



**AN OVERVIEW OF THE LEGISLATIVE AND
REGULATORY FRAMEWORK ON THE
OWNERSHIP OF ASSETS/PROPERTIES IN
ZIMBABWE**

T.E. Mwadiwa and A. Mukavhi

INTRODUCTION

Zimbabwe has a plural legal system (traditional/customary coexisting with civil/received).

Agricultural Land as an asset has got a unique form of ownership in Zimbabwe (owing to the value placed on land in the country)

OWNERSHIP OF AGRICULTURAL LAND

Land has always been state property in Zimbabwe

However, the Gvt offers title deeds to people to occupy certain pieces of land for agricultural purposes

-the 99 year lease programme, which gives an individual the right to occupy a piece of land for up to 99 years

The 99 Year lease agreement is issued to the land beneficiary as a form of long term lease-hold of tenure



It is important to note that the programme takes cognisance of spouses and women in their own right as it includes them in the lease agreement.

- In the event of death of the lease holder, the rights to that piece of land are easily transferred to the surviving spouse or children, or whoever was listed as beneficiary in the lease agreement signed between the government and the lease holder.
- The transfer of lease holding in these cases will be executed through a court of law.

The 99 year lease programme gives the lease holder a form of collateral-allowing them to borrow from banks.

LEGAL FRAMEWORKS REGULATING OWNERSHIP RIGHTS IN MARITAL REGIMES

The property regime is determined by the marriage entered into by the parties

Under the civil law, the system that governs property rights is 'out of community of property'; (**Marriage Act** Chapter 5:11)

- What does it say?

Marriage under the customary law is governed in terms of customary norms and practices

Unregistered customary unions are recognized as marriages only for limited purposes e.g. inheritance, custody and maintenance



In addition to the legal framework, there are other customary norms that govern inheritance and property regimes:

- These rules determine which property accrues to the spouses upon divorce and in the event of the death of one of the spouses.
- For instance norms around property that a woman may accrue as a result of her special skill (pottery or weaving) or
- property that accrues to the parties from marriage of children (e.g. *mombe yehumai*; *roora*, *rusambo*, etc)



Thank you for listening