



Land Tenure Center

# **Administration by Consensus: A Quest for Client-centred Institutional Structures for Land Administration in Zimbabwe**

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**SESSION 4: INSTITUTIONAL STRUCTURES FOR LAND REFORM:  
OPPORTUNITIES FOR AND OBSTACLES TO LAND DELIVERY SERVICES  
DELIVERING LAND AND SECURING RURAL LIVELIHOODS:  
POST-INDEPENDENCE LAND REFORM AND RESETTLEMENT IN  
ZIMBABWE**

*Project website: <http://www.wisc.edu/ltc/zimpfl.html>*

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**March 2003**

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This output was made possible in part through support provided by the US Agency for International Development (USAID), under the terms of USAID/ZIMBABWE CA 690-A-00-99-00270-00.

The Land Tenure Center of the University of Wisconsin-Madison and the Centre for Applied Social Sciences, University of Zimbabwe provide technical assistance, training, capacity building, and research in support of Zimbabwe's Land Reform and Resettlement Program II.

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## ABSTRACT

Land Administration for social justice and economic empowerment can be a real puzzle. When central government regards land-holders as outsiders to the land administration system services delivered fall short of satisfying the needs and aspirations of clients. The more the land administrative authority and management function is concentrated in central government and its agencies, the more dis-empowered clients become. Once the clients are dis-empowered to an extent where they are reduced to spectator-status the institutions become self-serving and degenerate in quality of service. This paper examines the functionality of the existing institutional structures for land administration in Zimbabwe in light of the current land reform and resettlement program. Interviews were conducted with officials from various institutions involved in land administration at provincial and district levels and land-holders from a diversity of settlement and resettlement schemes. Results of the study indicated that the land administration system in Zimbabwe was generally supply-centred and predominantly characterised by upward accountability and self-service. There was therefore a need to put clients at the centre in the design of institutions of land administration and devolve significant authority for land administration to the local level, ensuring broad participation in decision-making by clients or land-holders.

# **ADMINISTRATION BY CONSENSUS: A QUEST FOR CLIENT-CENTRED INSTITUTIONAL STRUCTURES FOR LAND ADMINISTRATION IN ZIMBABWE**

by

**P.W. Mamimine**

## **INTRODUCTION<sup>1</sup>**

Land has been described as the most fundamental resource in any society and as the basis for survival of all human beings (Mbaya, 2001; WLSA, 1998a). The land reform program in Zimbabwe is predominantly concerned with the transfer of land from the mainly white owned large-scale commercial farms to the overpopulated communal areas occupied by the black majority<sup>2</sup>. In the main, resettlement consisted of land allocation and the provision of rudimentary infrastructure and services (see GoZ, 2000b). In the period 1980-1992, there was no local authority for resettlement areas, instead, resettlement areas fell within the jurisdiction of the central government's Department of Rural Resettlement. Consequently, Resettlement Areas formed a sort of insular enclave in many ways separate from the surrounding areas, with minimal opportunity for local input in land administration. In essence, the exercise retained the institutional form and structure of land administration from colonial times (Moyo, 1999) of being generally centralized, bureaucratic and inflexible.

Although Zimbabwe's land reform program emphasises land redistribution for social justice, the program has not had a complementary institutional reform component to support this principal objective. The lack of attention to institutional reform led critics to question the political will and institutional imagination of both the central government and international organizations involved in the program (Bryant 1998). In the absence of an attendant institutional reform, at both the central and sub-national (local) levels, the economic benefits from land reform and resettlement will be hardly attainable. Global, African and Zimbabwean dialogue about land reform and land administration is currently focused on the need for

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<sup>1</sup> Much of this background and problem statement draws on research undertaken by Charles Chavunduka, as part of his graduate studies at the University of Wisconsin-Madison.

<sup>2</sup> See Pre-independent Zimbabwe's Land Apportionment Act for the genesis of land inequalities between blacks and whites.

substantial devolution (Toulmin and Quan 2000). In theory, a devolved land administration model provides for better problem solving capacity, better incentives for local economic development, better provision of infrastructure services, and more appropriate and sustainable initiatives for involvement among those most affected by problems. This approach also recognises the budgetary and political reality that central government does not have the resources for full implementation of a land reform program. The development of more self-reliant communities allows central government to focus on more macro-policy issues, while ‘assisting’ or ‘complementing’ local initiatives. In practice, it is often criticised for fostering conditions that are parochial, elitist and leading to land and natural resource management regimes that ignore on-the-ground ecological conditions (Kingsley 1996; Jacobs 1989, Wirth 1937).

This paper examines the functionality of the current state of institutional structures for land administration in Zimbabwe from the point of view of selected beneficiaries/land-holders and institutional representatives. The data was collected through conducting interviews with officials from various institutions<sup>3</sup> involved in land administration and administering questionnaires to some land-holders<sup>4</sup> from three administrative provinces, that is, Masvingo, Mashonaland East and Matabeleland North. The provinces were purposefully selected out of a total of eight, taking into account differences in resource endowment, ethnicity, prevalence of particular categories of land and land-holders, age of resettlement scheme and others. In each province, 2 districts were purposively sampled. The exploratory study pitted the views of the supply side (suppliers of service) against the demand side (clients/recipients of the service)<sup>5</sup> with regard to their perceptions of the functionality of the current institutional framework of land administration.

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<sup>3</sup> Specifically, the supply side interviews targeted Traditional Leaders (TLs), Rural District Councils, District Administrators, Provincial Governors, Provincial Extension Offices (AREX), Political Parties, War Veterans Association, District Development Fund Offices, Forest Commission, Ministry of Lands, Farmers’ Associations and others.

<sup>4</sup> Selection of land-holders covered old irrigation schemes, communal lands, old resettlement schemes, A1 model and the jambanja (illegally occupied land).

<sup>5</sup> In all 359 people were interviewed in the three provinces of Masvingo (N=70), Mashonaland East (N=135) and Matabeleland North (N=149). In Masvingo, interviews were conducted in Zaka and Masvingo districts, Mashonaland East, Marondera and Seke/Manyame districts and in Matabeleland North, Bubi and Inyati districts.

In this paper I argue that land reform and administration must be demand driven. Results of the study indicate that the existing institutional structures for land administration in Zimbabwe do not put the interests and aspirations of clients at the centre. A combination of lack of commitment by central government to devolve meaningful authority to the local levels and upward accountability by most officials manning institutions of land administration resulted in a systematic dis-empowerment of the clients. This perpetuates the existence of land administration institutions that exist for themselves and not for the constituency which they serve. Central government's hesitation to devolve land administration authority fully to the local level casts lower tiers of administration as irresponsible, domains of absolute control.

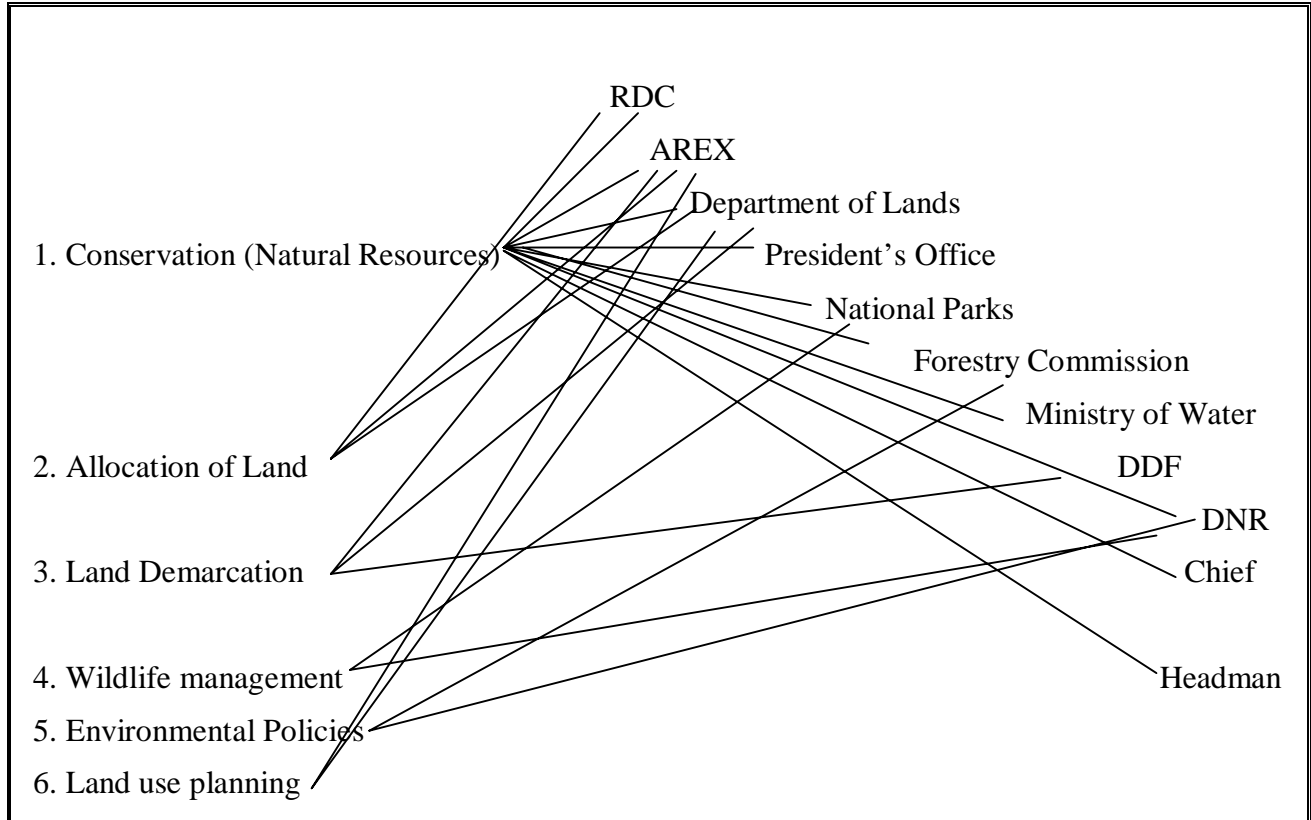
## **RESEARCH FINDINGS**

The interviews focused on issues of institutional mandate and mandate overlaps, their operational structure and procedure, operational constraints, synergy and nature of farmer support service.

### **De Jure and De Facto Institutional Mandates**

The following is an illustration of how de jure and de facto institutional mandates intersect in land administration. De jure overlaps refer to overlaps that emanate from the legislative framework and the latter to informal operations.

**Figure 1: Institutional mandates**



A number of institutions had overlapping mandates in land administration. For instance DNR and Forestry Commission interfaced with AREX in seeing to the conservation of natural resources. While AREX was primarily responsible for technical advice in crop production it was also required to observe environmental conservation such as discouraging people from deforestation. However, it ought to be put on record that despite being involved in natural resource conservation, the department lacked the authority to enforce conservation laws. This was the responsibility of DNR. DNR is supposed to look after all the natural resources, that is, trees (forest), water, land, air and wildlife. Unfortunately, the department lacks a diverse pool of expertise to cover all these resources. They therefore turn to other departments for specialist information and assistance such as Forest Company of Zimbabwe for trees and forest, National Parks for wildlife management, Ministry of Water for water issues, Department of Lands for land issues.

With regards to the land redistribution program, there seemed to be numerous overlaps in responsibility. Both the Ministry of Local Government and War Veterans Association were involved in the identification of land for resettlement. Of particular concern is that at times



the two institutions used different criteria for listing land for resettlement. While Ministry of Local Government utilised government set criteria for recommending a property for resettlement, the latter at times used the social history of the property owner in the pre and post independence era to determine whether or not the property was to be designated for resettlement. For instance, a property owner perceived by neighbouring rural communities to have been or to be a racist or anti-social would have his or her farm targeted for designation. AREX, Department of Lands and DDF were all involved in the planning and demarcation of land for resettlement. More often than not, the three institutions used different approaches to the planning and demarcation process. For expediency and lack of sufficient expertise in AREX and Department of Lands, DDF ended up being requested to carry out the planning and demarcation of land before settlement. It was alleged by another officer that the DDF staff involved hardly had expertise or working knowledge of the planning and demarcation of settlements. The result then was the availing of land for resettlement defying some basic principles of planning human settlements. Ideally, DDF was a department qualified to provide or plan for provision of basic infrastructure such as roads, sinking of bore-holes and others. In some instances, the assistance by DDF turned out to be costly as qualified planners had to be called in to redress the anomaly in already settled lands by relocating settlers to properly planned sites. Nevertheless, this could have been an isolated situation since most of the DDF staff were professionals from former DERUDE which used to be the planning and management authority for rural settlements. The War Veterans Association did not help the situation as they also involved themselves in the 'planning' and demarcation of farms they occupied for resettlement. Although not officially mandated to involve themselves in this facet of the land redistribution program, there were a number of cases where for political or peace's sake, authorities ended up legitimising the war veterans' politically-planned settlements, again despite their violation or lack of observance of planning laws.

### **Institutions' Own View of Public Perception**

Generally all institutions involved in land administration claimed to be rendering essential service to their clients as evidenced by the high demand for their service. However, while most of the institutions claimed to be rendering invaluable service to the public with significant appreciation, AREX officials were highly critical of their ability to deliver the required services. They noted that while there was a high demand for their services from the public, they fell far short of satisfying their clients due to lack of resources such as transport and others. On some occasions, they teamed up with officers from Forest Company of

Zimbabwe. The Commission officials did not have transport or financial problems inhibiting their travel because they were well funded by donors.

## **OPERATIONAL STRUCTURE AND SUB-UNITS OF RELEVANCE TO LAND ADMINISTRATION**

A number of institutions were interrogated on whether they had sub-units playing an active part in land administration at the local level. The most well devolved institution was the Ministry of Local Government being represented by the District Administrator at district level, Rural District Councils, Chiefs, Headmen and Village Heads at the local level.

In the case of AREX, it had Extension Officers representing the Department in Rural District Councils. In fact, their officers chaired committees on Agriculture in Council. At the community level they also had staff assisting communities in farming. Nevertheless, the efficiency of the community level staff is limited by lack of a fast and reliable means of transport. Most of them used bicycles that are already worn out for transport.

DDF was very visible at the District level. However, the department did not have any officer stationed at the community level. This made its provision of infrastructural services more supply-driven than demand driven.

The Department of Veterinary Services was a well developed institution with a Provincial Veterinary Officer, then District Vet Officer, Animal Health Inspectors at the district level and a veterinary extension assistant and then a Dip Attendant at the community level.

However, the efficiency of staff operating at the community level is compromised by the Department's lack of drugs either for sale or to provide for free to cattle owners.

While the Forestry Commission has a Forest Officer in every district and advise Rural District Councils on matters concerning forestry and conservation in general, the department does not have any staff at the local level. Although the interests of the company are represented at the local level by AREX and DNR, the professionalism of the Commission in management of trees and forests cannot be matched by the two assisting sectors.

DNR has staff at the district level and are represented in the Rural District Council's Conservation Committee. Staff from the department were invisible at the community level whereas the department was the only one with the authority to enforce conservation laws. This places the departments working at the local level such as AREX in a very difficult position when it comes to curbing natural resource degradation by rural people.

The Department of Lands' lowest representation is at the district level, where they also sat in the District Lands Committee. They assisted the district land administrative authority in resolving problems pertaining to land. However, the fact that they were ill-equipped in terms of access to records on land ownership or boundaries since the Surveyor General's Office is not de-centralised, generally made it difficult for them to solve land disputes in an expedient manner.

### **Decision-making Powers Available at Various Levels**

#### **AREX**

Officers at district level carry out planning and demarcation of land. Provincial staff check whether the planning is done according to required standards before the planning and demarcation is approved. However, all issues to do with technical aspects of farming are handled by the front line staff at the local level. Most of the technical administrative issues have been devolved, that is, resource allocation, staff discipline and others.

#### **DNR**

The Department has 8 Provincial Natural Resources Officers and each district was allocated one Natural Resources Officer. The district officers were free to implement the department's annual policy as they deem fit. These officers were empowered to deal with most of the natural resources problems arising in their respective areas. However, where a problem requires new policy or policy change because it would not be possible to deal with it within the confines of available guidelines, then the matter was referred to the Provincial Officer.

#### **Forestry Commission**

Staff at both district and provincial level were guided by Commission policy and were given the objectives of the organisation. The province produced one annual work plan which guides the activities of the department for that year. This exercise involves the participation of all District Forest Extension Officers (DFEO). Each DFEO then decides on the modalities of implementing the Action Plan. At district level, they have the power to interpret the Forest Act to the people and decide with communities the forestry projects to carry out with communities every year. Any other problems arising in the district are dealt with by the DFEO guided by the Commission policy.

## **Department of Lands**

Provincial staff deal with policy and other complex technical staff. District officers only deal with technical aspects of land administration.

## **Ministry of Local Government**

Issues pertaining to land administration were dealt with at the district and local level in accordance with the powers vested in various lower tier institutions. For instance, RDCs administer land in accordance with the powers vested in them under the Rural District Act, Traditional Leaders, in accordance with the Traditional Leaders Act. Each Act specifies each institution's mandate in land administration and that mandate is carried out without referring to Provincial Offices especially where there are clear guidelines. However, where a problem arises without a clear policy guideline, the lower tier institutions refer the cases to the Provincial Administrator's Office.

## **Mechanism for Public Participation in Land Administration**

With regards to Ministry of Local Government, there were two levels at which the public was assumed to be participating in land administration issues. The first level is the RDC, where Councillors were assumed and expected to be representing the interests of their constituencies on issues pertaining to access to land. Whereas, the RDC Act designates Councils as the land authority in areas under their jurisdiction, Chief Executive Officers (CEOs) hardly had a say in matters pertaining to land redistribution at the District Lands Committee Meetings. Ideally, CEOs represented the collective will and interests of Councillors and once denied a voice at the district land forum, automatically, Councillors and the interests of the people they represent were shut out.

The second and lowest tier forum for public participation in land administration was the Village Assembly in which all members of the community aged 18 years and above had a right to take part in Assembly deliberations. However, the Assembly by practice was reduced to a status quo or order maintenance collectivity in as far as land administration was concerned. The Assembly, more often than not simply operated as a policing wing of the observance of Ministry of Local Government policy on land administration such as presiding over cases where a community member violated land laws such as converting grazing land into arable land and this affected the entire village, and so on. It neither had the authority nor the opportunity to influence settler selection in the land redistribution program or participate in the planning or demarcation of land to which some of their members would be resettled.

Of course, it may be argued that where only individuals as opposed to the entire village were desirous of resettlement, the first step in gaining access to land was to approach the VIDCO Chairman who would take the matter up with the Councillor, which seemingly was indicative of public participation. However, the problem was that both the V-Chairman and the Councillor did not have much influence on who eventually got selected for resettlement.

The Department of Lands hardly involved local communities or the general public in the identification, planning and demarcation of land that they intended to resettle people in. The public were merely regarded as recipients of a public good, that is land, especially those desirous of being resettled.

Before DDF provided infrastructural services such as provision of water or roads in an area, decision-making was made through Council which represented the public through elected councillors. The problem was, in most RDCs there was a general outcry that once elected, councillors represented their own interests rather than those of their constituencies. This made a mockery of public participation through representative democracy. Ribot (1999) argues that in most instances elected officials are not downright accountable.

Forestry Commission involved the public in decision-making as much as possible. They carry out awareness campaigns through PRA workshops, training and farmers' field days. At the workshops, people identified resources which were available in their respective areas and came up with conservation plans. The same workshops identified tree resources that were not available and formulated plans for re-forestation.

The operations of DNR involves a high level of public participation. This was achieved through field/demonstration days, conservation competitions from district to provincial winners and participation in RDC Conservation Committees.

### **Institutional Accountability in Land Administration**

Most government institutions involved in land administration in one way or another were upwardly rather than downwardly accountable. Ribot (1999b) argues that governments generally create institutions that are upwardly accountable to the central state. Yet logic has it that accountability should rather be downward to the local resource users (Matondi, 2001).

The public was perceived as a vehicle for pleasing 'vakuru' (those in higher offices) and not as a pivotal element in legitimising or justifying the existence of an institution. The common talk was of being accountable to 'my immediate superior' as if pleasing the immediate superiors provided a justification for the existence of an institution. Generally, public

interests were considered to be of tangential importance in executing the institutional mandate. Pleasing the immediate superiors seemed to carry the day as the core business.

## **INSTITUTIONS AND OPERATIONAL CONSTRAINTS IN LAND ADMINISTRATION**

Institutions involved in land administration faced a variety of constraints in fulfilling their mandates. The problems, to a large extent were similar.

### **Problems Faced in Executing Mandate**

The major problems faced in executing an institution's mandate in land administration ranged from lack of material and financial resources to flawed policies. Lack of expertise impacted negatively on service delivery for most institutions. For instance, Forestry Commission of Zimbabwe had a considerable number of staff who did not have any professional qualification as foresters. Most of them are trained in agriculture but had to be send for refresher courses in order for them to have a basic appreciation of forestry work. This seriously compromised the quality of service that the department provided in land administration. In the case of DDF, the department was supposed to be manned by experts in the provision of infrastructural services. However, the case was different and pathetic too. Most of the staff designated as engineers were mechanics or builders or just people with some years of experience in the construction industry who got promoted into engineer grades. The department also tended to recruit personnel on humanitarian grounds. For instance, deceased members of staff in some cases were replaced by one of their surviving off-springs. As a result, the quality of service expected from the department was seriously compromised.

One crippling problem in rendering service in land administration for most institutions was the issue of transport. For instance, AREX which was the heart of the success of the land reform program was literally grounded, from the province to the districts. The vehicles were either too old to be relied on for one to go on a field trip or just not being available. Some Provincial Heads had to catch a lift in another sector Ministry vehicle going in the direction of where they wanted to go and do business. The same problem dogs the DNR department and Department of Lands. Where a department vehicle was available, at times officers could not travel due to exhaustion of the transport budget funding fuel. What aggravated the situation was that where certain officers were willing to use their personal vehicles on department business, this could not be done due to lack of finance to cover one's wear and tear, and travel and subsistence allowance.

Generally, with regard to the issue of dispute resolution in land administration policy is rather loose. In principle, a Village Head is supposed to be the first port of call in seeking redress to land disputes between villagers and in resettlements, small scale and commercial farming areas, the Ward chairpersons should be the 'court' of first instance. However, reality on the ground indicated that depending on one's social standing and connectedness, dispute resolution or notification of dispute could start at the Provincial Administrator's office or Secretary to the Ministry of Local Government, without the knowledge of lower tier structures of land administration.

In some instances, the land redistribution program was frustrated by lack of adherence to policy. The one man one farm policy seemed to apply more to people of low political influence. Individuals well connected politically could get away with more than one. Consequently, it rendered the land redistribution for social justice a mere mockery as some greedy elite deprived other land hungry citizens of access to land.

There were also cases of 'sterile policies' hampering efficient land administration. Institutions like the Forest Company of Zimbabwe and DNR had a mandate of preventing degradation of forests and trees respectively. Nevertheless, the policy on fines for degrading forests had been rendered ineffective due to the paltry amounts charged. As a matter of fact, the risk of one being fined could not deter people from degrading forests and other natural resources. In the absence of a constant review of policy on fines for degrading natural resources, land degradation would persist.

A blanket policy where AREX rendered extension services to all farmers free of charge, that is, in communal lands, old resettlements, A1 and A2 farmers, resulted in the department's resources becoming inadequate to service their constituencies. The acute shortage of transport and other financial resources confining officers to their offices had a debilitating effect on extension services. The fact that the policy did not distinguish between farmers who could afford to pay for the service such as the A2 category and those who could not afford such as the communal, resettlement and A1 farmers resulted in a literally grounded institution. The A1 farmers who could afford to pay for the service should have been charged for the services thereby subsidising expenses incurred in servicing other groups who could not afford to pay.

## **SYNERGY**

### **Inter-Institutional Collaboration**

There was principally one reason for which institutions involved in land administration forged synergy. It was for resource complementarity, both material and human. With regard to material resources, most institutions such as AREX and DNR lacked transport which was critical for the execution of their mandate. They had to depend on other institutions such as the Forest Company of Zimbabwe, which attracted generous donor funding for transport.

For the provincial and district lands committees, the skill base for planning and demarcation of newly acquired farms was diffused among various sector Ministries. For instance, DDF was in the committees representing infrastructural development in farms designated for resettlement and advising on tillage, AREX and Department of Lands and Rural Development for planning and demarcation of land, with the former mainly doing planning at the district level, besides attending to its core business of rendering extension services. The Forest Company of Zimbabwe was in the committee to advise on general conservation of forests and DNR on general conservation of natural resources, including forests. In its everyday operations, outside the ambit of land redistribution program, the Forestry Commission worked hand in glove with DNR and AREX. The former, policed natural resource degradation which included forests and the latter encouraged farmers to practice intensive agriculture and apply modern agricultural technology to prevent wide scale clearance of forests. It also promoted re-forestation and promoted the conservation of degraded environments. The Ministry of Local Government, inter alia, identified land for resettlement and made critical decisions on land allocation and ownership. At the local level, RDCs and traditional leaders enforced most of the laws pertaining to sound land use. DDF obtains its mandate for infrastructural development and provision of tillage services from Ministry of Local Government which was the land authority.

### **Devolution of Authority in Land Administration**

Most institutions offering technical services in land administration such as AREX, Forest Company of Zimbabwe, DNR and others, have devolved most of their authority to officers interfacing with recipients of the service. With regards to the land authority, which was the Ministry of Local Government, there was not much meaningful devolution. The Traditional Leaders' Act does not give land allocation powers to traditional institutions, but only allow them in some instances to solve disputes related to land. Where decisions are required, the



Act provides for traditional institutions to refer issues to the Minister for consideration. The bottom line is that the Act provided for traditional institutions to act on behalf of some senior authority, either the State or the RDC.

The RDC Act, in scope, is the most serious attempt by central government to devolve land administration to the local level. It grants extensive powers to the RDC, although the powers are subject to Ministerial controls and regulations. It empowers RDCs to formulate development policies for their respective areas and empowers councils to compulsorily acquire land for any reasonably justified public benefit. However, the devolution process is inadequate since Councils cannot make fundamental decisions, without seeking approval from the Minister, the Act does not give land ownership rights to the Council nor the leasing rights. In essence, central government does not want to cede full control of rural areas to RDCs. Worse still, ordinary people do not have much say in land administration at the local level. They are literally bystanders to the whole exercise.

## **FARMER SUPPORT SERVICE IN LAND REFORM**

Newly re-settled farmers were generally provided with technical and financial services. AREX provided the bulk of technical support of farmers through its extension services with 4 Extension Officers per ward. Nevertheless, due to transport constraints, the impact of the staff fell far short of providing a real-time solution to farmer problems. Department of Lands provided new farmers with a land prospectus on land allocated. The prospectus contained a profile of suitability of farms for various land uses and a farmer could also request for a consolidated land use plan which could be produced on request. Through its rural tillage scheme, DDF provided newly settled farmers with tillage services and small dams but the tillage units were too few to satisfy the demand for the service, especially to farmers deserving free tillage. Government also provided free inputs to farmers such as seed and fertiliser. Again, these were not enough to meet the needs of all the farmers.

DNR provided environmental education in fast track resettlement areas. They addressed new farmers on the importance of natural resource conservation. The Forest Company of Zimbabwe formed resource management institutions in villages and trained new farmers in woodland management. This was done through launching awareness campaigns for the formation of resource management committees (RMCs).

The Ministry of Agriculture mobilised loans for farmers from various financial institutions. It enabled most of the farmers in A1 and A2 resettlement models to secure loans without

collateral security. However, it should be pointed out that farmer support service was being conducted in a haphazard manner to the disadvantage of the new farmers. There was therefore need for a concerted approach by all the sectors involved. A joint planning approach, beginning by a needs survey and prioritisation of needs of farmers in different resettlement models would go a long way in ensuring a more efficient farmer support service.

## **CLIENT PERCEPTIONS**

### **Access to Land**

Results of the survey indicate that there were too many actors involved in land allocation. This did not only create confusion in terms of procedure one must follow to gain access to land. A number of respondents were allocated land by actors who lacked a legal mandate. For instance, unless the allocation by war veterans and village heads was ratified by the District Lands Committee and the RDC, respectively, the beneficiaries lacked security of tenure. It should be central government's responsibility to stream-line institutions involved in land administration and inform the public on institutions recognised to engage in land allocation. Before the promulgation of the Traditional Leaders Act and the amended RDC Act, traditional leaders such as chiefs and village heads had the authority to allocate land. It seemed people were ignorant of the changes. War veterans, did not have a legal mandate to allocate land. The War Veterans Act only empowered the executive of the War Veterans Association as a welfare organisation to look after the interests of war veterans as a pressure group. It was never meant to be an organ of central government with a mandate in land administration such as land allocation. The figures of respondents allocated land illegally by village heads and war veterans in the three provinces was disturbing, 24.0% in Masvingo, 36.3 % in Mashonaland East and 32.2% in Matabeleland North. The scenario of institutions involved in Land Administration in Zimbabwe was nothing short of the reign of chaos.

### **Settlers' View of the Allocation Procedure**

Respondents were asked about their view of the land allocation procedures by the various institutions that were involved. Combined figures indicate that the majority of respondents (90.6%) viewed the process as transparent. Other respondents felt that the procedures were easy but not transparent (4.3%) and easy (5.2%). There was no significant variation in the perceptions from the three study sites. For example, in Masvingo, Matabeleland North and Mashonaland East Provinces, 95.6%, 89.3%, and 88.2% of respondents, respectively, were of

the opinion that the land allocation procedures were transparent. However, there is need to exercise caution on one's take of these findings. The high percentage of respondents declaring the allocation procedure transparent is indicative of insider bias. Perhaps, a more realistic assessment of the transparency of the land allocation procedure would have been attained by interviewing people who were unsuccessful in their application for land. Most beneficiaries of the land reform program perceived people who failed to gain access to land as not having made an effort to apply for land.

Asked whether women, widows, single mothers, youths and divorcees had an equal opportunity in getting land, 79.0% of respondents from across the study sites answered affirmatively. Respondents who answered negatively cited the process as having been biased towards married men (12.0%). Other reasons cited the process as having largely favoured those with Master Farmer Certificates (6.0%). A very insignificant percentage of respondents (0.6%), felt that the land allocation process favoured single women. However, the majority of respondents (81.4%) felt that the process had been fair because all those 'interested' in getting land had been considered for resettlement.

### **Security of Tenure**

Tenure is largely believed to be an important incentive in any agricultural system. Respondents were asked questions centred around tenure and the freedoms, restrictions and ownership rules they had over the newly acquired land. Combined data from the three study sites indicate that a majority of respondents (57.5%) were allowed mainly, to practice conservation activities on their properties.

A sizeable proportion of respondents (27.9%) felt that there were no restrictions over what they could do with their properties, with 12.9% being of the opinion that they could even lease their pieces of land.

Respondents were also asked to give their opinion on things they were not allowed to do on the farms. Data from all the study sites combined indicated that 61.7% of the respondents were cognisant of not being allowed to lease their land. This was followed by the restriction not to damage the environment (35.1%). Finally, of the total sample, 0.9% mentioned that they were not allowed to leave their pieces of land idle. Only 0.3% of the respondents were of the opinion that they were not allowed to hunt for wildlife.

Table 1 presents responses from the individual provinces on the restrictions on the settled land. Interesting from the individual provincial data is that respondents were not aware that

leaving the land idle and hunting wild animals were not allowed. This has huge implications for wildlife conservation and agricultural production on the newly acquired lands.

**Table 1: Restrictions in resettlement areas according to provinces**

Restrictions	Masvingo	Mash East	Mat North
Disturbing the environment	57.1	37.1	22.1
Work on chisi <sup>6</sup>	4.3	3.2	0.0
Sell or lease land	37.1	59.7	75.7
Leaving the land idle	1.4	0.0	1.4
Hunting	0.0	0.0	0.7
<b>Total</b>	100.0	100.0	100.0

Source: Survey results

Another shocking result was that a large number of respondents from the three provinces were ignorant of lack of rights to sell the land. The ignorance seemed to be more pernicious in Masvingo province and indicative of the respondents' lack of information on their rights over the allocated land.

### **Procedure to Follow in Cases of Land Dispute**

Respondents were asked of what they would do if their rights to the land were violated. A large proportion of respondents indicated that they would report to the village head. The village head/chairman was a predominant first port of call across provinces. On the whole, the police did not seem to be a favoured institution in mitigating issues of rights abuse over land. It is significant to note that although the village head/chairman is perceived to be a key factor in the resolution of land disputes, the Traditional Leaders Act did not expressly grant him or her the enforcement authority. The Act mostly conferred village heads administrative authority. Consequently, there was a contradiction between the village head's formal and informal authority over land administration. In theory, they were not supposed to handle land disputes but in practice they did.

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<sup>6</sup> A day set aside by traditional leaders for honouring ancestral spirits generally believed to be the 'founding' owners of the land by not engaging in farming activities on that particular day. The day designated as chisi varied from one area to another.

**Table 2: Procedures taken if rights are violated**

Procedure	Masvingo	Mash East	Mat North
Report to DA	5.7	4.8	0.7
Report to police	—	—	1.4
Report to RDC	1.9	—	—
Report to Village Chairman/Head <sup>7</sup>	89.5	87.1	96.4
Report to councillor	2.9	1.6	0.8
Do not know	0.0	6.5	0.7
<b>Total</b>	100.0	100.0	100.0

Source: Survey results

### **By-Laws and their Necessity**

Various by-laws apply to land. Respondents were asked about the nature of the by-laws and whether they viewed them as necessary. Data analysis from the three provinces indicate that respondents recognised the following by-laws to be operating in their respective areas: no damaging of the environment (68.2%), animal protection (2.4%), no working on traditional resting days (18.8%) and no selling of land (7.4%). A very small percentage (3.3%) of respondents neither knew nor were aware of the by-laws. On a positive note, 93.1% of the respondents viewed the by-laws to be necessary. Unfortunately, only 47.7% of the respondents were consulted when the by-laws were formulated. The village-based institutions were the major actors in enforcing the by-laws (71.9%). None of the major institutions outside the villages seem to be taking the lead in the enforcement of by-laws, again with the Police and Natural Resources Board (NRB) taking the minimal roles, 0.6% and 0.3%, respectively. Public gatherings (meetings and workshops) accounted for 82.5% of the respondents' sources of information pertaining to by-laws. Headmen accounted for only 9.1% of the respondents' sources of information about by-laws. The sources of information were fairly similar across the provinces except for Masvingo where AREX accounted for 23.5% as a source of information for the public.

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<sup>7</sup> Village chairpersons were in charge of newly settled areas where there was no local administrative authority in place before.

## Role of Village Head and Headman in Land Administration

Respondents were asked to give their views on the role the village head should play in land administration in their respective areas. Combined data from the three provinces indicate that a fairly large percentage of respondents viewed the role of the village head as principally dispute resolution and co-ordinating land redistribution. A fairly small percentage of 14.9% thought that the village head was supposed to enforce by-laws. Nearly seven percent (6.6%) viewed the role as that of protecting the environment. A smaller percentage (4.0%) saw the role of the headman as that of implementing the chief's orders. Some respondents (10.3%) did not perceive a role for the village head in land administration issues.

**Table 3: Perceived roles of the headman in land administration**

Role of headman	Masvingo	Mash East	Mat North
No role	31.3	4.4	7.5
Solving disputes	40.3	43.1	47.9
Implement chief's orders	3.0	3.9	1.4
Co-ordinating land distribution	14.9	22.8	21.9
Enforcing by-laws	10.5	12.4	8.9
Protecting the environment	—	9.5	10.3
Do not know	—	3.9	2.1
<b>Total</b>	100.0	100.0	100.0

Source: Survey results

## Chiefs

Issues of how chiefs were involved in land redistribution and how their roles could be effectively improved were addressed during the survey. Chiefs were largely perceived to be critical in ensuring both sustainable development and community order. Combined provincial level data indicate that respondents felt that chiefs should largely be confined to solving disputes and again stop meddling in day-to-day lives of the resettled farmers.

With regards to the respondents' views on the role chiefs in land administration, it was disappointing to note that only 30.5% of them felt that the chief should have a role in dispute

resolution. Again, only 23% felt that the chief should have a role in land allocation. About 18.7%, that is almost a fifth of the number felt that the chief should not be involved in land administration at all.

According to the survey results, there were a number of mitigatory measures that could be taken by central government to make the roles of the chiefs in land administration more effective. Some of the suggestions were to involve chiefs in the A2 scheme, giving chiefs more authority, exposing chiefs to more training, engaging chiefs in more public meetings and giving them incentives.

### **Village Assembly**

A fairly large percentage of respondents (40.6%) viewed the major role of the village assembly (VA) as that of settling disputes. Of the total number of respondents from the three study sites, 13.0% viewed the role of the VA as enforcing by-laws. Others, 12.7%, viewed the VAs as agents of the village head. Majority of respondents regarded VAs as ideally providing a forum for participatory decision-making. However, the institution was generally dysfunctional since the assemblies hardly met to deliberate on issues.

### **Rural District Councils**

Respondents were asked what role Rural District Councils (RDCs) played in current land administration. The highest number of respondents (26.3%) had no idea of the role RDC played. Other views expressed by the respondents were that; RDCs were responsible for development in resettled areas (22.6%), tax collection (22.3%), allocation of land (14.1%), identification of land for resettlement (4.7%), (4.4%), solving of disputes (4.15) and issuing of land allocation certificates (1.6%).

### **District Administrator (DA)**

A big number of respondents (42.8%) said the DA co-ordinated the land reform programme. Other roles cited were that the DA was a representative of central government (18.7%), solved land disputes (8.1%), worked with chiefs (3.95), looked after people's welfare (1.8%) and enforced land conservation (0.6%). Almost twenty percent (19.6%) of the respondents said the role of the DA was not known.

The fact that a majority of respondents (19.1%) were not aware of the functions of the DA is cause for concern. It raises questions of functional legitimacy.

## **Support Service**

Respondents were asked about mechanisms that were put in place to assist them in having access to financial and material resources for farming. All the respondents to the question indicated that there were some mechanisms in place. Forty four percent cited GMB mechanisms. Other institutions that had some mechanisms in place cited were DDF (34.1%), Agribank (10.15), tractors from government (9.3%), ARDA (1.65) and a very small percentage of the respondents (1.2%) said some NGOs have put some mechanisms in place. The support was in form of access to seeds and fertilisers (35.85), soft loans (29.9%), land tillage (29.4%) and distribution of inputs (4.55). On perception of how the service was delivered, 60.9% of the respondents said the support service was good while 39.15% saw the farmer support program as poorly organised and riddled with corruption.

## **Views on Role of War Veterans Association**

The highest number of respondents (39.9%) said war veterans pioneered land invasion but should take a back seat in land administration because they lacked the technical know-how. Other views given were that, they lobbied for a new land policy (36.9%), allocated land (20.4%), disrupted land reform (2.1%) and a very small percentage of the respondents (0.6%) said they did not have any comments to make.

## **Views on Role of Political Parties**

According to forty five percent of the respondents, the role of political parties was to promote land reform. Close to a fifth of the respondents (19.4%) said the agenda of political parties was not clear. Others said the role of political parties was to monitor the land reform programme (14.3%) and allocate land (13.7%). About eight percent (7.6%) said political parties actually disrupted the resettlement programme. Interestingly, the survey results on role of political parties does not seem to take their involvement in land administration seriously. Except for 13.7% who saw political parties as having a role to play in land allocation, the remainder/majority's message was one of 'political parties hands off' land administration. They were seen, especially the ruling party, as a necessary framework for addressing land imbalances but not to operate as a permanent feature of land administration. Land was perceived too to be too important an economic resource for sustainable development to be exposed or inter-linked with the vagaries of political manoeuvrings.



### **Views on Role of District Land Committee**

Close to fifty percent of the respondents (48.7%) did not know the role of the District Land Committee (DLC) in the land reform process. Other responses were that DLC allocated land to new settlers (38.3%), initiated development (4.7%), was a co-ordinating body (4.4%), solved disputes (3.2%) and a very small percentage of the respondents (0.6%) said the DLC enforced by-laws. The figure of 48.7% who claimed to be ignorant of the role of DLCs contradicts the number/percentage of respondents who earlier on claimed to have been allocated land by the same institution. The situation may be described best as confusing and indicative of the ad hoc nature in which the institution operated.

### **Views on Role of AREX in Land Reform**

According to the majority of farmers (60.8%) the role of AREX is to train farmers in crop production. About twenty two percent (21.6%) of the respondents said the role of AREX is to allocate land and seven percent (7.2%) said AREX 's role is to help farmers obtain loans. A significant percentage of the respondents (10.5%) do not know the role of AREX.

### **Views on Role of Farmers' Unions in Land Reform**

More than fifty percent of the respondents (50.85) did not know the role of farmers' unions in the land reform process. Eight percent of the respondents said the farmers' unions were not doing enough. Other views expressed by the respondents on the role of farmers' unions were that they helped farmers get funding (15.6%), they trained farmers (14.3%), they provided inputs (4.9%), they were agents of the government (4.9%) and slightly above one percent (1.3%) of the respondents said the unions identified markets for produce.

The players were suggested for various reasons such as to provide funding for the reform process, to provide inputs such as fertilisers and seeds for free, to protect the environment and other players were suggested because of their perceived positive input in the reform process so far.

### **Devolution**

Respondents were asked to identify any decision-making powers relating to land administration vested in higher offices that they felt should be vested in either the headman/village head or chief. Thirty one percent (31.3%) of the respondents did not know of any decision-making powers that should be devolved to the headman or chief. Twenty two percent (21.8%) thought land allocation should be done at village level while twenty one

percent (20.7%) felt that the village committee had enough power. Other responses given by the respondents were that chiefs should be empowered (12.4%), some roles not considered in the scheme should be vested in the headman or chief (8.4%) and close to six percent (5.5%) felt there should be no changes.

The survey asked the sampled households if there were any roles played by RDC or DA in land administration that could be handled by the village head or chief. The responses given were, the chief and headman should be given a chance (28.7%), none of the roles can be handled by the chief or headman (22.8%), do not know (22.0%), chief owns land (9.0%), chief and village head are none functional in the scheme (7.1%), the chief and village head should remain as ceremonial leaders and five percent (4.9%) said land reform would benefit from the experience of the chief and village head.

## **DISCUSSION OF FINDINGS**

In reflecting on the findings of fieldwork there is need to focus primarily on issues that are key to the ideal of a well-devolved land administration system. The insights emanating from the study will be presented starting with the supply side and ending with the demand side.

Matondi (2001) observes that the overlaps among institutions commonly referred to by Ostrom (1990) as the nesting of institutions should be seen as an opportunity for ensuring that institutions among themselves compete to serve the people thereby gain legitimacy. Can one justify overlaps in a situation where the quality of the service continues to deteriorate as a result? The issue of mandate overlaps impacts negatively on the administration of land. For instance, DNR and Forest Commission intersected in natural resource management, particularly on trees and forests, unnecessarily straining resources and leading to poor service delivery. The former has an enforcement role while the latter plays a monitoring function. What is the logic of spending resources on monitoring only without the mandate to bring to book culprits of resource degradation? This is not only frivolous but also lacks seriousness in the management of natural resources. Hence, there seems to be a need for central government to vest the authority of natural resource monitoring and management in the hands of one institution. The rationale for conferring DNR with the authority to be overseer of natural resource management is questionable given that the skill base is diffused among various other institutions. For instance, Wildlife management is handled principally by Department of National Parks, Water management by Ministry of Water, and Forests by Forest Company of Zimbabwe. Why then should DNR exist as a separate entity?

The existence of several players in the identification of land for resettlement was a cause for concern with regards to the criteria used to alienate land. While Ministry of Local Government had a legal mandate to identify land for such purpose, war veterans also involved themselves in that exercise, without co-ordination or authority from the relevant sector. This absence of a unified approach to identification of land for resettlement engendered tension between farmers who lost their land to the resettlement program and the war veterans who conducted the exercise out of seemingly political spite.

A well-devolved land administration system is characterised by a high level of public participation. RDCs and councillors were supposed to represent the interests of local communities in settler selection. Nevertheless, the voice of these local level representatives was hardly heard or represented in settler selection. The District Lands Committees largely operated independently in their deliberations and decision-making process. The land identification, planning and demarcation was done outside the purview of the intended or prospective beneficiaries.

Most of the institutions involved in land administration hardly saw themselves as answerable to the people for their actions. They perceived the people they served as vehicles through which to please their immediate superiors. In essence, the interests of the beneficiaries of the service did not count. Upward accountability remained the general thrust. Without a sense of downward accountability the rights and interests of the general populace were taken for granted in land administration. There was therefore a need to ensure that people's interests came first in the delivery of services in land administration through central government ensuring that institutions were downwardly accountable. After all, if a system claims to exist to serve the public then it is of necessity that it becomes accountable to the people it serves.

Lack of transport was a chronic problem in service delivery. Institutions like AREX whose mandate was of critical importance to agricultural productivity was literally grounded from provincial to district level. What is the point of giving a mandate to an institution without ensuring that the resources necessary for the execution of the mandate are put in place. What is the point of paying field staff to sit in offices due to lack of transport? This results in the public losing confidence in the existence of the institution in question. Does it make sense on the part of central government to afford the salaries of such staff and not the resources which makes them functional and deserving of their pay?

The problem of lack of transport and other resources could be attributed to sterile policies. For instance, AREX was expected to provide free service to all categories of the land redistribution program, that is old resettlements, A1 and A2 resettlement models. Some form of cost recovery needs to apply to affording groups such as those in the A2 scheme. There paying for the service will help subsidise the cost of free service to the less affording groups. Another sterile policy inhibiting the execution of a mandate was gleaned from institutions such as Forest Company of Zimbabwe and DNR. The statutory fines for resource degradation was too low to deter would be degraders.

Most institutional representatives observed that their decision-making was satisfactorily devolved, some to district level and others to the local level. This was the case with those mandated to provide technical services such as DNR, AREX, Forest Company of Zimbabwe and others. The main problem lay with the Ministry of Local Government. Decision-making was not adequately devolved. For instance, although the Amended RDC Act recognised RDCs as the land authority, all their decision-making was subject to Ministerial approval and intervention. RDCs also did not own the land they had jurisdiction over. Worse still, their lower tier administrative wings such as traditional leaders that is, chiefs and village heads were only granted administrative authority over the land and people under their jurisdiction. Decision making in areas such as dispute resolution was only done at the local level using more informal than formal authority. This is untenable in a situation where the public perceived the institutions as an extension of local authority.

The field results indicated a shocking false sense of security of tenure with regard to right to sell. Almost a third of the respondents thought they had a right to dispose their newly acquired land through sale. A durable land administration system cannot be attained in a situation where land-holders are not fully aware of their gamut of rights over the land they possess. The issue of tenure should not be taken for granted. Rihoy (1998) argues that it is one of the principal factors determining the way in which resources are managed and used, and the manner in which the benefits are distributed. Defining one's tenure on a piece of land enables the land-holder to have control over the resource and be aware of the rights deriving therefrom. Elsewhere in literature, tenure is seen as a vehicle for conferring security and defining property rights (Place et al, 1994).

With regard to bye-laws governing land utilisation, most beneficiaries observed that they were important tools for land management. The concern was on participation in bye-law formulation. Only 47.7% were consulted in the formulation process. It is an integral facet of

democracy that the governed shall participate in the decision-making on how to be governed. Further to this, people tend to view the bye-laws positively, when they are involved in the formulation of the bye-laws.

Most of the respondents felt that local leaders, that is, chiefs, headmen and village heads should be more involved in dispute resolution in areas under their jurisdiction. When dispute resolution authority is vested in institutions far removed from the every day life of people, then justice is denied. This is in keeping with the well known adage that justice delayed is justice denied.

Of particular concern about institutions involved in land administration is the people's ignorance of their respective mandates, especially at the RDC, district and provincial levels. Where people are not aware of the mandate of a particular institution, it naturally follows that they cannot seek assistance in an entity whose role they know. People have a right to know the range of services offered by each institution involved in land administration.

The support service rendered to farmers was strongly criticised by beneficiaries for at least being non-transparent and at most corrupt. This observation raises fundamental questions about the issue of transparency. How transparent was the organisation of farmer support? How much voice or leeway was granted to the prospective beneficiaries to intervene in the goings-on of the conduct of the farmer support service? Were the prospective beneficiaries treated as a people with rights rather than privileges to the services?

The message from the respondents seemed to be that land administration needed to be approached in a very stable manner. War veterans and political parties in general were not supposed to meddle with land administration. It therefore made sense that such a key resource to the nation should be administered in a politically neutral manner for the benefit of all despite their political leanings.

Over 50% of the respondents pointed out that they did not know of any farmers' unions. This was very startling in that farmers' unions which are supposed to provide a forum or framework for farmers to lobby for their interests were barely known by most of the respondents. Without speaking with one voice on issues of strategic importance to the farming 'enterprise' they lose out on lobbying for producer prices that assure them of viability in the industry, controlling runaway input costs and other factors that would negatively impact on their sector. The bottom line is, farmers' unions should be as broad-based in their membership as possible to ensure the formulation of policies that are

favourable to their sector or membership. Farmers' unions should provide a framework for the socio-economic empowerment of farmers by ensuring that they do not speak for only a minority but majority of farmers.

The question of devolution of authority to lower tiers of administration by central government was not well received by respondents. The fact that a majority of them knew little about the spectrum of decision-making powers available to various institutions of land administration made it very difficult for them to address the question. The issue of what ought to be handled at a particular higher officer and what could be cascaded to lower levels required someone with knowledge of the various institutional mandates.

## **CONCLUSION**

The foregoing discussion indicates that Zimbabwe's current land administration system suffers from a variety of institutional problems. Top among the list is lack of downward accountability and a serious commitment to devolution. This situation is exacerbated by the systematic 'ignorantisation' of the public in terms of the kind of service to expect from institutions involved in land administration and the scale of authority that could be cascaded to local level institutions. The ignorance is sustained by keeping public participation at bay in strategic decision-making areas of land administration such as beneficiary selection, land allocation, demarcation and others. Transparency also remains an ideal rather than a reality in an exercise primarily targeted to be people-centred. Like justice, transparency must not only be exercised but seen to be exercised. On the other hand, dispute resolution in land-administration related matters remains an informal activity for traditional institutions of governance. Matondi (2001) argues that it is not clear upon which source of legitimacy traditional institutions draw or make land administration decisions. Could it be what Shivji et al (1998) calls 'results source of legitimacy'?

Resources for an efficient land administration system are still elusive while central government, perhaps for populist reasons, is adamant of making the relatively rich pay for extension services. Membership of farmers' unions continue to be voluntary and beyond the purse of the ordinary farmer, thereby rendering the unions elitist and discriminatory of the interests and aspirations of the less endowed farmers. Without a broad-based, united and empowered farmer organisations, the unattended plight of a majority of upcoming farmers will thrust the land reform program for economic empowerment into fantasy-land. Essentially and ideally, the long term efficiency of the land administration system in Zimbabwe will

depend on the current generation of leaders' ability and willingness to take bold steps to rid the system of any forms of political partisanship.

Finally, the issue of mandate overlaps besides wasting resources, can only serve to confuse institutional actors on the ground, on what exactly is their public calling or mandate in land administration. Admittedly, land administration is a puzzle in every epoch of human history, but an appropriate rise to the challenge seems to lie in adaptive policy formulation. Adaptive policy formulation provides the system with tools to cope with the dynamics of resource utilisation by any generation of users.

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