



POLICY RECOMMENDATIONS FOR ADDRESSING LAND CORRUPTION IN ZIMBABWE

INTRODUCTION

Land governance in Zimbabwe involves a complex web of institutions, policies, and processes that govern the management, allocation, and use of land resources. Understanding the key elements of land administration in Zimbabwe is crucial for addressing land-related challenges and ensuring equitable access to land. In terms of land tenure systems, Zimbabwe has the following; (i) freehold (private) land ownership; (ii) leasehold (state-owned) land; (iii) communal land under customary tenure and; (iv) state-owned land (e.g., national parks, forests). Meanwhile, the land ownership and registration is characterised by the following actors and activities; (i) Deeds Registry established under the Deeds Registries Act is in charge of maintaining records of land ownership and transactions; (ii) Land Commission established under the Land Commission Act advises the government on land

policy and administration and meanwhile the (iii) Rural District Councils (RDCs) formed under the Rural District Councils Act are responsible for land-use planning and management in communal and resettlement areas. It is imperative to note that the effectiveness of land administration in Zimbabwe is shaped by the interplay between these various elements, as well as the capacity, coordination, and accountability of the institutions involved. Challenges such as corruption, lack of transparency, and competing land claims often undermine the efficient and equitable management of land resources in the country. Addressing these challenges requires comprehensive land policy reforms such as land audits and regularisation, land tenure security, land ceiling policy, land use planning, transparency and accountability. This can be supported by the strengthening of land governance institutions, improving land information systems, and promoting participatory and inclusive land administration processes.

EXISTING LEGISLATION AND INSTITUTIONAL FRAMEWORK TO DETECT, PREVENT AND ADDRESS CORRUPTION IN THE LAND SECTOR

Zimbabwe has various legislation and institutional frameworks for land governance. These are crucial for addressing land-related challenges in the country. Therefore, this section provides an overview and analysis of these frameworks in addressing land corruption.

LEGISLATIVE FRAMEWORK

- i. Constitution of Zimbabwe Amendment Number 20 of 2013-**Under the constitution, sections 72, 73, 74, 295, 296, 297 and 298 recognize customary law and traditional rights to land, establishment of the National Land Commission to oversee land administration, prohibition of foreign ownership of agricultural land, recognise acquired rights to land and provide for expropriation of land with fair compensation. While these provisions do not explicitly address land corruption, they provide a foundation for addressing it.
- ii. Regional, Town and Country Planning Act, Chapter 29.12-** Sections 3, 5, 12, 14, 20, 23 and 25 focus on the establishment of the City Planning Commission and Town Planning Commission, preparation of regional and local plans, control of land use and development, acquisition of land for planning purposes and compensation of land acquired.
- iii. Urban Councils Act Chapter 29.15-**This Act governs the administration of urban local authorities including their role in land governance. Sections 121, 122, 123, 125, 128 and 130 focus on the power to acquire and dispose of the land, control over land use and development, preparation of local plans

and schemes, issuance of building permits and certificates of occupation and collection of rates and taxes on land. In relation to land corruption, this Act only contains provisions that can help reduce opportunities for it through a regulatory framework which helps standardize procedures for land allocation and development and by requiring councils to follow prescribed processes for land transactions, the Act promotes transparency. However, the Act does not explicitly define and prohibit land corruption, establish specific mechanisms for reporting and investigating land corruption, provide penalties for land corruption offenses and ensure transparency and accountability in land allocation and development decisions.

- iv. Rural District Councils Act Chapter 29.13-** This Act delegates land administration powers to rural district councils, regulates land use and development in rural areas, provides for local planning and decision making and generates revenue for rural councils through land related activities. The requirement for councils to maintain accurate public records of land transactions promotes transparency, making it harder for corrupt practices to go unnoticed. Encouraging local participation in land management processes helps ensure that decisions reflect community interests and can deter corrupt behavior.
- v. Communal Land Act Chapter 20.04-** This Act governs the administration and management of communal land which is held in trust by traditional leaders for the benefit of their communities. It recognises the importance of communal land in Zimbabwe, establishes a framework for communal land administration, empowers traditional leaders to manage communal land, provides security of tenure for communal land holders and promotes community involvement in land

decision-making. The involvement of the community provides an opportunity for prevention of corruption.

vi. Traditional Leaders Act Chapter 29:17-

The Act governs the role and responsibilities of traditional leaders in relation to land governance. Sections 3, 5, 7, 9 and 11 provide provisions on recognition of traditional leaders' authority over communal land, powers and functions of traditional leaders regarding land allocation, establishment of Traditional Land Courts and dispute resolution mechanisms.

vii. Land Acquisition Act (Chapter 20:10)-

This Act governs the acquisition of land by the State for public purposes. Several provisions are provided in Sections 3, 5, 7, 10, 12 and 15 on the power to acquire land (by state or local authorities), notice of intention to acquire land, compensation for acquired land (determined by the Commission) and vesting of acquired land in the State.

viii. Co-operative Societies Act (Chapter 24:05)-

This Act governs the formation, registration and management of cooperative societies including those involved in land governance. It recognises cooperative societies as vehicles for land ownership and management and empowers cooperative societies to acquire and manage land. These provisions are contained in Sections 4, 10, 21, 25 and 31.

ix. Deeds Registries Act Chapter 20:05-

This Act governs the registration of deeds and documents related to land ownership and transactions. It establishes a centralised

registry for land records, ensures transparency and accountability in land transactions, provides a framework for verifying land ownership and interests and facilitates access to land information for stakeholders.

x. Zimbabwe National Water Authority (Chapter 20:25)-

The Act governs the management and regulation of water resources in Zimbabwe which has implications for land governance. It recognises the interconnection between water and land resources, regulates water use on land, impacting agricultural and urban development, requires catchment management affecting land use planning and influences land allocation decisions prioritising water conservation.

Despite the existence of these legislative frameworks, land corruption remains a huge challenge in the country. Inconsistencies and overlaps in existing laws have complicated enforcement. The enforcement of the legislation remains uneven. Regular audits and monitoring of land allocations are insufficient resulting in land corruption practices persisting without detection. Moreover, selective enforcement of laws have resultantly led to perceptions of bias and reduced public trust in the legal system. Moreover, the efficiency of the institutional architecture is still being questioned, despite the fact that the current anti-corruption procedures are intact and fully operational. This is especially true when it comes to the objectivity of policy implementation as well as the execution and enforcement of anti-corruption mandates. There is much room for improvement in the way laws are enforced and policies are put into practice.



INSTITUTIONAL FRAMEWORK FOR LAND GOVERNANCE

Studies show that there are three major players in Zimbabwe when it comes to managing and utilisation of land for development. These are: (i) the national government through its various institutions, (ii) the local authorities and (iii) private individuals or companies. The interactions of these actors and institutions has resulted in complicated systems of land management and spawned corrupt tendencies amongst the officers of the various institutions. Below is a list of the various actors:

- i. **Ministry of Lands, Agriculture, Fisheries, Water, Climate and Rural Development**-the role of the Ministry is to ensure equitable access to land, efficient land use and sustainable land management.
- ii. **Ministry of Local Government, Public Works and National Housing**-the Ministry oversees effective local governance and service delivery, sustainable urban and rural development, equitable access to land and resources and effective land use management.
- iii. **Department of Physical Planning**-in Zimbabwe this department depends on the land and the responsible authority may be the Minister of Lands, the Minister of Local Government or the relevant local authority. The Department's role is essential in ensuring sustainable and coordinated development, efficient land use and management, balanced urban and rural development and environmental conservation and protection.
- iv. **State lands office**-the office is located within the Ministry of Local Government, Public Works and National Housing and handles all government land at national, provincial and district levels. It ensures efficient management of state land resources, transparency and accountability in land allocation, equitable access to land for various uses and sustainable use and management use of state land.
- v. **Urban Councils**-the councils in the urban areas play a key role in terms of orderly urban development and growth, efficient use of urban land resources, provision of essential municipal services and effective regulation of land use and development.
- vi. **Rural District Councils**-the RDCs ensure effective management of communal land resources, balanced rural development and growth, provision of essential services in rural areas and preservation of traditional rights and interests.
- vii. **Land Commission**-the commission ensures fair and equitable resolution of land disputes, effective review and improvement of land policies, transparency and accountability in land governance, protection of vulnerable groups' land rights and community involvement in land governance decisions.
- viii. **Judicial System**-the judiciary in Zimbabwe plays a crucial role in land governance through several key functions such as interpretation of laws related to land tenure, ownership and redistribution; dispute resolution; protection of landowners and occupants; and examine the legality of government actions in land reform programs.
- ix. **Traditional Authorities (Chiefs, Headmen and Village Heads)**-traditional authorities

ensure community-led land governance, preservation of cultural heritage, effective conflict resolution, inclusive decision making and context specific land management.

The interactions and power dynamics among these various players, as well as the degree of coordination, transparency, and accountability within the land governance system, greatly influence the effectiveness of land administration and the ability to address land-related challenges, including corruption. However, there are several gaps in the legislative and institutional frameworks institutional aspects/challenges which has negatively impacted on transparency and accountability in the land sector in Zimbabwe. These include:

- ▶ Weak regulatory frameworks such as the inadequate laws and unclear regulations that hinder effective land governance, leading to ambiguity in land rights and management.
- ▶ Corruption and malfeasance among officials involved in land administration have greatly disrupted fair processes, fostering a culture of impunity and unethical practices.
- ▶ Lack of capacity resulting from insufficient training and resources for land administration personnel limiting their ability to implement policies and maintain transparency.
- ▶ Weak monitoring and evaluation systems have failed to detect and address corrupt practices, allowing misconduct to persist without accountability.

- ▶ Limited involvement of communities and stakeholders in land decision-making processes has diminished transparency and public trust in land management.

- ▶ Fragmented land information systems resulting in inconsistent and inaccessible land data complicates the verification of ownership and allocation, increasing opportunities for corruption.

- ▶ Political influence in land allocation processes have also compromised fairness, leading to biased decisions that favour certain groups over others.



BEST PRACTICES AND INITIATIVES IN THE LAND SECTOR FOR DETECTING, PREVENTING AND ADDRESSING CORRUPTION

To combat land corruption in Zimbabwe, the government has established the Zimbabwe Anti-Corruption Commission (ZACC) to investigate and prosecute corruption cases. ZACC has also initiated a whistleblowing application, allowing citizens to report corruption incidents including land corruption. Additionally, Zimbabwe has laws and policies in place to prevent corruption, including the Anti-Corruption Commission Act and the Criminal Law Code, which penalises various forms of corrupt conduct, such as bribery, fraudulent use of documents, and abuse of duty by public officials on land issues.

To combat land corruption in Zimbabwe, the government has established the Zimbabwe Anti-Corruption Commission (ZACC) to investigate and prosecute corruption cases. ZACC has also initiated a whistleblowing application, allowing citizens to report corruption incidents including land corruption.

Other best practices and initiatives in the land sector that have been adopted in Zimbabwe to address land corruption include:

- ▶ **Legal Framework:** New laws and regulations have been established to govern land use and ownership, including the Land Commission Act, which seeks to standardize land allocation and management.
- ▶ **Land Audits:** Regular audits of land use and ownership have been introduced to identify and rectify irregularities, ensuring that land is used for its intended purpose.
- ▶ **Land Information Systems:** Development of electronic databases have been introduced to track land ownership and transactions, making information easily accessible to the public.



GAPS IN THE LEGAL, POLICY AND INSTITUTIONAL FRAMEWORKS

In Zimbabwe, several gaps exist in the legal, policy, and institutional frameworks governing land governance. These gaps contribute to challenges in land management and can facilitate corruption. Key issues include:

- i. **Ambiguity in Laws:** Many laws in Zimbabwe lack clear definitions of terms related to land rights and ownership, leading to varied interpretations and potential misuse. In addition, there is the existence of overlapping laws which have created confusion and room for corruption as it causes inconsistency in land governance.
- ii. **Weak Enforcement Mechanisms:** Institutions responsible for enforcing land laws are lacking the necessary resources and personnel to effectively monitor and implement regulations. This is accompanied by insufficient penalties for land-related offenses which have failed to deter corrupt practices.
- iii. **Limited Public Participation:** Land governance processes tend to exclude community input, leading to decisions that may not reflect local needs or priorities. Moreover, communities are not fully aware of their rights under existing laws, making them vulnerable to corrupt tendencies by unscrupulous officials.
- iv. **Inadequate Land Use Planning:** There is a lack of comprehensive land use policies that integrate environmental sustainability and urban planning. Fragmented planning processes among various government agencies have resulted in conflicts and inefficiencies which sometimes create opportunities for corrupt practices.
- v. **Historical Injustices:** The fast track land reform programme in Zimbabwe has left unresolved issues regarding land ownership, creating disputes and uncertainty in land tenure. Some of these issues make opportunities for corruption as people try to resolve their land issues
- vi. **Insufficient Data and Mapping:** Incomplete or outdated land records have hindered effective governance and complicate land transactions in Zimbabwe. Furthermore, inadequate land surveying has led to disputes and overlapping claims. To deal with these issues, officials request and the citizens offer bribes.

RECOMMENDATIONS



National Government

- ▶ Enactment of a law or policy to create a single land management authority in order to deal with the confusion emanating from wide institutional framework for land management. This will help to provide clear regulations and guidelines on land management and governance, enhance transparency and provide a platform for accountability mechanism to be adopted.
 - ▶ There is urgent need for the harmonisation of the scattered land management legislation in order to establish a clearly designated focal points of accountability in the land governance system through the review of all current land management laws and policies to identify inconsistencies, overlaps, and gaps.
 - ▶ Review the parallel development policy to ensure that construction of houses and occupation only happens after development of on-site and off-site infrastructure and services.
 - ▶ Maintain an updated record of all urban state land and ensure legal measures are taken against all who have illegally acquired such land through the creation of a comprehensive, digital land registry that includes details of all urban state land, ownership records, and transaction histories to facilitate easy access and updates and conduct of periodic audits and land surveys to verify land use, ownership, and compliance with legal requirements, identifying any irregularities or illegal acquisitions.
- ▶ Institute an investigation by the Zimbabwe Anti-Corruption Commission (ZACC), Office of the Auditor General (OAG), Ministry of local Government and Public Works, Local Authorities and Ministry of Lands, Agriculture, Fisheries, Water and Rural Development of all urban and peri-urban state land to determine the legality of its occupation and where necessary cause corrective action to ensure that development and/or occupation of such is duly complying with the law.
 - ▶ Monitor compliance of private land developers, cooperatives and other players with their various tax obligations and the payment of intrinsic value on land through regular audits, collaboration with tax officials (ZIMRA), land use permits and licences, data management systems and enforcement of penalties.
 - ▶ Layout plans should only be approved where there is a clear framework for the provision of on-site and off-site services.
 - ▶ Proper and effective monitoring of housing cooperatives to ensure compliance with the Cooperative Societies Act and other legislation on issues such as preparing and submitting audited financial statements. The responsible ministry The Ministry of Local Government and Public Works should impose punitive measure for non-compliance for example deregistration
 - ▶ Government should enforce the automation of deeds records, use of securitised paper for title deeds, and use of biometric security features when signing power of attorney.



Local authorities

- ▶ Government through local authorities should enforce the automation of the engineering, land management and housing divisions of council to reduce the risk of the production of fraudulent layout plans and survey reports.
- ▶ Local authorities should update valuation rolls to ensure the proper valuation of urban land in line with the prevailing market dynamics.
- ▶ Local authorities should ensure that development of on-site and off-site infrastructure and services such as roads, utilities (water, drainage, sewage and electrical installations) happens ahead of the construction and occupation of houses.
- ▶ Councils should publish their waiting lists and ensure that any allocation of land is duly compliant with the legislation and by-laws on housing policy including regulations on building standards, zoning, and the management of waiting lists for housing allocations.
- ▶ Publish a record of all cooperatives and private land developers in council area and their compliance with legislation and

standard land transaction requirements, procedures and processes.



Civil society organisations and citizens

- ▶ Build a movement on urban and peri-urban land management to enhance public awareness of land governance legislation and institutional frameworks.
- ▶ Promote collaboration between government agencies, civil society, and the private sector to collectively address land-related challenges and corruption.
- ▶ Enhance coordination and information-sharing among various land administration institutions, both at the national and local levels.
- ▶ Engage regional and international bodies to leverage their expertise and support in improving land governance in Zimbabwe.
- ▶ Implement public awareness campaigns to educate citizens on their land rights and the land administration processes.
- ▶ Provide legal aid and support services to assist vulnerable groups, such as small-scale farmers and communal landowners, in navigating land-related disputes and protecting their land rights.

To combat land corruption in Zimbabwe, the government has established the Zimbabwe Anti-Corruption Commission (ZACC) to investigate and prosecute corruption cases. ZACC has also initiated a whistleblowing application, allowing citizens to report corruption incidents including land corruption.



Private sector

- ▶ Implement transparent processes for land acquisition and development, including public disclosures and stakeholder engagement.
- ▶ Conduct thorough due diligence before acquiring land, verifying ownership and compliance with legal requirements to avoid engaging in corrupt practices.
- ▶ Work closely with government agencies to ensure adherence to regulations and support initiatives aimed at combating land corruption.
- ▶ Leverage technology for land management, such as digital land registries and GIS systems, to enhance transparency and reduce opportunities for corruption.
- ▶ Join or support industry groups and NGOs that advocate for land reform, transparency, and anti-corruption measures in land governance.
- ▶ Establish robust internal controls and compliance mechanisms to prevent unethical conduct within organizations involved in land transactions.
- ▶ Provide training for stakeholders involved in land governance on ethical practices, legal requirements, and the importance of combating corruption in land dealings.
- ▶ Encourage whistleblowing and provide safe channels for reporting corrupt practices without fear of retaliation.




Implementing these recommendations, in a comprehensive and sustained manner, can help address the systemic issues of land corruption and contribute to more equitable and transparent land administration in Zimbabwe.

REFERENCES

- Chigudu, A, *The Changing Institutional and Legislative Planning Framework of Zambia and Zimbabwe: Nuances for Urban Development*, Land Use Policy, Volume 100, 2021
- Chirisa, I and Makarwi, L, (2019), *Rationality, Sustainability and the Planning of Human Settlements in Zimbabwe*. In book: *The Sustainability Ethic in the Management of the Physical, Infrastructural and Natural Resources of Zimbabwe*. Downloaded from <https://www.researchgate.net/publication/> Date 24/02/21
- Chiweshe, M.K, *Money, Power and the Complexities of Urban Land Corruption in Zimbabwe*, African Journal on Land Policy and Geospatial Sciences, Vol.3, Special Issue Number 3, 2020 pp 131-141
- City of Harare (2002). *Proposed Housing Policy*, Department of Housing and Community Service, City of Harare, Harare
- Government of Zimbabwe (1982) *Communal Lands Act, Chapter 20:04*, Government Printers, Harare
- Government of Zimbabwe (1996), *Deeds Registry Act, Chapter 20:05*, Revised Edition, Government Printers, Harare.
- Government of Zimbabwe (1996), *Land Acquisition Act, Chapter 20:10*, Revised Edition, Government Printers, Harare.
- Government of Zimbabwe (1996), *Regional, Town and Country Planning Act, Chapter 29:12*, Revised Edition, Government Printers, Harare.
- Government of Zimbabwe (1996), *Urban Councils Act, Chapter 29:15*, Revised Edition, Government Printers, Harare.
- Government of Zimbabwe (2005), *National Housing Delivery Programme – 2004 to 2008: Operation Garikai/Hlalani Kuhle-Shelter for the People*, Government Printers
- Government of Zimbabwe (2013), *Constitution of the Republic of Zimbabwe, Amendment Number 20*. Harare, Government Printers.
- Government of Zimbabwe (2019), *'Report of the Commission of Inquiry into the Matter of Sale of State Land in and Around Urban Areas since 2005.'* Harare, Government Printers
- Marongwe, N, Mukoto, S and Chatiza, K. (2011). *Scoping Study: Governance of Urban Land Markets in Zimbabwe*, Urban Land Mark, Johannesburg.
- Muchadenyika, D. (2015), *Land for Housing: A Political Resource-Reflections from Zimbabwe's Urban Areas*, Journal of Southern African Studies, 41(6): 1219-1238.
- Mujeyi, K. (2021). Land corruption, gender and rural land governance in Zimbabwe. African Journal on Land Policy and Geospatial Sciences, 4:1 <https://doi.org/10.48346/IMIST.PRSM/ajlp-gs.v4i1.22863>.
- UN-HABITAT (2009), *Planning Sustainable Cities: Global Report on Human Settlements 2009*. UN-HAITAT, Earthscan, London and Sterling.



info@tizim.org
96 Central Avenue P O Box CY 434,
Causeway Harare
Tel: +263 242 793 246/7,
+263 242 793 277, +263 242 797 288
VOIP CALL: 08677004072

TIZim_info 
Transparency International Zimbabwe 
transparencyintzim 

SUPPORTED BY

Transparency International Secretariat donors

PHOTO CREDITS

www.newzimbabwe.com
www.voazimbabwe.com
www.newsday.co.zw
www.unsplash.com

ABOUT TRANSPARENCY INTERNATIONAL ZIMBABWE (TI Z)

Transparency International Zimbabwe (TI Z) is a non-profit, non-partisan, systems-oriented local chapter of the international movement against corruption. Its broad mandate is to fight corruption and related vices through networks of integrity in line with the Global Strategy. TI Z believes corruption can only be sufficiently tackled by all citizens including people at grass root level.

VISION

A Zimbabwean society free from all forms of corruption and malpractices.

MISSION

We exist to be a knowledge-driven and evidence-based anti-corruption civil society organization that practices and promotes transparency, accountability, and integrity in all sectors to achieve good governance.

ACKNOWLEDGEMENTS

The production of this publication was supported by financial supporters of Transparency International. The content was presented to participants at a side-session on transparency and accountability in the public health sector held on the side-lines of the Annual Director's Retreat hosted by the National Association of Nongovernmental Organisations (NANGO) in Nyanga between 27 and 28 2022.

PUBLISHED

November 2024

COMPILED BY

Dr Wayne Malinga and Dr Vincent Chakunda

REVIEWED BY

Jonathan Ochom (TI S) and Nqobani Tshabangu (TI Z)