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# Local Governance and Wetlands Management: A Tale of Harare City in Zimbabwe

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**Abstract**
For years, urban scholars have underscored the value of pristine and functioning ecosystems, including urban wetlands, to human life. However, less well-understood is the role of local government (mainly urban municipalities) in preserving these wetlands, especially in African cities. Drawing on a Zimbabwean case study and utilising the Urban Sustainability Framework (USF), this article examines how and why the Harare municipality has failed to protect wetlands in and around Harare City by allowing for the expansion of infrastructural development in wetland areas despite the existence of city by-laws and planning policies regulating the built environment. The article further adopts a critical view of what the law prescribes for wetland preservation vis-à-vis the local government's practical actions in preserving urban ecosystems. Such an enquiry lies at the heart of understanding the sustainability of cities in the Global South in the wake of various anthropogenic and other human activities wrought by the growing pressures of urbanisation. The analysis is pertinent in deepening our empirical understanding of the role of local government and cities in shaping local, national and global sustainability.

**Keywords** Wetlands · Local government · Cities · Urban sustainability · Environment, Harare · Zimbabwe

## Introduction

There is no gainsaying that the loss of urban wetlands through urban expansion coupled with infrastructural development is one of the most pressing issues in contemporary African cities (Chirisa, 2019; Matamanda et al., 2018; Matamanda, 2020; Goodfellow, 2013; Kalanzi, 2015; Nemutamvuni et al., 2020; Schuijt, 2002). This is particularly acute in rapidly urbanising cities. In this regard, it is

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pertinent to devote analytic attention to the contribution of local governments or lack thereof in shaping sustainable cities through conserving wetlands which are crucial for water provisioning in cities (Ahn & Schmidt, 2019). The article examines the critical role played by urban municipalities in managing urban wetlands and considers how this affects city sustainability or lack thereof. The article seeks to answer the question: what role can local authorities play in protecting urban wetlands in Zimbabwe from the perspective of law, policy and action? In answering this question, the article contributes to the policy and academic scholarship that speaks to the local government's environmental duties and functions concerning the management of wetlands and in influencing global sustainability (Muziri et al., 2019; Nemutamvuni et al., 2020; Richardson, 1993; Kalanzi, 2015).

The main argument is that instead of being the custodian of urban land upon which wetlands are found, urban municipalities in Zimbabwe are the leading actors in wetland destruction through willful neglect of wetland policies and laws. Yet, they are supposed to be custodians or at the fore in wetland conservation. Such a paradox encapsulates the contradictions and obligations of local government authority regarding urban land use, regulation and governance. This is because local authorities in Zimbabwe bear the primary responsibility to regulate urban space, including wetland areas. Furthermore, under the Zimbabwean constitution, the local and central government has a right to protect the environment on behalf of the citizens (Government of Zimbabwe, 2013). The same constitution further accords citizens corresponding rights to protect the environment within their locality without explicitly mentioning wetlands. Significant to note, however, is that wetlands fall under the ambit of urban ecology and environment, all guided by the constitution and several statutes.

Before engaging in the broader discussion, it is pertinent to offer a working definition of wetlands. Notably 'Zimbabwe does not have a home-grown definition of wetlands … but instead adapted the Ramsar definition' (Marambanyika, 2015:2). In the absence of a country-specific definition, Zimbabwe adopted with slight modifications the Ramsar definition. Wetlands understood this way are 'any area of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, and includes riparian land adjacent to the wetland' (Government of Zimbabwe, 2003:11). This definition accords with the internationally accepted Ramsar definition, which conceives wetlands as:

> Areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six meters (Article 1.1 of the Ramsar Convention, 1971).

Under the Ramsar Convention, focus has also been devoted to the 'wise use' of wetlands (Ramsar Convention Secretariat, 2007). Such calls have been mimicked in policy and academic circles as evident in how, in recent years, advocacy around wetland protection has gained momentum (see, Richardson, 1993;

Farrier & Tucker, 2000; Nelson et al., 2017; Marambanyika, 2015). The clamour for sustainable and 'wise use' of wetlands follows hard on the heels of several states' global commitment regarding environmental management (Ramsar Convention Secretariat, 2007). This also encompasses Zimbabwe's commitment to the full compliance, implementation and enforcement of environmental law in line with regional and global statutes, instruments and conventions, including the Convention on Biodiversity (CBD) and the Ramsar Convention, an intergovernmental treaty on Wetlands Protection (Ramsar Iran, 1971). Considering that Zimbabwe has ratified both treaties, it then follows that wetland management must be incorporated in urban policy design and planning in pursuit of sustainable urban development.

With the above said, the study on local government and wetland management in cities in the Global South such as Harare has significant benefits. Firstly, the inquiry's relevance ties in with the United Nations Sustainable Development Goals and its vision for sustainable urban development (cities) as encapsulated in the combination of Goals (SDGs) 6, 11, 13, 14 and 15. Together, these Goals suggest that as far as it concerns wetlands in urban areas, they are essential for fulfilling climate action in line with the Paris Agreement on Climate Change and meeting SDGs (Ramsar Convention on Wetlands, 2018). Secondly, parsing the role of African local governments in urban wetland conservation and management is also crucial in an era where biophilic designing of cities is gaining a foothold in urban planning. Biophilic cities are cities that integrate close daily contact with nature in various forms in urban design and planning (Beatley & Newman, 2013). Thirdly, the analysis contributes to policy and academic insights on the role and efficacy of environmental policy, law and city by-laws in facilitating sustainable wetland management in cities grappling with rapid urbanisation.

The article is organised as follows: I proceed with outlining the methodological approach before presenting the theoretical lens underpinning the study. This is followed by an extended literature review. Thereafter, I discuss the benefits of wetlands in broad brushstrokes but with specific reference to Harare City before outlining the wetland situation in Harare. This is followed by an examination of law and policy guiding wetland protection and the associated challenges faced in seeking to conserve wetlands in Harare City before concluding.

## Study Area and Methodology

The study focuses on the management of Zimbabwe's urban wetlands zeroing down on a specific case study of Harare City. Harare City, which relies on underground water, 'was established on the headwaters of the Manyame and Gwebi Catchment basin, an area predominantly covered by wetlands' (Matamanda et al., 2018:1). It consists of wetlands categorised under the Ramsar sites, but smaller ones also exist (Cunliffe, 2020). For this reason, the city provides a vantage point to examine the role of local government in regulating and protecting urban wetlands, considering the various anthropogenic activities taking place within the city environs.

Data for the study is drawn from a critical analysis of reports from the Harare City Council and environmental organisations—Zimbabwe Environmental Law Association (ZELA) and the Zimbabwe Lawyers for Human Rights (ZLHR)—and through review of legislation and city by-laws as well as from a case study analysis of the Harare City. In the words of Yin, a case study is an 'empirical inquiry that investigates a contemporary phenomenon within its real-life context, especially when the boundaries between phenomenon and context are not clearly evident' (Yin 2003: 13). Scholars further opine that a case study approach enables a researcher to examine a phenomenon in-depth and in situ (McMillan & Schumacher, 2001). These are some of the motivations and justifications behind my methodological choices in selecting the case study of Harare City in Zimbabwe, which is increasingly witnessing high levels of destruction of wetlands.

In collecting data for the study, I also do a review and critical reading of policy documents from the Harare City Council (HCC), Parliamentary debates ('the Hansard'), reports and policy documents from the Ministry of Local Government, Public Works and National Housing and Ministry of Environment, Climate Change, Tourism and Hospitality Industry as well as several Acts of Parliament governing the management and protection of wetlands. The article also utilises data discerned from workshops and seminar presentations held by the Harare City Council, Open Council Harare, Open Parliament of Zimbabwe and other non-governmental organisations (NGOs), Civil Society Organisations (CSOs), including the Conservation Society of Monavale (COSMO) and Birds of Africa among others.

I also draw empirical data from a critical review and content analysis of grey literature produced by residents' associations, including the Harare Wetlands Trust (HWT), Dzivarasekwa Residents Trust and Budiriro Water Foundation. The researcher's situatedness, lived experiences and observations in some of the suburbs in Harare also informed the analysis of wetland loss.

## Urban Sustainability Framework

Recently, urban scholars have shown keen interest in examining whether city 'planning processes, on their own, will be able to achieve the change required to address climate change and sustainable development' especially in the context of developing countries (see for example Gibberd, 2017:200). To this end, they call for the full implementation of city sustainability indicator frameworks as entailed in the city capability framework in city planning and governance (Gibberd, 2017). It is hoped that with the right conditions and will by local government authorities and city planners, such indicators will enhance the city planning process (Gibberd, 2017). For the analytical purposes of this article, I, however, contend that whilst the city capability framework helps examine the inadequacies of law, for example, spatial, legal regimes, environmental policies and council by-laws, it is insufficient in effectively analysing how unregulated and irregular urban developments continue to pose an existential threat to urban ecosystems. In this regard, I turn my analytical gaze to the Urban Sustainability Framework (USF) developed by the Global Platform for Sustainable Cities (GPSC) in 2016 (see World Bank, 2018). The USF comprises a

four-tier process that essentially looks at issues around the diagnosis of city challenges, visioning and setting of priorities for action towards realising sustainability in cities, financing urban sustainability actionable plans and the monitoring and evaluation framework of urban sustainability (World Bank, 2018). In this regard, the framework places much salience and attention on integrated urban planning and governance, which also resonates with the article's focal inquiry.

By utilising this framework, I seek to show how the destruction of wetlands, even amidst environmental legislation, urban planning laws, procedures and council by-laws, is a microcosm of city authorities' weak governance and failure in implementing the Urban Sustainability Framework. One could argue, if the local and central government authorities are fully committed to sustainable urban planning, they will abide by legal, institutional frameworks and policies that integrate sustainability in land usage, human settlement planning and other infrastructural developments in cities (Matamanda, 2020). In the context of Zimbabwe, this includes adhering to the City Master Plan, Regional Town and Council Planning by-laws and local environmental plans (LEPs) (Community Water Alliance, 2021). On this premise, the USF coheres to city sustainability through practice, law and policies, especially by urban municipalities.

By drawing on the analytical utility of the USF, I seek to show how and why legal and policy regimes alone without commitment in practice to fulfilling urban sustainability will continue to engender the loss of urban ecosystems such as wetlands in much of the cities in developing countries, including in Harare, Zimbabwe. This observation is particularly relevant and insightful if analysed in the context of urban sprawl and urbanisation. Whilst such an engagement is relevant for academic enquiry, it is also relevant for policy discussions around urban planning and sustainability in line with the New Urban Agenda and SDGs, namely Goal number 11. As noted by the World Bank, 'the Urban Sustainability Framework provides tools and methods that cities of different sizes and levels of development can use to improve their sustainability over time' (2018:4). From this viewpoint, the USF which is futuristic can thus be used as a lens through which we can understand the multiple dimensions of sustainability, actions, successes, failures and the role of cities in guaranteeing, maintaining and securing green(er), healthy, resilient and sustainable cities.

## Scholarship on Local Governance and Wetland Protection

This literature review section is two-pronged. It contains literature debates on wetland protection through legislation and policy. It further discusses the nexus between local governance and wetland management in practice. However, it is critical to outline significant gaps in the extant scholarship, a discussion that forms the core of the literature discussion.

Globally, a plethora of literature abounds speaking to varied aspects around wetland protection, including in countries such as Brazil, which seem to have strong environmental policies and laws (Junk et al., 2014). In varied ways, such literature touches implicitly on central and local government's environmental

duties and obligations in regulating wetlands. Admittedly, even in the Brazilian context, opinion differs, with other scholars critiquing the country's wetland legislation's loopholes, particularly the Federal Environmental Laws [or Forest Code] (Rosolen et al., 2015). In the prevailing literature, there is a specific mention of the case study of the United States of America (USA), which seems to have set a precedent for enacting legislation and policies that promote wise use and management of wetlands. There, they have the US Clean Water Act. More importantly, the 2001 Supreme Court Case: *Solid Waste Agency of Northern Cook County v. US Army Corps of Engineers* (SWANCC decision) has contributed immensely in shaping legal advocacy around wetland preservation in the USA (Goldman-Carter, 2005). Though informative, the major shortcoming with the scholarship on the legal dimensions of wetland protection lies in its stretch to proffer legalistic solutions as an end in itself to halt wetland loss (Timoshenko, 1991; Sutton, 1998). One can say with certainty that though legal perspectives are equally important, wetlands protection extends beyond the legalistic purview as it involves the political will, commitment on the level of the local and central government, and concerted public involvement.

Pursuant to the above, a strand of legal scholarship exists at the global scene, providing an ample basis for understanding international environmental law and how it guides wetlands protection (Farrier & Tucker, 2000; Shine & de Klemm, 1999). A fundamental assumption underpinning this scholarship is that a robust legislative environment aid in the protection of wetlands. Notably, as evident in the existing scholarship, even in the existence of sound legal frameworks—it is apparent how in most jurisdictions—urban wetlands are still being exploited in an unsustainable way (Nelson et al., 2017). In joining this debate, the present enquiry based on Zimbabwe adds empirical insights into wetlands protection by explaining why in the face of an enabling policy and legal framework, effective and sustainable wetlands protection remains elusive (Matamanda et al., 2018; Cunliffe, 2020). This also brings us to a discussion on the role and level of commitment of critical government players, particularly decision-makers, in complying with wetlands legislation and adhering to wetlands policies. For instance, in the literature, it is accentuated how in the US jurisdiction, local government has been a credible agent for spearheading effective wetlands management and restoration (Schauwecker, 2008). However, the situation is not uniform as local governments in other jurisdictions are at the fore of disregarding wetlands laws and policies.

Whilst some countries, including developing polities, can take a cue in how robust legislation can foster sustainable management of wetlands in cities, there is a tendency in the literature to solely rely on legal remedies as the panacea to halting wetland loss (Timoshenko, 1991; Armstrong, 2009). To remedy such shortcomings, an emerging corpus of literature articulating how society (urban residents) interface with the law (and vice versa) as well as how capital and politics intersect as far as wetlands management is concerned exists (Matamanda et al., 2018; Sithole & Goredema, 2013; Mutisi, 2014). Consistent with this literature, scholarly work exists in Uganda and Kenya, informing our understanding of how citizens in different temporal and spatial settings are affected by the mismanagement of wetlands (Schuyt, 2005; Nelson et al., 2017).

A wealth of empirical evidence on wetland loss also abounds in Zimbabwe (Cunliffe, 2020; Murungweni, 2013). As extensive as this scholarship has become, it has tended to focus more on factors contributing to wetland loss due to various anthropogenic activities (Matamanda et al., 2018; Mandishona & Knight, 2019; Muziri et al., 2019; Mutisi, 2014). However, less is known regarding the role and efforts of local government in wetlands protection or lack thereof. Again, scholars can also find faults in these corpora of literature in the sense that it pays attention to the challenges affecting wetlands from a broad sweep (see Marambanyika, 2015; Muziri et al., 2019). Consequently, a granular and micro-level analysis on the role played by local governments in wetland loss is often diluted—if not given marginal scholarly and policy attention (Sithole & Goredema, 2013). Instead, the literature has tended to focus mainly on how the ordinary citizen engage in everyday activities, including agriculture, underscoring how this affects wetlands existence (Marambanyika, 2015; Sharai et al., 2020). One can posit, this is only but a partial presentation of a complex and convoluted situation involving a multiplicity of (f)actors. Hence, a need to gaze our analytic attention to law, policy and practice and explore how the transgressions of local government authorities insofar as they engage in activities that aid in the loss of wetlands through acts of omission and commission affects urban sustainability.

Again, to date, there is an observable lacuna in the African scholarship as evident in the dearth of analyses on how and to what extent local governments are adhering to planning, designing and enforcement of environmental legislation in spearheading the protection of urban ecosystems (Swanepoel & Barnard, 2007; Richardson, 1993). Exceptions in the literature do, however, exist. Though few and sparse, some strands of academic literature explicitly detail the role of local governments in spearheading wetlands conservation and protection, namely in the context of Uganda (see Kabumbuli & Kiwazi, 2009; Richardson, 1993) and in South Africa (see, for example, Irlich, n.d.; Pasquini & Cowling, 2015). Despite the existence of this body of research, on the count, scholarly work investigating the role and shortcomings of local government in preserving urban wetlands remains patchy (Kalanzi, 2015). Consequently, we still know relatively little regarding the nexus between local governance, law, politics and wetlands protection in Africa's urban contexts.

## Protecting Harare's Urban Wetlands: Is There Not a Cause?

Undoubtedly, wetlands have numerous widely held benefits, including water provisioning in urban areas, water purification and aiding in carbon dioxide sequestration (*for the latter*, see, for example, Pant et al., 2003). They are also important beyond the regulatory value of carbon dioxide sequestration. In Harare City, wetlands replenish the water source that feeds into Lake Chivero, which provides water to city residents (Cunliffe, 2020). It has also been long observed that agricultural activities in wetland areas come with siltation and eutrophication. This adversely affects the quality and cost of treatment of Harare water through buying more purification chemicals (Gweshe, 2020). In the context of Harare City in Zimbabwe, the local council and Environment Management Agency (EMA) also lament the high rate of

eutrophication and contamination of the downstream Lake Chivero and Manyame, which provides water to the city (Kutaura, 2018). In this regard, Harare City stands to benefit from sustainable management of wetlands within and outside the city environs as wetlands act as carbon sinks for water purification.

That being said, wetlands also shape cities' livability by mitigating the concentrations of heat islands, thus cooling cities, mitigating floods and storms and providing habitat for biodiversity by acting as a sanctuary for mammals and amphibians invertebrates and birds (de Groot, 1992). This is particularly true of Harare City, which boasts several water-dependent ecosystems that spur urban tourism, as evident in tourist travels to Monavale Vlei and Mukuvisi woodlands. Relatedly, wetlands provide an aesthetic value to cities in the sense that they act as urban green spaces that can offer possibilities for recreation and tourism. This is the case in the Monavale vlei in Harare, where tourists enjoy bird watching (BirdLife International, 2015). Again, urban wetlands in Harare enhance the ambience of the city.

In a world increasingly experiencing the effect of climate change, including rising temperatures, heat waves, sea-level rise and declining rainfall coupled with ongoing droughts, wetlands remain vital sources of water (Schuijt, 2002; Turner et al., 2000). Considering that most cities are water-stressed, there is a greater need for wetlands preservation, especially within an urban context that depends on wetlands for water provisioning. This then helps in aiding city sustainability in terms of guaranteeing a constant supply of water. In Harare, the benefits of conserving wetlands need no emphasis, as shown through how the destruction of wetlands has affected the water table often expressed in the drying of the city, engendering water scarcity (Gweshe, 2020; Cunliffe, 2020). Notwithstanding the multiple values, functions and benefits of wetlands, their existence is under threat, not only in Zimbabwe but also at a global level (Ramsar Convention on Wetlands, 2018). It is therefore correct to observe that wetlands are the most threatened ecosystems on earth.

Zimbabwe has seven wetlands classified under the Ramsar Convention's Wetlands of International Importance (UNESCO.ORG, 2013) and in line with the convention these need to be conserved. Whilst three of these are found in Harare, some are situated outside. These are Victoria Falls National Park (site no. 2108), Monavale Wetland (site no. 2107), Mana Pools National Park (Site no. 2106), Lake Chivero and Manyame (site no. 2105), Driefontein Grasslands (site no. 2104), Chinhoyi Caves (site no. 2103) and Cleveland Dam (site no. 2102) (Ramsar, 2016). Despite being recognised under the Ramsar List, these wetlands remain fragile and vulnerable to human exploitation, thereby positing an existential risk to their existence. Numerous other wetlands in Harare have also been affected in an equal measure with the ones listed under the Ramsar List. It is estimated that wetlands in Harare spread over a swathe of 21,750 hectares (Cunliffe, 2020:2).

Indeed, in recent years, the Harare City Council has allocated residential stands to urban residents in wetland areas in Glen Norah, Budiriro, Mabvuku, Warren Park, Waterfalls, Belvedere, Msasa Park and Ruwa in what has come to appear as 'disorderly growth' (Newsday, 26 September 2019). In most cases, the erection of wetland structures has increased the susceptibility to flash flooding, as was the case in some parts of Budiriro and Chitungwiza in 2021 (*The Herald*, 3 February , 2021a). This is considering the role of wetlands in flood mitigation. However, the persistence of

the trend in land use and conversion of wetlands for housing says a lot about the local government's commitment to protecting and managing wetlands for posterity and fostering urban sustainability in terms of securing water quality and availability. Admittedly, the overall benefits of preserving Harare's urban wetlands are worth the cause.

## The Status of Harare's Urban Wetlands

Whilst the status of wetlands in Zimbabwe cannot be divorced from the wetland situation in Harare, the trend in the grabbing of wetlands areas in the latter seems unique. Unlike in other contexts, Harare has witnessed rapid urban growth coupled with the high demand for housing (Sithole & Goredema, 2013; Matamanda, 2020). For this reason, most of the wetland areas in Harare are susceptible to conversion into residential stands. However, not all are converted into residential settlements. Others are a 'hive of commercial activities where service stations, housing communities and other business-related facilities have taken over' (Ruzvidzo, 2020).

To bolster the above, one Zimbabwean urban town planner, Mr Percy Toriro, noted in Harare that as of 2020, about 43–49% of wetlands had been affected by various human activities (Toriro, 2020). Considering such an unpleasant reality, the question that begs an answer is how and why this trend persists, especially under the tacit watch of the Harare City Council (HCC) and the Environment Management Agency (EMA). In part, the explanation and answer to this lie in the confluence of various factors, including urban sprawl, city expansion projects such as urban infrastructure development, waste disposal and cultivation in wetland areas (Muziri et al., 2019). In this regard, there is a groundswell of opinion among scholars that wetlands in Zimbabwean cities, including Harare, are at risk of extinction due to the pressures of urban land use (Murungweni, 2013; Muziri et al., 2019). One can argue that absent change of behaviour from local authorities, this trend seems far from ceasing as epitomised in the endurance of wetlands loss in specific suburbs, including in Kuwadzana, Warren Park, Belvedere, Malbereign, Epworth, Mabvuku and Waterfalls, among others (*Newsday*, 18 January , 2021). In this regard, scholars elsewhere have popularised the need to adopt and embed the Built Environment Sustainability Tool (BEST) to regulate the human-built environment and nature nexus (Gibberd, 2015).

To highlight the precarious nature of urban wetlands in Zimbabwe, including in the capital city Harare, the Parliamentary Portfolio Committee on Environment in 2013 raised concerns over the future of these wetlands in the wake of enduring human activities on urban areas (Parliament of Zimbabwe, 2018). Unfortunately, since then, massive infrastructure developments in human settlements have occurred and continue to destroy Harare wetland areas (*The Herald*, 16 January , 2021b). This is coupled with infrastructure developments for industrial sites and recreational facilities, as evident in the case of former Cabinet Minister Petronella Kagonye, who grabbed Hillside Wetlands in Harare (Gweshe, 2020). Critical to underscore is that this grabbing of wetlands by powerful political elites needs to be understood within the context of corruption in land-use practices and

mis-management superintended by the Harare City Council (Chiweshe, 2020). However, this trend is not novel as it has long been established in the allocation of both residential and business stands by council bureaucracies and elected councillors (see Muchadenyika & Williams, 2017; Uchena, 2019). The trend has a long history stretching to the year 2021. In a 2021 news reportage by Aljazeera, it was noted that 'Harare City Council is facing a rise in illegal settlements which have emerged as powerful businessmen known as land barons have parcelled out land without proper planning and approval' (*Aljazeera*, 11 January , 2021).

An environmental law organisation that has been at the front and centre for litigating for wetland protection in Zimbabwe aptly sums up the status of urban wetlands in the following words:

> Despite the existence of a legal framework seeking to protect them, Wetlands in Zimbabwe are under threat due to agricultural expansion, rapid urbanisation, quarry extraction, drilling of boreholes and pollution, commercial and residential development; road construction; resource extraction; industrial siting processes; waste; dredge and disposal. In Harare, commercial and housing construction projects are the greatest threat to wetlands (ZELA, 2020).

Furthermore, it is evident that as the city of Harare expands, so is the demand for housing. Consequently, this magnifies the ongoing trend in wetland grabbing by land barons in cahoots with local urban councillors to settle housing seekers (Muguti, 2020; *Newsday*, 18 January , 2021). Perhaps more worryingly, such and numerous other irregularities in human settlement patterns happen in contravention of city by-laws on housing and infrastructure development, namely the City Master Plan. That said, analysts have also found faults with the city by-laws, specifically the City Master Plan. In the words of one analyst:

> Archaic legislation on urban land use that is largely silent on wetlands and their invaluable services to the City of Harare is one of the causes of wetland depletion in Harare. Due to lack of an updated Master Plan, Harare's land-use plans are failing to factor in the need for wetlands protection hence the continued depletion of the water sources. Harare's Master Plan was last updated in 1992 (Gweshe, 2020).

Such loopholes in the existing by-laws then raise concern on the efficacy of existing legislation to protect urban wetlands. More concerning, however, is that bar their shortcomings, the extant by-laws are not being fully observed nor adhered to. Consequently, the city authorities then fail to adhere to the dictates of the Urban Sustainability Framework (USF).

Whilst the local government is mandated under the Zimbabwean constitution (Government of Zimbabwe, 2013) and in attendant legislation, including Regional Town and Planning Act (Government of Zimbabwe, 1976) and the Urban Councils Act (Government of Zimbabwe, 1996), to administer urban land, there has been heavy interference in such by the successive Ministers of local government. It is submitted that this heavy interference in the autonomy and independence of

local government in the Zimbabwean context amounts to a usurpation of local government power. In the past decades, there has been a heavy top-down interference in the central government's running and administration of urban local councils (Magaisa, 2020). This, for instance, has resulted in successive Ministers of local government protecting land barons and cooperatives that build and issue residential housing stands in wetland areas (*Newsday*, 26 September , 2019). A few examples suffice here to demonstrate the trend in the 'illegal' and irregular settlement of urban dwellers in Kuwadzana, Glen Norah B, Budiriro, Chitungwiza, Mufakose, Westlea, Crowborough and Epworth under the watch of the city council (Ruwende, 2018; Kutaura, 2018). Consistent with this observation, the Director of the Harare Residents Trust—Mr Precious Shumba, revealed that '[t]hese stands are … processed through partisan and manifestly corrupt systems which have served the corrupt councillors well' (Kutaura, 2018).

As insightful as the above claim is, it is imperative to underscore that a chain of actors necessitates the settling of home seekers in areas earmarked as wetlands in the greater part of Harare. They include local land barons, housing cooperatives, local party leadership, city bureaucrats, land developers and influential politicians (*The Herald*, 27 November , 2020; Uchena, 2019). This has been compounded by the fact that Zimbabwe's local government officials often kowtow to the Minister's dictates in this illegal acquisition of urban land (African Centre for Cities, 2015). In this regard, one legal scholar does blame the law for giving the local government Minister excessive powers. He opines that '[t]he significant powers of the Minister of Local Government are conferred by statute, principally, the Urban Councils Act. These powers make the Minister an authoritarian overlord in relation to local authorities" (Magaisa, 2020). Regarding the blame game surrounding city administration insofar as settling urban dwellers in wetlands is concerned, there is more to what meets the eye.

The blame cannot only be apportioned to the unfettered and discretionary powers of the Minister who hails from the governing Zimbabwe African National Union-Patriotic Front (ZANU-PF) party. This is not to exonerate him or her but focusing on the Minister alone will be settling for the all-too-easy explanations as it presents only part of the picture. The complexity characterising the regulation of urban land goes beyond a single party (Matamanda & Chinozvina, 2020; Chiweshe, 2020). It is writ large that local politics influence the regulation and governance of urban space, particularly within Harare City. The revelation by a Budiriro councillor—Sydney Chirombe—is quite revealing, which is reproduced below 'in my ward. We have witnessed a high number of land grabs and all this is as a result of corruption. As a result, we have houses being built on wetlands in direct contravention of the law' (*The Zimbabwean* 27 July 2017). That this trend occurs notwithstanding the existence of city by-laws and under the watch of the responsible councillor is disconcerting. The heavy involvement of the opposition Movement for Democratic Change (MDC) councillors in allocating housing and business stands in areas earmarked as wetlands is one such example of party politics encroaching into urban land governance.

In 2021, the MDC controls 28 out of the 32 urban municipalities. It means they control Council decision-making, especially regarding matters of urban land use and

allocation. Nevertheless, the situation has not been helped by the 'contestation over the use of administrative powers between the central government and local authorities' (Magaisa, 2020). This duel manifests in the control and regulation of urban state land, particularly in Harare, including areas earmarked as protected or wetland areas.

The other challenge contributing to wetlands destruction in Harare is the blurred responsibility or obligations on who controls and manages these wetland areas. There is no clear-cut distinction on who controls and regulates the land under which wetlands fall between central government, local government and governmental agencies, including the Environmental Management Agency (EMA). This is even though local councils are the ultimate arbiters of urban state land as provided by the Urban Councils Act and the national constitution (Muguti, 2020). In sync with the point raised above, it is critical to quote one EMA official who noted that 'the agency carries out ecological assessments for free. However, the agency does not allocate land, but only ensures that any proposed development is ecologically sound, socially acceptable and environmentally safe' (*Newsday*, 18 January , 2021). This said, the buck stops with the local council in terms of the environmental management function of open spaces and wetlands (Sithole & Goredema, 2013:196). However, this is not to imply that it is solely the local council that should deal with state land regulation issues, especially where environmental concerns are at stake. The environmental function rests with the central government, specifically the Ministry of Environment and Climate Change (Government of Zimbabwe, 2013). This being the case, it is correct to state that the law provides for shared responsibility in wetland management. As part of this dual management, governmental agencies such as the EMA falling under the Ministry of Environment and Climate Change also have a mandate given at law under the Environmental Management Act (Chapter 20:27) to regulate land developments that occur in cities, especially in matters relating to the environment and sustainable land use (Government of Zimbabwe, 2003).

However, the general lack of cohesion, collaboration and coordination between central and local government and other government agencies in wetland protection in practice engenders the ongoing depletion of Harare's wetland areas (*Newsday*, 18 January , 2021). A telling example is the case of a Chinese company, Anhui Foreign Economic Construction. The company, with the approval by the Harare City Council and Minister of Local Government and Public Works and National Housing, constructed the Long-Chen Plaza Mall in 2012, which eventually opened its gates to the public in 2013 but amidst clamour by environmentalists that the structure was erected in a wetland site (Mawire, 2015). That the Harare City council continues to prioritise such and many other mega developmental projects even when the Environmental Management Agency fined it speaks to the high levels of disregard and flouting of environmental law by the city planners and designers ahead of capital. Such behaviour and actions from local government and businesses display the role and effect of corruption entwined with the absence of collaborative urban development planning approaches that seek to maintain sustainable land uses (wetland management) in cities in sync with the Urban Sustainability Framework.

## Seeking Wetlands Protection Through Law and Policy in Zimbabwe

As to current, Zimbabwe has adapted international environmental instruments to suit the local context at the country level. The question, however, is whether and to what extent are these legal instruments effective in regulating urban wetlands in Harare City. Globally, several multilateral environmental agreements (MEAs) speak more broadly about conserving and managing ecosystems and biodiversity. Zimbabwe is a state party to some of these. An example of such biodiversity-related MEAs includes the Convention of Biodiversity (Ramsar Convention, 2018). The only international legal treaty that specifically and explicitly outlines global wetlands management strategies and actions is the Ramsar Convention which also guides wetlands conservation in Zimbabwe as attested in the country's wetlands that are listed under the Ramsar List (Matamanda et al., 2018). Under the 'wise use' regulation, the Ramsar Convention stipulates contracting parties to adopt domestic, regional and international actions to protect and promote conservation and astute utilisation of wetlands (Farrier & Tucker, 2000). Thus, Zimbabwe derives its wetland-related legal frameworks from these international instruments. The question remains whether the country adheres to the provisions of the Ramsar Convention in totality, with the answer painting a depressing picture. This is apparent in the wilful disregard of the provisions of the Convention as exemplified in the wanton destruction of wetland areas by the city authorities.

To show its global commitment to wetland protection 'on 3 January 2013, Zimbabwe deposited with the Director-General its instrument of accession to the Convention on Wetlands of International Importance especially as Waterfowl Habitat adopted at Ramsar in 1971 as amended in 1982' (UNESCO.ORG, 2013). In later years, it has proven that such an act is simply not enough as it fails to match with corresponding local and central government commitment to wetlands management. Significant to note is that Zimbabwe did not only ratify the Convention in 2011 but went on to put in place policy and legislative measures to domesticate the provisions of the Convention under the Environmental Management Act (EMA) (Government of Zimbabwe, 2003). Again, Zimbabwe is part of the African Convention on the Conservation of Nature and Natural Resources (see the *Revised Edition*, [2017]). In sync with the spirit of abiding by international law, the country also observes and celebrates World Wetlands Day in February of each year. Under its international treaty obligations, Zimbabwe's seven wetland sites have been listed under the Ramsar Convention, with some of these being found in Harare—a city that has witnessed wetlands loss at an unprecedented level. Critical to note is that Zimbabwe acceded and ratified several international legal instruments, including the Paris Agreement, ratified on 7 August 2017, and the United Nations Framework Convention on Climate Change (UNFCCC) ratified on 3 November 1992 (InfoMEA n.d). The Paris Agreement obligates nation-states explicitly to develop Nationally Determined Contributions (NDCs) in the form of Nature-based Solutions (NbS), including wetlands management and conservation to mitigate climate change. However, what is critical to note is that it is something else to ratify treaties, in this case, environmental treaties, and it is

another to implement provisions of such treaties at the local government level. The Harare wetlands situation bears testimony to this claim.

The Zimbabwean constitution also provides legal provisions that stipulate the governance and management of the environment though not explicitly mentioning wetlands (Matamanda et al., 2018:5). Nonetheless, the constitution provides for the justiciability of environmental right (Government of Zimbabwe, 2013). Admittedly, despite the constitutional provisions enjoining citizens and other stakeholders not to destroy the environment, Harare wetland areas have been under attack in the past years (*The Zimbabwean*, 27 July , 2017). This is against the existence of a slew of by-laws and legal instruments guiding wetlands use, conservation and management in Zimbabwe. These include the Environmental Management Act (Chapter 20:27), the Regional Town and Country Planning Act (Chapter 20:27), the Statutory Instrument 7 of 2007 Environmental Management (EIA and Ecosystems Protection Regulations) and the Water Act of 2002. Despite the existence of such legislation guiding wetlands management which spell out the obligations of (duty bearers) how and in what ways the state through local government can manage wetlands sustainably, this has not aided in the conservation of wetlands. In fact, there is ample proof of wilful disregard of wetlands laws at the local government level, particularly in Harare City. This has prompted public interest groups to lodge court cases suing the central, local government and private land developers. One is the insightful case were with the help of one public interest group:

> Greendale Residents and Ratepayers Association argued that CoH had proceeded to continue with housing developments on the Latimer/Greengroove Wetland Area and the Nature Reserve and Open and Passive space also known as Stand 298 Athlone Township in the Mukuvisi Catchment Area in Greendale suburb in flagrant defiance (Zimbabwe Lawyers for Human Rights, 2019).

The next section discusses the variegated challenges in embedding wetlands conservation in Harare.

## Towards an Understanding of the Challenges in Wetlands Protection in Harare City

Indisputably, numerous challenges stand in the face of the Zimbabwean government's efforts concerning wetlands conservation in Harare and elsewhere. This is partly because the regulation of wetland areas in Harare has not been easy due to the challenges that riddle local government. This relates to the local government system and architecture, notably the complexities and tensions emanating from a tussle for power, domination and control between the two main political parties, the ruling ZANU-PF party and the opposition MDC (Chiweshe, 2020). The former controls the Ministries of Local Government and Environment and Climate Change and the council bureaucracy, whereas the latter provides the councillors. It is the case that the bureaucracy and the line Ministers often water down the council city planning and governance decisions, especially those involving land use and allocation, including wetland areas (*Newsday*, 18 January , 2021). Consequently, city governance

becomes an inherently political rather than administrative affair involving the balancing of the various intersecting party, political and business interests, power, positions and domination at the detriment of sound environmental planning. To buttress this point, one can refer to how the ZANU-PF-led government through one of its official—Patrick Chinamasa—blamed the opposition in the following words: 'Under the watch of the MDC-A local authorities houses were built in wetlands, over sewer lines sometimes under electricity pythons and space left for amenities was also not spared' (*The Herald*, 27 November , 2020). Consistent with the above theme on land corruption and about Harare city 'illegal' settlements, one analyst had the following to say:

> Corruption and abuse of office has led to inappropriate allocation of land. Land barons have also been banking on corruption and political connections to grab land in Harare, and wetlands have not been spared (Gweshe, 2020).

Another challenge in effecting practical action in sustainably conserving wetlands in rural and urban areas in Zimbabwe is that up to the current, the country does not have a National Wetlands Policy (Parliament of Zimbabwe, 2018) despite ongoing efforts to have one (Government of Zimbabwe, 2020). This is, however, not to suggest that the absence of Wetlands Policy justifies the growing trend of wetlands loss and the continued invasion of wetland areas in the City of Harare. Instead, the availability of such a policy will at least spell out the policy directives at the local and central government levels that should be followed in preserving and rehabilitating wetlands. This is standard practice in other jurisdictions (see for example, in South Africa, Pasquini & Cowling, 2015). However, what one cannot say with certainty is whether the availability of a wetlands policy and the current efforts of mapping wetlands geared at having an inventory of wetlands in the country (*The Herald*, 24 June , 2021c) will translate into adequate wetlands protection at local and central government levels in Zimbabwe. This is considering that to date, there is little or lack of commitment at the local government level to abide by existing city by-laws, including the City Master Plan, Regional Town and Country Planning Act (Community Water Alliance, 2021).

Furthermore, Harare City Council's efforts geared towards effective management of wetlands in the city are also hampered by the palpable lack of clear responsibility regarding wetlands conservation between various departments in the local government level. These include the Environmental Committee, Department of Physical planning pitying the Ministry of Environment, Climate Change, Tourism and Hospitality Industry, and state-owned enterprises (SOEs), including EMA. The blurred boundary on whose responsibility wetlands management falls under continues to stymie efforts towards a synergised approach to wetlands management at the local government level. A fair and benign observation is that it does seem, the Harare City Council leaves all matters to do with the regulation of wetlands and marshes to EMA (Government of Zimbabwe, 2003). Yet, it has the mandate and oversight over urban land regulation (African Centre for Cities, 2015). In other words, the local government should be the first line of defense of the environment. However, this is far from the reality on the ground. It could be that the above-stated complexity emanates from the dual management of urban land by EMA, which falls under the

parent Ministry of Environment and Climate Change and City Council falling under the Ministry of Local Government, Public Works and National Housing (African Centre for Cities, 2015). However, this is not to find an easy target to shoulder the council's blame over the mismanagement of urban wetland areas. Admittedly, there is a better way to address this by developing a synergised and synchronised approach to wetlands conservation among different government tiers (local, provincial and central), which is, unfortunately missing in Harare.

## Conclusion

The study outlined how and in what ways the protection and management of urban wetlands remain a challenge, especially in rapidly urbanising cities such as Harare that is grappling with various human activities, including an expanding housing sector, heightened urban agricultural activities and burgeoning industrial development. It was argued that this trend is enduring against a backdrop of a complicit local government that pays lip service to wetlands protection due to acts of commission and omission. The discussion outlined that despite having local government policies and laws, they have remained inadequate or ineffective in halting wetlands loss in Harare City, which seems to be the trend in African cities grappling with irregular settlement patterns. This is partly attributable to how political and city officials undercut effective local governance, as evident in how business interests rise above efficient town and city planning that prioritise wetlands conservation.

More importantly, the study also outlined the limitations of relying on the law (legal remedies) in spearheading wetlands protection in the context of a city encumbered with entrenched corruption depicted in land misuse and mismanagement at the local government level. From this premise, the law alone is not enough, a deterrent to halt the destruction of urban wetlands. This is particularly truer in contexts where local and central government authorities are complicit in corrupt land-use practices, including settling residents and allocating business people industrial and commercial stands in wetland areas. The study also found evidence to the effect that wetlands laws and policies without political commitment, concomitant and bold policy decisions to stem land corruption will do little in halting the tide of wetlands grabbing and destruction in Harare city. The study underscores a need for a reformist agenda coupled with strengthening of existing by-laws, effective enforcement of laws, implementation of wetland policies and the commitment and will to stem land-based corruption in urban areas at the local government level. It is posited that further research should examine how a multiplicity of stakeholders, including residents, CSOs and NGOs, can collaboratively encourage or nudge local governments within African cities to adhere to wetlands laws, observe city by-laws and implement wetlands policies. It is hoped such advocacy and educational campaigns will promote the need for strengthening of institutional frameworks, regulatory policies and laws in seeking to realise sustainable management of wetlands that will usher resilient, sustainable and green(er) cities in sync with the Urban Sustainability Framework.

**Declaration**

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