

TIME IS NOW FOR SPATIAL AND LAND USE PLANNING AND RE-BUILDING THE LAND ADMINISTRATION SYSTEM IN ZIMBABWE

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INTRODUCTION

In this 10th of 12 articles I focus on the need to rebuild the land use planning system and how this will aid land administration. I have argued throughout the series of articles that the Government of Zimbabwe and the key stakeholders need to craft a rehabilitation plan for the land sector. Looking back on the 3 decades since 1980, Zimbabwe has changed considerably in physical and spatial terms. Land settlement patterns have changed completely, and the spatial design model, which essentially saw urban development as a series of towns servicing former white farming areas, is now inadequate for long term planning.

1. WHY ZIMBABWE NEEDS A REVISED SPATIAL PLAN AND LAND ADMINISTRATION SYSTEM

Population growth, rapid urbanisation and the youthfulness of the population are three demographics that drive the need for a better-planned future. Although I struggled to get a good data-set on the rate of urbanization in Zimbabwe, I will depend on anecdotal evidence that suggests that Zimbabweans, especially the youth to middle age, are settling in urban areas at a faster rate. I also know that the profitability of farming as a business has declined significantly in the last 5 years. Moreover the virtual take-over of Zimbabwe's food markets by South African products and others has further dampened competitiveness. With porous borders that filter through illegal food imports, prices are dampened further. All this is pushing young people away from agriculture and agribusiness and pushing them into urban areas.

The fastest growing, however, is tobacco; and this has been good for smallholder farmers, while at the same time this is exerting huge pressure on the environment. Forests are

disappearing at about 300,000 hectares or so per year. The ineffectiveness in enforcing environmental regulations is also major evidence of the need to revamp the land administration system. Tobacco is the acute case, but there are several chronic environmental issues that are poorly administered, such as bush fires and the sustainable use of wetlands.

I am arguing therefore that the sustainable management of land-based resources used in common, including forests, pasture lands and water resources all require an upgraded and advanced spatial plan as well as effective land governance systems. This will facilitate the orderly growth of towns and urban areas as well as ensuring that land for a variety of commercial, industrial, housing and public uses are available under secure tenure arrangements. Government institutions including local government and traditional authorities all have a major role to play in administering land rights in a transparent, accountable, fair and efficient manner. These same institutions need capacity to provide guidance on good land use and planning practices at the household and business levels. For Zimbabwe to attain its potential and aspirational economic boom, there is need to protect the ordinary Zimbabwean's land rights in a manner that promotes peace, harmony and minimises land conflicts. I will discuss later, therefore, why the proposed Land Commission has to craft a Land Administration System (LAS) that is unified, transparent, efficient and accountable, thereby promoting economic development, while also regulating to promote sustainable development and fair value for all categories of land users.

2. RURAL AND URBAN LINKS TO LAND

I am highlighting here the growing rural-urban link to the land question as the rate of urbanisation increases. Peri-urban lands are generally situated in blurred zones between customary and statutory law. And as urban growth encroaches on rural land, this always creates opportunities for those better connected and informed to exploit the situation, often at the cost of the rural land users, especially if their land rights are not secure. Peri-urban areas are the 'entrepreneurial' space where the customary land tenure becomes increasingly individualised, leading to informal land markets. These markets have emerged in all peri-urban areas of Zimbabwe. Although not having a clear formal policy can be workable as long as there are no conflicts, conditions will increasingly mature towards conflicts. This is mainly because land values are increasing and therefore the disputes are increasing. As urban elites (public officials, businessmen, politicians, etc.) become interested and involved, it follows also that land purchase for speculation will increase and as land values rise, farmers forced or tempted to sell.

Ultimately traditional leaders are tempted to sell lands for housing and other developments for personal gain, as opposed to seeking the views of their citizens. Urban farming is a legitimate business and this needs policy guidance. Pressures will mount from agro-business interests seeking land to satisfy urban demand for food. To reduce insecurity as rural people

lose land to urban development, it is important that adequate compensation is paid in cash or kind to 'owners' and 'users' who have to give up their livelihoods.

Spatial planning and zoning is important before rural land transforms into urban land for housing, commerce and industry. In addition, it is important to plan for public utilities—parks, playgrounds and peri-urban agriculture; as such amenities tend to be neglected or further converted into housing plots. Many people in urban and peri-urban areas lack secure rights which hampers investment not only in their houses but also in the provision of public services. Once informal settlements rise, however, it becomes difficult to formalise. Formalisation can be a source of even greater risk if this then leads to eviction. That is why it is important for Zimbabwe now, as the Land Commission comes to be, to ensure that spatial planning and zoning is resumed with vigour. Enforcement of such plans is far less costly in both cash and human suffering, than evictions after people settle themselves informally. Characteristics of informal settlements include:

- Illegal occupation of private or public properties (squatting)
- Purchase of small properties without official transfer and registration
- Building without approval (and subsequent alteration and extension)
- Building in unsuitable areas in terms of land use and town planning
- Ignoring of building laws (construction statics, building materials, building heights, density and infrastructure)
- Reduces or eliminates the perceived need for public expenditure on housing
- Fast growth of informal settlements becomes a huge challenge in providing access to public services
- Owners face possible eviction
- No access to credit for building and renovation on favourable terms.

3. THE LAND COMMISSION

The new Constitution of Zimbabwe provides for a Land Commission that will function as a technical arm in support of the Ministry of Lands and Rural Resettlement. As a general recommendation, the Land Commission could envisage the government's land administration function in four areas (also look at Figures 1 to 4):

- Land tenure (securing and transferring rights in land and natural resources)
- Land value (valuation and taxation of land and properties;
- Land use (planning and control of the use of land and natural resources)
- Land development (implementing utility, infrastructure and construction planning).

The administration of land tenure includes: allocation of secure rights in lands; legal surveys to determine parcel boundaries; transfer of property or use from one party to another through sale or lease; use of land as security, and the management and adjudication of doubts and disputes regarding rights and parcel boundaries. The administration of land

valuation includes: assessment of the value of land and properties; gathering of revenues through taxation by appropriate authorities; management and adjudication of land valuation and taxation disputes. The administration of land use includes: control of land use through adoption of planning policies and land use regulations at national, provincial and local levels; enforcement of land use regulations; and management and adjudication of land use conflicts. Administration of land development involves: providing for new physical infrastructure important to the economy; implementation of construction planning and change of land use through planning permission and granting of permits; and the management of complaints and disputes.

Land Administration System

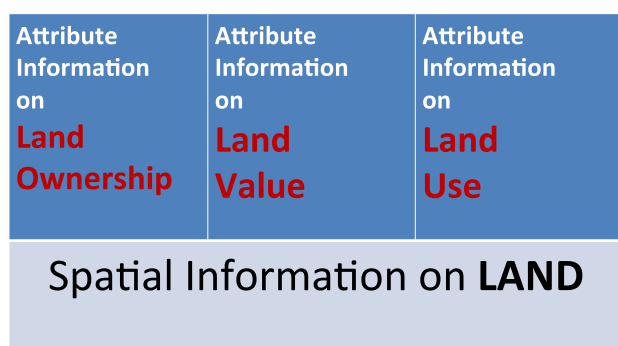


Figure 1

The Land Management Paradigm

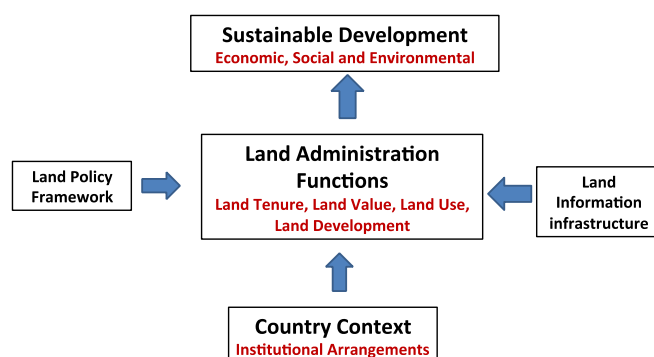


Figure 2

Cadastral systems facilitate land administration

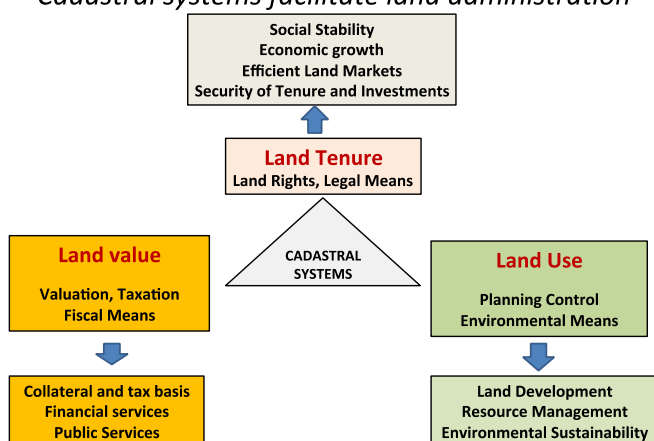


Figure 3

MODEL FOR MODERNISING ZIMBABWE'S LAND ADMINISTRATION SYSTEMS

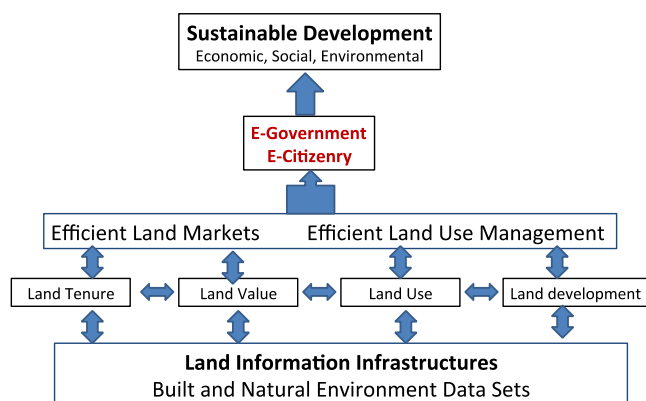


Figure 4

A comprehensive land policy for Zimbabwe is therefore a prime mover and pre-condition for sustained economic growth. Moreover, the enforcement of such a policy, once fully adopted by Cabinet, will require a series of rationalisations of existing laws with the Constitution. There already exists a plethora of laws to cover all the areas that I have

touched on. Most of the work is in aligning the laws with the new Constitution and with new realities on the ground. Of critical importance is to ensure that the important aspects are covered and relevant and appropriate to the new landowners on A2 land. These legal and regulatory aspects include, among many others: registration of land; sub-division of land; valuation; environmental protection; planning and so on.

The Land Commission, working with the Surveyor General, Registrar General, Deeds Office, and others, will need to strengthen the processes of determining, recording and disseminating information about the tenure, value and use of land when implementing land management policies. The processes include: land registration; cadastral surveying and mapping; fiscal, legal and multi-purpose cadastres; land management; and land information systems that are decentralised to district levels so that ordinary citizens have access and exercise their rights. Users of land information are many in the growing economy. The land information system will service the needs of governments, business and the public, preferably utilising the latest technologies. Information needs include the land users' servicing rights, responsibilities, restrictions and risks in relation to land. The land information system has to deliver much broader information about sustainable development.

Because of the comprehensive nature of the Land Administration System and the Land Information System suitable for a fast-growing economy such as Zimbabwe, this has to be based on a 'unified model'. After all, Zimbabwe has maintained a multi-form tenure system and this says more about a multifunctional information system incorporating diverse land rights, land use regulations, and other useful data. The quest for sustainable development increases the demands for comprehensive information about environmental conditions in combination with other land related data. A 'unified model' also means that there is functional reflection of local cultural and judicial settings and their institutional arrangements.

Spatial planning is crucial in the attempt to paint the big picture of where the country is going in the next 50+ years, which is taking a "Whole-to-Part" approach to land administration. 'Whole-to-Part' strategy allowing more integrated land management and decision making needed to handle wider economic, environmental and social issues. Land management can then fully provide.

4. BEST PRACTICE IN THE DESIGN OF LAND ADMINISTRATION SYSTEMS

In this section, I borrow from Steudler & Williamson (2001), who assert that an up-to-date land information system contains a record of interests in land (e.g. rights, restrictions and responsibilities, and even risks). It usually includes a geometric description of land parcels linked to other records describing the nature of the interests, the ownership or control of those interests, and often the value of the parcel and its improvements. According to the International Federation of Surveyors (IFS), a cadastre may be established for various

purposes including fiscal purposes (valuation and equitable taxation), legal purposes (conveyancing), to assist in the management of land and land use (planning and other administrative purposes), and to facilitate sustainable development and environmental improvement. Land administration systems historically reflect their jurisdictions of origin, and this is why the updating of Zimbabwe's cadastre is urgent given the massive historical changes of the last decade. Reviewing and revising a cadastre and land information system can only be based on understanding how administration systems were created and changed over time in response to political, social and technical pressures. However, managing the processes of change requires collective and international understanding of a model capable of servicing both national and global needs.

Taking 'Best Practice' in Land Administration into consideration I have again borrowed from Steudler & Williamson (2001) and adapted the following summary framework as suitable for Zimbabwe moving on:

1. Comprehensiveness of the cadastre and land administration aspects:
 - a. legal comprehensiveness (ownership, rights)
 - b. ownership security and loan credibility
 - c. integration of public rights and restrictions
 - d. managerial as well as technical solutions such as the digital format, data modelling.
2. Organizational aspects
 - a. data integration
 - b. degree of information use
 - c. information sharing
 - d. Decentralisation and access
3. Public-private sectors roles
 - a. role of private sector
 - b. level of cooperation
 - c. professional associations
4. Financing aspects
 - a. levels of administration
 - b. cost and cost recovery of first surveys
 - c. cost of -upgrading, updating
5. Data quality
 - a. Content
 - b. Reliability
 - c. Accuracy
 - d. Applied technologies
 - e. Cadastre
 - f. Data capture. Storage and retrieval

CONCLUSION

The provision of a Land Commission in the Constitution is opportune in re-building the land administration system. The land administration system has to be multifunctional, decentralised, and with a state of the art land information system that is part of e-Government roll out. Land administration structures at provincial and district levels need reform in line with this development.

REFERENCES

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