

# Contestations in Urban Expansion into Communal Rural Land: The Case of Guruve Growth Point of Zimbabwe

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## ABSTRACT

This study investigated the contestations in acquisition of communal land for urban expansion in a bid to promote proper growth of urban centres in Zimbabwe using the case of Guruve Growth Point. The study seeks to establish the causes of the contestations between rural local authorities and communal land holders, the effects of the contestations, the legal provisions governing the administration and acquisition of rural land and the planning strategies that can be applied to address the contestations. This study is driven by seemingly little evidence and research work on the causes and impacts of contestations in acquisition of rural land for expansion of urban settlements against a backdrop of the problem being rampant in Zimbabwe. The study was informed by the pragmatic philosophy and adopted the mixed methods approach. The study utilised the case study research design and also employed both probability and non-probability sampling to select the participants in the research. Data collection was done through questionnaire surveys on rural households, focus group discussions, key informant interviews documentary review and observation technique. Content analysis and the hermeneutics methods were used in data analysis. The study made the observations that the contestations are being caused by lack of alternative land to resettle the displaced communal land holders, conflicting institutional and outdated legal frameworks, ineffective participation by land holders and fear of livelihood disruption emanating from lack of clear compensation framework. These factors are affecting the proper growth and expansion of small urban centres in Zimbabwe. The study recommends the adoption of land re-adjustment programmes as opposed to excision and expropriation, regularisation of peri-urban informal settlements, harmonisation of land administration institutions, review and harmonisation of the legal instruments

and improved participation in acquisition of rural land for urban expansion as measures to promote proper growth of urban settlements.

**Key words:** Guruve, contestations, communal tenure, peri-urbanisation, land acquisition

## I. INTRODUCTION

Land acquisition for urban expansion is an overarching issue in many urban settlements especially in developing countries. According to Adam (2014), the rapid growth of the urban population in Africa and other parts of the developing globe is driving up demand for urban land at an unprecedented rate, which is met primarily through conversion of peri-urban land at the periphery of existing built-up areas. Areas affected by contestations in land acquisition and urban expansion are known to experience negative repercussions in their economic, social and physical development paths (Ansah and Chigbu, 2020). The land acquisition problem is compounded by the fact that there are dual land ownership models in most African countries, that is, communal or customary land ownership and statutory land ownership (Mends, 2006). Communal land ownership is administered by traditional leaders who are vested with powers to allocate land and the land itself is inherited from one generation to another. Statutory land ownership is obtained from local authorities that are municipalities and the state. However, communal land is regarded as state land which can be compulsorily acquired for urban expansion and development projects (Mends, 2006, Adam, 2014). The conversion of communal land to urban land has however, always been characterised with a lot of problems, conflicts and disputes. A number of authors have made their contributions to the communal peri-urban land acquisition discourse, some looking at land rights issues (Mends, 2006),

infrastructure provision challenges (Chirisa, 2010) and challenges in the process of land acquisition (Vengesai and Schmidt, 2018). However, the causes and the effects of the contestations to urban growth and expansion have not been exhaustively explored in Zimbabwe. The purpose of this study is thus to investigate the contestations in acquisition of communal land for urban expansion in a bid to promote proper growth of urban centers using the case of Guruve Growth Point expansion. The question which arises in this instance is how urbanisation can take place without being hampered by these contestations. The study is set to examine the conflicts prevailing between communities and local authorities over land for urban expansion, to review the legal framework governing land issues in urban and peri-urban areas and to analyse the effects of the conflicts prevailing in urban centres and peri-urban areas. The results of this study will serve to provide the basis for addressing the planning for urban expansion into rural areas.

## II. METHODOLOGY

This section looks at the research paradigm, research design, target population and research sampling methods and techniques that were used in studying the contestations in urban expansion into rural land. It also examined the key data collection methods as well as the data analysis procedures that were used in the study. Further, it also analysed ethical considerations and the limitations of the study and the strategies that were implemented to circumvent the same.

### Research Paradigm

A research paradigm is a researcher's worldview or the perspective, thinking or school of thought or a set of shared beliefs that informs the meaning and interpretation of data (Kivunja and Kiyini: 2017, Kamal, 2019). A research paradigm is the lens through which the researcher examines the research project and that will determine the methods used in data collection, how data is analysed, how the researcher defines knowledge and the best way to acquire the knowledge (Kivunja and Kiyini, 2017). This study was hinged upon the pragmatism research philosophy/paradigm. This paradigm is a departure from a mono-paradigmatic approach to research in which a research is based on positivism or interpretivism only. This worldview provides methods of research that are seen to be most appropriate for studying the phenomena at hand (Kivunja and Kiyini, 2019). This paradigm is based on the proposition that researchers should use the methodological approach that works best for their particular

research problem that is being investigated and hence it embraces plurality of methods in a research (Kaushik and Walsh, 2019.) In other words, the pragmatism approach advocates for the use of methods that works better depending on the situation under study and thus the choice of mixed methods in order to come up with a better understanding of the research problem.

The pragmatism research paradigm assumes that knowledge is based on experience and each person's knowledge is unique as it is created by his or her unique experience (Kaushik and Walsh, 2019). This research paradigm advocates a relational epistemology, non-singular reality ontology, a mixed methods methodology and a value laden axiology (Kivunja and Kiyini, 2019). This research paradigm was thus of paramount importance to this study as it allowed the researcher to get realistic information by applying appropriate methods which suits the situation at hand.

### Research Approach

This study was based on a mixed approach, that is, it embraced both qualitative and quantitative research methods. The use of both methods enabled the researcher to gather valuable, realistic and representative information about the causes and effects of contestations in urban expansion into communal lands of Guruve Growth Point. The mixed paradigm approach is line with Figurehosa (2009)'s sentiments who argued that mixed paradigm demand that in science, researchers should endeavour to utilise multiple methods that have complementary strengths and non-overlapping weaknesses to ensure valid information is obtained. Qualitative methods were used in establishing the views and opinions of experts and practitioners at Guruve Rural District Council, local traditional leaders, the District Development Coordinator and Ministry of Lands officials and the communal land holders. In using the qualitative approach, key informant interviews, surveys and interviews shall be used. Quantitative research is a study that employs statistical tools to analyse numerical data. They ask who, what, when, where, how many, and how much, among other things (Kivunja and Kiyini, 2017). This approach was used in establishing the effects of the contestations in urban expansion into communal lands by establishing the number of stands which were developed versus those which could have been developed, the number of families who have been affected and relocated and the number who have been compensated.

### Research Design

The researcher used a case study approach in carrying out this this research. Guruve Growth

Point was scrutinized describing and explaining the circumstances surrounding the contestations in acquisition of communal land for urban expansion. The use of a case study research design enabled the researcher to get valuable and detailed information since the approach enabled the researcher to thoroughly study the problem focusing on the circumstances taking place in a single area. Mugweni et al (2010) supported the use of a case study research design as he asserts that it enables a researcher to use the multimodal approach in research (triangulation) as it promotes the interrogation of the unit of analysis through content analysis, observation, focus group discussion, interviews and archival data.

#### Target Population

The population for this study included rural households occupying the land earmarked for Gurube Growth Point expansion, Council officials, traditional leaders and officials from Ministry of Lands, Agriculture, Water and Rural Resettlement and the District Development Coordinator's office. The selection of the population was based on the fact that the above are the main parties who are involved in the land contestations. The Ministry of Lands officials are the custodians of the communal land since their Ministry is responsible for administering the Communal Lands Act, the District Development Coordinator's office comes into play as the office representing the Ministry of Local Government and Public Works, to which the local authority (Council) is accountable and deals with concerning land acquisition issues. The officials of the local authority come directly into conflict with the rural households as they will be acquiring land and implementing Council development plans. Thus the involvement of all these parties will help in the examination and analysis of the problem at hand.

#### Sampling of Households for Questionnaire Survey

The researcher used probability sampling to select adult respondents from rural households.

The target population of the research rural households communal land surrounding Gurube Growth Point. The selection of the sample size determines to a greater extent the reliability and accuracy of the outcome of the research (Asiama, 2015). In determining the sample size for the study, the researcher used the Alain Bouchard sampling formula. The researcher found this formula to be much useful since it was used by Asiama (2015) in a study with population characteristics and data collection tools more similar to this study. The Alain Bouchard sampling formula was used as shown below;

$$\text{Sample Size (n)} = \frac{(Z\alpha/2)^2 * p(1-p) * N}{[(E)^2 * N] + [(Z\alpha/2)^2 * p(1-p)]}$$

Where; N =Population size (600 households for this study)

p=the estimated frequency for the sample size n (proportion of success 50% in this study)

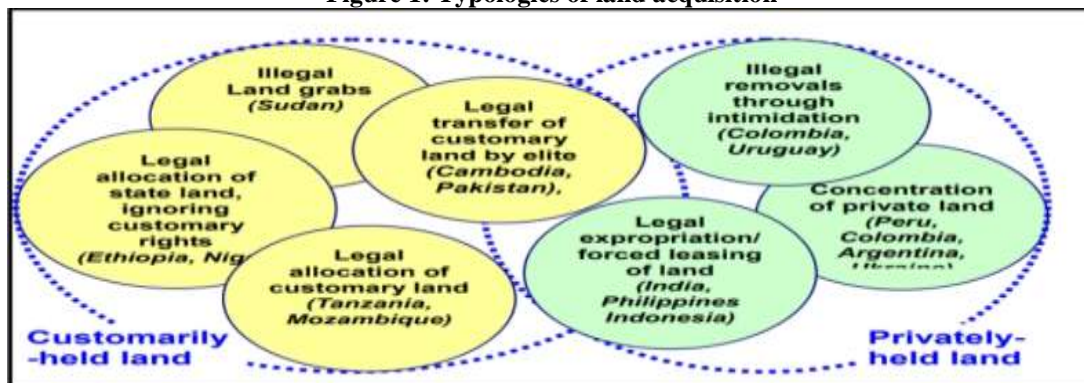
E=Tolerable error (10% in this study)

Z $\alpha$ /2=Value for the confidence interval according to the precision required (1.96 or 90% for this study). Therefore the sample size for the study is 62 households. Proportional stratified random sampling was used from the list of households in the communities Nhemachena and Chimanikire and Musokeri and structured questionnaires with both close-ended and open ended questionnaires shall be administered.

#### Background: The Global Context

The contestations in acquisition of rural land or farming land for urban expansion and development projects are a global developmental problem. There are various types of land acquisitions used by different countries and these are also sources of conflicts in land acquisitions.

Figure 1: Typologies of land acquisition



Source: Bending and Taylor (2009: page 8).

As illustrated on figure 1, illegal land grabs, legal allocation of state land ignoring customary rights, forced leasing and illegal removal and intimidation are some of the typologies of land acquisition globally and this prove the fact that land acquisition is a topical global problem.

In Asia, Europe and America, conflicts relating to land acquisitions are rampant. In these regions, land acquisition is meant for large scale commercial agricultural plots, Export Processing Zones, bio-fuel projects and residential and commercial development to cater for high demand for land emanating from rapid urbanization (Ravanera and Gorah, 2011). A recent study by Vengesai and Schmidt (2018) shows that in China, seventy million people were displaced between 1950-2000 while fifty million people were affected in India due to peri-urban and industrial expansion and developmental projects such as dams and road construction. Farmers whose land was disposed in Pakistan, Nepal and India reacted in different ways and some of them violently (Ravanera and Gorah, 2011).

The challenges being faced in acquisition of land for urban expansion globally are emanating from various factors. Some of the most cited causes are poor compensation resulting in lack of livelihood reconstruction after compensation, inequalities in compensation, food insecurity and lack of effective participation by the communal land owners (Gorrah, 2011 and Western et al, 2015). For instance, in Pakistan, Philippines, India and Vietnam, conflicts in land acquisition and resistance to projects are in most cases a result of the above factors (Gorrah, 2011).

The resistance by communal landholders to acquisition of their land for development projects and urbanisation is in most instances affecting the initiation and progress of development projects. For instance, a proposal to establish one

million hectare project of hybrid cone in Philippines was forfeited after the communal occupants of the land resisted (Ravanera and Gorrah, 2011). This was despite the fact that the governments of these two countries had already signed agreements to start the projects.

### Regional Context

Most of African countries are also reeling under the problems of land acquisition. For instance in Ghana, Tanzania, South Africa, Ethiopia and Sudan, acquisition of communal land for expansion of urban settlements is a big problem (Mends, 2006; Kombe, 2010 and Adam, 2014). Most of the problems of land acquisition in African countries are a result of the existence of dual land ownership rights (formal and customary tenure) with the majority being communal. The formal land rights system was introduced to Africa by the European countries during the period of colonization. In Ethiopia, as in several other African countries, urbanization is occurring at a more rapid rate, imposing an intense competition between agricultural and non-agricultural activities (Adam, 2014). The demand for urban land in Ethiopia is met by expropriation and reallocation of peri-urban land. The highest rate of urbanization in the world occurs in developing countries and in Africa where about 87% of the population growth in the next two decades will occur in urban areas and thus exerting more pressure on surrounding communal land for urban expansion (Mends, 2006). Similarly, in Accra township of Ghana, conflicts between urbanization and communal land uses have stalled development. In Tanzania, contestation in acquisition of communal land for urban growth is also a challenge (Kombe, 2010). The major causes of the contestations are delayed or inequitable compensation, a lack of consultation with landowners and bad governance. Thus



contestations for communal land for urban expansion are a regional problem (Kombe, 2010).

### Local Contexts

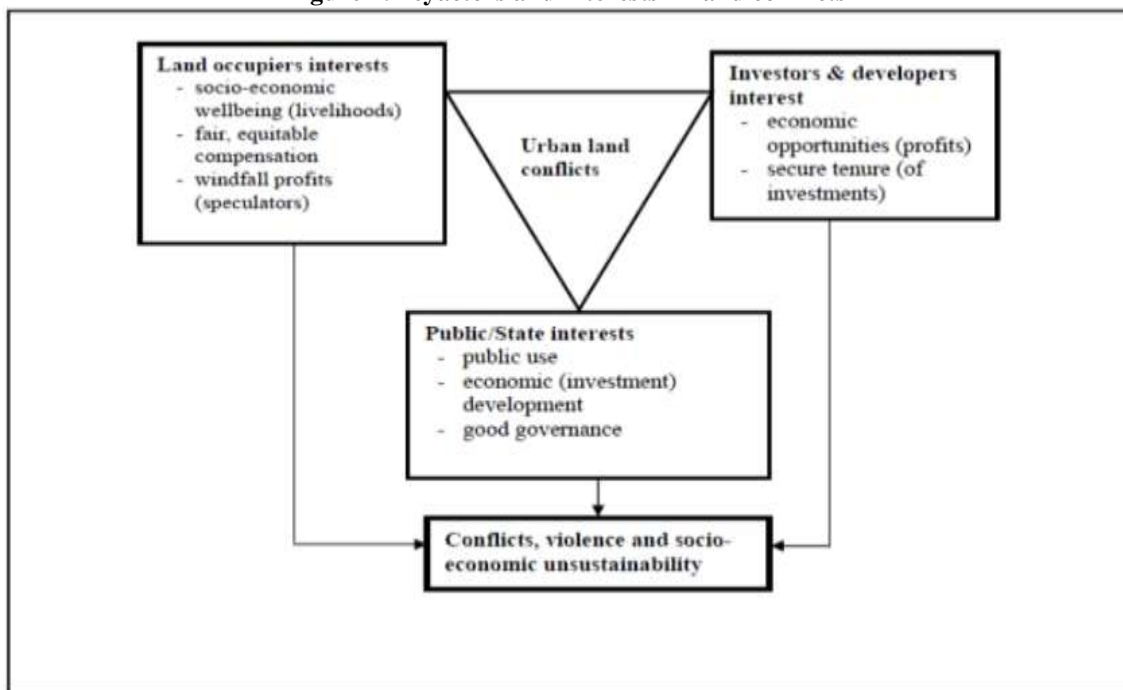
In Zimbabwe, land acquisition is guided by the Constitution of Zimbabwe Amendment number 20, Land Acquisition Act (Chapter 20:10), Regional Town and Country Planning Act (29:12), Rural District Councils Act (29:13), Communal Lands Act (20:04). In some instances, these pieces of legislation give the President and other authorities the power to acquire land and other immovable property compulsorily. Despite the explicitness of the processes and procedures in these pieces of legislation, acquisition of communal land for urban expansion remains a challenge in urban centres of Zimbabwe. According to Vengesai and Schmidt (2018), expansion of towns, growth points and rural service centres in Zimbabwe has resulted in the displacement and relocation of communities to pave way for urban development. The displacement of people has triggered conflicts between local authorities and communities occupying the land earmarked for urban expansion. The conflicts in acquisition of land for urban expansion in Zimbabwe are mainly a result of weaknesses in the land tenure system and compensation policies and some other structural challenges (Vengesai and Schmidt, 2018). Zvishavane and Shurugwi are classical examples of

urban settlements which experienced conflicts involving land acquisition when 30 and 40 households were relocated in 2013 and 2002 respectively.

### III. CONCEPTUAL FRAMEWORK

The conflicts over communal land for urban expansion can best be understood looking at Figure 3 which has been adopted from by Kombe in (2010). As is illustrated, conflicts emanate from different interests on land. Communal land occupiers are usually concerned about their socio-economic well-being, fair and equitable compensation and profits while local authorities are concerned about the need to acquire space for various urban land uses. To satisfy the growing needs for urban development, land has to be acquired from communal occupiers and when the expectations of communal land owners are not met, conflicts ensue. The protracted conflicts between local authorities and communal land occupiers frustrate investors and developers whose interests are economic opportunities and secure land tenure for investment. Development will henceforth be affected as a result of the conflict of these three parties. An inclusive, fair and transparent land acquisition process which will reconcile the interests of all the parties will thus help to minimize the conflicts.

Figure 2: Keyactors and interests in land conflicts



Source: Adopted from Kombe (2010:16)

#### IV. THEORETICAL FRAMEWORK

This study is hinged upon the population growth theory, the economic growth theory and the political theory (Alemineh, 2018). These three theories were propounded by Clark and Harvey in 1971. These theories explain the factors behind the expansion of urban centres outwards and the effects which results as a result of the expansion of the urban centres.

##### **The Population Growth Theory**

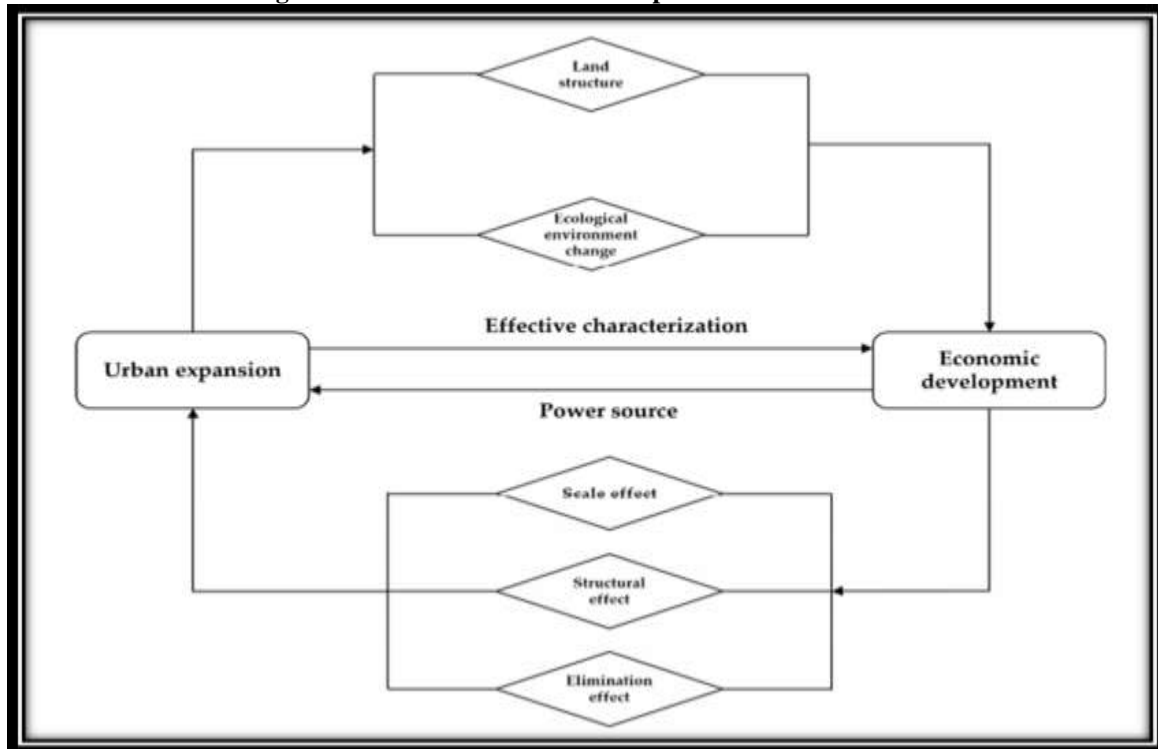
The population growth theory argues that an increment in urban population either in natural growth or through rural to urban migration explodes to the surrounding of city (Alemineh, 2018). A recent study by Kesanko et al (2006: cited in European Environment Agency, 2016) on urban expansion in fifteen European countries between 1950s and 1990s supports the population growth theory as it discovered that population growth was a major driver to urban expansion throughout the study period. The European Environment Agency (2016) also supports the view espoused by the Population Growth Theory by alluding that the size and structure of the population affect the extent of the built-up areas and the larger the population, the more space will be required to accommodate all the people. The trends in urbanisation in Africa also provide more evidence to the Population Growth Theory. In his study report on the implication of population growth and rapid urbanisation in Africa, Chirisa (2008), expounded that rapid population growth in Sub-Saharan Africa has a great bearing on urban growth and expansion. The rapid population growth in African cities and towns is mainly attributed to high rates of rural to urban migration. Issues such as difficulties in provision of infrastructure, conflict for land, overcrowding and shelter problems are resultant from population growth which is the main factor (Chirisa, 2008). The demand for land for urban expansion at this researcher's area of study, Guruve Growth Point, is also to some extent be explained by the Population Growth Theory. The 2012 Zimbabwe National Census report alluded that Guruve District is the second urbanized district in Mashonaland Central

province among Rural District Councils and had seven percent of its population living in urban settlements.

##### **The Economic Growth Theory**

The second theory which is important to this study is the economic growth theory. This theory posits that economic growth or socio-economic development is a major driver to urban expansion. The growth in economic activities of urban settlements as indicated by the increase in Gross Domestic Product (GDP) will cause urban settlements to require more land for expansion, thereby engulfing on its surroundings (European Environment Agency, 2016 and Alemineh, 2018). A study by European Environment Agency (2016) in Europe discovered that an increase in GDP brings about a multiplicity of effects including a change in lifestyles, an increase in demand for investment resulting in demand for more space for building of industries, an increase in use of motorised transport which make people to have the desire to live at the periphery of urban settlements and a general change in tastes and preferences. These factors induce the demand for more land for outward urban expansion hence resulting in more communal land being expropriated. The economic growth theory seems to be of much applicability to the real world and there is a lot of literature to support it. For instance, studies by Zhang and Xie in China in 2019 brought out that economic growth has a positive correlation with urban expansion. The conclusions drawn by Zhang and Xie (2019) were based on a spatial statistical analysis of Chinese country level data by Deng (2008) which showed that every ten percent increase in Gross Domestic Product (GDP) will cause an urban expansion increase of three percent. The economic growth theory also seem to be of great applicability to the researcher's study area since the need for more land by Guruve Rural District Council is in respond to the demand for housing and industrial activities as evidenced by the physical developments on the ground. Figure 3 below gives the interrelationship between urban expansion and economic growth.

Figure 4: Effect of economic development on urbanisation.



Source: Zheng and Xie (2019:07)

As illustrated on Figure 3, economic growth has a direct bearing on urban expansion and it affects the structure of land and cause ecological environment change. Economic growth has thus a scale effect, structural effect and elimination effect on spatial developments.

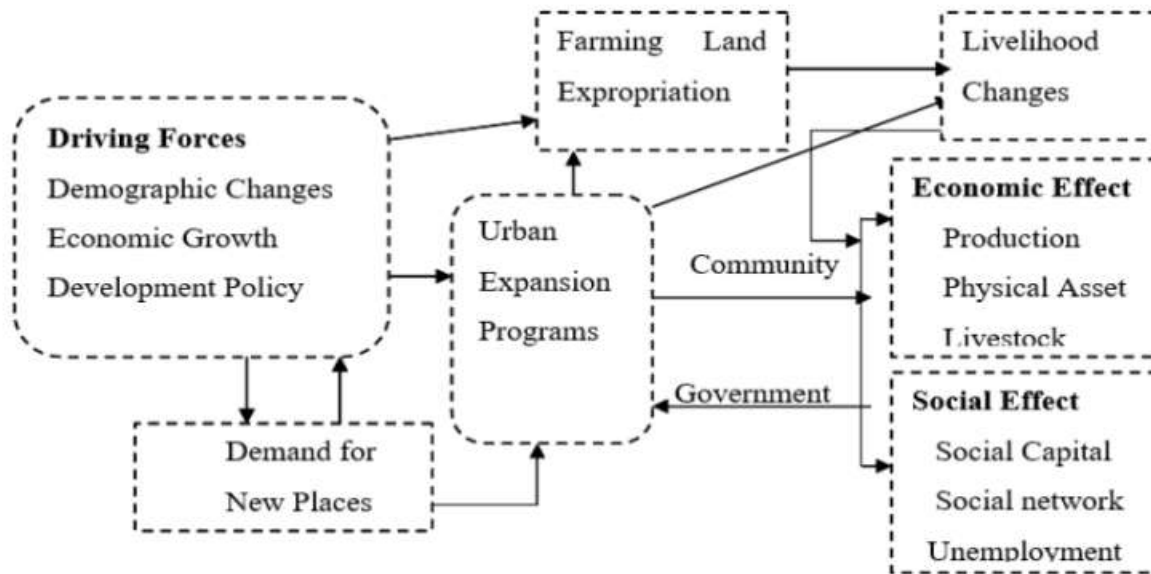
### The Political Perspective

The third theoretical perspective which provides explanation for urban expansion is the political perspective. This theory postulates that the absence of proper planning policies and failure to enforce such policies are a source of unlimited urban expansion which ultimately pose a threat to peri-urban communal farmers (Alemineh, 2018). This theory is premised on the basis that politics has the power to promote sustainable urban development and prevent urban sprawl through enactment of appropriate legislation (European Environmental Agency, 2016). Basing on these policies, some governments in the world have

developed policies that outlaws urban sprawl or have introduced incentives and subsidies to promote compact development and Germany is a typical example of such nations. A study by Kombe (2010) in the City of Dar as Salaam discovered that lack of clear and predictable policies on peri-urban development and lack of frameworks on capacitation and resource mobilization for public planning institutions is the major cause for uncontrolled peri-urban developments. The political perspective is thus relevant in explaining urban expansion and the nature of developments in peri-urban areas.

The political theory, the population growth theory and the economic growth theory are thus all important to explain urban expansion. Figure 5 below summarises these three theories and how they explain the occurrence of peri-urban land expropriation and changes in livelihoods of communal peri-urban dwellers.

**Figure 4: Key Drivers and effects of peri-urban expansion**



Source: Adopted from Alemineh, (2018:51)

**Causes of Conflicts between Communal Land Occupants and Local Authorities in Acquisition of Land for Urban Expansion**

Several studies have been carried out to examine the nature, causes and manifestation of protracted contestations and conflicts between communal land holders and local authorities as local authorities tries to expand their boundaries. There is a general consensus among several authors that efforts by local authorities to acquire communal land usually hit a snag due to delayed compensation, unfair compensation, poor communication, legal pluralism, poor governance, unregulated land development and lack of clear and predictable strategies in land acquisition. These factors are discussed in the following passages.

**Delayed and unfair compensation**

Studies in both the developed and developing world indicate that delayed and unfair compensation is a major issue that causes conflicts between local authorities when they try to expand their boundaries. In Tanzania, land acquisition and compensation for the acquired land or properties are provided for in the Constitution of 1977, the Land Act of 1999 and the Physical Planning Act of 2007 (Kombe, 2010). However, despite the explicitness of these statutory instruments, fair and prompt compensation before land is acquired in a bigger problem and the process can delay up to five years (Kombe, 2010). The issue of compensation is complicated by the misuse of the public interest concept to justify land acquisition. Public agencies which acquire land usually justify their actions as meant to advance the interests of the public through construction of public infrastructure, commercial centers and new urban areas (Phuc, et al, 2015). With this view, they disregard the concerns of the communal land occupiers and regard compensation issues as meant to stifle development. Kombe (2010) recommended mandatory provision of alternative land for resettlement and fair and prompt compensation as the bedrock of conflict free land acquisition.

**Poor Communication and non-involvement of land owners**

Effective communication and participation of the affected land occupiers is one aspect that has been cited by many authors as key in countering conflicts between local authorities and the land



occupiers. In Dar es Salaam (Tanzania), poor communication and non-involvement of the affected people has been cited as a major cause of conflict in land acquisition for urban expansion (Kombe, 2010). Owing to the fact that sitting land occupiers are not directly represented in crucial decision-making processes linked to land acquisition, land conflicts have arisen in Dar es Salaam, resulting in protracted disputes between public authorities and sitting land occupiers (Kombe, 2010). In most cases participation by land occupiers is passive and where they attend meetings; their roles are limited to listening to announcements without being given the latitude to negotiate (Phuc et al, 2015). According to FAO (2009), conflicts in land acquisition for development projects or urban expansion usually emanate from the exercise of legitimate power by government without taking due cognizance for the process hence resulting in the exercise becoming unfair. Where the land acquisition process is participatory and inclusive, FAO (2009) recommended that it has to religiously follow certain statutory procedures including proper planning and assessment of the impact of the proposed land acquisition project to the affected people and looking for alternative solutions, publicity, valuation of properties in the areas earmarked for acquisition, payment of compensation, giving a chance to appeals and restitution.

#### **Poor governance**

Poor governance in land administration is another major cause for conflicts in land acquisition (Kombe, 2010). Governance issues in land administration and management which give rise to conflicts include dysfunctional land management and problematic governance institutions, including a lack of transparency in land acquisition, weak structures for checking land grabbing and exclusion of the disadvantaged (Kombe, 2010). Issues of corruption, nepotism and unregulated informal land acquisition also contribute to conflicts in communal land acquisition for urban expansion (Wehrmann, 2008). Legislative reforms that promote effective participation by communal land occupants are important in order to minimize conflicts (Kombe, 2020).

#### **Legal pluralism (Conflicts between statutory and customary tenure)**

Legal pluralism is one of the major causes of conflicts in land in most African countries (Knight, 2010). Legal pluralism refers to the existence of two or more separate legal systems working alongside each other to deciding

community matters (Knight, 2010). The existence of formal and customary legal systems working alongside each other is leading persistent conflicts and lawlessness as each legal system is assuming supremacy over another (Knight, 2010). For instance, in most African countries which were once colonized by the European countries, there are too many conflicting Acts and policies on land. In this case Nkamae (2006) observed that the Tribal Land Act and regulations in Botswana, the Communal Rights Act in South Africa and the National land Policy in Malawi are examples of Acts and regulations contributing to disputes between traditional leaders and local authorities. These Acts and regulations give powers to communal land owners while at the same time in urban centers other Acts like the will be in use.

#### **Haphazard and unregulated land developments**

Past studies also indicate that capacity constraints to implement planned developments usually results in long term land acquisition problems (Nkmae, 2006). For instance, peri-urban settlements around the city of Gaborone (Botswana) were declared planning areas in the mid-1980s but capacity constrains resulted in the lack of monitoring and enforcement of development covenants and laws such that most construction in peri-urban areas took place without planning permission (Nkmae, 2006). This scenario thus causes problems in trying to displace the illegal developers. Further capacity challenges results in lack of clear, transparent and predictable strategies in land acquisition. While studying land acquisition conflicts in Dar es Salaam, Kombe (2010) concluded that a clear and transparent land development framework is important in order to avoid conflicts between governments and communal land owners.

#### **Legal Framework Governing Acquisition of Land for Urban Expansion**

In many countries across the globe, the legality to acquire land for urban expansion is enshrined in National Constitutions and some subsidiary Acts which are named differently from country to country. The provisions contained in these various legal frameworks vary depending on the history of the nation in question and its social and ethnic status. In general, the legal frameworks address issues to do with land ownership, the process for land acquisition, responsibilities of various parties involved and compensation issues.

In the republic of China, her National Constitution of 1982 provides that rural land is collectively owned and the land can be acquired for urban expansion and development projects (Asiama, 2015). The actual process of rural land

acquisition and resettlement in China is guided by the Land Administration Act. The process of acquisition of rural land for urban planning and development in China as enshrined in Land Administration Law involves application by the acquiring authority to government seeking approval, approval of the application after consideration of the value of the intended use versus its current use, publication of requisition, presentation of certificates by land occupants to register for compensation, assessment of the compensation by the acquiring body, publication of the compensation plans by the acquiring body as a way of soliciting opinions and setting of the standard for compensation by the government (Asiama, 2015). Final acquisition and resettlement will be done after the above steps are religiously adhered to. The United States of America (USA) has also a provision for land acquisition in its National Constitution which is contained in its Fifth and Fourteenth Amendment of the Constitution. The constitution provides that no person shall be deprived of life, liberty or property without just compensation and without due process of law (Asiama, 2015). The process of land acquisition in the United States of America is conducted either by the state or local government and they are guided by the Eminent Domain Law together with the national Constitution.

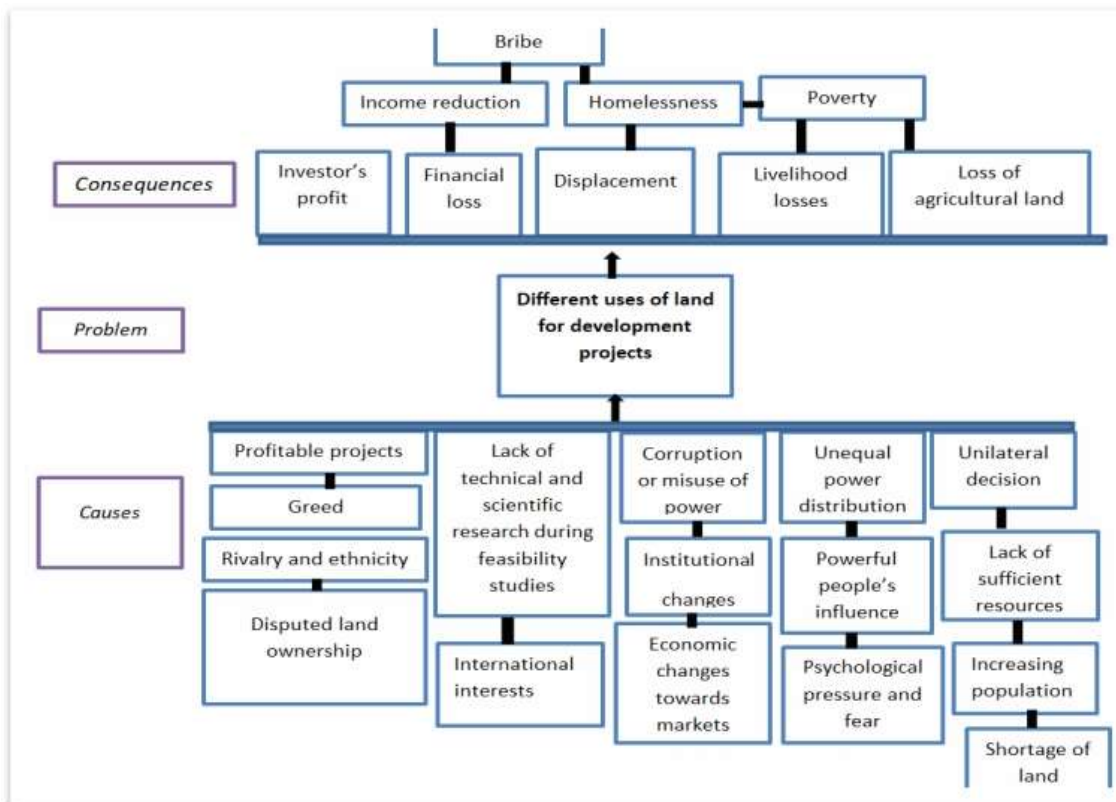
In most African countries, rural land is owned by the state and where local authorities require it for urban expansion an application is made to the central government. Similar to other developed countries such as China and United States of America, land Acquisition in Tanzania is provided for in her national constitution and the constitution clearly address the need to adhere to due process and payment of just compensation. Tanzanian Land Acquisition Act of 1967 is the principal Act that governs land acquisition (Kombe, 2010). The Act stipulate four key stages which are followed in the acquisition process which are planning and decision to acquire land, getting statutory authority and serving notices, field investigation and valuation and payment of compensation (Kombe, 2010). The instruments used in the process of land acquisition in Tanzania are usually negotiation and persuasion, legalised force and compulsory acquisition.

In Rwanda, it is only the state which is vested with the powers to do land acquisition. The Rwandan national constitution provides that the right to property shall not be interfered with except where the property is required for public interest in which case the state can acquire it. The state put more importance to the public interest and as such activities which constitute public interest and which can guarantee land acquisition are listed in its principal law which guide land administration which is the Law Relating to Expropriation of 2007 (Kombe, 2010). The main steps which are followed in land acquisition as provided by the Act are initiation of the land acquisition process by the District executive, notification of the intention to acquire land to land occupants, sending of the land acquisition proposal to Lands commission, appraisal and approval of the proposal by the land commission, the Land commission make consultations with the land occupants, publication of the proposal, compensation and relocation (Kombe, 2010). In conclusion, there is exist laws and regulations in most countries both developed and developing which address land acquisition issues. The most common feature of all the legal set ups in all these countries is the fact that land acquisition issues are contained in National Constitutions and there are also Acts of parliament which gives guidelines on how the land acquisition process should be conducted. The issues addressed in these legal frameworks are also common. These include the need to respect the rights of the expropriated parties, the need to consult extensively in the process, the need to follow due process and the need to compensate the expropriated parties satisfactorily.

#### **Effects of Communal Land Acquisition Conflicts to Urban Growth and Socio-Economic Development**

Several consequences results from conflicts emanating from acquisition of communal land for urban expansion. Some of the effects of these conflicts include poverty, profit and financial losses, homelessness, loss of agricultural land and a serious disturbance to livelihood activities (Magsi, 2014). Figure six below presents a conflict tree diagram illustrating the causes and consequences of conflicts in acquisition of land for urban expansion.

**Figure 6: Conflict Tree Diagram Showing causes and effects of land conflicts to socio-economic development**



Source: Adopted from Magsi, (2014:63)

**Profits and Financial losses**

Conflicts in the process of acquisition of rural land for urban expansion can affect socio-economic development of an area by affecting the profits of companies and by creating financial losses to investors. Companies may be forced to engage courts in order to dispel communal land occupants on ‘acquired’ land resulting in more costs and financial losses. Conflicts can also affect the ability of companies to expand their operations or they may be forced to cut down operations. For instance, Saruji Corporation which was a cement production company in Msikitini and Chasimba in Dar as Salam was forced to consider cutting its supply of cement after incessant conflicts with rural land occupants (Kombe, 2010).

**Economic development retardation due to delay/non implementation of development projects**

Studies in several countries have brought out that conflicts in the process of acquisition of rural land for urban expansion are contributing to a greater extend, to retardation of development through delay or cancellation of development

projects or limiting expansion of urban centres. A recent study by Chigbu and Ansah (2020) has discovered that the Trede district of Ghana has lost investment projects because of land disputes. The district lacks basic amenities and economic activities such as hospitals, tertiary schools and industrial areas because each time potential investors come, the land earmarked for such developments will be under cultivation (Chigbu and Ansah, 2020).

**Loss of agricultural land and livelihood activities leading to poverty**

Conflicts resulting from contestations in acquisition of communal land for urban expansion also affect the livelihoods of the rural occupants through diminution of agricultural land and disturbance of similar livelihood activities such as animal rearing and fishing (Ravanera and Gorah, 2011). For instance, the residents of Lubhu and Lele in India were left poor and their livelihoods seriously affected by conflicts emanating from commercial pressure from the local authority and international development agency that had their

ways of wanting things done to the variant expectations of the local people.

#### **Disturbance of peace and tranquillity in an area**

Contestations in acquisition of communal land for urban expansion results in strained relationship in society and disturbs peace and tranquillity. In several rural peri-urban areas where local authorities are in conflicts with the rural occupants for land, the rural occupants have a general resentment for the local authority and this in most cases triggers violence in such areas. The worst case scenario occurs where there is a deadlock in land acquisition resulting in litigation. For instance, in Kalinga Nagar (India), police opened fire at protesters who were opposing a mining project in the area and in the process fourteen men and women were killed (Ravanera and Gorah, 2011). Conflicts of this extent affect the social and economic life of the rural land occupants and results in abject poverty to the affected people and general underdevelopment to the affected area.

#### **Planning Strategies to Address the Contestations Relating to Urban Expansion into Rural Areas**

There are a number of planning strategies which can be adopted by local authorities to address the contestations relating to urban expansion into rural areas. The majority of the strategies however require a paradigm shift by central governments and local authorities since they require legal and institutional changes as well as new skills set through human capital building. Some of the strategies include introduction of an urban expansion system which incorporate peri-urban land rights and livelihood issues, introduction of participatory and inclusive land development tools, embracing regularization, improvement of the land administration institutional framework and institutional capacity building of the local planning authorities (Adam, 2014 and Chigbu et al, 2020). These strategies are further discussed in the following passages.

#### **Incorporating peri-urban land rights and livelihood issues in urban expansion**

One of the strategies that can be adopted to address contestations relating to urban expansion into rural areas is incorporation of peri-urban land rights and livelihood issues in the process of land acquisition for urban development. This approach is also known as tenure responsive lands use planning (Adam, 2014). Studies in both the developed and the developing world have discovered that contestations relating to urban expansion into rural areas usually emanate from non-recognition and non-incorporation of land rights and livelihood issues in the process of land

acquisition. Adopting a land use planning approach that integrate all forms of land rights allows for participatory planning, incorporates tenure security and provides security from unwarranted disposition and reduce the occurrence of land disputes(Adam, 2014). This approach also helps to avoid monolithic planning where land uses are skewed towards residential and commercial uses only; but instead incorporate also agricultural activities (Adam, 2014, Chigbu et al, 2020). Moreover, a paradigm shift from consideration of only physical issues such as land use, housing supply and urban infrastructure in urban development policy making and planning would see policy makers giving priority to livelihood issues and hence reduce contestations (Adam, 2014).

#### **Introduction of participatory and inclusive land development tools**

Experiences from countries such as Ghana, Ethiopia and Tanzania have brought out that land acquisition and peri-urban development process are onerous and top down and hence they are marred with a lot of conflicts. To circumvent the status quo, participatory and inclusive development tools are encouraged. Some of the participatory land development tools that can be used are land readjustment and legal mechanisms that allows for the automatic conversion of peri-urban/ customary land rights into urban (Adam, 2014).

#### **Land readjustment programmes**

Land readjustment refers to land acquisition and reallocation techniques based on voluntary participation and contribution of land by local peri-urban landholders (Adam, 2014). Land readjustment paves way for a win-win situation in which planning authorities can acquire land without using its power of eminent domain(expropriation), and land owners can remain in situ and enjoy better living conditions(World Bank, undated). This approach has the capacity to accommodate the interests of various actors who have a stake in peri-urban development.

#### **Automatic conversion of customary land rights into urban statutory tenure**

This is another participatory land development tool that can be used to acquire land with minimal conflict. This approach should be guided by the development of a policy and legal mechanism that allows for automatic conversion of peri-urban or rural land rights into urban land rights when peri-urban territory within a rural jurisdiction is planned for inclusion into urban jurisdiction (Adam, 2014).



### Regularisation

Regularisation is also another land development tool that can be considered as a strategy to address contestations relating to urban expansion into rural areas. Regularisation, also expressed as legalisation entails recognising and legalising informally built settlements in the process of urban development. Informal settlements are usually developed in urban fringes and they should pose a challenge when the planning authorities expand their boundaries. Embracing the regularisation strategy thus implies that planning authorities have to move away from their hostile attitude in which they consider demolition as a solution and move towards the view that informal settlements are caused by the inefficiency and inadequacy of the formal and delivery system (Chigub et al, 2020). Such a mind-set shift by planning authorities will result in minimal conflicts in urban expansion into rural areas.

### Institutional capacity building for planning authorities

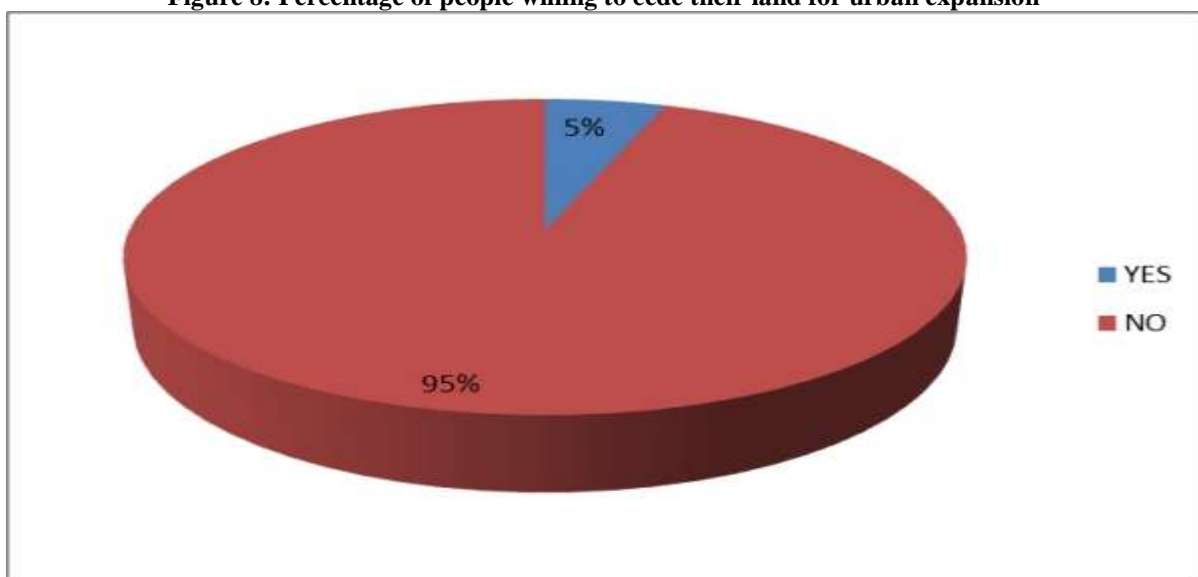
Capacity building is another effective strategy that can be used to address the contestations relating to urban expansion into rural areas. A recent study in Ghana by Chigbu et al (2020) indicates that due to lack of financial, human resources and logistical constraints, state planning institutions are not pro-active enough to plan rural areas. Planning in most cases occurs after an area might have been fully transformed into peri-urban or urban town. Capacitating local authorities with adequate resources will thus enable them to initiate land use planning in rural areas

before traditional authorities take over and manage them in their own interest (Chigbu et al, 2020). Capacity building also entails educating and training planning authorities on how they can integrate social norms with legal regulation in the planning peri-urban areas (Chigbu et al, 2014).

### Research Findings: Causes of Contestations in Acquisition of Rural Land for Urban Expansion in Guruve Growth Point

One of the objectives of the study was to examine the causes of contestations in acquisition of rural land for urban expansion. The data was gathered through questionnaire survey, key informant interviews and focus group discussions. The researcher discovered that the main causes of contestation between rural local authorities and communal land occupants in acquisition of rural land for urban expansion are lack alternative land to resettle the affected families, lack of effective participation and engagement during planning and implementation of urban expansion programmes, short notices being given to the affected families, improper compensation, existence of multiple institutions in administration of communal land and sale of land by traditional leaders and individuals. As a result of the above factors ninety five percent of the communal land occupants interviewed through questionnaires in Guruve Growth Point clearly indicated that they are not willing to let Guruve Rural District Council take their land for urban expansion. Figure 12 illustrates percentage of communal land occupants who objected to council taking over their land for urban expansion.

Figure 8: Percentage of people willing to cede their land for urban expansion



Source: Fieldwork (2021)

As illustrated on figure 8, only 5% of the respondents interviewed through questionnaires indicated that they are willing to pave way for urban expansion. Ninety five percent of the respondents are opposed to the idea of allowing the council to relocate them for urban expansion. Their main reasons for opposing the idea are explained below.

**Lack of alternative land to resettle the affected families**

Lack of alternative suitable land was the most cited factor causing the contestations in urban

expansion. For instance, 55 % of the survey respondents considered failure by council to provide alternative land to resettle them as their major worry (see table 1). Some respondents pointed out that Gurube Rural District Council continues to annex more land while there are still some families whose land was taken some years back who are yet to be reallocated alternative land.

**Table 1: Landholders main reasons for resisting excision**

(n=55)

Reason	Percentage
Alternative farming land	55
Alternative land near social amenities	16
Preserving their ancestral inherited land and graves	11
Compensation for buildings and disturbance	18
Total	100

Source: Fieldwork (2021)

As illustrated on table 1, the need for alternative land was ranked as the first reason with 55% followed by compensation for buildings and disturbance due to relocation with 18% and need for alternative land near social amenities and need to preserve ancestral land with 16 and 11 percent respectively.

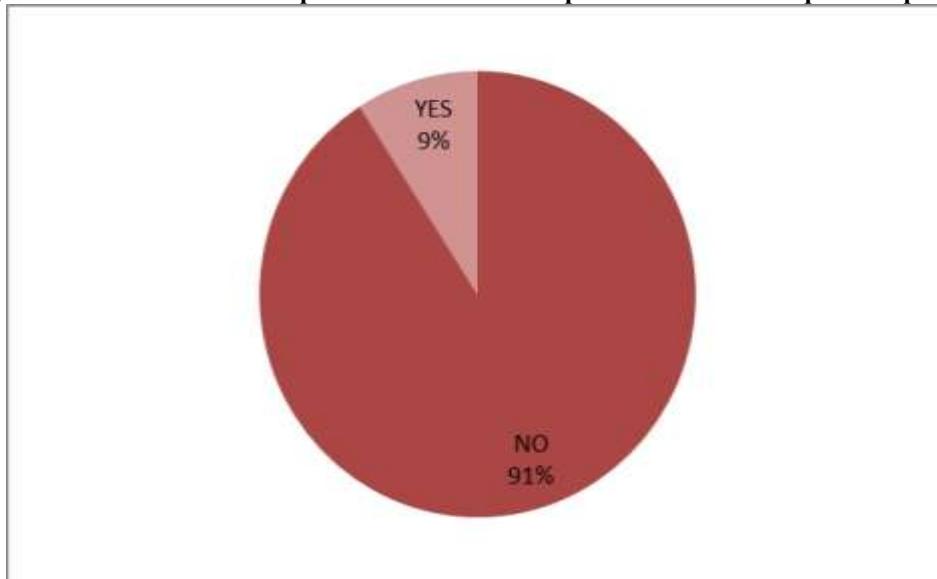
Interviews with the local leadership indicated that since 2014, only thirty households have been allocated alternative farming plots of on average five hectares. However, this number is by far lower than the number of people who need alternative land considering the extent of the land proposed for urban expansion by Gurube Growth Point. One official interviewed had this to say, “The main challenge we are facing is emanating from the fact that when the Land Reform Program was done, no provision was made for land to cater for the families affected by urban expansion.” The local councillor for Gurube growth point also echoed the same sentiments and presented that the major challenge leading to protracted contestations emanates from the fact that the council is failing to fulfil the promises that it makes to the affected families. He said during consultative meetings,

communal land occupants make it clear that they need alternative land in order to sustain their agro-based livelihoods. However, their expectations are not usually fulfilled hence they resist attempts by council to take over their land.

**Failure to effectively engage and involve the affected families**

Public participation was also cited by respondents as the major missing link and a contributory factor to contestations. One village head said, “This current system of government is by far different from the old days. When Gurube Business centre had a need for land to expand its boundaries around 1970s, the authorities then would engage the affected people and this was done well in time.” For instance, ninety-one percent of the survey respondents indicated that council is not giving them enough opportunity to participate in the land acquisition process (see Figure 13). They said the consultative meetings are usually attended by councillors and village heads only and the occupants of the land usually receive feedback only and without the opportunity to make meaningful contributions.

**Figure 9: Landholders’ Perception on level of Participation in the land acquisition process**



Source: Fieldwork (2021)

In terms of forms of communication and participation, the survey respondents indicated that none of them has received a written notice from Guruve Rural District Council. Their participation

and engagement by council is in the form of meetings which only forty percent have confirmed that they have once attended the meetings held by council (see Table 2).

**Table 2: Percentage of landholders who have held meetings with council (n=55)**

Reaction	Percentage
Once called for meetings	40
Never attended a meeting with council	60
Total	100

Source: Fieldwork (2021)

As illustrated on table 2, 60 percent of the survey respondents said that they never held meetings with Guruve Rural District Council officials while forty percent confirmed to have held meetings. This implies that the level of participation in the land acquisition process is low, and when engagement is done, it is mostly with traditional leaders, part of whom form the forty percent that confirmed to have held meetings.

One key informant indicated that participation of the affected families and local leadership should be both during planning and implementation of decisions. He said sometimes people resist acquisition of their land because they are only engaged when a decision is about to be implemented and they would not have been involved during the planning stage.

**Inadequate Compensation**

Compensation issues were also raised as one of the factors that are causing the communal land occupants to resist the efforts by the council to

acquire their land. Most of the people interviewed indicated that consideration is not being given to the value of the land affected vis-a-vis the benefits that are going to be realized by the establishment of the proposed development. Most of the people interviewed indicated that their resistance to relocation to pave way for council developments is caused by meagre compensation proposals by council. They said council is compensating affected families with residential stands if they fail to relocate them to alternative land. They said the residential stands being allocated are not enough to offset the benefits they are getting from their farming activities.

**Sale of communal land by Traditional Leaders and Individuals**

The researcher also gathered that the reason why the council is facing difficulties in expanding its boundaries by acquiring communal rural land is because the council is seen as a threat which will disrupt the activities of the informal land market taking place at the peri-urban area.

Village heads and individuals are selling land to desperate home seekers whom they advise to build 'standard structures' which can be incorporated by council. Being informed by experiences from other local authorities wherein people were displaced without proper compensation and livelihood reconstruction; and being driven by the desire to make cheap money, most village heads and individuals are resorting to what was described by Ministry of Local Government and Public Works in 2018 as 'garawadya' a term used to describe the practice by peri-urban occupants wherein after realising that council shall take their land, they sell it before council excision. Thus when the council initiates the land acquisition process, they usually face stiff resistance as people know that the land 'no longer exists'.

#### **Fear of Livelihood disruption as a result of relocation**

Most of the people interviewed indicated that the process of land acquisition for urban expansion by council will result in no meaningful achievement to them but only disturbance of their livelihood. One political leader said that, "since the process of land acquisition started, a lot of people have been left destitute after displacement from their land. No effort was even made to build houses for the people who were relocated and some of them were relocated to poor soils which does not yield anything". On the same vein, another key informant reiterated that apart from being affected economically, people become social misfits and find it difficult to integrate with new environments, they lose social capital and at the same time they are relocated away from the Growth Point which offers them proximity to markets and employment opportunities. Most of the people who were surveyed indicated that they do not want to be relocated as they fear they will be relocated to places without social amenities and other important facilities they need. Resistance is thus a way of trying to fight for their livelihoods and a way to bargain for better treatment.

#### **Multiple land administration institutions in communal areas.**

Challenges in acquiring rural land for urban expansion were also expressed by key informants and council officials as emanating from the multiple institutions involved in administration of communal land. One official said although communal land lies under the jurisdiction of councils in terms of administration, local authorities have to apply to Ministry of Land in order to acquire it and thus local authorities do not

have the powers to directly control it. At the same time, traditional leaders are custodians of the land and are 'empowered' to distribute it. This array of institutions involved in land administration is affecting the ability of local authorities to control the activities that are taking place on communal land and hence unscrupulous communal land occupants and traditional leaders parcels it out further making it difficult for council to relocate the occupants.

#### **Political interference in the land acquisition process**

The researcher discovered that the efforts by the local authorities to engage the affected communities and settle the issues of land acquisition are sometimes affected by politicians who interfere, instigating the community to resist council manoeuvres in order for them to gain political mileage. The politicians pretend as though they are representing the rights of the affected families and in the process misinforming them and causing them to resist council activities, boycott meetings and to vandalize the pegs which would have been put by council. One key informant interviewed said that Guruve Rural District Council is finding it difficult to acquire rural land as a result of politicians who have multiple farms and some of them are refusing to pave way for council activities on farms designated for such by Central Government. He called for central government intervention in order to settle the conflicts between political leaders who are using their muscles to outshine council maneuvers.

#### **The Legal Framework Governing Acquisition of Land for Urban Expansion in Peri-Urban Areas**

The other objective of the study was to review the legal framework which governs acquisition of rural land for urban expansion. The study revealed that there exist a number of Acts and regulations that govern land administration and management, including land acquisition and expansion of urban settlements in Zimbabwe. The main legislation that underpins land acquisition and urban expansion include the Constitution of Zimbabwe Amendment number 20 of 2013, the Land Acquisition Act (20:10), the Regional, Town and Country Planning Act (29:12), Rural District Councils Act (29:13) and Communal Land Act.

#### **The Constitution of Zimbabwe Amendment number 20 of 2013**

The Constitution of Zimbabwe Amendment number 20 section 72, subsection 2(a, b,c) give the state power to compulsorily acquire agricultural land for public use (that is resettlement, settling people affected by



developments and land reorganization, natural resources conservation or wildlife management.) According to the constitution, agricultural land is land used or suitable for agriculture, that is for horticulture, viticulture, forestry or aquaculture and for any purpose of animal husbandry, including bee keeping and grazing of livestock. The Constitution clearly stipulates that communal land or land within the boundaries of an urban local authority or township established under town and country planning law does not fall under agricultural land (Section 72, subsection 1a and b).

Section 72(3) of the Constitution stipulates that no compensation is paid for the acquired land, serve for the improvements only which were made on the land. The Constitution is however silent on the procedure for acquisition of communal land. What it is only bringing out is the fact that communal land is not classified as agricultural land.

#### **The Land Acquisition Act (20:10)**

The Land Acquisition Act (20:10) is one of the chief Acts which empowers the President and other authorities to acquire land and to execute compensation modalities where it is applicable (Land Acquisition Act 20:10). Part 11, section 3 of the Act stipulates that the President, or any Minister duly authorized by the President may compulsorily acquire land where the acquisition is, "Reasonably necessary in the interests of defence, public safety, public order, public morality, public health, town and country planning or the utilisation of that or any other property for a purpose beneficial to the public generally or to any section of the public (Section 3(i) (a)). Part III of the Act set out the procedure that is followed in compulsory land acquisition where it is done without an agreement. The procedure involves publication of a notice in the Gazette describing the nature and extend of land to be acquired, the purpose for which the land is to be acquired and calling upon the owner or occupier of the land who wish to contest the acquisition to lodge their complaints (Land Acquisition Act Part III section 5(1) a, b and c).

Section 3(4) of the Land acquisition emphasize that, notwithstanding provisions of the Land Acquisition Act, Communal land, materials from Communal land or rights in Communal land can only be acquired in terms of the Communal Land Act(20:04). Implying that the provisions contained in the Land Acquisition Act are more inclined towards the acquisition of agricultural land.

In terms of compensation for the people affected by compulsory land acquisition, the Land

Acquisition Act gives the responsibility to the acquiring authority to pay fair compensation and within reasonable time to the owner of land which is not agricultural land (Part V, section 15). This implies that there is no a laid down framework which guides compensation in terms of what should be paid and time frames.

#### **The Communal Lands Act (20:04)**

The Communal Land Act (20:04) serves to classify communal land and to regulate the allocation and use of the same. This Act also gives guidance to modalities which should be followed in acquisition of communal land for urban expansion and compensation of the affected families. Section 10 of the Act gives powers to the Minister to set aside communal land for the purposes of establishing a township, village, business centre or industrial area, where such land is designated for such in terms of a rural development plan approved by the Minister and subject to a layout plan approved in terms of the Regional, Town and Country Planning Act (Chapter 29:12). According to the Act, Communal land is state land vested in the President of Zimbabwe and local communities have no ownership but are permitted to occupy and use communal land by the President (Vengesai and Christof, 2018).

Section 12(1) of the Communal Land Act provides that those people who are dispossessed of their right to occupy or use communal land shall be give alternative land. If alternative land is not available, the acquiring authority and the affected people have to agree and they can be compensated in terms of the section V (16) of the Land Acquisition Act which gives the duty to the acquiring authority to pay fair compensation within reasonable time. The money to pay compensation to the people who are dispossessed of their rights to occupy and use communal land is obtained the Consolidated Revenue Fund (Communal Land Act, section 12 subsection 2).

#### **Rural District Councils Act (29:13)**

This is the main Act that give Rural District Councils the mandate to administer their areas including carrying out development functions and levying rates. One of the powers of duties of Rural District Councils is compulsory acquisition of land and properties for development purposes including regional and urban planning (Section 79). Section 79 of the Act also makes reference to Parts III, V and VIII of the Land Acquisition Act (20:10) which should be applied mutatis mutandis.

#### **Regional, Town and Country Planning Act (29:12)**

The Regional Town and Country Planning Act (29:12) is the centrepiece of regional and urban

planning in Zimbabwe. Section 45 of the Act gives local planning authorities the powers to acquire and dispose land for the purposes of implementation of development proposals contained in an operative master plan or local plan. The acquisition and disposal of land is by way of purchase, exchange, donation or agreements with the owner of land or expropriation.

Where the land earmarked for development is to be expropriated, section 46 of the Regional Town and Country Planning Act provides that the operation of the Land Acquisition Act(20:10), specifically part III, V and VIII are effected.

**Urban Councils Act Chapter (29:15)**

Section 150 and section 151 of the Urban Councils Act provides for the acquisition of land or interest in land and expropriation of land respectively. The Act empowers councils to acquire land for development purposes by way of purchase, donation, and lease agreement with the owner or expropriation in terms of section 151 of the Act. Where expropriation of land is necessary in terms of section 151, a resolution has to be passed by council and an application shall be made to the minister and in the application, the local authority shall justify the need for the land, give

full particulars of the land to be expropriated, purposes for which the land is to be used and any necessary information which may be required by the Minister. The provisions of the Land Acquisition Act (20:10), shall be applied mutatis mutandis in the acquisition process.

**Effects of Contestations in Acquisition of Rural Land for Urban Expansion to Guruve Growth Point**

The study analysed the effects of conflicts prevailing between rural communities inhabiting on communal land around Guruve Growth Point and Guruve Rural District Council over land for urban expansion in line with one of its key objectives. The data on this aspect was obtained from households affected by the expansion of the growth point and key informants. The data collected revealed that the effects of the conflict between the affected households and Guruve Rural District Council include loss of investor confidence in the area, limited physical infrastructural development, sour relations between council and surrounding residents and disturbance of the livelihoods of the peri-urban dwellers. The negative effects of these conflicts are explained below:

**Limited Physical Development**

**Figure 10: Areas where development is failing to take off due to contestations in Guruve Growth Point**



Source: Google Earth (2021)

The contestations in acquisition of rural land for urban expansion have greatly affected the physical development of Guruve Growth Point. Interviews with council officials and District Development Coordinator indicate that there is a low density layout plan with 105 residential stands (area marked LD on Figure 10 ) which was approved in the year 2000 but no single structure has been built on the stands due to contestations. Each time the local authority tried to implement the layout plan by way of pegging the stands, the pegs were ripped by communal land occupants who regard the land in question as their farming land. Areas marked LD2 and MD on Figure 10 are posing great challenges for the council as they are occupied by communal occupants despite the fact that they are within the boundaries of the Growth Point. Thus the contestations have affected the physical development of Guruve Growth Point.

Apart from the areas marked on figure 10, the respondents interviewed by the researcher indicate that Guruve Growth Point has a great need for land as evidenced by the number of applications that it receives for schools and industries which are needed in the Growth Point. Guruve Rural District Council intended to acquire more land to expand its boundaries but its intentions have been hampered by the contestations in acquisition of surrounding rural land.

Council officials and District Development Coordinator also indicated that the challenge for Guruve Growth point for land to expand its boundaries has also been compounded by the fact that the council is struggling to acquire Dunvert and Maidavale farms which are earmarked for urban expansion. The farms, which are located on the northern part of the Growth Point, are yet to be handed over to council by the Ministry of Lands and the issue has been on cards since the beginning of Fast Track Land Reform in the year 2000. Thus due to this twin challenge, the council has been turning down potential investors and thus it has experienced limited infrastructural development.

#### **Loss of Investor Confidence in Guruve Growth Point**

The researcher discovered that contestations for rural land for urban expansion have led to a loss of investor confidence in the Growth Point. Interviews with council officials and former Chief Executive Officer of Guruve Rural District Council brought out that several investors with brilliant investment ideas were turned down by the contentious environment. The researcher discovered that the 105 low density residential stands which have been undevelopable since the

year 2000 had already been allocated to beneficiaries and a challenge came when they wanted to start developments. Most of the stand beneficiaries requested refunds from council and some of them just lost hope of pursuing the issue and they went elsewhere to purchase stands.

#### **Emotional Distress**

The researcher discovered that the conflict between council and peri-urban dwellers for rural land is contributing greatly to emotional distress to the peri-urban land occupants. Most of the people interviewed brought out that they are emotionally disturbed as they face an uncertain future due to the land grabs by council. They felt that they are not protected by law and council is taking advantage of them leaving them destitute after taking over their land. The major factor they cited as leading to emotional distress is disturbance of their livelihood which is anchored on cattle rearing and crop growing. Their major worry is stemming from the fact that council is failing to offer them alternative suitable land to sustain their livelihoods. One politician interviewed, who is among the affected families pointed out that, "While we support government policies and we are sure that the land belongs to the state, one thing we are sure of is the fact that all efforts by council in acquisition of land are leading to dire suffering by land owners." Thus the contestations for acquisition of rural land are emotionally affecting the peri-urban occupants.

#### **Sour relations between council and peri-urban dwellers**

The researcher discovered that the conflicts for peri-urban rural land have resulted in a strained relationship between council and peri-urban dwellers. The researcher gathered that at one point, the conflicts between the communities and council degenerated into violence and the communities were targeting council officials who were pegging stands or carrying out surveys in the area. Targeted and personalized attacks on council officials by disgruntled community members are still rife.

#### **Illegal Sale of communal land**

The researcher also gathered that the contestations between council and communal land occupants have led to the development of an informal land market. Cases of illegal land sales have ballooned as rural land occupants dispose the land they occupy in fear of losing everything as a result of takeover of land by council. Interviews with local village heads brought out that it has become difficult to restrain the people from the practice of selling land. The researcher discovered that illegal land sales are compounding council efforts to acquire land for urban expansion. Those people



who illegally acquire the land through the informal market will build quickly piling more problems on council when it comes to relocate the people.

**Planning Strategies to Address Contestations in Rural Land Acquisition and for Ensuring Smooth Urban Expansion**

The study also sought to examine possible planning strategies to address the contestations and to ensure a smooth urban expansion. The data that was gathered from insights by key informants, and views gathered from field surveys indicate that land readjustment programmes are one key planning strategy that can be used to address contestations in acquisition of rural land for urban expansion. In addition to land readjustment programs, information gathered from the field also reveal that harmonisation of land administration institutions, review of land administration legal framework and regularisation are important in ensuring proper growth of urban settlements. These planning strategies are discussed below;

**Land readjustment programmes**

The views by key informants are that land readjustment programmes are inclusive in nature and can promote urban growth without more problems as is the case with most rural local authorities in Zimbabwe. The researcher discovered that the contestations being faced between rural land occupants and local authorities are mainly emanating from failure by local authorities to address the plight of the rural land occupants in terms of reconstructing their livelihoods, having alternative land to resettle the affected families and the finance to compensate the structures of the affected families. This was confirmed by field surveys as the participants appeared to prefer remaining on their land than being relocated elsewhere as relocation brings more problems to them. These are the problems which the land readjustment program can address. Table 3 illustrates the advantages of land readjustment as opposed to expropriation.

Table 3: A comparison of Expropriation and Land Readjustment

Expropriation	Land Readjustment
Reliance on coercion	Reliance on community participation and empowerment
Local governments have a significant fiscal burden as a result of cash transactions	An equity-based arrangement that reduces the amount of money needed up front for land acquisition
Relocation of the urban poor to remote areas with limited access to jobs and public services	Relocation provided within the same neighbourhood with improved tenure security and housing conditions for the urban poor
Redefinition of existing occupants, often through gentrification of the redevelopment area.	Preservation of the existing community
Exclusive rights against the existing community	Inclusive obligation to the existing community

Source: Adam (2014)

As illustrated on table 3, land readjustment programmes are participatory in nature as compared to expropriation; they preserve the existing community and do not involve relocation of rural land occupants to remote areas without services. This strategy can therefore avert the challenges of urban expansion being faced in most rural areas of Zimbabwe. These programmes have been successful in Germany since 1902, in Japan (end of 19th Century) and in some African

countries such as Botswana, Senegal and Cameroon (Adam, 2014).

**Unification of the land administration institutional framework**

The research showed that the land administration institutions in rural areas of Zimbabwe are currently fragmented and as such acquisition of rural land for urban expansion is a great challenge. Guruve Rural District Council officials and the District Development coordinator expressed great concern with the fragmentation of



the institutions and suggested that harmonization of the institutions is the way to go. Under the current set-up, the Communal land is under the Ministry of Agriculture Water and Climate. Although communal land is usually under the jurisdiction of rural local authorities, when council want to acquire it they have to apply to the Minister of Local Government and Public Works who then makes an application to the Minister of Lands, Agriculture, Water and Climate. Traditional leaders are also custodians of the communal land and they have powers to administer it. The unification of all these institutions will ease the land acquisition process and thus promote urbanisation.

#### **Harmonisation of land administration legal framework**

The research also revealed that there is a multifarious of legal framework which speak to land administration and acquisition in rural areas of Zimbabwe. There is the Communal Land Act, the Traditional Leaders Act, the Rural District Councils Act, the Land Acquisition Act and the Regional Town and Country Planning Act. All these Acts refer to each other in their provision for administration, acquisition and compensation of rural land in the process of urban expansion. Thus most key informants pointed out that the harmonisation of these Acts will ease the land administration and acquisition process.

#### **Regularization**

This is another planning strategy suggested by many respondents especially in built up peri-urban areas. Respondents made reference to Epworth in Harare and Dema in Chitungwiza where peri-urban settlements were regularised into mainstream urban settlements and this process eased the hassles to expropriate and relocate the peri-urban settlers. Thus regularisation can be a viable planning strategy to enable urban expansion.

### **V. DISCUSSION OF FINDINGS**

The findings of this study have both confirmed the relevance of the existing knowledge and offered some new insights in relation to the study contexts. Firstly, contestation in acquisition of rural land for urban expansion is a real problem in the study area and in Zimbabwe in general. Most rural growth points and small urban settlements in Zimbabwe are facing challenges in expanding their boundaries as they are surrounded by communal rural land. The study has confirmed the relevance of the economic growth theory and the population growth theory. Guruve Growth Point is experiencing rapid population growth which is leading to the rise in demand for land for urban

expansion. Currently, the growth point is facing an unprecedented growth due to a strong local economy which is being supported by the existence of gold in the whole district and also some four kilometers close to Guruve Growth Point where Eureka Gold Mine is located. The mining activities have created a lot of local jobs. Moreover, the District is also supported by a strong agricultural base. It is one of the districts in Mashonaland Central province which has favourable conditions for tobacco and maize production and it is located in Agro-ecological Region 2A. These factors are pulling a huge population to Guruve Growth Point both within and outside the district and thus causing high demand for land for housing, social amenities, commercial activities and industrial activities. The only option available to satisfy the need for more land is to acquire the surrounding peri-urban land.

This study sought to examine the factors underlying the conflicts between local authorities and rural communities on issues regarding expansion of urban centres into rural land. The research revealed that there are several factors that cause the conflicts which include lack of alternative land to resettle the communal rural land occupants, delayed compensation, poor communication and non-involvement of the rural land occupants and lack of coordinated and comprehensive forward planning. A comparative analysis of these factors on a global/ regional context revealed that these issues are not unique to Zimbabwe. For instance studies indicate that in Ghana, Tanzania and most African countries as well as some developed countries such as China and United States of America, similar factors are also affecting urban expansion. In Ghana for instance, studies by Chigbu and Ansah (2010) brought out that lack of alternative land to resettle affected families, compensation issues and poor communication are causing resistance and affecting urban expansion by small urban centres such as the Trede District. The study also sought to examine the effects of the contestations between rural land occupants and Rural District Councils on socio-economic development. The study revealed that the conflicts are negatively affecting the operations of local authorities in many respects. Some of the effects are manifesting in the form of delayed or failure by some projects to take off, lack of investor confidence and disruption of the livelihoods of the rural land occupants as well as creating disharmony between local authorities and the rural communities. The worse part of these effects is the fact that some of them are not directly seen but they have long term implications, for instance, failure by

a growth points to attract critical service providers. The results of this study are characteristic of the challenges being faced in many developing countries such as Tanzania, Kenya and Botswana where infrastructure development is being affected by contestations. Recent studies in Tanzania, Ghana and Central Vietnam by Kombe (2010), Phuc et al (2015) and Chigbu and Ansah (2020) respectively prove the effects of contestations in acquisition of rural land to social and economic development as revealed by this research. What is worrisome to note is the fact that some of the small urban settlements in Zimbabwe like the study area have been reeling under the challenge of land acquisition for the past twenty years or more and there are no prospects of achieving growth any time soon. This is however against a backdrop of high rates of population growth and high demand for housing land. An informal housing land provision system has emanated in rural peri-urban areas and this is exerting a great challenge to urban centers both in trying to relocate the peri-urban dwellers and in providing infrastructure and services to

support the informal settlements. Moreover, the study also reviewed the legal framework which governs issues of land acquisition for urban expansion in Zimbabwe. The research revealed that the main legal instruments which govern land acquisition for urban expansion in Zimbabwe are the Constitution of Zimbabwe, the Land Acquisition Act, Communal Land Act, Rural District Councils Act, Urban Councils Act and the Regional Town and Country Planning Act. However, the researcher discovered that all these Acts do not clearly address the most contentious issues in acquisition of rural land for urban expansion, which are issues of compensation and rights issues to communal land occupants. As compared to legal provisions of some countries such as China and Rwanda as discussed in literature review, the legal framework of Zimbabwe is somehow weak. Table 4 gives a comparison of the Chinese land acquisition and compensation processes as contained in legal frameworks of these countries.

**Table 4: Comparison of Zimbabwe and China land acquisition process**

Zimbabwe	China
<p>A local authority makes an application to the Central government of its intention to acquire communal land and the application details the following;</p> <p>The intended use of the additional land description and site plan approved by the Provincial Planning Officer.</p> <p>a copy of full council meeting resolving the request for additional land</p> <p>Comments from the District Administrator and the Provincial Administrator.</p> <p>List of families to displaced by the development</p> <p>Proposed arrangement by the Council for resettlement and compensation of displaced families</p> <p>Minutes of meetings held with the traditional leaders over the excision.</p>	<p>Application by the acquiring authority to government seeking approval,</p> <p>Approval of the application after consideration of the value of the intended use versus its current use,</p> <p>Publication of requisition, presentation of certificates by land occupants to register for compensation,</p> <p>Assessment of the compensation by the acquiring body,</p> <p>Publication of the compensation plans by the acquiring body as a way of soliciting opinions and setting of the standard for compensation by the government.</p>

Source: (Asiama, 2015: p. 26)

As illustrated on table 4, the land acquisition and compensation in Zimbabwe gives the responsibility of determining compensation and resettlement modalities to the acquiring authority. There is also no provision for making the process transparent and participatory as compared to China

wherein it is a requirement that compensation issues are advertised and the affected families submit their compensation claims to the acquiring authority in a systematic and transparent manner. Thus is this one of the obscure areas of the Zimbabwe legal frameworks which makes land

acquisition for urban expansion difficult. In the same vein, the provisions in the Traditional Leaders Act which give traditional leaders some powers to administer communal land, which are also derived from the constitution of Zimbabwe are causing confusion in acquisition of land for urban expansion as they to some extent clash with the Communal Land Act in terms of vesting of powers for communal land management.

Lastly, this study also sought to investigate and recommend the planning strategies which can be adopted in order to promote proper growth of urban centres. Through questionnaires surveys and key informant interviews, this research brought out that inclusive and participatory strategies are needed to ensure smooth urban expansion. Research participants suggested measures which will see the rural land occupants being accommodated in the urban expansion rather than being expropriated. Planning strategies such as regularisation, land readjustment programs, automatic conversion of rural land to urban land and harmonisation and capacitation of land administration institutions are among the key strategies suggested by research participants. These strategies are not unique to this research and they have been implemented in other countries where they worked well. For instance, a recent study in Ethiopia by Adam (2014) brought out that land readjustment and regularisation are key strategies to ensuring proper growth of urban settlements

## VI. CONCLUSIONS

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

The study has revealed that the contestations in acquisition of rural land for urban expansion are rampant in Zimbabwe and are having negative effects to the growth and expansion of urban settlements. The effects resulting from these contestations are varied and are manifesting in various forms. For instance, this study has revealed that the contestations are hampering infrastructural

development in small urban centres, they are causing investors to shun away from investing in growth points, they leading to disruption of peri-urban dwellers livelihoods and they are creating social disharmony in communities. The worst case scenario is the eruption of the conflicts into physical violence and destruction of urban houses being constructed on conflicted land. Such has been the experience in the study area and the tension continues as the local authority requires more land for urban expansion.

The Land Acquisition Act and the Communal Land Act are the major Acts that provides for the acquisition of land for urban expansion. The Rural District Councils Act, the Regional Town and Country Planning Act, the Urban Councils Act and the Constitution of Zimbabwe also have sections on that slightly touches on land acquisition but they do not give enough detail and they make references to the Land Acquisition Act. All of the above cited Acts are not adequately addressing the issues of acquisition of rural land for urban expansion especially in terms of giving an emphasis on compensation and relocation of affected families. Compensation and relocation issues are central to the problem being faced by local authorities in trying to expand their boundaries but they are loosely covered in the Acts since they do not succinctly provide binding provisions on responsibilities of acquiring authorities. Thus the researcher recommends the revision of these Acts so that they accommodate compensation and relocation issues clearly.

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

## VII. RECOMMENDATIONS

The current contestations between local authorities and rural land occupants are detrimental and are affecting the growth and development of urban settlements. As already highlighted in

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

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

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

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

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

Harmonisation of land administration institutions such as local authorities, Ministry of Lands and village assemblies is another recommended strategy. This is against the backdrop of the research revealing that conflicting

and overlapping roles between these various institutions is another factor contributing to contestations in rural land acquisition.

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

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

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