

**UNDERSTANDING THE INTER-RELATIONSHIPS FOR THE  
CREATION OF A LOCAL LAND INFORMATION SYSTEM: THE  
ZIMBABWEAN LOCAL GOVERNMENT EXPERIENCE AT  
GROWTH POINTS.**

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By

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## PREFACE

Twenty years after independence, Zimbabwe is yet to produce a land policy document as well as one on land information management. Such documents could set the tone for the availability of timely, accurate and up to date knowledge of the land throughout the country. This in a way has affected those local authorities, which might have the resources to formulate their own local policies and systems, as these would have to fit into the national guidelines.

The policy of decentralisation that was adopted by the government of Zimbabwe is currently underway, and in principle, this is supposed to have given local authorities (governments) more responsibility and control of resources, including land. The tone for this was set by the then Prime Minister's Directive in 1984 which directed that the Five Year and Annual Development Plans were to be the product of planning at the village, ward and district levels. Six years later, in 1990, Mutizwa-Mangiza (1990), summarised the outcome, "...the production of annual plans is increasingly becoming a barren ritual, more demoralising with each new year, as very few of the proposed projects in any one year are implemented".

This dissertation traces and maps the interrelationships, including those set by the history of the country, which those seeking to make the experiences of local government easier ought to understand. One such possible effort is to create a local land information system that should make the land delivery process quicker and cheaper for local authorities, by improving the lateral and vertical flow of land information.



## **DISCLAIMER**

It should be noted that the views expressed in this dissertation are original, personal, derived from the author's experience of fifteen years as a Land Surveyor in Zimbabwe, personal interaction with people on a day to day basis and knowledge gained at the University of Natal in Durban, South Africa. The views expressed here are not meant to influence decisions at any center, institution or government departments mentioned by name or otherwise implied.

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Finally, I would like to thank my wife for the many years that she stood behind me in the surveying world on whose foundation this research is based. To my family (or what is left of it) and the staff at my office, I say thank you for the moral and financial support I got throughout this course.

## ABSTRACT

Zimbabwe is made up of eight provinces, fifty-seven districts and as many Rural District Councils. In each district there is at least one Growth Point although some may have up to two or more. A Growth Point is a 'town or City in the making' and is usually, but not necessarily the capital of a district. Rural District Councils, which form the local administrative authority and have administrative responsibility over the land that falls within their jurisdictions, are often located at these Growth Points. These local authorities liaise and interact closely with central government, which is made up of Ministries and Departments with different functions, which somehow hinge on the administration of the land. This makes the linkages and land information flows, based on land records crucial. The legacy of the history of separate development introduced and left systems of government, which are complex and hinder a free flow of information within central government and also between central and local governments. These linkages and interrelationships are mapped and traced with a view to streamlining information flows in order to eliminate or minimize flaws. While the efforts of decentralisation towards this goal are recognized, the shortcomings have been cited and the thesis makes some recommendations based on a research undertaken with the cooperation of Gokwe Rural District Council at Gokwe Growth Point. The thesis recommends strengthening the local capacity by assisting their efforts to computerise their records and eventually develop that into a fully integrated local Land Information System that should eventually be linked to the National System.

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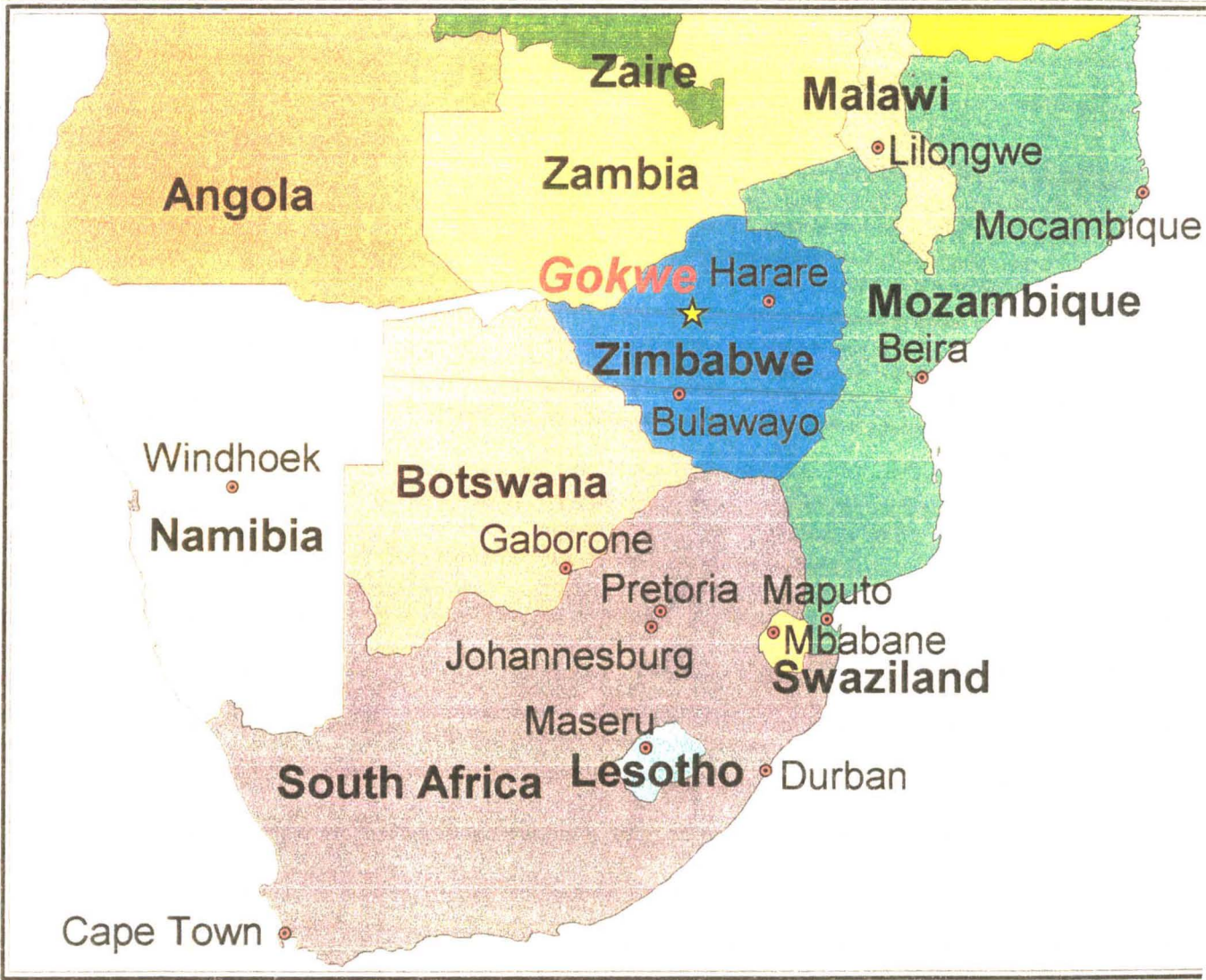
- A Sample questionnaire and Interview responses
- B Sample Zimbabwe Government Lease Agreement

## **GLOSSARY OF TERMS AND ABBREVIATIONS**

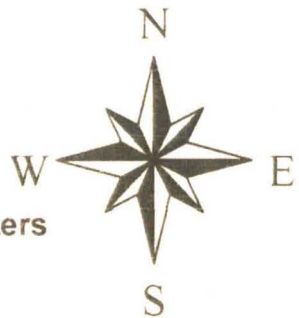
AGRITEX	Agricultural and Technical Extension Services
CA/L	Communal Area/Land
CAMPFIRE	Communal Area Management Program for Indigenous Resources
CSO	Central Statistics Office
CMB	Cotton marketing Board
DDC	District Development Committee
DDF	District Development Fund
DERUDE	Department of Rural Development
DNR	Department of Natural Resources
DPP	Department of Physical Planning
DSG	Department of the Surveyor General
ESAP	Economic Structural Adjustment Program
<i>et al</i>	And Others
FAO	Food and Agricultural Organization of the United Nations
GMB	Grain Marketing Board
Goz	Government of Zimbabwe
LIS	Land Information System
LTC	Land Tenure Commission
MOLA	Ministry of Lands and Agriculture
MLGNH	Ministry of Local Government and National Housing
NGO	Non-Governmental Organization
PDO	Provincial Development Committee

PPO	Provincial Planning Officer
RDC	Rural District Council
UNDP	United Nations Development Program
USAID	United States Agency for International Development
VIDCO	Village Development Committee
WADCO	Ward Development Committee
ZIMPREST	Zimbabwe Policy Reform, Economic and Social Transformation

# Location Map of Gokwe in Zimbabwe



700 0 700 1400 Kilometers





## **CHAPTER 1: INTRODUCTION: History and Background Information**

### **1.0 INTRODUCTION**

The colonial past influences land distribution in Zimbabwe, as it does in many other Southern African countries. For over a century, land distribution has been and still is, highly distorted. The birth of a new democratic Zimbabwe came about in 1980 after a protracted war of liberation, forced on the people of Zimbabwe by her colonial past. The issue of land distribution and access to it, which was formerly based on race, was one of the main reasons for the war.

However, the administration and management of land today is linked to this past, and manifests itself each time the present government tries to redress some of the imbalances created in those days or in adjusting some of the legislation which supported the colonial system and its tiers of government. Both local and central government levels existed then and continue today. The colonial era emphasized the racial divide while the post-independence era abolished all forms of racial discrimination. This is an appropriate historical fact that links the past and present administrative arrangements.

The history of land policy and the supporting legislation shall be discussed briefly so as to put into perspective the development of policies on land, and to explain some of the current attempts at redressing the imbalances created in the process. Also, the interrelationships between the central, local and various

government agencies and the complex web of administrative arrangements, which will be discussed in this thesis, can be traced to the history of the country and in particular, to the history of land policy dating from the nineteenth century.

From this history and as mentioned above, Zimbabwe inherited a two-tier system of government, local and central. This structure has devolved over time with the growth points now forming the administrative centers of local governance. The former District Councils have now been amalgamated with the former Rural Councils to form the Rural District Councils, thereby creating the basic local government structure. It is in this respect that this thesis will investigate the flow of information on land that is gathered at these centers under the administration of the local government agencies and how it is used in decision-making between and within these two levels of government.

The issues and problem statement that this thesis will address can better be understood within the context of this historical background. The administrative arrangements and the legal framework, which directly affect data collection and analysis, record keeping and information management, which form the basis of my problem statement, shall also be reviewed within this same context.

## **1.1 Historical background**

The present tenure arrangements are influenced by the land policies dating as far back as 1890 when various statutes were put in place to support colonial government policy. As noted by Rukuni *et al*, (1994), for more than a century,

land has arguably been the single most important political and economic issue for the nation of Zimbabwe. The history of the country has played a great part in shaping the manner, quantity and quality of land administration. This has been, in part, due either to government neglect, especially during the colonial days, or to the aspirations of government being supported by insufficient resources, as is the current situation (Rukuni *et al*, 1994).

The original settlers, through the British South Africa Company were interested in mining and the extraction of natural resources, and eventually turned to farming and the acquisition of farmland (Achim Blume, 1996). This changed the company's "focus of its economic strategy from mining to agriculture" (Rukuni *et al*, 1994). To acquire the required large tracts of farmland, the settlers had to displace the local population, through an Order in Council enacted by the British Government in 1898 (see Table 1.1 below). This order created the native reserves, which had the effect of forcing the local indigenous people out of their home areas to settle in the reserved areas, which only represented 22% of the country's land area (Achim Blume 1996).

Prior to 1898, this process of moving and resettling people was implemented sporadically and continued up to the point where it became necessary to support an unwritten land policy by legislation (see table 1.1). Although a comprehensive list of some of this legislation is shown on the table, it is notable that, in terms of their relevance to this thesis, some pieces of legislation stand out more prominently. It is notable also that they have a bearing either on the location, or



the administration of the Growth Points, which were initially located in the Communal Areas prior to independence and are still located there today.

Although it does not come out clearly from this table, one insidious effect of this land policy development was to develop a settlement hierarchy within the settlement pattern that set the communal areas in contention against the rest of the country. One would then have, a home, a village, a service or business center (with a shop or few shops), then a Growth Point and a town in that ascending order of importance and level of development. This hierarchy shall be dealt with in the section dealing with the development of the Growth point theory as it was applied in Zimbabwe.

From the table, it is also evident that by 1980 when Zimbabwe got her independence, there was a drastic shift in the policy on land as more emphasis was now placed on the redistribution of land. The enactment of the Communal Land Act in 1981 not only repealed the Tribal Trust Land Act (1979); it also transferred land allocation powers from traditional leaders to the District Councils (see table below) (Rukuni *et al* 1994). Statutory Instrument 379 of 1982, a part of the Regional, Town and Country Planning (Prescription of Controlled Development Centers) Notice, 1982, was gazetted, legally creating Growth Points (Zimbabwe Government Gazette, June 1982). These points, called Controlled Development Centers and comprising areas commonly known as business or service centers are the subjects of this thesis, and shall be discussed fully in chapters three and five that deal with the make up of government and the case study.

**Table 1.1 Zimbabwe: History of Land Policy, 1890-1990.**

YEAR	Land Act / Commission	Purpose	Result
1889	The Lippert Concession	White settlers to acquire land rights from native Zimbabweans	B.S.A.Co. buys concession and uses it as basis for land appropriation
1898	Native Reserves Order in Council	To create Native Reserves in the face of mass land appropriation by white settlers	Native Reserves created haphazardly in low potential areas and which subsequently become Communal Areas
1930	Land Apportionment Act	To separate by law, land between black and white	The high potential areas become white large scale privately owned farms
1951	Native Land Husbandry Act	To enforce private ownership of land, de-stocking and conservation practices on black smallholders	Mass resistance to legislation fuelling nationalistic politics. Law scrapped in 1961
1965	Tribal Trust Lands (TTL) Act	To change the name of Native Reserves and create trustees for the land	Because of population pressure TTL became degraded "homelands"
1969	Land Tenure Act (LTA)	To replace LAA of 1930 and finally divide the land 50% white and 50% black	Combined with the TTL Act Rhodesia had equivalent of apartheid
1981	Communal Lands Act	To change Tribal Trust Lands to Communal Areas	Change of land authority from traditional leaders to District Councils
1985	Land Acquisition Act	To give Government first right to purchase large scale farms for resettlement	Limited impact on resettlement Programme
1990	Land Acquisition Act	To acquire 5 million hectares of land for resettlement	Implementation under way

**SOURCE:** Rukuni, M (Chairman). 1994 Report of the Commission of Inquiry into Appropriate Agricultural Land Tenure Systems. Volumes 1-3. The Republic of Zimbabwe, Harare 1994



## **1.2 Background to the Problem Statement**

The historical background analysed earlier in this chapter pose challenges in that we now have to seek present day solutions to solve some of the problems created by this history. In the later parts, this chapter addresses the specific issues and problem statement raised in this thesis, but in this section, I shall examine first, the general picture, in order to appreciate some of the problems associated with Land Information Management in Zimbabwe. The argument over the benefits of the creation of a land information system in a jurisdiction improving the management and administration of land seems to have been rested. What could be disputed is the benefit to be derived by having this system at the local level as opposed to the central level of government.

It has been mentioned that there are two levels of government that need information from or about each other in order to make decisions that affect either level. This thesis contends that no matter the location, there are interrelationships that need to be understood in order to create an environment of trade in or exchange of information. It goes on to discuss the Zimbabwean experience of Growth Points by using the author's experiences combined with research conducted at some of these points, so as to address specific issues.

The horizontal and vertical linkages between various levels of government and the information flows associated with them will be discussed. The thesis therefore attempts to address questions that could be routinely asked about land at either level. Consider a situation where there is information on a piece of land

known at the local level, for example, the cadastral status or the state of infrastructure on or around a piece of land. One could ask how readily, accurately, quickly or currently is this information available and, can it be passed from or to the central government level by somebody making a decision on matters that affect this piece of land.

A good example could be an Investor who cannot travel to the center. Similarly, information on the same piece of land could be available at the central government level while a decision-maker is at the local level. In this thesis, not much attention shall be given to the flow of information within one level, say the local government level (horizontal flow), but rather much emphasis shall be put on the flow between central and local level (vertical flow), where it is envisaged most weaknesses or defects occur.

The thesis goes on to demonstrate and conclude that there are problems in the flow of information from the local level to the central level in the many tiers of government. This is more critical in the case of technical information in particular as this is often misunderstood or misconstrued by decision makers, with the result that wrong decisions are made. This is often misleading to both local and central governments. Conclusions will be drawn in chapter five where recommendations have also been suggested to deal with the situation through the use of modern methods based on the technological achievements of today.

### **1.2.1 Issues and Problem Statement**

The problems of land administration are not just linked to land allocation, but even more so to the process of putting up infrastructure on the land either prior to, or after, allocation. The main problem centers on record keeping and the flow of information about the land and the requisite record between the local administrators and the many Central Government Departments involved. This information could be technical, financial or legal in nature. This thesis is restricted to technical information based on cadastral data and the record relating to land transactions, first, at the local level, second, between the local level and central government and finally, at the trade in or exchange of this information between them and with other interested parties.

The thesis focuses on land administration and hence the emphasis is on the land parcel and the records pertaining to it. Since there are many players involved across the various department and at different levels, they each create and keep records pertaining to their area of interest. All this takes place within a spatial location, that is to say, the land parcel. There is therefore a need for either the Local Authority or Central Government to take full responsibility for the supply and quality of information. This information has to flow freely and punctually to those who need it in order for them to take vital decisions that affect their ability to manage and administer land.

I shall argue that the Local Authorities are better placed to collect and distribute this information. Central Government and the private sector, through business

relationships can lend valuable support to this effort by ensuring that the information so gathered is accurate and up to date. It is through this public sector and private sector partnership that the inter-relationships and linkages could be supported and strengthened for the benefit of all concerned.

To strengthen land information management as an option for addressing this situation, it is necessary to understand the inter-relationships and linkages that exists in the process of data collection, the legal and institutional arrangements. The option to be explored is that of establishing a land information system. This will evoke questions of ownership, maintenance and the updating of this information. The next set of problems, which will be beyond the scope of this thesis, is the need for experts and professional people to set up guidelines, rules and regulations and apply them to ensure that the system works for the benefit of all stakeholders.

It is noted that government has already identified this problem as an issue and has started making attempts to address it. The efforts that have been considered by the Government of Zimbabwe as part of an overall review include decentralization and capacity building at most local authorities. This has also created another form of inter-relationships, which though beyond the scope of this research, are worth noting.



### **1.3 The legal framework and linkages**

It is clear therefore (table 1.1) that there was a history of legal support systems that were put in place to legalize the massive land acquisition. It is also evident that there were already linkages and interrelationships between these pieces of legislation. The legal framework, with regard to planning and in fact most technical aspects of the land administration and management are an extension of this colonial past. The role of the legal framework has been extended to our present situation where the current statutes deal with the ownership and transfer of rights in land, including land at the Growth Points. A detailed discussion of each of these pieces of legislation is beyond the scope of this thesis but overview will serve to emphasize the issue of inter-relationships and linkages that exist within the legal framework. A great deal of this framework obtains within my case study, and hence it becomes imperative to review some literature.

Planning (urban, rural and regional) takes place within the context of certain administrative arrangements (Wekwete 1989). Wekwete goes on to argue that in most former colonial developing nations, planning laws have largely been borrowed or transferred from the experiences of the former “mother countries” (1989). I note that in Zimbabwe today, most planning and administration laws are either an extension of, an amalgamation or modification of the colonial laws, for example, of the list on table 1.2, only the Zimbabwe National Water Authority and the Agricultural Land Settlement Act were created after independence in 1980.



Nowhere is this more evident than in the creation and administration of the Growth Points themselves. Although this shall be discussed later, it is important to record the historical fact that the Growth Point theory was adapted and started during the colonial days (see map on the distribution of Growth Points prior to 1980). The current Rural District Councils, which are the administrative authorities, and the attendant statutes, came about as a result of the amalgamation of the Rural Councils (formerly for whites) and the District Councils (formerly for the blacks). This was achieved through the Rural District Councils Act of 1988. At this stage, suffice it to say that urban councils, which comprise Town Councils, City Councils and Municipalities, are controlled by the Urban Councils Act and this subject is dealt with in chapter three.

The title of my thesis makes reference to understanding inter-relationships. These relationships are many and are certainly tied together or linked by the history and cemented by the statutes. Apart from these Local Government Acts, there are other statutes that govern land use planning, such as the Planning Act as pointed out above, and other agencies like the Registrar of Deeds and the Surveyor General whose authorities and statutory responsibilities hinge on land administration. An example of these important linkages was pointed out by Wekwete (1989), who cited section 160 of the Urban Councils Act which gives power to the local authorities for estate development, that is, authority to lay out and service land for residential, commercial and industrial purposes.

**Table 1.2 List of Current Statute Affecting Dealings in Land in Zimbabwe as at 1999**

STATUTE	LATEST REVISION	REFERENCE CHAPTER
Administration of Estates Act	1996	Chapter 6:01
Administrative Court Act	1996	Chapter 7:01
Agricultural Development Authority Act	1996	Chapter 100
Agricultural Land Settlement Act	1996	Chapter 20:01
Alienated Land (Information) Act	1996	Chapter 20:02
Chiefs and Headman Act	1996	Chapter 29:01
Communal Land Act	1996	Chapter 20:04
Communal Land Forest Produce Act	1996	Chapter 19:04
Constitution of Zimbabwe	1996	
Customary Law and Local Courts Act	1996	Chapter 7:05
Deeds Registries Act	1996	Chapter 20:05
High Court Act	1996	Chapter 7:06
Land Acquisition Act	1996	Chapter 20:10
Land Occupation Conditions Act	1996	Chapter 20:06
Land Survey Act	1996	Chapter 20:12
Lands Act	1996	Chapter 20:12
Magistrate Court Act	1996	Chapter 7:10
Mines and Minerals Act	1996	Chapter 21:05
Natural Resources Act	1996	Chapter 20:13
Parks and Wild Life Act	1996	Chapter 20:14
Provincial Councils and Administration Act	1996	Chapter 29:11
Regional Town and Country Planning Act	1996	Chapter 29:12
Rural District Councils Act	1996	Chapter 29:13
Rural Land Act	1996	Chapter 20:10
Settled Estates Leasing Act	1996	Chapter 20:11
Supreme Court Act	1996	Chapter 7:13
Titles Registration and Derelict lands Act	1996	Chapter 20:12
Urban Councils Act	1996	Chapter 29:15
Water Act	1996	Chapter 20:13
Zimbabwe National Water Authority Act	1996	

**Source: Adapted from the National Land Policy Framework Paper (Government of Zimbabwe: 1998)**

## 1.4 Land Tenure System

As a result of the historical development of acquisition and dispossession of land, the new government of Zimbabwe inherited a land tenure system that was also skewed and not uniform. The system varied from no registers of people's interests in land and hence no title at all in the communal areas, to legitimate freehold title on land covering about 40% of the country (USAID, 1995; 5). The tenure arrangements are therefore influenced, or in certain instances, determined by the history of the country.

According to the Report of the Commission of Inquiry into Appropriate Agricultural Land Tenure (Rukuni et al, 1994), Zimbabwe has four tenure systems, namely Communal, Resettlement Permit, Leasehold and Freehold title. Communal Area tenure is practised in all former native reserves and has two distinct components, that is, one comprising arable and residential land and another comprising grazing land, forests and other land related resources. One of the disadvantages of this tenure system, which was also identified by the Commission, and has a bearing on Growth Points, is that private credit institutions do not accept communal land as a form of collateral security.

It is within this tenure system that Growth Points are carved out. Another important fact with regard to communal tenure today, is that the Communal land tenure system is a result of an evolution (including various interventions by successive governments) of the original traditional, customary land tenure system that existed in the pre-colonial days (Rukuni *et al* 1994,21).



Leasehold and Resettlement Permits could be grouped together in that they are both created out of State land. Resettlement land is created through resettlement schemes where the government buys land, usually from the large scale commercial farming sector and puts it up to resettle the land-less or people from the overcrowded communal lands. By design of the schemes, which vary from region to region (agro-ecological regions) the new inhabitants are issued with permits to reside, till the land and tend their livestock. Usually the rights of these settlers are set out as part of the conditions on the permits. Debate is currently going on about village certificates of title, which could be applied to the resettlement areas and eventually, to include the communal areas as well.

Freehold title is conferred by the state, in the first instance, through a deed of grant. This is usually after a land user leases land for a certain period during which certain levels of investment and production are required before a title deed is awarded (Rukuni et al 1994, 17). From this stage, title can be transferred from one landowner to the other without further reference to the state. This system of tenure is practiced in all urban centers, large-scale commercial farms and the small-scale commercial farms. Like urban centers, Growth Points enjoy freehold and leasehold title. This comes about as a result of the promulgation that have the effect of excising these points out of communal land and transforming them into freehold title areas.



## **1.5 Agencies Involved**

It is important to mention that apart from the organs of central and local governments, there are other agencies and departments that fall into this triangle of inter-relationships in the administration and management of land. These agencies ensure that the land delivery process is done in a manner that supports development activities throughout the country, including the Growth Points. Some of them, as mentioned in the earlier sections, are also mandated with the collection and storage of information about land, including small and large-scale mapping. These include the Departments of Physical Planning; the Department of the Surveyor General the Registrar of Deeds; the Department of National Parks and Wild Life Management; and the Forestry Commission.

The Director of Physical Planning is charged with the administration of the Regional, Town and Country Planning Act. This is the Act under which the Growth Points are created. The Director of Physical Planning is not only responsible for the identification of potential Growth Points, he is also responsible for the development of layout plans, land use plans and infrastructure development at these centers. The relationship between this Department, the local authority and the parent Ministry of Local Government and National Housing, including its coordinating capacity, is crucial to the success or failure of many land use plans. Suffice it to say at this stage that this role hinges on information and its free flow in either direction.

The Departments of the Surveyor General and the office of the Registrar of Deeds are fundamental to the registration of title and to the collection and storage of information on land. Because of their strategic mandate, it was therefore important to recognize their role and inter-relationships with other agencies at this stage; otherwise their functions will be discussed in detail together with the Cadastre. I shall argue that the Cadastre and cadastral survey form the basic layer of the land information management systems at the Growth Points.

It is also important at this stage to mention that both the Department of the Surveyor General and the Registrar of deeds have been going through very severe financial and manpower shortages. As noted by USAID during a review of the two departments, while both continue to operate, they can no longer adequately meet either present or future demands on their services. Although the system of title registration and cadastral survey is secure and stable, it may not be sustainable, as it is slow, time consuming, expensive and complex.

It is the author's observation that the system is not applicable across the whole country, and the debate whether or not to extend the system to the resettlement and communal areas still rages on. Until recently, resettlement areas have tended to be an extension of the communal areas. Mention should also be made here of the fact that the Leasehold Permits mentioned earlier in the resettlement areas may not be registered as title registration with the Registrar of Deeds, thus making them purely an administrative arrangement between the lessee and the lessor. The Minister makes most of these administrative arrangements at central

government level, responsible, on behalf of the local authority, or in my case study, the Growth Points.

It is noted that while the leases are compiled and drawn up by the Minister at central government level, lessor selection and land allocation is done at the local government level, that is, at the Growth Point. In fulfilling this function, each of the two level of government depends on the other for the requisite information. The flow of such information is discussed fully in the case study. At this stage it is important to look at some of the administrative arrangements that affect the flow of information.

## **1.6 Administrative Structure**

Although the issues of administration will be dealt with in greater detail in the section that covers governance and administrative arrangements, it is important to give some background information. The country is made up of eight administrative provinces, and fifty-seven Rural District Councils, which came about as a result of the amalgamation of the Rural Councils (formally for white people) and the District Councils (formally for black people). In each district, there is at least one Growth Point although some districts may have two or more. According to the Department of Physical Planning and based on their map (Service Centers in Zimbabwe) showing the distribution of rural service centers, district service centers and Growth Points, there is a total of sixty-four Growth Points in Zimbabwe. While there is no dictionary meaning of Growth Point, it remains a Zimbabwean synonym implying a point that starts and grows.



A Growth Point is a 'town or city in the making'. In each case the Growth Point is usually, but not necessarily the capital of a district. Rural District Councils, which form the local Administrative Authority, are often located at these Growth Points. Each Rural District Council has administrative responsibilities over the land that falls within its jurisdiction. Most of these responsibilities are set out in the Urban and Rural District Councils Act (1988) and other relevant statutes. In performing their functions there is lateral interaction and close liaison with Central Government, creating another set of inter-relationships that form the subject of my interest.

Central Government is made up of Ministries and Departments with different functions, many of which affect the administration of land, and land dealings at the local level. A ministry may have many departments that administer related but functionally different tasks. For example, many ministries would have departments that deal with finance, administration and technical matters. Other examples are the Surveyor General's Department, which is responsible for all surveys on state land within the Ministry of Lands and Agriculture and the Registrar of Deeds, which is charged with the registration of all rights and title to land within the Ministry of Legal and Parliamentary Affairs.

A land parcel can be the responsibility of a number of administrative authorities, which themselves may not know the limitations of the other authorities concerned. The linkages and land information flows are therefore critical. Since most records pertain to activities on land, the land record, together with the land information flows related to the record, especially at the local level, is crucial and



hence the subject focus in this thesis. The administrative structure of the country will be further elaborated later (Chapter two) as well as the institutional and information linkages (see also chapter three).

## **1.7 Hypothesis and Lines of Argument**

In my argument I shall contend that there are land information flows between central and local government, which are a historical legacy. These flows lead to ineffectiveness and inefficiencies by decision-makers and users of information both at the local level and at the central government levels. Exchange of information also takes place among and between ordinary people, the private sector, a number of government agencies and local governments, especially technical information relating to land that is under the administration of the local authorities. This research therefore intends to trace and map the relationships and linkages that exist among and between these role players with a view to streamlining the flaws.

My lines of argument and contention as outlined above and expanded in the methodology given below are subjected to the test through the case study. The case study should also be in a position to demonstrate the inefficiencies and ineffectiveness alluded to here. Presently, the existing situation has no symmetry of information in that vital information on land parcels is fragmented and disjointed through many agencies involved in the collection, analysis and storage.

Approaches to coordinating these will be explored, with a land information system being considered at the local level as one of the options. One of the arguments that take into account the economic circumstances and the non-computerised environment within which most role players are acting at the moment is that the system does not necessarily have to be computerised at the beginning. The case study (see chapter five) exposes the practical situation at the Growth Points and I shall use the results from the study to make recommendation that should improve the flow of, and access to information by those who need it.

## **1.8 Research Methodology**

The research method has made use of a number of approaches in gathering information and spreads over twenty percent of all the Growth points in the country. The study puts together and makes use of experiences gathered during ten years of the author's practice as a Land Surveyor in Zimbabwe. The author, who is a registered or professional land surveyor in Zimbabwe, has worked extensively in these Growth Points and also as a Consultant with the departments of the Surveyor General, the Department of Physical Planning and the Registrar of Deeds. Although this thesis had not yet been conceptualized at that stage, the method and plan to incorporate such information has been put together and has been based on observation, participation and interviews with key personnel working in the system. This is a combination of participant observation, structured interviews and key informant interviews as envisaged by Peltó (1970, 226).

The first time that the Author was involved in the title survey of a Growth Point was in December 1984 during the survey of Murombedzi. To date, the author has surveyed up to ten such points across the country. Gokwe and Gutu-Mupandawana, each with over ten thousand land units, have been the biggest projects, while Manama, with less than one thousand land units has been the smallest.

During title survey and in terms of the Land Survey Act, the surveyor is expected to inform, consult and liaise with the local people and local authorities upon entry on the land within their jurisdiction in order to carry out survey (Land Survey Act Chapter 20:12). In fulfilling this requirement the author thus had extensive discussions with local people, local politicians, local administrators, central government officials and also with the Departments of the Surveyor General and that of Physical Planning. In this way, information was gathered informally and later on verified during both the structured and key informant interviews.

The degree of the author's participation with locals, local government officials and central government officials was that of a link person. In this position, I was no stranger as I could exchange my information about land, and collect it on the impact, especially at the local level of the fragmented and centralized government information structure. Good examples here were, survey and title information that could only be found in Bulawayo, allocation records which were being processed in Harare while land use planning water reticulation was being done in Gweru. In this way, I did not have to deal with the problems of gaining acceptance by the locals as mentioned by Pelto (1970, page 222). In chapter four, I shall



demonstrate, based on this experience and the case study, that a localized land information system could serve these groups more quickly and more efficiently.

Structured interviews were also conducted with role players, the local people, local political leaders, and government officials both at the local level at the Growth Points and at the central government level. It was frustrating that most government officials, officers and key informants, for various and different reasons, did not want their names and in some cases even their positions mentioned or acknowledged in this research. For uniformity, it was decided not to publish the names of those who had agreed to such listing, as it would introduce an element of bias. I had hoped that this way, the extent and level of consultation would come out clearly, but suffice it to say that most decision-makers and role players were consulted as indicated in the case study.

## **1.9 Conclusion**

This chapter has covered the history and background information for the country and government policies relating to land and its administration and management. Issues and administrative arrangements that have been passed on from historical times to the modern state of Zimbabwe have also been introduced, especially the social and legal framework governing the distribution of land. An attempt has also been made to show the past and present linkages between the tenure arrangements, in particular the land ownership and transfer at the Growth Points, which are also, enlarged upon in chapters three and four.



I have also identified the major focus of this study to be the understanding of inter-relationships, linkages and flow of information among government organs at the local level and between these levels and central governments. This, as shown in my methodology will be the problem that my thesis will address; from which it will draw conclusions; and provide possible solutions which will be recommended in chapter five.

It is also hoped that this research should document some of the problems inherited from the past and use the results to make access to land a less painful experience. While the tenure system seems easy and straightforward, the practical realities and the day-to-day administration of the land, coupled with the poor availability and flow of information still makes the management of land a difficult task. An improved and decentralised data collection should thus produce up-to-date information, which would inform not only the decision-makers in the long chain of government department and ministries but also those seeking to use the information provided.

## **CHAPTER 2: LAND, LAND RECORDS, THE CADASTRE AND LAND REGISTRATION**

### **2.0 Introduction**

Having dealt with an overview of the history and background information and also touched on the linkages and role players, in the previous chapter, this chapter discusses the land, land records, the cadastre, land registration and other related concepts. Such concepts, which are discussed in detail later on in this chapter, trace the progression from data through records to information. A review of the literature shows that over the years, records on land and transactions in land have been developed.

Records play a very critical role in land information management, either in their collection, updating or simply in filing as a permanent record. The record on land is the focus in this chapter and I recognise that the land record is just as important as the land itself. I shall describe in this chapter, the relationship of man and land and show why it is imperative that the record on land be given priority as it forms the basis of land administration, management and land registration.

Using the case study in chapter four, I shall argue that a variety of other records, for example, census, rainfall and geology are linked to the record on land and that this forms the link for most records. Good examples include the records that are linked to taxation, property ownership and infrastructure, which are all described with reference to a land

parcel number. I therefore begin this chapter by reviewing how land is viewed from different perspectives.

In this thesis and in particular, my case study, I shall focus on two types of records, one captured for administrative purposes and one captured for registration purposes. After mapping the linkages and inter-relationships, I shall argue that both records be incorporated in the formation of a land information system, starting off with the cadastral record as a base. The records required in drawing up a lease agreement and those required for land registration are good examples. The section discussed later in this chapter under land registration shall only deal with formal title registration and the requisite records required for the purposes.

Apart from the cadastral record, there are also many other forms of land records, which are of interest to this thesis as they contribute in understanding the inter-relationships and linkages through records and information. For this reason, this chapter will also briefly review the government and non-governmental organisations that gather or keep land records on or around the Growth Points, or as specified earlier, areas within the jurisdiction of the Rural District Councils. This also forms a prelude to my argument that all these records should be kept at the local level for ease of access, maintenance and updating.

My argument focuses on the establishment of a local land information system due to the attendant problems that go with a national land information system. The case study,

discussed in chapter four, shall deal with some of these problems as they affect land dealings at Gokwe and demonstrate Zimbabwe's experience at Growth Points. The description of the other agencies involved in information in the country will show that the Growth Points would form good centres of correlation in this situation where a myriad of inter-relationships and linkages exists.

## **2.1 Land and Human Perspective**

Land is the subject of both the record and registration and indeed the information and institutional linkages, which are the focus of this research. It is therefore important, not just to give a definition of land but to understand why it is such a unique commodity. People and indeed countries and nations have gone to war over land and this alone emphasises its importance to mankind. Land means different things to different people depending on the use and activities that these people carry out on the land or perhaps perceptions that a particular group of people may have about the land. As mentioned earlier on in this thesis, I argue that the importance of the land record and attitudes to it is linked to the perceived importance of land.

Dale and McLaughlin sum up their definition of land as the foundation of all forms of human activity (1988,1). They also examine land from another perspective when they argue that land management involves the making of fundamental policy decisions about the nature and extent of investment in land (1988,4). Simpson (1976) also states that land cannot be possessed in the same manner as something that can be handled and moved about,



it is everlasting, it cannot be increased or decreased and land cannot be destroyed as all other forms of wealth. Larsson views land as, being in one way or another the basic source of most material wealth (1991, 1)

Acknowledging the fact that land has many different meanings to different people, and referring to the experiences of the people of Papua New Guinea, Iatau (1997) gives the definition a different angle. She presents her interpretation of land from the perspective of people from the developing countries “particularly in tribal societies” where she argues that here land means life and the very essence of living. Referring to land as a common resource, in communal tenure situations in South Africa, Small identifies among others, the right to use and collect natural resources like wood, and thatching grass (Small, 1997, 50).

In Zimbabwe, the Commission of Enquiry into Appropriate Agricultural Land Tenure Systems summarised its findings by noting that Zimbabweans were seriously concerned about the land issue. The reason for this was, “because land is a finite resource, and when utilised more efficiently, is a key factor for overall development, economic growth, employment creation and the betterment of the majority of the society” (Rukuni *et al*, 1994, 1).

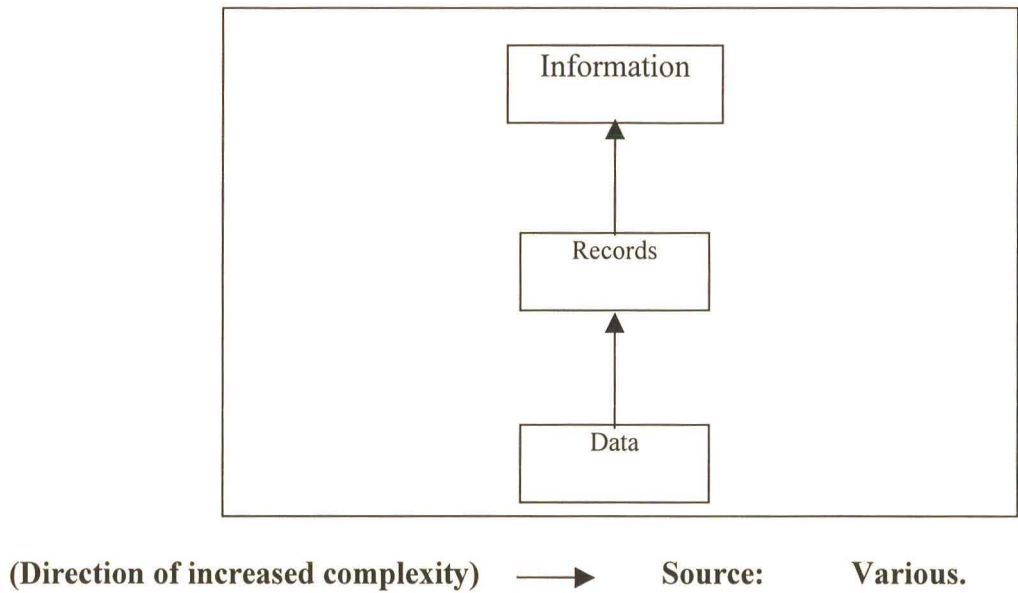
Considering the fore-going and also in my case study, I will therefore argue that it is for these and probably other reasons, that the ownership or interests in such a commodity should be reflected on a record, and an accurate one, which should ideally, be everlasting. This would not be an unusual phenomenon as ownership or interest in land as well as

individual and group rights, all over the world, has been recorded and documented (Dale and MCLaughlin, 1988, 19). I note that in each case, whether we are talking about ownership, entitlement or rights to the land, the land record forms the basis of such documentation. I am in this respect also arguing that the land record forms an integral part of this importance of the land, and requires careful attention by any jurisdiction that is charged with the administration and management of land, including the Growth Points.

**2.2 Data, Record and Information**

In their daily usage, the words record, data and information are often used interchangeably. This misconception occurs throughout most levels of government including local government levels at the Growth Points. However, for technocrats, particularly in the geo-information world, the meaning is clear and falls in the hierarchy depicted in figure 2.1 below.

**Figure 2.1: Hierarchical Relationship of Data, Record and Information.**



Dale and McLaughlin (1988, 160) also amplified this relationship when they noted that data are gathered and assembled into records and files, thereby becoming the raw materials from which every land information system is built.

Since this research does not go as far as creating a land information system, a detailed and technical discussion of these terms will be beyond the scope of the current exercise, but a synopsis of their meanings will be discussed to give a better understanding of their usage in this thesis. For this reason, the descriptions given here intend to accommodate the ordinary users at the Growth Points.

### **2.2.1 Data**

The Concise Oxford Dictionary gives one of the definitions of data as a fixed starting point of scale and further implies that data is either known or granted. Terry Lucey describes data as the term for collecting facts and figures, facts obtained by reading, observation, counting, measuring and weighing which are then recorded (Lucey, 1997, 4, 13). However, looking at the term in a different way, Weiss prefers to describe some possible sources of data as interviews, questionnaires, observations, institutional records, government statistics, diary records and documents (Weiss, 1972, 53).

Chilufya, (2000, 11) describes data as representation of facts, concepts or instructions in a formalised manner suitable for communication, interpretation or processing and also agrees with Lucey that items of data could include numbers, characters, text, images and spatial configurations. He further brings this definition closer to what obtains at the

Growth Points, as shall be seen in my case study when he refers to " anything that can be measured, recorded and to which it is possible to attach meaning can therefore be considered as data."

I am arguing, using the hierarchical order shown in figure 2.1, that data, after further processing and analysis progresses to be a record. My case study will further show that most data gathered at the Growth Points end up being records that are filed locally or are passed over for processing by other central government departments and other stakeholders. Some data may not end up being information, but its flow remains crucial as shall be shown in my case study.

### **2.2.2 Record**

Chilufya, (2000,11) describes a record as a collection of data that describes a particular object. As shown in section 2.2.1 above, Dale and McLaughlin have defined a record as an assembly of data (1988, 160). In a way, the interchange of data and record may be understood as they both form the basis of information. However, the hierarchical order given in figure 2.1 above still stands out when one considers the fact that Agronomists, Surveyors, Planners, Administrators and Land Managers, all keep records, which constitute a lot of data on or about land. I am arguing therefore, that the progression from data to record is almost natural.

A close look at the many functions and players in the gathering and dissemination of information gives a better understanding. The principal areas that are relevant to my



study are those of land use planning, land survey, land registration, land allocation and administration in general. Of these functions all but allocation and administration are shared between the public and private sectors. Many government departments and agencies maintain records and data that could be useful in the creation of a land information system that is envisaged in this research.

My experience as a Land Surveyor has shown that a lot of exchange and hence flow of data and records takes place among and between users, even within the different levels of government. As shall be seen in section 2.2.3, the desirable end result is information. I am therefore arguing that data and records on their own, may not be useful to all stakeholders if it has not been processed into information. Before zeroing in on my area of interest, that is, land information, it is important to understand the meaning of the word in particular, the progression from data to record and finally to information as implied in the sections above.

### **2.2.3 Information**

There are many definitions for information, but from the section dealing with data and records, one can link this with the progression towards information. Lucey looks at data and records as facts that are stored, analysed, compared, calculated and generally worked to produce messages in the form required by the user and this is then termed information (Lucey, 1997, 4). I shall put this definition in perspective and in relation to my argument about the flow of information. It is therefore important that the message that is implied

here (that is information in my argument) is relevant and accurate, both at the local level and at the central government level. In this way it will to be useful in decision-making.

Nichols (1993, 5) also describes information as data that has been processed and conveys a meaning or significance to a user. She also visits the interchange in the use of the words referred to earlier by cautioning (1993, 5), "...what is information to one person, however, may be data to another." Looking at information beyond data and record, Dale and McLaughlin (1988, 170) define information as a basic resource that can be possessed, accessed, wasted, marketed or given away. The implication of this definition is that this information will have to flow in one direction or another.

Information about land or land information shall be discussed later in section 2.6 but should be understood in the context of this definition of information. As outlined in section 2.2.4 below, there are many activities on the land that generate information that eventually forms part of a land information system.

#### **2.2.4 Information generating Activities**

It is difficult to list, let alone to quantify activities that generate data, records and information that eventually flows among and between ordinary people, the private sector, local authorities and central government agencies. In chapter three, a list of some identified activities that have a bearing in the case study shall be given, but it is also important here to give a synopsis of the general picture.

The situation that obtains on the fringes of big cities is well documented. While most of the Growth Points are not necessarily on the fringes, some of them are, and Chitungwiza, one of the examples in my case study is about thirty kilometres out of Harare. The rest of these centres position themselves between urban and rural areas in many respects. Data collection and the role of information are therefore crucial for these linkages to be beneficial to the stakeholders.

As envisaged (see chapter three on creation of Growth Points), one of the benefits has been a creation of economic activity within most of these centres. In the situation of most Growth Points, one of the major activities has been the trade in land. Economic activity has also brought about increases in transportation, in communication, information technology and financial services. In each case, these activities will be better quantified in terms of data, records and information that is gathered, processed and shared among the players in order to improve services and communication.

The institutions that have had to respond to these pressures at Growth Points have been the local authorities in the first instance and then central government and its various organs. Often, when the pressure has been too hard to bear, both have resorted to involve the private sector and non-governmental organisations, particularly in land delivery, housing and social pressures.

In concluding this section, it is noteworthy that the process of gathering data and processing it into information is in itself a catalyst for bringing the local authorities, central governments and the private sector together. As Lucey pointed out, the process of gathering data brings about costs while on the other hand, information, which is properly communicated and acted upon, adds value (Lucey 1997, 4)

### **2.3 Land Identification**

It is important to be in a position to identify any piece of land without ambiguity, especially in a situation where there are many role-players whose varying interests converge on the land. The ability to spatially locate activities in relation to a point and place over land is noted. The government agencies responsible for the collection and storage of data, land records and information on land have already been introduced in the historical section and form an important link in land identification and information dissemination.

Their roles in this regard shall also be reviewed in relation to the roles they play in my case study, which shall be discussed in chapter four. Chapter three will outline the statutory functions of some of these agencies in relation to data collection; land registration, cadastral and other sets of information on land. One of the functions of the Councils in the day to day running of the Growth points, as stipulated in the Rural District Councils Act (1988), is to record all transactions and ownership of land. Recording in the sense may imply the simple routine tasks like noting in a register the



details of a person interested in a piece of land. Unique identification of these parcels thus becomes crucial.

Once there is a unique parcel identifier, this has to be kept on record for future reference or any dealings or activity in, or on, that piece of land. The concept of unique identification is even more crucial in a database environment where, according to Chilufya (2000, 11), it is the key, which identifies the object stored and a variety of accompanying attribute data items that describe the object. The need for unique land identification has been well documented and recommended in many parts of the world, for example, in continental Europe, where, as noted by Larsson (1991,15) the parcel is used as the basic unit for land records. The UN Ad Hoc Group of Experts on Cadastral Surveying and Land Information Systems (1985) also implies this unique identifier as quoted by Larsson (1991,15), who talk of an area of land whose separate identity may be defined.

This is the general guideline that has been followed in land identification in Zimbabwe and at the Growth Points. Throughout Zimbabwe, the plot number, commonly called the stand number has been adopted as this unique identifier. In cases where the number has not yet been assigned, the plot is temporarily identified by the name of the prospective owner or applicant. Based on the foregoing, I am therefore arguing that land identification plays a crucial role in the creation of a land information system.

It is noted and shall be seen later in chapter three that stand numbering or the allocation of this unique identifier is done by both the Departments of the Surveyor General and that

of Physical Planning. Naturally, the close liaison that is necessary in this exercise results in the flow of information and those requiring using the numbers. The attendant problems will become clearer in chapter three, which will show that the two departments have semiautonomous regional offices with information sets that are not integrated.

Land identification is closely linked to the Cadastre and to land registration. From a study of the registration systems of many countries, including South Africa and Zimbabwe, it is clear that one way of capturing, storing, value adding and updating of land records is cadastral surveying. Many leading scholars and experts (Dale and McLaughlin, 1988, 25,) (Williamson, 1994) (Ezighalike, 1996) agree that the Cadastre, in its multipurpose sense, forms a good base for land registration and hence land information systems. I am arguing, based on my understanding and definition of a unique identifier, that this position assumes an unambiguous identification of the respective land parcels.

However while Fourie and Nino-Fluck (1999), do not dispute this fact, they add that Land Information Systems should be developed in such a way that they accommodate both cadastral and non-cadastral data. It is therefore crucial to discuss the cadastre in the wider sense and also as understood in the Zimbabwean context, in particular at the Growth Points. That is to say, at the Growth Points, there might be some data, record or information that could be captured for other administrative purposes including revenue collection or resource allocation, which could all, be geo-referenced.

## 2.4 The Cadastre

The international principles that govern the Cadastre all over the world are equally applied in Zimbabwe albeit with modification. The definition of the word 'Cadastre' is often traced to its history, from the language and history of both the French, the Greeks and also to the Latin language by a number of authors, (Larsson 1991,13), to the settlements along the Tigris, Euphrates, and Nile Rivers, (Dale and McLaughlin 1988,46). The International Federation of Surveyors (FIG, 1995) defines the Cadastre as a parcel based and up to date land information system containing a record of interests in land (e.g. rights, restrictions and responsibilities).

Based on the literature review, I shall argue that in many countries, the Cadastre or Cadastral systems have always been the pillars supporting land registration, as they provide the basic information that make up a land record which can be developed further into a land registration data bank. It is also well documented that the Cadastre has been used in many countries for different purposes. As pointed out in these documents or by other Scholars, these range from taxation, conveyancing, the state wishing to make an inventory of the national land resources for fiscal purposes, and to an individual or occupier of land wishing to conduct his land transactions safely, cheaply and quickly (FIG statement on the Cadastre, 1995), (Dale and McLaughlin, 1988, 46), (Larsson, 1991, 16).

I have observed as a participant in some of the schemes that in Zimbabwe, nationally and also at the Growth Points, cadastral surveying has been used to demarcate land holdings as a



means of land delivery. The case study will also show the pivotal role played by the demarcated land parcels in the administration of land at the Growth Points.

#### **2.4.1 Cadastral Surveying**

Cadastral survey and deed registration has been going on in Zimbabwe since 1890 and evolved as a derivative of the South African system (USAID, 1995). This is also evident from the history section discussed earlier on in chapter one. The Surveyor General, is accountable and responsible for the correctness, accuracy and filing of all cadastral survey records in Zimbabwe (Land Survey Act chapter 20:12). Cadastral survey records that are produced nationally, are maintained and updated by the Surveyor General and provide vital information on the property boundaries with many uses by different end users.

I shall argue that the functions of a cadastral survey in Zimbabwe and at the Growth Points is to define land parcels or pieces of land, which, in my argument, constitute the units of the land record. For clarity, in this thesis, I shall refer to the cadastral record on land as the formal and other forms of records as non-formal. These would include for example, land allocation records, water and energy consumption records whose reference frame is often both the prospective owner and the land parcel.

The formal land record, as opposed to the non-formal, in this thesis therefore refers to the Cadastral information as well as any other information captured by the local administration office for the sake of managing land and its resources at the Growth Point. I shall therefore



limit my discussion in this thesis to cadastral records as well as administrative land record, which, in my argument, forms the basis of a local land information system.

## **2.5 Land Registration**

This section is intended to link the land, formal land record as defined earlier and cadastral surveying whose outcome is often land registration. In Zimbabwe, land registration is important both for the Growth Points and the country as a whole since "...no land transaction can occur without being registered under the parcel to which it relates, ...registration acts as a warranty of title to the person registered as the owner and bars any adverse claims against it" (USAID, 1995, 5,6). The result of this registration is a public register of property ownership which is maintained by the Registrar of Deeds in terms of the Deeds Registries Act (Chapter 20:05).

Ezigbalike (1996) looks at land registration in rural Africa as an information system which should "support planning and management, and to assure the holders and users of land that their rights will not be arbitrarily revoked or diminished by various levels of government, national or traditional, without due transparent processes." He further points out that the usual procedure for using a cadastral and registration system requires that the land first be surveyed, and then subdivided into parcels before it can be registered.

Based on my experience as a practising surveyor, I argue that in its general use or understanding in Zimbabwe, land registration has always been understood to be a necessary

process of land transfer. It is therefore imperative that at each stage it is understood why land needs to be registered. My case study for example will show the need for collateral security as the driving force behind title registration and that Gokwe, with over ninety percent of land parcels surveyed; the Growth Point is ready for title registration.

The need for land registration cannot be overlooked. It has been argued that the sale of land requires more care than the sale of all other goods and Simpson (1976, 13) further argues that it is necessary to ensure a number of issues. Firstly, that the land being sold is unambiguously defined, secondly, that the seller owns the land, and thirdly that the seller has the right to sell it. Finally, Simpson also argues that the purchaser needs to know the entire derivative and subordinate interests which may restrict its use or which may "run with the land" thereby binding the successor in the title when it is being transferred (1976,13).

I submit that these are outcomes that can be derived from registration. Further, I also argue that whatever the system of registration is, or is called, the key component remains the land record, especially the information, both formal and informal recorded or captured at source or at the local level. As indicated earlier, and as shall be seen in my case study, the record captured at Gokwe links the land parcel and the purchaser. The nature and type of information captured describes both the land and the purchaser without ambiguity. I therefore argue that in a humble sense, this begins to form the basis of a Land Information Management System, and the fact that all this is happening at Gokwe makes it a local LIS.

## **2.6 Land Information and Land Information Systems**

This section seeks to expand the concepts of data, record and information that have been discussed earlier, land and man's activities on it and how together with technology, a land information system can be developed. As shall be seen in chapter three, the task of gathering data and its subsequent conversion to information is shared by both government and the private sector and their roles and linkages between their operations lead to land information and to the development of LIS.

### **2.6.1 Land Information**

There is a lot of information on land that is of importance to many different people in any administrative unit or jurisdiction. For the purpose of this thesis, I shall group them into two categories, that is, cadastral information and non-cadastral information. Cadastral information is normally kept on cadastral maps while non-cadastral information is kept in one form of land record or another, including computerised databases.

Cadastral information in this respect shall refer mainly to cadastral records, which according to Dale (1976, 7) would include, planning information, information for layout of townships; map compilation records and records showing the delimitation and ownership of land parcels. The table below has been drawn up as a summary to show the various pieces of land

information and those who would normally require such information. It is important to emphasise however; that examples that have been depicted here are only those that would apply in my case study discussed later on in chapter four.



**Table 2.1 Land Information and its Uses and Users within Local Authorities / Growth Points:**

Department, Organisation Or User	Land Information Requirements, circumstances and instances of use of such information
Architect's Dept. Building Inspectorate	(i) Record of Council owned parcels, nature of construction and services (ii) Preparation of schedules of maintenance, site data and weather charts. (iii) Construction progress charts to monitor compliance with condition of lease and development controls.
Amenities and Cleaning Departments	To record properties by type and to plan refuse collection services
Chief Executive Officer Or Local Authority Legal Advisers	(i) To record administrative and Parliamentary boundaries and subdivisions (ii) To record listed buildings (i.e. protected building for conservation or other) (iii) To record legal ownership and rateable values for taxation and land rates (iv) To analyse present and predicted population trends
Consumer Protection / Standards Department	(i) To record types of premises and to plan inspections (ii) For licensing purposes (iii) To plan inspections for quality control of building materials during construction
Education Department	(i) To record school property and playing fields (ii) To analyse school catchments areas and population predictions with a view to planning optimum location of schools (iii) To plan transportation requirements within school catchments (1985) areas
Engineers/Surveyors/ Highway Department	(i) To plan and execute layouts for roads and building development, including (slum clearance?) informal settlement planning. (ii) To record municipal services, e.g. sewers, drains and street lighting (iii) To plan maintenance of highways and services (iv) To analyse road accidents in relation to road design (v) To map all car parking facilities, their capacity, access and availability to the public (vi) To record building Inspectors' commencement and completion certificates
Fire Brigade	(i) To record property and details of access in case of fire (ii) To map fire hydrants (iii) To plan adequate fire service facilities

**Source:**

**Adapted from P. F. Dale, 1976 pages 145 – 151**

## 2.6.2 Land Information Systems

Available literature has not provided a specific definition of land information systems. Rather, there has been a shift in emphasis from information systems to information management. Dale and McLaughlin (1988, 8) define an information system as a combination of human and technical resources together with a set of procedures that produce information in support of managerial requirement. Simpson [1976, 67] implies that a land information system should "produce information that satisfies users". Ezigbalike, Rakai and Williamson (1995) argue that today's land information systems are an outgrowth of the land registration and cadastral systems that record the details of all land parcels in a state or jurisdiction.

A number of issues come out of these definitions regarding this research. Based on Simpson's approach, I will argue that at most Growth Points, the users are satisfied but it is rather the flow of the information from and to these centres that is a problem for decision-makers up at central government and vice versa. Further, I will agree with Ezigbalike *et al* that the future LIS for these centres will rely on the extension of the national registration system and cadastral systems that are currently being implemented.

Ezigbalike *et al* (1995) also imply that systems should be designed to suit certain wants or circumstances and they draw their line between the western world and customary situations. The western countries they argue, have developed land registration and cadastral systems "that record the details of all land parcels in a state or jurisdiction". In this case the primary

purpose is " to manage land and to support a free land market...". Based on this scenario, I shall argue that the need for registration seems to be based on either the wants of the western value system or the wants of the customary value system, depending on where you find yourself.

This point shall be demonstrated by my case study at Gokwe. In this case, I shall argue in my concluding remarks that a local land information system, designed for and maintained at the local level, would serve the interest of its users better and more effectively.

One of my arguments is to have the Cadastre as a layer for the proposed Land Information Management Systems. The current manual record discussed later in my chapter four, combined with the cadastral surveys that have been carried out to date could form this layer. In terms of the western values, cadastral systems were developed in Europe to support land taxation. Over the years their Cadastre or cadastral systems have been improved to provide even more accurate and up to date information on land, "... a parcel based and up-to-date land information system (not necessarily computerised) containing a record of interests in land (i.e. rights, restrictions and responsibilities)" (Williamson (1996). In this case the western world obviously looks at a cadastral system as a land information system since it comprises a land registration system and the Cadastre as a layer.

I am recognising the concerns raised by Fourie and Nino-Fluck (1999) that existing cadastral/LIM system in Africa are largely underdeveloped, but I argue that the situation in my case study is different. I will show that close to 90% of all the Growth Points sited in my



case study have been carefully planned and title surveyed (chapter four). Ezigbalike, Rakai, and Williamson (1995) also note that a successful LIS should have the ability to store and provide all information relevant to the nature, extent, and possession of land rights. I will show that this is the situation that obtains at Gokwe.

It is my argument that the emphasis in the western world is on satisfying the market and very much driven by the market requirements, especially in land and property. The widespread practice in these countries of recording all dealings in the ownership or transfer of land has made this LIS ideal for their situation. In Zimbabwe, LIS is in its infancy and although this thesis does not look at the efforts done to date to build up a National Land Information System, it is my argument that a local LIS at Gokwe could fit into the national system. The system that is already in place is modest and simply tries to inform the users and the decision-makers, both at the local and the national level.

## **2.7 Groups and Organisations involved in Records and Information**

From the definitions of data and record through their progression to information, right up to the stage where this information is used in decision-making, it is clear that this is a task that involves more than an individual or a single organisation. From interviews and personal experience, this is a multi-disciplinary task that cuts across professions and organisational interests. A more detailed discussion and analysis of role players shall be fully explored in the governance chapter, particularly in sections 3.6.1 and 3.8 that deal with role players and agents in records and information.



This point is also amplified by Table 2.1 that gives an overview of the kind of data and information required by different groups including those who make it available. There is an active exchange within the many central and local government organisations, Departments and ministries, from the Executive, the Engineers, the Finance, down to the Builders and contractors. However, this research is concerned with the land record and information and this is evident from the column of table 2.1 that summarises the land information requirements, the circumstances and instances of use of such information. It is also clear from here that most of this data, record and information is given with reference to the land parcel. This reference will be revisited later on in the case study where it will be discussed whether or not, this information should be localised at the Growth Points with a link to the national system.

## **2.8 Conclusion**

This chapter has traced the man to land relationship and exposed the need to not only preserve this delicate resource, but to use it in a sustainable manner for future generations. A big part of this sustainable utilisation starts with good management of land, which also calls for knowledge of the land.

Knowledge of the land can only be based on data, record and information about land and hence the need to institute land registration and land information management systems. Systems that have provided land information internationally are based on the cadastre, and many nations including Zimbabwe have developed cadastral systems that provide useful land information. The importance of land data, land record and land information has been

demonstrated and further shown to be the pillars for other forms of records that have a spatial reference.

However, the collection analysis and dissemination of information is open to many agents, from government to non-governmental. Their collaborative efforts to share and trade in this information introduce problems, and these problems are discussed in the case study. This exchange is tied to the history of the country and this chapter has made this link clear and further pointed to the interrelationships that are discussed in chapter three.

## **CHAPTER 3: GOVERNMENT, LAND ADMINISTRATION, LAND DELIVERY, AND ROLE PLAYERS IN ZIMBABWE**

### **3.0 Introduction**

In this chapter, the issue of government is discussed and more specifically, the relationship between central and local government. Like the land and the country, local government has a history, which has been introduced already. Some of the net effects of this legacy will now be explored in as much as it affects not only the current local government structures and the ability to govern at the local level, but, also, the management, administration, and allocation of land. Mindful of the huge establishment that makes up government, this research shall restrict itself to those arms and structures that handle geo-information as it passes between and among local governments and central government (see figure 3.2)

This chapter will also explore the different and various national level and provincial level government structures and agencies that have been created as a result of decentralisation, especially those that deal with the administration and management of land. The then Prime Minister's Directive on Decentralisation (1984 and 1985) set the parameters and basis for the creation of representative bodies at the village, ward, district and provincial levels. This research though, focuses on the local government at the Rural District Council level (see structure in figure 3.1). The seat and setting of this local government is the Growth Point, which is also defined later on in this chapter.

Decentralisation has not only brought solutions, it has also created problems, which are beyond the scope of this research, and as such, the emphasis will be on the positive yields.

Part of empowering the local communities should therefore include more decisions over the management of their land and its resources. To achieve this goal, information is vital, especially if it is current and easily accessible. It is also my argument, later on in the concluding remarks that a fully integrated Land Information System that is kept at the local level will be easier to manage and update at minimal cost.

### **3.1 Government Structure in Zimbabwe**

In Zimbabwe the hierarchy and structure of government is set out in the constitution of the country. In this thesis I will consider three tiers of government that are relevant to my research and these are, central (national), provincial, and local government (see sketch below). The Executive President who is directly elected by the people and is responsible for the cabinet and government, heads the national level. A governor who has less administrative duties but handles policy issues at the provincial level heads the provincial level. At the local level is the District Administrator who oversees the functions of the Rural District Councils that fall under his jurisdiction.

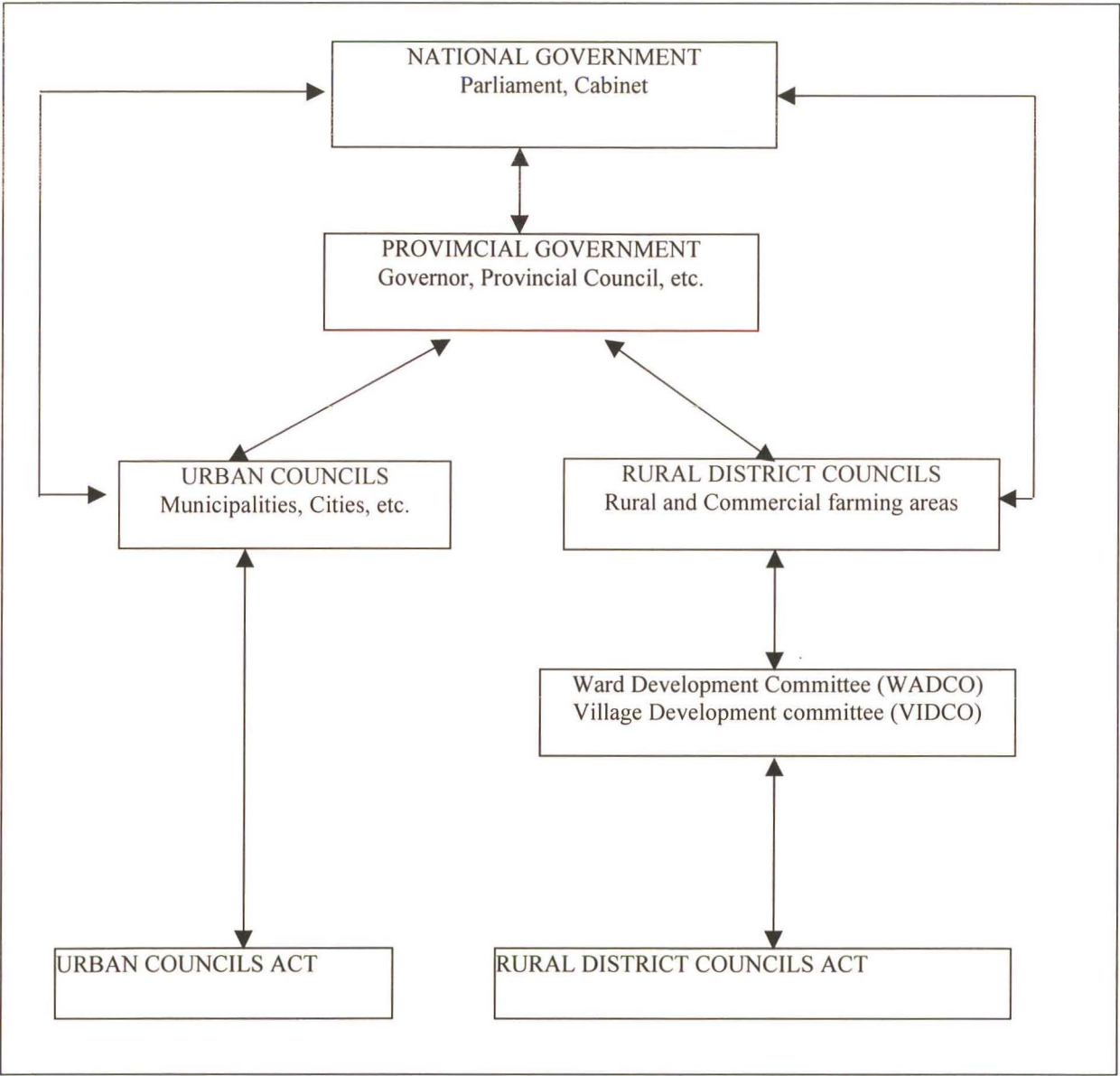
In terms of the statutes, local government has two types, that is, the Urban Councils (in the cities and towns) and the Rural District Councils in the commercial farming and communal or rural areas as shown in figure 3.1 (the level under the provincial government). The present tiers were achieved through several reform efforts brought about by various government policy positions since independence in 1980.

Prior to 1988, these councils operated as separate units, the Rural Councils having been created in the colonial era to serve the white community in the commercial farming areas



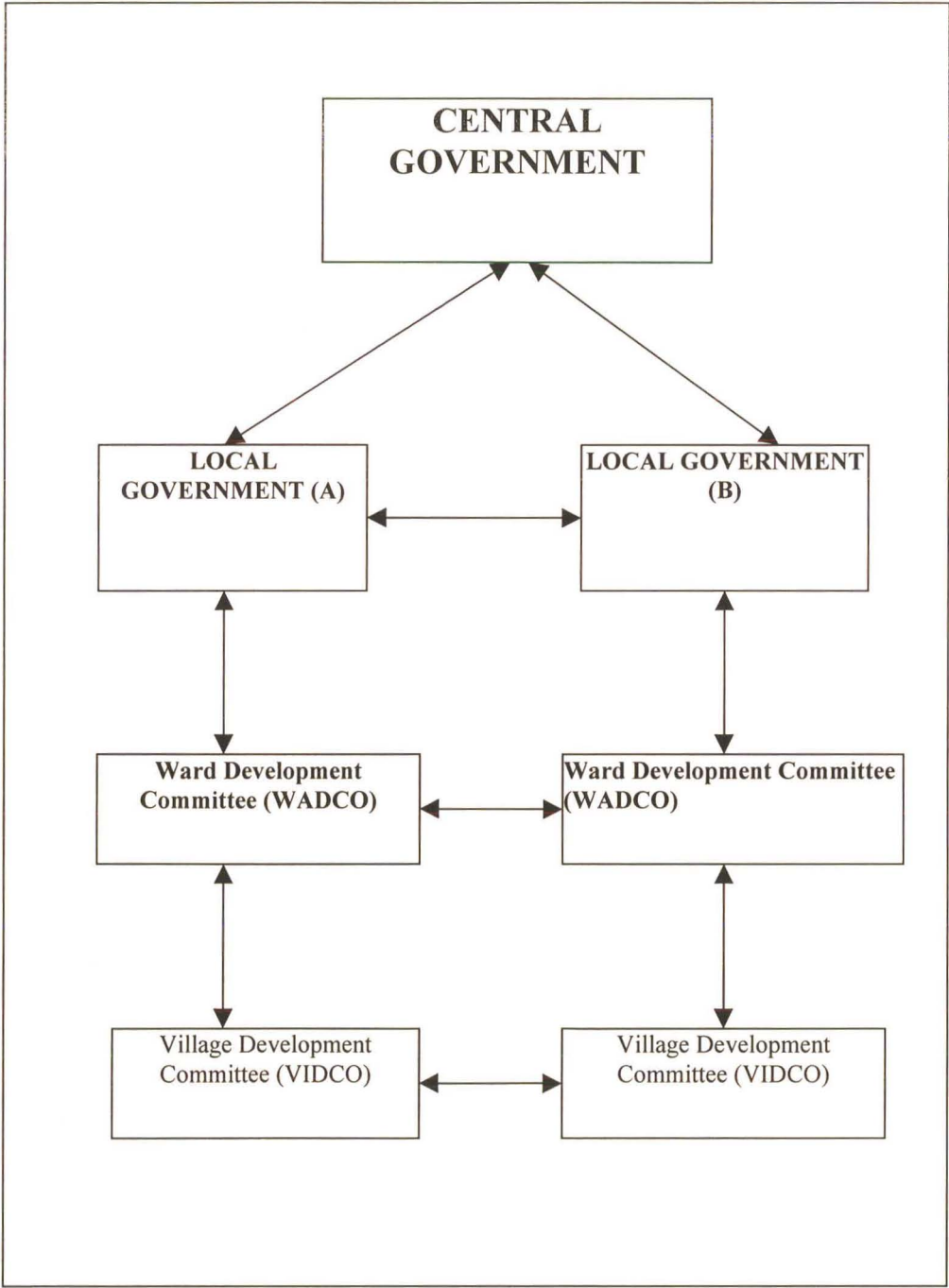
while the District Councils, created through the District Councils Act (1980) served the black community in the rural areas. The Rural District Councils established and functioning through the Rural District Councils Act (1988) form the level of local government of my interest, as they are directly responsible for the management of land and its information at the Growth Points.

**Figure 3.1 Relationship between Central and Local Government in Zimbabwe**



**Source:** Adapted from Wekwete, K (1989)

**Figure 3.2 :      INFORMATION EXCHANGE CYCLE**



**Figure 3.2 Source: Various**

### **3.2 Background to local involvement**

Towards the end of the war of liberation in 1979, most of the countryside had been liberated and the black population, through the liberation movements had a well-established organisation (Steward, Klugman and Helmsing, 1994), which formed the basis of local governments. The guerrillas waging the war of liberation had established secret committees for support, mobilization and local administration (Mutizwa-Mangiza, 1989), thereby obviating the need for local government reorganisation in the communal areas.

The resolve to involve people and their communities and hence local government was clear from the beginning in 1980 when the new government came to power. "...Government is determined to embark on policies and programs designed to involve fully in the development process the entire people..." (Government of the Republic of Zimbabwe, 1981 page 2). This position is backed by international literature as shown by Farvacque and McAuslan who note that "community participation has strengthened land programs in Lusaka, Bangkok, Barbados and Venezuela" (1992, 2).

Central and Local Government structures have been changing almost all the times. Most of these changes have been driven by development needs and policies geared towards rationalization, harmonization and a more unified government system. In the process, it has been necessary to define and review the powers, roles, responsibilities, relationships and coordination among the many government institutions dealing with local governance. To date, these structures have been further shaken by the need to bring responsibilities closer to the local level through decentralisation as pointed out earlier.

The chain of command structures run from central government through government



ministries to the provincial level, the district level down to the local level represented by the Rural District Councils. Rural District Councils, operating through the Rural District Councils Act, were an amalgamation of the Rural Councils (formerly for white commercial farmers) and the District Councils (formerly for rural African people). Within these structures, the Growth Point, a 'town or City in the making' has often found itself as the administrative seat of local government.

On the other hand, the Government of Zimbabwe, like many governments in the developing world has been heavily involved in decentralization, which has been supported by the international community through the United Nations, the World Bank and the International Monetary Fund. It is the intention of this thesis to deal with the local level and more specifically, the flow of information, the linkages and relationships of these structures within the local government legislation.

As pointed out earlier, my focus will be on the effect all this has on the administration of land and in particular the process of data collection, information management and the flow of such information among and between users. Based on my experience and observation, it is also at the Growth Point that one begins to see the roots of an informal land delivery system growing alongside the formal land delivery. At this stage in Zimbabwe, there has been little effort to acknowledge the existence of the informal structures and this research will only deal with the formal structures, which form the government at the local level. In this respect, it is imperative that Government policy on land and how this impacts on land administration at the local level is clarified.

### 3.2.1 Decentralisation

Decentralisation is discussed here in the context of the possible effect it could have on movement of and exchange of information. With more localized decision-making comes the reduction in volumes of information movement, it is hoped. The case study will show the practical position on the ground, but it is important to have an overview of the system.

The need for decentralisation also had its routes in the history of the country, particularly the dual government structure which was skewed in favour of one race through the policy of racial segregation. For example, Urban Councils and Rural Councils, which were in place as far back as the 1960s, were elected by whites, for white settlers and enjoyed a fair degree of autonomy (Steward, Klugman and Helmsing, 1994). Stewart *et al* also point out that in contrast, the Native Councils, which were under the authority of the Native or District Commissioner, appointed by central government, were subject to central control. From 1980 therefore, government declared its resolve to promote decentralisation.

This intention, which brought the participation of the lowest structures of local government, had a number of implications on the flow of information, particularly technical information, which is normally a preserve of the experts. In the first place, Government had to create new Ministries, dissolve others and deconcentration of others (Stewart *et al*, 1994). The parent ministry, the Ministry of Local Government and Rural and Urban Planning was created, as was the Ministry of Community Development and Co-operatives. Secondly, and also noted by Stewart *et al*, this comes with the need to further legislate in order to strengthen local government and also the creation of a participatory organisation structure to permit local participation in development planning.

To link this to my hypothesis, one needs to look at what this devolution of powers and responsibilities does to movement of information in general and more specifically, to land information relating to a particular local jurisdiction as represented by a Growth Point. While the intention of the case study is not to look at the global picture, it will crystallize the information exchange between the Growth Points as the local planning authorities and central government (see the information exchange triangle in figure 3.2). The case study will look more closely at the effects of decentralisation on local level land use planning, layout and infrastructure planning, land information as well as land registration.

### **3.3 The Role of Rural District Councils**

Rural District Councils have many roles and functions, all of which hinge on provision of one service or another. Section 3.3.1 will outline some of these duties and responsibilities. In this section, the emphasis will be the coordinating role between local activities and central government activities. Popular participation in development planning was called for and outlined in the Prime Minister's Directive on Decentralisation (1984 & 1985). Village Development Committees oversee and prioritise local needs and forward these to the District Councils. District Development Committees, which are planning and coordination committees formulate district development plans based in part, on the plans forwarded from VIDCOs and WADCOs (see information exchange cycle, figure 3.2). These are in turn forwarded to the Provincial Development Committee.

One of the important issues that comes out of this seemingly well neat set of procedures is that the Rural District Councils and hence the Growth Point, operate within these rules and within this environment. As I have argued before, and also arguing now, the flow of



information in this environment is crucial as it can render the operations of these organisations ineffective and inefficient. Stewart *et al* (1994) also notes that the Councils are the principal planning and development agencies within their areas of jurisdiction, including the allocation of land.

Most of the functions of the Councils are specified in the Rural District Councils Act of 1988 and its subsequent amendments, and can be grouped into general categories. These would be that of Land management and administration, provision and maintenance of water, provision and maintenance of roads and transportation, provision and maintenance of health facilities, the provision of education facilities and the conservation of natural resources. The functions that have a direct or indirect bearing on my case study have already been shown in table 2.1.

As mentioned above, The Act specifically called for the amalgamation of the District Councils and the Rural Councils with the aim of making them administratively stronger as they had different backgrounds and experiences. For example, according to Alexander Gibb & Partners, 1993, the Rural Councils “have had considerable experience in road planning and, construction and maintenance” while the other set of Councils, the District Councils who have not had this experience “have been supported by the District Development Fund (DDF). In this way and in this regard, the Rural District Councils would then be responsible for roads, planning, construction and maintenance within their jurisdictions.

The provision of, access to and allocation of land at the Growth Points is one of the major responsibilities of the Rural District Councils that interest this research most. This is mentioned here in passing, as a detailed discussion will be given later in the case study.



### 3.3.1 Councils and Service Provision at Growth Points

One of the aims of the amalgamation of Rural Councils and District Councils into the fifty-seven Rural District Councils was to overcome the colonial legacy of separate development based on race, and to permit a more equitable distribution of public services (Stewart *et al* 1994). This section is brought out as a direct pointer to some of the issues implied in Table 2.1 which rural District Councils take up as a matter of course, but they do have a bearing on my case study. This is so since some of these duties and responsibilities generate the information that is the subject of my study. It is in this light that these duties are defined.

Citing the observation by Mtizwa-Mangiza (1990), Stewart *et al* (1994, 6) note that it is not always apparent where central government activities should stop and where local authority activities should start. In terms of the Regional Town and Country Planning Act, the Rural District Councils (RDCs) are supposed to be the local planning authorities at the Growth Points and also as noted by Stewart *et al* (1994, 5), to participate fully in planning development activities.

I have however observed that in practice and for a variety of reasons, RDCs are mostly involved concurrently with sector ministries. Their involvement covers a range of services including health, education, transportation and roads, housing and social welfare. Samples of some of the specific functions are summarised in Table 2.1. Some of the responsibilities of these Councils that have a bearing on spatial information include revenue collection from issuing of licences, development levy (poll tax) and rates on property. This research is therefore interested in the flow of information within this concoction of activities and responsibilities among and between central and local governments at the Growth Points.

### **3.4 The role of Central Government**

Despite decentralisation and as noted above, central government still plays a very crucial role in local governance. By far the biggest role of central government is the responsibility and co-ordination that it takes and the direction that it gives through the sector Ministries. One of these essential responsibilities is the supply of resources. In this regard, it is important to note the two different ways that two authorities see themselves and regard the other. Central Government sees itself as the financier and administrator of local governments while they see themselves as having duties and responsibilities over the areas of their jurisdiction.

However, there are still three key areas of responsibility for both central and local government that will be discussed in my case study as they hinge on the flow of information. These are health, transportation and education. Central Government operates or runs its activities through the ministry, be it of health, transport or education. There is therefore great need for communication, not only in one direction but a two way process of communication. There has also been mention of land administration in the previous chapter and earlier sections of this chapter. In this regard, policy issues on tenure and land information applied by the local authorities are a derivative of the national policy.

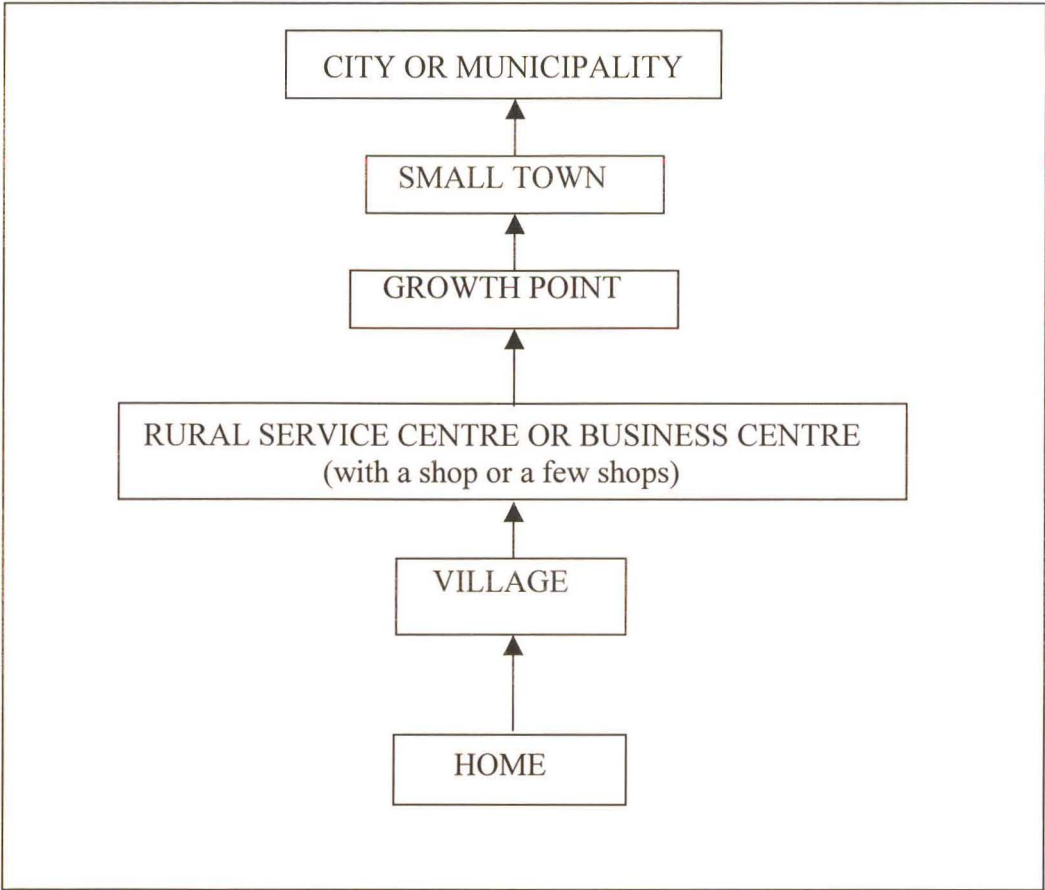
One of the roles of central government is to formulate policies that set the tone and pace of development within the areas of local jurisdiction, including the Growth Points. The origins of the Growth Points therefore need to be understood. This understanding is essential as its roots and background also seems to have been growing together with the history and development of the country and hence the linkages and interrelationships.

### 3.5 Defining the Growth Point

The Growth Point was first mentioned in the introductory chapter where it was also mentioned that these points were historically, and still are, located in the communal areas. The available literature has not given a definition for the Growth Point and as mentioned earlier in section 1.6, it is a Zimbabwean synonym that refers to a growth node that falls somewhere between a rural service centre and a small town. Section 1.1 of chapter one has already given the Growth Point a position in the hierarchy of settlements, which is now amplified by the sketch below (figure 3.3).

Understanding the position of the Growth Points in this sense helps to improve the understanding of the inter-relationships that also exist between and among urban settlements and rural settlements. The history section also alluded to the existence of the Growth Point before independence in 1980 as shown by the distribution on map 3. This point is crucial to this research, as there was a drastic policy shift in choosing to pursue the Growth Point theory.

**Figure 3.3 The position of the Growth Point in hierarchy of development and sophistication in Zimbabwe.**



**Source:** Various

The promulgation of Growth Points in post independent Zimbabwe came about through statutory instrument number 379 of 1982, as a part of the Regional Town and Country Planning Act. The legal creation of a Growth Point involves the identification of a prominent service centre within the communal or rural areas, and then a boundary is defined around this centre, usually, and based on my experience, a radius of some five to ten kilometres. The choice of these points has consistently targeted service centres that are the hub of economic activities in the rural areas. The area thus set aside is then legally proclaimed and excised out of the communal or rural area, a process that sets up Growth Points as freehold title areas.



A review of the government policy on the Growth Points is essential at this stage.

### **3.5.1 The Colonial Concept**

Because of the colonial history of the country, it has been most difficult to establish the origins of the growth point theory. It is however strongly believed, that the idea behind the theory was to create towns for the indigenous people within their own environment in order to create a natural divide along racial lines as urbanisation took off (personal interviews), Mlalazi (1993). Wekwete (1987, 8) clearly points out that the colonial logic was to create "african towns in african areas which would generate african employment and halt the influx to european towns." The first pre-independence Growth Point identified was Sanyati in 1976 and by 1979 ten others had been identified (Wekwete 1987, 8), see also map 2.

I have observed that if this was the theory, then the independent Government of Zimbabwe has carried it on, but emphasised the positive aspects of the theory, in that the Growth Points have come in handy to handle the rural to urban migration. It has also formed the hub of economic activity within the communal areas, not only creating employment for the rural folk, but as envisaged in various United Nations documents, setting a base for "poverty alleviation". However, like most centres, the growth point still operates within a national framework where it is subject to government policy and falls within the other administrative structures. This is the point of interest for my case study since in this position, the Growth Point may facilitate the free and smooth flow of information or probably impede the flow.

### **3.5.2 The new Government Concept**

At independence in 1980, one would have thought that the new government would drop the Growth point theory due to its racial connotations, but instead, there was a change in the purpose and emphasis. Citing the provisions of the Transitional National Development Plan (1982/83 - 1984/85), Wekwete (1989) notes the plan's objectives as "To promote equitable growth and, in order to redress the gross imbalances between the modern and rural peasant sectors, the strategy emphasises rural development and land settlement schemes.."

Wekwete further argues that the new socio-economic order aimed for an integrated society and a spatially balanced growth, and thus the Growth Centre policy had to be reconstructed to serve the goals and objectives of this new order.

The implications of this policy towards Growth Points and the implied exchange and flow of information is enormous. It may be a little too early to say just how much of this has worked positively at the Growth Points and how much can be attributable to the availability or free flow of information. While this case study may not demonstrate how much of this or which one of these incentives have helped attract investment, it may expose some shortcomings in facilitating investment within the environment at Gokwe and other Growth Points.

### **3.5.3 International Experience**

The international experience is discussed here in order to further demonstrate this idea of central control and centralised planning that comes with the Growth Point theory and the inevitable need for flow of information. Wekwete (1987) compares the development of these

centres to the growth point policy in the South African Homelands, which were meant to consolidate the policy of separate development. Elsewhere, the government of Kenya in conjunction with the United States Agency For International Development (U.S.AID) have also been involved with a similar kind of development since 1983, called the “Kenya Small Towns and Community Development Project.” According to the *Housing and Urban Development Digest* (Vol. 5 April 1987, page 1), the small towns development programme in Kenya is targeted at firstly, addressing the acute problems of natural population growth and the rural to urban migration. Secondly, the target is to avoid concentration of the expanding population in the major cities of Nairobi and Mombassa and thirdly, achieving this by “shifting emphasis toward the vigorous growth of secondary towns and smaller urban centres throughout the country”.

Drawing a parallel or an in-depth analysis of the Kenya project is beyond the scope of this report although reference to it will be made in my concluding remarks. I however note similarities in these schemes whose political agendas might be different but present very similar challenges to the way land and land information is managed and exchanged in these centres. The development of the Growth Point and activities within the centre takes place in a continuum of activities and policies. One such policy is the land tenure policy of Zimbabwe.

#### **3.5.4 Land Tenure**

The background to the country's land policy has been covered in the history section in chapter one and amply summarised in Table 1.1. Although the Growth Points are located within the communal areas, freehold title has been extended to cover these centres that have legally been excised out of communal lands, which are still held communally. This came about after



strong arguments were accepted that title to property was required by rural businessmen to use as collateral against business loans that were required to expand their businesses (Rukuni *et al* 1994). As at 1990, a total of fifty-nine growth Points throughout the country had been excised out of communal lands, and by 1994; this number had increased to one hundred and fifty two, thereby giving them freehold title.

Freehold title is tied to the cadastre and hence cadastral surveys that have already been discussed in chapter 2. In order to amplify the implications to the flow of information and particularly this technical information, it is necessary to give an overview of the practical procedures involved in the Zimbabwe system of cadastral surveying. In theory, all land use plans and cadastral surveys for the state are to be executed by the Departments of Physical Planning and that of the Surveyor General (Town and Country Planning Act, 1996 and the Land survey Act, 1996). In this respect, a layout plan is prepared and approved by the Director of Physical Planning, then it is passed on to the Surveyor General where the plots are pegged in terms of the Land Survey Act.

The extent of liaison and exchange of information between these departments will be explored in my case study as their relationship has a bearing on the flow of information. The subject gets more complicated by the fact that there are other state and quasi- autonomous bodies involved in data and information collection and analysis, that seek spatially located or geo-referenced information. These bodies, I have observed, all converge at the Growth point for this service. Their collective activities are briefly discussed here as agents of records and information with a view to linking it up with my case study.



### 3.5.5 Tenure and Land allocation

The issue of land tenure in communal or rural areas and state lands has been the subject of continuing debate, particularly the question of whether people should be granted freehold title in certain areas. This is a very important issue for financial policy for Rural District Councils (RDCs) for two reasons. Firstly, because local taxation is based on land and one of the major issues in determining the policy is how to establish an equitable taxation system in the communal areas where land rights are held communally. Secondly, revenue collection or taxation is easier to implement at the Growth Points where land registration has taken place and hence information is available

One may argue that if some form of lease is granted for land in communal areas, then the options for local taxation will broaden. The other issue is whether or not rural local authorities could have greater control over land that has been carved out as Growth Points. This is more so, given that the land allocation and disposal is one of the key factors that will affect how councils are able to attract development to their growth points. This also includes the ability to attract local and international investors.

In Zimbabwe, the responsibilities of rural local authorities are set down in legislation, primarily the RDC Act (1984 and No 8 of 1988), the Provincial Councils and Administration Act No 12 1985 and also in other principal legislation of various sectors. The rural local authorities are recognized as the responsible authorities for implementing environmental policy, water supplies, roads and maintenance of other physical infrastructure, housing, natural resource management, administrative services and commercial services.

With respect to land, the Act implies responsibility of Local authorities for acquisition, disposal, and administration on behalf of the state and land use planning through the development of local master plans. I also note that one of the most contentious exercises in this people oriented strategy has always been the allocation of land to the people.

### **3.6 Surveying and Land Registration**

The system of land surveying and registration in the country requires that all land parcels submitted for registration must be surveyed in terms of the Land Survey Act, which stipulates that such land surveyors must be registered in terms of the Act. Registration of title is a function of the office of the Registrar of deeds who also maintains a public register of all properties that have been registered. From experience, it has been observed that the system is accurate, secure and safe but it is cumbersome and takes a lot of time. Surveying and land registration generate data, records and information through many role players and it is essential to understand these roles and their linkages.

#### **3.6.1 Role Players in Records and Information**

Going back to the title and the need to understand the inter-relationships that exist among and between organisations that have an interest in records and information, it is also important to know the major agencies and the information that they require or are after. Since this will be discussed from a perspective of institutional arrangements and governance, I will restrict my discussion to government or quasi-government agencies. I have identified these agents for the reason that any Land Information Management System that is eventually established, whether at the local or national level, cannot ignore their input. Apart from widening the information base,

this could give the System Designers the liberty to select and choose, baring in mind the meaning of information described by Fourie and Nino-Fluck “..what is information to one person might be data to another”. I shall also single out and describe first, the Departments of the Surveyor General and that of the Registrar of Deeds since these two have statutory responsibility over cadastral and title information. The other agencies contribute to what I have described elsewhere in this thesis as administrative information, which still contributes to a sounder administration and management regime of land and its resources.

### **3.6.2 Surveying and land registration in Zimbabwe**

It is noted that although the cadastral coverage and hence title to land, exist in most urban centres in Zimbabwe, the debate to extend this to the communal areas still goes on. The Surveyor General maintains the cadastral records for the whole country while the Registrar of Deeds maintains the records of property ownership. The arguments of the type of registration system, that is, whether deeds or title, is beyond the scope of this thesis, but it is important to give a synopsis of the system in order to understand the case study and the requisite exchange of records and information.

Zimbabwe has a parcel description system, which enables each land parcel to be uniquely named, and this unique description is maintained throughout the survey and the registration of the parcel (Rukuni et al 1994, II 248). The Registrar of deeds is the custodian of all records pertaining to land where title has been issued. The operations of these departments are briefly reviewed in section 3.8, paying attention to those functions that are related to land registration at the Growth Points. Although cadastral surveying as a profession is over a century old in Zimbabwe (this thesis), USAID (1995) cautions that longevity does not necessarily imply



efficiency or relevance to the present day.

### 3.6.3 Land Registration and Taxation

Land registration has been discussed in general in section 2.5. The debate on land tax is complex and this research does not intend to deal with this expert area. However, the relationship of land registration to taxation needs to be amplified in view of the fact that land value and taxation are likely to play a significant role in the anticipated LIS. The existing unit tax, development levy and proposals in the RDC Act all emphasize a rural tax system that is greatly dependent on land information. This will enable the authorities to establish consistent principles for commercial, resettlement and communal areas. In some cases a per capita land tax in the form of a grazing fee has been suggested.

Implementation of the Land tax has been done through different government agencies. The Agricultural and Extension Services (Agritex) maps are used to identify land allocations in each village and headmen have records of the heads of household authorized to occupy such land allocations and possess identity cards (in the form of stock cards), records of all heads of household. The relevance of this to my case study is that the management of these activities, which have got a spatial component, fall under the purview of the Rural District Councils and hence become part of the local administrative arrangements at the Growth Points.

The traditional leadership in conjunction with RDC are tasked with implementation, identification of potential income yields and collection, less a small commission charge. In effect, the traditional leadership would be a designated agent of the RDC. The headmen would also be responsible for providing data to the RDC relating to changes in the allocations of land. In the case of resettlement areas, the RDC should be directly responsible for the



collection of land tax from the heads of households. All these functions underline the need for an appropriate Land registration mechanism for local authorities in both the rural and semi-rural, semi-urban jurisdictions like Growth Points.

### **3.7 Land Allocation**

In typical customary setting in the communal areas, land allocation procedures remain undocumented, yet people do allocate land to the growing populations. From experience and interviews, it has not been possible to establish how ‘communal’ land is acquired, the conditions under which it is held, and the ways in which it is transmitted within and between generations, as these remain formally unrecorded. The allocation that is targeted by this research is the allocation of land within the Growth Points.

It is however noteworthy that guidelines and criteria for land allocation at the Growth Point have been set out by central government which has allowed minor modification to suit local circumstances. While Cheater implies a record or registration of people's dealings in land in communal areas, I am fitting this into my argument and stressing this need at the Growth Points. The land record is key to my argument in this thesis and this quote comes out most appropriately. My case study will reveal whether the situation at the Growth Points have a current and accurate ‘record’ of their dealings in land.

The allocation of land has a history and a lot of arguments, which dogged past, present and possibly future governments, both at the local and central levels. This is so because there are historical, cultural or traditional methods of allocation, which are constantly being pitted

against ideological constructs and statutes, which provide enforceable legitimation. This research does not intend to deal with the traditional land allocation process; rather the intention is to shed light at the allocation procedures at the local level with particular reference to the Growth Point.

In all communal areas, allocation of land follows customary rules operating within the consent of the District Councils. The Rural District Council through its local structures are responsible for the allocation of land at Growth Points and under normal circumstances, this land would already have been excised out of the communal areas. The procedure involves an application form completed by a would be owner, vetted by the Council officials who then make a recommendation to the Minister of Local Government who can then accept or reject an application.

Once an application is accepted, the Minister who may set conditions for the award of title then draws up a lease. The case study will therefore explore whether this procedure is cumbersome or perhaps full of flaws that do not promote a smooth flow of information between central government and the local level, in this case the Growth point.

### **3.8 Agents of Records and Information in Zimbabwe**

There are many agents and agencies that handle information, but there are two prominent departments that handle spatial information. These are the departments of the Surveyor General and that of the office of the Registrar of Deeds which both have statutory responsibilities through mainly the Land Survey Act and the Deeds Registries Act.

### 3.8.1 Department of the Surveyor General

The Surveyor General's Department is being reviewed in relation to its statutory function that impinge on land records and information relating to land throughout the country and the one directing cadastral surveying operations. The Department is therefore the custodian of all cadastral records across the country, including Gokwe and the other Growth Points cited in my case study. Established through the Land Survey Act Chapter 147 (1933), the Department is run by a Surveyor General who administers the Act on behalf of the Minister in charge of Land. The Department has two offices, one in Bulawayo, which is responsible for services in the western half of the country, while the Harare office is the headquarters and is also responsible for the eastern half of the country.

From the foregoing, I argue that these offices are clearly not accessible to all the Growth Points and whatever valuable information that they may hold, cannot be easily accessed by local users at the Growth Points. This point will be investigated further in chapter four in the discussion in the case study where I will trace the path to be followed by a developer who wants title survey information about a piece of land. Within the department alone, there are various players as shown by further discussion on the functions and operations of the Department. At this point I would also like to acknowledge the fact that the two offices, the one in Bulawayo and its head office in Harare are run so separately that they do not have mirror copies of their cadastral data. This point on its own has an impact on the inter-relationships and linkages as explained and explored in my thesis.

Section 13 of the Land Survey Act gives the duties and responsibilities of the Surveyor General

to include Geodetic Survey, Cadastral Survey, Topographical Survey and Mapping and recently, Land Information Services. Table 3.1 below, illustrates the services offered by the various sections of the office of the Surveyor General.



**Table 3.1 Services offered by the office of the Surveyor General**

THE DEPARTMENT OF THE SURVEYOR GENERAL		
Geodetic Data	Cadastral Data	Topo-Survey Data , Mapping & Land Information
Establishment and maintenance of national control	Responsible for all "legal" surveys throughout the country	National mapping and the supply of all national maps with a collection of a wide range of data about the land surface.
Carrying out gravity and magnetic surveys for various uses	Maintains a register of all registered Land Surveyors	Acquisition of aerial photography and satellite imagery and subsequent processing
Surveying, maintaining and administering all international boundaries	Scrutinises, approves, archives and maintains the cadastral survey records and plans	Acquisition, maintenance, manipulation and dissemination of spatially-related data and information
"special project" including photo-controlfor aerial and satellite imagery	Undertakes certain cadastral surveys for the state	The maintenance of digital data transfer standards
Establishing and maintaining a data base related to the above	Establishing and maintaining a data base related to the above	Establishing and maintaining a data base related to the above

**SOURCE:** Adapted from Rukuni, M (Chairman). 1994 Report of the Commission of Inquiry into Appropriate Agricultural Land Tenure Systems. Volumes 1-3. The Republic of Zimbabwe, Harare 1994

### **3.8.2 The Registrar of Deeds**

As mentioned earlier, the office of the Registrar of Deeds maintains records pertaining to property ownership throughout Zimbabwe. In this regard, land records are kept for all land parcels to which title exists (Rukuni et al 1994, II, 252). The office is also in charge of all real rights and all the necessary updates of this information. It has been mentioned elsewhere in this thesis that the author stays away from the debate on the type of title system in Zimbabwe. Rukuni et al (1994, II, 253) also tried to stay away from this debate by observing that, grants, transfers and all forms of certificate of title are collectively referred to as "Title Deeds"

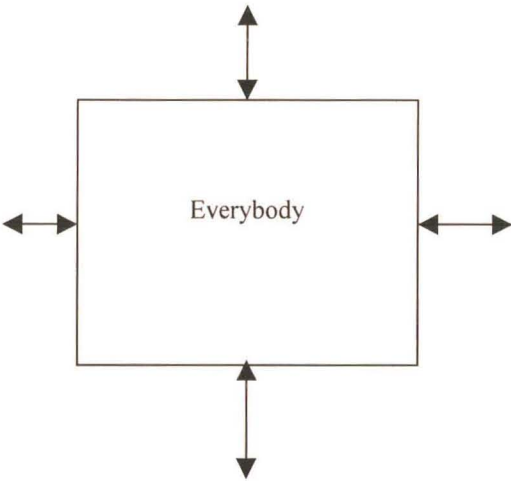
### **3.8.3 Other State Departments and Organisations**

This section shall recognise that as a state agent, the department of the Surveyor General does not act in a vacuum. As a matter of fact, the Department works very closely with the departments of Physical Planning and that of the Registrar of Deeds. The Department of Physical Planning is charged with the production, maintenance and updating of all the land use plans throughout the country, including the layout plans for all rural centres and urban centres below municipal status. The role of the department of the Registrar of Deeds has already been mentioned, but brought out again here to emphasise the liaison with the other departments.

Others also mentioned here to amplify the range of players in this information multi-user environment include the Departments of Agricultural and Technical Extension Services (AGRITEX), Communal Area Management Programme for Indigenous Resources (CAMPFIRE), Department of Rural Development (DERUDE), the National Parks and Wild

Life Management and finally, the Forestry Commission. All these players form a community of users who need information and they often converge at the offices of the Rural District Councils or at the Growth Points for such information. The quantity, quality and type of information required are better explained through the sketch below (figure 3.4). This illustrates that as a community of users, we all need and give away information to and from each other.

**Figure 3.4      Who need information?**



**The Community of Users**

**Source:    Various**

Using the case study, I will argue that whether one is an individual, an institution or a government department, they all receive information, or have need to exchange it with another piece of information. In this thesis however, the emphasis will be on the movement of land related information between the local governments at growth points and central government in Harare. It should be noted that although this is strictly a vertical flow, the lateral flow within departments and the same levels of government also happens



concurrently.

### 3.9 Conclusion

This chapter has exposed the complexity of the government set up in the two levels of government in Zimbabwe. While accepting that the two-tier system of local and central government was and still is a legacy of the past colonial governments, it has pointed out that the problems inherited in the process also continue to affect the system today. The process of decentralisation that was supposed to give responsibility to local governments has been discussed and an attempt has been done to show that this may not have been entirely successful. This failure or success will be the subject of the case study, which traces the flow of information between the local government level at the Growth Points and central government.

Within the concept of decentralisation and also in the context of de-racialising development in the direction of rural development, the Growth Point theory was redirected and expanded to offer freehold title at these centres. This came out of the definition of the Growth Point, which looked at both the colonial concept and the new government concept and also compared the coordinating role of these centres, in relation to information with other experiences in Kenya and South Africa.

More closely, the chapter also looked at the role of local governments in respect of land registration, the effort to facilitate the development of registers as a planning tool, for physical and social infrastructure development. This role however cannot be implemented without adequate information regarding existing land parcels and their uses, in other words a



system of collecting disjointed information on land.

The need for appropriate land registers in rural local governments is noted in Zimbabwe's rural development policies by the priority given to land use planning and pegging of stands at Growth Points. As demonstrated in this chapter, there is also a clear need for land registration in an effort to broaden the local authority revenue base and their ability to administer and allocate land. In this respect, the role of the Department of the Surveyor general was discussed at length. Unfortunately the need to develop such land registers is often exacerbated by the lack of capacity to undertake a systematic land registration process.

## CHAPTER 4: THE CASE STUDY

*“Experience shows that the journey towards the lawful acquisition of a plot of land is a long and confusing one; access to land, registration of land, permission to develop the land involve time consuming, unduly cumbersome, and costly procedures which make the legal system very difficult to access”.*

Farvaque and McAuslan (1992)

### 4.0 Introduction.

The opening quotation aptly summarises the context and environment within which this case study is being conducted and the role that the flow of information can play.

The case study chosen for this research focuses on Growth Points with special reference to a place called Gokwe (see location map of Zimbabwe). As mentioned in the methodology in section 1.8, this is only a focus since it is a culmination of experiences gained during a period of fifteen years and covering at least eight Growth Points throughout the country. As a Land Surveyor, the author has undertaken cadastral surveys and pegging at these centres and the first one in Gokwe was carried out in 1994, while consultancy with the central government and the local authority is ongoing.

Zimbabwe is divided into eight administrative provinces (see provincial map of

Zimbabwe), fifty-seven districts and as many Rural District Councils. Gokwe is the administrative capital of Gokwe district in the Midlands province. Situated about three hundred kilometres north west of the capital Harare, Gokwe is one of seven Growth Points in the Midlands Province.

The first section of the case study revisits the methodology discussed in section 1.8 in order to underpin the specific procedure that was followed at Gokwe. The case study area was chosen for specific reasons and these are outlined together with a justification. The policy and allocation procedure at the Growth Point is then discussed and analysed, leading to the case study. The results of the study are then described with a link to the hypothesis and methodology adopted, and finally the conclusion summarises the outcome of the research.

#### **4.1 THE CASE STUDY**

Over the years, the government of Zimbabwe and other stakeholders have instituted a systematic cadastral survey of all land outside the communal and the resettlement areas, with the intention that this would form the basis of any future land registration process. This information or documents are filed in the offices of the Surveyor General, the Registrar of Deeds, the Ministries of Local Government and National Housing and that of Lands and Agriculture. Decisions are often made at the local government level and also at central government on the basis of such records and information.

Gokwe is the administrative centre of the district and at the same time manages the

affairs of the Growth Point area, including the land information within this jurisdiction. The administration of land in particular generates a lot of records and information, which, in the first instance is, used locally and ultimately the information passes on to central government for a variety of reasons. The process of gathering and archiving data, records and information is cumbersome, complicated and takes a long time to produce desired results, especially the registration of land.

#### **4.1.1 Why Growth Points, Why Gokwe**

The choice to carry out this investigation at Growth Points was influenced firstly, by their positions as the seat of local Governments and the fact that they generate much of the technical information within their environs. Secondly, Growth Points provide a good example of planned efforts to create land records in an organised manner. As pointed out earlier, layout and land use plans are prepared, approved and in most cases surveyed before land units are allocated. In situations where one knows where and how to get information, it is always available. Finally, the centres sited as my case study put together involved some five thousand-land units, representing a huge investment in information. The manipulation and flow of this information to the users is therefore of great interest.

The author worked as a consultant at a number of Growth Points but Gokwe was chosen for a number of reasons. Located in the north-western part of the country in the midlands province, Gokwe is the capital of Gokwe district, and was one of the first rural service centres to be declared a Growth Point. The centre is located in one of Zimbabwe's most



agriculturally productive areas and boasts of both maize and cotton collection depots, namely the Grain Marketing Board (GMB) and Cotton Marketing Board (CMB) depots. It has at least one thousand five hundred land parcels that have been surveyed for title purposes.

To underpin the reasons for the choice, it is important to mention that the author has been carrying out cadastral surveys in Gokwe continuously for the last five years and has probably been the only registered Land Surveyor to work in Gokwe. For these reasons he ended up going beyond the work of a Land Surveyor, in effect, becoming a local consultant on many issues relating to land information. This included answering questions pertaining to land use planning, title surveys, topographical and engineering surveys and many other development subjects including water and sewerage reticulation.

After doing this for quite some time, doing it as a community service, and enjoying sharing what the author knew as a matter of course, it became clear that all this information could be captured and processed and passed on to the users at Gokwe by the Council officials. This became the inspiration and hence the decision to focus on Gokwe was taken on the basis of this initial exposure to the problem and first hand assistance in supplying information which users could not access.

Linking this choice of the study area to the hypothesis and the general methodology discussed in section 1.8, it is important to underpin the specific strategy used at Gokwe.

## 4.2 Methodology revisited

The use of interviews was referred to in section 1.8. Some of these interviews are a summary of interviews carried out at these Growth Points during the author's many cadastral surveys at these centres. The last sets of interviews were carried out during the month of March 1998, specifically to tie up the loose ends with local decision-makers. Among the key people interviewed were, the Chief Executive Officer, The District Administrator, the Development and Planning Officer and the Records Clerk who compiles the records and looks after the files.

Some of the specific detail required was to explore record keeping and the flow of information with a view to exploring what Fourie and Nino-Fluck (1999) referred to as “horizontal and vertical linkages”. The interviewees included the Chief Executive Officer, the District Administrator, Secretary to the Chief Executive Officer, the Planning and Development officer and then the Records Clerk. These are the people who form the core of local decision-makers and are also responsible for passing and receiving information to or from central government.

The direct method of my research finally zeroed in on the key issues of access to land, allocation procedure, title to or ownership of the land and its registration. The results of my research are therefore easier to follow after understanding underlying policies and the administrative procedure that have been discussed earlier, together with local variation that take care of local conditions.

### 4.3 Land Allocation and Disposal Policy.

Land allocation at Gokwe follows the national allocation policies, procedures and guidelines set out by the relevant government ministries. These guidelines vary according to the operating tenure system in the area in question. Although Growth Points physically fall within rural communal areas, the act of proclaiming them as such now classifies them as urban state land, with the liberty to offer freehold title to land (Town and Country Planning Act, 1996).

As such, two government ministries are involved, that of Lands and Agriculture who are the *de-facto* owners of all state land both urban and rural and that of Local Government and National Housing who are in charge of the management and administration of all land released or allocated for use by the Ministry of Agriculture and Lands (Policies and Procedures Guidelines, Goz 1999). The national policy is to give access to land to all citizens within their present location and their financial circumstances. In this way, qualifying applicants, as shown in the following section, then become the *de jure* owners.

In line with the national policy of land redistribution, all local authorities are to allocate land to their residents both for commercial and residential purposes. However, local conditions vary from place to place based on the driving force, that is, industrial commercial or residential land. In Gokwe, the need is for both residential and industrial and these dictate the pace of allocation. It is important to mention that the policy to dispose of the land follow the freehold tenure system where the registered owner, once he



has fulfilled the development conditions can dispose of the land without recourse to the government. These conditions are spelt out in the lease document (see Appendix B)

#### **4.3.1. Land Allocation Procedure**

Land allocation procedures are being reviewed here to demonstrate the complexity of the process and the implications on the flow of information, firstly between the beneficiaries and the local authority and secondly, the local authority at Gokwe and the central government officials at the national level. In this regard the role players and their contribution will be highlighted.

As mentioned earlier, land allocation procedures at Gokwe are a derivative of the national guidelines. At Gokwe, which is urban state land, there is no immediate outright sale and transfer of land. Land is leased to the applicants with an option to purchase. This follows planning, subdividing, surveying and servicing of the plots. These may be residential, commercial or industrial plots.

Applicants first apply to the relevant local authority for a plot by completing an application form. On the basis of the information given and other administrative criteria, the application is then approved for recommendation to the Minister of Local Government and National Housing (in Harare) who can still approve or turn down the application. The procedure to allocate land is based on many statutes, rules and regulations that are set out at the national level and at times modified by local authority



by-laws. From the interviews and the documents reviewed, the author has however observed that the whole process and procedure is made up of the following steps, which should be read in conjunction with Table 5.1 below.

1. The completion of an application form giving details of the full identity of the applicant and his or her means of livelihood, including the nature of his business or employment details.
2. The application is filed and kept for assessment and consideration by the local authority's housing and development committee who might sit once or twice in the month.
3. On the basis of the information supplied on the application form, the committee decides on whether to approve the application or not and their decision is then passed to the full Council for further consideration.
4. Once the full Council approves the application, it is then forwarded, to the Ministry of Local Government and National Housing with a recommendation for the applicant to be given a lease to the land.
5. Usually, most recommendations from local authorities are accepted and approved by the Ministry, but a few are rejected with no reasons given.
6. On approval, a lease is normally issued to the applicant setting out condition to be fulfilled for the applicant to acquire full freehold title. Most of the leases are issued annually and may be extended for further periods depending on progress on site.

Apart from these set procedures, which on the surface look straight forward, there are

many role players who take various decisions before the actual process is completed and a beneficiary holds title to land. Experience has shown, and also as aptly demonstrated in Table 5.1, that most of this lateral exchange and liaison takes place at the national level. Note also that this table will be linked to the interviews (Appendix A) as answers to some questions refer directly to decision-makers identified in this Table.

Putting this in perspective. It shows that at the local level, the process is done in such a way that it gives the applicant an opportunity to have an interview or to appeal against a decision. While on the other hand, and as indicated in step five, there is often no contact between the applicant and the decision makers at the national level. This point is significant to this research in that it demonstrates the critical role played by information in the decision making process, both at the local government level and more importantly, at the central government level. For this reason, it is important at this stage, to link the case study to the literature that has been reviewed.

**Table 4.1: Key Decision-Makers in Land Delivery at Growth Points**

MINISTRY AND, OR DEPARTMENT	FUNCTION AND ACTIVITY	OUTCOME
[MOLA] Department of the Surveyor General	Carries out all state surveys. Also contracts some surveys to the private sector	Registration documents and information
[MLG&NH] Department of Physical Planning	Acts on behalf of the local authority as the local planning authority	Land Use Plans and development layout plans for the centres
[MLG&NH] Urban State Land Office	Handles all applications and assesses eligibility of applicants recommended by local authorities countrywide. Decisions based purely on information supplied	Issues leases and title deeds after approval
[MLG&NH] Land Valuation office	Assess the value of the land based on current land market trends.	Attaches a prize for the land (excluding developments)
Ministry of Water Resources, Department of Water	In charge of provision and maintenance of water and sewerage reticulation, based on available planning information	Water and sewerage
Ministry of Transport and Energy	In charge of provision and maintenance of energy, roads, rail and air transport facilities.	Roads, rail lines and airports plus electrical power
Local Authority	Receives applications, processes them and make recommendation to central government for consideration	Application may be approved or turned down on the basis of information supplied.

**Source: Experience and Interviews**

#### **4.4 LINKING THE CASE STUDY WITH LITERATURE REVIEW**

The literature review discussed earlier threads in well with the outcome of the case study. It is therefore imperative that borrowing from sections in previous chapters, and answers from the case study, the two are linked at this stage.

##### **4.4.1 Problems with the land allocation procedure**

From my observation and on the basis of questions frequently asked by most of these local authorities, they have been forced to operate under the most difficult of circumstances. A few have had the boundaries showing the extent of the Growth Point clearly marked and shown to them (see question 5 in appendix A). As a result a number of boundary disputes have surfaced with the neighbouring communal lands (question 5, Appendix A). Land use and development plans are always prepared by central government, most of the times, without consultation, and the local authorities have little or no idea just which land is reserved for residential, commercial or industrial (see answer to question 8 and also section 3.2).

In certain instances, the land use development plans may be available, but due to the shortage of surveyors in the government service (see Tables 3.1, 4.1, and also section covering the activities of the Surveyor General), the plots are not surveyed and hence cannot accurately be pointed out on the ground. At times cadastral surveys may also have been carried out but either not yet approved by the Surveyor General (Table 3.1, and



section on cadastral surveys) or due to the poor flow of information, the local authorities may not even be aware of this situation as witnessed by the author's experience.

Due to the poor physical planning practice that obtains at Gokwe and at most Growth Points throughout the country (see question 8), the Surveyors are often forced by site conditions, to change layout plans, and hence the allocated stand numbers. This information may not always filter through to all the users or all the desks that received the earlier plans (see section 2.3) thereby distorting the unique identifier described earlier on.

Most of these problems cut across the lines of administration, management, institutional arrangements, and financial and technical considerations. This brings to light the issue of resources, both financial and human, and clearly, few local authorities could ride above this situation. Andrew Mlalazi, a prominent Planner and a consultant on decentralisation, in the Ministry of Local Government and National Housing, also corroborated this fact.

To link this to my argument, the complexity and difficulties of the procedure are amply captured in Table 5.1. These problems and difficulties all point to a centralised information collection and dissemination point and hence I argue for the local authorities themselves being the developers, collectors, users and distributors of information on land within their jurisdiction. It is important however to stress that the system should be linked to the national land information management system as soon as this is in place.

#### 4.4.2 Records captured and kept at the Local Authority Offices.

At Gokwe, the Rural District Council offices had a full range of files containing records. The interest of the case study was land records and the council land record base consisted of a file (see question 1), which could be identified by a name (see section 2.3 paragraph 5) or by the stand number allocated to a person (see sections 2.3 and 5.3; see also Table 4.2). In the file was a set of completed application forms bearing the details of the person and information about the stand. This information captured details about the applicant, the piece of land itself and the progress of development on the land including the status of services and infrastructure development. Going through the records, it was clear that this information could be summarised in a tabular manner (see Table 4.2).

**Table 4.2 Local Authority Land Allocation Data**

	<b>Personal Detail</b>	<b>Technical Detail</b>	<b>Services/Infrastructure</b>
<b>The Applicant</b>	Name, marital status, spouse, children	Employer, salary details, latest pay slip plus recommendation from employer	Present address, accommodation or business premises
<b>The Land Parcel</b>	Stand number allocated by DPP but may be changed by surveyor or DSG	Sketch or plan with dimensions (measurements around), Size (area)	Status of water, roads, power, phone (when known, or sent to Council)
<b>Other</b>	Next of kin and any other useful information relevant to the application	Locality sketch shows adjoining properties with reference to the master plan	Proximity to schools, hospitals

**Source: Interview and Application Forms**

There was also another form kept in the file which contained information on the progress of the development used to monitor compliance with the conditions of development as spelt out in the lease document (see conditions in Appendix B). This included the building plan submitted by the applicant, which could be either approved or in the process of approval by the local authority. This document also contained information on the different stages of the construction, for example the building being at foundation, window level, roof level or building completed and a certificate of occupancy issued.

What was also established during the interview was that once a certificate of occupancy has been issued, it implied that the applicant had complied with conditions set out in the lease document and could apply for full title to the land. However, this has to be confirmed in writing by the local authority that also recommends to central government that the applicant may be considered for freehold title to the land. It is at this stage that the Registrar of Deeds is now involved in issuing the title deed document and ensuring that it also appears on the register of titles. The role of information and its vertical and lateral flow within these levels of government is once again brought to the fore.

#### **4.4.3 Observations**

Each set of the completed application forms constituted an agreement between the Zimbabwe Government and the occupant or applicant, sealed by the issuance of a lease with an option to purchase subject to compliance with the conditions of development. There is no fixed period of the lease but a condition on the document stipulates that an



acceptable stage of development has to be reached before the applicant can exercise the option to purchase, and in most cases, the maximum period of development was fixed at twenty-four months.

During this period, the property cannot be disposed of in any way, without the approval of central government. Although such approval may be granted, the reality is that it automatically disqualifies the applicant from his or her right to another piece of land unless exceptional circumstances exist. This is meant to discourage land fronting and speculative hoarding of land, a practice that allows people to access land without going through the normal vetting procedure outlined in section 5.3.4 above. All these important decisions with long term implications on people's livelihood and access to land, depend on decision makers having access to information

#### **4.4.4 Data capture and storage.**

According to the author's observation, and also confirmed during the interview (see questions 2 and the comment) all the records were manually captured and stored in thin files kept in a number of very old steel filing cabinets (see questions 1 and 2). This involved hundreds of files and huge filing cabinets or simply on filing shelves. It was also established that there was a file for each of the stands that had been processed for registration and the local authority had a numbered plan and a file for each applicant in the case of a prospective owner whose application had not yet been processed.

As pointed out during the interview (see question 1 paragraph 2), other data sets included



a record of stages of structural development, but not always infrastructure, as these services are provided by either private or other service ministries who may not feed this information to the local authority concerned. There was a lot of information and records about payment, especially water, electricity, the land tax and property rates. It is noted that the system worked well though in a manual environment.

Most of the people interviewed agreed that the system worked well and the records were updated regularly. They however, felt that they could do better with a computerised system with some expressing reservations, which varied from costs to the effects of a possible breakdown. Others did not see the need to change a system that is clearly serving them well while others, especially at the lowest levels, feared possible job losses through computerisation. Nobody seemed to have any idea what kind of computerised system he or she wanted or what kind of problem this could bring. Few even felt that a computerised system would be without fault.

#### **4.4.5 Decentralisation**

The Chief Executive Officers welcomed the idea of decentralisation, apparently focussing on the extra revenue base that this would bring to the local authority. This included the control of education and health services and the ability to levy dues, as the local authority deems fit. The possible idea of finalising applications and approving leases and title within the local authorities without recourse to central government also seemed to sell very well. The clerical staff found this acceptable, as they would no longer

lose so many files and records between their offices and central government in Harare.

The point about misplaced or lost files between the local authority and central government was very significant, as it demonstrated not only the poor flow, but a total loss of information. It is partly on this basis that this research is arguing for a fully integrated land information system for the local authorities that is managed at the local level where most decisions are made and where most users require the information.

#### **4.4.6 Users of Information revisited.**

During a non-specific question session conducted informally among officers and non-officers at Gokwe, I was able to establish that most visitors and possible investors frequently asked questions about the availability of development stands, about the status of the roads, water, electricity and title deeds. As for the residents, these were like questions asked on a daily basis, as most of the information is not kept at the local council offices.

Answers to most of these questions are not always available as information about roads, for example, is found from the Ministry of Transport in Gweru, while the Electricity Supply Authority, has a branch office at the Growth Point. Information on water is only available from the Ministry regional office in Gweru, which is some two hundred kilometres away. That of title deeds and the cadastral status, could only be found at the offices of the Registrar of Deeds and the Surveyor General's Department in Bulawayo,

also some three hundred kilometres away (see location map of Gokwe).

This is significant for two reasons. Firstly, it showed that apart from the local government to central government flow of information, there is a lateral flow at the Growth point itself between the authority and ordinary users. Secondly, it showed that the local authority does not always have information, even for services that are already up and running at the centre. None of this information is captured in the files referred to in the interview, since the authority would rather the beneficiaries deal with the different role-players directly. From experience it is difficult to deal with different Government departments in different cities, for different functions, where the vertical and lateral flow of information among them is also poor.

I am arguing therefore that the users of this information or decision-makers comprise of the officer sitting in an office in Harare or Bulawayo, the people on the ground at these centres and the visitors who throng the local authority offices daily in search of data and information. Each one of them may be completely in the dark about what set of information could be located at which office. In the process, decisions are either made incorrectly or delayed perpetually, all to the detriment of development. In support of the hypothesis of this research, this information has to flow smoothly to the decision-maker.

#### **4.4.7 Human Resources and Technical Knowledge.**

Questions were also asked during the interview to determine the human and financial



resources at the disposal of the local authorities with a view to finding out just how a local level register or information system could work (see questions 11 and 12 on the appendix A). As already pointed out, most local authorities still depend on central government for financial support and provision of essential services like planning, surveying, registration of leases and title to land. From the answers and the inter-relationships that have been mapped in this research, it is clear that a local land information system could work but needs support both human and financial.

The human resource base of the authority was poor, especially on technical matters. For example, there was a misunderstanding between a plan approved by the local planning authority (land use plan, or layout plan), that approved by the Surveyor General and the one recorded and filed by the Registrar of Deeds. Most interviewed officers also seemed unaware that a surveyed layout plan needed approval by the DSG before title deeds could be issued. For this reason, they could not distinguish between lots that only appeared on land use plans, those that had been surveyed but not yet approved by the DSG and those that had been approved both by the DPP, the DSG and now ready for title registration.

I am therefore arguing that a well-designed and fully integrated Land Information System would make these distinctions very clear and store most of this information in a central place for all users and decision makers. It is noted too that Gokwe is well covered by cadastral surveys, so too are the other Growth Points where the author has participated, with at least 90% cadastral coverage. It is important to emphasise that this percentage of cadastral coverage refers to the planned areas where layout plans have been prepared and



approved.

## **4.5 Conclusion**

In making my concluding remarks, I would like to make reference to my opening quote, which I found to be very appropriate and almost summarises what this research exposed. It is worth noting that despite all these difficulties, and as implied by Farvaque and McAuslan, people still have faith in the formal land delivery system.

At Gokwe Growth Point, and as is the case with other centres, based on the author's experience, data and information on man and land is captured, with varying degrees of accuracy and currency. The record capture and maintenance by the local authority offices at Gokwe is as good as their resources, both human and financial, can allow. Both current and non-current information seems to be well captured and documented, exhibiting a design that could work well in an environment that allows a free flow of information between the local authority and central government.

It is also clear that some emphasis seems to be placed on training personnel, at the local level, on how to gather and store the data and information, but little training on how to disseminate or use the information seems to be taking place at the local level at Gokwe. However, as the study has also shown, there is need for a renewed thrust in the relationships by both levels of government. The reform currently being done by central government has to decentralise resources and responsibilities and to strengthen local

public institutions, support the longer term process of structural transformation, relieve bottlenecks and create opportunities for more efficient linkages (UNDP, 1994).

From the case study, it is also clear that the link between the local authority and central government is made through numerous departments and Ministries. The need to consult each of these institutions separately implies that they do not have a smooth flow of information among themselves either. This goes to show that there is a poor lateral flow of information within central government agencies and public bodies. The amount of record and information generated and archived by the local authority suggest a good start to a local data base, which though manual seems to serve the local needs and ensures that decisions on land administration, at the local level are taken quickly. This process could be supported by computerisation.

The level of human resources is clearly low and needs to be revamped to appreciate and fully utilise the benefits of computerisation. Land Information Systems would enhance information management although at the start, it would be completely alien, based on the results of the case study. There is therefore a need to develop the human resource base at the local level. Computerisation, I argue would firstly, ensure a faster and easier data capture mechanism at the local level which has the capacity to capture more information for local needs. Secondly, the system could, with time, be linked with the central government systems through a national land information system. All these efforts could contribute to a smoother flow of information, not only to and from decision makers but also to all users. This could also make the process of lawful acquisition of a plot easier

and a less painful experience and subsequently streamlining the process of land delivery at the Growth Points.

## CHAPTER 5: CONCLUSION AND RECOMMENDATIONS

### 5.0 Introduction

*"From the onset, I questioned those schools of thought which claim that, in Latin America, the poor are so poor, income differences are so great, foreign exploitation is so perverse, and the legacy we have inherited is so different from that of the advanced countries, because the mechanism and institutions which have permitted development in other parts of the world are unable to function in our own societies. I was convinced that no serious research could be conducted on the basis of prejudices, which no one had been able to substantiate fully and which instead reflected an inability to understand or appreciate Peruvians' true potentialities". De Soto (1989, xxiii).*

Part of the audience that this research is meant to address are those who intervene to solve land related problems in a jurisdiction that has a history as complicated as the system and structures of government that was created in Zimbabwe over the years. Understanding the background and circumstances within which the intervention, whether political or technological, will operate is therefore crucial. In his paper, 'The justification of cadastral Systems in Developing Countries Williamson, also cautioned that the "systems must be appropriate to the circumstances and needs... otherwise the system can do more harm than good" (1999).



In the preface to this thesis, there was reference to knowledge of the land in a country or jurisdiction, and that this knowledge comes through information. I submit that this knowledge, to an extent, is the value to be derived out of an investment in land information. But can this value be measured, one may ask. Dale and McLaughlin (1988, 171) indicate that this value can indeed be measured, at least conceptually, in terms of the extent to which it reduces uncertainty. This dissertation has traced and mapped linkages and interrelationships which all play a part in reducing this uncertainty in the decision making process.

The legacy of the history of the country has continued to play a part in all land dealings in the country, and does not only affect the users of the land, but also the interventions to make access to land easier. It is in this light that the drivers of this intervention, whether political or technical, have to take account of this history and the supportive legislation in total, in order to understand the interrelationships and linkages that are at play. One such technical intervention being recommended here is the creation of a land information system, which could augment the decentralisation effort.

The conclusion to this thesis is seen in the light of the hypothesis that was set out at the beginning. The different themes highlighted in the dissertation are therefore analyzed in this respect. The order in which they are discussed here is reflecting the order in which they were laid in the research and meant to flow in a logical manner.

## 5.1 The history and legacy of colonialism

The distribution of land, which was based on race, introduced imbalances in the tenure arrangements that need to be understood if any successful redress or intervention is to be implemented. There was calculated legal support to the process and most of the applicable statutes were spelt out, including the modifications that attempt to support the current government intervention. This legacy has created government structures that have complicated liaison procedures, which make the flow of information between them and other users difficult. This research has shown that the vertical flow of information between local governments and central government is particularly bad as wrong decisions are made on the basis of defective information.

The present system and structure of government has continued with the two levels of government that need information from each other in order to make decisions. This information does not always flow smoothly and fast. It has also been shown that outside these two levels of government, there are other players after the same sort of information or with the information that the two governments require. This however creates an atmosphere of trade. There are weaknesses in the ensuing exchange as the rules of engagement are often skewed. The thesis has not dealt with this area, as it has been restricted to technical information and its flow between the two levels of government.

## **5.2: Land Tenure and land registration**

This research has also linked the present tenure arrangements to the history and the legal support system, including the effects of the massive dispossession of land, which are linked to the current efforts to redistribute it. The knowledge of the land, which was implied in the literature review and in the case study, is based on data, record and information about the land. The terminology applicable to the registration of land was discussed and linked to the process of land registration. In this respect, the tenure applying in a place determines the nature of record and information that can be captured for administration of the land. The effects of the disparity of the system have also been discussed, especially in the communal areas.

Land registration has not been extended to the communal areas and hence local authorities have a problem with their revenue base, which is linked to the land, and hence the land record and land registration. On the other hand, most urban areas have freehold title and a functional land information management system and hence an improved land administration system. Growth Points look at this as a process of widening and improving their revenue base and hence look forward to a localized land information system, which could provide this information locally and eventually, nationally.

It was also pointed out that land registration depends on cadastral surveys. This point is important as it also links land information management to land registration. It has also been accepted and recorded that the process of gathering, processing and disseminating

information is a multi-sectoral task with many role players. Their collaborative effort to share information introduces problems as was discussed in the case study. This is made worse by the complicated communication between role players and the many government structures, which cannot ensure a flawless flow of information among them. This can be better understood in the context of government's role in the land delivery process, which was also discussed in the case study.

### **5.3: Government and land delivery**

The inherited two-tier government structure is complex and not very user friendly. Apart from the government structure, efforts meant to reduce the complications, like decentralisation do not seem to have been entirely successful. The activities of local government at the Growth Point in Gokwe were introduced and linked to the history and the place of local governance in the present set up of government.

It is clear that while the local authorities, represented by this case study of the Rural District Council at Gokwe are linked to central government, their efforts at administering the land under their jurisdiction seems to work as amplified in the case study. The land allocation policies and procedures were also explained and linked to the history and the national framework, including the surveying and registration system applicable to the Growth Point.



From the literature review and the interaction of local and central government, there was clearly a problem with combining top-down with bottom-up planning. This point was brought up in the case study where it was demonstrated by the poor flow of information, dealing a serious blow to central government's determination to "...embark on policies and programs designed to involve fully in the development process, the entire people..." (Goz 1981). It was also shown both in the literature review and in the case study that key departments in the land delivery process, like the departments of the Surveyor General, the Registrar of Deeds and the Department of Physical Planning have poor communication and exchange of information. Where these departments have regional offices, they also do not have symmetry of information, making it difficult for users to make it a one-shop stop for land information. This research has pointed to a land information system as one of the answers to these problems.

#### **5.4 The case Study**

The case study demonstrated a clear level of ability by the local governments to administer the land under their jurisdiction with a manual system that is serving their needs, *albeit*, slowly. Starting off with the well-maintained local records, they aim at computerization but lack resources, both human and financial. One of their strongest points is that Gokwe has been well covered with cadastral surveys, one of the strongest pillars and basis for a fully integrated land information management system.

The case study also demonstrated the poor communication between the local authority and central government, which is dependent on the flow of information. As pointed out earlier, this poor communication is not only restricted to the two levels of government but also, among the different departments within them. This has also come out clearly in the case study as summarized in appendix (A). Taking computerization further, an LIS/LIM can be implemented to capture most of the information that obtains at central government agencies and at the Growth Points. This research has argued for localization in view of the absence of a national LIS/LIM at the moment and envisages a design, which could allow for a link to the national system at a later stage as will be shown in the recommendations.

## **5.5 Recommendations**

In light of these circumstances, it is therefore recommended that, the local authority at Gokwe, which represent the local government in this jurisdiction, be supported. Firstly by strengthening its institutions to enable full utilization of land and its resources. Secondly, the data, record and information management, which is currently manual, modest and works well, could be enhanced through computerisation.

Thirdly, Gokwe could embrace the technological gains and advancement of land Information Systems enjoyed all over the developing and developed countries. Although the justification for this is beyond the scope of this thesis, the research has demonstrated a need in this direction. Fourthly, the resource base for Gokwe, both human and financial

needs to be strengthened if the full potential of this system is to be realized, in particular, if the recommendation for localization is to be followed.

Fifth, the system design to be implemented at Gokwe should be upgradeable and incorporate links with central government systems in order to share and exchange information. Finally, there is a great need to understand, the legal framework, the interrelationships and linkages that are at play within and between the two levels of government and other non-governmental organisations and role players. This should remove the prejudices implied by De Soto in the opening quote to this chapter, and also demonstrate that the legacy we have inherited is not so different as to render good land administration practice within the local government jurisdictions, especially at Growth Points.

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## INTERVIEWS AT GOKWE GROWTH POINT

The interview was structured to answer a number of questions drawn up from the spirit of the hypothesis. These questions were routinely asked to most officers and the answers are summarised below the question. The author then added a comment in each case to contextualise the answers that were supplied. Only sample of the original questions are captured here but it should be noted that in the interviews, certain questions often led to more questions and answers

### **1. What kinds of record exist at the Council offices?**

There is a file, which can be identified by a name or by the stand number allocated to a person. In the file there should always be a set of completed application forms bearing the details of the person and information about the stand. This information should tell you more about the owner of and the piece of land itself or the progress of development on the land.

This, I found to be the dimensions (measurements around) and the size (area) of the piece of land concerned. In each case there was a graphic representation by way of a sketch or copy of a plan from the Department of Physical Planning. There was always a stand number. The details of the occupant included his full names, date of birth, marital status and where applicable, those of the spouse. There was also information about the employer including the level of income which I was told is used to determine the size of plot one could qualify for. Each form is completed in triplicate, one set for the file and two sets to be sent to Ministry's headquarters in Harare. There were also other sets of data (to be discussed later).

#### ***comment***

Each set of completed applications forms constituted an agreement between the Zimbabwe Government and the occupant, a lease with an option to purchase. There is no fixed period for the lease but a condition on then document stipulates that an



acceptable stage of development has to be reached before the occupant can exercise the option to buy and in most cases it was twenty four months.

## **2. What kind of record keeping is/was in place?**

All the records were manually captured and stored ( as at March 1998 ). This involved hundreds of files and huge filing cabinets. A file for each stand and or for each person in the case of a prospective owner. Each file is identified by either a stand number or the name of an occupant or prospective occupant. Other data sets included a record of stages of structural development, but not infrastructural, especially, roads, electricity and water. There was a lot of information about payments, especially the land tax and or rates. It was clear the system worked well.

### ***comment***

Most of this information is used as a tool for land administration and management. All the people I interviewed agreed that although the system worked well, they preferred a computerised system. Nobody seems to have any idea what kind of computerised system they wanted or what kind of problems this could bring. Few even felt that a computerised system would be without fault. The level of expectation and knowledge of a desirable system did not inspire a lot of confidence.

## **3. What would Council / Growth Point Administration want? .**

The two officers (interviewed) would like to see increased manpower. They wanted the system to be computerised. They wanted increased office space.

## **4. What are some of the questions asked by visitors or investors and are the answers readily available?**

They ask about the availability and or status of roads, about water, electricity and title deeds. The answers are there but they are not always available. The information about roads is found from the Ministry of Transport who, like the electricity supply authority

have a branch office at the Growth Point. Information on water is only available from Ministry's regional office in Gweru, some one hundred kilometres away while that on title deeds is with the Surveyor general in Bulawayo, some three hundred kilometres away.

#### **comment**

None of this information is captured in the files as the Administration would rather the beneficiaries deal with the different Authorities directly. This can be quite a task, dealing with different Government Departments in different Cities for different functions.

#### **5. Do you know the boundaries of the Growth Point?**

Nobody had the correct answer to this question. Senior officers were not even clear on the extent of Growth Point influence in terms of administration.

#### ***Comment***

Nobody would have a correct answer because the exact area that has been excised out of the communal lands has not yet been physically marked on the ground. This gives problems in information and data gathering as the boundaries or extent of collection is never known.

#### **6.0. Which Ministry do you deal with?**

Junior employees identified different ministries or departments on the basis of their daily interactions while some senior officers clearly and openly answered, the whole government structure.

## **7.0 Have you started seeing the benefits of decentralisation?**

A lot of impatience with the process was observed, with most junior employees not even aware that the scheme has started. A few worried about losing their jobs while the senior officer could not wait for extra powers to make decisions locally.

### *Comment*

Although many officers looked forward to extra "power", few were prepared for the extra responsibility that would go with such power.

## **8. How often and when last were you consulted on the preparation of layout plans or land use plans?**

Nobody seems to have been consulted and most did not see the need, as they were not planners or experts in the field. There was a clear lack of the need for local input in the planning of their area and a demonstration that little effort was being done from the top to ensure that this takes place.

## **9. On the average, how long does it take an applicant to have a lease document delivered and how much longer does it take for the full title deed.**

The majority of the people interviewed had never seen anybody get full title to the land. Leases varied from six months to two years. The author informed the interviewees that the only title registration at the Growth Point had taken three years to obtain.

## **10. Is Council happy with the state of affairs?**

Nobody was sure what the officers at central government felt about this delay but they were clearly frustrated by this delay as all projects, for the prospective land owners

depended on title registration. A few felt that if the final decisions on ownership were done locally without reference to central government, it would go faster. The finance officer, who had seen the benefits of a computer and a computerised financial system, thought computerisation would be the answer.

**11. Have you heard about a Land Information System?**

The finance officer had a good knowledge of LIS, but with a strong bias on financial controls, without a clear distinction of whether parcel based or based on other format. Most officers had heard about these systems at workshops and thought they would solve all problems.

**12. If computerisation was the answer, could the local authority afford the hardware, software and experts to install and run the system?**

There was clearly no local expertise in the authority and little ability to finance the system without central government, donor or public sector support.

*{Most of the interview was captured on tape, except for the officers who declined to be recorded, and a good deal of the questions whose ideas are incorporated here are captured on the tape for the record}*



Registered No.: A/4827

Township: KARIBA



ZIMBABWE

MEMORANDUM OF

# AGREEMENT

made and entered into by and

between The Minister of Local Government, Rural and Urban Development  
(hereinafter styled the Lessor), of the one part,

and

(hereinafter styled the Lessee), of the other part.

## Witnesseth:

THAT the parties hereto have made and entered into and concluded the following agreement that is to say.—

1. THAT the term "local authority" wheresoever and whensoever used in this agreement shall mean the local authority within the area of which the land described in Clause 2 hereof is situate, but shall exclude Local Committees.

2. THAT notwithstanding the date of signature hereof, the Lessor shall be deemed to have let to the Lessee who/which shall be deemed to have hired Stand No. 978 situate in the township of Kariba in the district of Kariba as more fully described in the plan hereunto annexed for a period of two year from the first day of July 19 92 which for the purposes hereof shall be the date of commencement hereof.

3. THAT the rent payable by the Lessee to the Lessor shall be \$ 52 000,00

( fifty-two thousand dollars ), per annum and the same shall be paid by the Lessee to the Lessor, or to such person or persons at such place or places as the Lessor may direct in writing from time to time in advance, the first payment to be made on the first day of July 19 92, and subsequent payments to be made on or before the first day of July each year. In the event of any extension being granted by the Lessor to the Lessee, the rental shall be paid in advance as aforesaid for any such period of extension or until the exercise by the Lessee of the option to purchase hereinafter mentioned.

4. THAT buildings exclusive of outbuildings to the value of not less than \$ 500 000,00 (five hundred thousand dollars ), and having a plinth area of not less than square metres, shall be erected on the stand/stands by the Lessee at his/its expense during the currency of this lease and such buildings shall in all respects comply with any buildings by-laws and regulations of the local authority, and with plans and specifications to be approved in writing by the Kariba Town Council and the Provincial Planning Officer (Mashonaland West).

5. THAT the Lessee undertakes that he will commence the erection of buildings in terms of the last preceding clause not later than nine months after the date of commencement of this lease, and shall proceed without undue delay to the completion of the same before the expiration of the lease. The Lessor may in his entire discretion grant such further period in which so to commence the said buildings and to complete them as he may deem fit, on it being shown to his satisfaction that the Lessee has through causes beyond his control been prevented from commencing or completing the buildings within the period of this Agreement.



6. THAT during the said lease the Lessee undertakes and agrees to pay to the local authority, all such rates and taxes and other charges as would be payable if he/it were in fact and in law the registered owner of the stand/stands and the local authority shall have the right to ask, demand, sue for and recover from the Lessee all such rates and taxes as though the Lessee were in fact and in law the registered owner of the premises.

7. THAT in the event of the Lessee failing to commence or to complete the buildings to be erected upon the stand/stands, in terms of Clauses 4 and 5 hereof within the time specified and in the event of the Lessor granting an extension of the lease for such purpose, the local authority shall be entitled to claim from the Lessee, from time to time as and when rates and other charges become due and payable, a sum equal to the rate which would have been payable by the Lessee had such buildings been erected and completed as required by this lease and, in default of payment, shall have the right to sue for and recover such sum from the Lessee.

8. THAT during the said lease the Lessee shall keep all buildings which may be erected on the stand/stand in good order, repair and condition, both internally and externally.

9. THAT the Lessee shall keep the whole of the stand/stands in a clean, tidy and sanitary condition and free from rubbish, litter and vermin and will not do, or cause, suffer or permit to be done, anything in or upon the stand/stands which is or may become a nuisance.

10. THAT during the said lease the stand/stands and the buildings to be erected thereon shall only be used for the purposes specified in Clause 25 hereof, and the buildings shall be erected only within the building lines specified in Clause 26 hereof.

11. THAT the Lessee shall not occupy, or cause, or suffer or permit any person or persons to occupy any stand hereby leased until the buildings shall have been completed to the satisfaction of the Lessor.

12. THAT the Lessee shall not cede or assign this lease or sublet or part with the possession of the stand/stands, or any part thereof, or alienate, mortgage, donate or otherwise dispose of the same, or cede or assign any right acquired by him/it hereunder without the previous consent in writing of the Lessor, or until title to the stand/stands shall have been granted to him/it as hereinafter mentioned.

13. THAT the representatives of the Lessor shall be entitled to enter on the stand/stands at all reasonable times during the daytime to inspect the state and condition thereof and of the buildings that have been or are being erected thereon.

14. THAT if the Lessee shall fail to exercise the option to purchase, hereinafter mentioned, or if the Lessor shall retake possession of the stand/stands by virtue of the provisions of Clause 15 hereof, then, at the expiration or sooner determination of the said lease, the Lessee shall neither have the right to dismantle or remove either in whole or in part any building or other improvement constructed or effected on the stand/stands, nor shall he/it be entitled to any compensation from the Lessor for such buildings or improvements or for any other matter whatsoever.

15. THAT if the Lessee shall fail to pay the said rent, or any part thereof on the date when it is due and payable as aforesaid, or if the Lessee shall commit any other breach of the terms and conditions hereof, or if the Lessee shall fail to commence or complete the erection of buildings as hereinbefore provided, or if the Lessee shall become insolvent, or enter into liquidation or into any composition or deed of arrangement with his/its creditors, the Lessor shall be at liberty forthwith to declare this agreement terminated and to take possession of the stand/stands and to eject the Lessee therefrom, but without prejudice to any claim which the Lessor may have for unpaid rent, or for damages in lieu thereof, nor shall the Lessee be entitled to the refund of any rental paid by him in terms of the lease.

16. THAT the granting of any extension of the said lease in which to commence or complete the buildings herein provided for, or any other indulgence granted by the Lessor to the Lessee, shall not be construed as a waiver of the Lessor's rights hereunder and the Lessor shall be entitled to enforce such rights at any time. If such buildings, to minimum value specified have not been erected and completed during the said lease and any extension is granted by the Lessor the Lessee shall pay to the local authority sums equal to the rates which would



have been payable had such buildings been erected and completed in accordance with this Agreement. Any extension granted by the Lessor for the commencement of any building in terms hereof shall not necessarily grant to the Lessee an extension of time in which to complete such building.

17. THAT the Lessee shall as soon as practicable but not later than the date hereinbefore set forth for the commencement of the buildings notify the Lessor in writing of the date on which he proposes to commence such building and his failure so to do shall be deemed to be a breach of the conditions of this lease.

18. THAT notwithstanding the provisions of Clause 20 hereof the Lessee may be permitted to purchase the property hereby let and to receive title thereto before the completion of the buildings required in terms of Clause 4 hereof, provided that the Lessee satisfies the Lessor:—

- (a) that the Lessee has been granted a loan to be secured by a mortgage bond over the stand to enable such buildings to be erected; and
- (b) that a contract for the erection of such buildings within a reasonable period of time has been entered into and that adequate arrangements have been made for the fulfilment of the contract; and
- (c) that the purchase price and other sums referred to in Clause 20 hereof have been paid or guaranteed to the satisfaction of the Lessor against the grant of title,
- (d) that "a reasonable period of time" as referred to in Clause 18(b) shall not be more than 180 days.

Upon such sale the provisions of Clause 20 hereof shall *mutatis mutandis* apply.

19. THAT the parties hereto consent to the original jurisdiction of the Magistrate's Court for the Province of Mashonaland South in respect of all claims arising directly or indirectly out of this Agreement.

20. THAT in the event only of the Lessee completing the buildings on any stand hereby leased and completing the same in terms of Clause 5 hereof during the said lease, or of any extension thereof which may be granted by the Lessor as aforesaid, the Lessee shall have the option of purchasing the property hereby let at the price of \$ 520 000,00 (five hundred and twenty thousand ) and in such case the following provisions shall apply:— dollars.

- (a) The said option shall be exercised by notice in writing of such intention given to the Lessor by the Lessee.
- (b) The date of sale shall be deemed to be the date on which such notice as aforesaid shall be received by the Lessor; and with effect from such date the said lease shall be deemed to have terminated.
- (c) That on receipt by the Lessor of such notice as aforesaid and of the payments hereinafter mentioned all such sums as shall have been paid by the Lessee on account of rent shall be deemed to be a part payment of the said purchase price and allowance shall be made for the same accordingly, provided that any sums payable as rent during any extension which may be granted by the Lessor shall not be deemed to be part payment of the purchase price.
- (d) The balance of the said purchase price, together with the costs of survey of the stand/stands amounting to \$ \_\_\_\_\_ and the costs of registration of the Title Deed of the stand/stands in terms of the Stamp Duties Act shall be paid by the Lessee to the Lessor in cash on giving such notice as aforesaid.
- (e) That all rates, taxes and other charges in respect of the stand/stands with effect from the said date of sale shall be borne and paid by the Lessee.
- (f) That title to the stand/stands shall not be granted to the Lessee until such time as the amounts hereinbefore referred to have been fully paid and, except in the circumstances referred to in Clause 18 hereof, the buildings referred to in Clause 4 hereof have been erected and completed to the satisfaction of the Government, and in terms of the provisions of this lease.
- (g) That the title to the stand/stands shall be subject to the following conditions:—  
The local authority in whose area the stand is situated shall at all times have the right and power free of charge, to erect or lay and work pipelines, electric lines, sewers, drains, poles and standards upon, over or under the stand with the further right and power to enter upon the stand at all reasonable times free of charge for the purposes of inspecting, repairing, maintaining, replacing or altering such works in connection therewith.



AGAINST

FROM

26/2/91 19

PROVINCIAL  
PLANNING OFFICE  
MASHONALAND  
MOSHI, WEST



ANNEXURE

25. THAT the stand shall be used for Hotel or Chalets purposes only and the maximum height restriction shall be three (3) storeys.
26. THAT no building other than boundary walls or fences shall be erected within 6 metres of any boundary.
27. THAT no residential accommodation shall be permitted within the stand.
28. THAT on-site parking for patrons shall be provided by the lessee or owners to the standard and satisfaction of Kariba Town Council.
29. THAT the stand shall not be occupied until :-
- (a) approved buildings have been erected and completed thereon;
  - (b) a reticulated water supply has been connected thereto; and
  - (c) a sanitary system to the approval of the Kariba Town Council has been installed thereon.
30. THAT no culvert or other means of access to the stand shall be constructed except with the consent of and to a specification approved by the Kariba Town Council.
31. THAT servitudes over the stand for all water supply, sewerage and public utility purposes shall be granted by the owner as and when required.
32. THAT the general finish of any buildings to be erected that is the walls and roof shall be of non-offensive, not bright, and not shiny texture. Structures should blend in well with the flora and fauna of surrounding ecology.

3X

21. THAT the Lessee accepts *domicillium citandi executandi* (physical address) at:—

1 Eagle Way, Mount Pleasant, Harare

22. THAT in the event that the Lessee shall fail to carry out any of the terms, conditions or clauses of this agreement then the Lessor shall have the right to summarily cancel this agreement and to eject the Lessee from the said stand, without prejudice to any right to claim damages for breach of contract.

23. THAT in the event that the Lessor cancels this agreement in terms of Clause 22 then the Lessor shall have the right to eject the Lessee from the said stand forthwith and the Lessee shall have no right to **claim compensation** for any improvements constructed thereon by him: furthermore if there are any improvements on the said stand if and when this agreement is cancelled by the Lessor then the Lessor shall have the additional option of requiring the Lessee to remove the improvements from the said stand at his own expense as soon as reasonably possible, or the Lessor may do so and recover the costs of so doing from the Lessee.

24. THAT no waiver of its rights in terms of this agreement on one occasion by the Lessor shall amount to a waiver on any other occasion.

For conditions 25 to 32 see annexure attached hereto.

Given under my hand at this day of , 19

WITNESS:



ASSISTANT SECRETARY/PRINCIPAL/SENIOR  
EXECUTIVE OFFICER

Ministry of Local Government, Rural and Urban  
Development for and on behalf of the Minister of Local  
Government, Rural and Urban Development in terms  
of Statutory Instrument 17 of 1986.

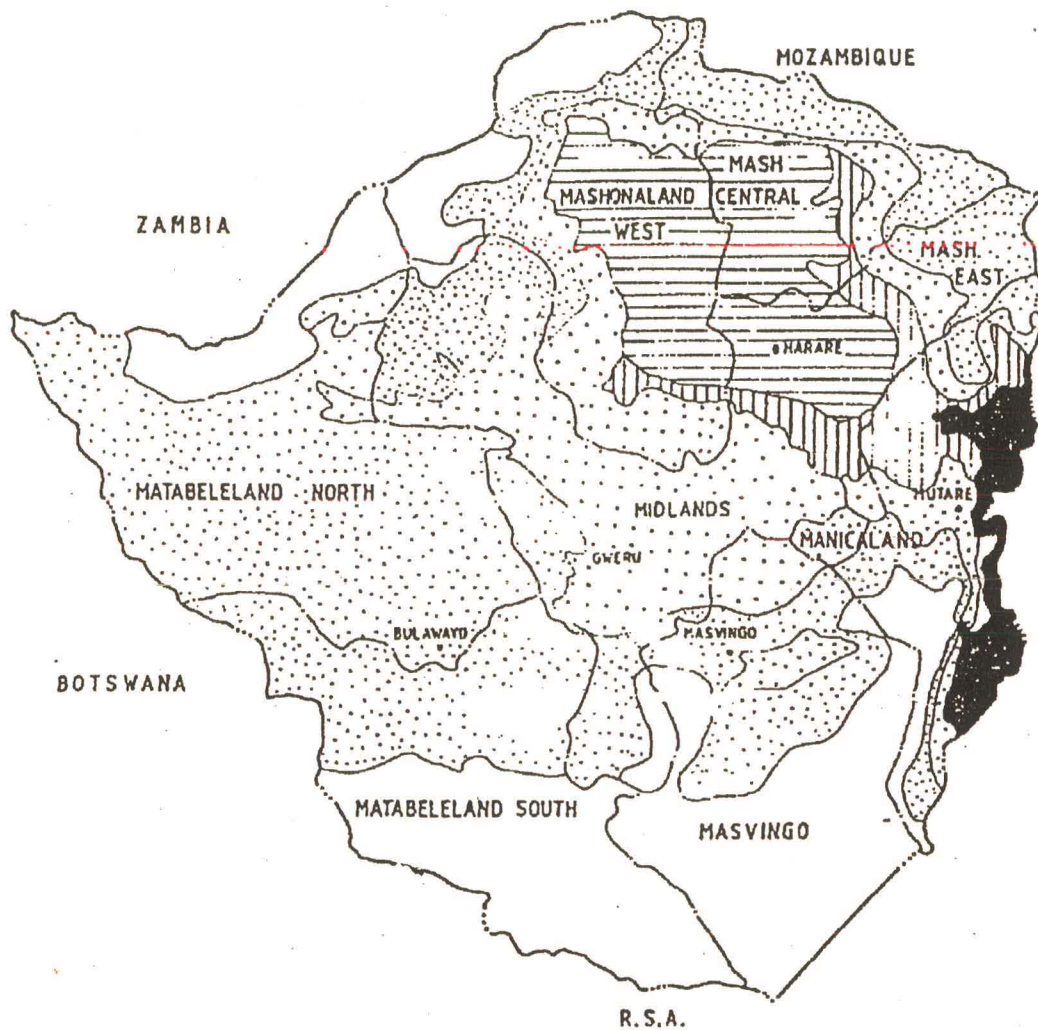
I/WE hereby accept the conditions stated in the above Agreement and the several conditions on my/our  
part to be observed I/WE undertake to observe and perform.

Dated at this day of 19

WITNESS:

LESSEE:

# PROVINCIAL MAP OF ZIMBABWE



ENDA-ZIMBABWE  
ENVIRONMENT UNIT  
CARTOGRAPHIC SECTION  
15/05/92



# ZIMBABWE

## PRE-1980 GROWTH POINTS

0 75Km 150Km

SCALE

