



Refugee Documentation Centre (Ireland)
LEGAL AID BOARD

Zimbabwe - Researched and compiled by the Refugee Documentation Centre of Ireland on Thursday 3 & Friday 4 June 2016

Information on the system of land ownership and land registration; Is property that has been “gifted” to individuals by the government subject to formal registration/legal transfer; What are individuals expected to do in return for receiving gifts of land from the state

In May 2016 *Business Anti-Corruption* states in a report that:

“...property rights are poorly protected. The land management system is fragmented...[with a] multiplicity of statutory, customary and religious stakeholders...Unlike agricultural land, residential and commercial properties in cities are generally well enforced...and registering property takes less time than on regional average...” (Business Anti-Corruption (May 2016) *Business Corruption in Zimbabwe*).

Voice of America in April 2016 states:

“Thousands of blacks affiliated to the ruling elite are believed to be owners of pieces of land with some of them having multiple farms. A land audit appears to be resented by those in power fearing that they may be exposed if an independent assessment of land ownership is conducted in Zimbabwe” (*Voice of America* (12 April 2016) *Zimbabwe Land Issue Unresolved 36 Years After Independence*).

A report issued in March 2016 by *Reuters* points out that:

“All agricultural land in Zimbabwe is owned by the government...” (Reuters (22 March 2016) *We can't pay: Zimbabwe farmers resist compensating evicted white landowners*).

Landportal in February 2016 notes that:

“Government has introduced a new data system that will curb multiple farm ownership by not allowing anyone who already has multiple farms under A1 or A2 to be allocated another piece of land. The new database system is being implemented in conjunction with the Registrar-General's Office and is part of Government strategy to weed out individuals who have multiple farms. Under this system, data captured from the Registrar's Office will be used to verify the particulars of allottees to ensure that those who use fake particulars are dealt with” (*Landportal* (11 February 2016) *Zimbabwe: Govt to Weed Out Multiple Farm Owners – Minister*).

In 2016 the *Bertelsmann Foundation* states:

“The official start of the fast-track land reform in 2000 seriously undermined the validity of private property rights in Zimbabwe...” (Bertelsmann Foundation (2016) *BTI 2016; Zimbabwe Country Report, 2016*, p.4).

This document also notes:

“Since the implementation of the fast-track land reform program in 2000, property rights in Zimbabwe are not guaranteed. This is further complicated by the confiscation of land from white farmers” (ibid, p.21).

This report also states:

“In the new constitution, property rights are guaranteed” (ibid, p.22).

The *World Bank* points out in a report issued in 2016 that:

“According to data collected by Doing Business, registering property there requires 5.00 procedures, takes 36.00 days and costs 7.60 % of the property value...” (World Bank (2016) *Doing Business 2016, Zimbabwe*, p.45).

This document also states that:

“Upon payment of transfer fees to the conveyance, he will draft a proposal deed of transfer (in duplicate) deriving the powers to do so from the signed and witnessed agreement of sale. In drafting the proposal transfer deed the conveyancer will always refer to the deed from the seller and other information from the Deeds Office. The proposal must also refer to the diagram deed which will be annexed to the first transfer deed” (ibid, p.47).

A report published in April 2016 by the *United States Department of State* commenting on events of the preceding year notes:

“At year's end several thousand households in disputed farming areas were at risk of displacement due to verifiable threats or eviction notices. Most of the persons displaced had resided on their land for years without formal offer letters or title deeds” (United States Department of State (13 April 2016) *2015 Country Reports on Human Rights Practices – Zimbabwe*).

In July 2015 *Freedom House* states in a report that:

“In rural areas, the nationalization of land has left both commercial farmers and smallholders with limited security of tenure” (Freedom House (10 July 2015) *Freedom in the World 2015 – Zimbabwe*).

A report issued by *Deutsche Welle* in May 2015 notes that:

“Some 4,500 white farmers were dispossessed, sometimes forcibly, and a million black Zimbabweans were settled on their land. A number of new medium-sized farms were created but by and large the land was redistributed to small-scale farmers – and to people who had good connections to the Mugabe regime” (Deutsche Welle (19 May 2015) *Zimbabwe's fast-track land reform shows little benefit 15 years on*).

This document also notes that:

“There is massive land under-utilization...Less than 40 percent is currently being used productively...no real work is being done on many of the new large farms now in the hands of members of the political elite. Small farmers lack the necessary know-how and do not have enough capital to purchase the equipment they need, seeds, fertilizer or fuel. They get no support from the government...black farmers were given

land but "there is no clear tenure system that guarantees that the land belongs to them... That meant farmers were uncertain whether they would be able to use the land in the long term or whether their wives and children would inherit on their deaths. "Tenure is hitched on the political party that you support... It is equally unclear how responsibility is divided between the various ministries and authorities who should be able to clarify such issues" (ibid).

A report published in June 2014 by the *Zimbabwe Human Rights NGO Forum* notes:

"In Zimbabwe, the right to property is provided for in the Bill of Rights under Section 71 (2), (3) and (4) of the Constitution..." (Zimbabwe Human Rights NGO Forum (June 2014) *Bulletin on Property Rights in Zimbabwe*, p.1).

An *IRIN News* story in October 2013 about rural Seke District notes that:

"Ignatius Chombo, the local government minister whose ministry controls land acquisitions in urban and rural areas, however, told IRIN that traditional leaders did not have the power to sell land to private individuals" (IRIN News (8 October 2013) *Illegal land sales driving rural vulnerability in Zimbabwe*).

A document published by *Transparency International* in 2013 notes:

"...40% of the country's land is agricultural land, forested areas make up 45% and the nationally protected areas make up 15% of land" (Transparency International (2013) *An analysis of Transparency and Accountability in Land sector Governance in Zimbabwe 2013*, p.9).

This report also points out that:

"Generally land administration in Zimbabwe is problematic owing to the involvement of many institutions with mandates that overlap, sometimes complement and often contradict each other because of varying policy statements emerging from them" (ibid, p.9).

It is also noted in this document that:

"Urban land registration in Zimbabwe is done through the deeds office..." (ibid,p.21).

Commenting on registration the document provided results of a survey which included noting that:

"The need to protect land ownership is paramount amongst all respondents yet very few experiences with land registration" (ibid, p.30).

This report notes that:

"Usually changes in ownership are posted in the newspapers under public notices" (ibid, p.31).

This report also notes that:

"There is need to ensure availability of information about urban land ownership across Zimbabwe. Without such a register of transactions it is impossible to know

what is happening with land. This often leads to many allegations of multiple land ownership by the elite who use illicit means to acquire properties at relatively low prices” (ibid, p.37).

It is also pointed out in this document that:

“The state retains ownership of land, having the deciding power to influence and affect people's claims to land” (ibid, p.70).

No further information on any of these issues could be found among sources available to the RDC.

References

Bertelsmann Foundation (2016) *BTI 2016; Zimbabwe Country Report, 2016*
<http://ecoi.net/doc/320358>

Accessed Thursday 2 June 2016

Business Anti-Corruption (May 2016) *Business Corruption in Zimbabwe*
<http://www.business-anti-corruption.com/country-profiles/sub-saharan-africa/zimbabwe.aspx>

Accessed Thursday 2 June 2016

Deutsche Welle (19 May 2015) *Zimbabwe's fast-track land reform shows little benefit 15 years on*

<http://www.dw.com/en/zimbabwes-fast-track-land-reform-shows-little-benefit-15-years-on/a-18461592>

Accessed Friday 3 June 2016

Freedom House (10 July 2015) *Freedom in the World 2015 – Zimbabwe*

<http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=printdoc&docid=55a6447a24>

Accessed Thursday 2 June 2016

IRIN News (8 October 2013) *Illegal land sales driving rural vulnerability in Zimbabwe*

<http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=printdoc&docid=5257ded84>

Accessed Thursday 2 June 2016

Landportal (11 February 2016) *Zimbabwe: Govt to Weed Out Multiple Farm Owners – Minister*

<https://landportal.info/news/2016/02/zimbabwe-govt-weed-out-multiple-farm-owners-minister>

Accessed Thursday 2 June 2016

Reuters (22 March 2016) *We can't pay: Zimbabwe farmers resist compensating evicted white landowners*

<http://www.reuters.com/article/us-zimbabwe-farmers-idUSKCN0W00IX>

Accessed Thursday 2 June 2016

Transparency International (2013) *An analysis of Transparency and Accountability in Land sector Governance in Zimbabwe 2013*

http://tizim.org/?page_id=59

Attachment not included due to IT limitations
Accessed Thursday 2 June 2016

United States Department of State (13 April 2016) *2015 Country Reports on Human Rights Practices – Zimbabwe*

<http://www.refworld.org/cgi-bin/tehis/vtx/rwmain?page=printdoc&docid=571611e01c>

Accessed Thursday 2 June 2016

Voice of America (12 April 2016) *Zimbabwe Land Issue Unresolved 36 Years After Independence*

<http://www.voazimbabwe.com/a/zimbabwe-land-issue-unresolved-almost-36-years-after-independence/3282747.html>

Accessed Friday 3 June 2016

World Bank (2016) *Doing Business 2016, Zimbabwe*

<http://www.doingbusiness.org/data/exploreeconomies/zimbabwe>

Attachment not included due to IT limitations

Accessed Thursday 2 June 2016

Zimbabwe Human Rights NGO Forum (June 2014) *Bulletin on Property Rights in Zimbabwe*

<http://www.hrforumzim.org/publications/bulletin-on-property-rights-in-zimbabwe/>

Accessed Thursday 2 June 2016

This response was prepared after researching publicly accessible information currently available to the Refugee Documentation Centre within time constraints. This response is not and does not purport to be conclusive as to the merit of any particular claim to refugee status or asylum. Please read in full all documents referred to.

Sources Consulted

Amnesty International
BBC News
Electronic Immigration Network
European Country of Origin Information Network
Freedom House
Google
Human Rights Watch
Immigration and Refugee Board of Canada
Internal Displacement Monitoring Centre
International Crisis Group
IRIN News
Lexis Nexis
Minority Rights Group International
Online Newspapers
Refugee Documentation Centre E-Library
Refugee Documentation Centre Query Database
Reliefweb
Reuters

United Kingdom Home Office
United States Department of State
UNHCR Refworld