Land Transactions and Rezoning Strategies in the Peri Urban Communal Area of Domboshava, Zimbabwe: Challenges and Pitfalls

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1 ABSTRACT

Urbanization in sub-Saharan Africa has led to the proliferation of peri-urban settlements close to cities. Residents who have local tribal as well as migrant backgrounds in these spaces often take land matters into their own hands leading to diverse land transactions. This paper is based on field research on Domboshava, a peri-urban communal area located 20km northeast of Harare, the capital city of Zimbabwe. In this peri-urban communal area, land transactions are shifting from customary inheritance in the tribal line to individualized land transactions such as direct land sales and renting – prompting the local authority (Goromonzi Rural District Council) to propose rezoning as a solution to increased land transactions in in this peri-urban communal area. This strategy has however become part of the problem as land transactions proliferated ahead of the implementation of the rezoning strategy. Forty-one local residents, as well as a number of key informants such as Traditional Leaders and local government officials were sampled for the study. Qualitative and quantitative data were collected through structured interviews, review of pertinent documents, as well as observation. I used Hirschman (1970)'s voice, exit, and loyalty model to reveal the reactions of community residents to the local authority's rezoning strategy (as a solution to proliferation of land transactions), as well as to demonstrate the community residents' criticism or disregard of, or compliance with this strategy. My findings reveal that when community residents find themselves stuck within planning strategies they perceive as dysfunctional, they react differently to their situation. Often, this compounds the problems. Appropriate planning strategies that address the challenges in Domboshava are sorely needed.

2 INTRODUCTION

Urbanization in sub-Saharan Africa has led to the proliferation of peri-urban settlements close to cities. Land transactions in these spaces are on the increase. In Zimbabwe, a number of communal areas are located on the periphery of cities - the peri-urban. Over the years, the influence of urban development has shifted into these zones. These peri-urban communal areas signal the outward movement of the edges of cities (see Mabin, 2012; Watson, 2012). As cities spread and expand further into the countryside, they always absorb farmland and villages (Tacoli, 2002; Berry, 2011; Mabin, 2012). Local administrative authorities often lack the capacity to deal with challenges in peri-urban areas (Tacoli, 2008). Peri-urban areas also experience various kinds of land transactions because of unclear physical and institutional boundaries that regulate conditions of access to common property resources and land use in these areas (Tacoli, 2002). Land transactions entail the different kinds of land rights exchanges within and outside the procedures of land tenure systems (Benjaminsen & Lund, 2003; Chimhowu & Woodhouse, 2010; Colin & Woodhouse, 2010). This entails individualization and privatization of access to land by locals and even strangers (Owusu, 2008; Maxwell et al., 1998; Peters; 2007). Chauveau & Colin (2010) refer to land transactions as customary land transfers framed outside the legal procedures. In many instances, these land exchanges include selling, renting, inheriting, and in some instances land grabs.

The notion of communal land rights and access to land under the communal system of land tenure in sub-Saharan Africa is however variable, contingent, and relevant to social and political contexts in which it is applied (Sjaastad & Cousins 2008). For example in West Africa, several systems of land tenure co-exist with none completely dominating the other, and there are no legal land holding rights that exist among community residents (Delville, 2000). In South Africa communal land tenure is defined in Chapter 1 of the Communal Lands Rights Act (CLRA) 11 of 2004 of South Africa as, "land occupied or used by members of a community subject to the rules or custom of the community" (Cousins, 2008b:109). In Zimbabwe, communal land is administered through a plethora of Acts including the Communal Lands Act (CLA) Chapter 20:04 of 2002, TLs Act (TLA) Chapter 29:17 of 2001, the Regional Town and Country Planning

Act (RTCPA) Chapter 29:12 of 2001, and the Rural District Council Act (RDCA) Chapter 29:13 of 2002. The Constitution of Zimbabwe Amendment Number 20 Act of 2013 section 332 (b) (iii) defines communal land as "land set aside under an Act of Parliament and held in accordance with customary law by members of a community under the leadership of a Chief". The CLA Chapter 20:04 of 2002 defines communal land as, "land which immediately before the 1st of February 1983 was Tribal Trust land ... vested in the President who shall permit it to be occupied and be used." The administration of communal land is thus enabled through the Constitution of Zimbabwe and the Acts of Parliament (statutes). The Rural District Councils (RDCs) as the local authorities administer these Acts on behalf of the state on one hand, together with traditional authorities (Chiefs, Headmen, and Village Heads (VHs)) on the other hand. Both the state and traditional authorities hold important roles in administration of communal land in Zimbabwe.

Communal land tenure in Zimbabwe provides for access and use of land parcels to residents in communal areas as individuals and as collectives. Communal land in Zimbabwe like in most sub-Saharan Africa belongs to the state, and individuals lack rights to dispose of land at will since 'communal' implies some form of collectivity (Cousins, 1990; Nyambara, 2001; Cousins, 2000; Bennett, 2008). This system of land tenure therefore represents sets of elusive relations often overlapping and nested with regards the rights to access land and other resources (Cousins, 2000; Cousins, 2007; Cousins, 2008b; Sjaastad & Cousins, 2008). This context in Zimbabwe like in most African countries does not only demonstrate pluralism of the communal land tenure system in terms of its content, but the legal pluralism in terms of statutory provisions that also regulate communal rights to land (Delville, 2000; Nyambara, 2001; Berry, 2002; Wehrmann, 2008; Cousins, 2009). However, in the minds of many land users in Zimbabwe and generally in most sub-Saharan Africa, "communal land belongs not to single individuals, but to a vast family of which many are dead, few are living and countless numbers are still unborn" (Berry, 1992:342; Chimhowu & Woodhouse 2006:349). This also shows polarization and overlapping of rights and institutions that regulate land with the state as the sole owner of the land on one hand, and community user groups on the other (Nyambara, 2001; Wehrmann, 2008; Cousins, 2009).

3 THE STUDY AREA

This paper is based on case study of Domboshava, a peri-urban communal area. The peri-urban communal area of Domboshava is situated twenty kilometres northeast of Harare. In terms of local governance, Domboshava is considered a rural area, and falls under traditional authority, and Goromonzi Rural District Council (GRDC) as the local authority. Land in Domboshava falls under communal land tenure system, and is administered under the system of customary land tenure. A combination of statutes on land and settlement, and local customs and tradition legally constitute the structure that regulates access to land in this peri-urban communal area. The legal instruments include the CLA Chapter 20:04 of 2002, the TLA Chapter 29:17 of 2001, the RTCPA Chapter 29:12 of 2001, and the RDCA Chapter 29:13 of 2002. The prevalence of land transactions in Domboshava presents complex institutional challenges on this structure prompting the local authority to propose rezoning as a solution to increased land exchanges.

Two important kinds of households were identified in Domboshava. These are tribal and migrant households. Tribal households are those with historically sanctioned rights to communal land under the system of customary land tenure. Tribal members comprise individuals born and bred in Domboshava often with a lengthy lineage history to this area. Tribal households and their members are presumed to 'own' land (in communal areas) that supposedly belongs to their ancestors (Holleman, 1952; Bullock, 1972; Bourdillon; 1976). The tribal status is therefore associated with individuals' long-term autochthonous relationship with particular land parcels, belonging, as well as 'ownership' of land in this rural area (cf. Berry, 2011). By virtue of their tribal identity and land claims through descent from the original inhabitants and 'owners' of land in Domboshava, tribal households and their members practice peasant farming if they so wish, and are able to bequeath land. On the other hand, migrants are outsiders without legitimate lineage land rights in Domboshava. Migrants constitute a diverse group of strangers in terms of aspects such as place of origin, language, culture, and ethnicities. Migrant households migrated from elsewhere to live in this communal area. Migrants nevertheless acquired land sometimes within the system of customary land tenure.

4 THE PROBLEM

The unprecedented level of land transactions experienced in the peri-urban communal area of Domboshava has prompted Goromonzi Rural District Council as a local authority to propose rezoning as solution to this peri-urban challenge. This approach was meant to curb land transactions such as direct land sales and land grabs through upgrading rural land to urban land with title. However, the rezoning strategy became part of the problem as land transactions proliferated ahead of the implementation of the rezoning strategy.

4.1 The aim of the study

This paper seeks to highlight the reactions of the peri-urban community residents of Domboshava when they found out that the local authority, Goromonzi Rural District Council (GRDC) sought to implement rezoning strategies as a way of curbing land transactions. This aim was guided by the following sub-problem questions:

(1) What constitutes the rezoning strategy in Domboshava?

(2) How did the community residents react to the rezoning strategy?

(3) Why did the community residents of Domboshava reacted to the rezoning strategies?

5 THE CONCEPT CUSTOMARY LAND TENURE IN ZIMBABWE

In most sub-Saharan African countries, land rights of local community residents are often overshadowed by provisions of codified statutory laws as these are applied concurrently with customary land tenure provisions (Delville, 2000). According to Adams et al. (1999), this situation is also apparent in Zimbabwe where communal tenure is not only providing a conflation of tenure regimes, but also interchangeably refers to customary land tenure. However, communal and customary land tenure systems do not necessarily mean the same (Cousins, 2009). They represent a dualism (Mamdani, 2000). The provisions and conditions for land use under communal and customary land tenure systems overlap. Customary land tenure like the communal tenure system defines the conditions on which land can be accessed, held, and used in most rural areas of sub-Saharan Africa. Peters (2004) views customary land tenure as a pre-colonial oral system on land rights merely put into writing through the land law. Customary land tenure is governed by land relations among the community members, and is viewed as tribal law or simply custom, and "its claim was not to guarantee rights but to enforce tradition" (Mamdani, 2000:101). Delville (2000:98) describes customary land tenure as "'procedural' and not codified". Written procedures on the practice of customary land tenure unlike communal land tenure are absent. Customary land tenure systems are largely shaped by local interests and institutions (O'Flaherty, 1998). Customary land tenure features cultural and religious symbolisms rooted in local customs and tradition of community residents as land 'ownership' is vested in local traditional authorities (Christodoulou, 1990; Delville, 2000; Mamdani, 2000; Mathieu et al., 2003; Wehrmann, 2008). These local traditions and customs define the context in which people "live their lives" (Giddens, 2001:643).

Individuals and collectives under customary land tenure assume rights to hold and use land without title (Moyo, 1995; Cousins, 2009). Customary land tenure systems do not define each person's rights by which they access and obtain resources (Chauveau, 1998 in Delville, 2000:98). Customary land tenure implies collective rights to land, as well as other natural resources in communal areas (Cousins, 2009). Under customary land tenure, communal residents hold kinship rights to land, and they can always claim such rights even after their long absence from their communities (Christodoulou, 1990). The tenets of customary land tenure lie within the norms, beliefs, and values of communities often connected to ancestral spirits (Ibid). These principles of customary land tenure continue to apply in most rural sub-Saharan Africa even though the circumstances in terms of traditional authority, socio-economic conditions, and rights themselves are not universal, homogenous, and evolve over time (Delville, 2000). Customary land tenure in Zimbabwe is defined through the custom of communities where it is applied, and in turn, these communities are definable and identifiable through such custom. Traditional Leaders remain the custodians of customary land tenure.

5.1 Administration of customary land tenure in Zimbabwe

Administration of land and property rights under customary land tenure in communal areas in most sub-Saharan Africa is through both statutes (laws) and traditional system of authority. Under these circumstances, TLs have limited authority to administer land rights under customary land tenure. For

example, in South Africa and the post-independence era in Zimbabwe pursued changes on the colonial version of the role of TLs on land, as well as the land tenure in most rural areas commonly referred to as native reserves (Cliffe et al., 2011). However, in the post-apartheid era in South Africa many TLs still derive their powers not only from tradition and custom, but also "from colonial and apartheid constructs embodied in previous laws" (Claassens, 2008:361). In Zimbabwe, the post-independence era also witnessed changes in the administrative role of traditional authorities on land as these roles were transferred to local authorities referred to as RDCs by the government (Cliffe et al., 2011). Although these changes were institutionalized, the presence and the current roles of TLs as part of the state remain. For example, the Chiefs retain their legislative, judicial, executive, and administrative roles which they enmesh with tradition (cf. Mamdani, 2000). Chapter 15 of the Constitution of Zimbabwe institutionalizes these roles of TLs. However, the Constitution of Zimbabwe neither elaborates nor provides clear guidelines on how the traditional authorities and local authorities such as RDCs complement their roles particularly on land administration in communal areas.

In Zimbabwe, traditional authorities comprise Chiefs, Headmen, and VHs. Institutionalization of traditional authority and traditional leadership varies from country to country in sub-Saharan Africa, and is done in line with local tradition and custom. These traditional authorities do not necessarily derive their power from laws (statutes) per se, but from local tradition and custom, and are expected to observe the laws in the discharge of their duties (O'Flaherty, 1998). For example, in South Africa, TLs administer land rights under the Traditional Leadership and Governance Framework Act (TLGFA) 41 of 2003 (Claassens, 2008; Love, 2008). In Ghana, the 'non-interference in chieftaincy affairs' policy is one of the important legal instruments used in the administration of communal land (Ubink, 2008 in Peters, 2010). The policy on 'non-interference in chieftaincy affairs' empowers TLs to act as they please, discharge political power, act as government 'voter-brokers', and thus the "fallacy of a strict division between 'traditional' leaders and modern government and party politics is clear" (Ubink, 2008 in Peters, 2010:606). In Ghana, Chiefs have more power to adjudicate on land issues (Crook, 2008 in Peters, 2010). In Zimbabwe, TLs perform their roles under the guidance of the TLA Chapter 29:17 of 2001. In most African countries, it is the role of local authorities to administer the statutes on land on behalf of the state. In Zimbabwe, it is the role of RDCs to administer communal land under customary land tenure on behalf of the state. In this regard, it is therefore unlawful to allocate land without the collective consent of both the RDCs and TLs as the custodians of land on behalf of the state.

The relationships between the state and TLs on land administration under customary land tenure in sub-Saharan Africa vary from country to country. These relationships are localized, and are never homogeneous. Different countries vest different degrees of power and authority on TLs since African traditions, cultures, norms, values, and rituals are themselves divergent. The influence of statutory regulation on traditional authorities in most sub-Saharan Africa is never neutral (Claassens, 2008). Although the role of traditional authority is obscured by the role of the state through laws, their influence in land administration cannot be underestimated (Okoth-Ogendo; 2008). Struggles on land administration in communal areas clearly exist. Under these circumstances, the critical question that needs clarity is on 'who' has authority over land (Cousins, 2008a). Love (2008) views these struggles in terms of whose voices are heard, and whose are silenced. Berry (2002) relates the struggles to who should have access to land rights and the terms of reference on which the rights are exercised. I therefore conceptualize traditional authority as an institution that regulates access and allocation of land rights under customary land tenure comprising the VHs, Headmen, and the Chief.

5.2 Strategies for rezoning communal land in Zimbabwe

Rezoning strategies in urban and regional planning discourses take a variety of forms. In Zimbabwe, rezoning strategies involve government programmes that seek to correct colonial imbalances. For example, the villagization programmes that dominated development initiatives soon after independence (see Potts & Mutambirwa, 1990; Nyambara, 2001; Spierenburg, 2004; Thebe, 2010). This entails integration and application of regulations to support effective land use and land use planning. Rezoning originates from Zimbabwe's post-independence decentralization programmes when local authorities sought to create small rural towns called growth-points in an endeavor to modernize the rural areas. Small rural towns were expected to develop in a linear hierarchy to become fully urbanized (Helmsing et al., 1991; Munzwa, &

Jonga, 2010). The settlement hierarchy proceeds from what are known as business centres, rural service centres, growth points, towns, and ultimately to cities (Helmsing et al., 1991; Munzwa & Jonga, 2010). The purpose of the settlement hierarchy was to curb rural-urban migration by bringing similar urban services closer to the people living in the rural areas (Tacoli, 1998; Helmsing et al., 1991). The approach was meant to harmonize urban spread into rural areas (Munzwa & Jonga, 2010). In this regard, rezoning simply implies conversion of rural spaces to urban. Thus, rezoning is transit oriented as it seeks to apply strategies that create easthetic city peripheries that will eventaully merge with the greater urban zone.

6 METHODS

In this study, forty-one local residents as well as a number of key informants such as Traditional Leaders and local government officials were sampled Qualitative and quantitative data were collected through structured interviews, review of pertinent documents, as well as observation. The mixed methods approach that combines qualitative and quantitative approaches was thus employed in this case study. In order to highlight the reactions of community residents to rezoning of Domboshava, Hirschman (1970)'s voice, exit, and loyalty model was used in data analysis. This model addresses the different responses consumers are able to make when faced with poor and declining markets. Exit means quitting (Bekker & Leilde, 2003), or simply leaving (Hirschman, 1970; Barry, 1974; Laver, 1976). Voice means speaking out (Hirschman, 1970; Barry, 1974) or "staying put and shouting" (Laver, 1976:464). Loyalty means 'stay and be silent' (Hirschman, 1970; Barry, 1974). Loyalty also entails to 'simply stick it out' or 'grin and bear it' (Hirschman, 1970; Barry, 1974; Bekker & Leilde, 2003). Through Hirschman's model, I was able not only to reveal the reaction of community residents to the local authority's rezoning strategy, but to demonstrate their criticism or disregard of, or compliance with this strategy.

7 DISCUSSION OF FINDINGS: THE REACTION OF COMMUNITY RESIDENTS TO REZONING STRATEGIES IN DOMBOSHAVA

In Domboshava, land transactions are shifting from customary inheritance in the tribal line to individualized land transactions such as direct land sales and renting - leading to changes in land use, settlement patterns, and increased population densities – prompting the GRDC to implement rezoning as a solution to land transactions. In this section, I explain the nature of the rezoning strategies proposed for Domboshava, the reaction of community residents to these strategies, and the reasons why they community residents reacted the way they did.

7.1 Rezoning strategies in Domboshava

From the perspective of Local Government Officers at GRDC, rezoning constitutes settlement upgrading from rural to urban. This strategy is guided by statutes on land and settlement, as well as a master plan for Domboshava. These statutes include the CLA Chapter 20:04 of 2002, TLA Chapter 29:17 of 2001, the RTCPA Chapter 29:12 of 2001, and the RDCA Chapter 29:13 of 2002. The master plan for Domboshava was prepared in line with the GRDC's proposal to upgrade the communal area from rural to urban. The master plan provides for the orderly and planned layout of physical structures in this communal area concomitant with urban spaces. The practice of upgrading settlements from rural to urban is however not a new phenomenon in Zimbabwe. The strategy aims at urbanizing communal areas in line with the provisions of section three of the RDCA Chapter 29:13 of 2002. In this case rezoning translates to spatial issues reflected on master plans.

From the perspective of Local Government Officers, the mixed and unplanned settlement pattern emerging from villages of Domboshava as a result of migrants settling in this communal area conflicted with the principles of planning on conviviality, city imaging, and the beauty concomitant with international destinations such as Harare. As such, beautification of Domboshava was inescapable because of the location of this communal area in the periphery of the capital city. The Local Government Officers regarded Domboshava as one of Harare's frontiers because "we approach cities from their rear" (Mabin, 2012). Thus, settlement upgrading as a rezoning strategy was justifiable as a response to settlement growth of Domboshava, and the urban expansion of Harare into its periphery because of increased land transactions. This justification however ordinarily seeks to preserve the image of Harare, and not necessarily that of Domboshava. On the other hand, by trying to beautify Domboshava and to avoid 'another Epworth in the

making' as highlighted by some of the Local Government Officers at GRDC, these land use planners sought to restructure the traditional system of customary land tenure through the proposed master plan since Domboshava was 'degenerating' into an 'informal settlement' like Epworth located in the eastern side of Harare.

The GRDC as an agent of the state has the power to propose and impose the settlement upgrading strategy for purposes of the beautification of rural settlements. In the event of resistance by community residents, section thirty seven of the RTCPA Chapter 29:13 of 2002 authorizes the GRDC to use necessary force in order to achieve the planning ideals.

Since the situation in Domboshava presents uncoordinated and overcrowded residential structures from the perspective of GRDC, this meant application of clean-up measures akin to Operation Murambatsvina/Operation Restore Order (OM/ORO) experienced in Zimbabwe in 2005. This strategy involves the demolition of structures perceived as discordant, illegal, and substandard in physical and planning terms. Ironically, the situation in Domboshava emanates from previous displacements of households through the Fast Track Land Reform Programme (FTLRP of 2002) and OM/ORO of 2005 (see Tibaijuka, 2005; Kamete & Lindell, 2010; Kamete, 2011; Kamete, 2012). Forced eviction of households and the destruction of dwellings has been the general response to substandard and informal structures by local authorities in Zimbabwe (Kamete & Lindell, 2010). Clean-up measures were also applied in Gutu in Masvingo on households that settled themselves on ungazetted land (see Mujere, 2011). Police destroyed houses and burnt down crops to force people to return to their original places (Ibid). Thus, the proposed rezoning strategy by the Local Government Officers for Domboshava could possibly resuscitate a vicious cycle of displacement in this peri-urban communal area. Quan & Payne (2008:4) also point out that, evictions "lead to the creation of new unauthorized settlements elsewhere, only moving the problem from one location to another at great social, economic, and occasionally political cost". In this regard, GRDC's understanding of rezoning does not take cognisance of the causes behind the status quo, and is rather divorced from the lived experiences, as well as polarized expectations of community residents from rezoning.

7.2 Tribal members' reactions to rezoning strategies, and the reasons for their actions

The reactions of tribal and migrant members of Domboshava to rezoning strategies were different. Tribal members in Domboshava perceived the rezoning strategy through settlement upgrading as a hidden agenda by the GRDC to dispossess them of their tribal land rights. In their minds, the proposal was meant to generate revenue to the benefit of the GRDC. Yet, from the perspective of Local Government Officers, land in rural areas or reserves is simply 'reserved' for future development. As a result, tribal members sold 'their' land to migrants ahead of the implementation of the rezoning strategy - to frustrate the local authority. By selling land directly to migrants, tribal members also sought to benefit somehow (perhaps in monetary terms) from their customary land rights. As these tribal members sold their land to migrants, in essence they simply transferred their land rights, and not necessarily land because communal land in Zimbabwe belongs to the state. According to Toulmin & Quan (2000), such circumstances are very tricky because the state continues to 'own' land despite local changes. Yet, tribal members perceived their customary land rights as unchallengeable in Domboshava. The problem lies within the levels of decision-making between the traditional authorities and the GRDC who both claim to have power to allocate land to migrants, yet in legal terms the GRDC on behalf of the state overrides the powers of localized structures (see Cousins, 2008a). However, rules under the tradition and customs of tribal members of Domboshava remain authoritative and provide a sense of legitimacy in regulating individual behaviour in land transactions although these rules are largely unwritten and unspoken (cf. Cousins, 2008b). The reactions of tribal members to proposed implementation of rezoning strategies in Domboshava were largely shaped by familiar experiences that happened elsewhere, for example, the case of Seke communal area in Zimbabwe. From Hirschman (1970)'s perspective, other consumers' behaviour as well as the market experiences from elsewhere influence the decision and choices made on the market.

Tribal members collectively voiced their concerns and disapproval of the settlement upgrading strategy through organizing themselves and sending village representatives to negotiate with the GRDC. By voicing to the GRDC, tribal members sought redress on a rezoning proposal they regarded as disruptive and undesirable. Although, settlement upgrading paves way to planned activities on the master plan, the layout

for residential, commercial, industrial, and institutional spaces on the master plan are inadequate to cover the ever-increasing population of Domboshava. For example, the master plan covers only two hundred and eleven residential units. According to Local Government Officers, residential structures deemed substandard are likely to be excluded from the new layout. This means possible exclusion of residential structures of some tribal members whose residences are old and dilapidated. Yet, residential structures in rural areas of Zimbabwe are never built according to plans. There exists no layouts for rural settlements in Zimbabwe. In the minds of tribal members, creating order and beautification in Domboshava through rezoning is a false justification for imaging Domboshava. Thus, Walker (2009:474) notes that,

"Laws and policy prescriptions that underestimate the distinction between the economic and the social values of land run the risk of being implementable. What is important here is that the social meanings of land are constructed differently at different levels - individual, household, community, nation - and the interplay among these different levels is significant for determining how rights-based claims to land get framed by ordinary women and men".

Reactions of tribal members also reveal the multiple meanings, and the symbolic relationship they derive from land. As in Ghana and Cote d'Ivoire, tribal members of Domboshava base their rights to land on history and indigeneity (cf. Peters, 2010). In Domboshava, customary land rights and attachment to the community characterizes the belonging of tribal members. Belonging is embedded not only in the structure on the system of customary land tenure, but also in the social system. Thus, the meaning of land goes beyond its use value, to a linkage between generations, and as "a potent element for social identity" (Walker, 2003:116). Thus, the symbolic relevance of land is associated with the lived experiences of tribal members. For tribal members of Domboshava, land is a critical source of community cohesion that carries both communal and individual interests of the users (cf. Mathieu et al., 2003; Cousin, 2008b). Land is an important productive resource, as well as a potent symbol of their past (Cousins, 2008b). Clearly, land in Domboshava is not only a spatial entity that defines the territorial boundaries of the communal area, but a physical asset and entitlement used by community residents and passed to the next generations. Land is rather a determinant of "socio-physical realities that are significant to human well-being" (cf. Walker, 2009: 467).

The major concern of tribal households of Domboshava about the rezoning strategy was the risk of possible relocation to an unspecified place elsewhere - possibly to Gokwe - a dry and tsetsefly infested communal area located almost 350kilometres northwest of Harare. The recurrent question asked by tribal members particularly those advanced in age and those with ailing health was - where do we go from here? However, possible relocation of households to new places shows that the individual and collective land rights of community residents of Domboshava were rather insecure. According to Cousins (2008b), displacement of communities affects individuals' land rights in many ways. In Domboshava, forced eviction and relocation of tribal households implies displacement of these people from their homeland. Through rezoning, tribal members risk being 'pushed out' of their community through clean-up measures akin to ORO/OM of 2005 - a complete departure from the rational comprehensive models in planning to politics of muddling through (Lindblom, 1959; McLaughlin, 1987). Direct land sales by tribal members of Domboshava are therefore a voice to the GRDC and an expression of discontent and non-approval of what they viewed as unwarranted clean-ups and possible relocation. It is an attempt to solicit attention from the GRDC as well as the state.

From the GRDC's perspective, policy processes on rezoning aim at improving access to services such as water, electricity, and sanitation - largely expected by residents in most communal areas of Zimbabwe. However, tribal members from Domboshava perceived services initiated by the GRDC as inferior, and were thus not excited about services accompanied by clean-up measures. Effectiveness of the tribal members' voice to bring the desired change also depends upon the GRDC's willingness to listen and to respond to community concerns. This impasse emanates from accompanying rezoning with laws on land and settlement. These laws grant the GRDC more power to control the practice of rezoning particularly through settlement upgrading.

Voice and exit strategies by tribal household members in Domboshava did not bring the desired change therefore loyalty naturally took precedence. According to Hirschman (1970), the loyalty strategy entails keeping exit at bay, while activating voice and continuing to campaign for change from within. Loyalty also entails to 'simply stick it out' or 'grin and bear it' while advocating for redress (Hirschman, 1970; Barry, 1974; Bekker & Leilde, 2003). Tribal members advanced in age with little ability to build new homesteads

from scratch elsewhere demonstrated loyalty. The elderly argued that their roots and tribal identity belong to Domboshava, and that they invested social capital and networks in this communal area (cf. Chambers & Conway, 1991; Ellis & Biggs, 2001; Cahn, 2002; Cousins, 2007; Scoones, 2009). Leaving Domboshava for other places elsewhere was inconceivable since their ancestors were buried in this communal area. In this regard, loyalty entails vigilance while waiting and adapting to the deteriorating conditions in anticipation of uncertainties, and not necessarily change for the better.

Tribal members of Domboshava also reacted to rezoning through resisting projects from GRDC they perceived as suspicious. According to Hirschman (1970), when people are suspicious of new products, they are likely to resist or boycott the products by simply not buying them. The GRDC intended to install piped water in Zimbiru Village. As much as tribal members in Domboshava looked forward to sources of clean water closer to their homesteads, the piped water project was perceived as a deceptive precursor for a rezoning strategy that needed to be resisted, rejected, and boycotted. Tribal members from Domboshava were not excited about the water project. They viewed the project as a form of interference with their rural life. They believed in rezoning strategies that valued their communal status even though they were fully aware that the communal area was situated in a peri-urban zone that is likely to turn urban. These tribal members therefore campaigned against the piped water project from within through collective resistance and direct confrontation with Local Government Officers from the GRDC.

Chasing away Local Government Officers and removing land surveyors' pegs not only demonstrates defiance and confrontation, but loyalty to the structure that defines the system of customary land tenure. Similarly, community residents of Gokwe demonstrated resistance and anger by attacking officials from the local authority when the government introduced a villagization programme in this communal area (Nyambara 2001). Villagization programmes involve relocation and reorganization of land use of rural households in terms of arable, grazing, and residential (Potts & Mutambirwa, 1990). Elsewhere in northern Zimbabwe, residents of Dande communal area resisted a development project that aimed at land redistribution (Spierenburg, 2004). In another case, the community residents of Binga sabotaged a project by the RDC through selling communal land to migrants (Dzingirai, 2003). These reactions are similar to those of Kgatleng residents of Botswana against the imposition of legal rights on boreholes when the land administration authority failed to convince people about the project, and the residents were generally skeptical about the project (Peters, 1994). In Kenya, the Luo tribe clashed with government over the land titling programme because the Luo perceived the programme as a threat to their belonging and ancestral land rights (Shipton, 2004 in Mujere, 2011). According to Robins (1995) in Nyambara (2001:278), peasants have always resisted relocation of homesteads and consolidation of villages, and this took form of "attacks on state officials who come to peg new homes, the removal of pegs from home fields and yards, making the officials object of witchcraft, boycotting meetings, and so on". In these cases, projects from the local authorities "caused a great deal of anger" since these were literally after land dispossession and displacement of people from their ancestral 'soil' (Peters, 1994:21).

The perceptions of tribal members of Domboshava were thus shaped by possible dispossession, loss of land rights, and many freedoms (cf. Cousins, 2008a). The 'freedoms' of tribal members entail autochthonous land rights, choices to bequeath land and other property rights through inheritance, choices to exchange land, choices to access the commons, and above all the right to belong to this communal area. Loyalty to customary land tenure by tribal members of Domboshava is rather a forced alternative and not necessarily a rational initiative in order to preserve their freedoms as well as belonging (cf. Hirschman, 1970).

7.3 Migrant members' reactions to rezoning strategies, and the reasons for their actions

On the other hand, the reactions of migrants were different. Migrants perceived rezoning and provision of services through the water project from GRDC as worthwhile. In their minds, rezoning could lead to improved living conditions concomitant with urban spaces. Migrants thus looked forward to upgrading of Domboshava from rural to urban. Many migrants were rather uncomfortable with and uncertain of their migrant status associated with squatters by the GRDC since they were unregistered through the formal procedures. Migrants that bought land through individualized land transactions such as direct land sales and land grabs were legally categorized as squatters (CLA Chapter 20:04 of 2002; TLA Chapter 29:17 of 2001). In the minds of migrants, rezoning would secure their land rights since in most cases these migrants were victims of displacement through the FTLRP and OM/ORO. If Domboshava turns urban, the context allows

for formal registration of individual land parcels with the GRDC, and land would be considered as urban with title. Land titles are "preemptive", that is, they prevent the state from allocating the same pieces of land to others (Migot-Adholla, 1994:25). As such, land titles confer absolute and legal private property land ownership rights to migrants. Migrants of Domboshava therefore expected to obtain land titles through rezoning.

Migrants regard Domboshava as urban due to its proximity with Harare. However, Domboshava is rural since the peri-urban area is categorized under communal areas in policy terms (CLA Chapter 20:04 of 2002). Some migrants however support settlement upgrading from rural to urban because they retain their tribal status in their homelands. Such land rights legitimize their land claims even after migrants' long absence. Migrants had nothing to lose in terms of autochthonous land rights in Domboshava through land dispossession by the GRDC, but probably could gain titled and private land rights through rezoning. According to Hirschman (1970), migrants' perceptions typify neither voice nor exit, but rather loyalty to rezoning. Loyalty in this regard, translates to waiting in anticipation for an improvement. Being loyal also entails patience (Hirschman, 1970; Ayes, 1971; Barry, 1974; Dowding et al., 2000). For migrants, waiting patiently for transformation from rural to urban is a significant and a calculated alternative rather than to use overt strategies such as voice or to exit. Engaging voice was somewhat tricky and difficult for some unregistered migrants because of their 'illegal' migrant status in Domboshava. Migrants were simply sticking with the status quo while waiting for change come. Loyalty also provides an explanation to the standard and state of the art houses constructed by migrants in Domboshava. Such modern and often gated structures are unlikely to be demolished during clean-up exercises. These residential structures stand a better chance of being integrated into the GRDC's master plan for Domboshava. Demolition of physical structures involves compensation to the owners (RTCPA Chapter 29:12 of 2001). This is often an insurmountable task for local authorities in Zimbabwe as they struggle financially to meet most of their budgetary requirements. Construction of permanent and modern structures by migrants is however a way of securing land rights, and to remain safe from the GRDC's non-planning interventions akin to ORO/OM associated with the rezoning strategy on settlement upgrading.

8 CONCLUSION

Findings from the case of Domboshava clearly show that the rezoning strategy does not necessarily focus on what community residents expect, but on what laws expect in terms of land and settlement in this peri-urban communal area. The behaviour of tribal members also demonstrates resistance not only to the rezoning strategy they regarded as undesirable, but also to the structure on customary land tenure they regarded as confusing. As a result, tribal members were simply exiting the structure or rules that regulate customary land tenure as described in statutes on land and settlement through unsanctioned land transactions. Statutes capacitate and constrain (at the same time) individual freedom of tribal members to exercise their land rights. In the minds of tribal members of Domboshava, exiting these institutions is a worthy cause because the structure failed to protect their customary land rights against possible dispossession by the GRDC. Tribal members are content with their rural and tribal status that allows them to practice inheritance for their descendants.

Clearly, a conflict of values exists between tribal members and migrants in terms of gains and losses attached to rezoning. Among tribal members, settlement upgrading is associated with loss of land rights, whereas migrants equate the programme with access as well as secure land rights through land titles. Future scenarios however predict a complex combination of resistance to rezoning by tribal members that preserved their land parcels for their future generations against those that resigned and totally exit the system of customary land tenure through land sales to migrants. The latter group of tribal members is likely to support rezoning through settlement upgrading. On the other hand, migrants are likely to team up with tribal members that hold small residential land parcels in support of rezoning through settlement upgrading. Appropriate planning strategies that address the challenges in Domboshava are sorely needed.

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