

CHAPTER 5: Towards a Framework Governing Acquisition of Land for Urban Expansion to Peri-Urban Areas

This chapter crisply summarises, concludes and provides recommendations based on the findings obtained throughout the study. It relates the aim and objectives of the study to the findings and provides policy recommendations on possible ways of addressing the contestations in acquisition of rural land for urban expansion.

The statement of the problem which informs this inquiry stemmed from a realisation that there is little evidence and research work on the causes and impacts of contestations in acquisition of rural land for urban expansion that is affecting the growth and expansion of urban settlements in Zimbabwe. This is against a backdrop of many small urban centres in Zimbabwe facing severe problems in acquisition of rural land to expand their boundaries and to keep abreast with the demand for housing, social amenities and industrial spaces emanating from rapid urbanisation and population growth. This is a global problem but is rife in African countries that were under colonial governments and in which land was categorised into state land and communal land. Gurube Growth Point was used as a case study.

The first objective of the study was to examine the main causes of conflicts prevailing between rural communities and local authorities over land for urban expansion. It has been noted that the major factor that is causing the contestations in acquisition of communal land for urban expansion is failure by local authorities to provide alternative land to resettle the rural landholders affected by urban expansion. In addition to this, lack of effective participation during planning and implementation of land acquisition programs, fear of livelihood disruption due to resettlement, conflicting legal frameworks, existence of multiple land administration institutions and the vesting of *de jure* and *de facto* powers to different institutions are also factors that are playing a role in working against the efforts by local authorities to expand their boundaries.

The second objective was to review the legal framework governing acquisition of land for urban expansion in peri-urban areas. The researcher discovered that acquisition and administration of rural land is governed by the Land Acquisition Act (20:10), the Communal Land Act (20:04), the Rural District Council Act (29:13), Urban Council Act (29:15) and Regional Town and Country Planning Act (29:12). Of these Acts, the Communal Land Act and the Land Acquisition Act

seems to be the major Acts governing land acquisition for urban expansion. The study however brought out that these Acts do not adequately address the issues of land acquisition for urban expansion. Firstly, compensation of the rural landholders affected by urban expansion is not adequately addressed. All the Acts cited above do not succinctly provides for a compensation framework for the landholders affected by urban expansion. The Land Acquisition Act leaves the responsibility of compensation to the acquiring authority that it states that it should be adequate and should be done within a reasonable timeframe, without stating the modalities for determining the amounts and minimum possible timeframe. On the other hand, the Communal Land Act continues to emphasise on the relocation of communal land holders affected by urban expansion to alternative land. This provision disregard the fact that land is a finite resource and securing it to resettle the communal land occupants is one major challenge being faced by local authorities.

The third objective was to analyse the effects of conflicts prevailing between rural communities and the local authorities over land for urban expansion. This study brought out that contestations for acquisition of rural land for urban expansion are negatively affecting the growth and development of many rural urban settlements in Zimbabwe. Through interviews with key informants, local traditional leaders and officials from council and the District Administrator's office, the researcher discovered that growth points and other small urban settlements are experiencing limited infrastructure development, are losing investor confidence and the peri-urban areas are war zones between council and the per-urban occupants as the communal land occupants fight to remain on their land. Thus, there are sour relations between councils and communal land occupants. The conflicts in acquisition of land for urban expansion have also resulted in the development of an informal land market in peri-urban areas as the peri-urban dwellers subdivide and dispose their plots before the coming of council (garawadya). This is mainly resulting from previous experience of excision of land with proper compensation on an offer for alternative suitable land.

The fourth and last objective of this study was to recommend planning strategies to address the contestations relating to urban expansion into rural areas. Insights from reviewing secondary literature and key informant interviews brought out that land readjustment programs, regularisation, review of land administration and legal framework, harmonisation of land administration institutions and rationalisation of A2 farms to pave way for rural land occupants who might be affected by urban expansion. Major emphasis on these strategies is an inclusive and participatory approach. Land readjustment programs and regularisation have

a history of success in other countries and they are opposed to expropriation. The review of legal frameworks and harmonisation of land administration institutions we pave way for the accommodation of land readjustment and regularisation program. As it was evidence from the study that local authorities are finding it difficult to acquire alternative land to resettle people affected by urban expansion that is a major bone of contention, if these strategies are employed holistically, they will help to promote urban growth with minimum contestations.

The field results have demonstrated that the main causes of contestations in acquisition of land for urban expansion by local authorities in Zimbabwe are delayed compensation and relocation because of difficulties in security alternative land to resettle the affected families, lack of comprehensive forward planning, existence of multiple land administration institutions that results in conflicting positions and confusion at local level, inadequate legal provisions and conflicts between de facto and de jure land management powers between traditional leaders and local authorities. These factors are affecting the expansion and socio-economic development of urban centres in most rural areas.

The study has revealed that the contestations in acquisition of rural land for urban expansion are rampant in Zimbabwe and are having negative effects to the growth and expansion of urban settlements. The effects resulting from these contestations are varied and are manifesting in various forms. For instance, this study has revealed that the contestations are hampering infrastructural development in small urban centres, they are causing investors to shun away from investing in growth points, they leading to disruption of peri-urban dwellers livelihoods, and they are creating social disharmony in communities. The worst-case scenario is the eruption of the conflicts into physical violence and destruction of urban houses being constructed on conflicted land. Such has been the experience in the study area and the tension continues as the local authority requires more land for urban expansion.

The Land Acquisition Act and the Communal Land Act are the major Acts that provides for the acquisition of land for urban expansion. The Rural District Councils Act, the Regional Town and Country Planning Act, the Urban Councils Act and the Constitution of Zimbabwe also have sections on that slightly touches on land acquisition, but they do not give enough detail and they make references to the Land Acquisition Act. All of the above cited Acts are not adequately addressing the issues of acquisition of rural land for urban expansion especially in terms of giving an emphasis on compensation and relocation of affected families. Compensation and relocation issues are central to the problem being faced by

local authorities in trying to expand their boundaries, but they are loosely covered in the Acts since they do not succinctly provide binding provisions on responsibilities of acquiring authorities. Thus, the researcher recommends the revision of these Acts so that they accommodate compensation and relocation issues clearly.

The study has also revealed that the current approaches being used in acquiring land for urban expansion are failing to produce desired results. Basing on the national legal statutes, local authorities can acquire land for urban expansion through expropriation or excision of communal land. Owing to the difficulties being faced in excising the communal land, the researcher has discovered that alternative and innovative urban expansion strategies such as land adjustment and regularisation can be used. To be applicable in the current Zimbabwean contexts, the legal and institutional frameworks need also to be reviewed and realigned. Thus, the researcher recommends a paradigm shift from repressive mechanisms that centre on the power of imminent domain to inclusive and participatory approaches.

The current contestations between local authorities and rural land occupants are detrimental and are affecting the growth and development of urban settlements. As already highlighted in chapter four, the contestations between local authorities and communal land occupants are emanating from various factors such as lack of alternative land to resettle people affected by urban development, fear of livelihood disruption, lack of a clear compensation plan and non-effective participation mechanisms. The contestations have resulted in limited to no infrastructure development, lack of investor confidence and the development of informal peri-urban land market among other things. In view of the foregoing, the researcher makes the forthcoming recommendations:

Firstly, adoptions of the land readjustment approach. This land development approach is inclusive and participatory and it helps in minimising conflicts between local authorities and rural land holders and hence paves way for proper growth of urban settlements.

Secondly, the researcher recommends the embracing of regularisation and accommodation of informally developed settlements as opposed to eviction of the land occupants. The research has brought out that some of the peri-urban settlers were illegally settled by village heads or by certain individuals. Regularisation will accommodate these occupants and thus, minimise the costs

associated with eviction and resettlement and thus, promoting proper urban growth.

The third recommendation is rationalisation of A2 farms to pave way for people affected by urban expansion. The researcher discovered that while local authorities are finding it difficult to get land to resettle people affected by urban expansion, there are some A2 farmers with multiple farms or with large farm sizes some of which is not being utilised. The rationalisation of such farms will see those peri-urban dwellers in need of farming land being accommodated.

Moreover, the researcher recommends the offering of tenure security to communal land occupants. The researcher discovered that communal land occupants have no security of tenure and always face an uncertain future. Local authorities regard the communal land as belonging to the President as provided for in Communal Land Act hence to some extent communal land occupants are more like second class citizens. According to security of tenure to communal land occupants will see their rights being respected in acquisition of land and this will ensure that their livelihoods are not disrupted without an alternative.

Harmonisation of land administration institutions such as local authorities, Ministry of Lands and village assemblies is another recommended strategy. This is against the backdrop of the research revealing that conflicting and overlapping roles between these various institutions is another factor contributing to contestations in rural land acquisition.

Another recommended strategy emanating from this study is the review and harmonisation of the legal framework that deals with land administration in rural areas. This is with reference to the Communal Land Act, the Rural District Councils Act, the Land Acquisition Act and the Regional, Town and Country Planning Act.

Lastly, the researcher also recommends introduction of compensation and relocation framework to guide relocation and compensation of rural land occupants affected for urban development. The study has revealed that there is no clear relocation and compensation framework in Zimbabwe hence local authorities are facing challenges in addressing compensation.

This study focused on the causes and effects of contestations in acquisition of rural land for urban expansion. Emanating from this study is a possible area of future research that is, modelling of the future of rural settlements in Zimbabwe

in the context of the rapid rate of population growth and the continued demand for urban land; there is a need to establish the possible future of rural settlements in Zimbabwe.

The aim of this study was to investigate the contestations in acquisition of rural land for urban expansion in a bid to promote proper growth of urban centres in Zimbabwe. The study basically examined the causes and effects of the contestations, to review the legal framework governing land acquisition and to investigate and recommend planning strategies to promote proper growth of urban settlements. The study successfully investigated the causes and effects of the contestations. It brought out that the main factor causing contestations is lack of alternative land to resettle the rural land occupants and lack of financial capacity to compensate the displaced rural land occupants by the local authorities. The study concluded that contestations in acquisition of rural land are affecting the rate of urban growth and causing under development in most small urban settlements in Zimbabwe. To address the contestations, the research recommends a paradigm shift from expropriation to participatory and inclusive approaches such as land readjustment programs and regularisation of informal settlements.