

Land Rights and Tenure Security in Zimbabwe's Post Fast Track Land Reform Programme

A Synthesis report for LandAc

Project ID
WS.320005.1.3

By

Prosper B. Matondi and Marleen Dekker

March 2011



Research Domicile

The research project was undertaken through joint collaboration between the following institutions:

Ruzivo Trust,
3 Liemba Close,
Borrowdale,
Harare
Zimbabwe
Te: +263 772 302 953
Email: Prosper@ruzivo.co.zw
Website: www.ruzivo.co.zw

Contact: Dr Prosper B. Matondi

African Studies Centre,
Wassenaarseweg 52,
P.O. Box 9555
2300 RB Leiden,
The Netherlands
Tel: +31 (0) 71527 66 02
Fax: +31 (0) 20 663 28 76
Email: mdekker@ascleiden.nl
Website: www.ascleiden.nl

Contact: Dr Marleen Dekker

Acknowledgements

We would like to sincerely acknowledge the support provided by our institutions in undertaking this work. We also appreciate the work done by the research team in the last couple of months. The contributions of the researchers listed in the annex of this report made this synthesis possible. We would also like to thank the participants in the workshops we held and the inputs we got from the presentation of this work at the international land and agrarian development conference in Harare, 24-26 November 2010. The conference was aptly titled “Rethinking and Reconnecting Academia to Africa’s Agrarian and Rural Development”.

We extend our appreciation to the LANDAC for the financial support to this project. The views expressed in this report do not reflect the views of LANDAC, Ruzivo Trust and/or the African Studies Centre, but the views of the authors.

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1.0 Introduction

1.1 Background to the study

In the context of the short term research proposal programme of the IS Academy on Land Governance (Land Ac), Ruzivo Trust Zimbabwe and the African Studies Centre in Leiden developed a collaborative research proposal on “Land Rights and Tenure Security in Post Fast Track Land Reform Programme (FTLRP) in Zimbabwe”. The agenda of this project was to (i) generate knowledge that can be used for policy engagement as well as capacity development of young Zimbabweans working on land issues (ii) to share experiences on land tenure research in Zimbabwe and elsewhere and (iii) to explore over time new areas of research collaboration which feeds into on-going processes in Zimbabwe. This agenda was pursued by a research approach that analyzed and documented land rights and tenure security in relation to agricultural production and farmer investment.¹ The aim was to critically understand the social facts on the ground in the resettlement schemes established in Zimbabwe after 2000 and relate that to international experiences and earlier schemes established in Zimbabwe in the early 1980s. The following questions were central in the study:

- How has tenure security been conceptualized after the Fast Track Land Reform Programme?
- How do the new small holders understand the whole concept of security of tenure?
- How does tenure security affect production and investment in agriculture?
- How has the Fast Track land Reform Programme impacted the land rights of vulnerable groups, especially women and children?
- What structural changes are emerging and what does this mean for rural poverty, food security and employment?
- How much are these trends new or the continuation of existing practices?

This synthesis report aims at providing answers to these questions, based on seven research papers developed under the project. After a brief discussion on conceptual issues and data sources used in this study, we provide an overview of the broader context of the Fast Track Land Reform Programme in Zimbabwe in the next section. Section three presents lessons from the large commercial farming sector before the Fast Track Land Reform Programme. Section four discusses experiences from Customary Tenure Systems, followed by a discussion on earlier resettlement experiences in Zimbabwe. Section six presents the findings of recent research in the Fast Track Resettlement Schemes. Section seven takes these results to the level of policy implications, followed by a conclusion in section eight. Section nine presents references to literature used and section ten presents supplementary material to the study.

1.2 Conceptual Issues

Land tenure and land rights remain the most important questions when dealing with agrarian issues the world over. Ten years after the fast track land reform programme in Zimbabwe, its outcomes remain uncertain and contested. This section describes the conceptual framework used to study land tenure issues in Zimbabwe. According to Shivji et al. (1998) land tenure is

¹ An overview for the activities under the project is provided in Annex 11.1.

defined as the sum of rules recognised in law underlying land ownership, allocation of land rights, the substantive content of those rights, their protection in law, their disposal and/or extinction as well as their regulation, see also Box 1.1. For this study, we argue land tenure is the relationship, whether legally or customarily defined, among people, as individuals or groups, with respect to land. (For convenience, “land” is used here to include other natural resources such as water and trees.) Land tenure is an institution, i.e., rules invented by societies to regulate behaviour. Rules of tenure define how property rights to land are to be allocated within societies. They define how access is granted to rights to use, control, and transfer land, as well as associated responsibilities and restraints. In simple terms, land tenure systems determine who can use what resources for how long, and under what conditions².

Box 1.1: Explanation of different forms of tenure in Zimbabwe

- **Land under freehold tenure:** is all land held by or under the authority of a title deed either by a private individual, or institution, in which case it is private land under individual title or it may be held by the state directly or through a state entity under a title deed in which case it is freehold state land.
- **Land under leasehold tenure:** refers to all land occupied in terms of an agreement of lease with the owner whether that owner is the state, a public body or a private individual. The defining feature of this tenurial regime is that one person occupies and uses land on the basis of a contractual agreement of lease.
- **Customary tenure:** commonly and inaccurately described as communal refers to that tenure regime under which land rights are acquired and held in terms of customary law. Thus a proper understanding of the tenurial content of communal Lands reveals that those lands fall under the customary tenure system in that access thereto and the content of occupation rights are determined by customary law.
- **The permit tenurial regime:** is regulated by permits issued of or made by the state and hence all land occupied and used in terms of a state issued permit falls under this tenurial regime. Resettlement lands or areas, which are occupied in terms of permits issued by the state fall under this tenurial regime.
- **Statutory tenure or allocations:** apply to all state land held or other statutory bodies under or in terms of specific statutory provisions. Thus national parks, land, national forests land and game reserves all fall within this tenurial category by virtue of the fact that these lands are vested in or allocated to statutory bodies in terms of Acts of Parliament.
- **The licence tenurial regime:** applies to all state lands occupied and used by any individual by virtue of and in terms of a contractual licence applied for and issued by the state under the provisions of some enabling statute and/or regulations. State lands occupied and used under licence for safari operations, trophy hunting, etc fall under this tenurial regime. The essence of the relationship between the state and the licence holder is contractual.

Source: Shivji, (1998)

Tenure security and land rights are determined by the social, legal and administrative institutions dominant in a society. Security or insecurity of tenure is more than having a piece of paper with your name on it. Rukuni³ (1998:2) notes that security of tenure is associated with four sets of rights, the basket of rights:

² FAO 2002, Land tenure and rural development, FAO Land Tenure Studies, Rome, FAO

³ Paper prepared for the Scandinavian Seminar College "Sustainable Africa Initiative" keynote paper presented at a workshop in Harare in September 1998.

- **use rights:** are rights to grow crops, trees, make permanent improvement, harvest trees and fruits, and so on;
- **transfer rights:** are rights to transfer land or use rights, i.e., rights to sell, give, mortgage, lease, rent or bequeath land;
- **exclusion rights:** are rights by an individual, group or community to excluded others from the rights discussed above; and
- **enforcement rights:** refer to the legal, institutional and administrative provisions to guarantee rights.

The basket of rights forms the conceptual cornerstone to interrogate tenure (in) security and land rights in the new resettlement schemes in Mazowe, Mwenezi, Mangwe and Shamva. We also employ a social conceptualization of tenure. By this we mean that tenure is not merely related to legal aspects of use and control. We argue that security of tenure cannot be measured and to a large extent it is what people perceive it to be⁴. Thus it varies with context and people can actually feel secure without any form of legal ownership. Legal ownership does not guarantee or protect one's ownership claim as shown by the acquisition of large scale commercial farms in Zimbabwe. Tenure is thus a combination of extra legal and social perceptions of tenure.

1.3 Sources of information⁵

In this paper, we combine primary and secondary data from various sources relating to Zimbabwe. As the data were not collected simultaneously or with the purpose of providing a comparison to other data; not all information is available for all study sites or perfectly comparable between sites. Below is list of data sources.

1.3.1 Zimbabwe Rural Household Dynamic Study.

The ZRHDS dataset is a longitudinal household data set initiated by Bill Kinsey in 1984. The households interviewed in 1984 were revisited in 1987 and annually from 1993 to 2001. The data set contains panel information on household composition, wealth, agricultural and non-agricultural activities, migration and remittances and a range of other indicators. This information is supplemented with data on kinship, lineage, membership in local associations (including churches) collected by Abigail Barr and Marleen Dekker. A sub-sample of the ZRHDS was revisited again in 2008/9 and 2010⁶. The ZRHDS covers three resettlement schemes: Mupfurudzi in Shamva district, Sengezi in Hwedza district and Mutanda in Makoni district. From 1997, households from two villages in each of the communal areas adjacent to the schemes were included in the study.

1.3.2 Ruzivo new resettlement area surveys

Survey data was collected in new resettlement areas in Mazowe and Shamva in 2005 and in Mazowe and Mangwe in 2007, with information on tenure, production, allocations, natural resources management, governance and social anthropology. In addition, ethnographic material is available on Mwenezi district (Masvingo province). The data for all districts covers

⁴ Although legal ownership as shown by documents did not protect Large Scale Commercial Farmers, the new farmers are demanding lease hold agreements to gain security (so a combination of legal ownership as well as a constellation of social and political forces determine security of tenure)

⁵ See Annex for more detailed methodology

⁶ Data collection after 2007 was funded by the African Studies Centre in Leiden, The Netherlands, and the Royal Netherlands Embassy in Zimbabwe and coordinated by Bill Kinsey and Marleen Dekker.

both A1 and A2 farmers, while Mangwe also has 3-tier settlement schemes. The findings offer a grounded cross country understanding of how land rights and tenure are perceived not only by the beneficiaries but government agencies at local level and traditional leaders.⁷

1.3.3 General information sourcing

The paper also benefitted from years of research on land and agrarian reform issues by the researchers working on the project. The information making up this report was thus sourced from different forms of literature that includes policy documents, land reform books, and journal articles, published and unpublished reports.

2.0 Broader context of the land reforms in Zimbabwe

2.1 *Genesis of the Fast Track land reform programme*

2.1.1 The political forces and context for land tenure reforms

Land tenure post 2000 remains a highly charged and emotive issue that polarises opinion. Land tenure is critical in Zimbabwe, simply because resettled households have endured years of tenure uncertainty. Zimbabwe's dual land ownership and skewed distribution⁸ that resulted from colonial rule, with most blacks struggling in communal areas is the foundation of the country's complex land reform programme and resultant tenure insecurity. The slow progress in substantive resettlement from 1980 meant that the birth of independent Zimbabwe rested on a weak foundation.

Over time, both black and whites have been affected by state orchestrated evictions for a variety of reasons that includes politics. Whites and Blacks who occupied land after Independence were evicted from their land during the fast track period. While in the past, evictions were mainly targeted at blacks seen as squatters, many of the white commercial farmers experienced politically motivated evictions for the first time from year 2000 and beyond. Yet, blacks have had the misfortune of regular evictions starting with the colonial period, and continuing into independence, and then also during the fast track period. A country experiencing evictions on such a rapid scale reflects on the unending legacy of tenure insecurity. Such insecurity has its foundation in the colonial period, and the ZANU PF government used the same colonial instruments and perfected evictions but this time contributing to an almost total collapse of agriculture.

It is undeniable that the land reform issue was used politically, just in the same manner that it was used politically during the colonial era. The Fast Track Land Reform Programme had political elements that were equally not out of the ordinary. But, it has been typical that the ZANU PF government had used property as the basis for building its power base. While land reform was central in the last 10 years, they have moved to broader resources ownership through indigenisation and empowerment regulations that largely targets the private domestic and international business sectors to broaden economic beneficiation for popular social legitimacy for their political interests. While, new debates emerge foisted through government on property and natural resources rights, there are still questions unanswered about tenure in the land that was acquired. Clearly, at the national level, government seems uncertain about addressing tenure, yet it is a key defining element for moving agriculture forward. Such

⁷ More details are provided in Annex 10.1

⁸ About 4500 white commercial farmers owned roughly 15.5 million hectares (39% of total land in the country). More than a million black farming households, on the other hand, owned only about 16 million hectares (Palmer 1990, Mbaya 2001).

hesitancy is drawn from the politics of land and fears over the sustainability of the Fast Track Land Reform programme as clearly shown in the Global Political Agreement (GPA). Yet, on the ground, farmers are opinionated about what needs to be done in terms of tenure, which is the subject of this report.

2.1.2 Land tenure policy gap

The Government of Zimbabwe embarked on an ambitious land redistribution programme in 2000, which led to the creation of a new agrarian structure. At this stage, Zimbabwe is experiencing various substantive political and wider policy contestations, besides the most visible struggles for democratisation and political power, and struggles over control and access to agricultural (landed) property rights. These policy contest include mineral rights and allocation of their surpluses, contestation over company ownership and competing perspectives over the regulation of capital in general (finance, merchant, agrarian, ‘tourism’ and industrial capital) and of key markets, including those which affect land use (such as agricultural inputs and commodity markets, trade, tourism and banking). The role of the state in the economy and its use by the ruling and other classes is also contested. Indeed, land and agrarian policy need to be contextualised and resolved within the wider context of appropriate social, economic and agricultural policy frameworks.

Table 2.1: Land tenure policies in Zimbabwe

Policy	Specification	Provision	Effect
Land Acquisition Act	Three aspects: Land identification, process of land acquisition and compensation of former land owners.	<ul style="list-style-type: none"> Allows for the compulsory acquisition of commercial farms for public resettlement purposes 	Creates uncertainty for new settlers on whether the same instruments may be used against them
The gazette land (consequential provisions) act of 2006	Should be read with the Constitution of Zimbabwe Amendment No. 17 and the land acquisition act (chapter 20:10)	<ul style="list-style-type: none"> Makes it unlawful for former owners and land occupiers to occupy land without an offer letter from the acquiring authority It validates the A1 and A2 offer letters 	Eviction of occupiers without legal claim to land
Agricultural land settlement act	Establishes the Land Settlement Board	Process all applications for leases of land based on the age of the applicant, character and legal competence, qualifications and capital resources necessary for farming	Occupiers cannot cede land, assign, alienate, give to any one, or enter into partnership without consent of the Minister
99 year lease agreement 25 year lease agreement for wildlife farms	Provides for a lease to an A2 beneficiary who has been on the farm for not less than 3 years	Lease is subject to the terms and conditions such as productivity and payments of rents and rates	There is little guarantee of optimal production. The lease vests all land ownership in the state that has proved to be abusive of the rights it has through evicting farmers
Policy guidelines in general shared infrastructure including irrigation in A1 and A2 resettlement schemes 2006	<ul style="list-style-type: none"> Assets in general belong to government, with beneficiaries getting access depending on location of their plots; In A1 fixed assets may be converted for public purposes such as schools or clinics 	<ul style="list-style-type: none"> On A1 all fixed assets belong to the state and homesteads are to house civil servants or for projects (schools, clinics) for government Productive infrastructure shall be shared or leased to individuals, with farmers meeting the costs 	Assets are a major source of conflicts that government spend more time trying to resolve
	<ul style="list-style-type: none"> A2 have more control of the assets but these belong to government as state property 	<ul style="list-style-type: none"> On A2 beneficiaries have sole responsibility of all fixed assets Productive infrastructure access through the ministry 	A2 applicants fight for the control of farm houses and assets and take each other and even government to court

Adopted from Matondi (2008)

It is in this context that the overarching objective of this project was to identify opportunities through which to speak to land policy. Currently Zimbabwe has “no” National Land Policy, but a series of statements and legal instruments that have been used to guide the implementation of the Fast Track Land Reform Programme (Table 2.1). Land tenure would be key in any future National Land Policy, for it will provide signals on how the Government of Zimbabwe (GoZ) would move the land and agrarian programme forward. In the current land policy debates, questions related to land tenure are central at the national and local level. The government has in the ten years enacted various policies and laws to facilitate land transfer. These include the Land Acquisition Act, the Rural Land Occupiers Act (Prevention from Eviction), Farm Machinery Acquisition, and various other guidelines. In terms of tenure, the 99 and 25 year leases that have come on the back of a tortuous debate on the methods employed in the implementation of the programme.

2.1.3 The revolutionary changes on tenure due to the Fast Track Land Reform Programme

The Fast Track Land Reform programme was revolutionary in many respects, but primarily because in less than 10 years, it has managed to radically change the commercial agriculture sector in Zimbabwe. The fast track has resulted in a new agrarian formation dominated by small to medium scale farms. The Ministry of Land and Rural Resettlement noted that programme reduced the oversized commercial farms to average of 500 hectares from a high of 2,000 hectares before the reforms. In the process the government created 2 new models of resettlement known as the A1 and A2 (see box 2.1). Though a few large scale commercial farms remain, and some were distributed and left as whole farms, a significant amount of land was set aside for these 2 models.

Box 2.1: Resettlement models under the Fast Track Land Reform Programme

A2 model: Model A2 is composed of individual plots of land that are classified as small, medium and large-scale commercial schemes. The defining feature in the A2 farms was clarified with the enactment of the 99 year and 25 year lease arrangements. A major departure of the 99 year lease is that it provides also for the purchase of existing improvements on the farms by the farmers, which improvements can be used as collateral for borrowing from financial institutions. In terms of security a long lease of 99 years is as secure as is freehold tenure. The essence of leasehold tenure is that land belonging to one person, either as the state or as an individual is by a contractual agreement leased to another person. In Zimbabwe, leases are registered in terms of section 65 of the Deeds Registries Act.

A1 model farms: are smallholder farmers living in a villagised or self-contained manner. The main purpose of the A1 scheme was to decrease land pressure in the communal areas as well as to provide assets to the poor. Whilst the tenure arrangements in the A1 are construed in social terms to follow the customary systems of land allocation, adjudication and administration, they largely remain under state administration. The offer letter given to the A1 settler explicitly state that the offer can be withdrawn at any time with the government having no obligation to compensate for any improvements which the settler might have made. This provision has made the A1 settlement very insecure from an investment angle by the new farmers. However, the mass character of the model in terms of the potential number of people who support government actions of reclaiming land provides them with some semblance of political security.

3 Tier model: is when communities are allocated a former commercial farm as additional grazing to an existing communal area settlement. It is defined as a tier in the sense that in tier 1 they reside, in tier 2 they are supposed to pen their livestock and in Tier 3 is the grazing areas to be left without any development.

The A1 was designed as a communal area decongesting model and had by 2009 benefitted 145,775 beneficiaries on 4.1 million hectares. A total of 2288 farms compulsorily acquired farms were subdivided for this model. In the A2 model at total of 16,386 beneficiaries had

accessed approximately 2.6 million by 2009. Some 2295 farms were acquired for this model (see Table 2.2). This is the model that is largely contested in terms of who benefitted from it and on what hectareage, with accusations by critics of the programme that it largely benefitted the political elites and those connected to them. Evidence from research shows that the politically connected constituted between 5 to 26% of the beneficiaries (AIAS, 2010; Scoones et al., 2010; and Ruzivo Trust, pending publication). The A2 model was instituted to increase the number of black commercial farmers. However, it is important to acknowledge that political allegiance of A2 farmers was difficult to ascertain as substantial number of these farmers were difficult to access and at times uncooperative especially in the case of Mazowe study.

Table 2.2 Distribution of beneficiaries and land acquired

Resettlement Phase	Number of Families	Area (ha)	LSCF account (remaining land)
Total land area			15,500,000.00
Phase I (1980 to 1998)	71,000	3,498,444.00	12,001,556.00
Inception Phase (1998-2000)	4,697	168,264.00	11,833,292.00
Phase II - A1 Resettlement (2000 – 2008)	145,775	4,137,085.00	7,696,207.00
Phase II - A2 Resettlement (2000 – 2008)	16,386	2,681,642.00	5,014,565.00
Total	237,858	10,485,435	5,470,870.00

Notes: There are approximately 300 large white commercial farmers remaining. The remaining land is also owned by parastatals and private Trusts such as the Development Trust of Zimbabwe (360,000 hectares), indigenous owned farms, and what the Ministry of Lands and Rural Resettlement describes as unallocated land (2 million hectares)

Source: Adapted from GoZ (2009)

There are contests over the nature of the land allocation during the Fast Track land reform period (Matondi, *forthcoming* 2011). In general, there is a strong view from various sections of the population that on the average, the Fast Track Land Reform programme largely benefitted members from ZANU PF, then the ruling party ruling party. This was because they played an active role in the allocation process through their party structures. However in some cases, there is high likelihood that people perceived to have been in the opposition might have benefitted indirectly.⁹ This is because in 2008 national elections¹⁰, the resettlement area vote seemed to an extent to have tilted to the opposition even in some Fast Track Farms (FTFs). A clear trajectory, emerged where party political affiliations swings over time, depending on who has the persuasive strength and over what issues. The land agenda seems not to have swayed the voters towards the ruling party, which meant there were other reasons influencing their voting decisions though they had largely benefited from the land provided by the then ruling party.

The land reform programme has a mixture of beneficiaries from the poor to the better off in society. Within these categories are found wealthy men and women, youths, experienced and qualified people in agriculture, some without any agricultural skills or experience. In the majority of cases, beneficiaries have not had substantial support from government and donors. Government tried to increase subsidies in a massive way (seed, fertilizers, mechanization, fuel etc) especially to A2 farmers. However, for much of the 10 years there was decline in

⁹ Either through feigning affiliation to ZANU PF by buying party cards or using traditional leaders in their rural homes to get land

¹⁰ Whereas in previous elections post 2000 the ruling party did well in resettled areas. Another explanation could be that people were lied about political affiliation to get land.

production across most commodities, that was until the government with drew the subsidies in 2008 and also when international prices of agricultural commodities improved due to the world food crisis then. On the other hand, donors have not intervened on what is said to be contested lands, and they await the resolution of the politics of land agreed by the Zimbabwean political players around land tenure, land audit, compensation and international resources mobilization.

In the meantime, the settlers have had to endure with offer letters as evidence of ownership of land in the resettlement areas. At the same time, the former landowners have been battling in the courts against the land takeovers, creating a situation of uncertainty for the new farmers. The Constitutional Amendment No. 17 that took away the rights of white farmers on agricultural land to the government has not stopped the land contests (Matondi 2008). Land rights have remained in the hands of the state, which has the prerogative to deny access or remove settlers at any given time. There are cases in which politicians over the past few years have been able to remove and possess land from smallholder farmers.

3.0 Learning from the commercial sector: Freehold Title Deeds

3.1 Large scale commercial farming sector pre-1980 to 2010

3.1.1 Access to land through market mechanisms

The ownership patterns of land in Zimbabwe showed that among the 4,500 commercial farmers are found individuals or families who either inherited or bought their farms on the open market. The multinational corporations such as Lonrho or Anglo-American corporation also owned land wholly or partly in varying sizes throughout the country. Agricultural companies, mining companies, churches, NGOs (including trusteeships, Associations) owned land in different parts of the country, in areas designated commercial land from colonial times. These also included estate plantations and farms that were partly foreign owned, with some acquiring land on a willing seller willing buyer and Certificates of No Present Interest (CONPI) being provided based on the 1985 legislative changes. The Zimbabwe Investment Centre¹¹ played a role in trying to attract foreigners to invest in agriculture in the 1990s. While government through the public enterprises or parastatals - mainly Agriculture Development Authority (ADA), the Cold Storage Company (CSC), and the Forestry Commission (FC) - own large parts of land (GoZ, 1997). Interestingly there are a large percentage of land in the LSCFs that were reserved for sports clubs mainly golf courses and cricket grounds. Beginning from the 1980s, black commercial farming elite emerged acquiring land on the open market (Bratton, 1994; Moyo, 1995).

Table 3.1 Large-scale commercial farming sector as of 2001

LSCF	Number of Farmers (approx.)	Area (approx.)
Private owned land		
1a. Commercial Farmers' Union Members	4,500*	8,595,000 *
1b. Zimbabwe Indigenous Commercial Farmers Union	1000	700,000
1c. Non members (either Union)	unknown	600,000
Statutory owned land by government		
1d. Development Trust of Zimbabwe	Government	332,000
1f. Indigenous/Tenant Schemes/Leases	Government	470,000
1g. Cold Storage Company	Government	211,000
1h. Forestry Commission	Government	112,000
TOTAL		<u>11,020,000</u>

¹¹ Now named the Zimbabwe Investment Authority (ZIA)

Notes: *The number of white commercial farmers has declined to approximately 300 by 2010 and on approximately 110,000 hectares (Moyo et al., 2010).

Source: CFU (2003)

By 1986, about 350 blacks had acquired large-scale commercial farms outside of the small-scale commercial areas, increasing to about 1000 by 2000 and at least 400 of them leased 400,000 hectares of state land. There are also a smaller number of leased farms owned by the state some of these farms were availed for the Commercial Farm Settlement Scheme (CFSS) in 1993. This created major political problems when the former white farmers were refused lease renewals when most of them expired in the early 1990s. Such land was then reallocated to the black agrarian class. At least 400 such leases were given to new settlers who proved that they had adequate resources to farm.

3.1.2 Transfer rights

The question of land transfer in the context of freehold has been noted as providing it with clear ownership and authority. Free tenure is regarded as superior in financial and commercial markets, simply because land can be transferred and thus provides certainty and stability in use of land for business purposes. Private businesses can mortgage land against financial borrowing, which means that the land becomes a guarantee for the finances borrowed for a defined period of time, and with clear interest on the money borrowed. In this ways, in the vent of defaulting on repayment of the finances, the commercial business can recoup their money through repossession of the properties and reselling to get their money. This is the strength that Banks quote as providing tenure security for themselves. However, in more often cases, the black potential commercial farmers faced severe challenges in land acquisition on the open market for a variety of reasons, chief of which was the exorbitant price of commercial land. The freehold market was a preserve of a few, who had accumulated money historically and happened to be mostly whites. The Fast Track Land reform programme sought to address this social abnormality.

Rugube and Chambati, (2001) found that the share of mortgage finance in the private land market hovered above 30% of private farmland transfers. The study traced large-scale commercial farmland (> 1 ha) transferred to the previously disadvantaged sections of the society in Zimbabwe through records with Deeds Registry between 1996 and 2000. This virtually collapsed with the Fast Track land reform programme, which effectively meant that the majority of the blacks played a waiting game, or joined in the scramble for state land coming through the Fast Track Land Reform programme.

Table 3.2: Commercial market land in Zimbabwe between 1996- 200

Year	Government Assisted		Private mortgage		Private cash		Private non-market		Total	
	Number of transactions	Total area of land (Ha)	Number of transactions	Total area of land (Ha)	Number of transactions	Total area of land (Ha)	Number of transactions	Total area of land (Ha)	Number of transactions	Total area of land (Ha)
1996	0	0	58	34638	74	14042	14	11042	146	59722
1997	0	0	34	11706	53	19430	4	1419	91	32554
1998	0	0	23	2785	49	21776	4	62	76	24623
1999	1	343	8	8906	72	56508	21	11176	102	76933
2000	2	1811	7	4142	32	21866	11	5240	52	33059
Total	3	2154	130	62174	280	133622	54	28554	467	226504

Source: Adapted from Rugube and Chambati (2001)

Rugube et al., (2003) in a study of private land sales in the LSCF found that from 1990 to 1996, the private land market cumulatively redistributed 1.6% to disadvantaged blacks, and 3.8% to the white people. In all years under consideration, the private land market redistributed more land to the 'white' group than the disadvantaged group. There is no doubt that once the government had expressed no present interest in the land on offer, the land ended up being bought by large white farmers who mostly had the resources to buy the land. When compared to South Africa and to more developed economies where roughly +/- 5% of the land area was transacted in any given year, they also found that the private land market in Zimbabwe fared badly. Based on this benchmark, the total rate of redistribution ranging from 1.6% in 1996 to 0.1% in 2001 suggested both a very 'thin' land market restricted to a minority group of privileged people. Therefore, the private land market showed signs of reverting back to segregation and multiple farm ownership as those who already had a farm bought more land for both speculative and non-speculative purposes.

Before 2000, ownership of land in Zimbabwe, passed from one person to another legally by way of a deed of transfer [title deed] prepared by a conveyancer and executed by the Registrar of Deeds. The title deed is conclusive proof of ownership and that ownership is guaranteed by the state. In this context the security of freehold is said to be certainty and incontestability of title as evidenced by the title deed. The freedom to pass on this title to a purchaser or some other person supposedly underscores the security of the owner and is also said to ensure the free and efficient operation of land and property markets. Freehold title implies that the registered owner of the land has full control and responsibility over the land and its products except to the extent that the law may preclude ownership, control, and use of natural resources such as water, minerals and wild animals found on the land. However, it should be noted that freehold tenure is not entirely outside the control of the state, because governments can temper with ownership through forced acquisitions as prescribed in the constitution.

3.1.3 Production and investment

It has been argued that the high productivity of the large-scale commercial farming sector had nothing entirely to do with land tenure, i.e. freehold ownership of land. Rather it was because of the colonial and post-colonial biases towards this sector. The high land productivity in the LSCF had been achieved through systematic state support and subsidies for research, water development and infrastructure, over five decades of white settler state control (Rukuni, et al., 2006). While data on yields demonstrate the fact that productivity in the LSCF is superior, they also show that rainfall and soils account for a critical proportion of these productivity differences. From the 1930s up to 2001, macro-economic and agricultural policies protected LSCF access to capital, technology, foreign currency and commodity markets. Discriminatory agricultural commodity pricing, state marketing, state credit, import regulations, access to foreign currency and irrigation support were key policy instruments used to favour LSCF productivity growth.

According to the World Bank (1995), it was estimated that 750,000 hectares of LSCF land was arable, however, 42% of this land was not being used for cultivation. The total cropped area in 1993 was 471,000 hectares which left 274 000 unused. At the same time the state had acquired 235,000 hectares suitable for intensive land utilisation in all the agro-ecological regions of land, which was not distributed (Moyo, 1995). If the unused state and LSCF land were added, then the country could have realized about 509,000 hectares of land, which could have been distributed before starting compulsory land acquisition then. In any discussion of land utilization it is unavoidable not to discuss critically the land utilization patterns in the

LSCF. The World Bank (1995) presented a detailed statistical review of the land utilization patterns in the LSCF (table 3.3).

In spite of a loss of 3 million hectares to resettlement by 1995, the LSCF had in fact realized increased crop diversification and higher output values (Moyo, 1995; Moyo, 2000). Most commercial farmers found it to be profitable to use excess prime land in NR II and III for exports (game ranching and ostrich production) even though it could have made used for crop production and enhanced food security (Moyo, 2000).¹² The CFU (2003) noted that prior to the year 2001 the total area of all crops regularly exceeded 500,000 hectares every year. The LSCF dominated in tobacco and horticultural produce, which was capital and management intensive and winter wheat was grown under irrigation. The LSCF dominated in most of the marketed crops leaving the peasant farmers to contribute to a large share of the staple food provision. The smallholder sector was thus critical for food security, and continues to play this role up to now. LSCF had higher yields but only used a small portion of the available area, whilst smallholder farmers had lower yields but used a much larger area (Masters, 1994). This dualism was caused by historical land tenure policies leading to internal political and socio-economic contradictions.

Table 3.3: Land Utilization Patterns in the LSCF by NR (1993)

Item	NR I	NR II	NR III	NR IV	NR V	Total
Number of Farms	124	2737	1018	809	199	4887
Total Area (000 hectares)	203	3641	2100	2545	2679	11168
Arable land ¹ (000 ha)	28	1034	502	127	70.0	1762
Adjustable Arable Land Area ² (000 ha)	24	879	427	108	59	1497
Planted Area (000 ha)	14.4	362.8	50.0	8.4	35.7	471.4
Cropping intensity ³ (%)	7.1	10.0	2.4	0.3	1.3	4.2
Net cropping efficiency ⁴ (%)	60.3	41.3	11.7	7.7	60.0	31.4
Adjustable Crop Area ⁵ (000 ha)	19	596	92	13	31	752
Adjustable Cropping Efficiency ⁶ (%)	78	68	22	21	52	50
Actual No. of livestock Units (000)	16	554	266	211	70	1117
Arable land for Potential Cultivation (000 ha)	5	283	334	94	29	745

Source: World Bank (1995, p. 104)

1. Roth 1990, NR IV assumed to be 5 % of total and for NR V, twice the irrigated area.
2. Arable land minus 10 % for treelines/roads/homestead/inaccessible land, minus 5 % for conservation.
3. Planted Area/Total Land Area
4. Cropped Area/Adjustable Arable Land Area
5. Cropped Area adjusted for recommended fallows (maize and tobacco) for double cropping (wheat) and for pasture
6. Adjusted crop Area/Adjusted arable land Area

By 2003 the total area under cultivation had shrunk by more than half to around 225,000 hectares. The main crops in terms of reduced area that have been affected by fast track resettlement were maize, wheat, virginia tobacco, and soyabeans. Traditionally more than 90% of the latter three of these crops have been produced in the commercial farm sub-sector. The areas of a few crops like barley, tea, potatoes, and beans have remained relatively static since the year 2001, and the sorghum crop expanded because of A2 farmers' production. The Fast Track land reform programme also impacted on the commercial livestock sector. The commercial beef cattle herd is around one fifth of the size it was before 2000, while annual milk production dropped from around 170 million litres to the current 108 million litres. Poultry output has shrunk by approximately 25% and pig production by about 70% by 2003.

¹² Moyo (1986) even argued as early as 1986 that such uses do not meet rational or efficient land use as the land is best suited for crop production. Yet this argument needs to be counter balanced with issues of multi-production systems, in which exports of specialized crops offsets under production of food crops that could be imported through returns from exports.

3.1.4 Exclusion and enforcement rights

The large-scale commercial farming sector seemed to have had developed a self-regulatory management system covering aspects of land transfer (willing buyer willing seller), environmental regulation, labour regulation and so on. There was very little that government could do, aside of monitoring and encouraging farm owners to provide social services such as schools, health facilities and so on. Farmers were happy with this arrangement because it provided them scope for running their farms independent from government control. In fact government went out of its way to help farmers with favorable producer price and also mobilization of external finances for agriculture. This is what then Rutherford (2002, p. 2) characterized as:

....“domestic government” to describe the state-sanctioned power relations shaping working and living conditions for farm workers that emerged in the colonial period—“domestic” in the double-sense of officially promoting the “private” over “public” domain and of administratively valuing proper paternalistic family and family-like relations of workers and between workers and farmers. This “domestic government” empowered the jural identity of a “European (male) farmer” rather than the Native Affairs Department or another state body as the primary administrative authority of farm workers.

However, the “domestic government thesis” should also be looked from a perspective that central government was the greatest defender of white commercial farmers then. Since independence in 1980 and before, the government defended property rights of the large-scale commercial farms throughout the post-independence period. According to Moyo (1995, p.-):

Squatters were regularly and forcefully evicted from large-scale commercial farms and state lands, while unsanctioned grazing and the use of natural resources on these farm lands as well as cattle rustling were strongly dealt with by the state and the law. Although it has been suggested that some politicians encouraged peasants to “squat” on state and large-scale commercial farm lands (Alexander 1993), the official position had mostly been to evict squatters, with most cases brought to the courts decided in favour of large-scale commercial farm landowners.

In fact, if we examine the squatter menace of the 1990s, it was government in collaboration with white commercial farmers who put structures for their eviction (Moyo, 2000; Sadomba, 2008). There was no doubt that until, the 1990s, the government would put its security structures to evict squatters using the Messenger of Court, Zimbabwe Republic Police, with the assistants of private security companies at the behest of white commercial farmers. Government had a clear framework for the enforcement and the protection of the land rights of users, with minimal interference with market regulations. This was until, the perception that they were supporting a political opposition party towards a referendum of a draft constitution in February 200, and the elections that followed. Government literally let loose their political protégés and the large scale commercial mostly under white farmers radically changed with the land occupations followed by government compulsory acquisition.

3.1.5 Lessons from the LSCF sector and its present status

The large-scale farming sector was complex and highly developed, with some of the best infrastructure and capabilities for farming on a comparative basis with most of Africa. The large-scale farmers together with peasants provided Zimbabwe with the foundation for food security and self-sufficiency that was the envy of a continent dominated by civil wars, poverty and famine. Second, the large commercial farmers of Zimbabwe were highly experienced with some of them having been 3rd of 4th generations of staying and working the land. Their skills in agriculture across the different enterprises (crop specialists, livestock breeders and

producers, horticulture specialists etc) provided Zimbabwe with one of the most developed human resources in Africa.

Rukuni, (1994) regarded this human resource as being key in the agricultural revolution before independence, despite a very difficult operational environment during the liberation struggle. This human resource was backed by focused colonial government policy to promote high level research and on farm trials at research stations such as Gwebi, Chibero, Mlezu (agricultural education), Blackfordby and Kutsaga (tobacco), Henderson (diverse crops, veterinary science and dairy), Matopos (livestock and small grains), Grasslands (horticulture) (Rukuni, et al., 2006). This was on top of the farm infrastructure that government promoted in the form of paved roads, energy, water systems, farmhouses, etc. This investment was used to burst the economic sanctions slapped by the United Nations on the then Rhodesia.¹³ The white government had managed to achieve the following:

1. They created one of the best commercial farming regimes in Africa through careful and focused investments in farm productive infrastructure, resources and education. They managed to attract and retain young white men to be interested in farming;
2. Putting the white farmers on the land was classic, through complex and robust systems of farming demarcation and taking over most of the fertile lands of Zimbabwe and giving their own people title deeds;
3. The farmers on the land were well supported by government that knew what they wanted to achieve in terms of production, securing food security, and developing an export sector;
4. They had a robust training and capacity building programme for white farmers to work the land. This was backed by numerous government and private sector bursaries for overseas training;
5. They developed the best financing arrangements that suited their own farmers, through a complex finance institutional and banking arrangement that was exclusive.

Box 3.1 Advantages and disadvantages of Title Deeds

Advantages

- Perpetual ownership unless disposed off willingly because rights are in individuals and companies and not the state;
- Can be Transferred freely using the market forces and legal process of land registration
- Secure land rights which allow for long-term investments;
- Land can be traded on the open market with the consent of the MoLRR through CoNPI;
- Minimal interference in land administration;
- Financial institutions can mortgage when borrowers default on loan repayments;
- Can be used as collateral security freely for the full value of the land and improvements;
- Formal courts protect private property and Constitutions affirm the land rights;
- Title Deed is surveyed and registered through the Deeds Registry Act.

Disadvantages:

- Criminalize natural resources access for non-commercial use
- Minimal land use regulations applied by state resulting in emphasis on imports than domestic production which leads to reduced ability to produce own food
- Land can being held for financial speculation as there will be Protection by laws

¹³ This proved to be effective as it made the liberation struggle a protracted process.

3.2 *Small scale commercial farming sector – pre1980 to 2010*

3.2.1 Access to land through market mechanisms

The small-scale commercial farming scheme was introduced in the 1930s. The land Apportionment Act of 1931, following the Morris Carter Commission identified farms in blocks, which were contiguous to a communal area to create what was called the Native Purchase Areas now called Small Scale Commercial Farming (SSCF). It is an important sector for deriving lessons on tenure provision. At the time of the design of the sector, 2.98 million hectares (or 7.7% of the total land area) were set aside for the scheme. However, only about 1.4 million hectares were successfully allocated to SSCFAs. The 1989 Statistical Yearbook of Zimbabwe quotes the area as being 1.42 million hectares, while State Land Office records indicates total area allocated to SSC farms to be 1,651,814 hectares, comprising of 10629 farms or allotments on 66 separate settlements of which 48 % are held under freehold title and the balance under long-term leasehold (Chigaru, 1997). Roth (1990) as part of the World Bank Agriculture Sector Survey, noted that the total area of SSC farms was 1,238,700 ha amounting to about 3.2% of the total land area of the country. In most official documents SSCFA accounts for about 3.8% of the total agricultural land area of the country.

3.2.2 Production and investment

The SSCF sector occupies presently 4 % of the total agricultural land in Zimbabwe and 7.5 % of this land is of poor quality located in NR II and IV and it can therefore not be used intensively for crop production, without heavy investment in irrigation. During the first twenty years following the establishment of the SSCFS, the government of the day made sizeable investments in water supplies, soil conservation, fencing, dip tanks and roads and bridges in the sector. The total direct government infrastructure financing between 1931 and 1951 amounted to Rh\$1,593, 358 (Cheater 1978). This investment contributed materially towards the comparatively rapid early development of the SSFC areas. Moreover, the farms were, and continue to be, purchased with interest free payments spread over up to twenty years. The government also funded capital investment on individual farms through loans for fencing, dams and boreholes from the Land and Agricultural Bank, the African Loan Fund and, later, the Agricultural Finance Corporation (AFC). Limited funds had also been available from private sources and from AFC for machinery and equipment purchases. Access to seasonal finance, however, was largely restricted until the late 1970s. Chigaru (1997) further shows that the production capacity of the SSCF is about 5% of national capacity, compared to 54% of communal areas and 41% in the LSCF.

3.2.3 Transfer rights

In terms of progress with respect to issuance of title, the Rukuni Commission (1994) reported that only 48 percent of landholders had fully paid and received title deeds. Fifty two percent were still leasing the land from government, as they had not yet fully paid for the land. The conditions of the lessee are as follows: residing on the farm permanently, practicing farming for the exclusive benefit of himself and his family, not to subdivide the farm or enter into any form of farming partnerships and must practice good agricultural land use. The rental fees paid annually by the lessee formed part of the purchasing price of the farm. The method of assessing the lessee's performance to see if he has met the criteria to get a title deed is very subjective resulting in people failing to get the title deeds long after they have finished paying for their land (Rukuni Commission, 1994).

The freehold tenure of the small-scale commercial farming areas generally is somewhat conditional compared to that of other freehold land held under the statutory law in Zimbabwe such as the large scale commercial farming sector, peri-urban commercial horticultural

holdings (plots) and urban land. For example in the SSCFA, the heirs to and the purchasers of these farms require the approval of the state even after title has been granted. The law is also vague on bequeathing the land to more than one heir. In addition certain usufructory rights to freehold land belonging to others are recognised by the state (Cheater, 1978; Ashworth, 1993; Rukuni 1994).

In terms of progress, The SCCFA land was initially held under agreement of lease and purchase. The initial leases were short term, varying from two to three years. Provided always that the terms of the lease are satisfactorily complied with, the lease is renewed with an option to purchase. Generally the option to purchase was not exercised by the lease; hence the leases were continually renewed for periods varying from three to seven years. Once the option to purchase was exercised, the repayment period was usually spread over 15 -20 years. Past rent payments were credited towards the purchase price, which was fixed in the past by the then Rural Land Board. A significant point to note is that although the small-scale commercial farming scheme was introduced as far back as 1930 the Rukuni Commission (1994) reported that only 48 percent of landholders had fully paid and received title deeds by 1994. Fifty two percent were still leasing the land from government, as they had not yet fully paid for the land.

3.2.4 Exclusion and enforcement rights

Given that freehold should ideally be operating in SCCF then issues of exclusion would be automatic. However, there is a clash of customs and received tenure in the form of freehold. In many cases, farmers resist giving away their land rights. The reluctance of aged owners to transfer ownership and management control of the farm during their lifetime, results in a number of additional complications. First, the passage of time dulls the individual's interest in active farming, propensity to adopt innovative measures such as new technology, and the physical capacity to work the farm. Second, the potential heir who may be interested in farming, develops alternative interests and lifestyle, very often away from the farm, and loses interest in active farming, while still remaining the legal heir. Other family members who may have stayed on the farm and assisted the father to work and develop the property, have no legal rights to the land, and not only begin to reduce their efforts and possibly consider alternatives, but begin to build a steady resentment for the legal heir which manifests itself in many family disputes following the demise of the owner. These processes, and others, are all to the detriment of the farm and to the agricultural output.

3.2.5 Present status of the Small scale Commercial farming sector

It seems that with the Fast Track land reform programme, this sector was completely ignored. Yet, it is clear that since independence in 1980, the state paid basic attention to, but never saw its potential beyond the view that it was a scheme constructed politically by the colonial government. During the last 10 years, as government poured subsidies into A1 and A2 farms, and to some extent to communal areas there was hardly any reference to this sector. Yet, over the decades, the sector has undergone a major transformation that requires attention in terms of how land reforms progresses. A clear case is that there has been a high depopulation of the skilled farmers through natural deaths, and sons and daughters coming from this sector actually moved out of agriculture based on the better incomes generated then.

4.0 Learning from Zimbabwean Customary Tenure Systems

4.1 Access and rights to land

All communal lands in Zimbabwe fall within customary tenure with a plethora of indigenous and state administrative arrangements that specify what people in communal areas should and should not do (Shivji, et. al., 1998; Matondi, 2001). The Communal Land Act defines

communal land as consisting of all land which was Tribal Trust Land in terms of the Tribal Trust Land Act subject to any additions thereto or subtractions there from which may be made by the President in terms of section 6 of the Act. Title in all Communal Land vests in the President who shall permit it to be occupied and used in terms of the provisions of the Act. Unlike during the colonial period, the President does not hold the land in Trust for its inhabitants. This suggests that the relationship between the president and the inhabitants is not one of Trusteeship and that therefore the inhabitants are entitled to occupy and use the land at the discretion of the President and not as of right.

4.2 Production and investment patterns

Communal Areas are characterized by slow technological changes, inefficient marketing systems, and rapid demographic growth. Out of over 1,000,000 dry land and mixed farming smallholder families, it is mainly 150,000 families, which produce the bulk of commercially marketed maize and cotton. Rural land use is thus highly differentiated as reflected by the fact that 15, 000 peasants produce over 60% of the formally marketed maize and cotton, 90% of the 4 500 LSCF farmers produce the bulk of the export crops and only about 10,000 peasants produce export commodities such as tea, tobacco, coffee, wheat and sugar.

4.3 Transfer rights

Land transfers in the communal lands occur under certain conditions. In fact, land is allowed to be transferred generationally, through marriages, and in the event of the death of the landholder. To limited extent there has developed an incipient land market, where land is sold in communal lands. While in land sales in communal land close to urban areas have taken a commercial dimension, this may not apply generally to communal lands. Matondi (2001) found that the system of land and garden allocation in the communal areas faced severe pressure. In some communal areas such as Madziwa and Bushu traditional leaders could not cope with further land parcelling due to population pressure. Further land re-allocations (formal and informal) then ended up targeting grazing areas leading to conflicts between families and the traditional leaders. At the household level, families were finding themselves being forced to share small land areas, yet there were also

<p>Box 4.1: advantages and limitations of Customary Tenure systems</p> <p>Advantages:</p> <ul style="list-style-type: none"> • Perpetual ownership unless if owner willingly leaves; • Social integration and bonds are very strong (high social capital); • Production for domestic consumption, and given that there are semi market systems most members of households do not go hungry as there is a lot of sharing. <p>Disadvantages</p> <ul style="list-style-type: none"> • In the event of a natural calamity such as drought or floods the coping capacity is weak; • Do not have secure land rights and does not encourage long-term investments as there is no economic value; • Sustainable environmental conservation is weak for shared resources, especially when pressure by human and livestock population; • Land can not be held for speculative purposes as it has no value and also it will be allocated by the community; • Only improvements can be transferred; • Land is not planned surveyed or registered; • Challenges of inheritance as families squabble over who takes the land and for what reasons; • Fear that authorities under the presidential trusteeship can abuse their authorities in land transactions through corruption and political interference; • Land is under partial protection by the courts.
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accusations against traditional leaders that they were selling land to outsiders. Some interviewed households pointed to reduced income levels in agriculture, which meant that they had to diversify to non-agricultural incomes.¹⁴

However, to have a clear understanding of land transfer issues one needs to refer to the Communal Lands Act (1982), the Traditional Leaders Act (1998) and the Land Acquisition Act (1992). In Section 3(4) of the Land Acquisition Act provides that “No communal land or interest or right in communal land may be acquired by an acquiring authority otherwise than in accordance with the Communal Land Act [Chapter 20:04].” It is only the President, who may, after consultation with the appropriate district council, declare that any land within any communal land shall cease to form part of that Communal Land. The Minister of Local Government, Rural and Urban Development may, after consultation with the relevant district council set aside any land contained in Communal Land for the establishment of a township, village, business centre, industrial area or irrigation scheme. Furthermore, in terms of section 10 (2) the Minister may, after consultation with the relevant district council, set aside any land contained in Communal Land “*for any purpose whatsoever which he considers is in the interests of the inhabitants of the area concerned or in the public interest....*”. This is the provision that has been silently been contested by traditional leaders, as undermining their authority.

In a few incidences, such as the construction of Osborne dam in Manicaland in the 1990s, and the displacement of families in Marange communal areas have brought to the fore problems of compensation for loss of communal lands. The Communal Lands Act refers to compensation for such diminution of rights of shall be granted a right to occupy or use alternative land. Where no alternative land is available, he is entitled to be compensated for the loss or diminution of his rights. The media has referred to a few cases on problems of payment for compensation. In general the problem is that the protection of rights in communal land is not anywhere near being as rigorous as the protection of rights of persons with interest in freehold land.

4.4 Exclusion and enforcement rights

Though the formal legal authority to allocate occupation and use rights in communal areas is vested in District Councils, it is common cause that in practice a variety of authorities including kraalheads, headman, chiefs, ruling party village chairpersons and VIDCOs chairpersons, in fact do allocate land occupation and use rights. Thus as the Rukuni Commission found while the legal position on who should allocate land in communal areas is clear, in practice there is de facto conflict in the allocation of land rights particularly as between traditional leaders and local councilors.

4.5 Impact of Fast Track on communal farming areas

A key expected impact of the Fast Track land reform programme was that it should lead to communal area decongestion. Government’s expectation was then that such decongestion would lead to improved communal agricultural performance and therefore better incomes for people in communal lands. At the same time, those who move to resettlement areas would equally benefit from better quality land, with an expectation of improved incomes. This thesis,

¹⁴ Whilst in the past any community member could peg a garden and merely inform the headman as a courtesy, there was an increasing tendency in Mutumba for the headmen to allocate the gardens depending on your social standing (good character), payment of development levy, having a family of your own. Furthermore, they now increasingly prescribe garden sizes depending on the number of gardens within any block in the dambo already occupied. If there are more gardens the size would be smaller than those without more gardens.

of improved agricultural performance and incomes in place of origin (communal areas) and place of settlement (new Fast Track Farms), was found to be a misnomer, because other compounding factors conspired to negatively affect agricultural production as noted in different parts of this report. It would seem that after the reforms, the communal areas emerged worse off for a variety of reasons. A gradual disinvestment by government in the sector due to limited funding was a critical factor. In terms of impact of the Fast Track land reform programme, this ranged from area to area.

Ruzivo Trust studies in Mazowe district showed that the issue of decongestion in communal areas such as Chiweshe remains controversial. Informal interviews demonstrated some sentiments that there was no significant communal area decongestion because most of the farms were allocated to people from urban areas such as Harare and small towns such as Bindura, Concession or Glendale. Significantly, our data shows that at least 42% of the successful applicants were born in Mazowe district. Given that less than 5% of the farmworkers obtained land in Mazowe district, we can conclude that the majority of these were from Chiweshe communal lands. There are significance differences between those who indicated or did not indicate that they still have linkages with their communal area. It seems therefore that from this data, there was no significant decongestion from the places they originated from. Research is needed to establish the agrarian structure in the communal areas in terms of types of land use,¹⁵ land intensity and land sizes.

5.0 Learning from the State Resettlement programme: Permit Tenure – 1980-2010

5.1 Access and use old resettlement schemes

Results from the ZRHDS study on the resettlement schemes that were established in the early 1980s provide some useful insights that may inform discussions on tenure and interpretation and contextualization of the research findings in the new schemes. In the early 1980s, resettlement farmers were allocated three permits. One for a one acre residential stand, one for 12 acres of land to cultivate crops and one to use the area set aside for grazing. First, in the late 1990s a small informal rental market existed in the schemes; some five percent of the resettled farmers were informally renting/leasing land out to other farmers, for payment in cash or kind, or for no payment at all. Second, at the end of the 1990s, the average number of kitchens on a homestead in the resettlement villages was 1.8, indicating that more than one household was residing on the residential plot. Given the difficulty to find a job or obtain good quality land elsewhere, adult (married) sons established their own young households on the premises of the residential plot of their parents.

The longitudinal perspective of the ZRHDS shows that resettlement is a process. In the early years settlers originating from the communal areas, kept a foothold there. Some cultivated crops both in the new scheme and their old fields, some kept memberships in community based organisations (CBOs) or churches in their old villages, while in other cases children (and sometimes their mothers) remained behind to have easy access to schools and clinics. The government played a crucial role in the first years in terms of infrastructural development and the provision of agricultural extension services. The settlers themselves invested strongly in community cohesion to overcome the scarcity of kinship networks in the new communities. Marriages and memberships in CBOs have been important in this respect and these CBOs were generally inclusive; the poor and female-headed households were not excluded. People

¹⁵ A key assumption is that it is the highly productive who may have left the communal area, instead of the landshort or landless. If they continue to maintain split homes, it means that at the family level there is no significant decongestion. The new settlers will continue to influence land ownership in the communal areas, which inhibits the ability of other family members to benefit from the land.

settling later did however find it more difficult to link up with early settlers in these organizations

Women did not equally benefit from the redistribution of land compared with men, when looking at the allocation of plots to men and women respectively, the majority of the plots have been allocated to men. Although the proportion of female plot holders increases over time through inheritance, spouses do not automatically inherit plots and conflicts often arise after the death of a plot holder. Resettlement has provided alternative benefits from women, such as the increased acreage that can be allocated to so-called women crops (groundnuts, beans etc.), the proliferation of Community Based Organizations and the opportunities for a wide range of non-agricultural activities that resettled households have been able to develop, either related to their cropping activities (such as making peanut butter) or not.

5.2 *Transfer rights*

Formally, plot holders were not allowed to subdivide, rent out, lease or share crop the land. Initially, these rules were generally adhered to, as eviction was feared. Over time, these rules were not strictly adhered to nor enforced, as is evident from at least two empirical observations. In practice, many parents in resettlement areas do allow their son(s) to use a portion of their land. This is de facto subdivision, as the son(s) and his wife (or wives) will cultivate the portion of land by themselves and have full responsibility for investment in inputs, and full ownership of the harvest they obtain. The crops are stored separately from the crops of the parents and they have their own kitchen to prepare and consume food.¹⁶ Alternatively, the son and his wife assist the parents in cultivation and share part of the harvest to be able to meet their food consumption needs. It is especially this group from the old Resettlement Schemes that tried to obtain farming plots in the new resettlement schemes. This is confirmed by the study of Sukume in Shamva that documented that 33 percent of the beneficiaries came from the old Resettlement schemes, compared to 51 percent from the communal areas, 5 percent were commercial farm workers and 11 percent lived in town and/or worked in the mines.

5.3 *Production and investment lessons from old resettlement schemes*

A study by Owens et al (2003) demonstrated that the extension services provided by AGRITEX have been an effective tool to boost agricultural production in the new schemes. In years with sufficient rainfall, farmers were on average able to produce sufficient food crops to feed their households and were generally able to sell surplus food crops or cash crops to generate a substantial cash income (crop income is an estimated two thirds of their income). The proceeds from crop production were invested in houses, productive assets (ploughs, scotchcarts and tobacco barns) and durable assets (such as solar panels, bikes). After the first two decades since the establishment of the schemes, the average herd size doubled.

The investments documented above suggest that farmers felt the permit system provided them sufficient security. It is not clear if this security was felt from the start or that it developed over time. What did become evident over time is the possibility to obtain credit without land as the collateral. In the first decade, it was predominantly the government who provided loans, both for agriculture and for housing. In the course of the second decade, with liberalization of the crop markets, market players such as Cottco, Cargill, TSF etc., provided agricultural credit to these small holders. The lack of collateral in terms of land was revolved by either group lending schemes (in which all members of the group were made responsible to repay the loan

¹⁶ The ZRHD data shows that 20 percent of all resettled households had separate food stores on their residential stands.

if one member defaults) or collateralizing (immovable) assets such as buildings, productive equipment and sometimes cattle.

The livelihoods of the households resettled in the early 1980s have been drastically influenced by the deteriorating economic situation over the past decade. The collapse of input markets has severally affected cropping patterns and production, resulting in reduced incomes. On average cattle wealth has halved over the past decade, resulting in a profound increase in the number of poor. At the same time, some 85 percent of the CBOs existing in the early 2000s have ceased to exist, potentially putting social cohesion and social safety nets under stress as well. There is however, a small group of farmers (15 percent) who has witnessed an increase in cattle wealth, despite the strenuous economic developments. The determinants of this success should be studied in more detail.

5.4 Exclusion and enforcement of rights

In order to understand exclusion and inclusion, one needs to establish the manner in which people in old resettlement gained access to land. A survey by Matondi (2001) showed that the farmers generally obtained access to land through facilitation by civil servants. Yet, about half of those interviewed (38%; n=136) indicated that they had obtained access to land through the headmen. The responses had a telling effect in terms of to whom they owed their legitimacy and expectations in terms of leadership. In many cases, the resettled farmers would use the perceived facilitator of their getting access to land as the true leader in the area. In many cases, civil servants and councilors were seen as playing an extension and information communication role.

In general Matondi (2001) found that the resettled households had to comply with modern ideas promoted by the state appointed extension officers, who had the power to revoke permits according to their own discretion. Goebel (1998) found that settler's irrigation schemes had been crisscrossed by the state and were now governed by self-monitoring ideals promoted by fear of having permits withdrawn. However, settlers still defied the rules to the extent that illegal subdivision of plots was rife. In this case the state and the settlers did not share the same ideals with irrigators on how irrigation resources should be managed.

Resettlement officers at Principe and Tsakare had their status derived from their position as government officers and yet they still had a responsibility to co-ordinate extension and service delivery to farmers according to their terms of reference. In the 1980s the officers were largely seen as resettlement police officers, located at schemes because of the desire of the state to monitor the permit system. For this reason the farmer's saw themselves as people without rights to do what they wanted. This was contrary to large-scale commercial farms commanding freehold rights without outside interference, which became an envy of most rural elites.¹⁷ The farmers did not see the need for resettlement officers given that the Agritex staff played the role of extensionists and mobilised other government departments.

¹⁷ In many fora, the smallholders have been agitating for title deeds to be introduced in the communal areas and the state has steadfastly resisted such moves as it fears that it will lead to land concentration, massive poverty and rural anarchy. Behind this is also a real fear of losing total political control, as the communal areas can become a haven for opposition party elements. Smallholders view title deeds as being able to mobilise commercial financing of agriculture, but given the experiences of countries such as Kenya, this may be more of a wish than a reality. There are other important considerations such as land quality, land size, 'farming skills' and farming history of a particular farm, which financial institutions take into consideration when making a decision on financing agriculture.

5.5 Impact of Fast Track on old resettlement schemes

The old resettlement schemes faced challenges over the last decade. Whereas before 2000, they were an area of major focus by government as part of its social and political delivery to

Box 5.1: advantages and limitations of Permit Tenure systems

Advantages:

- Perpetual ownership unless if owner willingly leaves;
- Land cannot be held for speculative purposes as it has no value and also it will be repossessed by the State and allocated to others.
- Inheritance issues are determined in the permit and through the courts

Disadvantages

- Do not have secure land rights and does not encourage long-term investments as there is no economic value;
- Only proof of ownership can be used as collateral
- Can not be transferred
- No incentive for sustainable use of resources on shared spaces such as grazing areas;
- Too many land use regulations applied by state may kill innovation.
- Permits are only planned by the MoLRR and not surveyed nor registered through the Deeds Registry Act
- Security entrenched through traditional leaders and administrative procedures through the District Administrators, councilors and DLO's (results in conflicts for management).

black people, they suffered from neglect after 2000. There are several reasons for this. First government turned its focus on large-scale commercial farms for redistribution and support of the new farmers. Second, after 20 years, of investment through providing resources and infrastructure, government also seemed to have wanted the resettled farmers to stand on their own rather than receive continued support. Thirdly, even if government wanted to support, it simply did not have the resources to do so given that it had expended its needs base through embarking on the Fast Track land reform programme, without a plan, without resources (human and financial) and through fast approaches to compulsory acquisition and settlement of new beneficiaries.

Yet, as government faced resources constraint, it never bothered to change the rules of the game in the old resettlement schemes. For instance, where naturally permits should have given way to leaseholds or freehold title deeds, the government just let the tenure remain hanging around the permit system. At the height of the political conflicts, government threatened some of the people in old resettlement areas perceived to be supporting the opposition with eviction of re-planning of the schemes. In other words, the permit tenure provided the state with a leeway to retain control over the people.

6.0 Fast Track Land Reform - 2000 to 2010

6.1 Tenure in Fast Track

Land tenure has emerged as a key issue at the dawn of the Fast Track land reform programme. The Ruzivo surveys were aimed at understanding tenure issues at the farm level, as government designed what tenure they think was appropriate for the acquired lands. The government set its own tenure preference by making amends to the constitution and allowing the state to retain much of the rights to acquired land. The 99 and 25-year leases, including permit systems became the key legal instruments that government set out as its own preference. Government argues that “...*although there seems to be constringent measures in the 99-year lease agreement, they are justified to ensure that land does not go back to the hands of the few advantaged people at the expense of the rest and at the same time ensure productivity*” (GoZ, 2009, p. 36). A recent story in the Newsday is informative of the plight of new farmers:

“Douglas Mhembere, a war veteran has a small holding outside Harare that comprises 160 hectares on which he farms cattle and tobacco. He has 60 labourers and their families living on the farm. He had a successful harvest and hopes his next crop, which has just been planted, will be every bit as profitable. “What I did was, I just said ‘I must just go onto the land and get on my own’,” he told ABC news recently. Mhembere says that decision has helped change his life. But in a country where land title is nowhere near decided, one major issue still hangs over Mhembere’s head. He has no papers for his land, and as a result no way to borrow money from any bank to improve his farm. Because he has no official lease Mhembere is like a squatter and has no legal rights to the land. “That is the thing. I don’t have the papers,” he said. That remains the situation across the whole of Zimbabwe for all farmers on seized land”.¹⁸

This section provides a summary of the results of Ruzivo surveys in the new resettlement schemes based on the 4 baskets of right.

6.1.1 Access to land and the meaning of rights to land

Most of the new settlers underscore an improvement in terms of access to land as indicated by some of the following response:

▪ Means of accessing land

In Shamva, new resettlement started as part of *jambanja* (*mayhem*) but this was regularised after some time as local, regional and central government stepped in and provided the administrative structures to allocate and control land¹⁹. In Mangwe, new resettlement took place after state institutions regained control. It was generally carried out in an orderly fashion through the District Administrator, ward councilor or the Ministry of Lands, all representatives of the local government²⁰. The redistribution process benefited different groups of people including civil servants, war veterans, ZANU PF party loyalists and people from communal areas around Mazowe districts. War veterans, civil servants and the ordinary people from communal areas which did not have commercial farmers within their locality were allocated A1 land based on agreed quota systems. The land allocation process left several traditional leadership complaining on various issues including minimal involvement in the process and low access to land by their subjects. Mazowe was perhaps the district with the highest applications for land with 11,081 in 2004²¹. This was mainly because of the good physical and climatic conditions for farming, and proximity to the capital city of Harare. The waiting list for those seeking land was overwhelming and there were a lot of cases of people using political connections and other means to get land.

Parallel structures allocating land led to double allocations resulting in various forms of conflicts over land. Some newly resettled A1 farmers remained insecure as they faced threats of eviction from “new” applicants wishing to either locate themselves on prime land or simply out of political mischief of wanting to harvest other people’s crops. The level of insecurity for evictions was highest on farms allocated to both A1 and A2 farmers as the latter had control of most production assets and with political clout to influence eviction. This was also illustrated by indiscriminate evictions of A1 farmers paving way for politicians and other with political connections.

¹⁸ Ginny Stein “Tobacco adds fuel to Zim’s exports” in Newsday, Dec 27 2010

¹⁹ Shamva Survey 2004/05

²⁰ Mangwe Survey 2007

²¹ Mazowe Survey 2007

From Mazowe survey conducted by Ruzivo, about half of the A1 farmers sampled accessed land through the DA's office and a quarter of the respondents through *jambanja*²². Through further investigations, the study established that the DA's office did not have sole land allocation authority but acted as the chair of the District Lands Committee (DLC) which consisted of representatives from several interested groups including line ministries, President's Office, war veterans and the then ruling party. A2 farmers displayed a similar distribution pattern with just over half acquiring land through the Ministry of Land and just over one fifth through *jambanja*²³. Further analysis of Mazowe findings exposed that *jambanja* was exercised at the beginning of the FTLRP but formalization of the allocation was done by the DLC.

The studies carried by African Institute of Agrarian Studies (AIAS) also presented that the majority of beneficiaries (82.9%) accessed land through formal channels (Moyo (2009:19). Findings from the two cited study sites concurred with Scoones et al²⁴ (2010:43) in that there is no single story to the process of land reform. In conclusion, the means of accessing land were context specific shaped by local conditions, politics and social dynamics. Land allocation and access highlighted the emergency of new sources of authority such as base commanders who were war veterans with influence in the District Lands Committee thus had a level of control over land applications, access and allocation. Political intervention was instrumental in land applications and there were several centres of authority through which access to land could be negotiated such as President's Office, Provincial Governors Office, ZANU-PF structures, security organs and politicians.

▪ **Women's access to land in FTFs**

The information on the allocation of land demonstrated that land was disproportionately allocated to men. In Mwenezi, some 20 percent of plots were allocated to women in their own right, while in Mazowe, 18 percent of the A1 plots were allocated to women and 13 percent of the A2 farms.²⁵ Informally however, women often gained access to land, as is evidenced in the following accounts: Besides plot owners there were various other classes of women with diverse relationships to land, including former farm workers, wives, daughters and relatives of male plot holders²⁶. Most women accessed land via male bonds that were either perpetuated by marriage, maternal relationships or blood relations either involving a sister and a brother or an uncle and a niece²⁷. In the new schemes, just like previously in the communal areas, women gained access to land through their husbands; often this is related to the number of years they are married as this created trust between husband and wife. Ownership of these fields is however not granted and they will lose these fields in case the husband dies²⁸.

The lease agreement has provision to include names of both spouses but not with the offer letter hence resulting in most women excluded and thus ceding control of land to husbands. However, it is important to note that there was no stipulation from the land policy which deliberately exclude women to be incorporated on offer letter but had become a common practice out of ignorance by many including beneficiaries and government officials. In the case of divorce this leads to real problems for women who do not have any equal claim to the

²² *Ibid.*

²³ *Ibid.*

²⁴ Scoones, I. et al., 2010. Zimbabwe's Land Reform: Myths & Realities, Weaver Press

²⁵ Source: District Lands Office

²⁶ Mazowe Survey 2007

²⁷ Mwenezi Ethnographic Study 2009

²⁸ *Ibid.*

land. 59.1% of A1 respondents believed that the plot holder must remain on the plot whilst only 4.8% thought that the plot should be shared equally²⁹. Female participants in the focus group discussions were adamant that they would not easily give up the land in the event of a divorce. The rights of married women to land in cases of divorce are thus not protected.

The gendered access to land reported in the Ruzivo surveys is very similar to the findings of other studies. In their survey Moyo et al (2009) and others note that 19% of women got land in their own right with more women getting land under A1 (20.72%) than A2 (14.72%). They further note that since 2006, GoZ introduced a permit system for A1 and leasehold for A2 which confers more rights to women who got land than those in communal areas. The lease and permits are issued in the names of both spouses which further protects women in case of death of husband. In Masvingo district, Scoones et al show that female headed households constituted 12% of the sample with 8% of women being A2 beneficiaries compared to 14% in A1 villagised and 13% in A1 self contained. They further noted that while formal legal systems have changed, the de facto situation is that 'traditional' or 'customary' systems of land allocation, universally overseen by men (as chiefs and headmen), favors the allocation of land to men (Scoones et al, 2010:55).

▪ **Size and quality of the land and willingness to invest on the land**

In general, both the A1 and A2 farmers have access to bigger plots with better soils. And in many cases, the plots are situated in areas that are generally better served by services (hospital, input and output markets) and provide alternative income sources (gold panning) compared to the communal areas where they used to live³⁰. A study in Mazowe on investment in conservation³¹ found that fast track farmers, due to tenure insecurity were less willing to invest in conservation natural resources. Farmers are reluctant to invest in conserving resources they are not certain of using for a long time to come. A good example is of tobacco farmers who are exploiting woodlands to cure their crops without replanting the trees³². In contrast, Scoones et al (:85) highlight that a surprising number of people had planted trees (most of them fruit trees) although fewer had invested in conservation measures. In Masvingo investment is happening under a range of tenurial arrangements, including informal settlements as most farmers feel tenure is secure enough for them to invest.

▪ **Infrastructure resources challenges on the farms**

There was a lot of contestations around the use and control of property found on the farms especially among A1 schemes. The majority of our respondents (78.7%) highlighted that the type of land ownership or design of the models does not in any way prevent them from owning animals. We did not specify which types of animals in the questionnaire but during focus group discussions it was agreed that cattle were the most problematic animals to keep because of lack of grazing lands³³. The number of unproductive farms is large; some allocated farms have been abandoned and in numerous farms there is a problem with the availability of (drinking) water. Not providing this type of infrastructure during the resettlement process may withhold communities from productively using the land³⁴. At the same time farmers do not

²⁹ Mazowe Survey 2007

³⁰ Shamva Survey 2004/05

³¹ Zikhali, P. Land Reform, Trust and Natural Resource Management in Africa, Department of Economics, School of Business, Economics and Law University of Gothenburg, 178

³² Mazowe Survey 2007

³³ *Ibid.*

³⁴ Mangwe Survey 2007

feel an incentive to invest in infrastructure development, or to repair livestock infrastructure. The relation to a lack of resources to invest should be studied in more detail³⁵.

6.1.2 Land utilization and investment in Fast Track Farms

■ Production patterns

While production was generally on the decline in the FTFs compared to the period before 2000, there were various reasons that accounted for the production losses or gains. Almost 83% of our respondents felt that the type of land ownership did not affect their activities. What is meant here is the ability to actually go and plough in the fields³⁶. A1 farmers indicated that there was an informal understanding that they should grow maize and not other cash crops. At Hamilton farm, the farmers claimed that a government official told them to grow only maize and feed the nation³⁷. A1 farmers are using their land productively, achieving more than twice the national average yields in cotton, maize and tobacco³⁸. Half of the A2 farmers had cropped less than half of the arable portions of their land in the 2003/4 cropping season. Productivity was quite high by prevailing national standards³⁹. Since there was overcrowding in the reserves and farmers did not have land to rear cattle, accessing land in the settlement schemes provided the settlers with enough grazing and they may even rear cattle for commercial purposes⁴⁰.

■ Constraints to production

Current reluctance to devote significant working time to farms cannot be entirely blamed on perceived risk of losing land, but also on broader issues beyond the control of the farmers. Prevailing macroeconomic environment in 2004, characterized by low controlled commodity prices and shortages of inputs made dependence on farming non-viable. Lack of credit also made it imperative that farmers find non-farm sources of income to invest on farms⁴¹. Crop production was stimulated in A1 resettlement schemes, but productivity is low, due to poor agronomic practices and lack of inputs. A2 farmers are focused on livestock rearing, with some arable land to produce for domestic consumption⁴². Some A2 farmers report attempts to regulate their crop production (to push maize and wheat production) and feel uncomfortable with the residual rights that the state has on the allocated plots. Most A2 farmers have found it difficult to acquire farming equipment and inputs. Some of them especially civil servants own houses and cars in the urban areas. They are however reluctant to use these properties as collateral to get loans due to tenure insecurity⁴³.

The farmers rely heavily on the government for external support for inputs. The farmers are not self-reliant and from focus group discussions it was obvious that they expected the government to cater for their production needs. For example about 77.4% farmers from the Mazowe survey get assistance in the form of fuel, draught power and inputs⁴⁴. A majority of the settlers were not aware of the model they had been resettled under; the 3-tier model was the least understood and a majority of farmers just perceived the acquired farm as additional

³⁵ *Ibid.*

³⁶ Mazowe Survey 2007

³⁷ *Ibid.*

³⁸ Shamva Survey 2004/05

³⁹ *Ibid.*

⁴⁰ Mangwe Survey 2007

⁴¹ Shamva Survey 2004/05

⁴² Mangwe Survey 2007

⁴³ Mazowe Survey 2007

⁴⁴ *Ibid.*

grazing; the 3-tier was not utilized according to the design⁴⁵. A2 farmers who have developed their farms and are producing can be subject to envy. Being successful among A2 farmers can be a curse as it might lead to powerful individuals being interested in your farm. Another reason is accusations of witchcraft and this is not surprising given that conflicts arise when people from different backgrounds start living together⁴⁶.

In Masvingo district, significant investment on both movable and immovable farming assets was made across different tenure arrangements. Scoones further outlined that most intensive investments appear to be happening in the A1 farms and not in A2 areas. Though there were assertions from the government at the beginning of the FTLRP not to construct permanent structures, over the years most settlers felt that tenure is secure to invest. This is a political judgement based on trust in the state's commitment to the irreversibility of the land reform⁴⁷. Mazowe study present some variance to Masvingo findings in that though 82.9% of sample responded that the present ownership type (offer letters) did not affect farming activities, further investigations established that farmers prefer either title deeds (51%) or leases (37.7%) which are more secure and accepted by commercial banks for loan application purposes. The study exposed that 88.9% of the respondents felt that current tenure arrangement stifled them from renting in/out the allocated land. Though investment was made by newly resettled farmers in terms of acquiring production assets such as ox-drawn implements, some households still maintain their 'communal home' and were making some form of investments as well. The issue of 'split households' was prevalent as indicated by 20.6% of respondents who were still farming on their previous communal plots. The figure could be more since some respondents were not comfortable answering that question in fear of being evicted or victimized. Since some A1 farmers were evicted by influential political people as late as 2009, security of tenure by many remains low but all hoped for further improvement of the current tenure arrangements so that they can build more permanent structures like they had in the communal areas.

6.1.3 Transfer rights

In terms of the ability and knowledge of land transfer in FTFs, we found the following:

- **Understanding of rights**

There is a lot of confusion around the specific basket of rights that the offer letter offers farmers. Farmers are unsure of what the offer letter allows them to grow or not⁴⁸. Farmers indicated that government officials interpreted the offer letters for them, saying that they are not supposed to make permanent improvements because the planning of the programme was not complete⁴⁹. In Mwenezi however, the farmers feel they can dispose the land⁵⁰. Whilst farmers in Mangwe in A2 invested in permanent improvement because they "know" that the land reform is irreversible and is a done deal⁵¹.

- **Farmer circumstantial and pragmatic behavior**

⁴⁵ Mangwe Survey 2007

⁴⁶ Mazowe Survey 2007

⁴⁷ *Ibid*

⁴⁸ *Ibid.*

⁴⁹ *Ibid.*

⁵⁰ Mwenezi Ethnographic Study 2009

⁵¹ Mangwe Survey 2007

Some farmers were subleasing their farms to second parties, a practice that is more common for A2 farmers (18 percent) compared to A1 farmers (7%) or 3-tier farmers (4 percent)⁵². Farmers in Shamva have the freedom to give temporary use rights to their neighbours in their schemes, for no monetary benefits and in concurrence with the scheme leadership⁵³. Multiple ownership is common in this area; some farmers acquired plots and gave them to their children or relatives, sometimes in exchange for a share of the produce. These arrangements generally do not provide security, as the official plot holder may ask the tenant to leave the plot next farming season and bring another relative to stay⁵⁴.

The ability to rent out is fundamental for livelihood security as it means that farmers who are unable to utilize entire plots get something out of the land. Some 15 percent of A1 farmers and 6 percent of A2 farmers are renting out land without authority. Interestingly, and counter to formal procedures, 6 percent of A1 farmers and 4 percent of A2 farmers claim that they were given authority to rent out by a traditional leader⁵⁵. The Masvingo study scantily address the issue of renting in/out when it spells out the increase in cattle holdings through an influx of animals as part of sharing (*kuronzera*) arrangement. Under the arrangement, farmers from communal areas give their friends or relatives in the resettled areas cattle to keep because of good grazing pasture. In return, the recipient keeps the cattle and can use them for any household and farming activities. Depending on the arrangement, at the end of agreement the resettled farmers can be given a heifer as token of appreciation or something as a gesture of appreciation.

▪ Inheritance

An important element in tenure security for the farmers is the possibility to bequeath land to their children or close relatives. Inheritance of the land when the male head of household dies is still a highly contested issue in Zimbabwe. Farmers in Mwenezi claimed that customarily the land has to be inherited by the father of the deceased or one of his brothers. This means married women do not feel safe in “the new lands” as they (and their children) might lose the land once their husbands die⁵⁶. When the male plot holder dies, farmers in the A1 and 3-tier settlement believe their son will take over, either in collaboration with the remaining spouse or not. In A2 farms the majority of the farmers believe that the spouse will take over, sometimes with the children⁵⁷. A different picture emerges when the male plot holder leaves. Although the majority of the spouses in all settlement types indicate they would not continue farming operations, in the 3-tier system, some 30 percent assume the parents will take over⁵⁸. In case the plot holder passes away, for A1 farmers, the spouse (38 percent), family (38 percent) or son (23 percent) will take over. For A2 farmers these figures are 41, 35 and 20 percent for spouse, son or family respectively. To some extent, patriarchal ownership of land has extended to the fast track A1 farms. The varied responses by farmers indicate the lack of knowledge on what the offer allows them to do. Yet, the farmers have confidence that this type of tenure is intergenerational and can survive their death⁵⁹. In the A1 schemes though it is generally understood that land goes to surviving family of occupier, there have been cases

⁵² *Ibid.*

⁵³ Shamva Survey 2004/05

⁵⁴ Mwenezi Ethnographic Study 2009

⁵⁵ Mazowe Survey 2007

⁵⁶ Mwenezi Ethnographic Study 2009

⁵⁷ Shamva Survey 2004/05

⁵⁸ Mangwe Survey 2007

⁵⁹ Mazowe Survey 2007

when land has been reallocated to people on waiting list. It all depends on the fight the surviving family puts up as well as leadership of the A1 scheme⁶⁰.

6.1.4 Exclusion/inclusion in Fast Track land reform programme

The idea of exclusion under Fast Track has been a challenge because most people feel that they own the land, since it is government land. According to Matondi (forthcoming 2011), the beneficiaries see themselves as government and there is “no way government can exclude itself”. It is in this view that much of the conflicts on the land are caused by lack of provision for exclusion. Farmers have no rights to evict former farm workers; the latter had been granted rights to stay in their compounds even though these had not been designated as separate pieces of land. The former farm workers are encroaching on the land (to grow crops or to steal crops)⁶¹. In Mangwe, an influential group of farmers converted a 3-tier farm into an A2 settlement, thereby disenfranchising other members of the community of additional grazing land⁶².

Gold panning activities have disrupted farming activities in the form of squatters on the land, injury of livestock by pits and high labour costs, and farmers are powerless to exclude them⁶³. There has been incidences of evictions of new settlers by the other ‘new owners’⁶⁴, in Mazowe and there are frequent conflicts between A1 and A2 farmers even where evictions have not taken place and frequent overlapping claims to land, which some fast track surveying have not resolved. To add to the confusion, the land reform programme opened space for illegal gold panning creating new types of conflicts over land rights versus natural resources rights⁶⁵. Land conflicts seem to be the norm rather than the exception in Mazowe district. The expectation that over time such conflicts should be on the wane seem not be happening in this highly contested district. Persistent conflicts are a major source of insecurity especially if the government is doing very little to solve them⁶⁶.

Most of the resettled areas in Masvingo district were mainly dominated by livestock production. Therefore, the land use planning adopted was inclined towards livestock farming system. For this reason, most of the conflicts cited by Masvingo study are related to livestock production and its related activities. These forms of conflicts include disputes of over grazing land, management and control of grazing land, destruction of crops by stray livestock, and theft of perimeter fences. Since local leadership has little contribution on land allocation, new groups of farmers are allocated land in what the ‘original settlers’ perceive as grazing area resulting in shortage of grazing and destruction of crops. The resettled farmers have subdued control of certain processes which affect their production. Most farmers avoid reporting conflicts in fear of being victimised by local governance systems such as traditional leadership and DLC which at times have shown some form of favoritism towards certain groups and individuals.

⁶⁰ Shamva Survey 2004/05

⁶¹ *Ibid.*

⁶² Mangwe Survey 2007

⁶³ Shamva and Mazowe Surveys 2004/05

⁶⁴ There are cases of politically connected people removing less powerful farmers from the land thus we have multiple farm occupations

⁶⁵ Mazowe Survey 2007

⁶⁶ *Ibid.*

6.1.5 Enforcement of rights through allocation

At the inception FTLRP leaders of land occupation process formed themselves into scheme level land administration structures, which parceled out land and oversaw all land related matters. Right from the beginning of the Fast Track Land Reform Programme A2 land administration was viewed as a preserve of central government under the Ministry of Lands and Rural Resettlement. But district and provincial land activists have fought central government to have a role in the land allocation function. Central government finally accommodated local interests with the setting up of provincial and district lands committees. As formalization of the A1 schemes proceeded, most of these structures disintegrated. The institutional structures at the local level continue to evolve, with some of the following emerging: At the district level the central government appointed land officers to oversee scheme level management committees. Power on land matters still resides largely with central government appointed District Administrators, lands officers, as well as AGRITEX officers.

Post 2003 there was a shift to giving Chiefs greater say in the running of resettlement schemes as a way to make administration more akin to communal areas. The role of Chiefs is to appoint village heads and schemes falling under a chief have a right to seek justice in civil cases at the chief's courts. A1 farmers feel they are left out in the current land tenure arrangements. In contrast under the clan based village land administration system of the Communal Areas adult male members of the village have a say on such matters as reallocation of free land. Because in general members of a communal village are closely related by birth or marriage such reallocation will in most cases benefit relatives, a key right most A1 farmers would most like to retain. Of equal importance is that such decisions are without interference from central government or Chiefs to whom villagers only appeal to in case of disagreement. The shift in power towards the local creates a sense of insecurity particularly for those beneficiaries who may be considered as outsiders⁶⁷.

6.2 Discussion of findings on land tenure and rights in FTFs

6.2.1 Impact of settling on new farms

The Fast Track land reform programme had diverse impact on the beneficiaries. For some, it provided an opportunity to improve their material wealth, for others it was a lost opportunity for the investments in agriculture did not pay dividends. Others despite the challenges continue to hang on to the land hoping that they will get it right in future. We documented a series of stories reflecting the performance of the settlers on the land as follows: According to the farmers livelihoods for most have improved from the level they were when they were in the communal areas. After years on the fast track farms, farmers have invested substantially in buying non-motorized equipment and implements such as hoes, shovels, spades, ox-drawn implements and scotch carts and livestock. Yet, another source of income for farmers is remittances (71.2%). This makes it difficult to ascertain whether farming really is the main source of livelihood given the multiplicity of income sources⁶⁸.

Scoones et al (2010) ranked cropping (70%) as the main source of income but complemented with various off-farm activities. These activities included formal employment, trading, sale of firewood harvesting of mopane worms and basket/pottery making. About 5.4% of the study sample ranked remittances as the major off-farm activities. Though most newly resettled farmers engage in crop production, the climatic and physical condition does not support the practice and hence the need for livelihoods diversification. Farming is proving that hanging

⁶⁷ Shamva Survey 2004/05

⁶⁸ Mazowe Survey 2007

on to claims of land (however large these can be) is meaningless without access to water, agricultural inputs, credit and markets. New settlers are trying to juggle these, as well as their livelihoods through hanging on to the land and pretending to use it, maintaining many sources of livelihoods and income that includes formal jobs, as well as multiple farms and homes⁶⁹.

6.2.2 Impact of tenure reforms on vulnerable groups

Another vulnerable group that emerged are the former farm workers. In Mazowe for example, farm workers were largely excluded from benefiting in the land reform programme. Their lack of citizenship and relationship with commercial farmers led to their marginalisation from the whole process. Our estimates indicate that less than 5% of farm workers accessed land in Mazowe. Workers who did access land had Zimbabwean documents (which were required when applying for land but most farm workers do not have as they are descendents of foreign farm labourers) and participated in the land occupations. Fast track farmers have tried to return skilled farm workers by offering them little pieces of land (commonly referred to as former farm worker plots (FFWP)) that were left out during demarcation process. Such pieces of land are at most three hectares in size.

At Usk/Brecon farm in Mazowe district, the irrigation and farm managers were offered these small plots to continue helping the fast track farmers. The problem is that these small plots are not registered anywhere and the farmers can decide at any time to remove the farm worker who cannot go and seek recourse. These arrangements remain uncertain for farm workers who must require the good grace of farmers to continue accessing the land. Since most former female farm workers lacked skill, a few number accessed the FFWP. Based on the Masvingo study, since the district was dominated by ranches, the farming enterprise employed very few laborers (about worker per 100 head of cattle). Unlike in Mazowe district, most of these workers came from neighboring communal areas and returned to their original homes. For that reason, since there were very few farm workers from migrant families, the pattern of 'squatting' on farms was not evident⁷⁰.

6.2.3 Strategy to evade tenure insecurity

Farmers themselves feel not necessarily bounded by the legal underpinning of their tenure status. For some, the mere farming of the plots or holding cattle to them means they are the owner of the land. Recognition by the larger community or the local administration and investments in residential plots and tree crops also add to the feeling of "ownership"⁷¹. Further, as the result of the land audit it is possible to lose part or all of the land when it is not used productively. For this reason A2 farmers deliver maize to the GMB to demonstrate land utilization⁷². In Shamva district, the A2 farmers have mortgaged non-farm assets to support agricultural production on the allocated land, this indicates perceived tenure security. Farmers in each settlement type were confronted with attempts for eviction. This happened to a quarter of the A1 farmers, 21 per cent of the A2 farmers and 11 percent of the 3-tier farmers⁷³. To prevent losing their new acquired farms, farmers construct gardens and keep chicken to show semblance of agricultural activities. In similar vein they bring cattle and goats into the farm, sell some maize to the GMB or sell some livestock⁷⁴. In Mazowe, the provincial office and the Lands Committee ordered to stop the farming activities at an A1 plot that obstructs clients of a

⁶⁹ *Ibid.*

⁷⁰ *Ibid*

⁷¹ Mwenezi Ethnographic Study 2009

⁷² Shamva Survey 2004/05

⁷³ Mangwe Survey 2007

⁷⁴ *Ibid.*

Chinese brick company. Although the farmer was given another plot it is such lack of control over what can happen to you on the fast track farms that is at the heart of insecurities felt by farmers⁷⁵.

6.2.4 Uncertainty and holding on to communal lands

Based on the Mazowe study, many newly resettled farmers feel their access to land and right to use the land is secure, as it witnessed by low percentage (20.6%) holding on to land in the communal areas. In many cases the land they used in the communal areas has been taken over by adult children or reallocated to other communal village members without land in the village. Homesteads were transferred to close relatives or sold to those who were allocated the vacated farming plots. A quarter of the beneficiaries still had some of their cattle in the old communities; while at the same time some new settlers provide care for the cattle belonging to relatives from the old communities⁷⁶. The position is supported by the Masvingo study which also indicated that newly resettled farmers, especially A1 were comfortable with the current tenure arrangement as typified by high degree of on-farm investment.

However, since most newly resettled farmers are settled in the three-tier model, there is no relocation is required and hence almost half of the settlers still farm on the land they had before resettlement⁷⁷. Farmers were given permits to stay in the farm and not to establish fixed structures. There are unresolved tenure issues in A1 settlements that apply both to men and women leading to insecurity amongst both groups and a subsequent fear of dispossession hence broadening their livelihoods⁷⁸. In Mazowe most settlers still maintain their homesteads and access services (schools, clinics, shops) from the communal areas. Those from Harare and other urban centres have jobs and property to fall back on if they were to lose the land. Areas of origins become an important source of security for fast track farmers who in most cases do not see the farms as a permanent home.

Fast Track Land Reform Programme has led to the creation of split households as families spread risk through maintaining dual farming households as fall back plan if they are ever evicted. In the 2007 study 20% of farmers were still ploughing their previous plot whilst 63% had left the plot with their children, parents or relatives. Ownership of plots in the communal areas was thus never totally surrendered by most farmers who enjoy the security owning two plots brings. This however impacts in splitting investment and spreading it over two separate households. Most farmers rarely came with whole families to the resettlement areas. Lack of basic social services made many reluctant to bring their children⁷⁹. The practice of split households (to secure access to land and/or social services) is widespread, resulting in increased insecurity for some women and their children. New farmers have invested significantly in new marital and cohabitation relationships in order to manage split households.

This is very common with men who originally participated in the jambanja (mayhem) on farms who tended to establish new households. In an era of HIV and AIDS, this has created real problems in the newly resettled farms where there are reports of struggle with infections and cases of deaths attributed to the disease. The issue of land rights of new settlers and the gender equity issues have implications on issues of inheritance in the event of the deaths of the

⁷⁵ Mazowe Survey 2007

⁷⁶ Shamva Survey 2004/05

⁷⁷ Mangwe Survey 2007

⁷⁸ Mwenezi Ethnographic Study 2009

⁷⁹ Mazowe Survey 2007

plowholder. As men in A1 schemes create and recreate new households in a context of seemingly limited land that is still under the control of the state, there are several tenure questions that need to be addressed from a gender equity perspective⁸⁰. Masvingo study concur with findings from Mazowe survey in that though 12% of newly resettled persons were women, the majority (88%) did not have offer letters but made use of land in the context of marriage, thus relying on the good working relationship with their husbands. The situation would give a different scenario in terms of land rights of women if marital problems or divorce were to arise.

6.2.5 Is collateral a real issues in land ownership?

The perception of farmers on using their land as collateral to access credit is varied, both in terms of settlement type (A1 and A2) and region. For instance in Mangwe only small proportion of farmers sees land ownership as a way to use land as collateral⁸¹. In Shamva there is a strong sentiment against the collateralization of land for fear of the whites taking over again. For those farmers who indicated that the ownership structure has effects on their agricultural activities, the A2 farmers in this category indicated that the structure could not be used for borrowing purposes. The differences between A1 and A2 can be attributed to the size of the operations, which could imply that A2 farmers

require larger quantities of inputs. And in practice, alternative routes have been used to access credit for inputs. For example A2 farmers often have properties in town that may serve as collateral for the loans they have been acquiring. A1 farmers have accessed input loans through group lending. The use of land as collateral depends on the source of funds. Government of Zimbabwe through Agribank and Grain Marketing Board offer various support schemes to farmers. Given this context 78.1% of A1 and 68.2% of A2 farmers (table below)

Box 6.1: advantages and limitations of Lease Agreements

Provisions:

- Ownership valid for the agreed period. May be renewed if agreed to (99 years for current A2 model leases).
- Considerable land use regulations applied by state to ensure a balance between import and domestic production which leads to increased ability to produce own food
- Inheritance issues are determined by the governing laws through the MoLRR and the courts.

Advantages:

- Perpetual ownership unless if owner willingly leaves;
- Can be used as Collateral freely for the full value improvements only and usufruct rights
- Land cannot be held for speculative purposes as it has no value and also it will be repossessed by the State and allocated to others.
- Inheritance issues are determined in the permit and through the courts

Disadvantages

- Not Tradable
- Cannot use land as collateral
- Land ownership is vested in the owner, in this case the state, with leases retaining usufruct rights;
- Can be Transferred only with the consent of the MoLRR which consent cannot be unreasonably held
- Weak incentives to conserve natural resources, unless the owner provides incentives;
- Land commissions, Boards, committees, ministries e.t.c. administer leasehold tenure. Sometimes non-transparent, political interference, dispersed and weak;
- Long term leases are surveyed and registered through the Deeds Registry Act

⁸⁰ Mazowe Survey 2007

⁸¹ Mangwe Survey 2007

felt that they can use their land as collateral. Private Banks however require title deeds for them to avail loans to farmers⁸².

6.2.6 Land tenure preferences

Land tenure is not a static concept and is influenced by society and policies that are put in place over time. In this context, the tenure issues in the FTLRP become a time bound, reflecting the radical changes that have taken place on an important resource in the society. In general, internationally there is no single type of tenure that is right or wrong, but what society views as working to its advantage. Designing of forcing a certain kind of land tenure system will not resolve all land related problems. Instead, society must weigh the advantages and limitations of each tenure regime. However, we established on the ground that farmers have certain tenure preferences they demonstrated through deeds and through stating their preference. Title deeds are feared as potentially this would allow the former white commercial farmers to buy back some land and by doing so reverse the redistribution of land that was achieved over the past decade (e.g. whites regaining land by the backdoor). For the same reason, rental and joint venture arrangements are thought to encourage A2 beneficiaries to be used as a “front” for white farmer operations⁸³. The majority of the A2 farmers (65%) expressed confidence is investing in the land under the provision of the offer letter⁸⁴.

In Mangwe district, the 99-year leases are preferred since offer letters do not define the landholding and title deeds impose the risk that you will sell the land. The farmers argued that the Offer letter does not provide security to invest in the land; if 99 leases we could mobilise resources and construct a dam. The farmers feared that offer letters are withdrawn and therefore did not invest in immovable assets. In addition, a lack of security in terms of transfer rights, might also affect long-term capital intensive investment. This seems to be the case in Mangwe district, where only a few cattle farmers have invested in new paddocks and dip tanks since they resettled. The influence of the low economic tide, and hence restricted resources to invest, should be studied in more detail⁸⁵. In Mwenezi district, there are unresolved tenure issues in A1 settlements based on the offer letter that apply both to men and women leading to insecurity amongst both groups and a subsequent fear of dispossession⁸⁶.

In Mazowe district, the majority (A1 55.2% and A2 51.4%) of the respondents preferred title deeds and 47% of A2 farmers wanted leases. The farmers were choosing what they thought were secure ownership types which would provide them with security and the ability to use land as collateral. In terms of actual behavior, some farmers who have no confidence in their tenure status have basically and simply: (i) never attempted to take the land they applied for, (ii) are abandoning land from A2 to move to A1 that seems to offer group security and at times based on kinship security, (iii) are returning to communal areas especially in circumstances where they have failed to produce year in year out, (iv) are illegally renting out their land etc⁸⁷.

6.3 Overview of key findings from the project

The fast track land reform programme was pushed through with speed and issues of planning were put aside as the state sought to acquire much land and resettle many people in a short

⁸² Mazowe Survey 2007

⁸³ Shamva Survey 2004/05

⁸⁴ *Ibid.*

⁸⁵ Mangwe Survey 2007

⁸⁶ Mwenezi Ethnographic Study 2009

⁸⁷ Mazowe Survey 2007

space of time. The relationship fast track farmers have to land is mediated by their relationship to government. The information presented by different institutions and individuals including Ruzivo Trust, AIAS, Scoones and Billy Kinsey and their teams on the new resettlement schemes in Shamva, Mangwe, Mwenezi, Murewa, Goromonzi, Kwekwe, Zvimba, Chiredzi, Chipinge districts, and Masvingo province, show a very diverse picture suggesting there is not one story to be told about the new resettlement schemes. There are clear geographical differences, both related to livelihood systems (agro-ecological circumstances for crop production or livestock keeping), settlement type (A1, A2 and three-tier) and local and regional administration and the associated power constellations. These differences are both reflected in production systems and outcomes and the perceived security of current land tenure arrangements.

The researchers found contrasting experiences between crop producing areas and livestock keeping areas, with the latter showing no signs of productive investments while considerable investments were made in the cropping areas. Most likely this is related to the relatively short time for investment turnover (one agricultural season) for crop inputs as compared to the long-term investments in paddocks and dip tanks in the cattle herding areas. Experienced tenure insecurity will affect the former less than the latter. Another interesting distinction made was between so-called A1 farmers (who obtained on average 10-12 acres) and A2 farmers, who obtained anything from 50 acres up to 3000 acres.

The A2 farmers, at least on paper, are expected to be commercially oriented, but many of them fail to have access to sufficient inputs while some of them are not really interested in using the land productively but rather keep their jobs in town. For the A2 farmers interested in commercial farming, the collateral argument is valid; but so is the risk of losing the land when production fails. The new smallholder A1 farmers, who combine subsistence farming with some commercial production, can be contrasted to the situation in the old schemes, also A1 farmers. Their credit for inputs have been provided over at least 20 years, while land could not serve as a collateral because farmers only had a permit to use it and the land itself was ultimately controlled by the state.

Underlying at least part of these regional and scheme level differences in the perception on tenure security are the social facts on the ground, mostly related to current and ongoing conflicts over land and politically motivated evictions. This suggests that however good the policies on paper, the actual implementation (or non-implementation) is what counts for the farmers involved. Any discussion or policy instrument should therefore be backed up by a reinstatement of an independent and accessible judicial system that enforces property rights and convicts violations of these rights.

7.0 Policy implications and recommendations

Agriculture is still the backbone of the Zimbabwean economy. It is important therefore to always focus on the main goal of land reform that is to get agriculture and economy moving again for broad-based economic development. At the moment the land reform has only provided a re-structuring of the agrarian sector where most of the agricultural land is in the hands of small to medium scale new farmers, both old and new. So to get the sector moving again requires a comprehensive review not only of the land tenure policy, but all the other key policy elements that add up to sustainable growth and development. Based on this work, we provided tentative policy pointers on tenure in Zimbabwe.

7.1 *Tenure and broader land administration policies*

In the new FTFs, there is a strong view that there is a need for security of tenure simply because of the conflicts over land and that the land is still contested. In the A1, it would seem that there are land contests, though the issue of boundaries will need to be revisited, because the exercise was done speedily. The land administrative system should be within reasonable proximity, with access to legal, judicial, administrative and other institutional entities that deal with land issues. Generally the land administration system should make it feasible for capital formation for development for all categories of land, while at the same time safeguarding all other rights beyond financial transaction rights. The idea is that both government and land users should have easy access to each other through policy. Access by both to information, data and official transactions is important not only for business but also for enforcing laws and regulations, and for resolving disputes.

The following key issues are imperative in the administration of land:

- There should be clear authority in terms of land management, because there are conflicting and overlapping authorities created before and during the Fast Track land reform programme.
- There is need for clear verification of boundaries, for the authorities to properly manage land. For instance, in the old resettlement areas, there was survey and demarcation, which meant fewer conflicts over boundaries. This is imperative for the FTFs;
- The current structures and functioning of the Ministry of Lands and Rural Resettlement systems, including the Surveyor General, and Deeds Office will need to be supported to respond to an increased agrarian base;
- Conflicts on the ground are due to the fact of inadequate survey and demarcation. There is a clear need to upgrade the cadastral and land registry systems so that the processes are cheaper and more decentralized;
- In the long term, a proper land management should be able to integrate the decentralised data base covering all land categories with the financial services grid including land held under traditional tenure.

The land allocation process was not backed by any legal process and the government had to rely with the acquisition committees from the district, province and national level. These committees had to make the decisions about who got what land, when and where. They also became the de facto platform for appealing for land disputes by the various beneficiaries. Given that there was no legal statutes guiding their decision making process they had to rely on their own judgment and some directives given from the central government on what they needed to do. It is on this basis that the committees were accused of being corrupt, unaccountable, unfair, and discriminatory etc. Yet, with all these problems they managed to put people on the land at remarkable speed. Now there are serious problems that need to be attended ranging from inadequate survey and demarcation of land, claims and counter claims of land, offer letters that cannot be fully accounted for, multiple farm ownership, oversized plots for others and too small for others, contest over property and improvements on the allocated farms, vandalism of infrastructure, etc. All these have an effect on tenure and will require to be addressed no matter what form of land tenure the government or settlers would prefer.

7.2 *Tenure and land utilization policies*

The main objective of the land reform programme is to stabilise and grow the agriculture sector. Commercial land was taken for redistribution to smallholder farmers with low level

skills than the former owners. Yet, the smallholder had proved their mantle in farming through smallholder boom of the 1980s. Therefore the land reform programme provides an important opportunity for the economic development of Zimbabwe, if the smallholder received the correct ingredients of support. The realities of the last 10 years, is that the country has been food insecure, the economy melted, and agriculture has been at its lowest capacity compared to the situation prior to the reforms. In Mazowe district, we showed that 70-90% irrigation capacity on former LSCF could be said to have been decommissioned by the FTLRP. In general old and new beneficiaries have faced a range of constraints making agricultural production a huge challenge. The problems faced are both internal and external. In order to address the production challenges:

- There is need to revisit the models (A1 and A2) and establish their real potential and under what conditions;
- New farmers are perceived as having no capacity to fully utilise the land, to produce diverse crops including specialized high value export commodities such as tobacco and horticultural crops. This means there is need to audit the skills of the farmers, with a view to establishing how best they can be assisted to develop and broaden their skills.

Once this has been established, at a policy level with respect to agriculture the following will be required:

- Developing learning platforms (education, farming skills, information and training development channels etc.) for smallholder farmers would be key in getting agriculture back.
- Policy will need to promote diversity in agriculture beyond crops to equally focus on livestock rearing area through providing location specific investment and support;
- Social protection of the poor through ensuring that they have access to inputs and outputs markets, which means addressing some of the public infrastructural bottlenecks.

7.3 *Investment in new farms*

Evidence in the Fast Track Farms shows that there is stagnation on agricultural investments. For the A2, functional commercial markets are required for the farmers to access lines of credit. However, given the misgivings over issues to do with transfer in the current leaseholds, the prospects of investments in A2 farms are limited. There are also fears that some of the A2 farmers are urban people, hence may reinvest farm proceeds in urban ventures instead. The farms are currently manned by managers who seem to be playing a 'holding' role as the A2 assess progress with tenure policy. This largely makes much of the land underutilized at different scale, such as the reduced production areas, planting unviable crops to show semblance of use, etc. In the long term, there is need for new investment in commercial agriculture, given that much of the old assets have largely diminished. The policy should guide on asset building for the smallest farmers should a key priority given that the A1 model was designed to address poverty and vulnerability. Therefore, they would ordinarily face challenges in the building of their assets, for the simple reason that many are physically resident on their farms and have no other source of income, on coming many did not have physical property to use as collateral.

7.4 *Land transfer policies in different tenure regimes*

At the present moment, land transfer is permitted under a variety of arrangements. While, transfers of land in FTFs are strictly guided by government as part of stateland, it would seem that there is a moratorium by default in the large-scale commercial farming areas. Given that

about 300 white owned large scale commercial farms remain, there is no data on private transactions there. At the same time, there is also no data on the significant market of indigenous owned commercial farms (1000 as of 2001) as these were supposed to have been exempted from compulsory acquisition, yet during the height of the Fast Track Land reform programme, some of them were acquired. This means that at a policy level there are a lot of grey areas with respect to land transfer, which affected the transactability of commercial land.

- Financing of agriculture (Collateral)
- Bequeathing land to heirs
- Customary systems

7.5 Legal and constitutional protection of land users

In all the case studies examined, it is clear that the state should play a central role in land matters. In fact international precedence shows that the state should have a right to acquire land for public purposes. Most national constitutions have this provision for the right of the state to acquisition based on public interests. In the case of Zimbabwe, there is this recognition; however a main worry of the farmers was that the state had contributed to their beneficiation, but still remains a strong force on the ground, which in a contradictory way contributes to tenure instability and mistrust, which then affects land utilization. The government has had to rely mainly on the land acquisition act for guiding almost all aspects of land reform. This is not enough because the land acquisition instrument serves mainly acquisition matters and does not address other elements that constitute the land policy. It is for this reason that it would be desirable to have a Land Act that addresses all land issues. Most of the benchmarks alluded in the land policy will need legal back-up so that litigants and legal authorities will have the necessary tool for adjudication.

Policy and legal reforms should be able to deal with this uncertainty because:

- In our case studies, respondents were of the view that every person shall have the right to hold rights in property and, to the extent that the nature of the rights permits the disposal of such rights. Government seems not to want this provision as spelt out in the offer letter, the 99 and 25-year leases. However, it has allowed for inheritance of properties based on customary systems in the FTFs;
- No deprivation of any rights in property shall be permitted otherwise than in accordance with a law. Yet, on the ground some people have been deprived of their land after allocation due to a variety of administrative errors, conflicts and weak political connections. The law should be able to fairly deal with these matters;
- The issue of compensation arises not just with respect to state acquired land, but also for any future land transactions. Policy should give guidelines, and this will need to be solved to address some of the conflicts we identified in the field.

Legislation and law is one aspect of policy, however, intensive education programme is needed to understand land laws and institutions. Amending laws, however, will not remove the problem automatically that farmers face. Long established customs and attitudes disappear only gradually. The deep attachment to and “spiritual” or social value of, land in indigenous African societies will ensure that changes even in Fast Track Farms will come only slowly. Broader economic development and education at all levels of society is the much preferred and more effective alternative route to security tenure.

8.0 Conclusion

Land tenure issues will continue to feature in Zimbabwe's land reform programme as the next stage in the consolidation of the reforms. Farmers on the ground have diverse views and are behaving differently given that there are many uncertainties with respect to the reforms and the wider economic context in which they operate. At the present moment many have to make pragmatic decisions to succeed and to consolidate their stakes. Farmers are depending on a variety of means to secure their access to land, ranging from use of land, minimum use, abandonment, split households and production systems (both in communal and resettlement areas), accessing state farming resources through legal and illegal means, using their resources from elsewhere to support their farming ventures. Many, for the fear of loss of land have to ensure that the land is under some level of use, but not optimum use that agriculture requires.

Yet, the broader context has affected the farmers in more ways, simply because markets for both inputs and outputs collapsed or operated at a very minimal, with the government calling the shots in every aspects of agriculture. There was very little space for the private sector and farmer to be innovative and to equally take responsibility for getting agriculture moving. It is this scenario that land policy should address, based on lessons from the field in the farming areas. Lessons will also need to be drawn from the international experiences, but equally important from Zimbabwe's own historical experiences, because the country has good lessons of what worked and what did not work. The land policy work is now possible given that agriculture has shown signs of recovery with the macroeconomic policy shifts towards markets in 2008 and reduction of the fiscal activities of the state.

If political stability gained through the formation of the inclusive government in 2009 hold, there is scope that the problem that land faces can be addressed. On the ground, farmers are trying to recover agriculture under difficult conditions caused by land ownership uncertainties. The sum effect of political hesitancy to tackle the land question in the GPA has resonance with the output that are muted across commodities, with a few such as tobacco slowly regaining its position because of the international prices spurred by the Asian markets. Land tenure policy to consolidate the gains of the land reforms is what the farmers on the ground want. Yet, government is stuck in between a rock and hard place, for at one hand it wants to release the farmers to produce independently and for the private sector to come and finance agriculture. At the same time, the government fears that having too much of markets in land ownership will lead to land reform reversal. In the tenure policy design, government will have to balance the various interests, from private sector, farmers, women, local authorities and foreign investors, as well as its own political interests. This is no mean task given that Zimbabwe is emerging from a highly conflictual land reform programme with trust at its lowest.

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10.0 Annexes

10.1 Ruzivo Survey Methodology

The Land and Livelihoods Programme has two phased data based on a common survey. The work involved analysis of data to come up with district reports as well as key thematic reports with deeper data and analysis. These reports have been used by researchers and presented at different forums. The data that we hold in the Land and Livelihoods Programme include the following:

SURVEY 1: 2004 HOUSEHOLD SURVEY: covering Mazowe and Shamva districts in Mashonaland central. We also accessed public records of national data base on land acquisition and allocations at various times. In addition we collected secondary district information across the different themes.

Table 10.1 Household questionnaire in 2004/05

Mazowe - Area: 453 892ha **Population:** 199 408 **Farms:** 354

Shamva – Area: 190 600 ha, **Population:** 15 633, **Farms:** 54

District	A1						A2					
	Farms	Sample	%	Beneficiaries	Sample	%	Farms	Sample	%	Beneficiaries	Sample	%
Mazowe	134	13	9.7	5200	240	5	211	21	10	1200	120	10
Shamva	31	6	19	1737	128	7.4	13	4	31	92	26	28

SURVEY 2: 2007 HOUSEHOLD SURVEY: covering Mazowe in Mashonaland Central and Mangwe district Matabeleland South province. In addition we managed to get access to various audit data over the years.

Table 10.2 Household Questionnaire 2007

Mazowe - Area: 453 892ha; **Population:** 199 408; **Farms:** 338

Mangwe – Area: 148 379, 9108; **Population:** 62 324; **Farms:** 85

District	A1						A2					
	Farms	Sample	%	Beneficiaries	Sample	%	Farms	Sample	%	Beneficiaries	Sample	%
Mazowe	105	21	20	4 963	357	7.2	233	20	8.5	1 054	172	16.3
Mangwe	21	15	71	364	207	57	27	13	48	169	130	77
	Three Tier											
	27	13	48	667	438	66						

Researchers have also done intensive case studies on specific themes as well as intensive subject *focused* surveys (tenure and investment, social capital), qualitative case studies (focused group discussions, stories and key informant interviews). In addition we collected secondary district information cross the different themes.

Table 10.3 Focused Group Discussions

District	No. of schemes	Schemes	% coverage
Mazowe	338	24	7.1
Mangwe	75	6	8

Key informant interviews

We had the opportunity to interview traditional chiefs, chief executive officer of rural district council, councillors, scheme leaders and Agritex officials.

Secondary data

The 2004/05 study demonstrated that there was a large body of data that exist within institutions at district level that can be useful in analysing the emerging situation in Mazowe. This included:

Table 10.4 Secondary data collected from institutions

Theme	2004/5		2007/9	
	Mazowe	Shamva	Mazowe	Mangwe
Land acquisition and settlement (beneficiary allocation)	List of farms in the district according to ward, list of gazetted farms with farm name and owner, area, indigenous farms not acquired, remaining white farmers	List of farms in the district according to ward, list of gazetted farms with farm name and owner, area, indigenous farms not acquired, remaining white farmers	A1 and A2 beneficiaries lists with the following characteristics: family name, first name, identification number, date of birth, ward of origin, plot number and war vet number, gender.	List of acquired farms according to ward, size and beneficiaries. Beneficiaries by age, gender and background
Production and marketing (crops)	List of farms/schemes with irrigation, area, irrigation equipment and infrastructure status and its utilization, production; List of input scheme beneficiaries and amounts; List of wheat and tobacco farmers, Crop and harvest estimates	List of input scheme beneficiaries and amounts; List of wheat and tobacco farmers, Crop and harvest estimates; List of farms/schemes with irrigation	Crop production targets. Agricultural extension personnel: requirements, number of existing workers, skills adequacy, experience, and constraints for Agritex	
Production and marketing (livestock)	Number and type of livestock, Animal health and veterinary services management	Number and type of livestock, Animal health and veterinary services management	Number and type of livestock, Animal health and veterinary services management	Number and type of livestock, nature of and number livestock markets, Animal health and veterinary services management
Education and skills	List of primary and secondary schools, schools to be sited and pegged, List of agricultural colleges	List of primary and secondary schools, schools to be sited and pegged, List of agricultural colleges	List of primary and secondary schools, schools to be sited and pegged, List of agricultural colleges, research training centres	List of primary and secondary schools, schools to be sited and pegged
Health issues	List of Government, council, private and mission hospitals and clinics	Number of health facilities and services they offer	List of Government, council, private and mission hospitals and clinics	Number of health facilities and services they offer
Housing and energy	Rural Electrification Agency list of electricity users and proposed projects, Policy on farm houses	Type of houses, sanitation and domestic water supply	Rural Electrification Agency list of electricity users and proposed projects, Policy on farm houses	Residence of farmers, energy types and their availability.
Governance issues	Role of Mazowe RDC, financial, government, associations, development, traditional, list of Chiefs and their respective villages	Role of RDC, financial, government, associations, development, traditional, list of Chiefs and their respective villages	Roles of different governance structures including Lands Committees, chiefs and council	Roles of different governance structures including Lands Committees, chiefs and council
Water issues	Types, uses, distribution by ward, functional and non functional water sources	Types, uses, distribution by ward, functional and non functional water sources	Types, uses, distribution by ward, functional and non functional water sources	Types, uses, distribution by ward, functional and non functional water sources
Transportation	Road network, list of all gravel and tarred roads, roads status and maintenance and public transport.	Road network, list of all gravel and tarred roads, roads status and maintenance and public transport.	Update on road maintenance, challenges and constraints	Number and nature of roads

MWENEZI ETHNOGRAPHIC STUDY

The work in Mwenezi is based on a one year ethnographic study at Merrivale farm. Merrivale farm is situated along the 132 km peg, Masvingo Beitbridge R1 highway, in Mwenezi East district, Masvingo Province. The work was based on multi sited ethnography where the researcher resided on Merrivale farm for fifteen months, (March 2009- June 2010). In order to understand how women accessed land, the farming systems employed at the farm, social organization and other livelihood pathways and options employed by the women at Merrivale, the researcher engaged in participant observation.

10.2 Overview of activities for LandAC work

1. Preparatory workshop at Ruzivo Trust in June 2010 to further define content and issues to be worked on. (CS, TK, PM, PM, MC, BK, MD)
2. Methodological workshop in Leiden (MD and MR) and Zimbabwe (CS, PM, PM BK, MC) to define methodology of the analysis.
3. Analytical work on papers
4. First Round of reviews based on draft papers
5. Workshop discussing the papers 23 Nov at Ruzivo Trust
6. Presentation of papers during an international Conference on Agrarian and Rural Development in Africa: “Rethinking and Reconnecting Academia in Africa’s Agrarian and Rural Development Conference”. 24-26 November in Harare. Audience: Policy Makers and Practitioners from Zimbabwe (e.g. Ministry of Agriculture, Women and Land Zimbabwe, Sustainable Livelihood Forum Zimbabwe) and Academics from Zimbabwe, South Africa, Malawi, Zambia, Ghana, UK, The Netherlands and Sweden.

10.3 Overview of research papers written during the project

1. Synthesis report. **By Dr Prosper B. Matondi and Dr Marleen Dekker.**
2. Land Rights and Tenure Security in Zimbabwe after the Fast Track Land Reform Programme: Shamva Case Study. **By Dr Chrispen Sukume.**
3. Land Rights and Land Tenure post 2000 in Mazowe District, Zimbabwe. **By Manashe Chiwese (PhD student)**
4. Land, Resettlement and Social Organisation in Mwenezi District, Zimbabwe: A women centered approach. **By Patience Mutopo (PhD student – thesis complete).**
5. Land Rights and Tenure Security in Zimbabwe after the Fast Track Land Reform Programme. Findings on Land Tenure in A1, A2 and 3-tier: Mangwe District. **By Prof. Carroll Themba Khombe**
6. Perspectives on Land reform. A Review and the Relevance for Zimbabwe of Selected International Resettlement Experience. **By Prof. Bill Kinsey**
7. Key Turning Points in Kenya’s History of Land Governance: A synoptic Historical and Geographical Tour in Seeking Answers to the Country’s biggest Question. **By Dr Marcel Rutten.**
8. Settlement histories and the evolution of social and economic characteristics of resettlement farmers in Zimbabwe: 1980-2010. **By Dr Marleen Dekker.**