

Zimbabwe: new policies for a new century

Eddie Cross reviews the context of a new approach to land reform in Zimbabwe

THE PHRASE 'an Englishman's home is his castle' is more than just an expression picked up through the centuries. It describes the changes that ushered in the industrial revolution and made possible the dominance of Britain in the 18th and 19th centuries. It marked the adoption of the Enclosure Acts and the evolution of freehold title rights on both agricultural and urban land.

What many do not realise is that the circumstances of these changes signalled the demise of feudalism in England and the emergence of a modern, democratic state. It took many years to achieve both, but once the decision had been taken to enclose land for agricultural purposes and to allow urban dwellers to own their own homes, the process was established and could never be reversed.

Feudalism had kept ordinary working class Englishmen in serfdom, obligated to a small class of 'landed gentry' who were wealthy by any standard. The relics of that era are still visible all over England.

Africa is coming out of a similar era—not as extreme but just as damaging. In fact, given that the natural environment of Africa is much more fragile, its abiding effects in ecological terms might be much more serious. That era saw traditional tribal structures within indigenous socioeconomic systems—meaning political power concentrated in a small group who worked through the chief, who was their appointee. All ordinary members of the tribe, and in many cases *all* women, were denied any form of security. They could be evicted from the tribe for any misdemeanour, and that might lead to expulsion and death—so discipline was pretty tough.

Under the African system, there is more democracy than prevailed in feudal Europe. But the effects of insecurity over economic assets (land) and housing has meant that progress has been very limited and is often stifled by the social forces at play in the society. Individualism is not allowed and initiative frowned upon and these characteristics restrict progress. These same features also allow the excessive exploitation of natural resources, giving rise to land degradation, erosion and desertification.

In Zimbabwe, a highly productive and self-sustaining commercial system of farming, founded on freehold tenure, is being destroyed by the regime that has been in power since

independence in 1980. This has had dramatic effects on agricultural output and led directly to the collapse of the economy. In consequence Zimbabweans are now confronted with pressure to review land policies and to confront the problems that currently exist.

It is clear that the present policy of destroying land tenure rights is not going to succeed. Holders of title have strong legal rights and despite every effort, it is now clear that existing landowners are entitled either to have their land rights returned to them or to full compensation in the currency of their

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choice. The spectre of thousands of claims is concentrating minds in Harare and is expected to start the process of review very shortly.

What is also clear is that the communal/tribal land system that prevails over half the country is not sustainable. These areas are highly degraded, and reform of land rights is urgently needed. This has been studied extensively in the past (the Rukuni Commission in 1993) and proposals exist for the gradual introduction of some form of security of tenure in these areas. It is also clear that once a revised land reform system has been agreed for the commercial farm sector this too will have to be implemented and enforced.

What is agreed is that security of tenure rights over both urban and rural land is critical to progress: but what is overlooked is that such reforms will also reinforce the democratic rights of the people of Zimbabwe and help entrench democratic values and norms. Secure communities will become free communities with the capacity to confront and control those in charge of the State at different levels.

This role that tenure rights play in strengthening democratic values and practices is not given enough emphasis in studies of the system. They also underplay the environmental implications of security of tenure and in Africa, with its fragile ecosystems, this is a crucial factor. **L&L**

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

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

The immediate priority will be to establish and empower the Land Commission. The following cross-cutting land policy issues are spelt out in particular: settlement models.... co-development.... land tax.... [and] land market....

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

'From ready to govern to preparing to govern'
Movement for Democratic Change, 8th August 2008



The new generation will not tolerate the old policies