

THE PRESIDENTIAL LAND REVIEW COMMITTEE - A CRITIQUE

Below is the MDC's response to the President's Land Review Committee.

For those of you who are in Harare, the Lands and Agriculture Committee is having a public meeting on Thursday at 10:00 at Parliament to review the latest amendment to the Land Acquisition Bill and the Statutory Instrument that allows seizure of agriculture implements.

The meeting is open to everyone so please come if you can!

MOVEMENT FOR DEMOCRATIC CHANGE

THE PRESIDENTIAL LAND REVIEW COMMITTEE - CRITIQUE

1. Justification and Purpose

The following are commonly held views why the Presidential Land Review Committee was commissioned:

- . On the basis of the controversial Buka Report the President purportedly commissioned the work of this Committee to further probe into the findings of the Buka Report before he could take decisive corrective measures.
- . Furthermore, the fact that Buka Report had been leaked to the foreign press made it essential in the President's view to answer to the international community with a more comprehensive and forward-looking response emanating from this Committee.
- . The fact that the country had plunged into shortages of food especially the staple diet and that this was being linked to the Land Reform Programme also made it necessary for the President to commission a study that could show that there were other causes for the agricultural down-turn.
- . With the country virtually bankrupt while the major costs of getting the Land Reform Programme to be operational are still outstanding, the President saw the work of the Committee as a strategy of re-engaging the international donor community by firstly engaging the multilateral organisations to pave the way.

2. Composition of the Committee

- . Except for the Chairman and one or two other members, the Committee was populated with professional individual with the requisite knowledge and experience in agriculture and are generally regarded as non-partisan in a political sense.
- . The Chairman was a strong ruling party official with close links to the President and needless to mention, privy to the latter's thinking and way of doing things having been the Secretary to the President's Office and Cabinet.
- . Out of the nine members three were former Permanent Secretaries of the Ministry of Agriculture and one a longest servicing General Manager of Agricultural and Rural Development Authority (ARDA) all of whose mandate had a strong link to land and agriculture.

- The average age of the Committee members was over 50 years and nearly all are set in their ways and do not depend on the outcome of the current Land Reform Programme.

- Of the nine members three were women with only one of them having an agricultural background and the same member is a staunch ruling party activist and former Member of Parliament.

3. Terms of Reference of the Committee

The Terms of Reference were toned down to a point that it became voluntary for the Committee to embark on the pertinent and controversial matters and seemingly had to usurp powers from elsewhere to do so. There are major omissions on the objectives and pertinent issues inter alia:

- The link between the current hunger plaguing the country and the haphazard implementation of the Land Reform Programme.

- Partisan nature of allocation of land to applicants and abuse of the system by high-ranking Government officials.

- Use of compulsory acquisition of certain farms owned by enemies of the state as a punitive measure.

- Compensation for the expropriated land - compliance with the set rules.

- Loopholes in the system deliberately created for future abuse.

Some of the pertinent issues stated under the terms of reference were seemingly designed to limit the Committee from doing an exhaustive job, e.g.:

- Provision of agricultural inputs and support services for the optimal utilization of land tends to lead the study towards thinking that such inputs must be provided from a charitable source rather than obtained by the farmer as part and parcel of investment on the land. It also shields against the Committee investigating just how much inputs have actually been distributed covertly and corruptly under the guise of supporting the start-up settlers using taxpayers' money.

- The situation regarding infrastructure.....and any additional support required in this regard, tends to shadow agricultural production related infrastructure (irrigation water, marketing facilities) with the social infrastructure such as educational and health facilities. The latter should have been a prerequisite to allowing for any settlements.

- Measures necessary to ensure targeted production for each province....., implies that producers will be forced to produce certain commodities irrespective of the market demand and that may create a further need for controversial state subsidies that the state will certainly fail to sustain.

- The role of agribusiness (including indigenous companies) in the agrarian reform programme. This could have been intended to use the Committee as a vehicle for creation of business opportunities for black entrepreneurs in such areas as supply and distribution of agricultural inputs and marketing and processing of agricultural commodities. While that in itself could pass as a noble idea there has been a tendency by those

closely connected to government schemes to corruptly act as brokers of inputs and commodities thereby negatively influencing the costs to production and viability of the commodities. If the Committee were to endorse the need for, particularly indigenous companies to be given such business opportunities the overriding requirement for their participation should be to lower costs of production and improve competitiveness of the products.

- The merits of the demarcation undertaken on on-going agricultural concerns vis-à-vis productivity and viability considerations is a thinly veiled way of justifying invasion of farms that have not been served with Section 8, or those farms that have been delisted after some settlers had already moved in.

- The nature of governance in the resettled areas is supposed to incorporate matters of lawlessness and corruption.

4. Literature Review

This section on the report goes into a narration of colonial and post-colonial history in a tone that has been used by proponents of revenge style of land reform that uses that period in the country's history to justify lawlessness. In the post-Independence era there is little mentioned of the efforts, achievements and failures of the current government leaving the reader with no doubt as to the purpose of the Background to Land Reform section - a preface to revenge at any cost.

It glaringly distorts the efforts and content of the Land Reform Programme Phase II as presented at the 1998 Donor Conference in Harare and its resolutions that included the orderly approach to Land Redistribution that had the backing of the international community. It lists the shortcomings of Britain as one of the prospective donors, but fails to enlist the root cause of failure of the Inception Phase as the Government's cold feet in establishing the institutional framework for this preliminary step as agreed. Proposals for the Inception Phase were submitted and even approved by the Technical Support Unit (TSU), but Government could not guarantee a conducive platform for implementation of the approved projects. The politicians within the ruling party started to decampaign the whole programme in preference for farm invasions.

This section on the report is conveniently integrated with Context, Policy and Thrust of the Fast Track Land and Agrarian Reform Programme July 2000 - August 2002. The Committee's report agrees that the rejection of the Draft Constitution in a referendum held in February 2000 'strengthened the Government's resolve to embark on an accelerated land reform programme'. The report goes further to refer to the main Opposition Party as controlled by the British Government thereby shedding off all sense of disguise as to the mission of the Committee.

5. Methodology

The method followed by the Committee suits the hidden mission and objectives of the exercise and its main features are as follows:

- Commission of a nationwide data collection exercise - To give the impression that all previous data and knowledge is obsolete and that all recommendations will come from this new up-to-date information.

- Courtesy calls to high-ranking Government Officials such as the

Vice-President, Reserve Bank Acting Governor and other stakeholders likely to be mesmerised by the subject of land and then generalise that there were more Zimbabweans satisfied by the reform programme. This can then be passed for a democratic approach and anyone with a different view can be dismissed to be in the minority.

- The Committee also commissioned its Technical Unit to undertake specialised studies that would contribute towards the recommendations. The contributors were hand picked and the terms they were given were biased towards assumptions that if all was well what would be their recommendations for a way forward and for them to project what the yield of the programme would be then - All hypothetical.

6. Consolidated Findings and Recommendations

- A selection of Views on the Programme Implementation is completely biased towards proponents of the chaotic approach to the Land Reform Programme.

- Resettlement Models and Take Up Rates is quite quantitative but lacks on discussion of the causes of such variability within and amongst provinces.

- A 100 percent take up rate (Matabeleland South) just sounds exaggerated.

- Unofficially Settled Farms needed more discussion as this likely to be a major exhibit of irregularity. Definition of unofficially settled was needed.

- Production Patterns: 2002-2003 Summer Season does not provide objective (quantitative) data that supports the Committee's assertion that 2002-2003 was a good production year. The first bullet point under this section strikes the reader as a lame appeal by the Committee to take it from them that some new farmers did realise significant yields. The operating words here are some and significant. What the Committee seems to fail to appreciate is the fact that what is important is the sum total contribution of these farmers who got significantly good yields to the overall production. Tables 7 to 10 are irrelevant as they only show years 1999 to 2001 and mainly reductions in production for that matter.

- Former Farm Workers - The report is not quantitative on this subject that has been perpetually a bone of contention on a humanitarian level. The Land Reform policies continue to be insensitive to farm workers mainly regarding them as non-citizens and allies of white commercial farmers as cited on the fact that the former workers tend not to want to work for black farmers. Organisations dedicated to the welfare of farm workers such as Farm Community Development Trust and Gawpuz (Farm Labour Union) should have been interviewed and submitted their recommendations. (??)

- Issues in Programme Implementation - This section is apologetic for the planning failures of the programme and apportions blame anywhere else but on Government. Smart sanctions that came after all mistakes had already been made is blamed for some of the failures, particularly of Fast Track (2000) while it is common knowledge that the Government had already reneged on the agreed Land Reform Programme (1998). The issue of CFU members contesting compulsory acquisition is not valid as this was done within the provisions of the law and the failure was on part of Government in that it did not have the institutional capacity to process all the cases that were filed. By undertaking the programme in haste, it figuratively bit what it

could not chew and swallow and consequently choked. The capacity of the administrative courts were known and the Government was repeatedly warned by its own officers that the time periods allocated to each of the stages were not enough, but did not wisely utilise that advice choosing instead to continuously temper with the laws. The fact the Programme was implemented in a period of poor performance is not valid if one applies the cause and effect test. The failure of the national economy was caused mainly by irrational and inconsistent land reform approaches of the Government that were led by desire to manipulate the genuine uneven distribution of land in the country to its advantage in respect of elections at a time that the ruling party's popularity was plummeting. All other macro-economic fundamentals referred to in that argument were caused by the Government's disregard for good governance issues. The issue of linkages (backward and forward) of agriculture with the rest of the economy is nothing new and is trivial. Comments under paragraphs 6 to 12 simply accept that the Programme as pertains to Fast Track was absolutely ill conceived in spite of the abundance of good advice and will both internally and otherwise. Paragraphs 13 to 18 (save for 16) outline accusations of corruption while at the same time stepping gingerly in fear of exposing too much and therefore chooses to employ diversionary tactics of there having been a shortage of time to fully investigate the allegations. Paragraphs 20 to 24 attempts to add sentimental value to rural areas as being the home for urban dwellers and its value in liberating the country. The latter is a fixation of the ruling party in the wake of lost popularity in urban areas. This is used particularly with knowledge that prospective donors have an affinity for rural areas (particularly Communal), but the sad reality is that with all the assistance pumped into them the rural areas remain admittedly the poorest. Paragraphs 25 to 27 toy around with the policy of one-person-one-farm and bring various related issues that serve to confuse the simple issue of land rights. What the Committee should have focused on are the basic land rights of all Zimbabweans and access to the land through various legal processes. The reason why there is a scramble for land may not be the fact that all concerned want to use the land for one purpose or another than the fact that they may simply believe that they are entitled to it. This argument leads on to the confusion caused by Government itself when it issued certificates of no present interest to willing sellers of land and turned around and listed the same farms for compulsory acquisition. Interestingly, the buyers of land were in some instances the ones obtaining certificates of no present interest in corrupt circumstances. Generally, this whole confusion has engulfed the rural land market and slowed down investment into land-based commercial enterprises.

· Clarification and Reaffirmation of Government Policy on Land Reform and Resettlement - Land Identification remains even more confused than before the Committee sought clarity on it. Maximum Farm Size also remains noncommittal and is therefore open to abuse. There would be equally a need for the minimum sizes to aid in subdivision. One Person One Farm Policy is complicated by the fact that there is no straight forward land rights policy that cuts across the whole spectrum of society including high ranking party and government officials, ex-combatants, recently retired combatants of the Congo (DRC) war, etc. Lease Agreements or tenure arrangements should have been agreed at the point of conception of the various models of settlement. What if the settled household does not want the particular arrangement eventually offered? Will it be, 'Tough luck, go back to where you came from?'. Farm Workers issue is not being addressed comprehensively by Government and will resurface in a more serious version such as when people who were entitled to certain rights will be suing for damages. Country-to-Country Agreements - The fact that such farms have been affected by the Programme in the first place is inexcusable bearing in mind that the concerns were brought to Government's attention from the start. The former German Ambassador as well as the High Commissioner of South Africa are on

record for having appealed time and again to the Government on this issue, but while they were assured that the policy was not to touch such farms, reality on the ground was different. Policy on Continuous Gazetting of Farms - The Committee's Report states that the policy of wholesale gazetting of is being discontinued as a way of avoiding the facts on the ground that it is still going on. The only difference is that at one point since the PLIC had been disbanded it was now the Department of Lands that had the sole discretion of what farms to gazette. This was the period during which influential individuals were given the list of which farms had not yet been gazetted and even accompanied by the junior Land Officers on a farm shopping spree to select which farms they wanted and then the farms would be put on Section 5 and subsequently on Section 8 simultaneously with a directive from the Minister of Local Government (or any other powerful individual in the ruling party) to allocate the respective farms to the individuals that would have hand picked them. The continued existence of gazetting of farms is further negatively affecting confidence in investing in the agricultural sector and for the Committee to be evasive on this matter clearly indicates that their mission was not a honourable one. Buka Audit Report - The Committee seems to be answering with some authority that this Report will not be published instead of indicating its significant findings and how they have resolved them and then including it in full as an annexure. The Committee loses credibility by allowing itself to be used as a conduit for dubious activities by the Executive. Governance Issues in Resettled Areas - The Committee points out the obvious, but in an apologetic language. Lawlessness in the resettled areas is precisely fuelled by the fact that is no clear authority responsible for the chaos going on there. Rural District Councils, Traditional Leaders, Provincial Politicians, Local War Lords and PLICs all set the rules that seem to supersede powers of the Police. Ownership of Infrastructure and Equipment - The Committee simply relates intentions not reality on the ground. Most infrastructure is used by the persons given letters of caretakership by the Ministry of Agriculture when the farms were acquired. This was one way of assuring that favourite persons were allocated the prime sections of any given farm. Access to infrastructure by the other inhabitants is riddled with conflict and contributes significantly to despondency particularly on Model A2 Schemes. Most of the infrastructure such as water pumping equipment and fences were looted during the period of farm invasions. Fate of LA3 Forms - The Committee seems to be talking authoritatively on this matter as if it will be a permanent body that will actually ensure that what it states will happen. What seems to be missing in such statements is the urgency with which such matters should have been handled in order to restore production in the affected farms. Resettlement in the Contested Zones - Again, no answer is offered by the Committee except that the matter is being looked at by a collection of authorities that should have done the same in the first place and probably did and failed to agree. There is no reason why they will reach an agreement now. Fresh Farm Invasions and Defiant Settlers in Gonarezhou National Park - The case of Gonarezhou National Park is clear testimony to what happens when Government condones lawlessness albeit for a conveniently short time and expects the criminal to repent and return to the previous status. The invasions were fuelled by ruling party politicians who simply wanted to prove an already proven point that peasants need land. Now the whole process of rectifying the problem will cost the taxpayer even more as the invaders have been given rights by a law that was clandestinely promulgated to protect invaders. Dual and Multiple Allocations - This is a problem related to deliberate manipulation for institutional or individual gain. It is inconceivable that the Ministry of Agriculture can fail to master such a database while it is known to operate much more complex ones. Peri-Urban/Green Zone Resettlement Schemes - This is just a wish and a frontier for future corruption. Again, the Committee is being used to admit or sneak in new schemes whose motives are not fully documented. Delisting of Dairy Farms in Mashonaland East - This paragraph seems to be out of place.

However if one looks at critical commodities dairy is just one of them. Why not delist tobacco farms, horticulture etc? Withdrawal of Offer Letters from Mashonaland East - This is purely a petty administrative issue that did not need this Committee to resolve. If Mashonaland East Province machinery fails to deal with such simple matters of arithmetic then one must question whether they are competent to man such offices. Winter Wheat Programme - The Committee rightly points out some problems were encountered in the wheat scheme but quickly jumps to indicate that all will be well soon. Some of the problems that affected the wheat programme this year are the continued disruption of farm operations by invaders as well as compulsory acquisition notices. In addition, there was diversion of inputs intended for the programme to other farmers in corrupt deals involving the scheme operators within Grain Marketing Board (GMB). That the deregulation of the oil industry will improve availability of petroleum fuel (diesel) is as good a guess as anyone's. Targeted Production and Input Supply - The Committee states what will be required and hopes that, based on last year's experience resources will be mobilised to cater for the requirements. What is disturbing though is the fact that this late into the season seed has not been secured. Measures Being Taken to Mitigate Maize Seed Shortage - The Committee has done its best in cataloguing the requirements but the strategies proffered are far-fetched and unachievable. This is a national disaster! The main advice they could have come up with is whether to import seed now or the grain later. The former may sound noble, but it is more risky as there will be no assurance that just because you distribute seed to farmers they will successfully produce the maize under the current conditions of uncertainty. The latter costs more in foreign currency.

7. Recommendations on Critical Issues of Policy and Reform Post-Fast Track

- . Planning for the Transformation of Zimbabwe's Agriculture - This section is confusing in that it seems to suggest a fresh start to everything yet the so called transformation is already well underway. Is this an admission that there was no planning before? There have been many brilliant strategy documents tabled before but they are not worth the paper they are written on if there is no genuine commitment to their content from the powers that be.

- . Reform of Key Institutions of Government Involved in Agriculture and Water Resource Development and Management - While there are some reasonable recommendations from the Committee on restructuring of parastatals, these recommendations are detached from the subject matter of this study, i.e., the land reform activity thus far. Moreover, a better job on reform of key institutions can only be derived from a much more comprehensive review of particular institutions. To some extent reform of key institutions without adequate planning and consensus has caused breakdown of essential services that were provided by the respective institutions. Agritex to AREX transformation is a case in point. Agritex was consistently being reformed and redirected until it lost relevance and was then replaced by AREX an equally if not worse entity in terms of direction and focus. Cold Storage Commission (CSC) also reformed itself to oblivion and so did Agricultural Finance Corporation (AFC)/Agribank not to mention Agricultural Marketing Authority (AMA) to Agricultural Industry Fund (AIF).

- . The Gender Dimension of Agrarian Change and Reform - While the recommendations are noble there is an omission on the institutional framework that would implement and verify compliance, as the latter has been the overriding problem on past pronouncements of quarters for various gender groups. The committee tends to equate the term gender to women, which by

definition is wrong.

- Medium and Long Term - This section is a collection of reasonable recommendations that if properly framed can be achievable and valuable for the rural communities.

- Farm Sizes and Review of Resettlement Models - The Committee rightly recommends that the plot sizes be varied in accordance to the physical features ambient in each of the local circumstances, but there is need for enforcement of some pertinent features of the models such as ownership or access arrangements.

- Cost Recovery Issues - The Committee concurs with the initial concept in respect of cost recovery and goes on to detail to some extent the items that should attract payment by the new settler and the possible payment arrangements. It falls short, however on the method of cost determination with particular reference to current value, replacement value or market value of the items to be paid for as well as the interest element on the proposed 5-year facility bearing in mind in all cases the hyperinflationary circumstances under which such transaction would have to be made.

- Legal Issues that Arise from the Fast Track - The issues raised under this paragraph do not pertain to Fast Track only, but to the generality of the Land Reform Programme.

- Information and Communication Needs for Agrarian Reform in Zimbabwe - This section simply recommends further methods, tactics and gimmicks for indoctrination of citizens into accepting that land is of paramount importance in the current crisis.

8. Production and Marketing

This chapter discusses future plans and has little relevance to the existing. It is more of a wish list intended for soliciting for support.

9. Water Development and Irrigation

This chapter also dwells on general issues not directly relevant to the current status of the Land Reform Programme. Government already endorsed most of the recommendations, but their implementation is what remains illusive.

10. Plantations, Forests, Safaris and Conservancies

This chapter reinforces the fact that invaders of conservancies must be evicted immediately if Zimbabwe would like to promote its tourism industry with some level of success.

11. Role of Private Sector

Private sector, as the Committee correctly points out is quite responsive to straightforward programmes that are predictable. Unless Government can show some level of consistency in its own programmes private sector will be reluctant to fully participate. On the other hand, Government must guard against private sector based corruption that is infiltrating agricultural sector through loopholes seemingly deliberately created within Land Reform

related support schemes.

12. Skills Training and Extension Services

The Committee rightly recognises the need for farmer training. If the Land Reform programme had been properly planned farmer training would have been done much earlier in the programme whilst land identification and negotiations for its acquisition were in process. This would have ensured that skilled farmers were allocated the land and would produce additional value and wealth for the country, not destroying the existing only to go back later to the drawing board.

13. The Agrarian Reform and Protection of the Environment

Contrary to what the Committee sees as the cause for destructive activities in the resettled areas, the main cause is lawlessness due to the subdued law enforcement. The settlers are literally mining the resources they find on the farms because there is no effective law enforcement mechanisms empowered on farms that are settled. Clear tenure arrangements could also alleviate the destructive activities currently gripping the resettled farms.

14. Funding Mechanisms

If the Government was serious about supporting the Land Reform Programme they should have implemented it at a pace commensurate to their fiscal capacity and geared up its institutions such as AFC/Agribank to fund the process. It is too late now to create a bank that will fund the chaotic programme. In fact Agribank executives have good reason to be reluctant to plunge into the chaos. There is no amount of money that can cover the bottomless pit that characterises the current status of the Land Reform Programme. What Government must do is to correct the fundamentals such as inflation, exchange rate, governance, etc. By genuinely starting to address these matters, the Government will attract some goodwill from sensible partners that will elevate it to economic recovery. The time for academic discussion has long expired.

15. Shortcomings of the Report

- a) The Report failed to account for the disparity between the 11 million of ha of land acquired and the 6.4 million ha which were allocated.
- b) The Report failed to give the total number of farm workers who affected by the fast track land resettlement programme.
- c) The Report refers to a "contradiction" between the Land Acquisition Act and the Constitution. What actually is the case here is that there was a violation of the Constitution rather than that it is a mere contradiction.
- d) The objective as per the Report of the Land Reform was the decongestion of Communal Areas, however the Report fails to say how such decongestion will be achieved since most of the land has been allocated without any meaningful decongestion.
- e) The Committee failed to consult the Portfolio Committee on Land and Agriculture, neither did it consult Organisations representing farm workers.
- f) The Report failed to address those criminal activities that were

perpetrated during the Land Reform Programme.

g) The Report was sanitised to give credibility to the chaotic Land Reform Programme as witnessed by the failure to give a list of those allocated multiple farms.

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