



USAID COUNTRY PROFILE

PROPERTY RIGHTS AND RESOURCE GOVERNANCE

ZIMBABWE

OVERVIEW

In September 2008, Zimbabwe's political parties, ZANU–PF and the two formations of MDC, signed a power-sharing agreement. The Agreement identifies land as a critical issue and commits to: (1) conduct a land audit to ensure accountability and to eliminate multiple farms; (2) ensure that land is allocated to eligible people on a non-discriminatory basis; (3) ensure land tenure security; (4) call for the U.K. government to accept primary responsibility to pay compensation to landowners for land acquired for settlement; (5) work to secure international support for the land reform program (including compensation for landowners and support for new farmers); and (6) work for the productivity of agricultural land.

Land tenure insecurity is extremely high in Zimbabwe, and agricultural production has suffered. Commercial farmers, as well as farmers who have been resettled on taken land, remain uncertain about the strength of their property rights. Although the formal legal system continues to function in Zimbabwe, its legitimacy has been seriously undermined through political interference. The government operates under a series of laws, orders, and emergency presidential decrees of often dubious legal authority.

In marked contrast to the 1990's, by 2004, 80% of Zimbabweans were living below the national poverty line. By January 2009, only 6% of the population held jobs in the formal sector. Takings of agricultural land and mismanagement of other natural resources have affected both the economy and the environment. The country's rural population is dependent on forest resources and is losing forest land at a rate of 1.7% per year.

Zimbabwe has an important percentage of the world's known reserves of metallurgical-grade chromite; coal deposits, platinum, asbestos, copper, nickel, gold and iron ore are also significant. Military takeover of some mining operations, along with other economic factors, have caused upheaval in the mining industry since 2000. In September 2009, both Mugabe and Tsvangirai announced intentions to prepare a policy environment conducive to mining, although questions regarding the level of black empowerment and the role of local investors were not resolved in the following months, and continued opening of the sector is not certain. Early 2010 news articles, however, indicate that the Government of Zimbabwe is counting on ramped-up mining efforts to generate the resources needed to clear IMF debt and thus make the country eligible for HIPC debt forgiveness and additional resources for growth.

The implementation of the power-sharing agreement's commitments regarding land and attention to the management of the country's other natural resources will be critical to Zimbabwe's recovery. USAID's FY 2010 programming responds to the challenges and opportunities facing the new inclusive government and includes significant programming to support strengthening the judiciary and government institutions, and reviving the agricultural sector. Programs developed by USAID and other donors can be tailored and expanded to address the following critical areas:

KEY ISSUES AND INTERVENTION CONSTRAINTS

- **Design and Execution of a Non-Partisan Land Audit.** As the power-sharing agreement recognizes, an initial priority for the inclusive government will be determining the status of landholdings throughout the country. The audit must be conducted in an impartial and objective fashion—possibly with the participation of parties from neighboring African nations—in order for the information to be deemed accurate and fair by all parties. The method applied to assess land quality will be especially critical because the assessment will impact the price paid in the event of compensation payments. Development of an impartial and effective audit will be a step toward establishment of accountable,

transparent institutions to oversee continuing land reform. *Donors can assist the government with the design of a fair and impartial audit that collects all necessary information in a transparent and verifiable fashion. The power-sharing agreement acknowledges the inclusive government's commitment to women's land rights, and donors can help ensure that the audit and any strategies or plans developed from the audit process and collected information will identify women's rights and take proactive steps to improve and protect those rights.*

- **Extension and Farm Development Programs.** Beneficiaries of government land-allocation programs require extension and farm-development programs tailored to Zimbabwe's different agro-ecological zones, infrastructure development, and inputs in order to improve productivity of their land. USAID's expanded agricultural program, which includes projects to increase household food security, mobilize financing for rural households, rebuild extension services, support contract farming and outgrower schemes, and strengthen farmer associations, will provide a broad foundation of assistance to the rural population. *As USAID and other donor programs are implemented, donors should coordinate efforts to evaluate the effectiveness of programs, fill regional and programmatic gaps, and collect and extend best practices to help ensure that the immediate food needs of the population are met while also building local capacity for long-term sustainable agricultural growth.*
- **Formalization of Informal Land Rights in Urban and Peri-Urban Areas.** Thirty-seven percent of Zimbabwe's population lives in urban areas, and the vast majority reside in informal settlements without adequate services and no tenure security. Zimbabwe has no legislation providing for the regularization of informal land rights, leaving millions of people vulnerable. *Donors can assist the government in developing appropriate strategies for urban planning and settlement upgrading, and provide technical assistance to help draft and implement legislation and programs to regularize informal rights, paying particular attention to vulnerable groups such as households affected by HIV/AIDS and households headed by women and children.*
- **Decentralized Governance of Water Resources.** The country has a framework for the management of water resources that includes local resource-governance institutions, but their authority is unclear and they lack capacity. The pressure on these institutions will increase as new farmers seek access to water in order to make their land productive. *Donor investments in the agricultural sector and irrigation should include support for strengthening the formal and informal institutions governing water resources.*
- **Natural Resource Degradation and Ineffective Management.** Zimbabwe was once a leader in community-based natural resource governance and management with relation to wildlife. The programs were not extended to forest resources, and community experience with sustainable management of natural resources has suffered as a result of the governance crisis. *Interventions are needed to support the government's efforts to update its knowledge and assist in designing programs to extend community participation to management of forest resources.*

FOR MORE RECENT LITERATURE:

<http://usaidlandtenure.net/zimbabwe>

Keywords: Zimbabwe, tenure, agrarian, land law, land reform, property rights, land conflicts, water rights, mineral rights

I. SUMMARY

Zimbabwe has been in a state of political, economic, and social crisis for the past 15 years. In 2004, 80% of Zimbabweans were living below the national poverty line. By January 2009, only 6% of the population held jobs in the formal sector. The Zimbabwean currency has been abandoned in favor of the South African rand and U.S. dollar. The country's agricultural sector has been crippled by uncompensated and unpredictable land takings. Over half the population received food aid in 2009. Fifteen percent of the population between the ages of 15 and 49 is infected with HIV/AIDS and there are over one million AIDS orphans. Life expectancy in Zimbabwe is 43 years.

Progress has been made toward a measure of political stability. Following disputed elections in 2008, Zimbabwe's political parties, ZANU–PF (Zimbabwe African National Union–Patriotic Front) and both formations of the MDC (Movement for Democratic Change) signed a power-sharing agreement committing to an inclusive government. In February 2009, the fragile system of joint rule began. Addressing continuing inequities in land distribution and low agricultural productivity are central terms of the power-sharing agreement. The parties agreed that land takings conducted under the country's Fast Track Program would not be reversed, that compensation for land taken should primarily come from the United Kingdom (Zimbabwe's prior colonial ruler), and that further redistributive land reforms are necessary.

Zimbabwe's Constitution provides a right to property and prohibits discrimination on the basis of sex. The power-sharing agreement specifically notes the need for women's land rights to be strengthened. The country's land resettlement program provides that single women should receive 20% of distributed land. However, the Constitution also permits customary law and traditional practice to trump principles of equality between the sexes in matters of personal law. In the face of discriminatory customary laws, Zimbabwean women have no legal basis to assert equal rights to inherit and hold land.

An estimated 70,000 hectares of forest land is lost every year to agriculture as populations in communal areas clear forest land to grow food and use wood for fuel. Drought occurs every 2 to 3 years, reducing the country's agricultural productivity, undermining food security, and putting pressure on water resources. In 2007–2008, collapse of water and sanitation infrastructure led to serious cholera outbreaks. The water sector benefited from revision to the legal framework but has been unable to implement the desired decentralization of sector governance effectively.

Zimbabwe is rich in mineral resources, but the government's articulated plan to take control of mining enterprises caused a withdrawal of investment and reduction in sector growth in 2007–2008. The government has withdrawn the plan in favor of a call for revisions to the legal framework to encourage increased investment in the sector.

BOX 1. MACRO INDICATORS

	Year	Score
Population, total	2008	12,462,879
Population ages 0-14: 15-64: 65+ (% of total)	2008	40.2: 55.7: 4.0
Population growth (annual %)	2008	0.1
Rural population (% of total population)	2008	62.7
Population density (people per sq. km)	2008	32.2
Literacy rate, adult total (% of people ages 15 and above)	2007	91.2
Land area: Surface area (sq. km)	2008	386,850: 390,760
Arable land (% of land area)	2005	8.3
Agricultural land (% of land area)	2005	40.4
Permanent cropland (% of land area)	2005	0.3
Irrigated land (% of cropland)	2003	5.2
Forest area (% of land area)	2005	45.3
Nationally protected areas (% of total land area)	2006	14.8
Renewable internal freshwater resources per capita (cubic meters)	2007	984.8
Annual freshwater withdrawals, agriculture: domestic: industry (% of total freshwater withdrawal)	2007	78.9: 14.0: 7.1
Crop production index (1999-2001 = 100)	2005	63.6
Livestock production index (1999-2001 = 100)	2005	99.8
GDP (current US\$)	2005	3,418,093,552
GDP growth (annual %)	2005	-5.3
Agriculture: industry: manufacturing: services, value added (% of GDP)	2005	19.1: 23.9: 13.5: 57.0
Ores and metals exports: imports (% of merchandise exports: imports)	2007	19.2: 6.2
Aid (% of GNI)	2005	11.6

Source: World Bank, 2009

2. LAND

LAND USE

Zimbabwe has a total land area of 386,000 square kilometers with a 2008 population of approximately 12 million people, 63% of whom live in rural areas. In 2005, the country's GDP was US \$3.4 billion compared to US \$7 billion in 1995. In 2005, 19% of GDP was attributed to the agricultural sector, 24% to industry, and 57% to services. Although agriculture accounts for only one-fifth of GDP, roughly 60% of the working population relies directly on agriculture for food and employment. Eighty percent of the population was living below the national

poverty line in 2004, and in January 2009 unemployment in the formal job sector was 96% (EIU 2008; World Bank 2009a; FAO 2005; Nation Master 2009; OCHA 2009).

Forty percent of the country's land is agricultural, 5% of which is irrigated. From 1959 to 2002, the country had 15 droughts occurring on average every 2 to 3 years (World Bank 2009a; Marongwe n.d.).

Forested areas make up 45% of land area, and nationally protected areas make up 15% of land area. The annual rate of deforestation in Zimbabwe is 1.7%, more than twice the average global rate of 0.8% (World Bank 2009a).

LAND DISTRIBUTION

An inequitable system of land holding was established during Zimbabwe's (formerly Rhodesia) colonial era. Colonial powers relocated black Zimbabweans from their traditional lands into reserve areas, later known as "communal areas." Under the 1930 Land Apportionment Act, half of the country's land was granted to the black African population and half to Europeans, which constituted less than 5% of the country's population. In general, the land received by the Europeans was of superior quality (Subramanian 1998).

In the 1960s a number of African countries successfully proclaimed their independence from colonial rule and Britain pressured the Rhodesian government to transition to a multi-party democracy. Instead, in 1965 the Rhodesian government asserted a Unilateral Declaration of Independence from Britain. The conflict brewing in the bush between the Rhodesian government and black majority groups, the Zimbabwean African National Union (ZANU) and the Zimbabwean African People's Union (ZAPU), erupted into a 15-year civil war (1964–1979). The war culminated with the end of white minority rule, universal suffrage, and the establishment of the Republic of Zimbabwe (Raftopoulos and Mlambo 2008).

BOX 2. LAND TENURE INDICATORS

	Score
<u>Millennium Challenge Corporation Scorebook, 2009</u>	
— Land Rights and Access (Range 0–1; 1=best)	0.271
<u>International Property Rights Index, 2009</u>	
— Physical Property Rights Score (Range: 0–10; 0=worst)	4.3
<u>World Economic Forum's Global Competitiveness Index, 2008-2009</u>	
— Property Rights (Range: 1–7; 1=poorly defined/not protected by law)	2.1
<u>World Economic Forum's Global Competitiveness Index</u>	
— Ease of Access to Loans (Range: 1–7; 1=impossible)	3
<u>International Fund for Agricultural Development, Rural Poverty Report, 2001</u>	
— Gini Concentration of Holdings, 1981-1990 (Range: 0–1; 0=equal distribution)	..
<u>International Fund for Agricultural Development, Rural Sector Performance Assessment, 2007</u>	
— Access to Land, 2007 (Range: 1-6; 1=unsatisfactory access)	1.8
<u>Food and Agricultural Organization: Holdings by Tenure of Holdings</u>	
— Total Number of all Agricultural Holdings, Year	
— Total Area (hectares) of all Agricultural Holdings, Year	
— Total Number of Holdings Owned by Holder, Year	
— Total Area (hectares) of Holdings Owned by Holder, Year	
— Total Number of Holdings Rented from Another, Year	
— Total Area (hectares) of Holdings Rented from Another, Year	
<u>World Bank Group, Doing Business Survey, 2009</u>	
— Registering Property-Overall World Ranking (Range: 1–181; 1=Best)	158
<u>World Bank Group, World Development Indicators, 2009</u>	
— Registering Property-Number of Procedures	4
— Registering Property-Days Required	30
<u>World Bank Group, World Development Indicators, 1998</u>	
— Percentage of Population with Secure Tenure	
• Harare	99.9
• Chegutu	51.5
<u>Heritage Foundation and Wall Street Journal, 2009</u>	
— Index of Economic Freedom-Property Rights (Range 0-100; 0=no private property)	5
<u>Economic Freedom of the World Index, 2008 (2006 data)</u>	
— Legal Structure and Security of Property Rights (Range 0-10;0=lowest degree of economic freedom)	3.61
— Protection of Property Rights (Range 0-10; 0=lowest degree of protection)	1.89
— Regulatory Restrictions of Sale of Real Property (Range 0-10;0=highest amount of restrictions)	4.43

When Zimbabwe claimed its independence in 1980, white farmers in the large-scale commercial farming sector controlled 75% of prime agricultural land, with farm sizes ranging from 500 to 2,000 hectares. The remainder of agricultural land was held either within the communal areas or by small-scale commercial farmers. Communal areas constituted 42% of land and supported 4.3 million people, 72% of the population (Marongwe n.d.).

Since Independence, the government has undertaken a series of land reform projects. The Lancaster House Agreement, which formed the basis for Zimbabwe's initial Constitution, established the goal of allocating land to the poor and to war veterans, with the objectives of providing for welfare of the neediest people and increasing agricultural productivity. The government agreed to acquire land for redistribution on a willing-seller, willing-buyer basis for the ten-year period of the Lancaster House Agreement, and set a goal of providing land for 168,000 households. Britain agreed to help finance the land purchases by sharing the cost with the Zimbabwean government. However, the cost of land was market-driven, and the best land was high-priced. By 1990, the government had purchased 3.5 million hectares, but only 19% was considered prime agricultural land (ZI 2004; Marongwe n.d.).

The program also fell short in land distribution and resettlement. When the Lancaster House Agreement expired in 1990, only 52,000 households (less than one-third of the target) had received land. Resettlement plans were dominated by a model based on planned village settlements with full-time farmers engaged in small-holder agriculture. As implemented, the program lacked flexibility, was expensive, and tended to provide land for asset-rich, skilled farmers. Land distribution remained highly skewed; as of 1988, some 4660 commercial farms (the majority owned by white farmers of European descent) held 11.2 million hectares, while over 1 million black families in the communal areas lived on 16.4 million hectares of land (Cousins and Scoones 2009; Subramanian 1998).

Political will for large-scale redistributive land reform waned over the decade following Independence as the focus shifted to the potential of commercial agriculture to drive economic growth and as the government recognized that the commercial farmers held much of the technical expertise in the country. Donors complained that land purchased for resettlement was leased to elites or used for state farms. With the expiration of the Lancaster House Agreement and the commitment to land acquisition on a willing seller-willing buyer basis, pressure from the rural population for the government to deliver on its promises of land redistribution grew. The government amended the provisions of the Constitution concerning property rights and adopted the 1992 Land Acquisition Act, which permitted compulsory acquisition of land for redistribution with "fair compensation" provided to the landowner. "Fair compensation" was determined by an established formula, with a right of appeal to the court. However, little land was purchased because the government lacked the funds to pay for the acquired farms. Donors showed interest but voiced concern about irregularities in land allocations. Donor funds were conditioned on demonstration of a transparent process of land acquisition, land allocation, and resettlement (Cousins and Scoones 2009; HRW 2002; Masiwa 2004; ZI 2004).

Zimbabwe entered a period of political turmoil in the late 1990s. The government's effort to adopt a new constitution allowing for compulsory acquisition of land without compensation and curtailing rights was defeated. The then-nascent opposition party, the Movement for Democratic Change (MDC), received significant support in the 2000 elections. In response to the political threat, the ZANU-PF government revitalized land reform by adopting a Fast Track Program for land acquisition and distribution. The program set a goal of acquiring 5 million hectares of land for resettlement. Groups of war veterans, thugs, and unemployed and landless youth, which had been invading commercial farms on an isolated basis for several years, increased in numbers and invaded hundreds of farms. In many cases, the invaders destroyed property and used physical violence against farm workers. Some of the invasions were spontaneous local actions, while others were orchestrated by the government. The amount of land invaded and seized quickly exceeded the goal of the Fast Track Program. In 2000, over 1600 mostly white-owned commercial farms were occupied, and by 2003 the government had acquired over 10 million hectares of land. By 2009, 6571 farms had been identified by the government for seizure. As of 2009, only 400 white-owned commercial farms remained in Zimbabwe (Cousins and Scoones 2009; HRW 2002; *ZimOnline* 2009; Masiwa 2004; ZI 2004).

Efforts to challenge the new laws, policies, and land invasions in the courts have been almost wholly unsuccessful. Zimbabwe's court system, which initially struck down many of the government's legal maneuvers

as invalid, has since been stripped of its independence. The government has continued to seize land. As of November 2009, 152 of the remaining 400 white commercial farmers faced prosecution. In a landmark ruling in 2008, the Southern African Development Community (SADC) tribunal held that the Zimbabwean government's efforts to seize 78 white-owned farms was discriminatory and violated principles of the SADC treaty. The ruling did not change the government's approach to or position on land reforms (HRW 2002; Reynolds and Flores 2009; Saller 2004; *ZimOnline* 2008; *New Zimbabwe* 2008).

The procedures for distribution of seized farmland under the Fast Track Program have been criticized as failing to meet the objectives of providing land and livelihoods for the poor. In many areas, the government militia and war veterans responsible for violent seizure of farms and eviction of farm workers were responsible for allocating land. Displaced and unemployed farm workers were ineligible for land allocations. Allegiance to the government was a primary criterion for land allocations. One study found that only about half of the beneficiaries of land allocations were the landless poor; the other half were mostly employed business people and civil servants (Marongwe n.d.).

LEGAL FRAMEWORK

Zimbabwe's legislation regarding land rights includes: the Constitution of Zimbabwe, 1979 (as amended); Communal Land Act 20 of 1982, which vests ownership of communal lands in the state; Land Acquisition Act of 1992, which allows land to be expropriated by the state for redistribution; Agricultural Land Settlement Act; Agricultural Corporations (Commercialization) Act 13 of 1997; Regional Town and Country Planning Act; Land Survey Act; Deeds Registry Act; Commercial Premises (lease control) Act 27 of 1983; Protected Places and Areas Act 27 of 1959; and Immovable Property (prevention of discrimination) Act 19 of 1982 (Reynolds and Flores 2009; Saller 2004).

Although the formal legal system continues to function in Zimbabwe, its legitimacy has been challenged internally and externally. The government operates under a series of laws, orders, and emergency presidential decrees of often dubious legal authority, as recognized by the 2008 SADC ruling against the government and in favor of commercial farmer rights. A 2007 assessment by an international team of legal professionals found that the rule of law was eroding in the country and Zimbabwe's judiciary and its rulings were often ignored by the police and government officials (Reynolds and Flores 2009; Saller 2004; IBA 2007; HRW 2002).

TENURE TYPES

Tenure types include: (1) freehold ownerships; (2) occupancy rights to land in communal areas; and (3) leases of land granted by the government through various redistribution schemes. Leases are generally granted for periods of 99 years (Shumba 2001a).

Resettlement land is classified as A1 or A2 land. Land classified as A1 is allocated in villages and in small, self-contained parcels up to 5 hectares. A1 land is allocated to small farmers and is inheritable, but cannot be sold. Land classified as A2 is intended for commercial farming. The government allocates A2 land in parcels of 2 to 2000 hectares to individuals who can demonstrate that they have the experience and access to resources necessary to farm successfully (Masiwa 2004; Chimhowu and Woodhouse 2008).

The nationalization of all agricultural land created confusion as to the transferability of land. In some cases, those holding ownership rights to land at the time of nationalization continued to operate as landowners, including selling land. In other cases, the state has exercised its status as the landowner, precluding sales. There is an active informal market in land in some rural areas (Magaramombe 2007; Masiwa 2004; Chimhowu and Woodhouse 2008).

SECURING LAND RIGHTS

Land within communal areas is vested in the President, and the Rural District Councils (RDCs) allocate land for occupancy and use. In allocating the land, the RDCs must consult and cooperate with the chief appointed to preside over the community (Sithole 2002).

Land occupied through redistribution schemes is typically leased to beneficiaries for 99-year terms with or without the option to purchase the land. Lessees are usually prohibited from transferring their rights without the permission of the relevant minister. Individuals can also acquire land by prescription if a person has openly possessed the land as if he or she were the owner for an uninterrupted 30-year period (Sithole 2002).

Land rights in Zimbabwe are highly insecure. Remaining commercial large-scale farmers fear sudden occupation and eviction. Because the resettlement is being conducted so quickly and often outside the bounds of the legal process, those who have acquired land under the Fast Track Program also lack security; many resettled persons worry about the legitimacy of their land rights, and conflicts among resettled groups occur in some areas (HRW 2002; IRIN 2009).

In addition to insecurity in the rural sector, Zimbabwe has no legislative framework providing for the regularization of informal settlements in urban and peri-urban areas. In 2005, the government initiated a series of housing demolitions in urban and peri-urban areas (“Operation Murambatsvina”). The demolitions have adversely affected 2.4 million people, displacing 700,000 people and increasing the sense of insecurity in the country’s urban areas (Chimhowu and Woodhouse 2008; IBA 2007; HRW 2005).

INTRA-HOUSEHOLD RIGHTS TO LAND AND GENDER DIFFERENCES

Women are legally able to purchase and hold land in Zimbabwe. The power-sharing agreement specifically recognizes the need for women’s access to and control over land. In reality most women do not have the resources to purchase land. Women can apply for land in resettlement areas; however, customary practices tend to discourage women from applying for land in their own name. Despite a 20% quota for land to be allocated to single women, applications for land in resettlement areas and the permits issued tend to be in the name of the male head of household (Sithole 2002; COHRE 2004; GOZ 2008).

BOX 3. LAND AND GENDER INDICATORS		Score
<u>OECD: Measuring Gender In(Equality)—Ownership Rights, 2006</u>		
— Women’s Access to Land (to acquire and own land) (Range: 0-1; 0=no discrimination)		0.9
— Women’s Access to Property other than Land (Range: 0-1; 0=no discrimination)		0.7
— Women’s Access to Bank Loans (Range: 0-1; 0=no discrimination)		0.7
<u>FAO: Holders of Land Classified by Sex, 1993</u>		
— Percentage of Female Holders of Agricultural Land		--

Despite its pronouncements against gender discrimination, Zimbabwe’s Constitution permits discrimination against women in land matters by deferring to customary law in matters related to adoption, marriage, divorce, and inheritance. Common law reflects the constitutional deference: the court case of *Magaya v. Magaya* held that a daughter could not inherit her father’s property because she was a “lady,” even though her father named her as his heir. The court awarded her father’s estate to her half-brother (COHRE 2004).

Legal marriages can be either civil or customary, as governed by the Marriage Act and the Customary Marriage Act, respectively. Under the latter, polygamous marriage is permitted. Unregistered customary marriage is not recognized by formal law: women married under customary law cannot own property jointly with their husbands; when a husband dies, land customarily passes to his sons, rather than to his spouse or daughters. Legal provision is made for spousal support according to a plan drawn up by the magistrate. Under the civil marriage regime, married couples can only hold property as “community property” if they signed and registered a written agreement to that effect prior to marriage. A woman married under the civil system after 1997 has the right to inherit the matrimonial home and a portion of her late husband’s estate (COHRE 2004).

The Matrimonial Causes Act gives divorced women the right to maintenance for themselves and their children. The Deceased Persons Family Maintenance Act provides maintenance for those dependent on the deceased, such as widows and children (COHRE 2004).

Despite legislation providing protection for spousal interests, women face obstacles to asserting such rights due to lack of resources to bring cases to courts, fear of going against customary practice, and social pressure (COHRE 2004).

LAND ADMINISTRATION AND INSTITUTIONS

The National Land Identification Committee coordinates the Land Reform and Resettlement Program. Four ministries are officially involved with the Program: the Ministry of Lands, Agriculture, and Rural Resettlement; the Ministry of Local Government, Public Works and National Housing; the Ministry of Rural Resources and Water Development; and the Ministry of Environment and Tourism. In practice, the Ministry of Local Government, Public Works and National Housing is the primary ministry operating the program. Provincial Land Identification Committees work with District Land Identification Committees, which have members from rural district councils, traditional leaders, and the War Veterans Association. Farm owners can appeal to the Provincial Land Identification Committees if they disagree with the selection of their farm for redistribution. Appeals are generally denied (HRW 2002; Marongwe n.d.).

Administration of Zimbabwe's land lacks transparency, clear assignment of authority, and capacity. Many land administration agencies have been created and changed at the whim of the government; civil society groups and members of the former opposition government have unsuccessfully challenged the authority of the land agencies (Saller 2004; Jacobs and Chavunduka 2003).

The Communal Land Act of 1982 removed the authority to manage and allocate land from customary institutions and vested authority in elected local government institutions. The government often suggested that the customary institutions collaborated with the former white minority government in order to undermine their authority and ensure the power transferred to the local government. Traditional practices of land administration often continued under the elected local government institutions (Subramanian 1998; Dore 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. Chiefs use village heads, or *masabukhu* (singular *sabukhu*) to maintain the local tax registers. Each village or kraal (20–25 households) is governed in land matters by a head or *sabukhu* reporting to the chief, who in turn is answerable to the RDC (Marongwe 2003).

LAND MARKETS AND INVESTMENTS

Zimbabwe does not have a formal land-sale market for agricultural land. Zimbabwe's commercial farmland is leased for 99-year periods, and transfer of leases requires government approval. Land in communal areas (66% of agricultural land) cannot be legally sold. However, because of the high demand for land, holdings in communal areas and A1 resettlement land (small farms and village land) are often transferred extra-legally. In some communal areas, traditional authorities sell parcels of grazing land to newcomers for residential and farming purposes, a practice that increases the tax revenue collected by the authorities. There is also a strong market in sales and rentals of houses in rural areas. Residents leaving the area or those who obtained land in the resettlement program often rent their houses to urban residents migrating to rural areas after the loss of their housing, and to former farm workers who lost their houses in farm invasions (Chimhowu and Woodhouse 2008; Chimhowu and Woodhouse 2010).

Under the land reform program, the government has acquired large tracts of land for resettlement in urban and peri-urban areas. In some cases the government seized productive farmland that served the nearby urban residents. Residential settlements have sprung up, but in most cases the settlements lack planning and have no services. The selection of beneficiaries for the new developments has not been transparent or in accordance with legitimate procedures. The formal law prohibits the transfer of the plots, but an active informal market exists in some areas (Marongwe 2003; Chimhowu and Woodhouse 2010).

Most urban land in Zimbabwe continues to be privately owned and, in comparison to rural land, is considered relatively secure. Unchecked inflation and the rapid devaluation of the country's currency caused those with the resources to do so to invest in urban real estate, causing a real estate boom (Dzirutwe 2006).

In the capital, Harare, registration of a land transaction requires four steps and roughly 30 days. Fees for the registration are assessed at 10% of the property value (World Bank 2008).

COMPULSORY ACQUISITION OF PRIVATE PROPERTY RIGHTS BY GOVERNMENT

The largest compulsory acquisition issues in Zimbabwe relate to land takings for resettlement. After the expiration of the Lancaster House Agreement in 1990, legislation permitted land takings for resettlement with payment of “fair compensation.” Land for acquisition and resettlement under the Fast Track Program is technically limited to unutilized or underutilized land, land owned by a farmer who has other farms, foreign-owned land, and land contiguous to Communal Areas. In practice, the political affiliation of landowners influenced the initial identification of land for acquisition. As time passed and efforts to require the takings to comply with legal requirements failed, all but a handful of commercial farms became targets for acquisition. The government has provided compensation for 203 of the 6571 farms acquired since Independence (Reynolds and Flores 2009; HRW 2002; *ZimOnline* 2009).

The Land Acquisition Act, amended in 2000, streamlined the government’s ability to acquire agricultural land for resettlement. The Act no longer requires the acquiring authority to prove that the land acquired is suitable for agricultural purposes, and the government can take possession of the land immediately on serving notice to the landowner. The government is not required to pay for the land itself, but is required to pay for improvements within 5 years of the taking (Masiwa 2004; Marongwe 2003).

The Rural Occupiers (Protection from Eviction) Act, 2001, prevents the eviction of people who have invaded a particular farm until the issue is determined in an Administrative Court. Those who invaded and occupied farms—regardless of their economic status—have been among the first to be allocated land under the Fast Track Program (Masiwa 2004; Marongwe 2003).

LAND DISPUTES AND CONFLICTS

Inequitable land distribution has been at the heart of historic grievances within Zimbabwe. The Fast Track Program introduced new insecurities and created new conflicts. Occupations of white-owned commercial farms were often accomplished through destruction of property, violence against landowners, and brutal attacks on thousands of black farm workers. Settlements of small farmers formerly living within communal areas (under the A1 scheme) have been plagued with conflicts over farm boundaries, access roads, use of farm infrastructure, grazing rights, woodlots, and irrigation. Within settlements of commercial farms (under the A2 scheme), conflicts have arisen over how to divide the large-scale infrastructure designed for very large farming operations for use by the many farmers (Magaramombe 2007).

The country’s 20 magistrate courts are the courts of first instance for land disputes. A parallel system of courts (1100 village courts and 50 community courts) applies customary law. Jurisdiction is limited to civil and small criminal matters. The magistrate courts hear disputes related to land if the value of the land is very low. Otherwise, the Administrative Court or the High Court has jurisdiction over land disputes. The Administrative Court has jurisdiction over matters related to land acquisition under the Land Acquisition Act. The High Court has jurisdiction over issues related to derelict land under the Titles and Registration Act and also deals with disputes over land ownership such as sale, lease, inheritance, and divorce disputes (Reynolds and Flores 2009; Sithole 2002; Saller 2004).

KEY LAND ISSUES AND GOVERNMENT INTERVENTIONS

Under the power-sharing agreement, ZANU–PF and the two formations of MDC acknowledge the importance of addressing historical imbalances in land ownership and agree on the irreversibility of land takings that have occurred since 2000. The parties have agreed to: (1) conduct a land audit; (2) ensure that land is fairly allotted regardless of political affiliation, race, or gender; (3) ensure tenure security for all holders; (4) call on the Government of the United Kingdom to pay compensation for land acquired for resettlement; (5) secure international support and finance for the land reform both in terms of compensation for displaced farmers and support for new farmers; and (6) restore the full productivity of all agricultural land (GOZ 2008).

Zimbabwe's Agricultural Policy Framework (1995–2020) set the country's long-term policy objectives for the agricultural sector. Agricultural development is based on the following principles: (1) land and agrarian reforms will be pursued to ensure productive use of land; (2) institutional development will focus on efficient delivery of services to farmers; and (3) development of a public sector investment program to support agricultural development (FAO 2008; Gumbo 2006).

The Government of Zimbabwe launched a multi-sector framework, the National Economic Recovery Programme (NERP), in 2003. In the agricultural sector, NERP focuses on the need to provide land tenure security, promote effective land utilization, review minimum farm sizes, provide farm input support, establish producer pricing policies; encourage contract farming; promote dairy farming and livestock development; establish farmer associations; promote irrigation development; establish a land bank; improve marketing of agricultural commodities internally and externally; and assure food security through productivity growth (FAO 2008).

The success of Zimbabwe's efforts to implement its land and agricultural policies and restart the rural economy depend in part on its ability to attract new foreign assistance. As of January 2010, the country had US\$ 6 billion in international debt and was engaged in parliamentary debate over whether to seek debt relief through the IMF/World Bank Heavily Indebted Poor Country (HIPC) Initiative. Two of the criteria that the HIPC Initiative requires from countries applying for debt relief are the establishment a track record of reform through World Bank and IMF programs and the development of a Poverty Reduction Strategy Paper (PRSP) through a broad-based participatory process. As of February 1, 2010, Zimbabwe was not among those countries listed with the IMF as interested in receiving HIPC Initiative assistance (IMF 2010).

DONOR INTERVENTIONS

In FY 2010, USAID's programming responded to the challenges and opportunities facing the new inclusive government and included significant programming strengthening the judiciary and government and focused on reviving the agricultural sector. If the government meets certain benchmarks, USAID will support institutional reforms aimed at promoting judicial independence and neutrality. USAID will also support programs to promote good governance, accountability, and consensus-building activities, including support for development of a new constitution, development of local government capacity, and the engagement of civil society in national dialogue. In the area of economic growth, USAID will promote private sector development and agricultural recovery, including policy reform to generate investor-friendly conditions and to address agricultural land tenure. USAID will expand agricultural livelihood programs to increase household food security, mobilize financing for rural households to purchase agricultural inputs, help rebuild extension services, develop a farmer union, support contract farming and outgrower schemes that deliver inputs to small-scale farmers and guarantee ready markets for produce, and strengthen farmer, commodity and agribusiness associations to enhance advocacy, research, analytical, and arbitration skills (USDS 2010).

In the past, USAID has provided wide-ranging support to Zimbabwe, including programs in agriculture, drip irrigation to smallholders, housing, drought-relief, and environmental programs. Fifteen percent of the population aged 15 to 49 is infected with HIV and AIDS, and there are over 1 million AIDS orphans. Life expectancy in Zimbabwe is 43 years. USAID has funded HIV/AIDS programs as part of its core activities in Zimbabwe and included attention in its other programming to the population infected by or vulnerable to HIV/AIDS (USAID/Zimbabwe n.d.; PEPFAR 2008; IRIN 2009).

The Food and Agriculture Organization (FAO) has been actively engaged in Zimbabwe's agricultural sector throughout the crisis. Current projects include assisting smallholder farmers with inputs, and providing technical assistance and funding for livestock and vegetable-growing projects. The FAO is a member of the group of donors providing substantial support for the country's irrigation and water sector (FAO 2005; FAO 2008).

In 2009, the World Bank provided a US\$ 7 million grant for the Zimbabwe Emergency Agricultural Inputs Project (ZEAIP) in response to the food crisis in Zimbabwe. The grant was designed to finance the purchase and distribution of maize seed to approximately 300,000 smallholder farmers (World Bank 2009b).

3. FRESHWATER (LAKES, RIVERS, GROUNDWATER)

RESOURCE QUANTITY, QUALITY, USE AND DISTRIBUTION

Zimbabwe has total annual internal renewable water resources of 12.26 cubic kilometers: 11.26 cubic kilometers are surface water resources and 6 cubic kilometers are groundwater, with an estimated 5 cubic kilometer overlap between the two sources. The country has an average annual rainfall of 657 millimeters, but rainfall can range from over 1000 to only 300 to 450 millimeters, depending on location. Rainfall figures decrease steadily across the country from north to south and also from east to west. Thirty-seven percent of the country can sustain rain-fed agriculture, while the remainder is dependent on supplemental or full-time irrigation (FAO 2005; FAO 2008).

In 2002, total water withdrawal in Zimbabwe was approximately 4.2 cubic kilometers. Seventy-nine percent of this water was used for agriculture, including irrigation, fish-farming and livestock. Zimbabwe has an estimated 550,000 hectares that are irrigable, but irrigation systems have been developed for only 200,000 hectares. Of the developed systems, many have deteriorated or been destroyed in the years of conflict related to land reform efforts (FAO 2008; FAO 2005).

Zimbabwe is bordered by the Zambezi River to the north and by the Limpopo River to the south. Both rivers flow into Mozambique and are fed by Zimbabwe's internal river systems. Zimbabwe's seven major rivers flow into seven river catchments: the Save, Runde, Mzingwane, Gwayi, Sanyati, Manyame, and Mazowe. Reservoirs have been and are being developed to better exploit the country's water resources. Zimbabwe's major reservoir capacity comes from Lake Kariba, which the country shares with Zambia. The country's irrigation potential draws primarily on these surface water resources (FAO 2005).

In recent years, drought has strained farmers and pastoralists, and the land reform and resettlement program has created an increased need for the development of irrigation systems for smallholders. Zimbabwe has well-developed dams, but they have not been fully exploited. Beginning in the 1990's the government recognized the need for a new framework governing water resources, and the importance of providing irrigation for smallholders in order to increase agricultural productivity (FAO 2005; FAO 2008; Marongwe n.d.).

Industry, human waste, and agriculture practices have polluted Zimbabwe's water sources. Deep wells and boreholes are often subjected to chemical contamination, while shallow wells are vulnerable to bacteriological and physical contamination. People living downstream are particularly affected. The crisis in Zimbabwe has also resulted in the deterioration of urban water and sanitation systems, leading to serious cholera outbreaks (Manyanhaire and Kamuzungu 2009; USAID 2009; IRIN 2009).

LEGAL FRAMEWORK

The Water Act of 1998 and the National Water Authority Act of 1998 are the cornerstones of the Government of Zimbabwe's legal framework governing water resources. Under the Water Act, water resources are vested in the President and cannot be privately owned. The Zimbabwe National Water Authority Act, 1998, established the Zimbabwe National Water Authority (ZINWA), the parastatal agency responsible for water planning and supply (FAO 2005; Chikozho and Latham 2005).

Zimbabwe does not have a national irrigation policy. National objectives for agriculture, including irrigation, are captured in Zimbabwe's Agricultural Policy Framework (ZAPF), which is effective for the 1995–2020 period. Policy objectives include: increases in irrigated areas, primarily targeting smallholders; equitable and efficient allocation of water resources; creation of water-pricing structures based on cost and "social efficiency;" establishment of improved institutional structures; and implementation of drought mitigation plans (FAO 2005).

The Environment Management Act (2002) provides the legal foundation for the sustainable management of natural resources (including water), prevention of pollution and environmental degradation, preparation of national and other environmental management plans, and custodianship of the country's environmental impact assessment policy. The Act provides for an Environmental Management Agency that has the power to advise on, plan, and regulate matters of environment (Gumbo 2006).

Under customary law, Zimbabwe's water belongs to the land. All residents have the right to use water resources for domestic needs, irrigation, watering livestock, and for use in activities such as brick-making. Under customary law, water use is governed by local water-point committees, or, in their absence, chiefs, headmen, or village assemblies. These traditional bodies continue to exercise authority over water resources in many areas (Chikozho and Latham 2005).

TENURE ISSUES

Under formal law, the state owns all surface and groundwater in Zimbabwe. All Zimbabweans have the right to water for primary (domestic) use while other uses require state approval. Water rights are managed by Catchment Councils, which can issue permits for water use for agriculture and industry. Permits are typically valid for 12 years and are renewable. Payments are made based on the volume of water used, and permits transfer with the sale of land (FAO 2005; Sithole 2002; Magaramombe 2007; Chikozho and Latham 2005).

Under customary law, the population has the right to use water for all traditional purposes, without obtaining a permit or making any payment. Zimbabweans have a long history of managing water resources at local levels, including establishing practices governing hand-dug wells, springs, and boreholes. In some areas, a water source on private homesteads may be considered a public resource (Chikozho and Latham 2005; Adams et al. 2006; Gumbo 2006).

GOVERNMENT ADMINISTRATION AND INSTITUTIONS

The Ministry of Rural Resources and Infrastructural Development (MRRID) establishes policies on water resource development. Several departments and parastatal agencies under MRRID are involved in irrigation and water: the Department of Water Development, ZINWA, and the District Development Fund. ZINWA advises the Minister on the formulation of national water policies and standards and, in conjunction with Catchment Councils, is responsible for the planning, coordination and management of national water resources and delivery. There are seven Catchment Councils, which represent all stakeholders in their catchment areas including both smallholders and large commercial operators. Catchment Councils and Sub-Councils prepare plans for the development and utilization of the water resources in their areas, create inventories, and develop water-development proposals in line with the inventory of resources (FAO 2005; Magaramombe 2007; Gumbo 2006).

The Ministry of Agriculture and Rural Development (MARD) is responsible for agriculture and irrigation policy-development and implementation. Departments and parastatal agencies involved in irrigation under the control of MARD include the Department of Research and Extension Services, the Agricultural and Rural Development Authority, the Grain Marketing Board, and the Department of Irrigation (FAO 2005).

The Ministry of Local Government, Public Works and National Housing oversees smallholder irrigation development. The Ministry of Finance and Economic Development manages financial resources for irrigation development (FAO 2005).

Customary law provides that local bodies such as water-point committees and village councils, or traditional leaders such as chiefs and headmen, have authority to manage the community's water resources. Community sanctions ensure compliance with established rules. In many areas, the traditional bodies continue to govern issues of day-to-day water access and use, with water-point committees reporting in some cases to Catchment Councils or sub-Councils (Gumbo 2006; Chikozho and Latham 2005).

GOVERNMENT REFORMS, INTERVENTIONS AND INVESTMENTS

The Water Act and the Zimbabwe National Water Authority Act are the culmination of Zimbabwe's overhaul of the legislative framework for the water sector. In the last decades, the government has indicated its support for large- and medium-scale dam projects and irrigation development designed to support small farmers, although it has often relied almost entirely on donor funding for execution of projects (FAO 2005).

The Zimbabwe's Agricultural Policy Framework (1995–2020) includes the following objectives: (1) growth in the irrigated area (particularly in the smallholder sector) with minimal negative impacts on the environment and human health; (2) equitable allocation and efficient use of scarce water resources; (3) establishment of a water-pricing structure that is consistent with cost and social efficiency; (4) establishment of an effective institutional structure; and (5) implementation of drought-mitigating strategies (Gumbo 2006).

The Government of Zimbabwe's 2003 National Economic Recovery Programme (NERP) singles out irrigation as the most important and necessary requirement for agricultural development given the country's vulnerability to drought and the high risks associated with rainfed agriculture. The broad strategy and policy objectives in the irrigation subsector aim to: (1) contribute to poverty alleviation by targeting resource-poor smallholder farmers with an aim to increasing farm incomes; (2) increase agricultural production and enhance food security at the household level by ensuring some crop production during droughts and dry seasons; (3) extend cropping opportunities and provide a wider variety of crops in both wet and dry seasons to improve nutritional status; (4) create an enabling environment for irrigated agriculture by facilitating and encouraging the private sector to invest in irrigation development; (5) enhance human capacity for irrigated agriculture in the public, parastatal and private sector; and (6) create a spirit of business culture in the smallholder farmers (FAO 2008; Gumbo 2006).

DONOR INTERVENTIONS AND INVESTMENTS

Donors providing water and sanitation support to Zimbabwe include USAID in conjunction with the Office of U.S. Foreign Disaster Assistance (OFDA), the European Commission, the United Nations Children's Fund (UNICEF), the Department for International Development (DFID), New Zealand Aid, the Swedish International Development Cooperation Agency (SIDA), the German Government and others. The FAO, the International Fund for Agricultural Development (IFAD), New Partnership for Africa's Development (NEPAD), the European Union (EU), the Japan International Cooperation Agency (JICA) and other partners have joined in a 5-year (2010–2015), US\$ 900-million project to develop and rehabilitate Zimbabwe's irrigation systems and institutions. The project follows on and expands and deepens the FAO's US\$ 5.9 million project providing agricultural inputs— including irrigation—to smallholders, which ended in 2009 (FAO 2008).

The United Nations Water Sanitation and Hygiene (WASH) Cluster focuses on coordinating efforts in water sanitation and hygiene with the goal of halting and containing cholera outbreaks. The International Federation of Red Cross and Red Crescent Societies (IFRC) and the Zimbabwean Red Cross Society have undertaken projects to rehabilitate water points, assist in the formation of water-point committees, and provide community training on sanitation (UNICEF 2007; USAID 2009; IFRC 2009; DFID 2008).

4. TREES AND FORESTS

RESOURCE QUANTITY, QUALITY, USE AND DISTRIBUTION

As of 2005, Zimbabwe's forest area was 49% of total land area with original forests constituting 7% of land area. Two percent of Zimbabwe has been designated as gazetted/protected forest and 13% as national parks. Forested areas of Zimbabwe are mainly savanna woodlands with a few patches of sub-tropical forest in the eastern sections of the country. Most intact forest areas are within gazetted state forests, national parks, the eastern highlands, and large-scale commercial farms (Earthtrends 2003; Shumba 2001a).

Zimbabwe's forests provide its population with timber, fuelwood, wood for charcoal-making and crafts, fodder, fruit, honey, medicinal plants, mushrooms, insects, bark, leaves, and gum. Forest land also provides valuable protection for watersheds and wildlife habitat and assists in preventing soil degradation and erosion (Mabugu and Chitiga 2002).

From 1990–2000, total forest area in the country declined by 14%, with natural forests declining by 15% and forest plantation areas increasing by 2%. An estimated 70,000 hectares of forest land is lost every year to agriculture. The highest rates of deforestation occur in communal and resettlement areas where the needs of increasing populations encourage farmers to clear and settle forest land for agriculture. Other causes of

deforestation include overgrazing, forest fires, overexploitation of timber, and the cutting of trees for fuelwood and construction (Earthtrends 2003; Shumba 2001a).

Communal and resettlement areas include 10 million hectares of woodlands that are used by rural households for wood fuel, construction timber, and livestock fodder. Woodlands in large-scale commercial farms cover 7 million hectares. These woodlands provide timber and wildlife habitats. Six million hectares of woodlands are contained in gazetted state forests (0.8 million hectares) and protected areas (5.4 million hectares). Exotic commercial plantations cover 110,000 hectares. While communal areas have the largest land areas covered by trees and scrub, forests in communal areas are thin and heavily depleted (Shumba 2001b).

LEGAL FRAMEWORK

The principal forestry legislation is the Forest Act (for gazetted forests), the Communal Lands Forest Produce Act (CLFPA) (for communal areas), and the Parks and Wildlife Act (PWLA). CLFPA vests the management of forestry exploitation within Communal Areas with the Minister of Environment and Tourism. Under the law, exploitation of forest resources in communal areas by inhabitants of communal areas is limited to household consumption. Local individuals can only use forest resources for their personal use in accordance with a license, permit or other agreement. Within these areas, the sale and supply of any forest product to others is prohibited. However, such forest resources can be exploited on behalf of the state by the Minister. In some areas, Rural District Councils can grant outsiders concessions to use forest products for commercial purposes (Shumba 2001a).

The Forest Act primarily regulates state forests and forests existing within lands used by large-scale commercial farms. The Act prohibits harvesting or destroying timber except under the terms of a valid timber permit. The Act also provides for the establishment of demarcated forest areas and creates a Forestry Commission (Shumba 2001a).

The Parks and Wildlife Act defines six types of protected areas: national parks, sanctuaries, botanical gardens, botanical reserves, and recreational parks. Within these areas, which comprise 13% of land area, all human activity is prohibited except by permit, license, or other authorization (Shumba 2001a).

TENURE ISSUES

Once viability for harvesting in gazetted forests is established by the Forestry Commission, harvesting rights are awarded through an open-tender process requiring an environmental impact assessment. The Forestry Commission oversees logging and uses revenues for future forest-management (Shumba 2001b).

Forests in communal areas that are not considered to be of commercial timber value (most of the wooded area) are exploited by local populations for timber and non-timber products. Historically, such use has been subject to local rules and traditional practices rather than governmental regulation. These traditional systems of management are straining under population pressures, resulting in the sharp degradation of forests in communal areas. Because of increasing population pressure, the rural poor often move illegally into demarcated forest areas and clear them for agriculture, a practice that has led to conflicts between these groups and the Forestry Commission (Shumba 2001a; Shumba 2001b).

GOVERNMENT ADMINISTRATION AND INSTITUTIONS

The Ministry of Environment and Tourism is in charge of forest management through the Forestry Commission, the Department of Natural Resources, and the Department of National Parks and Wildlife Management. The Forestry Commission provides policy advice to the Minister of Tourism and Environment, administers the Forest Act, and regulates the management and exploitation of state forests and any other forests on state land. The Commission is responsible for: (1) promoting the development of the country's natural resources for the benefit of the people; (2) introducing additional forms of land-use, including recreation and non-consumptive game safaris, to optimize the benefits from land under its control; (3) carrying out research to improve the efficiency of forestry; (4) promoting the socio-economic benefits of natural resource management and ensuring adequate funding for

environmental programmes; and (5) developing appropriate models to integrate the indigenous woodlands into the entire production process of rural communities (Shumba 2001a; Shumba 2001b; Chifamba 2009).

In the early 1980s the Forestry Commission began a social forestry program, but it was soon overtaken by the growing political and economic instability, which left the Commission without sufficient financial resources, capacity, or equipment. Only one joint forest management project is reported, and its achievements are unknown (Shumba 2001a; Shumba 2001b; Chifamba 2009; Mogata et al. 2001).

Commercial timber extraction in communal areas is overseen by the Rural District Councils (RDCs). Based on a forest inventory approved by the Forestry Commission, an RDC may call for commercial tenders for exploitation, which also requires an environmental assessment. Ten percent of the fees collected from the winning concessionaire are given to local communities to be used for public and social services in the community (Shumba 2001b).

GOVERNMENT REFORMS, INTERVENTIONS AND INVESTMENTS

Since 1999, the Agricultural Services Support Program (ASSP) has implemented a rural afforestation program. This program follows on several previous efforts. Program goals include: increasing forest cover through planting and woodland management; increasing rural incomes through the promotion of forest-based enterprise; and building local capacity for sustainable forest management. Existing institutions are severely underfunded (Shumba 2001a; Chifamba 2009).

Zimbabwe developed a National Strategy for the Sustainable Management of Forests in the 1990's, which included programs relating to improved environmentally sound harvesting practices, afforestation, increased agroforestry activities; and the formation of an NGO-based working group on woodlands. The group operated as a think-tank of four NGOs—the Southern Alliance for Indigenous Resources (SAFIRE), Environmental Development Action/Zimbabwe (ENDA), the Biomass User's Network and the Zimbabwe Environment Resource Organization (ZERO)—that met periodically to discuss woodland management issues in Zimbabwe and attempt to influence policy development (UN 1998).

Zimbabwe has been a pioneer in the area of community-based resource management through the development of its Communal Areas Management Programme for Indigenous Resources (CAMPFIRE). CAMPFIRE programs were designed to empower local communities and to devolve some of the benefits of wildlife to these communities. CAMPFIRE projects derive almost all of their income from safari hunting, the proceeds of which are distributed to members of the communities that help to protect these wildlife assets and tolerate the damages and risks associated with them. The program is most successful in areas of high-value wildlife resources, low populations, and low levels of agriculture. The program has not been extended to forest resources. Challenges to such extension include the lower value of forest resources, the lack of incentives for local leaders and government officials to support community-based management, and rural population's dependence on forests and forest products for survival (Mogata et al. 2001).

DONOR INTERVENTIONS AND INVESTMENTS

In past decades, the European Community, DFID, and the Global Environment Facility (GEF) have supported forest sector projects. The sector has also been supported by ENDA/Zimbabwe which promoted the development of Zimbabwe's rural communities in the environmental, social, educational and technological spheres and worked on several non-wood forest products. The Zimbabwe National Conservation Trust (ZNCT) has worked in forest areas promoting projects relating to the environment and the utilization and conservation of natural resources (Campbell and Brigham 1993; World Bank 2005).

In a 2005 report, the World Bank identified Zimbabwe as a priority country for forest and biodiversity conservation. The report noted that no interventions were planned at that time (World Bank 2005).

5. MINERALS

RESOURCE QUANTITY, QUALITY, USE AND DISTRIBUTION

Zimbabwe has significant mineral resources. Mine operators have struggled to maintain operations in Zimbabwe in the face of hyperinflation, frequent power cuts, lack of foreign currency and ongoing shortages of food, fuel, spare parts, and skilled labor. Despite these difficulties, Zimbabwe's output includes globally-significant amounts of asbestos, chromite, platinum, vermiculite, and lithium. In recent years, Zimbabwe's production of diamonds, graphite, phosphate rock, chromite, and platinum has grown. Other important minerals include gold, iron and steel, and coal. Prior to the political and economic crisis, gold production was an important source of foreign currency. There have been no discoveries of commercially-viable petroleum deposits, but the country is rich in unexploited coal-bed methane gas. In 2007, mining contributed 11% of GDP (Mobbs 2006; USDS 2009; Magaramombe 2007).

In June 2009, Human Rights Watch alleged that the Government of Zimbabwe facilitated or condoned by inaction the army's takeover of diamond mines in Marange. These mines were formerly operated by unlicensed miners, and the army took control to access and control the minerals and profits. The army was accused of using forced labor and violence to exploit the mines. The government, which has an interest in the diamond mines, has denied the allegations. In March 2010, the company denied access to a Parliamentary Committee formed to investigate allegations of abuses (*BBC News* 2009; *ZWNews* 2010).

LEGAL FRAMEWORK

Legislation governing Zimbabwe's mineral resources includes: Mines and Minerals Act 38 of 1961 (Amended); Mining (General) Regulations of 1977; Zimbabwe Mining Development Corporation Act 31 of 1982; Mineral Marketing Corporation of Zimbabwe Act 2 of 1982; Precious Stones Trading Act; Gold Trade Act of 2006; Pipelines Act 45 of 1970; and Mozambique-Feruka Pipeline Act 41 of 1962 (Reynolds and Flores 2009; Mobbs 2006).

TENURE ISSUES

The right to all mineral resources is vested in the President of Zimbabwe. Rights to prospect are obtained through licenses that are valid for 2- and 5-year terms. Miners can also obtain Exclusive Prospecting Orders, which provide an exclusive right to prospect for specific minerals in a defined area for 6-year terms. Miners with licenses can exploit mineral resources contained within lands owned or held by others. Licensed miners must provide prior notice of intention to prospect to the owner of the surface land, including private land, town lands, communal areas, small-scale farming areas, and demarcated or private forest. On such land there are limitations on where a prospector can mine, such as certain distances away from houses and buildings and cultivated land (GOZ 1961).

GOVERNMENT ADMINISTRATION AND INSTITUTIONS

The Ministry of Mines and Mining Development manages the mining sector. The government participates in mining through the Zimbabwe Mining Development Corporation (ZMDC), which was formed in 1982. The ZMDC is active in exploration and mining (Mobbs 2006; Global Infomine 2009).

The state-owned Minerals Marketing Corporation of Zimbabwe markets almost all mineral production in Zimbabwe. The Government of Zimbabwe frequently uses future mineral outputs as collateral or as barter for goods with foreign banks or governments (Mobbs 2006).

GOVERNMENT REFORMS, INTERVENTIONS, AND INVESTMENTS

In 2007, the government introduced a bill to amend the Mines and Minerals Act to require mining companies engaged in the extraction or exploitation of strategic energy minerals (coal, methane, uranium) to transfer 51% ownership to the state. Companies mining precious minerals would be required to transfer a 25% share of

ownership to the state without compensation and another 26 % to the state or indigenous Zimbabweans. The bill was withdrawn in 2009 (*Zimbabwe Independent* 2009; Mobbs 2006; Chinaka 2009).

The new inclusive government identified the need to improve the performance of the minerals sector and, in particular, the revenue received by the state from the sector. The inclusive government plans to take several actions to improve performance, including reviewing the framework for mining rights and the pricing of minerals and surrender requirements. The government plans to amend the Mines and Minerals Act to facilitate review of surface rentals and discourage hoarding and speculating. The government also plans to draft an Exploration, Registration and Extraction Mining Policy that will separate exploration for minerals from extraction policies and strategies. The government will explore the establishment of an institution responsible for exploration issues, including collecting and building a comprehensive endowment (ZIA 2010).

DONOR INTERVENTIONS AND INVESTMENTS

In 2009, the World Bank evaluated the minerals sector and made a series of recommendations, including liberalizing the requirement for single-channel marketing through the Minerals Marketing Corporation of Zimbabwe (Mano 2009).

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