Rural development policies and land transactions: Dilemmas for peri-urban communal areas of Zimbabwe

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ABSTRACT
Land transactions are increasingly becoming a global concern particularly in Africa. In Zimbabwe, it is apparent that peri-urban communal areas are being targeted for land. The outcomes of such land transactions have been acknowledged in the research community as important. Since rural development policies are implemented in peri-urban communal areas, my paper seeks to establish the dilemmas of rural development policies on land transactions in these areas. This research paper is work in progress towards my PhD thesis. This paper made use of an extensive review of related literature on land transactions in peri-urban locales in Africa, and of statutes and rural development policies in Zimbabwe. Generally, research has established that in most cases attention has been given to grand images on land transactions at international level and yet local level land transactions are equally relevant particularly in peri-urban communal areas where change is ubiquitous. In addition, there seems to be no consensus on the forms and outcomes of land transactions in peri-urban communal areas although land transactions are widely acclaimed as a survival strategy for households. There is no distinct rural development policy for peri-urban communal areas in Zimbabwe and policy implementation in these locales remains a prerogative of the Rural District Councils. Policy debates on land transactions should give more attention to micro level land transactions as most of these go unnoticed and yet they have profound social, economic and environmental impacts. Policy planners need to reconsider justifications for land transactions and what they really mean to communal households especially those in peri-urban communal areas.

Key words: communal areas, land transactions, peri-urban, rural development policies
Introduction

This paper is work in progress based on my PhD thesis. Most of the discussions in this paper were drawn from my research proposal and a reconnaissance which I carried out in Zimbabwe over a period of two months. This qualitative research made use of an extensive review of related literature on land transactions in peri-urban locales in Africa; and of statutes and rural development policies in Zimbabwe. This paper also makes use of brief interviews which were conducted mainly in vernacular Shona with the Chief; and in English with a District Officer during a reconnaissance of the peri-urban communal area of Domboshawa, in Zimbabwe. Domboshawa is a peri-urban communal area in Zimbabwe situated on the periphery 20km northeast of Harare metropolitan city in Goromonzi District of Mashonaland East province. There are significant linkages between Domboshawa peri-urban communal area and Harare the capital city of Zimbabwe in terms of movement of goods and services. Household survival strategies in peri-urban communal area of Domboshawa largely depend on land and rain-fed agriculture (Marimira, 2010). Land in this peri-urban communal area thus remains central to community survival.

During the reconnaissance I had an opportunity to sit-in a legal case on disputes arising from land transactions at local level in the peri-urban communal area of Domboshawa. The case below is not typical; however such a narrative is meant to demonstrate the dilemmas of land transactions from an incipient land market in one of Zimbabwe’s peri-urban communal areas.

Box 1: An example of dilemmas of land transactions at local level

| Mr and Mrs D inhabitants of Domboshawa peri-urban communal area had 7 acres of land. When Mr D died Mrs D was left to look after a family of 6 minors. Sometime back in 1998 Mrs D sold part of the family land to Mr and Mrs C of Harare as a means to supplement livelihood for the orphaned children. This deal mainly involved Mrs D and Mr C and it was a verbal agreement. In the course of time Mrs D and Mr C died. Mr and Mrs Ds’ children are now claiming ‘their’ land from Mrs C. “It is part of our inheritance. We need land to sustain our children. Our land was mistakenly sold to a stranger by our mother”.Mrs C was requested to return the transacted land to the D family since she was a stranger in Domboshawa. Mrs C refused and stated that she was no longer a stranger because she has been staying in Domboshawa since 1998. In addition she said she was a Zimbabwean, a “daughter of the soil”, and was equally entitled to the land as a Zimbabwean. ‘I will not surrender my children’s inheritance… ask my husband. He is the one who bought the piece of land. Where do you want me and my children to go now”, she said. The Chief was not aware of this land transaction. “Land transactions are eating away our pastures. One of the Village Heads is already selling land which we had set aside for a grave yard. I have seen houses on that piece of land”, said the Chief. The disputed land was divided into two pieces for the D children and Mrs C. |

1 I would like to express my gratitude to my thesis supervisor for guiding me in writing this paper.

2 Full names were deliberately omitted for ethical reasons.
This excerpt illustrates that land transactions involve males and females; the living and the dead, children and adults; all are affected variously. In communal areas of Zimbabwe, land belongs not to single individuals, but to a vast family, of which many are dead, few are living and countless numbers are still unborn (Chimhou & Woodhouse, 2006). Households\(^3\) engage in land transactions principally for livelihood\(^4\) reasons. Gains from land transactions are esteemed while losses are often marginalized. Such micro level land transactions remain obscured by macro images of land transactions on the international arena. In most cases policy makers are mesmerised by grand images (Bekker & Leilde (2003).

Land transactions have been acknowledged in the research community as important as private ownership of communal land has become rampant, an example is the court case described above. Failure to understand the nature and extent of the incipient land market under customary tenure regimes risks obscuring the processes and outcomes of access to land (Chimhou & Woodhouse, 2006).

### General importance of land transactions in Africa and theory

At national, international and global levels, land transactions often referred to as land deals are rampant and diverse. Such land deals often involve multi-national companies, foreign investors, governments and local communities signing contracts worth millions of dollars. ‘Attractive promises’ reinforce these contracts. The World Bank (2010) asserts that, it is not the size of the land deal that remains uncertain, but their contractual basis which is never made public or details which remain sketchy. Land is deemed a good with a market value which can be purchased or exchanged. Land transactions often favour those with purchasing power (Collin & Woodhouse, 2010). The basic reason for the popularity of land transactions is the strong demand for land and willing suppliers (World Bank, 2010).

In Africa land transactions have been witnessed in Madagascar, Sudan, Ethiopia, Kenya, Sierra Leone, Senegal, Mozambique, Tanzania, Benin, Burkina Faso and Niger (ibid). In Ghana land transactions are a result of inadequacies in planning for land delivery and the capacities of local authorities in servicing the peri-urban locales (Owusu, 2008). In West Africa corruption has been a major driving force behind land transactions as local politicians, civil servants and urban elites often bribe Chiefs with gifts (World Bank 2010). A land

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\(^3\) A household is made up of members of the same family. They share a variety of resources in common.

\(^4\) The much-used definition of livelihood is by Chambers & Conway (1992) who view livelihood as comprising capabilities, assets and activities for a means of living.
scramble in Africa has been unleashed (Bryceson, 2002); a simulation of the process behind partitioning of Africa in the late 19th century. Similarly scramble for land in peri-urban communal areas is becoming trendy in Zimbabwe as arable land is shrinking.


There seems no concurrence on defining land transactions. Lack of a universal definition of land transactions demonstrates the complexities embedded in the practice. However, it has to be noted that land transactions at local, national and international levels interfere with land use rights of communities. In Zimbabwe land transactions are just an indication of a developing incipient land market particularly in the peri-urban locales. The concept of peri-urbanity has been variously defined by planners, policy makers and even academicians. Mbiva & Huchzemeyer (2002) refer to it as a divide or periphery. Shaw (2005) says it is where the city ends and the rural areas begin. Douglas (2006) views it as a zone where rural and urban activities are juxtaposed. Marshall et al (2009) concur that it is a fringe surrounding urban areas. There appears to be no consensus on what constitutes a peri-urban locale particularly precincts characterized more by communal features.

To gain a deeper insight into this debate on the dilemmas of rural development policies and land transactions in peri-urban communal areas, this research employed Bourdieu’s structure-agency theory (Ritzer 2000, Ritzer, 2008). In this research the structure-agency theory succours in conceptualizing the peri-urban zone not only as a geographical entity or interface but a social space. Peri-urban communal areas could better be defined as a place, concept or process (Narain & Nischal, 2007:261 cited in Marshall et al, 2009:3). As a place, the peri-urban lies at the edge of the city, as a process it signifies movement of goods and services between physical space; and as a concept it refers to an interface between rural and urban entities (ibid). My research conceptualises the peri-urban zone not only as a complex but a functional constituent; a shift from a simple spatial definition of the peri-urban zone. In Zimbabwe peri-urban communal areas lie in the proximity to the urban areas and they are characterised by linkages between rural and urban activities. They are neither rural nor urban hence ‘ruban’ (Tacoli, 1998). Change in these locales is ubiquitous.
The structure is what controls and sanctions behaviour of households, such as norms and values. These are both social and mental constructs which are not written and often subjective; but continue to be referenced upon by households and the communities as they engage in land transactions. Identity is one such social construct which has remained pivotal in defining norms and values of households in peri-urban communal areas. Identity as described by Gilroy (2000:98) in Puttergill & Leilde (2006:12), is able to offer far more than an obvious common sense way of talking about individuality, community and solidarity and has provided a means to understand the interplay between subjective experiences of the world and the cultural; and historical settings in which those fragile, meaningful subjectivities are formed.

In transacting land, identity is seen as playing a significant role in crystallising social realities of household seeking survival. Identity is about ‘fitting in’ and belonging (Puttergill & Leilde, 2006). Identity is shaped by social interaction of the community members as they engage in land transactions. As such, land brings people together since is it is one of the vital means of production (Haralambos & Holborn, 2008). Land lies at the heart of the social, political and economic life of most communities in Africa (Toulmin, 2006); and therefore remains a community asset that symbolizes identity.

Agency relates to the creative ways of solving problems. The agency comprises resilience and innovations employed by households in order to get around constraints on survival. Resilience is the urge to keep going. With the prevalence of rural poverty in peri-urban communal areas, land transactions are pivotal in supplementing survival strategies of households. This is mainly done through rentals, subletting, and subdivisions of family plots. In this research the structure-agency theory helps explain strategies and choices made by households individually or collectively as they engage in land transactions and as they seek survival amidst diverse rural development policies. On the other hand rural development policies can be viewed as influencing the way communities construct themselves and social processes they engage in (Shore & Wright, 1997). Surviving in the peri-urban locales is thus an art.

Rural development policies in Zimbabwe

Rural development policies like any other policy initiatives could be defined as a set of guidelines that enable policy planners for rural areas to make realistic betterment of such

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5 Seeking survival is the same as livelihood
zones. Wildavsky (1979) sees policy as a process of decision-making. Shore & Wright (1997) add that policies are there to promote efficiency and effectiveness. Policies constitute government involvement in the past, present and potential activities in any field, for example, delivery of goods and services in communities (Hogwood & Gunn 1991). Rural development policies therefore seek to improve access to assets\(^6\) for households as they seek survival. Dynamics in accessing land and the development of an incipient land market remain a challenge for many rural development policies in Zimbabwe. The subsequent emergence of the peri-urban locales is one other challenge for rural development policies in Zimbabwe. These develop as a result of *inter-alia* urbanization, urban sprawl and internal migration from these areas. According to the Human Development Report (2009:194), Zimbabwe’s urban population rose from 29.0% in 1990 to 38.3% in 2010, indicating a sharp increase in the urban demographic trends by 9.3% in two decades. In such instances peri-urbanity is perceived as a by-product of physical expansion of the urban zone into the rural physical sphere (Chirisa, 2010).

Although it cannot be substantiated at the moment; the effect of government’s policy initiatives such as Operation Restore Order (Operation Murambatsvina in vernacular) remains one of the dilemmas facing most peri-urban communal areas around the country. After the inception of Operation Restore Order, many urban households had their dwellings demolished and were left homeless (Tibaijuka, 2005). ‘Back to the village calls’ were enforced as a solution for households that had lost their dwellings and sources of income. The eventual destinations of these households remain obscure. A public housing scheme, Operation Garikayi, was commenced to provide housing for the victims of Operation Restore Order, but remains insignificant to the number of affected households (Chirisa, 2010). The demographic pattern of most peri-urban communal areas thus has never been stable as the peri-urban locales continue to be targeted for land and housing.

There is no distinct policy on peri-urban locales in Zimbabwe, as such; peri-urban land processes are being contested by the government, the Rural District Council, traditional leadership and the communities living on these spaces. This creates multiple levels at which decision are made. The Rural District Council seems to have little capacity to negotiate fully with the traditional leadership and communities in peri-urban communal areas since rural development policies for these areas require willingness of the locals. This arrangement puts

\(^6\) Assets include capital, social, human, natural, financial, physical (Chambers & Conway, 1992).
a lot of constraint on the traditional land tenure which is often obscured by politics as urban planning ceases to function (Lacatelli & Nugent, 2009; Chirisa, 2010). The absence of planning in these places and general neglect by governments explains why these have been a despicable character, as these have not been fully integrated as urban (Chirisa 2010). Administration of rural development policies in peri-urban communal areas is messy since the system of governance does not show how the rurality and urbanity ‘ruban’ (Tacoli, 1998); so diverse can be merged within a peri-urban locale. The assumption is that, the prevalence of land transactions is an indication of the practice of uncoordinated and complex rural development policies in these peri-urban locales. In Zimbabwe, the rural development policies for communal areas are complex (Gunby et al, 2000).

The Regional Town and Country Planning Act (Chapter 29:12) of 1996, and the Rural District Councils Act (Chapter 29:13) of 1996 remain instrumental in designing and instituting rural development policies in peri-urban communal areas of Zimbabwe. These Acts are administered by the Ministry of Local Government, Rural and Urban Development. In addition the Communal Land Act (Chapter 20:04) of 1996, and the Traditional Leaders Act (Chapter 29:17) of 1998 stipulate the terms and conditions of land use in communal areas. The traditional leadership remain an integral institution on land. The responsibilities regarding rural development policies in peri-urban communal areas are however shared across a number of ministries and are ramified. All water related issues fall under the jurisdiction of the Ministry of Water Resources and Development, all road and transport issues fall under Ministry of Transport and Infrastructure Development; all environmental issues fall under the Ministry of Environment and Tourism; all social service issues fall under the Ministry of Labour and Social Welfare. Each ministry in Zimbabwe makes use of its own appropriate policies on rural development issues regarding the peri-urban zones around the country. The role of the Rural District Council is to implement and oversee development initiatives as outlined by the 64 functions of the council on section 71 of the Rural District Councils Act 1996 (Chapter 29:13). Section 74 of the same Act requires the Rural District Council to formulate policies for the council areas; prepare annual development plans and other plans; and monitor the implementation of development plans and policies in the council areas.

This system of administration of peri-urban locales places a lot of constraint on the traditional land tenure system which ought to function amid a conflation of rural development policies.
Adams et al, (1999) define land tenure as the terms and conditions on which land is held, used or transacted. Identifying the tenure systems in Zimbabwe has been regarded as vital in understanding the nature and processes behind land transactions and the dilemmas of rural development policies in peri-urban locales. The main forms of land tenure categories in Zimbabwe are commercial, resettlement, and communal (Roe, 1995). These are differentiated by land use, population densities and environmental factors (Moyo et al, 2005). Table 1 below illustrates hectarage covered by the major tenure categories in Zimbabwe.

Table 1: Tenure systems in Zimbabwe and hectarage covered

<table>
<thead>
<tr>
<th>Tenure Category</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>Commercial areas</td>
<td>43%</td>
</tr>
<tr>
<td>Communal areas</td>
<td>49%</td>
</tr>
<tr>
<td>Resettlement areas</td>
<td>8%</td>
</tr>
</tbody>
</table>

Communal areas cover the most hectarage in terms of space in Zimbabwe. In communal areas, the ultimate title on land (tenure) is held by the state, but rights to land-use are derived from traditional and customary practice (Gunby et al, 2000). Communal tenure is thus marked by dualism between the state and traditional authorities, and corresponding dualism between statutory and customary systems (Chimhou & Woodhouse, 2006). Peasants gain the right of use to land but never get the legal title to it (Moyo et al, 2005). Nevertheless, land in communal areas remains inheritable but non-marketable (Chimhou & Woodhouse, 2008a). An eclectic approach linking traditional and conventional systems is vital to structure a system of administering peri-urban communal areas (Allen, 2003); as land rights in these peri-urban locales are under pressure (Toulmin, 2006).

Today, households living in the peri-urban communal areas of Zimbabwe seem not to collaborate with the Rural District Council’s rural development policies. These are perceived as instrumental to diminished land use rights. According to a district officer interviewed, a proposal to build a state of the art boarding school in Domboshawa peri-urban communal area was rejected by the targeted community. Modernizing the peri-urban communal area through such development projects implied obliteration of communal land rights such as selling, exchanging and passing communal land to future generations. ‘They are nervous about losing their land to the Rural District Council, fear of the unknown’ said the district officer. In such circumstances accepting Rural District Council’s development proposals entail establishment of a new world order on communal tenure. Ownership of land signifies the existence of the community; and for many households in this peri-urban communal area land remains an entitlement which they can claim and use liberally.

Land transactions in peri-urban communal areas of Zimbabwe have resulted in a congested neighborhood as land use intensifies. Mere observation of Domboshawa peri-urban communal area during the reconnaissance revealed that the number of households surpassed the area-density in terms of person per/m² ratio. The peri-urban communal area of Domboshawa is now housing a significant number of villagers ranging from the original Zezuru to migrants from Harare and adjacent commercial farms. This research has established that identity of the people of Domboshawa peri-urban communal area is predetermined by land ownership, origin (who was born where), belonging and (totemism). The history of this peri-urban communal area is a history of land. Dilute identity is inevitable if land transactions in such peri-urban communal areas continue unabated.

**Dilemmas for peri-urban communal areas of Zimbabwe**

Emerging patterns on land transactions in peri-urban communal area are on the increase. There seems to be no consensus on the outcomes of land transactions in the research context; and yet these land transactions remain fashionable among communities particularly those living in peri-urban locales. Land in peri-urban communal areas is shifting from providing subsistence farming to residential housing; and yet these locales are still regarded as rural. Seeking land in peri-urban locales is viewed as a way of gaining access to land without cost of official registration and other procedures on the formal land market (Mamdani, 1987:358) in (Chimhou & Woodhouse, 2006).
Most peri-urban communal areas in Zimbabwe are slowly getting urbanised as a result of the influence of urban development and urban-rural migration among other political, economic and social processes. In light of this, the parallel system of governance (traditional-modern nexus) remains operational with the Chief, the Headman and Village Heads regarded as integral custodians of land according to the Communal Land Act (Chapter 20:04) of 1996, and the Traditional Leaders Act (Chapter 29:17) of 1998; and yet peri-urban communal areas are ‘ruban’ (Tacoli, 1998). This dilemma is emanating from failure to successfully realize the dictates from traditional and modern values which are broccolized in various Acts and rural development policies of Zimbabwe.

The nature of land transactions taking place in peri-urban communal areas of Zimbabwe are highly informal and are being practiced outside and within the existing legal tenure system. Unlike macro land transactions (World Bank, 2010), land transactions in these peri-urban communal areas have no written contracts. They are mostly abstract verbal agreements based on ‘mutual understanding’ between the parties. The hectarage of transacted pieces of land is mostly measured by number of paces in either direction. Physical features such as trees and rocks provide demarcations. These land transactions remain rudimentary and insignificant in policy terms, and are generating new land use patterns putting pressure on existing natural resources. This is leading to the disappearance of the commons such as pastures. ‘We no longer have adequate pastures for our cattle’ lamented the Chief during the reconnaissance. Existing scenarios spectacle the disappearance of African peasants in peri-urban communal areas of Zimbabwe, this is still to be substantiated though.

As a result of implementation of rural development policies in peri-urban communal areas, conflict between the agenda of the Rural District Council and what the communities value as communal land and community identity is inevitable. From the peri-urban communities’ perspectives, accepting dictates from rural development policies implies losing identity to strangers and migrants. Such scenarios constraint the extensive functions of rural development policies in peri-urban locales amid numerous land authorities.

**Summary**

Debates on land transactions particularly in peri-urban zones should give more attention to micro level land transactions as most of these go unnoticed and yet they have profound implication on identity of people. Policy planners need to reconsider justifications for land
transactions and what they really mean to communal households especially those in peri-
urban communal areas. It is imperative to identify policy choices appropriate to different
categories of tenure, space and place (Moyo et al, 2005). In Zimbabwe the relationship
between local level land transactions and rural development policies particularly in peri-
urban communal areas is yet to be explored and exposed. Establishing new ways of
abstracting peri-urbanity and rural development policy as non-polarized agendas is
imperative. Once my research is complete, it is expected to resolve some of the dilemmas of
rural development policies and land transactions in peri-urban communal areas of Zimbabwe
such as those illustrated by a court case at the beginning of this paper.

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