

LAND AND AGRARIAN REFORM

Resolving the land issue once and for all

The MDC has always recognized the need for land reform and has, since its inception, called for reform and equity in land occupation and use. However, the party rejects completely the manner in which ZANU(PF) has pursued the land reform issue since 2000. In fact, it is the view of the MDC that this exercise has compounded rather than resolved the land issue, and at the same time it has destroyed the core of the national economy and its food system.

When the MDC forms the next government in Zimbabwe, it will accept neither the status quo that existed prior to 2000 nor the position it will inherit after eight years of mayhem and destruction by a criminal elite.

The MDC is fully committed to righting the historical imbalance in land distribution. An MDC government will bring the land crisis to closure through a democratic and participatory process that achieves equitable, transparent, just, lawful and economically efficient distribution and use of land, both for agricultural and other purposes. This policy statement lays out how an MDC government will attain these objectives.

The MDC will establish a Land Commission under an Act of Parliament that will create an independent, autonomous and professional body to oversee the land-reform process in a new Zimbabwe. This Commission will conduct a comprehensive physical and legal audit of land occupation and ownership in Zimbabwe as its first task.

On the basis of the outcome of this audit, the Commission will determine the status and future of all existing settlement, the status of those holding title, and a method of regularizing the situation without further dislocating farm output or disturbing those in productive occupation of farm land.

The Commission will review all land-tenure arrangements so as to secure the rights of those in productive occupation of farm land and of those who hold title at present and wish to resume farming. New farmers in productive occupation of land who currently do not have security of tenure will be offered leasehold occupation with the option to purchase the land.

The MDC will also establish a system of compensation for displaced farmers that will address their rights, make restitution for their losses, and ensure justice for those whose basic rights, including the right to safety and security and life, were

violated. Those farmers who have been displaced and who no longer wish to resume production will be dealt with fairly and within the same framework as all other landowners. It must be noted that this is an extremely serious issue for any new government that takes over after the next elections. Potential total claims for losses by displaced farmers are thought to exceed US\$8 billion and will, by the time the transition takes place, be backed by several local and international court cases.

The MDC further recognizes that the dual economy, created in part by the existence of separate land-tenure arrangements for commercial and communally occupied land, must be addressed. The Land Commission will be required to examine the situation in the Communal Lands and, in consultation with all stakeholders, address the need for greater security of tenure of individual peasant farmers and communities.

Once these preliminary exercises are complete, the Land Commission will draw up land-settlement plans for all farming districts in consultation with local stakeholders, and will thereafter supervise their implementation with State assistance. These plans will take full account of the need to provide security for new settlers, the restoration of agricultural production and productivity, and a rapid reduction in rural poverty and insecurity in all districts.

RESOLVING THE LAND ISSUE

Land involves social, legal and economic relationships. That being the case, there should never be any ambiguity about land as a legal expression. Any future democratic constitution must thus recognize property rights (private and State) and must recognize land and its ownership as a basic ground norm, which will be consistent with international conventions such as Universal Declaration of Human Rights and the African Charter on Human and People's Rights. These basic rights and norms in respect to title rights in agriculture have been consistently and violently violated over the past eight years.

If land is a constitutionally protected human right, then its acquisition and distribution must also be a constitutional issue. This means that the distribution of land for the public good must be totally de-politicized and must not be subject to the whims of an executive driven by political concerns. The task of redistribution and acquisition must be entrusted to the Land Commission, duly set up by an act of Parliament, whose majority members must be experts of integrity with guaranteed security of tenure.

The Commitment of the MDC

While respecting the historical, constitutional and legal rights of commercial farmers, the MDC will not return to the pre-2000 land-ownership patterns, neither will it condone the inequitable and aberrant land distribution that has resulted from

the ‘fast-track land reform’ process. The MDC has always supported redressing the historical imbalance in the distribution of land, but is unreservedly committed to bring Zimbabwe’s land crisis to closure through an inclusive, participatory and professional process that seeks to achieve the equitable, transparent, just and efficient distribution of land.

The MDC will insist that a sustainable land-reform and settlement programme is administered effectively under the rule of law, and that the programme alleviates poverty without compromising national agricultural production. The MDC’s land-reform programme will be based on need and ability, and will revitalize the economy, empower farmers, including women, enable the social recovery of farming communities, and facilitate sustained productivity and growth in agricultural production.

Land Tenure

Land will be held under one law for all the existing forms of ownership – private, State and communal. Such law will be fully expressed in the new constitution in order to give investors confidence and security. The MDC will ensure that there is comprehensive land legislation in place that allows both for the private ownership of land secured through title deeds and for community ownership of land, which may be expressed in various forms, including registered rights. Married women will be allowed to hold title deeds in their own right.

The MDC believes that the communal system should not be expected to be a permanent feature of land tenure in the long term. The new system of land tenure will be progressively transformed so as to break the dual economy that exists in Zimbabwe. In the first instance the MDC will maintain freehold tenure where it exists, and offer resettlement and small-scale farmers long-term leases with options to secure title through purchase. Resettlement schemes operating with communal grazing will be given the option of being replanned and demarcated into individual, self-contained family farms. In the communal areas, rights over land and resources will pass from the State to village or ward assemblies. In villages, land may be surveyed and households issued with land registration certificates for residential and arable land. All such reforms will be planned and executed by the Land Commission with the participation and consent of local farmers and leaders.

Principles of Land Reform

The MDC’s land-reform programme is based on the following principles:



The historical imbalance in the pattern of land distribution must be addressed urgently in a fair, lawful and transparent manner in order to bring Zimbabwe’s land question to closure.

- ✎ The State has the authority to acquire land in the interest of the public good, and to resolve Zimbabwe's land crisis by distributing land on the basis of need and ability.
- ✎ Constitutionality and the rule of law are the basis on which a democratic government will resolve the land crisis. Accordingly, citizens share the fundamental right to the protection of their person and property and to be selected for settlement regardless of their gender, race, ethnic origin, religion or political opinions.
- ✎ An inclusive consultative process that builds trust and confidence between stakeholders and policy-makers is required to reach broad consensus on the means to achieve the reform programme's policy objectives. Special measures will be put in place to ensure the full participation of women in this consultative process. All those affected by acquisition and settlement decisions must be consulted and disputes settled in a court of law.
- ✎ The success of the programme is premised on sound land administration: transparent and cost-effective land-acquisition, farmer-selection, land-allocation and compensation processes; the provision of basic infrastructure and facilities; and adequate loans, training and services for settlers to farm productively.
- ✎ Land must be productively used and properly conserved for the optimum social and economic benefit of farmers and the nation alike. Land is a finite resource that imposes stringent limits both on the number of people who can earn an adequate livelihood from farming and on the number of families that can be settled.

CROSS-CUTTING LAND POLICY ISSUES

The immediate priority will be to establish and empower the Land Commission. The following cross-cutting land policy issues are spelt out in particular.

Settlement Models

The MDC will move away from standardized, centrally imposed settlement models by adopting a more practical and flexible approach to the size of farms allocated to settlers. It will allow farmers greater choice, depending on their resources, their changing economic circumstances, opportunities and needs.

Instead of each farmer being allocated the same amount of land, the nature, size and quality of the land offered will be related to farming and managerial skills, financial resources, and the type of farming operation envisaged. The Land Commission will develop a regulatory framework for settlement defined by the need for security of tenure, incentives for investment and productivity, and the flexibility for a range of livelihood options that give substance to the MDC's 'people-centred' approach.

Co-development

Co-development is a concept whereby commercial farmers agree to work with their neighbours, and even existing settlers on their own property, to their mutual benefit. Co-development seeks to defuse racial, ethnic or class tensions by opening up new avenues for co-operation and building good neighbourliness by placing development at the core of reconciliation and national healing. The expectation is that the principle of co-development will foster co-operation based on mutual agreement, tolerance and accommodation within the rule of law and in accordance with the principles of justice.

The principle of co-development will be used to allow large-scale commercial farmers to work with and assist their small-scale neighbours and settlers.

Land Tax

Rural District Councils already impose a land levy, which is based on the unit area of a farm and therefore constitutes a form of land tax. To encourage the full utilization of land, the MDC government will introduce a more sophisticated progressive land tax designed to release underutilized land through subdivisions and to remove incentives for speculation in agricultural land. A properly constituted land tax has the added advantage of raising revenues without distorting commodity prices. It is intended that the proceeds of the land tax will accrue to Rural District Councils for improvements in public services and infrastructure in the area in which the farm is situated.

Land Market

At present the market for agricultural land is virtually frozen. Once the status of different properties is established by the Land Commission and ownership confirmed, such land might re-enter the land market and be available on a willing-seller and willing-buyer basis. In the longer term, when the land-reform process is complete, market mechanisms will have an important role to play in ensuring the efficient adjustment of land-holdings in order to achieve national social and economic objectives. In anticipation of the progressive development of a land market in all areas of the country, a regulatory framework will be put in place to encourage the development of an efficient and vibrant land market while at the same time having built-in safeguards to protect the poor and vulnerable.

THE LAND COMMISSION

Establishment, Powers and Accountability

The MDC will, at the earliest opportunity, establish by an Act of Parliament an impartial, independent and well-resourced professional agency to be known as the

Land Commission. Members of the Commission will be selected according to the provisions of the Act and be persons with a keen insight into land policies as well as with the technical ability to manage an effective and sustainable land reform process. Special measures will be effected to ensure substantial representation in the Commission by women.

The Land Commission Act will vest the Commission with the powers and authority necessary to carry out its mandate to plan, co-ordinate and monitor the implementation of an all-inclusive, orderly and transparent land reform and settlement programme. In particular, the Commission will have the power to rationalize the settlement of land and develop an equitable, transparent and sustainable system by which land is allocated to eligible persons. Where necessary, the Commission will be able to repossess farms. It will also fix the terms and conditions under which settlers may occupy agricultural land.

The Land Commission Bill, when drafted, will be subjected to stakeholder scrutiny before being submitted to Parliament. The Act under which the Commission will be founded will have a limited life span. After five years it will expire unless Parliament decides it is necessary to extend it. This will enable Parliament to review or revamp the mandate of the Land Commission, or simply to end the Commission once the land issue has been concluded. The Land Commission will at all times be answerable to Parliament, with formal reporting requirements being laid out in the Act. The Land Commission's decisions and actions will be subject to review and judicial appeal.

Functions

The Commission's main functions will be to:

-  Carry out a land audit of farms settled under the 'fast-track' programme to establish the physical and legal status of landholdings.
-  Initiate a consultative process, involving key stakeholders, to build consensus and understanding on the policy framework and objectives of the land reform programme.
-  Review and rebuild the capacity of a network of State and non-State organizations that will participate in the implementation of the land reform programme.
-  Formulate, consolidate and present land settlement plans, programmes and budgets for parliamentary approval.
-  Undertake a land rationalization and a co-development programme to bring farmland back into full production at the earliest opportunity.
-  Co-ordinate the implementation of the land reform programme through a network of State and non-State agencies to, *inter alia*, rationalize settlement,

- facilitate co-development, select and settle farmers, re-plan farm subdivisions, survey boundaries, provide secure tenure, negotiate terms and conditions of occupation, assess and pay compensation, and solicit and channel funding for the provision of adequate social and physical infrastructure and facilities.
-  Monitor and evaluate the progress of the land reform programme.
 -  Make recommendations for a regulatory framework for the evolution of an efficient land market that provides safeguards for poor and vulnerable farmers.
 -  Investigate, with the full participation of traditional leaders and the communities so affected, the reform of tenure rights in the communal areas in such a manner as to eliminate all communal land-holdings within the shortest possible time, the objective being to give small-scale peasant farmers greater security over the land they occupy and use.

Land Audit

The Land Commission will, in good faith, consult closely with those stakeholders committed to agricultural recovery and to a land reform process that recognizes the primacy of the rule of law. Its aim will be to build a broad understanding of the precepts, principles and policies underlying the land reform programme as it proceeds with its mandate to implement it.

The Land Commission's first major task will be to carry out a professional and independent land audit by gathering reliable information on the physical and legal status of all land under occupation and use in Zimbabwe.

The physical component in respect to commercial farm-holdings will capture and verify the main physical and legal attributes of the farm, such as the farm's location, name and size, and the description of title deeds. It will also gather on-farm data, such as the pattern of subdivision and settlement, details of model A1 and A2 settlers, and how the land is being utilized, identifying 'vacant' and underutilized land. The survey teams will then consolidate and classify the information on a digitized mapping database.

The legal component will consist of an analysis of the constitutionality and legality of measures taken during the 'fast-track' programme. It will include an accurate record for each farm of the legal and extra-legal processes undertaken and will clarify the legal status of farmers, settlers, and the land they own or occupy.

Special attention will be given to land set aside for wildlife conservancy and use and for forest areas. In addition the status of land-holdings in the communal and small-holder areas will be surveyed and reported for use in overall planning and land use.

District Land Commission Committees

The Land Commission will establish a subsidiary district committee in each of the administrative districts of the country. These committees will incorporate representatives of all stakeholders, as well as Rural District Councils and traditional leaders. It will be the responsibility of these committees to advise the Land Commission on all matters affecting the land reform exercise in their district.

Once the Commission has approved an overall plan of settlement for individual districts, the local district committees will advise and assist in implementation.

Rationalization

As soon as the findings of the land audit are available, the Land Commission will embark on a process of rationalization. The rationalization of land allocations and settlement will reconcile on-the-ground realities of farm occupation with the MDC's land policy principles of justice, accountability, need and ability. In carrying out this task, the Commission will – on a farm-by-farm basis, or dealing with categories of farms – adjudicate on the fairest and most practical course of action to bring reconciliation, order and recovery to the agriculture sector.

Where people are found to have been settled in terms of the criteria of the Land Commission Act, or are subsequently legitimately settled, they will be fully supported. The State will give high priority to programmes to ensure that settlers have the inputs, working capital and technical assistance, as well as security of tenure, needed to make their farming ventures succeed.

THE LAND REDISTRIBUTION AND SETTLEMENT PROCESS

Land Acquisition and Compensation

The Land Commission will facilitate the transfer of land to meet the redistributive objectives of the programme and arrange fair and adequate compensation for those farmers whose land has been so acquired. It will establish the rules and criteria both for the acquisition of land for resettlement and for the payment of compensation. It will then recommend to Parliament the legislative measures necessary to give effect to these rules and criteria.

The MDC is committed to meeting its constitutional obligations to pay fair and adequate compensation for land and improvements, and will provide reasonable compensation for losses of property based on independently adjudicated claims. Compensation, however, should not jeopardize the financial requirements of the land reform programme and the recovery of essential social services. The Commission will therefore devise innovative ways and cost-effective means of providing compensation

without draining the resources needed for the MDC's wider programme of recovery, growth and transformation.

Special courts will be established in all major urban centres to establish the extent of any compensation claims. These will operate under the direction of either the Land Commission or the Truth and Justice Commission. As indicated in the section on the latter, compensation will be restricted to fixed-asset losses only, will be tied to title deeds, and will be made available only for reconstruction purposes.

Subdivision and Farm Planning

Where necessary, the Commission will re-plan and subdivide large commercial farms, using the skills of professional planners and surveyors, to suit a number of smaller farmers. Moreover, it will be tasked with co-ordinating the proper re-planning of farming districts to enable agricultural service centres to flourish. Infrastructure, such as schools, clinics and government services, will be located at these centres. Care will be taken to allow communities to emerge in all areas on a coherent and social basis.

Settler Selection

People eligible to apply to be allocated land will be those who do not already own land, or who cannot afford to buy land. The procedures for applying to the Land Commission will be inclusive, giving all eligible Zimbabweans a fair opportunity to apply. From the applications received, the Land Commission, using implementing agencies, will select farmers for settlement in a transparent and objective manner that gives every applicant the confidence that their application will be fairly processed according to carefully laid-down criteria and procedures.

The selection of settlers will be based on need and ability. Preference will be given to those applicants who have farming knowledge and proven farming ability, and to those who do not have an alternative source of livelihood but who have a demonstrable commitment to farming.

Applications for land will be evaluated on a non-partisan basis and purely on their own merits, regardless of gender, race, ethnic origin or political opinion. However, in view of the need to address the historical imbalance in land distribution and the traditional bias against women, the Commission will have discretionary powers to give preference to certain groups, notably agricultural college graduates, women, the disabled and other disadvantaged groups. In the interest of transparency, however, it must justify its decisions, disclose the extent of the benefit, and assess how this benefit will impact on other eligible applicants and the programme as a whole.

Land Allocation

A household selected for settlement will be allocated only one piece of land. Female and child-headed households will be given special consideration, as explained above. Those who lay claim to two or more farms will have to show why this should be allowed. In special circumstances such farming units may comprise more than one title deed. As the land market develops and a regulatory framework for a land market is established, successful farmers will be permitted to acquire more land.

Wherever possible, successful applicants will be settled in or close to their own home area. Settlement will be concentrated in schemes to facilitate the provision of technical advisory and extension support, as well as infrastructure, social services and other facilities. The objective will be to give settlers every opportunity to succeed in their new ventures.

Settlement

The Commission will streamline the process and mechanics of the settlement process. This will include establishing the terms, conditions and tenure arrangements under which settlement may take place for different categories of farms and farmers, and standardizing the concessions and terms of loans available to different categories of settlers. Settlers will, in consultation with the Commission, be required to prepare and adhere to farm plans and, if necessary, to undergo further training.

Performance indicators will be established to monitor the progress of settled farmers. If they fail to make productive use of the land, the Commission will be empowered to give the farmer an opportunity to perform better or to relinquish the land to give other potential farmers the chance to prove themselves.

Agrarian Reform and Agriculture

The MDC uses the term ‘agrarian reform’ to refer to the transformation of rural people’s lives to make them fully productive and wealth-generating. While land reform is regarded as a programme for the transfer of control, ownership and tenure of agricultural land, agrarian reform necessarily has much broader scope, seeking to restructure the entire agricultural sector and to industrialize the rural areas.

Agrarian reform thus embraces not just land reform (primarily in the former large-scale commercial farming areas but also in all other areas occupied for agricultural purposes) but support services to all farmers, particularly those in the communal areas. These services are to include credit, marketing, pricing, rural infrastructure (dams, roads, bridges, clinics, hospitals, schools), farmer training services, and affordable energy alternatives to promote higher agricultural productivity and facilitate the rural agro-based industrialization strategy.

Transformation of Zimbabwe's Dual Agrarian Structure

This will involve moving from the previous pattern of a few large and successful commercial farms alongside many tiny and uneconomic subsistence plots into a more 'unimodal' structure. This shift towards viable small and medium-sized family farms will be achieved by:

-  The sub-division of large farms (whose economic potential would not be compromised thereby) for occupation by new commercial farmers and settlers.
-  The decongestion of communal areas by building strong agro-industrial linkages to create non-agricultural jobs in rural and urban centres.
-  Providing secure housing and higher income opportunities for all urban workers so as to reduce their dependence on the rural areas for support and security.
-  Stimulating much higher levels of agricultural production in the communal areas.

One of the mechanisms for promoting investment and enhanced productivity will be to improve the security of tenure over land for all Zimbabwean farmers. The legal framework and approach that the MDC government will adopt for this will be one of the key responsibilities of the Land Commission.

Transformation of the Communal Farming Areas

This is premised on three major programmes. The first will improve the administrative mechanisms that facilitate the evolution of well-defined, secure, and transferable rights to land – especially for women – and the ability to exchange these land rights at low cost. Over time, the value of land can be unlocked by its use as collateral for credit, enabling farmers to invest and develop their holdings to their full productive potential and maximizing market surpluses.

The second will explore alternative policy options to simultaneously raise small farmer production and dissolve the dual agrarian structure. These options include (but are not limited to) syndicates, tenant schemes, and out-grower programmes with centralized processing and marketing of produce. The empowerment of small farmers will be further achieved by provision of simple irrigation schemes using water from rivers that flow through some of the communal areas as well as ground-water resources.

The third programme element will initiate public-sector-led investment in infrastructure and social services to support the transformation process. The MDC aims to achieve universal access to modern infrastructural services in the field of communications and transport at the earliest possible date.

Development of Commercial Centres in Rural Areas

This component will involve the revitalization of existing rural business centres and the creation of new worker centres within the resettlement and commercial-farming areas, with the intention that these gradually evolve into social service centres for farm-workers and will serve as ‘incubators’ for the development of small and medium-sized agricultural service activities provided by skilled former farm-workers and other entrepreneurs, as well as agro-based industrial production. Public-sector investment in communications, power and social services is to be directed to centres with the potential to be economically viable.

Arrangements for housing and social amenities and services in the rural service centres will provide increased security for farm-workers and their families. They will also provide opportunities for alternative employment and income-generating activities.