Chapter 6
Public Land Management, Corruption, and the Quest for Sustainable Secondary Cities in Zimbabwe

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Abstract Following peri-urban land reform, the state owns significant land in secondary cities of Zimbabwe. Public land ownership raises governance issues because the power to allocate public land is of great economic and political importance and has become a focus of corrupt practices. Public land management is an issue because it is dominated by a top-down process that encourages favours to special interests and promotes polarisation to obtain such favours. This chapter examines a variety of opaque and corrupt practices in public land management that privilege favoured entities. A case study approach was used to gather data from publications, reports, and key informants. Based on content and thematic analysis, the chapter draws the main conclusions and policy advice on the goal-directed management and control of public land in secondary cities. It demonstrates how influential people have been using power structures to make money from public land management. The solution to the problems requires political will and the transfer of public land ownership to local authorities rather than individuals for sustainable and responsible management.

Keywords Public land management · Land corruption · Secondary cities · Sustainable development

6.1 Introduction

Sub-Saharan Africa is the fastest urbanising region in the world, with an annual urban population growth rate of 4.1%, compared to the world rate of 2% (Githira et al. 2020). Of the 55% of the world's population that is currently estimated to be urban, about 40% reside in secondary towns and cities. This trend is similar in sub-Saharan Africa, since, by 2015, 46.94% of the urban population in the subregion lived in towns and cities with less than 300,000 people. Much of the urban growth

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in the region has occurred in secondary cities. In Zimbabwe, there is an increase in secondary city urbanisation, as evident from the slowed or stagnant urbanisation in larger cities such as Harare and Bulawayo (Infrastructure and Cities for Economic Development 2017; Mbiba 2017; Moyo 2020). However, most research has focused on capital (or primary) cities and other places are routinely ignored. According to UN-Habitat (1991), secondary cities have a population between 100,000 and 500,000. Although secondary cities are the locus of urban growth in sub-Saharan Africa, many urban management and governance interventions have focused on primary cities. This has resulted in growing gaps in development between primary and secondary cities, creating socio-spatial inequalities and multiple deprivations (Githira et al. 2020). In many developing countries, secondary cities are not fully integrated into national urban systems that are essential for national growth and development (Roberts 2014).

Problems arising from rapid urbanisation have been aggravated by decades of declining economic performance, political instability, and institutional decay in most of sub-Saharan Africa governments (Fekade 2000). The subregion is characterised by the lack of consistent national policies for planning and managing the present and significant process of urbanisation (UN-Habitat 2009; Turok 2012). In addition, the highly centralised and top-down urban management has limited efforts to introduce mechanisms for good governance in the land sector. In the context of these structural issues, the need for effective public land management is obvious in the region, not least because land resources are becoming more scarce with increasing population pressure (Larsson 1997). Most sub-Saharan African countries, including Zimbabwe, have resource constraints and weak official institutions which experience immense difficulties in land management, as it often assumes contentious economic and political dimensions. These challenges of weak state, partisan politics, and resource allocation, especially land politics and governance that have been observed in the capital city of Zimbabwe Harare, are also a characteristic feature of secondary towns and cities of the country (Mbiba 2017; McGregor and Chatiza 2020; Potts 2009, 2010, 2012).

Much of the urban land management literature in Zimbabwe has focused on Harare and peri-urban areas looking at land markets, land corruption, partisan politics, and gender (Bhatasara 2021; Chavunduka 2018; Chiweshe 2021; Marongwe et al. 2011). However, the overlooked secondary cities have a key role in supporting sub-national growth and development that will have a great influence on national development in the future. Most of the land that is under development in secondary cities is under public ownership, yet little research has been done to understand and strengthen public land management in these cities.

While interrogating the issue of urban public land management, the chapter addresses two questions: (1) 'What are the rules and regulations for urban public land management in Zimbabwe?' (2) 'How can Zimbabwe manage its urban public land in ways that enable sustainable urbanisation?' The chapter is organised as follows: the literature review discusses urban public land management and corruption in the context of polarised party politics. In this section, a land management framework is presented. Next, the methodology section shows and justifies the data

collection methods. The results are then presented in relation to the adopted land management conceptual framework. A discussion is presented on the themes emerging from the results and literature regarding urban public land management, corruption, and sustainable secondary cities in Zimbabwe. The chapter outlines the implications of the findings for urban policy and practice.

6.2 Conceptual Framework

There are various perspectives on land management. Some writings on land management have emphasised stewardship for both present and future generations when it is defined as 'the process by which the resources of land are put to good effect' (Dale and McLaughlin 1988, p. 4). In this view, land management processes include resource allocation over space and time according to the needs, aspirations, and desires of a people within a political, social, legal, technological, and administrative framework. Other scholars have described 'land management as a combination of interventions in governance, law, socio-spatial relationships, economic opportunities, perceptions, and behaviour' (De Vries et al. 2021, p. 4). They further qualify it as responsible regarding the extent to which it exhibits shared norms, a multi-stakeholder focus and people take responsibility for their actions; and smart where smartness relates to the combination of smart technologies and smart cities. This chapter is guided by the land management paradigm of Enemark et al. (2005) (Fig. 6.1).

Land management encompasses all activities to do with land policies, land information infrastructures, and land administration functions supporting sustainable development (Enemark 2007). It is 'the process by which the resources of land are
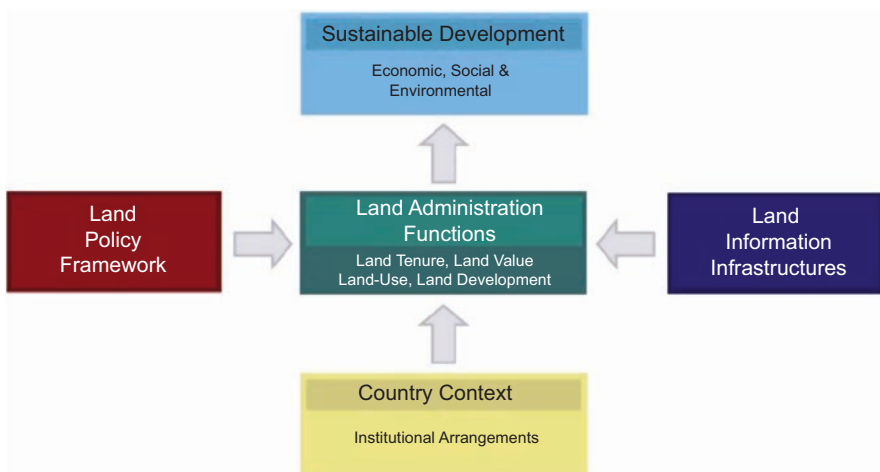

Fig. 6.1 The land management paradigm. (Source: Enemark et al. 2005)

put to good effect' (UN-ECE 1996, p. 13). Figure 6.1 shows all activities associated with land management and that are required for the achievement of sustainable development. The concept of land encompasses the total natural and human-made environment.

The institutional arrangements for land management differ widely amongst countries depending on historical, cultural, and ideological settings. For example, land use management in South Africa seeks to address historical inequality between the areas set aside under apartheid for white and black occupation and wide disparities in the provision of infrastructure and services (Republic of South Africa 2013). The same applies for Namibia, where urban land policy focuses on equitable access to land (including housing) and a path out of climate vulnerability (Chigbu 2021). However, inequality in access to urban land remains a major problem in sub-Saharan Africa secondary cities. Institutional arrangements for land management may change over time to better support the implementation of land policies and good governance. Land policy aims at improving the land sector contribution to national economic growth, social cohesion, and environmental sustainability based on responsible governance of tenure. Land policies have broad objectives of promoting equal and non-discriminatory access and tenure security for all citizens, economic and environmental land use efficiency, and integration of good governance in all land decision-making processes in the country.

The operational component of land management is the range of land administration functions that secure tenure and create value in land. These functions include land tenure security, regulated spatial planning, surveying, recording and registration services, provision of guidelines on land valuation, compensation and taxation, land development (implementing infrastructure, utilities, and land restoration), and land information infrastructure. Land information infrastructure supports economic development, environmental management, and social stability in the country.

Sound land management occurs when land policies are implemented in comprehensive and sustainable ways. However, in many countries, poor administrative and management procedures thwart sound land management. There is an undue focus on land use without clarifying tenure rights. Land has not been treated holistically with an effective institutional mechanism to link planning and land use control with land values and the operation of the land market (Enemark 2007).

Secondary cities face immense land management challenges because of weak urban planning, inadequate land tenure, and poor economic means by urban authorities. For example, in Kenya, 90% of the population of Kilifi town live in informal areas where tenure is poorly defined (Githira et al. 2020). Spatial planning has reflected little understanding of the dynamics of poverty and the peculiar nature of urbanisation in secondary cities of developing countries. Secondary cities depend on central government for funds to address local problems in a top-down approach where their power for revenue mobilisation is severely limited.

6.3   Literature Review

There is no doubt that, when done properly, public urban land management can lay the foundations for inclusive, prosperous, just, and green cities (Zinnbauer 2017). Land is in public ownership where the state or local authorities hold it through freehold or leasehold for the benefit of the community or some section of the community as distinct from specific individuals (Kivell and McKay 1988; Zimmermann 2007). Public land ownership has ideological principles, pitting those committed to private property against those in support of state ownership, with the former believing that public land is about power relations (Zimmermann 2007). Consequently, decisions about public land use are considered power-related rather than technical.

Public land ownership has traditionally been justified for the common good or the public interest (Kivell and McKay 1988; Deininger et al. 2012). Many advantages have been proposed for public land ownership in urban development. These have been summarised into three main arguments: 'planning efficiency, fiscal and social equity and the provision of services' (Kivell and McKay 1988, p. 167). The argument for planning efficiency suggests that the ownership of land by the government or local authorities promotes coordinated and desirable urban development. It eliminates delays in the land use regulatory system. It can ensure the reservation of land for infrastructure and public facilities such as schools, hospitals, defence or state enterprises, and a favourable purchase price. Local authorities will have better information about their long-term land requirements than the market.

Second, it is argued that public ownership redistributes wealth, reduces inequality between landowners who do (or do not) receive planning permission, and ensures overall financial benefit to the community. Third, it allows local authorities and other public bodies to effectively provide community services such as houses, schools, hospitals, roads, water, and sewage disposal.

At the same time, there have been several views against public land ownership that include bureaucratic inefficiency, private rights, and land values (Kivell and McKay 1988; Deininger et al. 2012). The argument of bureaucratic inefficiency questions the ability of government agencies to effectively manage land. Those ideologically committed to private property (e.g. Deininger 2003) see public land ownership as a threat to private property rights and freedom. The third argument against public ownership is that it restricts the market determination of fair land prices.

Perhaps, the main criticism of public land ownership is based on power relations (Zimmermann 2007). This view is centred on the social, political, and economic significance of public land. It raises concerns given that public land accounts for a large proportion of public wealth of both developing and developed countries. In this view, 'the power to allocate public land is of great economic and political importance in most countries and is a common focus of corrupt practices' (Zimmermann 2007, p. 31). Public land management is seen as flawed and contentious because it tends to be dominated by a top-down process that encourages favours to special interests and promotes polarisation to obtain such favours. As a

result, public land rights are often transferred through opaque rule of power processes. The critique questions how public land is acquired and disposed of, noting that it can be a source of extraction (Zimmermann 2007). Extractive institutions allow the elite to rule over and exploit others, extracting wealth from those excluded from the elite. Zimmermann points out the corruption associated with public ownership, but graft and corruption are associated with private property. State employees can misuse their power to enforce private property rights, as when a public sector employee assigned to enforce a contract sides unfairly with one of the entrepreneurs (Acemoglu and Verdier 1998). In Africa, colonial administrations introduced private property ownership. 'The peoples' bid to acquire the same explains the corruption which takes place in the private and in the public sectors of applicable countries' (Olayinka 2021, p. 28).

Public land has become an issue due to the trend towards public sector reform and the delegation of decision-making over the land asset to local authorities. Good public land management means establishing a sound policy regarding how government should intervene in land matters (Larsson 1997; Fekade 2000). Zimbabwe's opposition-controlled secondary cities have witnessed a disregard by the central government for regulations, master, and local plans; thus, urban planning has not improved the livelihoods of people (Marongwe 2003; Marongwe et al. 2011). An urban land policy should provide a framework for clear rules and regulations for public land management with goals and actions for their implementation (Larsson 1997). Public goals include effects on the environment, neighbours, and the long-term good, which cannot be secured by relying on private efforts. The overall goal of urban policy is to guide and control the orderly and desirable development of towns and cities and their efficient functioning (Fekade 2000). Policy goals should conceptually address ecological, social, economic, and cultural issues while programmatically contributing to poverty and inequality reduction, good governance, and transparent fiscal management of the land sector (Larsson 1997). The limitations of top-down land management require policy to recognise the potential offered by regularised grassroots land management.

Public land management involves many actors, all of whom have different roles. The system can function well only when roles and responsibilities are respected. To achieve this, there is a need for clear and well-streamlined organisational structures for land management (Enemark 2007). Public land policy should be regulated and controlled at the central and local levels. The central government must provide oversight through laws and by stressing policy goals, but detailed management is best performed by local authorities or at even lower levels (Larsson 1997). 'The basic regulatory framework on public property should focus on fundamentals to limit discretion and, thus abuses' (Zimmermann 2007, p. 35).

In an analysis of urban land as a new type of resource curse, Zinnbauer (2017) identifies problems of weak governance, opaqueness, and endemic corruption in public land management sectors of developing countries. The analysis mentioned that, based on a recent online poll in India, 88% of the respondents indicated that

it is impossible to register land without paying bribes. A study on corruption at the local level in Spain found that 88% of all cases between 2000 and 2008 were related to land issues and spatial planning (Darias et al. 2012). 'Corruption in the land sector is the abuse of power and authority by those in charge of land administration for their own gain or benefit' (Mutondoro and Ncube 2013, p. 12). It is the misappropriation of public resources (funds, assets, or opportunities) by agents who are trusted to take care of them (Rose-Ackerman and Soreide 2011). It has generally been found to detrimentally affect growth and investment (Pierre-Guillaume and Khalid 2005). Corruption causes more harm in poorly governed countries. Thus, weak rule of law, inefficient government, and political instability tend to worsen the negative impact of corruption on growth and investment. For example, Liberia, Angola, Mauritania, Burundi, Zimbabwe, and Mozambique have desultory governance and pay a large share of their GDP for it (World Bank 2013).

Corrupt public officials can maximise their benefits by supporting short-term growth at the expense of investments that pay off in the long term. The incompetence of public officials could be the result of deep-seated corruption. The ideal practice is to set up mechanisms to monitor and discipline officials. 'Highly corrupt countries tend to have poorly operating courts, high levels of organised crime, and weak financial intelligence and auditing capacities, as well as poor international cooperation in law enforcement' (Rose-Ackerman and Soreide 2011, p. xxvii). Such countries create corrupt incentives through underlying pathologies like monopoly power, lack of transparency and accountability in the conduct of government business, and an opaque and confusing regulatory structure.

Critics of public land ownership have based some of their arguments on its propensity to be mismanaged. Some of the challenges with public land arise because it may not be clearly identified on the ground. 'Effective public land management is virtually impossible if there is no inventory of such land or if its boundaries are ambiguously defined' (Deininger et al. 2012, p. 33). The absence of such an inventory has created opportunities for well-connected individuals to occupy public land, often with negative environmental impacts. Many developing countries do not have up-to-date and reliable data on where and how much public land they own and what rights are attached to it. Existing public land information is often located in fragmented and complex institutional environments that make it difficult to collate for planning and decision-making, given that some of it may be incomplete, inconsistent, and outdated. These observations have been made for Zimbabwe's secondary cities where public land increases in value and has become a commodity for sale by various actors such as development speculators, cooperatives, officials, politicians, and the public (Chakwizira 2021; Marongwe et al. 2011). In the post-2000 period, overlaps and conflicts amongst multiple institutions have constrained the smooth functioning of urban land markets. The government has been the main source of land for urban development. With most urban councils under the control of the main opposition political party, land has been politicised and there is limited public access to information on transactions.

6.4   Methodology

The study is mainly based on a literature review complemented by a case study of Chitungwiza and key informant interviews. The Chitungwiza case study was used because it represents a universe of corruption in urban Zimbabwe public land management. Chitungwiza is an extreme case and was chosen because of its potential to expand earlier understandings about the nexus between political economy and corruption in public land management. It takes political-economy understandings of land management beyond patron-client relations and is thus of interest to the sharpening and refinement of theory (Ragin and Becker 1992).

Five key informants provided evidence on public land management in secondary cities of Zimbabwe. Key informants are people whose position or previous experience gives them particularly valuable information on a given topic. 'If the basis is position, the key informant becomes in effect a surrogate observer for the investigator. On the other hand, if the basis is experience, the informant provides the investigator with a chance to view information from other sources in historical perspective – in effect a longitudinal – "time slice"' (Moris and Copestake 1993, p. 58). Key informant 1 is a senior planner in government, key informant 2 is a realtor, key informant 3 is a former director of planning, key informant 4 is a land developer, and key informant 5 is a director of housing and community services. Key questions posed to the five related to policy, structures, rules, and procedures for public land management; public land information systems; institutional issues; and sustainable urbanisation. Data analysis involved the identification of patterns in evidence drawn from the literature review, the Chitungwiza case study, and key informant interviews. The data were scrutinised for underlying themes and other patterns. The use of three data sources was designed to improve reliability and protect overall data quality.

6.5   Results

6.5.1   The Policy Framework

Without a clearly defined urban policy, urban land management in Zimbabwe is guided by sectoral policies such as land, housing, the environment, and public health. Given the predominance of residential development, the sectoral policy that significantly influences urban development is the National Housing Policy. The policy identifies urban land issues, such as the lack of policy coherence for rural-urban integration and bottlenecks in the land delivery process. The administrative processes for land acquisition for urban development are complicated and lengthy. To address bottlenecks in the land delivery process, the policy recommends streamlining of land management functions amongst Ministries responsible for lands, local government, and national housing on the one hand and local authorities on the

other (Government of Zimbabwe 2012). Additionally, the housing policy recommends providing an institutional framework for periodic land audits and providing information for transparent land administration and planning purposes.

Public land ownership has many benefits, providing affordable land for low-income housing and infrastructure (roads and utilities) and social services (schools, health facilities, police stations, recreational parks). Public land can be developed more comprehensively when owned by the government and local authorities. Privately owned land is more expensive and may not be easily assembled for urban development. When held by private developers, public land has been used for speculative purposes, and social service provision has tended to suffer, with people sometimes having to access them outside their residential neighbourhoods at greater cost. Without public land, the government and local authorities would find it challenging to participate in urban development. Nevertheless, people who are ideologically committed to private property do not see merit public ownership (De Soto 2000; Deininger 2003). Public land ownership is considered a potential source of corruption and mismanagement (Deininger 2003). It is important to abandon. They suggest that the focus on ownership should be abandoned because it is less critical than coherent contractual arrangements for goal-orientated land management and control. The preoccupation with private property simply assumes that ownership conveys information about coherence of land management and use. Yet, all forms of ownership can lead to either good or bad outcomes. It is not ownership that is decisive; it is, rather, the social rules that exist for wise and sustainable land use. Often, too much attention is paid to ownership, while the more important issues of contractual rules and procedures for coherent land management are ignored.

Since Zimbabwe's independence in 1980, land management had been a technical process driven by government and local authority officials, but with the introduction of more formidable political opposition in the form of the Movement for Democratic Change (MDC) in 1999, public land assumed more economic and political importance. So when land reform reached urban areas in the early 2000s, public land, the bulk of which was publically acquired peri-urban farms, became an important asset for allocation to favoured entities. In the post-2005 Operation Murambatsvina fallout, the government implemented a national housing programme partly to address public outrage, and a substantial amount of land was allocated to housing cooperatives and land developers. Land developers, who are usually politicians, enter land development to gain power and influence and participate in the legitimacy of the state. For example, in Gweru city, Hertfordshire 1 and 2, Lot 73 of Umsungwe Block, and Tatenda Park are government projects that have the semblance of private development.

Urbanisation in secondary cities has been driven by a top-down approach to planning and development. 'Peri-urban land acquisition was championed by the top hierarchy through directives – and did not create structures for land management' (key informant 4). The land acquisition and development process was poorly informed from a professional and technical perspective. The lack of stakeholder participation and professionals were used more as tools to deliver land administration functions. Acquired land that ordinarily falls under the jurisdiction of Rural

District Councils has mostly not been transferred to urban councils, which would then manage and control urban development. Such land is not covered by the General Valuation Roll and cannot be rated in terms of the Urban Councils Act. Given this scenario and without up-to-date master plans, public land management has not been goal-directed. All 32 urban councils in Zimbabwe do not have up-to-date master plans.

In 2003, the Ministry of Local Government, Public Works and National Housing issued a manual on the decentralisation of urban public land to local authorities (Ministry of Local Government, Public Works and National Housing 2003). The government handed over the allocation and sale of public land to councils, excluding the 10% commonage held by the government. The councils were to retain the revenue accrued from the sale and lease of urban public land. The 10% commonage refers to that percentage of all vacant and undesignated urban public land at the point of transfer to an urban council. Decentralisation has been partially implemented. As there have been no instruments to guide the process, the Urban State Land Office in the Ministry of Local Government, Public Works and National Housing has, in many cases, continued to allocate public land.

6.5.2 The Institutional and Legislative Framework

There are many authorities and actors in urban public land management. Authorities include the now Ministry of Local Government and Public Works; the Ministry of Lands, Agriculture, Fisheries, Water, and Rural Resettlement; the Ministry of Women Affairs, Community, Small, and Medium Enterprises; local authorities; and state enterprises, such as the Urban Development Corporation (Udcorp). Actors include land developers, housing cooperatives, and land barons. The institutional framework for land administration is characterised by fragmented and overlapping authorities, resulting in a lack of integrated development. A local authority can have third and fourth parties, such as when a developer compiles a list of land beneficiaries and prepares lease agreements working with local authority officials outside of the council. This arrangement lengthens and increases the cost of the land delivery process. Depending on the situation, public land allocation can be done by the Urban State Land Office, any of the aforementioned Ministries, the local authority, a land developer, or a housing cooperative chairperson – a situation that key informant 3 described as essentially a vacuum in governance systems. Procedures become unclear to members of the public. In this maze, actors such as land developers and housing cooperatives hire their own planners and land surveyors while sometimes engaging the services of council employees. Land barons occupy and sell land, while some councillors make public land decisions outside council, and some officials may have their own public land for sale (key informant 1).

The multiplicity of authorities and actors in public land has resulted in a lack of accountability in the land management system. At the national level, the Permanent Secretary is officially the accounting officer, but is no longer so in reality because

some operational matters get addressed to the Minister. At the local authority level, the Town Clerk is officially the accounting officer, but municipal authority over public land has been usurped by actors such as cooperative chairpersons, developers, and land barons. The introduction of additional role-players such as housing cooperatives, developers, and additional ministries into urban public land has decimated functional structures for land management.

The absence of a clear governance structure for public land management has 'created leakages, opportunities for abuse of power, hiding of land information and invasion by politicians in management systems, yet their role is to develop policy or ask management to write policy as seen by politicians, so as to put things back on the rails' (key informant 3). This situation has weakened local authorities. Public land is used for political patronage – it has become a tool in manipulating individuals (key informant 4). The power of housing cooperatives to manipulate individuals has been strengthened by making public land available. A ruling party cooperative chairperson can allocate land to an opposition Member of Parliament in a bid to switch their political allegiances. Developers and land barons play around in institutional gaps and loopholes, further weakening institutional arrangements for land management.

A key challenge for administrators is that land developers are part of the political hierarchy (key informant 4). At the height of the national housing programme, the Provincial Ministers of State and Devolution's land committees did not use the tender process, and few attempts were made to check the track record of land developers. Some land developers would directly approach the Head Office for land allocation. Beneficiaries pay the intrinsic value of land to the Ministry of Local Government and Public Works. Land developers collect money from beneficiaries for use in provision of services, but these funds tend to be diverted to other purposes, thereby causing leakages in public land management. They have no legal obligation to develop infrastructure and services, as they do not own the land. Additionally, local authorities do not have control over land developers/land barons in land development. Housing development proposals with inadequate land for social services sail through the council (key informant 2). Land surrendered by developers as an endowment to councils for public purposes has sometimes been converted to residential stands. One of the weaknesses is that many councillors have not been there to serve, but only to benefit from the system. At the same time, there has been no system for monitoring and disciplining officials. Further, no regulations, circulars, or time limits have obliged officials to act on matters referred to them for their attention.

In addition to multiple institutions, the key legislation that governs urban land includes the Constitution; the Regional, Town, and Country Planning Act; the Urban Councils Act; the Land Survey Act; the Deeds Registry Act; the Valuer's Act; and the Environmental Management Act. According to the Constitution of Zimbabwe, every person has an equal entitlement to property rights whether they are a citizen or non-citizen of the country. In this sense, every person in the country can acquire property as long as they follow the legal channels and procedures about property acquisition. The Regional, Town, and Country Planning Act and the Urban Councils

Act provide for urban land management by the Ministry of Local Government and Public Works and urban councils, respectively. Other land administration functions in providing access to information by the public, land registration, and valuation are provided for by the Land Survey Act, the Deeds Registry Act, and the Valuer's Act.

6.5.3   Land Administration and Sustainable Urban Development

Public land administration is centralised in the Urban State Land Office of the Ministry of Local Government and Public Works, which lacks adequate financial and human resources (key informant 2). The centralised land management system has not been able to monitor local development. 'Control needs local administrators – people build at night and complete building operations in two days' (key informant 1). Since 2000 as land developers and housing cooperatives have driven residential estates, the provision of infrastructure and social services has lagged behind partly because of corruption and partly because land is sold to beneficiaries at intrinsic value. Councils should assume responsibility for infrastructure provision to improve land value. At a minimum, land should be sold at a cost recovery rate.

6.5.4   Chitungwiza Case Study

Chitungwiza was formed in 1978 by the amalgamation of Seki, Zengeza, and St Mary's. It gained municipal status in 1981. When a town acquires municipal status, land falling under its jurisdiction should be transferred to it by national government through a Deed of Grant. The transfer of ownership empowers the municipality to manage and control all land under its jurisdiction. Contrary to this legal procedure, public land in Chitungwiza is owned by the state and is mostly managed by the Urban State Land Office. This policy inconsistency has not allowed the town to effectively use land for economic development in a sustainable manner. When land is transferred to the municipality, the government has the right to use 10% of it in the provision of public facilities such as schools, hospitals, police stations, and recreational parks when the development proposals are approved by the local planning authority.

However, in Chitungwiza, the government has not stuck to the statutory purpose of commonage and has been asking for the 10% in the form of commercial and industrial stands Also the type of stands asked for has been decided on a case-by-case basis. Policy inconsistencies have gone beyond non-transfer of land to the council upon attainment of municipal status. In peri-urban Chitungwiza, the Ministry of Lands, Agriculture, Fisheries, Water, and Rural Resettlement created

A2[1] resettlement plots held through Offer Letters to beneficiaries. Beneficiaries have been illegally subdividing plots and disposing of subdivisions as residential stands. On the other hand, the Ministry of Local Government and Public Works approved a layout plan over the same area, but this plan could not be implemented because A2 farmers approached the courts to contest the residential development proposals.

The government has officially decentralised the management of public urban land to local authorities, but in Chitungwiza it has been running parallel structures such as the Nyatsime Development Association. Parallel structures defy local authority and are in dispute with the municipality over land control. Consequently, land development in Chitungwiza is mainly controlled by private players in the form of land barons. One of the land barons controlled one-third of the land in Chitungwiza. Land barons, youth groups, and war veterans have thrived on allocating and selling public land, while land boundaries have not been clear. Land barons are members of political parties who maintain their loyalty to power holders. 'Central government can be harsh because of different political views – where the opposition party controls council, central government withdraws power for public land' (key informant 5). Without a Deed of Grant, the council cannot make independent decisions over public land. To maintain the subservience of people, the central government finds itself interfacing with private players rather than the council in public land management.

In Chitungwiza, public land has meant a lack of control and chaos. 'It has all been about political interests' (key informant 5). Public land is sensitive and has been a source of threats and insecurity. In the Nyatsime part of Chitungwiza, there have been power wrangles between the Municipal Council, the central government, and the Manyame Rural District Council over the control of public land. Land has been used as a political asset, and deliberate administrative confusion has been a source of corruption. Councillors and council employees collude in maladministration in the 'politics of the belly' – they may have different political allegiances but can go into unholy alliances when it comes to benefiting from public land. Corruption is a chain process that benefits all echelons of the government through opaque transactions. One of the land barons, Frederick Mabamba, controlled about a third of the land in Chitungwiza. The Zimbabwe African National Union-Patriotic Front (ZANU-PF) linked land baron illegally parcelled out land worth more than US$ 16 million in the city (Maphosa and Chidakwa 2021).

A land audit conducted by the central government found widespread allegations of corruption regarding land allocation (Ministry of Local Government, Public Works, and National Housing 2013). In the politics of the belly and given the political and economic crisis, the concept of public land has been used to tame any dissenting voices. For example, leaders of the Residents Association have benefited from the allocation of stands and market stalls, and should they raise their voices, it

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[1] This consisted of resettlement model during the land reform programme which sought to create small-scale and medium-scale indigenous commercial farmers.

is assumed that they did not receive something. When allocated stands, they are expected to reciprocate the favour by protecting councillors. The Residents Association tends to be dominated by failed politicians who often join pressure groups to protect their assets. They usually become gatekeepers in political communities.

Many acres of land in Chitungwiza were illegally allocated to land barons, politically affiliated youth, unapproved housing cooperatives, council officials, and councillors. The land was then used for nondocumented development, substandard buildings, and other developments that are not supported by development plans; neither are they indicated on maps or otherwise recognised by local and central authorities (Ministry of Local Government, Public Works, and National Housing 2013). Legally, the central government is in charge of spatial planning and stand allocation, but due to lengthy bureaucratic procedures involved in doing so, there are significant time lags between proposed policy measures and their actual implementation. These delays give land barons and other private parties the time to develop layout plans and allocate stands resulting in the development of illegal buildings.

During election cycles, the delicate relationship between central government, local authorities, land barons, and housing cooperatives is tested time and again, often leaving behind complicated illegal developments, which municipalities need to deal with, despite their lack of resources. Chitungwiza, like other opposition-run local authorities, is starved for 'agency' – it lacks its own locally generated revenue, and hence must depend on central government for funds to address purely local problems. This fiscal starvation then forces local governments to engage in various tricks and workarounds, out of which corruption immediately arises.

6.6   Discussion

Urban public land management in Zimbabwe has been problematic due to the interaction of policy, political economy, and institutional factors. At the apex of the problems is the fact that, since independence in 1980, urban policy has not been a priority. The current national land policy focuses on rural land and has no statement on urban land (Ministry of Lands, Agriculture, and Rural Resettlement 1990). In particular, policy pronouncements have focused on land reform and rural development (Muchadenyika 2020). Apart from neglect of urban policy, there is a gap between the status quo and recent global debates on the role of urban land management in the development of sustainable and smart cities. In the Zimbabwean context, political and economic instability and corruption form a complex set of interrelated drivers that have affected urban public land management in secondary cities.

Political goals and narratives relevant to urban land management objectives have dramatically changed, and this has seen the creation of networks of knowledge across Africa and the world such as the International Federation of Surveyors (FIG),

German Agency for International Cooperation (GIZ), Global Land Tool Network (GLTN), Network of Excellency on Land Governance in Africa (NELGA), and Advancing Collaborative Research in Responsible and Smart Land Management in and for Africa (ADLAND), which have been crucial in the development of innovative approaches to land management (Home 2021). These networks have emphasised good land governance supported by a technology-enabled land information management system and the use of open data. With the emergence of new technologies, the tools to collect, share, present, and distribute data have rapidly increased.

In Zimbabwe, as in most former African colonies, political independence has been followed by deflation of state capacity (Beissinger and Young 2002). Declining state capacity has been partially explained through the level of state legitimacy. It has been observed that state legitimacy explains about a third of the variance in state capacity across the African continent (Englebert 2000). It seems obvious that the more legitimate the state, the greater the quality of its governance. Equally, the more illegitimate the state, the more likely political elites would resort to patronage policies, which lead to poor governance and economic stagnation. Ruling elites of low legitimacy states tend to adopt patron-client relations with their attendant propensity for corruption, regionalism, and disregard for the rule of law.

Housing cooperatives have filled gaps in state capacity for land delivery in a situation where urban land management serves the interests of the ruling elite more than citizens. Urban public land delivery has been part of statecraft, but has paradoxically been contributing to the weakening of the state (Skocpol 1996). It is important to note that the main opposition political party runs most cities in Zimbabwe; cities have thus become a battleground where patronage networks compete to gain the most power. For the ruling elite, state building has been synonymous to ensuring loyalty by all to the ruling party (Beissinger and Young 2002). In this regard, oppositional political parties are not considered part of the nation-state but agents that seek to topple a sovereign state. The state has not been able to work with opposing groupings but has been characterised by contestation in the practice of exclusive politics (Migdal 2001; Chavunduka and Chaonwa-Gaza 2021). In this context, urban public land management has been more a political than a technical exercise, and land has been used as a reward for supporters and as a means of luring new members to join specific political parties. 'Some institutional structures derive their authority not from legislative instruments but from the executive, which constitutes and reconstitutes them' (Jacobs and Chavunduka 2003, p. 294). Public land management has not had clearly assigned authority and transparency.

Most housing cooperatives have formed alliances with politicians from the ruling party and have been able to challenge local authorities controlled by the opposition. They perform executive functions such as land use planning, land allocation, and approval of building plans (Muchadenyika 2017). An example is Chitungwiza's Zanoremba and United We Stand housing cooperatives that have become unofficial local authorities, approving layout plans, allocating land, processing sale agreements, and approving building plans. National government has enabled housing cooperatives as parallel structures for public land management and to maintain the land information management system, thereby essentially privatising public land

control. Private actors in the form of housing cooperatives, developers, land barons, and trusts have been taking control of public land; the state has continued its public land management role through the Urban State Land Office in the Ministry of Local Government and Public Works. The government has not consistently implemented decentralisation of public land, and there has been no publicity of the public land management process.

Meanwhile, local officials and councillors have taken advantage of the mess in land administration, and together with their allies are reaping financial gains from governance failures. Thus, it has been noted that each of the town planners and housing director in Chitungwiza had stands for sale (Muchadenyika 2020). As indicated in the case of land baron Mabamba, the current incoherence of the urban land system puts real and substantial money in the pockets of a whole cadre of officials. Before losing his elected position, Mabamba served the Chitungwiza City Council as a Councillor and Deputy Mayor since 1999.

The way forward requires rebuilding the urban land management system in Zimbabwe (Rukuni 2013). The Government of Zimbabwe and key stakeholders must design a rehabilitation plan for the land sector. A model for rehabilitating Zimbabwe's land management systems can be based on Enemark's (2005) land management paradigm presented in the conceptual framework. Figure 6.2 shows the essential features of a model that Zimbabwe can adopt to address a dysfunctional land administration system.

The proposed land administration model for Zimbabwe would consist of a spatial information system, a coherent land administration system for sustainable development, and e-government.
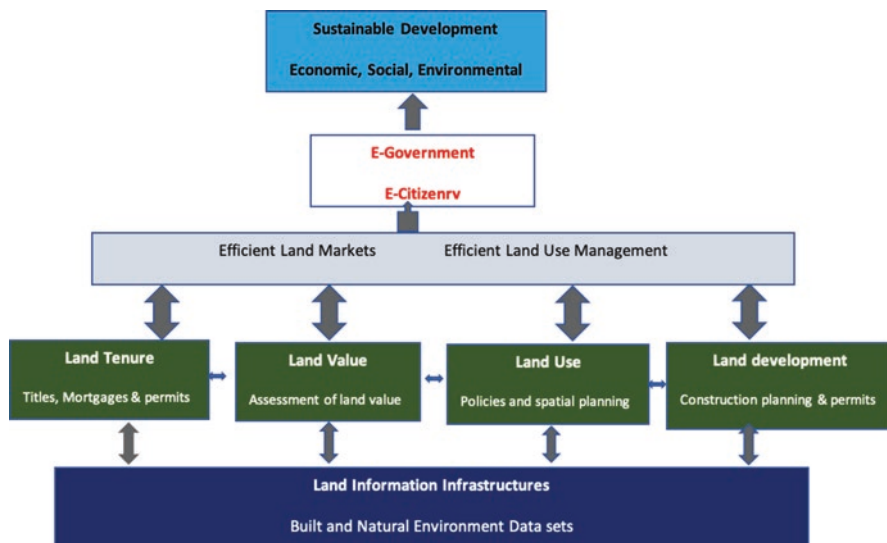

Fig. 6.2 Model land administration system for Zimbabwe. (Source: Adapted from Rukuni 2013)

6.7   Conclusions

Given that we now live in a world where more people live in urban settlements, the issue of sustainable secondary cities has gained importance. It has risen in prominence because public land management in urban and peri-urban areas has not enabled sustainable urbanisation. The legal provisions for public land management are clear; however, since the fast-track land reform programme of 2000, procedures have become lengthy and nontransparent, and the capacity of central and local governments for policy and land administration has declined. Specifically, there has been a reduction in the capacity of central and local governments to carry out their public land management mandates. In the absence of master and local plans and/or their disregard in most secondary cities, there are few goals for public land management and control. There has been no coherent urban land policy, and public land management is shrouded in partisan politics. The practice of exclusionary politics has been accompanied by a disregard for established procedures, a lack of monitoring systems and enforcement, and the absence of a vision for the land.

Extralegal authorities have undermined statutory and official structures for land management in the form of politically connected individuals and institutions that use doubtful and murky procedures. Mismanagement of public land has been exacerbated by the failure of decentralisation. Given the overbearing and politically aligned institutions like housing cooperatives, developers, and land barons, there has been no political will for decentralising land management to local authorities. The 2013 Constitution provides for devolution of power and authority to local authorities, but the Chitungwiza case showed that despite being granted municipal status in 1981, state land ownership was not transferred to the local authority as required by the Urban Councils Act. According to a survey conducted by the National Association of Youth Organisations (NAYO), '69 per cent of residents in the sprawling town were concerned about being defrauded their hard-earned cash by the politically connected land barons while 57 per cent of the residents were worried by the rise in corruption involving illegal land sales' (Munhende 2021). In general, the mismanagement of public land in Zimbabwe is a problem that threatens the livelihoods of virtually everyone in the country.

The case of Chitungwiza has been instrumental in this study as it relates to a broader class of events: abuse of power and corruption. It expands earlier understandings of the dynamics of contention as individuals colluded across the political divide in the fight for politics of the belly. Immiseration has been a catalyst for corruption, and this does not look like a passing phase as long as the political and economic crisis continues. Tellingly and viewed in the context of land corruption in Zimbabwe, the Chitungwiza case is a microcosm of governance failures in Zimbabwe (Chiweshe 2021).

The way towards good public land management and sustainable secondary cities requires political reform from viewing land as a political instrument to inclusive politics of land. Inclusive politics enables a shared vision of land and the restoration of the rule of law rather than the rule of individuals. The need to implement

provisions of the Constitution on devolution and public participation is important. There is a need to transfer public land ownership to municipalities for their comprehensive, responsible, and smart management. In doing this, it is notable that agencies should derive their mandate from the Constitution and/or law and not from the executive or administration (Jacobs and Chavunduka 2003). Consideration of these policy prescriptions would provide a framework or streamline the authorities, clarifying land management structures and procedures for sustainable secondary cities.

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