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SECURING LAND RIGHTS AND IMPROVING LAND USE AT GRASS ROOTS:

A look at the situation in Zimbabwe

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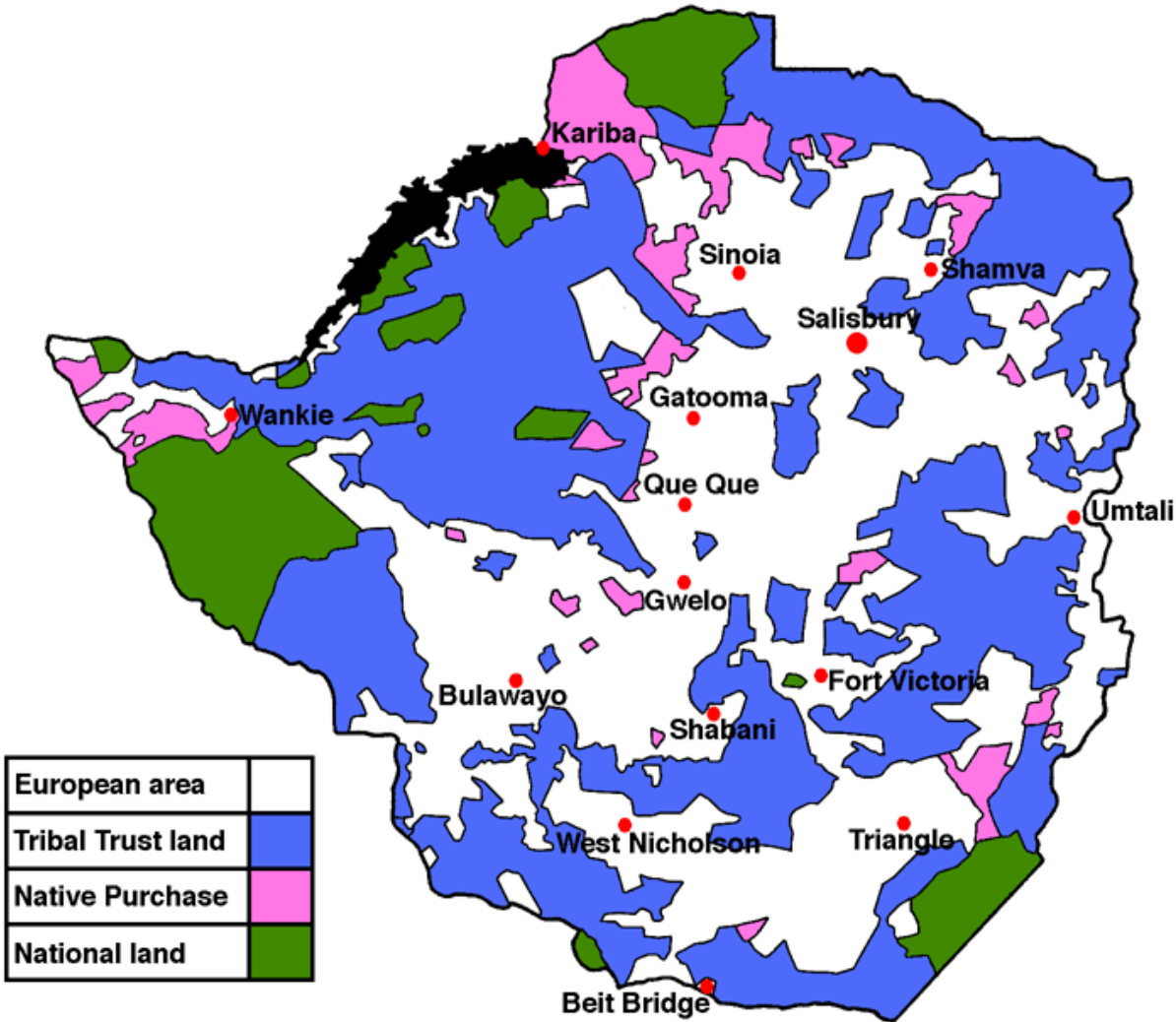
Compiled by Agricultural Recovery and Compensation
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Paper Outline:

- Introduction
- Land tenure: historical context & early reforms
- Property rights
- The effects of FTLRP
- Farmer Performance
- Strategies for recovery
- A Farmers' charter
- End

MAP 1: Land allocation pre 1980



Early land reform and changes 1980-1999

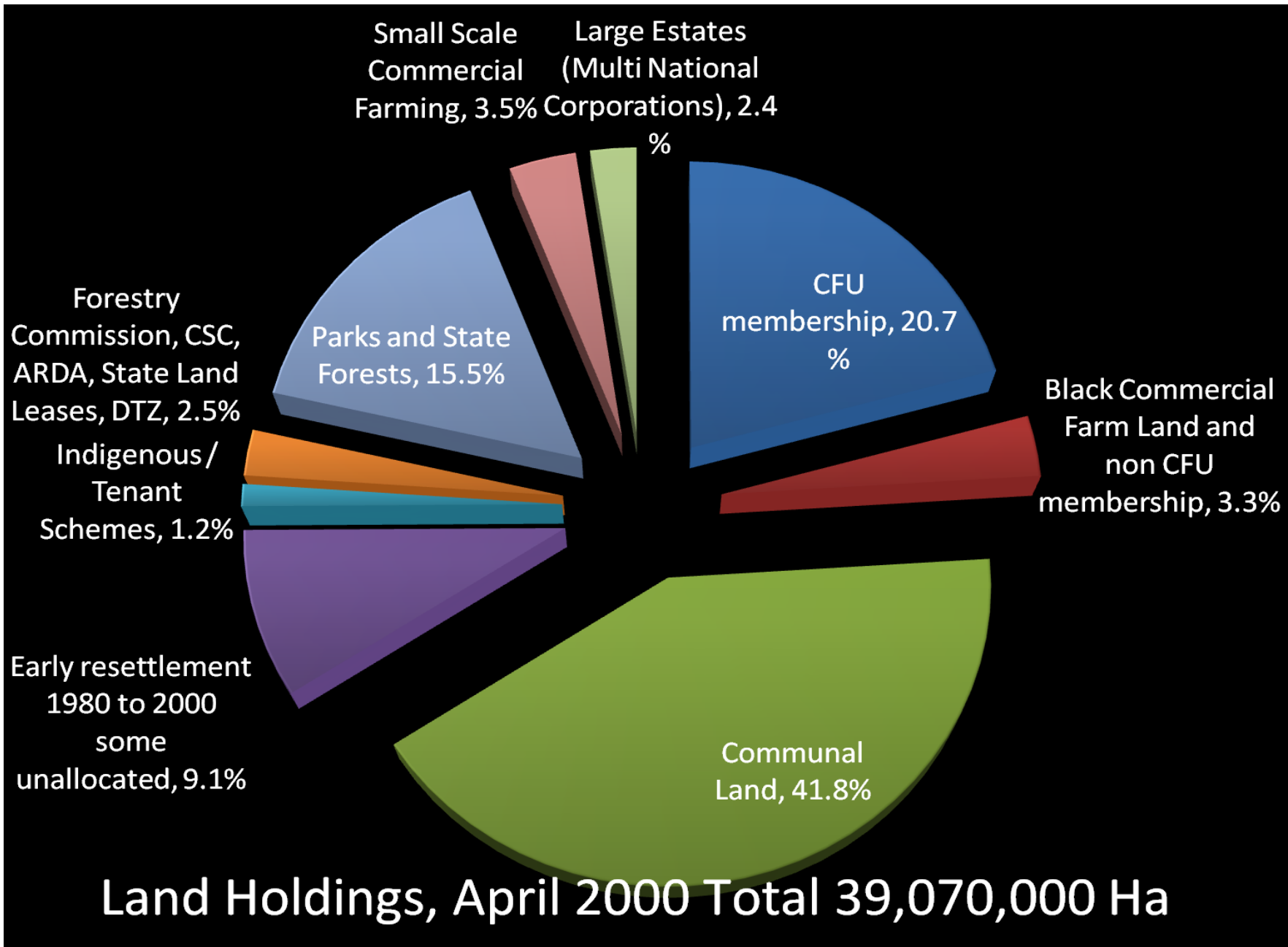
- 1980-Lancaster House : Willing buyer /willing seller for ten years
- 1992 Amendment 14 introduced compulsory acquisition
- By 1995 almost one third of commercial land purchased by state
- Funded equally by GoZ and Donors
- Significant progress in resettlement made slowed by mid 1990s when donors disengage
- Land purchased taken out of market
- Production in communal areas subsidized by cheap inputs
- Entrance of 1000 black commercial farmers with freehold
- GoZ Target 8.3 Million Ha Commercial land for resettlement

TABLE1:Distribution by sector prior to FTLRP 2000

SECTOR	HECTARES	%
1. Large Scale Commercial Sector	11 020 000	28.2
2. Small Scale Commercial Sector	1 380 000	3.2
3. Communal Areas	16 350 000	41.8
4. Resettlement Areas	3 540 000	9.1
5. ARDA (State Farming))	250 000	0.6
6. Parks/Forest Land (State)	6 339 000	16.2
7. Urban Areas	200 000	0.5
TOTAL	39 079 000	100

Notable omissions of early reform

- No land tax to incentivize or encourage production on large holdings and discourage speculative holdings
- No simple provision for subdivision of land holdings to increase access in the market
- Dual system unchanged



Property Rights

1. Communal Areas (state land)
 - Rights allocated by traditional leaders
 - No market
2. Resettlement land (state land)
 - occupation through Permits, Offer letters and Leases....neither tradable nor secure
3. Freehold land
 - Previously free market after GoZ first refusal, Title deeds registered

Effects of FTLRP on Property Rights

- Reasonable protection of private property until :
- a) amendment 16 in 2000 (British must pay for acquired land) and
- b) amendment 17 in 2005 (nationalisation of gazetted land without recourse
- Collapse of land market since FTLRP
- 11.2 million ha expropriated and nationalised
- 99% of the free hold land acquired
- Subsequent loss of collateral value and
- Land market collapsed

Departures from Law and Best Practice associated with FTLRP:

- Questionable motives
- Political violence and power agenda
- Partisan Police-Land a Political issue
- Departure from UNDP agreement
- Departure from Abuja agreement
- Lack of transparency, improper settler selection
- Compromised independence of judiciary
- Ouster of courts and retroactive legislation

Departure from best practice:

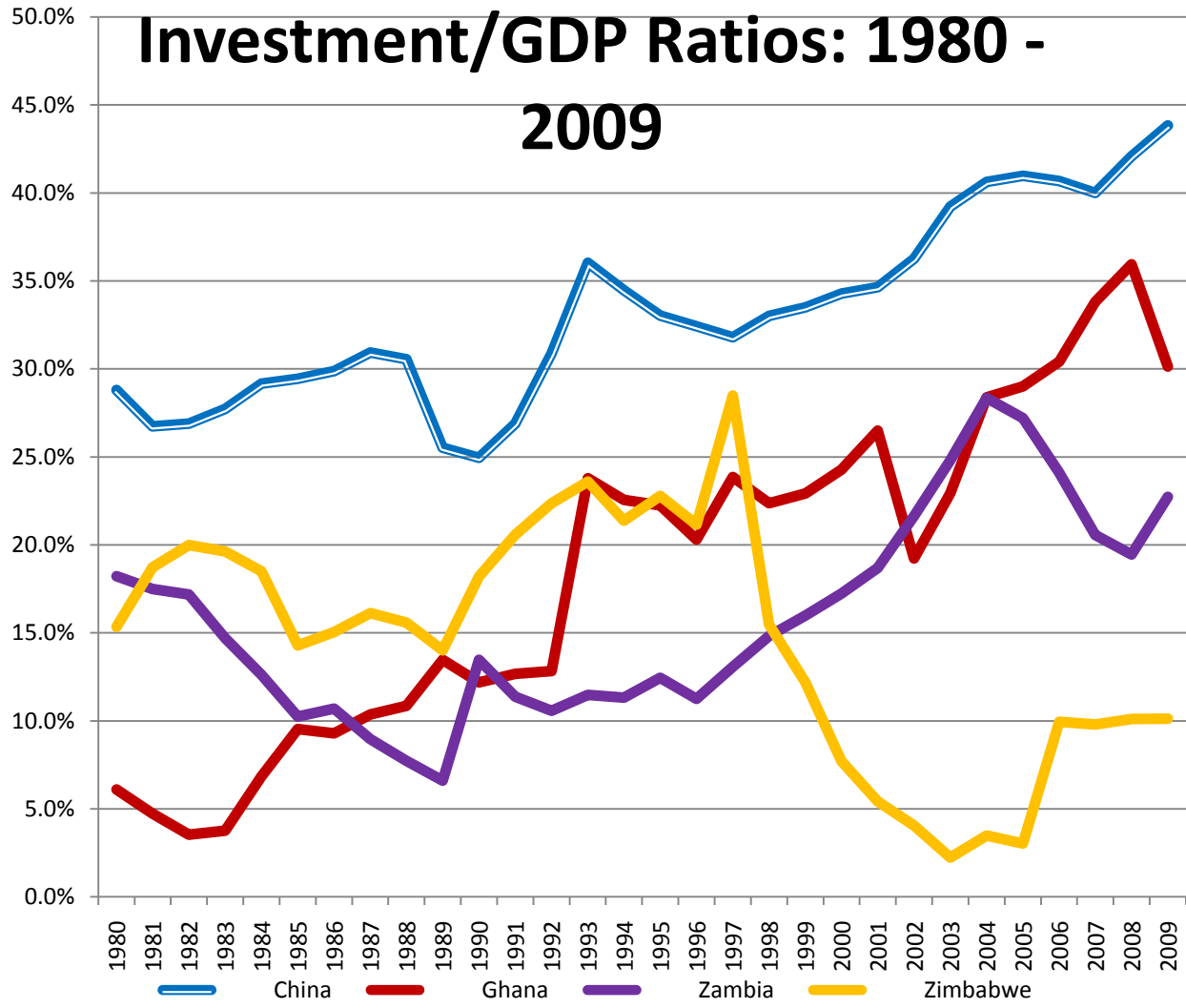
- No adequate provision in the national budget for compensation
- Disregard of BIPPAS
- Unilateral nomination of Britain as liable for land payment
- Ignoring International courts SADC and ICSID
- Lack of transparency and accountability as well corruption in land administration

Map2: Twelve years since the start of FTLRP, only those un-shaded areas on the map still have title to land and access to collateral on that basis.



Effects of FTLRP on Agricultural Output and the Economy

- Ag used to contribute 30% to GDP
- GDP in 2009 was half the level in 1998
- Collapse of commercial production
- Employment loss direct and downstream
- Loss of skills in Ag and downstream sectors
- Loss of bankable security
- Loss of access to International lines of credit



Poor Performance by Farmers

- Poor selection criteria...lack of skills/loss of skills
- Inadequate extension/appropriate mentoring
- Poor yields loss in viability
- Bad debts
- Loss of financial sector support
- Tax burden on the economy
- Depreciation of infrastructure

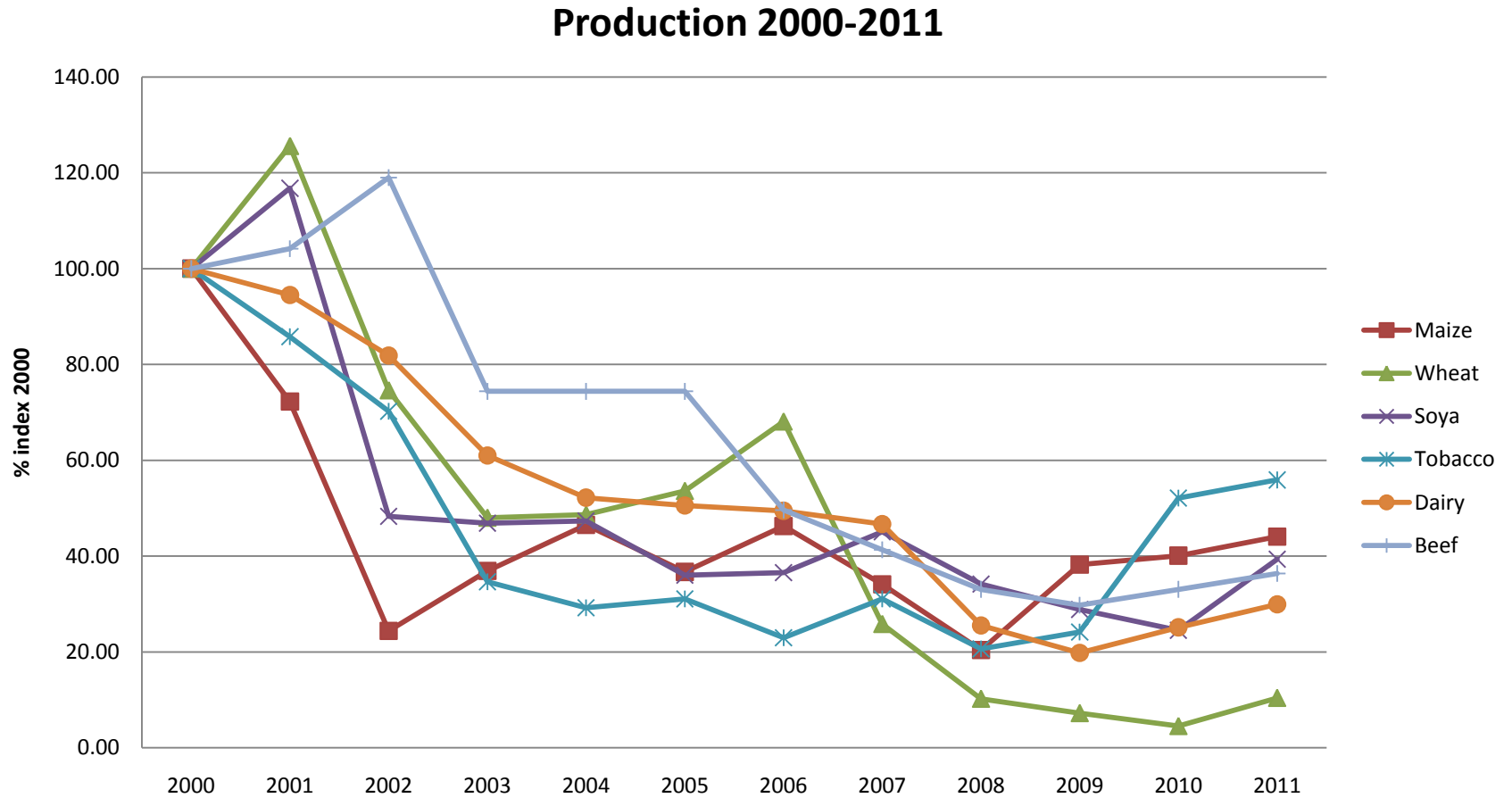
Table 2 :Comparison Large Scale Commercial Crop Hectarage

Crop	1999/2000	2010/11**	Difference
	hectares	hectares	hectares
Virginia Tobacco	75,000	41,600	-33,400
Burley Tobacco	1,800	n/a	
Maize (incl Seed)	160,000	162,835	2,835
Cotton	22,000	7,700	-14,300
Sorghum	5,500	2,600	-2,900
Groundnuts	1,200	8,800	7,600
Wheat	55,000	9,000	-46,800
Barley	5,500	5,000	-500
Edible Beans	2,100	n/a	
Soybeans	58,000	25,100	-32,900
Sunflowers	1,500	2,850	1,350
Potatoes	2,400	2,500	100
Coffee	8,400	100	-8,300
Fruit	8,000	n/a	
Sugar Cane	40,000	39,000	-1,000
Tea	6,000	5,500	-500
Horticultural Crops	7,500	n/a	
Paprika	4,000	270	-3,730
Fodder	5,000	n/a	
Silage	13,100	n/a	
Pastures	12,000	n/a	
TOTAL	494,000		

Key:** = inclusive of A2 farmers,

n/a= not available

Graph: Relative production of major commodities 2000-2011



Strategies for Recovery

- Rule of law and respect for property rights
- De-politicization of land governance
- Audit and demarcation
- Implementation of accountable and transparent governance
- Transferrable legal tenure instruments and leases
- Structured long, medium and short term finance
- Quittance for acquired farms

A Farmers' Charter

- Secure tenure with collateral value
- Fair expropriation
- Access to finance, markets, land, technology, inputs
- Balance in rights of Employees and Employers
- Sound regulatory environment
- Balance of environment and economics
- Fair value for production
- Protection from subsidized imports in competition to local production
- Protection from monopolies and unfair competition
- Removal of trade barriers

Issues for Charter continued:

- Key infrastructural development: water , roads and communications etc
- Govt. to facilitate a conducive business environment and reduce direct interference in the Agricultural Industry.
- Govt. to spend 10% of the national budget on developing the Agricultural
- That state taxes and levies must never undermine the viability of farming business

Thank you