

**A CRITICAL ANALYSIS OF THE PREPAREDNESS OF
URBAN LOCAL AUTHORITIES IN DEALING WITH THE
PROBLEM OF LAND INVASIONS: THE CASE OF
CHITUNGWIZA: 2013-2017.**

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DEDICATIONS

To my wife, Memory and children. Keep on supporting me.

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ABSTRACT

The study is about the preparedness of Chitungwiza Municipality in dealing with the problem of illegal settlements. The prevalence of land invasions in urban local authorities has seen most of them struggling and failing to deal with this problem. Chitungwiza municipality has experienced the widespread of illegal settlements since 2013 to date. The study sought to establish and analyse the causes, effects, and challenges faced in addressing the problem. The study was premised on the hypothesis that lack of preparedness/readiness of local authorities has resulted in the perpetuation of illegal settlements. The research used both quantitative and qualitative data collection methods and desk research buttressed data obtained from interviews and questionnaires. The study revealed that rampant illegal settlements in Chitungwiza are politically motivated and worsened by factors such as land shortages and lawlessness. Efforts to eradicate the problem have been compromised due to resistance, weak legal and institutional frameworks as well as lack of corporate governance. The study therefore recommends acquisition of more land, engagement of senior politicians and strengthening legal and institutional frameworks coupled by institutionalising good corporate governance.

LIST OF FIGURES

Figure.1	Views on failure by the municipality to provide sufficient housing units.....	32
Figure.2	Views on the role of political leadership.....	34
Figure.3	Views on unaffordable land prices.....	36
Figure.4	Views on general lawlessness.....	38
Figure.5	Illegal structure built across a tarred road.....	38
Figure.6	Illegal structures exposed to life threatening risks.....	41
Figure.7	A poorly built structure that collapsed due to heavy rains.....	41

LIST OF TABLES

Table.1 Questionnaire response rate.....28

Table.2 Interviews response rate.....29

Table.3 CM residential land sales per square metre.....36

Table.4 CM residential stands payment terms.....37

LIST OF APPENDICES

- APPENDIX.1 Interview guide for senior council officials
- APPENDIX.2 Interview guide for policy makers
- APPENDIX.3 Questionnaire for development control officers
- APPENDIX.4 Questionnaire for civic organisations
- APPENDIX.5 Interview guide for housing co-operatives
- APPENDIX.6 Interview guide for illegal settlers
- APPENDIX.7 Confirmation letter from the department of Administrative and
Political Studies
- APPENDIX.8 Request to carry out research at Chitungwiza municipality

ABBREVIATIONS

CM	Chitungwiza Municipality
CHITREST	Chitungwiza Residents Trust
CHRA	Chitungwiza Rate Payers Association
DPP	Department of Physical Planning
EMA	Environmental Management Agency
ESAP	Economic Structural Adjustment Programme
URDCorp	Urban Development Corporation
UN	United Nations
ZWLA	Zimbabwe Women Lawyers Association

Table of Contents

DEDICATIONS	i
ACKNOWLEDGEMENTS	ii
ABSTRACT.....	iii
LIST OF FIGURES	iv
LIST OF TABLES	v
LIST OF APPENDICES	vi
ABBREVIATIONS.....	vi
CHAPTER ONE: INTRODUCTION	1
1.1 Background to the Study.....	1
1.2 Statement of the Problem.....	5
1.3 Objectives of the Study.....	5
1.4 Research Questions.....	6
1.5 Hypothesis.....	6
1.6 Significance of the Study.....	6
1.7 Limitations.....	7
1.8 Delimitations.....	7
1.9 Organisation of Study.....	7
CHAPTER TWO: LITERATURE REVIEW.....	8
2.0 Introduction.....	8
2.1 Conceptual Frameworks	8
2.1.1 Conceptualising Land Invasions	8
2.1.2 Regularisation	10
2.1.3 Land Governance	10
2.1.4 Preparedness	11
2.1.5 Urbanisation.....	12
2.2 Theoretical Frameworks	13
2.2.1 The Basic Needs Approach.....	13
2.2.2 Public Choice Theory.....	14
2.2.3 Modernisation Theory.....	15
2.3 Country Experiences	16
2.3.1 The Mexican Experience	16

2.3.2 The South African experience.....	17
2.3.3 The Tanzanian Experience.....	19
2.4 Lessons drawn.....	20
CHAPTER THREE: RESEARCH METHODOLOGY.....	21
3.0 Introduction.....	21
3.1 Research Design.....	21
3.2 Study Area	22
3.3 Target Population.....	22
3.4 Sampling Procedure	23
3.5 Methods of Data Collection	23
3.5.1 Documentary Search.....	23
3.5.2 Key Informant Interviews	24
3.5.3 Questionnaire	24
3.6 Data Analysis	25
3.6.1 Content Analysis.....	25
3.6.2 Thematic Analysis.....	25
3.6.3 Descriptive Statistics.....	25
3.7 Ethical Considerations	26
CHAPTER FOUR: PRESENTATION, ANALYSIS AND DISCUSSION.....	27
4.0 Introduction.....	27
4.1 Research Methodology of the Study Revisited.....	27
4.2 Challenges Encountered in Conducting Fieldwork.....	28
4.3 Analysis of response rate	28
4.3.1 Response rate for questionnaires.....	28
4.3.2 Interviews Response rate	29
4.3.3 Analysis of interview response rate	30
4.3.4 Overall Response rate for interviews and questionnaires	30
4.4 Research Findings.....	30
4.4.1 The illegal settlements situation in Chitungwiza	30
4.5 Analysis of illegal Settlements causes in Chitungwiza.....	31
4.5.1 Shortage of land for urban expansion	31
4.5.2 Role of influential political leadership in land invasions	32
4.5.3 Inefficiency by the local authority.	34
4.5.4 Rent seeking behaviour.....	35
4.5.5 Unaffordable land prices	35

4.5.6 General Lawlessness	37
4.6 Analysis of effects of land invasions in Chitungwiza	38
4.6.1 Haphazard settlement	38
4.6.2 Lack of social and economic infrastructure	39
4.6.3 Environmental degradation, pollution and health risks.....	39
4.6.4 Life threatening risks	40
4.7 Analysis of measures taken and challenges faced.....	42
4.7.1 Enforcements by the Development Control Unit.....	42
4.7.2 Engagement of stakeholders	43
4.7.3 Demolitions.....	43
4.7.4 Legal/ Court processes	44
4.7.5 Engagement of the Parent Ministry and its agencies	45
4.7.6 Regularisation	46
4.7.7Crafting of the housing policy	46

CHAPTER FIVE: CONCLUSIONS AND

RECOMMENDATIONS.....Error! Bookmark not defined.

5.0 Introduction.....	48
5.1 Conclusions.....	48
5.1.1 Shortage of land for urban expansion.	48
5.1.2 The role of politics on land invasions.	48
5.1.3 General Lawlessness	48
5.1.4 Weak legislative frameworks.....	48
5.1.5 Bureaucratic red tape	49
5.1.6 Weak institutions.....	49
5.1.7 Poor Corporate governance.....	49
5.1.8 Financial constraints	49
5.2 Recommendations and areas of further study	49
5.2.1 Request for more land for urban expansion	50
5.2.2 Engagement of senior political leaders	50
5.2.3 Prosecution of offenders	50
5.2.4 Strengthening the legal frameworks.....	50
5.2.5 Application for Deed of Grant	50
5.2.6 Capacitating the Urban Planning department	51
5.2.7 Improving on Corporate Governance	51
5.2.8 Engagement of private partners	51
5.3 Areas for further studies.....	51

BIBLIOGRAPHY	52
APPENDIX 1: Interview Guide for Town Clerk and departmental heads.....	58
APPENDIX 2: Interview Guide for Policy makers (Councilors)	59
APPENDIX 3: Questionnaire for Chitungwiza municipality Development Control Officials	60
APPENDIX 4: Questionnaire for Civic Organisations.....	65
APPENDIX 5: Interview guide for Housing Co-operatives.....	70
APPENDIX 6: Interview Guide for illegal settlers.....	71
APPENDIX 7 : Confirmation letter from the Department of Political and Administrative Studies...72	
APPENDIX 8 : Application for authority to carry out research at Chitungwiza municipality.....73	

CHAPTER ONE

INTRODUCTION

1.0 Introduction

This study examines the preparedness of urban councils in dealing with illegal settlements with a special focus on Chitungwiza Municipality (henceforth CM). This introductory chapter presents the background of the problem, statement of the problem, significance of the study, research objectives and questions, the hypothesis of the study as well as its limitations and delimitations.

1.1 Background to the Study

Land invasion is “the illegal occupation of land, with the intention of establishing dwellings a settlement upon it.” (www.westerncape.gov.za). Mogale City Local Municipality Management and Control of Informal Settlements By-laws also define land invasion as the,

Illegal occupation of land or any settlement or any occupation of people on any land without the express or tacit consent of the owner of the land or the person in charge of the land or without any other right in law to settle on or occupy such land.”(www.mogalecity.gov.za).

The term land invasions is used interchangeably with illegal settlement. Land invasions can be by one individual or several people. Land invasions is a process which results in the state of illegal settlements. According to the UN-Habitat Global Report on Human Settlements (2003), nearly one billion people are slum dwellers implying that illegal settlements are pervasive throughout the whole world. The report also indicates that 78.2% urban dwellers in developing countries live in slums and with no indications that the trend will fall. According to UN-Habitat Report (2012:23), African countries have more than 8 million people living in shanty and inhabitable shanty areas which are prone to diseases such as typhoid, malaria and cholera. They also live in areas without roads between them making refuse removal impracticable because of the non-availability of road servitudes.

The Global Report on Human Settlements (2003) observes that urbanization which caused rural-urban migration resulted in slums in cities such as Abidjan in Cote D’ivoire, Ahmedabad in India, Barcelona in Spain and Bogota in Colombia. In Zimbabwe urbanisation has created the housing problem as in the case with most African developing countries (Mutizwa-Mangiza,

2009; Majone, 2012). Chitungwiza is not an exception to the problem of illegal settlements or informal settlements.

Chitungwiza municipality was established in 1978 as a dormitory town to the city of Harare and its main purpose was to provide residential accommodation for those working in Harare. In 1996 it was proclaimed a municipality through Proclamation number 3 of 1996 Statutory Instrument 42 of 1996. Before the attainment of independence, Africans could live in areas where their labour was required and were not allowed to own urban land as noted by Rakodi (1996:1554). In the late 1970s the tenure system was finally relaxed whereby Africans could now rent hostel rooms and family houses owned by employers or municipalities (ibid: 1555). This relaxation saw the increase of blacks seeking accommodation in urban areas. Musindo *et al* (2013:172) notes the unprecedented appearance of large squatter settlements in various towns for example Chirambahuyo settlement in Chitungwiza which had about 30 000 squatters in 1979.

With the attainment of independence in 1980, tenure laws and pass laws were further relaxed resulting in increase in demand for housing land in urban areas and Chitungwiza was not spared. The rural-urban migration caused the swelling of population resulting in home owners building backyard shacks to accommodate those in need of accommodation and at the same time benefiting from the rentals paid. This was most prevalent in high density suburbs such as St Mary's and Zengeza. These types of illegal structures in most cases did not encroach outside the areas where the tenants were allowed to build but were illegal structures in the sense that the structures were not approved by the planning authority.

Informal settlements have been identified as eyesores across major cities in developing nations as it affects socio-economic development of the country (Tshikotshi; 2009:4). Zimbabwe is one of the countries that is still facing the challenge of dealing with illegal settlements despite the efforts made in 2005 by Operation Restore Order a clean-up employed by the Central government to eradicate all unplanned structures in both urban and rural growth points. However the intended objectives could not be achieved as informal settlements increased in urban areas.

Despite the government initiative to restore order, illegal settlements still remain a cause of concern in Chitungwiza. From about 2010 up to now a new wave of illegal land invasions have emerged. Whereas the illegal structures during the period prior to "Operation Restore Order"

were confined to pieces of land where the tenants had tenure rights but without authority to build certain structures of late the illegal structures involve encroachment into areas where the settlers have no tenure rights. The land invasions involve land barons, space barons, housing co-operatives/trusts or associations as well as political players. These have gone on rampage occupying any open space within their sight and this includes space planned for other uses as noted by Tibaijuka (2009:55) that unplanned settlements involve invasion of open spaces reserved for other commercial and industrial purposes.

The year 2013 marked the emergence of massive land invasions in Chitungwiza municipality's area of jurisdiction. In 2005 Chitungwiza had been allocated Braemar and Longlands farms for urban expansion and the municipality began selling stands in 2007. By the end of 2012 the beneficiaries had not been allocated their stands and they formed a pressure group known as the Nyatsime Beneficiaries Housing Trust which was meant to pressurise council to allocate them their stands. Some members felt that the pressure group was not aggressive enough and they formed a splinter association known as the Nyatsime Housing Development Association which in April 2013 initiated the invasion of stands in Nyatsime phase four (4). The Ministry of Local Government, Public Works and National Housing Audit Report (2013:11) noted that about three hundred (300) settlers had built substandard structures on the invaded land. Efforts by Chitungwiza municipality to evict them with the assistance of the Sherriff were unfruitful as the invaders became violent damaging council vehicles resulting in the eviction being shelved. While CM was re-organizing for the evictions some A2 farmers who were allocated some plots in the same farms applied for a High Court interdict for council not to carry out any operations in the area until they are given alternative land. This turned the area into a no go area for council employees whilst the illegal settlers continue parcelling out land.

In greater Chitungwiza area, spontaneous land invasions became the order of the day with land barons and some politicians anticipating that the illegal stands would eventually be regularised. The Ministry of Local Government, Public Works and National Housing Audit Report on Issues of Land Management and Allocation in Chitungwiza and Seke District (2013:23) noted that "more subdivisions were fuelled by the hope that the stands could be regularised". The invasions were also made easy by the requirements of new Constitution whose section 74 prohibits evictions without a court order. This resulted in some invasions taking place on any open space within Chitungwiza. A council report on Land Management and Service Delivery meeting held on the 17th of October 2013 revealed that "since April 2013 new land invasions

started on undevelopable land for example cemetery sites, wetlands, buffer zones and open spaces”.

A Chitungwiza municipality report for the Deputy Minister of Local Government, Public Works and National Housing on “Illegal Occupations, Subdivisions, Sale and Occupation of State Land” dated 18th October 2013 revealed that more areas were being occupied under the banner of different housing co-operatives who were running a parallel council with their own architects, town planners, building inspectors, civil engineers and housing officers. The report also revealed that Seke area, especially units A, C, G, L, N, O and P, were the most affected. Unit ‘O’ was reported to have 2 500 stands which were created by a housing co-operative without council authority. Unit ‘P’ had some stands created in a wetland which had been condemned by the Environmental Management Agency and professional planners. Unit ‘L’ had 300 stands created in a cemetery whilst in unit ‘K’, then land behind Chirunga shopping centre that was earmarked for expansion of the shopping centre was, subdivided into residential stands.

Another report by the Department of Urban Planning revealed that in Unit ‘A’ the land adjacent to Chibuku stadium meant for the expansion of the stadium was invaded with over 48 stands created. At a wetland in the same unit about 30 illegal stands were created and the beneficiaries claimed to have bought the stands from a certain housing co-operative.

A report by the Municipal police dated 5 May 2014 had connotations that some of the land invasions were motivated by religious beliefs. This was revealed after the invasion of Nyatsime phase 6 by apostolic sect members believed to be followers of Job Mufani known for assaulting police officers in Budiro. About 120 of them invaded Nyatsime phase 6 at the beginning of May 2014 and began pegging some high density stands in an area which had been pegged by council for medium density stands. They had running battles with municipal police while they claimed that the Holy Spirit had led them to that site and they were aware that council would eventually regularise their settlement. The Nyatsime Beneficiaries Housing Trust which had remained docile while its splinter group invaded Nyatsime phase 4 also mobilised its members after realising that council was not allocating them stands at the pace they desired. They occupied Nyatsime phase 6 and efforts by Council to evict them were futile as they made an urgent chamber application at the High Court and a provisional order was granted. The ring leaders are also still busy parcelling out land whilst the case is still pending.

Land invasions have gone unabated and they are still going on with no solution having been found. In July 2016 about 2 600 people invaded the new cemetery site in Nyatisme area and they are still staying there after counter claims that followers of a certain political party had also invaded certain land without action being taken against them. Engagement of political parties leadership failed to pay dividends as the leadership disassociated themselves from such invasions.

1.2 Statement of the Problem

Global trends indicate that the problem of illegal settlements are on the increase. National and local governments are expected to effectively deal with this problem but however there is no tangible evidence of success cases. Local authorities in Zimbabwe in general and Chitungwiza in particular have not registered success in this regard. The situation in Chitungwiza has reached alarming levels with the land planning and allocating roles being usurped by outsiders. There seems to be no immediate solution at hand. It is feared that if the current situation continues unaddressed disease outbreaks, environmental degradation, pollution, and lack of social and economic infrastructure due to lack of space and accessibility will occur (Sulaiman, 2006). Investors will also be scared hence high unemployment which will subsequently lead to high crime rates. In the long run the municipal area will be “ruralised”. This study therefore seeks to critically analyse the preparedness of Chitungwiza municipality in dealing with the problem of illegal settlements and thereafter come up with recommendations to deal with land invasions and its attendant consequences

1.3 Objectives of the Study

This study examines the illegal settlements situation in Chitungwiza municipal area and the specific objectives are:

1. To describe the illegal settlements situation in Chitungwiza;
2. To analyse the causes of illegal settlements in Chitungwiza;
3. To examine measures taken by Chitungwiza municipality in dealing with illegal settlements.
4. To examine challenges faced by Chitungwiza municipality in dealing with illegal settlements and
5. To come up with recommendations for dealing with illegal settlements in Chitungwiza.

1.4 Research Questions

1. What is the illegal settlements situation in Chitungwiza?
2. What caused illegal settlements in Chitungwiza?
3. What measures have been adopted by Chitungwiza municipality to deal with illegal settlements?
4. What challenges have been encountered by Chitungwiza municipality in dealing with illegal settlements?
5. What recommendations can be proffered to deal with illegal settlements in Chitungwiza?

1.5 Statement of the Hypothesis

Lack of preparedness has resulted in the perpetuation of illegal settlements in Chitungwiza.

1.6 Significance of the Study

To date no academic study has been carried out to assess the preparedness of local authorities in dealing with illegal settlements and specifically in Chitungwiza. The Ministry of Local Government, Public Works and National Housing and other government departments that deal with the provisioning of conventional housing will also benefit as the research may reveal some unknown factors that hinder efforts to provide adequate formal settlement. The research may also provide alternative ways through which the municipality may provide affordable housing to avoid illegal settlements. The research will also benefit the municipality in that it may expose areas that require capacitation and reforms. Findings of the research will help inform council policy makers and management when crafting by-laws and policies which will influence future practice in dealing with the problems of land invasions. The recommendations will also benefit the research subjects who in this case are the illegal settlers. The research aims to come up with practical urban land invasion management theories. Non-governmental organisations which give aid in housing matters will also know where to direct their aid after knowing about the challenges. Other students and scholars in the field of Public administration, Local Governance and Public Management will also benefit from the body of knowledge generated by the research.

1.7 Limitations of the Study

The first limitation could be that some respondents, especially the illegal settlers may not be willing to be involved in the interview sessions. Municipality officials may not be readily available for interviews and completion of questionnaires due to work commitments. They may also not be willing to release information which they consider confidential. The research also has some political connotations such that some respondents may not be free to participate in the research.

1.8 Delimitation or Scope of the Study

The study focuses on illegal settlements in Chitungwiza. The study will focus on the period from 2013 to present. The study will focus on occupations only in respect of residential and commercial purposes where structures of a permanent nature have been are intended to be erected and not for temporal use like vending space.

1.9 Organisation of the Study

This dissertation is organized into five chapters, that is to say chapter one to chapter five. Chapter one presents information about the background of the study, statement of the problem, hypothesis, research objectives and research questions. Significance of the study, limitations and delimitations of the study are also presented in this chapter. Chapter two which covers Literature Review and Theoretical Framework will review literature by different authorities on the research topic under study. It reviews published literature in the global, regional and local perspective. Theoretical and conceptual frameworks are also illustrated in this chapter. Chapter three on Methodology will spell out various methodologies used to sample, collect, present and analyse data. Chapter four covers Data Presentation and Analysis. In this chapter presentation and analysis of the major findings will be made. Finally chapter five on Conclusions and Recommendations will give recommendations to improve preparedness to deal with the problem as well as giving concluding remarks.

CHAPTER TWO

LITERATURE REVIEW AND THEORETICAL FRAMEWORK

2.0 Introduction

Literature review refers to “interpreting, scrutinizing, assessing and summarising theoretical information related to a certain topic” (Nardirir 2010:32). This section therefore analyses work relevant to this research topic contributed by other scholars. It seeks to integrate scholarly views by several scholars such as O’Leary (2004:19) who views literature review as an integration of research viewpoints about certain topic as well as considering previous information or data in the area of study. It recognizes available related relationships amongst variables as well as assisting in identifying the subject that lacks consideration. This chapter therefore will review the literature on land invasions also known as illegal or informal settlements. The theoretical and conceptual frameworks on the causation of the problem will also be explored whilst major concepts will be defined and explained. The chapter will also look at country experiences on illegal settlements analysing, the causes and effects. The chapter will also come up with lessons learnt from the country experiences.

2.1 Conceptual Frameworks

2.1.2 Conceptualising Land Invasions

The term ‘land invasions’ is used interchangeably with illegal settlements. As cited by Srinivas (2015), they are also referred to as; “squatter settlements, shanty town, informal settlements, autonomous settlements, extra-legal settlements...” Despite variations in names being used, the definitions share same features as they denote residential area which have been developed without legal claims to the land and or permission from the concerned authorities to build. (Srinivas, 2015; Suditu, 2013). The illegitimacy however may differ on whether the land built has no occupation rights or may have tenure rights but the buildings may not have been approved through building permits.

The above observation brings an interesting point into the illegal settlements discourse as it reveals that illegal settlements are mainly divided into two types, that is to say those built on land without both tenure rights and without building permits and the second type is whereby the occupant has the right to land but the structures built have not been approved by responsible authorities. The latter is usually common in areas where the legal owner of land changes the land use without approval from authorities, for instance where the owner of the piece of land

meant for a school subdivides it into residential stands without exhausting the procedures. This follows that the structures on that particular site become illegal and the inhabitants are illegal settlers. This will assist the researcher in characterising the type of illegal settlement in the area of study.

The causes of illegal settlements may vary from situation to situation but the most common have been noted as urbanisation, inadequate formal land distribution, unrealistic planning standards and building codes as well as poverty (Sulaiman 2006). Majone (2012:2) concurs that urbanisation due to rural-urban migration causes informal settlements as a result of housing shortages. UN-Habitat (2013:51) also alludes to rural-urban migration as a major cause leading to high squatter settlements. Informal or illegal settlements are products of “failed policies, exclusionary urban economic development, poor urban management strategies, dysfunctional and inequitable land markets, discriminatory financial systems and or profound democratic failure (Mears 2011). Amao and Ogunlade (2015) identify ineffective housing policies, inefficient public administration, inappropriate planning and inadequate land administration tools as causes of illegal settlements in addition to those alluded to by other authors mentioned above. Population displacement following armed conflict or internal strife and violence is also viewed as another cause of illegal settlements as was the case in Beirut, Lebanon (The Global Report on Human Settlement 2003:203).

There are two main groups which are “internal” and “external” to the squatter or illegal settler (Srinivas 2015). The internal causes deal with lack of material or financial resources on the part of the squatter which can be conveniently referred to as poverty. The external factors include the cost of land and other housing services, high building standards and rules and regulations. In other words these are external factors to the settler which makes it difficult to acquire decent housing

Illegal settlements are associated with health problems, environmental degradation, pollution risks, lack of social and economic infrastructure due to lack of space and accessibility (Sulaiman, 2006). Amao and Ogunlade (2015) observe that informal settlements are associated with high crime rate because of the poverty levels within which the inhabitants live. There are limited opportunities to employment and income hence driving the inhabitants into vice. The levels of poverty create a vicious circle of poverty since the inhabitants cannot afford decent education hence creating generations of uneducated and unemployable people.

2.1.2 Regularisation

Regularisation is a recurrent concept in the study of illegal or informal settlements which are a result of land invasions. Regularization can be understood as a deliberate process aimed at bringing informal or illegal settlements within the official, legal and administrative systems of land management (Midheme 2007:9). The process has two chief approaches which are the juridical (or tenure regularization) and the physical (or material regularization) (Mertins et al., 1998 in Lamba, 2005). It is also noted that these types of regularisation can be implemented simultaneously at one goal. The physical approach comprises the spatial restructuring of illegal settlements in order to improve the physical infrastructure, including house structures; water and sanitation facilities; social services such schools and health facilities. The physical regularization is also referred to as physical upgrading. On the other hand, tenure regularization involves granting of legal rights in land. According to (Clerc 1996:26) there has been growing determination in recent years on the part of public authorities to implement integration policies, combining the provision of infrastructure and services, and the legal formalisation of settlements. This implies that regularisation is a new phenomenon which the researcher views as the recognition of basic needs approach as opposed to the authoritarian approach of evictions. There are several factors that affect the effective implementation of regularisation and these include among others; constraining standards and reference models; autocratic land management style; over centralised decision making; shortage of land and funding problems (Ibid:35).

2.1.3 Land Governance

Another relevant concept in the study of illegal settlements is land governance. Land governance involves procedures, institutions, processes and policies that deal with the management of land, property and other natural resources. This includes land development, land use, land rights and access to land decisions (www.igi-global.com). The Food Agricultural Organisation views it as; “the rules, processes and structures through which decisions are made about access to land and its use, the manner in which the decisions are implemented and enforced and the way that competing interests in land are managed.” (<http://www.fao.org/3/a-ak999e.pdf>).

Land governance incorporates legislative, religious institutions, customary and informal institutions. State organisations such as land agencies, courts, ministries and municipalities are also part of land governance. Traditional bodies and informal land developers constitute the land governance matrix. The legal and policy framework for land form part of the land

governance which also has an influence in dealing with the problem of illegal settlements. Land governance therefore includes all relevant state, institutions as well as those from the private sectors and civil society. Where the law is complex, inconsistent or obsolete and where employees in land agencies are demotivated and poorly paid weak governance in land tenure tends to flourish (ibid). Palmer *et al* (2009:10) argue that where there is a weak land governance there is dominance by the powerful in the competition for scarce land resources and corruption is rampant through “state capture” whereby the state can be captured by individuals or groups who direct public policy for their own benefit. Qiang (2014:1) also notes that “the continued existence of informal settlements is apparently caused by weak governance within the land administration system”. Some authorities argue that the ideal land governance system is whereby the government should play a coordinative role. Guo *et al* (2011:2) citing (Louw, Krabben and Priemus (2003) who argue that, “the new role of government should be a facilitator which depends more on negotiation and co-operation with private actors and civil society rather than compulsory command”. According to Enemark (2012:1) land Governance systems need high-level political support and recognition. It is this high level political support and recognition that has a bearing in determining the preparedness of local authorities to deal with the illegal settlement problem. The research seeks to establish whether the facilitative role has been adopted by the agency under study and whether political support has also been rendered in order to deal with the problem effectively.

2.1.4 Preparedness

Preparedness has been defined differently by several authors and the term features a lot in literature to deal with risks and disasters. According to Donahue (2011:4) it is the state of readiness for some event or circumstance. In the field of risk and disaster management it is the readiness to deal with an unfavourable situation which in this research is land invasions or illegal settlements. Preparedness also involves possessing appropriate resources and being organized to use them (ibid: 4). Preparedness is also viewed in the context of commitment by authorities to deal with the problem at hand. Commitment can be assessed through policies initiated to address a problem as well as through examining the institutions that implement the policies in question. In this context, the researcher will endeavour to examine the policies in place and the structures that implement the policies. In the context of the current problem under scrutiny the researcher views preparedness in two dimensions which are proactive and reactive. According to Fox (2014:17), the scale of illegal settlements in Africa is a reflection of persistent

failure on the part of governments in the region to plan, invest and proactively manage urban development in a context of rapid population growth. The research seeks to critically analyse whether local authorities have the necessary legal and institutional frameworks that assist in averting the problem of illegal settlements proactively. Programmes and initiatives will also be assessed whether they are adequate to prevent the problem from occurring. In the reactive dimension the research will also interrogate the legal and institutional frameworks as to whether they are adequate to respond to the problem at hand. Programmes and projects initiated in response to the problem will be analysed in terms of their effectiveness hence determining the preparedness of the whole system. In this research, preparedness will be analysed as an inherent factor within the organisation as well as a dependent variable of exogenous factors.

2.1.5 Urbanisation

The Business dictionary defines urbanisation as an increase in a population in cities and towns versus rural areas (www.businessdictionary.com). Urbanisation is a result of industrialization hence people move from rural areas to urban areas in search of employment. The Merriam Webster dictionary defines urbanisation as “the process by which towns and cities are formed and become larger as more people begin living and working in central areas” (www.merriam-webster.com). Enemark *et al* (2010:30) argue that the rush to the cities, as a result of the attraction of opportunities for wealth generation, causes the occurrence of “megacities” with over 10 million people. There are currently 19 megacities and by 2020 they are expected to have increased to 27. Mashoko (2012:203) views urbanisation as a result of natural increase of population and rural-urban migration which results in the suffocation of central and local government resources to meet the housing demand through the initiation of legal housing schemes. Tsenkova and Potsiou (2009:12) concur with these authors where they view illegal settlements as “a persistent feature of urbanisation”.

Urbanisation is a phenomenon taking place globally. According to Enemark (2012:15):

The urban global tipping point was reached in 2007 when over half of the world’s population was living in urban areas and 30% of the world’s urban population live in slums or informal settlements, i.e. where vacant state-owned or private land is occupied illegally and used for illegal slum housing.

Qiang (2014:1) also observes that “one important consequence of rapid urbanisation is the unplanned urban growth”. The research seeks to analyse how the concept of urbanisation has impacted on the land invasions or illegal settlements in the area under study. The country

experiences will also be analysed to assist in highlighting the extent to which urbanisation has impacted on illegal settlements or land invasions.

2.2 Theoretical Frameworks

The problem of illegal settlements is informed by several theories and approaches which include the Public Choice Theory, the Basic Needs Approach and the Modernisation Theory. These theories or approaches inform the illegal settlement discourse as outlined hereunder:

2.2.1 The Basic Needs Approach

The basic needs approach originated from Maslow's hierarchy of needs (Emmerij 2010:1). The approach was then used by the 1976 International Labour Organisation Report on World Employment Programme which identified the basic needs as food, clothing and public transportation (ibid). Moyo (2014:360) has it that the theory arose after the recognition that development is not all about economic growth since development efforts made before had left many people without the basics. Shelter has been seen as a basic human need in addition to food, security and safety to ensure their healthy survival (Stewart 1995). This approach has led to national governments to adopt the habitat agenda in Istanbul Turkey in 1996 which recognized housing as a basic need and a Human Right (Moyo 2014:359). Many countries have adopted this in their constitutions as in the case of the Zimbabwean Constitution Amendment (No 20), part two, section 74 which provides that "No person may be evicted from their home, or have their home demolished without an order of a court made after considering all the relevant circumstances". In the same vein, the South African constitution views housing or shelter as a basic need as enshrined in sections 26(1)-(2) which provide that "everyone has the right access to adequate housing and the state must take reasonable legislative and other measures within its available resources to achieve the progressive realization of this right (www.ru.ac.za). The Ministry of Local Government, National Housing and Public Works which spearheads the provisioning of accommodation at national level also views housing or shelter as a basic need. This is evidenced by its vision statement which is "To be a centre of excellence for sound local governance and a well built and orderly environment to achieve sustainable human settlement by 2020". The basic needs approach explains why some national and local governments have not taken a hard stance on illegal settlers by eradicating them but instead they have adopted alternatives such as regularization, upgrading or relocation after providing housing units. The basic needs approach also explains why some civil society groups and human rights organisations lobby against destruction of illegal shelter but instead pressure on authorities to recognize and assist the illegal settlers. Guo *et al* (2011:2) in support of the

basic needs approach, have it that “shelter is a basic human right that everyone should have to ensure decent life hence instead of blaming the informal settlers they should be considered as a vulnerable group which should be recognized by society”. The researcher is also of the view that the illegal settlers or would be illegal settlers are also conscious about the existence of this basic needs approach through advocacy by some interest groups hence the willy-nilly invasion of land in anticipation that authorities will treat them with kid gloves. With this view the research seeks to explore how the theory informs the illegal settlement discourse by looking at country experiences as well as researching in the case in question. The researcher also seeks to analyse the extent to which the basic needs approach explains the perpetuation of illegal settlements and at the same time assessing the preparedness of the authorities to either prevent land invasions through the provision of adequate affordable shelter or through having enforceable legal frameworks as well as having capable institutions with adequate resources.

2.2.2 Public Choice Theory

The proponents of the public choice theory are James Buchanan and Gordon Tullock. The theory tries to explain public decision making. It focuses on the interaction of the electorate, the politicians and the bureaucracy (www.sjsu.edu/faculty/watkins/publicchoice.htm). The theory is a branch of economics that was developed from the study of taxation and public spending (www.econlib.org/library/Enc1/PublicChoice). The underlying assumption of the theory is that although people have concern for others, their main motive whether they are voters, politicians, lobbyists or bureaucrats, is self-interest. This explains why many regulatory agencies are “captured” special interests (www.sjsu.edu/faculty/watkins/publiccoice.hmt). Turner and Hulme (1997:66) citing Larmour (1990) arguing that the theory is based on the view that people are rational, self-interested, opportunistic maximizers hence they seek to further narrow interests instead of public interests. The theory informs the land invasions or illegal settlement subject in situations where law makers or policy makers do not amend laws or policies to maintain a status quo which in turn is beneficial to them or they enact laws that are beneficial to them. Fox (2014:18) citing Mabogunje (1990) has it that colonial institutions of urban governance, including tenancy rights and building codes, were clearly intended to restrict access to urban space. However these racial dimensions were not dismantled after independence as expected, but the fundamental structures of segregation (such as land registration procedures, building codes and density requirements) remained in place. In most cases the reason is that post -colonial leaders took advantage of the existing rules. In local authorities policy makers may pass resolutions that enable them to acquire land for speculative

purposes and resell at exorbitant prices. This is a rent seeking practice which makes land unaffordable to ordinary people hence driving them into invasions. The public choice theory informs the study area as evidenced by corrupt activities which are perpetuated by public officials for personal gain in availing land to the needy. Guo et al (2011:2) observed that “Land related services have been ranked as one of the most corrupt public services”. Fox (2014:18) expresses the rent seeking behaviour of public officials through what is called “land racketeering”. The research seeks to establish whether this phenomenon exists in the current study area. The theory also informs the research area in cases whereby some influential people in authority may influence the landless to invade land under the guise of empowerment and basic needs approach whilst in actual fact they may be building their own vote banks. In some instances where civil society groups have supported the cause of the landless in the basic needs mode it has been noted that this could have been done in order to seek mileage so that they get donor funding. The Housing co-operatives which are formed as catalysts of providing affordable housing to the poor have at times been blamed for spearheading some illegal settlements after ripping of the intended beneficiaries of their cash and this has resulted in some evictions. The leaders of some housing trusts or development associations have also been seen mobilizing people to invade land. These leaders have at times been seen demanding for subscriptions which they embezzle at the end of the day. The public choice theory therefore to a great extent informs the illegal settlements discourse.

2.2.3 Modernisation Theory

The modernization theory has its origins from Walt Rostow. Modernisation theory or model informs the field of study on illegal settlements as it is argued that urban centres develop as a result of modernisation. Fox (2013:4) citing Frankenhoff (1967) suggests that ‘slums indicate the process of economic growth in a developing country’ by acting as ‘the staging area for the migrating poor’ as they work to integrate themselves into the economic life of cities in expanding economies. Suditu, (2013:67) citing Turner (1969) argue that squatter settlements are both the “product of and the vehicle for activities which are essential in the process of modernization’. The theory assumes that slum settlements are there to house labour immigrants. It also assumes that economic growth will trickle down to those living in slums and they will eventually improve themselves. It finally assumes that slums provide cheap housing for cheap labour.

However Fox (2014:3) has a different view as he argues that there seems to be no relationship between population growth and urban economic growth since sub Saharan Africa has experienced two decades of “urbanization without growth”. The research seeks to establish whether the illegal settlements in the area of study are a result of modernization or a result of other factors. Illegal settlements can be explained as a manifestation of ‘disjointed modernization’ in which urban population growth outpaces urban housing (Ibid: 3).

2.3 Country Experiences

An analysis of country experiences of land invasions/ illegal settlements is very vital in the assessment of the preparedness of local authorities in dealing with the problem. The causes and effects of the land invasions will be revealed. The intervention measures adopted in the cases will also show the preparedness of the authorities in question in dealing with the problem. The causes of illegal settlements may vary from situation to situation but the most common have been noted as urbanisation, inadequate formal land distribution, unrealistic planning standards and building codes as well as poverty, (Sulaiman 2006). The country situations hereunder will be reviewed.

2.3.1 The Mexican Experience

Lombard (2014:18) citing Heritage (2004) noted that Mexico had a population of 114 million in 2004 and 75% of its population was residing in urban areas. Rapid unplanned urbanization due to industrialization and economic growth occurred between 1950 and 1980 and this was accompanied by massive rural-urban migration which resulted in insufficient formal housing. The shortage formal housing made illegal settlements a common feature of the Mexican urban setting.

In order for the Mexican government to deal with this problem of illegal settlements, it embarked on land tenure regularization. The Global Report on Human Settlements (2003:216) argues that local government policy towards irregular settlement formation has generally been of a *laissez faire* or even encouraging nature, with some notable exceptions of mass evictions. Land tenure regularization became a regular state intervention in the provision of low income housing. According to (Azuela and Duhau, 1998) as cited by Lombard (2014: 20), by the 1980s more than 1.3 million people in Mexico had benefitted from the programme. In addition to regularization several other regulatory instruments were introduced. These laws were introduced at national and were adopted by the sovereign states for use at municipal and state level. Some of the laws included the Human Settlement law of 1976 which created the first

National development Plan which could be published every five years. This also saw the decentralization of the responsibility for development of urban plans to all levels of government. Other laws that were enacted include the Federal Housing law, the Subdivision law and the Urban Development Law. The Urban development law gave general guidelines on urban planning and development policy. It is argued that the legal frameworks made planning fragmented and disparate as they focused more on quantitative outputs and economic factors at the expense of quality.

Although decentralization was also adopted, this was not enough as in practice public policy remained highly centralized hence it became contradictory instead of complementing urban and social agendas which made it difficult to meet demand. According to Jones and Ward (1998:87), the 1995-2000 National Development Plan was introduced as a strategy to improve and upgrade the local government human and financial administrative capacities in the area of land development. It prescribed for municipalities measures such as updated land registry and records, efficient systems of building permits, improved transparency and accountability. It is argued that these efforts were hampered by lack of modernization in many areas across Mexico (Azuela & Duhau, 1998).

2.3.2 The South African experience

According to Zablum (2013:1), approximately 1.2 million households in South Africa are currently living in informal settlements under conditions which pose serious threat to health, safety and security. Housing accessibility remains a challenge. Despite the challenges the South African government has made continuous efforts to deliver affordable housing for the poor since 1994. These efforts have been through different subsidy schemes. The South African government ushered in the ground breaking housing reforms in 2004. A programme specifically for upgrading informal settlements known as ‘Upgrading of Informal Settlements Programme (UISP) was a component of these reforms (ibid). The objective of the programme was to “eradicate” all informal settlements by 2014. South Africa came up with comprehensive legislative and policy frameworks at both national level in support of the upgrading initiatives.

Some of the legislative frameworks enacted in South Africa included the constitution which according to (Tissington, 2011) as cited by ibid, the South African constitution is one of the most “progressive” in the world in terms of guaranteeing the socio-economic rights of individuals in relation to adequate housing. The 1996 Constitution of South Africa under

section 26, gives assurance on the right of the individual to adequate housing. Section 26 (1) provides that, “everyone has the right to adequate housing” and Section (2) of the same Article enjoins the State to “take reasonable legislative and other measures, within its available resources to achieve the progressive realisation of this right.” It further adds in Section (3) that “no one may be evicted from their home, or have their home demolished, without an order of court made after considering all the relevant circumstances. No legislation may permit arbitrary evictions.” Section 26 of the Constitution provides the primary legislative framework from which all national programmes and policies on adequate housing including slum upgrading derive their support and legitimacy in South Africa. These include the Housing Act 107 of 1997 and the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act 19 of 1998

The housing policy frameworks also included the White Paper entitled ‘A New Housing Policy and Strategy for South Africa’ in 1994 whose main aim was to create viable and integrated settlements. Breaking New Ground (BNG) was also introduced in 2004 and its main aim was to speed up the housing delivery process as a strategy to alleviate poverty, crime among others. Within the Breaking New Ground reforms, was the Upgrading of the Informal Settlement Programme, whose aim was to enable the phased insitu upgrading of informal settlements as opposed to eviction and relocation.

South Africa has faced some challenges in addressing the informal/ illegal settlement problem despite having sound legal and policy frameworks. Some of the challenges include failure by municipalities to adhere to the basic principles of structured insitu upgrading as opposed to relocation. It has been noted by some authors that instead of the approach to be participatory it has been top-down with nominal regard for participatory processes (Huchzermeyer, 2006) as cited in Ziblim (2013:36). Lack of well-located land for upgrading and limited funds for land acquisitions other challenges faced in South Africa.

Despite challenges there are also success cases for example the communities who live on the N2 highway between Cape Town International airport and the Athlone Power Station were relocated Huchzermeyer and Karam (2006:146). On the same basis up to date about 6000 houses were built under the Emergency Housing in Cape Town, whilst 4 000 is still under construction (South African Yearbook, 2012:322). According to Olefemi (2004: 6) the government’s various programmes of land and housing have yielded significant results since

1.4 million houses were delivered for ownership through the government capital housing subsidy programme in 2002.

2.3.3 The Tanzanian Experience

Tanzania is one African country which has also experienced some illegal settlements. Maliyamkono (1990) as cited by Kombe (1995:14) argue that the increase in population and the rapid urban population growth in Tanzania was not a result of rapid economic growth as was in the developed countries during the Industrial Revolution in Europe in the 19th century. Tibaijuka (2010:3) posits that a study carried out in 1995 revealed that about 70% of Tanzania's population lived in informal settlements. Dar es Salaam the capital city was the most affected since it is the largest and leading economic city in Tanzania, grew from a small sea port and trading centre of 900 people in 1867 to a city of 2.49 million in 2002). High natural growth rates coupled by rural-urban migration are the two factors that caused rapid population growth. In Tanzania there are also some legal, policy and institutional frameworks that guide the provision of formal settlement. In the 1970s unplanned settlements were recognised by the government as vital urban residential areas which did not need to be demolished but to be upgraded. The government put in place several laws and policies after realising its inability to meet the urban housing demand of the unplanned settlements as well as the provision of surveyed and serviced plots. Some of the laws put in place to promote upgrading include the National Housing policy of 1981; the National Human Settlements Development Policy of 2000; the Housing Development Policy of 2008; and the Land Act of 1999. In Tanzania the delivery of formal settlements is done within the provisions of the Town Country Planning Decree, Chapter 85 of 1955 which is still in existence and followed by local authorities. According to Mohammed and Muhammad (2006:21) the Act devolves substantial powers to councils in Tanzania and provides them with guidelines for planning and land use. The land Act of 1999 provides for regularization of informal settlements.

Tanzania came up with several initiatives to deal with the illegal settlements problem. Between 1974 and 1984 there was the National Sites and Services and Squatter Upgrading projects which were embarked in phases and were jointly funded by the World Bank and the government of Tanzania. Davis (2012: 54) has it that in Dar-es salaam the Sites and Service Housing schemes produced tangible results in the eradication of informal settlements through upgrading of informal settlement. However the projects also faced some problems such as poor administration, over dependency on donor funding and technical assistance and the top-down

planning principles (ibid: 15). The Community Managed Upgrading projects were also adopted. These were participatory and involved community based organisations, community development associations on the one hand and city councils, UN Agencies such as UN-Habitat and UN volunteers on the other hand. The project was a success in Hanna Nassif and Mkunguni as it produced 1425 plots.

2.4 Lessons drawn

The chapter revealed fundamental issues in the three case studies that cut through the developing countries from Latin America and Sub-Saharan Africa. It was revealed that the causes of land invasions/illegal settlements across the three countries are the same, that is to say, natural population growth, urbanisation and rural-urban migration. The case of Mexico also revealed the importance of sound land governance in dealing with the problem of land invasions. In the same vein the South Africa case revealed how suitable legal frameworks such as the constitution and Acts such as Housing Act and the Prevention of Illegal Eviction from Unlawful Occupation of Land Acts are useful in dealing with the problem of land invasions. The Mexican case also revealed the importance of decentralisation of the development of urban plans at all levels of government.

The Tanzanian experience also revealed the importance of the adoption of participatory approaches as Tanzania adopted the Community Managed Upgrading project which involved community organisations and civil society groups which was successful.

Both the Tanzanian and South African cases also revealed the importance of donors in dealing with the problem of land invasions since some donor agencies funded some of the upgrading programmes. All the cases revealed that political will is crucial in order to deal with the problem of illegal settlements.

CHAPTER THREE

RESEARCH METHODOLOGY

3.0 Introduction

This chapter presents the methodology of the study. This involves various methods data gathering methods such as sampling techniques and research instruments. The study adopted a triangulation approach whereby both qualitative and quantitative techniques were combined in collection. Key informant interviews, questionnaires, focus group interviews and documentary reviews were used in the study.

3.1 Research Design

Research design is defined as a blue print on how the study will be completed choosing data of concern relevant to the study (Tailer 2009:64). It should be noted that the research design is determined by the research philosophies that guide the researcher. There are two main opposing philosophies in research and these are the positivists and the anti-positivists sometimes referred to as realism and nominalism respectively. According to Neuman (2015:93), research methodology rests on the foundation of the ontological and epistemological assumptions. Burrell and Morgan (1979:1) has it that the ontological mankind exists independent of the world or not. The nominalists see the world not to exist as a distinct entity but a result of human construct. Morgan and Smircich (1980:48) view one's mind as one's world. Newman (2011:94) view nominalists as subjective and believe that subjective cultural beliefs influence what humans see and how they experience reality. On the other hand the realists see the world as being "out there" and it exists independently of humans and their interpretations of it and this makes accessing what is in the real world less difficult (Neuman 2015:94). These assumptions are important to the study because they inform the researcher on which data collecting methods should be used.

The epistemological debate revolves around the issue of how we come to know about the world that is to say how knowledge is acquired. Positivists view knowledge as being obtained using natural science formula and laws whilst anti-positivists argue that in order to produce social science knowledge there is need to "inductively observe, interpret and reflect what other people are doing in specific social contexts while simultaneously reflecting on our experiences and interpretations" (ibid). The human nature debate follows the epistemological debate. This informs the researcher to use quantitative methods that can be verified by formula.

The human nature debate has two views, which are voluntarism and determinism. Voluntarism view human nature as free willed and they are not affected by the environment instead they control the environment. The determinists view human nature as controlled by the environment, that is to say human beings subject themselves to the pressure of the environment. This then leads to the methodological debate. The methodological debate is concerned with methods that are used to obtain social science data. The methods are ideographic and nomothetic. Ideographic methods focuses on the particulars of the individual person, place or time under study without much generalising or discovery of universal laws (Dooley 2003:65). On the other hand the nomothetic methods are based on the system of general causal laws that applies to specific observations about social life (Neuman 2015:100). Nomothetic methods use quantitative methods whilst the ideographic use qualitative methods.

From the forgoing this research is to a greater extent guided by the subjective approach and to a lesser extent applies the objective approach (mixed approach). This is whereby the researcher mixes or combines qualitative and quantitative research methods in a single study. According to Tashakkori and Teddlie (2008:103) mixed research methods are used so as to achieve “complementarity, completeness, corroboration/confirmation...” The researcher used both probability and non-probability sampling techniques in the selection of units of analysis. Key informant interviews were used to collect qualitative data while survey questionnaire to collect quantitative data. Documentary search was also used to collect both qualitative and quantitative data and also compare the case country experiences in dealing with land invasions/illegal settlements. Data collected through key informant interviews were presented and analysed thematically and those from documentary search were be analysed via content analysis.

3.2 Study Area

The study was carried out in Chitungwiza municipality (CM). The researcher used purposive sampling technique to select the study area mainly due to the fact that illegal settlements are more pronounced in CM than in any other local authority in the country. CM is located in Harare Province and was created as a dormitory town of the then Salisbury in the late 1970s. It comprises of high, medium and low, density settlements. According ZIMSTAT (2012:138), its total population is 356 840 of which 188 240 are females and 168 600 are males.

3.3 Target Population

Target population according to Burns and Grove (1997:236 and Bell 1990:145), is “the entire aggregation of respondents or subjects that meet the designated set of criteria.” This study

targeted illegal settlers in Chitungwiza, CM City fathers, CM officials, Housing co-operatives in Chitungwiza and Civil Society organisations in Chitungwiza municipal area. Books, journals, policies, statutes and reports were also analysed.

3.4 Sampling Procedure

Sampling is defined as “the selection of a part of the population small enough to represent the whole” (Peil 1982:23), Boyce and Neale (2006:90). Non-probability and probability sampling techniques were used in the selection of units of analysis. Purposive sampling was used because the researcher was targeting municipal departmental heads and senior officials as well as committee chairpersons.

The researcher also used purposive sampling to select key informants from housing co-operatives and civil society organisations. This is in line with the definition of this sampling procedure according to Babbie (2010:193) who views it as:

The selection of a sample basing on the knowledge of a population, its elements, and the purpose of the study. It is a non-probability sampling method in which the units to be observed are selected on the basis of the researcher’s judgment about which ones will be most useful or representative.

The researcher thus purposively selected the Town Clerk, departmental heads, the Mayor, councilors, development control officials, and high ranking officials from the civic organisations due to their purported knowledge of the phenomenon under investigation.

3.5 Methods of Data Collection

Data collection is “the systematic way of gathering data which is relevant to the research objectives, purpose or questions” Burns and Grove (1997:383). Data was collected through both qualitative and quantitative methods. According to (Denzin 1970:297) this helps the researcher to overcome the weaknesses of using one method

3.5.1 Documentary Search

Scott (1990: 123) defines a document as an artefact which has as its central feature an inscribed text. According to Mogalakwe (2006:22) documentary search is the “technique used to categorise, investigate, interpret and identify the limitations of physical sources most commonly written documents whether in the private or the public domain.”In this regard primary and secondary sources of data were used in this study. Textbooks, articles, resolutions, statutes, policy documents, ministerial policy statements, internet sources, reports, newspapers

and journals to do with land invasions/illegal settlements in different environments were examined. According to Hammersley and Atkinson (1995:173) “documentary search is important for providing a rich vein for analysis by comparing findings found in the fieldwork with those other authorities.”

3.5.2 Key Informant Interviews

According to Scott (1990:54) “a key informant interview is a loosely structured conversation with people who have specialized knowledge about the topic you wish to understand.” In this regard, the researcher used an open-ended face to face interviews with key informants. The sample size of key informants was set at 17 respondents, that is to say 7 from senior council officials comprising of the Town Clerk and the 6 directors; 7 from policy makers comprising of the Mayor and 6 committee chairpersons and 3 from housing co-operatives. This method was chosen because it has greater flexibility in eliciting and soliciting information. In addition, it gives the researcher opportunity to observe both the subject and the total situation being responded to. It gives a chance of repeating or rephrasing and posing probing questions to make sure that they are understood or of asking further questions in order to clarify the meaning. However, the method is prone to bias because respondents were aware that they are being interviewed, hence do not behave in their natural settings. Further, it is difficult to generalize findings to the larger population using key informant interviews because of their fewer numbers. To mitigate these weaknesses, the researcher cross-validated the data gathered using this method by other data collection methods.

3.5.3 Questionnaire

Punch (1998:102) notes that:

Survey questionnaires seek a wide range of information and with some conceptual framework of independent, control and dependent variables. It is likely therefore that the questionnaire will seek factual information (background, biographical information, knowledge and behavioural information) and will also include measures of attitude, values, opinions or beliefs. This collects quantitative data which helps the researcher to determine and quantify the magnitude of a need, problem, challenge or risk from the respondents.

Questionnaires were used to access the respondents’ conceptualisation of the subject under research as well as to solicit their views on how the problem should be addressed. Open ended questionnaires were administered to fifteen respondents from relevant organisations. For

instance questionnaires were administered to the secretariat and heads of different civic organisations such as Chitungwiza Residents Trust (Chitrest), Chitungwiza Rate-Payers Association (CHRA), Zimbabwe Women Lawyers Association (ZWLA) and the Pastoral fraternity. They were also administered to council officials such as development control officials, middle and low level council officials.

Questionnaires were used because of their “impersonal nature, its standardised wording, its standardised order of questions, its standardised instructions for recording responses ensures some uniformity from one measurement situation to another” (Claire, 1959:238). When respondents are given ample time for filling out the questionnaire, they can consider each point carefully rather than replying with the first thought that comes to mind, as often happens under the social pressure of long silence in an interview (ibid).

3.6 Data Analysis

Data analysis consists of “examining, categorizing, tabulating, or otherwise recombining the evidence to address the initial propositions of a study” (Yin, 1994:41). According to Blanche (2006:23) Data analysis connotes transforming data into meaningful form in consideration of the original research questions. This study used both quantitative and qualitative data analysis techniques.

3.6.1 Content Analysis

Content analysis is “the study of recorded human communications, such as books, websites, paintings and laws” (Babbie, 2010:156). The researcher therefore used this method to analyse data drawn from artefacts of social communications such as books, articles, journals, reports, newspapers among other primary and secondary data sources.

3.6.2 Thematic Analysis

Thematic analysis “involves the identification of themes through careful reading and re-reading of data.” (Rice and Ezzy, 1999:258). Data gathered through key informant interviews was thus grouped into themes of similar characteristics and then examined case by case.

3.6.3 Descriptive Statistics

To Babbie (2010:467) “descriptive statistics is a medium for describing large amounts of data in a way that is manageable and understandable to make the data useful in answering a research objective.” This follows that quantitative data collected through questionnaire surveys were analysed using descriptive statistics.

The data was then processed using graphs such as bar graphs, histograms and pie charts. Frequencies, percentages, mean and skewedness were used to generalise inferences of the views of the respondents. The main advantage of this technique is that it is accurate, reliable and fast. Thus, it increases both internal and external validity and reliability of data.

3.7 Ethical Considerations

Pera and Van Tonder (1996:4) define ethics as a code of conduct or behaviour considered correct in research. Thus, ethics define the rule of the game in the conduct of research. The researcher got an authorization letter from the UZ through the Department of Political and Administrative Studies. The letter helped the researcher access to respondents and designated organizations. The researcher also wrote a letter seeking authority to carry out the research in Chitungwiza municipality. Before conducting any interview the researcher sought first the consent from the respondents which was based on voluntary participation. The researcher did this by first explaining the purpose of the research, that is to say, the academic purpose of the study, and then asked respondents to participate willingly. The researcher also respected privacy, anonymity and confidentiality of respondents

CHAPTER FOUR

PRESENTATION, ANALYSIS AND DISCUSSION

4.0 Introduction

This chapter presents an analysis of research findings on the preparedness of urban local authorities in dealing with the problem of illegal settlements in the case of Chitungwiza from 2013 to 2017. The study was guided by the hypothesis that ‘lack of preparedness by local authorities has resulted in the perpetuation of land invasions or illegal settlements in Chitungwiza’. The study was guided by the following five objectives, namely:

- To describe the illegal settlements situation in Chitungwiza;
- To analyse the causes of illegal settlements in Chitungwiza;
- To examine the measures taken by Chitungwiza municipality to deal with illegal settlements;
- To examine challenges faced by Chitungwiza municipality in dealing with illegal settlements and
- To come up with recommendations for dealing with illegal settlements in Chitungwiza.

4.1 Research Methodology of the Study Revisited

This study used key informant interview guide and a survey questionnaire were used as research instruments in data collection. Selection of key respondents was based on the expertise and in-depth knowledge of the field under study. Questionnaires were used to gather data from civil society leadership and municipality development control officials. Cluster sampling was used to select illegal settlement sites. Systematic random sampling was subsequently used in selecting households from which interviews were conducted. Key informant interview guide was used to solicit information from key informants who were selected using purposive sampling. The research also interviewed other key informants known through snowballing sampling. The key informants interviewed were drawn from CM management and housing co-operatives leadership.

In order to ascertain whether the research objectives were achieved and hypothesis confirmed, the presentation and analysis of findings is done against the set research objectives and hypothesis.

4.2 Challenges Encountered in Conducting Fieldwork

The fieldwork did not go as originally planned mainly due to numerous challenges encountered by the researcher. The researcher failed to conduct key informant interviews with the Chitungwiza municipality policy makers, that is to say the Mayor and Committee Chairpersons. This was due to the fact that the Minister of Local Government, Public Works and National Housing dissolved the whole Chitungwiza municipality council citing a raft of allegations just before the interviews could be conducted. The newly set commission could not substitute the policy makers. As the fieldwork was conducted at a time when there was a newly appointed commission to run the affairs of the municipality it was a bit difficult to conduct interviews with the Chitungwiza municipality senior officials since they were heavily engaged with the commission. Given the political sensitivity of the research topic the researcher had to change the sampling technique from systematic to convenient after realising that focus groups which were originally planned could be disrupted.

4.3 Analysis of response rate

Analysis of response rate assists the research to judge the relevance of the research results and ascertain whether respondents were able to respond adequately to facilitate meaningful explanation and analysis of the data.

4.3.1 Response rate for questionnaires

Both open ended and close ended questions were used in the questionnaire. One questionnaire was designed for junior and middle level CM officials, another for civil society organisations and another one for CM development control officers. The table below shows the questionnaire response rate.

Table 1: Questionnaire Response rate.

Target Group	Number of Questionnaires administered	Questionnaires answered and returned	Questionnaires not returned	Response rate percentage
Junior and Middle Level CM officials	20	20	Nil	100%
Civil Society organisations	10	8	2	80%

Development Control Officers	5	5	Nil	100%
Total	35	33	2	94.29%

Source: Field data 2017

The table above shows that 35 questionnaires were administered by the researcher. A total of 33 questionnaires were fully answered to and returned showing a response rate of 94.29%. As shown from the Table 1 above only two questionnaires were not returned due to reasons which range from business and personal commitments by the targeted respondents. The CM junior and middle level officials as well as the development control officers had a response rate of 100%. The overall response rate of 94.29% is reasonable given that Saunders (2003:23) has it that response rate of 60% is generally a representation of the population and any population lower than that should be well thought out as biased and not fully representative of the whole population. Therefore a response rate of 94.29% is considered justifiable as the basis for conclusions and recommendations in this study.

4.3.2 Interviews Response rate

Interviews were conducted with CM senior officials, Housing Co-operative officials and illegal settlers. Illegal settlers in Nyatsime phases four and six were targeted since these are the places mainly affected by the problem of land invasions. The interview response rate is illustrated in table 2 below:

Table 2: Interviews Response rate

Targeted Group	Number Targeted	Number Responded	Not Responded	% Response rate
CM Senior officials	5	5	Nil	100%
Housing Co-operative Officials	3	2	1	66.67%
Informal Settlers	20	16	4	80%
Total	28	23	5	82.14%

Source: Field Data 2017

4.3.3 Analysis of interview response rate

The interview response rate was generally high as it represents 82.14%. A total of two out of the three targeted housing co-operatives managed to respond to the interview questions. Their response rate represents 66.67%. Senior CM officials' response rate was 100% as all the five intended responded to the interview questions. Out of the intended twenty (20) illegal settlers the researcher managed to interview sixteen (16) only which is an 80% response rate. The reason was that the researcher could not use focus groups as originally intended but had to use convenience sampling since the research topic appeared to be sensitive to this target group. At one of the sites the researcher had to abandon the interviews after some rogue illegal settlers interrupted the process and threatening those who had responded to the interviews on why they were co-operating with the researcher. However the overall response rate of 82.14% is good enough in order to draw conclusions basing on Ballack (2007:34) who notes that a response rate of over 50% represents the majority.

4.3.4 Overall Response rate for interviews and questionnaires

The entire population sample for this study was 63 people from different sections which included CM junior, middle level and senior level officials, civic organisations, illegal settlers and housing co-operatives. Those who responded to both interviews and questionnaires is fifty-six (56) hence an overall response rate of 88.89% which is justifiable as a basis for findings since it is above 50% (Ballack: *ibid*).

4.4 Research Findings

4.4.1 The illegal settlements situation in Chitungwiza

Surveys carried out with residents coupled with data drawn from documentary sources suggest that there are some illegal settlements in Chitungwiza. One senior CM official expressed that he had no better words to describe the gravity of the situation in Chitungwiza except, to describe them as 'rampant'. Rampant is defined by the Cambridge English dictionary as "happening a lot more or becoming worse, usually in a way that is out of control" (<http://dictionary.cambridge.org/us/dictionary/english/rampant>). Another senior CM official had to concur that "it is a major problem and the level is bad to an extent of tarnishing the image of Chitungwiza and that of the nation". Another CM senior official described the illegal settlement situation in Chitungwiza as the "norm" because there are more illegal settlements than those allocated by Council. He gave an example of the land invasions in Nyatsime area which started as about 600 in 2013 and rising to 7000 within five years. All respondents ranging from civic society groups, housing co-operatives, middle and junior levels employees as well

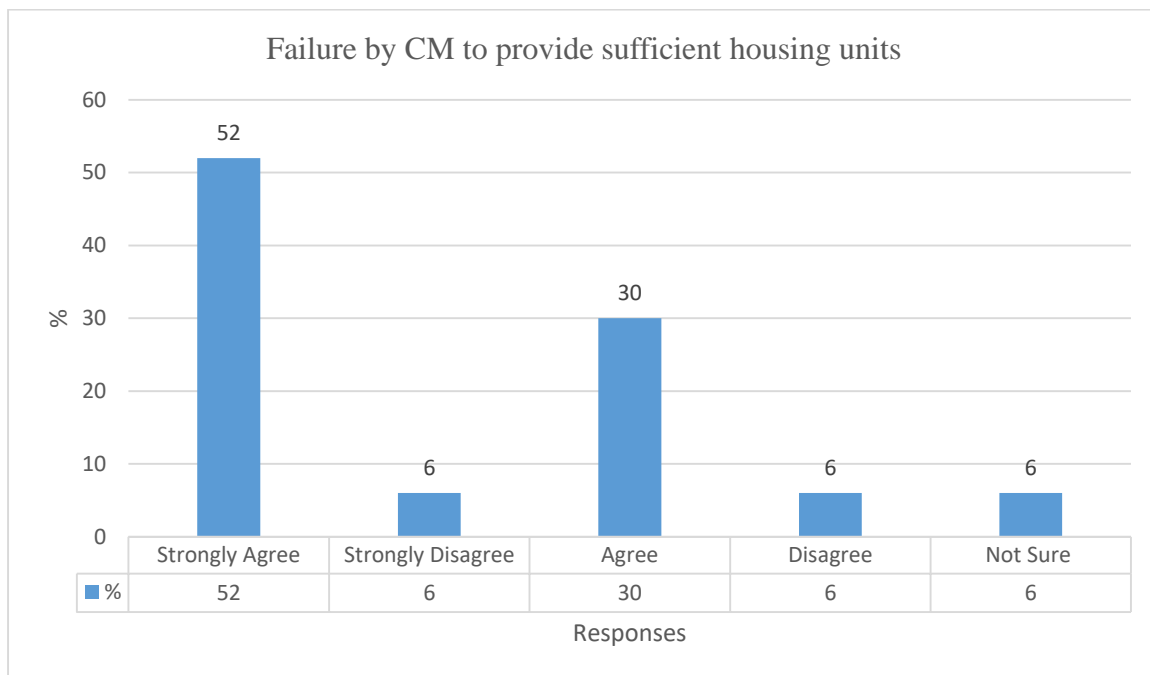
as the illegal settlers concurred that the land invasions in Chitungwiza were rampant. Media houses also confirm the situation. The Daily News of 4 July 2016 in a story entitled “Land invasions rock Chitungwiza” (www.Dailynews.co.zw) referred to 2 600 home seekers who went on rampage occupying open spaces. Ruwende (2017) in the Herald of 4 May 2017 in a story entitled “Chitungwiza bankrupt, says Commission” cited the Commission Chairperson Mr Madzudzo Pawadyira as saying that land in Chitungwiza had degenerated into “a free for all” (www.herald.co.zw).

4.5 Analysis of illegal Settlements causes in Chitungwiza.

4.5.1 Shortage of land for urban expansion

Interviews with senior CM officials revealed that shortage of land for urban expansion was the major cause of land invasions in Chitungwiza arguing that “Land shortages in turn exert pressure on people seeking residential accommodation driving them into illegal settlements”. Another CM senior official interviewed weighed in observing that “unavailability of stands being generated by Council due to shortage of land has resulted in high demand of land hence land invasions”. Whilst CM officials view shortage of land as impacting negatively on the capacity of the municipality in providing sufficient housing units, questionnaire survey respondents who did not acknowledge shortage of land as a cause however agree that failure by Council to provide sufficient housing units is a cause to the land invasion problem. Figure 1 below supports that failure by Council to provide sufficient housing units is a cause of the problem. 82% of the respondents agreed while 12% disagreed and 6% expressed ignorance.

Figure 1: Views on Failure by the municipality to provide sufficient housing units.



Source: Field Work 2017

The views by the respondents reflect the true position on the ground since the municipality last provided housing units as core houses just after independence in 1980. This is supported by literature as Chirisa *et al* (2015:5) posited that the adoption of the Economic Structural Adjustment Programme (ESAP) in the 1990s had a negative effect on the production of low income housing in urban areas.

4.5.2 Role of influential political leadership in land invasions.

Interviews with CM senior officials indicated that some of the land invasions were a result of seeking political relevance. In the words of one senior CM official had to say;

The political dimension also has a role to play in this problem. People are willy-nilly settling and politicizing the land. This is further compounded by the polarized political situation in council hence they compete to seek relevance to their electorate.

These views are also manifest in documentary literature where the politicization of land is portrayed being an impetus to the land invasion situation in Chitungwiza. The Ministry of Local Government, Public Works and National Housing Audit Report on Issues of Land Management and Allocation: Chitungwiza and Seke District (2013:13) stated that 23 stands created in Unit J and pegged allegedly by “a group of youths led by Mr Hamandishe and United We Stand Housing Co-operative”. This shows the involvement of political party youths in land invasions.

The Newsday of 4 July 2016 in a story entitled “Land Invasions rock Chitungwiza” the reporter cited the land invaders as saying:

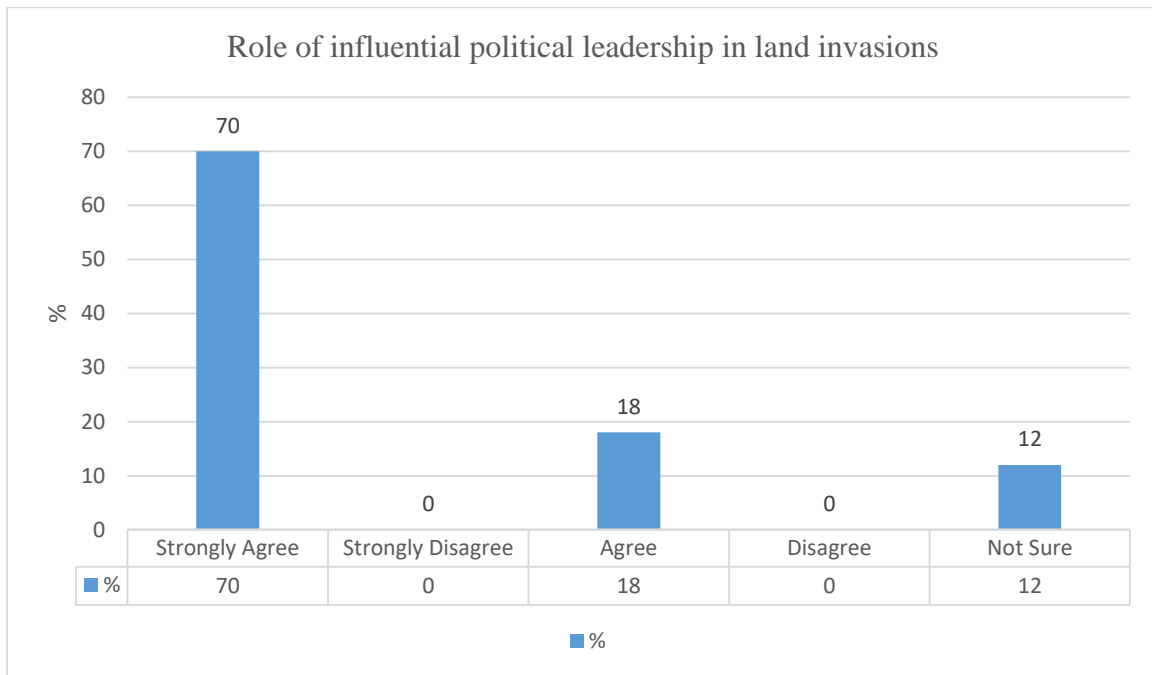
They decided to follow the route taken by Zanu PF youths and land barons, who invade stands, build structures, before exerting political pressure on local authorities and the ministry of Local Government to regularize their developments. (www.newsday.co.zw).

Gleaned from above is that these invaders are of different political party from Zanu PF hence their quest to compete for land on political grounds.

An interview with a chairperson of a housing co-operative also echoed the role of politics in land invasions. He highlighted that the land invasions in Nyatsime area by some members from his housing co-operative was instigated by some people with political positions after they had become impatient since the co-operative could not find enough land to allocate its members.

To support the role of politics in land invasions, another housing co-operative chairperson explained that she had invaded land in Unit G after being labelled a “land baron” when in fact she was not. The reason was that she wanted to fulfil the accusations that were being made against her. She however pointed out that she parcelled out the stands to members of her political party and not members of her co-operative. She also pointed out that the land in question had since been regularised. The questionnaire surveys also support that influential political leadership had a role to play in land invasions. Figure 2 below shows that 70% of the respondents strongly agreed, 18% agreed whilst 12% were not sure about the contribution of influential political leadership in land invasions.

Figure 2: Views on the Role of influential political leadership in land invasions.



Source: Field Work 2017

4.5.3 Inefficiency by the local authority.

An interview with some illegal settlers revealed that inefficiency by the local authority also resulted in some land invasions. One of them had this to say:

We paid for our stands in 2006 and were made to pay Z\$150 000 000.00 for 300 square metres. In 2009 we were made to top up US\$900.00 since money we had paid in Zimbabwean dollar currency was said to be equivalent to US\$100.00. To make matters worse we were later told that our stands had been reduced to 180 square metres. Seven years down the line we had not been shown our stands and some people have already died before occupying their stands. Had we not invaded this area we were also going to die before enjoying what we sweated for.

The above was also supported by a chairperson of one housing co-operative who said that;

The idleness of the local authority in allocating stands is one major cause for instance the case of Nyatsime where beneficiaries paid a long time ago has caused impatience amongst the beneficiaries hence pressure group explosion.

Documentary search also supports the contributory role played by council in fanning illegal occupations. The Standard of 23rd April 2017 in a story entitled “Parly names and shames land barons” it is reported that;

Settlers at Nyatsime Housing Scheme led by a Mrs Matambo told the parliamentary committee that they had settled on the land after they were disappointed by council that had taken long to allocate them their stands. (<https://www.thestandard.co.zw/>).

4.5.4 Rent seeking behaviour

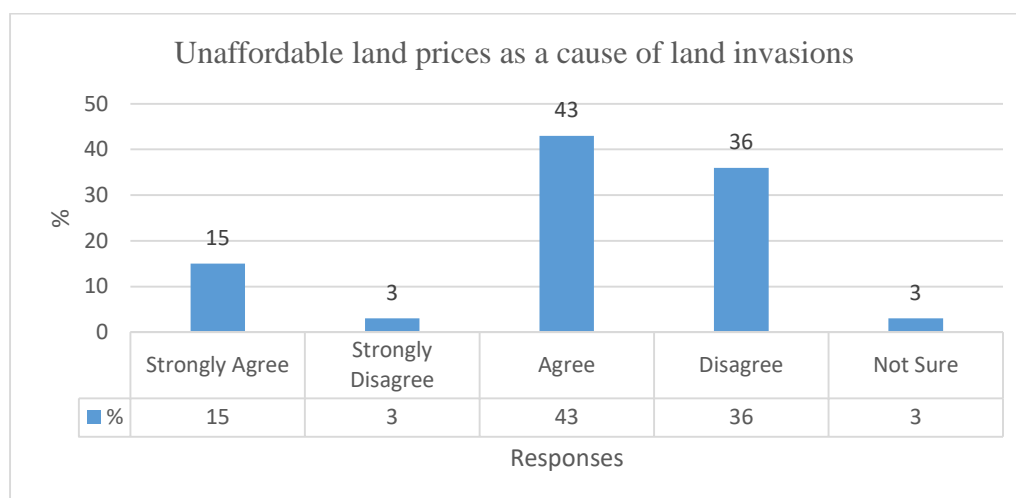
Rent seeking behaviour by certain people emerged as one of the major causes of the sprawling of illegal settlements in Chitungwiza. An interview with one senior CM official revealed that in some instances there were some land barons who were spearheading the land invasions with the desire to capitalise on personal gain. The senior CM official went on to say that some invaders were occupying the land illegally for future disposal. Another senior CM official also labelled this as “outright corruption”. He further stated that this was being worsened by the connivance and collusion of insiders such as employees who are not being paid their salaries in time hence they facilitate the invasions for personal gain. The issue of corruption was also supported by a chairperson of a certain housing co-operative who said that to an extent corruption played a role in the land invasions since some people gained from the illegal land occupations.

One illegal settler in Nyatsime phase six also supported this when he indicated that he occupied the piece of land where he built his illegal structure after being approached by one apostolic sect member “madzibaba” who made him to pay US\$50.00 before being shown the piece of land. In Nyatsime phase three area one illegal settler indicated that a certain councillor was busing invaders from faraway places and allocating them illegal stands in preparation for 2018 elections so that he will be re-elected. This is also supported by documentary search whereby The Standard of 23rd April 2017 in a story entitled “Parly names and shames land barons” has it that “Illegal occupations continued in Braemar farm with about 12000 residential stands illegally allocated by a councillor named as Choga from Manyame rural district council” (www.thestandard.co.zw) .

4.5.5 Unaffordable land prices

Unaffordable land prices were revealed as one of the causes of land invasions. One illegal settler interviewed in Nyatsime phase 6 revealed that what had made him to invade the piece of land where he was staying was a result of economic hardships which rendered him incapable of paying rentals at a place he used to stay in St Mary’s area. He also said that he could not afford to buy a stand hence he resorted to squatting. The questionnaire surveys also confirm unaffordable land prices as a cause to land invasions as shown by figure 3 below:

Figure 3: Views on Unaffordable land prices as a cause of land invasions



Source: Field Work 2017

From the above graph, 58% were positive while 42% expressed negative views. This shows that a slight majority concur with the contribution of unaffordable land prices to the problem of land invasions.

On the other hand, one CM middle level official in an open ended question survey, rubbished the idea of unaffordable land prices as a cause of illegal settlements, arguing that the invaders were purchasing illegal stands at a much higher value than those charged by the municipality. There is sense in this argument given that documentary search revealed that land barons through their co-operatives were selling 200m square metre stands for US\$4 800.00 (GoZ 2013:20) as compared to CM land sales which are indicated in table 3 below:

Table 3: CM residential land sale rates per square metre.

Type of stand	US\$/square metre (2016)	US\$/square metre in 2017
High Density stand (not serviced)	15.00	15.30
High density stand (not serviced)	8.00	6.00
Medium density stand (not serviced)	18.00	17.30
Medium density stand (not serviced)	11.00	8.00
Low density (serviced stand)	13.00	16.90
Low density stand (not serviced)	10.00	10.00

Source: Approved CM budget (2017: 149)

Analysis of the above figures shows that an illegal 200 square metre stand acquired from land barons costs an average of US\$24.00 per square metre as compared to US\$6.00 for same which is not serviced acquired from Council. In addition to the comparative lower prices, further documentary search also revealed that the CM Housing Policy has payment terms as indicated in table 4 below;

Table 4: CM residential stands payment terms table

Residential zone	Payment terms	Duration
High density	50% of total price	Within 3 months of allocation
Medium density	45% of total price	Within 3 months of allocation
Low density	40% of total price	Within 3 months of allocation

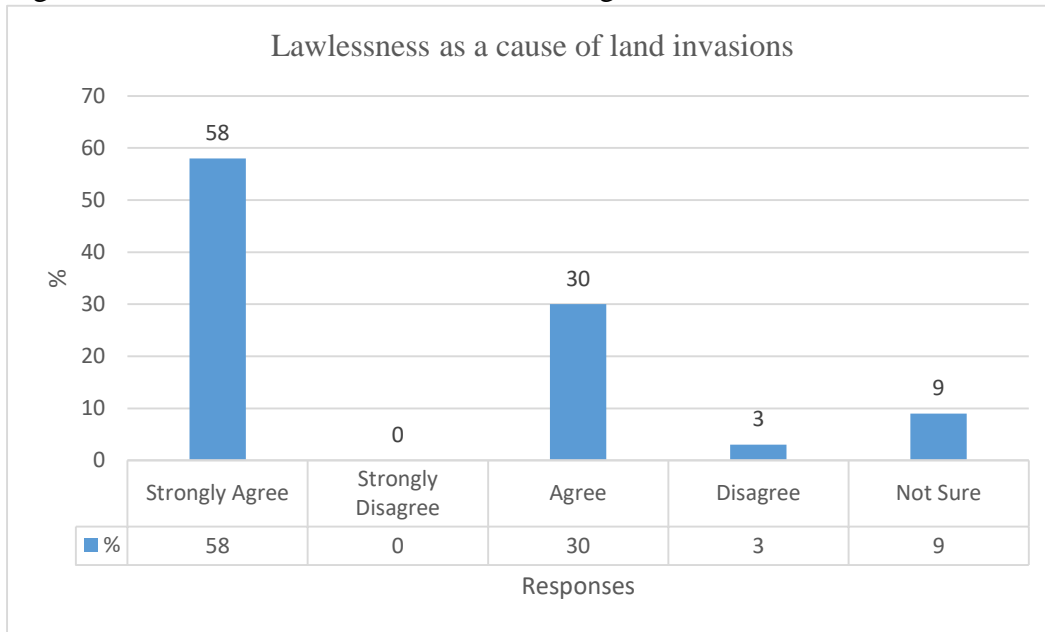
Source: CM Housing Policy (2015:10)

Basing from the prices and payment terms in figures 4 and 5 respectively, it can be concluded that the Chitungwiza municipality land prices and terms are affordable.

4.5.6 General Lawlessness

General lawlessness was viewed as one of the causes of land invasions. One senior CM official had to say “as long as this level of lawlessness persists land invasions will continue as nothing is deterring those who might want to engage in these illegal practices”. The open ended questionnaire surveys also revealed that there was general disregard rules and regulations by some politicians who seem to be above the law. Some cited the non-prosecution of land barons as fanning lawlessness. The close ended questionnaire surveys revealed that 88% were in agree while 12% disagreed.

Fig 4: Views on Lawlessness as a cause of illegal settlements



Source: Field Work 2017

4.6 Analysis of effects of land invasions in Chitungwiza

4.6.1 Haphazard settlement

One senior CM official interviewed expressed that land invasions had caused some haphazard settlements in Chitungwiza due to lack of planning. According to him land invasions had resulted in people settling at places reserved as institutional stands whilst others had settled underneath or within the servitude of powerlines. Others had even blocked some roads as shown in figure 5 below;

Figure 5: Shows an illegal structure that was built across a tarred road in the Tilcor industrial area of Chitungwiza.



Source: Fieldwork 2017

4.6.2 Lack of social and economic infrastructure

An interview with one senior CM official revealed that haphazard settlements result in lack of planned social service delivery infrastructures such as roads, schools, hospitals and water sources. Some illegal settlers interviewed in Nyatsime phase 6 concurred that transport was a major problem as there was no public transport plying their route because of its poor state. One of the respondents expressed that he uses his cycle to travel from his place of residence to greater Chitungwiza where he gets most of his services. Those interviewed in Nyatsime phase 4 also noted that transport was also a major problem especially during the floods which took place at the beginning of the year some people could not cross to the eastern side of Nyatsime where major services like clinics and schools because the makeshift Nyatsime bridge was impassable. The illegal settlers also expressed that there were no places for entertainment such that in order for one to access a beerhall they had to travel more than seven kilometres to greater Chitungwiza and at times they had to be brave to cross the Nyatsime crocodile infested river. Another illegal settler interviewed in Nyatsime phase six area said that there were no schools in their area and his children were attending school in Stoneridge area which was across Hunyani river but it was difficult to cross the river hence the children had to go through St Mary's area. Another illegal settler mentioned the absence of a medical facility such that in case one falls ill they had to depend on council clinics which are at least 10 kilometres from their place. One female illegal settler in Nyatsime phase six expressed that they were living like people in rural areas and they had no source of water hence they depended on the council borehole at the new cemetery site.

4.6.3 Environmental degradation, pollution and health risks

An interview with a CM senior official also revealed that land invasions were causing environmental degradation since some illegal settlers were settling along river banks and swampy areas hence disturbing the natural ecosystem. He said that settling on wetlands had an effect on the United Nations (UN) conventions because there is no refuse collection being done at illegal sites it implied that the illegal settlers dispose their waste in rivers and undesignated sites causing degradation and pollution.

One senior CM official who is conversant with public health matters also said that health risks are likely to be very high in a built up environment where there is no approved water supply whereby people are forced to dig shallow unprotected wells. He said that the situation will be worsened if pit latrines are also dug nearby this would result in underground contamination of water which may cause the spread of diarrhoea if there is an index case (IC). He said the

diseases can also be spread through food contamination. He pointed that such outbreaks occurred in N, O and P where there were such illegal structures. He also stated that since these unplanned settlements have no access roads it follows that there is no refuse collection by the municipality resulting in illegal dumpsites which also causes the spread of such diseases through vectors. He also said that those occupying swampy areas risk the danger of suffering from malaria. He also said that the danger was that when diseases like typhoid break out have no barriers to an extent that they end up affecting those who are properly settled if a person moves from an affected area into an unaffected area.

4.6.4 Life threatening risks

An interview with one CM official revealed that land invasions had life threatening risks ranging from health hazards and natural phenomena such as floods. The official said that the illegal settlers were putting their lives at risk through the poor quality of buildings which they are living in as a result of not meeting the standards since council officials are not inspecting the buildings. Another respondent in an open ended questionnaire question noted that the illegal settlers were putting their lives at risk from collapse of buildings due to poor standard and some were also risking their lives by building under power lines. Another illegal settler interviewed in Nyatsime phase 6 also revealed that some of their companions who had settled on the banks of Nyatsime River had to abandon their houses after floods which occurred as a result of the heavy rains at the beginning of 2017. During the course of the research the researcher also observed that in Unit G behind Seke teachers' college one illegal house had been built around an electricity pole and an abandoned illegal structure at the banks of Nyatsime River due to flooding as shown in figure 6.

Figure 6: Illegal structures exposed to life threatening risks.



Source: Fieldwork 2017

Figure 7: A Chitungwiza man stands in the portion of his home that collapsed during excessive rains in January 2017.



Source: Linda Mujuru, GPJ Zimbabwe
<https://globalpressjournal.com/africa/zimbabwe/poorly-planned-city-rainstorm-destroys-illegally-built-homes/>

4.7 Analysis of measures taken and challenges faced.

This section seeks to analyse the measures that have been adopted by the municipality to address the problem of land invasions. Specific challenges will be analysed under each adopted measure. General challenges in dealing with the problem in question will also be analysed.

4.7.1 Enforcements by the Development Control Unit

On this issue, the study revealed that the municipality development control comprised of officials from the department of Urban Planning assisted by the municipal police carried out some enforcements. These enforcements comprised of confiscating building tools and materials and thereafter serving the illegal settlers with some ‘Stop Development Notices’. It was also revealed that the illegal settlers would retrieve their building materials and tools after paying certain fines. According to interview sources this measure was not very effective as some of the illegal settlers would comply with the notices. Respondents also expressed that some demolition notices were also served on the illegal settlers after noticing that they were ignoring the ‘Stop Development Notices’ which had been previously served on them but this was to no avail.

The study also revealed that enforcements by the development control unit were also affected by the deficiencies within this unit. The deficiencies range from human resources to material resources which jeopardise their preparedness to fully execute their mandate. Key informants expressed that the Unit is short staffed to an extent of not being able to monitor illegal developments in the whole of Chitungwiza. The unit was said to be operating with a staff compliment of seven (7) people against a budgeted establishment of eleven (11) people on the organogram. The building inspectors were said to be insufficient to do booked inspections and to monitor illegal developments.

Despite manpower shortfalls, the Unit does not have a vehicle which affects their mobility to hence they unable to adequately monitor the illegal settlements. This explanation was confirmed by the illegal settlers who were interviewed in Nyatsime phase 6 who said that they had close to eight (8) months at their illegal sites and during their period of stay they had not been visited by any municipality official notifying them about the illegality of their stay. The insufficient deployment of both human and material resources gives an impression that the department is not being prioritised at a time when it should be accorded the highest priority. The key informant also expressed that the fact that the previous council had removed the post of director in the department of urban planning which spearheads development control

activities and turning the department into a section is clear testimony of no commitment by the policy makers to deal with the problem of land invasions.

Documentary search confirmed that the Department of Urban Planning had been reduced into a section as reported in the Herald of 6th January 2017 in an article entitled “Chitungwiza municipality fires director”. It revealed that post of Director Urban Planning was made redundant at a time the department should have been strengthened.

The Standard of 21 May 2017 in an article entitled “Chitungwiza reinstates axed director”, reported that the care taker council had resolved that the resolution to retrench Mr Muchesa and downgrading the position of director urban planning services be hereby rescinded. The same report cites the chairperson of the care taker Council Mr Pawadyira as saying that Muchesa was not liked by the suspended councillors because of his “intimate knowledge of the planning processes and management of land in Chitungwiza”

4.7.2 Engagement of stakeholders

Interviews with CM officials generally point that land invasions were spreading despite the engagement of stakeholders such as political leadership, law enforcement agencies and land barons. One official revealed that a press conference was convened but the problem continued. Documentary search through the Newsday of 4 July 2016 in an article entitled “Land invasions rock Chitungwiza” confirm the press conference that had been organised by CM management cited the then Zanu Pf vice provincial chairperson said:

Those who continue to involve themselves in such misdeeds will be doing so on their own volition and should not in any way involve or purport to drag the party into such illegal actions and activities.

The MDC-T provincial chairman, Voice Chinake was cited as having said that he needed more time to investigate if their members were involved in the invasions.

The general consensus was that engagement of stakeholders had limited success because the stake holders especially the land barons did not take heed.

4.7.3 Demolitions

The study revealed that the illegal settlers were not taking heed to prohibition orders as well as advocacy by the municipality demolitions were effected in some parts of greater Chitungwiza and were initiated for Nyatsime although they did not yield positive results. It was noted that demolitions were being resisted by the illegal settlers, land barons and members of the civil

society. Respondents argued that in order for demolitions to be done there is need for a court order which in most cases was difficult to obtain. It was further revealed that in some instances where court orders had been obtained they had not been effected due to confrontations.

The issue of resistance is also echoed in Documentary search also supports the issue of resistance. The Daily News of 5 March 2014 in an article entitled “Nyatsime residents resist demolitions” reported that “Nyatsime resembled a war zone as hundreds of residents attacked the Deputy Sheriff’s and Council vehicles that had come to demolish their houses following a court order”. In some cases demolitions were contested through courts resulting in the municipality being interdicted.

The Daily News of 25th April 2014 in a story entitled “Court stays Chitungwiza demolitions” reported that a Chitungwiza magistrate had ruled that Council should abide by section 74 of the new constitution which requires for a court order in order for Council to effect demolitions. The study noted that one of the greatest challenges encountered was that of ineffective laws and statutes which are in use. The laws are “dysfunctional” in view of the new constitution which does not allow demolitions without court orders and alternative land for the illegal settlers.

These findings suggest that CM is compromised in the preparedness or readiness in dealing with the problem of illegal settlements.

4.7.4 Legal/ Court processes

On the issue of legal processes; the study revealed that in certain instances the municipality had to initiate some court processes. These legal processes ranged from civil court processes to criminal court processes whereby reports were filed with the Zimbabwe Republic Police. Some of the cases are still pending at the courts. In some cases court orders were granted to the municipality whilst in other cases they were against the local authority. The study revealed that there were some court cases which were initiated by the municipality. One such case is a High Court case number HC 3856/13 in which the municipality was given an order to demolish illegal structures in Nyatsime. In cases where court orders were granted in favour of the municipality the study noted that there was no commitment from the enforcing agents to effect the orders. One case cited is the above High Court case in which the demolitions were never done after resistance by the illegal settlers. Court processes were costly and lengthy.

Research also revealed that although some police cases had been filed, no visible action had been taken mainly due to the absence of a correct charge which incriminates land invasions.

The Urban Councils Act Chapter 29:15 does not have any charge which criminalises illegal settlements, making it difficult for prosecution to take place. However perusal of the Communal Lands Act chapter 20:14 which governs the occupation of land in rural district councils revealed that occupation of communal lands in contravention of requirements is punishable. Section 7(2) provides that:

Anyone who contravenes subsection (1) shall be guilty of an offence and liable to a fine not exceeding level six or imprisonment for a period not exceeding one year or both such fine and imprisonment.

The above then shows that the enabling Act which governs urban land makes it difficult for urban authorities to deal with issues of land invasions through the criminal processes hence affecting their preparedness or readiness to deal with the problem.

It was also revealed by a key informant that one of the challenges of pursuing the legal route was the involvement of insiders such as workers and policy makers in the rot. Workers were said to be conniving with the land barons possibly due to the fact that they were not getting their salaries consistently or due to greediness. He said that in some instances the illegal settlers had site plans and stand numbers originating from council offices.

The Land Audit Report (2013:7) supports this when it mentioned that there was evidence of direct written communication from one well known land baron to the then Director of Engineering services requesting for stand numbers which resulted in 1 283 stands being duplicated. This consequently means that the local authority will be unsuccessful if it decides to take any legal action against the land baron because there will be some official documents legalising the illegality hence affecting the preparedness of the local authority in dealing with then problem.

4.7.5 Engagement of the Parent Ministry and its agencies

On this issue the study revealed that the local authority engaged the ministry to assist in solving the problem of land invasions. This engagement resulted in some ministry officials including the minister of local government and other ministers visiting Chitungwiza and the formation of a Task Team which was led by the then Deputy minister of Local Government Public Works and National Housing, Joel Biggie Matiza. This engagement also resulted in other government agencies such as Environmental Management Agency (EMA), Urban Development Corporation (URDCorp) and the Department of Physical Planning (DPP) in assessing whether the invaded sites were feasible for regularisation. The biggest challenge was that most of the

invaded sites were not suitable for regularisation hence affecting the ability of the municipality to solve the problem.

4.7.6 Regularisation

On the question of 'regularisation', the study noted that regularisation was being effected at some sites that were found to be suitable for regularisation after the engagement of EMA, URDCOP and the department of physical planning. However the regularisation process was taking place at a slow pace due to several challenges. According to CM officials out of over 2000 illegal stands in greater Chitungwiza only 183 had been approved suitable for regularisation. The process was carried out by the municipality in conjunction with URDCorp and the department of physical planning.

The study further revealed that in cases where some of the stands had been approved to be suitable for regularisation and the occupiers informed, there was resistance from the occupiers to formalise their papers. It was revealed that some were resisting the payment of \$1 500.00 penalty fees to fund the regularisation programme. Key informants said that part of the resistance was a result of the land barons who were influencing them not to pay the regularisation fees. It was also revealed that in order for the regularisation process to be carried out the affected area first needs to be surveyed and council outsources the services hence financing is required.

Interviews with officials also revealed that efforts to regularise the illegal settlements were also a challenge as it spurred new invasions. Each time some would-be land invaders learnt that regularisation was being effected in some areas, they would then invade other areas with the anticipation of having their illegal structures regularised as well. This was confirmed by one chairperson of a housing co-operative who said that regularisation of a single stand in Chitungwiza was a good enough precedent which would make any illegal settler to claim his or her stand to be regularised as well. This is also confirmed in the Land Audit Report (2013:23) which notes that the decision to regularise Unit 'O' extension stands fuelled more subdivisions by the Co-operative with the hope that more stands would be regularised likewise. It is from this perspective that the preparedness of Council to regularise is being hampered by financial constraints.

4.7.7 Crafting of the housing policy

Questions on this issue revealed that the recommendation of the Ministry of Local Government Public Works and National Housing Land Audit Report of 2013 resulted in the formulation of

a Housing Policy in 2015. This policy was meant to regulate and bring transparency in the allocation of stands. The policy mission statement says “To deliver settlement goods and services in an efficient, equitable and transparent manner” (CM Housing Policy document 2015:3). In principle the policy appears to be comprehensive as it incorporates issues such as stakeholder involvement which is a key land governance factor. The policy also spells out the management of the waiting list incorporating issues such as age qualifications, that is to say from 18 years and allocation on the first come first served basis. Notwithstanding this the greatest challenge is that of flouting of the procedures and requirements of this policy by those in authority.

The study noted cases of violation of the Housing policy as the Herald of 4th May 2017 in an article entitled “Chitungwiza bankrupt, says commission” cited Mr Pawadyira the commission chairperson to have said the land in Chitungwiza had degenerated into a free for all whereby councillors and employees went on an open space identification spree, there after sell the stands under a tree. He added that councillors would do the allocations and sell the same stand more than once.

The Daily News of 12th October 2014 in an article entitled “Ex-MDC councillor defiant on demolitions” quoted an ex-councillor saying:

Those who were calling him a land baron were insulting him because everything he did whilst he was still a councillor was above board since; “kumusha sabhuku ane right yekugovera vanhu vake land so ini pandakanga ndiri councilor I was like sabhuku vemutown (www.dailynews.co.zw).

In another Daily News story of the 8th of May 2016 in an article entitled “Massive housing scam unearthed in Chi-Town”, it was reported that an internal audit report had shown that the mayor had allocated his four (4) year old son a residential stand at the expense of deserving candidates on the housing waiting list. The same article also reported that one councillor had benefitted a total of forty (40) stands.

Given the fact that the housing policy was meant to restore confidence to residents on the transparency of land allocation it therefore follows that failure by officials and policy makers to abide by the policy shows lack of commitment or preparedness of the local authority to deal with the problem of land invasions.

CHAPTER FIVE

CONCLUSIONS AND RECOMMENDATIONS

5.0 Introduction

This study sought to analyse the preparedness/readiness of Chitungwiza municipality in dealing with the problem of illegal settlements and to recommend measures that can be taken to solve the problem. In line with these objectives, this chapter draws the conclusions from the findings presented and analysed in the previous chapter. Finally recommendations from the study are presented in this chapter.

5.1 Conclusions

5.1.1 Shortage of land for urban expansion.

There is shortage of land for urban expansion in Chitungwiza. Most respondents from Chitungwiza municipality pointed out that the municipality was unable to create stands for residential accommodation due to shortage of land for urban expansion. It is therefore one of the conclusions that shortage of land for urban expansion is impacting negatively on the preparedness/readiness of the municipality in dealing with the problem of land invasions.

5.1.2 The role of politics on land invasions.

Most land invasions in Chitungwiza are fanned by influential political leaders who want to seek relevance and gain support from the beneficiaries of illegal stands. Land is being used as a political tool by these politicians. It is therefore the conclusion of this study that politics is to a great extent hindering the preparedness/readiness of the local authority in dealing with the problem of land invasions.

5.1.3 General Lawlessness

Lawlessness is a contributory factor to the prevalence of land invasions in Chitungwiza. Most respondents acknowledged the negative effects of lawlessness on land invasions. It is thus a conclusion of this study that lawlessness is impacting negatively on the preparedness/readiness of the local authority in combating the problem of land invasions.

5.1.4 Weak legislative frameworks

There is no legislation that criminalises land invasions in urban areas. It was also found out that the model by-laws that regulate and control the development of illegal settlements are 'dysfunctional' and ultra-vires to the new constitution. It is therefore one of the study

recommendations that weak legislative frameworks are compromising the preparedness/readiness of the municipality in dealing with the problem of land invasions.

5.1.5 Bureaucratic red tape

Chitungwiza municipality does not have full control of the State land that it administers hence there is constant referencing to the Ministry of Local Government, Public Works and National Housing on issues to do with land management. It is therefore a conclusion of this study that bureaucratic referencing has a negative effect on the preparedness/readiness of the local authority in dealing with the problem of land invasions.

5.1.6 Weak institutions

The department of Urban Planning which is responsible for development control is incapacitated in terms of both human and material resources. It is therefore a conclusion of this study that weaknesses of this institution are negatively affecting the preparedness/readiness of the municipality in dealing with the problem of land invasions.

5.1.7 Poor Corporate governance

Poor corporate governance has resulted in the flagrant disregard of laid down policies such as the Housing policy that governs the allocation of stands. Desk research and respondents revealed that both policy makers and council officials were violating the policy willy-nilly. It is therefore one of this study's conclusion that poor corporate governance is impacting negatively on the preparedness/readiness of the municipality in solving the problem of land invasions.

5.1.8 Financial constraints

Chitungwiza municipality does not have sufficient financial resources to service stands approved for regularization and those for providing new housing units in case the land becomes available. This study therefore concludes that financial constraints are negatively impacting on the preparedness/readiness of the municipality in combating the problem of illegal settlements.

5.2 Recommendations and areas of further study.

The study suggests the following recommendations and areas of further study that could be of interest to researchers, land management practitioners and public administration students in order to enhance the preparedness of local authorities in dealing with the problem of land invasions.

5.2.1 Request for more land for urban expansion.

Against the background of shortage of land for urban expansion, the municipality must apply for more land in the Nyatsime area where there are some farms. The municipality should also engage the Ministry of Local Government, Public Works and National Housing to make follow ups with the Ministry of Lands to look for alternative land for A2 farmers who are occupying plots in Bremar and Longlands farms which were allocated to Chitungwiza municipality for urban expansion. This will ease pressure and enhance preparedness/readiness for the provision of residential stands.

5.2.2 Engagement of senior political leaders.

Basing on the background that most of the land invasions in Chitungwiza were fanned by political influence, the municipality through the Ministry of Local Government, Public Works and National Housing should engage the senior politicians. If possible, the highest political office should be engaged so that there is political will to end politically motivated land invasions. This political will in turn enhances the preparedness/readiness of local authorities to deal with politically motivated land invasions.

5.2.3 Prosecution of offenders.

Against the background that there is general lawlessness which is fueling some land invasions, the study recommends that law enforcement agencies should be engaged to enforce the laws of the country in view of prosecuting the offenders. If offenders are prosecuted this would deter others hence enhancing the preparedness/readiness of the local authority in dealing with the problem.

5.2.4 Strengthening the legal frameworks.

In view of the fact that there are weak legislative frameworks, there is need to strengthen the frameworks. There is need to come up with laws and statutory instruments which criminalise land invasions. There is also need to align the laws and by-laws with the constitution. This will enhance the preparedness/readiness of the municipality in dealing with the problem of land invasions.

5.2.5 Application for Deed of Grant.

Against the background that there is reference to the parent ministry on land management issues that might need agent attention, there is need for the municipality to apply for a Deed of Grant from the parent ministry. The Deed of Grant will turn the state land into municipal land

hence giving the municipality autonomy to decide on the land thereby enhancing its capacity to promptly decide on land issues.

5.2.6 Capacitating the Urban Planning department.

Based on the fact that the Urban Planning department which is responsible for development control is incapacitated in terms of both human and material resources, the study recommends that the department be adequately resourced in order for it to perform its functions efficiently. This will go a long way in enhancing the preparedness/readiness of the municipality in dealing with the problem of land invasions.

5.2.7 Improving on Corporate Governance.

Against the conclusion that there is poor corporate governance ranging from the prevalence of violations of laid down policies and regulations as well as corruption by both policy makers and council officials, the study recommends that the municipality should come up with a comprehensive corporate governance framework on issues to deal with land management. There is also need to come up with a whistle blower policy in this regard. This would improve the municipality's preparedness/readiness to deal with the problem of land invasions.

5.2.8 Engagement of private partners.

Basing on the conclusion that the municipality is facing challenges in accessing finances for servicing land approved for regularization and virgin land for new housing units, the study recommends that the municipality engages private partners such as banks and private developers in the servicing and provisioning of low income housing units. This will go a long way in easing the housing problem thereby increasing the preparedness/readiness to deal with land invasions.

5.3 Areas for further studies.

This study suggests the following areas as warranting further studies because they were identified during the study. Future research should be aimed at analyzing the impact of the constitution and sound legal frameworks in curbing land invasions. This research revealed that the problem of land invasions intensified just after the introduction of the new constitution whose supporting laws are not aligned to it.

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APPENDIX 1: Interview Guide for Senior Council Officials

Target respondents: Town Clerk and Departmental Heads (Directors).

My name is Godwin .S. Mvere, a postgraduate student doing Masters in Public Administration at the University of Zimbabwe researching on a dissertation topic entitled, “*A Critical Analysis on the preparedness of urban local authorities in dealing with the problem of illegal settlements: The Case of Chitungwiza; 2013-2017*”. I kindly ask for your assistance in providing answers to my research inquiry. Responses will be treated with confidentiality and all information obtained will be strictly used for academic purposes.

1. What is the illegal settlement situation in Chitungwiza?
2. What do you think are the causes of illegal settlements in Chitungwiza?
3. What are the effects of illegal settlements in Chitungwiza?
4. What efforts have been taken to address the problem of illegal settlements in Chitungwiza?
5. What challenges have been faced in addressing the problem?
6. What do you suggest should be done to end the problem of land invasions/illegal settlements?

THANK YOU FOR YOUR CO-OPERATION

APPENDIX 2: Interview Guide for Policy makers (Councilors)

Target respondents: Mayor and Committee Chairpersons

My name is Godwin .S. Mvere, a postgraduate student doing Masters in Public Administration at the University of Zimbabwe researching on a dissertation topic entitled, “*A Critical Analysis on the preparedness of urban local authorities in dealing with the problem of illegal settlements: The Case of Chitungwiza; 2013-2017*”. I kindly ask for your assistance in providing answers to my research inquiry. Responses will be treated with confidentiality and all information obtained will be strictly used for academic purposes.

1. What is the illegal settlement situation in Chitungwiza?
2. What do you think are the causes of illegal settlements in Chitungwiza?
3. What are the effects of illegal settlements in Chitungwiza?
4. What efforts have been taken to address the problem of illegal settlements in Chitungwiza?
5. What challenges have been faced in addressing the problem?
6. What do you suggest should be done to end the problem of land invasions/illegal settlements?

THANK YOU

APPENDIX 3: Questionnaire for Chitungwiza municipality Development Control Officials.

Target respondents: Town Planning, Building Inspectorate and Municipal police officers.

My name is Godwin .S. Mvere, a postgraduate student doing Masters in Public Administration at the University of Zimbabwe researching on a dissertation topic entitled, *“A Critical Analysis on the preparedness of urban local authorities in dealing with the problem of illegal settlements: The Case of Chitungwiza; 2013-2017”*. I kindly ask for your assistance in providing answers to my research inquiry. Responses will be treated with confidentiality and all information obtained will be strictly used for academic purposes.

Background and Objectives

Urban local authorities have been hard hit by the problem of illegal settlements and this has become a topical issue. Several strategies have been used to avert this problem. Chitungwiza municipality has not been spared from these problems. This data collection method focuses on the illegal settlements reduction strategies, performance of the strategies that is to say success or failures of the strategies as well as the recommendations to mitigate or eradicate the problem of illegal settlements. You have been identified as a key respondent in providing answers to this research. Please kindly assist in this data gathering process by responding to the questions below.

Instructions

1. Answer all questions.
2. Spaces have been provided on each question for your responses.
3. For open-ended questions, you are free to answer on a separate sheet if the provided space is not sufficient.
4. In instances where answers are provided tick in the appropriate space provided.
5. If no answer is applicable to a question, put N/A

Demographic Profile

Sex: Male [] Female []

Age group: 18-29 [] 30-39 [] 40-49 [] 50 and above []

Section:

Town Planning [] Building Inspectorate [] Municipal Police []

How long have you been in the section (Tick one answer)

Less than 5 years	<input type="checkbox"/>
6-10 years	<input type="checkbox"/>
11-15 years	<input type="checkbox"/>
More than 15 years	<input type="checkbox"/>

CONCEPTUALISATION OF ILLEGAL SETTLEMENTS AND ERADICATION STRATEGIES

1. Are there any land invasions/illegal settlements in Chitungwiza? [Tick the appropriate]

YES [] NO [] NOT SURE []

2. In your view what are the major causes of land invasion/illegal settlements in Chitungwiza? [Tick the appropriate]

Cause	Strongly agree	Strongly Disagree	Agree	Disagree	Not Sure
Failure by council to provide sufficient housing units to home seekers.					
Lawlessness					
Influence from influential local political leadership					
Ineffective housing policies					
Ineffective Planning and Development Control policies					
Unaffordable land prices					

Any other causes, not listed above?

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3. What are the effects of land invasions/illegal settlements in Chitungwiza? [Tick the appropriate]

Effects	Strongly agree	Strongly Disagree	Agree	Disagree	Not Sure
Disease outbreaks					
Environmental Degradation					
Pollution risks					
Lack of social and economic infrastructure due to lack of space and accessibility					
High crime rate					
Low revenue inflows to council					
Low quality structures due non inspection by council officials					

Any other effects not listed above?

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4. Are there adequate and effective legal, policy and institutional frameworks for council to adequately address the problem of land invasions/illegal settlements? [Tick the appropriate]

Frameworks	Strongly agree	Strongly Disagree	Agree	Disagree	Not Sure
Legal					
Policy					
Institutional					

6. Is Chitungwiza municipality embracing private partners such as housing co-operatives in the provisioning of housing units in order to avert the problem of land invasions? [Tick the appropriate]

YES []

NO []

NOT SURE []

7. If the answer above is **YES**, explain the results that have been yielded.

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8. What challenges have been experienced in monitoring land invasions/illegal settlements? [Tick the appropriate]

Challenge	Strongly Agree	Strongly Disagree	Agree	Disagree	Not Sure
Inadequate human resources					
Inadequate technical know-how					
Inadequate laws and policies					

Transport shortages					
Political resistance					

Any other challenges not listed above?

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9. What is your position on the following alternatives in dealing with land invasions?

[Tick the appropriate]

Alternative solution	Strongly Agree	Strongly Disagree	Agree	Disagree	Not Sure
Regularisation					
Relocation					
Demolitions					

Any other alternative not listed above?

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10. What measures do you propose should be taken in order to effectively deal with the problem of land invasions/illegal settlements?

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THANK YOU FOR YOUR CO-OPERATION

APPENDIX 4: Questionnaire for Civic Organisations.

Target respondents: Officials from civic organisations

My name is Godwin .S. Mvere, a postgraduate student doing Masters in Public Administration at the University of Zimbabwe researching on a dissertation topic entitled, *“A Critical Analysis on the preparedness of urban local authorities in dealing with the problem of illegal settlements: The Case of Chitungwiza; 2013-2017”*. I kindly ask for your assistance in providing answers to my research inquiry. Responses will be treated with confidentiality and all information obtained will be strictly used for academic purposes.

Background and Objectives

Urban local authorities have been hard hit by the problem of illegal settlements and this has become a topical issue. Several strategies have been used to avert this problem. Chitungwiza municipality has not been spared from these problems. This data collection method focuses on the illegal settlements reduction strategies, performance of the strategies that is to say success or failures of the strategies as well as the recommendations to mitigate or eradicate the problem of illegal settlements. You have been identified as a key respondent in providing answers to this research. Please kindly assist in this data gathering process by responding to the questions below.

Instructions

1. Answer all questions.
2. Spaces have been provided on each question for your responses.
3. For open-ended questions, you are free to answer on a separate sheet if the provided space is not sufficient.
4. In instances where answers are provided tick in the appropriate space provided.
5. If no answer is applicable to a question, put N/A

Demographic Profile

Sex: Male [] Female []

Age group: 18-29 [] 30-39 [] 40-49 [] 50 and above []

Civic Society Organisation: [Tick the box under the appropriate organisation]

Residents Trust	Rate Payers Association	Religious Organisation	Business Association	Legal Aid Organisation

How long have you been in the Civic Society Organisation (Tick one answer)

Less than 5 years	<input type="checkbox"/>
6-10 years	<input type="checkbox"/>
11-15 years	<input type="checkbox"/>
More than 15 years	<input type="checkbox"/>

CONCEPTUALISATION OF ILLEGAL SETTLEMENTS AND ERADICATION STRATEGIES

- Are there any land invasions/illegal settlements in Chitungwiza? [Tick the appropriate]
 YES [] NO [] NOT SURE []
- In your view what are the major causes of land invasion/illegal settlements in Chitungwiza? [Tick the appropriate]

Cause	Strongly agree	Strongly Disagree	Agree	Disagree	Not Sure
Failure by council to provide sufficient housing units to home seekers.					
Lawlessness					
Influence from influential local political leadership					
Ineffective housing policies					
Ineffective Planning and Development Control policies					

Unaffordable land prices					
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Any other causes not listed above?

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3. What are the effects of land invasions/illegal settlements in Chitungwiza? [Tick the appropriate]

Effects	Strongly agree	Strongly Disagree	Agree	Disagree	Not Sure
Disease outbreaks					
Environmental Degradation					
Pollution risks					
Lack of social and economic infrastructure due to lack of space and accessibility					
High crime rate					
Low revenue inflows to council					
Low quality structures due non inspection by council officials					

Any other effects not listed above?

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4. Are there adequate and effective legal, policy and institutional frameworks for council to adequately address the problem of land invasions/illegal settlements? [Tick the appropriate]

Frameworks	Strongly agree	Strongly Disagree	Agree	Disagree	Not Sure
Legal					
Policy					
Institutional					

5. Is Chitungwiza municipality embracing civic organisations in addressing the problem of land invasions/illegal settlements? [Tick the appropriate]

YES []

NO []

NOT SURE []

6. If the answer above is **YES**, explain the results that have been yielded.

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7. In your view what challenges have been experienced by council in combating land invasions/illegal settlements? [Tick the appropriate]

Challenge	Strongly Agree	Strongly Disagree	Agree	Disagree	Not Sure
Lack of land for residential stands					
Insufficient financial resources to service land					
Lack of political support					
Inadequate Planning skills					
Inadequate laws and policies					

Politicisation of land					
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Any other challenge not listed above?

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8. What is your position on the following alternatives in dealing with land invasions/illegal settlements? [Tick the appropriate]

Alternative solution	Strongly Agree	Strongly Disagree	Agree	Disagree	Not Sure
Regularisation					
Relocation					
Demolitions					

Any other alternative not listed above?

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9. What measures do you propose should be taken in order to effectively deal with the problem of land invasions/illegal settlements?

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THANK YOU FOR YOUR CO-OPERATION

APPENDIX 5: Interview guide for Housing Co-operatives
Target respondents: Officials from Housing Co-operatives

My name is Godwin .S. Mvere, a postgraduate student doing Masters in Public Administration at the University of Zimbabwe researching on a dissertation topic entitled, *“A Critical Analysis on the preparedness of urban local authorities in dealing with the problem of illegal settlements: The Case of Chitungwiza; 2013-2017”*. I kindly ask for your assistance in providing answers to my research inquiry. Responses will be treated with confidentiality and all information obtained will be strictly used for academic purposes.

Name of interviewee (Optional).....

Position of Respondent.....

Name of Housing Co-operative.....

Contact Address (Optional).....

Date

1. For how long have you been in the housing co-operative?
2. Is Chitungwiza municipality embracing housing co-operatives in the provisioning housing units so as to address the problem of housing shortages?
3. Are you getting enough land to allocate your co-operative members from Chitungwiza municipality?
4. Are your lay out plans and building plans approved by Chitungwiza municipality?
5. What do you think are the causes of these illegal settlements?
6. What do you think are the effects of these illegal settlements?
7. What recommendations would you give in order for the municipality to deal with the problem of land invasions/illegal settlements?

THANK YOU FOR YOUR CO-OPERATION

APPENDIX 6: Interview Guide for illegal settlers

Target respondents: Illegal settlers.

My name is Godwin .S. Mvere, a postgraduate student doing Masters in Public Administration at the University of Zimbabwe researching on a dissertation topic entitled, “*A Critical Analysis on the preparedness of urban local authorities in dealing with the problem of illegal settlements: The Case of Chitungwiza; 2013-2017*”. I kindly ask for your assistance in providing answers to my research inquiry. Responses will be treated with confidentiality and all information obtained will be strictly used for academic purposes.

1. How long have you been staying at this site?
2. What caused you to occupy this place?
3. Have you ever registered on Chitungwiza municipality housing waiting list?
4. What challenges are you facing at this settlement?
5. Have council officials ever visited you advising about the status of your settlement?
6. What do you suggest should be done to end the problem of informal settlements?

THANK YOU FOR YOUR CO-OPERATION

APPENDIX 7: Confirmation letter from the department of Political and Administrative Studies



