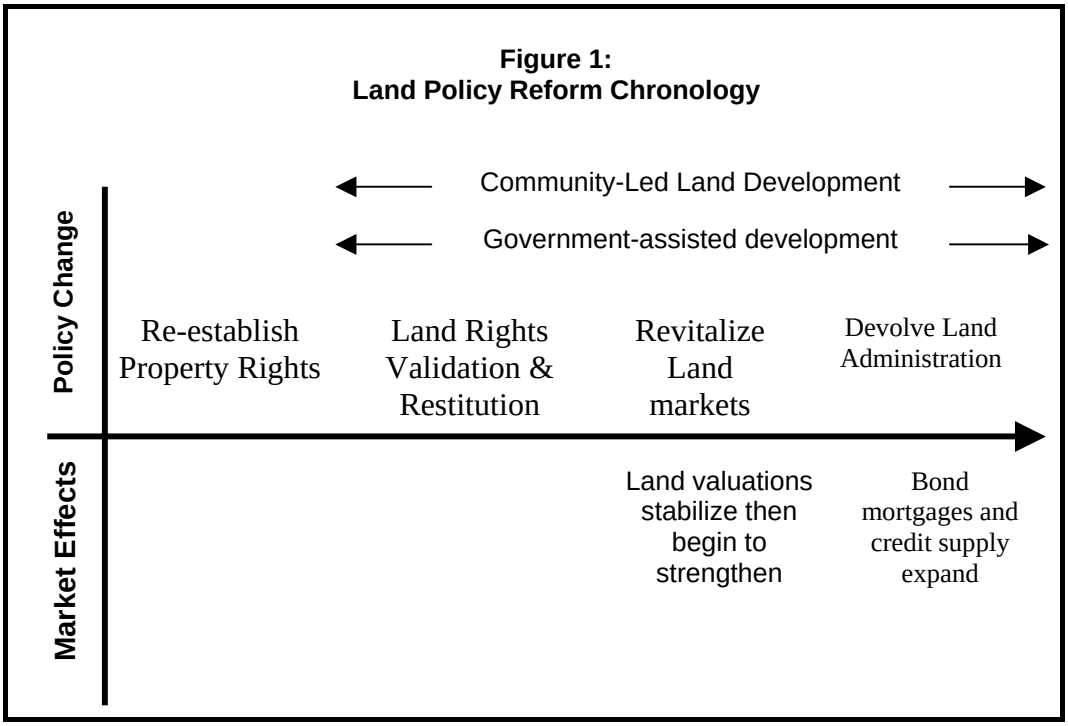
or where a weak and diffuse small- to medium-scale
riately positioned to effectively assume their role in
ty constraints and difficulties in devolving water
man and Gonese).
anda focused largely on material improvements
d social capital development.

In addition to the Land (Acquisition) Compensation fund mentioned earlier, the government might consider establishing a Land Resettlement Fund with donor funding based on principles of 1) awarding contracts to RDC's and civil society organisations who are working with beneficiaries to up grade land and infrastructure, guided by beneficiary choice not type of resettlement model. The emphasis given to extension needs and services is warranted (Kuwanda, Mundeiri, Ndlovu and Mufema), but far too little attention has been given to empowering beneficiaries and communities to assert their preferences outside the rubric of government formal resettlement models (Masendeke, Mukute).

Chronology

Throughout these phases, government would remain responsible for public infrastructure and government assisted land resettlement and development. However, there is need for a major policy change. The former phases identify snapshots of policy priorities and recommendations. However, there also ought to be a certain chronology that ties these pieces together in a carefully constructed sequence. As noted earlier in the paper, the first phase requires reestablishing trust and rule of law, for it provides the necessary conditions for subsequent phases. In addition, donor funding is not likely to be forthcoming until rule of law is restored. Progress with initiating or advancing land policy and administration in subsequent stages is likely to hinge on how quickly and satisfactorily Phase one is implemented.

Figure 1:
Land Policy Reform Chronology



Once, there is commitment to rebuild and strengthen institutions governing property rights, emphasis should probably be placed on land rights validation and restitution. Next there is need to revitalise land markets and finally devolve land administration. Caution is advised against making radical structural changes in land administration in the short-run to minimise the risk of collapse at the

very time that the public sector focus on resolving macroeconomic imbalances and the agrarian decline are tantamount. Devolution however is advised once political and economic stability is regained, and time and care have been given to the appropriate mechanisms.

If these measures are put in place, one ought to see the reemergence of land valuations as land markets stabilise, which in turn would enable financial institutions once again to inject financial capital into rural areas. Views have been expressed elsewhere in this volume (see Murota for example) that government parastatals will provide this role and have been and will continue to inject capital for rural development. However, government cannot do this on a scale large enough to improve the livelihoods of people substantially. As in South Africa, private sector solutions can be designed whereby private sector and donor funding could enter with special credit facilities targeted to the poor that help small holders minimise risk and defer payments that offset liquidity constraints until macroeconomic stability is restored (see Lyne and Darroch).

Conclusions

This paper has in essence proposed the need for a simpler land bureaucracy in Zimbabwe that gives greater space to, and places greater reliance on, private sector solutions as principles for moving forward. There is no reason to believe that the ideas proposed here are the first-best policy path; critical comments provided by a number of commentators (Mlalazi, Samuriwo) suggest that it may not. However, even critics are in agreement that more dialogue not less is needed, and that such dialogue is possible despite big ideological differences. Nevertheless, it is advised that all delegates again reconsider the three crosscutting themes or issues laid out earlier in the paper in order to reshape a land policy that is more effective in implementation – i.e. 1) incoherent policy; 2) lack of trust; and 3) transitional problems. Finding solutions that overcome these constraints will help to both accelerate the land reform program and begin to find a middle ground around which a land policy consensus can emerge.

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