



The Changing Institutional and Legislative Planning Framework of Zambia and Zimbabwe: Nuances for Urban Development



Andrew Chigudu

University of Zimbabwe, Department of Rural and Urban Planning, MP 167 Mount Pleasant Harare, Zimbabwe

ARTICLE INFO

Keywords:

Urban development
Policy
Institutional framework
Statutory framework
Colonial
Legislation

ABSTRACT

In order for urban development to take place, there is need for policies, institutional and statutory frameworks that guide it. These frameworks provide way forward and direction to be followed to achieve the set goals. The paper aims to review the different policies adopted by Zimbabwean and Zambian governments, institutional frameworks and statutory frameworks that guide their urban development. The data used for this study was obtained through document review and analysis of secondary data. The paper established that both Zimbabwe and Zambia adopted the British institutional and statutory frameworks. These frameworks had been guiding development of their urban areas in both pre-independence and post-independence era. The post-independence governments sought to redress urban development inequalities created before independence. However, in addressing the imbalances, both nations seek to use the colonial institutional and statutory frameworks that seems difficulty to shake off. Minor changes were done by Zambian government when they reviewed their planning legislation in 2015. Zimbabwe and Zambia attempt to address their current urban development challenges using their colonial statutory framework. Few structural changes were made after independence, showing a change in administration but with continuity of colonial statutory framework for urban development.

1. Introduction and background

Urban development refers to the change in the urban form. This is mostly attributed to the dynamism of people's needs and wants, and the society (Myers, 2017). The concern of public health was the main driver for urban development in Britain in the late 1800s and early 1900s (Wheater, 2016). In urban planning terms, development refers to the alteration of or improvement on or under a piece of land (Kunzmann, 2017). Urban development involves the construction of new infrastructure and replacement of old infrastructure on a piece of land. Such infrastructure includes roads and highways, dams, bridges, water and sewer treatment plants, schools, hospitals and buildings in general. Urban development refers to the improvement of cities or settlements to adopt more modern features (Hilson and Potter, 2005).

Largely, urban development, refers to the alteration of the physical attributes of land either on the surface or beneath it (Cooke, 2016). This can either be in the form of construction of a new building, a cluster of buildings or the renovation of old buildings. Urban development is also defined as a type of government intervention in developmental processes. It can take the form of constructing roads or resurfacing them, subdividing or consolidating farmland. Basically, urban development is important as it provides solutions to urban problems relating to housing, health and education facilities and water and sewer systems

(Cooke, 2016; Kunzmann, 2017).

Urban development is difficult to define due to the differences in opinion with regard to the meaning of urban. Some scholars view urban in terms of population size, while others in terms of infrastructure (Rius-Ulldemolins et al., 2016; Husain, 2018). The difficulty in defining urban originates from the blurred boundaries between urban and rural. The settlements exist on rural-urban continuum, with some areas having more 'urban' qualities and some more 'rural' aspects, and not being explicitly one or the other (Nourqolipour et al., 2016; Rius-Ulldemolins et al., 2016). However, urban development needs to be controlled because if unchecked, other challenges can emerge. If urban development is left to run by the invisible hand there is bound to be informal settlements, which are difficult to manage and restore (Louw et al., 2003; Devine-Wright et al., 2015). This include developments on road reserves, construction on water sources or wet lands and encroachment onto farmlands.

Development control refers to the process where institutions that guide urban growth, ensures that development follow the set principles and procedures (Booth, 2003). It focuses on ensuring that urban development is carried out in an orderly and approved way. There are a number of procedures to be observed in order to control and guide urban development. Development control includes processes such as application for development permits as well as enforcement and

E-mail address: andychigudu@gmail.com.

<https://doi.org/10.1016/j.landusepol.2020.104941>

Received 26 December 2019; Received in revised form 23 June 2020; Accepted 17 July 2020

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prohibition orders (Alexander, 2001). Local authorities are concerned with development control because it ensures that urban development takes place on the proper land and does not infringe upon the environment and adversely affect other activities.

A framework refers to a skeletal structure or concept used to guide a process (Chigudu and Chirisa, 2020). Institutional frameworks are those structural organisations that provide rules and regulations on how, when and where urban development is to take place (Eggenberger and Partidário, 2000). The institutional frameworks help to give structure of urban development, providing directions as to how to tackle urban challenges in a city or town. They provide with the people who are responsible for urban development. The obligation of formulating planning and urban development institutional frameworks comprise of the central government through the spatial planning departments and local authorities (Shine et al., 2000). Institutional frameworks work to come up with the rules and policies that guide urban development. They are a means of monitoring and evaluating different projects to ensure their effectiveness and to assess how new policies can be formulated and promoting development until the desired goals are realised.

Statutory frameworks refer to the enacted laws and guidelines that are set up by the government, that include national constitution, Acts of parliament, statutory instruments, by-laws and codes that regulate urban development (Boyne, 2002). They provide the legal basis for enforcing the processes and outcomes of urban development, allowing people to undertake controlled activities in order to achieve the desired goal. The statutory frameworks ensure uniformity since they outline how, where and why urban development takes place. Statutory frameworks allow for the regulation of various aspects of urban development, which may include stand and road sizes, building heights and floor space index (Garcea, 2004). They also provide timeframes for certain processes of urban development. To ensure that any development is legal, it should follow the guidelines set down in the statutes to avoid demolitions and enforcement orders. Statutory frameworks enforce standards and ensure that everyone is aware of urban development procedures.

Policy refers to guiding principles set up by the government in order to achieve national goals (Rondinelli, 1983; Kaelble, 2017). The policies ensure conformity and consistency by providing a set of rules and guidelines to follow in order to achieve common desired goals. Policies are usually formulated when a government faces a challenge and is attempting to solve it. They give a nation direction, enable the government to control national development, provide guidelines and goals to be achieved (Kaelble, 2017). Policies guide a country's actions (Albareda et al., 2007) and provide the main focus for development. By way of example, regional planning policy ensure that resources are utilised equitably in the development of a region. Policies help to provide a measure of how the country is developing and how to change and improve upon that (Dolowitz and Marsh, 1996).

Urban development can either produce positive or negative outcome which cannot be precisely predicted (Cooke, 2016; Grădinaru et al., 2017). The outcome varies depending on the region or country in which urban development takes place, the existing legislation and the social, political, economic status and environmental aspects of the area. The urban development outcome determines whether an area will be occupied to full capacity or will be neglected and become a white elephant (Rius-Uldemolins et al., 2016). Urban development also affects economic, social, environmental, transportation and political aspects of an area (Fuseini and Kemp, 2015; Nourqolipour et al., 2016).

This paper focused on urban development in Zimbabwe and Zambia. The two countries adopted alike Town and Country Planning Act (TCPA) from their former British colonialists. Similar institutional and statutory frameworks implanted by the colonialists influenced urban development in both Zimbabwe and Zambia. The differences in time that each colony gained independence, impacted differently on urban development. This can be evidenced in the case of Zambia that

obtained independence before Zimbabwe did. Urban development differences are notable in especially terms of the standard and state of urban infrastructure. The paper gave a review of related literature and historical perspective, outline methodology and discussed the findings. Conclusion and policy directions were drawn from the study.

2. Literature review and historical perspective

The legislation on urban development was introduced in European countries during the 19th century industrialisation period (Scott, 1971). Before that, urban development used to be chaotic. Urban citizens constructed houses near available resources such as water sources (Woltjer and Al, 2007). The development of urban areas took place with the evolution of technology and new materials. However, it was affected by population increase in urban areas. The change in modes of urban transport led to advanced urban development. Modes of urban transportation changed from horses and horse-drawn carriages to automobile (Mabogunje, 2015).

The industrialisation period stimulated the need to develop more houses, industries and roads in anticipation of increase in urban population, speculation of profit, growth and unrestrained business enterprises in urban centres (Kraftchik, 1990). It resulted in rapid urban population growth, coupled with sprawling cities and various forms of physical damages to urban land. The need for planned urban development was realised, due to excessive growth of slums, high level of traffic congestion, disorder in the cities, unsightly environment and high threat of diseases (Woltjer and Al, 2007). This resulted in the introduction of legislation and institutions to regulate urban development.

In Europe, the territorial policy document came as a way of guiding urban development to member states. There had been efforts to guide urban development in a way that is acceptable by the local people. Within the European Union, measures have been taken to ensure that urban development is guided by the similar guiding principles throughout the continent (Faludi, 2004). In the 1990s, the European Union adopted the European Spatial Development Perspective (ESDP) as a territorial policy document. It was directed at providing an integrated approach to urban development by looking at all related aspects that include environment, social, economic and transport issues holistically (Krätke, 2001). The ESDP focused on spatial development as a broad entity, the inter linkages between aspects of urban development and the implementation of development goals and policies.

The European countries adopted the ESDP as the policy document with guidelines to be followed in urban development (Isakova, 2005). Similar standards were adopted in urban development. The ESDP provides a solid basis for urban development guidelines and fosters consistency and harmony in terms of sustainable urban growth (Krätke, 2001; Germond and Smith, 2009). It also encourages the embracing of multi-faceted approach to urban development.

England experienced urbanisation during the industrial revolution with the influx of people into the cities. Migrating people from rural areas were in search of employment opportunities and better standards of living. The resultant overpopulation in cities gave rise to a variety of challenges, necessitating the need for urban development frameworks and policies. The source of water in the southern part of England was the Thames River, towards which waste water flowed. Drinking of this contaminated water resulted in people getting sick with cholera (Cameron and Jones, 1983). The open flowing sewer caused a great smell that disrupted people's activities. This was evidenced by the great stink of 1847, which resulted in the closure of Parliament (Hillier and Bell, 2010). Pollution from industries caused other illnesses such as lung diseases as well as city smog, which created a blanket-like cloud of smoke and soot, covering the city with darkness.

The engineers in England came up with improved sewerage and water system in a bid to improve public health (Booth, 2003). The year 1848 saw the introduction of the Public Health Act, which was

concerned with providing safe drinking water and satisfactory sewer system (Husain, 2018). The British's first Town Planning Act (TPA) was enacted in 1909, when spatial planning and urban development was recognised as a government function. Its main focus were the preparation of urban development spatial plans and improving the sanitary situation. The act was amended in 1919 to include the construction of council houses (Booth, 2003).

The Town and Country Planning Act (TCPA) of 1932, extended the administration's power to land that was either built on or vacant. In addition, regional planning was introduced in the 1940s. The government appointed regional planning officers. The need for development control through licences and permits for development of urban land was emphasised. In 1968, the authorities came up with the plan to develop urban infrastructure and local plans in order to control urban development (Bruton and Nicholson, 2013). On the other hand, there was encouragement for the development of straight arterial roads that radiated from the urban centre. The transport routes and commercial establishments, divided urban land uses. Howard's 1902 Garden city concept was adopted to divide the residential from the commercial and open spaces (Ward, 2005; Ignatieva et al., 2011). This TCPA of 1932 was implanted in both Zimbabwe and Zambia.

In South Africa, the legislation on urban development has been borrowed from British colonialists (Berrisford, 2011). The 1995 Development Facilitation Act was enacted in order to make the spatial planning system unitary and ensure uniform urban development. Before South Africa attained independence, urban development was done to perpetuate the apartheid system (Landman, 2004). After independence, urban development became a means of eliminating the development gap between areas inhabited by the blacks and those inhabited by the whites. The leading statutory framework was the constitution that gives spatial planning and urban development power to local authorities. The Spatial Planning and Land Use Management Act (SPLUMA) of 2013 provide for the statutory framework that guides urban development (Nel, 2016). It gives city, municipal and town councils the power to plan for the improvement of their municipality or city region. The institutions that guide urban development include the Ministry of Land Affairs and Housing and the Department of Rural Development and Land Reform (Joscelyne, 2015).

The legislation in place and regulated by the governing authorities, influences urban development (Albrechts, 2004; Kunzmann, 2017). The Zimbabwean and Zambian's urban development legislation was adopted from the British TCPA. The British colonialists focused on the development of urban areas, which were inhabited by the white community and neglected the development of rural areas, where the majority of the blacks belonged. The rural-urban divide led to countless disparities between the whites' residential areas and the blacks' tribal trust lands (Chirisa and Dumba, 2012; Njoh, 2009; Porter, 2016).

In Zimbabwe, the growth point policy was adopted soon after independence in the 1980s (Chirisa et al., 2013). The policy was executed in an attempt to eliminate the inequalities created during the colonial period (Ostry and Berg, 2011; Mushuku and Takuva, 2013). Areas inhabited by the whites were highly developed whilst those inhabited by the blacks received very little or no development at all. This led to urban development and regional inequalities. The government thought that encouraging the development of rural areas would reduce these inequalities. Accordingly, growth points such as Mataga, Nembudziya, Mupandawana, Magunje and Sadza were established to ensure that rural areas have an opportunity to grow economically and structurally (Gasper, 1988), in the hope that the boost in infrastructural development will stimulate growth.

The growth point policy was also embraced in order to reduce vehicular and pedestrian congestion in major urban areas (Chirisa et al., 2013). The growth of urban population led to overcrowding and the exhaustion of resources. This was due to the growth in the urban population post-independence after the relaxation of laws, such as the 1968 Vagrancy Act and the Areas of Accommodation Act of 1972,

which had kept Africans out of the city (Shamuyarira, 1975). Rapid urbanisation has led to increased pressure on housing, water and sewerage in urban areas. Providing an economic boost to communal areas was supposed to draw people out of urban areas and contribute to or incentivise infrastructural development in previously-marginalised or underdeveloped rural areas.

The decentralisation of power from the central government to local communities was designed to encourage people to move to communal areas and develop them. The growth point policy was also intended to promote devolution (Manyanhaire et al., 2011). Small businesses received incentives such as reduced income tax and sales tax exemptions and assistance for the purchase of capital equipment to enable them to conduct their businesses in growth centres (Wekwete, 1989). These incentives were availed in order to attract investment, promote the continued growth and development of growth points.

The growth point policy was a noble idea since it aimed to decongest cities and promote the development of rural areas. However, the policy did not reach its full potential, due to a variety of factors (Gasper, 1988; Nleya et al., 2017). In order to come up with sites for growth centres, proper economic feasibility studies were supposed to have been carried out rather than selecting areas for political reasons. When the programme started, the government injected an estimated Z\$60 million dollars between 1983 and 1986 (Gordon, 1994). This money was aimed to fund development infrastructure such as water and sewer reticulation, road maintenance and schools and hospitals. Unfortunately the funds provided by government did not last, due to the country's economic and inflation challenges.

On the other hand, the growth point policy served to bring people closer to resources and make these resources accessible to them. As the government funds allocated to the growth centres began to dwindle, local people did not trust that the growth centres would develop and provide for societal needs (Manyanhaire et al., 2011). Zimbabwe was an agro-based economy, but this was not enough to revive the economy. It was necessary for other sectors to grow and maintain the economy (Sibanda, 1985; Gasper, 1988; Chirisa et al., 2013) and for Zimbabwe to adopt measures such as those adopted by European countries when industrialisation accompanied urbanisation. These measures provided employment to the people who had moved to the urban areas in search of jobs and opportunities. The growth point policy was adopted by the post-independent Zimbabwean government in a bid to ensure that all regions have equal opportunity for development.

The growth with equity policy sought to ensure that whites and blacks had equal opportunities. The independent Zimbabwean government had inherited a dual economy and there was need to merge it into a single one so as to ensure equality and equitable allocation of resources. The post-independence national education policy sought to achieve growth with equity (Rambanapasi, 1989; Blunch and Verner, 2006). Tertiary educational institutions were constructed in each provincial city especially poly-technical colleges and the infrastructure advanced the level of urban development. The policy sought to make education part of basic human rights and to put education at the forefront of societal transformation (Gordon, 1994; Mehrotra, 1998; Ansell, 2002; Shizha and Kariwo, 2011). The education policy came along with the development of better infrastructure in both urban and rural areas. A number of government schools (both primary and secondary) were built across the country. This promoted urban development and growth of educational infrastructure.

The post-independence national health policy was another attempt at achieving growth with equity. This policy aimed at providing medical facilities to all people irrespective of their racial identity, in both urban and rural areas (Loewenson, 1993). However, pre-independence, resource allocation and distribution was skewed in favour of the whites. The child mortality rate for whites was 17 for every 1000 births, whereas for blacks it was estimated to be 120–200 deaths for every 1000 births. The Africans' life expectancy was low, with females living up to 53 years and males at 50 years, whereas white females could live

up to 74 years while their male counterparts could live up to the age of 67 (Marmot, 2005).

With the introduction of the post-independence health policy, child mortality rate was reduced (Filmer et al., 2000). Clinics and hospitals were built and there was a shift from merely curative medical intervention to the use of preventive methods (Walt and Gilson, 1994). An improvement in medical treatment reduced the mortality rate, making the population grow thereby initiating urban growth. This was also accompanied by an improvement in medical treatments, machinery and infrastructure. Clinics and hospitals that were built provided an improvement in urban amenities and was also an indicator of equitable urban development.

The pre-independence legislation such as the Native Reserves Order of 1898 and the Land Apportionment Act of 1930 prevented Africans from owning land (Madhuku, 2004; Chimhowu and Woodhouse, 2008). The introduced post-independence agricultural policy sought to correct land injustice and inequalities (Munslow, 1985; Christiansen, 1993). The fast track land reform programme has allowed the blacks to own agricultural land. The acquired peri-urban farms during the land reform programme promoted urban development. Most of the agricultural farms at the margins of Harare such as Churu, Saturday Retreat, Gletwyn and Porta were absorbed by urban development and urbanisation process. A number of peri-urban farms that included Stoneridge, Eyercourt and Eyestone, Dray Court, Chedgelow and Retreat and Arlington were involved in intensive farming. Approximately over five hundred (500 ha) hectares was under commercial tobacco farming in the Harare Local Development Plan Number 31 -Southern Incorporated Areas (Marongwe, 2003; Muchadenyika, 2015). Poultry projects were once dominant in farms like subdivision C and A of Aspley in Harare South. All these farms have been absorbed by rapid urbanisation process especially housing developments through cooperative movements at the expense of agricultural produce. However such urban development was not planned for, and most of these urban settlements lack roads, electricity, water and sewer drainage systems.

The Economic Structural Adjustment Programme (ESAP) was introduced in Zimbabwe in the 1990s (Sachikonye, 1995). The programme sought to address the economic situation of the country as well as infrastructure development. It was also aimed at reducing government expenditure through the retrenchment of at least 25 % of the civil service (Moyo, 2000; Murisa and Nyaguse, 2015), the commercialisation of government services such as health and education and the privatisation of parastatals (Skålnes, 1993). The efforts were intended to result in better infrastructure development and attract investment especially in urban areas. There were also attempts to attract investments in agriculture, mining and manufacturing. Trade was another aspect at which attention was focused on. An increase in trade would have led to a corresponding increase in foreign currency inflows and in turn, contribute to both rural and urban development.

Zambia, formerly known as the British colony of Northern Rhodesia, attained its independence in 1964. Urban development that was done in the pre-independence era intended to serve the interests of the whites. The inherited urban development legislation based primarily on the British 1932 TCPA. The TCPA (Chapter 283) influenced urban development in Zambia. Urban development was focused along the Copperbelt region after the discovery of copper in the area (Rakodi, 1986). The existence of minerals therefore, dictated urban development of the region. This saw the growth and development of Ndola, Kitwe and Solwezi urban areas.

The copper deposits in Zambia were mined by companies funded by the Anglo-American Corporation and the United States through Rhodesian Secondary Trust. The blacks were employed as cheap labour in the copper mines with limited access to education. The whites provided skilful labour and the blacks were paid much less in order to avoid housing and amenities for them to permanently settle in the urban areas (Rakodi, 1986; Mbinji, 2011). Majority of the black farmers were in remote areas, where they were not able to receive any market

for their produce. The areas around the Copperbelt region were developed and other rural areas were under-developed (Romdhani, 2016). The urban areas that include Ndola, Kitwe and Solwezi were developed through the establishment of housing facilities and the development of a railway line. The majority of the urban land was customary land, which was not developed by the British. This was a result of the segregation system that sought to separate blacks from whites.

In an attempt to address the problems caused by segregation, the post-independent Zambian government embarked on its First National Development Plan (FNDP) from 1966 to 1970 (Thurlow et al., 2008). The four year development plans became the main policy that drove development and other national objectives. The FNDP was anticipated to change the economic system from merely being mining-based to include agriculture and other sectors of development, to create employment and improve the level of education. The Second National Development Plan (SNDP) from 1970 to 1974 was intended to enforce the FNDP (Kayizzi-Mugerwa, 1990). These principal national policies focused on the economy and little attempt was made to address urban development matters. The Town and Country Planning Act CAP 283 was the backbone for urban development in Zambia (Berrisford, 2011). This statutory framework gives powers to cities, municipalities and town councils for spatial planning and urban development.

Zambia made efforts to improve urban development through the introduction of the Structural Adjustment Programmes (SAPs) in the 1990s (Loewenson, 1993). This was an effort to liberalise the economy and promote economic growth. The attempt to liberalise urban land markets, led to an increase in the demand for urban land. However many low-income people who could not afford the land, were left with smaller pieces of land. The government settled on the policy of leasehold on urban land where it provided water, sewer system and roads in order to attract investors (Harvey, 2016). For example, in Nansanga farm block of 250 pieces of land of about 10–100 hectares each were given to people from the urban areas who had obtained the money through leaseholds while local people got as little as 10–20 hectare pieces of land (Mbinji, 2011). The programme drew up some investors in urban infrastructure development projects at the expense of the urban poor.

The inconsistent application of colonial statutory framework for urban development had notable effects on the Zambian people. For instance, in Macha and Choma district, about 3000 people were removed from an area of about 1215,27 ha because of a sub-lease to foreign investors in 2010 (Mbinji, 2011). The post-independence government's desperate bid to attract foreign investment impacted infrastructure development in urban areas. In this case houses that had been constructed were destroyed and people were left homeless or landless (Berrisford, 2011; Mbinji, 2011). However, the coming of foreign investors led to urban growth and development, since foreign investors had the financial resources to construct modern housing structures, roads and provide services to land that was under-developed.

Urban development in Zambia has been mainly guided by the TCPA (Cap 283) of 1962 (Mutale, 2017). The urban planning ordinances have focused on land use planning on state owned land. State land in Zambia consist of former crown land which white settlers had developed as their own and all the remaining land is customary land. There was need to work on urban development legislation that regulated development on customary land. This led to the enactment of the Lands Act of 1995 that empowered chiefs and traditional leaders in matters relating to land use and development (Brown, 2005; Berrisford, 2011).

The British introduced the urban development legislation that excluded rural areas, making this legislation inappropriate, as it did not cater for poor people. With time, the Government of Zambia resolved that this statutory framework was neither efficient nor effective (Berrisford, 2011). Unlike Zimbabwe that adopted similar legislation, Zambia introduced some changes to the statutes governing urban planning and development in 1976 when it implemented the Housing (Statutory and Improvement Areas) Act (Chapter 194 of the Laws of

Zambia) (Tipple, 1976; Mutale, 2017). The Act allowed some areas of a town or city to be removed from the system created by the Town and Country Planning Act (TCPA) and for a more basic form of urban development to be introduced in order to accommodate low-income residential areas in the city (Berrisford, 2011).

Zambia has also faced challenges relating to urbanisation and urban development. By 1996, the population in Lusaka was 1 147 000. There was a 15 % population increase from 250 000 in 1963 to 2.2 million in 2013 (Taylor et al., 2015), which was accompanied by an increased demand for houses, energy, transportation services and waste disposal. These are some of the components that can be addressed by appropriate urban development.

The slums of Lusaka owe their origins to the negligence of provision of low-cost housing and a rather biased colonial urban planning and housing policy. The successive post-independence Zambian governments have also failed to come up with a permanent solution to provision of decent housing in a rapidly growing city (Mulenga, 2003). Although the Improvement Areas Act of 1976 has shown that the problem of the critical housing shortage can be best resolved with the participation of the residents of the slum areas (Rakodi, 1986; Mwimba, 2006), the government does not seem to have understood the essential lessons that should have been learnt from the upgrading projects.

3. Methodology

The study focuses on policies, institutional and statutory frameworks in Zimbabwe and Zambia. In compiling the data, document reviews and analysis were done. Documents that were reviewed include the Zimbabwean and Zambian constitutions and policies which establish the institutions that control urban development and the other legal frameworks that guides urban development. In Zimbabwe the Regional, Town and Country Planning Act (RTCPA), Urban Councils Act, Model Building by-laws and Circular 70 were reviewed. While in Zambia the Urban and Regional Planning Act (URPA), Housing (Statutory and Improvement Areas) Act, the Urban and Regional Planners Act of 2011 and Building codes are the main statutory and institutional frameworks regulating urban development and were reviewed. These and other sources of secondary data had been reviewed and provided information on urban development. A review of other published documents, government reports and official government decrees were used in gathering information for the study.

4. Findings and discussion

Both Zimbabwe and Zambia need strong and sustainable institutional and statutory frameworks that guide and control urban development (Chigara et al., 2013). The institutional framework comprises bodies or organisations that control urban development, formulating and applying statutes that already exist. Urban development of both Zimbabwe and Zambia has been influenced by borrowed legislation from Britain, their former colonial master. Zambia has attempted to adopt new statutory framework but a few changes have been made to it. The statutory frameworks comprise of acts of parliament, policies and by-laws used to control and guide urban development in Zimbabwe and Zambia. These are implemented within fairly weak institutional frameworks with a British bias for both countries.

4.1. Zimbabwe

In Zimbabwe, urban development practice was adopted from the British colonialists. Urban growth and infrastructure development was mainly concentrated in major urban centres while small urban centres and communal areas remained neglected. The Zimbabwean urban development institutions are guided by the national constitution of 2013 (Ncube, 2013). The statutory framework consists of the RTCPA (Chapter 29:12) of 1976, which is the pillar of urban development in

the country (Wekwete, 1989). Urban development is also guided by the Urban Councils Act (Chapter 29:15) and the Model building by-law of 1977. Other statutes that guide urban development in Zimbabwe include the Environmental Management Act (Chapter 20:27), Mines and Minerals Act and the Forestry Act (Chigara et al., 2013). They provide much-needed information that guide urban development and protection of the environment.

The Zimbabwe RTCPA of 1976 maintained the British heritage in urban development issues, which includes features of rigid standards and inflexible approach (Ncube, 2013). This explains gaps between what is in the statutory frameworks and by-laws and the reality on the ground. The issue of development control that is highlighted in part five of the RTCPA (Chapter 29:12) demands for permits be secured for development before any improvements or alterations are made to the land (Chirisa, 2010). However, some developers ignore such laws and go ahead with developments without permit. The act needs to be amended to become more flexible and accommodate slum upgrading and regularisation rather than resorting to demolishing (use of an axe). Flexible urban development legislation that accommodates the urban poor and low-income groups is critical.

The institutional framework for urban development in Zimbabwe includes the Ministry of Local Government and Public Works (MLGPW), which give urban development power to local governments in the form of city, municipality, town and rural districts councils (Nhapi, 2015). These local authorities are monitored their operations by the MLGPW to ensure compliance in execution of their mandate in urban development. The MLGPW has Department of Physical Planning (DPP) which assist all local authorities in urban development especially small towns and rural district councils who usually lack technical capacity. Institutional frameworks provide knowledge on matters relating to urban development. Professional association that include Zimbabwe Institute of Regional and Urban Planners (ZIRUP), Zimbabwe Institute of Architects (ZIA) and Zimbabwe Institute of Consulting Engineers (ZICE) ensure competency and discipline among practitioners in the built environment. However, these professional bodies despite being presumed to be autonomous, they pay allegiance to the MLGPW. Hence some professionals that work within the MLGPW rarely respect these professional institutions.

In Zimbabwe, policies were put forward by government in an attempt to solve urban development challenges faced by the society (Nursery-Bray, 2017). This sought to redress infrastructure development and service provision inequalities that existed between white-owned areas and communal lands. The adoption of the education-for-all and health for all policies intended to improve the accessibility of services in Zimbabwe. The education-for-all policy saw construction of government schools in both rural and urban areas. The health-for-all policy saw development of health facilities and people getting treatment (Sanders and Davies, 1988; Mundy, 2016). The construction of treatment centres (clinics, laboratories and hospitals) and schools (primary, secondary, colleges and universities) in urban areas resulted in some infrastructure developments in urban areas. However, both education and health policies had little impact on urban development.

In the post-independence period the Zimbabwean government made attempts to decongest overcrowded major cities by developing growth points. The effort was to equally distribute spatial development in urban and rural areas. (Chirisa et al., 2013; Dzvimbo et al., 2017). These growth points were supposed to attract people to the rural areas by availing economic and social features that people would normally seek in cities. However, the growth points failed to keep people in rural areas since there were no industries. Other factors behind the failure of growth points were poor infrastructural support and failure to sustain livelihoods since most lacked economic base or resources to stimulate growth (Sibanda, 1985; Mutenga and Namasasu, 1988; Nleya et al., 2017).

Some growth points turned to be white elephants, revealing the failure of socialism in Zimbabwe to accomplish its intended objectives.

The created growth points had few developments that included shops, beer halls and grinding mills. However, the growth points failed to attract people, industries and investors (Sibanda, 1985; Fabricius et al., 2013). This meant that the development was stagnant and rural areas remained behind in terms of infrastructure development. Consequently, development remain concentrated in urban areas where major infrastructure was built. This led to concentration of urban development and excessive urban growth in major cities and towns.

The government of Zimbabwe adopted ESAP to address economic challenges. The ESAP was expected to increase annual growth rate by 5% from 1991 to 1995 but this did not happen, as there was less than 1% growth (Marquette, 1997). It also aimed to increase the export growth rate, reduce budget deficits from 10 % and inflation from over 17 % (Gibbon, 1995). However, the ESAPs failed to realise intended targets because the government was initially funded by the IMF and World Bank, which later withdraw their funding. The ESAPs failed to attract annual growth, budget deficits remained high and inflation worsened and the programmes were abandoned in 1997. Failure of ESAPs affected urban development and growth in all urban centres across Zimbabwe. Urban development was stagnant during this period due to economic decline. The period marked the turn point that led to deterioration and collapse of urban infrastructure that include access roads, water and sewer reticulation and street lighting among others.

The rapid urbanisation in Harare caused urban problems. The population of Harare in 2002 was 1 435 784 and had risen to 1 485 231 in 2012 (ZimStats, 2016). Instead of reduced cost of services owing to densification and people sharing resources, the city faced major challenges. For example the Matapi flats in Mbare, were originally built for black bachelor males (Chirisa, 2010). After independence, the families of these men moved in, resulting serious overcrowding. This gave rise to diseases such as tuberculosis, cholera and typhoid. The influx of rural inhabitants to Harare also placed considerable pressure on the sewer systems, which burst frequently, exposing the residents to health risks (Chitekwe-Biti, 2009; Chirisa, 2010). The post-independence relaxed restrictive laws for staying in urban centres, exposed the limited urban infrastructure to excessive population and pressure. This was coupled with lack of urban infrastructure maintenance culture resulting in collapse of other urban services and amenities.

Rapid urbanisation was not accompanied by an increase in service provision and infrastructure development. This led to the development of squatter settlements made up of plastic and metal shacks especially in Mbare and Epworth, in Harare. People who were living in these squatter camps did not have safe drinking water and a healthy sewer system. These camps were later demolished during the 'Operation *Murambatsvina* (no to dirt!)' of 2005. This operation affected an estimated 700 000 people, who lost their homes or their livelihoods (Tibajjuka, 2005; Muchadenyika, 2015; Olaleye and Tungwarara, 2005). The affected occupants were later relocated to the outskirts of Harare, settling in the peri-urban farm of Caledonia, Hatcliffe, Hopely and Epworth. However, these settlements lack basic services such as water, sewer systems, proper roads and social amenities (Chitekwe-Biti, 2009; Muchadenyika, 2015).

The peri-urban areas were designated for urban agriculture, were affected by urban sprawl. Numerous unplanned settlements have since sprouted due to an increased demand for urban housing. This increase pressure on resources as well (Muchadenyika, 2015), since Harare City Council provides services like water supply to the dormitory towns like Chitungwiza and Ruwa. There has been notable urban development around Harare particularly in the peri-urban but with inadequate urban amenities.

The rural district councils in Zimbabwe own and control most of the land around major cities for example Zvimba, Goromonzi and Manyame rural district councils own land around Harare and Umuza rural district council own land around Bulawayo. Consequently, major cities are limited in terms of urban development and expansion plans due boundaries. The push for decentralisation through devolution has

been topical and measures are being considered to give adequate autonomy to local authorities (Munzwa and Jonga, 2010; APA, 2012). However, it seems the MLGPW is reluctant to devolve power to local councils to make autonomous decisions terms of urban development. There is also limited national budget allocations for devolution in Zimbabwe.

The unplanned settlements are deemed unfit for habitation and according to the RTCPA (Chapter 29:12), they are supposed to be demolished. The inflexibility of the urban development statutory framework resulted in increased homelessness in major cities. In an effort to deal with illegal settlements and slums in Harare, the slum upgrading programme was established in 2010. Areas targeted by this programme include Epworth and Dzivarasekwa Extension (Dialogue on Shelter, 2014). The programme failed, however, to counter the growth of new slums. Urban development through slum growth outpaced upgrading programmes. More slums emerged with the hope of being upgraded, thereby defeating the whole purpose of slum upgrading programme.

The urbanisation of Harare and Bulawayo led to an increased demand on water and electricity supplies. This resulted in water rationing, which have even persisted. Dzivarasekwa and Warren Park in Harare normally have no water supply over the weekends (Nhapi, 2015). The city council has been working to rehabilitate water and sewerage infrastructure in order to improve water supply and reduce bursts (Manyenyeni, 2018). Over the years there is been drive to supplement Harare water from Chivero Dam through the construction of Kunzvi Dam. This will increase potable water supply in new urban settlements.

The excessive growth in urban population and increase in automobile is causing challenges of congestion and pollution (Alessandrini et al., 2015). The problems are worsened by the lack of reliable public transport. During peak hours, roads are congested, with cars having little progress of moving out of the city of Harare (Bandauko et al., 2018). Pollution emitted by the vehicles increases the greenhouse gases (Al-Mulali et al., 2015), contributing to climate change. Zimbabwe has a conservation approach to urban development that focuses on protection of the environment enshrined in the Environmental Management Act (EMA) (Chapter 20:27) of 2002. However, some local authorities ignore the statutes on environment conservation. In terms of the EMA, the environmental impact assessment (EIA) is required before development permit is granted by local authorities for any project in Zimbabwe.

4.2. Zambia

The urban development system in Zambia was borrowed from pre-independence practices. The form of urban development fostered segregation with areas inhabited by whites being developed while those inhabited by blacks were neglected (Rakodi, 1986). Zambia therefore required to revise its statutory framework after independence. The TCPA of 1962 was reviewed in 2015 to give the URPA (CAP 283) (GoZ, 2015; Taylor et al., 2015). Although there have been minor adjustments, the act's fundamental principles are still the same. The URPA provide for the flexible integrated development and local area planning. In 2018 Lusaka City Council began the implementation of the Lusaka Decongestion Integrated Project that consist of upgrading major highways, construction of ring roads and over and under passes along major arterial roads (Mutale, 2017; Chigudu and Chirisa, 2020).

The inflexible urban development system has created a number of urban challenges in Zambia. The successive post-independence Zambian governments struggled to find a permanent solution in the provision of decent housing in rapidly growing Lusaka city (Mulenga, 2003). The slums in Lusaka owe their origins to the lack of provision of low-cost housing schemes and a rather biased colonial statutory framework and housing policy. Such slums include Misisi, Kuku, Chibolya, Bauleni and Kanyama were inhabitants' still use pit latrines for sanitation and urban crime such as prostitution and theft is rampant (Mutale, 2017; Zulu and Oyama, 2017). Although the Housing

(Statutory and Improvement Areas) Act of 1976 has shown that critical housing shortage can be resolved through participation of the slum dwellers (Mwimba, 2006), the government seem not have understood the essential lessons that should have been learnt from the first slum upgrading projects.

Zambia's urban development is guided by a fairly weak institutional framework. This include the Ministry of Local Government and Housing, which assign urban development responsibility to the Department of Physical Planning (DPP). The DPP gives power to city and municipal councils to plan and develop their urban areas (Berrisford, 2011). The Zambia Institute of Planners play a key role in ensuring professional practice, mandatory registration and discipline of spatial planners in Zambia. The institute is recognised by spatial planners and urban development practitioners and its mandate is enshrined in the Urban and Regional Planners Act (No.4) of 2011. These institutions provide a solid background for urban development in Zambia. However, the final decision and powers rests upon the Minister of Local Government and Housing.

The Living Conditions and Monitoring Survey found that 80 % of Zambian people in rural areas live in a state of poverty (World Bank, 2015), and many perceive migration to urban areas as offering the possibility of a better life. Migration increases the urban population, putting pressure on existing resources and urban amenities especially run-down infrastructure in the high density areas. The government has ceded the development of some urban infrastructure for local areas to the private sector. This has created a new set of problems especially to the rapidly-growing cities like Lusaka, Kitwe and Ndola which have limited technical and financial capacity (Kennedy-Walker et al., 2015; Sladoje, 2016; Simwanda and Murayama, 2018). The City of Lusaka in particular, is also faced with the challenge of motor vehicle congestion. This can be attributed to poor road infrastructure and increased car imports. The Zambia Revenue Authority (ZRA) estimates that a total of 300 cars enter the country daily and 109 500 cars enter Zambia annually. The Zambian police in its quarterly report indicated that 7 832 accidents were recorded in 2017 (Chomba et al., 2013; Simwanda and Murayama, 2018).

The urban development system adopted in Zambia has been mainly centralised. The central government has been at the centre of key urban development projects through the Ministry of Local Government and Housing. The centralised systems of governance remained largely unchanged. Although there has been advocate for decentralisation (owing to pressure from donors), there is general reluctance to devolve power to local authorities. Resistance originates from central government that is conservative and decline to surrender land to district councils, for instance Chongwe and Chilanga districts in Lusaka province in Zambia (Mulenga, 2003).

The Republic of Zambia borrowed from the British urban development legacy. Zambia still has a governance system that is highly centralised, which makes it difficult for local authorities to respond to issues plaguing their towns and cities. There is serious solid waste management problem, owing to population increase and some unplanned compounds do not have sewer facilities. In Lusaka, for example, Chalala residential area is situated on top of the city's main ground water aquifer and has individualised boreholes and soak-aways (Banda et al., 2014; Mutale, 2017). This may lead to the contamination of the aquifer by solid waste and pose serious health risks to people who draw water from shallows wells in the area.

The increased price of housing and other services in Zambia has been due to improved participation and profit maximisation by private organisations in residential developments (deSoto, 2003). Although some areas are occupied by the urban populace, there are no services such as water and sewer systems and road infrastructure. Most of the access roads in Lusaka's residential areas are not surfaced and numerous sewer bursts occur for instance in Kalingalinga, Chilenje and Mutendere (Berrisford, 2011). Other settlements are being established in wetland areas, which are supposed to be preserved. This

compromised the state and standard of urban development in Zambia's urban areas.

Zambia is plagued by weaknesses in its urban development institutions. The Lusaka City Council has a planning department that is not well recognised. Although the department has been accorded spatial planning and urban development responsibility, it is under appreciated. For example, a structural plan drawn up based on information from the 2000 census, has taken more than ten years to implement because it was awaiting approval by the Ministry of Local Government and Housing (Hampway, 2008; Berrisford, 2011). The delay in the approval of plans and proposals continues to set the country's towns and cities back in spatial planning and urban development issues. The structure of the institutional framework does not support decentralisation and devolution of power to local authorities.

The main policies guiding urban development in Zambia are the National Development Plans (NDPs). The national development plans focus mainly on the economy and excludes other urban development aspects (Natter, 2015). The NDPs did not however, provide strategies for urban development. The 5th National Development Plan of 2007 had a bearing on urban development, since the focus was on infrastructure development, agriculture, water and sanitation, health and education (Thurlow et al., 2008). The 5th NDP aimed at reducing poverty faced by Zambian citizens and ensuring public participation of local people in urban development projects. The Zambian 7th NDP for the period 2017–2021 allows for the integration of the financial aspects in urban development process in order to come up with cost efficient policies (ibid). These national policies focused on the urban economy and there was little attempt to address rural development matters.

The British institutional and statutory framework that was established before independence was maintained after independence. The framework only catered for urban development on a small area of state-owned land and the rest of the land under customary law was controlled by traditional leaders (Kennedy-Walker et al., 2015). Urban development on customary land surrounding major cities and towns like Lusaka, Ndola and Kafue is mainly done in peace meal by traditional leaders who allocate the land to prospective investors. This generally led to uncoordinated urban developments within and around urban centres.

5. Conclusion and future direction

Both Zimbabwe and Zambia adopted the colonial statutory and institutional spatial planning and urban development framework. The cities that include Harare and Lusaka experienced rapid urbanisation and excessive pressure on urban amenities after independence. Zimbabwe and Zambia experienced urban policy failure to deal with urbanisation challenges in major cities. The two nations lack a deliberate policy to address urbanisation challenges in the capital city by developing compact and sustainable satellite towns. There is need for a deliberate effort to attract investment and industrial growth in other small towns and municipalities through spatial planning and urban development projects. The governments for both Zimbabwe and Zambia should realise that urbanisation must be accompanied with industrialisation for sustainable urban growth.

The two nations have different land tenure system which strongly influenced urban development for both countries. Slight alterations were done in Zambia to its statutory framework that saw the enactment of the URPA of 2015 (GoZ, 2015). The legislation introduced integrated development plans and implementation has already started. However, for both nations it has proved hard to shake off the colonial institutional and statutory frameworks. The main reasons being entrenched belief in the British institutional and statutory frameworks, resistance to change, lack of political will and resources for reviewing the legislation and setting up new strong institutions. There is need for radical change in spatial planning system and capacity building for policy makers and urban development practitioners who participate in reviewing the

legislations. Thorough consultations are required in policy making and resource mobilisation.

The colonialists created huge urban development inequalities in both nations especially in Zimbabwe's communal areas (Mushuku and Takuva, 2013) that lacked basic services such as roads, electricity, water and sanitation. The same took place in Zambia, where urban areas that were around the Copper belt region were developed due mining activities. However, spatial differentiations still exist in today's urban developments. There is need to ensure that local authorities work through partnerships in provision of basic urban services and infrastructure across urban areas.

In seeking to address the inequalities the independent governments of Zimbabwe and Zambia adopted a socialist ideology. The policies intended to ensure that every citizen has access to primary education and healthcare as well as land for agriculture purposes. The policies for free education and health-for-all were notable in Zimbabwe. However, the free education and health policies failed to sustain due to high national expenditure. The agriculture policy through the land reform contributed positively towards urban development in Zimbabwe for the acquired peri-urban farms (Marongwe, 2003), especially around Harare. Prominent urban growth was experienced on peri-urban farms. However some of the settlements lack basic services like water, roads, electricity and sanitation system. There is need for regularisation of such settlements including put up strong institutional and statutory frameworks that guide the process. This will enhance development of housing infrastructure that is supported by financial institutions.

The major cities in both Zimbabwe and Zambia experienced slum growth. Slums are more pronounced in Harare and Lusaka and these experience erratic water supply, sewer bursts, overcrowding (Zulu and Oyama, 2017), poverty, communicable disease outbreaks and inhabitable accommodation. The situation in these slums that include old dilapidated flats, semi-detached and detached houses, squatter and new informal settlements is a health time-bomb. There has been slum upgrading projects in especially in Harare and Lusaka. However, the efforts are overwhelmed by the level of growth and development of these slums. Sustainable slum upgrading programmes that address social, economic, environmental and physical needs of slum dwellers should be given priority. The strong central and local government structures, institutions and statutory should support the upgrading process. Private players, civil society and international organisation have to be part of the proactive urban development programme.

The SAPs introduced in both Zambia and Zimbabwe were mainly focused on the economic aspects. The policies failed and lacked development of key urban infrastructure to support economic growth. There has been minor structural improvements after independence, showing a change in administration but continuity of colonial legislations and statutes for spatial planning and urban development. It has proved difficult totally address the infrastructural inequalities that existed between and within cities, towns and district councils. However, urban development and change in urban form is inevitable. The need to meet urban populace's local needs and expectations cannot be over-emphasised.

Authorship

The author made significant contributions to acquisition of data, analysis and interpretation of data; drafting the article and critically revising it for substantial intellectual content and final approval of the version to be published.

Ethical issues

The author clearly declare that the laws which apply to him in his own country were followed.

Impact statement

The paper aims to review the different policies adopted by Zimbabwean and Zambian governments, institutional frameworks and statutory frameworks that guide their urban development. The data used for this study was obtained through document review and analysis of secondary data. The paper established that both Zimbabwe and Zambia adopted the British institutional and statutory frameworks. These frameworks had been guiding development of their urban areas in both pre-independence and post-independence era. The post-independence governments sought to redress urban development inequalities created before independence. However, in addressing the imbalances, both nations seek to use the colonial institutional and statutory frameworks that seems difficulty to shake off. Minor changes were done by Zambian government when they reviewed their planning legislation in 2015. Zimbabwe and Zambia attempt to address their current urban development challenges using their colonial statutory framework. Few structural changes were made after independence, showing a change in administration but with continuity of colonial statutory framework for urban development.

I the undersigned declare that this manuscript is original, has not been published before and is not currently being considered for publication elsewhere.

I wish to confirm that there are no known conflicts of interest associated with this publication and there has been no significant financial support for this work that could have influenced its outcome.

I confirm that the manuscript has been read and approved by the named author and that there are no other person who satisfied the criteria for authorship but are not listed. I further confirm that the order of author listed in the manuscript has been approved.

I confirm that I have given due consideration to the protection of intellectual property associated with this work and that there are no impediments to publication, including the timing of publication, with respect to intellectual property. In so doing I confirm that I have followed the regulations of our institutions concerning intellectual property.

Declaration of Competing Interest

The author confirm that there are no known conflicts of interest associated with this publication and there has been no significant financial support for this work that could have influenced its outcome.

Acknowledgements

I acknowledge the contribution made by Queen Chinozvina through writing assistance and Doctor Charles Chavunduka, chairperson of the department of Rural and Urban Planning at the University of Zimbabwe who provided general support. Appreciation also goes to my wife for the financial and material support for this work.

Appendix A. Supplementary data

Supplementary material related to this article can be found, in the online version, at doi:<https://doi.org/10.1016/j.landusepol.2020.104941>.

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