

# ***Setting up the Overall Framework for Land Reform<sup>1</sup>***

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## ***Introductory Remarks***

Land redistribution policy formulation hinges upon defining a clear strategy and effective goals and procedures to guide the acquisition of land to be redistributed, determining who gets the land, enabling beneficiaries to retain secure land rights (tenure) and providing appropriate support for beneficiaries to resettle and commence productive use of land. Policies of post-settlement support to beneficiaries in the form of infrastructure, technical and social services are not unique to land redistribution policy as these services are commonly provided in communal areas. The importance of such support lies in establishing settlers on virgin or un-serviced lands and the sharing of resources with other farmers.

In order to guide the discussion on establishing an “overall framework” for land reform, I have posited, as a heuristic devise, a proto-type outline of a land reform policy framework based on a hybrid of the various policy experiences for/in key countries (see Box 1). The paper does not provide a thorough comparison of the countries because of various constraints, rather

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selects examples from the countries where their experience can elucidate the theme under discussion.

Land reforms had been initiated in southern Africa during the late 1960’s and 1970s, and then returned to the development agenda in Zimbabwe in 1980, to South Africa and Namibia in the 1990’s and in Malawi in the early 2000s. ‘Access to land’ was recognized as an important ‘poverty alleviation’ issue, rightly so since access to land for the rural poor, and especially women, is a crucial means of improving the social reproduction of the household. But the significance of land reform lies not in ‘poverty alleviation’ only, but more fundamentally in its larger political-economic objectives. Current initiatives have sought to obtain land redistribution *within* the given national political structures, which are not only hostile to reform but also tend to be committed to ‘accumulation from above’. The later experience of Zimbabwean deviated from this.

The importance of land reform lies beyond the short-term reprieve that it offers to the rural poor but in its potential to re-organise the political structures that impede development, including in defining the fate of the peasantry or small farmers.

To examine the issues and processes which are critical in establishing an overall framework for land and agrarian reform, we examine the various strategies and objectives of land reform in the SADC region so as to define the framework agenda setting is negotiated (see section 2.0). In this section we also provide a stylised overview of land reform approaches followed in southern Africa, focusing on our case countries: South Africa, Zimbabwe, Namibia and Malawi. The key processes and mechanisms (and their principles) for executing land redistribution are then discussed in section 3.0, including: land acquisition, beneficiaries, planning, tenure and settler support. The legal framework required is then surmised (section 4.0), while implementation strategy and institutional arrangements are discussed in

section 5.0. Finally, the review and adjustment of policy based on effective monitoring and evaluation is discussed in section 6.0. We then conclude with a few remarks.

## ***Setting the agenda: Objectives, trajectory and strategy***

### ***Wider Objectives of Land Reform***

The broad consensus today is that land reform is a necessary but not sufficient condition for national development, although this was widely acknowledged in during the 1950s–1970s. From the 1980s onwards, under the influence of international finance and neoliberal economics, land reform was removed from the development agenda and replaced by a concerted market-based land policy, focusing on the privatization and commercialization of land and confining land transfers to the market. This framework abandoned the project of the integration of agriculture and industry on a national basis, promoting instead their integration into global markets yet second, it aggravated economic and social security, intensified migration to urban areas, and created a deepening pattern of ‘maldevelopment’.

The end of the Cold War and the re-emergence of organized rural movement returned land reform to the development agenda, albeit through the market principle. However the theory of land reform has not yet defined a coherent purpose for land reform in national development. Land reform is an inherently conflictual process, for it challenges established economic and political structures and dominant cultural identities. While peaceful land reform is always the objective of public policy, such policy must be informed by a realistic assessment of the sources of conflict and the implications of different models of land

reform. Three views on the purpose of agrarian reform compete (see Moyo and Yeros, 2005):

*Social land reform* - The social version of land reform is based on the argument that agro-industry is sufficiently modern and competitive, as well as highly rewarding in its export capacity, such that any intervention in the sector should be confined to the purpose of providing a measure of security to dispossessed and unemployed workers, until employment can be generated elsewhere in the economy. The related argument is that the problem of employment can no longer be dealt with by means of agrarian reform – as had been the formula in the past – for this would destroy agro-industry. This version of land reform also argues that smaller-scale production is inherently unproductive, and that the urbanisation trends of the last two decades are irreversible.

*Economic land reform* - The economic version of land reform has various tendencies, drawing on a number of different arguments. Its agreed position is that smaller-scale agriculture could reach a reasonable level of productivity, and also that urbanisation is partly reversible. The dominant current in this debate posits the ‘family farm’, which is generally a misnomer for middle capitalist farming of 20–100 hectares and wage labour. The middle-sized farm has the potential to absorb labour; however, this would correlate inversely with the level of technological development, and in itself would not guarantee a reliable employment policy in the longer term. The middle-sized farm also has the potential of redirecting production to the national market, and hence to synergise dynamically with domestic wages, but again this would be contingent on a concerted national policy framework seeking the integration of the home market. A related current in this debate sees economic potential in a bifurcated agricultural sector, in which large scale farming specializes in the export of high-value crops, while smaller-scale farming specialises in the domestic

## **Box 1-1: Proto-type National Land Policy**

### **1.0 Principle of national land reform policy**

### **2.0 Land tenure: forms; rights and obligations**

- 2.1 Statutory land allocations and unallocated (*reserve*) land
- 2.2 Leasehold tenure (*state leases; private leases, subletting*)
- 2.3 Permit tenure
- 2.4 Customary tenure (*“communal tenure”*)
- 2.5 Freehold tenure (*individual and corporate*)
- 2.6 License tenures (*concessions and other licenses*)

### **3.0 Land acquisition strategies and procedures**

- 3.1 State land acquisition processes (*resettlement/public purposes*)
- 3.2 Private acquisition (*sales, inheritance, rentals/subletting, etc*)
- 3.3 Negotiations transfers?

### **4.0 Land allocations and beneficiaries**

- 4.1 Scope of land rights allocated and nature of beneficiaries
- 4.2 Farm sizes and qualities of land allocated
- 4.3 Identification and selection of beneficiaries

### **5.0 Land use classification, regulation and planning**

- 5.1 National land use zoning and planning authorities (*agriculture, wildlife, forests, agro-industrial, urban, peri-urban and mining*)
- 5.2 Land use models, guidelines and plans (*sectoral, agro-ecological, environmental and irrigated lands*)
- 5.3 Land use regulations, incentives and support systems
- 5.4 Land use monitoring, extension and enforcement

### **6.0 Resettlement support services and infrastructure**

- 6.1 Productive support
- 6.2 Social support

### **7.0 Land reform administration and coordination**

- 7.1 Land records and land management information systems
- 7.2 Land management institutions
  - 7.2.1 National land institutions, procedures and legal basis
  - 7.2.2 Provincial and district land institutions and processes
  - 7.2.3 Local land institutions (*wards, villages and scheme level*)

### **8.0 Land legislation and adjudication systems**

- 8.1 Land laws and a comprehensive land act
- 8.2 Dispute resolution and adjudicatory systems (local and national)
- 9.0 Resource requirements and mobilisation strategies

### **10.0 Review monitoring and evaluation strategy/systems**

provision of wage foods. In this case, the contradictions between small- and large-scale farming in the economic and political process are not likely to attenuate but accentuate, since it would demand a generalized shift in the national policy framework that would challenge the historical privileges (in terms of credit, services, electricity, irrigation, and marketing infrastructure) enjoyed by the large-scale farming sector. A second current in this 'economic' version places more hope on large-scale land redistribution, the promotion of collective/associative forms of production, the redirection of agriculture to the home market, and the engendering of inter-sectoral linkages. This current also argues that the benefits of large-scale farming are overestimated, given their historical privileges, social costs, and environmental unsustainability. This argument sees value in a national strategy of partial 'delinking' from the global market, but faces the chronic foreign-exchange dilemma, as well as national and international reaction.

*Political land reform* - The political version of land reform also has various tendencies and is not necessarily distinct from the economic version. The political version may be sub-divided into 'micro' and 'macro' tendencies, the latter being the most closely associated with economic thinking. The micro tendency sees political value in land reform as a means to dissolve non-capitalist relations of production or excessively concentrated power structures where they continue to exist at the local/regional level. Land reform, in this case, should be confined to a targeted local/regional democratisation project, and not to a national project of structural transformation. By contrast, the macro tendency views land reform as a means of dissolving the political power of large agrarian capital that operates in tandem with international capital and has an interest in the maintenance of an extroverted model of accumulation. This

tendency sees large-scale land reform as a political precondition for the implementation of a national development policy whose objective is the integration of the home market." (Source: NEAD-AIAS Research Collaboration, 2003)

### *Land reform trajectories*

Land reform in general has been characterised by 5 trajectories or paths, including the 'American path', based on broad-based accumulation by petty-commodity producers 'from below', as follows:

1. A dominant 'junker path' of landlords-turned-capitalists in Latin America and Asia (outside East Asia), with its variant in the white-settler societies of Southern Africa. This path matured in the course of the twentieth century and culminated in the green revolution. In economic and political terms, this path of large-scale commercial farming now operates in tandem with transnational capital (whether landowning or not). More recently, large agrarian capital has also expanded/converted land away farming and on to wildlife management, or 'ecotourism' ventures.
2. A 'merchant path' of non-rural capital, including merchant capital, petty-bourgeois elements, bureaucrats, military personnel, and professionals, who have gained access to land, whether leasehold or freehold, via the state, the market, or land reform. They farm on a smaller scale than the above, but they are properly integrated into export markets and global agro-industry. This path is present across the periphery.
3. A 'state path' involving land appropriated by states in the course of nation-building, present throughout the periphery. This path is now in reversal by privatisations, concessions to national and international capital, or conversion to eco-tourism, and feeding directly into the above two paths.

4. A limited 'middle-to-rich peasant path' of petty-commodity producers created by a combination of generic tendencies to rural differentiation and active state policies in the post-war period. During nation-building, this stratum was subject to contradictory policies of low producer prices, subsidy, and land reform. Under neo-liberalism it has been augmented by parcelisation and de-collectivisation, but also forced to sink or swim on its own. It operates in a variety of tenurial arrangements, including freehold and communal; under liberalisation it has also diversified investments to off-farm activities, such as transport, trading, and small-scale hospitality services. This stratum may also include 'contract farming', whereby transnational capitals contract petty-commodity producers directly, controlling their conditions of production (providing inputs, standards, and output markets) but without taking title of the land or becoming embroiled in labour issues.
5. Finally, a 'rural poor path', including the masses of fully proletarianised and semi-proletarianised peasants. This path is characterised by the contradictory tendencies of full proletarianisation and retention/acquisition of a family plot for petty-commodity production and social security (consistent with functional dualism). The rural proletariat and semi-proletariat migrates within rural areas, from rural areas to urban centres, and across international boundaries; it enters the informal economic sector, both rural and urban, through such activities as petty trading, craft-making, and flexibilised employment; and it struggles for re-peasantisation, sometimes successfully. Under liberalisation, this path has been joined by retrenched workers from mines, farms, and urban industries. It is notable that this large underclass of displaced, insecurely employed, and unemployed is also known to provide the foot soldiers to the many

economic/non-emancipatory wars over control of the production and trade of high-value resources, including oil, timber, diamonds, and coca.

In the case countries land reform has combined mainly the merchant and rural poor path, with elements of the junker path path in Malawi and Zimbabwe, while in South Africa and Namibia the same obtains with less emphasis on the poor path as the choice made has been to preserve large scale agriculture.

### *Land reform strategies*

There are three different models of land reform in existence, which in fact interact in a politically dynamic way. These are 'state', 'market', and 'popular' models, and they entail five elements of land reform: (a) the selection of land; (b) the method of acquisition of land; (c) the selection of beneficiaries; (d) the method of land transfer to the beneficiaries, and (e) support to beneficiaries. These elements may combine in different ways in some circumstances, such that the state, market, and popular models may not be easily distinguishable.

***The State Model*** - The 'state' model is the one in which the state plays a prominent role in the reform process, in basically two ways: either inclining to the 'popular' or to the 'market'. It may acquire land compulsorily in the radical scenario: the state selects the land, confiscates it without compensation (or token compensation), selects the beneficiaries (if they have not self-selected already), and transfers the land directly to them through collective or individual title.

The state may also acquire the land through market means, the reformist 'willing-seller, willing-buyer' scenario: here, the market (*i.e.*, the landlords) selects the land (if and when the landlords wish), the state purchases the land and compensates the landlords (often with external aid), the state selects beneficiaries (unless again they self-select by occupations), and the state

transfers title to them. There are other hybrids, such as when the state seeks to stimulate land transfers via land taxes, or stipulates a minimum productivity requirement on land, or values the price of the land administratively by taking the market into account. The 'state' variations may co-exist in a country's constitution and, in fact, compete for prominence in the social and political process. This was the case of Zimbabwe in the 1990s, a process which was resolved in favour of compulsory acquisition. This is also the case currently in Brazil, where there are ongoing 'market experiments', but where the main method remains as follows: the state assesses whether or not the land is being utilized productively, which constitutionally justifies acquisition; then, if and when the state proceeds, it compensates landlords by the issue of bonds; the state then chooses the family to be settled, though by and large the family has self-selected; and the state transfers the title. Variations of the state model are in existence in many other places, such as Nicaragua, El Salvador, Namibia, South Africa, and the Philippines.

Beyond the role of rural movements in these socio-political dynamics, there are a number of issues that remain to be explored in a more systematic manner in relation to state-based reform. These include the role of finance, security forces, the justice system, the mass media, civil society and state functionaries.

**The Market Model** - The 'market' model, although present within the reformist state model throughout the post-war period, sought consolidation itself in the 1990s, by displacing the state from the various steps of the land reform process. It has not yet predominated (in its pure form). The model, known as 'community-initiated, market-assisted' (CIMA), operates as follows: 'communities' (the rural poor) select themselves, enter into negotiations with landlords over the location and price of land, purchase the land, and receive the title from the landlord. This process is monitored at arm's length by the state,

which also seeks to massage the process by taxes or incentives to landlords to dispose of land. NGOs provide technical assistance to the communities for the purpose of identifying land and navigating the legal circuits; and states and development agencies, in 'joint ventures', provide a variable mix of loans and grants to the rural poor to buy the land, build infrastructure, and set up viable farming.

Its contradictions include the fact that 'negotiation' over land and price between masters and servants makes for a seller's market: the land reform process tends to inflate land prices and it does not deliver productive land. Moreover, the funding provided to the rural poor is generally insufficient to set up viable farming. The model has been 'tested' in Brazil, Colombia, Guatemala, South Africa, and Thailand (Barros, Sauer, and Schwartzman 2003).

**The Popular Model** - The agency of the landless and land-short is critical to agrarian reform historically, such that land reforms have always been 'popular'. What is new presently is the more conscious attempt by the rural poor to influence the state and market through land occupations, and thereby lead the way through the various steps: they self-select as beneficiaries; select the land; acquire it *de facto*, and then await their legal formalisation by the state. This may indeed be followed by the state, or it may not. More generally, the low-profile (illegal 'squatting') tactic is also known to exercise influence over the policy process, but in a much more diffuse and contingent manner.

Evidence suggests that the dominant phenomenon in land movements is not the interests of the middle peasant ideal type. Given the absence of full proletarianisation, *semi-proletarianisation*, whereby petty-commodity production and wage labour co-exist, sustains the household, underlies movements. Their needs from land include non-exchangeable sources of sustenance, the use-values derived from the land and its natural resources, such as food, water, and wood-fuel, as well as the security that the

rural residence provides against economic fluctuations, sickness, and old age. The condition of semi-proletarianisation is dynamic, as semi-proletarianised peasants struggle for a living against richer peasants, large-scale commercial farmers, and other employers who hire semi-proletarians at wages below the cost of social reproduction. This indicates entrenched class struggles over land reform, although peasant survival strategies under pressure of 'improvement' are varied (Raikes 2000: 68).

In reality, where the market has worked, it has been on the heels of militant action. In Zimbabwe's early land reform experience within the 'willing-buyer, willing-seller' framework, the only cases in which land with high agro-ecological value was redistributed to the poor was the land of white settlers who had been evicted from the liberated zones of the war. The experience of Brazil corroborates the significance of militant agency (Fernandes, 2005).

### *Emergence of the land question on the national agenda in Southern Africa*

The land question in southern Africa is more immediately tied to the colonial legacy, and is an issue of land redistribution, as well as to the related issues of land tenure and land use, especially in the countries with histories of large-scale farming/landlordism. These questions are often treated synonymously, and often they are compounded with questions of indigenous rights or racial imbalances. Agrarian reform without land reform is unrealistic, for the political and economic reasons related to structural transformation and broad-based development of the home market, and inclusion of the majority poor. Post-colonial integration into generalized commodity production has seen pressures and trends of land alienation and concentration of capital, both within the communal areas and without, where state

and freehold tenure hold, deepening with liberalisation and demographic pressure to render a situation where the land question can be explosive. While within communal areas questions of race and landlordism may not pertain, the issues that do pertain are potent: insecurity of tenure, land subdivision, and informal land markets; land alienation and concentration, combined with externally determined land use changes; and undemocratic, patriarchal systems of local government to adjudicate and administer land disputes.

While Zimbabwe recently saw a militant land occupation movement, led by veterans of the national liberation war, to bring about a radical redistribution of land, this has not been the case in the other 3 countries, but it may not be exceptional as such.

In Zimbabwe of the 1980's, as well as other former settler colonies, various resource, constitutional and legal constraints led to state led models of land redistribution governed by market based land acquisition, using persuasion and force to restrain communities from initiating spontaneous action to repossess their land rights through a restitution approach. Governments took responsibility for gradually acquiring or supporting purchases of land from the market and redistributing it to the needy and "competent". The overall land reform policy frameworks have not been based upon the legal restitution of particular private or community land rights which had been expropriated during colonial rule, except in the smaller restitution programme of South Africa. The attainment of independence or majority rule did not lead most southern African states to immediately affirm their sovereign right over land, except in the case of Mozambique and Angola (1974/5) and Zambia (1968). This approach to nationalisation, has only been partially followed in recent time by Zimbabwe's fast track approach.

In southern Africa a mixture of land reform mechanisms (redistribution, tenure, resettlement, state farming, capitalist farmer development, etc) have been

experienced based on various objectives as depicted in 8 selected countries (chart 2.1). The most dominant land reform approach used in most of the countries since the 1960s can be referred to as a “*state centred but market based*” approach. Land was purchased by the state for redistribution following willing-seller - willing-buyer procedures. The private sector led land identification and supply and central government was a reactive buyer choosing land on offer. The governments controlled local land occupations. The governments provided land to beneficiaries selected mainly by its officials except in the South African case which so far has been “demand driven”, based on self selection. The entire land redistribution process has been state controlled in the mainstream approaches to the resettlement programme in Zimbabwe and Namibia.

This trajectory of land acquisition suggests that the market has defined the nature, location and cost of land acquired for redistribution, such that neither the governments nor the beneficiaries have

driven land acquisition. Moreover since the state has been a key buyer of land on offer, this in itself has conditioned the parameters of the land market, in terms of land prices and a procurement process amenable to the government settlement planning system.

The second market based or assisted approach to land redistribution, has been the testing of “alternative” approaches to land transfer, as attempted in South Africa and abortively in Zimbabwe (1998/9). Its proponents argued that it could be more cost-effective, transparent, fair and speedier if the entire process were led by the private sector, communities and NGO’s within a market framework. Such actors would identify and purchase land, plan its use and settle themselves, while the government’s role would be to provide a public grant to the beneficiaries. Settlers can use such a grant, as they choose: for land purchase or other investments on the resettlement scheme. This grant would equate to the average amount of money that government provides on the schemes it leads. Those benefiting in this approach must fit the criteria of target groups established by government policy. This approach has

**Chart 2.1: Trajectories of land reform**

Country	Type of reform	Type of problem	Source of reform	Type of land acquisition	Role of state / Market
Zimbabwe	Redistribution	Settler alienation, black capitalists	Political Pressure/ Squatting	State market & state compulsory purchases	State-driven
Namibia	Redistribution	Settler alienation	Political pressure/ Squatting	State market purchases	State-driven
S Africa	Restitution/ Redistribution	Settler alienation	Political pressure/ Squatting	State compensation for restitution; State grants	State & community
Moza-ambique	Tenure/ Redistribution	Settler/state alienation	Post-war crisis	Expropriation	–
Malawi	Estates-transition	State/estates	Social/ Political pressure	Not yet	Community demands
Swaziland	Tenure	State/estates	Social/ Political pressure	Chiefs	Low
Zambia	Tenure: statutory leasehold	Black capitalists & traditional authority	Elite needs	Chiefs	Low
Botswana	Tenure: land boards	Black capitalists & traditional authority	Elite needs	Local land board allocations	State liberali sation policy

however, been judged to be slow and not “pro-active” in South Africa.

The third approach to land redistribution which uses compulsory methods of land acquisition by the state and the paying of market prices for both the land and its developments was used by Zimbabwe in the 1990’s and on a few farms in South Africa and Namibia over the last few years. In Zimbabwe such attempted acquisitions in 1992, 1995 and 1997 were unsuccessful due to litigation and partial negotiations, only to be superseded in 2000 by land expropriations based on compensation only for improvements. In the latter approach, land occupations and confrontations with land owners and farm workers supported the expropriations, while continued litigations stalled the acquisitions until 2005, and slow and inadequate compensation limited the finalisation of land transfers.

The popular or community land occupation led approach to land reform has mostly been experienced in Zimbabwe, although scattered attempts at land invasions have been seen in South Africa (mainly on urban land in the 1980s), Namibia (2000’s) and Malawi (1990’s). In this approach, which is extra-legal, land identification is led by communities through “squatting” and the government steps in (Zimbabwe case) to purchase such land at market prices in what was officially coined the “Accelerated Resettlement Programme”. Local “squatter” communities self-selected themselves as beneficiaries by occupying mainly abandoned and under utilised lands, most of which were in the liberation war frontier zone of the Eastern Highlands. Subsequently the government used forced evictions to restrain this approach. This land occupation approach re-emerged during 1998 and in 2000 when many farms, which had been identified for compulsory acquisition, were occupied by “squatters”, who then conformed to government resettlement guidelines.

Thus we can see that within a single country two or three types of approaches can be

utilised over time, and /or concurrently as is proposed currently in Namibia and South Africa. The first three approaches to land redistribution have at times been used in combination in Zimbabwe on a smaller scale during the 1990s, although by 1998 the government attempted to compulsorily acquire land on a large scale, and proceeded to do so from 2000.

### *Objectives of land reform in Southern Africa*

The objectives of land reform in southern Africa have so far tended to combine various elements of the wider social, economic and political objectives, focusing on the wider rationale of stabilising the postcolonial nations by assuaging historical grievances and accommodating immediate land needs. However, there are subtle variations in the objectives of land redistribution and periodic reviews. The specific policy objectives have been mainly a functionalist effort to redistribute land towards alleviating poverty and promoting rural development, including the objective of post-independence rehabilitation through resettlement. All the countries have some combination of the following:

- to decongest overpopulated communal areas and re-organise these areas;
- to increase the base of productive agriculture;
- poverty alleviation;
- to rehabilitate people displaced by war;
- to resettle squatters, the destitute, the landless;
- to promote equitable distribution of agricultural land;
- to provide land to war veterans;
- to provide land to “competent farmers” /indigenous capitalists
- to promote environmentally sustainable land use;
- to create political stability and peace.

The de-congestion of congested villages or communities, so as to also create space for the reorganisation of communal areas has been a common perspective in the land reforms. This approach has been inspired by environmentalist perspectives of reducing land degradation, and the need for order in communal areas, guided by land use plans overseen by central and local state planners. These congested areas have been prioritized in Zimbabwe and Namibia (and partially Malawi) land redistribution programmes, but not in South Africa's beneficiary selection system.

In the three settler case countries, the initial objectives of land redistribution are modified to include experienced farmers, who were willing to give up their land rights in communal areas and to develop indigenous "commercial" (capitalist) farmers. The rationale then veered towards using land redistribution to advance "commercial" (meaning larger scale) agricultural development, rather than to assuage landlessness or focus only on smallholders, in whom most policy makers have had less faith and whose advocacy is weaker.

Support towards promoting emergent black large scale farmers in what has been envisaged less as a land reallocation programme (not resettlement) is intended to redress racial imbalances in the large scale commercial farming sector.

The agitation and strong organisations, such as war veterans in most countries, including demands to nationalise land in some cases, has also tended to specify an objective to support them with land. In Zimbabwe for instance, the government (1995) reserved a 20% quota of resettlement land for War Veterans, while Master Farmers and agricultural graduates were to benefit from the land allocations of medium to large-scale farms under the newly established Tenant Farmer Scheme.

At a broader level there are additional supportive objectives which redistributive land reform programmes have tended to

adopt, especially to promote wider institutional developments such as:

- building institutional and implementation capacity of all institutions involved in land reform: government, stakeholders, non-state support agencies and donors;
- enhancing learning among all parties through effective consultation, monitoring and research.
- leveraging resources from multiple sources.
- enhancing cost effectiveness

Macro-economic policy objectives have also tended to guide the objectives of land redistribution, given that agricultural growth and its linkages to industry and other sectors have been seen as critical. Most countries have sought to preserve current production systems, including the direction of "commercial farming" towards export markets. Economic development strategy in the case countries has for long been focused upon large scale farming and the exporting of mainly unprocessed commodities from land and natural resources. Indeed arguments against land redistribution have largely been about protecting this strategy based upon the wrong assumption that small scale farmers are either unable to contribute towards such an export strategy, or can not contribute towards an equally productive development strategy based upon expanding domestic markets.

Therefore, the focus on selecting "competent" farmers in land reform and export orientation has in practice been buttressed by macro-economic policy incentives, which have promoted the switching of land use and natural resources towards new exports (tourism) such as wildlife (land use extensification). This trend has created ideological and political agitation in most of the countries, as land redistribution is perceived to be prejudiced by such land uses, while policies downplay investments into developing land, water and

new technologies for the growing number of small farmers in communal regions and resettlement areas, in spite of the increasing poverty and demands for land therein.

Another subsidiary objective of the market assisted land reforms, which has been argued for, is the need to improve the functioning of land markets in terms of pricing, the transfer of land to efficient users and the de-concentration of land ownership. Land markets are expected to reflect effective and social demand for land, when instruments such as land taxation and improved land sub-division procedures are adopted, including the use of the complimentary instrument of compulsory state land acquisition.

Land reform has also entailed acquiring land for the state to promote strategic estate farming (e.g. in Zimbabwe; Malawi in the 1970's), as well as to promote nuclei for "development" in communal areas, as in the case of ARDA in Zimbabwe. Some of this state land was then transferred to indigenous commercial farmers and to "out-grower" type settlers in both countries.

### *Consensus building and negotiation*

Setting the agenda for land reform therefore requires both consensus building and negotiations, on the above questions of vision, objectives and strategy, as well as on the specific mechanisms used. Various approaches to consensus building in formulating land reform policies are discernable: purely state led policy process; land movements pressurised processes, and multi-stakeholder processes, and some few cases of small scale landowner led processes of land transfer.

In Zimbabwe for example (1997-1999), the Inception Phase Framework Plan (IPFP) was produced jointly and consultatively by a variety of stakeholders and experts, within and outside government, through a joint technical sub-committee of the Inter-Ministerial Committee on Resettlement and

Rural Development (IMCRD) and the private sector engaged National Economic Consultative Forum's (NECF) Land Reform Task Force. Numerous formal consultative meetings, formal forums and workshops were organised to receive inputs into the plan, to review drafts and gain consensus on the plan. Various donors also provided solicited and volunteered inputs. The Cabinet Committee on Resettlement and Development (CRD) and the government-donors' consultative forum approved the plan aimed at combining a state-led land acquisition programme with a market led alternative approach, involving various stakeholders in both models. But this process collapsed over wider political conflicts by 2000.

The Namibia land reform policy formulation was initiated first through various technical studies from SWAPO and external experts (1989-1991), followed by a national land summit involving numerous stakeholders, and then through government led policy development and legislative reforms. South Africa experienced a similar but more elaborate consultative approach, within a context of 'home grown' constitution making. However, specific consensus building and negotiation processes are required in defining all the below discussed mechanisms.

## ***Land Reform Policy: Principles and Management***

### *Land acquisition principles and practises*

The main principle of acquisition of land for redistribution is that it be implemented in a transparent, cost-effective, efficient and fair manner. The effectiveness of land acquisition policy tends to be governed by questions such as how the demand and supply of land are assessed? How land is identified and transferred? How the law

caters for the enforcement of policy and procedures necessary to carry out all the activities entailed in land acquisition?

The setting of targets for the amount of land to be redistributed has been based on various considerations among the countries. Land acquisition has been guided by studies of land available for redistribution without reducing large farm production, as was the case in the eighties in Zimbabwe, and later in South Africa. Such studies of land utilisation rates in large-scale commercial farming areas across agro-ecological regions indicate the underutilised hectares which could be transferred from that sector, without losing its strategic role in national agricultural production.

Another route utilised has been to define those communal households in need of land, as was done in the late eighties in Zimbabwe (Riddell Report). In this case the land which could be used for dryland mixed cropping land uses to cater for the scoped 162,000 families, on set smallholder plots, was defined on the basis of present need. Such allocations were intended to provide for “viable” but very small scale commercial small holder (6 hectares) arable plots, with common grazing areas. The specific land needs per settler were later expected to vary in scope depending upon the degree to which water can be harnessed to intensify the land use (to as low as below 1 hectare of irrigated plots) and in relation to more extensive livestock (perhaps even wildlife) land use models, based on the agro-ecological attributes of the land.

However, in the final analysis the method of acquisition chosen (market based, expropriation, negotiated, occupations) has also tended to define the amount and quality of land acquired and the scale and scope of beneficiaries.

**Market based land acquisition** - Land identification under market conditions (willing-seller-willing buyer) tends to be driven by the market. One of the major problems of all the market based land resettlement programmes has been that

*(post facto)* the land acquired has been unevenly spread across administrative regions and agro-ecological zones leading to critical land distributional imbalances of land quality accessed, relative access across regions and infrastructural endowments. The specific issues on these acquisition mechanisms are discussed below.

A related policy principle regarding the scale of land available for land redistribution and for participatory land use reorganisation in Communal Areas, is therefore the need to broaden the variety of sources from which land can be acquired. Land acquisition policy had only focused on acquiring large scale farm lands. However both the colonial and post-independence states had informally encouraged self managed resettlement into sparse Communal Areas. While this process has not been mainstreamed into Land Redistribution Policy it is an active focus of competition for land rights. Also the state held lands which in colonial times had been expropriated from communities for public conservancies, forests and estates, which are leased to private tour operators without benefit to local communities, have also been targeted. In the larger scheme of balancing land rights, such state lands should also be considered for redistribution for community control or access in appropriate “models”. Indeed elite leasehold farmer development schemes have been based on “releasing” various categories of state owned land.

A critical principle is to define who can direct, coordinate and execute market land acquisitions effectively. Land acquisition in Zimbabwe, for instance entailed a complex range of processes involving identification, valuation and purchase of land for various ministries by the Ministry of Lands and Agriculture (MOLA) which acquires land and the Local Government Ministry (MLGNH) which valued the land. The government regularly requires land to be purchased for land redistribution for rural land uses as well as for other “public” purposes such as the development of infrastructure (dams, roads, etc.) urban

“development” and for the conversion of land for improved ecological management (e.g. parks, bio-diversity and national heritage sites). Land acquisition had in practice tended to be planned as a separate step prior to the identification of beneficiaries. Thus the demand and supply of land and settler selection elements of land were not always not been treated interactively.

***State’s right of first refusal*** - During the later part of the 1980s the Zimbabwe government had redefined the willing buyer aspect by enforcing its rights of first refusal on all land bought. In practise the Zimbabwe government had to provide a Certificate of No Present interest (CONPI) on all land before it can be bought on the open market. Such CONPI’s were valid for 12 months so that government can refuse to buy such land. The rate of CONPI’s issued increased during the 1990s as government, guided by its approach of putting in the entire infrastructure on resettlement land, had tended to perceive many farms offered to be inappropriate. The main reasons for no interest were related to the government’s search for cost-effective provision of physical services (schools, clinics) on a large scale, whereas most farms offered were deemed to be small and ‘isolated’. In addition, rising farm prices explain the rise in CONPI’s issued.

In order to facilitate the release of surplus land by owners, market friendly regulations have been absent in all the countries (except recently in 2004 in Namibia). Land taxation, simpler or more permissive land subdivision and consolidation regulations, are expected to expedite the purchase of farms with minimum capital improvements thus reducing the costs of land acquisition. In addition, a more permissive land subdivision regime would facilitate a wider range of land redistribution models. Regulations stipulating maximum/minimum farm sizes across all the agro-ecological regions (natural regions) may be developed in order to create small-

and medium-sized farms that are amenable to more efficient and optimum utilisation.

A tax on agricultural land is a market based mechanism intended to encourage the release of surplus land onto the market for acquisition for resettlement. In addition, the land tax could encourage optimum utilisation of agricultural land and generate revenues to sustain a land acquisition fund. The enabling legislation is being formulated to allow for the preparation of the tax base and collection of the tax in South Africa, while Zimbabwe’s land tax policy is under review.

***Land expropriation/compulsory acquisition*** - One of the administrative origins and motives behind compulsory land acquisition, including the designation of land for later acquisition in Zimbabwe for instance, was the perceived need to buy large contiguous blocks of land so as to enable government to plan and deliver viable schools, clinics and so forth. For instance on average schools are allocated for each 500 families, which in the present circumstances would require at least 15 000 hectares to accommodate them. But many farms offered can individually settle less than 100 families. Indeed between 1983 and 1985 at least 428 936 hectares were compulsorily acquired and compensated at market prices in a bid by the Zimbabwe government to get large blocks contiguous to abandoned and occupied farms for the Accelerated Resettlement programme (GoZ, 1990). In the late 1990’s compulsory purchase was attempted on isolated farms. The absence of flexible and unbureaucratic regulations on land sub-division were however cited as the obverse of the above problem since few farmers had been able to off-load many more pieces of land excised from their oversized land holdings. Easier sub-division rules could have led to more interspersed excisions which could be provided with common services at selected nodal points.

Land expropriation approaches bring with them the challenge of how to effectively identify appropriate land for acquisition and redistribution. In Zimbabwe, the following criteria were established by the government of Zimbabwe in its land policy statement of 1990 to identify land: Derelict Land; Under-utilised Land; Multiple owned Land; Foreign owned Land and Land contiguous to Communal Areas.

There were however no clear-cut operational definitions of how these criteria for compulsory land acquisition were to be applied by the government appointed Land Acquisition committee. Nor was their order of priority in application or the procedures to be used in identifying farms on the basis of combined criteria established. Various additional criteria for the identification of land for acquisition tended to be proposed at various times by government, including:

- Farms can be partially identified and excised for acquisition based upon negotiations in order to capture the under-utilised land segments needed for redistribution;
- Farmers owning only one farm located near CAs can have their farm exchanged for another farm more appropriately located but in consultation with them.
- Multiple farm owners can select which farm they want to keep from among their multiple farms;
- Indigenous (black) owned farms will not in general be compulsorily acquired except in cases where multiple owned farms are under-utilised;
- Farms owned by institutions such as NGOs, churches and Trusts will not be compulsorily acquired;
- Government owned parastatal farms are not to be compulsorily acquired;
- No farmer will be left without a residence and land for their commercial livelihood (if these were productively used).

- Farms with a record of abusing farm workers are likely to be more frequently targeted for compulsory acquisition.

These criteria were however administratively and not legally defined procedures for identifying land. In implementing the land identification and acquisition policy the government was also severely limited by the absence of a land management information system. There was no comprehensive computer based farm database which systematically defines their tenurial and productive features. Government had no capacity to make cross-tabulated and multivariate analysis of the numerous variables necessary to make complex land identification and systematically review decisions which could guide effective acquisition.

In practice by 1997, farms were first identified and then geo-data, economic, social and tenurial data was sought from various sources on each farm. The land identified at provincial level for acquisition had to be checked *post facto* at the Deeds Registry by central government to rid it of possible inaccuracies in relation to ownership status, property description, location and size. This required cross-checking each farm at the Registrar of Companies' office to determine its full tenurial status. Then planners had to find circuitous data sources to determine production, land use and other socio-economic information on each farm. Such information needs to be available prior to identification and gazetting of land for acquisition, rather than publishing its intention to compulsorily acquire land in the Government Gazette and the media, and then *post facto* examining the potential impacts or implications of acquiring the listed farms. These problems are compounded when many farms are being acquired simultaneously.

In 1998 the Zimbabwe government delisted many of the 1,471 farms it had listed for various reasons, including the fact that: indigenous large farms were not to be targeted; those farms approved as new

investment projects were spared; some farms were highly productive; church lands were not to be acquired; etc. However the 1997/8 experience of the compulsory land acquisition approach revealed that the criteria for acquiring land on efficiency grounds, through identifying underutilised land, which tends to be held as over-sized and multiple owned land holdings, could have yielded the bulk of the 5 million hectares of land targeted for redistribution without affecting production (Moyo, 1998). About 80% of the identified farms were underutilised and oversized. Only 200 farms alone could deliver 2 million hectares, 90% of which is sparsely grazed by cattle and wildlife and without crops. One multinational alone held 25 farms amounting to about 500,000 hectares which were mostly not cropped. The neo-liberal opposition to large-scale compulsory acquisition is thus patently unfounded.

Yet, even under compulsory land acquisition, most of the beneficiaries tend to have been concentrated from a few communal areas, given that a principle of land acquisition followed tends to emphasize the nearness of communal areas to the land being sought. Ethno-regional grievances have emerged also from this as it is feared that a self-reinforcing distributional distortion occurs in favour of those Communal Areas located adjacent to the large commercial farms.

***Negotiated land transfers*** - A key land acquisition policy approach, which identified the need for the government and landowners to develop an effective negotiation strategy towards more effective land acquisition, was never realised in Zimbabwe. Some Zimbabweans feared that this approach was a ploy aimed at “enriching” elites who have held on speculatively to land since they will demand market based prices for their land directly from the beneficiaries.

A few private organisations with developmental and financial interests in the land and the related financial markets, such as large and small farmers unions, banks

and NGOs, engaged in rural development, women’s issues, farm workers’ rights and environmental NGOs had expressed interest to engage in negotiated land transfers. The CFU had promised to offer the government 1.5 million hectares of land as a collective representing the large white farmers, but this did not materialise. The Farm workers’ Development Trust had proposed to develop a settlement model for farm workers to gain ownership of their own residential and garden plots and to develop service centres excised from the “intersections” of individual farmers’ land as another alternate model. Some women’s NGOs suggested that alternate irrigated land models might be more suitable to them. Numerous such alternatives which are based in Zimbabwean settlement and farming projects could have been examined, but initiatives were slow to come and were overtaken in 2000 by the fast track process.

The policy principle on “alternative” land market models is primarily dependent on the leadership of communities and private persons or their representatives, as opposed to the state in land acquisition and other subsequent stages of the resettlement process. The notion of “alternatives” is a market based and decentralised procedure, which it is thought can reduce prices of land and the costs of settlement, by minimising the transaction costs that a central bureaucracy would have to occur. But for such alternative approaches to succeed, the land market would need to be more fluid and competitive, encouraged by more effective rules to allow the sub-division of oversized holdings and an effective rate of land taxation which can force under-utilised land onto the market. These regulations were not yet in place at the time in Zimbabwe, nor is the environment for such approaches conducive enough in South Africa, Namibia and Malawi.

***Land occupations approach*** - The above “alternative” approaches do not however promote land occupation as one of the community led approaches. Yet land restitution processes through so-called

“squatting” became a visible aspect of populist alternative models to land acquisition in Zimbabwe during 1998, and were critical to negotiations then for a renewed land redistribution programme. This approach to land transfers requires a certain level of political alliance between the state and local forces in solidarity and opposition to what is seen as landowner resistance and international conditionalities against land redistribution in defence of narrow (racial) interests in land.

But Zimbabwe land policy had until 2000 rejected legally and formally sanctioned approaches to the restoration of formerly expropriated land rights through “land restitution”. That approach to land transfer would have had to be guided by the formal review of substantiated land claims to be restored to specific claimants, as practised in South Africa. It was rejected on grounds of being too legalistic, bureaucratically cumbersome and conflictual. Nonetheless in 2000, the land occupation approach was condoned and co-opted, and then controlled towards the official Fast Track Land Reform Programme.

### *Beneficiaries and their selection*

Establishing criteria for who qualifies to benefit from land redistribution can be a defining step, and an overarching principle. Defining who benefits from the land redistribution is a key principle which is related to the nature of objectives of the reforms and the available land.

Key issues with regard to the selection of beneficiaries relate mainly to how fair and transparent the process could be, and the need for a policy attitude which is accountable in the sense of regularly informing the public about the benefits from land reform. For instance public disclosure through easy access to files on all those holding leasehold farms and regularly available reports on how such land is being used and developed are key elements for success in a programme where demand for land is higher than supply.

In the case of Zimbabwe the government identified poor families from overcrowded communal areas, displaced farm workers, special groups such as women, ex-combatants, agricultural graduates, master farmers and persons of means and ability who intend to engage in agriculture, as the main beneficiaries. Beneficiaries in Zimbabwe have been determined in various ways over time ranging from field based studies on congested areas, the various lists of potential settlers compiled by traditional leaders, RDC and different government structures, lists of squatters, lists of war veterans, and through desk planning work done by central government.

Settler selection criteria were to vary according to the different types of land resettlement models, as defined by government (see annex 9.1). During the Inception Phase the range of resettlement models was to be expanded to meet the requirements and circumstances of various categories of beneficiaries.

Settlers in Model A1 and its variants, and Three-Tier models were to be primarily selected from overpopulated villages and among displaced farm workers and ex-mine workers by traditional leaders and RDCs from lists they established with the assistance from AGRITEX. Overcrowded villages were to be targeted for decongestion and be reorganised under the Communal Area Reorganisation programme once for the ‘excess’ human and livestock population has been siphoned off to resettlement schemes. Those who remained behind were considered the beneficiaries of the proposed Communal Area Reorganisation programme. Beneficiaries of the Model A2 and the Irrigation Model scheme were to be selected using advertising procedures.

A major feature of these various approaches to estimating the demand for and supply of land is that they are based upon the authority of government to determine the criteria, location and notification of demands, as well as being heavily dependent on central and local government officials for the final selection of qualifying

beneficiaries. There was hardly a self-selecting or community based land acquisition process except in squatter led settler identification process of the 1980's which accounted for only about 25 000 settler families. The other land identification approaches based upon resettling families displaced (e.g. from dam construction) are an involuntary demand, determined through central planning.

The Zimbabwe approach (until 1999) to beneficiary identification was broadly similar to the Namibian approach, and modified in Malawi. South Africa's restitution was led by self-selection by historical circumstance, while redistribution programme was self defining and self-selection.

Land reform policy in the region on who benefits from redistribution seems to converge around a two-pronged approach: transferring some land to competent farmers and to the landless or poor in overcrowded areas. Most of the poorer beneficiaries are selected to gain village schemes based on mixed and livestock farming, while the more "competent" are to gain individual self-contained dryland or irrigated farms.

The nature of criteria which are established to target those who qualify to benefit from these two schemes, the fair management of the lists of those who apply to benefit, and the methods used to actually select those who finally benefit are another controversial aspect of the land redistribution policy consensus building. The transparency of the method of actually selecting beneficiaries tends to be contested and is increasingly been considered unfair, especially with regard to favouring the new commercial farmer beneficiaries.

Decentralised selection of beneficiaries was adopted in Zimbabwe in the late 1990's to address these questions. It increased the role of Rural District Councils and traditional leaders, although it involved state functionaries. However, because the government of Zimbabwe determined which

lands were to be de-congested and which farms are to be purchased, the approach remained state-centred. This effort to further decentralise settler selection in the Zimbabwe case, and the fair inclusion of women and farm workers, became more pronounced during the land occupations of 2000, but it still led to important exclusion.

Some of the alternative principles proposed, but not implemented fully for beneficiary selection during the Inception Phase included:

- sensitising appropriate local level authorities (village, ward assemblies, councillors and other stakeholders) on settler selection criteria;
- identifying and prioritising potential beneficiaries and compiling a register;
- publicising lists of beneficiaries in places where all stakeholders have access to this information;
- the stakeholders (men and women) should be involved in physical allocation of the land.

Squatting has in most countries also unofficially been regarded as sign of landlessness and need. People occupying land illegally were resettled in the early 1980's in Zimbabwe. The major problem was that many people saw squatting as a means of jumping the queue for resettlement and this tended to encourage squatting. When a farm was acquired for resettlement government officials in liaison with authorities distributed registration forms to the communal area "affected". Proof of landlessness was the major qualification for resettlement.

Other attributes of need examined in the selection process in Zimbabwe were:

- applicant's general ability to sustain himself as indicated by possession of cattle, etc.;
- *Age*. The 25 to 50 age group scored highest;
- *Marital status*. Applicants had to be married or be widows with dependants;

- Applicants had to be unemployed.
- Gender (women getting 10 start off points needs explanation for A2 schemes from 2001);

Co-operative resettlement schemes in the 1980s were reserved mostly for the young and unemployed people, but these also benefited many ex-combatants and ex-farm workers who were believed to be adaptable to organised scientific farming on collective farms.

In the later focus on qualifying master farmers and experienced peasant farmers, the above scoring system of selection (which needs explanation) was used, and was biased towards farmers in the 25 – 50 years age group, those owning farming implements and draught power, such that poor landless peasants were being sidelined.

By far the most controversial aspect of the land redistribution policy with regard to beneficiaries targeted and the selection process is that it tends to be discriminatory and even exclusionary of farm workers. Farm workers tend to be predominantly of foreign migrant stock, although they are naturalised in Zimbabwe and South Africa, do not have land rights in Communal Areas, towns and large scale farm areas, nor in new Resettlement Areas. Nor do land reform policies as a whole clearly provide for all the farm workers who are alienated from communities and dependent for their residential rights on their employers. The land rights of farm workers tend not to be provided for in any law. Even where the state or donors plan to invest in social services for farm workers they depend on the voluntary permission to use land segments of given farms as granted by landowners. There is a law to facilitate farm workers land rights in South Africa to address the land rights of farm workers, but its effectiveness has been questioned.

Regarding women land redistribution policies are rather vague with regard to the certainty and security of their rights, and the chances of women being equally selected to benefit on resettlement schemes. Women

seeking land in their individual right, be they married or not, tend to be discriminated against in practice when they apply for land.

The selection of commercial farm scheme beneficiaries varies. In Zimbabwe, initially agricultural graduates and master farmers were prioritised among applicants who had responded to advertisements in the press. The short-listed candidates were interviewed and applicants had to pay application fees, and essentially had to be literate and have access to printed media. It is arguable that this approach screened out many potential beneficiaries from applying, especially those in remote areas.

A common problem with regard to the fairness of beneficiary selection is whether traditional leaders and RDCs are best placed to be fair and transparent. The idea of using chiefs as an apparently legitimate local structure, albeit not a democratic governance system, is to ensure that cohesive groups of settlers form a given community for resettlement. In Zimbabwe it was already reported that some families were unofficially charged money to get registration forms or merely to be waitlisted for land. In some cases chiefs are seen as being partisan. Other local Community Based Organisations, farmers unions, women's clubs and NGOs could contribute to a fairer and transparent beneficiary selection process within a decentralised framework, but these have not engaged adequately with land redistribution in most countries.

### *Land settlement and use planning system*

Most state land use planning approaches for resettlement are arguably a process of screening out those who would prefer different settlement models and planning approaches initiated by them meaning unclear. Those who might prefer smaller plots or only irrigable plots and so forth tend not to be included in standardised or centralised plans subjected to technocratic

modelling rather than those led by community planning. Settlement planning tends to predetermine and imposes rigid guidelines concerning who benefits from the land transfers, rather than allowing for participatory and flexible planning approaches which could broaden the scope of those applying to qualify as beneficiaries.

In Zimbabwe, the 1980 Intensive Resettlement Policies and Procedures Document had spelt out 3 resettlement models, namely Models A, B and C (see annex 9.1), although these were not acceptable to the cattle focused peoples in Matabeleland. The revised 1985 Intensive Resettlement Policies and Procedures Document added a fourth model, the Model D for that region. The models were applied throughout the 1980s, with Model A having accounted for 90% of settlers and land redistributed.

Since 1990 resettlement planning changed slightly as the cooperatives' model was abandoned. No new land was allocated to Model C. Model D only remained an experimental or pilot model at one farm Doddieburn-Manyoli in Matabeleland. The Model A schemes were later allowed to provide for both villagised and self-contained plots. The self-contained plots were then re-classified as a new Small-Scale Commercial Scheme (A2) and not a Resettlement Model. The core estate model (C) with a management relationship with resettled outgrowers was retained but not expanded.

The most popular resettlement scheme in Zimbabwe is the Model A scheme apparently because it is similar to the Communal Area land allocation system although it allows each settler more land on average. But it is reported that many existing Model A schemes have been opened to numerous additional "illegal" settlers through the official settlers' sub-leasing portions of their arable plots. It is thus possible that the numbers of informal beneficiaries of the land reform programme may be double the official count. The Three-Tier Model did not produce resounding

successes, since the intended beneficiaries were not keen to be translocated from where they live to the newly acquired farms, even when the farm is not far away from their Communal Lands.

Thus, beneficiaries have not fully participated in the design of most resettlement models in Zimbabwe, whereas in South Africa the schemes tended to be more self-designed. Namibia and Malawi slightly mirror the Zimbabwe scheme planning process (with Malawi being perhaps more liberal), largely because in the 3 cases, resettlement models mirror communal area practice.

There is one resettlement planning activity and model in Zimbabwe which combined both the government and a CFU related private sector organisation. The Farmer Development Trust (FDT) was established in 1994 as private sector initiative to complement government agricultural extension effort and resettled farmer support service provision in Model A resettlement scheme. The FDT has however developed a resettlement model for commercial tobacco farming by adapting Model A and by training graduates in diploma courses at Government owned training centres. The FDT is partly funded by government.

The planning of settlement support in Zimbabwe's aborted Inception Phase was in 1998/9 to be undertaken by technical experts from various government departments, the RDCs local development committees, farmer's organisations and various local representatives of NGOs and development groups. The emphasis was on replicating the consultative process at the local levels in order to facilitate stakeholder input in developing an efficient, effective and sustainable settlement support system for all categories of programme beneficiaries.

The Inception Phase resettlement scheme level planning had hoped to improve planning by enabling the lead government resettlement planning agencies (Agritex and

DDF) to develop their capacities and use participatory planning methods. Private expertise was to be used in agricultural land-use planning, irrigation engineering, commodity specific planning (for example, horticultural crops, special livestock enterprises and the integration of wildlife and cattle), and to integrate processing into settlement schemes. Resettlement scheme planning was no longer to be standardised and mechanistic. Site-specific potentials and limitations were to guide planning for technological change, full exploitation of the land and human potential, environmental sustainability and the development of the off-farm sector. These ideas were not implemented.

Indeed, the key criteria used to plan settlement schemes is the decision on what sub-divisions would leave viable land holdings of sizes. This however is based on static technological notions, since they assumed a form of dryland farming without irrigation, meagre artificial inputs and weak markets for small scale intensive horticulture. This type of agricultural planning for dryland mixed farming based upon field crops and cattle also underlies the farm modelling for most resettlement programmes. This is why the list of available resettlement models had tended to exclude the range of possible land uses such as eco-tourism (e.g. Campfire), agro-forestry and other natural resource based land uses, as well as the range of possible irrigation and outgrower resettlement models which could be developed in conjunction with the subdivision of given large farms. It is in this context that the use of both incentives, easy subdivision, planning support, reduced capital gains charges, grants and penalties (e.g. land taxation and compulsory purchases) could guide more effective approaches to land acquisition and transfers, and to the planning of land use and farm models.

### *Post settlement support*

The key principle of post settlement support is to develop a more democratic, gender,

disability, and ex-farm worker- sensitive multiform – regime which will guarantee greater security for the ownership of a variety of interests in land, encourage investment in land and generally facilitate the implementation of a wide range of land distribution models. Numerous policy statements and procedural guidelines and related legal instruments necessary to implement specific land tenure policy changes are required to promote this. + adequate resources

The provision of post-settlement support services has tended to be planned for in the initial designs of resettlement models. In Zimbabwe, the state provided settlers with support to demarcate the plots according to a land use zoning design and individual settler allotments of the model. Then, depending on resources available to the relevant government department, the state builds roads, schools, clinics and other infrastructures through mainly the DDF. Alongside this, agricultural services support (extension, credit and marketing) were provided in the 1980s as starter packs, and later as part of the national smallholder agricultural support system. The main policy issues of concern here are both questions of principle and the effectiveness of current settlement support services approaches. Policy debates raise various questions:

- that governments have been unable to provide adequately, cost-effectively and timeously the bulk of these infrastructures and services to resettlement scheme given diminishing state subsidies to farming;
- that given the trend towards decentralisation, community initiative, private-public partnerships and “out-sourcing” or sub-contractual approaches to infrastructure provision could be more effective, although private investment in smallholder agriculture has been limited;
- that communities could be “allowed” or required to be responsible for such

services; that private sector and NGO stakeholder participation in infrastructure delivery, with facilitative technical and financial support from the governments, be promoted. Yet, local capital and financial markets tend to be urban biased and donor dependence is high in most of the countries.

- That support should reduce the burden and cost on the government and encourage local initiative, leading to speedier service provision.

By promoting beneficiary and stakeholder participation (it has been argued) in planning and improving the design of government resettlement models on each scheme, it was expected that more beneficiary families would gain land both by reducing the grazing land allocations and promoting improved pasture management practices so as to increase the veld carrying capacity and through improved access to mechanical draught power.

Interestingly, in Zimbabwe's fast track more beneficiaries gained land because occupiers and planners reduced the sizes of plots accessed in opposition to the A1 and A2 farm size models, and this varied among different districts.

Prospective beneficiaries in the participatory system are expected to select the farming systems or economic activity they prefer, and to participate in the detailed design and planning of their own scheme, through identifying the suitability of the land for enterprises, evaluation of the land and infrastructure (current and planned) resource base, overall scheme and settlement planning as well as environmental action planning including environmental impact assessment. These ideas have not yet been tested in the region.

***Agricultural policy and support services*** - A major principle for successful post settlement support is the coordination and mobilisation of funds for newly settled farmers. In Zimbabwe, the AFC provided credit for development and working capital under its Farm Input Credit scheme and

Resettlement Credit Scheme through loans in the first year of settlement. Start-up grants to cover part of the initial production needs were provided. But these funds soon dried up. Private sector financial institutions were not keen to provide credit to settlers. Informal sector financial institutions, which can act as rural financial intermediaries, were hardly engaged. The government created an enabling environment of marketing agricultural commodities including access roads, depots and marketing information during the 1980's, but then reduced its financial allocations to these during ESAP in the 1990's.

Extension and training packages to meet the specific needs of beneficiaries were developed during the 1980's but diminished in quantity from the 1990's. The most effective way of delivering the required services had been through partnerships with the private sector (seed, fertiliser companies) and this led to the peasant boom by 1986. The training needs of new settlers, (such as agronomic and animal husbandry skills) have hardly been met since 2000.

The Model A2 settlers, who were to have proven competency in farming, were expected to be more self-reliant in mobilising their own finance and training as well as other service requirements, especially refresher courses to develop new enterprises and training in water and irrigation management. However many new farmers do not have the experience and means expected, given the mass beneficiary selection procedure followed from 2000.

Various training institutions and financiers ranging from government, private sector, NGO, church organisations, farmer organisations, and local development associations, specialised commodity organisational parastatals, are expected to be encouraged to play a greater role in post settlement farming support in general across the region. There is little evidence of best practise on this, besides the Zimbabwe experience of the 1980's.

### ***Social services and infrastructures -***

Post settlement social services support is critical to improved livelihoods in land reform. In Zimbabwe these were approached through creating new rural service centres (RCS). RCSs for every 500 families will, over five years, provide clinics, industrial, commercial and residential stands. These centres acted as nuclei for off-farm employment and development through planned programmes for small and medium enterprises development, and were also to provide the residential needs of people who require homes and small gardens. The centres were to have such facilities as: telephone, electricity and reticulated water systems in order to attract investment. The health, education and social services of the settlers were to be met by various government ministries and local authorities using programme funds. The District Development Fund (DDF) was to build its capacity to provide tillage and other mechanical services to farmers, while farmers or private operators were expected to establish tillage services for the benefit of settlers. These ideas were only partially and minimally implemented in Zimbabwe.

The experience with social services in Namibia and South Africa still remains to be assessed. (more...) The Malawi land redistribution programme has only just begun.

### ***Land tenure security***

Securing land tenure entails demarcations of land allocations, establishing the nature of tenure or land rights, and developing effective systems to administer these. Laws are crucial to this as discussed in the section 'Legal Frameworks for Land Reform Policy Implementation'.

The administrative costs associated with the planning, demarcation and subdivision, survey and registration of the title to the land tend to be high. In Zimbabwe and Namibia these are met by the state, although there are expectations to recover these from settler households through

appropriate land and administrative fees in the commercial redistribution schemes. When the leasehold land is allocated to settler households the tendency has been to pay this through the deduction of the total rental monies paid over a number of years from the price of the land as determined on the date of transfer of the freehold title.

The tenure system in Zimbabwe's newly resettled areas depends on the nature of the settlement model in question, and also by the fact that the form of land acquisition results in state ownership of the land, while developments on each scheme or plot may tend to be individually owned. The tenure system for A2 scheme provides settler families with a long leasehold, (99 years) without an option to buy the land, but the option to purchase the improvements. Individual or group provided farm lands, especially in large conservancies, are being designed to allow for collective leasehold. In A1 schemes tenure provides a group permit for communally owned land, (e.g. grazing) and individual permit title for the individually owned arable land. The Namibian and Malawi settler schemes for A1 type settlers are similar to the Zimbabwe case. But commercial schemes in South Africa and Namibia provide beneficiaries with freehold title.

Corporate ownership of land where members own shares for a single property, where the share may or may not correspond to a fixed land entitlement or a physical plot, (e.g. conservancies, equity, redistribution for eco-tourism) so that there is no need to subdivide the land, are still under consideration in Zimbabwe. These equity schemes have been tried in South Africa.

Currently, settlers in Zimbabwe are given the choice of self-contained units in Model A1, while single women in A1 and A2 schemes (divorcees, widows) are provided their own permit title. However the majority of land permit titles in A1 and A2 schemes are issued to married couples, and are now being registered in the names of both spouses. Where the disposal of interest in

land is to be effected, the consent of both spouses is expected to be sought before ownership is transferred. The formula for those in polygamous relationships has not been adequately worked out.

## ***Legal Frameworks for Land Reform Policy Implementation***

### ***Generating new laws for the land reform***

Land reforms challenge the existing land right of the white landowners in three of the case countries, while in Malawi the land currently under redistribution includes estates owned by the state and some by indigenous land owners. In the former, the controversy is over how to legally expropriate land. The loss of rights requires some level of compensation, and the controversy is usually on how to set the price and the method of payment.

Compulsory acquisition will require an appropriate constitutional amendment and an enabling land acquisition law. Moreover land owners will challenge acquisition through legislations such that the laws should be effective and a capacity (for legal and administrative support) should be created.

Concurrently land acquisition creates new (or expands) state land property rights, and generates new land rights among land redistribution beneficiaries. This will require laws that enforce the new rights and ensure tenure security, as well as guiding institutions responsible for these processes, to follow due process.

Land reform may also introduce new land market regulations (the right of first refusal on land sales, land taxation and land subdivision, etc). This will require amendments to various laws and regulations (planning regulations, land acquisition laws, environmental laws, etc).

Frequently farm workers or farm dwellers will be caught in the middle of land transfers, such that their land residential and work compensation rights can be undermined. Laws are required to protect these, alongside supportive programmes of land access and social welfare.

### ***Dispute resolution and legal arrangements***

Often, during land reform disputes between land owners and the state, between land owners and new beneficiaries, among beneficiaries, between beneficiaries and farm workers, and between the state and beneficiaries, will arise. A strategy to mediate and or arbitrate such disputes will be required.

To lower the costs of dispute management, increase the access to dispute resolution mechanisms and to tailor the resolution mechanisms to the various peculiarities in the different regions of a country, it may be more effective to establish local (district level) mediation structures involving various actors (including government, land owners, beneficiaries, NGOs and legal professionals). This would require providing training (including paralegal) and that administrative capacities to manage this are developed.

The legal regime for the establishment of adjudicating organs of the state should be amended to provide for the establishment of Village Land Courts and District Land Courts to improve access to community based conflict resolution authorities at the local level. In addition, the village land courts will function as village level land registries. The District Land Courts will work with the Village Assemblies and the Department of the Surveyor General to establish village boundaries. In the event of conflicts over village boundaries, the District Land Courts will act as the courts of first instance.

Most institutional arrangements and legal instruments for land reform management

tend to be resident in different ministries and departments. All the laws that deal with land management should be eventually consolidated into a single comprehensive land act administered by one form of a central land authority, such as the National Land Board (NLB).

### *Building legal capacities among the actors*

All these legal changes require a programme to build the capacities of the state (government and judiciary), representatives of new land holders (farmers' associations), and other stakeholders (NGOs, valuers, surveyors, etc), in terms of their awareness and ability to interpret the new laws and to effectively engage with litigations, as well as to administer the activities (records, notices, registers, etc) which arise from the new land laws and the land reform outcomes.

Popularising the policy and laws is a critical requirement to avoid dubious litigations and unfounded claims to or disputes over land.

Most of the countries in question have a limited amount of these resources, while their organizational strategies (state legal resources and administrative structures) and procedures are weak and a source of delays in the land reforms.

The effectiveness of the legal framework however depends on building consensus nationally on land reform and may require effective negotiation with the powerful land owner lobbies and orientating conservative media, as well as existing judicial structures, towards the longer term benefits of land reform. However as argued in earlier sections, the existence of strong land movements is critical in shaping the policy and legal environment for land reform. This is necessary in terms of pressuring governments to act pro-actively and to insist that landowners negotiate in positive terms.

## ***Implementing Reforms***

### *Phased and sequenced implementation*

Given the high costs of land reform, a major implementation principle relates to the need to craft an acceptable and feasible programme of phasing implementation. This is intended to provide a road map for planners engaged in developing specific project implementation proposals and appraisals based upon specific batches of resettlement schemes and sector specific projects, which should guide the inputs of various government agencies, stakeholders, non-state implementing agencies and donors into the land reform programmes. In particular, a phased plan outlines the indicative resource requirements of implementing the entire land reform over at least 10 years, including the institutional, human, material and financial requirements.

However, a learning approach to planning and implementation is also required so that the generic of the types of expertise and the resources required, and the effective costing assumptions can be tested, in pilot projects. Such pilots, as the Inception Phase proposed in 1999 for Zimbabwe, need to be flexible and indicative. The financial plans should not be rigid but rather allow for an iterative process of planning based upon various cumulative steps of implementing a multi-pronged programme of deliverables by various actors co-ordinated by the government.

### *Combining land reform programme approaches*

**Box 5.1: Roles and Responsibilities in government led reform**

<b>Committee/agency</b>	<b>Composition</b>	<b>Mandate</b>
CRD (ministers)	Ministry of Lands and Agriculture Ministry of Local Government and National Housing Ministry of Rural Resources and Water Development Ministry of Environment, Mines and Tourism Ministry of Education, Sports and Culture Ministry of National Land Affairs, Co-operatives and Employment Creation Ministry of Finance Ministry of Transport and Energy President's Office NEPC	Co-coordinating body overseeing LRRP Ministers reporting to the Cabinet Policy issues monitoring progress
Working Party Permanent Secretaries	Ministries above	Managerial Role
IMRCD	<b>Technical Sub-committee</b> Donor agencies RDCs Traditional Leaders	Programme/ Project Appraisal Planning and Implementation Policy Refinement <b>Monitoring Programme Progress</b>
NLIC	Provincial Land Identification Committees DILCs Ruling Party	Land Identification Land acquisition
NECF	<b>Land Task Force</b> Private sector (CZI, banks) NGOs (in policy advocacy) Farmers' Unions (CFU, ZFU, ICFU) Farm workers organizations	Consultative body providing the link between private stakeholders and the government  Policy formation Provides Information
NGOs	Technical support Service NGOs Local Implementation NGOs	Assisting committees with project proposals
RDC	RDC Traditional Leaders NGOs, Stakeholders	Policy and project Implementation
Beneficiary associations	Community- based Organizations Communities	Implementation of the projects

The production of a pilot programme is one step in a series of planning activities, related to various specific project implementation, appraisal and funding proposals and plans which should be developed concurrently to elaborate and provide resource estimates on a project basis. In the Zimbabwe example, the government led approach, based on state acquisition on the market and compulsion was being planned for separately, but holistically in the context of introducing improvements. Similarly, two project proposals of alternative farm resettlement approaches were being planned for or expected from the Commercial Farmer's Union (CFU) and a consortium of NGOs. Furthermore, a

Learning and Innovation Loan project proposal of the World Bank based upon resettling 30 to 50 farms on both the government and Complementary Approaches was under preparation.

However all these proposals were to be developed under the guidance of the basic policies, principles, organisational strategy and resources mobilisation strategy of the wider centrally supervised land reform programme. The principles of phasing, pilot and combining approaches in the planning activities, was informed by the need to build lessons for the land reform policy and to guide development of a expanding phase plan (EPP) of the land reform, leading to the

integration of existing government and alternative approaches.

### *National land redistribution programming and coordination*

#### *Programme implementation strategy -*

Given the complex range of activities entailed in implementing a national programme, the major choice to be made is how to dis-aggregate the programme components to be implemented by various agents under a central or decentralised coordination authority versus implementing the entire programme as one integrated activity which brings all the agents into a single authority even if decentralised (e.g. the Brazilian government agency). The latter approach has not been adopted in the southern African countries under discussion here. Instead a central coordinating agency, with loose authority over participating government departments has been preferred, as discussed below.

There is no hard and fast programming strategy which can be discerned in the region. Zimbabwe, South Africa and Namibia appear to have opted for a loose coordination of the land reform by government, within a ministry of lands and procuring services from various departments. However, South Africa separated its programmes into 3 components (Restitution, Redistribution and Tenure), highlighting the restitution and tenure components, which were not adopted by the others. Malawi has one authority dealing with its few schemes.

### *Institutional arrangements and key actor roles*

**Key actors and roles -** The administrative arrangements and legal framework for land management in all three ?SA, Nam, Mal countries is however characterised by a racially constructed and land tenure based dualism. In their communal areas or former bantustans, land administration is typified by a centralised

and top down institutional structure, with a prominent role for chiefs, with a stronger state regulatory function. Land administration in the large scale commercial farming sectors or freehold areas, on the other hand, tends to be a bit more democratic, participatory and development oriented, with less regulation of land use (e.g. taxation, etc). The plethora of institutions, with different mandates, can hardly address this historical anomaly, without re-alignment into an internally coherent central authority with supportive legislation and organs for land adjudication, in order to enhance development in the communal areas and promote efficient land redistribution and use in the former freehold areas.

#### **Role of governments in land reform -**

Besides leading policy formulation the governments' role in land reform can be extensive as in the Zimbabwe case, while allocating lesser roles to other stakeholder (see box 5.1). For example the ministry of Land and Agriculture in Zimbabwe acquires land and exercises an overall inspectorate role on all land reform through the services of a decentralised department of Lands and Technical Services, and also provides technical and professional services to the whole farming sector. A parastatal, the Agricultural Finance Corporation (now AgriBank) was responsible for providing credit through the Resettlement Credit Scheme. The Ministry of Local Government and National Housing provides the general framework for resettlement, including overseeing settler selection the administration of schemes prior to handling over completed schemes to local authorities, and responsible for land evaluations, assessing lease rentals for homesteads, business premises and service centres planning. The Ministry of Rural Resources and Water Development provides through the DDF, infrastructure services such as roads, dip tanks, and boreholes to settlers. The Minister without Portfolio in the Office of the President and Cabinet coordinated land identification and the resettlement programme through the CRD and IMRCD.

The Rural District Councils (RDCs) usually have a critical role to play. They are the local planning authority in resettlement schemes, in consultation with relevant governmental technical departments. They identify the villages and wards to be decongested in consultation with traditional leaders and oversee selection of beneficiaries of the programme, while administering communal area re-organisation projects. Traditional leaders consult with the landless households and those in congested areas to decide who should be resettled, and nominate prospective traditional leaders for the resettlement schemes.

***Roles of stakeholders: social pressure, lobby, services*** - The role of non-state stakeholders in land reforms, varies in relation to their own variegation: landowners, potential beneficiaries, service providers, local councils and leaders, etc. Their roles include fermenting social pressure for redistribution, lobbying for specific policies, participation in planning and so forth (see annex 9.2).

Whereas land reform policy may set land beneficiary eligibility criteria (such as landlessness, poverty, decongestion in the communal areas, and aptitude for farming, vulnerable groups [farm workers] and women), various actors may be involved in the selection process. If this is to be done in a transparent manner, with accountability to communities, broad based participation is useful. Whereas local beneficiary lists are compiled and kept in government files, local beneficiary lists could be published and subjected to public inspection, demonstrating clearly the criteria on how to select beneficiaries within communities from which beneficiaries are to be selected. Participatory monitoring and evaluation systems could also ensure compliance with acceptable selection norms.

Gender should be mainstreamed throughout the land reform cycle of policy formulation, project design, implementation and monitoring to ensure that men and women have equal access to the programme. Gender specialists need to be

involved to isolate those bottlenecks which inhibit women from participation at all levels. Parallel affirmative action projects are needed to give assistance to female-headed households with farming skills and aptitude who wish to participate in schemes which demand resources beyond their own endowment. Where civic organisations which focus on gender issues exist, they can submit project proposals for land settlement, including a quota system to prevent unfair competition and gender discrimination against women.

Since a substantial number of poor families, the majority being female-headed households, have no permanent residence, suitable residential schemes for them also need to be created at RSCs. Training of beneficiaries prior to settlement can support the screening of beneficiaries such as youth groups, single mothers, and the poor residing in the urban areas.

Civil society organisations in general have a role to play, through lobby for their interests, to educate communities on the opportunities that exist and to implement resettlement activities, such as the provision of post-settlement support services, including capacity-building and technical advice. They can also initiate projects for settler farmers, provide financial, technical and logistical support service to settler farmers. They can also play a significant role by funding projects and mobilising community inputs. They can contribute to policy formulation by providing information and technical advice to both government and beneficiaries.

However, civil society organisations in the 4 case countries especially NGO's have been thinly spread and weak in the land reform programmes. They have tended to be incapable of expressing the dual rural-urban land grievances of the poor, and the countryside has been left to its own devices, largely to low-profile ('everyday') politics, which have often been explosive, containing both regressive and progressive potential. Thus rural land reform movements have not been common in southern Africa.

The broader thrust of the NGOs has tended to be on proceduralist issues ensconced within a neo-liberal framework. This is reinforced by the fact that the balance of external aid, in Zimbabwe for example and elsewhere, has tilted in the last five years towards the support of governance activism. While such support is necessary, this trend has served to highlight issues of human rights and electoral transgressions by the state, to the detriment of the redress of structural and social rights issues.

The exceptions here are food aid, HIV/AIDS and health, which defy the dichotomy and tend to be considered as basic humanitarian support. Civil society discourses on land reform, to the extent that these go beyond rule of law issues, have been focused on a critique of methods of land acquisition and allocation, without offering alternatives to land market acquisition and expropriation instruments, and without mobilising the more deserving beneficiaries of land reform in support of extensive land reform in the face of resistance by landlords and other stakeholders. The rural operations of NGOs within a neo-liberal framework have thus been characterised by demands for funds for small 'development' projects aimed at a few selected beneficiaries and have left a political and social vacuum in the leadership of the land reform agenda. It is only in the case of Zimbabwe, where a 'loosely organised' rural land occupation movement led by war veterans, obtained radical but conflicted land reform directly through the ruling party and the state.

**Coordination** - The overall institutional arrangement for managing the land reform and resettlement of land should be based on broad consultation and partnership between the government and all stakeholders, including communities, private sector, farmer's unions and civil society. (Annex 9.2). Again in Zimbabwe's Inception Phase, existing consultative mechanisms such as the National Economic Consultative Forum, through its taskforce on land, were to be fully utilised. The overall technical co-ordination responsibility of the inception

phases was to rest with the Inter-Ministerial Committee on Rural Development (IMCRD). Towards this end, the composition of IMCRD was to be expanded to include other important players such as farmers' organisation and leading NGOs. The IMCRD was chaired by the office of the Minister without Portfolio and aimed to coordinate the efforts of various implementing institutions to avoid fragmentation. The key outputs of the work of the various institutions under the IMCRD were to be supervised by the cabinet committee on rural development (CRD) which, together with the Land Task Force of the NECF was to regularly review progress.

The immediate term strategy for institutional development was to strengthen the delivery system of the land reform programme, through a Technical Support Unit (TSU), which was established to enhance effective implementation of various activities derived from the programme. Since the implementation of the land reform was to be executed by various government arms, NGOs and other stakeholders, such as a permanent co-ordinating mechanism, also providing technical guidance and support to all players was envisaged as key to the successful implementation of the programme.

A clear definition of the roles and responsibilities of the various actors in managing the land reform is necessary, as exemplified Annex 9.2. This indicates generic roles of key actors which have similar roles in varying degrees within the 4 case countries.

In this light, creating a more effective land reform coordination authority with decentralised structures, and which involves stakeholders is critical. The model which was proposed for Zimbabwe in 1998, based on adapting the systems found in Botswana, Zambia and Tanzania: a National Land Board system. The elements of this include that the National Land Board be established as an extra-ministerial body accountable to Parliament through the office of the President. The NLB will be the single central

authority responsible for all aspects of land management in namely, land acquisition, land redistribution, land use planning and regulation. However, actual implementation is to be decentralised to districts and more local levels.

- *District Land Boards* - The NLB, designed in a gender sensitive manner, should be underpinned by District Land Boards (DLBs), which are to be established in all administrative districts. The DLBs are local level institutions bearing the implementing mandates of the NLB in consultation with stakeholders at the local level.
- *Village Assemblies* - Village Assemblies (VAs) established in terms of an appropriate law (e.g. in Zimbabwe the Traditional Healers Act) were to be responsible for the administration of village lands in terms of allocation, land use and regulation. The VAs would have powers to make any regulations and/or bye-laws for purposes effectively administering village lands. Women's representation would be strong in this structure.
- *A Land Dispute Resolution Court* - The new institutional arrangement for land management should also be designed to facilitate easy access to responsive and community based land conflict resolution authorities. In addition, judicial and administrative authority will not be vested in the same organs. At the village level, Village Land Courts (VLCs) and not VAs would be established and vested with original jurisdiction on all land disputes and act as local level registries. Appeals from the decisions of the VLCs would go to District Land Courts (DLCs). DLCs would also have revision jurisdiction over matters decided by the VLCs. Appeals from the DLCs would go to the High Courts and from the High court to the Supreme court.

**Capacity building** - To address capacity problems in the existing institutions

charged with implementing land reforms, a programme should be designed to improve the skills of executing agencies and practitioners involved in the level of valuation, planning, extension services, management and monitoring. Capacity building activities would include strengthening the operational procedures to adapt to the new institutional arrangements required by land reform.

### *Defining resource requirements, sources and provision*

The main costs of a land reform programme include those of land acquisition (usually at around 30%), infrastructure development, farming support, social services and overheads, as shown in the annexed sample budget (annex 9.3). Such costs will normally be spread over many years, depending on available resources.

As a consequence of a predominant state planning and support services role, resettlement communities are argued to have been contributing little in cash or kind (materials and labour) towards land acquisition and the construction of the various infrastructures. This it is argued had made land redistribution unduly expensive. Yet when dealing with the landless poor the ethical choice of making these pay, vis-à-vis their historical disadvantage is a controversial matter in the region. Thus South Africa has tried to spread these costs, as Zimbabwe's Inception Phase had proposed, and as Malawi is attempting now.

Meanwhile settlers tend also to be considered to receive much more support per family than their Communal Area counterparts. Thus it has been recently suggested that communities should be expected to contribute more in cash and kind to reduce the costs of land reforms.

There is general agreement that some cash contributions should eventually be fully paid for in the case of new commercial farm schemes, which target the non-poor. But it

tends to be argued that credit and loans, as well as own savings, could be mobilised for those costs requiring cash. Such items include non-postponable aspects such as land purchase costs, which could be paid for either at the time of purchase or as a mortgage and leasehold fees; land titling costs and basic administrative overheads of the resettlement schemes.

Another principle under debate in the provision of physical infrastructure services on resettlement schemes is whether their provision by government tends to be inflexible in approaches to public support, given the way governments' resources tend to be specifically tied to fixed physical items planned for and disbursement procedures tend to be rigid. This critique suggests that approaches not only commit the government to all costs but also fixes its obligations, which at any rate it has not had enough money to meet. It has been argued that instead and in keeping with sharing costs and responsibilities between the government, beneficiaries and other stakeholders, that the government provides a fixed lump sum of money which the beneficiaries can use as they choose, while taking long-term responsibility for their total cost outlays.

This approach has only been tried at a slow pace in South Africa and is proposed for Malawi. In the former case the verdict is still out whether a greater role of government in financing and providing infrastructures would not speed up the reform process. On the other hand the Zimbabwe experience of the early 1980's was relatively speedier and found to be cost effective (ODI evaluation, 1989), only to be delayed by diminished funding, rather than approach during the 1990's. Delays in the Namibia case need further examination (more...).

Finally the nature of international funding of land reforms is also a controversial aspect of establishing the overall land reform framework. The issue of colonial obligations has dogged Zimbabwe and South Africa. While South Africa has its own resources, donor financing restrictions and wider

economic policy conditionalities have also been problematic in Zimbabwe or perceived to be so (e.g. South Africa).

## ***Review, Policy Review, Monitoring and Evaluation***

### ***Policy review: adjustment and refinement processes***

A critical principle in implementing land reforms is to systematically learn from experience in the implementation by capturing new demands and contestations which arise from implementation and how to use such knowledge to adjust and refine the policy in a flexible and consensual manner. This requires participatory and effective systems of assessing prior conditions and *post facto* developments of the programme, through establishing an effective land information management system, monitoring systems and impact assessment systems. Moreover these systems should be transparent and the evidence provided timeously through periodic policy review systems.

Capacity limitations and lack of best practice models, which involve all stakeholders, in a cost effective but representative manner, while effectively pooling evaluative resources appears to limit the requisite review and adjustment of policy, timeously.

Land information is key to effective decision making in land management, although in all the countries these systems are weak and under resourced. Land reform programmes in the 4 cases, all aspire to establish a comprehensive land information system (LIMS). The construction of a LIMS includes the design of a system of data capture (using national data capture standards developed by the relevant department) and the procurement of an appropriate management system. The LIMS

can be an effective state management tool to expedite the renewals and/or cancellations of leases, granting of concession and titles to land, rent collection and monitoring the extent of land utilisation by beneficiaries. It should also comprehensively inform all actors on the quality of land available in various areas, alongside the nature of demand for land. Existing systems are a far cry from this ideal.

### *Impact evaluation/assessments*

Detailed and precise impact assessments are critical policy adjustments or refinements. These, including elements such as rates of returns, are not amenable to rushed work, once land reform has been placed on the agenda, especially when resources are set to be mobilised. Such analyses need to be undertaken during the initial implementation period, using a structured monitoring and evaluation system co-ordinated by a central authority. This approach, however, can be supported by preliminary or indicative assessments which begin to build the information necessary to learn from, and can redefine the evaluation and monitoring methodologies suitable for the situation.

A framework for impact assessment which also guides the monitoring process should include various elements: incomes, livelihoods created, financial/fiscal, technical, social and environmental impacts, whose basic evaluative issues are outlined next.

***Rural Incomes Generation*** - The evaluations can assess the benefit to farm families in different production enterprises including their net farm income (NFI) per household in various farming regions, and the average income per beneficiary per annum, in relation to land allocated. Average incomes could be compared with the poverty threshold data. The direct income benefits to farmers should also include non-farm income earning opportunities that can be expected, including income benefits to those living in

new rural services centres (RSCs) that emerge, including new social infrastructure and businesses, which serve the agricultural activities generated by the settler communities.

### ***Rural Livelihoods Created*** -

Resettlement impacts the rural economy by transferring land from under-utilised large farms to an expanded labour-intensive smallholder farming sector, by creating direct farm-related employment and some losses in employment in the former farms. This change induces a redistribution of incomes from a small to a large number of people and should enlarge demands patterns, leading to more employment in non-farm rural business activities. The number of jobs lost will depend on how the land is acquired; some strategies such as out grower schemes, which may be transferring unused subdivisions of farms, can lead to negligible loss in employment.

Assuming that a household will have two full time adult workers, the settler beneficiary households represent double the direct farming livelihoods created. Such incomes as are represented by new livelihoods can induce 0.3 times more non-farm rural livelihoods, in local conditions of low population densities and developed rural infrastructure. Taking into account the employment losses in the acquired farms, this can result in a minimum net gain in rural livelihoods.

***Financial/fiscal analysis*** - The costs of redistribution are expected to come from the government, donors and beneficiaries. On a (per) family beneficiary basis, the programme costs need to be assessed, taking into account government and donor contributions. These costs tend to be reasonable when related to the costs of creating a livelihood in other economic sectors.

***Technical analysis*** - Technically, some schemes may have the advantage of speedy implementation, depending on the institutional arrangements which are already in place and the costs of more

participatory processes. Further, most social infrastructure will be built directly by the government as part of its broader role, and sub-contracts to private contractors may be used, to reduce bureaucracy and speed up progress. A compulsory acquisition programme is likely to be delayed by court challenges, while too high levels of expected beneficiary contributions may slow down the construction of some social infrastructure.

Other advantages to be assessed are the implementation speed due to the acceptability of the land reform strategy, including the subdivision of land, the costs of land which can reduce debt to the state and beneficiaries. There is need to assess which strategies are speedier, more effective and more acceptable. Since civil society groups are not familiar with land reform their efficacy and training on how to engage in implementing land reform, including the time required to publicise the concept and developing participatory processes, also needs assessment.

**Social impacts** - A critical social problem in most of the case countries is the conflicts among communities over land, due to land hunger. Land reform should reduce significantly the disputes, and contribute substantially to redressing inequality in land distribution. A programme, by also promoting communal area reorganisation in congested areas, can help relieve land pressures, and address some of the concerns with regard to a sense of ownership, the security of tenure, and better management of common resources. Increased production by smallholder farmers redresses the injustices of inequitable land ownership patterns and contributes to the indigenisation of agriculture and harmony among different groups of farmers.

**Environmental impacts** - Resettlement draws upon natural resources such as water, wood bio-mass, soils and wildlife habitats. The main environmental impacts expected are: soil erosion arising from cultivation and livestock rearing. River and dam siltation is likely to affect the water supply situation by

reducing the life span of the water bodies. The use of wood fuel for household energy and for tobacco curing and selective harvesting of tree species for construction will result in deforestation and the disappearance of certain tree species.

However, resettlement should improve the living conditions in rural areas. Breaking up family ties among settlers and the mixing of people with different cultural backgrounds, special affiliation (totems, religions, kinship) may have short term negative social impacts, as the settlers adjust to new social relations. Such social stress will reduce local capacities to effectively manage the environment.

Management of natural resources using participatory approaches through community level structures in collaboration with provincial institutions, may effectively mitigate some of the envisaged environmental impacts. Land-use planning through community management committees, in consultation with experts, will address problems of overstocking, while the government, NGOs and others might fund appropriate technology to restrain deforestation. Rural electrification programme could be spread to the settlement areas taking advantage of already set-up electricity infrastructure. And environmental education and land husbandry extension services might improve environmental conditions.

### *Monitoring systems*

A monitoring framework for the land reform programmes and policy activities should be designed to include inputs by communities, stakeholders and government agencies; and include gender sensitive baseline. Communities could be empowered to monitor their own activities and find their own solutions to their problems or bottlenecks. An efficient monitoring system which is responsive can trigger mechanisms to refine programmes and plan for the mitigation of negative measures where these arise. Progress reports by the implementing

agency should be submitted every six months while monitoring and evaluation could be carried out once every year using internally commissioned reviewers to assist settlers to fine-tune their projects while every three years an external review is conducted. This assumes that all projects have a project document, a land evaluation document, a resources map, social maps, and proposed land-use title register and map. Baseline surveys and various studies will provide inputs monitoring and evaluating social, economic, institutional and environmental impacts.

## ***Concluding remarks***

Setting up an overall framework for land reform requires extensive consultations, consensus building and negotiations within governments, between them and landowners and potential beneficiaries, and with other stakeholders who provide finance and a variety of services. This consultative approach is critical in agenda setting, definition of objectives, choosing implementation mechanisms and defining their principles, the legal framework, the actual implementation process and institutional arrangements and in assessing progress and impacts. A participatory process of setting up the framework is the best guarantee of success.

## References

- Fernades, (2005). The occupation as a form of access to land in Brazil: a theoretical and methodological contribution. In S Moyo & P Yeros (eds) *Reclaiming the Land: The Resurgence of Rural Movements in Africa, Asia and Latin America*, London: Zed Books. Pp 317-340.
- Flávia Barros, F., Sérgio Sauer, S. and Schwartzman, s. (eds) (2003). *Brasilia The Negative Impacts of World Bank Market Based Land Reform*, Rede Brasil.
- Government of Zimbabwe, (1999). *The Inception Phase Framework Plan of the Second Phase of Land Reform and Resettlement Programme* (Harare: Ministry of Land and Agriculture, 1999).
- Moyo S and Yeros P (2005) The Resurgence of Rural Movements under Neoliberalism. In S Moyo & P Yeros (eds) *Reclaiming the Land: The Resurgence of Rural Movements in Africa, Asia and Latin America*, 8–64. London: Zed Books.
- Moyo S, Raftopolous B & Makumbe J.M. (2000) *NGOs and Development in Zimbabwe*. Harare: Sapes Books.
- Moyo, S. (1995), *The Land Question in Zimbabwe*, Harare: SAPES Books.
- Moyo, S. 1998. Land Redistribution Experiences. AIAS Mimeo
- Moyo, S. 1998. The Land Acquisition Process in Zimbabwe (1997/8). United Nations Development Programme (UNDP).
- Moyo, S. 2004. Neoliberalisation of the land question in southern Africa. In Chris Landsberg and Shaun Mackay (eds) *Southern Africa Post- Apartheid? The Search for Democratic Governance*. Pp171-198. IDASA, Cape Town.
- Moyo, Sam (forthcoming), *Fast-Track Land and Agrarian Reform in Zimbabwe: Contradictions of Neoliberalism*. Forthcoming book.
- NEAD-AIAS, (2003). NEAD-AIAS Research Collaboration. Draft Proposal – 7 September 2003
- ODI, 1989. Evaluation of the resettlement programme. London. ODA.
- Raikes, P. (2000), 'Modernization and Adjustment in African Peasant Agriculture', in *Disappearing Peasantries?*, edited by Bryceson *et al.*, London: ITDG Publishing.
- Riddell Report
- Shivji, I, Moyo, S. Ncube, N, and D. Gunby , (1998). Draft National Land Policy Discussion paper, FAO and Ministry of Lands and Agriculture.

## Annexes

### Annex 1: Sample of RESETTLEMENT MODELS (Zimbabwe case)

**Model A/A1** - Settler households in Model A are allocated 0.5 to 2 hectares. In both A and A1, individuals are allocated arable and residential land in a 20 – 25 household village but share common grazing land, woodlots and water points. The target beneficiaries are the landless and poor households in over-crowded areas and retrenched farm-workers who opt for resettlement. For A1, land allocations per settler household vary depending on Natural Region ranging from 3 to 6 hectares for residential and cropping uses; 24 to 180 hectares for grazing.

**Model A2** - Settler households are allocated self-contained farm units for cropping, residential, grazing and for woodlots. The allocations per settler household under Model A2 will be as follows: Natural Region II - 50 hectares; Natural Region III - 150 hectares; Natural Region IV & V - 300 hectares.

**Model B** - Intensive settlement with communal living and co-operative farming. All property, land and equipment co-operatively held. Housing cooperative or private. Livestock privately owned. Game management component added to the design.

**Model C** - Incorporates a commercial central core estate run by cooperative community or by ARDA, with settlers as outgrowers hence they provide labour to this estate. Estate supplies essential services to settlers at economic rates (mechanical draught power, load transportation, seedlings for specialised crops, specialised crop processing and marketing).

**Model D** - Designed for grazing of communal area herd in the dry natural regions IV and V (Matabeleland). Benefiting community had access to ranch once every 3 to 4 years thus giving the pastures enough recovery time. Beneficiaries contributed towards costs of maintaining ranches and the paddocking of their grazing areas.

**Three tier model** - Settler households will be allocated 180 hectares to be used as follows: 3 hectares for residential and agricultural use; 177 hectares pooled into communal grazing and utilised in three tiers. The First Tier comprises a cluster of villages with arable land and social services, the Second Tier is the near grazing area, where each benefiting household keeps livestock units for day-to-day use and the Third Tier comprises the grazing area for commercial purposes.

**Communal Area Reorganisation Model** - For de-congested C As. Land allocation will be the same as for A1.

**Irrigation Schemes Model** - This model will be based on the National Master Plan for the construction of dams. Wherever dams are constructed, land will be made available in order to settle households willing to engage in farming enterprises appropriate in those areas. The land allocation per settler household will depend on the recommended farming enterprise whose requirements range from 1 to 10 hectares, and may include grazing rights. Each qualifying settler household will be allocated an irrigable plot and a residential unit separately.

Annex.2: Sample chart of roles (Zimbabwe case)

Organizations/ Institution	Roles and Responsibilities
Rural District Council (RDCs)	<p>LRRP – Authority at district level</p> <p>Chairs and co-ordinates RDC sub-committee on LRRP-2.</p> <p>Land identification ;</p> <p>Facilitates negotiations and awarding of planning and implementation contracts;</p> <p>Beneficiary selection (defines district criteria level and facilitates quality, beneficiary selection processes at area level and keeps prioritized lists of district beneficiaries);</p> <p>Promotes partnerships and sources funding/provides co-funding;</p> <p>Monitoring and evaluation of project’s progress, negotiates funding arrangements on its own behalf and on behalf of beneficiaries and documents process.</p>
Traditional and other Political Leadership	<p>Land Identification;</p> <p>Facilitates and involved in beneficiary selection;</p> <p>Planning and Implementation of projects- involved in decision-making on production options, settlement patterns, implementation management, etc.</p> <p>Facilitates beneficiary co-funding- infrastructure provision;</p> <p>Monitoring and evaluation- internal.</p>
Beneficiaries	<p>Land identification and beneficiary selection;</p> <p>Funding/co-funding land purchases;</p> <p>Project planning decisions on production enterprise options, settlement patterns, rural service centre services required;</p> <p>Infrastructure funding/co-funding</p> <p>Monitoring and evaluation participates and takes corrective action;</p> <p>Project management and implementation- decision making and implementation through various committees;</p> <p>Negotiate funding arrangements</p>
Stakeholders	<p>Land identification;</p> <p>Project planning, implementation, management support, contracts, consultants; GoZ staff own internal capacities;</p> <p>Funding and co-funding;</p> <p>Funding arrangements- negotiates with GoZ/ donors/other stakeholders;</p> <p>Recommend and participate in beneficiary selections;</p> <p>Monitoring and evaluation- internal</p> <p>Facilitates subdivisions and purchases- e.g. farmer organizations influence own members, individual farmers may allocate subdivisions to own employees and neighbors.</p>

Government departments: These, in essence operate as the Technical Working Group, RDCs or Provincial council, and each department provides expert service in their mandated areas of specialization	Advisory services to RDC and accredited agencies inclusive of farmer organizations Training and development of staff of accredited agencies, RDC, beneficiaries on all aspects of project implementation; Develops, recommends, and provides training in:
Agritex	land use options and settlement patterns options; social and economic infrastructure options; specific enterprise production cultural practices, as well as scheme management and leadership dynamics;
Lands	policies and regulations;
Local Government & National Housing	production specific and general enterprise and marketing management; project planning preparations and appraisal and participatory monitoring and evaluation;
Natural Resources	appraisal of suitability reports and project proposals for compliance/ acceptability with respect to policy requirements, agricultural viability, infrastructural suitability, services and project implementation management (inclusive of subdivision proposals);
Physical Planning	production of suitability reports;
Rural resources and Water Development (DDF & Water Development)	develop, provide and review planning and implementation guidelines and format;
Physical Planning	project planning and implementation: technical resource inventory and evaluation;
Health	Produce land-use enterprise/ production options, settlement pattern options Infrastructure requirements and specifications options; Project management options Production of detailed project proposals for GoZ and other stakeholders on request; Implementation e.g. direct development; awarding contracts (for planning and implementation), tender evaluations, supervision of implementation; Ensure beneficiary active participation at all stages; Monitoring and evaluation and documentation and evaluation process.
Donors	Facilitate and provide project funding and facilitate capacity building; Facilitate project management, find consultants and contractors, external monitoring, evaluation and implementation Facilitate project planning- fund consultants; Facilitate land identification, land purchases and land delivery to GoZ, beneficiaries and other stakeholders.
Agro-industry/ Credit Finance	Provide affordable and easy accessible credit facilities arrangements; Provide and negotiate inputs and marketing contract arrangements;
Institutions (AFC/ Banks)	Provide input and output for marketing infrastructure and services; Provide tillage and other equipment hire facilities.

### Annex 3: Sample overall budget for land reform programme

<b>Activity</b>	<b>Total Cost US\$</b>
<b>Land Assessment</b>	
Farm surveys	148 791
Land Valuation	80 397
<i>Subtotal</i>	229 189
<b>Farm Acquisition</b>	
Land Improvement Costs	23 799 341
Land Purchase Price	37 898 572
<i>Subtotal</i>	61 697 913
<b>Land Distribution</b>	
Land-use Planning	139 579
Land Title Surveys	2 193 383
Demarcation (grazing,arable,homestead)	2 537 372
<i>Subtotal</i>	4 870 334
<b>Farmer Support</b>	
Farmer Training	525 114
Farmer Crop Package	1 576 918
Land Preparation	335 095
Extension	788 459
<i>Subtotal</i>	3 225 586
<b>Monitoring and Evaluation</b>	288 576
<b>Irrigation Works</b>	
Irrigation Development	10 524 253
Dam Development	3 411 018
<i>Subtotal</i>	13 935 270
<b>8. Infrastructure</b>	
8.1 Water Points	13 151 268
8.2 Schools (primary)	35 175 011
8.3 Rural Water Centre Water Supply	10 898 045
8.4 Administration Block	707 665
8.5 Scheme GoZ Houses	8 086 646
8.6 Telephones and Electricity	141 533
8.7 Clinics	6 539 832
8.8 Animal Health Centres	424 599
8.9 Dips	2 034 503
8.10 Road Construction	7 838 754
8.11 Maintenance 5%	4 318 189
<i>Subtotal</i>	89 316 045
<b>9. Recurrent Costs 1%</b>	1 735 629
Total	175 298 542
Contingency Costs @1.5%	2 629 478
<b>Total Programme Costs</b>	<b>177 928 020</b>
<b>10. Total Credit Support</b>	<b>24 161 395</b>