

## Land administration and corruption in Zimbabwe: Revisiting and strengthening legislative, institutional and policy frameworks on land

### Introduction

In the rural and urban communities of Zimbabwe, land is a vital asset that contributes significantly to the livelihoods of a majority and is a symbolic cultural and economic asset. However, the access and control to land is under threat due to various factors including corruption. It is upon this premise that Transparency International Zimbabwe (TI Zim) jointly conducted a research with the Zimbabwe Anti-Corruption Commission (ZACC) in 2021 entitled “Urban & Peri-Urban Land Governance in Zimbabwe: Towards a Corruption-free, Transparent and Accountable System” in an attempt to investigate land administration and corruption in the context of urban and peri-urban areas in Zimbabwe.

Little has been written to date, however, about the government of Zimbabwe’s approach in addressing land administration corruption in Zimbabwe from an urban and peri-urban set up and this study was aimed at filling that gap.

Therefore, this policy brief will summarize the report and its findings.

In the report, several key issues were highlighted in relation to urban and peri-urban land governance in Zimbabwe. Firstly, there was a lack of accountability and transparency due to multiple land management authorities. Another inhibiting factor to proper land administration and was the existence of several legislative and policy frameworks which paved way for confusion. Furthermore, urban and peri-urban land in Zimbabwe is a lucrative economic and political asset. As a result, there is increased demand for urban land across the country and this has been largely driven by multiple factors including high rates of urbanization, increased rural-urban migration, urban population growth and serious challenges in housing provision post-independence. This has subsequently led to those with political power and political connections to aggravate corrupt activities in land administration systems in the country.



There is a lack of synergy and coordination between various ministries and authorities when it comes to land distribution. The sprouting of peri-urban areas has not been incorporated into urban land and this has presented a multiplicity of challenges. Employees or officials from urban local authorities are heavily involved in corrupt land practices with no monitoring mechanism to address this challenge and without knowledge of the responsible Ministry as well.

Housing cooperatives and private land developers are not monitored, giving rise to corruption activities such as non-compliance with tax obligations. In recent times urban and peri-urban areas have seen the growth of land barons who are selling land without consulting the relevant local authorities. This form of land corruption is on the increase in urban areas in Zimbabwe.

## **Revisiting legislative and policy frameworks on land in Zimbabwe: Recommendations**

Current land debates in Zimbabwe have highlighted the need to revisit legislative and policy frameworks on land administration and governance. The legitimacy of the Zimbabwean legal system has been met with a lot of criticism both internally and externally as some government officials have often ignored the country's judiciary and its rulings, especially where land governance and distribution are concerned. Arbitrary changes to the legislative framework have contributed to the high level of confusion in land administration and governance. The existence of a flawed institutional framework on land governance and administration and lack of a coherent land policy have presented a multiplicity of challenges. The policy brief therefore recommends the following:

### **1. Strengthened legislative and policy frameworks on land governance and administration**

At national level, there is a need for improved and harmonised legislative and policy frameworks that comprehensively deal with land administration and governance in Zimbabwe. Existing laws either over subscribe roles for ministries, local authorities and any

other relevant stakeholders. These should be revised in order to deal with new and emerging challenges in relation to land administration in order to clear the confusion of multiple land policies. The mandate of ministries that deal with land issues should be made clear. Local urban authorities should also comply with newly promulgated laws to address challenges of illegal settlements and the growth of land barons, private land developers and housing cooperatives. Good land governance is also another necessary first step to address land corruption and it needs to be applied at the policy, legal, institutional and administrative levels. Legislature holding state authorities accountable in the regulation of land processes, must be strengthened and properly implemented.

### **2. Coherent land policy**

It is recommended that Zimbabwe at national level should adopt a coherent land policy in order to deal with contemporary land issues. When differing land policies work in parallel it means that citizens can have differing levels of security of tenure. This is problematic where there are changing land uses that impact on the ability and rights of local communities to use land that they have historically had access to. Therefore, a coherent land policy will minimise confusion on the land tenure systems, land registration, enforcement of land rights, expropriation, equity and non-discrimination and land markets. In addition, a unified tenure system should be developed which recognises a diverse set of landholdings from state, local authority, individual, family and communities. Land policy frameworks should be aimed at supporting socially cohesive nation formation rather than being limited to agricultural market considerations.



Photo credit: The Africa Report

### **3. Political will to improve land legislative and policy frameworks**

It is recommended that political will is needed (both at national and local levels) in the planning and long term investment on improving legislative and policy frameworks on land administration and governance in order to curb land corruption. Lawmakers, office and duty bearers play a key role in ensuring that legislative and policy frameworks are greatly improved. Limited political meddling and interference is also imperative.

### **4. Autonomy and freedom of councils/local authorities to properly manage land issues**

At the local level, urban local authorities should also be given autonomy and freedom in terms of managing land issues in their areas of operation with limited political interference. The high politicisation of land issues has significantly contributed to corruption taking precedence within local urban authorities. Decision making and planning should be done at local authority level to ensure that local authorities are able to deal and tackle land administration issues within their areas of operation and jurisdictions.

### **5. Adoption of efficient and effective land management systems**

It is recommended that at local level, urban and peri-urban local authorities need to adopt efficient and effective land management systems. This should be accompanied by availability of resources, strengthened legislative, institutional and policy frameworks and technology adoption in land management practices. This will ensure that the processes of planning how land will be distributed and developed will be made transparent. Moreover, this will provide efficient and accessible land registration services, transparent land information, and clear ownership records to prevent disputes to ensure an accurate record of property rights.

### **6. Stakeholder participation in decision making in land issues: Participatory land administration**

It is recommended that at local level there is a need for stakeholder participation in decision-making in land

issues. This will go a long way in addressing long-standing conflicts between local authorities, private corporations, housing cooperatives, private land developers and communities over allocation and land use in urban and peri-urban areas in Zimbabwe. This should be accompanied by clear guidelines on informed consent and community participation, as well as agreement on targets for land development, use and allocation. Local authorities are encouraged to follow all the legislative prescripts governing land tenure and land development before allocating land. Individuals should be held accountable for contravention of land legislation.

### **7. Building staff integrity in local authorities**

To minimise corrupt activities within staff in local authorities, there is a need to focus on building staff integrity in key departments that are involved in land transactions. Codes of conducts and professional ethics should be prioritised to curtail forms of corruption taking precedence within the local authorities.

### **Conclusion**

Land corruption has been highlighted to be on the rise in urban and peri-urban areas of Zimbabwe due to flawed legislative and policy frameworks. Moreover, there is increasing competition for land and the available land for habitation and production is diminishing as a result of population growth, unsustainable land use and the climate crisis. Politics has also played a crucial role in aggravating land corruption due to the access and control of this precious natural resource by the state. Therefore, in order to address these challenges related to land corruption there is a need to revisit existing legislative, institutional and policy frameworks on land administration and governance in Zimbabwe.

# ABOUT TRANSPARENCY INTERNATIONAL ZIMBABWE (TI Z)

Transparency International Zimbabwe (TI Z) is a non-profit, nonpartisan, systems-oriented local chapter of the international movement against corruption. Its broad mandate is to fight corruption and related vices through networks of integrity in line with the Global Strategy. TI Z believes corruption can only be sufficiently tackled by all citizens including people at grass root level

## VISION

A Zimbabwean society free from all forms of corruption and malpractices

## MISSION

We exist to be a knowledge-driven and evidence-based anti-corruption civil society organisation that practices and promotes transparency, accountability, and integrity in all sectors to achieve good governance.



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