

MY PERSPECTIVE ON THE ON-GOING PREPARATIONS FOR A NATIONAL LAND AUDIT

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INTRODUCTION

In this article I discuss how the land issue has been handled by the GNU as from its formation in 2009. Although progress towards a National Land Audit (NLA) has been very slow, a significant amount of technical and preparatory work has been completed and continues to happen. I will start by taking a historical approach relating what I know has happened so far. That will include an update on 'preparatory' activities for the land audit and my views on the technicalities of such an audit if this has to all add up to the rehabilitation of the land sectors. The need to undertake a National Land Audit (NLA) in Zimbabwe is provided for in the Global Political Agreement (GPA) of 2008 calling for a comprehensive, transparent and non-partisan land audit, for accountability and eliminating multiple farm ownership. Other objectives include fairness in land allocation; ensuring security of tenure; and crafting ways of financing land compensation, as well as other interventions towards greater productivity of land.

Auditing land in Zimbabwe: While the Fast Track Land Reform Programme was underway, the government commissioned three audits – the Utete Commission and the Buka Audit in 2003 and the SIRDC and Ministry of Lands and Rural Resettlement (MLRR) audit in 2006. The SIRDC/MLRR audit covered all eight of the country's provinces and also benefited from the findings of the earlier audits. The audits unearthed a wide range of issues such as the level of farm take up, vacant plots, double allocation of farms, multiple farm ownership, details of beneficiaries, land utilization, farm structures and equipment, improvements made by the new beneficiaries, land disputes, and illegal consolidation of subdivisions. But many issues remained contentious and unclear. The GPA's National Land Audit is meant to clarify the situation 'once and for all' by verifying and authenticating land records in the country. The NLA will therefore review existing records to verify land categories and ownership. It would provide a comprehensive and accurate assessment of the situation on the ground, allowing for proper land administration moving forward.

SUMMARY OF PROGRESS TO DATE

There is no doubt that the mood and the dialogue on the NLA has changed significantly since 2009. In 2009 the land issue was burning a lot hotter than is the case in 2012. The land issue is still very much politically sensitive, especially given that it is a key component of the GPA. But the nation continues to move on. There is greater pressure to rehabilitate the land for productivity, investment and economic recovery than just fulfil a political process. A significant proportion of dispossessed white farmers are placing greater emphasis on receiving their compensation than on restitution.

Back in 2009 there was hardly an aspect of the land issue that the GNU partners agreed on. Today there is evidence of convergence (not necessarily agreement) on issues such as the need for secure land rights, compensation (at least for improvements), and the need for more intensive land use planning. There is also an opening up of public dialogue on the land issue with, for instance, the Parliamentary Portfolio Committee on Land and Agriculture engaging both the public and the civil service. This was not feasible in 2009 when the only major dialogue was an in-house Ministry of Lands policy and strategy session held in Kariba. The donors interested in supporting the GNU on land organised themselves under the auspices of the Multi-Donor Trust Fund administered by the World Bank. The Donor Land Audit Working Group was quite active in 2009 meeting regularly and commissioning a number of studies. But there was no direct engagement with the Government then.

Things started happening a little faster in 2010 when the European Union (EU) Delegation to Zimbabwe offered the MLRR support through the UNDP for a 'pilot land audit' covering the sugar growing sector in the south eastern lowveld. The MLRR reviewed the idea and made a counter proposal that instead of a 'pilot' focussing on one sector, UNDP draft a methodology for a NLA. This eventually led to the NLA 'start-up activities' programme discussed below. But meanwhile the MLRR in 2010 submitted its own proposal to the GNU Cabinet on a NLA framework. That document is unlikely to go public until Cabinet resolves on a way forward. In 2011, however, Cabinet also requested the MLRR to submit proposals for a Land Audit Commission and the Cabinet has now seen both the NLA framework and a proposal for a Commission. A final decision and the way forward, however, is still to come.

THE START-UP PROGRAMME FOR THE NATIONAL LAND AUDIT

The MLRR implemented the Start-up activities under the financing agreement between the Ministry of Finance, UNDP and the EU. A total of €423,000 EU-STABEX funds were expended for the activities. The agreement provided for a division of labour between the UNDP and the World Bank (WB) in the implementation of the activities. Activities commenced in June 2010 up to the end of March 2011. An additional USD500,000 of donor support towards technical and expert reviews of land reform issues was also provided for in the agreed work

plan of the Analytical Multi-Donor Trust Fund (A-MDTF). The start-up had five outputs and progress to date is as follows:

- a) **Land category verification:** The land registry has been updated after reconciling the land transactions that have occurred since the land reform on all types of land. This was the single most important output of the start-up given that the entire A1 land resettlement data was not centrally captured. Data and information was available only at district and provincial levels where the committees responsible for land distribution had transacted. Teams from the MLRR with technical support from UNDP have taken about 18 months to collect and update the land register. A land audit would have been meaningless without this step.
- b) **Development of NLA methodology:** A set of data collection instruments were developed and these will need stakeholder input and validation, as well as ground testing before their use (either by the Commission or the MLRR) when the audit is finally given a go-ahead by Cabinet.
- c) **Stakeholder consultations:** This aspect is budgeted for in the programme to allow discussion and input by stakeholders on the methodology and audit strategy. This is now expected to happen under further preparatory activities;
- d) **Regional and international best practices on land reform and land audits:** Visits to Brazil and Kenya were undertaken by the MLRR with technical guidance from UNDP and it is expected that this has improved understanding of issues around security of tenure and bankability, as well as addressing land reform issues and land administration;
- e) **Review of land policies was planned for but has not yet happened.** The idea is to prepare status and option papers for review by policy makers and stakeholders specifically to cover: security of tenure, compensation to farmers, and land administration.

WHAT IS THE RELATIONSHIP BETWEEN A LAND AUDIT AND COMPREHENSIVE AGRARIAN REFORM?

The most significant issue on land that Zimbabwe faces is how to proceed with a comprehensive agrarian restructuring. I am generally an optimist myself and believe that this is feasible in the medium to long term. I, however, differ with most on how to characterise the challenge. It is human nature to wish for past pleasures and scenarios such as rebuilding the agrarian sector to more-or-less what it was before 2000, but this, in my opinion is highly unlikely. At the other extreme are those who see the challenge as simply supplying the new farmers with inputs and finance and then the past glory of being a bread-basket re-emerges. My position is not exactly a middle position, but informed by the very radical transformation of the agrarian sector that took place – from one dominated by large farmers to one where the small to medium-scale farms are predominant. It is not good enough to revive the research, extension, agri-finance, and marketing institutions. These

have to undergo a corresponding transformation in line with the new agrarian structure. Providing credit to 200,000 or so new small farmers, as an example, is radically different to providing the same service to 4,000 farmers who had a whole era behind them for integrated support by government and the business sector. Research, extension, marketing and other services need to learn how to service new and more numerous farmers with a limited business and banking track record.

I know that in the long run systems will adapt, but it is more strategic to recognise these transformational challenges and design them into recovery programmes.

So how will the land audit assist in all this? My opinion is that more progress will be made with the land audit by anticipating the key strategic issues that either need prior thought and positioning before the audit, or that need answers from the audit. It is common knowledge that part of the resistance to the land audit is because some land beneficiaries fear losing their land if, for instance, they are found to be under-utilising it. If there was sufficient dialogue ahead of the audit providing some policy guidance on the issue, this may reduce the perceived risk. Such policy positions are best arrived at by consulting with the affected groups, providing such clarity as a definition of 'under-utilisation' and its various manifestations and therefore the implications for each. The issue of multiple farm ownership, the various forms it takes and implications for each is another example. There are several other more strategic issues which need similar engagement ahead of the audit and these include land tenure, land compensation, and land administration structures and systems.

Zimbabwe has historically had a well defined system of land administration, including cadastral survey records, land registries and surveyors. Due to a lack of investment, these systems have decayed and land records are being lost. The nation urgently needs a state of the art land information system as part of Government's drive for e-Government and e-Citizenry.

CONCLUSIONS

It is unlikely that a NLA will happen ahead of the Constitution and elections. It is still important for the MLRR, professional and technical actors to continue preparing for the audit, especially given the need for rehabilitation and upgrading production and productivity levels. In the next article I turn to the issue of compensation as part of the rehabilitation process and discuss how these two are closely related in the current legislation. I will explain developments to date and offer options moving forward. The land sectors—agriculture, forestry, wildlife, and the tree and plantation sectors—will all have greater prospects for growth and development if the compensation issue is fast tracked and practical solutions put on the table, debated and agreed upon.

REFERENCES

- Rukuni M, Nyoni J, and Sithole E (2009) *Policy Options For Optimization of the Use of Land for Agricultural Productivity and Production in Zimbabwe*. A Report prepared for the ASTRG, MDTF. World Bank.
- GoZ, 2006. National A2 Land Audit Report, Ministry of Lands, Land Reform and Resettlement, Harare.
- MLRR, 2009. Land Policy Review and Land Audit: Options and Strategy, A Synthesis of the Ministry of Lands and Rural Resettlement Planning Retreat held Carribbea Bay Hotel, Kariba, 11th – 13th June.
- Utete C, 2003. "Report of the Presidential Land Review Committee on the implementation of the fast-track land reform programme 2000- 2002", Harare. Government Printers.
- Buka Report, 2003. A Preliminary Audit Report of Land Reform Programme
- Ministry of Lands, Land Reform and Resettlement (MLRR) and Scientific Industrial Research Centre (SIRDC), 2008. Consolidated National A2 Audit Report, Harare.
- Scoones, I., Marongwe, N., Mavedzenge. B., Mahenehene,J., Murimbarimba. and Sukume, C. (2010) *Zimbabwe's Land Reform: Myths and Realities*, Weaver Press, Harare