

Restoring Security of Tenure for Zimbabwe's Agriculture Sector

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Land tenure determines who can use land, for how long, and under what conditions.

Land tenure may be based on policies and laws, as well as on unwritten customs and practices.

Secure tenure ensures access for the duration of land use, and incentivizes investments and best use of land.

The World Bank Group development goals are: **ending extreme poverty** and **boosting shared prosperity**.

- Extreme poverty to **less than 3 percent** by 2030
- **Income growth** to the bottom 40 percent of the population.

The extreme poor and bottom 40% categorically do not have legal security of tenure through land registration.

1 NO POVERTY

Target 1.4: “By 2030, ensure that **all men and women ... have equal rights to ... land and other forms of property ...**”



 SUSTAINABLE DEVELOPMENT GOALS



2 ZERO HUNGER

Target 2.3: “By 2030, **double the agricultural productivity ... including through secure and equal access to land ...**”

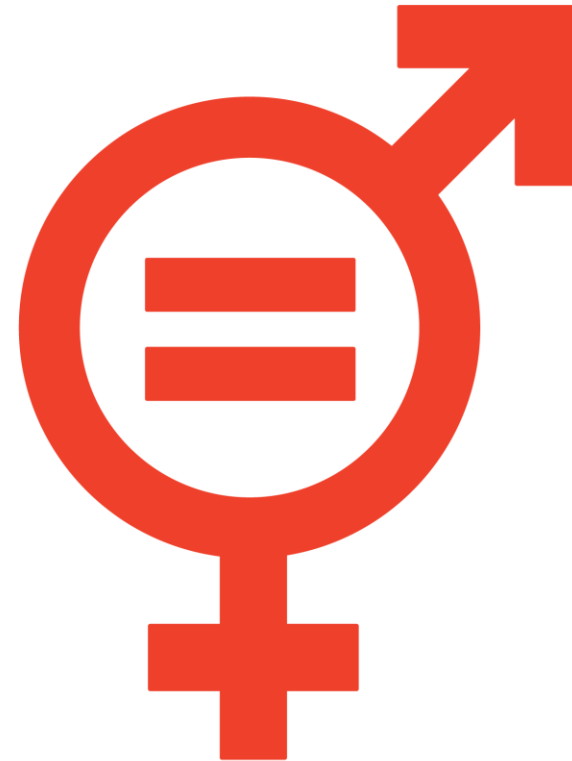


 SUSTAINABLE DEVELOPMENT GOALS



5 GENDER EQUALITY

Target 5.a: “Undertake reforms to **give women equal rights to economic resources, as well as access to ownership and control over land** and other forms of property”



In Short:

Security of tenure is key for ending poverty, eliminating hunger, achieving gender equality and sharing prosperity.

Security of Tenure in Zimbabwe

Customary Tenure in Zimbabwe

- Only in communal lands – not A1, A2, areas
- Arable, residential and common lands
- Vested to State, but owned by Tribal Chiefs
- In-community allocations

Evolution: Overpopulation/legal

pluralism/governance/commercialization

Equality: Land allocated to man for his family

Social Safety Net: One can always return

Farmland Tenure Historical

- Large and Small Commercial Farms held by freehold titles and leaseholds
- Fast track land reform 2000 – 201X, some 6400 confiscated, 12.6 million hectares, redistributed:
 - 135,000 A1 small holder farms, 6 ha, permit to use tenure
 - 16,000 commercial farms A2 farms, 99 year leases
- +/- 300 commercial freehold tenure farms remain – being offered leases

Land Reform – Impact to Tenure Security (1)

- Perception of farmland security of tenure ruined
- Zimbabwe's position in global community ruined
- Recent progress: Few hundred farms compensated for farm 'improvements' (e.g. buildings, facilities, infrastructure ...) [EU – UNDP support]
- Some cases of international arbitration have led to compensation for 'improvements' and 'land'

Resolving Confiscation Legacy

- New Dispensation: Government has promised to compensate confiscated 'improvements'
 - Fair compensation vs. government's ability to pay
 - Land reform beneficiaries' contribution to payments being discussed
- Comprehensive solution for valuation and compensation being sought

Land Reform – Impact to Tenure Security (2)

- Permits to use A1 farms - allocated based on layout plans, but no demarcation, surveys or registration.
- A1s not tradeable, A1 boundary disputes common [Add]
- 1/3 of 16 000 commercial farms surveyed, 99 years leases issued to only to some dozens of farms
- Revenue impact, security impact of latter
- Bankability of 99 years leases improved, loans not issued
- Agricultural sector financing uses other avenues

Legal Security of Tenure

- Zimbabwe has a historically strong land administration system with high standards and procedures.
- DSG (Department of Surveyor General) maintains cadastral records and maps, and cadastral surveys are performed by private surveyors apart from some State Land surveys that DSG performs in house.
- The Deeds Registry upholds high standards and is connected to the cadastral surveys through parcel numbers.

Legal Security of Tenure

- Land administration under-resourced, manual and old-fashioned
- Little progress with integration, access, and transparency
- Economic downturn and inflexibility impacted private surveyors, services unaffordable (4000 USD/farm)
- Cadastre not up to date for A2 farms, A1 not included

Restoring Security of Tenure for Zimbabwe's Agriculture Sector requires a multifold strategy and solution for

Commercial areas

- Historical farmland compensation settlement
- Introduction of legal security of tenure to current land users
- All farms (A1 and A2) to be surveyed, rights/permits/leases to be registered and permits/leases issued
- Revenues to be collected from farms to cover services and pay for farmland compensation
- Eventually responsible trading to be allowed as the key for good land use and access to finances, services and support

Restoring Security of Tenure for Communal lands

- Unless problems escalate, relying on historical evolution may be most feasible way forward
- Clarifying the powers between tribal chiefs and government
- Benefits of communal titling to be considered
- Security of tenure equality to be addressed analytically by awareness raising and policy and regulatory development

The Way Forward:

- Institutional and professional pride, and human capacities remain high and provide a good basis for **modernizing land administration services** through new technologies, system integration and improved access.
- Systematic land registration program to **complete permit and lease issuance** to all new farms needed for reducing disputes and improving access to financing.
- Restoring tenure security will also require a **social agreement on long term land policies**, a functional land dispute resolution approach and a comprehensive solution for pending farm compensation claims.

Solution?

- **Affordable, implementable and comprehensive compensation settlement** based on international best practice valuation, interest group negotiations and international community backing.
- Compensation implementation via **tradeable bonds**.
- **Farmland beneficiaries to generate revenues** to offset rural services and the compensations.

Prediction: *Tangible and intangible benefits (growth) will easily exceed the required investment.*

Questions for Discussion:

- Can Zimbabwe afford not to restore tenure security?
- Is the security of tenure with A1s adequate without registration and surveys?
- Should A1s be made tradeable?
- Should the land reform beneficiaries pay for the historical farmland compensation?
 - A2 leases? A2s got improvements.
 - A1 permit fees? Many A1 farms did not get improvements, but use the land for free.
- Is security of tenure adequate in Communal Lands – is surveying and registration needed?

Thank you