



TRANSPARENCY  
INTERNATIONAL  
ZIMBABWE

*The Coalition Against Corruption!*

AN ANALYSIS OF TRANSPARENCY  
AND ACCOUNTABILITY  
IN LAND SECTOR GOVERNANCE  
IN ZIMBABWE  
2013

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SWEDEN



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## Acronyms

AAG	Affirmative Action Group
AIAS	African Institute of Agrarian Studies
ASCR	Annual State of Corruption Report
BIPPA	Bilateral Investment Promotion & Protection Agreement
BOT	Build operate transfer
CBZ	Commercial Bank of Zimbabwe
CFH	Civic Forum on Housing
CPI	Corruption Perception Index
DFID	Department of Foreign and International Development
DTZ	Development Trust Zimbabwe
FTLRP	Fast Track Land Reform Programme
GMB	Grain Marketing Board
GCB	Global Corruption Barometer
HPZ	Housing People of Zimbabwe
IBO	Indigenous Business Organisation
IDC	Industrial Development
ILC	International Land Coalition
MDC	Movement for Democratic Change
ODA	Overseas Development Administration
PEA	Political Economy Approach
PYD	Platform for Youth Development
RDC	Rural District Council
SAA	Saharan African
SAP	Structural Adjustment Programs
SIDA	Swedish Development Agency
TIS	Transparency International Secretariat
TIZ	Transparency International
TNDP	Transitional National Development Plan
UK	United Kingdom
USAID	United States Agency for International Development
VIDCO	Village Development Committees
WB	World Bank
WADCO	Ward Development Committees
ZANU PF	Zimbabwe African Nationalist Union-Patriotic Front
ZAPU	Zimbabwe African Peoples Union
ZBE	Zimbabwe Bio Energy
ZHPF	Zimbabwe Homeless People's Federation
ZINAHCHO	Zimbabwe National Association of Housing Cooperatives
ZIPRODA	Zimbabwe Property Developers Development Association





## Preface

**T**his 2013 Transparency International Zimbabwe Annual State of Corruption Report contributes immensely to the understanding of corruption in land sector and also provides deeper information while analyzing the complexity of land governance in Zimbabwe. Land remains the most important resource in Africa particularly for income, food, employment and export earnings. It provides access to economic opportunities, accumulating wealth and transferring it between generations. The management and administration of land is therefore of much significance to any agro-based economy.

In Zimbabwe, like in some other Sub Saharan African (SSA) countries, in addition to economic value, land has social and cultural significance and is a significant asset in the distribution of political power. Access and ability to make effective use of land are thus critical to the welfare and livelihoods of poor people, and central to any broad-based strategy of poverty reduction and sustainable development. In most parts of SSA, access to land is usually rooted in hierarchical power structure, processes and institutions. The process of acquisition of land is often mediated through and influenced by formal and informal institutions. Local politics embedded in power structures and institutional arrangements plays crucial roles in shaping access to land and rights of tenure.

However, globally, corruption still remains a reality in citizen's lives in many sectors such as education, health and land. The 2013 Transparency International Global Corruption Barometer indicates that around the world, one in five people reported that they had paid a bribe for land services during the previous year.

The same report highlighted that in Africa, every second client of land administration services was affected, concluding that corruption and mismanagement is wide spread in land administration.

The TIZ 2013/2014 report enriches the knowledge that would help concerned stakeholders in understanding and fighting corruption through advocating for greater transparency, accountability and integrity in land governance. This work is a valuable contribution by TIZ to the anti-corruption work not only in Zimbabwe but to the entire movement of Transparency International at the time where many chapters are working tirelessly in promoting transparency and accountability in land sector which requires constant evidence which in return may influence policy making decision processes.

*Tapiwa Uchizi Nyasulu (PhD)*  
*Regional Coordinator-Southern Africa*  
*Transparency International Secretariat*



## Foreword

Corruption in Zimbabwe cuts across key economic, political and social service sectors. The 2013 Transparency International Zimbabwe Annual State of Corruption Report focuses on transparency, accountability and integrity in land governance in Zimbabwe. The report investigates the concept of land corruption. Land corruption is a form of political corruption related to the land market process, which involves state and non-state players. It is a relational interaction interspersing donation, exchange, offer of service, recognition for service done, bonus, benefit, commission, etc. and mixing public and private interests, which run parallel to customary law with some elements of contradictions that give rise to opportunities for corruption.

The Study of Land governance is fundamentally about understanding the interplay between local and international economic markets and political power and the political economy of land (TI, 2011). It involves the 'rules, processes and structures through which decisions are made about the use of and control over land, the manner in which the decisions are implemented and enforced, and the way that competing interests in land areas, structures, including statutory, customary and religious institutions (ibid). The governance of this finite resource is not immune to corruption because of its vital importance to people's livelihoods.

Land in Zimbabwe has strong social, political, economic and historical underpinnings. Barth (1959) and Bailey (1969) argue that land is a resource for political clientelism. It is part of the sphere of public action that 'corresponds to all the effects resulting from interactions between interdependent institutions, between the officials who run these institutions and a multitude of social players affected by the public decisions' (Alcaud, Bouvet, et al 2004). Through the lenses of the 2013 ASCR, TIZ investigates land sector governance in Zimbabwe. The analysis looks at the key issues impeding equitable, as well as lucrative land ownership and utilization in Zimbabwe.

To this end the report explores legal, legislative and institutional framework operating in land administration such as urban land governance, communal land management, transparency and accountability under land reform programmes and in the current wave of the new land deals. The report will be valuable for land investors, and development specialists who wish to influence and inform the process of policy making in the land sector governance integrity.

*Mary Jane Ncube*  
*Executive Director*



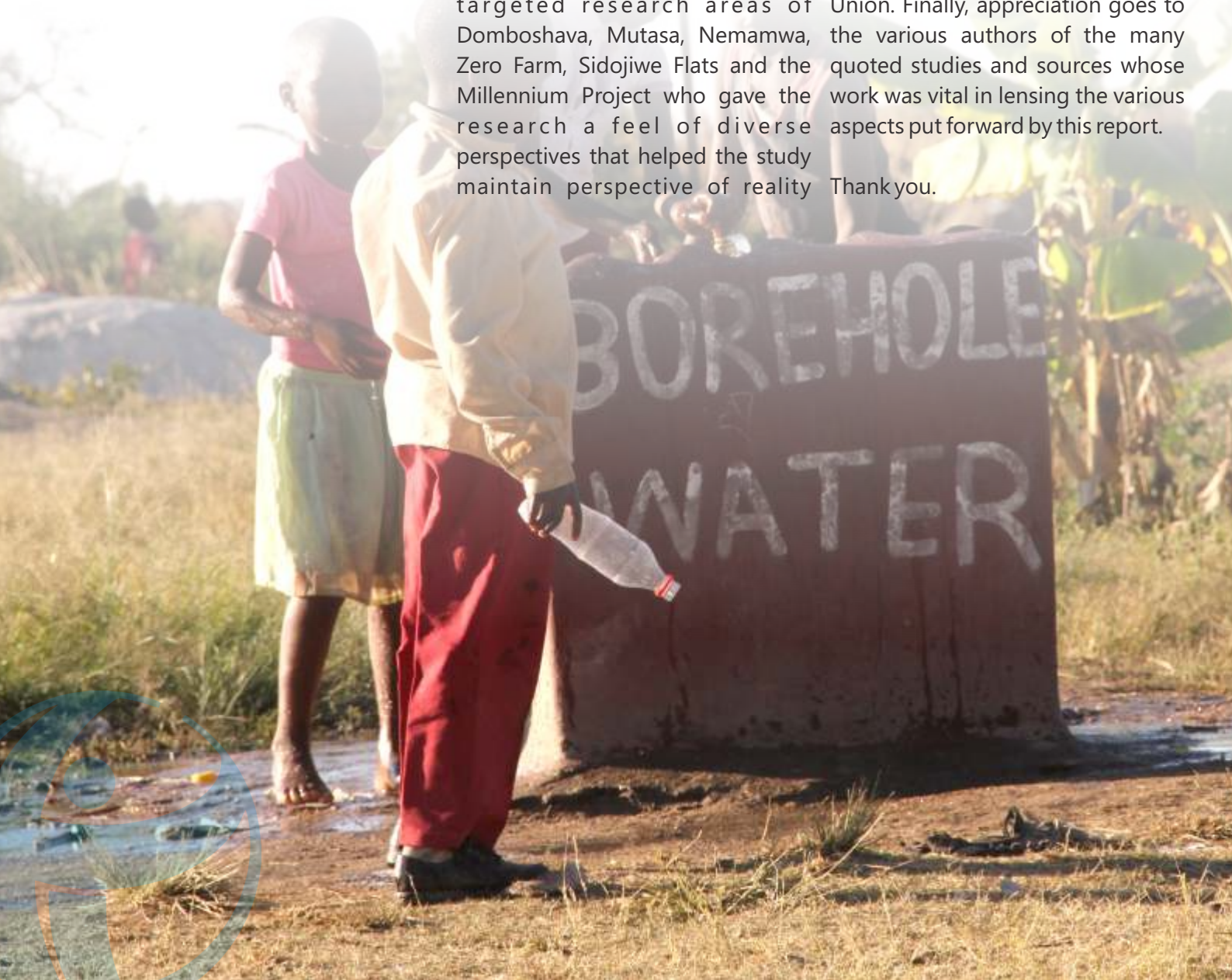
## Acknowledgements

*Sibonokhule Ncube*  
*Transparency International*  
*Zimbabwe*  
*Regional Coordinator*

A prudent writer is said to have remarked that saying 'thank you' is another way of requesting for more. This rings true for TI Z and authors Dr. Chiweshe, Dr. Mutopo, Dr. Murisa, Mary Jane Ncube, Farai Mutondoro who owe much gratitude to all the participants to this study and yet remain concerned for research based advocacy, public education and policy advice in anti-corruption concerns. Special mention goes to the participating community members throughout the nation in targeted research areas of Domboshava, Mutasa, Nemamwa, Zero Farm, Sidojiwe Flats and the Millennium Project who gave the research a feel of diverse perspectives that helped the study maintain perspective of reality

drawn from their multiple contextual narratives. A special thank you is also due to the able research team comprising Farai Mutondoro, Violet Mujuru, Timmy Zvichauya, Lewis Maunze, Norah Mutale, Nancy Gweshe and the entire TI Z staff whose concern for the outcomes of this study saw them work diligently to ensure that the many aspects of this compilation came together on time. This work could not have seen the light of the day had it not been of the support of the Swedish Embassy and European Union. Finally, appreciation goes to the various authors of the many quoted studies and sources whose work was vital in lensing the various aspects put forward by this report.

Thankyou.





## Executive Summary

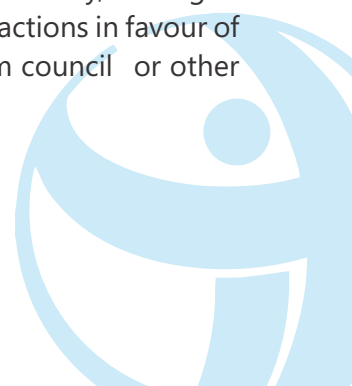
The 2013 State of Corruption Report (ASCR) presents findings from the inquiry on transparency and accountability in land sector governance integrity in Zimbabwe. The Food and Agriculture Organization (2009) postulates that land governance is about the rules, processes and structures through which decisions are made about the use of and control over land, the manner in which the decisions are implemented and enforced, and the way that competing interests in land areas are managed. As such an analysis on land sector governance looks at all relevant institutions of the state, as well as civil society and private sectors players. It further assesses the statutory, customary and religious institutions, the legal and policy framework for land, as well as traditional practices governing land transactions.

This research study employed the Political economy approach as the main analytical framework to understand land governance. The Political economy approach was used because it provides the most comprehensive framework for addressing all the relational aspects around land and other resource distribution issues (Grindle, 2009). Ideally land-related problems should not be addressed only with a “place-based” concern where a problem occurs, but with a “non-place-based” concern that emphasizes political-economic relations between people who use the land and others (Blaikie, 1985). The study also employed the World Bank land governance framework which looks at 5 thematic areas namely: i) the legal and institutional framework; (ii) land use planning, management and taxation; (iii) management of public land; (iv) public provision of land information; and (v) dispute resolution and conflict management. Using these frameworks for analysis TI Z assessed sector integrity by also assessing the existence and effectiveness of transparency and accountability systems in the following areas:

- ® Urban land management
- ® Communal land management
- ® New emerging land deals
- ® 2000 Land reform programme and
- ® The impact of land corruption on women and youths

A triangulation of qualitative and quantitative research approaches was used in this study. Data was collected from more than 400 individuals from urban Harare, Masvingo, Mutare and Bulawayo, including Masvingo urban and rural and the rural districts of Zimunya, Mutasa, Domboshava, Mangwe and Matopos. The findings of the study show that land governance is fragmented creating opportunities for corruption in and across institutions. Corruption opportunities and drivers in land sector governance have been fuelled politicization of land in Zimbabwe. Factors such as the multiplicity of players involved in land administration, weak legal frameworks and excessive discretionary powers given to some administrators conflate resulting in compromised lines of accountability, and reduced systematic and operational transparency and integrity in the sector.

The chapter on transparency and accountability in urban land governance shows that even though Zimbabwe has a comprehensive policy and legal framework which provide for autonomy for local authorities; the same laws also permit interference by from Ministry of Local Government, Public Works and National Housing whose extensive powers tend to constrain the autonomy of council business. . The extensive powers vested in the ministry allow the Minister to veto council decision arbitrarily, leading to many allegations of illicit land transactions in favour of the Minister without oversight from council or other oversight bodies.



The chapter provides numerous reported cases that provide examples of corrupt activities in urban land allocation. It also provides detailed findings based on a survey conducted in four cities across Zimbabwe. The findings highlight that most Zimbabweans believe councils to be corrupt when it comes to land allocation. Some respondents have been asked for bribes or know someone who has been asked for a bribe. This confirms anecdotal evidence that corrupt activities in urban land management are a daily occurrence to varying degrees. The chapter concludes that politically and economically powerful individuals are subverting laid down regulations and procedures to acquire land. The poor and vulnerable groups are left with very few opportunities to access land in urban areas for both residential and commercial use.

The inquiry on transparency and accountability in communal land management exposed how access to communal land and ownership is influenced by gender. The chapter also exposes the abuse of power by village heads, chiefs and Rural District Councils (RDC) through their explicit or tacit participation in illegal land sales and arbitrary application of regulations and policies. Mainly this has been made possible by the fact that there are no set standards for transparent and accountable application of these regulations and policies. The overlap of powers of the chiefs and RDCs seem to be both legal and political constructs, causing upward rather than downward accountability. The chapter also highlights how illegal land sales have been increasing especially in areas close to urban centres.

These illegal land sales have resulted in numerous conflicts over boundaries and loss of grazing land. The study unravelled how over the years, for political expediency, different pieces of legislation have added powers to traditional leaders but with the inadvertent consequence of increasing their upward accountability at the expense of downward accountability to their traditional subject. . Mainly this appears to be possible because there is no standard for land sector integrity in which policies and regulations are applied to foster

public trust in communal land, further complicated by the parallel legal systems operating in the area, common law-civil law on the one hand and customary law on the other. In this light, the study shows that there is need for advocacy to educate communal rural people to demand and protect their rights so that their land cannot be sold from under them without legal justification.

The chapter on corruption and land reform highlights corrupt practices undermining land management integrity that were evident as far back as the 1980s, in the hay days of independence. In communal areas of Masvingo, Mutare and Goromonzi, programmes of land resettlement were imbued with lack of credibility as far back as the 1980s and 1990s. In depth interviews with people from these communities created the impression that during land demarcations, land was specifically given to powerful families with connections to the ruling party. What this chapter has unearthed is that the ordinary Zimbabwean has benefited from land redistribution, particularly post the fast track land reform process.

However there is sufficient evidence to support the argument that without corruption in the form of abuse of office and power more ordinary, deserving Zimbabweans would have benefitted than is currently the case. The evidence points to elite capture of the process which in turn benefitted their extended family members, cronies and business associates both local and international. In some instances the conflicting policies and legislation have also worked in favour of corrupt individuals either through contradiction or where it is silent about certain behaviours that are potentially corrupt. A new sector governance framework must be provided for land officials to implement and monitor policies transparently. In turn land officials must be protected from local and international private sector players who provide the inducements such as bribes feeding into sector corrupt practices that undermine its integrity.



The chapter on large scale land deals provides insights into how systematic corruption and lack of accountability create loopholes that are manipulated by both national and international unscrupulous land investors to benefit themselves and not the nation. The chapter traces the different players in land deals who include the government of Zimbabwe, foreign governments through bilateral governments, foreign companies and local politicians and elites.

The development of bio fuels in Zimbabwe raise complex questions in development that require new research to provide understanding for emerging challenges to current agrarian politics that include the , indigenization policies for economic transformation. The state in Zimbabwe is embarking on a dangerous precedent as it seeks more foreign direct investment yet the deals are conducted with much secrecy in the context of a policy lacuna that leaves the very citizens the state seeks to empower, at the mercy of the whims of local and transnational companies. While there is strong evidence in the media for these emerging trends of large scale land grabs in Zimbabwe, mapping the players with any precision proved difficult in the context of the study.

In Africa local elites are involved in the majority of land acquisitions. There are a variety of actors involved in Zimbabwe both local and foreign but they remain hidden as land deals are mainly nocturnal events. Networks of capital include both local elites and rich foreigners hiding behind the label of 'investors' yet their activities bring little benefit to local communities. What the chapter shows is that we are witnessing a new wave of financing mechanisms which defy space and time being used to target land investments in Africa at the expense of local communities. The Chisumbanje case study serves to highlight the social and economic rights violations suffered by indigenous communities as direct consequence of unregulated, often illegal large scale land grabs. The entrenched top down culture of implementing governance policies in Zimbabwe leaves communities with no room to debate the desirability of new approaches to economic

development. As such they cannot assert their rights to participate in new approaches, let alone benefit them. The last chapter focuses on the impact of land corruption on youths and women. It unpacks land redistribution of the past 34 years, land access, land utilization and land tenure issues from a gender and a youth perspective. There is evidence to suggest that without corruption typified by male-dominated cronyism, nepotism and abuse of office, more women and youth would have been or still could be benefactors. Unregulated land allocations as well as unregulated participation of economically powerful people have muscled out women and youth from full participation in land as an economic resource. Women and young people have also expressed that they do not want to work through political parties as this compromises their effective engagement and makes their involvement tenuous and uncertain at best.

These unfair and disempowering practices would need to be eliminated for equal participation of both women and youth in land governance to realize economic and social beneficiation from the land.

*Farai Mutondoro*

*Researcher and Coordinator*

*Transparency International Zimbabwe*



A large, leafy tree stands prominently in the center of a rural village scene. In the background, several traditional huts with thatched roofs are visible, along with people engaged in daily activities. A woman in a white shirt and blue skirt stands in the foreground, looking towards the tree. A man in a patterned shirt stands next to her. The ground is dry and dusty. A blue banner is overlaid on the right side of the image, containing the title and authors' names.

# Introduction

Farai Mutondoro &  
Mary Jane Ncube



# Introduction Chapter

Land is a finite resource whose mis-governance led most African states to embark on liberation struggles in an attempt to attain autonomy, transparency and equality in its allocation and access. The utility of land in any nation is central to the formulation of its socio-economic and political diaphragm pivotal for national progress (Thomas, 2001). TI (2012) noted that natural resources are most likely linked to corruption and land being a resource of diverse utility, could also be an indicator of sources of corruption if issues of its governance and integrity are scrutinised from a transparency perspective that frowns at corruption. Noting the need to explore transparency in land governance, Transparency International Zimbabwe (TIZ), has embarked on a research on Land Governance Integrity in Zimbabwe as the focus of the TIZ Annual State of Corruption Report. By canvassing for integrity in land governance TIZ hopes to strengthen existing government, NGOs and private sector policy in land governance.





## Background

Land is at the heart of the political, social and economic organisation of most African states, which rely heavily on agriculture and natural resource use for a significant percentage of their national gross domestic product (Mutopo, 2013). Zimbabwe is one such African country whose reliance on land defines its social, political and economic order and stability. The centrality of the land sector in Zimbabwe emerges from its importance as an economic, livelihoods strategy for the greater majority of the population. It is also linked to cultural and customary law institutions such as marriage and inheritance.

The country has a total land area of about 39 million, 40% of the country's land is agricultural land, forested areas make up 45% and the nationally protected areas make up 15% of land. Being an agrarian society, more than 70% of the country's population is dependent on land and agriculture. Land and agriculture contribute at most 11 to 12% of the Zimbabwe's GDP and forestry and wildlife account for 2% to 3%. Land is therefore a critical backbone of the Zimbabwean economy and a source of livelihoods for more than 70% of the country's population who are dependent on agriculture.

Generally land administration in Zimbabwe is problematic owing to the involvement of many institutions with mandates that overlap, sometimes complement and often contradict each other because of varying policy statements emerging from them. The existing literature on land in Zimbabwe (Rukuni et al. 1994, Shivji et al. 1998, Chonchol et al. 2000, Janneh et al. 2000) has documented that land administration in Zimbabwe lacks transparency and accountability and that the institutional framework for land administration is fragmented, with overlapping responsibilities and poor co-ordination. More so many land administration agencies have been created and changed at the whim of the government especially after the land reform programme of 2000 (Saller 2004; Jacobs and Chavhunduka 2003).

Some of these structures involved in land administration derive their authority not from the legislative instruments but from the executive, which constitutes and reconstitutes them (ibid).

Among some of the institutions and agencies involved in land administration are the Ministry of Lands, Land Reform and Rural Resettlement, Ministry of Agriculture, Mechanization and Irrigation Development, Ministry of Environment and Natural Resources, the Ministry of Local Governance, Public Works and Urban Development, President Land Review Committee, Rural District Councils, Traditional leaders and war veterans. Institutional overlaps and the lack of transparency and accountability in land administration increases the risk of corruption in the land sector and threatens to turn land into a tool of alienation of the aspirations of ordinary people. In terms of land legislations, land in Zimbabwe is governed by various pieces of legislations.

Table I gives a summary of the main pieces of legislations governing land in Zimbabwe:

**Table 1: Evolution of Legislation Governing Land in Zimbabwe from 1930 to 2005**

LEGISLATION	DESCRIPTION
Traditional leaders Act Chapter 29:17 2001	The Traditional Leaders Act of 1999 formally restored the local land administration role of the chiefs, although the Rural District Council (RDC) continues to play an oversight function.
Traditional leaders Act Chapter 29:17 2001	The main aim of the Act was to create a board of authority figures who would plan, co-ordinate, implement, promote and assist agricultural development in Zimbabwe, to prepare and, with the agreement of the Minister, to implement schemes for the betterment of agriculture in any part of Zimbabwe; (c) to plan, promote, co-ordinate and carry out schemes for the development, exploitation, utilization, settlement or disposition of State land specified in the Third Schedule
Deeds Registry Act 1999	An Act to make provision for the establishment of deeds registries and for the appointment of registrars of, deeds and to make further and different provision, for the registration of deeds and conventional hypothecations; and to make provision for other matters incidental to the foregoing.
Chiefs and Headmen Act chapter 29:01 1992	The Act provides for the appointment of village heads, headmen and chiefs; to provide for the establishment of a Council of Chiefs and village, ward and provincial assemblies and to define their functions; to provide for the issue of village registration certificates and settlement permits.
Land Acquisition Act 1985 and 1991	The Act was enacted to speed up the land reform process by removing the "willing seller, willing buyer" clause, limiting the size of farms and introducing a lands tax. The Act empowered the government to buy land compulsorily for redistribution, and a fair compensation was to be paid for land acquired
Communal Lands Act 1982	The Act provides for the classification of land in Zimbabwe as Communal Land and for the alteration of such classification; it also alters and regulates the occupation and use of Communal Land; and provides for matters incidental to or connected with the land in the communal areas.
Regional Town and Country Planning Act 1979	The Act regulates regional planning and provides for the functions of Regional Planning Councils. The Act confers the land-use planning function on urban local authorities and regulates the development of master and local plans; subdivisions, consolidation, acquisition and disposal of land
Parks and wildlife Act 1975	The Act enabled the land owners the right to manage wildlife for their own benefit. Thus providing an economic rationale to reinforce the scientific, aesthetic and moral justifications for wildlife
Land Survey Act 1972	The Act consolidates and amends the laws relating to the survey of land

## Problem statement

While voluminous literature has been published on the land issue in Zimbabwe, a few of these studies give particular attention to the problem of corruption peculiar to land governance. The existing literature on land governance falls short of a specific reference to corruption. Rukuni, (1994), Jacobs and Chavunduka (2003), Matondi (2010), Chiweshe and Mutopo, (2011), have commented that land administration in Zimbabwe lacks transparency and accountability and that the institutional framework for land administration is fragmented, with overlapping responsibilities and poor co-ordination. They do not go further to interrogate the corruption vulnerabilities presented by such conflicted and contradictory policy and institutional frameworks, which the study seeks to do.

Land being a key economic resource and a base for other resources such as minerals inter alia is highly susceptible to corruption in the context of its overall governance and management. Based on anecdotal evidence gathered by TIZ over the years, the organization felt compelled to make a contribution to the existing literature on land governance by investigating productive contribution of land to society and the economy using a corruption lens. TIZ is further motivated by findings by TI (2011) which shows that there is a very strong correlation between levels of corruption in the land sector and overall public sector corruption in a country. Corruption in land governance is often symptomatic of the breakdown of a country's overall governance (TI, 2011). Zimbabwe likewise is a country whose public sector has been dominated by corruption. Zimbabwe has over the years been ranked as one of the most corrupt countries in the world by various surveys and international ranking such as the Corruption Perception Index, Global Corruption Barometer inter alia. Land and politics in Zimbabwe are deeply intertwined (Scoones, et al 2011). This relationship exposes land as a resource prone to corruption involving politicians mainly and bureaucrats in charge of land management.

In principle much of the land in Zimbabwe is vested in the Presidency. Vesting land in the presidency means land in Zimbabwe is a pawn in the hands of powerful officers and organs of the central and local governments, Jacobs and Chavhunduka (2003). This kind of institutional arrangement provides fertile ground for abuse of authority which is enhanced by a lack of accountability, transparency or legal and institutional checks and balances in the top-down system of land administration (ibid). Against this backdrop TIZ undertook a policy oriented study whose ultimate goal is to proffer policy recommendations for improved land governance in Zimbabwe. The findings of this study provide valuable information to land governance stakeholders such as the Land Commission whose main roles are spelt out in the new constitution as: "ensuring accountability, fairness and transparency in the administration of agricultural land vested in the State"

## Study objectives

The Annual State of Corruption Report on Land Management was guided by the following research objectives:

- ® To establish the extent and impact of land corruption in Zimbabwe
- ® To identify factors and opportunities fuelling land corruption in Zimbabwe
- ® To assess mechanism in place to curb and mitigate the corruption risk in the land sector in Zimbabwe.
- ® To generate policy recommendations on how to curb corruption in the Land sector in Zimbabwe.





## Conceptual Framework

To analyse transparency and accountability issues in land governance, the study made use of the political economy approach and the World Bank land governance framework. Before defining the political economy approach and land governance, it is important to first understand the concept of land corruption. Literature on land and corruption asserts that it is essential to think of land corruption as an operational concept reflecting 'the illicit acts and the abuses of power committed by those with the power (at different levels) when performing their duties' as this relates to different land operations (Lascombes, 2009:264). Land corruption relates therefore to the illicit transactions related to land and involving public authorities to public authorities and public to private. It is a form of political and bureaucratic corruption involving state and non-state players. Corruption in the land sector is therefore the abuse of power and authority by those in charge of land administration for their own gain or benefit. The benefit(s) in land corruption go beyond personal to include institutional, family, tribe and clan benefit.

Political economy is understood here as the interplay between public policy and the distribution of political power and productive assets across society (Milonakis and Fine, 2009). As defined by J.S. Mill (1974: 124-5). Political economy is used here because it is seen as providing the most comprehensive framework for addressing all the relational aspects around land and other resource distribution issues (Grindle, 2009). Moreover, the issues of land are multi-dimensional, comprising societal economics and historical aspects. As Blaikie (1985) states, land-related problems should not be addressed only with a "place-based" concern where a problem occurs, but with a "non-place-based" concern that emphasizes political-economic relations between people who use the land and others.

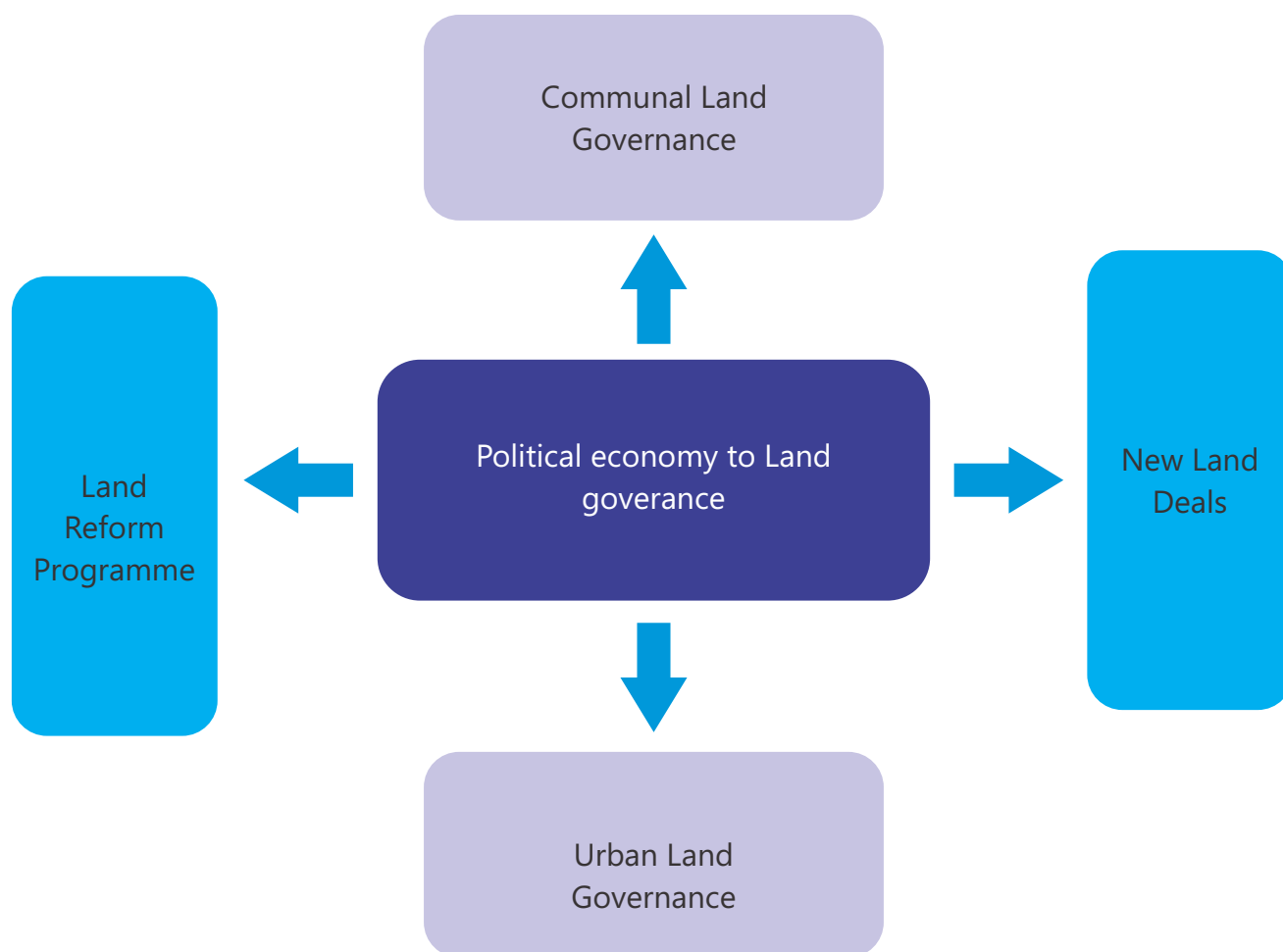
Land governance concerns the rules, processes and structures through which decisions are made about access to land and its use, the manner in which the decisions are implemented and enforced, the way that competing interests in land are managed (FAO, 2009). It covers the legal and policy framework for land, as well as traditional practices governing land transactions, inheritance and dispute resolution. In short, it includes all relevant institutions from the state, civil society and private sectors (Palmer et al, 2009). Therefore land governance is fundamentally about power and the political economy of land.

When land governance is weak, the powerful are able to dominate the competition for scarce land resources (Palmer et al, 2009). In an extreme form, corruption can occur on a grand scale through "state capture" (ibid). The state can be "captured" by individuals, families, clans, groups or commercial companies who direct public policy for their own benefit (ibid). Those with power may illegally transfer state lands and common lands to themselves or their allies. They may implement land redistribution policies and laws in their favour, and give unjust compensation to those whose land is acquired. They may make favorable decisions to change land use that cannot be justified on objective grounds. Agreements may be made in secret by a small number of people: by the time the public becomes aware of decisions it may be too late to intervene.

The World Bank provides a framework for understanding land governance. The World Bank land governance framework outlines that an analysis on land governance should look at the following thematic areas namely the legal and institutional framework; (ii) land use planning, management and taxation; (iii) management of public land; (iv) public provision of land information; and (v) dispute resolution and conflict management. This study tried to operationalise this framework through looking at the various issues peculiar to the land issue in

Zimbabwe.

The diagram below shows the angles through which the study will analyse corruption and land governance in Zimbabwe.



## Methodology

The research on Land Governance and Corruption in Zimbabwe employed a survey research design. A survey is an investigation of the options or experiences of a group of people by asking them a set of questions, and relevant data is collected from the information given. Surveys are important in that they facilitate for a wider coverage and gaining a wide range of views and perceptions on people's experiences on land governance. In this study, data was collected from different groups of people living under different circumstances and having diverse experiences on the land issue in Zimbabwe. As such data was collected from people in the following areas, communal, resettlement and urban areas. A triangulation of qualitative and quantitative research tools was used in this study. The main purpose for triangulating in this study was that of ensuring that the data generated is both descriptive with facts and figures and qualitatively rich. The study therefore made use of questionnaires, key informant interviews, focus group discussion as well as document reviews. Data was collected from such areas as Harare, Domboshava, Mutare (Mutasa, Watsomba, Zimunya and Marange area) and Bulawayo.

### Overview of the Chapters

#### Accountability in urban land management in Zimbabwe

Chiweshe's second chapter focuses our attention to urban land management in Zimbabwe. The chapter begins by providing a historical perspective, from 1980 to the present. This historical account puts in sharp perspective the shifting policy environment that has left millions of urban people with little of ever acquiring homes legally, their title to urban land at the risk of land barons and swindlers in cooperative schemes. Chiweshe points out that as government had less and less resources for public housing schemes the more private players came into the scene in the form of cooperatives that have developed a reputation of cheating innocent people of their hard earned money. The over discretionary powers given to the Ministry of Local Government and Urban Planning that seem to give the Minister tentacles into every area of land development despite the existence of Ministry of Housing, Local Authorities, Private Sector and other players. Overall citizens interviewed hold the opinion that corruption is rampant in urban land management and that the institutions that are supposed to uphold the values of transparency, fairness, accountability, integrity are the ones perpetuating unfair practices, lack of transparency, accountability and integrity. That, coupled with the deepening class inequalities fewer people have confidence accessing homes through honest processes using the legal and institutional in

urban land management system in Zimbabwe

#### Transparency and Accountability in communal land management

The chapter focuses on transparency and accountability issues surrounding communal land governance in Zimbabwe. The prime challenge that the study has highlighted is the misuse of power by village heads, chiefs and Rural District Councils in land allocation and dispute management. Essentially this has been made possible because of the politicization of land as a resource as well as the lack of standardization and regulation in the way local leaders manage land. The chapter also highlights how illegal land sales have been increasing especially in areas close to urban centres.

These illegal land sales have resulted in numerous conflicts over boundaries and loss of grazing land. The inquiry noted that these illegal land sales are being driven by a multiplicity of player's chief among them being traditional leaders, RDC officials and the households who own land. The study identified a number of corruption opportunities in the way communal land is governed.

These factors include monetization of the rural economy and speculation of land issues, opaque's systems in land allocation, lack of checks and balances in the way land is allocated by some players and the weak legal recognition of customary tenure.



These factors cumulatively militate against the integrity of the sector as well as its ability to protect the livelihoods, welfare and food security of the rural poor living in communal areas. Ideally the study unwrapped prominent powers through laws which made them seek political relevance by adhering to political pronouncements over land use, this created a politicized communal land governance instead of protecting the rights of their subjects and communities.

Transparency and accountability of the communal land sector requires to be secured through synchronization of different institutions and legal instruments regulating it. In this light, the study shows that there is need for advocacy to educate communal rural people to demand and protect their rights so that their land cannot be illogically sold without their knowledge.

### **Corruption and Land Reform Programmes in Zimbabwe**

In this chapter Patience Mutopo provides an overview of the land reform programmes implemented by the government of Zimbabwe since independence. The paper suggests that corrupt practices undermining land management integrity were evident as far back as the 1980s, in the hay days of independence. These became more pronounced in the 1990s and 2000s when the government's agreement with the United Kingdom over land redistribution was rescinded by the Labour Party government of Tony Blair throwing the land reform question into the boiling pot of other burgeoning governance crises.

Rising unemployment among the youth, failing health care and education infrastructure, slowing down industrial and commercial activity all bringing a sharp appetite for land. What ensued was a decade of fast tracked land redistribution that was chaotic and often violent in its implantation. This has left a mixed legacy for Zimbabwe. Some of the respondents in this research viewed it as a success supported by views of land experts such as Sam Moyo. While other respondents accuse the process of reaping high returns only for the rich and powerful whom they

accuse of multiple farm ownerships, benefitting from abuse of power ( politicians and traditional leaders) and abuse of office by underpaid civil servants engaged in bribe taking. The chapter proposes that a land audit is the only process that can elucidate the true extent of success of the land reform process as well as quantify the true impact of corruption by ascertaining how much has been lost in land management sector integrity through corruption.

Obvious losses can be attributed to the manner in which the process has resulted in limited numbers of women and youth beneficiaries. Financial and environmental losses would require forensic audits to be carried out.

### **Accountability issues in large scale land deals in Zimbabwe**

Large scale deals are not just a Zimbabwean phenomenon but a growing continental problem. In this chapter Manase Kudzai Chiweshe questions their place in the overall land reform and development model pronounced by the Zimbabwe government in 2000 that aimed to redistribute land to right past economic and racial imbalances. Chiweshe's argument broadly asserts that there is an ideological disjuncture between the new concept of land grabbing fuelled by big international investors and the social justice trajectory that was meant to underpin the land redistribution and settlement programme.

We see through three case studies discussed in the chapter Chisumbanje, Naunetsi and Chiadzwa the contradictions in policy, as well as the corruption opportunities the secretive nature of the land deals present. The paper traces the different players in land deals who include the government of Zimbabwe, foreign governments through bilateral governments, foreign companies and local politicians and elites. The case studies provide insights into how systematic corruption and lack of accountability loopholes are manipulated by both national and international unscrupulous land investors to benefit themselves and not the nation.

## Gender, Youths and Land Corruption

In this chapter the ASCR on Land Management Integrity looks at land redistribution, land access land tenure arrangements, land utilization in the inclusion of women and youth in these major processes of land governance. In her analysis Patience Mutopo looks at the different legal, policy, and cultural structural inhibitions that have affected women and youth especially since the Fast Track Land Reform Programme of the late 1990 early 2000's. Her research points out the injustices bordering on corruption suffered by the majority of women and young people who participated in the jambanja mayhem. She poses an interesting argument that suggests in theory the fast track land programme jambanja resonated with many of the nation's young people, who understandably were swept up in it because of the promise to economic and financial security and empowerment message it touted.

Unfortunately it delivered less than it promised to young women and the youth because of the corruption that has characterised the process. Mutopo raises points that corroborate the other chapters in their conclusion that corruption is also made possible in the land management value chain because of the multiple policies, laws and institutions that contradict and conflict with each other rather than complement each other.

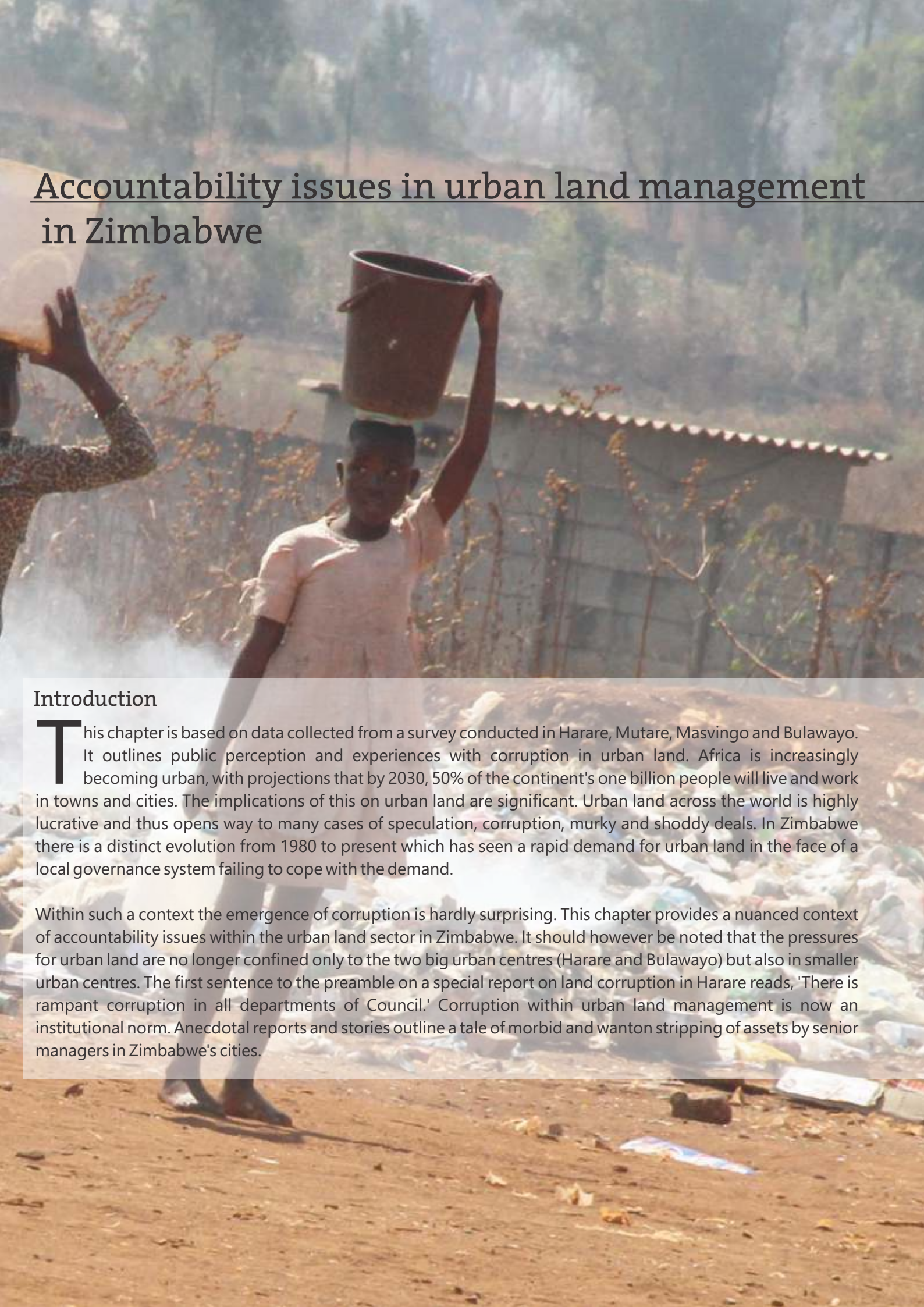




## Chapter 2

Manase Kudzai  
Chiweshe





# Accountability issues in urban land management in Zimbabwe

## Introduction

This chapter is based on data collected from a survey conducted in Harare, Mutare, Masvingo and Bulawayo. It outlines public perception and experiences with corruption in urban land. Africa is increasingly becoming urban, with projections that by 2030, 50% of the continent's one billion people will live and work in towns and cities. The implications of this on urban land are significant. Urban land across the world is highly lucrative and thus opens way to many cases of speculation, corruption, murky and shoddy deals. In Zimbabwe there is a distinct evolution from 1980 to present which has seen a rapid demand for urban land in the face of a local governance system failing to cope with the demand.

Within such a context the emergence of corruption is hardly surprising. This chapter provides a nuanced context of accountability issues within the urban land sector in Zimbabwe. It should however be noted that the pressures for urban land are no longer confined only to the two big urban centres (Harare and Bulawayo) but also in smaller urban centres. The first sentence to the preamble on a special report on land corruption in Harare reads, 'There is rampant corruption in all departments of Council.' Corruption within urban land management is now an institutional norm. Anecdotal reports and stories outline a tale of morbid and wanton stripping of assets by senior managers in Zimbabwe's cities.



## Historical evolution of urban land policies in post-colonial Zimbabwe 1980 - 1990

At independence the Government of Zimbabwe inherited a racially skewed urban land management system. Access to land was based on the colour of one's skin thus there was widespread suburban apartheid. Whites' only suburbs with huge landscaped yards were predominantly located to the north of the city. The slogan at independence was 'Housing for all by the year 2000' which was to be achieved through the Transitional National Development Plan (TNDP), of 1983 which sought to promote low cost housing. Chitekwe-Biti argues that in 1980 there was a massive wave of migration into the cities which was exacerbated by frequent droughts in the 80s and 90s. The city became the last hope for many who could no longer survive in rural homes especially given that not much had been done in terms of land reform.

This led to Harare and Bulawayo having growth rates of around 4.8% per annum and now they have doubled population since independence. According to the Urban Council Act (chapter 29:15 and Regional and Town Planning Act (chapter 29:13) the local authorities have the mandate to provide housing yet they remain unable to meet the vast demand for land. In the 1980s government initiated many schemes with the help of donor funds to provide low cost housing in urban centres. Urban councils were by law necessitated to have a waiting list of home seekers which increased from 15000 in 1991 to 1.2 million in 2007. The priority for low cost housing in Harare was however still evident as the government initiated many schemes in areas such as Glen Norah, Glenview and Sunningdale. Donors were also critical in this drive. For example USAID funded the Kuwadzana project on two farms (Parkridge and Fontainebleau) 14 km to the west of the city centre, on which 7 500 plots were provided. Between February 1984 and December 1985, 6 000 plots were allocated to families from the housing waiting-list.

### 1991 – 1999

The period is characterized by change in government policy on funding social services. The advent of structural adjustment promoted by the Bretton Wood Institutions shifted government from funding low cost housing mainly to arrest budgetary deficits and to kick start the economy. This announced the shift from low cost social housing towards a more market oriented system in which land and housing were pegged at commercial prices. Such a shift meant that the poor could no longer realistically compete for land with those who had money. Structural adjustment programmes were accompanied by '...worsening economic conditions...' the very poor had no alternative but to continue building unauthorized housing.

Although there has never been any official acknowledgement of illegal housing production by the poor, from the late 1990s until May 2005 most local authorities began to "semi-legalize"...' Urban land thus became a lucrative speculative asset especially for those with political power and ability to influence who, when and how one gets land. Figure 1 below shows the trends in stand production in Harare from 1999. It highlights fluctuations in stand allocations which peak in 2011 but remain short of demand. The City of Harare argues that in the 1990s most land belonged to private owners and this meant protracted negotiations which meant low production of stands.



Year	Council	State Land	Private	Overall
1999	0	0	3500	3500
2000	0	0	6250	6250
2001	0	1200	3400	4600
2002	0	1200	0	1200
2003	0	1000	550	1550
2004	172	0	1200	1372
2005	3963	0	0	3963
2006	639	2600	0	3239
2007	2731	0	3200	5931
2008	1238	8000	0	9238
2009	197	1000	800	1997
2010	0	3300	4100	7400
2011	0	18 500	0	18 500
<b>Total</b>	<b>8 940</b>	<b>36 800</b>	<b>23 000</b>	<b>68 740</b>

**Figure 1: Stand production by sector by year in Harare**

Source: Adopted from Marongwe Mukoto and Chatiza (2011:52)



## Post 2000

According to the Ministry of National Housing and Special Amenities, there are approximately 1.2 million people on the government's national housing waiting list, although the exact figure is not known because most local authorities do not collect the necessary data. The post 2000 scenario is complicated by an emergent 'Zimbabwean Crisis' characterized by political violence, massive inflation, widespread suffering, food shortage, international isolation and a general decline of standards of living. Urban housing was almost impossible to access for the poor and squatter camps, back yard shacks and renting out of rooms increased. The crisis for urban land in such a context was highly political as corrupt tendencies became institutionalized.

The situation was further worsened by a government programme in 2005 dubbed Operation Murambatsvina/Clean-up which sought to bring 'order' to urban centres by destroying illegal housing structures. According to the UN, Operation Murambatsvina left more than 700,000 people homeless across the country and a further 2 million indirectly affected through the loss of their livelihoods. Increased corruption and primitive accumulation amongst the political elite has exacerbated pressure for land in urban spaces. 2000 – 2010 in many ways represents a lost decade for Zimbabwe as services and government expenditure regressed in all sectors. It is within this period that cooperatives and land developers emerged to cover the gap left by government and this also saw the increase in land related fraud in urban areas.

## Urban land markets

The growth of urban land markets in Zimbabwe has to be understood from a colonial lens in which there was a narrow provision of urban land to a small number of white people. With independence this brought about influx of the majority black people into urban spaces but without a change in the planning and management of land markets. Access to land remained formalistic and inaccessible for the majority of the people. The market has remained dualistic in nature borrowing from colonial times where areas designated as low density fetch higher prices than high density areas. As population grew the government could not meet the demands for land and this caused serious political raptures around 1998 – 2000 with the emergence of an urban based opposition party, Movement for Democratic Change. One of the ways in which the ZANU PF government was using to address shortages of urban land for housing was to initiate informal settlements such as Caledonia and Hopely Farm as a temporary – stop gap measure. But because they were also proving important for party organization these semi-formal settlements have remained present through quasi political structures controlled by ZANU PF.

Urban land registration in Zimbabwe is done through the deeds office which according to Marongwe is in a state of dereliction. This affects the storage and access to documents about land ownership. The office has also faced many allegations of producing fake title deeds. At the moment one of the major problems facing urban land markets in Zimbabwe is the lack of information on land supply and availability. The government departments tasked with this do not have the institutional capacity and they suffer from corruption from government officials. There is no information available for the public for land transactions to vet whether there are illicit deals being conducted within councils. There are allegations of multiple land ownership by council managers. This can be unearthed via audits of urban land ownership.

## Institutional framework governing urban land

**T**he institutional framework guiding the administration in Zimbabwe is outlined in Box 1 below. While there are many laws the Constitution of Zimbabwe remains supreme. Zimbabwe Institute however argues that:

The juridical framework for local government is set out in several pieces of legislation. The principal Acts governing local authorities in Zimbabwe, the Urban Councils Act and the Rural District Councils Act set local authorities as separate and fairly autonomous legal corporate institutions. The main Acts for local governance purposes are the Urban Councils Act (Chapter 29:15), Urban Councils Amendment Act (Chapter 29:16), Rural District Councils Act (Chapter 29:13), Chiefs and Headmen Act (Chapter 29:01), Communal Land Act (Chapter 20:04), the Provincial Councils and Administration Act, the Customary Law and Local Courts Act (No. 2) of 1990 and the Traditional Leadership Act of 1998.

Legislation outlined above provides an institutional framework for local governance. In discussing urban land it may be important to single out the Urban Councils Act (1996), which regulates the affairs of cities, municipalities, towns and local boards. It provides the basis for the governance and allocation of land within cities. The major weakness of the Act (as with other local authority laws) is the excessive interference of central government in local issues for example the Section 149 to 156 of the Urban Councils Act that deals with land; all decisions are to be made at the discretion of the minister. The minister has the power to allow or refuse all decisions pertaining to land. In a polarized political space this becomes problematic especially given that 'Minister of Local Government, Public Works

and National Housing, Ignatius Chombo has explained in the past: "local councils enjoyed delegated authority and thus should follow government, and by extension, ZANU PF policies" (The Daily Mirror, 30.08.04)'

### **Box 1: Institutional Framework for Urban Land**

1. Constitution of Zimbabwe.
2. Local Government Law (mainly Urban Councils, Rural District Councils and Traditional Leaders' Acts).
3. Land Law (Land Acquisition, Land Survey and Deeds Registration Acts).
4. Environmental Management Act.
5. Regional, Town and Country Planning Act.
6. Model Building By-Laws.
7. Building Societies Act.
8. Acts governing professions (Architects, Engineering Council and Quantity Surveyors Acts).
9. Housing and Building Act.
10. Housing Standards Control Act





## Actors in urban land

### Central government

Various arms of central government are involved in urban land management. This often leads to duplication and confusion over roles and a lack of coordination in compliance and oversight. The Ministry of Housing is responsible for formulation, implementation and monitoring of the National Housing Policy. Yet somehow it has little authority over land in urban areas when compared to the Ministry of Local Government, which supervises local authorities, hosts the national spatial planning agency (Department of Physical Planning) and administers urban state land. However there is the Ministry of Lands, which has the Office of the Surveyor General, thus is responsible for land acquisition and manages key land information. There are many other ministries that are directly and indirectly involved in urban land. What is important to note is the multiplicity and complexity of central government involvement in urban land management. From key informant interviewers it was clear that the Minister of Local Government tends to be the most influential office when it comes to the regulation of urban land.

The Urban Councils Act outlines the manner in which central government (mainly through the Ministry of Local Government) relates to local authorities. Whilst there are clear demarcations of duties and responsibilities, the president (through the minister) has ultimate veto power over councils mainly through dismissing or suspending mayors or councillors. Zimbabwe Institute argues that:

In terms of section 54 of the Urban Councils Act, the President may require an Executive Mayor to vacate his office if the Executive Mayor has been guilty of any conduct that renders him unsuitable as Executive Mayor or is mentally or physically incapable of efficiently carrying out the functions of the office of mayor. The responsible Minister may suspend an Executive Mayor whom he suspects on reasonable grounds of having been guilty of misconduct or against whom criminal proceedings have been instituted for any offence in respect of which a sentence of imprisonment without option of a fine may be imposed. The drastic measures of suspending or firing Executive Mayors and councillors have been a favourite card to pull for political partisan reasons to deal with local authority problems.

In such a scenario power is effectively vested in the Minister who can use the threat of dismissal to make councils bend to his will. While the laws were meant to ensure balance and oversight of council operations the political polarization in Zimbabwe post 2000 saw a shift towards ministerial interference in the operations of many urban councils controlled by the opposition party. In terms of urban land management reports from the City of Harare allege the minister has used this power to amass land. Such institutional manipulation, abuse of executive office has led to a breach in oversight, meaning that while the institutional and legal frameworks exist they continuously overridden by political expedience.

### Local Authorities (Councils)

In Zimbabwe there are four types of urban councils of different size and authority. These include the lowest types for small towns call Local Boards, then Town Councils and Municipalities. The fourth type called City Councils governs big cities such as Harare and Bulawayo. Urban Councils Act (1996) states that cities and municipalities shall be headed by elected Executive Mayors who *'...are elected at the first sittings of the councils following a general election [sections 274 and 277(2) of the constitution]. Since the mayors and chairpersons should be regarded as members of their councils, as noted above,*

*and therefore must have been elected by registered voters within the council areas, it follows that at their first sitting councillors must elect one of themselves to be mayor or chairperson.'*

The mayors work with town clerks and chamber secretaries (these are appointed positions) on the everyday running of the council. The appointment of these the later position has caused friction post 2000 as often the mayor is from one party and yet the town clerk is appointed by the another party. There is also 'in all cities and municipalities is the Executive Committee. This comprises the mayor, his deputy and the chairpersons of the other compulsory committees specified in the UC Act.' Local authorities in Zimbabwe are mandated constitutionally as the land and planning authorities in rural and urban areas. In urban areas urban councils are responsible for the following`;

- ® Provide social amenities including roads, sewage, water, refuse collection etc.
- ® Service urban land
- ® Regulate the activities of private developers
- ® Manage the housing waiting list

According to the National Housing Policy (2012) the main functions of local authorities in housing are:

- 1) Land allocation and administration,
- 2) Land use planning,
- 3) On and offsite servicing,
- 4) Plan approval for superstructures and construction supervision,
- 5) Certification of completed developments,
- 6) Technical backstopping of community groups, and
- 7) Collecting and allocating revenue in keeping with their short and long-term plans.

### Private sector

The largest private sector players in urban land remain land development companies, pension funds and building societies. Over the years building societies have included such companies as Beverly-CBZ Building Society, Zimbabwe Building Society-FBC

Building Society, Founders-Intermarket-ZB Building Society and Central African Building Society (CABS). They have provided loans and mortgages as well as land development from low-income earners to high-income earners. From 2000 to 2008 financing of low-income households was seriously affected by economic crisis in Zimbabwe. This saw the emergence of numerous cooperatives, which are discussed elsewhere in this paper. These cooperatives with political links saw an opportunity and embarked on various projects across the urban Zimbabwe where they accessed land on credit from urban councils, parcelled them out to people who would pay monthly instalments for buying and servicing the stands.

Most of these cooperatives are not registered with the Zimbabwe Property Developers Association (ZIPRODA) that is the body that regulates the operations of land developers. Within the private sector big companies such as ZESA are also involved in company-housing schemes for their employees. This is also true of mining companies that develop urban land for their employees.

### Non-state organisations

Box 2 shows that there are numerous non-state actors involved in urban land development. Non-state actors are involved in providing technical support (e.g. through research and policy implementation), social mobilization, direct provision, capacity building and financial resource leveraging.



### National

- 1) Dialogue on Shelter for the Homeless People in Zimbabwe Trust (Dialogue),
- 2) The Zimbabwe Homeless People's Federation (ZHPF),
- 3) The Zimbabwe National Association of Housing Cooperatives (ZINAHCO),
- 4) Housing People of Zimbabwe (HPZ),
- 5) Civic Forum on Housing,
- 6) Non-ZINAHCO and non-ZHPF community-based organizations (CBOs) involved with housing cooperatives and other social groups, and
- 7) ZIMHABITAT which is a platform for stakeholder interaction on housing matters in Zimbabwe established to foster participatory advancement of the national Habitat agenda.

### International

- 1) United Nations organizations led by UN Habitat,
- 2) Bilateral agencies like SIDA, CIDA and USAID,
- 3) Multilateral agencies like the World Bank and the African Development Bank, and
- 4) International non-UN NGOs and Foundations e.g. the Bill and Melinda Gates Foundation.

Source: National Housing Policy (2012)

### Political actors in land corruption

When discussing controversial land deals in urban Zimbabwe, political players remain prominent. Political power is intertwined with access to land in urban areas. Access to and control over local government structures ensures influence over decisions on land allocation. In Zimbabwe politics is engraved within land administration structures. Political decisions determine one's access to urban land. There are however individuals who have emerged with many alleged cases of fraudulent practices. While it is difficult proving key political actors in urban land scams, there are examples from city documents and newspaper report discussed below. Marongwe et al states that:

*'...Special Investigations Committee's report of the City of Harare Land Sales, Leases and Exchanges has exposed allegations relating to the gross manipulation of the operation of urban land markets. The report makes reference to cases relating to land swaps between the City of Harare and some political elites, unprocedural sale of public land which violated section*

*152 of the Urban Councils Act, unprocedural change of reservation of land, unprocedural disposal of council houses and the no adherence to council policy on the allocation of stand.'*

Box 3 is an excerpt from a special report by the City of Harare which narrates a case in Council provided a swap deal on land with prominent businessman and politician Phillip Chiyangwa without proper authorization.

**Box 3: Example one of illicit land deals***Chiyangwa issue*

Council (Item 8 Finance Committee meeting dated 12th December 2007) resolved for a land swap of Stand 389 Derbyshire measuring 17, 6ha (from Kilima Investments) with City of Harare's Stand 19345 GunHill measuring 10,23ha but on implementation Chiyangwa's company (Kilima Investments) was given 17.6 hectares contrary to the resolution of Council. Officials did not follow the resolution (26 June, 2008) that had rescinded the decision on the Kilima's land swap deal but took it upon themselves in collaboration with P.Chiyangwa (Director of Kilima) to allocate alternative land to Chiyangwa's Kilima Investments with neither authority from Council nor a report of their decision to Council.

In the now infamous divorce case between Minister Chombo and his wife, the Herald ran a story in which the wife was claiming property. The listed properties she was claiming included 97 real estate properties including houses and stands across the country. This was however refuted by Minister Chombo's lawyers. It is rather baffling how a public official accrues such vast wealth without raising suspicions of illegality and enquiries from parliament, Lands Committee, the Public Accounts Committee and the Auditor and Controller General among others. To show the pattern of allegations of corruption, Box 4 provides an excerpt from a special report by the City of Harare accusing the minister of using his position to acquire vast amounts of land in Harare.

**Box 4: Example two of illicit land deals**

Multiple Property Ownership by the Minister of Local Government Honourable I.M.C. Chombo (MP)

Contrary to Council policy that an individual must not get more than one residential property from the Council, the Minister acquired vast tracts of land within Greater Harare and registered them in companies associated with him. It remains disturbing to note that the Minister (Dr Chombo) would identify pieces of land

in the City, influence Council Officials to apply to him (Chombo) for Change of land use, and then sit over the same applications and approve the changes. He would then write to Council officials asking to buy the same stands and obviously get them. Land reserved for recreational activities would end up having Title Deeds in his company's name. A case in point is Stand 61 Hellensvale Harare, measuring almost 20 hectares. According to the Advice of Payment the Minister paid \$2 300 for this stand, obviously understated value

All these examples are a breach of Section 152 (2) which states that "Before selling, exchanging, leasing, donating or otherwise disposing of or permitting the use of any land owned by council; council shall, by notice published in two issues of a newspaper and posted at the office of council, give notice: a) of its intention to do so, describing the land concerned and stating the object, terms and conditions of the proposed sale, exchange, lease, donation, disposition or grant of permission; and b) that a copy of the proposal is open for inspection at the office of the council and c) that any person who objects to the proposal may lodge this objection with the town clerk..." (Government of Zimbabwe, 1996:558). No action has however been taken to remedy the issues outlined in the report.





## Corruption cases in media spotlight

### The Chitungwiza Affair

The Movement for Democratic Change in 2010 carried out an audit on the conduct of their elected councillors in Chitungwiza after serious allegations of corruption. In its report the committee noted that:

*'...It was reported that there were 26 commercial stands at Chitungwiza Town Centre. Only six of the stands were sold through the proper procedure. The other 20 were allegedly sold clandestinely by former mayor Marange and the Town Clerk. Our findings are that our own councillors are generally corrupt and are heavily involved in underhand land allocation deals, receiving of bribes...'*

These allegations point to a situation of rampant abuse of power where councillors are using their positions to amass property and solicit bribes for land. Observations on the ground in Chitungwiza indicate the mushrooming of residential stands in protected wetlands which is environmentally wrong. In a newspaper report on the second of June 2012, Minister Chombo was quoted saying that:

*'People have accused me of having an axe to grind with MDC councillors, but you must understand that I cannot just stand by if there is corruption. I will act and you can expect more of this in the coming days. So today, I have just fired five Chitungwiza councillors for corruption pertaining to the land scandal that has been publicized.'*

The much publicized land scandal involved the selling of land to prominent religious leader, Prophet Makandiwa and other illegal land sales. Land corruption within the Chitungwiza Municipality is now public knowledge and through this study we can begin to understand how the local people perceive these events.

### 5.1 Land developers and corrupt cooperatives in Zimbabwe

Government's failure to provide housing in urban areas has opened the way for the emergence of controversial land developers and cooperatives that according to many reports have been behind scams to steal money from helpless homes seekers. They pretend to be helping home seekers yet depriving them of their hard earned cash. Land developers such as musician Energy Mutodi were arrested on allegations of scamming people out money with bogus stands in Mutare. Various newspapers report on bogus land developers and housing cooperatives pointing to an endemic problem within the urban land sector. The huge demand for land encourages

endemic corrupt practices in which hard working families are losing money to con artists. Initially cooperatives and land developers managed to provide thousands of homes but over the years have several housing co-operative members have appeared in court on charges of converting funds to personal use, fraud and other related crimes. Caledonia Farm in Harare provides a good example of how cooperatives can become predatory. There are over 40 cooperatives authorized to develop housing at the farm but many people have lost money through double or multiple allocations and selling of fictitious stands. There is a lot of fraud involved and many at the farm question how most of the cooperatives were given land and permission to operate.

## 1.0 Findings

### 6.1 Land ownership patterns of respondents

A survey of 160 respondents in four different cities was conducted focusing on various issues concerning urban land. Field data shows that the sample was composed of 55% male respondents and 45% female. The first issue concerned land ownership patterns of

respondents in the survey. 53.1% of the respondents (Table 1) own land in urban areas. All those who own land actually bought the land. Of those who own land 62.4% are male and 37.6% female. This highlights a historical imbalance in land ownership between men and women. Such issues are better explained in Mutopo's chapter on youth and gender. This however is important in highlighting how not only gender but class and age are important in accessing land. In terms of age of those who own land only 5.6% were under 30 years old. It is difficult for young people to access urban land because of the lack of money or employment. 50.6% (37.5% male and 13.1% female) had tried to access land at some time in their lives yet it remains difficult to access land in urban areas as noted by 73.1% of the respondents. Marital status is another important indicator in land ownership patterns especially for women who usually own land through their husbands. 64.2% of those that own land are married. This shows how marriage and urban land ownership are interlinked. Mainly because two incomes are better than one in acquiring stands which are so costly and out of reach for most people. In an environment where few financial

housing loans, mortgage, a couple is more able to dedicate one income to paying off the mortgage or loan than a single person. This was a ploy to control the number of blacks who could access urban housing.

### 6.1 Processes of acquiring urban land

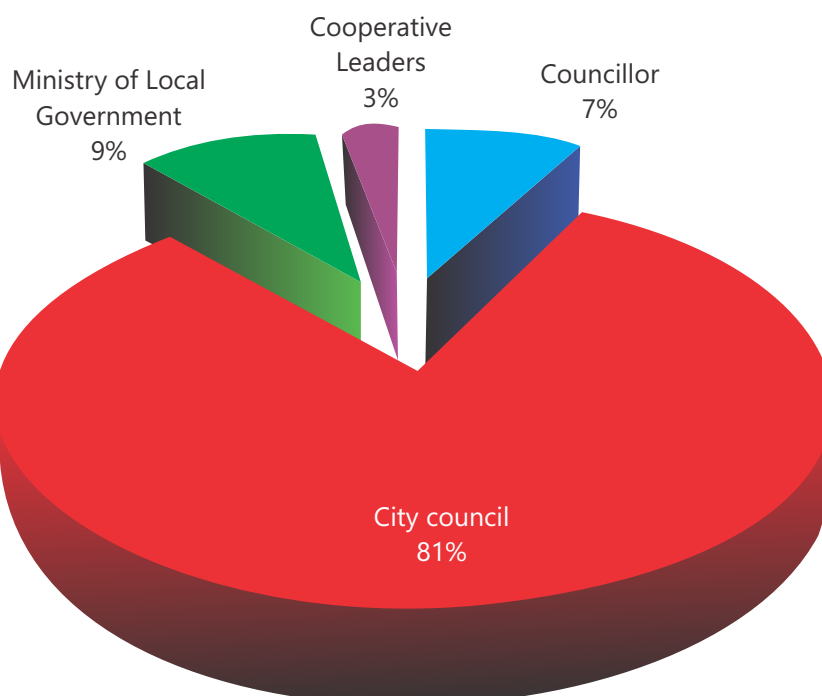
As noted above processes of acquiring land are difficult in urban Zimbabwe. It is not only relegated to the two big cities but across the country in smaller cities. This is because of the huge cash value attached to urban land. In Harare and Bulawayo this value is especially high due to speculation, poor availability of serviced stands and increased need for land. Figure 2 below shows that city councils are mostly responsible for allocating urban land. This is in line with the Urban Councils Act discussed in earlier sections of this paper. There are however other institutions involved in giving land such as Ministry of Local Government (9%), cooperative leader (3%) and councillor (7%). Though accounting for a small percentage these extra institutions show how councils' mandate is often compromised by other centres of power in urban land administration.

Table 1: Do you own land in urban area

	Do you own land in urban area?				Total	
	Yes		No			
	N	%	N	%	N	%
Mutare	31	19.4	9	5.6	40	25.0
Masvingo	25	15.6	15	9.4	40	25.0
Bulawayo	16	10.0	24	15.0	40	25.0
Harare	13	8.1	27	16.9	40	25.0
Total	85	53.1	75	46.9	160	100

Source: Fieldwork 2013

Figure 2: Authority responsible for land allocation



Source: Fieldwork 2013

In connection to the work of urban councils, it was important to gauge satisfaction of respondents with how land rates are administered. All the respondents who own land pay land rates of between US\$9 and US\$40. These rates are largely paid to council (97.5%) which is mandated by law to collect such rates. The few that are not paying to council are opening themselves to fraud from middle men such as unscrupulous cooperative leaders who claim they will pay the rates on behalf of everyone. The survey shows that 71.9% do not understand how the rates are used. There is no explanation to rate payers about how the money collected is utilized. Table 2 below shows that the majority of respondents (88.8%) have never seen records on how land rates are being used.

Table 2: Have you ever seen any records on how land rates are being used?

	Frequency	Percent
Yes	18	11.2
No	142	88.8
Total	160	100

Source: Fieldwork 2013





## 6.1 Tenure security on urban land

Urban land tends to have secure tenure because of the commercial value attached to it. Table 3 below shows that 56.9% of respondents have rights in the form of title deeds over land. 35.6% do not have any rights to land. Mutare has the least number (47.5%) of people with rights to land. This is because the sample in the city concentrated on communities living in cooperative schemes where they did not have title deeds to the land as noted by one respondent: 'We have lived here for four years paying monthly to the leaders of the cooperative yet we still do not own title to our land.' Having rights to land and understanding what those rights entail are different. Fifty nine point three 59.3% of those with rights do not know what the rights entail, 16.5% say that they have a right to do whatever they want. There is a lack of knowledge amongst communities on what a title deed entails and the basket of rights that accompanies the deed. What is also interesting from the study is that 77.5% of respondents do not understand the process of registering a title deed. Related to this, none of the respondents had an idea on how much it costs to change a title deed.

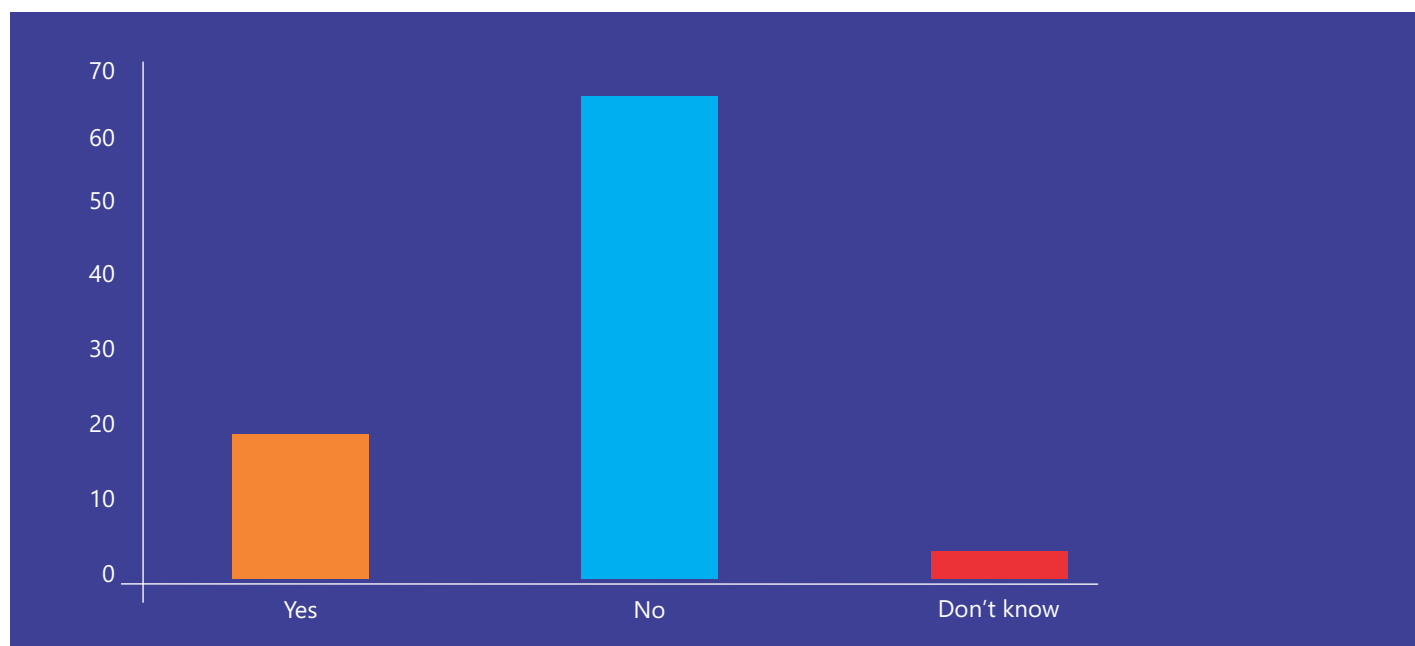
Table 3: Do you have any rights over your land?

	Do you have any rights over your land?						Total	
	Yes		No		Don't know			
	N	%	N	%	N	%	N	%
Mutare	19	47.5	21	52.5	0	0.0	40	25.0
Masvingo	24	60.0	16	40.0	0	0.0	40	25.0
Bulawayo	24	60.0	16	40.0	0	0.0	40	25.0
Harare	24	60.0	4	10.0	12	30.0	40	25.0
<b>Total</b>	<b>91</b>	<b>56.9</b>	<b>57</b>	<b>35.6</b>	<b>12</b>	<b>7.5</b>	<b>160</b>	<b>100</b>
Source: Fieldwork 2013								

The majority of respondents (68.2% Figure 3) have never tried to register land in urban areas. The need to protect land ownership is paramount amongst all respondents yet very few experiences with land registration. All land owners claimed to have title deeds though most could not describe what title deeds look like. An aged male respondent in Masvingo confessed that: *'Most of us have little idea about title deeds or what they mean. We are registered as owners of the land at the council and bills come with our names so for us that is enough. What else do we need to prove ownership of the stand? I believe that I am able to sell my land if I want so title deed or not this is my land.'* Whilst being registered with council is important there were

anecdotal reports especially in inheritance squabbles of documents at the councils disappearing. More advocacy is required to ensure knowledge about legal ownership of land in urban areas especially for the elderly. Legal literacy is very low within urban communities in Zimbabwe.





Source: Fieldwork 2013

No one knows how much it is to register land. This just supports evidence on the serious lack of information around urban land across the country. Without knowledge land owners and prospective owners are often led astray by unscrupulous agents and developers who prey on them. This is a key area of intervention especially for government to reduce the cases of fraud and theft. Knowing procedures and cost of all process related to urban land is important and there are many ways of ensuring this information is easily accessible for all the people such as through national newspapers and radio stations. Related to this 67.5% of respondents have not personally tried to change a title deed into their names. In the interviews most respondents did not have an idea of how one changes a title deed. As noted by one lady in Mutare: 'I will learn how to do it when the time comes. For now there is no need for me to worry about that.' Information is not seen as vital especially by women who often lose the land when their husbands die because they do not have adequate knowledge on processes of land registration.

The table below shows that the majority of respondents in all the cities believe that the process of registering or changing a title deed is unfair and not transparent. Seventy seven, point five percent (77.5%) of respondents in Harare and 70% in Masvingo have no faith in the system of registering title deeds.

knowing anything.

Usually changes in ownership are posted in the newspapers under public notices but for most elderly people without access to newspapers this information is not available.

The majority (65%) of those who believe that the process of registering or changing a title deed is unfair noted how the process is done without consultation to all parties with an interest in the property. In interviews respondents claimed that there were many cases where children would change title deeds and evict their mothers from homes without the mother

## Tenure security on urban land

Table 4: Do you believe the process of registering or changing a title deed is transparent and fair?

	Do you believe the process of registering or changing a title deed is transparent and fair?				Total	
	Yes		No			
	N	%	N	%	N	%
Mutare	17	42.5	23	57.5	40	25.0
Masvingo	12	30	28	70	40	25.0
Bulawayo	18	45	22	55	40	25.0
Harare	9	22.5	31	77.5	40	25.0
<b>Total</b>	<b>56</b>	<b>35</b>	<b>104</b>	<b>65</b>	<b>160</b>	<b>100</b>

Source: Fieldwork 2013

## 6.4 Land allocation

The most controversial aspect of urban land management is the allocation process which is riddled with many allegations of corrupt activities across the country. We asked respondents from four cities whether they believed the process of land allocation is transparent and fair. Table below shows that overall 70% of respondents do not believe the process to be transparent. In Harare (85%) and Bulawayo (77.5%) of respondents the vast majority believe the authorities involved in this process to be unfair. A respondent in Harare argued that: *'Corruption is everywhere and City of Harare is no different. No one knows how people are given land and who ensures the process to be fair. Some of us have been on the waiting list for decades yet many*

*cooperatives and developers are mushrooming with land. With the right political connections anything is possible in Zimbabwe.'*

In Bulawayo similar sentiments were allayed by another respondent who noted that: *'If you have money it is easy to get land even if your name is not on the waiting list. You just need to pay the guys at council and you get land.'* People have lost faith in the process of land allocation.

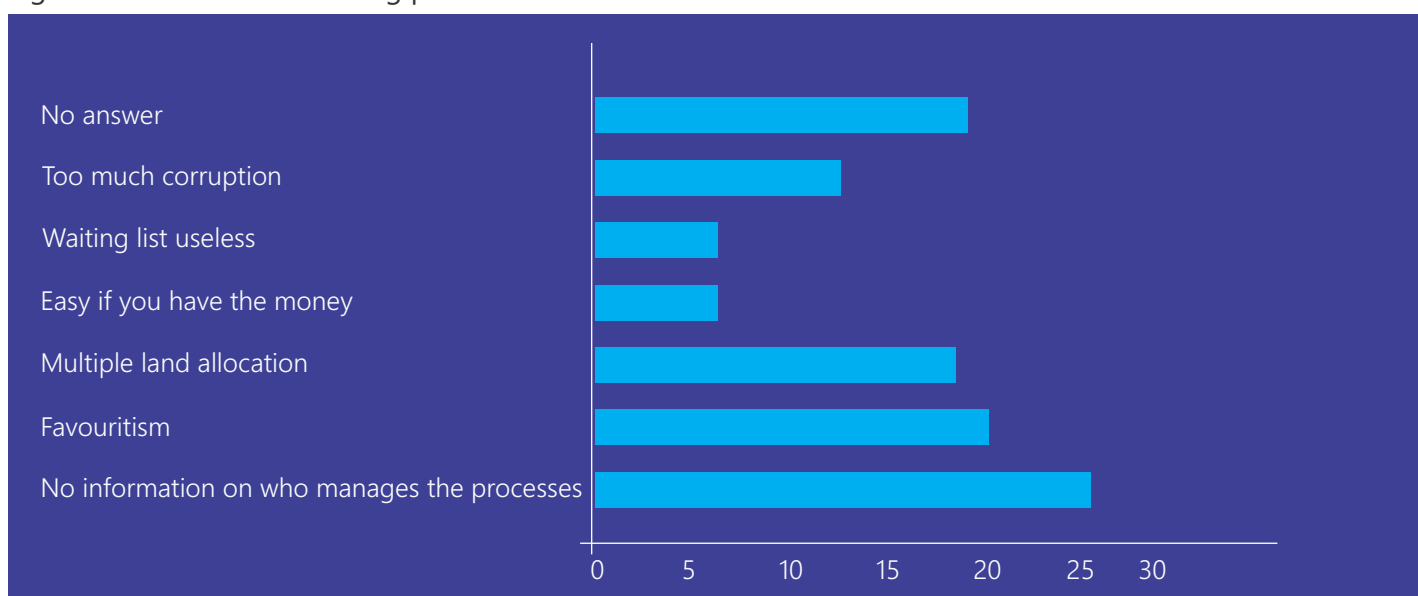
Table 5: Do you believe the process of land allocation is transparent and fair?

	Do you believe the process of land allocation is transparent and fair?						Total	
	Yes		No		Don't know			
	N	%	N	%	N	%	N	%
Mutare	3	7.5	27	67.5	10	25	40	100
Masvingo	12	30	20	50.0	8	20	40	100
Bulawayo	9	22.5	31	77.5	0	0	40	100
Harare	6	15	34	85	0	0	40	100
<b>Total</b>	<b>30</b>	<b>18.8</b>	<b>112</b>	<b>70</b>	<b>18</b>	<b>11.3</b>	<b>160</b>	<b>100</b>

Source: Fieldwork 2013

Figure 4 below shows that there are several reasons why people believe the process of land allocation not to be fair and transparent. Twenty five percent (25%) of respondents were worried that there is no information on who manages the processes. Council is responsible for land allocation but people are not sure who in council makes the decision over land allocation. People believe that this opens way for irregularities as there is no one to question the people involved in land allocation. Twenty (20%) argued that there are many forms of favouritism involved in land allocation as noted by a respondent in Masvingo: 'It is who you know that determines whether you get land.' Nepotism is another form of favouritism outlined in the many interviews across the country. Respondents (16.3%) also highlighted a growing concern with multiple allocations especially by those working in council. In Mutare a key informant highlighted how the top managers in council allegedly own multiple properties in the city.

Figure 4: Reasons for believing process of land allocation is unfair



Source: Fieldwork 2013

Table 6 below shows that the majority of respondents (79.4%) believe that there is corruption in the way in which urban land is managed. In Harare 90% of the respondents believe the council is corrupt as highlighted by the many sentiments in the interviews and informal conversations. An interviewee from Harare highlighted that: 'We all know that City of Harare is full of corrupt people. They are many cases in the newspapers

including stories about Phillip Chiyangwa and Minister Chombo about vast amounts of land they own in the city.' In Bulawayo interviews with the Bulawayo Residents highlighted serious irregularities in land allocation in the city.





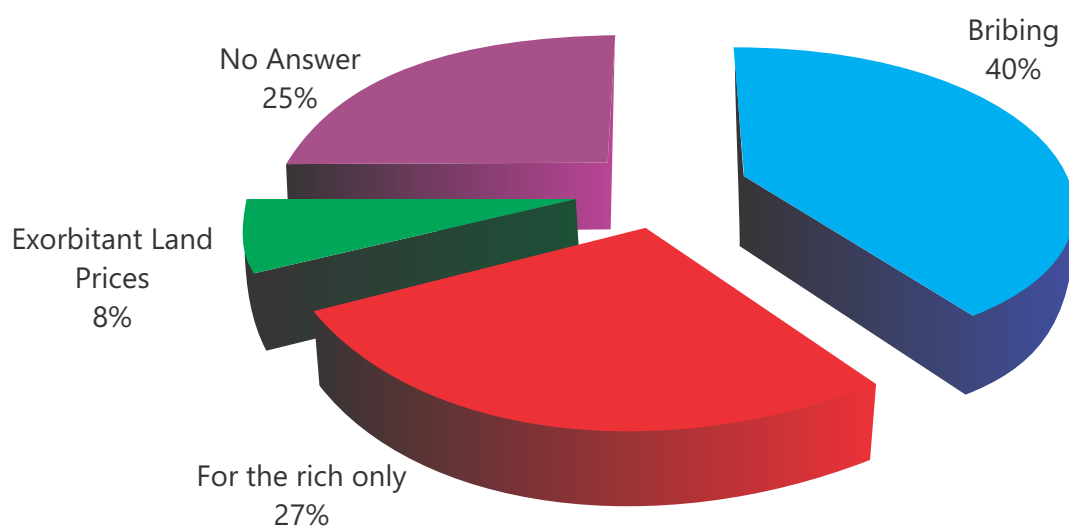
Table 6: Do you believe that there is corruption in the way in which urban land is managed?

	Do you believe that there is corruption in the way in which urban land is managed?				Total	
	Yes		No			
	N	%	N	%	N	%
Mutare	30	75	10	25	40	100
Masvingo	27	67.5	13	32.5	40	100
Bulawayo	34	85	6	15	40	100
Harare	36	90	4	10	40	100
<b>Total</b>	<b>127</b>	<b>35</b>	<b>33</b>	<b>20.6</b>	<b>160</b>	<b>100</b>
Source: Fieldwork 2013						

Respondents outlined numerous problems with land allocation in urban areas. Forty (40%) of respondents noted that the bribing was the biggest problem facing land allocation (Figure 5). Related to this 27%, highlighted that land in urban areas is now largely for the rich only. The cost of land has meant a serious class disjuncture in urban land ownership.

This has opened way for most people occupying (illegally) many spaces within urban areas. In Harare some of these areas include a farm in Harare South popularly known as kumaorange near Irvines Farm. Such sentiments were supported by a statement by a young male respondent in Bulawayo: *'Houses are for the rich. The poor can only dream about houses unless they also become thieves.'*

Figure 5: Problems with urban land allocation



We then went on to ask whether the respondents had ever been involved in corrupt activities. 21.9% (Table 7) of respondents answered 'yes' when questioned 'have you ever been asked to pay a bribe to get land?' One account from a man in Chitungwiza shows how such transactions are usually carried out: *'It is simple really how this happens. In my case my brother has a friend who works at Chitungwiza council. He had information about stands being sold by one senior member of council selling stands for US\$3500. We had to pay at some offices he had set up and not to council. This was odd but we did not question the arrangement since the person is well known in the town. It is only now that we hear stories that the stands were sold without proper council approval. Now we are afraid that we might lose the stands.'* This story speaks of so many others across the country of various officials abusing their positions to amass wealth through urban land.

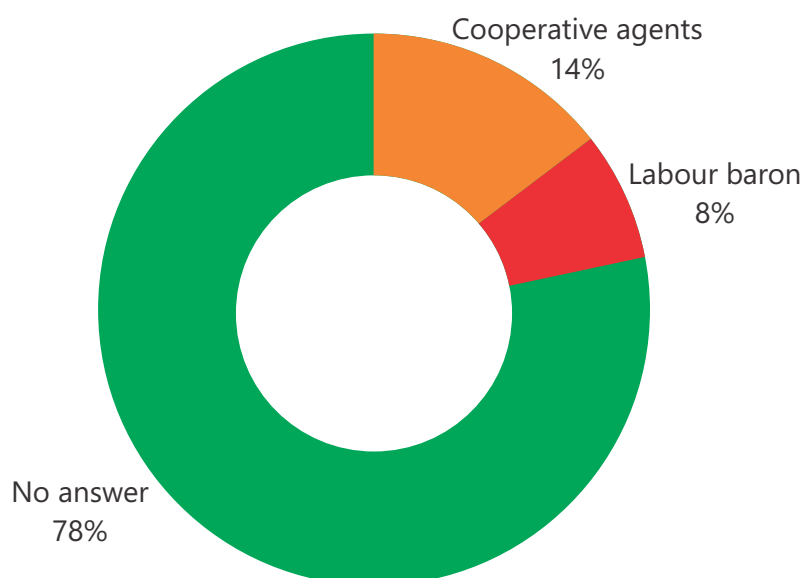
Table 7: Have you ever been asked to pay a bribe to get land?

	Have you ever been asked to pay a bribe to get land?				Total	
	Yes		No			
	N	%	N	%	N	%
Mutare	5	12.5	35	87.5	40	100
Masvingo	4	10	36	90	40	100
Bulawayo	0	0	40	100	40	100
Harare	26	65	14	35	40	100
<b>Total</b>	<b>35</b>	<b>21.9</b>	<b>125</b>	<b>78.1</b>	<b>160</b>	<b>100</b>
Source: Fieldwork 2013						

Twenty one point nine percent (21.9%) indicated that they were asked to pay US\$1500 as a bribe. Such an amount is out of reach for the majority of people in a country where formal unemployment is over 80%. Corruption has become part of everyday life in Zimbabwe that most respondents it is the cost of doing business. The majority of Zimbabweans are poor, earning less than US\$2 a day and it is such people who are suffering from a lack of proper housing because they cannot afford to pay the required bribes. Figure 6 below shows that cooperative agents and land barons are usually involved in rent seeking activities. Land barons is a name given to describe powerful individuals and politicians who broker and control urban land. In all urban centres targeted for the research, there were numerous individuals who were known as land barons.



Figure 6 : Who did you bribe to?



Eleven point three percent, 11.3% (Table 8) indicate that they know someone who has paid a bribe to get land. While this is a low number compared to the land corruption stories exposed in the papers, it does show the existence of corruption within land allocation practices in urban areas. What is clear is how laid down procedures are being flouted by individuals who are in positions of accountability and stewardship of land in the public or national interest. These individuals have never been called before the courts or parliament to account for their actions. The Zimbabwean case highlights how politics can override systems and institutionalize lack of accountability, transparency and integrity in public office. Urban land management is not unique as all sectors (public and private) in Zimbabwe are riddled with diminished accountability problems.

Table 8: Do you know someone who has paid for a bribe to get land?

	Frequency	Percent
Yes	18	11.2
No	142	88.8
Total	160	100

Source: Fieldwork 2013



Eight point three percent (8.3%) indicated that the people they know who were asked for a bribe paid US\$600. The amounts involved highlight the value placed in land. This also shows the existence of a lucrative side land market in which the poor have little hope of ever owning land. Without a bribe it is highly difficult to make progress in accessing land. Asked to whom the bribes were paid, all respondents who knew someone who paid for a bribe indicated that it was paid to a city council official.

## 2.0 Discussion of findings and policy implications

The findings of this study highlight a highly sceptical urban population which has little faith in local government processes to provide land for the majority poor. Zimbabwe has a housing policy instituted in 2012 yet due to years of economic decline the government is unable to meet the rising demands for urban land. This has opened opportunities for unscrupulous individuals who use people's desperation for housing to steal money. The chapter provides a host of examples of such fraud cases yet the perpetrators rarely get imprisoned. Government's failure has also exacerbated corrupt and illicit dealings in urban land as seen by the many newspaper reports on land related fraud. Full implementation of the law and eradicating corruption can only be achieved with political will from central government yet allegations of corruption are rooted within key players in central government. No policy document or recommendation will improve access to urban land until systematic and institutionalized corruption is eradicated from urban land management systems.

One of the major issues to come out of the institutional mapping of urban land management is the immense power that central government holds over local government. There are two issues which constrain the emergence of a truly decentralized system in Zimbabwe. Firstly is the lack of a constitutional provision supporting the existence of local government structures and secondly is the 'mosaic of institutions that often contradict local government independence and constrain its soundness.' Coupled with this institutional maze is the lack of information and secrecy involved in council land deals. There is need to ensure availability of information about urban land ownership across Zimbabwe. Without such a register of transactions it is impossible to know what is happening with land. This often leads to many allegations of multiple land ownership by the elite who use illicit means to acquire properties at relatively low prices. What this paper shows is the need for accountability from all actors within urban land sector to ensure effective delivery of land to the poor as a way to restore sector integrity in land governance especially in a country riddled with poverty.





### 3.0 Conclusion

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This chapter has provided a nuanced analysis of accountability issues in urban land management. The paper has shown that Zimbabwe has a comprehensive policy framework and laws which provide for autonomy for local authorities. The same laws however allow the Minister of Local Government to intervene in the business of councils. The extensive powers vested in the minister allow him to veto council decision arbitrarily, leading to many allegations of illicit land activities instigated from the office of the minister.

The paper has provided numerous reported cases and examples of corrupt activities in urban land allocation. It also provided detailed findings based on a survey conducted in four cities across Zimbabwe. The findings highlight that most Zimbabweans believe councils to be corrupt when it comes to land allocation. Some respondents have been asked for bribes or know someone who has been asked for a bribe. This shows the everyday occurrence of corrupt activities in urban land management that have undermined the integrity of the sector. The chapter concludes that political and powerful individuals are subverting laid down procedures to acquire land. The poor and vulnerable groups are left with very few options to access land in urban areas



A photograph of a rural village scene. In the foreground, a woman in a white shirt and blue skirt stands next to a man in a patterned shirt and grey pants. They are standing on dry, reddish-brown earth. In the background, there are several traditional huts with thatched roofs. A large, leafy tree stands prominently in the center. To the left, a colorful patterned cloth is hanging on a line. The sky is blue with some light clouds.

## Chapter 3

Farai Mutondoro &  
Mary Jane Ncube



# Transparency and Accountability in Communal Land management

## Overview

This chapter brings to fore results from the inquiry on transparency and accountability in communal land governance in Zimbabwe. The inquiry is informed by data collected through interviews, focus group discussions and questionnaire enumeration in Mutasa, Zimunya, Domboshava, Chiweshe, Nemamwa, Zero farms (Masvingo), Mangwe and Esigodhini. The main research question of the study was to assess whether the governance of communal land is consistent with a set of moral or ethical principles and standards, embraced by individuals as well as institutions that creates a barrier to corruption. As such the study sought to understand how transparent and equitable land administration is in rural Zimbabwe. Communal land in the context of this chapter refers to that land which is vested under the control of the Rural District Councils as prescribed by the Rural District Act (1988). In Zimbabwe communal land is a source of livelihood for 65% of the population who rely on land for agricultural purposes. The management of communal land is therefore integral to the socio economic betterment of communal villagers. This chapter reviews literature related to the dynamics of fostering as well as implementing land accountability, integrity, and transparency in the enforcement of land rights. To effectively address this, the review explores the historical background of communal land prior to Zimbabwe's independence as well as the post-independence period.

## The Evolution of Communal Land in Zimbabwe

Communal lands in Zimbabwe were established during the colonial period and they were referred to as Tribal Trust Lands or 'kumaruzevha or emariseva.' having been established by the Tribal Trust Lands Act. The Communal Land Act defines communal land as consisting of all land which was Tribal Trust Land in terms of the Tribal Trust Land Act subject to any additions thereto or subtractions therefrom which may be made by the President in terms of section 6 of the Act. All communal lands in Zimbabwe fall within customary tenure with a plethora of indigenous and state administrative arrangements that specify what people in communal areas should and should not do (Rukuni 1994; Shirviji, et al., 1998, Matondi, 2001). The first instance of rural land segregation occurred in 1894 when the Gwayi and Shangani Reserves were created for the use of those Ndebele peoples whose lands around Bulawayo had been taken over by European settlers (Mamdani 1996). Alexander (2006) posits that traditionally land management structures comprised a prescribed hierarchy - Chiefs, Headmen, and Village Heads. These individuals were appointed on the basis of custom which is governed by hereditary, rather than elective democratic principles. The duty of the Chief and his hierarchy were to equitably distribute the land to communities as a responsibility to ancestors. The hierarchy was therefore a mere representation of the divine ancestors who owned the land but vested its custody in traditional authority.

During the colonial era, land allocation and management was dictated by The Native Council Act of 1937 which created native councils to deal with affairs of blacks. Weitzer (1990) claims that the 1957 African Councils Act served the purpose of broadening the powers of the councils and emphasis was laid on the decision making of local initiatives. Decision making was largely in the hands of the then District Commissioner who had the position of President of all councils in his district. The Native Commissioner who was referred to as Mudzwiti set rules and regulations convenient to his or her management of natives and this included the creation or reinforcement of such constructs as communal land (Cheater 1990, Moyo 1995: 51). During the colonial period, it is important to

note that chiefs had the power and authority to allocate land to people in their areas (Makumbe, 2010). Traditional leaders therefore became part of the colonial system of indirect rule. Mamdani (1996) gives us an understanding of the extent to which the structure of power in rural areas in contemporary Africa was shaped by the colonial period. The indirect rule that the colonial administrative system created was a dual system of land apportionment through which vassal chiefs had discretionary powers of land allocation as far as it was aligned to the interest of the colonial regime. In essence, the colonial communal land governance system was dual at the bottom but at the top of the hierarchy supervisory powers were vested in the District Commissioner.

## Land governance in post-independence Zimbabwe

Currently communal lands still cover about 16.3 million hectares (about 42 per cent of total land area of Zimbabwe) yet home to about 5.6 million people or 75 per cent of all Zimbabwe's rural dwellers, Matondi (2011). To understand the contemporary state of communal land management, there is need to focus on the legal framework which relates to rural land. The main pieces of legislation governing communal land in Zimbabwe are the Communal Lands Act of 1982, Rural Council District Act of 1988, Traditional Leaders Act (1998) and the Land Acquisition Act (1992). The Communal Land Act (Chapter 20) of 1982 replaced the Tribal Trust Land Act of 1979.

The Communal Lands Act vested control over land in the President and devolved land administration to Rural District Councils (RDCs) and district administrators under the then Ministry of Local Government, Rural and Urban Development. Rural district councils therefore became the rightful land authorities. The Communal Land Act states that, occupation in the Communal Lands is subject to the consent of the Rural District Council. The Rural



## 6.1 Tenure security on urban land

Council must consent to the occupation of communal land by an individual and should issue a settlement permit to the head of each household in the village. However in granting such approval or consent a council must have regard to customary law relating to the allocation, occupation and use of land in the area concerned and consult and cooperate with the chief appointed to preside over the community concerned in terms Traditional leaders Act. In allocating the land, the RDCs must consult and cooperate with the chief appointed to preside over land issues. The Traditional Leaders Act states that communal land is allocated in accordance with Part III of the Communal Lands Act.

In Section 3(4) of the Land Acquisition Act provides that "No communal land or interest or right in communal land may be acquired by an acquiring authority otherwise than in accordance with the Communal Land Act [Chapter 20:04]." It is only the President, who may, after consultation with the appropriate district council, declare that any land within any communal land shall cease to form part of that Communal Land. The Minister of Local Government, Rural and Urban Development may, after consultation with the relevant district council set aside any land contained in Communal Land for the establishment of a township, village, business center, industrial area or irrigation scheme. Furthermore, in terms of section 10 (2) the Minister may, after consultation with the relevant district council, set aside any land contained in Communal Land "for any purpose whatsoever which he considers is in the interests of the inhabitants of the area concerned or in the public interest....". This is the provision that has been quietly contested by traditional leaders, as undermining their authority.

It is important to note that the Rural District Council's Act removed the power to allocate land from traditional chiefs and headmen to District Councils while the 1982 Prime Minister's Directive of 1984 on decentralization resulted in the establishment of local institutions known as the Village Development Committees (VIDCOs) and Ward Development Committees (WADCOs). The latter formed a parallel institution to the traditional authority in place at village level, creating friction between democratically elected leaders and the traditional leaders at community level and further stripped chiefs and headmen of their land allocation powers. By removing a significant amount of

power over land allocation and land use from customary law regarding customary institutions (chieftaincy) to newly elected local government institutions (the rural district councils), the new government of Zimbabwe was effectively vesting the application of customary law in non-customary institutions (Nyambara, 1997). According to Sithole (1997) and Mandondo (2000) since the inception of rural local government reform in 1980, communal leadership in Zimbabwe has been characterized by a profusion of overlapping and incongruent local organizational structures, each with its own boundaries and drawing on different sources of legitimacy, which has created weak and disparate local institutions. Administration of communal land in Zimbabwe has always been the source of conflicts between various institutions and agencies involved (Rukuni 1994). These institutions include traditional chiefs, village heads, Rural District Councils and various government ministries. Matyszak (2010) argues that the local government in Communal Lands is characterized by a multi-tiered and hierarchical two-strand administrative structure. One strand comprises of traditional leaders and appointed officials imposed by central government (Ibid). There are thus two loci of power in local government running parallel to each other, one democratically appointed and the other traditionally appointed, with some formal linkages between the two established by statute. The result is that numerous tentacles of power emanating from different sources in this bifurcated system touch upon and control the lives of the inhabitants of rural areas (ibid). This has had the overall effect of creating opportunities for corruption by blurring lines of accountability and transparency. Traditional Chiefs in search of political relevance have sold their loyalty to

politicians rather than their subjects, often leading to land allocations favoring politicians at the expense of their communities.

## **Communal land governance and Gender**

The subject of gender and communal land administration in Zimbabwe has a long history. Generally communal land governance is often in the hands of men and not women. Most traditional leaders are men. According to Gaidzanwa (1994) communal land rights and tenure as currently constituted exploit women. Thus the 'communal land construct' provides a framework of control by men over their wives, daughters and sisters. At the same time, men dominate decision making in institutions at the forefront of land decision making and debates in the country and thus stifle any attempts to change the status quo (Gaidzanwa, 1994). Women cannot own communal land or the output of their work, both of which are owned by absentee landlords (in the majority of cases husbands). According to customary law, the male head of the household is the one who is recognised as the holder of the land. This precludes women from holding primary land rights, relegating them to holding secondary rights derived from and negotiated through the husband. Upon the death of the male registrant of the land, the land was fragmented and shared among his wives or kin, Gaidzanwa (1981: 123). Under such social constructs of inheritance, supported by law and atavistic customary practices in patri-lineal systems, the application of customary law divests women access to land they had during marriage upon the death of the male registrant of the land. This forms the basis of women's insecurity of tenure which reduces their commitment to and investment in agriculture (Gaidzanwa, 1991). As a finite resource, land accountability and equitable management can reduce marginalization of vulnerable groups like women and orphans in terms of land access (Khan, 2004). In circumstances where communal land markets have high demand, there is a likelihood of marginalisation and exclusion of women and orphans from land access.

Corruption becomes an additional barrier to land access and security of tenure for women. Men being at the centre of deals and discussions on land would also be at the centre of legal or illicit deals obtaining on the subject of land.

## **Key players in communal land governance in Zimbabwe**

### **Central government**

There are various players at the level of the central government involved in the governance of communal land in Zimbabwe but the key players are the following:

- ® Ministry of Land and Rural Resettlement: the function of this Ministry in communal land governance is that of acquiring, equitably distributed and managed agricultural land resources through the provision of appropriate technical, administrative services for the sustainable socio-economic development of Zimbabwe
- ® Ministry of Local Governance Public Works and National Housing may be regarded as being at the pinnacle of the administrative hierarchy, and both the Minister and Permanent Secretary have extensive powers to make far reaching decisions affecting rural communities. The ministry has the responsibility over RDCs, appointment of traditional leaders and policy formulation

### **Rural district councils**

There are fifty-eight Rural District Councils, which have been established throughout the country as provided for in the Rural District Councils Act [Chapter 29:13]. In terms of the Communal Land Act (1982), Rural District

Councils are the land authorities and are therefore responsible for the allocation of land within their areas of responsibility. However, this allocation is carried out within the confines or provisions of traditions and customs of which it is commonly accepted that the traditional leadership is the custodians. This in essence means that whilst the RDC is the land authority, land allocation is carried out hand in hand with the traditional leadership whose role is acknowledged and appreciated; especially in light of the weakened state of traditional leaders, that often demands that they allocate land according to political dictates to keep allegiance with the only recognized source of authority.

### Traditional leaders (Chiefs and Village heads)

#### **Chiefs**

Section 3 of the Traditional Leaders Act provides for the appointment of Chiefs to preside over communities residing in communal lands and resettlement areas. To signify the critical role they play in the governance of communal areas, Chiefs are appointed by the President of the Republic of Zimbabwe. In appointing a Chief the President is obliged to give consideration to the prevailing principles of succession applicable to the community where the chief will preside and to the administrative needs of the communities in the area concerned in the interest of good governance. Among their many other functions in communal governance, Chiefs are responsible for maintaining up-to-date registers of names of villages, and their inhabitants and of land certificates; and ensuring that the land and its natural resources are used and exploited in terms of law and, in particular, controlling over-cultivation; overgrazing and illegal settlements.

#### **Village Heads**

A village head is appointed by the Permanent Secretary of the Ministry of Local Government and Public Works in terms of section 11 of the Tradition

Leaders Act upon nomination by the headman and upon written approval of the chief. The village head's duties in terms of section 12 are to assist the chief and the headman in executing their duties and in particular;

- ® To maintain an up-to-date register of names of the inhabitants of his village and their settlement permits.
- ® To ensure that all land in his area is utilized in terms of the law. Village heads are therefore the operational agents of the chief and the headman as they implement the functional activities of the chief and the headman. Being operational, village heads work with the communities.

### Conceptualising corruption in communal land governance

The management of land in general and communal land in particular is not immune from corruption. According to Transparency International (2011) communal land or rather customary land is prone to corruption as a result of such risk factors as:

- ® Lack of legal recognition and delineation of customary land: this relates more to the insecurity of the tenure governing communal land. Generally under customary tenure, households do not have any legal title to the land. This juxtaposed with the fact that traditional leaders walk a fine line between being traditional custodians of the land, while for political relevance they simultaneously play a role representing the authority of RDCs.
- ® Traditional practice of payment and exchanges: the traditional payments and exchanges are non-standardized and hence difficult to regulate. These payments lie at the discretion of the local leaders who half the time will not account to anyone (mainly because they owe accountability to the political leadership not their subjects) There is therefore the danger of favoritism, bribery, tribalism and nepotism in the allocation of communal land and land dispute management

- ® Opaque systems, absence of outside control and lack of clarity in allocation: the allocation of communal land often involves a variety of players. While the legal authority to allocate land lies with the RDCs, in most cases it is the village head, chief and headmen who allocate this land. The allocation of land by these players is not checked or controlled half the time. This usually results in the loss of grazing land and conflicts over boundaries and gardens
- ® Monetization and speculation on land issues: the increased pressure on rural land has made land a resource of great value. This has been further fuelled by the monetary economy, which presents an opportunity for land sale to those with huge tracts of land and those administering communal land.

® These aforementioned risk factors in customary land governance expose communal land to corruption typologies such as abuse of power by traditional leaders, conversion of property and capture of revenues by traditional leaders and influential people in national institutions and business interests override local (customary) land rights.

In Zimbabwe, communal land is vulnerable to corruption mainly because of flaws in the main piece of legislation governing communal land. In accordance with the Communal Land Act "all communal land vests in the Presidents who permit it to be occupied in accordance with the Rural District Councils statute". The vesting of title in the presidency means land is a pawn in the hands of powerful officers and organs of the central and local governments (Matondi, 2011). The implied meaning interpretation in application is that the president has discretionary powers of land allocation and as such, land governance and allocation become a politicised and not a legal right. With reference to corruption, such politicisation provides fertile ground for abuse of authority which is enhanced by a lack of accountability, transparency or legal and institutional checks and balances in the top-down system of land administration. Furthermore, Kliitgarrd

(1996) argued that where monopoly and discretion exist together with unaccountability, corruption is most likely to occur.

Communal land governance in Zimbabwe is problematic and vulnerable to corruption owing to the involvement of many institutions claiming jurisdiction of governance (Rukuni et al. 1994, Moyo 2005, Matondi 2011). Among others, the institutions and agencies involved in land administration are the Ministry of Lands, Land Reform and Rural Resettlement, Ministry of Agriculture, Mechanization and Irrigation Development, Ministry of Environment and Natural Resources, the Ministry of Local Governance, Public Works and Urban Development, President (ial)? Land Review Committee, Rural District Councils, traditional leaders and war veterans. These institutional flaws raise questions of accountability on communal land governance. Who really is responsible for communal land when so vast and disparate array of ministries can claim jurisdiction? The lack of a clearer framework for accountability may result in corruption in communal land governance.

Furthermore communal land is prone to corruption due to the nature of tenure surrounding its governance. Communal land falls under customary tenure where access to land and the content of occupation rights are determined by customary law (Shivji, 1998). Customary land tenure system is governed by the Communal Lands Act which states title in all communal land is vested in the State President who has powers to permit its occupation and utilization in accordance with the Act. Matondi (2011) argues that unlike during the colonial period, the President does hold the land in Trust for its inhabitants. This relationship means that inhabitants are entitled to occupy and use the land at the discretion of the President. There is however anecdotal evidence that the President being the leader of a political unit benefits only those who support his political party. This is supported by media reports on how traditional leaders and RDC officials have been allocating land only to those people who support ZANU PF.



Without title to land, inhabitants of communal land only have usufructory rights or just use rights over communal land. This means that occupiers of communal land cannot sell their piece of land on the formal market but only their developments on land.

Despite this, illegal land sale in communal areas have been taking place. Different studies record the practice of illegal land sales: Dzingirai (1994) in Binga (Matabeleland North), Yeros (2002a) in Shamva (Mashonaland Central), and Chimhowu and Woodhouse (2008) in Svosve (Mashonaland East). More interesting is the fact that it is

## Findings

This section of the report presents the findings from the study. A total of 160 respondents were interviewed from the communal areas of Chiweshe, Domboshava, Nemamwe, Zero Farm area, Mutasa, Zimunya, Mangwe and Matopos. Data was collected through the use of a questionnaire, focus group discussions, document review and key informant interviews.

### Land Ownership patterns

A notable fact, while most respondents own land, it is predominantly the males who own land. Of the 35% female respondents who said they own land, they are either widowed or single mothers. Interesting is also the fact young people who are unmarried do not own land. Of the 9% young people who said they do own land they are either orphans or they bought land. It is important to note that land ownership patterns among young people in the communal

areas, are determined by marital status. What this means is that a young men can only access communal land if he is married. This however does not dismiss the fact that they are young women who also own land in the communal areas. These young women would have got that piece of land from their father in the event that they have returned home as a consequence of divorce and have children to take care of.

### Key players in land allocation

The respondents identified from the study indicated that there are three main players involved in the allocation of communal land that is village heads, chiefs and RDCs.

Village Head	Chiefs	Rural District Councils
65%	30%	5%

Most respondents as shown by the table above indicated that the village heads (Sabhuku) have a predominant role in the allocation of communal land. Chiefs also play a role of allocating communal land but this is more common in an area where the chief is residing. This means that for areas or rather villages which are far from where the chief resides it is the role of the village head to allocate land to individuals. Rural District Councils also allocate land to people in communal areas but they mainly allocate housing and business stands within the growth point system. This land is sold and the buyer will get a legal title for that piece of land as opposed to land allocated to an individual either by a chief, or the village head through the customary law regime.



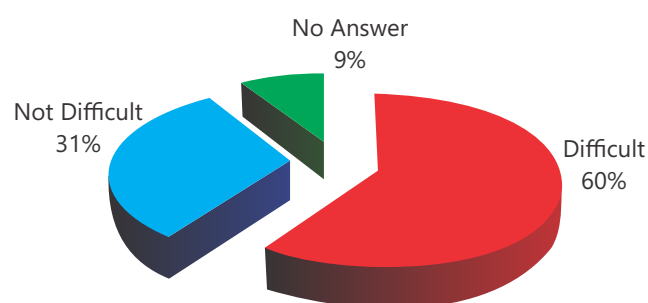
## Process of land allocation

The process of land acquisition in communal land involves a series of protocols that start with the village heads and end up with the RDCs. The findings indicate that village heads have discretionary powers to allocate land and the process involves a payment of a certain unfixed amount for registration into the village book. This is considered to be a cultural practise and the name of the payment varies from one area to another. In the Mutasa area the fee is referred to as gumbo ra sabhuku. It is important to note that the fee is paid according to the demands of the village head whether in cash or livestock. There is evidence from the arbitrary rates in fees and vary value of payments- in-kind that there is need for a proper mechanism to standardise and regulate the minimum and maximum fee paid to the village head charged with allocating land. In some instances village heads have demanded for fees ranging from \$5 to \$500. While in other instances the payments in kind have ranged from demands for chickens, goats or cattle as a payment.

Once registered in the village book, the person is incorporated into the community and is liable for subscription fees as levied in the village. The village head then submits the new members to the chiefs for registration. There is another discretionary fee that is charged by the chiefs for registration and this fee according to interviewees is also arbitrary, varying in size from chief to chief. In some instances the fee would escalate from \$5 to \$300 like in the case of Zero Farm Area in Masvingo while in Domboshava the fee ranged between \$150-500. After registration into the chief's book, the chief is required by statute (Rural District Council Act) to periodically submit new names to the rural district council for demographic planning purposes. The arbitrariness of the fee payment structure makes it vulnerable to extortion, fraud and embezzlement. It needs to be regulated through statute or communal consensus that increases fee stability, predictability and raises the degrees of transparency and accountability among the village heads and chiefs.

## Ease of accessing land

Respondents were asked how easy it was to access communal land and if they participated in the process. As shown by the pie chart below 60% of the respondents said it was difficult to obtain land in communal areas, while 31% disagreed on the difficulty of obtaining rural land 9% of the sample did not respond to the question



The 60% indicates the commonly held notion among rural communities that it is difficult to acquire rural land and reasons oscillated between political issues, land sales and scarcity. In Masvingo as elaborated by one respondent from Zero farm area "it is tough to obtain land here, you can only obtain land if you are member of ZANU PF when you present your party card." The respondent added that there are some families who have lost their land because of supporting opposition political parties". The concept of political patronage proved to be a cross cutting theme in most rural communities.

Traditional leaders who were interviewed in Mutasa and Zimunya pointed out that while they may have land in their communities, they are forced to give that land only to people with membership to ZANU PF. It is important to note that rural communities especially in Masvingo have proved to be ZANU PF supporting areas. From the findings of this study, supporting ZANU PF at times is not out of choice but rather expediency when faced with choices directly related to livelihoods, food security and opportunity for self-development and security. It is clear that despite the plethora of legislation and institutions supporting

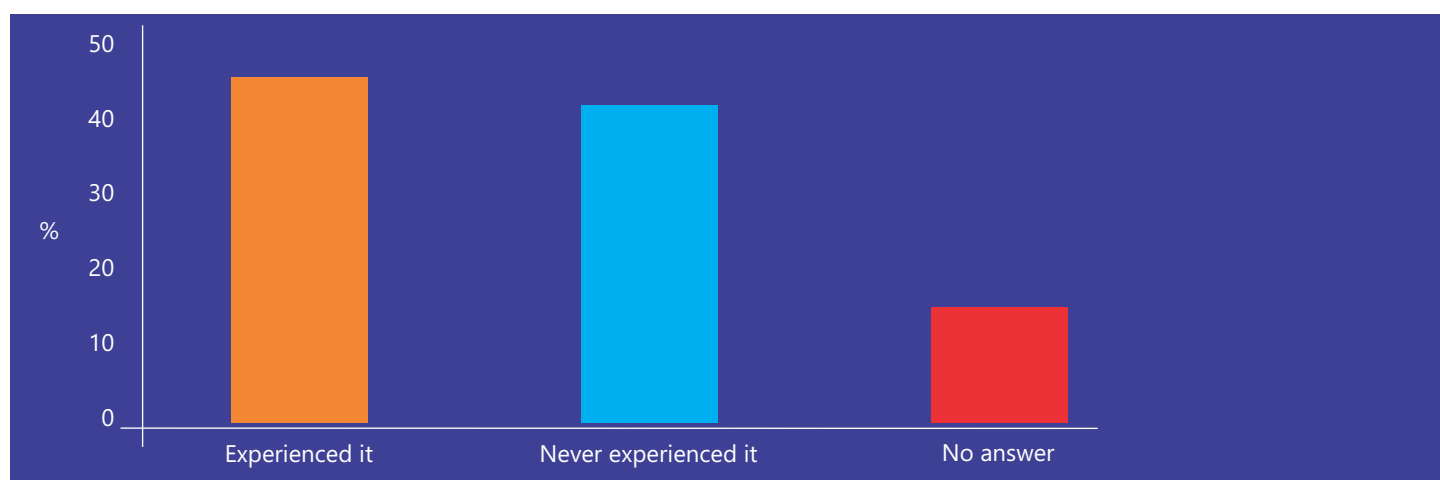
land, on the ground land and politics are deeply intertwined. A community elder from Chiweshe community told the research team that *ivhu nderehuremende, saka vasinga supporter hurumende, vatenges hatingagare navo* (the land belongs to the government and those who do not support the government, will not get a piece of land). It is important to note that the term government to most communal people has been taken to mean ZANU PF. Literally this means there is a thin line between ZANU PF as a political party and the government.

In addition to political patronage, respondents also argued that it is difficult to access communal land

because land is now being sold by traditional leaders at exorbitant prices, (supposedly market rates). This phenomenon of communal land sales is more prevalent in rural communities close to urban settings such as Domboshava, Zimunya, Nemamwe and Esigodini. The price of land varies from area to area from inquiry it emerged that prices range from 300 to 2000 US dollars. At a glance it is clear that the majority rural poor, in view of statistical poverty in the rural communities, cannot afford these prices. Women and children are the most affected by these illegal land transactions. One respondent from Domboshava argued that the massive land sales have resulted in the loss of grazing land.

## Experiences of land corruption

When asked whether they have encountered land corruption, 48% of the respondents indicated that they have personally encountered land related corruption, while 40 % have not experienced it and 12% did not respond to the question.



The majority of respondents who indicated to have experienced land related corruption narrated how they had lost their land through nepotism, bribery and patronage. A female respondent from Zimunya narrated how she lost a piece of her land during a dispute over a boundary. The respondent argued that because she was a widow and poor she lost her land to a neighbour who used his political influence and party position to get the land. A number of respondents in particular women and the orphans cited how they lost their vegetable gardens and grazing land through corrupt transactions involving village heads. Nepotism and bribery are the main form through which corruption manifest in Zimbabwe according to the Global Corruption Barometer 2012 and according to the National Bribe Payers Index 2013. Other respondents who indicated that they have experienced land corruption cited examples of illegal land sales and the abuse of land tax. These are explained in detail in the next section

## Transparency in Rural Land Tax management

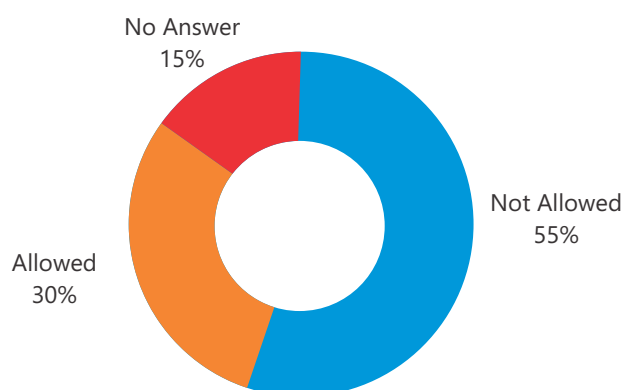
This study indicated that 91% of communal residents pay tax to the village head on behalf of the RDC. 14% do not pay the tax while 2% professed ignorance on the existence of any tax in rural communities. An interesting outcome with corroding effects on the integrity of land tax management and accountability was highlighted by a 73, 5% response indicating ambiguities on the utility of the tax they pay. The study indicated that only 26, 5% understood how the tax was used and this leaves a huge deficit on the transparency scale pertaining the usage of such money. The expected utility of the tax money such as dip tank maintenance and road upgrades by the RDC and other social amenities were always cited as possible avenues for consideration as possible transparent and accountable communally beneficial ways to use rural land tax. Because these services were said to be always lagging in areas like Zero Farm, Mutasa and Zimunya, the 73.5% which professed ignorance on the usage of such money was always an expected result. Despite the variations in the exact amount payable on the taxation in different communal areas, the non-standardisation of such levies further raised questions of transparency and sector integrity. Rural land tax always varies according to districts and provinces. These differences, especially in light of often unmonitored discretionary powers of the RDC officers raise concern over possible avenues opened for extortion and fraud. In Domboshava for instance, there was a common response of US \$3 fee while others within the same community claimed to have paid US \$7.

### Rural land sale

As shown by the diagram, 55% of communal residents were aware of the restriction on communal land sale. 30% claimed they were allowed to sell their land while 15% did not respond to the question.

Respondents were asked if they witnessed any rural land sale. 40% of respondents indicated that they had witnessed actual land sales within communities suggesting a high prevalence rate in rural land sales. 60% however disagreed with the claim of land sales in communal areas claiming that the village head

## Ease of accessing land



allocates land rather than selling land. It was evident that most land sales recurred in peri-urban rural communities such as Domboshava where proximity to the city of Harare has facilitated the creation of a dormitory town in Domboshava. The demand for cheap accommodation has led to urban dwellers in Harare lodging in Domboshava. In turn this has aided the demand and supply curve of the land. Coincidentally, Domboshava recorded the highest number of land sales. Proximity to Harare has led to increase of land value in Domboshava and this has incentivised residents to sell their land as buyers find it convenient to stay in the area and urbanise it because it is supported by the existence of urban like structures in Domboshava at present. None of the respondents raised awareness on the statutory exemptions on communal land sale. With regard to Domboshava, it is important to note that the land sales are not only being driven by the traditional leaders alone but rather by the land holders themselves. As indicated by one respondent, it is more fashionable to sell your piece of land and use that money to improve on your house, buy a car or start a business.

Other factors which have led to high land sales in Domboshava were linked to unsubstantiated rumours that the city of Harare was expanding towards the communal area and as such, residents feared losing their land to the Goromonzi West district council. In



areas like Masvingo where land sales were minimal, reasons given for land sales revolved around the monetization of the rural economy. One respondent from Nemamwe argued that the concept of land sales started with the RDC which is expanding into the land belonging to traditional leaders. The respondent added that, the Council CEO is making money through selling business stands using what was formerly identified as communal land under the control of the chiefs. Similarly traditional leaders are learning to sell their land for a quick buck to the highest bidder, rather than allocate according to customary law to their subjects. Key informants in the communities indicated that rural land could not be sold yet the very same people were registering "newcomers" in their registers. This again militates against the integrity and downward accountability of traditional leaders as custodians of communal land.

### Discussion of findings and policy implications

The findings of the study point to weak land allocation system in communal areas. This weakness lies mainly in the lack of transparency, accountability and integrity of the systems and institutions in place. The confusion and conflicts in application of either customary law or common law in responsibilities between RDCs and Chiefs also give rise to opportunities for corruption. For example, while village heads and chiefs have the delegated power to allocate land, their lack of real power to make decisions in the best interest of their subjects make them upwardly accountable as they seek political relevance. This leads to decisions on land use, sales and allocation determined along partisan political lines. Furthermore the lack of standardization on how that land should be allocated and what form of payments should be charged by traditional leaders raises further opportunities for corruption because of the arbitrary approaches that can be manipulated by unscrupulous traditional leaders. Upward accountability of traditional leaders leads to their abuse of position and power, abandoning the welfare and protection of their communities for political power and wealth. The study further raises the issue of insecure tenure arrangements which makes

land users, or traditionally allocated occupants vulnerable to abuse which often takes the complexion of corruption. As a consequence of the fact that households lack legal title their land is often lost to powerful social actors who have political influence and financial muscle. The findings of the report clearly highlight increasing vulnerability of communal land occupants who in recent years have been victims of the Presidential and Ministerial powers to re-demarcate and reassign uses of land that have resulted displacements and loss of livestock, grazing lands and livelihoods. There has also been proof that in conflicts over issues such as boundaries and acceptable uses of land. Communal land holders often lose their land to the more powerful social actors. All these problems can be mitigated if rural households had some form of legal title to the land they hold. A possible avenue for solving this problem would be to mainstream the permit system in communal lands. There is also need to lobby for inalienable rights for communal land holders who acquired through customary law. Findings indicate the need to educate the rural community over such rights as well as the prevailing regulations such as land tax. If land tax is statutory it cannot be applied at the discretion of the village head or chief. It should be illegal to administer arbitrarily and those doing so must be convicted.

### Conclusion

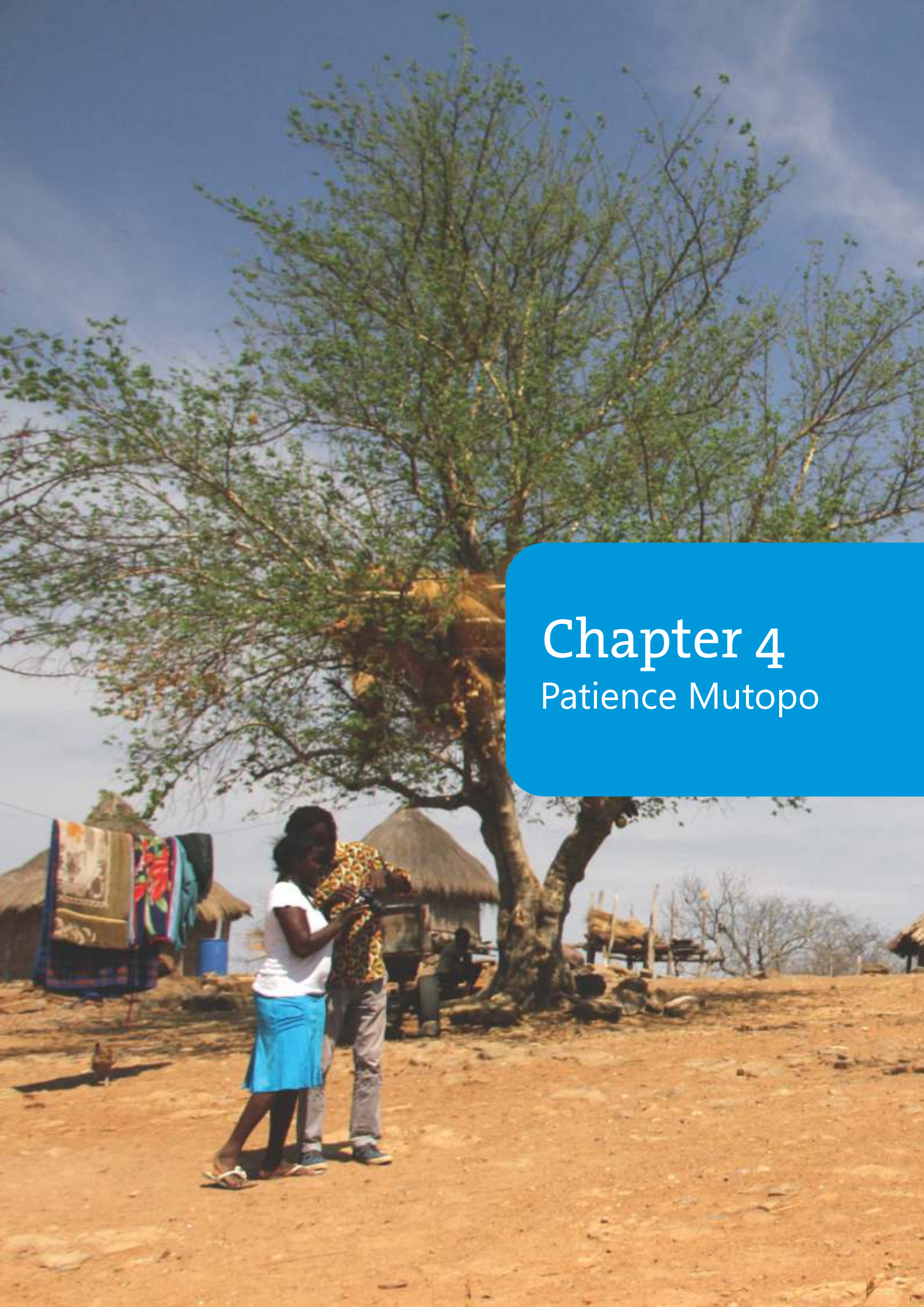
This chapter has highlighted on the transparency and accountability challenges surrounding communal land governance in Zimbabwe. The biggest problem that the study has highlighted is the abuse of power by village heads, chiefs and RDCs in illegal land sales, arbitrarily applied regulations and policies. Mainly this appears to be possible because there is no standard for transparent and accountable application of these regulations and policies. The overlap of powers of the chiefs and RDCs seem to be both legal and political constructs, causing upward rather than downward accountability in the chiefs to the peril of their subjects and communities. The study has noted that these factors are the root cause of petty and grand scale corruption in communal land governance. The factors

also cumulatively militate against the integrity of the sector as well as its ability to protect the livelihoods, welfare and food security of the rural poor living in communal areas. The fact that the chiefs powers have been peeled off through statutes such as Rural Councils Act has made them seek political relevance by adhering to political pronouncements over land use, by so doing politicizing communal land governance instead of protecting the rights of their subjects and communities. Transparency and accountability of the sector need to be secured through harmonization of different institutions and legal instruments regulating communal land. There is also need for advocacy to educate communal rural people to demand and protect their rights so that their land cannot be arbitrarily sold from under them. A more consensual and negotiated process to decision to land use and re assignment needs to be established to achieve greater participation of rural people rather than presidential decrees that lead to upward accountability and can be easily manipulated by the corrupt.







A photograph of a rural village scene. In the foreground, a woman in a white shirt and blue skirt stands next to a man in a patterned shirt and grey pants. They are on a dirt path. In the background, there are several thatched huts, a large tree with green leaves, and a blue sky. A colorful cloth is hanging on a line to the left.

## Chapter 4

Patience Mutopo



# Corruption and Land Reform Programmes in Zimbabwe

## Introduction

Land is an important economic, social and political resource that underpinned the liberation struggle for the independence of contemporary Zimbabwe from the settler regime. The guiding philosophy of development by the Zimbabwean government after independence in 1980, was modelled along social equity and this involved the decentralization of activities, creation of rural local authorities and the codification of traditional authorities such that land featured prominently in policy documents such as the Prime Minister's Directive on Local Government and Decentralisation, (Makumbe, 1996, Murisa 2009). At independence the government inherited an economy that was not comparable to any other newly independent African country. In the years 1945 to 1975 it was one of the fastest growing economies in the world and the result of such sustained growth created an economic structure virtually unique in Africa except for South Africa (Gordon, 1984; Herbst, 1990). It was also characterised by high levels of inequality based on racial cleavages. The majority (83 percent) of the black population was resident in communal areas. They had to contend with declining quality of land, diminishing land sizes, overpopulation and insecure usufruct to customary lands.

## The Land Issue at Independence

The centrality of the land issue in Zimbabwe both before and after independence cannot be disputed. At independence in 1980 the country inherited a racially skewed system of ownership of agricultural land. The country has about 32.2million hectares of agricultural land divided over five natural ecological zones commonly called Natural Regions I-V. Natural regions I, II and III cover about 12.6 million hectares and are characterised by high rainfall, lush vegetation and rich soil, properties that are most suitable for agricultural production, (Moyo 2011). While natural regions IV and V covering about 19.6million hectares have low rainfall, scant vegetation and soil properties of low fertility (UNDP, 2002). The large-scale commercial farms, which were mostly owned by whites, comprising 1% of the population, occupied at least 45% of agricultural lands, which are approximately 15.5million hectares. At least half of these large-scale commercial farms were in Natural regions I to III, endowed with good rainfall patterns and high potential for intensive cropping systems, (Moyo and Chambati, 2013). More than 700 000 indigenous households who made up 98% of the population were through colonial policies translocated to marginal lands in Natural Regions IV and V,

which are predominantly livestock production zones, (Scoones et al 2010).

It is in the light of the above that the land issue has remained a staple of the Zimbabwean political discourse precipitating the war for independence. The Land issue has been singularly had the most galvanizing and simultaneously polarizing impact Zimbabwe's society, its economy and politics (Bowyer-Bower & Stoneman, 2000, Lahiff 2003). This is compounded by the fact that Zimbabwe is still very much an agrarian society with the majority still living in the rural areas and directly or indirectly depending on the rural economy for sustainable livelihoods. Like in any other developing country land is not viewed solely as a factor of production but as a unique social amenity and secure form of holding wealth and gaining social and political advantage and family food security. The demand for land was a major cause for the liberation struggle that was waged against minority rule from 1963 culminating in independence in 1980. It is not surprising therefore that the land reform agenda has always been a top policy priority within government and it is widely believed that any Zimbabwean government's success will be assessed on its ability to resolve the land issue.

## Background to Zimbabwe's Post—Independence Land Reforms

Political pressure for land redistribution at independence was intense. However, among the terms of the Lancaster House constitution was a provision that commercial farm land could not be acquired by the state for resettlement except on a "willing buyer, willing seller" basis unless it was "underutilized". During the negotiation for independence in England the majority of the leaders of Zimbabwe's nationalist movements were opposed to this provision. However they eventually consented after the Chair of the conference, Lord Carrington, pledged on behalf of the United Kingdom (UK) government that the UK would assist the new Zimbabwe government with the costs of a resettlement programme onto white-owned commercial farmland.

Another important factor which influenced the outcome of the negotiations was the fact that by then Zimbabwe relied on white commercial farmers for 90 per cent of marketed food. In part this was because agricultural production on communal land had been severely disrupted by the liberation war. In attempting to stop the armed nationalist groups from accessing support, including food, the Rhodesian security forces destroyed crops and moved rural people away from their fields and into so-called "protected areas and villages".

After independence the new nationalist government proceeded with land reform under the terms of the Lancaster House constitution, with farms purchased as available and beneficiaries selected on grounds of ability to use the land effectively. The initial target, set in 1980, was to resettle 18,000 households over five years. This was quickly trebled in 1981 to 54,000 households and trebled again in 1982 to 162,000 households. This latter target

By 1989, some 52,000 households had been resettled on 3.3 million hectares of land, Moyo (1995). The UK contributed £47 million in direct grants and programme assistance to the land resettlement programme. An evaluation undertaken by the UK government's Overseas Development Administration (ODA) in 1988 indicated that the resettled areas were achieving much higher crop yields and better farming incomes than their counterparts in communal areas, Moyo (1995). Land acquisition reportedly represented approximately half the programme costs, with the balance accounted for by infrastructure and support services such as water, schools and health facilities

The Zimbabwe government was unable to maintain the initial momentum in the resettlement

programme, mainly because of increasing budget deficits and restrictions in the supply of foreign exchange, which compelled the government to cut back on expenditure. Government salaries started to decline in relation to salaries in both the private sector in Zimbabwe and neighbouring countries. As a result, the public service started to lose its better qualified and more experienced professional and technical staff, highly employable elsewhere.

In 1989, reportedly as a consequence of concerns regarding fiscal management and implementation delays related to the public service and "brain drain", the UK suspended further disbursements to the programme, with reportedly some £3 million unspent, (Amnesty International Report 2005).

## Understanding Land Redistributive Programmes

Zimbabwe has embarked on 2 phases of land redistribution exercise. In the first decade land reform was used as the main tool to achieve the goals of equitable development as articulated in the Growth with Equity Policy of 1980. Central to this policy was rural development in which the government sought to create a largely rural based egalitarian society. The Intensive Resettlement Programme was launched in September 1980 and was concerned with addressing equity concerns, (Makumbe 1996). The target was to resettle 18 000 families from the communal areas onto 11million hectares over three years. The Resettlement programme was also driven by five objectives, which included the provision of relief of population pressure on overcrowded communal areas which were accommodating some 219 000 households in excess of their carrying capacity hence the need for the expansion and improvement of the base for productive agriculture in the country (Dekker and Kinsey 2011; Weiner et al 1985, ). The government also intended to bring into full production abandoned or under-utilized farm land. The resettlement program envisaged an improvement in the levels of living of the largest and poorest sectors of the population (Kinsey, 1999). The first beneficiaries were the landless, unemployed and those adversely affected by the war. From a growth perspective it was hoped that resettlement would limit the problem of squatting in the commercial farming area and thus help maintain the stability of that sector.

What should be borne in mind is that the land redistribution programme of the 1980s was done with good intentions that had clear plans and sought to achieve a viable agricultural economy in a country that had been affected by war. There was also need to deliver the major mandate of the war. Tshuma, 1997 notes that it was even acknowledged by the Department of Foreign and International Development (DFID) that the resettlement programme in Zimbabwe although it happened at a much slower pace, was achieving credible gains that were showing clear signs of equitable resource distribution. However Shana (2006) argues that, the resettlement phase of the 1980s was already marked by low level corruption with some households accessing more land hectares than others because they were connected to the ruling party.



At the expiration of the Lancaster House conditionality the government announced a New National Land policy, which reaffirmed the goals of resettlement. The policy promised an additional 5 million hectares for 110 000 families, while the Land Acquisition Act of 1992 and constitutional changes of 1990 and 1993 made it possible to compulsorily acquire land. Contrary to the expectations of the peasantry less urgency was attached to resolving the land question. According to Sachikonye (2003) less than 20 000 households received land between 1990 and 1997. One of the salient features of the Land Acquisition Act was the criterion to be used in selecting resettlement beneficiaries; it was no longer to be based on social need but rather proven farming experience and competency.

It is important to note that the agricultural discourse in Zimbabwe continued to see the agricultural sector in terms of a progressive, productive, large scale and market oriented agriculture, located in the traditional white commercial farming zone and backward unproductive small scale 'subsistence' production in the communal areas (Sachikonye, 2003). During this period government abandoned the interests of the poor and landless and embarked on a land reform programme to benefit the 'indigenous elite' as a counter weight to the established white agrarian bourgeoisie (Moyo, 2000; Alexander 2003). It is remarkable to note that on the day President Mugabe made his populist pronouncement about the need for an aggressive approach to land reform in 1995, this was followed by the announcement that 56 commercial farms had been allocated to indigenous commercial farmers (Chronicle, 16 December 1995). It is also worth noting that despite the official slow- down of redistributing land to the poor, land squatting and poaching was on the increase due to worsening economic conditions.

The prospects for an egalitarian land reform diminished as a result of the change in the policy thrust from socialism to neo-liberalism. The phrases neo-liberalism and structural adjustment are used in this

context to denote a certain philosophy that has roots in nineteenth century laissez faire political and economic theory which dictates the superiority of the market in the management of the economy (Bond & Manyanya, 2002). Market liberalization restricted state intervention in land administration in a context where there were diverse groups with different justifications ranging from the cultural, social, political to economic for claims to land. The impetus for market reforms was not entirely forced upon the government, there was within the Zanu (PF) cabinet a core that sincerely believed in the efficacy of these reforms and it was centred on the policies of the then Senior Minister of Finance and Economic Planning, Dr Bernard Chidzero (Herbst 1990, Dashwood, 1996). The pro-reform camp was strengthened by the 'embourgeoisement' of fellow ruling elites, leading to a weakening in the priority attached to equity policies and consequently absolute welfare of the poor. They questioned the desirability of the peasant alternative as the way to proceed on land reform. Their position was premised on the argument that the redistribution of the large-scale commercial farms would result in an overall decline in output and in the number of people gainfully employed in agriculture (Sachikonye, 2003).

In the middle of the 1990s the World Bank, after realising the failure of Structural Adjustment Programmes (SAPs) to live up to rural development expectations revived the land question as a legitimate item on the poverty reduction agenda. The unequal access to land has come to be seen as the impediment to sustainable growth of rural economies. At a local level similar social and economic failures, coupled with increased militancy as a result of escalating cost of living increased agitation for land and also put pressure on the ruling party to redeem its liberation promise at the same time retreating from orthodox neo-liberal policy. The 'sustained-meltdown' of the economy that occurred between 1997-2000 was caused by a major budgetary shortfall that had been caused by vast amounts of compensation paid to war veterans, the military intervention in the Democratic Republic of the Congo and the dramatic decline in the currency, which



lost 74% of its value within 4 hours on 14 November 1997 (Bond & Manyanya 2002, Sachikonye, 2003, Lahiff, 2003).

Against this background the land issue was revived to bolster waning political fortunes of the ruling regime. In 1998 the government designated 1471 farms under the Land Reform and Resettlement Programme Phase 2 and promised 'overnight completion of the resettlement programme' (Kinsey 1999:174). The official target was the resettling of 91 000 families and 'youths graduating from agricultural colleges and other demonstrable experience in agriculture' (GoZ, 1998:23). However this process was rushed through and 625 farms were delisted because they did not meet government's own criteria and most of the designations were challenged in court. The designation process created its own dynamic that was to plunge the country into a period of crisis as it was followed by a spate of violent occupations mostly on designated farms.

The Svosve people of Marondera in Mashonaland East occupied four farms in a particularly high profile case and received support from some government officials. Further nationwide occupations occurred where thousands of people who were mainly communal and resettlement area farmers, retrenched workers and war veterans participated in the hope of a new future of economic and financial empowerment. Most of the land occupied was white-owned commercial land. The claims to land were based on terms of restitution and broken nationalist promises (Alexander 2003). The occupiers were largely peaceful. In some cases this group of people with mixed motivations and justifications defied government's calls to move off occupied farms. Government's position towards the settlers was highly ambivalent; in June 1998 Mugabe defended the settlers but reversed his position in August and warned of stern government action (Yeros, 1999). However in September he was happy to use the Svosve occupiers as evidence of land hunger during the Land Conference and donors were transported to see the occupiers on the farms (The Herald, 23 September 1998).

In 1996 there was a change of government in the UK. The Conservative Party, in power since the late 1970s, lost to the Labour Party under Tony Blair. The new Labour government made fresh land reform funding conditions and explained to the Zimbabwe government that funds for land reform were to be based on a 'community initiated - market assisted' model of land reform. In 1997 the UK government absolved itself of responsibility to pay compensation for land redistribution despite the fact that during the deliberations the Chair of the Lancaster House talks, Lord Carrington, had made a commitment to support a land reform programme in Zimbabwe. He had said:

*"...the British government recognises the importance of this issue [land] to a future Zimbabwe government and will be prepared within the limits imposed by our financial resources to help"* (Carrington, Lancaster House, 1979:2).

In a letter to the Zimbabwean Minister of Lands the then Overseas Development Secretary, Ms Claire Short, acknowledged the positive outcomes of land reform from the previous decade, cautioned the Zimbabwean government against an accelerated land redistribution exercise and went on to claim that

*"I should make it clear that we do not accept that Britain has a special responsibility to meet the costs of land purchase in Zimbabwe. We are a new Government from diverse backgrounds without links to former colonial interests. My own origins are Irish and as you know we were colonized not colonizers"* (Short, 1997:1).

This statement served as the bedrock of diplomatic tensions and diplomatic row between Harare and London, and this has raged for over a decade. The letter was instrumental in aligning moderate camps within ZANU (PF) with the more radical groups (Selby, 2006:15). Furthermore, the letter allowed the ZANU (PF) government to portray the land deadlock as part of a bilateral disagreement within a wider set of historical grievances (Mail and Guardian, 5 November, 2005). A number of initiatives meant to restore negotiations over land were set in motion from both Britain and Zimbabwe. In Britain, Tony Blair, realizing the lack of tact in Claire Short's letter, wrote directly to President

Mugabe and assured him of his government's commitment to Zimbabwe's land reform (Selby 2006:16). In Zimbabwe a joint initiative of the CFU, finance sector and land policy technocrats formed 'Team Zimbabwe' in an attempt to find an amicable solution to the land issue and also to keep donors and the government engaged on the possibilities of funding land reform (Selby, 2006:32).

However the Zimbabwean government's position was soon to change with the emergence of the first credible opposition party, the Movement for Democratic Change (MDC) and also the 2000 defeat in the constitutional referendum. The referendum defeat marked a watershed moment in ZANU (PF) politics, when it became clear that the ruling party was not invincible and faced a major electoral challenge in the forthcoming 2000 parliamentary elections. There was dramatic shift in the strategies of ZANU (PF) as the

populist rhetoric no longer convinced the frustrated, land hungry rural and urban population. Land invasions led by war veterans and landless peasants began shortly after the Constitutional Referendum of 2000. The latest strategy and alliance was in sharp contrast to government's earlier responses to the 1980s occupations. In the 1980s the government sought to strengthen and insulate a modernising bureaucracy as well as to protect the commercial farmers through the adoption of tough anti-squatter measures (Sachikonye, 2003, Alexander, 2003).

The government announced plans to resettle 160 000 families on 5 million hectares with the first batch of 30 000 families being resettled on 1m hectares within the first year (GoZ, 2000). However there were no budgets, equipment or personnel to achieve the target. It seems that the new target emerged in response to political pressure from war veterans and popular demand from chiefs and other community leaders.

## The Political Economy of Land Reform Corruption

*Political economy approaches to understanding corruption and land are essential.*

The late 1980s led to the birth of a new political and economy structure in Zimbabwe's history with the rise of black elite. Many black led organizations emphasized empowerment such as the Indigenous Business Organization, (IBO), the Affirmative Action Group, (AAG) and the Industrial Development Corporation, (IDC). This led to the rise in the demand for land amongst the black elites as more and more people particularly peasants and the elites agitated to leave their dry small, unproductive plots for more productive areas. The signs of this social trajectory were also exacerbated by the fact that horticultural agriculture became an important stand point for the World Bank, which started providing subsidies to countries that were involved in horticultural exports.

The elites started lobbying the government for land and as they acquired land this also pressurized the peasants to place demands of their own for land. Hence in 1998 the Svosve community was involved in farm occupations in Marondera, demonstrating their land hunger attitudes to the government. The white commercial farm occupations were precipitated by multiple stressors such as the consequences of SAPs that created widespread unemployment as a result of industry closure coupled with civil service retrenchments. This was alongside debilitating climate change factors that brought about consecutive years of droughts alternating with years of floods. (Murisa, 2009, Murisa, 2011). The productivity discord during the 1990s also brought its challenges which debates on large farms versus small farms productivity tried to resolve. The populace also realising that small farms were viable and could produce more. For instance the high cotton and maize production in communal areas in districts such as Gokwe became exemplary. (Moyo 2011).

In 2000, there was a change in the rules of the game, when the infamous fast track land reform process occurred. White commercial farms were occupied by the black peasants joined by some professional urbanites who took the opportunity to lead the process. The fast track land reform was meant to indigenise commercial farming, deal

with issues of overcrowding and conclude the business of the Zimbabwean sovereignty question. At this moment the land redistribution exercise of the 1980s ceased to exist as the elites hijacked the land reform process, using the cover of the war veterans. This created new integrity and accountability problems. Marongwe, 2008 argues that fast track land reform was a defining moment in the history of Zimbabwe because coherent policy initiatives and planning in rural development was lost at all stages of economic, political and social governance during this period. Marongwe (2011) and Zamchiya (2011) point out that, the fast track land reform process became a haphazard policy space that existed increasing the number of people acquiring land merely by paying allegiance to ZANU PF and its cronies. A counter view from Scoones et al (2010), Mutopo (2011), Murisa (2011b), Munyuki-Hungwe (2011), Chiweshe (2012), and Hanlon, Manjengwa and Smart (2013) points out that the fast track land reform also benefitted ordinary people who did not have ties with ZANU PF. These scholars argue that is rather too cynical to set a precedent that all land beneficiaries of land reform Zimbabwe from the 1980s, to the fast track programme were all pro ZANU PF; rather even some members of opposition political parties have benefitted from the process.

A widely discussed area of lack of public accountability, transparency and integrity in the fast track land reform programme has been the issue of multiple farm ownership, mainly by the public elite. Since Zimbabwe

has not conducted a comprehensive land audit process that would inform stakeholders and investors of the extent and impact of lack of accountability, transparency and integrity in the process. This has created room for widespread speculation and conjecture over levels of corruption involved. For example Marongwe (2011), Zamchiya (2011) and Raftopolous (2009), all converge on the fact that the lack of equity and political polarization of the fast track land reform process serves as evidence that crafters of the fast track land reform have always been a corrupt entity whose interests are sectarian, only serving the needs of those who pay allegiance to them. Sam Moyo, who helped draft the government's original framework for land reform, says that, "the scale of such corruption has to be seen in the context of the small number of people named in the audit, and that such problems have been openly discussed in government". Critics, he argues, have seized on such cases of 'opportunism' to dismiss the entire land reform programme by ignoring its undoubted benefits. The greater problem is that, "the programme cannot realise its full potential under the current economic squeeze, which limits the government's provision of key agricultural inputs," (Thomas 2003:705). Emerging forms of dealing with lack of integrity and creating livelihoods systems that are aligned with people's everyday forms of living have led to collectivism leading to individual and community-led forms of averting unaccountable government officials. Communities together with district and provincial leaders have formed land committees that aim to harness new ways of social organization, (Murisa 2011a, Mutopo 2011).

## **Legalism and Land Corruption**

The 2007 report on corruption notes that, there have been endemic cases of land in the courts but have however been dealt with differently since 2000. Until 1999, Zimbabwe was hailed as one of the countries that respected the judiciary and passed court judgments that were not retrogressive but rather upheld the rights of the people. Moyo, 2007 notes that, the fast track land reform was not a programme modelled on equity but rather it sought to advance the interests of the ruling ZANU PF party, other government bureaucrats who were sympathetic to ZANU PF and the war veterans. Moyo (2007) and Shana (2006) further note that, it was not a programme that was spontaneous, and organized by land hungry people as purported by Moyo (2011), Moyo and Chambati (2013). Most of the actors involved were corrupt officials who had a history of abuse of resources as evidenced by different public cases such as the willow-gate scandal that involved corruption over vehicles. Changes to the judicial bench as it sought to deal with fast track land invasions were also a testimony to how some judges lacked transparency, accountability and

integrity in the manner in which they handled cases. There is a general belief among the informed populace that members of the judicial system favoured the government and in return were given farms of their own. Consequently they did not proactively deal with the matters from a constitutional perspective but rather from a political perspective. In as much as legal statutes had been applied and complied with during the setting up of the old resettlement programme, this approach was dropped during the fast track process.

## Emerging Trends of Land Corruption

In communal areas of Masvingo, Mutare and Goromonzi, programmes of land resettlement were imbued with lack of credibility as far back as the 1980s and 1990s. In depth interviews with people from these communities created the impression that during land demarcations, land was specifically given to powerful families with connections to the ruling ZANU PF party. A notable element that came out of the discussions with the communities was that corruption over land was tied to agricultural sphere as a whole. There was people consistent reference to the Grain Marketing Board corruption scandal of 1995. Communities interviewed perceived that the Grain Marketing Board (GMB) corruption should be viewed in the same continuum of land sector corruption that is currently being witnessed because it had to do with the land sector productivity for which the GMB had to be accountable.

They further commented that despite the fact that this was a period of low corruption, the GMB corruption scandal was the harbinger of worse corruption to come in the land sector. Furthermore the culture of corruption established then has continued where the elite benefit at the expense of the larger population. In the fast track land process the elite used their privileged positions in society such as traditional leaders, as well as those in key institutions to claim more hectares of Land. One public official echoing these views shared that, in 1999 there was a land grab scandal that involved very important people such as political leaders. There were small but incremental cases of land related corruption in the 1980s and 1990s leading to the ubiquitous, overwhelming levels experienced today in land grabs for example. People were too preoccupied with bread and butter issues that

they did not take time to reflect much on the events surrounding land on the ground. Today's high levels of corruption in the land management sector have a history that was even acknowledged by the government at that time. Today the forms of corruption conducted are impacting directly on small holder's livelihoods hence the increasing outcry over land bribes in land transactions."

An analysis of different historical time frames leads to the conclusion that, corruption cases in land transactions during the 1980s and 1990s existed but they were not as rampant as is the case today. Chimhowu and Woodhouse,(2005), Chimhowu and Woodhouse (2006) note that, lack of credibility in communal land reforms in the 1980s and 1990s in Zimbabwe and most parts of Sub Saharan Africa were influenced by the lack of effective policy implementation structures thereby elevating activities that lacked credibility and integrity in land demarcations.

Murisa (2013) argues that changes in the local governance system in Zimbabwe from the colonial to the post-colonial era have also affected land administration systems. This is due to the nature of how traditional leaders have had different roles. Sometimes these roles conflict with those of the decentralized units of the state. Since the 1980s traditional authority has existed albeit with varying degrees of powers, from total marginalization 1980-1988 to opportunistic elevation in the early 1990s and finally to serving the interests of the state. In 1993, the Traditional Leaders Act was put in place. It has since altered the space for civic engagement in communal lands post the fast track land reform process. Chiefs



and village heads gained the right to control land demarcations. Some traditional leaders have been known to abuse the powers given to them by the Traditional Leaders Act of 1993. There has been disgruntlement over the manner traditional leaders have parcelled out land in their communal areas in

In Nemanwa study site a rural fast track area, in Masvingo Province, it is reported that traditional authorities entered into unlawful land transactions by giving themselves the prerogative to allocate land to people without adherence to other relevant policy considerations. The villagers suspect lack of transparency undermined the integrity of the process even if the in the current Zimbabwean law the transactions of the traditional leaders are not identified as corruption. This is because they were mainly clandestine in nature. Reports from the community indicated that one woman village head had assumed the role of "land queen" as she was involved in clandestine land transactions that involved significant quantities of

land. One respondent pointed out that, "even women were now corrupt as evidenced by the village head, as she was the new master of crafting corrupt land sales that had made her rich within a short time. Even women village heads that we trusted have become also creatures that are after money through parcelling land to the highest bidder, [contrary to the Traditional Leaders Act] . Who knows? Maybe by next year we will not even have fields or grazing lands as all this is viewed as unused lands and sold to those with money". This illustrates that corruption is a crime of opportunity. Women are as susceptible to corrupt practices as men when given authority that brings with it responsibility over resources and assets. The rising economic value of land is challenging traditional allocation structures which were through clanship and primogeniture. Hence the increase in traditional leaders implicated in clandestine, illustrates corrupt land transactions.

## Land Acquisition Modes

A critical consideration is also that in both the communal and fast track land reform areas there is "politics of villagization. This implies the creation of rural structures to decide on who will access the land. These structures are not necessarily traditional or customary structures. The speculation is that they are created by powerful political elites to access prime land. They may include district administrators, local political leaders, traditional leaders and other powerful people in the area. While helping citizens to acquire land in whatever capacity is not de jure corruption. The criteria, motivations, incentives and rewards for doing so may make it corruption de facto. Especially where broad-based consultations and opportunities are not availed in the distribution of public goods, of which land is a critical one. Some of the interviewed stakeholders in the districts and provinces argued that, "by giving land to someone from my village, such as my own sister or brother, I am merely fulfilling my responsibility as a brother or sister. I should also protect myself from village and family politics. So I should give them the land. This can be seen in all sectors in this country, a person will first deal with problems of his or her relative and then the others later. Ukama igasva hunozadziswa nekudya (any relationship becomes strong when there is access to food or resources that contribute to food acquisition.)"

Such revelations create conflicting standards with regard to what Zimbabweans perceive to be corruption. Loyalty is deemed a most important virtue in family and clan structures over values of public integrity and accountability and transparency. Most people seem to think that these values are philosophical in nature and cannot be feasibly implemented. Alternatively that the responsibility of exercising such values in the distributions land and other public goods should be based on transparency, accountability and integrity only if it works in their favour. If there is no way the favour and values can co-exist then it is preferred to rely on established relational loyalties. An acute feature of lack of integrity in the fast track land reform process was the fact that beneficiaries of prime agricultural

land were mainly aligned to ZANU PF as opposed to the wider population whose political alignment was not the ruling party. This was constantly emphasized by the inhabitants of the fast track farms. These people felt they were denied access to the best land because they did not have ZANU PF credential. They further cited cronyism and nepotism as the worst forms of corruption experienced during the fast track land reform process. Areas such as Masvingo, Chegutu, Mazowe and Mutare all gave testimonies of how this form of corruption was witnessed. Political affiliations proved to be the neat and simple ticket to acquiring land in the new farms. "You do not lose anything by carrying the ZANU PF party card, you always benefit immensely as I have 2 farms, echoed one farmer in Masvingo".

The payment of bribes in the post MDC- ZANU PF coalition government was also rampant. It emerged from the survey that 40% of people from the study sample across different rural localities had acquired land between August 2013 and December 2013. This was noted in all provinces where people argued during focus group sessions that if one approached the Provincial and District land offices with money for greasing palms, (chiwoko muhomwe), one could acquire land without any problems. Officials in the departments represent largely the huge cluster of underpaid civil servants who were more than willing to provide prime land in agro ecological zones if you parted with the right amount of bribe. Bribes for land could be paid in cash or other goods such as cars, food packs, farming equipment, diesel or cell-phones.

Respondents in all areas of study repeatedly echoed the sentiments that they had no faith in the Zimbabwe Anti-Corruption Commission since it was a public body that was also composed of people they did not trust as being the best to solve the cases who had also been implicated in corruption cases by the media. It was also suggested that the "independent status of the commission was questionable", as it paid allegiance to a certain section of the society. A focus group session involving the youths argued that, " may be if organizations such as, Transparency International Zimbabwe had more statutory powers it could stamp out corruption particularly this time around when it has affected the agricultural sector badly and land issues are emerging as a sign of the decay of the governance system". This demonstrates that the populace has faith in private sector organizations than the

### Policy Implications

Modern Zimbabwe is country born out of the travail for equality and equity for all regardless of race, gender, ethnicity and creed. Land distribution prior the fast track land reform was the most glaring example of racial and social inequality in Zimbabwe. Zimbabwe's current government has stayed in power by pledging to right these wrongs, yet under them they seem to take on a new complexion. The vile remains the same but its perpetrators have changed complexion. Inequality and equity remain elusive in land management despite the official rhetoric and a plethora of policies and statutes meant to guarantee equal access and equity to land as a key social, economic and financial resource. Women, the youth and the poor continue to be marginalized from access to land and land productivity. Given that the history of

land governance in Zimbabwe has always led to violence and bloodshed, equity concerns should be at the centre of policies that aim at ensuring effective resource distribution. There is need to create platforms for effective participatory policy making by the governing and the governed through public forums. Corruption, mal-administration and clandestine activities that involve land resources ought to be treated within a policy space that is open and subject to scrutiny by citizens of the state. This enables a proper system of checks and balances in light of the doctrine of accountability. It should be noted that in the future the major land policy challenges include the guaranteeing of tenure security embedded in an effective land administration system.

However the immediate task for government should be to carry out a land audit whose methodology is acceptable to all stakeholders. The land audit must reveal the nature of the land one has and also make recommendations on how multiple farm ownership cases have to be dealt with. Funding for the land audit can be undertaken through harnessing public and private funds as this is an urgent matter that requires consideration. The land audit should also be modelled to embody mechanisms that promote transparency, accountability and integrity of the sector in order to avoid unethical conduct and corruption. The fact that in law most land sector corruption is not criminalised implies that there is a legal lacuna that needs to be filled. A land policy should be put in place that is clear and understandable by all people and possibly translated into local languages given that its focus is on land, a key livelihood and economic activity resource.

Anti-corruption policies and measures should also be drawn so that a system is put in place in the Ministry of Lands and Resettlement that detects, prevents and penalises corruption as it occurs. A land related anti - corruption awareness campaign accompanied by an independent complaints desk in each district is one of the pragmatic ways government can hope to deal with corruption to restore integrity to land management. This should be arrived at in a way that unlocks the crucial resource's value accountably, transparently and equitably.

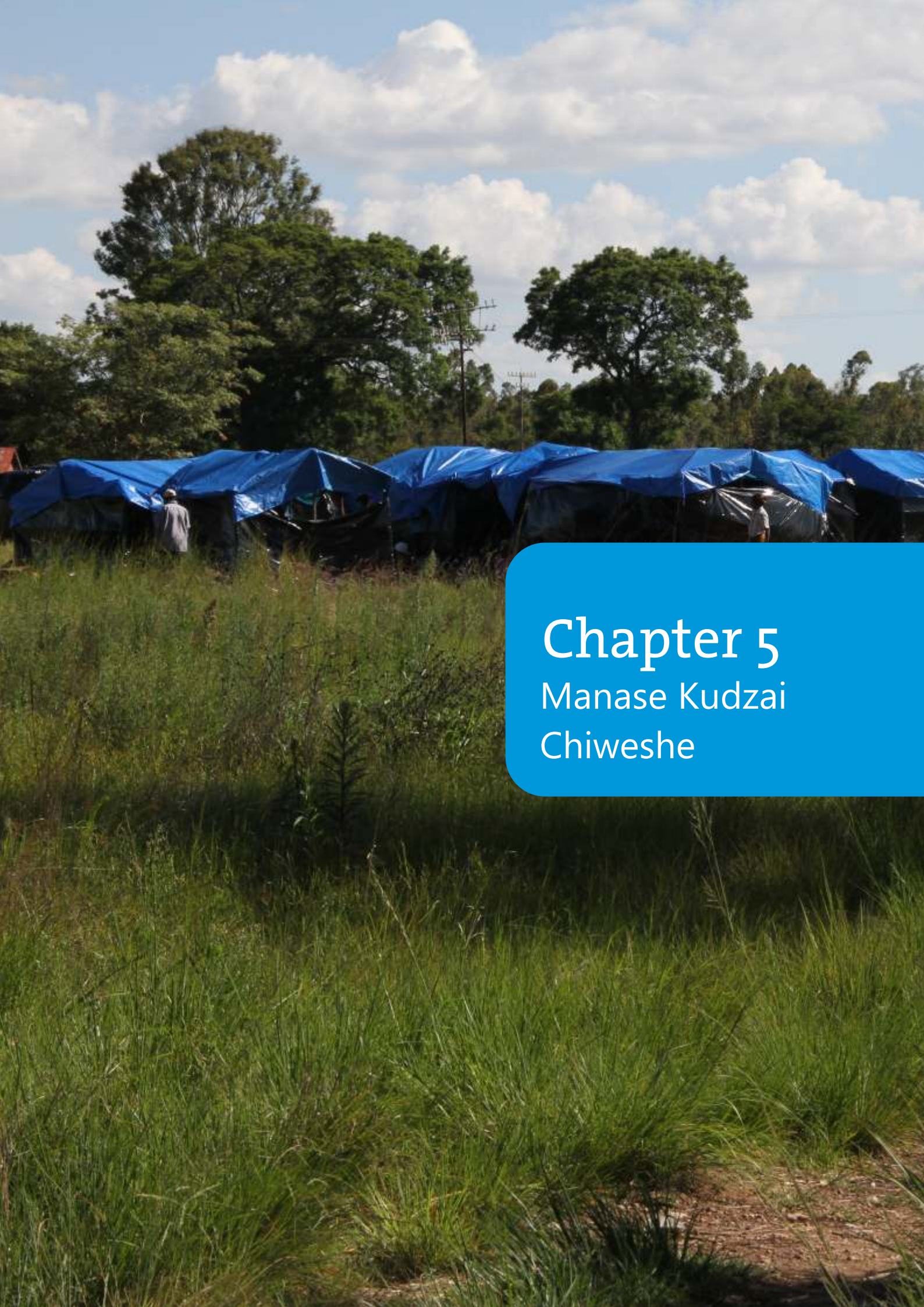
## Conclusion

An analysis of the historical, economic and social facets of land reform programmes in Zimbabwe gives glimpses into the levels of corruption, lack of credibility and ingenuity that have hindered equitable land redistribution programmes in the country. Corrupt activities and lack of integrity in land allocation have been rampant in Zimbabwe since independence. Though in 1980 recorded corruption was relatively low, it escalated in the 1990s to the present day where it is expressed as overwhelming. What this chapter has unearthed is that the ordinary Zimbabwean has benefited from land redistribution, particularly post the fast track land reform process.

However there is sufficient evidence to support the argument that without corruption in the form of abuse of office and power more ordinary, deserving Zimbabweans would have benefitted than is currently the case. The evidence points to elite capture of the process which in turn benefitted their extended family members, cronies and business associates both local and international. In some instances the conflicting policies and legislation have also worked in favour of corrupt individuals either through contradiction or where it is silent about certain behaviours that are potentially corrupt. A new impetus must be provided for land officials to implement and monitor policies transparently, while desisting from known corrupt behaviours like bribery would require stiff, deterrent sentences.







# Chapter 5

Manase Kudzai  
Chiweshe



# Accountability issues in large scale land deals in Zimbabwe



## Introduction

**T**his chapter focuses on corruption opportunities in new land deals in Zimbabwe. It provides a nuanced analysis of the legal and political context that provides opportunities for land related deals that leave communities vulnerable. The chapter also outlines the impacts of such deals on the livelihoods of rural communities who largely depend on agriculture. Land acquisition has been around since colonization however this paper concerns itself with a set of processes emerging post 2000 driven by the need for bio fuel production, export oriented production, discovery of new mineral deposits and new foreign players in Zimbabwe's land. What is of interest to this chapter is how, by whom and to what ends are these land deals undertaken. Answering these questions exposes the integrity and accountability gaps in the process of acquiring land in Zimbabwe.



Scholars and academics are warning of a new wave of colonialism of Africa driven by international investors, as foreign companies and nations buy vast amounts of land to produce food and bio fuels. Dyer argues that Africa has in recent years, become a major source of land as many outsiders consider the continent as a place where large areas of good agricultural land aren't already completely occupied by local farmers. Mutopo argues that in Zimbabwe there are multiple national and international players involved in large scale bio fuel production. Setting up of these operations has meant displacement of small holder farmers, sometimes callously without any recourse to any restitution. Experiences of large land deals in Zimbabwe are different from other areas across Africa. In Zimbabwe most land is owned by the state and the dynamics of land ownership mean that most communities have usufruct rights. Thus the experiences of small scale farmers in Zimbabwe especially those who acquired land post Fast Track Land Reform in 2000 are different from other small holder farmers across the world. The Zimbabwean case illuminates the interplay of complex political and economic forces that intermix to relegate small scale farmers at the expense of vast bio fuel production. Oxfam International, in a report entitled Land and Power estimated that 227 million hectares of land in developing countries has been sold or leased since 2001 with the majority of deals occurring since 2008 and most land deals have been into the hands of international investors. There is rampant corruption in the nature of how the deals are agreed and instituted. Local elites are involved in rent seeking behaviour, taking bribes and making agreements with foreigners that benefit their own interests. According to Transparency International's Global Corruption Barometer 15 percent of people dealing with land administration services had to pay bribes.

#### Land deals across Africa

Wiley estimates that 18 out of the 33 to 40 countries leasing lands for foreign direct investment are in Sub-Saharan Africa, and two-thirds of the global land under lease for biofuel and food production is in Sub-Saharan Africa. The World Bank report that 56 million hectares

were rented or sold in 2008-2009 whilst the International Land Committee notes this figure has reached 80 million in the period since 2001. The Global Land Project notes that in Africa 62 million hectares were exchanged in 27 countries in 2009 whilst the Oakland Institute highlights 50 million hectares have been expropriated in 20 countries. According to High Quest Partners, 15 to 50 billion US dollars have been invested by the private sector. Cotula notes how media attention has focused on government-backed entities from the Gulf and East Asia and on Western investment funds as the main land acquirers. The empirical evidence on the ground highlights the central role of national elites in national acquisitions. A study from Benin, Burkina Faso and Niger found that over 95% of the investors involved in land deals were nationals, including professional farmers and urban groups like civil servants, traders and politicians.

Hall outlines how the commercial farmers association Agric South Africa (AgriSA), a group representing white farmers in South Africa is increasingly getting involved in land acquisitions across Southern Africa. It is difficult however to discuss land acquirers without noting how global financial markets work. Each project may involve interests emanating from different parts of the world. From lenders, insurers, contractors, suppliers and negotiators; large-scale land deals are synonymous with the globalization of capital. It becomes difficult to outline exactly within the international players who is acquiring and how much they are acquiring. As Cotula notes:

*'...the nationality of the land acquirer does not fully represent the geography of the interests at stake. A large Libyan deal in Mali reportedly involved contracting out construction work to a Chinese company, for example. Similarly, South African consulting engineers have been involved with contracts to build sugar mills and ethanol plants in different parts of Africa And some European or North American farmland investments in Africa involve leveraging agricultural know-how from Brazilian expertise. Several biofuel companies active in Africa are listed on London's AIM – which is 'the London Stock Exchange's international market for smaller growing*

*companies'; but capital invested in these companies may originate from all over the world. So, different geographies of interests may be involved in a single investment project.'*

The workings of international capital are highly complex but its effects on the poor are similarly felt across the geo-political south.

### Conceptualizing new land deals

Land deals have often been conceptualized as a new form of "agrarian colonialism" which has resulted in a new partition of Africa's agricultural land. Large scale land deals have to be understood within the historical processes of accumulation. There is a growing wave of capitalists who are manoeuvring to exploit the world's looming food and fuel crisis. They defy geographical categorisation and come from varied nationalities. Such a form of capitalism can be best described as accumulation by dispossession. Local elites are part of this class of accumulators where land has become an important resource. Cotula argues that ongoing research by the International Land Coalition (ILC) shows that 'commercial pressures on land' are increasing in many parts of the world as a result of multiple forces beyond agriculture – including extractive industries, tourism and natural parks. This emerges importantly as it places rural land loss as a historical and multi-faceted process. The current trends of land investments described by media as 'land grabs' are part of a historical expropriation of African resources. Land grabbing is defined as land loss by rural populations due to large-scale land acquisition by foreign business (be it by purchase, lease or other forms of control over land such as long-term contract farming) for industrial agricultural production (be it for food, agro fuels or other agricultural commodities). Many acquisitions involve more than 10,000 hectares and several more than 500,000 hectares.

### New land deals in a Zimbabwean context

In Zimbabwe new land deals have to be understood within a context of revolutionary land reform process promoting small holder agriculture. In the year 2000 Zimbabwe embarked on an ambitious redistributive land reform programme. By 2009 the programme had

acquired some 10,816,886.11 hectares of land for resettlement out of a total of 12.3 million hectares commercial land. In Zimbabwe large scale land deals have for now concentrated on bio fuel production. The spread of commercial planting of biofuel crops, whether for export or for internal markets, has significant implications for land use and access in producer countries. Mujere and Dombo note that in Zimbabwe investors in land projects have largely been controversial businessmen with close ties to the Zimbabwe African National Union Patriotic Front (ZANU PF) ruling elite and some multinational companies who get into partnership with government companies or companies owned by some few elites. They note:

*'Governments usually identify what they call 'idle lands' which they then parcel out to private investors. For example in Zimbabwe one of the arguments in support of the Nuanetsi Bio fuels project has been that the area is arid and for a long time there has been little production on the Ranch. The land is therefore viewed as 'marginal' or underutilized in order to justify the displacement of people and biofuel production. The biofuel project is therefore projected to turn the hitherto arid area into a green belt thereby turning a formerly 'idle land' into productive land.'*

This land however is neither marginal nor idle. There were households which had settled on Nuanetsi Ranch during the land occupations in 2000. The concept of land grabbing is highly complex in Zimbabwe for many reasons as the findings of this study will demonstrate. This is mainly because of two reasons:

- ® It goes against recent trends post 2000 of land acquisition from white farmers and redistributing it to black farmers mainly promoting small scale farming. With bio fuel land deals we see white foreign capital re-emerging in partnership with the same government that has been at the forefront of dismantling white dominated agriculture in the country.
- ® It goes against trends of land grabs elsewhere in Africa in that the benefits from the plantations are largely for local consumption. Chisumbanje plant in

particular is a huge investment geared towards processing and value addition. In most countries in Africa the raw materials are usually transported without any value addition and are intended for consumption in foreign markets.

This trend goes against conventional wisdom around displacement, land grabbing, foreign direct investment and economic development. Rural communities have suffered loss of land in both Mwenezi and Chisumbanje but in both cases the issues are more complex than simple displacement. For example, in Chisumbanje most of the community members do not dispute that government owned the land but complain that they were not adequately consulted on the deal that led to the plant. They were removed from the land without any prior warning or discussion. Some of their crops were destroyed in the process. As such the Zimbabwe 'land grabbing' experience requires contextualized analysis that takes into account how local political economic issues relating to land ownership, control, power and livelihoods intersect.

### **Framework regulating large scale land deals**

In Zimbabwe there remains no clear land policy to guide land administration. Large scale land deals provide an example of ad hoc land administration. There is no clarity how these two large investments fit into the wider context of land reform which supports small holder commercial agriculture. Are these two the beginning of a much wider speculative era of land acquisitions or are they anomalies which have no bearing on the nationally held philosophy of current and future land policy? It is difficult to understand how the promotion of foreign funded large scale agriculture fits into the anti- neo-colonization rhetoric of the 2000s. The deals signal a clear warning of how small holder and communal farmers' claims to land remain fragile. The state retains ownership of land, having the deciding power to influence and affect people's claims to land. Foreign investment in land however is largely guided by government to government agreements known as Bilateral

Investment Promotion and Protection Agreement (BIPPAs). These agreements regulate how land can be accessed, managed and utilized by foreign governments. This however did not stop many foreign' farmers losing their land during the Fast Track Land Reform Programme post 2000. The government maintains that under the constitution they can compulsorily acquire land under BIPPA but they are required to compensate the farmers. A group of 40 Dutch farmers were awarded a settlement of US\$25 million by the International Court for Settlement of Investment Disputes, a debt which the government is yet to pay. It is however not clear whether the emerging land deals are also contracted under the BIPPA agreements or constitute a new type of arrangement over foreign investments in land. In Chisumbanje the deal is said to be in accordance with the ARDA Act whilst at Nuanetsi the argument is that the land is owned by a private company which can decide to enter into partnership freely. The Chiadzwa case is dealt with under the Mines and Minerals Act (Chapter 21:05). What this highlights is the many legal instruments by which communal farmers can lose access to land.

### **Actors involved in large scale land deals**

There is a plethora of actors involved in large scale land deals in Zimbabwe. Whilst many remain hidden, others such as government are at centre of land administration. Below is a summary of some of the actors and their roles in large scale land deals.

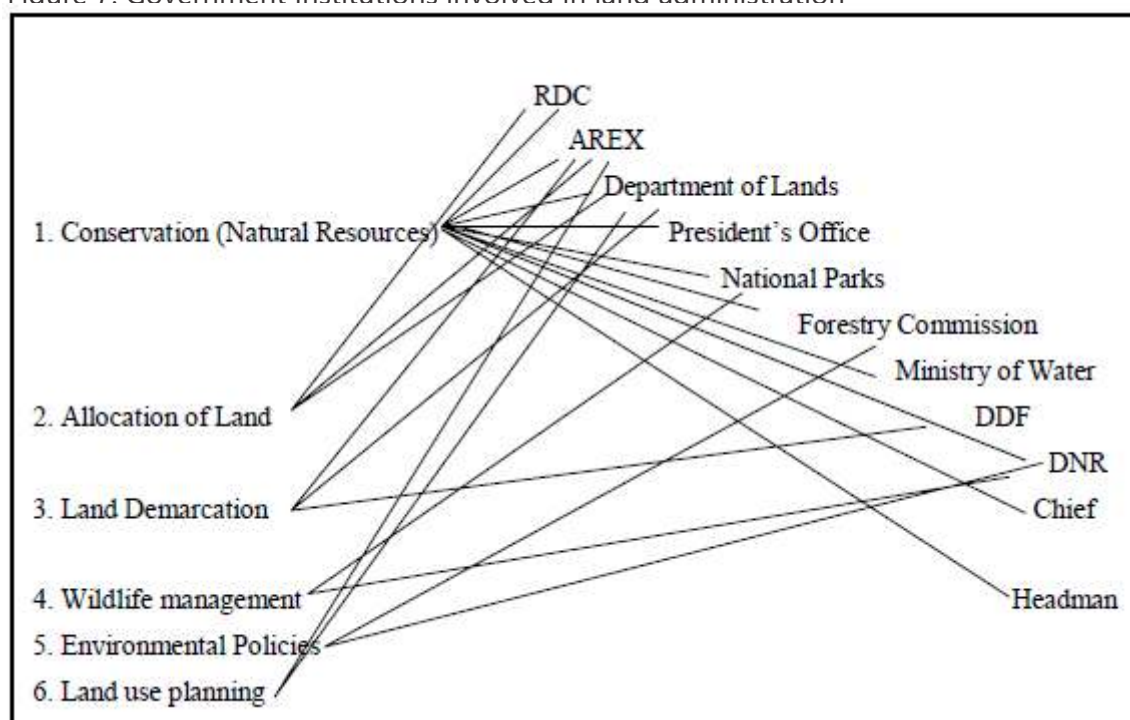
#### **Government of Zimbabwe**

The government of Zimbabwe is the key actor in land administration. All land in Zimbabwe belongs to the state thus the government of the day through the president make all decisions concerning land. There are however many governmental institutions involved in land administration as highlighted in Figure 1 below. These institutions often overlap in their mandates with some resultant confusion and conflicts instead of complementarity, but when it comes to foreign land ownership in Zimbabwe the central institutions is the President's Office and Ministry of



Lands, Land Reform and Rural Resettlement.

Figure 7: Government Institutions involved in land administration



## Policy Implications

### Foreign governments

In Zimbabwe there are a number of foreign governments accessing land for various activities. They are historically countries such as European governments (for example Germany and England) that had land holdings in Zimbabwe under the BIPPA bilateral arrangements. There are however newer countries involved in accessing land such as the Chinese, Brazilians and Libyans. Statistics on foreign land ownership in Zimbabwe are however difficult to access. There are many speculative figures which are however not published anyway.

### Foreign companies

Many of the most prominent actors seeking to obtain land are foreign investors, including sovereign wealth funds, agribusinesses, investment banks, commodity traders, individual elites, and mining companies. However, private-sector investors increasingly act closely with or on behalf of their native governments, and there are many instances of governments fostering investment through the organization and negotiation of deals and policy arrangements and the provision of targeted support or favourable conditions (GRAIN 2007).

### **Politicians and local elites**

In Africa most deals on land require links to the government. Which is why political elites are intrinsically involved. These elites form part of a national bourgeoisie who have used political power to amass wealth, some of it through corrupt means. There is very little evidence to provide any allegations on specific individuals. While it is difficult to ascertain all the individual elites involved in these deals one name remains synonymous with land deals. It is this name that is highlighted in this section to represent all local elites. Billy Rautenbach's presence is ubiquitous in both Mwenezi and Chisumbanje land deals. In Chisumbanje his company owns Madcom, which is part of the investment portfolio. In Mwenezi, DTZ has denied that Rautenbach owns any shares, only admitting that he has interests in projects that develop his company Zimbabwe Box Portrait. Billy Rautenbach, also known as Muller Conrad Rautenbach (born 23 September 1959), is a multimillionaire Zimbabwean businessman. He is known for his aggressive business tactics and is believed to have close links to ZANU-PF and the government of Robert Mugabe. However, these allegations, including the claims that he funds ZANU-PF, have not been proved. Before he was 40, Rautenbach's business empire had spread in more than a dozen African countries even as far afield as Australia and Europe earning him the nickname "Napoleon of Africa". As of 2008, Rautenbach was on a travel ban list in both the European Union and United States.

Rautenbach was added to the EU blacklist in January 2008, and the US blacklist towards the end of 2008 for his alleged involvement with the Mugabe government. It is alleged he has aided Robert Mugabe's government financially, regardless of current international sanctions imposed on Zimbabwe to limit Robert Mugabe's grip on power. A noticeable proportion of the funds made available to Robert Mugabe were used to pay his security forces to help keep him in power. Mugabe, grateful for financial support often returned the favour to Rautenbach and similar financiers in exchange for dubious and lucrative drilling and mining deals with companies based in countries such as the British Virgin Islands, the Cook Islands and so on, both of which could be seen as having a lack of regulation therefore making it easier to transfer funds to Zimbabwe. He currently owns the Volvo franchise in Zimbabwe, the country's largest freight company and vast tracts of agricultural land. Source: Wikipedia; Aidan Hartley (2009). Dispatches - Bankrolling Mugabe (TV-Documentary). UK: Channel

### **Case studies**

#### *Accountability issues in the Mwenezi case study*

The Mwenezi case study concentrates on Nuanetsi Ranch which is located 3 km from the Chirundu-Beitbridge R1 highway which connects Zambia, Zimbabwe and South Africa. The ranch covers more than 376 995 hectares of land, which constitute more than 1% of Zimbabwe's total land area. The ranch was once owned by a South African company (Imperial Cold Storage Company of South Africa) but it was sold to Development Trust of Zimbabwe (DTZ) in 1989. Nuanetsi is situated between agro ecological regions (IV and V), with mean annual rainfall of between 450mm to 650 mm per annum. It is characterized as one of the dry and very hot areas in Zimbabwe. DTZ was founded by late Joshua Nkomo, Vice President of Zimbabwe in June 1989 with the aim of developing the poor in Matabeleland provinces. The trust has over the years been controlled by ZANU PF elites (and former PF ZAPU in the party) such as Simon Muzenda, Edison Zvobgo, John Nkomo, Sydney Sekeramayi and Dumiso Dabengwa among others.

DTZ entered into a joint venture with Zimbabwe Bio Energy, which is reportedly funded by Billy Rautenbach. The joint venture terms between ZBE and the DTZ have given the company land utilization powers but the land remains the property of the trust. This has led to a multi-billion US dollar investment programme, which includes

ethanol production, crocodile farming, sugarcane growing, cattle ranching and game keeping. Accountability issues around Nuanetsi Ranch emerged in 2000 when land occupations engulfed rural Zimbabwe and the ranch was not spared. Various elements within ZANU PF were agitating for the ranch to be part of the Fast Track Land Reform Programme, for example Didymus Mutasa, ZANU PF stalwart argued: 'we have realized that the Nuanetsi ranch is lying idle and the Masvingo political leadership would want it to be designated for resettlement. It would be unfair to leave such land idle when thousands of Zimbabweans need land.'

Former ZAPU leaders within government resisted this turn of events. The latter could not understand why an indigenous owned entity was being targeted for forcible resettlement. The land reform was based on the ideology of righting historical injustice of colonization as noted by the late vice president Joseph Msika:

Nuanetsi ranch is owned by DTZ, a black-owned company and if we designate that land, whom are we empowering? We cannot take land from a black man and give it to another black man. If there is anyone trying to do something there tell him he is wasting his time because that land was bought and cannot just be given to people without any justification.

This led to the Masvingo ZANU PF leadership being instructed not to acquire the ranch for resettlement yet they were already many households settling on the land. Scoones noted:

The DTZ offered 150000 hectares for official settlement, with 54000 ha going to 120 A2 beneficiaries. About 25 of the A2 farmers went into cattle ranching, with the remaining 100 engaging in crop production under irrigation. About 6500 households were allocated plots ranging in size from 0.5 to 10 hectares under the A1 model. New farmers were allocated grazing blocs by the Trust and there was also substantial lease grazing arrangements with white ranchers whose land had been taken in other areas. No one is ready to admit the numbers of ranch cattle moved to the Nuanetsi ranch, but they run into the thousands.

Problems emerged with 'illegally' settled households who were resisting eviction. As one interviewed farmer argued: Even the authorities in Harare have not told us to move, there are some political elements especially from this district who want us to leave the ranch, but the President when he came here in 2008 did not ask us to move. The politics of land reform and history of the farm meant a complex interplay of political and social issues played out at a national level. The farmers who had occupied land were claiming to have political backing yet within ZANU PF there were fissures emerging over the issue as former ZAPU leaders felt the estate was off the table. The deal between DTZ and ZBE was thus a private matter to which the state had no right to interfere. Yet certain elements within the ruling party thought that the estate is state land thus people could be resettled. Chiweshe and Mutopo note that in August 2010, the farmers were arrested after beating up members of the Masvingo Provincial Lands Committee and police officers as they attempted to evict them from the ranch. This was precipitated by the change of stance by government which set the police and army on the farmers to pave way for the bio fuel project. The farmers felt that the estate was large enough to accommodate them and the investors. ZBE officials indicated that the settlers had knowledge that the Nuanetsi ranch was not supposed to be invaded but they had capitalized on the land occupations and lack of proper enforcement by the government of policies that prohibited settlement on the land.

Another important dimension of displacement at Nuanetsi is the process of 'water fencing' by the bio fuel company which is adversely affecting small holder farmers' access to water. This has been theorized as a form of water grabbing in which communities are excluded from access and use of water resources which are designated as private property. ZBE officials have control of water sources and have paid required levies to Zimbabwe

National Water Authority and this gave them rights to exclusionary rights. This has caused serious conflicts with communities who believe that water is a gift from God and does not belong to anyone. Ownership of natural water resources are thus an alien concept to the farmers yet fences had been erected and patrol game police officers were now protecting Nuanetsi making it difficult for them to access water within the farm they had settled. The settlers felt this was a way of pushing them out of the farm as they had no access to water for domestic use and for their animals. Lack of access to water meant they were in other words landless as water and land access are closely connected.

#### *Accountability issues in the Chisumbanje case study*

Chisumbanje is located in Dowoyo communal land, Manicaland Province. It is about 95 km south of Birchenough Bridge on the Birchenough Bridge-Chiredzi road. The ethanol plant in Chisumbanje is alleged to have cost US\$600 million to be set up. The project commissioned in 2010 and by August 2011 it had produced 70 000 litres of fuel. It is important to reiterate here that all land in Zimbabwe is vested in the president thus no company or individual can claim ownership of land however this process has led to a system by which the state is annexing land from indigenous populations for use by large corporations. The project is operated as a partnership between Agricultural and Rural Development Authority (ARDA) with Madcom Rating, Green Fuel Investments and Madcom Investments. ARDA is a government entity which is governed by the ARDA Act (2001). ARDA has the duty to plan, co-ordinate, implement, promote and assist agricultural development in Zimbabwe. It is also tasked to prepare and, with the agreement of the Minister, to implement schemes for the betterment of agriculture in any part of Zimbabwe. The entity owns land and carries out farming projects on behalf of the government. In the 1960s land in Chisumbanje was selected for irrigation led ethanol production. The communities in Chisumbanje have this background and know that the land was demarcated as government land and thus no one was supposed to encroach on the land.

Over the years with the land remaining idle communities started to settle and utilize land on the ARDA estates. This is an important background as it provides ARDA a legal basis of removing communal farmers. The land on both estates that comprise the company belongs to ARDA through lease agreements with the Chipinge Rural District Council and has been accessed through two separate Build, Operate and Transfer agreements between the two private agricultural companies Madcom. The BOT agreements stipulate that the investors will develop the estates and furnish with viable irrigation facilities to hand over these back to ARDA at the expiry of the agreements. That ARDA is entitled to 8% share of the revenue generated from the annual production. Communities felt that they needed to be consulted over the deal and be part of the process in negotiating their relocation. This was not done as the companies and ARDA dislocated families without compensation.

Box 2 below outlines the findings of Parliamentary Portfolio Committee on Agriculture, Water, Lands and Resettlement conducted an inquiry into the viability of the operations of Agricultural and Rural Development Authority (ARDA). These findings provide interesting insights into irregularities of the BOT deal which ARDA management claim they have a constitutional right to enter. One of the major points outlined in Box 2 below is the fact that the deal is largely unfavourable to ARDA. ARDA was desperate for a partner because it was broke thus entered into an agreement in which the investor had an upper hand. The report by the committee also noted the displacement of poor households without consultation.



**Box 2: Findings of Parliamentary Portfolio Committee on Agriculture, Water, Lands and Resettlement**

- ® The contract between ARDA and Rating Investment Ltd, Macdom and Trimello Investment Ltd is poorly drafted and that the Government of Zimbabwe, represented by ARDA, was short-changed of proceeds that are to be harvested from the joint venture. This is so particularly because the agreement does not specifically state the expected harvest or product and the percentage that must be allocated to ARDA.
- ® Villagers, while welcoming the developments happening at Chisumbanje, are being displaced by the expanding sugar cane plantations and that there seems to be no plan in place to ensure the villagers benefit from the scheme since they are not being consulted in the whole process.
- ® Rating Investments (Pvt) Ltd and partners entered into agreement with ZINWA and had repaired 6 pumps at ARDA. Each pump can irrigate 1000 hectares. The facility is also going to benefit 75 A2 and 47 A1 farmers resettled in 2003, whose irrigation infrastructure had been vandalised during land reform. Water is pumped from Sabi River. By March 2010, Ratings Investment Ltd and partners had reportedly used US\$40 million in the rehabilitation process.
- ® That ARDA is not represented in all the operations at Middle Sabi and ARDA representatives had attended meetings at Middle Sabi two times only since the beginning of the operations.
- ® ARDA was bankrupt so Ratings Pvt Ltd provided the funds, took over 520 workers of ARDA, ARDA tractors, including part of the 428 fleet from Iran. The Committee however, was not given the actual number of tractors taken from ARDA, some of which were being refurbished.
- ® The Contract Agreement does not specify the actual activity or production that is to take place at the estate. This gives room to the private contract to divert undeclared profits and short change the government. Only sugar cane production was said to be the viable crop in that region, however.

In 2012 and 2013 there were serious problems over the ownership structure of Madcom and Rating. There were allegations by some politicians that Rautenbach, who was born in Zimbabwe and is linked to ZANU PF, was not indigenous; hence he has to cede 51% shareholding to them in accordance with the Indigenization and Economic Empowerment Act. Apparently Billy Rautenbach is Zimbabwean as such he should be immune to the forcible takeover under the act as the Standard report notes, 'He is Zimbabwean, but of the wrong color.' What is interesting is that anecdotal reports indicate that within ZANU PF a number of politicians were already involved in the project in various ways. There was no evidence to support these claims but what is clear is the complexities involved in the ownership of the bio fuel plant.

*Accountability issues in the Chiadzwa case study*

The displacement of communities in Chiadzwa offers a different dimension from the other case studies. Unlike in Chisumbanje and Nuanetsi, households in Chiadzwa have a traditional and legitimate claim to the land. Mining related displacement is not a 'new' phenomenon but the discovery of diamonds in Zimbabwe provides an interesting intersection of displacement, corruption, human rights and resource management. This case study will also allow analysis of how corruption as a governance issue is at the core of human rights abuses in mining areas. Corruption as defined as the abuse of public office for private gain. Reports around mineral extraction in Zimbabwe speak to this phenomenon where individuals in public offices have benefited privately from selling minerals. For example in Chiadzwa militarisation of diamond mines has meant local communities having little say in the control of resources found in their areas. There are many accountability issues over the control and movement of diamonds for example the Standard of 13 February 2011, reported a case of the missing 'USD 1000 000 which was realised from the auction of the Marange diamonds last year.' On 13 June 2011, Zimbabwe Daily

News published a story online that 'US\$300 million worth of diamonds disappeared without a trace and no-one knows what happened to them'.

Rural households in Chiadzwa had communal tenure and traditional claims to the land. Communal tenure in Zimbabwe allows a limited but secure basket of rights to farmers. The land cannot be used as collateral and it cannot be sold. It is under traditional authority yet remains state land. What is crucial to note is that farmers do not have rights to what is under the soil. The government retains the right to resettle communal farmers for any development projects, mining included. In such cases communal farmers have little recourse and in most cases are not even consulted. Katsaura argues that:

Relocation entails not only a loss of property, but also a loss of identity and a loss of cultural capital accrued over generations of villagers' who stay in Chiadzwa. This is generating problems among concerned families and communities given their spiritual and existential connection to the land in Chiadzwa. These families and communities are spiritually and sentimentally tied to the land, having stayed in Chiadzwa for generations.

Whilst loss of land for development is not in itself questionable, it is the secret nature of the process where rural people are not involved in deciding what happens to their livelihoods. The awarding of contracts and mining claims is also riddled with controversy.

The companies who got land and claims are outlined in Figure 2 below. The statistics are based on speculative figures since there is little information about diamond mining in the public domain. Chimonyo et al 2011 argue that:

*'...ownership patterns and claims sizes, joint venture structure and investment and revenue for each company remain unpublished. There are however speculative data regarding the earnings from diamonds to date.'*

The licenses to mine are negotiated nicodemously without much knowledge about how one accesses a claim. Most government processes are done in a black box without any transparency or accountability to the people.

**Figure 8: Summary of mining company ownership structure, investment and estimated production of each company**

Name of Company	Claim size	Projected production	Ownership structure
Mbada	10960ha Block A	400 000ct/month	ZMDC and Grandwell SA
Marange Resources	10800 ha Block B	150000 ct/month	ZMDC
Anjan	48800 ha but still expanding (see SP grant 4765)	750000ct/month (projected to rise to 1,2 mln /month 2012)	ZMDC and Anhui (China)
DMC	4794 ha (Block E) and block F)	Approx. 100000 ct per /month OR 1.3659c/t	ZMDC and Pure Diam (Dubai)
Sino-Zimbabwe (now ZMDC)	Unknown	Unknown	ZMDC

## Impacts of new land deals on communities

One of the arguments in support of the Nuanetsi Bio fuels project has been that the area is arid and for a long time there has been little production on the Ranch. The land is therefore viewed as marginal or

underutilized in order to justify the displacement of people for biofuel production. In the Chisumbanje case government claims to be within its rights to reclaim land from people who had 'illegally' settled on it. Yet

social justice demands that governments should protect its citizens. Communities have undeniable right to sustainable livelihoods. In agrarian societies, land is important to ensure such livelihoods. The policy reversal by the government of Zimbabwe on the land that had been settled before reflects the lack of policy consistency and coherence towards sustainable livelihoods for the rural poor who had been Promised Land as the major driver out of poverty. In Chipinge district council figures as of June 2012 indicated that out of the one thousand seven hundred and thirty three (1 733) families displaced by the company only four hundred and ninety nine (499) were allocated half a hectare (0.5 ha) of land each.

In Mwenezi, the Nuanetsi project is producing various goods for export market while promoting eco-tourism. The benefits rarely filter through to communities as the profits benefit the investors. There is however increased employment opportunities but these are menial jobs for a few which cannot offset the loss of a productive asset such as land. Anseeuw et al. note that, 'Job creation estimates are often exaggerated, at least in the early stages. Jobs that do materialise are often low-paid and insecure, and sometimes linked only to an initial construction phase.' Chiweshe and Mutopo (2013) note that in Chisumbanje the plant provides an average of \$US2 million monthly through wages, salaries and procurement finance for various consumables within the project. Seven banks have opened up to mop up this cash and provide banking services for the thousands of staff. Staff within the agricultural divisions at Mid Sabi and Chisumbanje is accommodated on site.

The implication of every land deal is the loss of access to water by local communities. In commercial farming not only fertile soils are needed but also water to grow during the dry season. Many land grabbing contracts also secure water rights to the investor. In the case of Chisumbanje the ethanol plant has been accused of poisoning water sources. In September 2011 the Platform for Youth Development (PYD) noted that

there was panic and fear as emissions from the ethanol production plant are killing livestock and destroying the environment. Emissions from the plant are alleged to have contaminated water from Jerawachera River which is the main water source. Jerawachera River serves the greater part of Chisumbanje as the main source of water and is a tributary of Save River which feeds into the Limpopo River.

In Chiadzwa, a rural area in Marange, 100 km south of the city of Mutare in Manicaland Province approximately 600 households were displaced to make way for diamond mining by Mbada diamonds, a local company suspected to have links with the leadership of the ruling party. Madebwe, Madebwe, and Mavusa note that:

*Chiadzwa villagers were given a month's notice before they were evicted from their homes to make way for diamond mining. Phase one of relocations occurred in May, 2011 in the midst of the crop harvesting period. Some displaced families were relocated before they had quite finished harvesting their crops which has implications on household food security. Displacement was involuntary.*

According to the Herald of 26th January 2009, the resettled families were limited to a maximum of 5 cattle yet there was no indication of a compensation package and the assistance that households were going to receive. This meant widespread suffering for displaced households who were not adequately compensated and whose removal also affected their livelihood options. The above cases provide evidence of the devastating effects of displacement by commercial or development projects. These enterprises are touted as hugely important national economic projects yet the real benefits rarely accrue to local populations. The language of these deals is couched in seductive language which hides the naked extraction often accompanied by corruption and dislocation of livelihoods of rural communities in the global south.



## Discussion points

Evidence across Africa shows a distinct pattern of accumulation where rural people are losing their land to foreign companies and entities that are investing in land for food, bio fuel production and speculative reasons. Production is targeted at foreign markets, far away from the poor farmers who are left to fend themselves on marginal lands. According to Chiweshe and Mutopo this is where the Zimbabwean case gets interesting for example Green Fuels in Chisumbanje is solely focused on producing for the local markets to reduce dependency on petroleum imports. Matondi has described this as 'dissidence without conformity.' Chiweshe and Mutopo conceptualize this phenomenon as the 'stymied bio-politics of land' and livelihoods in Zimbabwe.

This concept outlines the hidden nature of Zimbabwean land grabbing. It is hidden and obstructed in a various ways:

- ® Hidden in the way the deals are brokered away from public scrutiny in private rooms by officials without any consultation of local people.
- ® Hidden in its complex organisation and its break from common patterns of land accumulation, present and past, because it is mainly geared for local consumption. The biofuel is for local markets and local elites seem to have a stake (though exactly who and how much is up to conjecture) in the project. It is not wholly a foreign initiative though the majority of shares are not of indigenous people.

The major problem with Zimbabwe is the ad hoc and often confusing nature of land administration. There are questions over how the three cases outlined in this paper fit into the larger context of promoting indigenous smallholder farming. Are these foreign land acquisitions the beginning of a much wider speculative era of land acquisitions or are they anomalies that have no bearing on the future land policy? It is difficult to understand how the promotion of large-scale foreign funded commercial agriculture fits into the anti neo colonization rhetoric of the 2000s.

The deals signal a clear warning of how smallholder and communal farmers' claims to land remain fragile. State retains ownership of land, having the deciding power to influence and affect people's claims to land, hence livelihoods; which in turn raise the bar on the level of accountability, integrity and transparency required of the State. None of the international – land grabbing big business enters the country without direct negotiations or knowledge of the State. Deals are brokered through or with the State. It is therefore incumbent upon the State to uphold standards of public accountability and sector integrity and transparency in land governance in order to protect and promote indigenous and smallholder interests.

One of the emerging issues from analyzing accountability issues in new land deals is how the government is increasingly acting as a broker in transferring land. This has left smallholder farmers at the mercy of government policy whims. The forms of tenure held by most rural farmers do not protect them from displacement. The idea of communal tenure in the context of a state with predatory tendencies leaves communities vulnerable to land loss.

The case studies in this chapter highlight an emerging pattern of local elites, politicians and foreign entities entering into deals aimed at large scale production and highly mechanized farming systems. According to Cotula many countries do not have in place legal or procedural mechanisms to protect local rights and take account of local interests, livelihoods and welfare. Lack of transparency and of checks and balances in contract negotiations create breeding ground for corruption inherent in deal that does not maximize the public interest.

## Policy Recommendations

Loss of land has devastating effects on rural communities negatively as agriculture remains the biggest source of livelihood. Protection of land rights and access should be a priority for the Zimbabwean government. This requires review of existing land



tenure systems and their adequacy in protecting rural farmers from arbitrary loss of land. Without such a framework, rural people cannot protect their land claims. Communal tenure as currently organized leaves rural people at the mercy of government as all land is state owned. This is ownership in name and not in essence. With such ownership rural people rarely get fair and just compensation for the loss of land. The government should ensure that all large investments in land involve existing small holder farmers. This will ensure local participation, protection of livelihoods and increased synergies between outside investors and local people. In such a way investments will not become tools of expropriation.

For farmers already displaced there is need for urgent assistance in building livelihoods in the new areas they have settled and resettlement for those who have not been given alternative land. This assistance should be accompanied by fair and proper compensation for the loss of land. All issues around tenure security, land access, compensation and various other areas of concern require a properly instituted land policy that takes a holistic look at all stakeholders in the rural sector. Such a policy requires exhaustive consultation and a legal framework in which the majority poor are protected. This policy needs to ensure that land deals are done openly with proper access to information for the public. As this process towards a new land policy unfolds rural people need to be better organized to have their interests represented. Small holder farmers in Chisumbanje are already in the process of lobbying policy makers and the courts. In Mwenezi farmers remain disorganized but they require a strong association to advocate for their concerns. Farmers need better organisation and representation which is missing in the two cases.

## Conclusion

The chapter has outlined accountability issues emerging from the emergence of large-scale land deals in Zimbabwe. As we continue to understand the workings of international capital and its linkages with national capitalists there is need for a contextualized

analysis. We require better research approaches that bring out clearly how government is complicit in whole communities losing access to resources.

The development of bio fuels in Zimbabwe raises new questions of developing an understanding of revisiting the processes of agrarian politics and transformation. The state in Zimbabwe is embarking on a dangerous precedent as it seeks more foreign direct investment yet the deals are conducted with much secrecy. This chapter has highlighted the problematic nature of locating who exactly is involved in amassing large tracts of land. In Africa local elites are involved in the majority of land acquisitions.

There are a variety of actors involved in Zimbabwe both local and foreign but they remain hidden, as land deals are mainly nocturnal events. Networks of capital include both local elites and rich foreigners hiding behind the label of 'investors' yet their activities bring little benefit to local communities. What the chapter shows is that we are witnessing a new wave of financing mechanisms that defy space and time being used to target land investments in Africa at the expense of local communities. The Chisumbanje case highlights how the policy process and legal arrangements in terms of land in Zimbabwe are politicized and exist in a mythora that is not clear to even active participants in the deals, let alone the rural people.





## Chapter 6

Patience Mutopo





# Gender, Youths and Land Corruption in Zimbabwe

## Introduction

**A**n impression has been created that the studies on Zimbabwe's land question, especially in relation to alienation, redistribution and changes to tenurial regimes in Zimbabwe have been exhaustive. However this is not the case, the existing analyses have not gone adequately grappled with questions of integrity and corruption and how these affect gender concerns and youth related questions in the Zimbabwean society. To date Marongwe (2008) and Zamchiya (2013) 's work in Goromonzi and Chipinge districts within the context of the post fast track period have been some of the notable works on the issues of integrity and accountability and the relationship of these facets to access to land. Zamchiya (2013), argues that cronyism, corruption and lack of adherence to the rule of law have been the characteristic features of the fast track land reform process, placing the programme's credibility is question especially regarding issues of equity and validity. Also very few studies have examined the impacts of land access with a youth dimension into account, (Chiweshe 2013, Mutopo 2013, Nyoni 2012). Most of the work on the gendered process of land in Zimbabwe, has rather been premised on questions of access, usufruct rights and livelihood analysis, (Hanlon, et al 2013, Moyo and Chambati 2013, Matondi 2012, Chakona 2012, Mutopo 2011, Makura- Paradza 2010, Jirira and Halimana 2008, Goebel 2005a, Goebel 2005b).

Attachment to land serves to provide more than livelihood. It is also a means by which groups attain identity and recognition, as well as generate social cohesion. When this identity is questioned or denied the likelihood of recruitment to socially detached and destructive projects increases. Reattachment to land whether literally through a land based livelihood, or figuratively through notions of emplacement and citizenship, may play a useful role in preventing reckless forms of behaviour associated with poverty, Richards (1996). Security of land access among the basic elements of human security is the security of persons, deals and property. The groups most affected in the society are the youths and women whose development substantially depends on land based policies that are crafted with the aim of poverty reduction

For the purposes of this work, gender refers to the social construction that underpins the roles of men and women in society that are not biologically ascribed, Makura- Paradza (2010). This leads to the need to examine how women and men in society have been affected by the differential questions of access to land in light of a state that is imbued with corrupt tendencies, disappearing ethical and integrity approaches within the authorities that are involved with the land administration processes.

From a legal perspective the Lancaster House Constitution of 1979, which was in force until 2013 when the 2013 Constitution came into force treated women as minors in section 3 sub section 3, as evidenced by the clause whose wording was, *"women and children shall all be seen under the same regard and in matters related to family and customary issues they should be viewed as being one entity"*.

The constitution did not have a specified clause on the role of women in land access and rural development. The new constitution however treats women as equal citizens to men and for the first time in the history of Zimbabwe the principles of equality and non-discrimination in a legal national document exist. The clause on land in chapter 3 of the new constitution emphasizes that women shall be treated equally with men and can access land on their own, it goes further to point that the lack of observance of best practices in women`s access to land shall be treated as a violation of women's rights to access productive natural resources in the country.

### Land Redistribution and Land Access

Integrity with regards to the gender processes of land accumulation is defined as the capacity of men and women to access and control land without prejudice of an economic or political value from public authorities, as land is a public resource, whose management permeates the juridical, traditional; and political, economic and social boundaries in Zimbabwe. Reflections on the Zimbabwean scenario presents the motion that in most land and agrarian reform processes corrupt tendencies by land officers have invariably affected women as they cannot cope with the ever-changing political economy dynamics that exist in land acquisition processes. Chingarande (2008) notes that women emerged as a disadvantaged group during the fast track [process as traditional user rights to land usurped the land redistribution process, placing them in a context of vulnerability. As such the women could not meaningfully access land in greater numbers as social and cultural impediments were used to make women's access in the land allocation process. Marongwe (2008) further asserts that Zimbabwe`s land reform exercises before and during fast track land reform process have always been marked by unethical and corrupt practices that have been left unexplained, unexplored, hence affecting the assessment of the viability parameters of the land reform process. He points out that in Goromonzi the land acquisition process had unfairly benefitted those aligned to the ZANU PF administration which was the ruling party at the time. It should be noted that cronyism and the violation of statutory and institutional requirements that exist as twin principles in the Zimbabwean land resources sphere. However Sadomba 2008, Moyo 2013 argue that analysing the



Zimbabwean land question from the corruption lens does a great injustice to women and men peasant-led revolution and in the process underplays the importance of peasant-led resistance and mobilization to acquire land.

In the study sites particularly in the A1 settlements, it emerged that there were issues to do with unclear targeting during the land reform process. Women in focus group sessions argued that in some cases mobilization strategies were targeted towards men who were seen as strong supporters of the ZANU PF party. These excluded women in areas where the land officers came to demarcate land procedurally. The land officers would ask questions concerning land redistribution occupation that always wanting names of household heads, who invariably would be a man because of the patriarchal social order. The criteria for allocation and land demarcations lacked transparency. This section elucidates on the methodological processes underpinning the study. The research design was qualitative and quantitative, with field work carried out in rural Masvingo, Mutare, Goromonzi and Chiweshe. This paper relied much on qualitative data as it sought to understand the lives of men and women. Information was gathered through 20 in-depth interviews, 6 focus group discussions and observations by the research team. The quantitative aspects were limited to questions on land hectareage, agricultural output and tenure arrangements.

The manner in which bribes were used to secure land by both men and women was revealed during the field surveys. It was pointed out that powerful women from Harare, Masvingo, Bulawayo and Mutare were also involved in paying bribes to the officials at the Ministry of Land and Resettlement. The bribes they paid amounted to anything in the range of US\$300 to US\$500, depending on whether the settlements were A1 or A2. This was echoed by one man from Nemanwa who pointed out that, "It is the women with the big cars who are purchasing even the grazing lands. They come to survey the land with the village heads and sometimes with officers from the Ministry of Lands. If

this is not curbed we shall lose our land very soon." In discussions with the officials from the Ministry of Lands, they denied the veracity of such statements arguing that land allocations had stopped in 2009. According to these officials currently government, through the Ministry of Lands has issued a directive that all vacant plots should be surrendered to the state. According to their argument it is such plots that are being redistributed to new owners.

In some of the villages under study, it was pointed out that during the land occupations that were led by the different social movements comprising of urbanites and ruralites, women were deemed to be supportive of the process because they stayed in the base camps when the land was allocated to either their husbands or male relatives. In some areas in Masvingo women accessed land as individuals especially in cases where they had participated in the controversial, so-called grassroots driven land grabs of the early 2000s, suggest that women benefitted from the much criticized process. In communal areas in Lundi and Neshuro, direct land ownership modalities were evident as the land was communally owned. Chief and village headman took centre stage of the land distribution process. This was further aggravated by the legal regulations that emphasized that all communal land fall under the jurisdiction of state land. Glimpses into the lives of the women in one of the communal areas revealed that the women had no individual access to land ownership but the fact that they had usufruct rights to land proved to be important to them. Land bargaining models were being employed in the communal areas so that the single, widowed and divorced women could also somehow access land. Makura- Paradza (2010) has echoed the sentiments that women who are not married should not be observed as being vulnerable since they had been able to use culture especially the concept of the "matongo ekwandinobva" to entrench their land ownership parameters in rural Zimbabwe. Land redistribution and land access processes are imbued with different cultural, social and political factors that are mediated at varying complementing but sometimes conflicting platforms regulated by civil law, customary law and common law affecting women and men's access to land.

## Land Tenure Arrangements

Land tenure arrangements in the fast track land reform areas have proved to be a contested issue in Zimbabwe. This has been due to the legal, historical, economic and social tenets surrounding the discourse on legal property rights and legal regulation of land. The debate still rages on with the government also trying through different measures to offer 99 year leases for A2 farms and still trying to come up with a best alternative for the A1 farms. Recently the Ministry of Land has pointed out that in all the A1 and A2 resettlements the farmers should surrender their offer letters to pave way for clear cut tenure arrangements. The women from Masvingo, were against surrendering their offer letters as they pointed out that, "it is way of displacing us from the land and creating space for the urban powerful connected elites." The women in the study sites pointed out that they did not have legal titles to their land but rather argued that, "the fact that I have been farming on this land for the past 13 years proves to be a clear exhibit of tenure so why should I need a piece of paper as proof of ownership? This demonstrates that to the respondents tenure was not specifically understood in legal terms as contained in a lease agreement as the "legal document" but rather the capacity to be physically present on the land doing productive farming activities tied to land use.

In communal Zimbabwe women also did not have codified rights to land ownership as the land was communally owned with chiefs and village headman taking centre stage of the land distribution process. Glimpses into the lives of the women in one of the communal areas revealed that the women had no individual access to land ownership but the fact that they had usufruct rights to land proved to be important to them. These scenarios evoke the motion that tenure arrangements should be understood from the different social and cultural arrangements that communities prioritise as opposed to civil and common law regulated land ownership.

Integrity issues were raised regarding the issuance of the offer letters as some households particularly with women and men tied to the ruling party ZANU PF had offer letters whilst those believed to be supporters of the opposition were deliberately not provided with offer letters. The irregularities in the issuance of the offer letters pointed to corrupt activity that indicates bribe taking behaviour.

State policies and legal considerations affect land governance producing different challenges for men and women. Revelations of the young men male and adult women interviewed revealed that the lack of transparency in land ownership has left some young men and women in the poverty because they do not wield the economic, social and political power to influence processes of land demarcation. Jacobs (2010) argues that in Latin America and Sub Saharan Africa the land revolutions are often violent and thereby also marked by violations of rights particularly for women who end up not benefitting from land reforms. The Ute Presidential Land Review Report notes that 18% of women benefitted as individuals in the land reform process in Zimbabwe as opposed to 82 % of male beneficiaries.

## Land Utilisation

Land utilization is defined as the capacity of beneficiaries of the physical resource to use it meaningfully and productively in order to meet household food needs as well as improve food self-sufficiency of Zimbabwe at large. An interesting debate has been raised in studies on land utilization in Zimbabwe after the FTLRP. Moyo and Chambati 2013, Moyo 2011, argue that most of the new men and women farmers have been producing different crops with some crops assuming high hectrage for instance maize, cotton, and tobacco and sugar beans as compared to the previous period when the commercial farmers dominated agriculture in Zimbabwe. Mutopo (2011) also notes that women in Mwenezi have been producing 70 % of the total production of staples and pulses as compared to 30% produced by men owning

plots, due to migration tendencies of men to South Africa and other parts of the world.

Corruption in terms of land utilization was evident in cases where people were being removed from the land they acquired which always had new owners particularly in more productive areas such as Mutare and Mazowe. Some women pointed out that multiple ownership of farms in Mazowe and Masvingo area was a common feature. Such cases of unorthodox and unethical land transactions continue to raise questions on the credibility of the land reform process especially when women and young men are ultimately cut off from benefitting. The lack of credibility also eventually affects the achievement of MDG 3 on Gender Equality.

### Youths and Land in Zimbabwe

Most of the literature on land and agriculture in Zimbabwe is silent on the role of the youths, before and after the fast track land reform programme. However, (Chiweshe 2013, Mutopo 2013, Nyoni 2012) have attempted to analyse how Zimbabwean youth have been engaged in land acquisition processes as well as their participation in agriculture. This section of the findings focuses on young people both male and female. The study had also targeted white youths but however they were challenges with locating the respondents during the data gathering process. Youth consist of 80% of the total population, of Zimbabwe, (census data 2013), reflecting why their specific relationship, role and benefits in land governance should be critical to national development strategies requires important consideration.

The National Youth Policy of Zimbabwe 2013 defines a youth as a male or female person who aged between (18 to 35 years). However analysis of this age group is problematic as it will reveal that it could be the case that the youths were the ones who benefitted during the land reform process as most of people who are new farmers were aged 26 to 35 years old ten years ago when they participated in the fast track land reform process. Inferences from the Utete report lead us to

note that, less than 5 % of youths benefitted from the land reform process. From the available gendered statistics after disaggregating them by age, from 2002 when the fast track process started supported by the African Institute of Agrarian Studies, (AIAS 2009) notably demonstrate that 7.5% of youths accessed land during the land reform process. The differences in the statistics offered by AIAS and the government could be due to the different methodological parameters and sampling procedures that also strongly influence the cross tabulations of the verifiable data set. These challenges are evidence from some nongovernmental organisations that argue that youths have not been treated as important stakeholders to the land reform exercise, when in actual fact the checked anecdotal evidence points to the contrary in some provinces.

Most of the youths in Zimbabwe are said to be engaged in other entrepreneurial activities as opposed to the land and agriculture business. In terms of a cultural and social segmentation of the Zimbabwean society it is always believed that success of a youth is depicted when he or she has job in the formal sector, in town as opposed to farming and owning land in rural areas. Nyoni, 2012 reports that although several policies have been put in place to facilitate the role of the youths in agriculture in Zimbabwe, the lack of accountability and transparency in the implementation of these policies as major source of economic empowerment for the youth has made it difficult for most youth to attain this objective. The following table demonstrates the different policies that have been crafted to engage the youth in land and agricultural programmes:



Policy	Mention of Youth	Opportunities for the Youth	Implemented/ Not	Purpose of Policy	Year
Productive Sector Facility	No	Yes	Partial Implementation	Provision of financial assistance to productive sectors	2004
Agricultural Sector Productive Enhancement Facility (ASPEF)	Yes	Yes	Implementation with limited benefits to the youth	Provision of finance to large scale productive farms	2005
National Youth Policy	Yes	Yes	Ongoing, but broadly defined thus difficult to assess implementation	To empower the youth through land provision, facilitate access to credit, training	

Source: Nyoni 2012





Entry into agriculture for many youths has been accidental in that those who have been fortunate enough to acquire land have gone into agriculture as a trade for lack of options in a considerably shrunken commercial and industrial market. And acquiring land by some youths has been due to the fact that the Zimbabwean labour market is currently subdued and Youths who have acquired land have ventured into fast selling, and more lucrative crops such as tobacco and horticultural farming to cushion them against the economic meltdown in the country.

Studies by Chiweshe (2013), Mutopo (2013) support findings from Mazowe and Mutare that suggest that black youths have not really appreciated agri- business as an important life line, yet historical evidence of land and agriculture in Zimbabwe suggest that most white commercial farmers would send their children particularly sons to agricultural colleges, as farming within the white cultural sphere is a source of employment. Murisa, (2009) notes that, with regards to employment in fast track farms, it led to the recruitment of an increased number of extension officers, the majority being young people between 24 and 35 years of age. It is interesting to note that white youths are not part of the agricultural extension officers, as evidenced by our field surveys. This provides some evidence of important roles a small segment of youth have played in the agricultural sector post the fast track land reforms. Field data suggests that some of these youth were paid in kind when they were given plots of land that also doubled as demonstration areas of crops such as tobacco, maize and soya beans, leading to the interest of other youths in these crops in Mazowe, Goromonzi and Mutare.

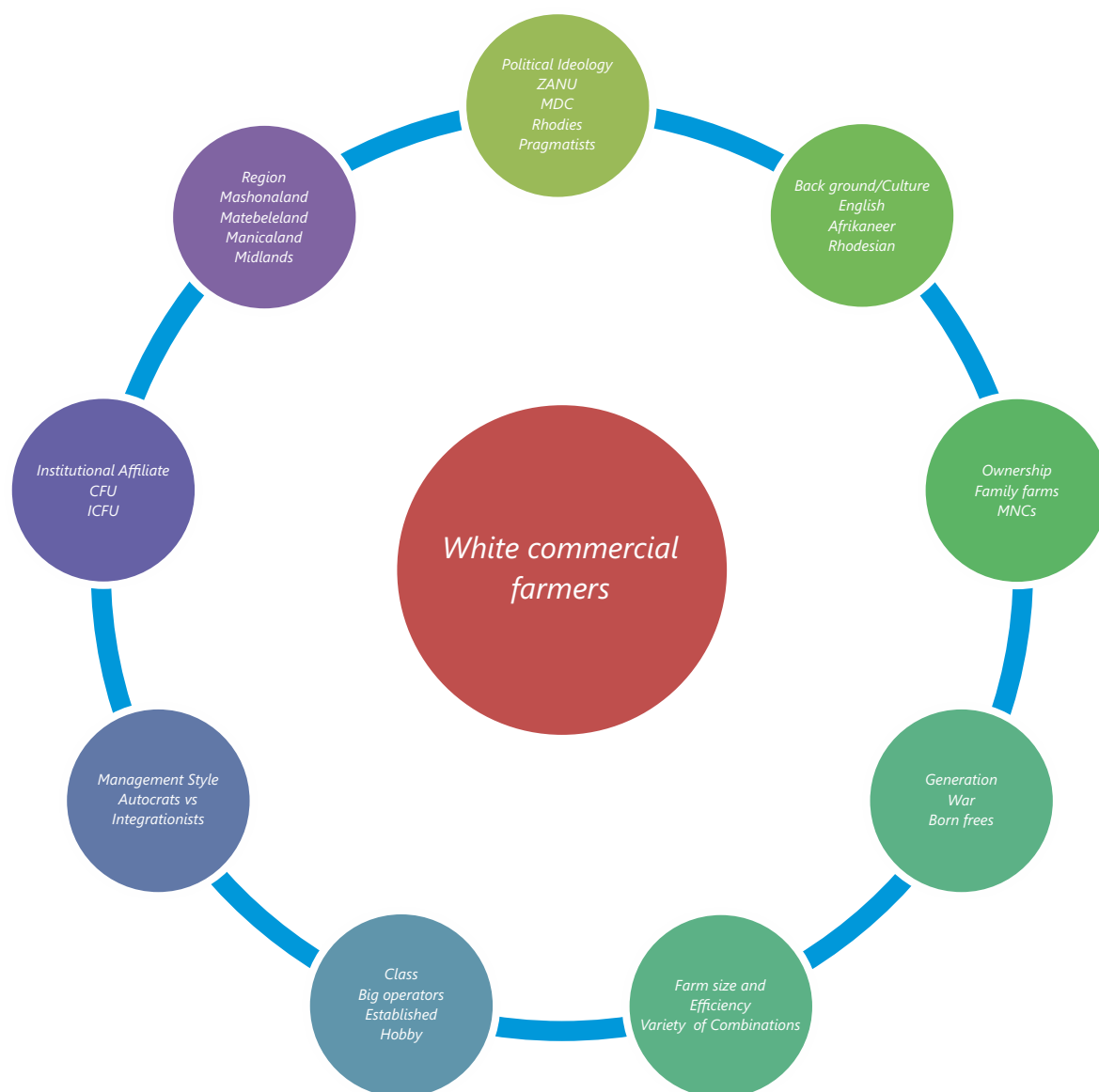
There are implied integrity issues regarding in the systems putting place to assure that youth have access to land for economic activity as part of alleviating youth unemployment. During the fast track land reform an important and disturbing scenario took place in which the black and white Zimbabwean youths were left out of the land acquisition equation, Selby (2006), points out that in most cases the white youths

have been involved in more than 75 negotiations and discussions with the ZANU PF government during the land reform process, so that they could access land but the efforts have been derailed by different political and economic interests that were influenced by the different pressure groups within the white community and within the ZANU PF government itself. Ostensibly the ZANU PF government wanted to conclude its hegemonic discourse on land reform for black empowerment by demonstrating that the white farming community had been thoroughly dismantled. As such awarding white youth with agricultural land as A1 and A2 beneficiaries would have ruined the image would have put paid to the propaganda that portrayed the white commercial farmer as the enemy of black empowerment. What was noticeable for instance

in Mashonaland Central and Midlands Provinces are young whites who have remained on their parents' farms but without being the direct owners of the farms. This has repercussions for future land reform processes that are still on going, (Selby 2006, Pulosof , 2011). The lack of policy transparency on the status of continued white ownership leaves loopholes for corruption especially bribe taking behaviour that can be fuelled either by the white farmers wanting to secure their tenure or public administrators seeking to take advantage of this grey area in the policies.

White youths have also been affected by the lack of common interest amongst the former white farming community in Zimbabwe. This is evidenced by the following illustration,





Since this group of people might not wield strong political and economic connections they could not access the best farm land which has all the equipment in place. Lack of coherent policies and respect of the law in land governance has Zimbabwe affected the youths through the use of political hype in the land question that suggested that veterans of the liberation struggle are more deserving than any other Zimbabwean (Marongwe, 2008). It is important to note that war veterans constitute 10% of the total population. Given that the war ended 34 years ago young people were evidently discriminated against by such pronouncements which would make the youth black or white desperate to deals access the land. Even, desperate enough to bribe some public officials. In fact there is evidence that points to the facts in this period of heightened land grabs youth were used as the rouble rousers in the running battles with white commercial farmers. Given the negative use of the youth during this period it would be farcical to suggest that the youths played a leading role in the land reform acquisition process.

Field evidence from Nemanwa in Masving, Mutare and Mazowe, also suggests that, the fact that the youths also could not afford to pay bribes to the land officers during the demarcation exercise affected also their capacity to access land.

### Youths, Land Redistribution and Land Access

The youths acquired the land using different methods, ranging from intestate inheritance where the father dies without a valid will and the young man as the only male child or oldest inherits the family plot; where customarily parents carve outland to their sons when they decide to marry and settle down; allocations from the traditional authorities and finally allocations from the fast track areas, as a reward for being rouble rousers in the m mayhem that characterized the process. In the study areas 40 youths acquired land as individuals, out of a total population of 300 families in the villages. The quantitative data reveals that youths were able to access land and is even higher than the African Institute of Agrarian Studies panel data figures. Some of the male youths participated in the 2000 mayhem (jambanja) phase and there by acquired land. Approximately 40% of the youths in Masvingo province, participated in the jambanja (mayhem) phase during the fast track and had done so alongside the war veterans and other villagers who had come from the communal areas in order to occupy land in the white commercial farms. The main motivation was the hardships faced in the communal areas because of the small land hectarage per household that did not meet the demands of all the sons born into a family.

The only viable alternative for such young men who could not inherit through customary law as the male child, was to participate in the jambanja (mayhem) of the fast track land reform process in order to acquire land that did not require any form of financial payment. The following case history serves of evidence of how Chenjerai Cherama, participated in the jambanja mayhem fast track process and acquired a plot of land in Masvingo Province.

I am aged 33, and I was born and grew up in Neshuro communal lands. I attended school until form 4, but I could not attend the tertiary institutions or continue with school because my parents could not afford the school fees. I had been farming on my father's plot of land but the land was shrinking because he had to

parcel it to my four other brothers. In 2000, when I was 20 years, just after writing my form 4, I attended a meeting which was called by the district war veteran commander in Neshuro in August. At the meeting we were informed that the white farms were under acquisition and so those who wanted land could join the war veterans and other villagers from neighbouring farms who had already left their communal homes in the surrounding villages of Bope, Chimbudzi and Gold Star.

The war veterans had come with a lorry and immediately I went with my friend Simba to join the team because this was the only opportunity for us to acquire land that would improve our lives since we did not have a sound education base that could guarantee us jobs in town. We travelled to Lundi, where the base camp was stationed from where we participated in inciting and mobilising other youths from the surrounding areas to come and join the process. In October 2000, I was able to acquire my land by erecting wooden points on the land I occupied. I started the process of clearing the land and in November when the first rains came I had cleared 2 fields and I planted maize that I got from my previous harvest in Neshuro communal area. Clearing of the land took another year and in 2001 my fields were clear and I had built a homestead since I was doing all the activities on the farm by myself as I was not married then. In 2004 I got married and I now have 2 children. My life has changed because I now own land with my 2 bed roomed brick under asbestos house. I have been able to invest my money from the sale of the agricultural produce. I have 12 cattle, and 10 goats. I bought this with proceeds from farming cotton, maize, sunflowers and selling milk in the surrounding communal areas in Lundi and Neshuro. It has been hard work without financial help from any institution or the government, but I am just glad that I managed to create a solid base for my life and I am now a successful farmer. Last year I harvested 5 tonnes of maize and I was able to sell 40 bales of cotton to the Cotton Company of Zimbabwe. I also help my immediate and extended family in the communal areas with food.

Where there has not been any corruption, the youth, have been able to realize that land is an asset for economic and

social development that can be their source to economic freedom and financial security.

However the land distribution process was also referred to as problematic by female youths who argued that even the land that was still being distributed was not being fairly distributed since it mainly targets male youths, ignoring the economic needs of female youths. Young women looking for land to utilize for economic empowerment and financial freedom have argued that the process lack integrity and transparent mechanisms to monitor gender equality in access and acquisition of land.

### Land Utilisation

Youth beneficiaries and land utilization have not been issues that have been extensively nor conclusively interrogated in the Zimbabwean land question, (Chiweshe 2013, Mutopo forthcoming, Nyoni 2012). However the field data indicates that in areas such as Mazowe, Mutare and Goromonzi the youths were utilizing most of the land which they had access to (0.5 hectares in communal areas and 6 to 12 hectares in newly resettled area). Most of the land is being used to grow, tobacco, maize, and horticultural produce especially in the fast track areas. In the communal areas land was also utilized for the production of fresh vegetables, onions, potatoes and tomatoes especially Goromonzi. In Mutare the youths concentrated on citrus and potato farming and this was done on small plots, mostly 0.5 to 1 hectare but the production ratios were high with sometimes 50 boxes of oranges that contained first grade oranges produced on this land. In Mazowe, the land could not be utilized fully since the issue of finances and mechanization necessary in order to upscale production were cited as impediments by the young farmers. Land utilization is also commensurate with agricultural skills which the youths did not acquire any formal training but relied on on-the-job training doing agricultural activities on their plots and by relying on information from extension officers.

Issues of corruption and irregularities were cited by the youths regarding land utilization since some of the youths were involved in land renting in Masvingo Province. The land transactions involved even some of the traditional authorities making it difficult for ordinary youths to report against these malpractices.

### Land Tenure

Many rural Zimbabwean youths see "customary" land tenure as a means to secure livelihoods, while in practice, increasingly large areas of land have been alienated through reference to the government's ultimate right of ownership, which is codified in section 3 of the bill of rights of the Zimbabwean Constitution. The corruption identified is the displacement of settled farmers from alienated land. New elites have been resettled on this land and the lack of a clear land policy makes it difficult to track the relationships between the elites and ordinary people that ranges from cronyism, nepotism, bribery and abuse of office to using all in their power to dispossess land from earlier beneficiaries. Complications arise because the latter do not all have a clear legal tenure making their right to possession tenuous at best. How much land remains accessible to the poor youths under rights of customary access is a contested issue since not much tenancy regulations have been provided for even in the National Youth Policy to address these issues. Questions raised concerning the youth demand and land tenure focus on the sufficiency of agricultural land to meet the youth bulge vis a vis the number of young people looking to enter land/agricultural entrepreneurship for careers and livelihoods. Answers to these questions must be probed by reflecting on the nature of the youths wishing to enter the farming communities, against a review of the youth policy and youth white paper on land and agriculture.

In both the communal and fast track areas it emerged that the youths did not have any specific tenure documents but rather a few had the recalled offer letters for the A1 scheme that the government had given to people during the fast track process. However changes



in the management of the land governance administration have led to the offer letters being phased out by the government through the Ministry of Lands, which is issuing out new tenancy papers. Young men and women in Mazowe and Masvingo's fast track farms welcomed this move because it presents opportunities for greater security of tenure and certainty than the controversial officer letters. Legal lease holding suggests security of tenure which in turn implies that young people can use it to secure loans, from banks that they can plough into their farming activities.

The lack of integrity and transparency in the old process of issuing offer letters was cited in discussions with the youths where they pointed out that some of their colleagues were not even given the offer letters since they did not have connections to the bureaucrats involved in the process, this suggests that they knew someone within the bureaucracy to obtain the offer letters. Young people raised fears that even the regularization of the new process which called for surrendering the old offer letters could also be abused by the officials involved since public officials have a reputation for soliciting bribes just to be motivated to perform their duties.

### Policy Implications

Policy making processes that address gender and youth related dimensions with regards to corruption and land should be crafted in light of societal livelihood options that are context specific. In order to redress the integrity issues there is need for a national land audit that would be the basis for developing a framework for that puts in place checks and balances. An inquiry should look at the issue of multiple farm ownership, the role of the political elite, and look into the alleged bribe taking and paying behaviour of Ministry of Land officials.

Women and young people need to be provided with mechanisms to understand production trends based on agro-ecology zone potential and statutorily

determined farm sizes that are developed in a transparent manner. The national gender policy would require an amendment to include a clause that prioritizes equity in and transparency so that women and young people have a level playing field to access and enter land utilization for economic activity that would lead to and financial security and prosperity.

Effecting clear tenure parameters is essential for clearly regulated financial transactions so that each criteria of tenancy knows what is required of it in terms of fees and taxes required by the state. Lack of clarity opens room for corruption as politicians and the financially powerful take advantage of those with less resources and information. The national youth policy should also be tailor made to encourage young people to enter land management with the right set of values that incorporate equity, fairness, transparency, accountability and integrity in both the land production activities and management of investments and profits. Land management can be used to rise up a generation of social entrepreneurs sensitive to the daily needs of the people and the environment.

### Conclusion

The chapter has unpacked how land redistribution, land access, land utilization and land tenure issues from a gender and a youth angle in Zimbabwe are deeply imbued with irregularities that make them susceptible to corrupt behaviour which ultimately affect livelihoods and economic development of two important groups, women and the youth. In as much as the women and young people in some areas acquired land alongside men. In the fast tracked land reform process. There is evidence to suggest that without the corruption typified by male- dominated cronyism, nepotism and abuse of office, more of them would have been or still could be benefactors, Unregulated land allocations, unregulated financial transactions and multiple farm ownership topped the priority list of areas women and young people would like to see reformed for equal participation and beneficiation to be realized. Women and young people have also expressed that they do not want to work through political parties as this compromises their

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