

Chapter 2

Social Justice in Spatial Governance



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Abstract Spatial governance pertains to the planning and management of activities in space, with the primary purpose of ensuring that the activities and development support and improves the sustainability of the urban system. Key considerations of sustainability are the health of the broader socio-ecological system and that of the people who live and work within it. Sadly, there are many spatial governance or development control approaches that cater only for one section of the population and ignore or harass other groups whose way of life and livelihoods do not conform to their vision. This chapter examines whether the spatial governance system is used to improve the lives and livelihoods of the poor by embracing informality and concentrating on controlling only the most critical activities that affect the health and safety of residents within the socio-ecological system. However, our findings revealed high levels of injustice, particularly to those who are considered dissidents or stand in the way of realising the image that the municipal and national government wishes to project to the world.

Keywords Harare · Social justice · Urban informality · Spatial governance

2.1 Introduction

The governance of an urban area affects the lives and livelihoods of all its residents and users. Not only does it determine the allocation of resources and the provision of infrastructure and social services but it also regulates the development of land

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and the nature and extent of activities that may occur. Unlike ‘government’, which is viewed as a hierarchical top-down ordering with the right to use force, governance is generally a more inclusive concept that incorporates a range of stakeholders such as businesses and communities and is thus not solely controlled from the centre (Van Doeveren 2011).

There is no generally accepted definition of ‘good’ governance; however, there is some consensus on the elements that constitute ‘good’ governance. It not only includes the rule of law but the recognition of human rights, accountable government, transparency and “meaningful participation by citizens” (Weiss 2000: 801). The Universal Declaration of Human Rights (UN 1948) provided for universal rights, including the right to not be discriminated against based on ethnicity, political opinion or social status, the right to be “recognised as a person before the law” (Article 6) and be protected against discrimination or arbitrary attack and to employment (Article 7).

The concept of spatial governance is generally applied to spatial planning, land development and land regulation processes (Schmitt and Wiechmann 2018). Berisha et al. (2020) viewed spatial governance as the activities that allow the state or local government to control changes to physical space by regulating property rights. A different perspective emphasises “the formulation and implementation of public policies, programmes and projects for the development of a place” (Schmitt and Danielzyk 2018: 16).

For this chapter, spatial governance is defined as the planning and regulation of activities in space and place. We consider how spatial governance is applied, or neglected in the management of urban spaces, with specific emphasis on the lives of the poor. Governance is fundamentally a normative activity (Garcia 2006). The values that underlie its application have implications for social justice, environmental sustainability and economic development (Duit et al. 2010). Issues of equity are far more than merely the distribution of resources; they extend to the rights that inhabitants possess to access and use spaces and public services such as transport (Moroni 2020). Poor regulation of natural green spaces and inadequate infrastructure have serious impacts on the environment and health of the community. In addition to the transparency of regulation, levels of taxation and the quality of roads, energy and other infrastructure influence businesses and investor confidence. Rules and regulations limit the opportunities of the poor to earn a living, particularly in environments characterised by high unemployment, are contrary to the ideals of social justice and deny the poor the right to access the city (Lebvre 1968, cited in Purcell 2002).

This chapter further looks at the current situation in Harare and how the regulation of livelihood activities affects the poor from a social justice perspective. As the values and norms developed by colonial governments are still espoused by authorities, the consequences thereof are the same segregationist and discriminatory patterns of the colonial city. We argue that a different approach to spatial governance is required that is more participatory and propose changes essential for an inclusive and sustainable city.

The chapter follows a qualitative approach, based on secondary data from academic journals, official reports, policy and legislation, news reports as well as

primary research conducted by the authors. The primary data were collected from key informants that include planning professionals working in both the private and public sector. These interviews were also triangulated with focus group discussions and in-depth interviews with citizens in Harare.

Following an overview of the literature on spatial governance with an emphasis on informality, we discuss the situation in Zimbabwe and the extent to which spatial governance supports (or defeats) social justice. We close the chapter with a few concluding remarks.

2.2 Literature Review

Many cities in Sub-Saharan Africa have continued to use spatial governance practices and legislation inherited from colonial governments. Generally, such practices and legislation were developed to control the indigenous population and parade the colonialists' conceptions of superiority (Home 2015; Watson 2009). As Njoh (2009) pointed out, colonial spatial governance was intended to strengthen the power of its rule and it did so through separation and segregation, both physical and psychological. Often legislation was taken directly from European contexts, which was completely inappropriate then (and even more so today) in the Sub-Saharan African context (Berrisford and McAuslan 2017).

Although cities in Africa are very diverse with different cultures and histories, many face similar challenges. Watson (2013), along with Alterman (2014) and Berrisford and McAuslan (2017), identified several of these 'stubborn realities'. Competition for land between the global market-driven forces and the poorer residents of the city provokes contestations between the state, developers and the inhabitants of the city. Conflict may be fuelled by demands for human rights, which could be contained in national constitutions but denied in reality. Poverty, competition for resources, crime, xenophobia, domestic violence and religious conflict, all contribute to producing cities where violence is pervasive (Watson 2013: 85). Under these circumstances, the spatial governance system is manipulated to extract social, economic and political gains by the political and economic elites (Berrisford and McAuslan 2017; Njoh 2015; Watson 2009, 2013, 2014).

A weak local government with inadequate resources to provide services or regulate development contributes to slum conditions (Berrisford and McAuslan 2017; Parnell and Pieterse 2010). The divides between the elite in well-serviced and controlled areas and the poor in less formal settlements reproduce the colonial landscape where the focus on exclusive districts made it easier to ignore the rest of the city (Cain and Midi 2019; Njoh 2009). Informality, as "modes of human settlement and trade or exchange that occur outside of formal legal structures and processes" is pervasive (Porter et al. 2011: 115; see also Porter et al. 2017; Watson 2013), as well as unplanned and underserviced settlements. The rise of informality in the Global South may stem from "the unwillingness of those in power to invest in the overall cohesiveness of the national society" (Simone 2000: 3). While the informal may not always be subject to

formal rules, it is still subject to established governance and other processes (Banks et al. 2020: 227). It is particularly in the spatial manifestations of informality that spatial governance is applied, suspended or abused:

Informality is seen as the unregulated, uncontrolled, messy and inefficient settlement and use of land. In this sense, it is positioned as fundamentally different from the ordered, regulated, efficient notions of planned land use and settlement. (Porter et al. 2011: 116)

Informal activities such as self-built settlements and housing, hawkers and street vendors operate between the legal and illegal, straddling the boundaries or moving between them as required. The ‘informal’ is not a separate activity or sector; instead “it is a series of transactions that connect different economies and places to one another” (Roy 2005: 148; see also Recio et al. 2017).

For many organisations, informality is viewed as a social pathology, a problem to be solved, cleaned up or cleared out (Dovey and King 2011; Porter et al. 2011). This approach partly arises from a modernist, neoliberal desire for order and control, often seeking an ideal city—typically symbolised by Dubai or Shanghai—instead of the messiness of the real city (Bhan 2013; Lindell 2019; Recio et al. 2017). However, several authors considered informality as a direct result of this modernist view (Kamete 2017; Porter et al. 2011) or produced by poverty and inequality (Devlin 2011; Jabareen 2014), or as a form of insurgency against conditions in the city that arise from the (in)actions of the state (Parnell and Pieterse 2010; Roy 2005). For Banks et al. (2020: 226),

informality is much more than the absence of rules or regulations. Crudely put, if the formal sphere follows a set of rules defined by the state, then the informal sphere can be seen as a different set of rules negotiated and enforced by diverse actors who frequently include, but go beyond city-based or national elites.

One arena where the rules may be enforced, ignored or suspended is the informal economy. Jabareen (2014: 414) defined the informal economy as “economic activities that are outside of the government’s legal framework”. These unlicensed activities function with low start-up capital, with easy entry requirements that are labour-intensive and livelihoods-orientated, in contrast to formal activities that are growth-orientated and have higher capital requirements and tax implications (Recio et al. 2017; Yusuff 2011). Many households simultaneously engage in several informal opportunities, never knowing which will be most profitable (Simone 2000).

Street trading is one of the most visible informal economic activities and is often targeted by authorities for being dirty, unhygienic, and detracting from the image of a modern ‘world-class’ city that they wish to portray to attract investment (Lindell 2019). The response is the removal of traders from city centres to peripheral sites and, at times, the destruction of stalls and goods (Chirisa 2009; Kamete 2017; Recio et al. 2017). Other responses may be more ambivalent, tolerating street trading to a greater or lesser extent. This depends on the context of who makes the decisions, what benefits accrue to the (persons in) authority and the strength of traders’ associations or collectives. Nonetheless, some cities are more accommodating, recognising the role of street trading in supporting livelihoods (Lindell 2019; Recio et al. 2017; Watson 2009).

Research in South Africa has shown that urban planning regulations appear to be oblivious to the livelihoods of the poor and do not accommodate the informal economy (Charman et al. 2012, 2017). Most livelihood opportunities, such as small stores providing convenience goods (*spazas*), services such as hair salons or child-care, small-scale service industries and manufacturing, are not permitted. Thus, many activities are ‘informalised’ through planning or building regulations. Furthermore, the spatial governance system makes it either unaffordable or, at times, impossible to access the rights through the lack of legal title deeds. This endorses the view that informality is produced by the state (Roy 2005).

Informal settlements also fall outside of formal spatial governance and its regulatory procedures. These can include upmarket gated estates such as those in India that enjoy high-quality services and security of tenure, yet do not comply with the law (Roy 2005). However, most informal settlements are associated with the poor as “do it yourself urbanism” (Jabareen 2014: 414), where low-income households seek land in an affordable location (Watson 2009). Dovey and King (2011) identified three main sites of informal settlements: peripheral settlements, occupation of vacant land within the city and extension of existing areas. Land may be appropriated by powerful land mafias often working in conjunction with state actors and using the threat of force to impose their will (Banks et al. 2020; Simone 2000; Watson 2009).

Although the policy may change from demolition and relocation to upgrading and *in situ* formalising/legalising of informal settlements, the risk of eviction remains as informal settlements are an embarrassment, a scandal for the image of a modern, globally competitive city that reduces their competitiveness to attract investment (Banks et al. 2020). Formalisation may make the settlements attractive to other income groups and the most vulnerable can be displaced through downward raiding of properties (Roy 2005). While a prime location enables access to work, the very visibility of such settlements can make them susceptible to demolition to make way for more lucrative land uses (for the city or rent-seeking elites). Less visible locations can be ignored; “invisibility both protects residents and enables the state to abrogate responsibility” (Dovey and King 2011: 23). Nonetheless, while safer from eviction, their invisibility may also pertain to planning and budgets for infrastructure. Furthermore, informal settlement upgrading can improve the infrastructure, but it seldom affects structural causes of poverty and informality (Roy 2005).

The exploitation of people working in the informal economy (Yusuff 2011) and of people in informal settlements is common. Banks et al. (2020: 231) cite a case of exploitation through “deliberate and organised forms of water scarcity that enabled ‘thugs’ to ensure their monopoly on private water supply to an area”.

If informality is produced through inequality, then it is fundamentally about social justice and equity (Moroni 2020; Roy 2005). Alterman (2014: 330) contended that spatial governance “can deeply influence the existing socio-cultural and economic order” and can deepen social exclusion and inequity and is thus “strongly related to notions of social justice”, a view echoed by Lindell (2019: 9) who also noted the “inherently political nature of urban space”. This is clear in Kamete’s (2017: 83) description of the discrimination against informality that occurs because people do not fit into the state’s “definition of a useful citizen” rendering them “worthless”, not

through who they are, but because where they live or what they do which does not fit with its “modernist dream”.

Although the concept of social justice is not new, Fainstein (2001, 2009, 2010) framed it as an urban issue, related to equality (distribution of resources), acknowledgement of diversity and democracy (participation in decision-making). Young (1990) extended the concept of social justice to include oppression and discrimination. Israel and Frenkel (2018: 648) identified justice as more than the distribution of burdens and benefits, but also the capability to do things, which could be extended to the freedom to use public spaces.

These conceptions of social justice all have governance implications. Moroni (2020) pointed out that urban institutions are a critical locus of urban justice. They determine the access people have to resources, opportunities and spaces. Furthermore, social justice is inherently linked to the execution of power, which permits or prohibits certain activities and actions by various groups in different places. Unjust governance occurs when unjust situations are ignored or perpetuated by governance institutions. This implies that “institutions are just when no arbitrary distinction is drawn among individuals in the recognition of fundamental duties and rights, and when public rules define a proper balance among competing claims” (Moroni 2020: 259).

2.3 Spatial Governance in Zimbabwe

2.3.1 *Current Legislation on Spatial Governance*

In 1980, the new democratic Government of Zimbabwe introduced socialist ideology which was dramatically different from the colonial system of capitalism. However, the colonial institutional governance system continued as a system from the earlier British colonial government with some changes, for instance, focusing on the de-racialisation of spaces that had been developed and governed based on race (Chigudu and Chavunduka 2020). Hywel (1981: 75) pointed out that “these urban centres during the colonial times were racially segregated as they had been conceived, planned and built by and primarily for the needs of the white minority following white technology and economic and administrative systems of the day”. During the first years of independence, the government, like many post-independent African countries, was characterised by a belief among the new political leadership and in society that the state could dismantle colonialism and deliver development (Swilling 1997). Wekwete (1989) maintained that the central role adopted by the government in spatial governance cannot be wholly attributed to the socialist ideology, but to the fact that the government thought it was better positioned to spearhead urban development. It is also for this reason that the government adopted an ideology that focused mostly on redressing colonial injustices.

The Regional, Town and Country Planning Act (Chapter 29:12) of 1976 (RTCP Act) became the main statute guiding spatial planning and governance. The RTCP Act provides for the creation of urban spaces through zoning, promotion of order and aesthetics as outlined in its preamble that envisions the creation of spaces that are safe, convenient and orderly, while also contributing to the improvement of public health, efficiency and the general welfare of citizens. The complexity of urban spaces has resulted in the RTCP Act being used alongside other allied acts that focus on different issues in space. Chief among these is the Public Health Act of 1924 (Chapter 15:09), the Urban Councils Act (Chapter 29:15) of 2015 and the Environment Management Act. Although the RTCP Act is hailed as the mother of all spatial planning in Zimbabwe (Wekwete 1989), it has been widely criticised as a tool that perpetuates the colonial planning system (Kamete 2007; Tibaijuka 2005). Ankoma (2014) has defined the RTCP Act as the curse of the Rhodesians and advised local authorities to cease behaving like the former colonial masters. This legacy of colonial legislation used by the colonial government has been described by Matamanda (2020a) as a strategy by the Mugabe government to perpetuate the colonial system that largely centralised power, as evident from the various acts of parliament that greatly empower the president.

Additionally, Part V of the RTCP Act espouses development control where the local authority grants permission for spatial development, while also having the powers to restrict development that it considers potentially compromising sustainable urban development. Overall, the power to make decisions has been centralised as the minister and president are frequently identified as having the final say in spatial development matters. Public health matters are regulated by the Public Health Act of 1924 that provides guidelines concerning the promotion of liveable spaces that do not compromise citizens' well-being. The Urban Councils Act provides for the establishment and administration of urban areas. It empowers local authorities to engage communities in a participatory manner when managing their areas of jurisdiction. This is in line with Fainstein's (2009) concept of spatial justice and proponents of collaborative and communicative planning (Healey 2006; Innes and Booher 2010).

The Constitution of Zimbabwe (hereafter Constitution), Amendment No. 20 of 2013 (Government of Zimbabwe 2013) guides spatial development processes in the country and was prepared after a long process of consultation with various stakeholders. Unlike the previous constitution that was prepared in 2005, mainly by the ruling Zimbabwe African National Union–Patriotic Front (ZANU–PF) party, the 2013 Constitution was a product of the Government of National Unity; hence, proponents such as Musekiwa and Chatiza (2015) have stressed that the Constitution enhances good governance. Furthermore, the Constitution also promotes human rights and good governance in the management of space as evident from the Bill of Rights that is more detailed than the previous constitution (Kondo 2017; Muchadenyika and Williams 2016). Local authorities are empowered in Section 274(1) to govern all the affairs in their locality (Government of Zimbabwe 2013). Mapuva (2015) explained that these powers to govern are meant to ensure that the local authorities look after the interests of citizens in their areas of jurisdiction. However, Muchadenyika and Williams (2016) have argued that the powers

bestowed on local authorities are somewhat vague and weak since the Ministry of Local Government Public Works and National Housing tends to have the final say in decision-making. This local-centre relationship has been identified as being a major impediment to effective spatial planning and governance, especially after 2000 in Harare (Matamanda 2020b; McGregor and Chatiza 2020). Centralisation is viewed as contrary to the concepts of local democracy (Fainstein 2009).

In the early years of independence, the government focused on the eradication of colonial injustices. One of its first actions was relaxing the rural–urban migration restrictions that had been imposed during colonial times, limiting urbanisation by black people. The result was a surge in urban growth as people flocked to urban areas in search of better socio-economic opportunities. Concurrently, as people migrated to urban areas, the government focused on developing rural areas through its growth point policy that stressed empowering these previously disadvantaged rural areas. Moreover, a decentralisation policy was also put in place that attempted to enable local authorities to make decisions in their areas of jurisdiction—in both rural and urban areas. This decentralisation policy empowered both rural and urban local authorities to have autonomy on matters of development planning in their areas of jurisdiction (Conyers 2003; Mutizwa-Mangiza 1986; Wekwete 1990). Furthermore, a socialist approach was also adopted to guide national development through a distributive and welfarist state (Rambanapasi 1989; Wekwete 1989).

However, although de-racialisation was fostered in the early years of independence, ethnicity and tribalism became key issues that would eventually stall spatial development in some parts of the country, especially in the Midlands and Matabeleland provinces. Eppel (2014) described this region (Midlands and Matabeleland provinces) as “stereotyped as marginalised and underdeveloped and also a hotbed of political opposition”. This marginalisation of the region and Bulawayo, specifically, can be attributed to the politics of difference that existed between the ZANU–PF and Patriotic Front–Zimbabwe African People’s Union (PF–ZAPU). In the 1980 election, ZANU–PF lost in Matabeleland, which was also the same outcome in the 1984 parliamentary elections; hence, the government went on to label the Ndebele as opposing the government. As a result, the Ndebele who predominantly occupy the Matabeleland region and part of the Midlands province, have experienced much prejudice by the government in national development initiatives as a way to ‘punish’ them for voting differently. Thus, based on ethnicity, the government has over the years neglected cities such as Bulawayo (Muzondidya and Ndlovu-Gatsheni 2007). For example, the proposed Zambezi Water Project that was meant to alleviate the water woes that affect Bulawayo and most parts of the arid Matabeleland Province, has never been implemented, leaving the city with immense water challenges to this day. Musemwa (2006) suggested that the failure of the implementation of this water project was based on the Shona–Ndebele ethnic politics and what he refers to as the government’s strategy to punish the ‘Dissident City’.

2.3.2 *Settlement Development and Forced Evictions*

Settlement development in Harare has been characterised by many policy inconsistencies since the early 1990s, which have greatly compromised the lives of the urban poor. First, forced evictions along with the demolition of settlements, which displaced the urban poor, have frequently occurred in the city. In 1991, the government removed some informal settlers from Epworth and Mbare to Porta Farm, a 30-minute drive from Harare's city centre. This decision to relocate these citizens to Porta Farm was prompted by the need to clear Harare of any slums and paint a picture of an ideal city without slums when Queen Elizabeth II visited the Commonwealth Heads of State and Government Meeting that was being hosted by Zimbabwe (Auret 1995; The New Humanitarian 2004). This reflects the 'urban fantasies' decried by Bhan (2013) and Kamete (2017) as a denial of justice. The need to clear Harare of any slums confirms the modernist approaches that have been identified by many scholars (Lindell 2019; Moroni 2020; Roy 2005; Watson 2014), and which Banks et al. (2020) have described as being perceived by the authorities as an embarrassment and blight on the image of the modern city. Kamete (2017) pointed out that such decisions and actions are just a reflection of how certain citizens are deemed as being worthless and thus they can be tossed around like pieces on a chessboard.

This decision to move citizens to Porta Farm was taken without consulting these households. Initially, it was supposed to be a temporary move as the government had committed to resettling them to a permanent location. Kamete (2017) described this process as a 'state of exception' where the government can normalise rather 'illegal' activities to fulfil a particular purpose. In this regard, the citizens are likened to inmates of a prison camp where they are vulnerable to different types of abuses and, at most, their rights are next to non-existent. This is evident from how the government eventually treated the citizens whom they had hastily settled at Porta Farm. In 1995, authorities of the City of Harare began labelling Porta Farm as an illegal settlement from which the residents had to be evicted (Chitekwe-Biti 2009). With the help of ZimRights Lawyers, the residents managed to obtain a court order that allowed them to remain at Porta Farm.

In August 2004, a delegation from the Ministry of Local Government visited Porta Farm and informed the residents that they would be evicted in two weeks. No appeal was possible, despite some residents indicating that they had been living in the settlement for the past 14 years and their livelihoods (fishing activities) were dependent on Lake Chivero. Others reasoned that their children had registered for the Grade 7 exams that were to take place in a few months and it would not be logical for the families to be relocated to an area without any schools. As the government was adamant to displace the residents on the pretext that a sewerage plant was to be constructed on this site, they ended up using youth militia from Mbare and Epworth and riot police to try and evict the 10,000 residents from Porta Farm. The militia and police used tear gas, burnt the houses, leading to the death of eleven residents in this altercation (Amnesty International 2004).

Eventually, in 2005, the residents from Porta Farm were displaced together with many other people across the city who were victims of Operation Murambatsvina. Operation Murambatsvina was branded as a means to rid urban areas of informal activities. It led to the demolition of houses and structures that were deemed as being informal. It was estimated that 700,000 people lost their homes, while two million individuals lost their livelihoods due to this operation (Tibaijuka 2005). Although the government justified its actions as ‘bringing order in the city’, many have argued that this operation was politically motivated to punish those urban citizens who were increasingly supporting the opposition Movement for Democratic Change (MDC) party (Chitekwe-Biti 2009; Matamanda 2020a).

2.3.3 Slum Upgrading and Unjust Governance

The emergence of slums and informal settlements in Harare has been on the rise since the 1990s. The government has not been able to effectively address this problem (Matamanda 2020b). The role of the government in the establishment of the settlements has been two-sided. Incremental development has been approved through the Housing Policy of 2012 that allows individuals to reside on their plots before connections to reticulated water and sewerage systems were provided (Government of Zimbabwe 2012). In this way, residents have been able to access housing, which tends to increase their disposable incomes as many save on rentals (Chirisa et al. 2018). However, this decision to permit incremental development contradicts the provisions of the RTCP Act and the Public Health Act, which stipulate that citizens should only occupy their plots after reticulated sewerage and water systems have been connected. Such provisions were meant to enhance the liveability of the settlements as water and sanitation are critical services that support the health of citizens. The outcome of incremental development has been the establishment of settlements that depict medieval cities where wastewater flows along the streets, residents rely on unsafe water extracted from shallow wells, while epidemics of infectious diseases such as cholera and typhoid are common (Matamanda 2020c; see Chapter 6). Although the incremental development policy may have had positive intentions, it has proved to be a justification for the failure of the government to provide services. This situation reveals how the authorities simply do not care about the poor, as this ‘do it yourself’ urbanism described by Jabareen (2014) has resulted in the poor living under appalling conditions.

The development of some settlements in Harare has also been politicised, confirming what Banks et al. (2020) and Simone (2000) have called ‘land mafia’ often working with state actors who end up capturing state land and allocating it and benefitting economically from such ventures. Similarly, the existence of these ‘land mafias’ is evident from how the allocation of residential plots has tended to be done on a partisan basis, where most of the beneficiaries are affiliated with ZANU–PF (Muchadenyika 2015a). Conversely, individuals who support the opposition party

may not be able to access residential plots, in conflict with Section 28 of the Constitution which states that every citizen is entitled to the right to housing. Furthermore, such discrimination contradicts Section 56(3) of the Constitution that states that ‘every person has the right not to be treated in an unfairly discriminatory manner on such grounds as their nationality, race, colour, tribe, place of birth, ethnic or social origin, language, class, religious belief, political affiliation’ (Government of Zimbabwe 2013). Such actions are both unjust and unlawful and contradict the aspects of social justice, as postulated by Fainstein (2001, 2009, 2010).

Slum upgrading initiatives have had different outcomes in Harare. The success of the slum upgrading process initiated by the Dialogue on Shelter in Harare has been commendable (Muchadenyika 2015b). This has been made possible owing to the participatory nature of the programme. However, not all programmes have been as successful as this particular slum upgrading programme. At times, the government has hampered initiatives from civil society or non-governmental organisations intending to upgrade certain settlements on the premise that the beneficiaries would lose their trust in the government and instead rally their support to the MDC that they constantly associate with non-governmental organisations and donors (McGregor 2013). The upgrading of Matapi Flats in Mbare that was scheduled to be funded by the Bill and Melinda Gates Foundation (Masunda 2011) serves as an example. This development was not undertaken as it was hindered by the political interference of ZANU–PF militia youth who wanted a 51% stake in the development project, in line with the indigenisation policy that was meant to empower locals. Masunda (2011: Online) recounted that:

We have received \$5 million from the Bill and Melinda Gates Foundation for Mbare and other communities in the high-density suburbs, but Chipangano, backed by Zanu (PF) Politburo member, Tendai Savanhu, and Zanu (PF) Youth League chairman, Jim Kunaka, said Mbare is now a ‘no go area’. Their politicisation of development is likely to hinder progress.

Subsequently, the upgrading was never done in Mbare; yet at the time, the upgrading of the hostels was critical due to the perilous state of the hostels and their water and sewerage services were such that the Ministry of Health has on numerous occasions condemned these hostels as being a threat to public health. A resident from the flats lamented: “We live in a pool of faeces. Yet they want to control who we vote for” (GroundUp 2018: Online). However, the government has done little to upgrade these flats but often intimidate the residents to vote for ZANU–PF, while failure to do so would result in their eviction from the flats.

2.3.4 Urban Informality and Small Businesses

Urban informality had been on the rise in Harare since the mid-1990s when the government introduced the Economic Structural Adjustment Programme that resulted in the retrenchment of many people in formal employment. Recognising the growth of the informal sector, the authorities responded by providing three major

sites in Harare (Siyaso in Mbare, Gazaland in Highfields and Glen View) to accommodate the informal businesses (Chinyamunzore 1997). Various other small centres, categorised as home industries, were established, mainly in high-density residential suburbs across Harare. This approach by the authorities to integrate informal activities and small businesses in the low-income residential suburbs was meant to sustain the livelihoods of the poor and show the government's concern for the poor at the time.

The economic meltdown of the early 2000s, following the fast-track land reform programme and the emergence of the MDC as a major opposition party that had most of its supporters in the urban areas, had major implications for urban informality. Consequently, the occupation of certain spaces by the informal traders and small businesses would eventually be based on patronage (Matamanda et al. 2020; McGregor 2013). A typical example has been the stalls at Mupedzanhamo in Mbare that have for long been allocated to ZANU–PF supporters (Kamete 2017; VOA News 2006). Individuals known to be allied to the MDC have found it difficult to access trading space in this and other markets in the city. In the worst instances, intimidation and violence have been used against those who have been purported to oppose the ruling party (Kriger 2012). The ZANU–PF youth, army and police have on several occasions been used to deal with those traders accused of opposing the government.

Space barons, who are similar to the 'land mafia' (Banks et al. 2020; Simone 2000) are also common, and these include mainly the ZANU–PF youth and others who capture space and then rent it out to desperate vendors at inflated fees. Statutory instrument 159 of 2014 made provisions for the local authority to establish vending sites where small businesses may operate within the city (City of Harare 2014). However, the selection of such sites has been done without consultation with the vendors and this has led to the establishment of vending spaces that are far from the central business district and, hence, not economically viable for the vendors. According to many vendors, the Coca-Cola site is not viable for their business due to the limited number of customers in comparison to the central business district (Mahanya 2019; Matamanda and Chinozvina 2020). The use of public space by the informal traders culminates in another form of injustice as they do not have the capability to do things as they please, which according to Israel and Frenkel (2018), extends to the freedom to use public spaces.

Just spatial governance is also premised on participation that ensures that different stakeholders contribute to the developments in space. Governance that lacks participation is flawed and compromises the development of inclusive urban spaces. The provisions for citizen participation and inclusiveness as outlined in Section 35 of the Constitution, empowers every citizen to equal rights, privileges and benefits subject to duties and obligations of the country (Government of Zimbabwe 2013). The role of civil society organisations in spatial governance has been limited since the early 2000s following the establishment of the MDC. Many civil society organisations have been linked with the opposition MDC party, because of their humanitarian work that raises issues that include human rights abuses that exposes the incompetence and injustices of the government. Consequently, the government has closely monitored the activities of such organisations, at times criminalising individuals or

civic society organisations (Kamete 2009). Recently, the government, through the Information Minister, reacted harshly to a letter that had been written by some clergy bemoaning the current state of social (in)justice in the country. The statement issued by the Minister described the letter as “evil message . . . trumpets petty tribal feuds so it can sow seeds of internecine strife as a prelude to national disintegration” (Tshuma 2020: online). The Bishops in their letter have stated that:

It feels as though the poor have no one to defend them. They don't seem to feature on the national agenda. Their cries for an improved health system go unheeded. Their plea for a transport system that meets their transport blues are met with promises and more promises and no action. The only time we see real action is when our leaders are jostling for power, to secure it or to ascend to offices of power. It is not clear to us as your Bishops that the national leadership we have has the knowledge, social skills, emotional stability and social orientation to handle the issues that we face as a nation. All we hear from them is blame of our woes on foreigners, colonialism, white settlers and the so-called internal detractors. When are we going to take responsibility of our own affairs? (AllAfrica 2020)

2.4 Discussion and Concluding Remarks

The chapter set out to explore the spatial justice and governance nexus in postcolonial urban Zimbabwe. Emerging from the analysis are critical insights which reflect on how the notion of government has persisted and where governance remains a pipe dream in Zimbabwe. First, it is recognised that marginalisation manifests in spatial development based on ethnicity, where the Matabeleland Province has remained on the periphery. These findings confirm the thesis of oppression articulated by Young (1990), who noted how certain individuals and groups in society are oppressed and this oppression manifests through marginalisation, exploitation and violence.

The government created a highly centralised one-party state. The Urban Councils Act was introduced to empower local authorities to make laws governing affairs in their areas of jurisdiction. A non-racial hierarchy of cities was also put in place. For the rest, the legislation that guides spatial development has been largely inherited from the colonial government (Swilling 1997). For example, the spatial planning process that is guided by statutory plans was merely replicated by the postcolonial government. This confirms the argument by Berrisford and McAuslan (2017) that in most parts of Sub-Saharan Africa the postcolonial governments simply inherited the European legislation, even though it was inappropriate for the African context.

The RTCP Act points to the need for statutory plans to be prepared before any spatial development can be undertaken. Any development to be undertaken should be guided by these statutory plans that include master plans, regional plans and local plans. Such plans focus on the zoning of land uses which is deplored and criticised by Todes et al. (2010) and Watson (2009) as static, inappropriate to the context and have little to say about their implementation.

This is evident of how domestic violence and conflicts have been triggered by ethnic differences resulting in pervasive violence, as noted by Watson (2013). The condition that has prevailed in Matabeleland of central government neglect and stalled

development speaks of the rot in the governance system which was recognised by Berrisford and McAuslan (2017) and Njoh (2015) as being perpetrated by the political elites seeking to advance their socio-economic and political gains. Such is a perpetuation of spatial justice as there has been, what Moroni (2020) described as an occurrence of an unjust situation and a perpetuation of unjust governance.

Aside from the ethnicity issues, there have also been instances of displacements and evictions which mainly disadvantage the poor. It is in this regard that the notion of urban penalty comes into perspective as it seems that the poor are swept out of the urban cities under the auspices of clean-up campaigns, while the political ‘enemies’ of the ruling party are also included and punished with the poor. The politicisation of spatial development is inherent in the upgrading of informal settlements. The case of Chipangano and the Melinda and Bill Gates Foundations shows how politics is at play and influences spatial governance, thus leading to spatial injustice. Such a situation shows the extent of coercion and intimidation that McGregor (2013) defined as the surveillance of the city and the politics of urban control. This manipulation and coercion defy the essence of justice and democracy where citizens are free to participate in parliamentary elections. Instead of alleviating the conditions of the poor, the upgrading projects end up being a curse for these poor who must pay in one way or the other, or extreme cases that face the wrath of what Roy (2005) identified as the raiding of properties by some elites who may have speculated on such upgrading processes, just like the ZANU–PF youth in Mbare did.

There is a clear disconnect between the Constitution and the actions of the state towards any that are viewed as dissidents or in the way of realising the urban fantasy and the image that the government wishes to project to the world. While the elite and well-connected citizens benefit from patronage, other citizens suffer discrimination, harassment and even extreme violence. Informality is tolerated when it suits the state or is invisible, such as markets out of sight of international eyes, or settlements located on the periphery of the city. However, force is frequently used against those people, activities or settlements that are an embarrassment, or perceived to be a threat to the state. Often, the state uses the ZANU–PF youth to enforce its agenda, to distance itself from its ruthless treatment of its citizens. Social justice and good governance entail genuine democracy and equality, which includes freedom from discrimination and a fair allocation of resources and acceptance of difference (diversity). Our analysis revealed that these are sadly lacking in Zimbabwe. Oppression and grave injustices happen frequently, and people are denied the benefits of good governance. Social justice can only be realised if all people—no matter what their ethnicity, or where they live or work—are acknowledged as worthy members of society and, hence, accorded the right to be heard and, most importantly, for their views to be taken into account. Just governance cannot be achieved while the informal is ignored or subjected to discrimination, forceful removal and destruction of property.

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