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Land Governance in Zimbabwe

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Abstract

Land governance concerns the rules, processes and structures through which decisions are made about access to land and its use. The institutions for land governance in Zimbabwe are highly centralised and bureaucratic and this has impacted negatively on the performance of the system. Various arms of central government are involved in land governance but generally lack the institutional capacity to fully carry out their duties and are subjected to immense political pressures and corruption. The multiplicity and complexity of central government involvement in land governance has led to duplication of functions, poor coordination and inefficiency among agencies.

Some of the challenges besetting land governance arise from the lack of a coherent land policy. Land policy, particularly since 2000; has lacked transparency, accountability, gender equity, efficiency and not enabled sustainable environmental management. In rural areas, government has been grappling with the policy dilemma of ensuring high productivity which is inclined to large-scale agriculture and social equity which favours smallholder farms. Existing urban land policies were mostly developed before independence and have been failing to cope with the demands of rapid urbanisation.

A major challenge in land governance has been tenure insecurity. Tenure insecurity has manifested itself through land disputes, evictions, land grabs, limited observance of the rule of law, inaccessible legal and administrative systems. Tenure insecurity is more prevalent in resettlement areas where land belongs to the state and tenants have at times been subject to eviction. The land tenure of some reform beneficiaries is secured in the form of an offer letter, and is partly insecure because of delays by the state in drawing up lease agreements. Security of tenure for agricultural lands has depended on the social and political standing of individual settlers. Additionally, poor enforcement of land rights for agricultural land opens up the system to corrupt tendencies by public officials who are responsible for allocating farms.

The need for a land dispute resolution framework remains a challenge in Zimbabwe. At the heart of grievances over land is the dispute between dispossessed white farmers and the government. Since the implementation of the Fast Track Land Reform Programme (FTLRP) in 2000, massive disputes over compensation for land compulsorily acquired by the state have been ongoing and have put to question the government's observance of private property rights. The Zimbabwe Land Commission (ZLC) has the mandate for land conflict resolution but is centralised and lacks the human resources, financial and institutional capacity to fulfil its mandate.

Zimbabwe has clear procedures for the valuation and taxation of land. However, this aspect of land governance has been facing challenges because of the unstable economic environment, increasing informality and political interference. Property valuation has been subject to a volatile macro-economic environment and to political considerations, thus inefficient. Property taxation has been hampered by political considerations including non-enforcement of land taxation collection and waiving of tax payments for political expediency. There have been insufficient mechanisms for transparency, participation and accountability in land valuation and taxation.

The country has a functional land use planning and control system but this has been constrained by the absence of a national framework for coordinating sub-national planning. Lack of coordination of land uses at national scale has necessitated incremental and piece-meal planning which has posed a variety of threats in the following areas: environmental quality, economic sustainability, harmony in the development and territorial expansion of towns and cities. Although local authorities can prepare strategic plans, the plans lack broader spatial reference thus posing difficulties in using them for guiding development and for development control purposes.

Land governance has been saddled with corrupt practices. In the land sector, an analysis of the major actors in corrupt deals highlights how political and bureaucratic power remains vital elements in illicit land transactions. In rural areas, various forms of corruption have involved

traditional authorities, local councils, politicians and bureaucrats. In urban areas, the political elite have been involved in accumulating land for speculative purposes.

Land governance has not been supported by a robust and accessible information system and this has created opportunities for corruption. Various agencies collect land information for their own use while there is minimal sharing of information. There is duplication of land information that is largely paper based and inaccessible. The manual systems of managing land information have become obsolete and have not been able to support key aspects of land governance such as conflict resolution, valuation and taxation, land use planning and management.

Key Words: land governance, land administration, land control, Zimbabwe