GLOBAL RHETHORIC AND LOCAL REALITIES: ZIMBABWEAN LAND REFORM

By

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Abstract
This paper identifies the three major stages that are necessary in the land distribution process as policy formulation (political), implementation (technical) and acceptability of results (social & cultural). While acknowledging the uncertainty and complexity of policy formulation, the paper concentrates on the technical requirements of a successful redistribution process that encourages transparency, economic sense and speed of execution based on up-to-date information system. It also highlights added benefits in the social and cultural setting of an effective land information system that supports the implementation process.

1.   INTRODUCTION

Land reform, a process of examining and changing laws, regulations and customs relating to land ownership and land tenure to achieve justice, is a necessary 'evil' in a society with uneven distribution and access to land (Stibbe and Dunkley 1997). Due to colonisation, similar disparities exist in Zimbabwe were a minority class own most of private land, making land reform a necessity. Contrary to internationally held perspective of Zimbabwe's land question, there are no policy differences on the need and necessity to undertake fair, transparent and equitable land redistribution. Differences start emerging on the methodology of achieving this goal. In fact, by representing the process of land redistribution into a three process architecture (figure 1 below), only the last two stages are of concern to both locals and the international community, i.e. the implementation of the policy and ensuring the targeted poor benefits. Thus the land reform policies issue that tend to be highly political and emotionalized are assumed agreed and well defined process for the purpose of this paper. Management and implementation of land reform are rarely priority of politician as they concentrate on policymaking in order to guarantee there re-election. In democratic societies, we would expect government to offload the representation of the policy view to technocrats made up of academics, business community, workers representatives, and community representation to map how the political idea is brought to reality. This is done through lobbying and workshops that tend to target reducing the negative impacts of a change process. However, a recent trend to measure public office success based on economic measures has increased political influence on management and implementation of land reform. In Zimbabwe, even the academics, technocrats and business has largely been polarised politically. Towards the

end, the question of whether as non-political groupings we have done enough to ensure correct and just current fast track redistribution process is discussed. The major view of the paper emphasise the technological, legal and economic solution to Zimbabwe's land reform problems while recognising the need to satisfy other factors that include political, cultural, international and social issues.
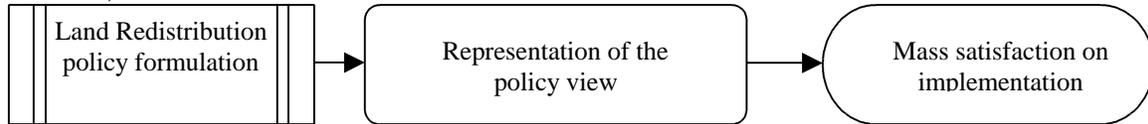

Figure 1: The three main process architecture of current land reform

2. HISTORICAL BACKGROUND TO ZIMBABWE'S LAND TENURE

In the pre-colonialism era, indigenous communities had abundant land; hence there was no need for permanent settlement. Agricultural communities would move to new areas in search of pastures (nomads) or cropping land. Increase in population and developments in crop cultivation technologies encouraged communities to settle permanently, hence the evolution of customary tenure system that underpinned social solidarity or community land ethics. Land would then be held permanently by a community and its lineage, preventing landlessness and maintaining wealth in the hands of the few (van der Walt 1990). No member of the community would have the right to alienate the land to outsiders. Only rarely would alienating to outsiders be possible at a considerably higher price than to a community member.

2.1 The Source of a Tri-tenurial System
The current tenure systems have roots from the history of the country. This has links to the world era of Colonisation. Our need for land reform emanates from the historical reality of colonization that started in 1890 when the British South African Company established rule in Zimbabwe (formerly Rhodesia) that lasted 25 years. The agrarian policy then was based on attracting white settlers on large farms of high potential distorting the tenurial and occupational patterns. This triggered the first Chimurenga war (named after chief Murenga) of 1896. In 1898, the British government invoked an order in council for the Company to create Native Reserves now known as communal lands (Rukuni 1994). Customary land tenure systems were applicable to communal area while private land ownership based on the Roman Dutch law became the norm in commercial farmlands, triggering the major divisions that existed in Zimbabwe in 1980. Through the Lancaster House Constitution of 1979, Zimbabwe gained independence. A reversal policy with affirmative action in favour of formerly disadvantaged blacks was initiated with funding from donors and former colonial master, Britain. This resulted in a third tenure system of resettlement leasehold.

2.2 The Legal Issues of the Tenure Systems
The Roman Dutch Law, on which the Zimbabwean Laws evolve, became applicable to commercial farmlands while customary laws were applicable to communal areas during colonial era. The customary laws were based on communal ownership of land that cannot be alienated to outsiders, but passed on to next generations (van der Walt 1990). On

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independent in 1980, the customary tenure systems was legalised within the Roman Dutch law system by making all communal areas state land whose custodian was the state president. On the ground, there are no tenure changes as community leaders continue to exercise their custodianship to communal resources including rights to allocate excess land within their community boundaries. A reform process in which Britain as a former colony would pay for resettlement land expropriated from commercial farmland by government for resettling landless peasants created a third tenure system of leasehold. In this system, government owns the land but leased it to individuals whose leases may be terminate due to lack of production or other specified activities. The periods of leases varied from short term to 99 year leases.

2.3 Comparative advantage of the Tenure Systems

Although legally, communal land is held under the Communal Land Act and vested in the president, in reality customary procedures are followed such as inheritance and allocation by headman or chief. These procedures vary from tribe to tribe and area to area. Some customary procedures as inheritance by a single heir (e.g. oldest son) have been amended to allow whole family beneficiaries but are not applicable in communities. Customary land tenure has the following advantages:

- Prevents landlessness by perpetuating ownership only within the community
- Limits rights to an individual through customary administrative structures. The ownership pattern is not an individual but the community.
- Capable of developing and adapting to altering socio-economic circumstances such as serving as social security for migrant labour (van der Walt 1990).

Advantage of commercial tenure

- Allow exploitative use of land encouraging higher and efficient production techniques.
- Permits sale or transfer of land from unproductive communities to productive communities without restrictions.
- Provides security of tenure through the issue of title deeds. Security of tenure is vital for security for credits when one intends to develop their land. Disputes of ownership are minimal encouraging foreign investment.

The resettlement leasehold although meant to be similar to communal land tenure has more government control. Its advantages include:

- More government control as leases may not be renewed on poor production.
- Allows government to properly monitor and control the land market, transfers and ownership pattern.
- Discourages holding on land for speculative purposes.

No single system of tenure would be wholly suitable for Zimbabwe as each would face resistance from differing communities. For example, other communities are not prepared to leave the secure communal land to be resettled on not so safe resettlement leasehold. This is evidenced by resistance to initial resettlement which did not include chiefs. While other communities consider agriculture their primary source of livelihood on commercial basis, other are involved in alternative employment and take agriculture as supplementary food and income. Most owners of multiple farms are in positions of influence and would generally resist laws that would require them to pay tax. The affirmative action, such as

exemption of taxes, need to be applied for a limited period to ensure increased production. Again, corruption is our single most important challenge as it hinders the effectiveness of any economically sound solution to the tenure systems. Government, on the other hand prefers the leasehold arrangement as it could monitor activities on the land market.

3.   THE RATIONALE BEHIND LAND REFORM

The main idea that has seen widespread support for the land reform in Zimbabwe, even from Britain, the former colonial master, is that they should be equal ownership of land by all Zimbabweans (social justice). Access to good agricultural land for all Zimbabwean leading to economic empowerment of the majority is a fundamental right enshrined in the constitution. The widely acceptable policy of **'one man one farm'**, even from the privileged commercial farmers, is easily recognised in principle but difficult in reality. This would generally lead to increased availability of food cheaply to all Zimbabwean hence better living conditions. The key to successful attainment of this policy is availability of an up-to-date Land Information System (LIS) that will be used to verify and confirm multiple ownership in real time and asses production potential for each farm holding (e.g. the Land Transaction System in the Department of Surveyor-General). A realistic production potential coupled with good administrative structures is the basis of an effective land tax system that could be used to fund the system. The planning is occurring in a perfect environment, the real world has problems of deceit, corruption and propelling one's political rise. These can be mitigated by an efficient information system.

3.1   The Diverse View on Land in a Multi-Cultural Society
Land is largely viewed by more that 90% formerly indigenous people from a customary perspective. In this view, land is the source of all wealth while lack of ownership is perceived as being alienated from one's motherland. From this perspective, land was held in trust by community leaders (or family heads) for the community (or family) and never traded but passed on through inheritance to another family custodian. On the other hand, land is viewed as an exploitable resource, a source of commercial income. State however views land as a national resource that it should control whether private, communal or state land. At times, the rights to land are used to propel political dominance but withdrawing the rights from those who hold different political view while giving those who have the same view. The dual administrative structure is used effectively for this purpose.

3.2   The Dual administrative Structure
Colonialism brought with it new administrative structures that was not known to former indigenous communities. The former colonial administrative structure have more legal recognition as masters over land with the backing of the executive while communities are comfortable with traditional structures who interact with them in a way they understand. The community administrative structures are answerable to the communities to which they belong while the legal administrative structures are answerable to the executive who appoint them. The role of the two structures has not been clear particularly in the fast track resettlement system.

4. THE PLETHORA OF PROBLEMS IN THE CURRENT FAST-TRACK LAND REFORM

While we have a dual administrative structure and dual land tenure system, for fairness and simplicity of implementation, a single environment would be appropriate. The solution would be first to bring sanity to the jungle, the tenure systems and administrative structure. The participation of civil society, academia, business and the international community in the current fast track land reform program has been minimal. In the information systems terminology, the current approach is a 'big-bang' approach that assumes customs could be changed overnight. Some of the many major problems highlighted by the academics, press and civil society are:

- Land is a finite resource that should be planned for higher than current population, in Zimbabwe, say 80 million inhabitants (Rukuni 1994). However, no land is currently being reserved for future expansions of cities, infrastructural developments or natural population increase.

- Although the Rukuni (1994) commission provided practical implementation processes that would minimise disruption of production, it is not the one currently adopted. The current process results in significant reduction of both agricultural and industrial production due to lack of resource mobilisation. The critical role played by the commercial farming sector in generating employment, revenue as taxes and foreign currency was ignored resulting in profound consequences[1]

- The principle of 'one man one farm' only exists in theory, but in reality, multiple ownerships proved to exist for those in positions of authority. In the Herald article of 8 October 2002[2] MPs were requesting for proof of multiple ownership instead of proving their systems ensures single ownership of land and can identify otherwise.

- The dual administrative structure results in uncertainty on who has the rights to identify and resettle deserving individuals. The emergency of a third force in war veterans has compounded the problems. In several resettled farms visited in the past 12 months, only 30 percent claim the allocation was undertaken by officers from the ministry of lands and rural resettlement.

- While no financial reserved existed for the country as foreign currency, institutions that contribute significant foreign currency inflows were disrupted without setting up alternative sources. This problem was compounded by seemingly sabotaged activities by disposed farmers and industrialists.

- The support of the international community, particularly Britain, who had agreed to fund the implementation process in 1980 was not considered paramount to the implementation plan.

- No accounting systems to ensure only multiple owners or absentee landlords are disposed or that resettled farmers do not own land elsewhere exist. Questions such as were raised in the Sunday Times on why white farmers were packing[3] Thus claims that the system is being done legally cannot be substantiated while the opposite can be verified from victims.

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[1] News24 South Africa at http://news24.com/news24/Zimbabwe/0,1113,2-259_1267175,00.html
[2] Herald Report Zimbabwe at http://www.herald.co.zw/index.php?id=149848&pubdate=2002-10-08
[3] Sunday Times South Africa at http://www.suntimes.co.za/2002/10/06/news/news01.asp

- Land, some with bonds, that is productive is as much a target for compulsory acquisition without compensation as unproductive land. Some land transferred after 1980 with a government certificate of no interest will not be compensated even though the current owners paid full commercial value.

The number of problems clearly signifies the need to alter the approach by building in technology that allows accounting and querying of the status of the process. It is not good defence to assist for allegations to be proved, but rather to show that the allegations are baseless based on an up to date information system that is run and maintained by an independent body.

5. THE NEED FOR LAND INFORMATION SYSTEM

Land needs careful management based on good land records; of ownership for security of tenure; of value to ensure fairness in taxation and equity in compulsory acquisition for state purposes; and of use of land to ensure efficient resource management (SwedeSurvey 2000). Technology and GIS come with the promise of enhancing transparency, rationality and lucidity (Tarafdar and Krishna 2002). For the land reform process, the level and scale of introduction, together with its effective use and acceptability by decision makers are fundamental to the successful implementation of the process. This would require a legal system that supports its implementation. A system, Land Information Management System (LIMS) is under development in the department of Land and Technical Services. It is hoped that this will provide much needed information provided it is kept up to date.

5.1 Benefits

Transparency and fairness are vital to ensure confidence in government. Without reliable, up-to-date and readily available information of ownership, change of ownership and the expected social justice scenario, this will be very difficult. Thus an effective GIS would provide for evidence that could prove or disprove the existence of multiple ownership, corruption or otherwise. This is possible through a complete and accurate information system to which the community will have confidence. Further support from the international community will also be forthcoming in the form of financial resources to back role the GIS and technical expertise.

Economic benefit through a **land tax** normally provides the much needed revenue in third world countries who normally have limited resources. A land tax based on production potential, and unit ownership would encourage disposal of underutilised land to potential productive users or government for future redistribution (Rukuni 1994). The statistical data of both population and production could be used for social and economic development of the country.

Guaranteed **ownership and security of tenure** is vital for investment and improvements on land. Thus the concept of security of tenure is as important as social justice to ensure economic development of the country.

Sustainability is achieved through a mechanism to monitor the land market and incorporate environmental management strategies. The capability of GIS to integrate various application areas without concern of the varying source makes management of natural resources easier and sustainable development a reality.

Poverty alleviation and sustainable resource management in rural communities who constitute the greatest number of voters the politician need to impress is achieved through use of excess resource from the tax system to support community development projects. Currently, industry and urban workers have been taxed to the borne resulting in the collapse of some sectors in an effort to raise revenue to support community projects. The result has been increased urban poverty and loss of popularity of the government.

Facilitate land reform while protecting state land as activities can be monitored and state land identified. Reports of commercial farms that had been abandoned in 1980 at independency having either lied idle or used by neighbouring commercial farmers have been communicated to authority. The ability of an information system to identify such land or other derelict land would ensure its use o facilitate faster land redistribution.

5.2 Challenges

Initial Cost is the single most important contributor to lack of GIS development in developing countries. GISs are designed for capturing formal and scientific data and require topological integrity and completeness of spatial cover before spatial analysis become conclusive. Good quantitative geo-referenced data about rural space is very sparse, particularly in developing countries (e.g. Zimbabwe), and are difficult, time consuming and expensive to collect (Jain and Chaudhary 2002). These make the process of convincing a government with current financial problems to adopt the GIS solution difficult.

Compatibility of a well structured system with the current fast-track land redistribution will not be easily achieved. Further, its acceptability by those who have purportedly benefited from lack of information will not be easy.

Precision required for representation in a GIS is unavailable in most rural space information including indigenous knowledge (Jain and Chaudhary 2002). The capturing and subsequent use in an information system becomes highly subjective, depending on who was involved in the acquisition process.

Human resources development programmes in development countries do not guarantee continuity of skilled workforce as the remuneration is generally low. Capable and experienced professionals are easily lured to greener pastures were their knowledge will be well recognised.

Bringing **GIS to the rural settlers** is vital for its acceptance as a tool to manage their information. The myth that GIS is for the highly trained experts need to be dispelled. This is done through experts who facilitate GIS use to solve practical problems.

Decentralisation of land management is arguably vital to improving people's access to land, and this would require a distributed information system. Currently, the LIMS is being done in a centralised system that could easily make it inaccessible to local communities.

Having realised the need to manage our land resource in the early 1990s, the Department of Geoinformatics and Surveying (formerly Department of Surveying) developed a post graduate curriculum in Land and Geographical Information Systems (LGIS) that became operational in 1995 that emphasised on the technological needs. Similarly, the Centre for Applied Social Studies (CASS) began research on the social scientific concerns of the reform process while the Property Law department looked at the legal issues. As of today, qualified professionals is either heading on part of the departments on government that are involved in the land reform processes. In 1993, the constituting of the Rukuni Commission that published the expectation of the community and the way forward was a milestone achievement. The risk of creating a similar disparity in land distribution in which the white landlord is replaced by black counterpart should be avoided. For examples, statistics have been alleged of more that 50 families dependent on a farm are being replaced by as low as 20 families. The outcome would be more landlessness and a wider gap between the poor and the rich.

6. CONCLUSIONS AND RECOMMENDATIONS

The interrelationship of the community and land (including land resources) is fundamental to human survival without which stability will not be realised. Zimbabweans generally agrees that land is a source of wealth, economic success, social stability and sustainable development. It is fundamentally important that land reform fits in the national economic plan that considers foreign investment and maintaining production. Land and property laws should therefore recognise the rights and privileges of individuals while upholding the shared concerns of the wider community to achieve land for all. While private rights are recognised in Zimbabwe, the state still retains the ultimate right to compulsorily acquire land where the wider needs of the community is paramount. In these cases, community confidence with the land reform process is based on community benefits, good governance and reliability of the information source. But whether Zimbabwean would want land reform at all cost is questionable. The need to sustain or better agricultural production is as important as an equitable ownership pattern.

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