

# The Varying Shades of Settlement Informality in Zimbabwe's Urban Areas and How this Impacts Public Sector Regularisation Attitudes and Responses

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## Abstract

This article explores how differently assessed informal settlements inform state regularisation responses. It expands the understanding of state responses to informal settlements that are established by different actors. These include the urban poor on one hand, and the elite involved in manipulating peri-urban and urban land access and housing development, on the other. It draws on practical experiences with qualitative research into marginalised settlements. The article shows how the transition from state-led housing delivery of the mid-1990s to self-provisioning, riding on fast track (urban) land reforms from 2000 and harshly disrupted in 2005, created new forms of settlement informality. This transition muddied traditional state responses, exposing the reality that regulating extensive informality is simply daunting. The article shows the variability of Zimbabwe's settlement informality in relation to settlement-specific i) extent of state involvement; ii) agency of different actors; iii) location and proximity to established services; and iv) past and prospective financing models. It shows that addressing urban informality requires a coherent, inclusive and sustainable approach. This will critically transform Zimbabwe's traditional toolbox of evictions and demolitions while helping reconceptualise informality and responses thereto.

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## INTRODUCTION AND BACKGROUND

Settlement informality has broadened in Zimbabwe from a few sites (Chirisa, 2013; Chitekwe-Biti 2009; Chitekwe-Biti *et al.*, 2012; UN-HABITAT 2021; Matamanda *et al.*, 2020; Matamanda, 2020a, 2020b). The post-2000 land reform program drove a new form of urban informality as urban residents joined those seeking rural agricultural land to establish housing on occupied land. Considerable analyses have shown the depth of the challenge, including issues of partisan political control (McGregor & Chatiza 2019; 2020), the difficulties arising from inappropriate planning ideologies (Matamanda, 2020a; Berrisford 2014), planning politics (Muchadenyika & Williams, 2017) and efficacy (City of Harare, 2010).

The leadership of peri-urban and urban land occupations, subdivisions and housing development have varied. The main variations in places and over time were in terms of following appropriate procedures across the land and housing delivery chain. Because of this acknowledgement of variations, ‘the shades’, this article concerns itself with how to understand the lethargic nature of state responses beyond the simplified depiction of political blockages to acting on informality. Clearly, state ability to halt unauthorised land access and housing development failed (McGregor, 2002; Muchadenyika, 2015) just as its ability to use conventional approaches to meet housing demand had also fallen short (Marongwe *et al.*, 2011; Hammar, 2017), resulting in varying forms of co-production (Mitlin 2016) and ‘assemblages of altruism’ (Swist & Magee, 2018; Koster & Leynseele, 2018) intersecting with and mediated through ‘distributive politics’ (Chirisa *et al.*, 2015) and ‘politics of disruption’ (McGregor 2002; 2014). The complexity of the responses of co-production or mainly self-provisioning, has challenged state coordination and regulation (Chatiza, 2016) largely arising from what Koster (2019) calls ‘political brokerage’. This explains why some of the resulting settlements require regularisation while others have been earmarked for demolition and eviction over a combination of non-compliance with development permits, misallocation of parcels of land, disrespect for approved land uses and poor integrity on land access modalities.

Inspired by a presentation made on September 26<sup>th</sup> 2019 by a Government of Zimbabwe official, this article expands understanding of state responses to the mix of informal settlers. The presentation was in the official's personal capacity. It illuminated dimensions of settlement informality with which the state deals. This was in the context of building an understanding of the state's constraints in regularising some informal settlements, not just in Harare. The question which the presentation engaged with was on how (and perhaps why) society expected the state to deal with 'traditional' and 'modern' informal settlements. This arises from the challenge whereby recent research has overly explained state responses as purely partisan, influenced by the politics of those that have accessed land and developed housing more than the socio-economic status of land and housing beneficiaries. The article, thus, addresses the research problem on motivations of the Zimbabwean state's responses to urban and peri-urban settlement informality.

Two broad categories of urban settlement informality are used. One refers to settlements established by the urban poor while the other to those by quasi-private-public entities like cooperatives and ordinary citizens. In posing the question, the presentation was problematising a 'demand' that the Urban Informality Forum (UIF<sup>12</sup>) was making on government for an informal settlement regularisation and slum upgrading guide or protocol. UIF founding members<sup>13</sup> anchored the 'demand' on a realisation of the latent potential for building inclusive and sustainable urban communities consistent with broader good governance principles, specific Sustainable Development Goals (SDGs) and Agenda 2063.

## RESEARCH METHODOLOGY

The article draws on years of practice in government by one of the authors. This experience is complemented by literature review and qualitative data from ongoing studies of some of Harare's settlements in

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<sup>12</sup> A Platform established in 2018 at the University of Zimbabwe to host seminars, support collaborative research and inform policy and practice on urban informality with a focus on housing.

<sup>13</sup> University of Zimbabwe's Planning School, Dialogue on Shelter for the Homeless in Zimbabwe Trust, the Zimbabwe Homeless People's Federation, and the Development Governance Institute.

transition<sup>14</sup> since 2016. The studies covered Hatcliffe Extension, Epworth Ward 7 and Hopley (Phase 1). They also cover Hatcliffe Extension, Hopley, Budiriro Extension and Churu Farm (Harare), and Old Mucheke and Victoria Ranch (Masvingo). Data or insights from focus group discussion (FGD) sessions, interviews and key informant interviews focusing on urban governance are drawn on for the article to pull out the complexities of regularising informal settlements in Zimbabwe that impinge straightforward state responses and shape official attitudes.

## CONCEPTUAL APPROACH

Informal settlements refer to whole settlements and individual housing structures developed outside formal rules. The Zimbabwean state has traditionally frowned upon these (Patel & Adams, 1981; Mpofo, 2012; Solidarity Peace Trust, 2010; Hove & Tirimboi, 2011). Heavy-handed state responses, characterised by evictions and demolitions, have been deployed (Mpofo, 2012; Hammar, 2017; Solidarity Peace Trust, 2005; 2010). While there have been cases of regularisation as happened in Epworth from the end of the 1980s (Chitekwe-Biti *et al.*, 2012), state perceptions have always been that regularising begets further informality.

Regularising settlements that are developed informally includes some of the following:

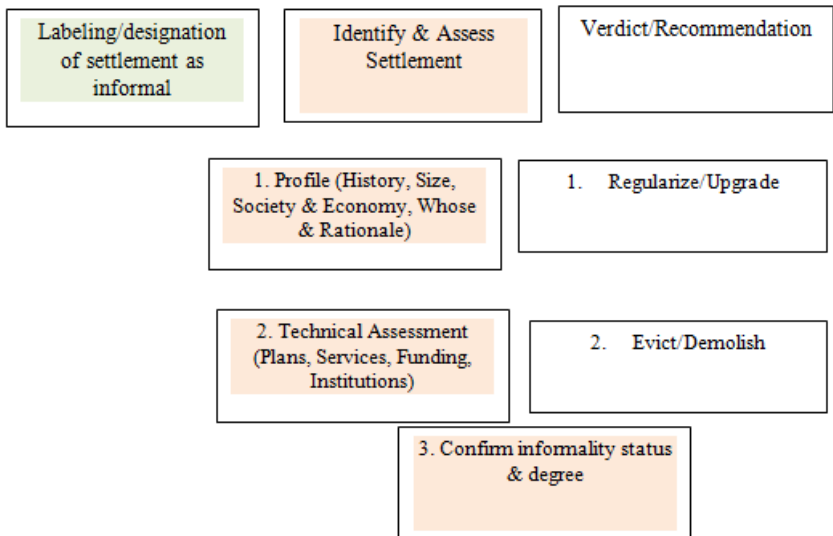
1. Re-planning, that may involve preparing layout plans where none existed or adapting existing ones if not followed closely during settlement development. It can also include consolidating layouts.
2. Facilitating formal approval of the layout (physical) plans by the appropriate authorities.
3. Undertaking relevant land survey processes using the approved layout (physical) plans. These may be a title or non-title surveys.
4. Preparing of appropriate engineering or infrastructure designs.
5. Facilitating formal approval of the engineering or infrastructure designs.
6. Organising and actual implementation of on and off-site infrastructure (land) development.

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<sup>14</sup> The Development Governance Institute has partnered with the University of Sussex on two research projects i.e. 'Migrants on the Margins' from 2016 to 2018 (Grant No. ES/No1474X/1) and 'Trajectories of Inclusion' from 2020 to 2023 (ESRC Ref No. ES/T008067/1).

7. Developing (or re-develop) relevant land administration instruments for use in the allocation (or re-allocation) of land parcels in accordance with approved land uses.
8. Monitoring or managing the settlement regularisation process, including addressing conflicts as they arise, setting up appropriate institutions and building their capacity.

Defining and successfully negotiating the above processes often requires settlement-specific rapid or detailed assessments. Figure 1 maps the kind of steps and questions that help in determining regularisation pathway, the actors, their roles, and relations. Zimbabwe’s urban political economy post 1999 has muddled a process that on paper seems clear. Two streams of this muddling of the practicality of regularisation relate to i) contested political control of urban local authorities in general and land and housing particularly, and ii) inconclusive debate on the need to install responsive spatial planning and governance of urban landscapes (Kamete, 2009; Muchadenyika & Williams, 2016).



**Figure 1:** *Determining responses to settlement informality* (Authors, 2021). Tensions between national and local governments are a factor in regularisation policy and practice. These tensions are technical, administrative and political (McGregor, 2014; McGregor & Chatiza,

2020). While not unique to Zimbabwe, the post-2000 spike in urban informality assumed party political nuance. Further, the majority of informal settlements were established on nationally-allocated urban state land whose development eschewed urban local authorities. The eschewing of councils extended the experience in Epworth where the settlement started before a formal local authority was established. Even after its establishment in 1986, Epworth Local Board's direct regulation was absent in Ward 7 where residents started settling themselves in 1995. Land access and housing development continued without adequate state regulation in most of post-2000 urban and peri-urban informal settlements (Muchadenyika, 2015; 2020; Muchadenyika & Williams, 2017).

Inadequate state regulation of settlements provides scope for debating and installing participatory urban spatial planning and governance. For Zimbabwe, this, unfortunately, proceeds in a context of inadequately and incompletely administered adjustments to spatial planning regulations. In many ways, this has created hesitancy in terms of regulating informal settlements because appropriate tools do not exist. This is particularly the case in settlements where parallel and incremental development were implemented. These alternative approaches introduced after 2004 were not fully embraced. Their execution was, therefore, not fully overseen, creating backlogs in services in settlements now considered squalid. Conceivably, some such settlements can simply be considered settlements with services still 'to-be-installed-to-completion'.

#### *PARAMETERS LEADING TO DESIGNATION OF SETTLEMENTS AS INFORMAL*

The designation of a settlement as informal is based on technical and not-so-technical factors. These include the legal status of the land and those promoting the settlement, procedures followed in parcelling/subdividing it, state of land development (infrastructure emplacement), the legal status of or proof of land ownership by individual beneficiaries and housing development procedures followed. For most settlements labelled informal, houses/superstructures are often not developed in accordance with architectural drawings approved by relevant authorities.

House/superstructure informality is also reflected in the building materials used, the design of the structures, and their positioning within the land parcels (often called stands in Zimbabwe). Further, the land access procedures tend to be unofficial. In this article, the legality of allocations relates to the involvement of the local planning authority. The more informal these variables are assessed to be, the higher the likelihood of its residents to face eviction and their structures be demolished. As will be elaborated in the article, Zimbabwe's settlement informality varies in degree, content, participant beneficiaries and drivers. The variability is also by the local authority, with Harare peaking in respect to informality. At the same time, it is now widespread with every urban settlement (including in rural Zimbabwe) experiencing informality.

Having framed the article's focus, the next section discusses what 'dealing with settlement informality' is about and why it is necessary for Zimbabwe and other comparable African jurisdictions. This conceptual section underpins the rest of the article's engagement with the generalisable public sector attitudes and responses to settlement informality. A broader contextual discussion of settlement informality with a leaning towards Southern Africa is then provided. This is elaborated to pick on both the gravity of the challenge and enormity of the untapped potential. At the same time, relevant lessons are cited to illuminate the challenges states (national and local) face in responding to informality, a quintessential characteristic of African urbanisation. The situation of settlement informality in Zimbabwe is then discussed reflecting on some of its causes and public sector responses. In concluding, the article returns to why the Zimbabwean state is in a serious process quandary on informal settlement regularisation and makes suggestions for breaking the inertia.

#### ***DEALING WITH SETTLEMENT INFORMALITY***

In conceptualising state responsibility to 'deal' with settlement informality focus is on the right to adequate housing based on the 1948 Universal

Declaration on Human Rights (especially Article 25.1). This right is enshrined in many national constitutions as is the case with Zimbabwe in ss28 and 74, among others (Government of Zimbabwe, 2013a). In Zimbabwe and other jurisdictions, the state and its institutions are obligated to deliver on this right. Dealing with informality arises from the reality that sustainable settlements do not just become. They need planning, development and management in contexts of contested rationalities and interests (Watson, 2003).

The mediation of often contradictory interests is a key role for the state, just as it is with planning and delivery of rights particularly for those of limited means. Dealing with settlement informality is, therefore, about attending to the insecurity of tenure and the persons, reducing resource leakages and inefficiencies, building local institutions and connecting them to appropriate state agencies, addressing social and spatial inequalities that arise from fragmented and incomplete land development or basic infrastructure and service emplacement. As such, dealing with settlement informality is a key focus area in terms of policy and practice that a state has to directly attend to. The attitudes of public sector officials have usually been considered insensitive (UN, 2005; Kamete, 2009) without understanding the factors explaining the responses that are deployed.

## **INFORMAL SETTLEMENTS IN A BROADER CONTEXT**

### *EXTENT OF AND TRENDS IN INFORMALITY IN AFRICA*

Informal settlement dwellers make about 60% of the urban population in Africa (CAHF, 2020). Approximately 238 million people in Africa live in informal settlements. This is about 23% of all households who live in slum conditions worldwide (UN, 2019). It is, however, encouraging to note improvements in Africa with a decline in the number of people living in informal settlements between 2010 and 2018. Table 1 shows the changes.



Table 1: Changes in proportion of informal settlement dwellers in selected African countries, 2010 to 2018.

Country	% population in informal settlements, 2010	% population in informal settlements, 2018	%Change
Angola	65	47	18
DRC	60	76	(16)
Ethiopia	75	62	13
Madagascar	75	60	15
Niger	80	57	23
Rwanda	65	42	23
Tanzania	62	40	22
Guinea	43	49	(6)
Zimbabwe	24	33	(9)

Source: (decoded from CAHF 2020)

African countries with the lowest percentage of urban populations living in informal settlements are Egypt, Tunisia and Morocco with 5%, 8% and 10% respectively, while those with the highest were the Central African Republic at 93%, South Sudan at 90%, Sudan at 86%, Sao Tome and Principe at 84% and Chad 76% (*ibid.*). Informal settlement residents live in inadequate conditions characterised by high poverty levels. They lack adequate shelter and the settlements often have poor road, energy, communication, water and sanitation services. Houses do not conform to planning standards.

#### THE CASE OF ZAMBIA

In Zambia, there are about 260 informal settlements, accommodating 2.6 million people (26% of the national population) (UN-HABITAT, 2018). The settlements lack formal recognition and are characterised by informal leasing, illegal subdivisions and informal land and property rights. Appropriate water, sanitation and hygiene (WASH) standards are rarely followed. For instance, water wells and latrines are a few metres apart, resulting in cross-contamination often causing diarrheal diseases (UN-HABITAT, 2012). The lack of essential infrastructure endangers people's health. Residents of Zambian informal settlements include retirees who buy houses/ land in these settlements as they find formal housing unaffordable (*ibid.*). At 14% per year, the informal settlement growth rate in the country is higher than the urbanisation rate that is 8%

(Government of Zambia 2003). The cheapest built house in Zambia in 2020 was being sold at US\$52 448, only affordable by 6.68% of the population, leaving those who cannot afford to find accommodation in informal settlements.

#### *INSIGHTS FROM NAMIBIA*

Residents of informal settlements in Namibia lack security of tenure. This is because they are designated un-proclaimed settlements that are not eligible for formal tenure security<sup>15</sup>. Access to sanitation services is a concern in these settlements with half of the inhabitants lacking toilets and 33% using open air toilets. Measures to provide services to the urban poor have seen some improvement, yet investments have not kept pace with the rapid growth of informal settlements. As a result, most of these settlements do not have adequate services (Weber and Mendelsohn, 2017). In terms of energy, 54,000 urban homes with approximately 205,200 people, relied on wood as the main cooking fuel as of 2011. In 2018, there were 308 informal settlements in Namibia with 228 423 shacks (informal dwellings) accommodating 995 000 people<sup>16</sup>. According to the Shack Dwellers Federation of Namibia in 2018, 89% of inhabitants of these areas indicated being unable to afford commercial market-related land and shelter solutions<sup>17</sup>.

#### *TANZANIA'S EXPERIENCES*

Zhang *et al.* (2020) argue that Tanzania's informal settlements are unique. The uniqueness relates to tenure security, the quality of housing structure, and the terms of their populations. Unlike in other jurisdictions, every informal settlement dweller who puts up a structure 'has a perceived security of tenure emanating from three generations', the use of building materials that are modern or approved and the socio-economic diversity of the residents (*ibid.*; Mwangi, 2017). These factors arose from a considerably long period of more tolerant 'dealing' with informal settlements on the part of the Tanzanian state.

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<sup>15</sup> Fact Sheet (6/2018). Namibia University of Science and Technology: Integrated Land Management Institute.

<sup>16</sup>*ibid.*

<sup>17</sup> Shack Dwellers Federation of Namibia, 2018 Namibian Urban Profiling.

### *THE ANGOLAN LAND AND HOUSING MARKET*

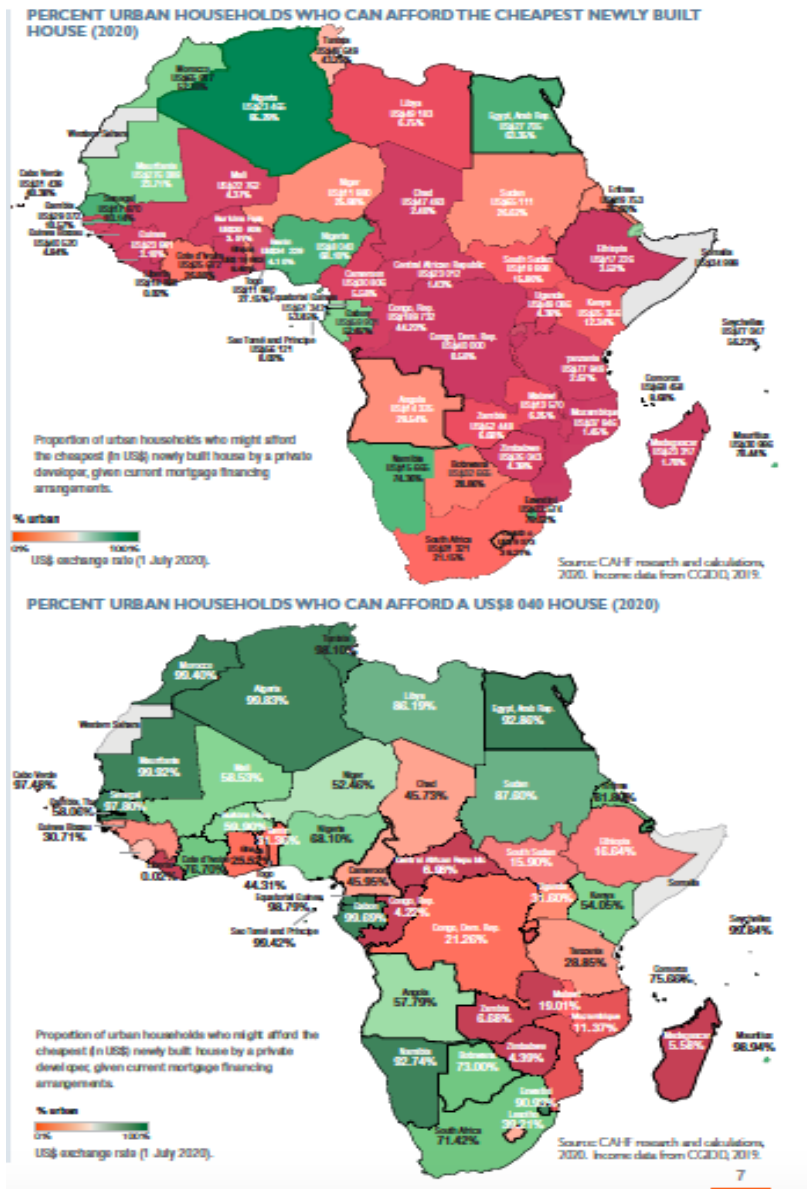
Angola has a highly privatised urban development and land management market. This is largely driven by high oil-driven economic growth. Unfortunately, this has benefited mainly the elite leading to inequality in housing provision (UN-HABITAT 2016). Almost half (48.6%) of Angola's urban population lived in informal settlements (locally called *Musseques*) in 2018.

### *INFORMALITY IN RELATION TO BUILDING MATERIAL AND LAND AFFORDABILITY*

The cost of building material has an impact on housing quality in informal settlements. Countries with affordable cement tend to have the least percentage of people living in informal settlements. For example, Egypt, Tunisia and Morocco have the cheapest cement prices on the continent. In these countries, cement costs between US\$2 and US\$3.50 per 50kg bag. Land and housing markets also play a significant role in influencing the number of people living in informal settlements. Market prices directly affect affordability as incomes that fall short of house prices and the cost of finance push affected households into informality. Inflexible financing models that do not cater to the urban poor also contribute to higher levels of informality. In addition, if market prices for housing are low, there is high probability that the proportion of the urban population living in informal settlements will decrease and the opposite is true. In most African countries, the cheapest newly built house costs between US\$20,000 and US\$40,000.

Countries with relatively cheaper newly built houses in Africa tend to have a higher proportion of the urban population who can afford to buy. Most countries with the cheapest newly built house costing below US\$30,000, tend to have more than 50% of the urban population who can afford, while countries with newly built houses costing more than US\$30,000, tend to have less than 10% of the urban population who can afford. Figure 2 shows the situation in selected African countries. For both the cheapest house in a national jurisdiction and in relation to the cheapest house on the continent at US\$8040.00, Zimbabwe fares the poorest, as less than 4.5% of its urban population afford such a (formal) house.

Figure 2: *Housing affordability in SADC* (decoded from CAHF 2020).



Source: CAHF (2020: 7).

## **INFORMAL SETTLEMENTS IN ZIMBABWE: PRESENTATION OF RESULTS**

While settlement informality is an issue in Southern Africa Development Community (SADC), it is a common phenomenon across the globe (Avis, 2016). For Zimbabwe, it has long been those building materials, financing models, land and housing markets, driving unaffordability (Chaeruka & Munzwa, 2009). The Government of Zimbabwe (2020) also acknowledges that the country's settlements are generally stressed and lack socio-economic productivity to allow for collective advancement. The growth in the number and size of informal settlements in Zimbabwe has been rapid since 2000. This has attracted considerable policy interest with the current policy proposing the upgrading of these settlements in phases as part of improving the quality of life of residents through providing infrastructure and tenure security. The design and implementation of the envisaged policy responses require critical analysis of the drivers of settlement informality and their consequences.

One distinction this article makes is between settlement informality driven by poverty and that sponsored by the elite. The latter group deliberately i) circumvents rules and procedures; ii) has been involved in considerable abuse of both land and home seekers; and iii) leaves most of their projects incomplete, in terms of services and definition of secure rights for beneficiaries. Table 2 shows the distinct characterisations of the two.

**Table 2:** ‘Traditional’ and ‘Modern’ Settlement Informality in Zimbabwe (Gotora, 2019)<sup>18</sup>

“Traditional/primitive” informal settlements	“Contemporary/modernised” informal settlements
<ul style="list-style-type: none"> <li>○ Unplanned settlements</li> <li>○ Poorly built tenements</li> <li>○ No payments made</li> <li>○ Haphazard, plastic structures/shacks or pole and dagger</li> <li>○ Slums (Gunhill) or squatters (“old” Epworth)</li> <li>○ Unhygienic environment</li> <li>○ <b>Improper &amp; inadequate infrastructure</b></li> </ul>	<ul style="list-style-type: none"> <li>○ Unauthorised “planned” settlements (parts of Harare South, Caledonia)</li> <li>○ Illegal superstructures on planned land, even in some leaf suburbs</li> <li>○ Brick and mortar under tiles</li> <li>○ Illegal subdivision of institutional stands on planned land</li> <li>○ Illegal change of reservation in existing suburbs (CBD expansion)</li> <li>○ Multiple ownership on one stand- especially in housing cooperatives</li> <li>○ <b>Improper &amp; inadequate infrastructure</b></li> </ul>

Land and housing access constraints for the urban poor are generally well-understood. They are connected to the broader economic performance that has been subdued since the late 1990s. The country has had challenges arising from policy gaps resulting in delivery slippages (Chirisa et al., 2015). What is clear though is that ‘modern’ settlement informality has motivations and follows pathways that are unique and thus require different responses. It occurs on properly subdivided land with layouts that are either approved or awaiting approval.

Where it happens on land with approved layouts, the informality relates to non-compliance with development conditions (Government of Zimbabwe, 2013b; 2019). This also includes settling without appropriate certification of emplaced infrastructure. Buildings are put up without supervision of the construction process, let alone approval. As was observed in the case of Tanzania (Zhang et al., 2020; Mwango, 2017), houses are built using formal building materials. In some cases, land allocations proceed without reference to local or national authority

<sup>18</sup> PowerPoint presentation and the UIF Seminar No. 3, University of Zimbabwe, 26<sup>th</sup> September 2019.

policies and waiting lists undermining equity and other policy objectives like gender and social inclusion. Land and settlement audit conducted by the state have also found irregular and multiple allocations, changes of reservations, including subdivisions of land set aside for institutional uses like schools (Government of Zimbabwe, 2013b, 2019; Chiweshe et al., 2013; Chiweshe, 2017; Mutondoro, 2018).

#### *CHARACTERISTICS OF 'MODERN SETTLEMENT INFORMALITY'*

'Modern' informal settlements arose from violation of laws governing how cooperatives and land developers were allocated undeveloped state land, often far from existing water and sewerage infrastructure (Government of Zimbabwe, 2014<sup>19</sup>). Inquiries have also shown leadership wrangles and inappropriate use of member contributions resulting in a mismatch between contributions and infrastructure developed (Government of Zimbabwe, 2015<sup>20</sup>) as factors characterising these settlements. Concerning 'modern' settlement informality, the Government began using the term 'sanitise', this sanitisation involving the taking over of infrastructure provision on the 'swathes of state land [allocated] to a lot of housing cooperatives' (Government of Zimbabwe, 2014: 4).

Some of the interventions through 'Technical Teams' were actively resisted on the ground. To address this some teams included security staff. For instance, the Caledonia Team in Harare had a serving member who would be in full military uniform for field visits.<sup>21</sup> City of Harare also noted that some individuals had land in more than one informal settlement (*ibid.*) that drove some of the resistance. A national government official interviewed at the same time indicated that inadequate regulation occurred during the five-year Government of National Unity (GNU) period where the housing portfolio was under an opposition minister<sup>22</sup>. Over the five years, urban state land allocations (pre

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<sup>19</sup> Address by the Minister of Local Government, Public Works and National Housing (Hon. Chombo, MP) at a workshop on housing cooperatives, Rainbow Towers, Harare, 11.06.2014.

<sup>20</sup> Update by the Minister of Local Government, Public Works and National Housing (Hon. Kasukuwere, MP) at the 16<sup>th</sup> ZANU PF Annual People's Conference held in Masvingo,

<sup>21</sup> Key informant Interview with a City of Harare Official who was part of the team working on Caledonia's 'sanitisation', 13<sup>th</sup> April 2017.

<sup>22</sup> Key informant Interview with a Ministry of Local Government, Public Works and National Housing official, 7<sup>th</sup> April 2017.

and during GNU tenure) were done by the Ministry responsible for local government,<sup>23</sup> while managing housing development was in another ministry and housing cooperative administration was overseen by yet another. Critically, some of the allocated lands had been formally acquired by the Ministry responsible for lands only after 2005 and handed over to the Ministry responsible for local government.

The GNU-era partisan distortions in how government functioned, created loopholes in the administration of land, resulting in allocations that were unrelated to a number of co-operators. This saw cooperatives that were allocated more land than their membership warranted sub-allocating. This is one way in which ‘land barons’ were created (*ibid.*). In some areas, an allocation backed by a Memorandum of Understanding (MOU) between a Ministry and a cooperative, morphed into a settlement with many more other groups unconnected to the Ministry and critically unaware of the obligations stated in the MOU.

The lack of awareness regarding the MOUs, including the role of the Ministry responsible for urban state land and the intrinsic land value to be paid to the Ministry on the part of the secondary beneficiaries, was deliberately sustained by originals. For instance, in Harare, North, Kadangawe Cooperative was allocated land but by the time of the interview in April 2017, there were 63 cooperatives and three land developers. These 67 connected to either Goromonzi RDC or Harare City (*ibid.*).

Apart from multiple sub-allocations to groups, the complexion of individual beneficiaries also fluctuated from those who invaded peri-urban land through co-operators to clients of land barons. The five-year grace period on payment of intrinsic land costs to allow beneficiaries to develop their land and housing was informally translated into non-payment. The delay in enforcing payment was a key enabler for parallel and incremental development. However, leaders of the settlements did not make payments to the state. Government of Zimbabwe (2019) confirmed an uncollected

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<sup>23</sup> The Ministry with responsibility for urban stateland management.



land value of US\$3 billion. This was established as intrinsic land value for 170 farms nationally (*ibid.*).

A lot of transformation has occurred in informal settlements. This transformation reflects how the emergence of informal settlements has changed over time and what this means for public policy and practice. Interviews and secondary literature cited in this article show that several processes could have been done differently. National and local laws in place were also overrun by the sheer scale of the 'modern' informality from the perspective of actors involved and the extent of local state involvement in a period of fierce partisan contestations. Zimbabwe's emergent informal settlements are, thus, complex. In navigating a transformative trajectory, it is difficult to separate informal settlements from formal ones. However, there is ample evidence that of two types of informal settlements, that is, the 'traditional' and the 'modern' informal settlements. The two are distinct but also related, creating varying shades between them. One thing in common is that they lack minimum basic services in terms of infrastructure (water, sewer, roads and electricity) and social amenities like health and education.

#### *EXAMPLES OF THE 'SETTLEMENT INFORMALITY TYPOLOGIES'*

Examples of the 'traditional' informal settlements include parts of Churu Farm, Gunhill and the old or original Epworth, those along Mukuvisi River (near Mbare and at Glen Norah Bridge), and the Pomona Dump Site in Harare (Dialogue on Shelter *et al.*, 2014). The settlers do not pay anything to anyone. Harare City does not provide the minimum basic services like water and sanitation, waste management, health and education to the residents. These settlements are considered illegal and awaiting mass evictions at some point. Yet the residents' temporary structures have turned into permanent ones, judging by the length of stay of some residents there (*ibid.*). The locations are generally ill-suited housing and are susceptible to fire and disease outbreaks.

On the other hand, the 'modern' informal settlements are not fully authorised and planned. Land allocation was formal but relevant payments were not made. Physical plans were prepared for most, but some were not approved, while others were approved, but development

permit conditions were not fully complied with. Houses are permanent, most well-designed and some very expensively built using brick and mortar under tiles, corrugated iron sheets or asbestos and the floors are either tiled or smooth-cement-finished floors, yet construction processes were not always formally supervised. Some use informally-developed water and sanitation infrastructure (on-site with mostly pour-flush toilets to septic tanks using water from shallow wells). Examples in Harare are parts of Harare South (Hopley, Churu Farm, Saturday Retreat, Amsterdam, Retreat, Eyecourt, Border Gezi and Stoneridge areas), Caledonia and Hatcliffe-Harare North (Government of Zimbabwe, 2014). For Mutare, Gimboki South is an example of a ‘modern’ informal settlement (Government of Zimbabwe, 2014; 2015).

Besides these relatively well-known ‘modern’ informal settlements, another sub-category is where illegal houses have been established on planned land. The subdivisions, in such instances, were approved and land partially serviced. Yet the settlements do not have compliance certificates issued by the relevant local authority. In that case, the local authority cannot approve house plans where there is no certificate of compliance for infrastructure. These settlements arose from manipulation of *incremental and parallel development*<sup>24</sup> by developers. In these settlements, individual stand owners have built the main houses without the basic upgradeable infrastructure.

For the Harare area, examples include parts of Gletwyn, Carrick Creagh, Mt. Pleasant Heights, Crow Hill, Belvedere West, Pomona, Prospect and Umwinsdale (*ibid.*). Incidentally, this sub-type of ‘modern’ informal settlement is largely in high-income areas of the city and beneficiaries are also middle to higher income in the main. Mechanisms for shared infrastructure development have not been established. The local authority is also not fully engaged as they are on state land. Some of these settlements have repeatedly been targeted for demolition but are yet to be.

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<sup>24</sup> Respectively, these policies relate to i) provision of basic infrastructure that gets progressively upgraded say from on-plot sanitation to full reticulated systems over time; and ii) allowing residents to settle on their acquired/purchased land while some services are being provided BUT not establishing the ‘main/big houses.’

This has prompted suggestions that their non-demolition is because they are settlements of the rich (Fontein, 2009).

‘Modern’ informal settlements of the rich are largely a product of illegal subdivisions on peri-urban farms occupied and subsequently allocated under the Fast-track Land Reform Programme. An additional stream feeding this land demand is of planned institutional land whose reservations are changed irregularly. This also occurs in low-income areas and has been rife on cooperative land where leaders kept selling land. Often, land use plans are ignored despite having been prepared and approved by a local authority or the Department of Spatial Planning and Development<sup>25</sup>. Land earmarked for schools, clinics, recreational parks, reservations for infrastructure expansion and other open spaces or buffer zones, have been subdivided by individual “land barons”. The change of reservation does not go through the appropriate channels as defined in the Regional Town and Country Planning Act. This is a type of land administration corruption involving production draft layout plans that are then used to dispose of the properties prior to layout approval. After settling people and houses built, promoters of such ‘modern’ informal settlements push for regularisation.

### **CAUSES OF ‘MODERN’ SETTLEMENT INFORMALITY**

This article acknowledges causes of informality, such as fast urbanisation, lack of resources for infrastructure development and poor macro-economic environments. However, these can be deployed to explain the rise in ‘traditional’ settlement informality. They are not the key drivers or root causes of ‘modern’ settlement informality. This section discusses three of the factors more directly linked to ‘modern’ settlement informality in Zimbabwe’s urban areas. These are; i) ill-adapted urban and peri-urban fast track land reforms, ii) corruption; and iii) governmental fragmentation.

#### *THE FAST TRACK (PERI-URBAN) LAND REFORM PROGRAMME*

The philosophy underpinning post-2000 rural fast track land reforms was extended to urban and peri-urban land with minimal adaptation to urban

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<sup>25</sup> Ministry responsible for local government.

land development processes. Part of this was because the narrative of failed formal urban development in terms of provision of adequate and affordable land for housing was already established (Marongwe, 2003; Chaeruka & Munzwa, 2009; Marongwe et al, 2011; Chirisa et al, 2015; Hammar, 2017). Demand was already well over supply and this was swelled by the destabilisation of rural land in terms of both housing and production and the 2005 clean-up or *Operation Murambatsvina*. The latter saw many informal backyards housing being pulled down forcing residents of this housing type onto the peripheries of cities.

Victoria Ranch in Masvingo and other peri-urban sites outside much-researched Harare peripheries also 'benefited' from these processes. At the same time, political contestations, laced with violence, drove some rural residents into urban areas. As such, when politics took over the whole land, access and planning procedures were subverted. For instance, the names of most housing cooperatives that invaded land reflect the politicisation of land occupation. Consequently, local authorities surrendered their obligations to politics. All they could do was to only rubber-stamp what the politicians decided.

Allocation of unplanned land by central and local governments was done post-occupation. In the process, the 'model' changed from '*site, service, build and occupy*' to '*site, occupy, build or allocate, plan and service*'. Development control became practically inoperable. Development conditions were being issued after occupation and actual development.

#### ***LAND-RELATED CORRUPTION AND EROSION OF ADMINISTRATIVE SYSTEMS***

The approach to occupying land and seeking regularisation intensified after 2005. This followed *Operation Murambatsvina* and the national government response, *Operation Garikai/Hlalani Kuble*. Phase II of the latter promoted *Aided-Self-Help* and was planned but un-serviced land was allocated and beneficiaries allowed to occupy. Associated with this was an approach where individuals were encouraged to identify open spaces in local authority areas that they would bring to the authority's attention to be allocated for a purpose they defined. As it turned out, most of the land was being identified for housing purposes, a reflection of the ready

demand. In practice, the approach became one of whoever erected a structure first on an open space they had identified, claimed ownership and had the right to develop it.

Land identification was 'blind' to formal land uses where the land was in a planned and developed area. Further, where land was substantial (enough for more than one residential stand) the identifying parties formed housing cooperatives that pressured authorities for allocation while building took place, at times overnight as a way of 'justifying' regularisation by the authorities. This practice fuelled corruption from public officials with some directly i) helping identify land parcels; ii) preparing subdivisions; iii) fast-tracking offer letters; and iv) producing layout plans and survey diagrams through their private companies. This surge in abuse of office for private gain (corruption) subverted processes and collapsed spatial planning and development control systems. While there was popular concern over abuse of authority and loss of resources to land-related fraudsters, not enough residents of affected settlements brought matters to court. As such, cases that the government brought before the courts collapsed on account of the lack of a critical mass of resident complainants willing to report and stand as witnesses. For instance, when heads of cooperatives fought against the depositing of payments in UDCORP accounts residents did not defend the alternative<sup>26</sup> (*The Herald*, 2016).

### ***STRATEGIC AND OPERATIONAL FRAGMENTATION OF GOVERNMENT INSTITUTIONS***

Built environment ministries and agencies generally work in silos. As the informal settlements mushroomed, ministries efforts were strategically fragmented and operationally polarised. Officials also froze under the weight of politics. Some technical officials experienced violence for seeking to promote the rule of law regarding relevant land administration policy and practice. Ministries responsible for lands, local government, national housing, small enterprises and cooperative development had an interest in housing development. As noted earlier, the policy and practical

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<sup>26</sup> Key Informant Interview with UDCORP official, 7<sup>th</sup> January 2015 and UDCORP Presentation at Urban Informality Forum Seminar, 31<sup>st</sup> October 2019, University of Zimbabwe 2021.

inconsistencies seen during the immediate post-*Operation Murambatsvina*, the GNU and post-GNU periods clearly stretched state responses, leaving gaps that other ‘authorities’ and individuals on urban and peri-urban land fully exploited.

For instance, the Ministry responsible for lands, often with inadequate consultation with the Ministry responsible for local government (and thus urban development), allocated peri-urban land to small-scale farmers. Some of the farmers illegally converted the allocated agricultural land to urban/housing development. The Ministry responsible for local government, the custodians of urban state land, also allocated peri-urban land in huge chunks to private developers, housing cooperatives and individuals without liaising with the relevant local authorities, the local planning authorities. As it turned out, urban local authorities literally woke up to find mushrooming cities outside and, unfortunately, at times within their boundaries. All this was without their say-so, let alone input regarding how the emerging settlements would be integrated into the existing urban fabric, infrastructure, services, economy and all.

The Ministry responsible for housing had the mandate for housing provision but the land was controlled by the two other land authority Ministries. Ministry responsible for cooperatives oversaw housing cooperatives and claimed total control of the entities even after they were allocated land, obstructing the smooth performance of urban development and governance functions of the Ministries responsible for local government and housing. Therefore, these government Ministries were fragmented to such an extent that each had a direct influence on the development of illegal settlements. There was no coordination and they were not speaking with one voice, and the housing cooperatives manipulated that void to the advantage.

## **PROPOSED WAY FORWARD ON MODERN INFORMAL SETTLEMENTS**

Zimbabwe’s institutional frameworks formally speak to embracing informal settlements. Section 28 of the Constitution of Zimbabwe provides that the state and its institutions must take appropriate measures to ensure every person accesses adequate shelter (Government of

Zimbabwe, 2013a). Section 74 provides for ‘freedom’ from arbitrary eviction, that is without a court order. It is fair to suggest that the societal ambition built into these provisions is pro-poor rather than elite-focused. This is to be appreciated when read in the context of *Operation Murambatsvina* violations (UN, 2005; Vambe, 2008; Action Aid International, 2005; Solidarity Peace Trust, 2005; 2010).

In the context of this article, the operationalisation of these constitutional provisions, in letter and spirit, is not that contested in terms of what we refer to as ‘traditional’ settlement informality. As such, the remainder of the article focuses on contributing to a framework that can empower the state to deal with ‘modern’ informal settlements. A ‘quasi-market-based’ approach is needed. The critical parameters of this framework would involve holding the corporate and individual promoters of ‘modern’ informal settlements to account for any assessed deficits in their settlements. Related to this is developing a framework that allows the participation of relevant private sector agencies that can add value to designed settlement-specific upgrading and regularisation processes. These must be approved by and agreed with the local authority for the area in which the settlement exists.

Private sector capacity that can be brought in includes land development financiers with instruments like bonds being used. The bonds can also be made transferrable to the local authority for the area, should the settlement sponsor default on any obligation. Such a framing of the relationship i) assures residents of adequate protection of their rights; and ii) funds the obligations of the local authority to make good any gaps left by an errant developer/settlement sponsor.

The latter point is critical considering that both national government and local authorities did not fully capture the land values in ‘modern’ informal settlements. As such, there are currently no funding frameworks for the ‘taking over’ that the government explored in the post-GNU period (Government of Zimbabwe, 2014; 2015). Relevant proposals in the 2020 settlements policy may also fall foul of this funding challenge if the gap is not addressed. The meekness with which offending elite beneficiaries of the peri-urban and urban fast track land and housing development were

pursued is a concern. While the government before the 2017 transition is accused of having been meeker than the one following it, the jury is still out. The ‘originals’ who ignored MOU conditions, including payment of a mere 10% of intrinsic land value, should be held to account and helped to leverage the value of the land they got for sustainable settlement development.

## **DISCUSSION AND CONCLUSION**

Settlement informality is not new in Zimbabwe. What is relatively new is the rate at which it grew after 2005. Many reasons explain this manner of becoming African that visited Zimbabwe after two decades of maintaining a façade of trending differently. Although now relatively more commonplace, settlement informality remains inadequately understood. At the same time, expected state actions seem ungrounded in appropriate understanding. This article has explored the variations in relation to settlement-specific characteristics necessary for separating ‘traditional’ from ‘modern’ informal settlements. Based on the; i) extent of state involvement; ii) the agency of different actors; iii) location and proximity to established services; and iv) past and prospective financing models, the article leaned more towards ‘modern’ informal settlements amplifying the attention they need in terms of the ‘state dealing with them’. In this respect, it is argued that addressing Zimbabwe’s urban informality defies magic-wand approaches, but requires a coherent, inclusive and sustainable approach. This is critical to transforming Zimbabwe’s traditional toolbox suited to heavy-handed responses to informality. For promoters of ‘modern’ informal settlements, an appreciation of their obligations at the point of land allocation is critical. Further, retracing these obligations to honour them provides scope for appropriate instruments for recouping the value inherent in the land that, in most, respects approximates dead capital.

Based on the analysis in this article, additional and site-specific research is needed to inform the development of a regularisation framework targeting ‘modern’ informal settlements. A concerted process of unshackling public servants from the numbing effect of politicised land access and housing development experiences of the 2005 to 2019, period is needed. Additionally, attention is needed regarding Zimbabwe’s poor



performance in terms of its land and housing markets. The drivers of high costs of building materials need to be attended to if appropriate infrastructure is to be developed and maintained in all settlements. That the country has the highest cement costs on the continent is a concern.

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