

*Review*

# Spatial planning, legislation and the historical and contemporary challenges in Zimbabwe: A conjectural approach

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This paper seeks to unravel the spatial planning system in Zimbabwe in cognisance of its potential role to addressing some of the skewed phenomena of planning in the country. Some of the contemporary planning challenges are rooted in the colonial footprints, emanating from the Rhodesian segregationist policies and repressive legislation that have continued to exist into the 'free Zimbabwean' era despite having outlived their relevance and usefulness, to modern day Zimbabwe. The situation is not peculiar to Zimbabwe alone but it cuts through many African counties.

**Key words:** Spatiality, planning, legislation, colonialism, post-coloniality, poverty, policy

## OVERVIEW

The world of today is a space with numerous challenges, some human and political like terrorism (the famous September 9 to 11, 2001 World Trade Centre attack in the USA) and corruption, some economic like inflation and negative growth, others environmental like high rates of pollution, natural disasters to name but a few. All these make the global village a sceptical place to live. Mortality levels are just too high to be imagined. Poverty wreaks havoc in all places urban and rural. In September, 2000, 189 countries at the United Nations Millennium Summit in New York adopted the Millennium Development Goals (Box 1). The aim was to create a —...fairer and more stable world (IMF, December 2003:13). The Summit agreed to a set of measurable goals and targets for combating poverty, hunger, disease, illiteracy, environmental degradation, and discrimination against women. IMF (ibid.) sums up the set up for achieving the goals as —...building sustained economic growth that in turn spurs a sustained rise in average per capita incomes. It is in this spirit that spatial planning has critical role to play. This paper seeks to unravel the spatial planning system in Zimbabwe in cognisance of its potential role to addressing some of the skewed phenomena of planning in the country.

### Box 1: The Millennium Development Goals (MDGs)

The MDGs are given as:

1. Eradicate extreme poverty and hunger
2. Achieve universal primary education
3. Promote gender equality and empower women
4. Reduce child mortality
5. Improve maternal health
6. Combat HIV/AIDS, malaria and other diseases
7. Ensure environmental sustainability
8. Develop a global partnership for development

**Source:** IMF (December 2003:14)

### Box 1. The Millennium Development Goals (MDGs).

Spatial planning is concerned with —the problem of coordination or integration of the spatial dimension of sectoral policies through a territorially-based strategy (Cullingworth and Vincent, 2006: 91; cf. UNECE, 2008). More complex than simple land-use regulation, it addresses the tensions and contradictions among sectoral policies, for example for conflicts between economic development, environmental and social cohesion policies. The key role of spatial planning is to promote a more rational arrangement of activities and to

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reconcile competing policy goals. The scope of spatial planning differs greatly from one country to another, but most share a number of similarities. In almost all countries, spatial planning is concerned with identifying long- or medium-term objectives and strategies for territories, dealing with land use and physical development as a distinct sector of government activity, and coordinating sectoral policies such as transport, agriculture and environment (Koresawa and Konvitz, 2001; UNECE, 2008). Critical to note and emanating from the above is that spatial planning has a lot to do with what transpires in regions, communities and localities in terms of how the concerned folk create a future for themselves through goal formulation through to their (goals) implementation, monitoring and evaluation. Policies, legislation, strategies and institutions are the key drivers to a healthy spatial domain geared to the betterment of people. Spatiality describes the domain where activity happens. Activities can occur in a planned or spontaneous manner. Natural disasters like floods, drought and famines as well as other negative developments and mishaps like poverty, inflation, fatality, and the like better exemplify the latter type of activity. When they happen, they are never passive occurrences. They indeed happen in an impulsive and pushy manner. There are several levels of looking at spatiality, namely, micro-level (for example, village, district and ward), meso-level (for example, province and region) and macro-level (supra-region and the globe).

As activities happen in these different levels of spatiality, they bring with them novel or recurrent challenges. Strategic planning and management comes in as an adaptive and flexible tool to meeting and redressing these challenges. Blueprints like legislation and policies might need to be constantly revised and amended if they are to remain relevant in addressing the challenges. Failure to do so often creates a miasmic atmosphere characterised by increased conflicts and discontent among the public. The thrust of this paper is to show the numerous challenges that the developing world faces today but against the background of the colonial past and the global initiatives.

The gap between the developed and the developing worlds continues to widen as the latter lag behind in the implementation of the global initiatives like the Millennium Development Goals (MDGs). One key explanation is the aspect of 'new wine in old wineskins'; that is to say the institutional structures operational in the developing countries have seen better days hence the need for restructuring and renovation. The discourse will make case of Zimbabwe as the example of the developing nation. In addition, constant reference will be given to the Regional, Town and Country Planning Act (Chapter 29:12) which is the centrepiece of planning law in the country. The MDGs will also be discussed at some length in a bid to showcase how the challenges contemporary have outpaced the institutional set up.

Various pieces of legislation were enacted during the colonial hegemony (1890 to 1980), the major ones being the notorious Land Apportionment Act, 1930 (formed from the recommendations of the Morris Carter Commission's opinion on land segregation issues leading to the setting aside of 51% of the land in the country for European settlers with Africans being prohibited from holding or occupying land in the European areas), the Native Land Husbandry Act, 1951 and the Land Tenure Act 1969. These to a greater extent have shaped the ruralscape of the country, and upon the attainment of independence in 1980, the drive was towards the establishment of rural growth points which were assumed through trickle down effects, would induce some rural industrial development which in the long run would develop the entire rural areas, these ideas were borrowed from the Territorial Production Function (TPC), or Perrouxian Growth Model coined by the French economist François Perroux (1950). The Zimbabwean urbancape is largely controlled by the Regional Town and Country Planning Act, Chapter 29:12, which again is highly criticised for its rigidity and sluggishness to respond to forces of globalisation and urbanisation challenges particularly those highlighted in the Millennium Development Goals. Changes in the external environment (political, economic, social and technological) posed a remarkable challenge on the organisation and management of urban space. To effectively manage these there is need for fluidity in legislature in terms of continuous and constant review of both the RTCP Act and Allied Acts so that they positively engulf emerging trends in non spatial issues, however centralising spatial planning and planning styles.

## **CONTEMPORARY SPATIAL ISSUES: A GLOBAL PERSPECTIVE**

Global challenges such as climate change, energy supply, globalisation or demographic changes have an increasing impact on societal development (Cabus, 2010). Spatial planning introduce ought to introduce new planning views and practices to deal with these developments. This is true for area based policies, where spatial planning has to develop governance approaches to reconcile different and changing demands for space. It demands coordination and integration across sectors, scales, administrative levels or time frames and leads to altering land use practices. The impact on spatial planning also exists on amore strategic level. Different questions exist in this respect: what type of strategic choices have to be made on what level to deal with these new and existing challenges? How to cope with trans-border impacts and European frameworks? In light of the last question, perhaps a major step at improving the institutional arrangement of spatial planning at supra national level is the adoption of the European Spatial Development Perspective (ESDP).

The construction of EU spatial discourse is conditioned by several megatrends: the globalised market, the emergence of the competitive city, and the culture of mobility. Difficult spatial challenges face the EU, competing in the global market place whilst simultaneously attempting to secure balanced development across the disparate regions of Europe. Whilst the effects of globalisation processes are often argued as creating 'disembodied communities', decoupled from space and place, a different analysis argues that global capital movements actually intensify the activity of local place making. The adoption of the European spatial development perspective by the informal meeting of ministers responsible for spatial planning in the EU in Postdam in May 1999 represents the latest development in a decade-long attempt to shape a policy field of European spatial planning. Despite this bold step in spatial planning improvement at supra national level, one of the most strongly contested issues being played out across these arenas is the extent to which the ESDP will give the EU any power in spatial planning, particularly since the field of EU spatial planning is not legally founded in the treaties of the European Union. In its own terms the ESDP has no legal force, and is to be seen as a basis only of voluntary actions (CSD, 1999:35).

The current global urban development discourse is calling for sustainable urban development. Naess (2000) questions the possibilities for spatial planning in contributing to sustainable urban development. In some countries, including Norway, Great Britain and Germany, much of the discussion has focused on the negative environmental consequences of a land consuming and sprawling urban development in terms of, among others, loss of natural and agricultural areas and a high energy use for transport and in buildings. Achieving sustained economic growth depends on a variety of complex factors including the skills of the population, the soundness of government policies, whether the country has strong institutional and legal framework, and how open industrial countries are to its exports. Additionally the country's relations to the world monetary institutions such as the World Bank and The International Monetary Authority (IMF) and the general extent of involvement of the private sector and the non governmental organisations to development, again partly explains the degree to which a country may prosper in economic growth and development. This shows that there are a number of issues that need attention, not at the global stage, but the local and national podium. The following section will look at the contemporary challenge experiences by Zimbabwe and how they impinge on spatial planning and management.

### **African context**

Spatial planning practices in Africa, to a large extent

are moulded by the colonial-post colonial thrusts. In many instances spatial planning represents a normative continuity, despite a change in the national government. This can be referred to as a colonial spatial planning challenge. For example, Mathe (2010) notes that, the apartheid spatial planning has proved difficult to address in the democratic era in South Africa. Post apartheid planning has done little to address the situation and in some respects even aggravated the situation. He cites the case of the location of low cost housing that the government provide, which are located further away from places that provide employment opportunities. In a Ghana the spatial pattern of urban growth in Accra from 1985 to the present revealed that the pluralistic system of land tenure coupled with the overlapping and duplication of roles by government institutions has also created a cumbersome process to land title registration (Otoo et al., 2006). As a result people bypass these registration processes and develop their land, leading to discordant spatial planning. They recommend the use of modern technology such as remote sensing (RS) and geographical information systems (GIS) for better monitoring of spatial planning activities and the urban growth phenomena at large. Perhaps a concise summary of spatial planning challenges in Africa is given by Akatch (2001) in his study of spatial planning practices in five selected countries. He notes that most regions areas in Africa have experienced rapid urban growth without the corresponding growth and development of the urban infrastructure facilities and services. Defective national policies and instruments in case study countries have led to general failure of planning goals. Further, he highlighted that inadequate and inefficient spatial management institutions have failed to provide vital services to urban residents. All in all, he concludes that many of the spatial planning related challenges and problems remain unresolved. Indeed, with time, the problems are becoming more and more insurmountable. He then recommended the need to re-appraise the spatial planning practices and experiences within the Africa region in order to evaluate the performance and prospect of spatial planning instruments.

### **CONTEMPORARY SPATIAL CHALLENGES IN ZIMBABWE**

Zimbabwe inherited a dual spatial structure, known as the two tier system created by the British colonists from 12 September 1890 up until 1980 (Loney, 1975; Tickner, 1979; Moyo ed, 1991; Auret, 1990). Most of the challenges the country faces now have their origins in this century span of British domination. It can be generalised that for the greater part of the 90years, Zimbabwe, then Southern Rhodesia and latter Rhodesia was nothing less than an annex of Britannia. This can be traced from the development of planning law in the country as indicated in Table 1. The facts in the Table are

**Table 1.** Landmarks and Laws dealing with the countryside in Zimbabwe.

Legislation	Year	Details
Land Apportionment Act	1930	This was the basis for subsequent Acts and continued in effect until independence, allocated the land of the colony between areas where only Europeans could own property, areas which were held in trust for African tribes on a collective basis and areas where only Africans could own property. One practical effect of the apportionment was that some blacks were ejected from land they had worked for generations. The anger this caused had a profound impact on the politics of Zimbabwe in the post Independence period
National Registration Act and Native Passes Act ***	1936 and 1937	These controlled the movement of Africans and forced them to carry their passes with them wherever they went, the then known as passbooks. Africans were not allowed in the European areas without permission.
Native Land Husbandry Act	1951	The act meant to enforce private ownership of land, destocking and conservation practices on black small holders. It met mass resistance and fuelled nationalistic politics. The law was subsequently scrapped in 1961.
The Tribal Trust lands (TTL) Act**	1965	The act was devised to change the name of the native reserves and create trustees for the land. High population densities on TTLs made them degraded 'homelands'.
Land Tenure Act**	1969	The Act replaced Land Apportionment Act. It shifted 8million acres of the 'unassigned' land to the category of 'European area'. Section 5 of the Act provides that —the total extent of all land in the European area shall not differ by more than 2 percent from one half of the combined extent of both the European and African areas. The act made provision for the transfer and exchange of land between European and African areas.
Land Tenure Amendment Act	1977	This act was enacted by the Rhodesian government in response to the intensification of the liberation struggle in the 1970s. The act removed the racial division of land, thus by 1980 the formal racial segregation had been removed. The Act changed the Tribal Trust Lands into Communal Areas, and shifted land authority from traditional rulers to local authorities.
Land Acquisition Act	1985	Though drawn in the spirit of the 1979 Lancaster House "willing seller, willing buyer" clause (which could not be changed for 10 years), the Act gave the government the first right to purchase excess land for redistribution to the landless. The Act, however, had a limited impact largely because the government did not have the money to pay compensation to landowners. In addition, white farmers mounted a vigorous opposition to the Act. Because of the "willing seller, willing buyer" clause, the government was powerless in the face of the farmers' resistance. As a result, between 1980 and 1990 only 71,000 families out of a target of 162,000 were resettled.

Table 1. Contd.

Land Acquisition Act	1992	The Act was enacted to speed up the land reform process by removing the "willing seller, willing buyer" clause. The Act empowered the government to buy land compulsorily for redistribution, and a fair compensation was to be paid for land acquired. Landowners were given the right to go to court if they did not agree to the price set by the acquiring authority. Opposition by landowners increased throughout the period 1992 to 1997.
Constitution Amendment Number 17	2005	Parliament, dominated by ZANU PF passed a constitutional amendment, signed into law 12 September 2005, that nationalised Zimbabwe's farmland and deprived landowners of the right to challenge in courts the government's decision to expropriate their land, additionally the courts were ordered not to entertain such cases. The former landowners would only challenge the amount payable in terms of compensation on farm improvements.

Sources: Mandaza (1987), and Loney (1975)\*\*.

just indicative and illustrative rather than detailed. It may be noted that, while Zimbabwe was under the armpits of British influence and mastery it danced according to the tune of its master. When it dropped off the armpits, it soon forgot how the master used to do it. Rather it became so obsessed with other issues, which latter on have proved a spatial planning challenge. Had the nation tried to synchronise its indigenous technical knowledge right from the outset of independence, it must have accomplished a great mileage now. The Planning Acts from 1945 to 1976, spoke of the 'Country' aspect but little is emphatically stressed in terms of the communal, resettlement schemes and other rural areas apart from the provisions of compensations, and 'urbanising' these places through development control. There is even no mention of the countryside legislation like the Communal Lands Act.

**Rural problems and challenges**

Khanya (1999) noted that in South Africa planning

regulations applied during the apartheid era led to racially-divided towns with the African townships usually hidden out of sight behind some barriers. In a study of a small rural town of Wenepur in South Africa, it came out that it is difficult to use the Development Facilitation Act principles which were used during the colonial period as guidelines in spatial planning. The same applies to the challenges and problems apparent in rural Zimbabwe. Table 1 is a catalogue of the regulative statutes that have shaped the countryside of Zimbabwe from the historical past to the contemporary present.

These have had demographic, economic, political, social and psychological underpinnings in the development of the nation. In the current RTCP Act, Chapter 29:12 these have not been clearly integrated and there has been a tendency to disregard them as spatial planning related. Calls to amend some of the provisions of the RTCP have been echoed as early as 1990. For example the ZIRUP annual school of 1990 noted the need for rural local authorities to discharge their development control mandate more

effectively as these were not major issues during the colonial era (ZIRUP newsletter, 1990).

The new wave of farm invasions implemented under the auspices of the rather controversial fast track land reform programme in 2002 produced a new form of planning challenges especially the extinguishing and creation of new property rights and the recent 99 year lease agreements. The subdivisions and consolidations made under the resettlement of model A1 and model A2 farmers indeed have changed the arrangement of space and this has some planning problems for example the provision of service such as clinics, schools and business centres in such sparsely arranged settlements of the 'new farmer' that have not been inculcated in the RTCP Act of 1996.

**Post independence reflection on rural areas**

In the immediate post-independence era (post-1980) the focus of the growth centre policy was on rural areas.

The centres (points) were identified in the communal

areas and would receive public sector investment to improve physical and social infrastructure. This investment estimated at \$60million between 1983/4-1985/6 would be directed at the following: water reticulation, internal roads, sewage, electricity and other community services. The main focus was on physical development which was perceived as a basis on which private and other public capital would be attracted to the centres. In an effort to redress the imbalanced nature of the colonial economy, the development of settlements (district centres, rural service centres and business centres) was seen as providing important foci for locating investment. Their development would improve the image or attractiveness of the communal areas, as potential investment areas (Wekwete, 1987). Box 2 captures the outcome of these challenges to growth centres in the rural landscape of Zimbabwe, which, by and large, have been areas marked by outright stagnation and declination.

On the national scale, there has been rapid urbanisation more in terms of urban population growth than industrialisation or modernisation, this is known as over urbanisation (population growth not tallying with industrial growth) — averaging up to 5.5% per annum, and even higher in some centres. Owing to such large influx of people to the urban areas could be partly explained by the relaxation of some repressive laws such as the Vagrancy Act of 1968 and the Areas Accommodation Act (1972) which did not allow free movement of blacks into the urban areas and permanent residence of black people in certain European areas especially in the CBD and the low residential suburbs of Mount Pleasant, Borrowdale to mention but a few. Paradza and Mukondiwa in the Sunday Mail 3 July 15, 2005 assert that there has been strain on social amenities such as the health delivery systems, sewage, water, electricity and accommodation in the higher order settlements — towns and cities. With the ejection of mass populations from these urban centres, it is expected that Government should take a leading role in creating a conducive atmosphere for private capital investment, the private sector should utilise opportunities to invest in the rural service centres, where operational costs are low.

There are lessons to be learnt from the Zimbabwean experiences in the contemporary urbanisation process, which can assist in arresting the causes rather than the symptoms of the structural diseconomies that culminated in operation restore order and murambatsvina. There is a case for both creating favourable terms for foreign investors, but also for the state being actively involved in promoting the establishment of new industries (Paradza and Mukondiwa: Sunday Mail 3 July, 2005). Indeed there is need to rectify past errors that led to the deterioration of standards in healthy provisioning of infrastructure. But there are also other aspects like enhancement of the resource-bases of the various centres (rural). Two decades and a half, in the post-independence epoch, rural service centres are still characterised by a chain of

### Box 2. Growth Points: Stagnation and declination

Once touted as the fastest growing Muzarabani growth point at one time, the area had enticing rates and stand prices, which encouraged investment in the town. However, soon came the urge by the powers that be at the centre to peg ridiculously exorbitant rates and prices, which scared off investors and left those already established contemplating folding down. An official with the Mutasa Rural District Council in Manicaland Province, under whose jurisdiction Hauna Growth Point in Honde Valley falls, confirmed that there was low industrial investment at the centre there is no manufacturing going on. "Things such as bottle stores and grocery shops usually employ less than five people and the young people from surrounding areas are forced to go to cities such as Mutare, Harare and even as far afield as Bulawayo to seek employment," he said. Mupandawana and Jerera and Juru growth points are yet other examples of a noble idea gone astray.

#### Box 2. Growth points: Stagnation and declination.

grocery shops all trading in the same basic commodities, barber shops, a grinding mill, bottle stores and a variety of informal activities. Most growth points or service centres have, simply failed to grow. (Paradza and Mukondiwa: Sunday Mail, 3 July, 2005). Lack of investment has rendered these centres "white elephants". The lack of investment can further be attributable to the inherent cause of some established growth points which were designated 'growth points' on political grounds rather than on the economic base present, thus they have failed to attract any form of meaningful investment, and as a result have suffered natural deaths in terms of functionality. They have become 'havens of illegal activities' ranging from theft and mugging to prostitution. Growth points have been reduced to areas that predominantly breed HIV and AIDS, with the initial purpose at the time of inception of independence being lost.

It can be safely noted that before independence, there was a strong industrial development drive (for example, setting up of the industrial development corporation), whereas the post-independence policy has been more service and equity oriented (Mazhindu in the Sunday Mail, 10 July 2005.). There was less articulation of industrial development policy and limited involvement of the State in establishing industries (Wekwete, 1987, 1994). In Zimbabwe's rural urban space, where the linkage between urbanisation and industrialisation is generally weak, the secondary towns, district and rural service centres exist without industries, dependent on imports for their sustenance. The few industries which located, therefore, enhance a process developing on its own momentum (growth of "peasant" towns), hence there

has been more occurrence of informal activities against the background of a weak formal sector inundated by the vagaries of an increasingly competitive but expanding global economy.

Paradza and Mukondiwa in the (Sunday Mail, 3 July, 2005) argue that it has become the norm for —... a rural dweller to aspire for life in the city, shunning the growth points, as these have become symbols of stagnation and underdevelopment epitomised by the high prevalence of illegal activities. This lack of development has entrenched the colonial philosophy that only city life is progressive. This is not only a myth but also a great error in the minds of those who hold to this idea. However, the recent government campaign of Murambatsvina, is, in a way a measure to 'set mindsets' to normalcy and administer sanity to those who shun rural areas. It becomes necessary to create more rural centres in the newly settled farming areas. Some of the places were devoid of any such centres. Others have the 'privilege' of former white farmers' shops, which used to serve the farm workers. What is therefore required is to upgrade the ones, which have been dilapidated due to disuse.

### Urban problems and challenges

One can say the Regional, Town and Country Planning Act in place in Zimbabwe have been crafted in the British style. More than half of its contents were drawn to address issues of urban nature like subdivision and consolidation, the issue of special consent, issues of endowment, of betterment, worsement, compensation, and development control in general. Table 2 is an attempt to draw the parallelism from the developments in Britain and Zimbabwe. It must be noted that the table is neither complete nor clearly aligned. But, in general terms, one can see that Zimbabwe was nothing but 'an extension of Britannia'. When the linkage became defunct, the former colony was never as adaptive to changes spatial planning and management as was necessary. Thus it lagged in a number of aspects hence the call for a revision only 20 years later (1976 to 1996), the revisions however were minor changes as the bulk of sections of the 1976 Act are still pronounced at great length in the 1996 Act, thus it is an element of continuity change here. The country has experienced many transformations now such that the rigidity of the RTCP has proved, beyond any shadow of doubt to be lethal without review. Since most of the issues have an urban flavour, they will be discussed in detail in this paper.

### AGENDA FOR REVIEW OF THE RTCP ACT REVIEW: NINE POINTS FOR ATTENTION

In a letter dated 15th November 2006, the Director of Physical Planning, points out that —many planners and

interest groups have contented that it is now time to take a closer look at the RTCP Act. This is so that —socio-economic and political circumstances that obtain in our society today can be accommodated within the provisions and framework of this Act. Indeed this is a brave but belated move after more than twenty years without any substantial amendments (Box 2).

From the raised points of the agenda it can be noted that there is a general cue for the planners and interest groups to address a number of aspects. These include issues of professionals, of strategic planning and management, of facilitation and promotion (not just regulation), of poverty alleviation in the context of the global agenda, and in short for flexibility and action-orientated planning that is human centred. All this calls for institutional reform and change of perspective. This may include planning education and its institutionalisation. The agenda is heavy and pregnant with a plethora of issues. This makes the whole exercise somewhat cumbersome unlike the British approach where in almost every year there is a Town Planning Act depicting changes and amendments introduced that year incrementally. The Zimbabwean holistic approach for amendment shows that for a long time the nation overstayed in its 'honeymoon' of political independence and forgot to address the pertinent issues. Or, that the nation embarked on dozens of experiments without the having the necessary combat in case of emergency. Whatever the description of the case, Zimbabwe has a mammoth task in terms of what is expected from the planning fraternity. Some of the issues that have not been highlighted in the letter are highlighted in Box 3. It is the multidisciplinary and interdisciplinary nature of planning that makes the whole exercise so critical for the planners to look closely into such issues. Even though most of them are aspatial in character, their implications and manifestations are spatial.

### TOWARDS ADDRESSING THE CHALLENGES

Figure 1 shows how planning is at the centre in terms of references point to the highlighted items for agenda. Spatial planning is affected by aspatial factors – social, economic, political, institutional and technological. In the main, the discipline has the legitimate mandate of allocating space to accommodate some or most of these developments. This is normally achieved by way of blueprint mapping and by instruments like zoning. However, there is a growing awareness that the planning has to be adaptive to changes, as the world is dynamic and constantly bringing up changes.

Depending on the subject of planning, different approaches of planning must be employed given the dynamism resulting. Dynamism is defined in Webster's Collegiate Dictionary (1948: 313) as —...any theory which views the universe as essentially *constituted by forces*.

**Box 3: Nine key points for attention in RTCP Act Review**

The nine points highlighted in the letter of call for review, which are labelled as socio-economic, are accordingly:

1. the introduction of freehold title in the former African townships, local government areas and growth points;
2. the introduction of a more spatial planning system in the communal areas and the former local government areas;
3. the introduction of resettlement areas as an entirely new land use activity area;
4. the extensive acquisition of land under the fast track land reform and the resultant peri-urban dynamic;
5. the current economic challenges and their impact on service delivery and sustainable livelihoods especially those in urban areas;
6. government's recent commitment towards the localisation of MDGs especially those relating to the mainstreaming of gender issues, poverty alleviation and reduction of HIV cases;
7. the ever increasing spectre of the informal sector and SMEs;
8. greater need for planning solutions relevant to short term national and local authority turnaround programmes and projects as well as the concomitant need for all concerned to continue acknowledging and supporting tenets of long-term strategic spatial planning; and
9. an increase in the abuse of planning permits and the increasing role of non-planners in the spatial planning field

**Box 3.** Nine key points for attention in RTCP Act Review.  
**Source:** DPP (15 November 2006).  
 Source: DPP (15<sup>th</sup> November, 2006).

**Table 2.** Parallelism in the adoption of planning legislation in Britain and Zimbabwe.

British planning initiative and date	Zimbabwean planning initiative and date
1909*, The Housing, Town Planning Act geared to the preparation of schemes and improvement of sanitary conditions	N/A
1919*, The Housing and Town Planning Act made preparation of schemes obligatory in all borough and urban districts with a population of 20000 people or more. It also accepted the State principle of subsidising housing hence the subsequent nation-wide growth of council houses	***1946, The Native (Urban Areas Accommodation Act empowered municipalities to set aside Native Urban Areas in which to provide adequate housing for all Africans not housed on the private premises of the employer. Rents were to be paid by the employer and were to be the same for the married and single Africans. The Act also provided for the election of Africans advisory boards who would work with municipal councils in a bid to reduce friction in the urban areas. Nevertheless, effective power remained with the white mastery.



Table 2. Contd.

1932*, Town and Country Planning Act extended planning powers to any type of land, whether built or undeveloped	1933**, Town Planning Act formalised the activity of town planning already in place by the insistence on the preparation of cadastral plans and survey before the establishment of any urban form
1940*, the proposal by Reith to Churchill of a regional planning machinery	1945**, Town Planning Act repealed the 1933 Act but elaborating it. It authorised local planning authorities to prepare schemes with regard to development, redevelopment and planning of land. The schemes provided for building regulations and strict framework for development control
1943*, appointment of the regional planning officers by the Ministry of Town and Country Planning	1976**, Regional, Town and Country Planning Act repealed the 1945 Act but never dislodged the existing provisions of any scheme. It provided a two-tier spatial planning system with the upper tier being the strategic master and regional plans and the lower tier, local plans orientated towards development control
1947*, Town and Country Planning Act brought almost all development under control by making it subject to planning permission. Planning was to be no longer merely a regulative function. The Act gave responsibility to major authorities – the counties and boroughs, reducing the number of planning authorities from 1,441 to 145. The 1947 Act operated for a span of two decades without significant changes	1994, Statutory Instrument 216 (Use Group Regulations)
1959*, Town and Country Planning Act restored fair market price as the basis for compensation for compulsory acquisition	1996, Regional, Town and Country Planning Act revision. No significant changes made in the Act save for colonial names to the independent Zimbabwean names
1968*, Town and Country Planning Act put a time restriction to start development which was to be five years after which the permission was withdrawn. It also emphasised on the need for preparation of structure and local plans. In addition it took aboard of the recommendations of the 1967 Buchanan Report for traffic and transport planning.	N/A
1969*, Town and Country Planning Act represent a landmark in the development of planning policy and administration	N/A

Sources: Cullingworth (1974) \*, Wekwete and Rambanepasi eds. (1994) \*\*, Loney (1975) \*\*\*

The same dictionary has one of the definitions of universe as —...any *distinct field or province of thought or reality* conceived as forming a closed system of self inclusive and independent organisationll. These two definitions show that there are a number of developments that take

place in a defined space. These are forces and processes that explain reality as it obtains on ground. In the post-economic reform era in Zimbabwe, a number of processes have happened like the rising inflation, the changes in monetary policies, land reform in the countryside,

Operation Murambatsvina<sup>1</sup> (OM), the imposition of sanctions, to name but these few.

<sup>1</sup> The Clean-up campaign embarked upon by the Government of Zimbabwe to correct the problems of 'dirty' and illegality posed by the informal trading by households and institutions.

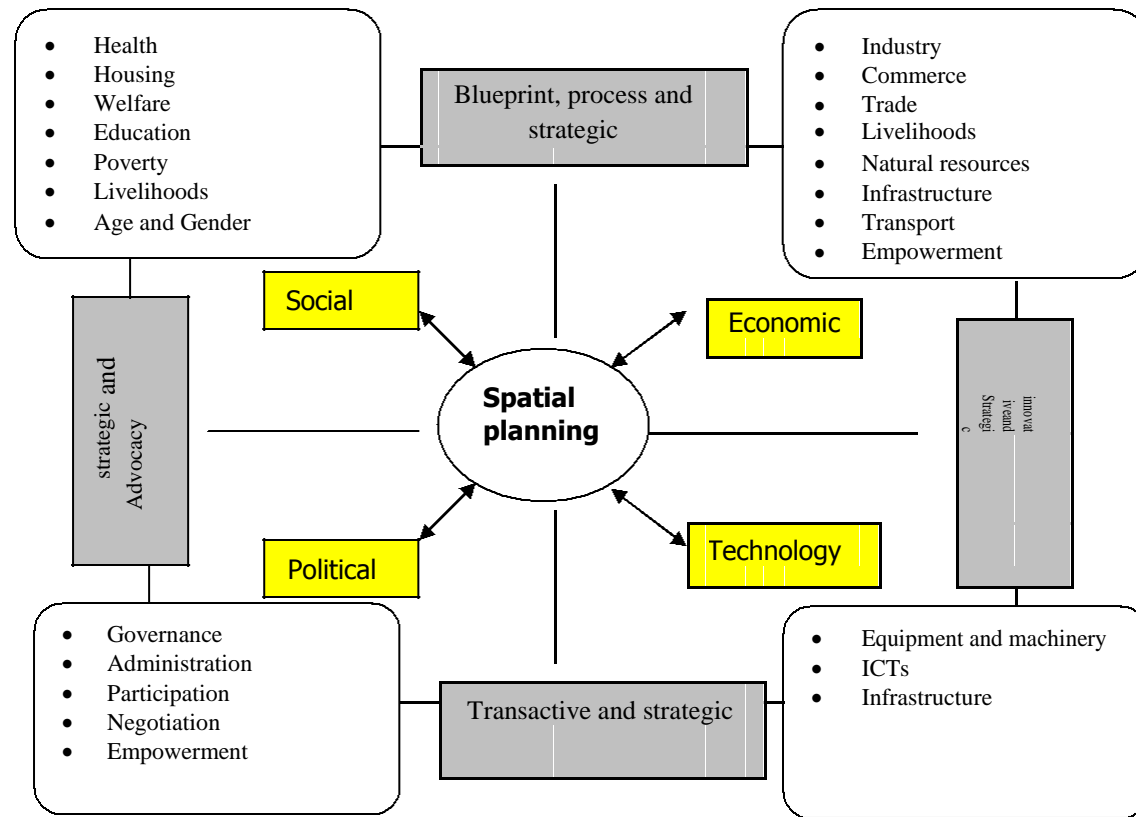


Figure 1. Spatial planning and issues relational. Source: Authors (2011).

Tables 3 to 6 summarise the key developments that have taken place in the Zimbabwean terrain and how these should be legally incorporated in the spatial planning legislation. The greatest indicative aspects to change are incorporation of the highlighted matters in the relevant sections of the Act and the referencing of some of the matters to the relevant pieces of legislation. This is done in a bid to harmonise the pieces of legislation with the RTCPA and also to institutionalise those

issues, which would otherwise be regarded as ultra vires to spatial planning. In addition this shows the multidisciplinary and interdisciplinary nature of planning.

**Conclusion**

The foregoing discourse is an attempt to highlight the key developments that have transpired in the planning terrain of Zimbabwe.

While the some indicative prescriptions have been hazarded, it must be emphasised that there is need for further careful scrutiny and argumentation. Localising global agendas may be a mammoth task yet it takes individuals, institutions, professions and governments local to contextualise the agendas. Planning in general and spatial planning in particular should and can drive initiatives to solve some emerging rural and urban challenges, some filtering through forces of globalisation and some

**Table 3.** Key Changes in the economic sphere and the prescriptive legal attention deserved.

Component	Development positive	Development normative
Manufacturing industry	The development of export processing zones (EPZ), small to medium enterprises (SMEs) and the indigenisation thrusts.	Integrate the tenets of the EPZ laws into the RTCPA. Incentivise indigenisation efforts by providing space for such developments (refer to section 22 of the act)
Commerce and growth points	The rise and increase in the informal sector spectre in the post economic reform period as a means to livelihoods and employment creation	Mainstream the informal sector into the formal sector (refer to section 22 of the act)
Livelihoods and poverty reduction	The increasing call for sustainable livelihoods for households through local economic development that is people centred. The increase in poverty both rural and urban despite efforts of mass education, training and empowerment	Sections dealing with participation that is section 7, 15 and 18 should clear spell out the issue contextualising it to the given spatial domain (local or regional)
Natural resources protection and preservation	The passing of the Environmental Management Act (EMA) to deal holistically with issues relating to the protection and sound use of God-given resources in the face of increasing demand	Relevant sections of the Act should make sufficient reference to the subsisting law dealing with environmental matters. In short, integrate the EMA into the RTCPA
Transport and energy	Fuel shortages at the turn of New Millennium and the 'discovery' and realisation of the need to manufacture bio-diesel through the jatropha plant as a sustainable form of energy in the wake of unsustainable and costly fossil fuels.	Integrate issues in the transport and energy policies into the RTCPA. The countryside should be highly emphasised as the source of raw material including the ground where pipelines (and pylons) pass through
Mining claims and prospects	There have been a lot with the main and recent developments being the diamond prospects in Marange, the diamonds of Murowa, and methane gas in Lupane and gold mining in Kwekwe	The countryside should be highly emphasised as the source of raw materials whose populations must actively participate in the ventures for resource extraction
Empowerment and strategies	This has been seen as a measure to redress imbalances created by skewed institutional, historical and cultural forces for example, gender, age, economic development and race	See participation

**Table 4.** Key Changes in the social sphere and the prescriptive legal attention deserved.

Component	Development positive	Development normative
Health and challenges	The prevalence of the HIV and AIDS pandemic and the distribution of anti retroviral drugs plus awareness campaigns and the setting up of 'new start centres'.	Regard the issue as a matter of special consent for space provision. Home-based care (HBC) shows how the house use has transformed into clinical requirements
Housing and habitat	The prevalence of housing shortages in the urban centres and the setting up of the ministry dealing with rural housing issues. There is also the aspect of housing minimum standards and the advocacy for low cost technologies	Specify standards for rural housing but taking into cognisance the issue of culture and inheritance in the communal areas, and the issue of 'tenancy and titling in commercial farming areas. Refer to the Estate Agency Act

**Table 4.** Contd.

Education, patriotism and migration	The setting up of satellite schools in the new resettlement areas and the question of citizenship and national service training. The other burning issue is the increases in the numbers of professionals leaving the country in quest of 'greener pastures'.	The Act ought to spell out the qualities and qualifications for the planner as a professional including registration with the institutional body (ZIRUP) like any other professions.
Burial space and mortality	With increasing mortality burial space has proved to be a great challenge particularly in the rural sphere where it is normally done haphazardly.	Revised Section 22 of the RTCPA integrating the issue and guiding development for burial or alternatives linking the whole debate to the Public Health Act and Land Acquisition Act. See Cemeteries Act, Chapter 5:04
Age and gender	The increasing advocacy for age and gender in the participation debates for development	See participation
Land reform and rural renewal and advancement	The adoption of land reform as an empowerment tool in the rural sphere and as a measure of discouraging rural to urban migration	Integrate the issue to Part VI of the Act (Subdivision and Consolidation) and link with other legislation like Deeds Registry Act, Land Acquisition Act, Land Survey Act, etc.

**Table 5.** Key changes in the political sphere and the prescriptive legal attention deserved.

Component	Development positive	Development normative
Governance and institutions	The increasing call for the application of the principles of good governance and the promotion of local governance network (LGN) in development agency structures including the state and non-state sectors. The principles include trust, integrity, transparency, accountability, etc.	Make reference to the relevant sections like of the Urban Councils Act, Rural District Councils Act, Traditional Leaders Act, Communal Lands Act, the Private Voluntary Organisations Act, The Non-Governmental Organizations Act, etc.
Participation and the question of resource ownership	This includes involvement in development work, budgeting, as well as matters of representation. It has been highly esteemed as a move that results in sustainable development. By and large, it ensures that the human resources of a region or nation are highly enhanced	Make it purposive to gather information of comprehensive social characteristics of an area in question. This may mean consulting extensively with other disciplines and professions like health, economics, political science, sociology, etc so that they develop a more accurate social asset mapping system for the area in context. The participation orientated sections are key to this goal (sections 7, 15 and 18)

caused by the politics of politics, cases of OM and fast track land reform programme above. Despite the sources of these challenges spatial planning bears the mandate to reorganise and shape the use of space against the finite nature of the land resource amongst various competing land uses.

This can only come true, firstly if African countries shrug off some colonial planning imprints and be more responsive to the needs of the locals. Secondly spatial planning in Zimbabwe should be apolitical and the institutions from be free to act on their own without political influences. This may call

for an in-depth review of planning legislation in the country. This paper among other researches can provides a framework for the implementation of more responsive spatial plans that are accommodative to positive problems (opportunities) and minimize negative problems of

**Table 6.** Key changes in the technological sphere and the prescriptive legal attention deserved.

Component	Development positive	Development normative
ICTs	The proliferation of cyber shops in urban space and the advocacy for the use of ICTs for energy-efficiency in space.	Make it mandatory that local planning authorities should tap from the new technology and have comprehensive databases for assets (natural, social, human, technological, etc, in their areas.
Infrastructure	Introduction of the infrastructure bank in 2005 with the mandate of funding the development and construction of roads, housing, dams, etc	Issues of maintenance and ownership need to be carefully integrated in spatial planning with special emphasis being placed on fundraising and establishing strong financial capital bases (give reference to the Finance Act and other related legislation), as well as actively engaging the private sector for infrastructural development under public-private partnerships, BOT, BOOT etc

structural shifts in both urban and rural scapes.

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