REPUBLIC OF ZIMBABWE

The Zimbabwe government has recently announced plans to nationalize all “productive farmland in the country.” The plan calls for the abolition of all title deeds, which are to be replaced with 99 year leases. Before significant land reform began in 2000, white commercial farmers owned almost 70% of Zimbabwe’s arable land; now less than 3% of the land is owned by the fewer than 500 remaining white farmers. The Zimbabwean Department of Information and Publicity in the Office of the President and Cabinet emphasized that the lease program “only applies to land acquired by the State under land reforms, and does not in any way invalidate or supersede other lawful forms of tenure which, in any case, are recognized and protected by the laws of the land.”

As far as community property in particular is concerned, The Communal Land Act of 1982 shifted the authority of communal lands (previously known as “tribal trust land”) from “traditional rulers to local authorities.” In other words the state is able to determine how resources on community property are allocated.

COUNTRY DATA

Population (in 2002, per 1000):
Total: 12,835
Rural: 8,118
Urban: 4,717
Agricultural Population: 7,891
Non-Agricultural Population: 4,944
Economically Active: 5,844
Male Economically Active: 3,243
Female Economically Active: 2,601

Land Use (in 2001):
Land Area (1000 Ha): 38,685
Permanent Crops (1000 Ha): 301
Permanent Pasture (1000 Ha): 17,200
Forests and Woodlands (1000 Ha): -
Protected Areas (1000 Ha): 5,752 (14.7% of land area)
Non-Arable and Non-Permanent (1000 Ha): 35,335
Agricultural Area (1000 Ha): 20,550

2Id.
5 http://www.landweb.org/features-april02-3.htm
Arable Land (1000 Ha): 3,220
Arable and Permanent Crop (1000 Ha): 3,350

Environment and Human Rights International Agreements:
Zimbabwe is a signatory of the Earth Charter and subscribes to the principles of Agenda 21 and related conventions, such as the United Nations Convention to Combat Desertification. Zimbabwe is party to the following international agreements: UN Convention on Biological Biodiversity, the Convention on Climate Change, Convention on Trade in Endangered Species of Wild Fauna and Flora, International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights. The Government also participates on the Ad hoc Intergovernmental Panel on Forests. Zimbabwe cooperates with international institutions in order to improve its plantation productivity and broaden the genetic base of important exotic species.

CONSTITUTION

§11 Fundamental rights and freedoms of the individual
Whereas every person in Zimbabwe is entitled to the fundamental rights and freedoms of the individual, that is to say, the right whatever his race, tribe, place of origin, political opinions, colour, creed or sex, but subject to respect for the rights and freedoms of others and for the public interest, to each and all of the following, namely--

(a) life, liberty, security of the person and the protection of the law;

(b) freedom of conscience, of expression and of assembly and association; and

(c) protection for the privacy of his home and other property and from the compulsory acquisition of property without compensation;

and whereas it is the duty of every person to respect and abide by the Constitution and the laws of Zimbabwe, the provisions of this Chapter shall have effect for the purpose of affording protection to those rights and freedoms subject to such limitations of that protection as are contained herein, being limitations designed to ensure that the enjoyment of the said rights and freedoms by any person does not prejudice the rights and freedoms of others or the public interest.

§16 Protection from deprivation of property
(1) No property of any description or interest or right therein shall be compulsorily acquired except under the authority of a law that--

(a) requires--

(i) in the case of land or any interest or right therein, that the acquisition is reasonably necessary for the utilization of that or any other land--

A. for settlement for agricultural or other purposes; or

B. for purposes of land reorganization, forestry, environmental conservation or the utilization of wild life or other natural resources; or

9 http://www.un.org/esa/agenda21/natlinfo/countr/zimbabwe/natur.htm#land
10 Zimbabwe constitution. Available at: http://www.parlzim.gov.zw/Resources/Constitution/constitution.html
C. for the relocation of persons dispossessed in consequence of the utilization of land for a purpose referred to in subparagraph A or B;

or

(ii) in the case of any property, including land, or any interest or right therein, that the acquisition is reasonably necessary in the interests of defence, public safety, public order, public morality, public health, town and country planning or the utilization of that or any other property for a purpose beneficial to the public generally or to any section of the public;

and

(b) requires the acquiring authority to give reasonable notice of the intention to acquire the property, interest or right to any person owning the property or having any other interest or right therein that would be affected by such acquisition; and

(c) subject to the provisions of subsection (2), requires the acquiring authority to pay fair compensation for the acquisition before or within a reasonable time after acquiring the property, interest or right; and

(d) requires the acquiring authority, if the acquisition is contested, to apply to the High Court or some other court for the prompt return of the property if the court does not confirm the acquisition, and to appeal to the Supreme Court; and

(f) except where the property concerned is land or any interest or right therein, enables any claimant for compensation to apply to the High Court or some other court for the determination of any question, relating to compensation and to appeal to the Supreme Court.

POLICIES AND LAWS

Land Acquisition Act (1992)

Act aimed at acquiring land from white farmers who operated large-scale farms/ranches on a "willing-seller, willing buyer basis."

The Parks and Wildlife Act (1975)

This Act established a Parks and Wildlife Board, mandated to provide for the protection, utilization, and conservation of fish and wildlife, the preservation and propagation of plant life, and the preservation of the natural landscape. The Act also called for the designation of national parks, sanctuaries and safari areas, as well as the national protection of certain animal and plant species.

One of the most significant passages of the act concerns the rights of landholders to use wildlife to their own advantage with minimal interference from the government. The Act established some landholders as the 'Appropriate Authority' for wildlife as follows: the owner or occupiers, on alienated land; the Forestry Commission, on forest land; the Department of National Parks and Wildlife Management (DNPWLM) on all other land.11

Communal Land Forest Produce Act (1975)

The Act restricts the use of forest produce in communal areas. It lists 60 protected trees, including many of the more important fruit trees, for which any form of exploitation is prohibited without a special license or permit. At the same time, the Act allows any inhabitant to 'exploit any forest produce, including reserved trees, on any land which [s]he is permitted to occupy, in the course of clearing such land for residential purposes or for the purpose of planting crops.' The law also enables the council to harvest forest produce in communal areas provided due regard is paid to the interests of the present and future inhabitants of the area.\(^\text{12}\)

The situation in communal lands is more complicated. The Act only gave the owners or occupiers of privately owned land the right to claim legal responsibility for managing wildlife. On communal land, the Appropriate Authority remains to be the government's wildlife management agency. It was not until 1982 that the Act was amended to give the same rights for communal lands to district councils (now Rural District Councils). However, there were several attempts made by the DNPWLM to channel revenues from safari hunting in communal lands back to the areas where the hunting occurred. These funds were sent to the district council, which could then use them for community development projects. An early example was called operation 'Windfall'. In reality, the procedure for 'returning' revenues was complicated and time-consuming. Councils actually received little money and the whole process resulted in low levels of community interest in wildlife management.

The 1982 amendment redressed some of these issues by stating that district councils could be designated as 'Appropriate Authorities' for managing wildlife. The amendment was designed to eliminate the discrimination between farmers on privately owned land and farmers on communal land. It was also aimed at helping communal land farmers and residents to take advantage of the Act's proven environmental and economic benefits - thus opening an important new door to rural communities and their elected leaders for income generation and poverty alleviation. Once councils could show they had the capacity to take over the responsibilities of management, they could apply to government for the right to do so.

Together, the 1975 Act and the 1982 Amendment are responsible for: empowering rural communities to manage their own natural resources, increasing wildlife populations on private land, and improving the national economy through the development of a game ranching industry. Zimbabwe was the first country to put into place a legally supported local management scheme for wildlife.\(^\text{13}\)

Communal Land Act (1982)

The Act defines communal lands as lands, which, prior to 1983, were designated as “tribal trust land[s].”\(^\text{14}\) The authority over these lands shifted from “traditional rulers to local authorities.” The Act states that communal land is vested in the President who is to permit it to be used and occupied in accordance with the Act.\(^\text{15}\)

Natural Resource Act (Chapter 150):

Outlines national strategies for conserving and improving natural resources.

Water Act, No. 41 (1976)

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\(^{13}\) Id.


\(^{15}\) Id.
Creates a system for controlling the use of both surface and underground water.

**Communal Land Forest Produce Act, No. 20 (1987)**  
Regulates the use of forest produce in protected areas.

**Forest Act**  
Establishes the Forestry Commission and governs the conservation of timber.

**Mines and Minerals Act (Chapter 165)**  
 Overrides many terms in other environmental management legislation.  

The **National Conservation Strategy**  
After attending the meeting on the World Conservation Strategy in October, 1990 the Ministry of Natural Resources and Tourism was convinced of the need to formulate a national policy document on the conservation of natural resources.

Coming out of a protracted liberation with its devastating effects on the environment, and the colonial land tenure system which resulted in serious land degradation of the natural resources in rural Zimbabwe, the Government recognized the need for an integrated approach to the management of natural resources. Historically, there have been numerous sectorial policies and pieces of legislation pertaining to natural resources management, largely uncoordinated.

The National Conservation Strategy was developed by the Ministry as a way of documenting various environmental issues with a view to establish some coordination. It was also a vehicle to draw the attention of Government and the populace to the need for conservation and environmental protection by documenting the state of the environment.

The Strategy resulted in the creation of the Ministry of Environment and Tourism with a broader mandate of coordinating all conservation and environment matters. Massive land reclamation activities, including gully reclamation and reforestation, were instituted to reclaim degraded lands. The Government adopted a new economic policy of "Growth with Sustainability" which recognized the need for sustainable economic growth. Environmental Impact Assessment has been made a requirement, through policy pronouncements, before any major development can take place.  

**The Five-Year National Development Plans** produced by the Planning Ministry made specific reference to the Strategy as the blueprint for conservation in the country.

**PROJECTS**

**Commission of Inquiry into Appropriate Agricultural Land Tenure Systems**  
The Commission of Inquiry into Appropriate Agricultural Land Tenure Systems, which was set up by Presidential decree, wrote a report that suggested that a decentralized approach to decision-making should be taken because it would enable local communities to shape their management strategy accordingly. The Commission called for: the State to relinquish *de jure* ownership of communal land,

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16 Acts, Amendments and Appropriate Authorities: CAMPFIRE's Legal Framework, 9/15/06  
<http://freespace.virgin.net/jake.madders/Detailed%20info/legal%20framework.htm>  
17 Network for Environmental and Sustainable Development in Africa (NESDA): Zimbabwe’s Strategy for Sustainability (1986)  
18 *Id.*
and pass on full legal rights to village communities; The legal rights for arable, residential and grazing lands to be held by the head of the family in trust for the rest of the family; Villages should act as local land, water and natural resource management boards, and; All male and female adult residents would be members of a village assembly, which would meet to deal with major policy issues. The report by the Commission state that "by strengthening village level institutions the management of grazing and other communally owned natural resources should improve considerably." It also called for a new Land Act, which would define all land, monitor and enforce sustainable land and resource-use management, whilst allowing for development of by-laws at provincial, district and village level on various aspects of land tenure, reform and settlement.19

**Transitional National Development Plan (1982)**

The Transitional National Development Plan put forth a strategy to create a "democratic, egalitarian, and socialist society." This was to be done partially through an "acceptable and fair distribution of land ownership and use" - which included the right to manage wildlife.

The Prime Minister followed up on this in 1984, when he issued a directive setting down a decentralized framework for national development. The aim was to involve local communities in the development planning in their regions. Several new administrative structures were created, namely village, ward and district development committees. These changed the structure of local governance in Zimbabwe, resulting in the present system of: Village Development Committees (VIDCOs), each of which represents approximately 100 households or about 1,000 people; Ward Development Committees (WADCOs), each of which represents six villages or around 6,000 individuals; and District Development Committees, which report to District Councils.

**Communal Areas Management Program for Indigenous Resources (CAMPFIRE)**20

By the mid-1980's, Zimbabwe's government found that, despite the Communal Land Forest Produce Act (1975) and following Amendment (1982), very little progress in wildlife management was being made in communal lands which continued to fall behind the private sector. By 1988, no district council had been awarded the legal status of an Appropriate Authority. This was largely because the government had few resources available to assist the councils and 'kick-start' the process. As a result, government and local NGOs began to work together to promote and fund the CAMPFIRE concept, which includes the idea that the primary responsibility and authority should lie directly with villagers themselves, rather than with local government institutions. Over a very short period, this process began to show results and communal area residents were able to take full advantage of their legal access to natural resources, and to start managing their wildlife in a sustainable, participatory fashion.

In 1989, authority over wildlife was granted to two districts - Nyamininyami and Guruve. Though not without its stumbling blocks, CAMPFIRE quickly spread in popularity and rapidly increased its strength. By the end of 1989, ten other districts were involved in CAMPFIRE and by 1995 twenty-six districts had been granted appropriate authority, including every district bordering a national park.

CAMPFIRE gives people living in communal lands legal rights and technical support to sustainably manage their natural resources. Once they have a management plan approved, communities are able to harvest wildlife and use the profits for rural development, while also contributing to environmental conservation. Owing to its origins in the Department of National Parks and Wildlife Management, CAMPFIRE focuses on wildlife resources in communal areas. However, the CAMPFIRE

19 Community Natural Resource Management in Zimbabwe, 9/15/06 http://freespace.virgin.net/jake.madders/Detailed%20info/natural%20resource%20management.htm
20 CAMPFIRE - Communal Areas Management Programme For Indigenous Resources, 9/15/06 http://freespace.virgin.net/jake.madders/Begin.htm
principles of community management and sustainable resource utilization are being adapted and applied to other natural resources such as woodlands, water and grass.

Through its own experiences and observations, CAMPFIRE has identified several trouble spots in the administrative structure. Some of these problems occur at policy level, while others are of an institutional nature. They include: the lack of a legal hierarchy for statutes dealing with natural resource management and inconsistent environmental policies at the national level; conflicts between institutions (including clashes between traditional leaders and district councils in some areas); and clashes between customary law and statute law.

The philosophy of CAMPFIRE is that the village should be the main management unit of natural resources (including both land and wildlife), or in some cases, the ward. CAMPFIRE has tried to reconcile this with government structures and the law which gives Appropriate Authority to the district. In general, it is agreed that if a village must account to the district for its resource use, the district needs to reciprocate by accounting back to the village. This two-way accountability should bring better co-ordination between communities and their elected councils.

In late 1994, an inquiry commissioned by the President recommended widespread reforms in the administrative structure of communal areas, many of which echo CAMPFIRE's administrative style. The report calls for: Changing ward boundaries so that they coincide with Chief and Headmen's areas; Increased co-operation between elected councilors and traditional leaders who should work together through ward committees; Strengthening village level institutions so that villages act as local land, water and natural resources boards; Shifting administrative power from VIDCOs to traditional villages, and: Ensuring that all adult male and female residents should be members of a village assembly, which would meet to deal with major policy issues.


**USAID: Increased Opportunities for Citizens’ Participation in Economic and Political Decision-Making, 613-SP01.**

USAID is working with the Government of Zimbabwe and donor organizations on a plan to advance land reform and resettlement. Technical assistance from Zimbabwean and American specialists will be provided to facilitate, inform and guide the critical planning and initial implementation phases of the land policy reform. In the wake of increasing economic hardships, there is an urgent need to tackle the distorted and inequitable land distribution system in a way that will ensure a fair and transparent allocation of the nation's most significant economic asset. Most major donors in Zimbabwe, including the World Bank and UNDP, will provide some level of assistance with land reform. Norway, Sweden and the Netherlands, together with the United States, are the key donors providing technical assistance to land policy activities. Government of Zimbabwe decision-makers and technical counterparts, along with farmers' unions and other non-governmental actors, will work closely with donors on the land policy reform activities. Key implementing partners include local PVOs as well as U.S. PVOs such as PACT, Inc., the International Republican Institute and/or the National Democratic Institute, and the University of Wisconsin's Land Tenure Center.


The project assisted four SADC-member countries—Botswana, Namibia, Zambia, and Zimbabwe—on a bilateral basis, and has regional functions in Malawi and Zimbabwe. Each country program is adapted to local needs yet shares a focus on community-based natural resource management, environmental education, and research and management planning for protected areas. Each also contributes to long-term regional wildlife management goals and participates in regionally managed program efforts. Three organizations are implementing this project: the Department of National Parks and Wild Life Management, the NGO ZIMTRUST, and the University of Zimbabwe's Center for Applied Social Sciences (CASS).

Early in FY 1993, District Councils in Zimbabwe adopted revenue-sharing guidelines ensuring that no less than 50 percent of a district's CAMPFIRE income is paid to producer communities in the form of dividends or projects. Wildlife income has in recent years been significant. For example, in Binga District in 1993, Z$1.3 million in wildlife revenues was earned, most of which ward leaders designated for schools and income-generating projects such as grinding mills.

World Resources Institute: Environmental Strategies, Action Plans, and Assessments
Zimbabwe: An Environmental Profile

Imbalances in resource allocation, and the resource-use conflicts to which they lead, have precipitated many of Zimbabwe's environmental problems. Understanding of these imbalances should provide the starting point for reforms in environmental policy. So concludes this report, which finds that the following three factors are the major constraints on Zimbabwe's pursuit of environmentally sustainable development: (1) insufficient awareness of differences in access to natural resources by different social groups; (2) polarization of attitudes toward natural resources, e.g., between ecological and socio-economic approaches, or between groups concerned with the survival of endangered species and groups, in environmentally degraded areas, more concerned with their own survival; and (3) a tendency of international agencies to include environmental conditionality in their aid programs, without fully understanding the practical implications. The report reviews the theoretical basis for the "sustainable development" approach to environmental management; the historical context of Zimbabwe's environmental status; the country's national resources and their utilization; pertinent legislation; demographic and land use issues; and environmental problems related to soil, water, forestry, pastoral land, wildlife and biogenetic resources, and pollution, waste disposal, and pest management.

Zimbabwe: Draft Environmental Profile of Zimbabwe

Zimbabwe faces an array of environmental problems in both rural and urban areas, many of which were exacerbated by the years of civil war and international economic sanctions. This report highlights these problems while assessing the country's geography, climate, demography, economy, geology and mineral resources, water resources, soils and agricultural resources, vegetation, and fauna. Soil erosion is heavy on 12% of commercial farm land and irreversible on about half of marginal lands where, prior to majority rule, 95% of the population was forced to live. Deforestation is serious in most areas, having been brought about by the annual clearing of 70,000 hectares for agricultural use and 75-100,000 hectares for fuel wood. Increasing herd sizes are exacerbating range land degradation. Wildlife is threatened by the destruction of natural habitats associated with human encroachment. The country's modern health care system is unable to meet the rapid increase in demand which has occurred since majority rule in 1980. Further, sanitation and water systems are inadequate and waterborne diseases are a problem, especially in irrigated areas. Industrial pollution, while not a nationwide problem, has brought about the eutrophication of lakes near Salisbury and other urban centers. Also air pollution has damaged vegetation, and mining has caused local pollution problems. The authors conclude that the prospects for reversing these conditions are, in many cases, bleak. The opening of lands previously under European control to Africans will not relieve population pressure on the land but will extend erosion and devegetation; encouraging urbanization to relieve population pressure will increase urban pollution and health problems.
Zimbabwe has also introduced planning capacity building projects which use participatory methods. These include District Environmental Action Plans (DEAPs), the National Plan to Combat Desertification (NAP), and the National Environmental Action Plan. As the planning process continues, identified projects can be implemented if funding is available. The Rural District Council's Capacity Building Program was launched by the Ministry of Local Government, Rural and Urban Development.  

Natural Resource Aspects of Sustainable Development in Zimbabwe Land Management

The Environmental Management Act will enable the Ministry of Environment and Tourism to coordinate all agencies to ensure planning for best possible land use and management. In addition, the Ministry of Local Government, Rural and Urban Development, through its Department of Physical Planning, has the mandate to produce Master Plans which take into consideration environmental issues, as a result of the provisions of the Regional Town and Country Planning Act. The Department of Physical Planning is also responsible for national urban development strategies which take cognizance of the economic and demographic impact of the national policies in spatial terms. The Regional Town and Country Planning Act, administered by The Ministry of Local Government Rural and Urban Development (MLGRUD), has legal provisions for the general framework for land use and physical planning. It also controls development and change of land use. It is policy to design and institute urban, and combination master plans.

The Rural District Councils Act gives councils the power to plan and control land use at the district level.

The Ministry of Environment and Tourism (MET) currently has an interim Environment Impact Assessment (EIA) policy, introduced in 1994, which ensures that the potential and known ecological, cultural, social and economic impacts resulting from land and water use are minimized or eliminated. The EIA program continues to evolve into an integrated network of program that work in support of an ecosystem approach to management, as well as develop Environmental Operating Guidelines for the various sectors. The MET is drafting a consolidated and effective new Environmental Management Act to clarify its mandate and co-ordinate the responsibilities of all agencies, the private sector and communities so as to ensure the best possible land use and management of land resources. Included in the current information on management systems is the State of Environmental Reporting and Environmental Monitoring.

The District Environmental Action Planning (DEAP) Program, under implementation by the Department of Natural Resources (DNR), the MLGRUD, and NGOs, is a locally-based initiative which uses horizontal communication systems and empowers grassroots communities in planning and decision making regarding their human and natural resource needs. The Ministry of Agriculture, through its department Agritex, provides land capability (or suitability) classification for land use plans at farm, village, communal, district and regional levels. This allows farmers and communities to make informed decisions on sustainable, viable and optimum land use systems. Land use plans take account of social, cultural, ecological, and economic issues.

The Ministry of Local Government, Rural and Urban Development is responsible for the implementation of the resettlement program through its District Development Fund. The Ministry of Environment and Tourism, together with the Department of Natural Resources, the Natural Resources

22 http://www.un.org/esa/agenda21/natlinf/countr/zimbabw/social.htm; This information was provided by the Government of Zimbabwe to the fifth session of the United Nations Commission on Sustainable Development.

Board, the Intensive Conservation Areas Committees and the Forestry Commission, is responsible for ensuring the sustainable use of land resources through the **Natural Resources Act**. The aim of the new agricultural policy framework for the period 1995 to 2020 is to transform small holder agriculture into a fully commercial farming system. The annual increase in total agricultural output will be larger than the increase in population. This will be achieved through sustainable farming systems which reverse current environmental degradation.

Special area programs, such as the mid-Zambezi Valley, have had strategic plans designed for easier inter-sectoral coordination for sustainable rural development purposes. ARDA, a parastatal, has the mandate to implement agricultural and rural development programs aimed at improving the livelihoods of small scale farmers. Some of its most prominent programs include: the Integrated Rural Development Program in Masvingo, the Fruit and Vegetable Marketing Project in Mashonaland East, and the Small Scale Coffee and Fruit Growers Program in Eastern Highlands. In all these programs, issues of conservation, economic and social impact are incorporated and closely monitored. Since 1992 Agritex, the agricultural extension department, and most extension organizations have re-oriented extension and program approach to include diagnostic surveys, participatory rural appraisal, and farming systems approach to improve communication and interface with farmers.

**National Strategy for the Sustainable Management of Forests**

As a part of Zimbabwe's National Strategy for the Sustainable Management of Forests, the following programs have been put into place to address the problem of deforestation: Improved environmentally sound harvesting practices; Afforestation programs; Increased agroforestry activities; Promotion of non-consumptive use of forest resources; Value added secondary processing of forest products were explored at the community level; Increasing the capacity of the Forestry Commission in monitoring deforestation and changes in the vegetation cover; Implementation of the Schools and Colleges Tree Growing and Tree Care Program in 1992/93 as part of the National Tree Planting Program. Significant impact on reforestation was achieved, justifying the program's integration in 1995/96 into the Forestry Extension Services Division of the Forest Commission in order to sustain its successful activities;

1. Increasing production of tree seedlings, from 4.5 million in 1992, with 74% raised at the community, to 7 million in 1994, with 80% produced at community based nurseries, in line with the strategy to decentralize this activity and to involve communities in reforestation.

2. Formation of an NGO-based working group on woodlands. This group is a think-tank of four NGOs, the SAFIRE, the ENDA, the Biomass User's Network and ZERO, who meet periodically to discuss woodland management issues in Zimbabwe. One of their activities has been to hold consultations to formulate a woodland management policy for the country.

Despite these programs, the rate of deforestation continues to exceed afforestation efforts. The Government has realized the need to adopt a more integrated approach to resource management using participatory methodologies which the DEAP project is elaborating. There is also the need for more investment into affordable alternative energy sources in order to reduce rural communities' dependency on fuel wood.

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