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Land Governance in Zimbabwe

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Abstract

Land governance concerns the rules, processes and structures through which decisions are made about access to land and its use. The institutions for land governance in Zimbabwe are highly centralised and bureaucratic and this has impacted negatively on the performance of the system. Various arms of central government are involved in land governance but generally lack the institutional capacity to fully carry out their duties and are subjected to immense political pressures and corruption. The multiplicity and complexity of central government involvement in land governance has led to duplication of functions, poor coordination and inefficiency among agencies.

Some of the challenges besetting land governance arise from the lack of a coherent land policy. Land policy, particularly since 2000; has lacked transparency, accountability, gender equity, efficiency and not enabled sustainable environmental management. In rural areas, government has been grappling with the policy dilemma of ensuring high productivity which is inclined to large-scale agriculture and social equity which favours smallholder farms. Existing urban land policies were mostly developed before independence and have been failing to cope with the demands of rapid urbanisation.

A major challenge in land governance has been tenure insecurity. Tenure insecurity has manifested itself through land disputes, evictions, land grabs, limited observance of the rule of law, inaccessible legal and administrative systems. Tenure insecurity is more prevalent in resettlement areas where land belongs to the state and tenants have at times been subject to eviction. The land tenure of some reform beneficiaries is secured in the form of an offer letter, and is partly insecure because of delays by the state in drawing up lease agreements. Security of tenure for agricultural lands has depended on the social and political standing of individual settlers. Additionally, poor enforcement of land rights for agricultural land opens up the system to corrupt tendencies by public officials who are responsible for allocating farms.

The need for a land dispute resolution framework remains a challenge in Zimbabwe. At the heart of grievances over land is the dispute between dispossessed white farmers and the government. Since the implementation of the Fast Track Land Reform Programme (FTLRP) in 2000, massive disputes over compensation for land compulsorily acquired by the state have been ongoing and have put to question the government's observance of private property rights. The Zimbabwe Land Commission (ZLC) has the mandate for land conflict resolution but is centralised and lacks the human resources, financial and institutional capacity to fulfil its mandate.

Zimbabwe has clear procedures for the valuation and taxation of land. However, this aspect of land governance has been facing challenges because of the unstable economic environment, increasing informality and political interference. Property valuation has been subject to a volatile macro-economic environment and to political considerations, thus inefficient. Property taxation has been hampered by political considerations including non-enforcement of land taxation collection and waiving of tax payments for political expediency. There have been insufficient mechanisms for transparency, participation and accountability in land valuation and taxation.

The country has a functional land use planning and control system but this has been constrained by the absence of a national framework for coordinating sub-national planning. Lack of coordination of land uses at national scale has necessitated incremental and piece-meal planning which has posed a variety of threats in the following areas: environmental quality, economic sustainability, harmony in the development and territorial expansion of towns and cities. Although local authorities can prepare strategic plans, the plans lack broader spatial reference thus posing difficulties in using them for guiding development and for development control purposes.

Land governance has been saddled with corrupt practices. In the land sector, an analysis of the major actors in corrupt deals highlights how political and bureaucratic power remains vital elements in illicit land transactions. In rural areas, various forms of corruption have involved

traditional authorities, local councils, politicians and bureaucrats. In urban areas, the political elite have been involved in accumulating land for speculative purposes.

Land governance has not been supported by a robust and accessible information system and this has created opportunities for corruption. Various agencies collect land information for their own use while there is minimal sharing of information. There is duplication of land information that is largely paper based and inaccessible. The manual systems of managing land information have become obsolete and have not been able to support key aspects of land governance such as conflict resolution, valuation and taxation, land use planning and management.

Key Words: land governance, land administration, land control, Zimbabwe

List of Acronyms

BIPPA	Bilateral Investment Promotion and Protection Agreement
DSG	Department of Surveyor General
EMA	Environmental Management Agency
FAO	Food and Agriculture Organization
FTLRP	Fast Track Land Reform Program
ICSID	International Centre for Settlement of Investment Disputes
MLGPWNH	Ministry of Local Government, Public Works and National Housing
RTCPA	Regional, Town and Country Planning Act
SLO	State Land Office
TIZ	Transparency International Zimbabwe
VAT	Value Added Tax
ZHRF	Zimbabwe Human Rights Forum
ZIMRA	Zimbabwe Revenue Authority
ZIMSTAT	Zimbabwe National Statistics Agency
ZLC	Zimbabwe Land Commission

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1. Country Information

Zimbabwe is a landlocked country in Southern Africa which shares its borders with South Africa, Mozambique, Botswana and Zambia. Its population is estimated to be around 16.91 million, as at July 1, 2018 (World Population Prospects, 2018). According to Zimbabwe National Statistics Agency (ZIMSTAT) (2017), persons of African ethnic origin make up almost the entire population of Zimbabwe, 99.7%, while those of non-African ethnic origin accounted for a negligible proportion. The country's rural population was estimated to be 67.80% of the total population in 2018 (World Bank, 2019). Total surface area is approximated to be 390 797 square kilometres, with a sparse population density of 43.28 square kilometres (Trading Economics, 2018). The number of land parcels in Zimbabwe is difficult to obtain mainly because of manual systems of managing information used and some information is available but inaccessible as there is no metadata catalogue specifying which organization has what information (Kurwakumire and Chamina, 2012).

2. Institutional Framework on Land Governance and Administration

Land governance concerns the rules, processes and structures through which decisions are made about access to land and its use (Food and Agriculture Organization (FAO), 2009). The land administration system in Zimbabwe operates under both the Roman Dutch law and English law. The centre of power and control over land lies with the state (Mtariswa, 2013). Figure 1 shows the institutional framework on land governance and administration. There are three ministries involved in the land governance process in Zimbabwe under the President's Office. The Ministry of Lands, Agriculture and Rural Settlement is responsible for land acquisition, valuation and transfers, resettlement and estate management and the Department of Surveyor General (DSG) falls under it. The Ministry of Local Government, Public Works and National Housing deals with the identification of land for compulsory acquisition under the Fast Track Land Reform Program (FTLRP) and it controls the operations of all local authorities. Also, there is the Ministry of Justice, Legal and Parliamentary Affairs which oversees the Deeds Office under which the land

registration is administered in Zimbabwe. The office records ownership, lease, mortgage, consolidation and inheritance rights.

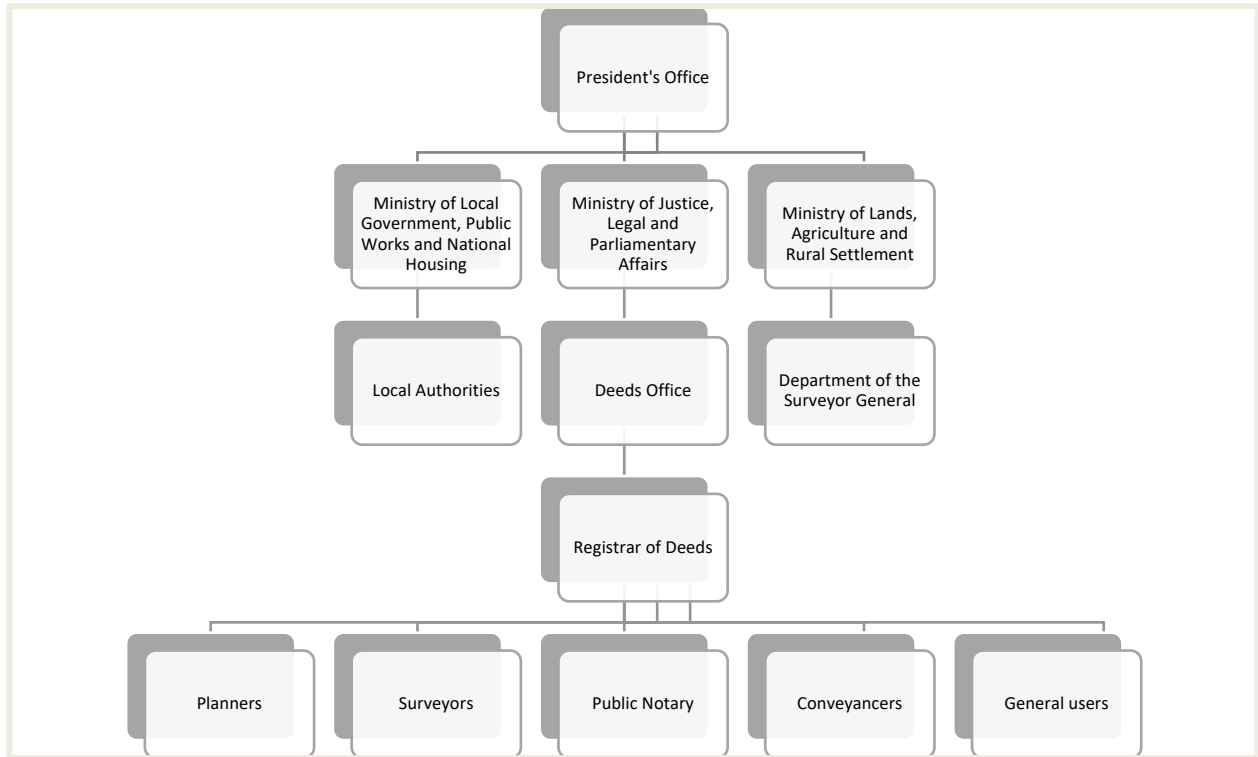


Figure 1: Institutional Framework in Zimbabwe

Source: Adopted from Mtariswa (2013)

Local authorities are responsible for land use and development in Zimbabwe through imposition of various restrictions in order to maintain certain features of an area and control land by using permits. The other key functions include formulation of master plans that guide land developments, land use planning, land property valuations and land zoning. In Zimbabwe, zones are divided into 5 categories namely: Industrial zones, Agricultural zones, Residential zones, Recreational zones and Open spaces zones (Mtariswa, 2013). The DSG's core business is to supply base (topographic) maps used by planners and engineers and it is mandated by the Land Survey Act of 2002 [Chapter 20:12] to ensure that surveys are accurate before approval for titling purposes. The Deeds Office deals with issues to do with land registration.

3. Legal Framework on Land Tenure in Zimbabwe

3.1 Tenure regimes

In Zimbabwe, various tenure types are recognized by law and these are freehold, leasehold, customary, permit and statutory. Under freehold tenure, private institutions and individuals own the land under the authority of a title deed (O’Keefe and Moyo, 1996). Leasehold tenure is another type where land is occupied in terms of a lease agreement between the owner of the land and the one to whom the land is being leased. Under customary land tenure regime, traditional or customary rules administered by traditional community leaders govern the communal lands of the country. These customary laws dictate what people should and should not do, and active occupation and use of land is the main evidence of ownership of the land. Regarding permit tenure regime, land ownership and use is regulated by permits granted by the State. Statutory tenure regime applies to all land held by the State or other statutory organisations under the terms of specific statutory regulations. Examples of land that is held under statutory tenure include national parks lands, national forests lands and game reserves. These tenure regimes are summarized in table 1.

Tenure Regime	Rights
Freehold	<ul style="list-style-type: none"> Individual or private institutions own land under authority of a title deed
Leasehold	<ul style="list-style-type: none"> Land is occupied in terms of an agreement of lease between the State and the lessee (99-year leases for A2 farmers)
Customary	<ul style="list-style-type: none"> Use rights under the authority of the traditional leaders Active occupation and land use is main evidence of ‘ownership’
Permit	<ul style="list-style-type: none"> State issues permits for use of State land by A1 farmers and conservancies
Statutory	<ul style="list-style-type: none"> State land used under terms of specific statutory regulations, e.g. National Parks lands, National Forests lands and Game reserves

Table 1: Tenure regimes

All the tenure regimes discussed above legally allow women to buy and hold land. However, USAID (2010) argued that most women do not have the resources to purchase land; hence, they are deprived of land ownership and this creates inequality in land rights. More so, women can apply for land in resettlement areas, but customary practices tend to discourage women from applying for land in their own name. Under customary tenure land is allocated to male heads of families and women's access to land is facilitated by their relationship to men (Muserere, 2019)

The major development in the Zimbabwean land tenure system was the resettlement scheme, which brought about dramatic shifts in land rights, tenure and administration, under the FTLRP in 2000. This tenure system was mainly designed to address the injustices associated with the dual, unequal and racially biased land tenure systems that existed during the colonial era, under which new tenure systems, A1 and A2 farms were created (Magurayanga and Moyo, 2006). A1 farms are focused on small village schemes of small holder production or self-contained farms and A2 farms are focused on commercial production at a slightly larger scale.

Included in Zimbabwe's legislation regarding land rights is the Constitution of Zimbabwe, Communal Land Act 20 of 1982; which provides power and authority for the possession of communal lands in the State, Land Acquisition Act of 1992; which allows land to be taken over by the State for redistribution, Agricultural Land Settlement Act of 1997, Regional Town and Country Planning Act of 1996, Land Survey Act of 2002, Deeds Registry Act of 1977, Commercial Premises (lease control) Act of 1983, Protected Places and Areas Act 27 of 1959 and Immovable Property Act 19 of 1982. However, the legitimacy of the Zimbabwean legal system has been met with a lot of criticism both internally and externally as some government officials have often ignored the country's judiciary and its rulings, especially where land governance and distribution are concerned (Chiweshe et al., 2013).

At independence Zimbabwe inherited a racially divided, unequal and dual land tenure system that gave one group freehold and leasehold rights. One stronger form of rights, where duties pertaining to which were protected by law and another communal tenure (an inferior form of

rights), with rights to such lands not protected by the law but recognised administratively and subject to customary land tenure (Muguranyanga and Moyo, 2006).

3.2 Land registration

The land registration process in Zimbabwe depends on whether it is a subdivision or a complete transfer of a land parcel. When it is a subdivision of a land parcel, owners can either send a request for land subdivision to the local authorities directly or through a planner, who produces a layout plan from base maps to the relevant local authority for approval. Upon approval, the local authority is required, in terms of the Land Survey Act [Chapter 20:12] of 2002, by the Regional Town and Country Act to issue a permit and forward a copy of the permit to the Surveyor General. The Land Surveyor will demarcate the new boundary while a survey record is lodged with the Department of the Surveyor General for examination and approval. An approved diagram is forwarded to a Notary for deed drafting. Once completed, the draft deed should be submitted to the Registrar of Deeds for examination and approval, who will send the registration information back to the Surveyor General for noting on the diagram to show that the property has been registered. On approval, ownership is transferred, and the new deed is handed over to the new owner.

For the complete transfer of the land parcel, the owner of land is required to approach a conveyancer who will prepare a draft of the deed. The landowner is required to pay a transfer fee made up of 4% property value and a 15% Value Added Tax. Moreover, the seller should apply for a capital gains tax clearance certificate which is evaluated by the Zimbabwe Revenue Authority (ZIMRA), to determine how much is payable. Included in the documents required by the ZIMRA are a copy of the title deed, CR6 form, copy of seller and buyer CR14, agreement of sale, proof of payment, copies of the ID's of the people mentioned in the agreement of sale and their contact details (Mtariswa, 2013). The seller is further required to apply for a rates clearance certificate from the local authority under whose jurisdiction the property falls, which will give an assessment of how much is payable. The local authority needs to be provided with details of the seller and buyer and their present postal or physical addresses and description of the property

being transferred before the transfer documents are lodged for registration of title with the Registrar of the Deeds.

Payment of a stamp duty by the seller is required upon lodging at the Deeds Office where the documents are assessed by the Registrar of Deeds for authenticity. If there are no errors the deed is signed by the Registrar of Deeds, where one copy of the deed is filed in the Office of the Registrar of Deeds and the second one sent back to the conveyancer for onward transmission to the new land parcel owner. Once a transaction relating to a person has been registered in the Deeds Office, a personal register card is opened for him/her on which is entered the full names, date of birth and in the case of married women, their marital status (World Bank, 2013). The land registration process in the case of subdivision and complete transfer is summarized in figure 2.

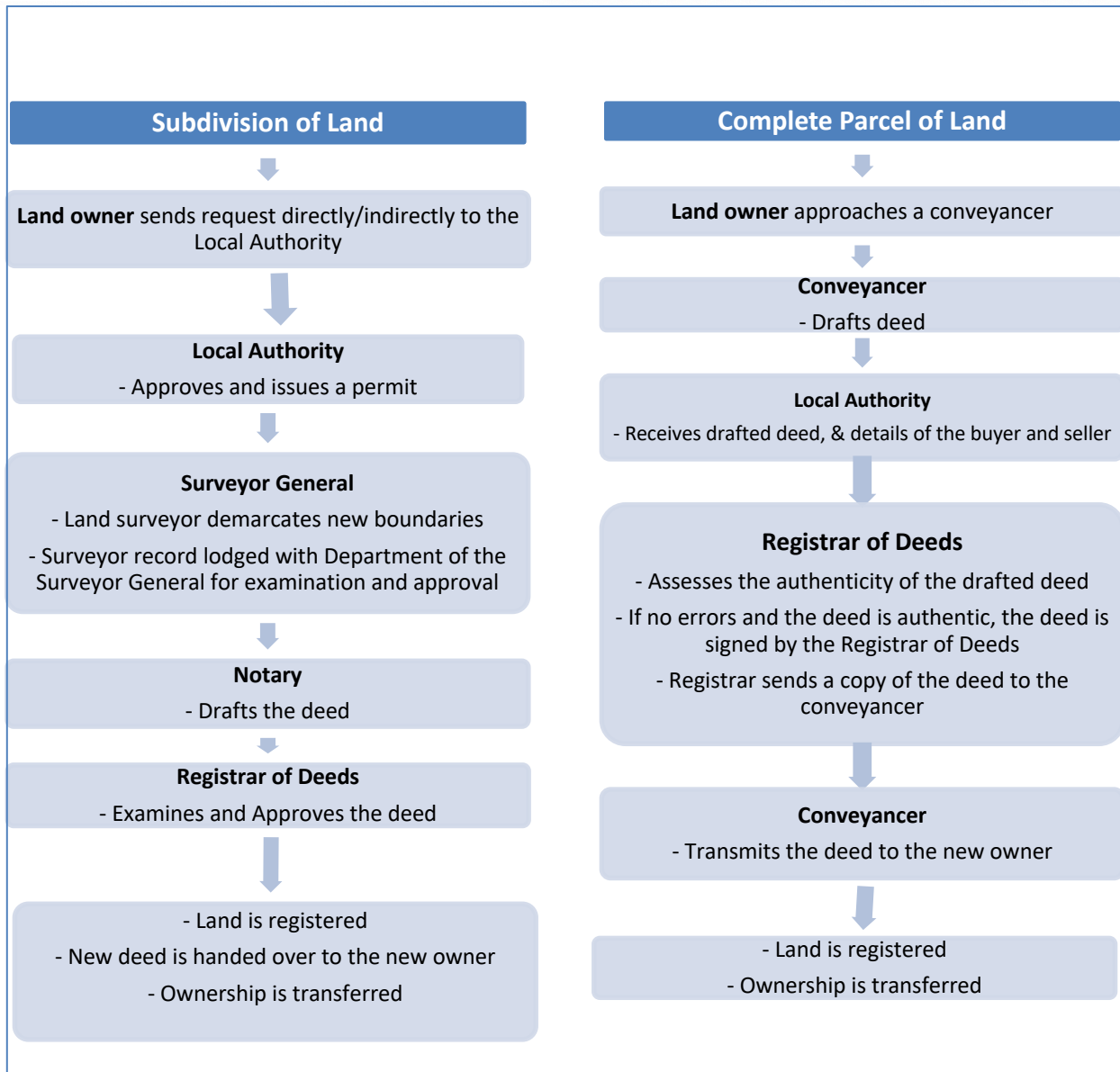


Figure 2: Registration process of subdivision or complete transfer of a land parcel

The process of land acquisition in the rural areas involves several protocols. To own a land parcel, prospective owner approaches the village head, who has discretionary powers to allocate land. A certain unfixed amount for registration is required and it varies from one area to another. This fee is paid according to the demands of the village head, whether cash or livestock. Once registered in the village book, the village head will submit the list of new members to the chief for registration. At this stage, another arbitrary discretionary fee is charged for registration and

it is after this registration in the chief’s book that the new names are submitted to the Rural District Council for demographic planning purposes (Mtariswa, 2013). However, it has been argued that the fee payment structure should be regulated through communal consensus so that fee stability and transparency among village heads and chiefs is enhanced.

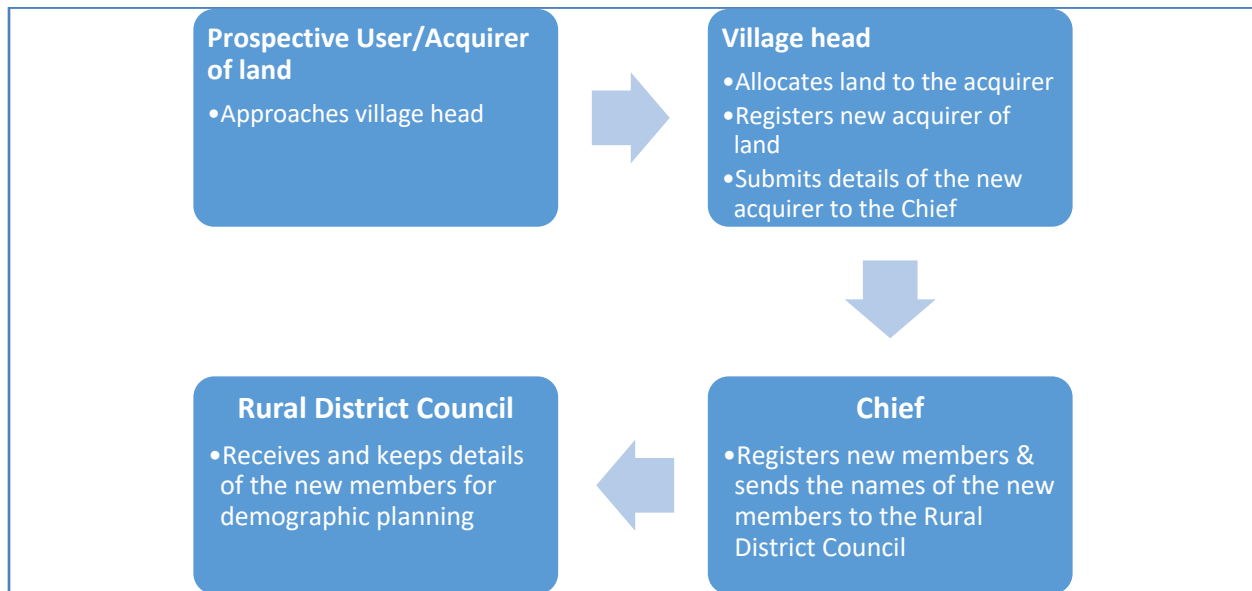


Figure 3: Land registration process in rural areas

The land registration process in Zimbabwe is in a state of desolation. A typical land parcel registration request can take up to about 9.25 months to be processed (Lemman et al., 2012). This has been attributed to poor coordination between the institutions involved in the land administration process. The relevant government departments tasked to carry out this process have been accused of lacking institutional capacity and suffer from corruption tendencies, mainly from some top government officials.

3.3 Enforcement of land rights

Across all the land tenure categories, land rights are generally insecure, and this is a large disincentive to the degree of registered individual properties in both the rural and urban areas. The institutional framework for land administration in Zimbabwe is fragmented with overlapping responsibilities and poor coordination, where the whole system is generally characterised by

centralization, bureaucracy and inflexibility. Through the land redistribution schemes, land is leased to beneficiaries for 99-year terms with or without the option to purchase the land (USAID, 2010).

The main source of the high land tenure insecurity, especially for land acquired under the resettlement programme, is attributed to the way the process was carried out outside the bounds of legal processes. Resettlement Area Permits contain a section which states that the State is well within its legal capacity to withdraw land rights anytime without compensation (Hove and Nyamandi, 2016). As such, the remaining commercial large-scale farmers fear sudden occupation and eviction since the legitimacy of their land rights is highly questionable.

Furthermore, allegations of double allocation of land by the relevant ministries that are responsible for the allocation of land under the land reform programme, has resulted in endless conflicts among resettled groups, further weakening the enforcement of land rights. In some instances, poorly designed land security systems, especially in the rural areas have failed to recognize some rights often held by women and the poor resulting in groups of people unfairly losing their land. For example, some widows fail to inherit land rights from their husbands resulting in the forceful eviction from the farms by male relatives.

Urban land, although considered to have better security where land rights are concerned because of the commercial value often attached to the land, has also suffered its fair share of tenure security criticism. The events of 2005, under the government programme 'Operation Murambatsvina', of urban house demolitions adversely affected a lot of people, displacing thousands of people thereby increasing the sense of insecurity in the country's urban areas (USAID, 2010).

In urban areas, all individual properties are registered in the Deeds Registry and upon registration, Title Deed is issued which confirms a person's real right to the immovable property. In terms of section 4 of the Communal Lands Act of 2002 [Chapter 20:04], all communal land is vested in the President and requires no registration. Occupants may use this land, in accordance

with the Act. Rights to that land are limited to occupation and use for agricultural and residential purposes. Communal land is not registrable. Agricultural land is governed by various statutes and the Constitution. Constitutional Amendment No. 17 of 2005 nationalized Zimbabwe farmlands and deprived farm owners of the right to challenge government's decision to expropriate land without compensation except for land improvements prior to expropriation. Once a farm is allocated to a new occupier, an offer letter is given. The former owner has no recourse to the courts and no right to compensation (Zimbabwe Human Rights Forum (ZHRF), 2010). This seems to suggest that the laws of Zimbabwe were not capable to guarantee property rights and physical security for the land. Land invasions were still occurring in Zimbabwe thereby threatening the security of tenure especially for white farmers. However, the government has now introduced 99-year leasehold tenure to A2 farmers and permits to A1 farmers as a way to safeguard property rights.

3.4 Expropriation

After independence in 1980, the government was acquiring land on the willing buyer willing seller basis and distributing it to the indigenous people based on the Lancaster House Constitution of 1979. Thus, from 1990 onwards after the expiry of the willing buyer willing seller clause, the government started to amend the Constitution and pass laws that could give it the required powers to implement a radical land reform programme. These laws provided the state with significant powers to implement accelerated land reform, including several sanctions through which landowners could be convinced or forced to co-operate. Massive land invasions were stimulated by the FTLRP of 2000 leaving an estimate of 4500 farmers dispossessed of their land (Mushakavanhu, 2013). This redistribution exercise was justified on the grounds of having been undertaken to achieve distributive justice since the majority had no farmland, but the end result did not point to distributive justice. Most of the farms were given to politically correct people and not to the landless majority as per the publicly expressed justification (ZHRF, 2010).

Currently, the Constitution of Zimbabwe allows the Government to compulsorily expropriate land, where both the land and the rights pertaining to the land will be vested in the State with

no compensation paid except for developments made on farms before the land acquisition process. According to the Constitution, only indigenous Zimbabweans are entitled to compensation. In appropriate cases, all land acquired compulsorily by the government for resettlement and protected under Bilateral Investment Promotion and Protection Agreements (BIPPA), government should compensate for both the land and the improvements made on the farms, but for the land not covered by BIPPA the government is constitutionally obligated to compensate for improvements only.

3.5 Equity and non-discrimination

Equity with regards to land administration refers to the extent to which issues to do with land governance are fair to all, regardless of social status and gender. Decision making processes in Zimbabwe where land is concerned have always been subjected to a lot of political pressures. One of the most repeated myths about Zimbabwe's land reform is that all the land went to those with access to elite connections and benefiting from political patronage. As such, tackling such contested issues of land grabbing through a land audit remains a major challenge because of the political pressure surrounding the case.

The land governance system in Zimbabwe also discriminates against women where tenure and land rights are concerned (Muserere, 2019). Women's reliance on land for economic security and survival in Zimbabwe is only deepening as women continue to take on the role of provider for food security and the number of women headed households expands hence the need to strengthen their land rights and access to land. The Women in Law in Southern Africa in 1993 found out that at least 25% of rural households were female headed but less than 15% of resettlement households were female headed, indicating that fewer women were allocated land. After the land reform programme in A1 (villagised) model, women only obtained rights to use the land but were not given these as separate individuals. Rather, user permits were given to men because of the overarching dominance of men in the selection processes. The Presidential Land Review Committee acknowledged that most women beneficiaries of land reform were in A1 while men dominated the A2 (commercial) model (Gaidzanwa, 1995). Also, those few women

in A1 and A2 farms struggled to access inputs, seed, fertilizer, finance and extension services often because they did not have collateral and compete with men (Women and Land in Zimbabwe, 2006). One can conclude that the FTLRP perpetuated women's insecurity of tenure. According to the World Bank (2008), only 43.7% of women aged between 15 and 49 owned land jointly and FAO (2011) reported that only 11% owned land solely.

The new Zimbabwean Constitution of 2013 section 17 1(c) now specifically provides for the right to land as it states that “the state and all institutions and agencies of Government at every level must take practical measures to ensure that women have access to resources including land and on the basis of equality with men.” Also, Statutory Instrument (SI) 53 of 2014 on Agricultural Land Settlement Regulations defines spouse rights when it comes to land acquired under the land reform programme by protecting women's rights to land by making provision for joint ownership. Also, there is the Zimbabwe Gender Commission Act [Chapter 10:31] of 2015 aimed at guaranteeing women's legal and constitutional rights. However, despite efforts to bring gender awareness, customary law has been allowed to prevail over legislative instruments leaving women vulnerable to harmful traditional and cultural practices. Command agriculture support, initially pegged at minimum land size of 5 hectares, inadvertently already made more women than men ineligible (The Standard, 2018).

The overriding feature in women's relationship to land is their lack of security of tenure. This is largely as a result of economic and social discrimination against women, more particularly gender biased laws, policies, traditions, and colonial hangovers that prevent women from owning and inheriting land in their own right. This skewed access to land has meant that women are dependent on a male link in order to benefit from land as stipulated by customary law. Women's access to land needs to be defined in such a way that women's rights are guaranteed with or without the assistance of the patriarchal lineage if equity objectives are to be incorporated in land administration.

3.6 Land markets

Land markets in Zimbabwe have evolved over time, from the colonial era to the post-independence period. The market for land in Zimbabwe is divided into two: formal and informal market.

In formal markets, access to and use of urban land is regulated by defined rules and is mediated by multiple organizations that may include duly registered non-state private or civil society. However, when interactions between the buyer and seller occur through individuals or community without formal accordance of ownership rights to land, it is defined as informal. In Zimbabwe, formal land markets accord legally binding and enforceable property rights through central and local government administrative structures whereas informal markets accord rights of which the enforcement or validation is based on social or community systems of kinship and other forms of local knowledge (Mukoto, 2011).

The urban land market system in Zimbabwe is regulated by the Regional Town and Country Planning Act [Chapter 29:12] of 1996 and Urban Councils Act [Chapter 29:15] of 2015 (Marongwe et al., 2011). With increasing population and office space demand by companies for commercial activities, the country has experienced urban land shortages since the attainment of its independence due to the high cost associated with land supply, and this has led to unpopular land rentals in urban areas (Hove and Nyamandi, 2016). The Government often intervenes in the land market through rent regulation and directives. For example, Section 3 of the Commercial Properties Act of 1983 allows Minister of Industry and Commerce to create a Rent Board that arbitrates in rent disputes between a landlord and a tenant and it also deals mainly with rent orders as well as evictions. There is also a rent regulation statutory, SI 32 of 2007, which prohibits excessive rentals as well as restrictions regarding ejection and refusal to lease.

However, the country does not have a formal land-sale market for agricultural land. Commercial farmland is leased for 99-year periods, and transfer of leases requires approval by the Government. Since agricultural land cannot be bought and sold, it cannot be used as collateral



for credit (Hove and Nyamandi, 2016). However, because of the high land demand, holdings in communal areas and A1 resettlement 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 generates revenue for the authorities. Furthermore, a strong informal market in rentals of houses in rural areas also exists. Residents who obtained land in the resettlement program often rent their houses to urban residents migrating to rural areas (Chimhowu and Woodhouse, 2010).

4. Land Dispute Resolution

4.1 Assignment of responsibility

The reallocation of land use and ownership, mainly through the land reform programme, has resulted in many disputes among competing parties. It is the task of the ZLC to address issues to do with land disputes, among many other functions (ZLC, 2016). Land disputes are caused by a number of things among which are the registration of leases and permits, compensation and valuation of land and land inheritance. The disputes over land are differentiated according to the parties involved and as such, the resolutions differ in that manner.

At the heart of the top grievances in Zimbabwe over land is the dispute between displaced farmers through the FTLRP and government. Since its implementation in 2000, massive disputes over the compensation of white farmers whose land was compulsorily acquired by the State have been ongoing until the present day. Under the Constitution the government is only obliged to compensate farmers for superstructures but not land.

Some displaced farmers challenged the FTLRP before the courts, arguing that the State was in breach of contract of the Southern Africa Development Community (SADC) treaty, among which some of the breached obligations included racial discrimination and land compensation. For example, in the *Mike Campbell (Pvt) Ltd and Others v Republic of Zimbabwe 2008*, the FTLRP was ruled to be illegal but the Zimbabwe Government ignored the ruling on the basis that the SADC Tribunal had not been domesticated by its legislature. This has been argued by many to be lack of transparency on the dispute resolution process and is perceived as a setback on human rights and rule of law. The Tribunal found that because of Constitutional Amendment 17 the plaintiffs had no access to domestic courts on matters of land acquisition in violation of the SADC Treaty. The Tribunal ruled that the plaintiffs had been deprived of their right to a fair hearing before being deprived of their rights. The actions of the Zimbabwe government were considered to be discrimination against white farmers who were entitled to compensation for the expropriation of their land.

More disputes over land have risen between private parties, especially where allocation of land is concerned. There have been discrepancies among the responsibilities of different land administration arms of the government. Jurisdictions of the different offices involved in the administration of land are not clear-cut and are often violated. This is evidenced by the incidents of disputes arising from double allocations of land, for example Zvinavashe vs Sunny Yi Feng Tiles Pvt Ltd (The Standard, 2018). In many such cases, groups of people have lost their land permanently due to conflict.

The country's magistrate courts are the courts of first instance for land disputes whose value is perceived to be low and a parallel system of courts, comprising of village courts and community courts applying customary law. The Administrative Court or High Court has jurisdiction over matters related to land acquisition under the Land Acquisition Act and it has jurisdiction over issues related to neglected land under the Titles and Registration Act and also deals with disputes over land ownership such as sale, lease, inheritance, and divorce disputes (USAID, 2010).

Land dispute resolution in Zimbabwe has been criticised for its inability to ensure equity due to the patriarchal social order, especially for land under inferior property rights such as communal tenures. Social pressures that favour men over women often corrode women's chances of winning disputes. Bodies that oversee land disputes (chiefs and village heads) are largely dominated by the male populace who are biased towards passing rulings favourable to males in settling disputes. In fact, the Constitution itself permits discrimination against women in land matters by deferring to customary law in matters related to adoption, marriage, divorce, and inheritance.

4.2 Conflict management

The effectiveness of the conflict management system itself is questionable. Processes and procedures of land parcel allocations are often times not recognised. Offices that are incapacitated to allocate land by the various Acts that govern land administration in Zimbabwe have been involved in many land scandals. Instead of bringing to justice such departments and

individuals, the Constitution actually shields them such that there is no legal ground for the affected parties to stand on. Furthermore, the immense political pressure, mainly from corrupt government officials, that is exerted on the offices that deal with land administration in Zimbabwe is a contributing factor to the ineffectiveness of dispute management systems. Mainly members of elite groups, with connections to influential people in government get to benefit from the rulings passed when settling land conflict.

This lack of transparency on the land allocation as well as conflict management processes come at a high social and economic cost. Some social groups are at a disadvantage where both allocation and dispute settling of land is concerned. As such the recognition of human rights is largely ignored by many of the ways in which conflicts are settled. Moreover, the sketchy system of dispute resolution is a huge disincentive for participation in the market for land thus constricting the potential output of the country. This has its fair share of implications on the economy as a whole given that Zimbabwe is an Agro-based economy (USAID, 2010).

5. Valuation and Taxation of Land

The principles and processes for different kinds of valuation and taxation

Owing to the hostile economic environment in Zimbabwe, tax has become a major source of revenue for both central and local government (Marongwe et al., 2011). The urban taxation system of Zimbabwe consists of various types of taxes which can be classified as capital profit tax, purchase tax and usage tax (Chirisa, 2014). The urban areas of Zimbabwe are zoned into residential, economic, commercial and industrial uses and different tax systems apply to these different zones (ibid). In Zimbabwe two taxation methods are employed and these are: Value Added Tax (VAT) and the capital gains tax with the capital gains tax relating more to land resources. Capital gains tax refers to the fee that is charged on property holders on the increment gained from the disposal of a property. This tax goes to government through the Zimbabwe Revenue Authority (ZIMRA) (Marongwe et al., 2011).

Chirisa and Dumba (2015) identify a symbiotic relationship existing between property valuation and property tax with the former feeding into the latter. Parts of XV, XVIII and XIX of the Urban Councils Act, Chapter 29:15 (UCA) provide for the valuation of properties in urban council areas. Whilst the City Treasury Department is separate from the City Valuation Department both departments work together in ensuring that cities generate revenue through land taxation (Chirisa, 2014). Initially property tax was charged on the developments made on the land, however a new zoning and rating system was introduced in which property tax was to be charged in relation to stand size. In this new system higher property tax is being charged on property owners with large undeveloped land (ibid).

There are various factors which are constraining the land taxation system in Zimbabwe and these include: lack of institutional capacity, a hostile economic environment, informality, political interference, corruption and bureaucracy (Marongwe et al., 2011; Chirisa, 2014; Kamete, 2009). Although land tax is a major source of revenue for local authorities it has been constrained by the fact that the tax base is still too small. Most of the agricultural land was acquired through the FTLRP (jambanja or chaos) and as such landowners have no formal title to the land. This then

presents challenges in charging land tax on land that is not clearly demarcated. Furthermore, the land market in Zimbabwe is characterised by corruption thus local authorities are losing out on revenue that was supposed to finance public infrastructure development. This corrupt environment has resulted in loss of trust by tax payers resulting in tax payers evading property tax thus lowering the sources of revenue for local authorities (Kamete, 2009). There are also discrepancies in the billing and payment system which usually go unexplained due to insufficient mechanisms for transparency, participation and accountability.

Political interference has also hampered the land valuation and taxation system in Zimbabwe. In some cases rates overdue may be waived by central government through the Minister of Local Government as a means of gaining political mileage (Chirisa, 2014). Such was the case in 2013 during election time when all outstanding bills were waived thus limiting the amount of revenue that local authorities could collect. Also to note is the rise of informality in Zimbabwe. The emergence of an informal land market where properties lack adequate documentation which makes it difficult for government to track and charge property tax on these transactions (ibid). Furthermore, the prioritisation of human resources by paying large salaries at the expense of expanding service delivery has also contributed to the loss of trust between the tax payers and the local authorities (Kamete, 2009). Even central government in some cases has failed to pay for its use of lettable urban space on the basis of patronage. In addition property valuation and taxation processes in Zimbabwe are lengthy and bureaucratic and thus are to a great extent inefficient and unresponsive to prevailing macro-economic conditions.

6. Land Use Planning and Control

6.1 Land use planning framework and process

Land use planning in Zimbabwe is provided for under the Regional, Town and Country Planning Act (RTCPA) (29:12). Section 10(1) of the RTCPA defines municipal councils, town councils, local boards and rural district councils as local planning authorities in performing various functions in land use planning in their various jurisdictions. These local planning authorities fall under the Ministry of Local Government, Public Works and National Housing (MLGPWNH). Urban councils (municipal councils, town councils and local boards) are provided for by the Urban Councils Act and are responsible for urban areas. The Rural District Councils Act on the other hand provides for the rural district councils which are responsible for land use planning and control in rural areas. Part ii of the RTCPA also provides for regional planning with section 3 providing for the setting up of a regional planning council which is responsible for regional planning.

There is also the Department of Physical Planning (DPP) which is a department of central government also falling under the Ministry of Local Government, Public Works and National Housing. It is the mother body which is mandated with directing spatial and physical planning in Zimbabwe. When implementing development planning systems, the Department of Physical Planning as a technical arm of government provides technical advice to local authorities and the Minister (Marongwe et al, 2011). Moreover the department plays an oversight role in which it ensures that local authorities are adhering to existing legal provisions chief among which is the RTCPA (29:12). Where local planning authorities fail to prepare and implement statutory plans (master and local plans), section 70(1) part XI of the RTCPA under the default powers of the minister empowers the Minister of Local Government through the Department of Physical Planning to prepare these plans on behalf of council.

Chirisa and Dumba (2012) argue that that the Regional, Town and Country Act was created in a British style in which it was focused on addressing issues in the urban area whilst neglecting rural areas. Even in the post-independence era, Zimbabwe to a great extent still maintains the British planning standards thus failing to respond to changes in the physical, economic and social

environment (Kamete, 2009). The current spatial planning system is also failing to confront complex challenges such as the peri urban dynamic and the land use challenges emanating from the FTRLP (Muchadenyika, 2015). Furthermore, the land use planning system has been criticised for being inherently bureaucratic, centralised and technocratic which has been stifling housing delivery in Zimbabwe. This centralisation can be exemplified through a consideration of the powers of the Minister where he can interfere in the operations of council activities in two hundred instances (ibid).

The use of town planning schemes in Zimbabwe that are as old as 1950 is causing delays in the release of land into the urban land market (Toriro, 2007). More so, most institutions in land use planning in Zimbabwe lack both the financial and sufficient human capital to efficiently perform their duties which is further limiting efficient land use planning. In addition Wekwete (1989) asserts that one of the factors which limits Zimbabwe's land use planning framework is that of multiplicity of agencies at subnational levels which do not complement each other in terms of plans and also lack resources and budgets.

6.2 Delivery of Services

Urban councils in Zimbabwe are mandated by both the national Constitution and the Urban Councils Act to provide adequate service delivery. Parastatals such as the Zimbabwe Electricity Supply Authority and the Zimbabwe National Water Authority also work in ensuring adequate access to electricity and water services. Availability of essential services such as roads and communication is a critical factor in unlocking the value of land (Kamete, 2009). In Zimbabwe service delivery is a major concern where urban infrastructure is inadequate to meet the needs of the growing population. It is characterised by a deterioration in basic infrastructure, interruptions in water and electricity supply, inconsistency in refuse collection, drainage challenges and inadequate maintenance of public roads (Kamete, 2009, Chirisa, 2014; Chavunduka et al., 2015). It is almost non-existent in informal settlements in Zimbabwe namely peri urban and slum settlements. According to Muzondi (2014) the population that had access to water and sanitation services declined from 81% in 1999 to 51% in 2009. Access to sanitation in

Harare is very low. Only 1-33% of the households in Harare have access to flush toilets, 23-37% use ventilated improved pit latrines whilst 24-48% use pit latrines with 2-13% of the households in Harare having no access to toilet facilities and may be sharing with their neighbours (ibid).

Owing to the hostile economic environment in Zimbabwe for almost two decades low income earners cannot afford fully serviced housing with electricity, water and sanitation services. This has led to the development of informal housing which is lacking supporting infrastructure (Muchadenyika, 2015; Chavunduka et al., 2015). Water scarcity has become a major challenge in both cities and peri urban areas. Dwindling sources of revenue for local authorities have resulted in a variety of deficiencies in service delivery. This has resulted in: lack of garbage collection, dilapidated buildings, potholed roads and inadequate maintenance of public parks (Muzondi, 2014). Service delivery is one of the most acute challenges in informal settlements such as Epworth. Poor water and sanitation services have exposed people to water borne diseases. One borehole serves up to 150 households. Inadequate water services have forced poor residents to drink from unprotected water sources resulting in the spread of waterborne diseases (ibid). There are inadequate schools and health facilities.

Muchadenyika (2015) asserts that the housing backlog in Zimbabwe is as high as 1 million units which has led to over 62 slum settlements in Harare. Access to health services for the urban poor is generally low in Zimbabwe. One of the major factors which constrain service delivery in Zimbabwe is that citizens are not adequately paying for these services. Failure by citizens to pay can be explained in terms of the hostile economic climate which makes it difficult for citizens to pay towards service delivery and the lack of trust between citizens and service providers (Muzondi, 2014). Corruption within both urban and rural councils has resulted in the abuse of funds that were supposed to be channelled to infrastructure development thus further crippling the service delivery system (ibid). Poor service delivery in Zimbabwe has also been linked to the absence of adequate human and financial capacity and lack of coordination between various departments. More so, political interventions where service delivery is used as a patronage tool

and the lack of transparency and accountability within local authorities has led to corruption and inefficiency within the service delivery system (Chirisa, 2014).

6.3 Development permits

In Zimbabwe no development can legally take place on land without first being approved by the local planning authorities through the issuance of a development permit. Development permits can be in the form of building plan approvals or special consent (Marongwe et al., 2011). In the case of residential development, the land development process involves the design of a layout plan which is prepared in terms of section 40 of the RTCPA if it is private land or section 43 if it is public land. After preparation of the layout plan, it is then lodged with the local planning authority which can either be an urban council in the case of urban areas or the DPP in the case of rural areas. This application is then supposed to be processed by the local planning authority and determined within a period of four months which is however rarely the case. If the application is granted the applicant is then issued with a subdivision permit which allows him to proceed to the next stage in the land development cycle (ibid). Development permits in Zimbabwe may also be in the context of applications for special consent which is provided for under section 26(3) of the RTCPA where the applicant seeks to undertake development that is not normally permitted in a zone. The application for special consent goes through the same process as that for a subdivision permit but however also involves the advertisement by the applicant in the press (Chirisa, 2014).

The processes through which development permits are acquired have an impact on the total land development costs. Where the process is long and cumbersome, land development costs are high (Muchadenyika, 2015). The process of acquiring development permits in Zimbabwe is bureaucratic and unnecessarily long which increases the costs of unlocking the value of land. Approval of building plans in Zimbabwe takes too much time, as long as 21 days just to approve a building plan which reflects a high degree of bureaucracy and inefficiency. The bureaucratic processes which complicate the plan approval process are also opening room for corruption where applicants are paying bribes for their applications to be processed faster (ibid).

In bigger land development projects an environmental impact assessment (EIA) should be submitted to the Environmental Management Agency (EMA) for approval which further complicates the land development process. The process is even worse when it is the processing of a special consent application where advertisement in the press is a prerequisite and any objections have to be responded to (Kurwakumire and Kuzhazha, 2014).

6.4 Land use control

Local planning authorities in Zimbabwe use master and local plans as statutory instruments which are important in managing and regulating urban growth (Marongwe et al., 2011). Part IV of the RTCPA provides for the use of master and local plans as statutory plans by local authorities. However, regardless of the availability of these planning instruments adherence to master and local plans in Zimbabwe has been minimal. Development which does not conform to the proposals set out in statutory plans has been having negative economic, environmental, public health and social repercussions (Chirisa, 2014; Toriro, 2007; Chirisa et al., 2015; Marongwe et al., 2011). Non-conformance to statutory plans in Zimbabwe is typified by the development in Chitungwiza where urban development is encroaching into areas set aside in master plans as railway reservations and as wetlands. Residential development has also overtaken an area called Birkley in Mutare which was zoned as a passive open space in the master plan for Mutare (Chirisa et al., 2015).

In some areas in Zimbabwe the absence of spatial plans covering those areas have led to uncontrolled urbanisation resulting in urban sprawl which has created single use settlements (Toriro, 2007). For example some parts of Mt Hampden are not covered by any local plan thus making development control difficult. At a national level the absence of any regional plan since 1976 when the legal provisions for regional planning were provided for through the RTCPA has also contributed to some of the land use planning challenges being faced in Zimbabwe today. Rapid urban sprawl in Zimbabwe typified by the subdivision of farms into residential stands have led to rising land consumption and loss of agricultural land. Conversion of agricultural land to residential use has contributed to food shortages in the city (Marongwe et al., 2011).

Compliance with development control standards has been too hard for most low income earners in Zimbabwe. This has resulted in an emerging gap between prescriptions by planning standards and the ability of the poor to afford (Chirisa, 2014). The mismatch existing between high urban planning standards and the inability of the urban poor to comply explains why there is an explosion of slums in Zimbabwe in areas such as Harare's Epworth, Hopely and Caledonia. This also explains why construction activities are generally low in spite of the high demand for buildings (ibid). Furthermore the current zoning system which is provided for by the RTCPA does not provide for mixed land use (Toriro, 2007). As espoused in the Regional, Town and Country Planning Act's preamble, urban planning standards are focused on ensuring order, amenity, security and health. However, these standards can be seen to be impeding urban housing delivery. Furthermore, the planning standards in Zimbabwe are facilitating inefficiency by consisting of bureaucratic procedures which are insensitive to low income groups. The separation of land uses through zoning has exacerbated urban sprawl and peri-urbanisation.

6.5 Climate change and environmental management

Climate change is a global reality whose negative effects have been adequately felt in Zimbabwe (Chagutah, 2010). The primary impacts of climate change in Zimbabwe include extreme weather conditions, droughts and rising temperatures leading to poor agricultural production, unavailability of safe drinking water, rising incidence of weather related diseases such as malaria and diarrhoeal diseases (Banda and Mehlwani, 2005; Chagutah, 2010). Climate change has also generated secondary impacts as households seek to adapt to its primary impacts. These secondary impacts include migration, disruption in the education sector and further environmental degradation. Climate change issues have a significant impact on land governance by negatively affecting both land uses and land values (ibid).

Environmental management and climate change related issues in Zimbabwe fall under the Ministry of Environment, Water and Climate. EMA is a statutory body which was established through the provisions of the Environmental Management Act (20:27) which was operationalized through Statutory Instrument 103 in 2003 (Marongwe *et al.*, 2011). EMA is mandated to ensure

that the natural environment is protected through the preparation of environmental plans. There have however been inconsistencies in how environmental laws have been applied in Zimbabwe. Developments have taken place on environmentally sensitive areas such as wetlands regardless of the legal provisions that are set out against it (Chigwada, 2005). In Harare, cases in point include the Long Cheng plaza and the Defence Forces College which were developed on wetlands. Compliance to environmental management laws in Zimbabwe has been relatively low due to corruption and massive political interference. However, it has also been argued that environmental laws have also been adding to the transaction costs of unlocking the value of land in Zimbabwe by making the development process long and cumbersome.

Although there are notable legal and institutional frameworks which seek to ensure environmental management as well as mitigate the negative impacts of climate change, Zimbabwe lacks a specific policy response to climate change. Policy responses relating to climate change and environmental management in Zimbabwe have been largely fragmented and implied in a variety of sectoral policies (Chagutah, 2010). Climate change adaptation has not yet been mainstreamed in the policies and programmes of government ministries and the existing pieces of legislation have not yet been aligned and harmonised. In land use planning, climate change policy has not been mainstreamed into planning law and regulations. The established institutions which are mandated to implement climate change adaptation policies lack the capacity for implementation. These institutions include the Climate Change Office, the National Early Warning Unit, the Meteorological Services Department, the Zimbabwe Vulnerability Assessment Committee, the Zimbabwe National Water Authority, the Department of Civil Protection and the Department of Agricultural Research and Extension (Marongwe et al., 2011). There is lack of coordination between these departments and other government departments falling under different government ministries. These institutions are also lacking both financial and technical capacity to craft and implement climate change response strategies. There is also inadequate public awareness in relation to climate change adaptation in Zimbabwe and media coverage on climate change is also little. Also to note is that Zimbabwe's participation at regional and

international climate change forums has been limited by the failure to build larger negotiating teams for the country (Chagutah, 2010). The absence of proper policy frameworks militate against effective land governance as the unregulated impacts of climate change have a negative effect on land resources.

7. Management of Public Land

7.1 Public land inventory

Land is held by the state in Zimbabwe based on ownership of rights to land. The state possesses real rights to land and has freedom to occupy, lease or transfer ownership. It uses land through its parastatals namely: National Parks and Wildlife Authority, Agricultural Development Authority ADA, Cold Storage Company and allows resettled farmers to use its land through leasing arrangements (Rukuni, 1994). It also possesses land which has not yet been allocated where unalienated state land can only be transferred from state to any person through registration at the deeds office. According to section 16 of the Deeds Registry Act, state land held under a certificate of state title is transferred through a deed transfer whilst state land not held under a certificate of state title is transferred by a deed of grant. Where the state acquires land from any person the land is not held by the state by means of a title deed but after acquisition by the state, title deed of the land is cancelled by the registrar upon direction by the minister as provided for in section 18 of the Deeds Registry Act (ibid).

7.2 Allocation of public land

The legal framework for allocating and regulating communal land is provided for under the Communal Land Act No 20 of 1982. In communal areas land is owned by the President as per the provisions of section 4 of the Act. Through the administration of Rural District Councils operating in consultation with traditional leadership (chiefs and village heads) the state is accountable for land tenure administration. Communal households have usufruct rights to land where households are limited to occupation, inheritance, use and exclusion with land being held on a customary basis (Midzi and Jowah, 2007). There is also the Rural Land Act Chapter 155 which

governs the resettlement of persons on agricultural land. Although the Act does not apply to communal land it empowers the Minister to acquire land on behalf of the state as per the provisions of section 5. This can then be leased or sold as state land as provided for by section 6 of the Act. To ensure transparency, fairness and accountability in the land administration system of agricultural land in Zimbabwe which is vested in the state the Constitution provided for the ZLC through section 296.

In the land reform programme, private farmland is acquired by the state and made available for resettlement under permit and leasehold forms of tenure. A beneficiary can be given a permit to occupy and use land under the A1 (village model) or given an offer letter which is eventually processed into a 99 – year lease agreement under A2 (small farm model). Government has shown preference for administrative allocation for social equity purposes but such allocation is usually accompanied by opaque procedures and corruption tendencies. Land is not advertised for allocation. Rather individuals in need of land have to apply, are usually added to a waiting list and are allocated land when it becomes available.

Urban state land is allocated by the State Land Office (SLO) in the MLGPWNH. To qualify for land allocation one has to submit an application to the SLO. Further, the applicant has to submit evidence of financial capacity to develop the land. Land is allocated with option to purchase upon satisfaction of development conditions. Like in rural areas, there is no publication of the names of people allocated urban state land.

In local authorities, land is allocated by a department of council which is usually headed by a town planner/technician and carrying out functions which include undertaking professional and technical advice to committee responsible for land management, maintenance of land registers, maintenance of waiting lists, vetting applications and ensuring compliance with lease agreements (Midzi and Jowah, 2007). Councils are required to keep two waiting lists for land allocation namely: one for housing and another for industrial and commercial stands with the waiting lists kept in the format of the UL 9. These waiting lists are supposed to be updated

annually with those in the waiting lists informed of their priority number. It is also supposed to be open to public inspection and should only be amended with council resolution. In reality the lists are not public, accessible nor reliable. To join the waiting lists applicants would be required to apply using form UL9. To maintain one's name in the waiting list a renewal should be done annually (Mutondora, et al., 2016). The allocation of stands should always be done in accordance with the waiting lists. The criteria for allocating land are that: applicants should be current residents of the area or town, applicants must be on the waiting list, and applicant should demonstrate to the local authority ability to develop the stand and applicants must be Zimbabwean citizens. Standard rules may be waived under special circumstances such as in the case of the disabled.

8. Land Information

8.1 Public provision of land information

Land information is under the curatorship of the Surveyor General's Department and the Deeds Office. However the Offices are still to a great extent dependent on analogue registers (Kurwakumire and Kuzhazha, 2015). To date, the cadastral system in Zimbabwe is still largely analogue. The current system in the Surveyor General's Department dates back to the late 1990s where a system comprising of Microsoft Access database containing attribute information as well as scanned copies of survey diagrams was implemented by the Swedish government (ibid). This then entails that it is impossible to sequentially add new parcels and as such have to be recorded on card files which have to be separately stored. It is in these card files that all past subdivisions and consolidations are stored. Since the register is a hardcopy list, there is no mechanism for adding new parcels in a sequential manner, so they are recorded on card files which are stored separately (Alexander, 2007). The reference of the general plan or survey diagram is also given on the card files. All subdivisions and consolidations are recorded on the card files.

Manual cadastres have posed a lot of challenges as far as access to land information is concerned. Access to land information is slow, depreciation of paper documents is high, backup of documents is poor, sharing and exchange of land information is ineffective (Marongwe et al., 2011). These challenges include insufficient security of data, longer time lags in accessing land information as well as reduced service response rate (Chaminama, 2009). This is further exacerbated by the rapidly increasing information. These weaknesses in the land administration system have negatively affected stakeholder confidence in the land administration system. Physical searches for cadastral records at the DSG and the deeds registry are also inefficient and time consuming (Kurwakumire and Kuzhazha, 2015). National land information is supposed to be a public good at the disposal of all citizens, however citizens have to pay fees to access land information in the Surveyor General's Department which also limits access to land information.

Even at a municipality level cadastral processes in Zimbabwe have been to a great extent manual in spite of the pronounced role they play in land transactions as well as in availing land

information to interested stakeholders (Chimhamhiwa, 2002). A largely manual cadastre entails that Zimbabwean municipalities lack the capacity for a direct update into the national land information system which is hosted by the Surveyor General's Department. Furthermore the absence of a metadata catalogue means that land information may be increasing among various agencies involved in the land administration due to duplication, this information is however not accessible as there is no clarity as to which agency possesses which information (Alexander, 2007). In the case of communal areas, availability of land information is very poor and is limited only to demarcated village and ward boundaries.

8.2 Land administration services

Kurwakumire and Kuzhazha (2015) highlight the importance of having a functional land administration system for effective land management. The land administration system of Zimbabwe is fragmented and complex. Some of the major stakeholders in the land administration system are: the Ministry of Lands and Rural Resettlement through the conflict of interest system, local government through the town planning system, DSG which houses the subdivision permit system as well as the survey lodgement and approval system and the conveyancing system housed by the deeds registry offices. However lack of sufficient cooperation among these stakeholders has led to inefficiencies in the land administration system of Zimbabwe (ibid). This is because the land administration system in Zimbabwe separates the cadastral offices from the deeds registry. These stakeholders have not been cooperating smoothly thus impeding a smooth land development process as these stakeholders act as discrete systems with little integration (Kurwakumire and Kuzhazha, 2015; Chaminama, 2009; Alexander, 2007). Also to note is that conveyancing processes in Zimbabwe are discrete and separate processes carried out by private conveyancers (Chimhamhiwa, 2002). The process is also usually very lengthy and expensive lapsing up to 40 days thus presenting high transaction costs.

Although the land markets of Zimbabwe are to a great extent formal their proper function is distorted by the lack of adequate information of property transactions. Information on land delivery is scattered and difficult to use for policy (Marongwe et al, 2011). Furthermore the

centralisation of property registration system is both a source of inconvenience and corruption in the urban land market. Land information in Zimbabwe can only be collected on a layout-by-layout basis which is often inaccurate and cumbersome. Approved layouts are not compiled and collated thus creating an information gap in Zimbabwe's land markets (ibid).

In summarizing our scoping study, we conclude that land governance in Zimbabwe is characterized by multiple, overlapping and at times conflicting institutions. In land governance there has been a blurring of bureaucratic and political institutions and this has compromised systems of accountability, transparency, equity and responsiveness. Since independence in 1980 the country has witnessed the erosion of governance structures with the increase in rule of individuals rather than rule of law. Increased demand for land administration services has not been matched by investment in responsive institutions, processes, and technology, thereby opening opportunities for administrative fiat and bureaucratic malfeasance

In the absence of investment in functional institutions, the conflation of government and politics has reflected in land disputes, forced evictions, land grabs, compensation conflicts, limited observance of the rule of law, inaccessible administrative and legal systems and at worst, a moribund land administration system. These and other land governance characteristics reflect high levels of tenure insecurity. Hence, the state of land governance has not enabled farm investment and access to production finance.

9. Land Governance: Key Challenges in Zimbabwe

9.1 Flawed institutional framework on land governance and administration

The land administration system in Zimbabwe faces a lot of challenges and it is generally perceived to be flawed. A number of factors which include lack of finance and a sound institutional system have been blamed for such a distressed administration system. Moreover, issues such as corruption in land allocation processes, poor land tenure rights as well as a skewed land distribution system that has been alleged to benefit a few elite have been raised in critique of the system as a whole.

The institutional framework on land governance and administration in Zimbabwe is in a state of dysfunction. The various departments involved in the governance of land in Zimbabwe lack the institutional capacity to fully carry out their duties as they suffer immense political pressures as well as corruption. Various arms of central government are involved in land management, in particular urban land. The multiplicity and complexity of central government involvement in urban land management has led to duplication of functions. Allegations of Ministries or Offices overstepping the boundaries of their mandated duties have risen multiple times, leading to conflicts and disputes in land ownership and use.

Abuse of power by public officials is also prominent in the land administration process of Zimbabwe. Various pieces of law dictate how land should be governed, for example the Urban Councils Act which shapes the manner in which central government relates to local authorities. Under the Urban Councils Act, the President (through the Minister of Local Government) may require an Executive Mayor to vacate his office if the Executive Mayor has been guilty of any conduct that renders him unsuitable as Executive Mayor or is mentally or physically incapable of efficiently carrying out the functions of the office of mayor. Thus, the responsible Minister may suspend an Executive Mayor on any of such grounds (TIZ, 2014).

Power is effectively bestowed on the Minister who can use the threat of dismissal to make councils bend to his will. While the laws are meant to ensure balance and make the monitoring

of council operations possible, abuse of political power has seen a shift towards ministerial interference in the operations of many urban councils. Such institutional manipulation implies that although institutional and legal frameworks exist, they are continuously overridden by political expedience. Some groups of people, particularly those without connections to people in government have unfairly lost their rights to land ownership with no accompanying form of compensation from the government.

Further institutional problems have been caused by the disjointed operations of the relevant institutions involved in the land administration process of Zimbabwe. The relevant offices are housed under different ministries further fueling inefficiencies in the governance of land. Not only do the relevant authorities belong to different ministries, but also often, to different political parties as many of these positions are appointed positions (TIZ, 2014). This has been alleged to increase the friction and dysfunction of the whole system. Highly centralised systems of governance, combined with bureaucratic top-down decision making systems have impacted negatively on functions such as land identification, land planning and information, land survey and registration and resettlement (Rukuni, 2003).

Coupled with this institutional maze is the lack of information, that should otherwise be publicly available, and the secrecy involved in council land deals. Urban land registration in Zimbabwe is done through the Deeds Office which is in a state of dereliction (Marongwe, 2008). This affects the storage and access to documents about land ownership. The Deeds Office has been accused of producing fake title deeds many times (TIZ, 2014).

Information about urban land supply and availability is unavailable. Government departments responsible for this often lack the institutional capacity to do this and suffer corruption from influential bureaucrats. As such, this role has been taken over by estate and valuation agencies that are private entities whose operations fall outside the realm of public companies which are mandated to publish performance results (Marongwe et al., 2011). Therefore, the general public

cannot determine the extent to which land transactions being conducted within councils are illicit. There are increasing allegations of multiple land ownership by council managers.

Rural land has not been excused from institutional evils surrounding its governance. All communal lands in Zimbabwe belong to the state and they cannot be sold or bought. As such there exists a plethora of indigenous and state administrative arrangements that specify what people in communal areas should and should not do (Matondi, 2011). Currently, the main pieces of legislation governing communal land in Zimbabwe are the Communal Lands Act of 1982, Rural Council District Act of 1988, Traditional Leaders Act of 1998 and the Land Acquisition Act of 1992 (TIZ, 2014). Various institutions and agencies involved in the administration of communal land in Zimbabwe have always been a source of conflicts. These institutions include traditional chiefs, village heads, Rural District Councils and various government ministries.

Local government in Communal Lands is therefore characterized by a two strand administrative structure. One strand comprises of traditional leaders and the other of appointed officials imposed by central government (Murisa, 2011). There are thus two centres of power in local government running parallel to each other, one democratically appointed and the other traditionally appointed, with some formal linkages between the two established by statute. The numerous antennas of power originating from different sources in this split system touch upon the lives people in the rural areas. Often traditional leaders seeking political relevance sell their loyalty to politicians resulting in land allocations that favour politicians at the expense of common people. Furthermore, this dual system has created an opportunity for corruption seeing it blur the lines of accountability and transparency.

9.2 Lack of a coherent land policy

Mbaya (2000) defines land policy as a set of principles, guidelines and rationale upon which land legislation, as well as strategies and mechanisms for their implementation, can be developed. To achieve consistency and the certainty necessary to provide the required confidence for the promotion of economic development, a comprehensive national land policy is required

(Chiweshe, 2012; Marongwe, 2008; Matondi, 2007). National land policies provide an enabling framework for the development and implementation of land related legislation in an integrated and harmonious manner. Moreover, the land policies of specific countries have more specific objectives which vary, depending on prevailing historic, economic, social and political conditions. In Zimbabwe, there is no coherent land policy which guides land administration, as land administration has been predominantly ad hoc and shaped by the political climate of the day (Masiwa, 2005). Land policy in Zimbabwe has evolved from the Lancaster House Agreement to the explosive land invasions of the early 2000. The Lancaster House Agreement was reached between Britain and Zimbabwe liberation parties in 1979. According to the agreement, farmland transfers during the first decade of independence were going to be based on a willing buyer, willing seller policy. The absence of a coherent land policy presents challenges for government in envisaging the agrarian future of the nation as there is lack of policy direction.

Government has also been confronted with the policy dilemma of balancing between the twin objectives of ensuring productivity which is inclined to large scale agriculture and social equity which favors smallholder farms (Marongwe, 2008). Large farms have been considered underutilized yet they have higher productivity records than small farms. In the case of Zimbabwe, smallholder farms have not been as productive as the literature would suggest. They have served a social justice purpose.

The land policy of Zimbabwe has evolved from the 1979 Lancaster House Agreement to the explosive land invasions of the FTLRP of the early 2000 (Matondi, 2007). The first phase of the land reform program was based on a willing buyer, willing seller model whose success was limited vis-a-vis the ambitious goals of the incoming government in regards to the resettlement of poor black families (Chiweshe, 2018). The fast track land redistribution exercise in 2000 reversed some procedures which were regular prior to this process regarding land resettlement. This conflicted with the prior Zimbabwe land policy in which there was a legal procedure to be followed from the time a farm is identified for reallocation to the time the new settlers occupy the land (Matondi, 2007). The land was not legally transferred to the State prior to reallocation, and

compensation procedures were not followed. The procedure should have been to subdivide the land first through a survey of land and then transfer rights to the recipients identified for resettlement. The legal requirements for land acquisition for resettlement were later changed by the amended Land Acquisition Act of 1992 which became the driver of the fast track land redistribution exercise in 2000. Paradzayi (2007) also points out that the land policy later changed such that resettled land holders were granted 99 year leases after a cadastral survey of the land. However, land surveys for the 99 year leases only gained momentum from 2010 onwards (ibid). Furthermore, inconsistencies also exist in the administration of communal land. Despite the fact that in legal terms communal land is held under the Communal Land Act of 1983 and vested in the President, customary procedures are followed such as inheritance and allocation by inheritance and chiefs which creates a breeding ground for corruption (Marongwe, 2008).

The lack of policy direction has also been attributed to the lack of clarity on the part of government in confronting a variety of issues chief among which being compensation of former white farmers who lost land during the FTLRP (Mutondi, 2007). The 2019 national budget allocated 5.3 million USD in compensation to former white farmers which were displaced through the Fast Track Land Reform which marks a major shift in government's policy orientation. The last five years has also seen some High Court rulings in which land could be taken away from Black farmers who got land under the land reform programme and are not using it productively (Chiweshe, 2018).

9.3 Land tenure insecurity

Urban land tends to have secure tenure because of the commercial value attached to it. This is possibly explained by the fact that urban land markets are generally well developed and the process of buying or selling land is clear. The need to protect land ownership by acquiring title deeds is of paramount importance to most urban settlers yet very few have had experiences with the land registration process. This disincentive to register land emanates from lack of knowledge as well as the difficult and tedious processes of acquiring urban land in Zimbabwe.

Having rights to land and understanding what those rights entail are different. There is a general lack of knowledge amongst communities, particularly the elderly population, on what a title deed entails and the basket of rights that accompanies the deed. Most people believe that they are registered owners of the land or property at the council as long as bills come in their names and for them that is enough. However, most inheritance squabbles have proven otherwise as there has been a high record of documents going missing at the councils (Matondi, 2011). This is evidence that there is high legal illiteracy in urban communities as people do not possess all the knowledge about legal ownership of land in urban areas especially for the elderly.

Lack of information has its fair contribution to the failure of securing land rights in urban areas. People do not know how much it costs to register a piece of land and without that information current and potential land owners are exposed to corrupt agents and developers who prey on them. The most prevalent of cases in urban areas is a situation where people do not change the name on the title deed after the sale and purchase of a piece of land has been completed. Eventually, this breeds an environment for conflicts, for example a third party can try to claim the land and if the seller is not available to validate the claim that the land had indeed been sold then land can be unjustly lost to a third party. In extreme cases too, people have sold property and land that does not legally belong to them, cheating innocent people out of their hard earned money. Information is not seen as vital especially by women who often lose the land when their husbands die because they do not have adequate knowledge on processes of land registration. This can be resolved through a vast dissemination of information on televisions, radio stations and newspapers.

Communal lands are the most affected by ill-defined property rights. All communal lands fall under customary tenure where access to land and the content of occupation rights are determined by customary law (Zamchiya, 2011). Most corruption in communal lands has been blamed on this tenure system. The Communal Land Act of 1983 governs customary tenure and it states that all communal land is vested in the State President who has the authority to grant its occupation and use in accordance with the Act. The implied meaning of the Act is that the

President has discretionary powers of land allocation. As such, land governance and allocation become a politicised and not a legal right (TIZ, 2014). Zimbabwe being a country that has been eroded by corruption, such political centralization of power provides a fertile environment for abuse of power being reinforced by lack of accountability, transparency and institutional checks and balances.

Chiefs and village heads through the customary law regime, play a predominant role of allocating land in communal or rural areas. The process of land registration in rural areas involves the payment of arbitrary fees that vary from one village to another, based on the requirements of the village heads of the particular villages. These fees are not meant for securing any form of title deed but they exist so that individuals can be recorded in the village books and have small pieces of land allocated to them for subsistence agricultural activities. This land is highly insecure as the relevant authorities to communal land governance can withdraw that land and utilise it for other purposes.

Land that was acquired under the Land Reform Program is yet another type of land with insecure rights. Land falling under this category belongs to the State and is subject to expropriation anytime. As such, this land cannot be traded at market prices or used as security when obtaining loans (Hove and Nyamandi, 2016). Poor enforcement of land rights for agricultural land opens up the system to corrupt tendencies by public officials who are responsible for allocating farms. Security and insecurity of tenure for agricultural lands depends on the social and political standing of individual settlers.

Lack of information on what a title deed is and how it defines the use and enjoyment of property to the title deed holder also plays a pivotal role to the securing of land in communal lands. Rural people often confuse ownership with occupation. In a study carried out by Transparency International Zimbabwe, one of the women interviewed pointed out that they did not have legal titles to their land but rather argued that,

“the fact that I have been farming on this land for the past 13 years proves to be a clear exhibit of tenure so why should I need a piece of paper as proof of ownership?”

This demonstrates that tenure is not specifically understood in legal terms as contained in a lease agreement as the “legal document” but rather the capacity to be physically present on the land doing productive farming activities tied to land use (TIZ, 2014). Efforts to make tenure arrangements understood from the different social and cultural arrangements that communities prioritise should be made by the government through educational programmes meant to empower communities, with much emphasis placed on women.

9.4 Poor land dispute resolution framework

The need for a land dispute resolution framework remains a challenge in Zimbabwe. At the heart of grievances over land is the dispute between dispossessed white farmers and the government. Since the implementation of the FTLRP in 2000, massive disputes over compensation for land compulsorily acquired by the state have been ongoing and have put to question the government’s observance of private property rights. In one such dispute brought before the SADC Tribunal by white farmers, the Tribunal ruled that the FTLRP was illegal. However, the Zimbabwe Government did not uphold the ruling because the Tribunal had not been domesticated by its legislature.

The ZLC has the mandate for land conflict resolution but has been overwhelmed by disputes emanating from resettlement areas. Most disputes brought before the Commission relate to the sharing of farm infrastructure, farm boundaries and double allocation of land parcels. Other disputes relate to rights of way, land inheritance, land underutilization and avoidance of spousal joint land registration by most men. There have been no transparent and legitimate procedures for dispute resolution. The Commission is centralised and lacks the human resources, financial and institutional capacity to fulfil its mandate.

9.5 Land valuation and taxation

Zimbabwe has clear procedures for the valuation and taxation of land. Property valuation has mostly used the comparative method. The procedure faces constraints because of high inflation, difficulties in accessing data on property sales as realtors have no platform for sharing property prices. A volatile macro-economic environment has had the impact of severely reducing property transactions that would enable a more reliable comparison of prices. Political considerations have come into play in the determination of property values.

Property taxation is mostly in the form of rates and capital gains tax. Enforcement of rates payment is more in urban compared to rural areas. For a variety of reasons including the economic crisis, inadequate capacity of local authorities to collect taxes, residents' reluctance to pay taxes because of poor service delivery, rates collection has been low. Political expedience has also influenced residents to default as at the time of the 2013 harmonised elections when the Minister of Local Government instructed all local authorities to cancel rates owed by residents.

Despite the existence of a legal framework for the taxation of resettlement land, government has been indifferent about enforcement of land taxes. Since it is state land, taxes have to be paid to the Ministry of Lands but the Ministry has not shown the willingness and capacity to enforce the payment of taxes. Without the payment of a land tax, reform beneficiaries have lacked incentives to be productive on the land.

The central government levies a capital gains tax on all transacted properties. However, not much is collected from deceased estates because for a variety of reasons including family disputes, there has been no transfer of ownership of such properties. For both valuation and taxation, there have been insufficient mechanisms for transparency, participation and accountability in processes.

9.6 Lack of national land use planning and control framework

According to Cullingworth and Vincent (2006) spatial planning is concerned with coordinating and integrating the spatial dimension of sectoral policies through a territorially-based strategy. Land use planning in Zimbabwe is largely controlled by the RTCPA of 1996. The RTCPA is however highly criticised for its rigidity in responding to forces of globalisation and urbanisation challenges as well as its failure to provide for spatial planning at a supra national level through a national land use planning framework (Chigara and Dumba, 2012). The absence of a national land use planning framework entails the absence of a mechanism for coordinating land use planning at a national level. Lack of coordination of land uses at a national level has necessitated piece-meal planning which has posed a variety of threats in the following areas: environmental quality, town beauty, economic self-sustenance, harmony in development and territorial expansion of cities and towns (Chigara, et al., 2013). These fissures discredit the usefulness of the existing planning framework as good for sustainable land use planning. Due to lack of comprehensiveness and an over-arching approach to planning, piece-meal planning fosters uncoordinated urban development. Although local authorities can have strategic plans, such plans lack broader spatial references thus posing difficulties in using the plans for guiding development and for development control purposes (Wekwete, 1987).

The major national land use planning framework in Zimbabwe are the agro-ecological regions developed by Vincent Thomas in 1960 (Naess, 2000). In this framework Zimbabwe is divided into five natural regions based on mean annual rainfall. The effects of climate change, boundary changes and the desire to factor in other land uses besides agriculture necessitate the development of a national land use plan that is backed up by legislation (Auret, 2000; Mandaza, 1987; Wekwete, 1987). The broadest form of spatial planning provided for in part 3 of the RTCPA is regional planning which has also been neglected. Besides the Sebungwe Regional Plan of 1979, no other regional plan has been prepared. Alternatively, provincial plans and trans-frontier development plans are taking the place of regional plans (Chigara, et al., 2013). In Zimbabwe, piecemeal planning is most prevalent in small towns that have no capacity to prepare master

plans or local development plans. Notwithstanding the multiple town planning regulatory frameworks passed from pre-and post-independence Zimbabwe, piece-meal planning has been guiding urban development in most towns and cities (ibid).

A national planning framework would provide an oversight vision of how development is to take place at a national scale (Wekwete, 1987). Also, to note is the growing disparities between the rural and urban areas. Although there was a concerted effort by government in the first decade following independence where the state sought to iron out the spatial inequalities between rural and urban areas through policies such as the Growth with Equity and the Growth Points and Service Centre strategy little success has been realized (Mazhindu, 2005). The operative RTCPA is silent about spatial planning in communal areas which has further perpetuated the gap between rural and urban areas. This again calls for a statutory national spatial framework which recognizes communal areas and maps out development proposals for rural areas (ibid).

The absence of a national land use planning framework can also be blamed for the emergence of peri urban issues in Zimbabwe (Naess, 2000). Due to the absence of an overarching land use planning framework the current land use planning exhibits gaps where there are areas of institutional neglect. These are usually grey zones lacking adequate institutional support (Chigara et al., 2013). As a result these zones lack adequate infrastructure services and are thus a threat to environmental quality and town beauty. A broader form of planning in the form of a national land use planning framework would eliminate these gaps and account for every unit of land in the country. Sufficient institutional apparatus would also be put in place to ensure sufficient institutional and infrastructure support is provided.

Notable is that the current planning framework is more focused on development control as opposed to promoting development (Auret, 1990). Planning in Zimbabwe has been largely prescriptive focusing mainly on adherence to the statutory dictates of master, local and layout plans with little room for flexibility. This current approach has failed to respond to land use, infrastructure and service demands of rapidly expanding rural and urban environments

(Wekwete, 1987). Recent literature suggests that there is need for an adoption of development management orientation as opposed to a development control approach (Auret, 1990). Development management involves adopting “softer” planning approaches which involve participation, facilitation and negotiation in land governance as opposed to “hard” planning approaches which are rigid, bureaucratic and prescriptive (ibid). This calls for research into more appropriate land use planning frameworks and tools for addressing contemporary land use planning challenges in Zimbabwe. A national planning framework would provide an overarching framework for spatial planning as well as eliminate the gaps in the current land use planning practice.

9.7 Corruption in the land sector

Chiweshe (2018) asserts that corruption is evident in all aspects of Zimbabwean life such as bribes to traffic police, paying to get a job or basic services, such as a driver’s license or passport. He identifies corruption as the single most important challenge hindering the effectiveness of economically sound solutions to the tenure systems where access to and control of land is mediated by corruption. Corruption is now a strategy or a way of life in present-day Zimbabwe. Findings from the Annual State of Corruption Research Series by Transparency International Zimbabwe confirm that corruption in Zimbabwe is as a result of the current politics and the power dynamics (ibid). According to Kakai (2012) land corruption can be defined as ‘*...illicit acts and the abuses of power committed by those in power (at different levels) when performing their duties as this relates to different land operations*’. In such a scenario, corruption can be considered as essentially a problem of power (Rukuni and Eicher, 1994). Power can also be interpreted as the use of strategy and, in the case of Zimbabwe, corruption has been used as a survival strategy by many in different positions, at the expense of the poor, who often have to pay more for many basic services (Chiweshe, 2017).

Understanding power is at the heart of understanding corruption with definitions of power and corruption rooted within socio-cultural systems (Eicher and Rukuni, 1994). When applying this to corruption it means that corruption as an issue of power is made through localized networks. In

the Zimbabwean land sector, an analysis of the major actors within corrupt deals highlights how political and bureaucratic power remains vital elements in illicit land transactions (Kakai, 2012). Mutondoro and Ncube (2013) highlight various patterns of corruption involving communal land. There is an increasing abuse of power by traditional leaders, such as village heads and chiefs and also by rural district councils through their explicit and tacit participation in illegal land sales. Land in communal areas cannot be transacted in since it is state property (Chiweshe, 2017). It is illegal to sell the land. According to the Zimbabwean constitution, traditional leaders are custodians of communal land, which means they only manage and administer land that ultimately belongs to the State. Traditional leaders are, however, using this custodial role to accumulate through land sales. It is not only traditional leaders, but also individuals who are also parceling and selling out their land. The two most affected communal areas are Seke and Domboshava, due to their proximity to Harare. The excerpt from a newspaper report below highlights emergent issues with land sales in Seke (ibid):

“For Seke’s villagers, the receding pastures are not their only problem. Traditional leaders – empowered to distribute land to members of their communities – are reducing the sizes of plots to sell parts of the land to buyers from Chitungwiza and Harare for personal profit. ‘It seems we will soon end up as backyard tenants in the land of our ancestors. Our headmen are the main culprits as they are enriching themselves at the expense of the villagers by selling the land that is supposed to belong to us as a community. Our children have nowhere to go and end up cramped on our homesteads’, Makasha said. The traditional leaders, Makasha said, are supposed to accept a nominal fee of US\$7 from local community members receiving new plots, after which the community members are supposed to pay \$5 annually in tenure fees. But instead, the headmen are selling two-hectare plots for as much as \$4 000 to home seekers from urban areas.” (Chiweshe, 2017:116)

With an increased demand for land, Zimbabwe has witnessed multiple cases of corruption in which various actors in the land sector have used various forms of power to accumulate it. In

Harare and Chitungwiza there are many reported cases of corruption involving land, and in some of the cases ordinary citizens have lost millions of dollars to politically connected, unscrupulous land developers (Chiweshe, 2017). It is, however, within councils that most corruption persists. According to Marongwe (2008) there is a high prevalence of corruption in land deals within the city. He notes:

“Special Investigations Committee’s report of the City of Harare Land Sales, Leases and Exchanges has exposed allegations relating to the gross manipulation of the operation of urban land markets. The report makes reference to cases relating to land swaps between the City of Harare and some political elite, unprocedural sale of public land which violated section 152 of the Urban Councils Act, unprocedural change of reservation of land, unprocedural disposal of council houses and the no adherence to council policy on the allocation of stands.” (Chiweshe, 2017: 119)

The cases show how the political elite are involved in accumulating land for speculative purposes at below market prices. Increased demand for urban land in the context of a government that has no capacity to meet such demands opens a way for corruption. In 2005, the Harare Municipality started demolishing houses they claimed were built illegally in high-density areas, yet there are cooperatives that had operated and collected people’s money for years. When these cooperatives began, they claimed legitimacy by adopting liberation war heroes’ names (ibid).

Evidence shows that political power is at the center of land-related corruption. The major actors in subverting procedures across all tenurial systems discussed above are politicians. In Zimbabwe, corruption is thus largely a function of political power (Kakai, 2012). More so, the interplay between political and bureaucratic power facilitates corruption and illicit land deals. Bureaucrats are implicated in the corruption, as they are often involved in regularizing illicit deals. The situation is further complicated when bureaucrats are also politicians and their actions are meant to further specific political goals (Mutondoro and Ncube, 2013). Also worth noting is how various

types of power inherent in everyday relationships lead to unequal access to resources where the socio-cultural marginalization of women in Zimbabwe limits their access to land (Kakai, 2012). Land corruption has the negative effect of eroding livelihoods and thus negatively impacting on the poor. Land-related corruption is a political challenge that requires political as opposed to technical solutions. Anticorruption commissions created at technical levels cannot be effective in an environment in which political will is missing. There is therefore need for research and further analysis not only on the abuse of power but also on how power is used in the land governance process of Zimbabwe (Chigara, et al., 2013).

9.8 Poor land information management system

Lemmen (2012) asserts that the availability of land information improves land valuation, taxation and zoning since all these operations are based on the land unit. It is also important for local planning authorities such as municipalities to be able to identify all land units within their jurisdictions and the rights that attach to them. This information is essential for a more informed zoning process and enhanced spatial planning (Chigara et al., 2013). Information is the basic resource for any decision making to be done and as such it is the function of a land information system (LIS) to support land management. A land information system needs to be coupled with accurate and complete information if sound decisions are to be made. However the land information management system of Zimbabwe has greatly remained disjointed and manual which presents challenges in the accessibility of land information, durability of documents, sharing and storage of documents as well as sharing and exchange of land information (Chitsike, 2003).

According to Kurwakumire and Chaminama (2012) the problem within Zimbabwe's cadastral system is the lack of coordinated efforts in the collection of land information. Several agencies collect land information for their own use while there is minimum formal sharing of this information. As a result, there is duplication of information as organisations collect similar information. Also to note is that large amounts of land information is available but inaccessible as there is no metadata catalogue specifying which organisation has what information (Chitsike,

2003). With communal land there is poor land information as only the village and ward boundaries have been demarcated. The systems in use by the Department of the Surveyor General and municipalities are still paper based and are largely inefficient (ibid).

Furthermore, the land administration system is based on the Roman-Dutch law and is comprised of separate cadastral and deeds registry offices. Land surveys are regulated by the Land Survey Act of 1979 while town planning processes are administered through the Regional Town and Country Planning Act of 1996 (Kurwakumire, 2013). Municipalities are mandated to store, manage and maintain records of all land parcels within their jurisdictions but without deeds information. The Land Survey Act (1979) Regulations have not been amended regularly since 1979 thus restrict the application of new technology for use in surveying and mapping and the lodgement of surveys (Chaminama, 2009). The current regulations stipulate that surveys can only be carried out by theodolite and electronic distance measurement instruments.

Zimbabwe employs manual and semi-manual techniques based on indices written on card files in surveying departments in municipalities (Chitsike, 2003). The manual systems of managing land information have become obsolete dating back to antiquity (ibid). Land records are kept in hardcopy format in filing cabinets. This is the situation within municipalities, the DSG and at the deeds office. The volume of records has increased since the first records in 1897. The manual cadastral systems present major problems including (1) slow access to information, (2) paper documents depreciate due to wear and tear, (3) inefficient backup of documents, (4) loss of documents and (5) inefficient sharing and exchange of land information. Cadastral data should be viewed as a public good as it forms part of public sector thus it should be widely available and accessible (Kurwakumire and Chaminama, 2012). The conveyancing process is also done separately by private conveyancers. It is also a lengthy process taking an average of 40 days and is also expensive as there are too many processes and transaction costs. One of the time consuming aspects is on performing physical searches for cadastral records and deeds information at the DSG and deeds office respectively since both Departments are operating analogue systems (ibid).

In the late 80s, following the rise of corruption in the land sector, and multiple farm ownership, Cabinet came up with a one man one farm policy. Regardless of the widespread acceptance of the policy there has not been any mechanisms of implementing this policy (Paradzayi, 2007). This calls for research on the role that the availability of up to date land information system plays in verifying and confirming multiple ownership in real time and assess production potential for each farm holding. It is also worth considering the role played by information technology such as an effective application of GIS in providing evidence that could prove or disprove the existence of multiple ownership, corruption or otherwise (Kurwakumire and Chaminama, 2012).

This study has revealed the key challenges facing land governance in Zimbabwe. The post – independence period has witnessed a huge demand for land driven by a high population growth rate, dwindling economic opportunities and the use of land as a fallback for rural and urban livelihoods. Land governance structures, institutions and processes have not managed to cope with demand. Supply has been constrained by an antiquated legal and institutional framework and incoherent land policy. Land tenure security emerged as the major challenge in land governance. Insecurity arises because of ownership of acquired land by the state thereby reducing the bundle of rights of the tenants. The use of land as a political resource has overweighed the development of an effective dispute resolution framework, undermined land valuation and taxation processes and engendered corrupt practices in land administration. Lack of public investment in land governance has left Zimbabwe with some work to do in order to catch up with global developments in land information and land use planning.

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