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LAND TENURE ISSUES IN
ZIMBABWE DURING THE 1990S

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LIST OF ABBREVIATIONS

ADA	Agricultural Development Authority
AMA	Agricultural Marketing Authority
AGRITEX	Department of Agricultural, Technical and Extension Services
CAs	Communal Areas
CSO	Central Statistical Office
CAMPFIRE	Communal Area Indigenous Management Programme for Resources
DERUDE	Department of Rural Development
LSCFA	Large-Scale Commercial Farming Area
SSCFA	Small-Scale Commercial Farming Area
MLARR	Ministry of Lands, Agriculture and Rural Resettlement
MEWRD	Ministry of Energy and Water Resources of Development
MLGRUD	Ministry of Local Government, Rural and Urban Development
MCCD	Ministry of Community and Cooperative Development
RA	Resettlement Area
IMCR	Inter-Ministerial Committee on Resettlement
NGOs	Non-Governmental Organisations
ZERO	Regional Network of Environmental Experts
ZIDS	Zimbabwe Institute of Development Studies

1.0 INTRODUCTION

1.1 Introduction and Scope of the Paper

This chapter traces the evolution of land tenure and the existing patterns of land distribution. It attempts to identify the major tenurial problems found in the five agricultural sub-sectors; the LSCF, Communal Areas, State Lands (Forestry, Parks and ARDA), the Small-Scale Commercial Farm Areas and in Resettlement Areas. Following this, the paper briefly reviews government policies related to land tenure and attempts to propose alternatives to Zimbabwe's present land tenure malaise.

The purpose of this chapter is to provide the macro-level context within which proposals, for resolving the tenurial insecurity of the Forest Commission, should be made. Specifically the land trusteeship role of the state, has led on the one hand, to tenurial dualism and insecurity amongst various social groups, and indecision on the part of the state with regard to the future pattern and processes of land tenure envisaged for the country. On the other hand, this situation leads itself to a wide range of problems, which suggest urgent need for land tenure policy reform. These discussions are intended to clarify the optimal tenurial conditions suitable for state enterprises, such as the Forestry Commission.

1.2 The Land Tenure Policy Debate Summarised

The major legacy of Zimbabwe's economic dualism can be found in the polarised land property rights, differential access to state and private technical and financial resources, and in the administrative regulation of land use, land transfers, population movements and enterprise establishment.

A key issue of contention today among various social classes and sectoral interests is access to land. The forces expressing ~~concern over land include:~~ new industrialists, working class home-seekers, old and new (white and black) large and small farmers, peasants, various disadvantaged women (widows, divorcees, single women), the aged, migrant farm workers, young rural families, environmentalists, an emerging black business community and existing state enterprises.

The central issue remains the inequitable access to land and security of tenure among various landholders. A principal concern is the currently perceived and at places actual threat to land owned by state institutions, large farmers and some Communal Farm Areas, due to direct demands for and illegal occupation or use of some lands. The not yet implemented land redistribution commitment announced by the GOZ in 1990, the widespread squatting, rustling and resource poaching problems, and increasing land demands by the black business and farming elites,

present compelling pressures on the GOZ for a revision of both land tenure policy and the present land reform strategy.

Given the apparent national divergence of views on land tenure, and a lack of political consensus even among leaders within government over land tenure and land distribution, the GOZ plans to constitute a land commission to harness consensus on the nature of Zimbabwe's future land tenure. Such a commission is intended to make sub-sectoral proposals on land tenure. Achieving consensus on land tenure is, however, complicated by historical grievances over land dispossession, the questionable legitimacy of current land ownership and differences over the validity of the objectives behind current landuses particularly among large landholders. Furthermore, the following sets of specific issues tend to cloud consensus over a national land tenure system:

1.2.1 Origins of Present Tenure and Land Markets

- a) The historical acquisition or alienation of land remains an unsettled socio-political grievance.
- b) Current land markets originated out of a colonially and racially constructed imperfect market, whose access was only recently opened. Access is now constrained by imperfect capital markets.
- c) Actually existing "communal" tenure is not only a mental construct but an artificially created or engineered land holding structure, based first on land alienation, second on imposition of land trusteeship (to the state and chiefs), third on restricted access to non-communal area land markets and, crowded by the restricted avenues for the investment of black savings from urban or rural incomes.

These issues query the very basis of the present landholding.

1.2.2 Land Management Capacities and Roles

Land tenure tends to be justified in terms of the land management roles and contributions, perceived and "ascribed" to different landholders: the state is the protector of nature and sustainable user, the LSCF is the agricultural markets provider and the communal areas are the subsistence (social security) maintenance guarantors (with some "surplus" marketing). In reality, since the LSCF and state land users dominate the means of production (finance, capital, inputs and expertise), due to either imperfect capital markets or direct state financing/subsidies, these two uses have a "comparative advantage" in land management, in landuse dynamism and in the pioneering "viable" landuses.

Communal Areas development is corollarily constrained by infrastructure and capital markets, resulting in limited land development, low level landuse dynamism and a few viable landuse ventures. As a result, static landuse modelling dominates the design of Communal Area plans and tenurial requirements. Private "freedom" of landuse decisions is also mainly a privilege held by the LSCF, while the state continues to independently protect land and natural resources, and the communal areas are controlled or "guided" in their landuses and administration of land access and allocations. Thus underlying land management capability differences serve to "justify" and/or "legitimise" present land tenure patterns and specific tenurial traits.

1.2.3 Land Tenure and Economic Opportunity

The dynamic emergence of new forms of demand for land access and use among new landholding aspirants (blacks) and, the viability of "new" forms of landuses (wildlife, tourism, "woodlands"), has recently created new socio-political pressures for land, while the growing unemployed population places new pressures on all land tenure structures. The broad legitimacy of all current land tenure structures is thus at stake, based on different queries concerning each land tenure structure.

1.2.4 Land Tenure, Governance and Sovereignty

Since independence, and with changing political relationships, new and old forms of local government and central state controls/regulations, dictate tenurial contradictions within each land tenure category. This issue previously neglected in land policy debate tends to be explosive as shown later. Since the centralised state and political machinery, experienced so far are themselves open to queries on their legitimacy, and the basic resources managed locally are mainly based on land, the land tenure issue is central to the issue of decentralisation and participatory development and "good government".

Apart from "external" pressures onto each major land tenure structure, there are a variety of different landuse, land access, land management and administrative contradictions and problems emanating from processes within each land tenure category. Thus both external and internal problems dictate a review of the land tenure system.

The structural adjustment programme (ESAP) recently announced, provokes changing attitudes and policy to foreign capital generating in turn new views on the regarding and rights for foreigners and absolute farmers. A liberal policy towards foreign investments in land, urban based access to communal area lands and the vertical integration of industry and agriculture is essentially dictated by the ESAP's free market ideology. However this evokes problems of equity, Communal Area social security and

national autonomy. Meanwhile in Communal Areas, "restrictions" on external access to land and private property rights, are considered to constrain development potentials by some. Here still, local autonomy (or sovereignty) in allocating land to external aspirants or in determining the land rights of their migrant kin.

1.2.5 Landuse Efficiency and Tenure Validity

Lack of consensus on land tenure is also derived from differences concerning the role of land use efficiency in determining the right to land ownership. Some believe that commodity output levels are the key factor to justify land ownership perse, and that the best users are located closest to the optimum land output potential, while others believe that the best land use can only be dictated by land and other market opportunities. Those who hold the latter view tend to dispel problems raised by imperfection of land and capital markets, and equity considerations, while protagonists of the former view would have to accept total private land control if the LSCF were found to be closest to the optimum use on all their lands. Peasants are considered better users of "under-utilised" arable lands (woodlands and wildlife), even on the basis of maize and cotton by some, but are seen by others to be sub-optimal landusers, due to low yields, low level export cropping and their lack of output diversification. Equally, some contend that Zimbabwe's peasants are environmental liabilities, and therefore, that they should not have access to more land, and that they should be regulated in detail on their land uses.

The above issues indicate that Zimbabwe's land tenure policy problem is not simply a matter of choosing among free-hold, "communal", state and private land ownership. It is a problem which, but spans the broader questions of land administration, access, local control, access to finance and so forth. A brief review of the evolution of land tenure in Zimbabwe provides the necessary background on how conflicts over land tenure actually arose.

2.0 THE EVOLUTION OF ZIMBABWE'S LAND TENURE

2.1 Introduction

The centrality of land tenure or land distribution cannot be over-emphasised in the polity of Zimbabwe. It has been topical from the advent of colonialism in the 1890s. Colonisation resulted in the forced alienation of land from the indigenous African to the white "pioneers". In the post-independence era the land issue still draws its significance from the fact that over 70% of the total population live directly off the land and most of the economy's industrial development depends on the strength of the agricultural sector.

In order to better appreciate the existing land tenure problem, it is essential to understand that broad quality of Zimbabwe's land and the history of land tenure changes.

2.2 Land Quality Patterns

A critical feature of Zimbabwe's land tenure situation is the quality of land available to different groupings with differing land use objectives. Currently, Zimbabwe is divided into five natural regions on the basis of soil type, rainfall and other climatic factors (see Map 1). The types and value of farm output in Zimbabwe varies significantly among these five natural regions, whose features are:

Region I: This is a specialised and Diversified Farming Region, of about 700,000 ha. Rainfall is relatively high with more than 1,000 mm per annum of precipitation in low lying areas with an altitude of lower than 1,700 m and more than 900 mm per annum at greater altitudes. Precipitation is received in all months of the year. Relatively low temperatures and high rainfall enable forestation, fruit and intensive livestock production. In frost-free areas plantation crops such as tea, coffee and macadamia nuts are possible.

Region II: This region is characterised by Intensive Farming. Rainfall is moderately high (750-1,000 mm), but is confined to the summer months. Two sub-regions have been defined within this region. Sub-region IIA receives an average of at least 18 rainy pentads per season and is normally reliable, rarely experiencing severe dry spells in summer. The region is suitable for intensive crop or livestock farming systems. Sub-region IIB receives an average of 16-18 pentads per season, but is subject to severe dry rainy seasons. Crop yields are affected in certain years, but not frequently enough to justify shifting cropping practices away from intensive farming systems.

Region III: Semi-Intensive Farming is practised in this region (7,290,000 ha.). Precipitation is moderate (650-800 mm), but its effectiveness is limited by severe mid-season dry spells and high temperatures. Conditions for growing maize, tobacco and cotton production have marginal. Livestock production, fodder crop farming and the farming of cash crops with good moisture retention are the suitable farming systems in the region.

Region IV: This is a Semi-Extensive Farming Region of about 14,780,000 ha. Rainfall is relatively low (450-600 mm) and is subject to periodic seasonal droughts and severe dry spells during the rainy season. Low and uncertain rainfall make cash cropping risky except for drought-resistant crops and soils with better water retention. Farming systems are suited to livestock production with some intensification possible with drought-

resistant fodder crops.

Region V: This is an Extensive Farming Region with an area of about 10,440,000 ha. Rainfall is too low and erratic for reliable production of even drought-resistant fodder and grain crops. Included in this region are areas below 900 m altitude, where the mean rainfall is below 650 mm in the Zambezi Valley and below 600 mm in the Sabi-Limpopo valleys. Cattle or game ranching are best suited farming system of the region.

While natural regions now form the basis of land use planning in most Government Ministries, official data on land use patterns by natural region have only been available since 1987, and then only for the large-scale commercial sector.

2.3 The Evolution of Land Tenure: Salient Aspects

The process of land alienation which led to the present patterns of land tenure is well documented in various historical studies.¹ Some crucial features of the process are that land alienation was mainly phased over a 55 year period between 1910 and 1965. Whereas by 1911, the communal areas held only approximately 22% of Zimbabwe's land, with the ESAP land company holding 50% of the land (under some variant of "state" property), private white individuals held 20% of the land. By 1931, whites held 50% of the land under freehold, while the state held approximately 23% of the land, small-scale commercial (black) farm areas held 5% and the communal areas held 22% of the land.

By 1965, however, the Communal Area's now held approximately 40% of the land, Purchase Areas (black small-scale farm areas) below 3% and the state held approximately 15% while the large private farmers held 45% of the land. As shown later, through resettlement and other forms of land transfers distribution of land tenure changed drastically during the 1980s. Up until today, the bulk of Zimbabwe's high quality land remained in white or state hands.

Land tenure patterns in Zimbabwe have changed thus frequently, over 15 year cycles, with the key variation being first massive disposition of peasants, who were to be returned "new" lands by the state as population and political pressures mounted. The state played a key landholding and allocation role, distributing land between peasants, black small-scale commercial farmers and large white farmers. Lands held by the state were at times held as "unassigned", reserved for forests and nature, leased out to commercial and small farmers, held as urban land, and/or used for

¹ Moyo, S. (1987) "The Land Question" in Mandaza I (ed.), The Political Economy of Transition in Zimbabwe. (CODESERIA).

state agricultural development (under ARDA's predecessors). The Rhodesian and Zimbabwean states thus played the role of real estate agent and trustee for the various social groups, with prospective white land seekers maintaining the privilege of access to and freehold property in land.

Indeed the colonial state attempted to create a small class of landed black small-scale commercial farmers, under a Native Purchase Area scheme. Leases-to-buy were offered to such blacks from among their "elite" while little technical and financial support, compared to that offered the whites was provided to them. This scheme had limited impact as shown later.

Furthermore, land tenure changes also occurred, (through colonial resettlement schemes, between 1930 and 1975, when over 120,000 families were resettled mainly from the dry southern provinces (Masvingo and Midlands areas) to the north-western and northern provinces, Gokwe areas, Mashonaland Central and West. Moreover, during this period up until today, private household "resettlement" into communal areas, of an unknown quantity occurred in the same regions, through local chiefs allocating soliciting households land. These tenure processes created a land transfer tradition that has received little official and academic attention over the years. Only recently has the media, scholars and the state begun to take note of related tenure issues.

For instance, the casually treated Communal Area discourse, concerning "outsiders", "foreigners", new migrants, is a long-standing area of conflicts in communal areas based on over 30 years of tenure bidding within receiving provinces. Here the role of the state as mediator, trustee or real estate agent, has tended to be marginal, and not recognised by chiefs, while new district councils with land administration rights in Communal Areas have faced critical resistance from local elites in dealing with land allocation. Also, the fact that chiefs and headman have been known to receive "gifts" or money for such land allocations has only recently been noted, and described by some academics (Cheater 1990, Bruce 1991) as a form of land sales. Little attention has been given to quantifying the administrative and implementation costs of such land transfer processes. The pre-occupation by some academics seems to have been mainly to establish the existence of a history among black Zimbabweans (including those in Communal Areas) of an ideology and material quest for private landed property and land markets.

The tenurial issue here is that, inspite of the pivotal real estate role that the state has always played, there has been a significant evolution of locally managed land tenure administration and distribution within Communal Areas. Also, this process has produced different forms of conflict, ideological discourse and, pressures for natural resources as

noted elsewhere.²

In discussing the evolution of land tenure, it is also crucial to note that, since the 1930s, due to the emergence white environmentalism related to fears of soil erosion, a range of landuse controls and regulations emerged in Zimbabwe. Essentially, centrally directed controls and regulations, administered by white district officers and collaborating chiefs/headman, generated an ethic of political resistance due to the distortion of basic security of land tenure in Communal Areas.

The enforcement, first (1920s) of physical bunding and other soil conservation measures, including forced tree and plantation establishment, and then later (1950s) of landuse reorganisation, through the Land Husbandry Act, (see the present Agritex landuse planning model(s)), led to widespread insecurity of land tenure within Communal Areas, and among urban workers dependent on and expecting to retire in Communal Area farming. Conservation works, crop husbandry "recommendations" and landuse reorganisation, not only compelled additional labour allocations in Communal Areas, but imposed restrictions on the landuse rights of peasants. This process generated changes in the land tenure norms within the so-called "Communal" tenure systems, nationally based land tenure insecurity among blacks and resistance to land management programmes.

The liberation war, increased population and growing movements of households between Communal Areas, generated new political and administrative demands for land access, security of tenure, and controls over landuse. As discussed elsewhere, resettlement and the promotion of Communal Areas maize and cotton production, and marketing were the major response of the GOZ. These responses were inadequate, while security of tenure emerged as a problem not only in Communal Areas, but also in the LSCF and state lands threatened by squatters and poachers.

3.0 EXISTING PATTERNS OF LAND TENURE

3.1 Introduction

As a result of the broad evolution of land tenure discussed above, the following patterns of land tenure pertains in Zimbabwe.

² See ZERO 1987 on "Resource Sharing" and, C. Nhira and Fortman (1991).

3.2 Land Classification by Farm Category and Region

Of the 39 million hectares surface of colonial Rhodesia, the Land Tenure Act (1969) had set aside about 18 million hectares each for Africans and Europeans. In the European areas about 15.6 million hectares were allocated for farming, where the land was privately owned, and individuals or companies (both local and transnational) could have title to the land. Since independence, land categories have been redefined as the large-scale commercial sector (LSCS), small-scale commercial sector (SSCS), communal areas (CA), resettlement areas (RA) and state lands (see Table 1).

A. Communal Areas

Formerly the "native and special native reserves" and then "tribal trust lands", the communal areas now account for 16.4 million ha or 42% of land in Zimbabwe. 74.2% of these areas are located in the poorest rainfall zones of Natural Regions IV and V. Communal Area population in 1988 was 5.1 million persons and 1,020,400 households, representing a population density of about 31.1 persons per square kilometre.

B. Large-Scale Commercial Sector

Formerly the European areas, this sector comprises around 4,660 large commercial farms on about 11.2 million ha (29 percent). These farms employed 227.6 thousand permanent and casual workers in 1988. Population stood at 1,571.3 thousand in 1982 with a 3.0 percent growth rate. Freehold title to the land in the LSCS is governed by the Roman-Dutch Law of the Cape Colony of 1891 as amended. Farmers are represented by the Commercial Farmers' Union, and include both black and white membership (the majority being white).

The average farm size in the large scale commercial farming areas is ~~2,406 hectares nationwide~~ while individual farms average 1,402 ha/farm. Up to 34.6% of this land is in Natural Regions I and II, 21.5% in III and 43.9% in Regions IV and V (see Table 1).

C. Small-Scale Commercial Sector

Formerly called African Purchase Areas, the SSCS encompasses 1,238.7 thousand hectares located mainly in natural regions III (35.4%) and IV (38.2%). The sector comprises 8,653 farms on an area of 1,074,767 hectares, with an average farm size of 124.2 ha/farm. Of this total, 564.8 thousand hectares were allocated under agreements of lease and purchase, and 484.0 thousand hectares were deeds of grant and transfers. This leaves 379.8 thousand hectares, of which 177.4 thousand hectares were taken over for resettlement by 1985, leaving around 202.4 thousand hectares still vacant and unallocated.

D. Resettlement Areas

The Land Resettlement Programme was initiated in 1980 to redress inequalities in land distribution, improve the productive agricultural base among smallholders and to alleviate population pressure in the CAs. The Government's initial goal was to resettle approximately 17,500 families on about 1.2 million hectares of LSCS land over a five-year period. In 1982, the targeted number of settlers was raised to 162,000 families on 10 million hectares of land.

E. State Farming Areas

Within commercial farming, the State has been involved in direct productive farming even prior to independence. Currently, it is farming on 353,006 ha made up of 18 farming operations ranging from horticultural, milk, beef and grain (wheat) production.

The operations are run by a parastatal - the Agricultural Development Authority (formerly Agricultural and Rural Development Authority). Its mandate was to operate farms so as to ensure national food security and also promote rural development by venturing into farming enterprises in outlying areas that did not attract other commercial investors. The parastatal has been involved in the implementation of the Model C type of settlement - to take account of specialised crop production like tea, coffee, wheat and milk production amongst peasant out-growers. It has also been using newly purchased resettlement land whilst plans are being finalised. The pilot Model D Resettlement Programme is also being implemented by the Agricultural Development Authority.

F. State Forests and Plantations and Parks Areas

As detailed in chapter 1, the Zimbabwean state holds title to 20% of Zimbabwe's land, which is managed by the Forest Commission (a parastatal) and the National Parks Authority (a Government department). For the Forestry Commission this entails 15(?)

TABLE 2: OWNERSHIP OF LAND IN THE LARGE-SCALE COMMERCIAL SECTOR

Type of Ownership	Number of Farms	Total Area	Average Farm Size
Individual Ownership	2,739	3,841,050	1,402
Company	1,784	6,842,259	3,835
Central Government	33	54,513	1,652
Local Government	4	14,304	3,576
Parastatal	18	353,006	19,611
Cooperatives	10	10,422	1,042
Other	72	97,832	1,359
TOTAL	4,660	11,213,386	2,406

Source: Central Statistical Office.

TABLE 1: LAND DISTRIBUTION BY FARM SECTOR AND NATURAL REGION, 1988
('000 ha)

Natural Region	Communal ^a		Large-Scale ^b		Small-Scale ^c		Resettlement ^d				Parks and ^f		Total Area ^h			
	Areas		Commercial Farms		Commercial Farms		Areas		State Farms ^e		Wildlife Areas				Other ^g	
	(ha)	(%)	(ha)	(%)	(ha)	(%)	(ha)	(%)	(ha)	(%)	(ha)	(%)				
I	135,0	0,8	202,2	1,8	7,3	0,6	30,0	0,9	10,0	2,0	50,1	1,0	285,4	17,8	700,0	1,8
II	1 270,0	7,8	3 687,0	32,8	222,2	17,9	590,0	17,9	10,0	2,0	25,0	0,5	55,8	3,7	5 860,0	15,0
III	2 820,0	17,2	2 405,4	21,5	438,3	35,4	1240,0	37,8	160,0	32,0	545,9	11,0	-319,8	-21,4	7 290,0	18,7
IV	7 340,0	44,9	2 429,1	21,7	473,3	38,2	810,0	24,8	60,0	12,0	2514,1	50,3	1153,5	77,2	14 780,0	37,8
V	4 790,0	29,3	2 489,7	22,2	87,8	7,2	820,0	18,8	280,0	52,0	1843,0	37,2	339,7	22,7	10 440,0	28,7
TOTAL	18 355,0		11 213,4		1 238,7		3 290,0		500,0		4978,1		1424,8		39 070,0	

a. Adapted from Chavunduka (1982) and Statistical Yearbook (1987).

b. CSO data as of September 30, 1988; excludes 198,082 ha of farms that are inactive.

c. Based on data by natural regions in Weiner et al. (1985, p.259) less areas acquired for resettlement-Vuti (29,856 ha, NR II), Chenjiri (56,871 ha, NR III), Copper Queen (40,958 ha in NR III and 48,342 ha in NR IV), and Mehawasha (1,381 ha, NR IV). The total areas includes approximately 230,000 ha not yet settled (MLARR).

d. 2,743,3 ha acquired for resettlement from 1979/80 to 1988/89 plus 543,7 from former state land (MLARR).

e. ADA estates held 498,535 ha in 1988/89 (ADA Planning Unit).

f. Adapted from Chavunduka (1982) and Annex C.

g. Difference between sum of land across tenure categories and total land area.

h. From 1987 Statistical Yearbook (p. 141).

i. Percentages are of column totals.

TABLE 3: EFFICIENCY OF ARABLE LAND USE FOR CROP PRODUCTION

	Total Area (000 ha)	Arable Land (000 ha)	Arable Land (%)	Crop Area ^d Planted (000 ha)	Cropping Efficiency (%)	Net Arable Land (000 ha) ^e	Net Cropping Efficiency (%)	Adjusted ^f Crop Area (000 ha)	Adjusted Crop Eff. (%)
	A	B	C=B/A	D	E=D/B	F	G=D/F	H	I=H/F
Mashonaland West	1886,0	760,6 ^a	40,3	184,6	24,3	650,3	28,4	270,2	41,6
Mashonaland Central	732,6	307,3 ^a	41,9	105,4	34,3	262,7	40,1	152,7	58,1
Mashonaland East	957,8	522,1 ^a	54,5	97,6	18,7	446,4	21,9	139,1	31,2
NR I ^b	202,2	27,9	13,8 ^b	11,7	39,7	23,9	49,0	12,1	50,6
NR II	3 686,9	1 047,1	28,4	379,1	36,2	895,3	42,3	556,0	62,1
NR III	2 405,4	574,9	23,9	48,4	8,4	491,5	9,9	74,9	15,2
NR IV	2 429,1	10,1 ^c	0,0	8,9	88,1	10,1	88,1	10,2	101,0
NR V	2 489,7	102,5 ^c	0,0	52,3	51,0	102,5	51,0	53,1	51,8

- a. From Weiner et al. (1985) less land acquired for resettlement, assuming that 1988 totals contain the same proportion of arable and non-arable land as in 1981.
- b. Percentages for natural regions are adapted from Vincent, Thomas and Staples (1962, p.170).
- c. Arable land is irrigable land times a cropping intensity of two.
- d. Crop area in 1988-89, CSO.
- e. Arable land less 10 percent for squaring of fields, tree lines, roads, homesteads and pockets of inaccessible land, and less 5 percent for mechanical conservation measures.
- f. Crop area adjusted to include recommended fallow rotations.

TABLE 4: GRAZING LAND EFFICIENCY

	Total Area (000 ha)	Crop Area Planted (000 ha)	Crop Area Less Fodder (000 ha)	Unusable Land (000 ha)
	A	B	C	D
Manicaland	760,7	43,6	40,0	152,1
Mashonaland	3576,5	387,7	343,2	715,2
Midlands	1689,1	18,1	15,6	337,8
Masvingo	2406,7	41,8	40,7	481,3
Matabelerland	2780,4	9,4	6,8	556,1
NR I	202,2	11,7	10,5	40,4
NR II	3686,9	379,2	334,1	737,4
NR III	2405,5	48,4	43,3	481,1
NR IV	2429,1	8,9	6,2	485,8
NR V	2482,7	52,4	52,2	487,8
NATIONAL	11 213,4	500,8	448,3	2 242,5

Grazing Area (000 ha)	Livestock Units (000 LSU)	Grazing Area/LSU (ha/LSU)	Low Risk Stocking Strategy (ha/LSU)	Mod. Risk Stocking Strategy (ha/LSU)	High Risk Stocking Strategy (ha/LSU)
E=A-C-D	F	G=E/F	H	I	J
568,8	67,5	8,4			
2 518,1	570,9	4,4			
1 335,7	215,8	6,2			
1 884,7	153,5	12,3			
2 217,5	254,4	8,7			
151,3	23,3	6,5	3-4	2	1
2 615,4	545,3	4,8	3-4	2	1
1 881,1	295,7	6,4	6-8	3-4	2
1 937,1	196,8	6,5	8-10	4-5	3
1 232,7	101,2	12,2	10-12	5-8	4
8 524,8	1 282,1	8,8			

plantations each with an average size of.....hectares, located mostly (80%) in Manicaland province, and 15(?) forest areas (indigenous woodland reserves), averaging.....hectares each, located mostly (80%) in Matebeleland North province. Although centrally planned managed institution, the Forestry Commission has individual managers on each of the plantations with restricted autonomy regarding operational plans and land use (!). The indigenous estates are also collectively managed by a divisional manager guided by centrally derived plans.

The Parks Authority holds 10 (?) parks located mainly in Matebeleland Province and these are centrally controlled with individual managers. The individual parks have large areas leased out for tourist exploitation to private operators, while Parks staff maintain and control resources use.

Both the Forestry Commission and Parks Authority are in turn "leasees" through legislation enabling them to manage and utilise the lands within their purview, but do not have lease contracts let alone title deeds. The Forestry Commission has in the recent past bought some land, only.....hectares on a title deeds basis, but this constitutes less than 1% of their lands. These state lands are mostly surrounded by Communal Areas as shown for the Forestry Commission in Chart 1.

As can be seen, the Forestry Commission is surrounded by 100,000 (?) families spread around 15 districts in mainly two provinces. Furthermore, the Forestry Commission and the Communities have different "resource sharing" arrangements (Chart 1). With the communities, ranging from leases, resource poaching, squatting, extension etc. This suggests a diverse and thinly spread exposure of the Forestry Commission to local communities and equally a diversity of forms of relationships cultivated by the Forestry Commission. The above features define the real form of land tenure and problems confronting the Forestry Commission.

The Parks however, tend to be surrounded more by lands belonging to the Forestry Commission, LSCF and District Councils, than by actual communities i.e. Communal Areas. However, the parks also face poaching from both professionals and a few communities.

District Lands

In addition, districts control woodland lands in Communal Areas, of as yet unspecified quantities. These are also increasing through the Campfire programme as shown in Chart 2. The main tenurial issue here is the conflict between District Councils and

	DEETHRIDGE	51 950	YES	6 778	300	150	7
MATABELELAND	BULALINA MANGWE	355 180	YES	7 099			
SOUTH	GMANDA	103 060	N	5 353			
AREA 66 390 KM2	INSIYA	52 110	N	1 655			
	MATOBO	82 140	N	3 350			
	DSZINGWANE	50 170	N	995			
		516 140					
	MBERENCWA	101 110	N	3 751			
MIDLANDS	LOMWE	268 060	YES	14 382	1,500	500	1,160
AREA 58 907 KM2	SHURUGWI	70 010	N	825			
	ZVESHAVANI	92 550	N	1 559			
		591 930					
	BIKITA	179 700	N	2 631			
	GATA-KHOMANANI (CHEKE)	214 140	YES	5 592	4,100	900	6,100
MASVINGO	MASVINGO	105 990	N	2 867			
AREA 11 310 KM2	GUTU	167 740	N	4 413			
		667 870					

FOOTNOTES: * DATA TO BE COLLECTED
 * POTENTIAL AREAS FOR CAMPFIRE PROJECTS

actual communities,¹ over whom actually holds the tenure. Officially some of these lands are "Communal" while other are "district" lands (!).

In the section that follows, we now identify some of the land tenure problems found within the different agricultural sub-sectors.

4.0 LAND TENURE PROBLEMS WITHIN THE SUB-SECTORAL

4.1 Land Tenure Specificities

The above national and therefore broad and general land tenure problems discussed above have a variegated expression within each of the agricultural sub-sectors. The sub-sectoral specificity of tenure problems arises, first out of the variations in the quality of land available to various groups within each sub-sector, leading therefore to competing interests over land access and landuse. Secondly, tenure problems derive a specificity because the number of sizes and management capabilities of landholders within each sub-sector varies substantially reflecting the evolving process of social and agrarian differentiation. The later is based on the accumulation of capital, skills, opportunity and power relations, to which access is unequal. Agrarian differentiations has led to competing perceptions and demands for tenurial rights and obligations.

Thirdly, the shifting basis of the national ruling class, from colonial then white minority and then black majority rule, has resulted in a changing land tenure ideology, and a shift in the constituencies attended to by the state. This in itself forms a basis for new forms of tenurial problems derived from shifting state interventions in the land markets, legislation and in landuse regulations.

Fourthly, temporal changes in demography, economic strategy, market "opportunities", technology available, financial allocations, and environmental norms, have led to new and varied demands within each sub-sector, in terms of land tenure or access, needs and rights and obligation.

Some of the specific problems that have accumulated in the main sub-sectors are discussed below.

1 C. Nhira and L. Fortman (1991).

4.2 Communal Area's Tenure Issues

4.2.1 Official Concerns with Communal Areas Land Tenure

Official concern with Communal Area land tenure admits a wide range of inadequately specified tenurial problems related to social, institutional, administrative and legal issues.² Even more elusive is the GOZ's concern with "...existing communal land practices..." related to "...the distinctions and interrelationships between problems of settlement, arable and grazing units." Evidently the key elements of GOZ Communal Area concern include the:

- i) need for recommendations aimed at resolving problems of "...management of common resources and instituting rational landuse planning in Communal Areas."³
- ii) "...recommendations of alternative production-oriented land tenure systems, that are sustainable and backed by viable legal and institutional arrangements capable of administering the suggested form of land rights." These recommendations should account for local level institutions (Wardco's etc.) and review the District Council and Provincial Administrative Acts, in relation to the role of chiefs in land allocation.⁴
- iii) To make recommendations on absentee farmers, womens land rights, alternative social security for formal employees.⁵

These concerns reflect a wide range of problems and contradictions discussed below.

4.3 The Specific Land Tenure Problems in Communal Areas

4.3.1 The Basis for Communal Area Land Demands

A fundamental issue concerning the Communal Area land tenure is the extreme variation in the kinds of problems arising in the different 100 plus (?) Communal Areas, and variations in terms of land demands and problems related to agricultural, woodlands and "urban" lands, and different problems facing different classes of

2 GOZ, (August 1991), "Terms of Reference for the Proposed Land Tenure Commission", p.3.

3 Ibid.

4 Ibid.

5 Ibid.

land aspirants and holders.

Thirteen different classes or social groups can be distinguished in terms of land demands and problems namely:

- i) landless mainly young households;
- ii) established groups of households with diminishing or small crop lands (below 2 hectares) especially in dryland areas (Natural Region II, IV and V);
- iii) communities with access to diminished grazing lands, due to cropland or household land expansion;
- iv) groups of households demanding or aspiring for, and/or competing for small areas of irrigated, irrigable, dam or stream-banks and borehole serviced lands;
- v) establish "kulaks" (better-off peasants) seeking crop and/or grazing lands for production expansion;
- vi) groups of kulaks, communities and individuals looking for title to agricultural and residential lands in some Communal Areas;
- vii) black urban based elites and rural-based elites, black trusts, formal black business enterprises and formal white-owned business concerns (e.g. the various supermarkets), seeking freehold title to land in Growth Points;
- viii) District councils, and Wardco's and NGOs or Trusts seeking land tenure rights for community income-generating projects (e.g. dams, Campfire, irrigation, woodlots), services (e.g. schools etc.) and for environmental preservation.
- ix) state institutions seeking land for national development, services and environmental projects;
- x) migrant peasants seeking new agricultural sites in land-surplus Communal Areas;
- xi) migrant workers in urban towns seeking to retain land rights for agricultural use through direct own split-household based farming or indirectly through defacto grazing rights secured through the extended family;
- xii) retiring urban workers seeking social security in Communal Area farming.
- xiii) "foreign" migrant workers seeking homes for retirement and social security in land.

As for the quantity of households or individuals falling in these categories has not been established such that the magnitude of pressures or demands for associated land rights, and the extent of obligations of various Communal Area councils to meet these demands is unclear. As a matter of principle, however, the GOZ local authorities and local leadership have yet to decide on the legitimacy of land rights demands and the dispensing of the various obligations. At any rate the magnitude of pressures varies substantially among the Communal Areas depending also on the historical process, land availability, land quality and the nature of social deprivation in question.

4.3.2 Land as Collateral Base

The most vocal demand currently is that for access to freehold in Growth Points by black business elites, who are essentially the major "notables" and influential at the district and provincial levels. Backed by the current ESAP free market ideology and campaign for developing black entrepreneurs, this most educated and monied classes vociferously express their land demands. It is reported that accountability or fair play allocating plots at growth points is at stake, given cases of monopoly over political power and finances to purchase and/or lease plots. The question of need for land property for collateral has escalated these pressures.

However, it is not surprising that given the price escalation of both farm and rural centre lands within LSCF and "urban" areas, that black business has had to resort to rapid land marketeering in the Communal Areas. Apparently, the shortage of GOZ or district council surveyors remains the key bottleneck to rural centre or growth points land markets development.

In spite of the cheaper land prices in Communal Areas, there is also pressure from chiefs and other local leaders that benefits from (or payments for) such land transfers be accrued directly to local communities (and/or chiefs) rather than to district councils. The present demand is also for chiefs and other local leaders to control the whole process of rural centre land allocation. The main question remains to what extent the more ordinary peasants benefit from these new land markets.

Even so, land tenure and transfer policy debates regarding Communal Area land markets are constrained by the absence of land and property valuation data and/or records on normatively based rights and values. Land pricing tends to be based on thumb-sucking in growth points!

4.3.3 Tenure Insecurity in Communal Areas

Insecurity of tenure is experienced by all the various classes or social groups, identified form of title, competition over land

access rights, diminishing land quality, ambiguity over the control of the land allocation process and landuse regulations by various state institutions.

Whereas current legislation enshrine the rights of the President, the Minister of Local Government and District Councils in Communal Area land allocation, ambiguity over the relative powers of these three authorities is to be found in the legislation and from practices. Recent moves to re-assign an advisory and/or influential role to chiefs in the land allocation have only served to confuse issue, even if they politically appeasing the chiefs.

Rural communities contest the authority of all four authorities in the land allocation process, while the defacto permanent ownership by households of cropping land and the inability of local authorities to enforce landuse regulations or restrict access to grazing lands, suggest that current legislation is in fact irrelevant. However, lack of freehold or leasehold title tenure in Communal Areas, while supposedly protecting the poor from further land alienation does effectively restrict commercial land transactions. Insecurity of tenure remains because of the conflicting legislation, landholding norms and rising demand for land allocations.

Land transfers through inheritance are a common feature of Communal Areas tenure although legislation does not assume or recognise this process. While land inheritance needs formal recognition, major problems arise out of the inheritance rights of female spouses, female heirs and competing male heirs, particularly in land short areas. Lack of land for allocation to all adult heirs apparent living in the Communal Areas, and lack of clarity among various heirs is a major source of land tenure insecurity in Communal Areas.

Gender based and rights are also vague in terms of unmarried women, divorcee's and married women requiring land for individual agricultural landuses. Land rights to women remain linked to patriarchy (fathers, husbands, uncles and even mature sons). Whereas married and young women may "decide" garden plots from husband, fathers or local leaders, this right is neither assured not satisfactory.

These issues have yet to receive significant advocacy from rural women, as much of the articulation remains isolated, dominated by intellectuals and a handful of the few female political activists. The GOZ or ruling party has yet to take a firm stand on female land rights in Communal Areas, while most land analysts neglect women's land rights.

An additional source of Communal Areas tenurial insecurity arises from current landuse regulations administered by local councils,

Forestry Commission and Parks authorities, Agritex and the land inspectorate of the Ministry of Environment and Tourism.

Regulations related to landuse planning include villagisation, environmental conservation practices particularly in relation to access to trees and wildlife, and soil erosion measures, cultivation, grazing areas and stocking levels, are mostly centrally delineated with little local level consultation or acceptance. Moreover the scientific validity of many such regulations is doubted by many scientists and local communities. Moreover the extension and enforcement procedures are not locally acceptable.

Fundamentally the absence of local sanction towards the regulations and popular questions about their legitimacy, are indicative of land tenure interventionism by the state. Land held by the communities is seen to be restricted from them in terms of its use and rights of exploitation of the fruits of the land. Where the "fruits" of the land are crucial to community survival or reproduction, and where land is short and alternative land allocations are unavailable, such state directed restrictions amount to infringements on basic rights to survival and to community property.

Conflicts between state and community, and straight rejection of landuse regulations reflect the inadequacy for irrelevance present landuse administration and regulation. In fact these conflicts underpin the basic tenurial insecurity found among Communal Area households. The lack of full-scale popular backing of resettlement and landuse planning by an elected government, is indicative of a long heritage of land tenure insecurity based on widespread land regulations and restrictions.

But "informal" allocation of Communal Areas lands by chiefs, local leaders of local councils to migrant external to the communities (e.g. Gokwe and other Communal Areas) as well as state resettlement schemes in Communal Areas (e.g. the Mid-Zambezi Resettlement Scheme), seem to generate different forms of Communal Area tenurial insecurity. Conflicts over which among the state, local councils, traditional leaders or WARDCOS has legitimate authority for such land allocations abounds, and is compounded by the role and interests of political and business leadership.

Local insecurity arises out of the land rights reserved for community offspring in future, current rights of first refusal to preferred land plots, the social incohesion in landuse arising from migrants, and the right to compensation and payments for land "expropriation" by the state or "outsiders".

Land tenure insecurity here is based on uncertainty over present and future cost-benefit streams from land, as well as insecurity

over local administrative autonomy and local resources control rights. Local land control is the key material basis for any form of decentralised or power-sharing government. However, parochial political tendencies are themselves a threat to broader land tenure security within Communal Areas, since at times ad hoc and "illegal" group arrogation of land rights, including so-called squatting, tend at times to be sanctioned by local political leadership. Unsystematized land allocation processes tend to be met, however, with exaggerated state force, such that the current practices of land control and litigations tends to lack popular legitimation.

4.3.4 Group Land Rights and Tenure

A question that remains unsettled and a source of land tenure insecurity is the degree to which group rights to grazing land is universally desired in Communal Areas. Whereas very few studies note a trend towards individualising pieces of grazing land.⁶ and others note cropping invasion of grazing lands by households tendency for most scientists is to recommend privatising the grazing areas. A few scientists for common-property management regimes with restrictions against open-access in the grazing lands, are desirable in Communal Areas.⁷

GOZ officials and colonial regimes on the other hand have always leaned towards introducing controlled communal grazing schemes with a disastrous record in the Communal Areas. The precise reasons espoused for the failure of such schemes are debateable. Also, the fact that the privatisation or individualisation of grazing holdings may lead to significant increases efficient land management and access to finance in Communal Areas is doubtful. The issue of group control of grazing lands versus individualisation appears to have been inadequately addressed, let alone to have received anything close to popular debate.

Moreover, much NGO and state technical assistance has been provided through producer cooperatives, group gardens suggesting that the convince of larger land holdings and grouped mobilisation are basic current Communal Areas rural development strategies. Poor performance in many cooperatives and inadequate returns on group gardens place doubts on either on the strategy of group land management, or on the adequacy of related support, and/or on the acceptability of group land tenure rights. This is need through assentation.⁸

6 C. Nhira (1991)

7 Murphree (1990)

8 B. Cousins (1989)

4.4 Land Tenure Problems in Resettlement Areas

Generally, since the current Model A resettlement scheme reproduces Communal Area landholding, most of tenurial problems discussed above apply there as well. In addition Resettlement Areas (R.A.) are encumbered by the lack of a social basis for their landholdings as the GOZ reserves the right to cancel settler permits. The main problems of land insecurity here include:

- i) the lack of leases or title to land, and the security of temporary permits;
- ii) the finality of Resettlement Officer authority of over landuse regulations;
- iii) the holding of dual land rights by some settlers, in Communal Areas and the schemes;
- iv) the appropriateness restrictions on households with employed spouses;
- v) the efficiency of grazing landuse and therefore grazing land rights*;
- vi) inheritance rights of offspring and relatives;
- vii) land transfer rights, including sale of rights as happened in Sorti Source;
- viii) the appropriateness of Model producer cooperative landholding, with particular regard to individualising cropping lands*;
- ix) the feasibility of alternative forms of land depasturing on state lands provided to Communal Area residents involved in Model D's.
- x) the legal and administrative aspects of Resettlement land holding*;
- xi) the justiciability or fairness of the process of settler selection and hence "free" land rights allocation amidst mass land hunger.

* The items with an asterisk reflect the main concerns of the proposed Land Tenure Commission of the GOZ.

4.5 Land Tenure Issues in the LSCF

A wide range of tenure queries, problems can be raised about the LSCF in particular by the GOZ and the public. Some of the problems centre around:

1. Farm Sizes

- i) Are the average farm sizes of ca. 2 000 ha. especially in Natural Region I, II and III, the optimal maxima for individually managed forms (as opposed to truly corporate

management of estates). What are the variations by finance mobilisation, labour and production controls, in terms of efficiency and utilisation of large average forms.

- ii) How would optimum farm sizes vary among Natural Regions, given the changing technologies (e.g. irrigation and machines) and types of enterprise in demand (extensive land use such as: woodlands, wildlife, beef vis intensive field cropping vs. smaller scale horticultural crop areas feasible).
- iii) Relatedly, is true corporate farm ownership (tenure) to be promoted, not as a search for tax havens (by urban companies) or for tax evasion by individual/household farm operators.
- iv) Relatedly, what minimum farm sizes are to be regarded as "viable" for "commercial" farming purposes, in terms of de-regulating sub-divisions or relating the administration of sub-division. Thus, what combination of income, output and land productivity targets constitute the threshold for minimum commercial farm sizes. What criteria are used to set targets and to combine factors? How do the thresholds vary among Natural Regions.
- v) Implementation of problems if farm sizes were controlled.

2. Landuse/Farm Sizes

- i) Is it desirable to control farm sizes as a means of enabling new present users to gain land access, rather than to postpone optimal/maximal landuse of total lands owned by private operators, and hence discouraging interim sub-optimal landuse strategies (wildlife?) by present owners.
- ii) Is arable land efficiently used currently, and therefore a basis for land "expropriation."
- iii) Is it necessary, desirable and feasible to directly control or direct landuse (through incentives, resales, land transfer) in order to achieve optimum landuse on a national scale as opposed to private optimum.

3. Title/Leasehold

- i) Is it necessary to apply leases only to "foreign" landusers? Can farm indigenous managers (black or white) be granted the tenure of such lands to secure a collateral base.
- ii) Is it desirable to convert the whole LSCF tenure to long-term leases, in order to facilitate future land transfers?

- iii) Is it desirable to grant leases the first right on payment full title to the current LSCF leasee's (2 million ha?) of GOZ lands in the LSCF. Or should new owners get it? Subdivide leasee's? Productive land? Case by case?

4. Legitimacy of Tenure

- i) Is the current uneven land access politically acceptable or tolerable to the extent that future large-scale conflict can be averted? Has sufficient public consultation on this occurred.
- ii) Are normative considerations and income distribution effects of land distribution absolutely justifiably grounds for compulsory land translate or is arable and other land under-utilisation the critical factor for land transfer?
- ii) If the latter applies, what assessment criteria of land under-utilisation are relevant? Present land capability (output), land market demand (effective demand vs. GOZ assisted acquisition) and/or are minimum tax contributions (direct land tax and farm income) the route to assessing or judging land utilisation. Relatedly are crude methods of land valuation/tax contributions acceptably means of deriving the above criteria or should massive studies, farm valuations and farmer returns form the basis for decisions. Who adjudicates these decisions or assessments (independent valuers and courts or state functionaries or farmer groups)?

5. Security of Tenure

- i) Does the promised land designation and taxation engender tenure insecurity, to the extent of discouraging normal farm investments?
- ii) Does poaching, cattle rustling and other conflict cause sufficient insecurity to individual farmers? If so, is the state prepared or able to provide "security forces" for farms or are farmers to mount own farm security forces? What is the extent and intensity of this problem?

4.6 Land Tenure Issues in State Lands (The Forestry Commission and Parks)

1. Legitimacy of Tenure

- i) Forest Commission land is mostly GOZ owned land, managed by agreement under the FC Act. The general legitimacy of the GOZ owning/holding land (under capitalism) is at stake, in relation to broader political demands for land access.

- ii) The failure (volume) of LSCF based resettlement suggests increased resort to pressure on GOZ lands! Does this emphasize the legitimacy of state land distribution, or is a reflection of ineffective controls and political ambiguity within the GOZ.
- iii) The apparently "under-utilised" F.C./Parks lands invites legitimate demands for access. Are such land sub-optimally used and if so is this sufficient basis for state land distribution.
- iv) The new landuse opportunities (all Forestry Commission land utilisation projects) are suggestive of broad potentials for private sector use/access to GOZ (F.C./Parks) lands. Does this suggest a reason and basis of broadening private access to state lands?
- v) Immediate land pressures by neighbouring communal areas farms suggests specific demands for GOZ lands. Squatters demand formalisation of settlement rights, as happened under the "accelerated resettlement" schemes. Which strategies are to be adopted by landed state institutions? Tighter control of resource sharing?
- vi) Direct historically and legal based land evictions on pieces of GOZ land, impose possibilities for land demands and litigation. Are land claims to be entertained only on state lands? If so how are these to be re-compensate.
- vii) Security of tenure through poaching and unsystematised demands for F.C. lands, are the major problem facing the Forestry Commission.

2. Title Leases

- i) The F.C./Parks required "secure" title or leases. Should these be provided and under what conditions when they contribute to taxes from institutional income and land taxation.

3. Landuse

- i) There is similar demand for optimum land-utilisation under state lands and the subjection of these lands to valuation, taxes, as well as competition. What strategies are required to address these demands.
- ii) More joint-tenure relationships are indicated by new ventures and resource-sharing projects. Pioneered by the Forestry Commission should these be promoted as a basis for secure tenure.

- iii) Scattered sub-leasing of F.C./Parks lands under remote supervision may be desirable.
- iv) Interim land use optimisation dynamic strategies, prior to plantation development are a rationale and legitimate activity by state lands.
- v) The venture pioneering and management developmental role of the F.C. is legitimate as an intermediary and interim process of rural development.

4. Incomes Utilisation

- i) Visible sharing of profits for rural development via land taxes, services, development financing, may be the major route to securing tenure legitimacy, civil protection of F.C. resources and the role of the state. What prospects exist for resource sharing.

Broadly speaking, the GOZ has tended to be vague and ambiguous in ascertaining the tenorial rights of state institutions. Rather the thrust has been to extol the benefits from tourism and environmental ethics. With a vague land distribution policy and contradictions such as those found in the Communal Areas above, this has opened state lands to pressures.

4.7 Small-Scale Commercial Farm Areas

The SSCF Areas represent a tenorial enigma, since sufficient attention has not been directed at the long under-utilisation and poor economic performance of these areas notwithstanding the historic neglect by the colonial states, in terms of support to these areas. Moreover greater attention seems appropriate given the GOZ announcement of it's policy desire to promote black commercial farming. The SSCF are the main source of freehold and leasehold tenure among Zimbabwean farming blacks. The problems and experiences in the SSCF can critically inform current policies for developing black agrarian capitalists.

Surprisingly, official focus on tenure problems in the SSCF is restricted to the following:⁹

- i) That the majority of forms are still held under leasehold, when they were intended to pass on to freehold tenure, given the options to purchase provided in leases.

⁹ See the draft terms of reference for the proposed Land Tenure Commission.

- ii) That only the actual leasee's entitled to the land, such that transferability, sub-letting and sub-contracting are restricted.
- iii) Inheritance rights are obscure.
- iv) That cemeteries require centralisation, since the perceived spiritual implications farm based cemeteries restricts land ownership transfers.
- v) That alternative tenurial options need to be recommended.
- vi) That productivity has declined.

In fact many SSCF areas have been defacto sub-divided among extended families, and farm investments seem to have been on the decline.

5.0 GOVERNMENT OF ZIMBABWE PROBLEMS

A key issue arising out of the above discussion is the lack of a comprehensive and clear policy position on land tenure, hence the proposed setting-up of a commission. The diverse nature of the problems have been noted on a sub-sectoral basis. The proposed land tenure policy is also intended to be circumscribed by the broad land policy pronouncements or principles, such as:10

- i) balancing equity, productivity and sustainability;
- ii) employment creation;
- iii) increased agricultural production;
- iv) promoting equitable land distribution;
- v) increasing exports and forex earnings;
- vi) promotion of emergent black large-scale commercial farmers;
- vii) achievement and maintenance of domestic food self-sufficiency.

The relationship of land tenure policy to land tax proposals and land designation for resettlement is not alluded to in the terms of reference of the proposed land commission.

Currently it is only possible in this section to outline some broad guidelines to a future land policy and to inter on the position to be adopted by state landholding institutions such as they Forestry Commission. The following aspects are recommended:

1. The removal of all policy ambianties identified earlier.
2. The clarification of land tax and land distribution policy.
3. Developing a unimodal land tenure system.

4. Reducing the role of central government in land control.
5. Strengthening local land controls through institutional support and land development investments.

In addition the following issues would be of relevance in resolving the land tenure problem:

5.1 Land Markets

- i) Institutional consolidation of land valuation, surveying and farm planning skills and systems for use in land prices, taxes and incomes assessment.
- ii) Formulation of an effective real land tax system and rates, capital gains taxation and agricultural income tax review.
- iii) Create a system and professional basis for land use potential assessments, farming systems design, land purchase identification and sales negotiations, in order to maximise the quantity and use of land to be acquired.
- iv) Promotion of competitive state and private real estate agencies for the administration of land transfer.
- v) Designing a land acquisition finance scheme, which encompasses a variety of sources of finance ranging from land tax revenues, communities, banks, individuals and donors.
- vi) A pervasive problem is the conflicting land demands for settlement or housing vis-a-vis land demands for agricultural production. Land policy needs to ensure that an effective urban housing land transfer programme is instituted in order to meet such needs, as distinguished from farm land distribution. Moreover, there is need to regulate the impact of urban land market prices and absorption of savings leading to the over-crowding of finance markets by high cost land demands, to the detriment of low-cost housing. Rural land prices in the peri-urban areas can trigger inflationary resettlement land costs and a chaotic land sub-division process.

5.2 Land Reform Administration

Within this context the main issue is to prevent potential institutional chauvinism between the relevant ministries and departments on the basis of clarified roles in land redistribution. Such ministries or departments and roles which need definition include:

<u>Organisations</u>	<u>Roles and Responsibilities</u>
<u>A. Government Organisations</u>	
1. Finance	Budgeting
2. Economic Planning	Macro-economic targets
3. Agriculture	Extension Services, Technical/Physical Planning, Agricultural Policy, Marketing, Credit, Inputs
4. Local Government	Local Area Administration, Land Allocation, Local Planning
5. Social Services	Health, Education, Water, Housing, etc.
6. Surveyor/Deeds	Land Registration, Tilling, etc.
7. Social Mobilisation	Groups, Community and Cooperative Organisation
8. Other Support services	Information, Research, Advisory Services
<u>B. NGOs</u>	
Various Support Services	Finance, Training, Community Organisations, Specialist Services
<u>C. Research Institutions</u>	Monitoring, Data Processing, Evaluation and Policy Evolution
<u>D. Farmer Organisations</u>	Problem articulation and lobby

Apart from the clarification of roles, open debate and participatory approaches to the design of the overall and specific issues for land redistribution will be crucial. These will include land selection, settler selection, scheme design, enterprises design, financing and administrative mechanisms design.

5.3 Planning and Technical Considerations

An innovative participatory system of formulating resettlement models based on viable farming system concepts and appropriate production mixes will be required. The objective should be to move away from pseudo-environmentalist notions of low-input, subsistence-oriented physical planning preoccupations found among Southern African rural planners. The specific dryland conditions and the predominance of livestock in peasant and indeed the national economy will need a thoroughly participatory planning process to achieve sustainable goals.

5.4 Economic Considerations

Most important will be not to set false targets and expectations of resettlement projects through the following issues:

- i) Mixing social services and administrative costs of resettlement into the agricultural components of schemes

during the assessment of cost-benefits.

- ii) Ensuring adequate credit and other support services are planned for schemes in order to guarantee output and potential productivity.
- iii) The establishment, operation and maintenance of resettlement as well as the realisation of intended impacts require at least five average seasons or years. Developing appropriate time planning horizons for the realisation of output levels in the context of full settler farm establishment requirements.

5.5 Socio-Political Aspects

Land reform should not be based only on autonomous rational state policy formulation processes, but on adequate consideration of popular expectations, among various classes (including influential middle classes) through a deliberative consultative process throughout the various phases of the programme. Issues such as land tenure, rights, financing resettlement, pricing land for acquisition, arbitration of land sales disputes, settler selection and purposes of land reform require thorough debate and consultation of various power structures and organisations.

In conclusion, the above issues can only be of relevance to Namibia, if and when they are based on thorough analysis of the specific conditions prevailing there. This conference provides a forum for such specific analyses.

6.0 ALTERNATIVE SOLUTIONS

WHAT F.C. COULD DO ABOUT TENURE ISSUES:

The following broad proposals are recommend:

6.1 Contribution to National Solutions:

- a) Planning, monitoring + participating - commission o.k. (designing), (data).
- b) Reveal potentials + access possibilities.
- c) Do not hold onto unnecessary land?
- d) Push land tax as a driver of problem.
- e) Expose squatting problems data, pressures etc.
- f) Clarify externalities related to landuses + role of tenure.

6.2 Actions/Possibilities on Own Land:

- a) Disposal of some land in 10 years.
- b) Defense - strategies
- c) Resource-sharing strategies) publicise these strategies.
- d) Efficient use of own resource: show why F.C. is the best

user.

- e) Clarify present uses + plans investments.

6.3 Support to other Lands:

Basically the Forestry Commission should provide technical and management support for woodlands development where feasible and required in Communal Areas, SSCF areas and LSCF areas. In particular the Communal Areas need resource sharing and support as outlined in later sections. This strategy may secure the longer term land tenure security of the Forest Commission.

7.0 CONCLUDINGS

The more specific alternative solutions to the land tenure position of the Forestry Commission are provided in other chapters following this.

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