INCLUSIVENESS OF URBAN LAND GOVERNANCE IN THE CITY OF LUSAKA, ZAMBIA

BY

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A dissertation submitted to the Department of Geography and Environmental Studies, University of Zambia in partial fulfillment of the requirement for the award of the Degree of Master of Science in Spatial Planning.

THE UNIVERSITY OF ZAMBIA

LUSAKA

2019
DECLARATION

I hereby declare that this dissertation is my own work. Neither the material nor any part of the dissertation has been submitted in the past, or is being, or is to be submitted for a degree in the University or any other University. All published work or material from other sources incorporated in this dissertation has been acknowledged and adequately referenced.

I therefore present this dissertation for examination for the Degree of Master of Science in Spatial Planning to the University of Zambia.

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APPROVAL

This dissertation by Mubanga Lupale has been approved as fulfilling the requirements for the award of Master of Science in Spatial Planning by the University of Zambia.

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Examiner 3

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ABSTRACT

Many cities in developing countries are experiencing urbanization characterised by the continuous proliferation of informal settlements. Thus, this study assessed the inclusiveness of land administration in the City of Lusaka. It was guided by three objectives: to determine the inclusiveness of the city’s land administration system; to assess the roles of stakeholders in promoting an inclusive land administration system and to examine how the land administration system in the City of Lusaka has influenced the development of informal settlements in the city. To achieve these objectives, in-depth interviews, interview schedules and a review of documentary sources served as research methods. The sample comprised of 10 key informants purposively selected from government institutions/civil society organisations and 60 respondents conveniently drawn from informal settlements. The resulting data were analysed thematically and using descriptive statistics.

The study findings revealed that land administration in the City of Lusaka is not inclusive, due to the prevailing unclear land laws and processes, a poor land information management system, an ineffective dispute resolution mechanism, inadequate public participation in land related processes, unaffordable land premiums and public officials not performing their duties diligently and impartially. The study findings further revealed that civil society organisations’ roles in land administration include advocating for pro-poor land, housing and planning policies, raising community awareness, researching on emerging pressing issues and holding public entities to account. However, these efforts have not been consistent as they are hindered by authoritarian political control and limited human and financial resources, among others. The study also found that the development of informal settlements is a result of bottlenecks in land delivery and planning legislations and poor coordination among government entities responsible for land governance. These difficulties have been exacerbated by inadequate human/financial resources, the politicising of the land sector and Bureaucratic red-tape.

Therefore, the study suggests a preventative approach in dealing with the problems noted by resolving challenges of inconsistent legal and institutional frameworks, developing a pro-poor land development policy and putting in place regulations to support the Lands Act of 1995, developing mechanisms of sanctioning and holding erring officers to account. To achieve sustainable development goal number 11(making cities and communities sustainable) in Zambia requires more research on tenure responsive land use planning in order to understand existing community dynamics (including economic and social support networks) and implementing practical changes in tackling informality. This is because land administration problems manifest themselves after a substantial period.

Key Words: Urban, Land Governance, Inclusiveness, City of Lusaka.
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<tbody>
<tr>
<td>AfDB</td>
<td>African Development Bank</td>
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<tr>
<td>AUC</td>
<td>Africa Union Commission</td>
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<tr>
<td>CFHHZ</td>
<td>Civic Forum for Housing and Habitat Zambia</td>
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<tr>
<td>CSO</td>
<td>Central Statistical Office</td>
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<tr>
<td>DPP</td>
<td>Department of Physical Planning</td>
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<tr>
<td>ECA</td>
<td>Economic Commission for Africa</td>
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<tr>
<td>FAO</td>
<td>Food and Agriculture Organisation</td>
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<tr>
<td>GRZ</td>
<td>Government of the Republic of Zambia</td>
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<tr>
<td>IDPs</td>
<td>Integrated Development Plans</td>
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<td>JICA</td>
<td>Japanese International Cooperation Agency</td>
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<tr>
<td>LCC</td>
<td>Lusaka City Council</td>
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<td>LWSC</td>
<td>Lusaka Water and Sewerage Company</td>
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<tr>
<td>M &amp; E O</td>
<td>Monitoring and Evaluation Officer</td>
</tr>
<tr>
<td>MLNR</td>
<td>Ministry of Lands and Natural Resources</td>
</tr>
<tr>
<td>NGOs</td>
<td>Non-Governmental Organizations</td>
</tr>
<tr>
<td>NWASCO</td>
<td>National Water and Sanitation Council</td>
</tr>
<tr>
<td>PPHPZ</td>
<td>People’s Process on Housing Poverty in Zambia</td>
</tr>
<tr>
<td>TCPA</td>
<td>Town and Country Planning Act</td>
</tr>
<tr>
<td>TIZ</td>
<td>Transparency International Zambia</td>
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<tr>
<td>UN</td>
<td>United Nations</td>
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<td>UNECE</td>
<td>United Nations Economic Commission for Europe</td>
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<td>UN-FIG</td>
<td>United Nations International Federation of Surveyors</td>
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<td>UNZA</td>
<td>University of Zambia</td>
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<td>URPA</td>
<td>Urban and Regional Planning Act</td>
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<tr>
<td>ZDA</td>
<td>Zambia Development Agency</td>
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<td>ZEMA</td>
<td>Zambia Environmental Management Agency</td>
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<td>ZILMIS</td>
<td>Zambia Integrated Land Management Information System</td>
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<td>ZLA</td>
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CHAPTER ONE
INTRODUCTION

1.1 Background

In many developing countries, urbanization has become synonymous with slum formation, where the deprivation of basic social services and insecurity of tenure are the key features of life (UN-Habitat, 2010; Antonio, 2011). This has been attributed to a lack of effective pro-poor and fit-for purpose land administration and land-use planning and controls (Ghazi et al., 2017). In view of the above, the United Nations (UN, 2015) is advocating for good governance in land administration in order to develop cities and human settlements that are inclusive, safe, resilient and sustainable. From a land development perspective, this demands a transparent, accountable, effective, efficient, equitable and well-functioning land administration system (Sylla et al., 2016).

In Zambia, land has become a commodity that is not easy to access by the poor and vulnerable, despite the country having committed to the Habitat III Agenda on Urbanization and Development. This is due to deficiencies in land administration such as corruption, lack of transparency and unfairness in land allocation (Transparency International Zambia, 2011). This situation has given rise to middlemen profiting from illegal brokerage of public land resources in the city.

With the fast growing urban population estimated to grow at a rate of 4.9% per annum as opposed to 3.2% for Kitwe, 3.1% for Livingstone, 1.9% for Ndola and 4.2 % per annum for the national (CSO, 2010; CSO, 2013), the City of Lusaka is experiencing unprecedented pressure on land. This has resulted in a shortage of housing land and subsequently increased land values which discriminate against the poor and vulnerable for whom access to land has become increasingly difficult. This is due to the growing gap between current patterns of urban land administration and what is required to make cities inclusive, productive and sustainable (Mitchell et al., 2016). In other words, policies, strategies and plans have not kept pace with the speed of urban transformation, while many forces and stakeholders are incentivizing the uneven and unequal development (Enemark et al., 2014). This has sparked debates about the land administration system focusing on the lack of land policy, poorly coordinated
institutions, lack of urban poor participation and transparency and weak capacity for implementation and monitoring of laws and spatial plans. This is likely to continue and impact negatively on the city’s development if land governance is not changed.

This calls for a move towards pluralistic policies and frameworks that mainstream good governance principles in land administration (Palmer et al., 2009; Mauerhofer, 2013). According to Sungema et al., (2014), international organizations and land administration experts have developed a list of variables to assess good governance in land administration. The common variables are transparency, accountability, participation, equity, and efficiency and effectiveness. These constitute the backbone of the new urban agenda framework for inclusive cities. In this regard, the realisation of good governance principles is vital for achieving a sustainable urban future. This, however, needs a coordinated and collaborative framework that is multi-disciplinary and involves all stakeholders. This study therefore seeks to establish the inclusiveness of land administration in the City of Lusaka by pegging it against good land governance principles.

1.2. Statement of the Problem

The City of Lusaka has continued to witness persistent increase in informal settlements, largely in unsafe, hazard-prone or unsuitable areas. According to Mulolwa (2016), the number of informal settlements has increased from 37 to 43, while statistics from the People’s Process on Housing and Poverty in Zambia (PPHPZ) indicate that the figure is at 49 (Interview, PPHPZ official, 16th June, 2017). This implies that there are now more people living in informal settlements in the City of Lusaka than the 70 percent estimate given by the World Bank (2002) and UN-Habitat (2010). This negatively impacts on the wellbeing of often the most vulnerable and disadvantaged residents in peri-urban settlements by causing inequities such as lack of vital social amenities like water and sanitation, schools, health facilities, among others.

In recent decades, an extensive body of literature has emerged on the drivers of informality. These are categorised as exogenous factors such as rapid urbanisation, lack of affordable housing and housing land for the poor, Weak urban land governance (legal frameworks and policies, urban planning for various human land uses, discrimination and marginalization), displacement caused by conflict, natural disasters
and climate change) and endogenous factors mainly summed as economic vulnerability of the urban poor (Siame, 2013; Qian, 2014 and Chikuta et al., 2017). Whereas a number of studies have been done concerning changes in urban planning strategies to combat informality and poverty, few studies have been done on the combination of land use planning and tenure security improvement in improving the living conditions of the urban poor. The latter is important as new urban planning strategies such as upgrading of informal settlements have been noted to have adverse effects such as creating opportunities for gentrification. In Kalingalinga, “some property owners in the settlement have realised how beneficial it has become to sell their property, which earlier was worth nothing but, with the on-going improvements, is appreciating over time” (Chikuta et al., 2017:47). This entails displacement of the urban poor (lower income residents) to the urban fringes thus contributing to the urban sprawl and creating favourable conditions for more informality in the City of Lusaka. This tendency is against the principles of equitable access to urban amenities and secure tenure for all, as emphasised in the Constitution of Zambia (Amendment) Act, 2016 and Habitat III agenda. Leaving such urban characteristics unexplored can result in the failure to come up with responsive land administration system that focuses on the problems of the poor and vulnerable in informal settlements. It is in this vein that the inclusiveness of land administration in the City of Lusaka be investigated in order to address these challenges.

1.3. Aim

To assess the inclusiveness of land administration system in the City of Lusaka as a process in regulating land based development.

1.4. Objectives

The objectives of the study are to:

i. Determine the extent to which inclusiveness parameters manifest in the land administration system in the City of Lusaka.

ii. Investigate the role of stakeholders in promoting an inclusive land administration system in the City of Lusaka.
iii. Examine how the land administration system in the City of Lusaka has influenced the development of informal settlements in the City.

1.5. Research Questions

This study answered the following questions:

i. To what extent do inclusiveness parameters in land governance manifest in the City of Lusaka’s land administration system?

ii. What efforts by stakeholders promote inclusiveness in land administration in the City of Lusaka?

iii. How does the current land administration system contribute to informal and unregulated land based development in the City of Lusaka?

1.6. Significance of the Study

The study findings will help highlight institutional trends and power relations in land acquisition and its development. Thus, the study will help Policy makers and planners re-define future land development policies and strategies by putting in place clear mechanisms and guidelines that encompass foundations for strategic planning regarding matters of national interest and vision. This would further help subvert the risk of growing urbanization of poverty and various forms of exclusions in the City of Lusaka. This implies that urban land governance problems will be dealt with at inception rather than when they are already in existence. Secondly, politicians will be enlightened about the consequences of politicising land administration procedures and standards and the effect this has on building sustainable cities.

Academically, the study findings will contribute to knowledge on urban planning (technical processes, consideration and features that are involved in planning for land use and urban design). Further, the study will contribute to debates on issues of urban land question by highlighting the political economy of land in the City of Lusaka especially on questions about unequal access, ownership and distribution of urban land in Zambia. This is so as cities are and will always remain the centres of global finance, industry, communications and home to high productivity and a wealth of cultural diversity. Moreover, addressing land administration challenges is critical since it permeates many processes or decisions, whether in terms of the economy, food
security, demography, environmental protection and climate change, social justice, peace building, human rights or sustainable housing and urban development. This is because almost every facet of society is in one way or another linked to land.

1.7 Organisation of the Dissertation

This dissertation is divided into six chapters. Chapter One presents the basis for the study. Chapter Two provides the relevant literature review on the theoretical foundations of good governance in land administration and inclusive cities and the linkages thereof, while Chapter Three describes the study area in terms of the location and size, drainage, geology, climate, population, administration, infrastructure and socio-economic activities. Chapter Four provides the research methodology employed in terms of research design, sample size and sampling procedure, data collection methods, data presentation and analysis and limitations. The study findings are presented and discussed in chapter five from a perspective that focuses on the extent to which inclusiveness parameters are harnessed in the city’s land administration, efforts of stakeholders in achieving an inclusive land administration in the City of Lusaka and the implications on the development of informal settlements. The sixth chapter looks at the conclusion and recommendations arising from the findings and discussion in Chapter Five.
CHAPTER TWO
LITERATURE REVIEW

2.1. Introduction

This chapter explores the concepts of land governance, good governance in land administration and inclusive cities. This is done by providing theoretical insights into the concepts of good governance in land administration and inclusive cities in the wake of the new urban land agenda. The chapter is divided into three sections. The first section provides insights into land governance and good land administration from the perspective of the political economy of land. The second section reviews the concept of inclusive cities to provide a critical perspective on the needs of different socio-economic groups. This is followed by a section that links good governance in land administration and inclusive cities. This subsequently leads to knowledge contribution, summary of the chapter and assessment framework.

2.2 Land Governance and Good Governance in Land Administration

2.2.1. Land Governance

Land is a critical resource for human survival in terms of social, cultural and economic development (Zambia Land Alliance, 2014). The forging entails the need for land governance to offer effective ways of access, ownership and control of land in the quest to empower communities and enhance the well-being of cities and citizens. According to the AUC-ECA-AfDB (2010: 20), land governance is defined as the “processes by which decisions regarding access to and use of land are made, the manner in which those decisions are implemented, and the way in which conflicting interests in land are resolved or reconciled”. The World Bank (2012) states that land governance involves the rules, processes and structures through which decisions are made about the use of and control over land, the manner in which the decisions are implemented and enforced, and the way that competing interests in land are managed. In this regard, the UN-Habitat raises fundamental issues regarding the two narratives. These are:

the focus on decision-making, implementation and conflict resolution; an emphasis on both process and outcomes; a need to understand both institutions (rules) and organizations (entities) and the broader social and political context
in which the land system operates; recognition of statutory as well as customary informal/extra-legal institutions and organizations, and analysis of stakeholders’ interests, incentives and constraints (UN-Habitat, 2013a:21).

Thus, what is important about the definitions is the need for institutional and organisational changes to cope with current and future challenges as there is a link between the effectiveness of urban land governance and land development/service provision in many cities (UN-Habitat, 2013b; Enemark et al., 2014; Qian, 2014). This is because land governance in most liberalised economies has become a means of accumulating and dispensing political and economic power and privilege, resulting in patronage, nepotism and corruption in the land sector. In this regard, good governance in land administration is recognized as a platform for achieving development potential, implementing effective and efficient systems. The next subsection provides the theoretical underpinnings of land administration.

2.2.2. Land Administration

Land administration systems provide a country with an infrastructure (legal, social, economic and technical) for implementing land policies and land management strategies in support of sustainable development within which land managers and administrators operate (Williamson et al., 2010; Enemark et al., 2014).

Land administration, on the other hand, involves the “processes of regulating land and property development, the use and conservation of land, the gathering of revenues from the land through sales, leasing and taxation, and the resolving of conflicts concerning the ownership and use of land” (Dale and McLaughlin, 1999:160). What is worth noting from the above definition is that land administration is about more than land alienation. In this regard, Enemark et al., (2014: 322), notes that “land administration has evolved out of the cadastre and land registration areas of providing information systems with specific focus on security of land rights to enabling infrastructure for implementing land policies in support of sustainable development”.

Thus, modern land administration systems are designed to deliver and encourage integration of the four major land administration functions, which are land tenure (securing and transferring rights in land and natural resources), land value (valuation and taxation of land and properties), land use (planning and control of the use of land and natural resources) and land development (implementing utilities, infrastructure
and construction planning) (UN-Habitat, 2013b). From a global perspective, land administration systems act within adopted land policies that define the legal regulatory pattern for dealing with land issues, which in turn imposes mandates and responsibilities on the various agencies and organisations involved. With regard to sub-Saharan Africa, the basic systems of land registration are said not to be in place, and the human rights perspective is largely ignored (and alleged to serve only the elite). The next subsection provides theoretical foundations of good governance in land administration.

2.2.3. Good Governance in Land Administration

There is no unique or complete definition of ‘good governance,’ and good governance in land administration cannot strictly be differentiated from other sectors (Menzerere, 2013). Rather, there is a list of qualities and expectations that surround the notion of ‘good’ governance. According to Sungema et al., (2014) and Melese (2016), international organizations and land governance scholars have developed a list of variables to assess good governance in land administration. These include the UN-Habitat (2004), Food and Agriculture Organisation- FAO (2007), the World Bank (2007), Arko-Adjei (2011), Deininger et al., (2012) and Sungema et al., (2014). The five principles in the UN-Habitat framework are “effectiveness, equity, accountability, participation and security” (UN-Habitat 2004:14). It is worth noting that this framework does not have the principle of transparency. The framework devised by FAO comprises twelve (12) principles, namely: “efficiency, responsiveness, competence, transparency, consistency, accountability, equality, sustainability, participation, security, integrity of land officials and locally responsive land administration systems” (FAO, 2007:9). It is notable that marketization does not form part of the FAO framework. The eight (8) principles developed by the World Bank (2007) include fairness and equity, market justified land management control, transparency, good land information, clear procedure in land disposition, recognition of social land rights and market based valuation of land and a good land disputes settlement system. Frameworks for land governance scholars have constituted a combination of the three aforementioned frameworks. The frameworks for Arko-Adjei (2011) and Sungema et al. (2014) comprise five dimensions: participation, equity,
transparency, accountability, and efficiency and effectiveness. Thus, key areas of good land governance are:

A legal, institutional, and policy framework that recognizes existing rights, enforces them at low cost, and allows users to exercise them in line with their aspirations and in a way that promotes the benefit of society as a whole; arrangements for land use planning and taxation conducive to avoiding negative externalities and supporting effective decentralization; clear identification of state land and its management in a way that provides public goods cost effectively; use of expropriation as a last resort only to establish public infrastructure with quick payment of fair compensation and effective mechanisms for appeal; and mechanisms for divestiture of state lands that are transparent and maximize public revenue; public provision of land information in a way that is broadly accessible, comprehensive, reliable, current, and cost-effective in the long run and accessible mechanisms that resolve dispute and manage conflict with clearly defined mandates, and low cost of operation. (Deininger et al., 2012:28).

It must be emphasised that the above frameworks are meant to enhance commitment and building capacity in stakeholders in order to improve structures and land administration systems of.

### 2.2.4. Importance of Good Governance in Land Administration

Good Governance in Land Administration is said to protect the livelihood of vulnerable groups; encourage long-term investment and enhance local government accountability, among others (Arko-Adjei, 2011; Deininger et al., 2012).

International organisations and land governance scholars have recognised good land governance as an important factor in improving land tenure security, especially for vulnerable groups. This is because improved security of tenure contributes to the eradication of poverty and the achievement of sustainable development goals by encouraging long term investments (UN-FIG, 2001; World Bank, 2001). This is because land ownership and secure tenure opens personal credit markets for investments in land buildings, provides a social safety net and transfers wealth to next generations (De Soto, 2000; Wickeri and Kalhan, 2010; UN-Habitat, 2013b). For example, those who have secure land rights, unlike those who have short-term land rights, are likely to apply their full efforts into making long-term improvements or investments attached to the land. Contrarily, insecure or short-term land rights lead residents to not exercise their full energies into making long-term improvements or
investments attached to the land, as they spend significant resources to defend their basic rights to the land. For instance, due to insecure tenure, residents are forced to leave a family member at home to guard their property, rather than attend work or go to school (Payne et al., 2001, Porio and Crisol, 2004). Moreover, when tenure rights are insecure, people have reduced incentives to invest in and upgrade land and housing. Furthermore, residents are likely to face limited access to basic services. Moreover, infrastructure projects and foreign investments expose those with insecure tenure to eviction without suitable resettlement alternatives.

It however worth noting that contemporary debates on the subject of tenure security and land investment of informal settlements show that formalisation of land rights leads to re-crowding, community opposition, gentrification and creation of gated communities. In this regard, improvement of informal settlements results in the displacement of poor who are unable to pay higher rentals or to afford buying real estate in the area (Levy et al., 2006; Chikuta et al., 2017, Samboko, 2017). This is to say that in the production of a formalised space, wealthy urbanities buyoff original informal settlers creating a continuous cycle of urban informality.

For the environment, good governance in land administration creates an incentive for landowners to use their land in a sustainable manner. For instance, transparent land administration, combined with people’s participation, helps protect the environment as it reduces illegal settlements in environmentally sensitive areas (UN-Habitat, 2013b). Further, Nyametso (2012) suggests that tenure security can reduce littering of open spaces ‘no man lands’ which in turn decreases pollution. Thus good land administration has potential to subvert the risk of environmental degradation and improve the health for residents to name but one of several benefits.

If land institutions function properly, land taxation provides a simple yet efficient tool to increase effective decentralization and to foster local government accountability. Good governance in land administration also allows the state to benefit from land taxation, which in turn helps to better prepare and enforce land use plans (UN-Habitat, 2013b). This is because such governance brings land transfers back into the formal market and also helps protect state assets from illegal exploitation and sale. Furthermore, good governance in land administration is fundamental to sustaining social and political stability as citizens are more likely to adopt good behaviours and
gain more confidence in each other, the state and institutions. Thus, clear and transparent rules, efficient processes and access to land information leads to a reduction in land conflicts, transaction costs and corruption, which subsequently have a direct impact on improving the lives of the poor and vulnerable. The next section reviews political economy of land (power relations) land administration in Zambia and the City of Lusaka from the political economy of land.

2.3. Political Economy of Land (Power Relations) in Zambia and the City of Lusaka

The “political economy perspective of land is about the power structure of society reflected in the rules and regulations guiding land administration” (UN-Habitat, 2010:26; Koechlin et al., 2016). What is fundamental about the above perspective is that power relations and the distribution of wealth between different actors vary and determine dynamics and outcomes of land governance processes.

In Zambia, land is administered in a dual tenure system consisting of leasehold (Statutory) and customary tenure. According to the land audit of 1974, of the total land mass of the country amounting to 752,614 square kilometres, customary land is estimated to be 94 percent while state land is estimated at 6 percent (Zambia Land Alliance, 2014). It should be noted that many scholars argue that this estimate is outdated. This is view of the emergence of the Lands Act (cap 184) that allows for conversion of land from customary tenure to leasehold. In this vein, current estimates indicate that customary land is now approximately 60% of land while state land is now around 40% (Honig & Mulenga, 2015 in Samboko, 2017).

Leasehold tenure is a system of land holding regulated by statutes. It must be noted that leasehold is limited to a maximum of 99 years. Other terms of leases include 14 year leases which are provisional, 30 year leases for resettlement schemes and a 30 year occupancy licence for housing improvement areas and 10 year land records which are issued by local authorities. In this regard, a person or household without proof of registration are considered to be illegally occupying a piece of land. In addition to leasehold and customary tenure, there is also the question of unrecognised de-facto tenure, which actually constitutes large portions of land in and around urban areas. In Lusaka, “it is estimated that over 60% of holdings are informal” (Mulolwa, 2016:6). Major stakeholders in land administration in Zambia are outlined below.
The Ministry of Lands and Natural Resources

Its mandate include “lands policy development, identification and allocation of land, land surveys and mapping, cadastral survey and exploration, control of unauthorised settlements and registration of lands and deeds” (Mudenda, 2007; Mulolwa, 2016). These are implemented by the Lands Department, the Survey Department, the Lands and Deeds Registry Department and Lands Tribunal. To this effect, the Ministry of Lands has put in place a set of guidelines on the alienation of both state and customary land in Zambia in various statutes. These include the Lands Act of 1995, the land Survey Act of 1994, the Land Acquisition Act of 1994, the Lands and Deeds Registry Act of 1994. In addition, there is the Land Circular No.1 of 1985 that spells out the Principal-Agent relationship between the Ministry of Lands as the Principal and Local Authorities as Agents (National Assembly of Zambia, 2013).

Ministry of Local Government

The Ministry of Local Government is involved in land administration as it enforces urban and regional planning regulations through local authorities and the Department of Physical Planning. The authority to administer land by a local authority is derived from the laws of Zambia. The Lands Act of 1995 section 3, subsection 4 provides that the President shall not alienate any land situated in a district or an area where land is held under customary tenure-

(a) Without taking into consideration the local customary law on land tenure which is not in conflict with this Act;

(b) without consulting the chief and the local authority in the area in which the land to be alienated is situated, and in the case of a game management area, and the Director of National Parks and Wildlife Service, who shall identify the piece of land to be alienated;

(c) Without consulting any other person or body whose interest might be affected by the grant; and

(d) if an application for a leasehold title has not obtained the prior approval of the chief and the local authority within whose area the land is situated.

In 1985, the Minister of Lands issued Circular No.1 of 1985 which directed all local authorities to be responsible for processing of applications, selecting of suitable land applicants and making recommendations to the Commissioner of Lands for approval. This was because the Ministry of Lands had no structure at district level.
In the City of Lusaka, the forward planning section in the City Planning Department generally determines which parts of land in the city are to accommodate various types of land uses. In the recent past, it has also been charged with the responsibility of regularising informal settlements. This involves re-organising land housing in informal settlements. Despite having some similarities with a slum, an informal settlement is considered as one where settlers have no ownership rights to the land, constrained in terms of education level and personal ability there by limiting them to low class jobs, limited or no access to public infrastructure and services such as water supply, sanitation, electricity supply, schools and health facilities (Abebe, 2011; Qian, 2014). Other scholars characterise them as developments without a guide or plan as prescribed in the laws governing the development process. This arose as a result of a realisation that illegally invaded areas accommodate a lot of people in the city, thus the need to adapt with minimum required changes to suit a planned settlement, rather than demolish the illegal settlements entirely. However, for this to be achieved, illegal developers may have to bare the whole cost of the planning process through payment of penalty fees. Other sections key to the land administration system in the city includes development control, survey and Geographic Information Systems (GIS).

**The Ministry of Agriculture**

This Ministry plays a very important role in monitoring land use, as well as opening up land for agricultural purposes (Mulolwa, 2016). The Ministry, through its central, provincial and district offices, is responsible for identifying, planning, demarcating and recommending land for agricultural purposes. Having been planned using the garden city concept, the ministry of agriculture verifies the availability of land in case of subdivision of parcels of land in case of land use change.

**The Office of the Vice President**

It administers land through the Department of Resettlement, which is responsible for resettlement schemes, particularly for retirees and other urban residents in need of land (Mudenda, 2007; Mulolwa, 2016). This office works with the Ministry of Lands to identify suitable areas and have them selected, planned, demarcated and developed.

**Ministry of Water Development and Environmental Protection**
This arm of government provides advice to the Ministry of Lands and Natural Resources on the sustainability of land for specific purposes such as natural resource conservation as well as environmental protection. This is done by the Zambia Environmental Management Agency (ZEMA) as provided by the Environmental Management Act of 2011.

**Department of National Parks and Wildlife**

The Department of National Parks and Wildlife (formerly Zambia Wildlife Authority-ZAWA) in the Ministry of Tourism and Arts is involved in land administration as it gives concessions on land in game management areas and national parks. It prepares development plans with land information produced by the Ministry of Lands and Natural Resources.

**Ministry of Commerce**

Through the Investment Centre and Zambia Development Agency (ZDA), the Ministry identifies suitable land for various developmental projects and also facilitates the speedy registration of companies for various land investments. It also assists would-be investors acquire land for various investments and development projects.

**The National Assembly**

This is a body of representatives who possess policy making powers by virtue of being elected into office. Its role in land administration is to ratify proposals, laws and policies drafted by the Ministry of Justice and the Executive regarding the land sector. Furthermore, since land holding entails legal procedures, the Ministry of Justice acts as legal adviser to the Ministry of Lands in the interpretation of land law and the overall management of land matters.

**Traditional Authorities**

Through the Ministry of Chiefs and Traditional Affairs, chiefs, as custodians of customary land, are the main contacts for the state, investors, donors and rural communities in land alienation (Brown, 2005 in Mulolwa, 2016; Chileshe, 2005). The chief, with the assistance of village head persons, has the power to allocate land to
whoever wishes to acquire it, in his area of jurisdiction. In customary areas, land can be held in perpetuity by members of the tribe or can be converted to leasehold for exclusive use of the private individual. It is worth noting that traditional authorities play a vital role in land administration as the city is surrounded by customary land. Given the legitimacy and the strength of customary authorities as acknowledged by Lands Act of 1995 subsection, the active engagement of traditional institutions is indispensable in land administration.

**Civil Society Organisations and The community**

These are non-state actors working for different causes in the country at different levels (Swedish Cooperative Centre and Zambia Land Alliance, 2012). CIVICUS, (2008:16) defines CSOs as “the arena, outside of the family, the state, and the market, which is created by individual and collective actions, organisations and institutions to advance shared interests”. It is worth noting that CSOs can be categorised as NGOs are not the same as CSOs, as the former are “formally constituted, legally registered, free from commercial interests, non-profit organizations that provide services, information, and expertise, sensitize the public and conduct advocacy activities” (FAO,2013:18) while the latter are “non-state actors that fit within three main categories (i.e. member-based organizations (MBOs); non-governmental organizations (NGOs); and social movements (SMs)” (FAO,2013:17). What is important is that CSOs are mainly focused on championing the common good of society.

Other stakeholders that are affected and can be affected by land administration are people on the ground who seeks to acquire land. It must be noted that these can influence land administration in different ways depending on a number of factors. These include income levels, political orientation and technical know-how of land related matters.

**2.3.1. Critique of Land Administration in Zambia and the City of Lusaka**

In Zambia, if one wanted to obtain a certificate of title on customary land, one needed to get consent from the Chief in order for the land in question to be converted to leasehold. The Zambia Land Alliance (2008), however, hints that so many poor Zambians living on customary land in peri urban and urban areas are not aware of the
procedures to be followed. Over the past twenty years, conversion has been met with significant distrust by chiefs, many of whom see conversion as a means of diminishing the power of traditional authorities. This is because conversion of customary tenure to state-managed leaseholds tenure land promoted by the Lands Act of 1995 noted to be a one way, non-reversible process as such parcels of land are now under the jurisdiction of the commissioner of land (Spichiger and Kabala, 2014). This is one of the factors that has stalled the process of having a national land policy.

On the other hand, government and the media have portrayed chiefs as ‘selling customary land’ without the consent of their subjects. The major concern here is the mistaken belief that traditional leaders have the interest of the people at heart whenever land seekers of all shades come to their areas to ask for land and that whenever land allocation is done it is with the full consultation of the people who will be affected (Lusaka Times, 2016). If not checked this trend will exacerbate the problem of local displacement due to large-scale land investments. In peri-urban areas of major cities, Lusaka, the concern is that when one gets the Chiefs’ authority and manages to have the land surveyed, one quickly fences off the land to the exclusion of the communities surrounding it. In no time a disorganised (unplanned) pattern of developments emerges where further subdivisions are done, often without the city council’s authority.

Secondly, the restriction that no person except the President, (who holds it on behalf of the people of Zambia) owns land in perpetuity has raised concerns of abuse of such powers. In other countries, such as “Finland and Rwanda, the entire land is parcelled out and surveyed and owned by individuals there is no need for a Commissioner of Lands because there is no land sold but only secondary transactions” (National Assembly of Zambia, 2013: 3). The case of Zambia’s land administration can be likened to that of the Federal Republic of Ethiopia, where rural and urban lands are independently administered and governed by different institutions (Alemie et al., 2014). What is striking about land administration in Zambia is that pronouncements are made without any prior assessment of the strengths or weaknesses of the previous proclamation/practice.

Thirdly, there has been public concern that information on land is inadequate and unreliable (GRZ 2011 in Spichiger and Kabala, 2014; National Assembly of Zambia,
The draft land policy acknowledges the aforementioned noting that statistics on the quantities of the various categories of land, as well as records on titles to land are also not complete. Lack of reliable and up-to-date spatial (referenced) data on land, spatial planning consequently inhibits land transactions and taxation. For this reason, there has been an outcry to embrace geo-information services and more importantly making them affordable to the public.

Another concern is unregulated land market transactions and a lack of adequate and reliable land market information, which is attributed to a lack of segregated land values for different categories (World Bank, 2002). This has led to land values above the affordability of the underprivileged. This phenomenon has been attributed to dishonest and fraudulent dealings, which in turn lead to artificial land shortages. Consequently, plots in urban areas are mainly accessed by the minority elite (Rakodi, 2008; Ikejiorfor et al., 2009). In addition, the land revenue collection system for ground rent and other fees is ineffective and inefficient. This is because the majority of land holding in the city is informal. This is to say the majority of land transactions are informal. This results in under collection of revenue, leading to inadequate redistribution of tax and non-tax revenue to land related administration and management and infrastructure and services provision.

As already noted, land administration is also concerned with the planning system. The planning framework in Zambia is provided by the Urban and Regional Planning Act (URPA) of 2015. The URPA introduces the concept of five year Integrated Development Plans (IDPs) to be prepared for all municipalities. It also incorporates unplanned settlements as special treatment areas for urban regeneration and introduces the concept of planning agreements between Chiefs and Local Authorities to ensure effective and coordinated planning of peri-urban areas and all customary land (Mulolwa, 2016). Despite putting these clear and well documented procedures in place, few local authorities have IDPs in place. This is attributed to lack of regulations to support the URPA. In this regard, Mulolwa (2016) shows that over 50 percent of new developments in many municipalities are granted retrospective planning permission, thus promoting disorderly development. He also argues that while a hierarchy of detailed land use plans exists for the City of Lusaka, as specified by law, in practice the city’s urban spatial expansion occurs in an ad hoc manner, resulting in
un-coordinated development and haphazard (disorderly) physical development. This can be attributed to the practice of not revising the said plans, and in cases where they are revised, foreign standards are followed (Hampwaye, 2008; Mulolwa, 2016). Furthermore, most laws and regulatory frameworks are not harmonised, often leading to significant overlaps, disputes and conflicts in the implementation process (Mulolwa, 2016). The aforementioned legal and regulatory bottlenecks are against the provisions of the Zambia Constitution of Zambia (Amendment) Act, 2016. Section 253(1) provides the following:

(1) Land shall be held, used and managed in accordance with the following principles:
(a) equitable access to land and associated resources;
(b) security of tenure for lawful land holders;
(c) recognition of indigenous cultural rites;
(d) sustainable use of land;
(e) transparent, effective and efficient administration of land;
(f) effective and efficient settlement of land disputes;
(g) river frontages, islands, lakeshores and ecologically and culturally sensitive areas—
(i) to be accessible to the public;
(ii) not to be leased, fenced or sold; and
(iii) to be maintained and used for conservation and preservation activities;
(h) investments in land to also benefit local communities and their economy; and
(i) plans for land use to be done in a consultative and participatory manner.

However, while the current Constitution recognises and enshrines the right to own property including land under the Bill of Rights, it does not comprehensively protect access, control and ownership of land for all Zambians nor does it adequately define the processes and procedures relating to land administration. Further, though the Constitution of Zambia assigns spatial planning to local authorities, there is apparent lack of coordination of different spatial planning functions over a number of sector ministries such as agriculture for the creation and planning of farmland, national parks and wildlife for land use planning in national parks and Game Management Areas. Furthermore, the draft land Policy does not provide for guidelines around the customary land tenure system but rather promotes the conversion of customary land to statutory land. It does not also provide for the institutionalisation of the functions of the chief. With regard to informal settlements, the draft policy provided measures of dealing with unplanned settlements. It also encourages the participation of civil society organisations in upgrading programmes.
2.4. City Inclusiveness

The concept of inclusive or just cities involves the fair and equitable distribution in space of social, economic and environmentally valued resources and the opportunities to use them (Soja, 2009). Inclusiveness is therefore crucial in achieving sustainable urban development as inequality and exclusion have become a major emerging urban issue. This is because the gap between the rich and poor in most countries is at its peak (UN-Habitat, 2016).

In view of the foregoing, social justice is about creating clean, accessible and healthy settlements. According to Fainstein (2010) and Silverman (2011), social justice considers the needs and aspirations of all groups of people in society, regardless of class. Important land administration questions the study seeks to answer include: is it accessible by all intended communities; is it contributing to a real neighbourhood; are the communities involved in the planning processes; does it respect social and cultural preferences? Thus, Ngwenya (2013) argues that, in public policy, the principle of equity should ensure that policies do not favour those who are already well off. This entails that public sector policies and investments should be sensitive to the needs of the poor so as to curtail the effects of urban regeneration or revitalization programmes that often work in favour of the middle class and to the detriment of the poor.

Economic justice/inclusion is mainly concerned with creating an enabling environment that fosters equitable access to economic opportunities for all citizens. In this regard, an inclusive economy is one that “expands opportunities for more broadly shared prosperity, especially for those facing the greatest barriers to advancing their well-being” (Vellala et al., 2014:15). This means equality of opportunity in terms of access to markets, resources and unbiased regulatory environment for businesses and individuals. Other concerns include; participatory, growing, sustainable, and stable economic environment especially for the vulnerable. This implies that building inclusive cities requires housing land to be affordable and well located housing options and services for all socio-economic groups. It must be noted that providing such rights on a large scale for the vulnerable comes with costs due to the cost of doing so, the capacity required and the potential to develop the land (Palmer et al., 2009). Some interesting land market questions include: who pays whom for what service; how are profits distributed and what sanctions and enforcement measures exist?
Environment justice/inclusion is concerned with Environmental sustainability. Important elements are energy saving and climate change reduction, safeguarding natural resources, pollution prevention, and biodiversity conservation. This serves to ensure that the interests of future users of the space are accommodated and that they, too, are able to flourish in the area. This involves a series of negotiations between planners and stakeholders across a city (Fainstein, 2010). This entails incorporating environmental issues into the broader intellectual and institutional framework of human rights and democratic accountability (McDonald, 2002).

Spatial inclusion, on the other hand, brings into focus the “where of things, whether static or in movement; the protection of special places and sites; the interrelations between different activities and networks in an area; and significant intersections and nodes in an area which are physically co-located” (Healey, 2004: 46). It follows the principle of universal service, where government bodies and organisations charged with the responsibility of service provision are to be “committed to providing full coverage of the country, regardless of the remoteness of location or the socio-economic status of its inhabitants” (Haklay, 2010: 695).

Overall, the guiding principles of inclusive cities include: compact urban areas easily serviced with efficient infrastructure; mixed but compatible land uses; accessibility by all social groups to resilient shelter and sustainable services; the promotion of cultural harmony and integration. Other factors include whether or not cities are well structured for business, participation and partnerships; an information base to inform sustainable environmental planning through resilient urban design and advanced planning to accommodate growth in an orderly manner to avoid sprawl and informal settlements (Beltrão, 2010).

In some cities of the global south, principles of inclusive cities are clogged by a lack of underlying urban land policy, outdated policies and plans and entrenched attitudes, customary and colonial practices, lack of coordination of the existing institutions/actors, lack of skilled human resources, lack of societal participation and transparency, weak capacity for implementation and monitoring of laws and spatial plans (Enemark et al., 2014; Lamond et al., 2015). The next section highlights the link between good governance in land Administration and city inclusiveness in the City of Lusaka.
2.4.1. Land Administration and Inclusiveness in the City of Lusaka

In the City of Lusaka, the dynamics of land administration and just city do not seem to favour the poor (Rakodi, 2004). This is because the majority of urban dwellers live in areas designated as unplanned settlements which to a large extent overlooked or excluded from city life. For example, slum dwellers do not receive the individual benefits afforded to more affluent citizens, such as access to municipal water, roads, sanitation and sewerage. This attitude towards slum dwellers, as well as the management approaches that disregard them perpetuates the levels and scale of poverty and leads to the city being more vulnerable to natural disasters, crises and exacerbating urban conflicts (UN-Habitat, 2010). This is against the backdrop in which services are likely to be better provided in urban areas as politicians and service providers are closer.

In addition, while the Housing (Statutory and Improvement Areas) Act Cap 194 provided for the upgrading and regularization of such settlements (also provided by the Urban and Regional Planning Act of 2015), individuals have been conferred with transient rights through 30 year occupancy licenses, but uptake of these licenses in some settlements is as low as 12 percent (LCC, 2000 in Chitonge and Mfune, 2015). More recent estimates by the Lusaka City Council in 2006 show that less than 50 percent of residents in unplanned settlements have obtained occupancy licences (Chitonge and Mfune, 2015). This scenario undermines economic growth and revenue collection by government, which negatively impacts on service provision. In this regard, there is a significant need to generate an understanding in regards to the processes and outcomes associated with land-use planning and regulation especially with regard to slum upgrading. In this regard, Flyvbjerg and Richardson (2002) suggest re-orientation from what should be done towards what is actually being done. This requires a critical review of “economic, socio-cultural, environmental and political/administrative dynamics as these evolve across and within an urban area” (Healey, 2007:3). Healey (2007) also highlights the need for intellectual muscle in imagining what to link, integrate and 'join up' without hurting the locals. This calls for new ways of running government, driven by concerns for greater effectiveness and relevance of policy programmes in delivering concerns and demands of citizens and stakeholders.
Furthermore, the regulation and management of urban spaces using master plans and top-down zoning plans has led to developments taking place outside the dictates of land administrators. In this regard, Kombe and Kreibich (2000) argue that despite the possibility of having overnight changes to formal institutions, there is a need to examine the sanctioning power as informal constraints to such changes can be embodied in customs, traditions and codes of conduct, which may be impervious to deliberate policies. This implies that implementation of policies and plans are hampered by invisible interactions between actors in the system (Roy, 2009). For instance, local authorities are not by themselves in a position to make cities more inclusive but it takes coordinated action between local and higher tier governments.

2.5. Knowledge Contribution

The growing urbanization of poverty in cities — and Lusaka is not an exception - reflects a paradox where cities are both the engines of growth in national economies, but also significant loci of poverty and deprivation. The increasing gap in welfare and opportunities within cities is a matter of growing concern. A knowledge gap, however, exists between the principles of good governance in land Administration and the challenge of addressing informal land developments in Zambian towns/cities. Thus this study will contribute to debates on inclusiveness of land administration in Zambia town/cities in a quest to have ‘complete communities’.

The next section therefore presents assessment framework for ascertaining whether land administration in the City of Lusaka harnesses inclusive parameters (good governance principles) and concluding remarks.

2.6. Assessment Framework for Good Governance Principles in Land Administration

The study adopted frameworks by Arko-Adjei (2011), Sungema et al (2014) and Melese (2016). This is because of the objectives of this study that are concerned with both rule-based and outcome-based. The rule-based indicators are used to assess whether the institutions generally supposed to be associated with good governance are indeed in place, whereas outcome-based indicators are used to assess broad citizens’
perceptions and the extent to which users feel that public institutions are easily accessible and responsive to their needs (Deininger et al., 2012).

The variables are transparency, participation, accountability, equity and efficiency and effectiveness. These variables are defined by Sungema et al. (2014) as:

1. **Transparency** means information is freely available and accessible; land management decisions and their enforcement are made honestly and fairly by institutions mandated for the same.
2. **Accountability** is answerability of institutions or/and servants for the action and resulting consequence in implementing land policies.
3. **Participation** is the act of engagement of stakeholders at various levels in decision making processes regarding land issues that affect their interest.
4. **Equity** is a way of providing equal opportunity for all to access land and land information without legal impediments and procedural difficulties.
5. **Efficiency and Effectiveness** is the quality of processes of managing land while making the best use of it to meet user needs (service levels and costs) without wastage (Sungema et al., 2014: 99).

Accordingly, the variables are selected because they form the backbone for the new urban agenda framework for inclusive cities as defined by the New Habitat Agenda (HABITAT III, 2016).

i. Secure tenure and equitable access to and control over land calls for the recognition of the plurality of tenure types, developing fit-for-purpose and age-, gender-and environment-responsive solutions within the continuum of land and property rights as pre-requisite for sustainable development.

ii. Sustainable land use involves effective use of public resources for affordable and sustainable housing, including land in central and consolidated areas of cities with adequate infrastructure, and encourage mixed-income development to promote social inclusion and cohesion.

iii. Land based revenues for the benefit to all entails establishing transparent, fair and effective land value sharing mechanisms that is land acquisition, land holding, land sales and land value among others.

iv. Responsible land governance needs the elimination of corruption, fraud and clientelism in land administration and management through customer friendly delivery systems (short, simple, affordable procedures and standards) that are effective and efficient, accountable, transparent and participation of all.
2.7 Concluding Remarks

From the discussion above, it is clear that assessing land administration practices is concerned with relationships between the state, citizens and other stakeholders and information structures. Hence this paper understands that Good Governance in Land Administration is shaped by the concept of political economy of land. Here each stakeholder holds a piece of the puzzle and will emphasize different parts of the problem and therefore propose different solutions. The political economy of land itself is constantly evolving as social, economic, political and cultural changes bring new perspectives to the table and so is the stakeholders’ understanding of the problem. This study is therefore premises to enhance the understanding of the current land administration in the city of Lusaka by focusing on informal settlements. This is achieved by pegging the city’s land administration against good governance principles.

The following chapter presents the description of the study area.
CHAPTER THREE
DESCRIPTION OF THE STUDY AREA

3.1. Introduction

This section provides a description of the study area in terms of the location and size, drainage, geology, climate, population, administration, infrastructure services, socio-economic activities.

3.2. Location and Size

The study was undertaken in the City of Lusaka in Lusaka Province, in Zambia, as shown in Figure 3.1.

Figure 3.1: Location of the City of Lusaka

Source: Field Data, 2017
It is located at longitude 28° 12’ east and latitude 15° 36’ north. It lies at an altitude of about “1200 metres to 1280 metres above sea level and covers an area of about 360 km² of mostly relatively flat relief” (Central Statistical Office -CSO, 2010: 29).

### 3.3. Drainage, Geology and Climate

The City of Lusaka comprises of three drainage basins, that is, Chongwe, Chunga-Mwembeshi and Kafue. The city is drained by Ngwerere and Chunga Streams, flowing in the north-eastern and north-western directions respectively. As for geology, the city comprises a pre-Cambrian basement complex consisting of granites, gneises and quartzites which is overlaid by limestone and dolomites (JICA, 2009). This entails the need to be environmentally conscious in administering land in the city.

From a meteorological point of view

*The average temperature throughout the year is 20.7°C. The average maximum temperature reaches a high of 30.6°C in October, and drops to a minimum of 10.1°C in July. In the rainy season from October to April, the monthly average rainfall is 114 mm. The average annual rainfall over the past 30 years is 802 mm (JICA, 2009: 36).*

### 3.4. Population and Growth/Expansion

The City of Lusaka’s total population stands at “1,747,152 accounting for 79.7 per cent of the provincial population” (CSO, 2010: 27). It also shows that the City of Lusaka’s annual population growth rate and population density for the inter-censal period 2000 to 2010 are 4.9 per cent and 4853.2 persons per square kilometre respectively. The population is projected to be 2,426,898 and 4,560,560 in 2017 and 2035 respectively (CSO, 2013). The number of households in the district is 371,734. This is obtained by dividing the city’s population by the average number persons per household in urban areas of Lusaka province, standing at “4.7 persons” (CSO, 2016:15).

### 3.5. Administration

The City of Lusaka comprises of seven constituencies, namely Chawama, Kabwata, Kanyama, Lusaka Central, Mandevu, Matero and Munali. These constituencies are
subdivided into 33 wards which are in turn divided into settlements with about 43 being informal/squatters (Mulolwa, 2016).

3.6. Infrastructure Services: Roads, Water Supply and Sanitation

The City of Lusaka can be said to be fairly covered by bitumen roads. With regard to water infrastructure, the level of service coverage is reported to be 70%, but those with house connections are only about 30% (UN-Habitat, 2007; Lusaka Water and Sewerage Company (LWSC), 2014). It is also worth noting that open wells are used in the city, especially in informal settlements. As of 2009, the coverage ratio of sewerage systems managed by LWSC was only about 17%, well below the national average of 34 percent, while the rest of the city depends on septic tanks, soak ways and pit latrines (NWASCO, 2009). According to the CSO (2006), the major toilet facilities in the City of Lusaka are pit latrines, with population coverage of 66 percent, while flushing toilets (both individual and communal) account for 28 percent of the city’s population. Ventilated Improved Pit latrines (VIP) and bush usage accounted for the remainder. It is worth noting that “90 percent of households in informal settlements are utilising pit latrines” (UN-Habitat, 2007: 12).

3.7. Economic Conditions

The City of Lusaka is one of the major economic centres in Zambia, besides the Copperbelt Province districts. It also provides a significant market for agricultural products from other provinces. Manufacturing, financial, transport, and retail businesses are the most important trades in Lusaka. Despite the concentration of economic activities or wealth (value-added) in the city, economic structure is still dominated by the informal sector. It is estimated that only “9 percent of the city’s population is engaged in formal employment” (UN-Habitat, 2007:12). A major reason for this is that the local economy has been drifting towards the private sector and self-employment since the liberalisation of the economy in the early 1990s. The majority of households in Lusaka have been severely affected by poverty, as approximately 70 percent of the population are categorised as among the poorest of the poor (LCC, 2005b in Hampwayne, 2008). The next chapter discusses the research methodology that was employed.
CHAPTER FOUR

METHODOLOGY

4.1. Introduction

This chapter outlines the methods used when collecting and analysing data on factors that have shaped the city’s settlement patterns, the inclusiveness of the land administration system in the City of Lusaka and the role of gatekeepers in promoting inclusive land administration. It comprises three parts, namely: research design, data collection methods/techniques and data analysis. The first part justifies the research approach followed. The second part provides data collection methods by providing methodological specifics of sampling procedure, sample size and instruments of data collection. Part three provides details on how the information was analysed.

4.2. Research Design

A mixed methods research design was used to explore the land administration system in the City of Lusaka. The study employed the concurrent embedded strategy where both quantitative and qualitative data are collected simultaneously (Creswell, 2009; Heyvaert et al., 2011). It was descriptive in the sense that it provided an account of characteristics of land administration in the city of Lusaka in terms of harnessing good governance principles and explanatory in the sense that it examined the cause-effect relationships of the land administration system and stakeholders in promoting an inclusive city. This means that the study was seeking to answer the ‘what’ and ‘how’ context bounded research questions (Yin, 2003). The approach was chosen in order to understand the uniqueness, complexity and precise nature of land administration in the City of Lusaka (Stake, 1995; Simons, 2009). The detailed examination of the city’s land administration, therefore, provides deep insights into legal and regulatory policies and institutional processes relative to good urban land administration and how it promotes inclusive parameters to city residents in informal settlements. Within regard to the qualitative research process, the study embraced the case study approach in view of collecting data from land administration officials, property developers and civil society organisations. Thus, the value of using this design in this study was not premised on generalizing the findings to all informal settlements in different cities but in generating principles that can be used in urban land administration.
4.3. Data Collection Methods/Techniques

This study used a combination of qualitative and quantitative methods. Primary data sources were complemented by secondary sources of data.

4.3.1. Qualitative Methods/Techniques

In-depth interviews of key informants using an interview guide served as the primary technique of acquiring information from land administrators and other experts. This helped to collect information on how the land administration system has shaped and continues to shape the City of Lusaka’s settlement patterns. It also aimed at ascertaining the efforts of stakeholders in achieving inclusiveness in land administration and their views on inclusive tenets in land administration.

4.3.1.1 Sampling Procedure and Sample Size

The selection of key informants was done by purposive sampling. Purposive sampling is a non-probability sampling method in which decisions relating to the selection of participants to be included in the study are taken, based upon a variety of criteria including experience and knowledge of the research issue (Teddie and Yu, 2007). Hence, the study was motivated to select stakeholders with experience in land matters comprising of government department- front liners in land administration, Civil Society Organizations, experts and property developers in the city- see table 4.1. Of the 18 key informants earlier selected, only 10 were interviewed as some were not available at the time of data collection. The 10 key informants comprised an officer from each of the following institutions and organisations: Commissioner of Lands (CoL), Lusaka City Council Physical Planning Department (LCC-PD), Physical Planning Department at the Ministry of Local Government headquarters (PPD-MLG), Lands Tribunal, Zambia Land Alliance, Civic Forum for Housing and Habitat Zambia (CFHHZ), People’s Process on Housing and Poverty in Zambia (PPHPZ), Riverine Consultants, University of Zambia (UNZA) and Meanwood Property Development Corporation (MPDC) as shown in Table 4.1. This selection of key informants from various institutions or organisations allowed for multiple sources of evidence by triangulation as it develops converging lines of inquiry (Yin, 2003; Kothari, 2004).
Table 4.1: Key Informants

<table>
<thead>
<tr>
<th>S/ N</th>
<th>Designation</th>
<th>Organization</th>
<th>Date of interview</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Registrar</td>
<td>Lands Tribunal</td>
<td>05/04/2017</td>
</tr>
<tr>
<td>2</td>
<td>Principal Planning Officer</td>
<td>MLG</td>
<td>19/06/2017</td>
</tr>
<tr>
<td>3</td>
<td>Senior Lands Officer</td>
<td>CoL</td>
<td>22/04/2017</td>
</tr>
<tr>
<td>4</td>
<td>M &amp; E Officer</td>
<td>Land Alliance</td>
<td>11/04/2017</td>
</tr>
<tr>
<td>5</td>
<td>Acting Executive Director</td>
<td>PPHPZ</td>
<td>16/06/2017</td>
</tr>
<tr>
<td>6</td>
<td>Executive Director</td>
<td>CFHZ</td>
<td>15/06/2017</td>
</tr>
<tr>
<td>7</td>
<td>Forward Planning Officer</td>
<td>LCC-PD</td>
<td>15/06/2017</td>
</tr>
<tr>
<td>8</td>
<td>Lecturer/Lawyer</td>
<td>UNZA</td>
<td>22/06/2017</td>
</tr>
<tr>
<td>9</td>
<td>Sales Manager</td>
<td>Meanwood Property Development Corporation</td>
<td>20/06/2017</td>
</tr>
<tr>
<td>10</td>
<td>Executive Director</td>
<td>Riverine Consultants</td>
<td>06/07/2017</td>
</tr>
</tbody>
</table>

Source: Field Data, 2017

4.3.1.2 Data collection techniques

To make the data collection more comprehensive, in-depth interviews were used to gain knowledge of individual key respondents’ experiences in the study as they gave personal views about the causes, nature and socio-economic implications of urban land administration in the City of Lusaka. All interviews were conducted in-person at the workplace of the interviewees by way of appointments (see Table 4.1). The researcher listed key themes and questions to be covered during the interaction, as shown in appendix A- Interview Guide. The interviews were conducted in English and the experts demonstrated strong proficiency in the language. The researcher asked questions in a manner that sought to motivate the respondents to give full and precise replies to the questions by way of probing while “avoiding biases stemming from social desirability, conformity or other constructs of disinterest” (Hoyle et al., 2002: 144 in Siame (2013)). In this regard, the researcher had the chance to ask for clarifications whenever the response was not clear. To capture each interview, a smartphone was used as a digital recording apparatus. Each recording was then
transferred to a computer before being transcribed. To ensure data reliability, each interview recording was repeatedly listened to before the next interview. This allowed for improvements before the next interview session as the researcher changed the technique of asking questions.

4.3.2. Quantitative Data

Quantitative data was collected through a household survey in selected informal settlements. The Survey undertaking was meant to provide a numeric description of patterns and trends of the sample in order for the researcher to make assertions about the extent to which the institutional/organisational framework of the land administration in the City of Lusaka harnesses the tenets of inclusiveness.

4.3.2.1. Sampling Procedure and sample Size

Multi-stage cluster sampling was used to select respondents in informal settlements. In a multistage or clustering procedure, “the researcher first identifies clusters (groups or organizations), obtains names of individuals within those clusters, and then samples within them” (Creswell, 2009:148). Thus, informal settlements were categorised either as legalised (regularised) or recognised (not regularised) as shown in Table 4.2. It is worth noting that not all legalised settlements are regularised as the latter involves not only the provision of tenure documents but also the provision of infrastructure services such as roads, water and sanitation facilities. The next step was the determination of the sample size that was representative of the target population. According to Silk (1979), an ideal sample size should be at least be 10 percent of the target population. In this case, 20 percent from each category were selected giving a total of 10 settlements. That is 20 percent of 33 recognised (not regularised) settlements and 20 percent of 16 regularised settlements. This was done because the number of legalised settlements and recognised settlements were not equal (see table 4.2). A simple random sampling method was then used to select the sample from the population of each category by lottery techniques. Here, name tags of informal settlements were placed in a container, mixed well and then a name tag was drawn which constituted a sample of each category. The result of the lottery in each category selected (Kalingalinga, Jack and Ng’ombe) and (Mtendere East, Madido, Chazanga, Garden House, Kamwala South extension, Linda and Chunga Madimba) respectively. Due to the lack of a
sampling frame for the total number of properties in each selected category of informal
settlement, six respondents were conveniently selected as opposed to the initial plan
of randomly selecting from zones. According to Kothari (2004), convenience
sampling involves selecting anyone who is handy, thus the researcher found it
convenient to choose units of the sampling population anyhow without any specific
order as long as they were land owners (landlords). The selection of land owners was
done by snow bow sampling. The major determining factor in arriving at the six
respondents in the settlements was the manageability of collecting data from a total
sample of 60 by using interview schedules, considering all logistics involved such as
time and funds.

Table 4.2: Informal/Squatter Settlements in the City of Lusaka

<table>
<thead>
<tr>
<th>Recognized (Not Regularised)</th>
<th>Legalised (Regularised)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chinika</td>
<td>Mazyopa</td>
</tr>
<tr>
<td>Chibolya</td>
<td>Misisi/Kuku</td>
</tr>
<tr>
<td>Kabanana</td>
<td>Mahopo</td>
</tr>
<tr>
<td>Makeni Villa</td>
<td>Obama</td>
</tr>
<tr>
<td>Marapodi</td>
<td>Kapwelyomba</td>
</tr>
<tr>
<td>Mbasela</td>
<td>Mbosela</td>
</tr>
<tr>
<td>Madido</td>
<td>Shantumbu</td>
</tr>
<tr>
<td>Mtendere East/ Valley View</td>
<td>Garden Chilulu</td>
</tr>
<tr>
<td>Chazanga</td>
<td>Garden Luangwa</td>
</tr>
<tr>
<td>Linda</td>
<td>Garden Mutonyo</td>
</tr>
<tr>
<td>Garden House(site 3 &amp; 4)</td>
<td>Kamwala south-extension</td>
</tr>
<tr>
<td>Chunga Madimba</td>
<td>Griffis</td>
</tr>
<tr>
<td>Makeni Konga</td>
<td>Kasisi</td>
</tr>
<tr>
<td>John Laing</td>
<td>Lungu</td>
</tr>
<tr>
<td>Bauleni</td>
<td>Venter</td>
</tr>
<tr>
<td>Old Kanyama</td>
<td>John Howard</td>
</tr>
<tr>
<td></td>
<td>Freedom</td>
</tr>
<tr>
<td></td>
<td>Kalikiliki</td>
</tr>
<tr>
<td></td>
<td>Kamanga</td>
</tr>
<tr>
<td></td>
<td>Ng’ombe</td>
</tr>
<tr>
<td></td>
<td>Chainda</td>
</tr>
<tr>
<td></td>
<td>Old Garden</td>
</tr>
<tr>
<td></td>
<td>Kalingalinga</td>
</tr>
<tr>
<td></td>
<td>Mtendere</td>
</tr>
<tr>
<td></td>
<td>New Kanyama</td>
</tr>
<tr>
<td></td>
<td>Jack</td>
</tr>
<tr>
<td></td>
<td>Chawama</td>
</tr>
<tr>
<td></td>
<td>Chunga</td>
</tr>
<tr>
<td></td>
<td>Chipata</td>
</tr>
<tr>
<td></td>
<td>George</td>
</tr>
<tr>
<td></td>
<td>Kamanga</td>
</tr>
<tr>
<td></td>
<td>Chaisa</td>
</tr>
<tr>
<td></td>
<td>Mandevu</td>
</tr>
</tbody>
</table>

Source: Yasini, 2007, Chitonge and Mfune, 2015 and Field Data, 2017

4.3.2.2 Data Collection Methods

Quantitative data was collected using an interview schedule. This method of data
collection is “more like the use of a questionnaire, with a little difference being the
fact that schedules are filled in by the enumerators” (Kothari, 2004:104). The use of
this method was arrived at considering the literacy levels of residents in informal settlements. When collecting data, the researcher asked questions in the local language to help them understand the implications of a particular question or concept. The themes covered in this schedule included, *inter alia*, the general characteristics of the respondent; views of informal settlers on urban land administration systems, with specific reference to transparency, participation, accountability, equity, efficiency and effectiveness. Questions covered the four main areas of land administration including land tenure, land value; land use and urban land development issues (see Appendix B).

### 4.3.3. Secondary Data

The above primary sources were complemented by information from secondary sources on good land administration and inclusive cities. According to Kothari (2004), secondary sources refer to the data which have already been collected and analysed by someone else. Secondary data used in this study include journal articles, books, organisation brochures and organisational reports.

### 4.4. Data Presentation and Analysis

Combinations of qualitative and quantitative methods of data analysis were used in order to provide a richer understanding of the study subject. Interview data and secondary data were analysed thematically. Thematic analysis involved categorising related topics and major concepts into themes to produce a deep description of the phenomena, making comparisons, relations, associations, aspects and contrasts between patterns being studied (Creswell, 1994). Quantitative data, on the other hand, was analyzed using descriptive statistics. This produced frequencies, percentages, pie charts and graphs for individual questions in the interview schedule for all the settlements and a comparison between legalized and recognized settlements.

The two methods reinforced each other as qualitative results on inclusive tenets were used to elaborate and validate quantitative findings. In as much as quantitative procedures were able to show numerical descriptions, the qualitative aspect helped to fill in gaps in explanations.
4.5. Limitations and Data Validity

The non-availability of zones in all the informal settlements selected in the City of Lusaka changed the sampling procedure from random to convenience, which limits generalising of the results. Data validity and reliability was provided as settlements were randomly selected. Secondly, the political situation led some key informants (civil servants) to decline taking part in the study for fear of victimisation, while respondents from informal settlements were apprehensive about giving details of their properties. In this regard, interviewees who participated in the study were assured that the information provided would be used for academic purposes only. Further, all interviewees were assured of anonymity (no names were written or quoted). Furthermore, data validity was enhanced by triangulation as the study employed the concurrent embedded strategy to cross check different data sources. Overall, the researcher avoided ambiguity in the setting and asking of the questions by ensuring that they were relevant to the research objectives. Moreover, the dissertation was reviewed by an external editor.
CHAPTER FIVE
FINDINGS AND DISCUSSION

5.1. Introduction

This chapter presents the study findings and discussion arising from an assessment of the extent to which inclusiveness parameters are harnessed in the city’s land administration and efforts of stakeholders in achieving an inclusive land administration in the City of Lusaka and implications on the development of informal settlements in the City of Lusaka. With respect to inclusiveness parameters, the results are presented and discussed in terms of five categories of good governance principles in section 2.6. Concerning the efforts of stakeholders in promoting inclusive land administration, the results are presented and discussed in terms of programmes advocated and implemented by civil society organisations and experts. Regarding the roots of the persistent development of informal settlements, the results are presented and discussed in terms of the colonial practices, legal provisions, institutional and organisational coordination, human resource capacities and political interventions that affect the implementation of land administration duties.

5.2. Inclusiveness of the City’s Land Administration System

This section outlines the findings and discussion on the inclusiveness of the land administration system in the City of Lusaka. The section contains five subsections, namely transparency, participatory and responsiveness, accountability, equity, efficiency and effectiveness.

5.2.1. Transparency

The indicators of transparency include: clarity and accessibility of the laws and rules regulating land delivery and land use, free flow of and accessibility to land market information to all.

5.2.1.1. Clarity and Accessibility of land Acquisition Regulations and Laws

The study found out that only 38.3 percent of the respondents perceive land regulations and laws to be clear while 61.7 percent had opposing views as shown in Table 5.1. This scenario is not different in recognised and legalised settlements where 61.9
percent and 61.1 percent respectively are of the view that land acquisition regulations are unclear. This is an indication that the majority of respondents in the study area do not understand land law. This is contrary to the views from the Ministry of Local Government and Lusaka City Council officials as detailed in the following narrative:

The majority of people know something about land law and regulations but the biggest challenge is that people pretend not to know or just ignore the procedures. Others assume the process is long (Interview, MLG HQ official, 19th June, 2017).

Table 5.1: Responses on Clarity of Land Acquisition Regulations and Laws

<table>
<thead>
<tr>
<th>Response</th>
<th>Recognised</th>
<th>Legalised</th>
<th>Overall</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Percentage</td>
<td>Number</td>
</tr>
<tr>
<td>Clear</td>
<td>16</td>
<td>38.1</td>
<td>7</td>
</tr>
<tr>
<td>Unclear</td>
<td>26</td>
<td>61.9</td>
<td>11</td>
</tr>
<tr>
<td>Totals</td>
<td>42</td>
<td>100.0</td>
<td>18</td>
</tr>
</tbody>
</table>

Source: Field Data, 2017

On the other hand, some key informants are of the view that residents have problems with access to the land law and regulations. The argument is that most laws and regulations are technically justified but practically inappropriate, leading to many land disputes. In this regard, key respondent from the Lands Tribunal notes that:

People do not know the law and where to find the law. Moreover, there are a lot of grey areas in our laws which has subsequently resulted in more than half of cases the Lands Tribunal adjudicates on per session to be re-entry (Interview, Lands Tribunal official, 5th April, 2017).

Another research participant notes that:

Land law is very technical, not accessible and limited in numbers. Further, land laws are not translated into local languages (Interview, Zambia Land Alliance official, 12th April, 2017).

The scenario of people not knowing the law is also common among councillors as one research participant observes:

From the training we have had with local authorities in Kalulushi and Chadiza, it is sad that many councillors do not know about the Urban and Regional Planning Act of 2015. This shows that there is no link between planning authorities and politicians, implying that we have become a country functioning without laws. Now if councillors do not know about the law what of the general citizenry? (Interview, CFHHZ official, 15th June, 2017)

Furthermore, a governance and environment consultant adds that:
Since land law is a subject that is difficult to understand, the public only knows of land procedures when they have problems or challenges. This in turn results in people failing to hold public officials accountable (Interview, Riverine Zambia limited official, 6th July, 2017).

Moreover, Mulolwa (2016:73) notes that:

*The law that governs the aspect of land administration in State land is contained in several statutes. Currently, there are not less than ten statutes that have a bearing, directly or indirectly, on the system of land administration in Zambia. This state of affairs in which there are many statutes dealing with land alienation is not desirable and makes the system inefficient and ineffective. For instance, in relation to agricultural land, the Lands Act, the Agricultural Lands Act and the Land Circular No. 1 of 1985, all make reference to the administration of agricultural land in Zambia. But even when one reads all these statutes, the procedure for acquiring this land is not clear. There are overlaps in these pieces of legislation which creates uncertainty in the minds of the people and the institutions responsible for land alienation.*

Research participants from civil society organisations also note that implementing the Lands Act without supporting policies and regulations have resulted in an unrestricted number of parcels owned by individuals. It can thus be deduced that the state of affairs regarding land law and regulations is negatively impacting on vulnerable city residents. Consequently this is not promoting building of a ‘complete community’ but rather propagating exclusion in all its forms.

### 5.2.1.2. Accessibility and Dissemination of Land Information

Accessibility and dissemination of land market information is a key pillar of transparency in land governance (Arko-adjei, 2011). Table 5.2 shows that the majority of the respondents (71.7 percent) in the study view access and dissemination of land information to be problematic. In the context of recognised and legalised settlements, 71.4 percent and 72.2 percent respectively are of the opinion that access and dissemination of land information is poor. This can be attributed to a number of deficiencies in the land management system and the mode of disseminating information. With regard to the land management system,

*The Ministry of Land and Natural Resources’ land records are stored both manually and electronically. Currently we mainly rely on the manual system as the electronic system is still being developed (Interview, Commissioner of Lands official, 13th April, 2017).*
Table 5.2: Responses on Accessibility and Dissemination of Land Information

<table>
<thead>
<tr>
<th>Response</th>
<th>Recognised</th>
<th>Legalised</th>
<th>Overall</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Percentage</td>
<td>Number</td>
</tr>
<tr>
<td>Good</td>
<td>1</td>
<td>2.4</td>
<td>0</td>
</tr>
<tr>
<td>Satisfactory</td>
<td>11</td>
<td>26.2</td>
<td>5</td>
</tr>
<tr>
<td>Bad</td>
<td>19</td>
<td>45.2</td>
<td>8</td>
</tr>
<tr>
<td>Very bad</td>
<td>11</td>
<td>26.2</td>
<td>5</td>
</tr>
<tr>
<td>Totals</td>
<td>42</td>
<td>100.0</td>
<td>18</td>
</tr>
</tbody>
</table>

Source: Field Data, 2017

Further, a governance and environment consultant echoes the foregoing narrative that:

*The Ministry of Land and Natural Resources mainly keeps land records manually. Recently there have been attempts to have electronic record keeping. However, am not sure whether they have a central server (Interview, Riverine Zambia limited official, 6th July, 2017).*

In this vein, Mulolwa (2016) notes that property records at the Ministry of Lands and Natural Resources (MLNR) and Lusaka City Council registries are not linked or synchronized. This has resulted in ownership information in the registry/cadastre at the MLNR and Lusaka City Council not reflecting reality on the ground. To address these shortcomings and to fully computerize the Land Administration System, the MLNR has developed the Zambia Integrated Land Management and Information System (ZILMIS) which commenced in 2013. However, its implementation is lowly embraced by some government officials and politicians for fear of losing the advantage of accessing land.

With regard to information dissemination, the mode of dissemination is problematic as the majority of city residents are not able to purchase/access newspapers. In this vein, a governance advocate narrates his experience in the following narrative:

*Delivering re-entry information using the postal or print media has caused many land owners to lose ownership rights, thus the need to embrace information technologies such as using text messages (Interview, PPHPZ official, 16th June, 2017).*

On the contrary, a land administrator notes that:

*Despite information dissemination modes not being adequate, the biggest challenge in accessing land information is the poor reading culture which makes*
many not to know where there are parcels of land (Interview, Commissioner of Lands official, 13th April, 2017).

An official from the Ministry of Local Government headquarters noted that;

Information dissemination is open but lacks sensitisation about on the Land delivery processes. It is open in the sense that when land is always advertised before it is allocated to people but the medium through which it is done is not adequately open enough because not every one reads newspapers. Maybe if they could widen the spectrum such as holding public meeting or conduct public address (Interview, MLG HQ official, 19th June, 2017).

In this regard, there is need to widen the spectrum of information dissemination such as holding public meetings or delivering public addresses. It is also important to note that the lack of land information makes land transaction costly because people end up buying land that has already been allocated to another people. Moreover, individuals end up involving themselves in corrupt practices in the way they acquire land from others.

5.2.2. Participatory and Responsive Land Administration

The indicators of participation include the extent of involvement of community members in the land delivery processes, plan preparation, policy decisions, and implementation of laws and regulations diligently and impartially (Arko-Adjei 2011; Sungema et al., 2014; Melese, 2016).

5.2.2.1. Openness of Decision Making on the Use of Land

The study findings show that 78.6 percent of respondents in recognised settlements and 88.9 percent of respondents in legalised settlements (see Table 5.3) perceive decision making on land use to be all embracing.

<table>
<thead>
<tr>
<th>Table 5.3: Responses on Openness of Decision Making on the Use of Land</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Response</strong></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td></td>
</tr>
<tr>
<td>Yes</td>
</tr>
<tr>
<td>No</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
</tr>
</tbody>
</table>

Source: Field Data, 2017
In view of the above findings, Berrisford (2011) argues that openness/responsiveness in decision-making in urban governance has not reached a level where communities can effectively influence planning outcomes that address their absolute aspirations.

In this vein, Mulolwa (2016:41) notes that despite “local authorities advertising the initiation of Plans or changes to Plans, the public rarely go to review and make comments mainly because of the inadequate or inappropriate methods used to provide public information”. This entails that the majority city residents, especially the vulnerable are unable to inform the planning process. Moreover, even in cases where views are obtained from few city residents, in rare occasions are applications for re-zoning modified in anticipation of future developments. This is due to the fact integrated plans have not fully applied in the planning of the city.

Furthermore, in cases where the consent to change or modify an approved development plan has been refused, the URPA of 2015 provides for the applicant to appeal to the minister responsible for planning, who decides without any public consultation. It also provides for an applicant to appeal to the High Court of Zambia or the Planning Appeals Tribunal for adjudication before the minister makes the final decision if the latter refuses consent to the applicant. Thus, the local communities’ involvement in land use matters is usually passive as they are on the receiving end (they are just informed or get involved for their information). In this way, there is an apparent restricted opportunity for locals to inform the planning processes with their indigenous knowledge, which is considered technically inferior. This downplays the call for various stakeholders, irrespective of their socio-economic status to be given an opportunity to communicate their ideas and engage in a debate until they reach a consensus on the best way forward in planning matters (Sandercock, 1998; Fainstein, 2010; Ngwenya, 2013). Although it is difficult to ensure that everybody’s interests are well and fairly represented, it is imperative that everybody, including those earning below average income or no income at all be involved in the shaping of the city in which they reside (Gorgens, 2011). In doing so, they claim and exercise their ‘right to the city’ (Lefebvre, 2003). Thus, Healey (2010) argues that decision-making should not be left to the elites and politicians alone to decide for the masses as it is in the City of Lusaka where 81.7 percent of residents view decision making is not open – see table 5.3.
Efforts in the recent past to avert the above scenario, such as developing a land policy, have been elusive as some of the relevant stakeholders like the poor, women and civil societies have been sidelined (Mulolwa, 2016). For instance, chiefs say that they were not consulted in drafting the land policy. The chiefs also argue that the advert of the land policy will make them lose authority in their chiefdoms as land converted to leasehold tenure will fall under the jurisdiction of the commissioner of land (Zambia Land Alliance, 2014).

5.2.2.2. Performance of Duties Diligently and Impartially

The study found that 39 respondents (65 percent) are of the opinion that the performance of duties by officials tasked with land administration is below acceptable levels. Segregating the results according to settlement categories, 61.9 percent of respondents in recognised settlements and 72.2 percent of respondents in legalised settlements perceived the performance of duties (land alienation and land use planning) by officials to be repulsive (see Table 5.4).

<table>
<thead>
<tr>
<th>Response</th>
<th>Type of Settlement</th>
<th>Recognised</th>
<th></th>
<th>Legalised</th>
<th></th>
<th>Overall</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>Number</td>
<td>Percentage</td>
<td>Number</td>
<td>Percentage</td>
<td>Number</td>
<td>Percentage</td>
</tr>
<tr>
<td>Good</td>
<td></td>
<td>4</td>
<td>9.5</td>
<td>0</td>
<td>0.0</td>
<td>4</td>
<td>6.7</td>
</tr>
<tr>
<td>Satisfactory</td>
<td></td>
<td>12</td>
<td>28.6</td>
<td>5</td>
<td>27.8</td>
<td>17</td>
<td>28.3</td>
</tr>
<tr>
<td>Bad</td>
<td></td>
<td>9</td>
<td>21.4</td>
<td>6</td>
<td>33.3</td>
<td>15</td>
<td>25.0</td>
</tr>
<tr>
<td>Very Bad</td>
<td></td>
<td>17</td>
<td>40.5</td>
<td>7</td>
<td>38.9</td>
<td>24</td>
<td>40.0</td>
</tr>
<tr>
<td>Totals</td>
<td></td>
<td>42</td>
<td>100.0</td>
<td>18</td>
<td>100.0</td>
<td>60</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: Field Data, 2017

A key informant attributed the lack of diligence and impartiality in land administration to a number of reasons.

Firstly, there is gross political interference in the administration of land, leading to problems such as double allocation and increased informality, a situation that has eroded the financial base for the Local Authority. Secondly, land has become a commodity of appeasement (Interview, CFHHZ official, 15th June, 2017).

The issue of appeasement is twofold. Firstly, political agents (cadres) are appointed to key land alienation and development control in government departments in order to
favour the appointing power. Secondly, the ruling party deliberately allows its political agents (cadres) to invade vacant land as a way of paying them for the work done during political campaigns. Examples of cases where land alienation in the city of Lusaka has been done by political agents (cadres) include Garden House, Chalala settlements and Mwatusanaga area.

This has resulted in corruption thriving in the land sector as noted by another key informant in the following narrative:

_The land sector is experiencing high levels of corruption as the sector lacks systems to cartel potential bribe paying within their ranks; sanction those that are found wanting and raise the profile on the dangers of allowing corruption to continue thriving. There is also no mechanism beyond a seller going out advertising the sale of their land. That is, the seller determines the value of land which leads to desperation and speculation (Interview, Riverine Zambia limited official, 6th July, 2017)._ 

5.2.3. Accountability

Accountability is about the answerability of institutions/servants for their actions and resulting consequences in implementing land policies. Variables considered were: correct use of land premiums and planning fees, appeal mechanisms for conflict resolution and general mechanisms for questioning on-going land activities.

5.2.3.1. Correct Use of Land Premiums and planning Fees

Table 5.5 shows that 69 percent and 23.8 percent of the respondents in recognised settlements disagree or strongly disagree to the question respectively. In legalised settlements, the picture is not different as 77.8 percent and 11.1 percent of the respondents disagree or strongly disagree to the question respectively. Overall, 71.7 percent and 20.0 percent disagreed or strongly disagreed to the question respectively. This implies that the majority of respondents share the view that the land administration system in the city does not account for land premium and planning fees. These findings are not different from those by Sungema et al. (2014) and Melese (2016) from studies in Ethiopia. These studies found that the majority of respondents shared the view that the city administration never reports to residents on its land activities and related financial statements.
Table 5.5: Responses on Correct Use of Land Premiums and Planning Fee

<table>
<thead>
<tr>
<th>Response</th>
<th>Type of Settlement</th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Recognised</td>
<td>Legalised</td>
<td>Overall</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Number</td>
<td>Percentage</td>
<td>Number</td>
<td>Percentage</td>
</tr>
<tr>
<td>Agree</td>
<td>3</td>
<td>7.1</td>
<td>2</td>
<td>11.1</td>
</tr>
<tr>
<td>Disagree</td>
<td>29</td>
<td>69.0</td>
<td>14</td>
<td>77.8</td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>10</td>
<td>23.8</td>
<td>2</td>
<td>11.1</td>
</tr>
<tr>
<td>Totals</td>
<td>42</td>
<td>100.0</td>
<td>18</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: Field Data, 2017

According to key informants this has resulted in poor compliance in paying land rates and other fees as residents feel their money is not put to good use. Further, a research participant notes that:

_There has been gross political interference in the administration of land which has seen political cadres collecting application and development fees. This situation has eroded the financial base of local authorities because they delay putting such parcels of land on their valuation rolls_ (Interview, Zambia Land Alliance official, 12th April, 2017).

The scenario affects the capacity of both local and central government to provide basic services such as piped water, sanitation facilities and township roads.

5.2.3.2. Dispute Resolution Mechanism

With regard to the opportunity to present and defend claims during dispute resolution, 71.7 percent of the respondents in all the settlements held the view that it was not favourable to all (see table 5.6). In recognised and legalised settlements, the state of affairs is that 76.2 percent and 61.2 percent respectively disagree that there is an equal opportunity to present and defend their claims during land disputes. This agrees with Mulolwa (2016) who notes that less than half of communities have access to the judicial conflict resolution institutions. This is so as people are not “acquainted with the processes and procedures on how to bring their disputes before any of the forums” (Mulolwa, 2016:65). This has resulted in parallel avenues alongside the judicial resolution channel such as the ward development committees, the Lusaka City Council, the police and the Minister of Lands and Natural Resources, political cadres and the church.
Table 5.6: Responses on Opportunity to Present and Defend Claims during Dispute Resolution

<table>
<thead>
<tr>
<th>Response</th>
<th>Type of Settlement</th>
<th>Recognised</th>
<th>Legalised</th>
<th>Overall</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Percentage</td>
<td>Number</td>
<td>Percentage</td>
</tr>
<tr>
<td>Strongly agree</td>
<td>2</td>
<td>4.8</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>Agree</td>
<td>8</td>
<td>19.0</td>
<td>7</td>
<td>38.9</td>
</tr>
<tr>
<td>Disagree</td>
<td>17</td>
<td>40.5</td>
<td>10</td>
<td>55.6</td>
</tr>
<tr>
<td>Strongly disagree</td>
<td>15</td>
<td>35.7</td>
<td>1</td>
<td>5.6</td>
</tr>
<tr>
<td>Totals</td>
<td>42</td>
<td>100.0</td>
<td>18</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: Field Data, 2017

Moreover, the current dispute resolution mechanism in informal settlements is “more concerned with winning the cases as opposed to finding an amicable solution to the problem” (Chilombo, 2016:35).

5.2.3.3. Effectiveness of Dispute Resolution Mechanism

Most respondents from the study area are of the view that rules on dispute resolution have not improved. In this regard, 88.1 percent of respondents in recognised and 88.9 percent in legalised settlements perceive dispute resolution mechanisms to be unprogressive (see Table 5.7).

Table 5.7: Responses on Change of Land Tenure Regulations in Terms of Dispute Resolution

<table>
<thead>
<tr>
<th>Response</th>
<th>Recognised</th>
<th>Legalised</th>
<th>Overall</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Percentage</td>
<td>Number</td>
</tr>
<tr>
<td>Positive</td>
<td>5</td>
<td>11.9</td>
<td>2</td>
</tr>
<tr>
<td>Negative</td>
<td>37</td>
<td>88.1</td>
<td>16</td>
</tr>
<tr>
<td>Totals</td>
<td>42</td>
<td>100.0</td>
<td>18</td>
</tr>
</tbody>
</table>

Source: Field Data, 2017

On the question whether or not the dispute resolution mechanism was effective, 76.2 percent, and 23.8 percent of the respondents in recognised settlements disagree or
strongly disagree to the question respectively. In legalised settlements, the representation is not different as 55.6 percent and 44.4 percent of the respondents disagree or strongly disagree to the question respectively (see Table 5.8).

Table 5.8: Responses on the Effectiveness of Dispute Resolution Mechanism

<table>
<thead>
<tr>
<th>Response</th>
<th>Type of Settlement</th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Recognised</td>
<td>Legalised</td>
<td>Overall</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Number</td>
<td>Percentage</td>
<td>Number</td>
<td>Percentage</td>
<td>Number</td>
</tr>
<tr>
<td>Effective</td>
<td>10</td>
<td>23.8</td>
<td>8</td>
<td>44.4</td>
<td>18</td>
</tr>
<tr>
<td>Ineffective</td>
<td>32</td>
<td>76.2</td>
<td>10</td>
<td>55.6</td>
<td>42</td>
</tr>
<tr>
<td>Totals</td>
<td>42</td>
<td>100.0</td>
<td>18</td>
<td>100.0</td>
<td>60</td>
</tr>
</tbody>
</table>

Source: Field Data, 2017

The effectiveness of the conflict resolution can be explained twofold. In informal settlements, “land rights provided by occupancy licenses do not include the surrounding yard of a housing development (Chilombo, 2016:34). According to her study in Kalikiliki, this increases the number of disputes such as land encroachment (about 60 percent), double allocation, pit latrine sitting and waste dumping, which is attributed to defining plot boundaries using trees or shrubs passed on by word of mouth from the seller to the buyer.

Secondly “conflicts in the formal system are usually not resolved in a timely manner as courts are overburdened with a high number of cases and ineffective and unfriendly processes and procedures of bringing about disputes before the courts” (Mulolwa 2016: 66). This is echoed by a good governance consultant who argues that:

The Lands Tribunal is not as effective as people thought as it is highly centralised. Moreover, very few people know the mandate of the Lands Tribunal owing to poor publicity about the institution” (Interview, Riverine Zambia limited official, 6th July, 2017).

This causes residents to resort to local channels discussed in section 5.1.3.2 which have failed to foster equity and agreement in the conflict resolution process as the community structures are not well vested in legal and planning matters. Examples include a council official using his discretion in cases where there was no agreement in matters to do with land encroachments and boundary disputes (Chilombo, 2016).
Furthermore, gaps in the legal framework have resulted in conflicts among land administration entities. For instance, the Ministry of Lands and Natural Resources is involved in dispute resolution “through its mandate to appoint the registrar for the Lands Tribunal which clearly presents a potential and/or real conflict of interest in cases where the Ministry is involved as a litigant in land disputes” (Mulolwa, 2016:69). Another potential conflict of interest arises from the vestment of all land in Zambia absolutely in the President, who holds it in perpetuity for and on behalf of the people of Zambia by the Lands Act, Cap 184 (Mulolwa, 2016). Civil society organisation and governance activists are of the view that placing all land in the care of the Republican President gives too much power to one office and makes it difficult to distribute land equally (ZLA, 2008). The great powers vested in the President in matters of land alienation have the potential to lead to conflicts of interest or are sensitive to abuse in cases of implementation and arbitration. For instance, in a land dispute between rural/peri-urban communities and leaseholders or investors, the President can rule in favour of investors at the expense of the local people (Mudenda, 2007; Mulolwa, 2016). Thus, it can be argued that all these inefficiencies hinder the principle of accountability in the city’s land development.

5.2.4. Equity

Equity is a way of providing equal opportunity for all to access land and land information without legal obstacles and procedural difficulties. The study focused on whether all community members had equal access to land, affordability of land premiums and planning fees as well as ascertaining the occurrence of land evictions.

5.2.4.1. Access to land

Overall Figure 5.5 shows that 35 percent and 38.3 percent of the respondents disagree and strongly disagree to the question that all community members in the city have equal access to housing land respectively. In recognised settlements, 33.3 percent and 38.1 percent of the respondents disagree or strongly disagree to the question respectively. In legalised settlements, 77.8 percent of the respondents disagree to the question of equal access to housing land.
Accordingly, one key informant highlights that:

An individual is empowered to own land only when they have the capacity to develop it by way of having sufficient funds to support the application for land. Previously it was affordable when land had no value but now plot premiums are high. For instance, you will be told to pay K600 non-refundable fees before the offer then pay about 20,000 to 80,000 as development fees. This entails that only those with financial resources can acquire land in the city (Interview, MLG HQ official, 19th June, 2017).

Further, a governance activist notes that:

The current land legislation in Zambia does not clearly prescribe how it protects the rights of some vulnerable groups such as the disabled who are in some cases marginalised in terms of accessing and developing land. This is because, the disabled who are mostly poor have to compete for land just like anyone else who are able to meet the cost of accessing land (Interview, Zambia Land Alliance official, 12th April, 2017).

The narrations imply that the majority vulnerable residents have no opportunity to own land in planned settlements. This forces them to look for alternatives which are often informal or squatter settlements

5.2.4.2. Mode of Land Acquisition

With regard to the mode of land acquisition, the study found that 69 percent and 66.7 percent of the respondents from recognised and legalised settlements respectively acquired their parcels of land by buying (see Table 5.9). Overall, 68.3 percent of the respondents were not original owners as they acquired their land by buying. This is followed by leasehold and tenancy respectively. The remainder acquired their land by way of inheritance (5 percent) as shown in Table 5.9.
Table 5.9: Responses on Mode of Land Acquisition

<table>
<thead>
<tr>
<th>Response</th>
<th>Recognised</th>
<th></th>
<th></th>
<th>Legalised</th>
<th></th>
<th></th>
<th>Overall</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Percentage</td>
<td></td>
<td>Number</td>
<td>Percentage</td>
<td></td>
<td>Number</td>
<td>Percentage</td>
<td></td>
</tr>
<tr>
<td>Inheritance</td>
<td>3</td>
<td>7.1</td>
<td></td>
<td>0</td>
<td>0.0</td>
<td></td>
<td>3</td>
<td>5.0</td>
<td></td>
</tr>
<tr>
<td>Tenancy</td>
<td>4</td>
<td>9.5</td>
<td></td>
<td>5</td>
<td>27.8</td>
<td></td>
<td>9</td>
<td>15.0</td>
<td></td>
</tr>
<tr>
<td>Leasehold</td>
<td>6</td>
<td>14.3</td>
<td></td>
<td>1</td>
<td>5.6</td>
<td></td>
<td>7</td>
<td>11.7</td>
<td></td>
</tr>
<tr>
<td>Bought</td>
<td>29</td>
<td>69.0</td>
<td></td>
<td>12</td>
<td>66.7</td>
<td></td>
<td>41</td>
<td>68.3</td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>42</td>
<td>100.0</td>
<td></td>
<td>18</td>
<td>100.0</td>
<td></td>
<td>60</td>
<td>100.0</td>
<td></td>
</tr>
</tbody>
</table>

Source: Field Data, 2017

This implies that most residents in the selected settlements did not acquire their land directly from the Lusaka City Council or Ministry of Lands and Natural Resources. This is testimony to the fact that land in Zambia is commercialised as the current land legal framework is not protecting the land rights of vulnerable groups such as women, the poor, the disabled or the youth, as everyone has to compete for land under the same conditions.

This has resulted in marginalised residents resorting to land invasions. A case in point is the invasion of Mtendere East settlement where Chitonge and Mfune (2015:215) record that “initial invaders were people who could not afford to buy land through the formal land market”. Consequently, Zambia Land Alliance (2014) advocates for deliberate measures to be put in place to help vulnerable groups have access to land. The Zambia Land Alliance also hints that land in Zambia is largely an adult privilege. However, in a country like Zambia, where the youth constitute more than 50 percent of the population, it is essential that their involvement in land administration is improved. In this vein, a key informant notes that:

*Land legislation and the constitution do not adequately and clearly provide for the protection land rights of orphans especially in the advert of HIV/AIDS. What is touching is that people tasked to administer property end up selling it for their personal gain* (Interview, Zambia Land Alliance official, 12th April, 2017).

The narration can be used to explain why finding show that only 5 percent acquired land through inheritance.
5.1.4.3. Land Rights Typology

On the question of land rights held by the respondents, the study revealed that 55.0 percent of the respondents have no tenure documents to their properties, as shown in Figure 5.2 (study targeted landlords). These results are very close to the numbering and registration of properties September 2016 report for the Lusaka City Council, which shows that 63.75 percent (69,890 properties out of 109,630 properties) in informal settlements have no occupancy licences or land records (Lusaka City Council, 2016). Chitonge and Mfune (2015) also record that the uptake of occupancy licences is low, with only 12% of people obtaining them. Furthermore, the results are not different from those established by Mulolwa (2016), who indicates that more than 50% of landholders in planned settlements do not have their rights registered.

![Figure 5.2: Respondents' Land Rights](image)

### Source: Field Data, 2017

When the results are disaggregated according to settlement types, more than half of the respondents (59.5 percent) in recognised settlements have no tenure documents. On the contrary, 55.6 percent of respondents in legalised settlements have tenure documents. This implies that more needs to be done to sensitise the residents in recognised settlements on the need to acquire tenure documents if their land is to be a vital source of capital.
5.2.4.4. Affordability of Land Premiums and Planning Fees

The Figure 5.4 shows that 97.6 percent and 100 percent of the respondents in recognised and legalised respectively perceive current land premiums to be unaffordable.

The findings show that plot premiums in the city range from K145,000 to K350,000 for Meanwood Property Development Corporation in 2017; K67,000 to K132,000 for National Housing Authority in 2016 and K1,200,000 to K1,500,000 for the Property Shop in 2017 (see appendix C). Other examples of high land premiums concern the Mwatusanga plots, which were going at K359,000 per plot payable in 30 days. These plot premiums are for plots ranging from 600 to 2,000 square metres. These exclude charges such as

Consent at K333, assignment at 1 percent of selling price, and processing of certificate of title currently standing at K166.80 and payable to the Ministry of Lands” (Interview, Meanwood Property Development Corporation official, 20th June, 2017).

For state land,

An applicant will be told to pay non-refundable application fees before the offer” (Interview, MLG HQ official, 19th June, 2017).

In the case of mwatusanga, there was a K5,000 fee termed as an expression of interest.

![Figure 5.3: Affordability of Land Premiums and Planning fees](image)

**Figure 5.3:** Affordability of Land Premiums and Planning fees

**Source:** Field Data, 2017

According to a governance expert, high land premiums are attributed to a number of factors that include:
Attaching value to land and liberalising of the land market. This has been worsened by the Lands Act being implementing without a land policy and accompanying regulations. This has resulted in access to land being purely on status and speculative purposes, if I do not have the resources to buy land, I cannot have capacity to purchase a house (Interview, CFHHZ official, 15th June, 2017).

The lack of legal restriction on a number of hectares or parcels of land an individual can acquire has resulted in such parcels being undeveloped for a long period and are subsequently sold at high prices despite acquiring them at a low price from government (Mudenda, 2007). The growing unaffordability of housing land is said to be “responsible for increasing the number of people who are homeless and have to resort to living in inadequate and insecure housing conditions” (Ghazi, et al., 2017:14). They also argue that the increase in land premiums results in speculation in the price of urban land which in turn impacts on the spatial composition of communities in cities. The scenario has led to gentrification, creation of informal settlements and gated communities and encroachments on private lands processes directly that negatively impact social cohesion and equality (Ghazi, et al., 2017). It must be said that the issue of acquiring large parcels of land and is later subdivided is widespread. This is also linked to liberalised economy where land become an economic commodity without seriously putting in place policy that would guide land administrators on how land allocation should be done in an equitable and just way. It is important to note that this situation runs counter to all the Sustainable Development Goals, and in particular sustainable cities (Goal 11), no poverty (Goal 1), reduced inequalities (Goal 10), clean water and sanitation (Goal 6) and gender equality (Goal 5). This will further increase the spatial coverage of informal settlements. The increase in informal settlements also affects the provision of basic service difficult.

On the contrary, 52.4 percent of the respondents in recognised settlements and 83.3 percent in legalised settlements considered planning fees (for instance change of ownership) to be affordable. This could partly explain the high rate of land use changes in the city, which, according to a key informant are “taking place so frequently” (Interview, Riverine Zambia limited official, 6th July, 2017).
5.2.4.5. Land Evictions

Table 5.10 shows that land evictions in the study area are to a large extent minimal. This is because only 14.3 percent and 27.8 percent in recognised and legalised settlements respectively have been evicted before. Overall, only 18.3 percent of the respondents have been evicted before. This is because most informal settlers have a political alignment as Chitonge and Mfune (2015) and Mulolwa (2016) note that most informal settlements are a result of invasion by political cadres. However, in cases where evictions are carried out, the ‘owner’ of the land is influential or powerful in society.

Table 5.10: Respondents’ Evicted from their Land

| Response | Type of Settlement | | | | | |
|----------|--------------------|---|---|---|---|
|          | Recognised | Legalised | Overall | | |
|          | Number | Percentage | Number | Percentage | Number | Percentage |
| Yes      | 6     | 14.3 | 5     | 27.8 | 11 | 18.3 |
| No       | 36    | 85.7 | 13    | 72.2 | 49 | 81.7 |
| Totals   | 42    | 100.0 | 18     | 100.0 | 60 | 100.0 |

Source: Field Data, 2017

5.2.5. Efficiency and Effectiveness

Efficiency and Effectiveness concern the quality of processes of managing land while making the best use of it to meet user needs (service levels and costs) without wastage. Thus, this section addresses the level of satisfaction by considering the duration of completing land acquisition and planning permission. It is worth noting that other variables such as performance of duties diligently and impartiality and information dissemination has been discussed in section 5.1.2.2.

5.2.5.1. Duration of Completing Land Acquisition

Tenure security improvement and land use planning are two possible strategies for improving the living conditions of people and securing their land rights. In this vein, Table 5.11 shows that more than half of the respondents in both recognised and legalised settlements (66.7 percent and 66.1 percent respectively) completed their land
acquisition process in more than 12 months. On the contrary, only 21.4 percent and 27.8 percent in recognised and legalised settlements respectively completed their land acquisition process in less than six (6) months. Key informants from the Ministry of Lands and Natural Resources and the Lusaka City Council note that there is no specific duration for obtaining tenure (leases, certificate of title or occupancy licence). In is line, Mulolwa (2016) notes that there is no specific period for obtaining tenure documents.

The problem of the long duration to obtain tenure documents is echoed by a governance and environment consult in the following narration:

Some people I know took two to three years to get a title. In my own experience there have been some parcels of land where it took more than three years awaiting numbering (Interview, Riverine Zambia limited official, 6th July, 2017).

The lengthy procedure of acquiring tenure documents is attributed to a number of factors. One research participant notes that:

The Lands Act highly centralises the statutory land administration system, and the process of acquiring title deeds, which makes it difficult for many, especially the rural poor. While occupancy licenses play a pertinent role in increasing security of tenure, the process of acquiring them is cumbersome and inaccessible or not known to many. Settlers living in informal settlements are sometimes not

Table 5.11: Responses on Duration to Complete Land Acquisition

<table>
<thead>
<tr>
<th>Response</th>
<th>Type of Settlement</th>
<th>Recognised</th>
<th>Legalised</th>
<th>Overall</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Number</td>
<td>Percentage</td>
<td>Number</td>
<td>Percentage</td>
</tr>
<tr>
<td>Less than a month</td>
<td>5</td>
<td>11.9</td>
<td>2</td>
<td>11.1</td>
</tr>
<tr>
<td>2 to 3 months</td>
<td>1</td>
<td>2.4</td>
<td>3</td>
<td>16.7</td>
</tr>
<tr>
<td>4 to 6 months</td>
<td>3</td>
<td>7.1</td>
<td>0</td>
<td>0.0</td>
</tr>
<tr>
<td>7 to 12 months</td>
<td>5</td>
<td>11.9</td>
<td>2</td>
<td>11.1</td>
</tr>
<tr>
<td>More than 12 months</td>
<td>28</td>
<td>66.7</td>
<td>11</td>
<td>61.1</td>
</tr>
<tr>
<td>Totals</td>
<td>42</td>
<td>100.0</td>
<td>18</td>
<td>100.0</td>
</tr>
</tbody>
</table>

Source: Field Data, 2017
aware of the process of legally securing their parcels of land, thus the need for government to enhance sensitization around this matter (Interview, Zambia Land Alliance official, 12th April, 2017).

In the view of the above narrations, land administration in the city is not pro-poor. With regard to the centralised land system, Lusaka province has no lands office to deal with lands issues in the province as is the case with other provinces. This overburdens the commissioner of lands to process tenure documents.

The implication of the above scenario is that security of tenure is not guaranteed and legal transactions cannot be effected on this piece of land. For the earlier it entails land cannot be used as collateral in instances of seeking for loans from banks. In this vein, Durand-Lasserve and Selond (2007:13) argue that “titling improves market efficiency by reducing transaction uncertainty, increasing the ability to transfer and enlarge trading opportunities and the possibility to exploit gains from trade.” For the latter, though not having tenure documents does not deter conducting land transactions, such transactions by law will not be registered. On the side of government, the implications among others are that:

Unregistered land makes government to lose the much needed revenue as ground rent and development fees. Moreover, it makes it difficult to monitor or account for registered land (Interview, Commissioner of Lands official, 13th April, 2017).

For the poor, the long duration to obtain tenure documents may force them to informal settlements as those with financial power will buy them off. However, other studies have shown that investment behaviour of informal settlers has changed. Poris and crisol (2004), show that those without security of tenure have invested in improving their housing structures anticipation of compensation in case they are evicted or decided to move away.

5.2.5.2. Duration of Obtaining Planning Permission

With regard to obtaining planning permission (building permission, subdivision and change of use), the study findings show that 73.8 percent and 61.1 percent of the respondents in recognised and legalised settlements respectively were of the view that the procedure is long (see Table 5.12).
Table 5.12: Responses on Duration of Obtaining Planning Permission

<table>
<thead>
<tr>
<th>Response</th>
<th>Type of Settlement</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Recognised</td>
</tr>
<tr>
<td></td>
<td>Number</td>
</tr>
<tr>
<td>Long</td>
<td>31</td>
</tr>
<tr>
<td>Short</td>
<td>3</td>
</tr>
<tr>
<td>No comment</td>
<td>8</td>
</tr>
<tr>
<td>Totals</td>
<td>42</td>
</tr>
</tbody>
</table>

Source: Field Data, 2017

In view of the findings, Mulolwa (2016) notes that obtaining planning permission in Zambia exceeds 90 days.

Good governance advocates attribute the lengthy duration of getting planning permission to the multiplicity of entities involved and tedious procedures (it takes more steps and consequently more time). A research participant reinforces this by adding that:

*The time framework of acquiring planning permission is long as officials are working under authority that are not accountable to the people. The process of owning state land tends to be highly bureaucratic, centralised, and costly* (Interview, Zambia Land Alliance official, 12th April, 2017).

In this regard, an official from the Planning Department at Lusaka City Council noted that:

*Objectivity is watered down by political interference as planners receive instructions from high-ranking officers in government. This has of late seen public officials becoming politically oriented for fear of dismissal when they act contrary to the existing system. A case in point is the threatening of council officials with regard to implementing ZILMIS. Thus, planners are not in charge of planning activities in the City of Lusaka* (Interview, LCC-PD official, 14th June, 2017).

Furthermore, a PPHPZ official hinted that the lengthy procedure is a result of informal settlers taking long to pay penalties in the form of outstanding ground rates and planning fees.

*In the upgrading process, our experience has been that informal settlers have to pay huge amounts as penalties. These are for the planning process defaulted and outstanding land rates* (Interview, PPHPZ official, 16th June, 2017).
Other challenges are a “lack of understanding of technicalities to do with administration of land by the masses, a lack of institutional and technical resources that limit the planning input and confusion in terminologies used” (Mulolwa, 2016: 41). This calls for land use planning and tenure security improvements not to be considered in isolation in order to reverse the current urban spatial expansion occurring in an ad hoc manner resulting in un-coordinated development and disorderly physical development and the ubiquitous poor quality of living and environmental conditions.

5.3. Role of Stakeholders in Promoting Inclusive Land Governance

This section provides a comprehensive and illustrative understanding of the role and significance of the ‘third sector’ - the civil society sector - in land governance in Zambia. The primary purpose of this section is to illuminate the increasingly important role of gatekeepers (stakeholders) in promoting inclusive land administration in the City of Lusaka. The CSOs, whose work is highlighted, include Zambia Land Alliance, Civic Forum for Housing and Habitat Zambia (CFHHZ), Riverine Consultants and People’s Process on Housing and Poverty in Zambia (PPHPZ). It also highlights the challenges and opportunities faced by the sector.

5.3.1. Programmes implemented by Civil Society Organisations

These are categorised as civil engagement and practice of values. Under civil engagement is advocacy and communication for pro-poor land policies and mobilizing the vulnerable/marginalised to participate in public affairs. Under practice of values includes tracking implementation progress of government policies and public officials’ performance. Others are identification of needs and building social capital and linking research and action on emerging issues.

5.3.1.1. Advocacy and Communication for Pro-poor Land and Housing Policies

This involves identifying unaddressed problems and bringing them to public attention, in protecting basic human rights and in giving voice to the wide range of political, environmental, social and community interests and concerns. Achievements in this area include:
• Inclusion of a specific chapter on land in the Fifth National Development Plan (FNDP);
• Coordinating civil society response to the formulation of a new Republican Constitution which saw land issues feature in the draft constitution;
• The inclusion of the Land Commission, maintaining the dual tenure system and developing a separate law to guide customary land administration, providing for adequate compensation in the effect that a community is displaced from their land (Zambia Land Alliance, 2014:2).

If implemented in a transparent and accountable manner will promote property rights. This will in turn enhance good land governance practices for promoting inclusive and sustainable development. Other achievements include devising a service charter and setting up para-legal desks. For the earlier, it is intended to enlighten residents on procedures of accessing government services which in turn will improve access to land services from different government departments. With regard to service charters,

_Transparency International Zambia developed a service charter for guiding processes and timeframes for acquiring services in the land sector, among others. Service charters seek to help people to understand how to access some services using visual presentation_ (Interview, Riverine Zambia ltd official, 6th July, 2017).

The establishment of para-legal desks on the hand seeks to help the vulnerable (poor and women) to access justice in land disputes. A good governance advocate shared her experience in the following narrative:

_In the wake of disputes created by large scale land acquisition, we have sought legal recourse for the poor from the Catholic Commission for Justice and Peace. We had to set camp in areas affected to get vital information on the cases. An example is Chibombo District where there were over 200 internal displacements in 2013_ (Interview, CFHHZ official, 15th June, 2017).

With regard to large scale acquisitions and the anticipated displacements, the Zambia Land Alliance has embarked on the process of equipping people with legal knowledge and skills. A number of activities have been put in place to actualise the forgoing. They include:

_Provision of para-legal training for new para-legal desks, develop a para-legal manual and guidelines for operation, facilitate the operations of para-legal support to community members, facilitate the operation of a 'mock jury' at community or district level, provide support for litigation of test cases for communities involved in land disputes and track land related cases in courts of law_ (Zambia Land Alliance, 2014:26).

5.3.1.2. Mobilizing the Vulnerable/Marginalised to Participate in Public Affairs
Tied to advocacy is mobilising the vulnerable and marginalised to participate in matters affecting them. Strategies used include raising awareness, institutional strengthening of network members and the adoption of appropriate technology. It must be stated from the start that not all CSOs use the aforementioned strategies, and where two or more CSOs are using one strategy, the degree of implementation differs. In this regard, creating awareness on land rights among local community members has to a large extent been done by the Zambia Land Alliance. Activities that enhance community awareness include:

Community meetings on issues of land rights, drama performances on land rights, form and support community radio listening clubs, form and support study circles, facilitate debates/ quizzes at secondary and tertiary institutions around land rights, produce national television programmes on land rights including documentaries (Zambia Land Alliance, 2014:25).

In view of ZLA’s strategies, a research participant highlighted that:

ZLA has created a ‘brand’ name for itself on land issues both within and outside Zambia such that it is on the list of organizations being consulted on issues of land annually by Parliamentary Select Committees and the international community (Interview, Zambia Land Alliance official, 12th April, 2017).

The Civic Forum for Housing and Habitat Zambia on the other hand has been ensuring that the land issue gains prominence on Zambia’s national development agenda. Its key strategies include institutional strengthening and networking of network members and educating civic leaders on challenges experienced in the land sector. With regard to educating civic leaders, a good governance advocate notes that:

We have been hosting housing symposium since 2012 with a view to review land and housing policies where politicians have been encouraged to de-politicising land administration. We have also empowered local communities with current land legislation and regulations (Interview, CFHHZ official, 15th June, 2017).

PPHPZ is also involved in mobilising residents to participate in land matters. In the process of upgrading settlements, they carry out the following activities:

Mapping settlements with the residents which help them to learn more about the infrastructure, services and housing needs and how they as individuals and groups relate to the physical layout. This helps to develop information about who does what in the settlement, their needs and the income generation capacities (Interview, PPHPZ official, 16th June, 2017).

Moreover, in the Chazanga upgrading project, PPHPZ advocated for the waiving of land rates and provided loans for process occupancy licences.
In this context, professionals and politicians need to respond to the needs of the community by identifying and understanding strategies and approaches that communities wish to experiment with. This is because only the poor themselves can truly understand their needs, priorities and constraints. There is also a need for professionals dealing in land governance to ‘legitimise’ or explain to other professional groups (including state agencies) the value inherent in the local strategies and approaches that the community wishes to adopt. At the core of this approach is the belief that what works for the poorest and most disadvantaged will also work for others in need, but the reverse is not true.

5.3.1.3. Building Social Capital and Identification of Needs

CSOs are also important in creating what is increasingly referred to as social capital. Social capital enables people to cooperate with one another for the common good (Veneklasen, 1994 in Ghaus-Pasha 2005). This is done by developing savings schemes which develop financial skills, experience with transparency and accountability, and how to use individual resources to meet collective needs. In the City of Lusaka, PPHPZ, in its quest to help in the regularisation of informal settlements, has developed housing savings schemes as follows:

People save small amounts on a daily basis, the only qualifying criteria being that one must be poor and resident within the squatter settlement. Each group elects three treasurers who are responsible for collecting and receiving savings. Each member has their own saving book in which their daily savings are recorded. The treasurers in turn have records of each member and their savings. It is hoped that in time the savings accumulated by each individual will determine their creditworthiness when they require a loan to either start a small business or house construction. Through investing, their scarce finance, the members have a material stake in their organisation and in its planning and decision-making. Savings encourage regular interaction and enables strong bonds to be created. This results in the schemes becoming reliable support systems for their members (Interview, PPHPZ official, 16th June, 2017).

In view of the above, such projects are likely to be short lived due to limited extent of social volunteering and active community participation. To support this argument (Mumba and Mumba 2010) show that social volunteering and active participation in civil society organisation led programs stands at 31.0 percent and 28.6 percent despite recording 84.2 percent community engagement. This can be attributed to the immediate post-independence governance policies where citizens were provided with free essential items and commodities. Other reasons for low participation in social
activities is that people have insufficient time, as they spend much of their time at places of work or in search of money (World Bank, 2005 in Mumba and Mumba, 2010).

Another strategy developed by PPHPZ is designing small scale housing models. It involves encouraging individual members to assess their own affordability and that of others, and how to lower costs within the construction process. Moreover, there are community-to-community exchanges whose benefits are detailed below.

Community exchanges help to broaden the understanding of members beyond the immediate needs of the settlement. Exchanges also lead to good sharing of experience and therefore a new set of people learning new skills. Such knowledge/skills are often restricted to educated professionals as it is assumed that the qualities of good teaching are linked to formal education. Moreover, they are encouraged and motivated by what they see, recognising that if they can do it, we too can do it (Interview, PPHPZ official, 16th June, 2017).

This is likely to change the perception of government officials with regard to challenges the vulnerable people face especially with regard to land development. Further, it is “through interaction of a social nature that people share information and form different networks, which are an important ingredient for solving common problems that affect them” (Mumba and Mumba, 2010:41).


This involves holding public entities to account in the dispensation of their duties regarding providing equal opportunities. In this regard,

ZLA is closely monitoring the pronouncement of allocating 30 percent of all land to women (Interview, Zambia Land Alliance official, 12th April, 2017).

This is echoed by a PPHPZ official in the following narration:

The pronouncement of 30 percent of all land allocations to women is likely to favour a certain group of women. This is because not all women can manage to meet the requirements of acquiring land. So who really constitutes the 30 percent as some women are rich such that they are able to buy parcels of land? (Interview, PPHPZ official, 16th June, 2017)

This shows that despite CSOs welcoming the pronouncement, they are apprehensive about its implementation as it is likely not to benefit poor and vulnerable women. The success of such campaigns is hampered by factors such as legal obligations as prescribed by the registrar of societies, dominance of some members in decision
making, human resource and financial limitations (Mweshi, 2010). These are discussed in detail in section 5.2.3.

5.3.1.5. Linking Research and Action on Emerging Issues.

The study findings show that CSOs in the land sector are contributing by researching on various aspects of land administration. Examples of research on emerging pressing land issues in the field include:

The impact of large scale land acquisition on communities; Good and bad practices in land administration; Review of the Land, Forestry and Resettlement Policies (Interview, CFHHZ official, 15th June, 2017).

Another key endeavour is providing support to unplanned settlements during regularisation/upgrading. Activities include:

Conducting research in unplanned and regularised settlements in Zambia, including documenting best practices, facilitating the process of legalising unplanned settlements, including practical support to community members, continued engagement around investment and large scale land acquisitions vis-à-vis the land rights of poor and vulnerable Zambians and revision of the pro-poor housing policy (Interview, Zambia Land Alliance official, 12th April, 2017).

These activities have helped to improve community participation, transparency, equity and effectiveness in land governance programmes and increased access to justice during land disputes for the less privileged. In this vein the Transparency International has conducted the following studies:

Causes and forms of corruption in different sectors, processes and timeframes of acquiring government services in different departments and how to access government services (Interview, Riverine Zambia limited official, 6th July, 2017)

5.3.2. Challenges and Threats Faced by CSOs

The potential contribution of the civil society sector in Zambia is being hindered by a number of factors.

5.3.3.1. Authoritarian Political Control

The greatest challenge is the politicising of land alienation and planning activities. This has resulted in public officials being accountable to the political system and not the public. This implies that CSOs’ impacts are limited as public officials are operating
within prevailing structures of political systems. This is echoed by research participant who notes that:

*The working relation between CSOs and government departments during project implementation is at personal level despite having Memoranda of Understanding (Interview, PPHPZ official, 16th June, 2017).*

In this regard, Ghaus-pasha (2005) hints that the real challenge for civil societies in realising their goals is not a lack of finances or technical capacity but a lack of political will from governments. The result has been passivity and dependence, rather than empowerment and autonomy. This is attributed to government not provided space for civil society to engage in public policy decisions. It has also been noted that civil society organisations are not provided with all the necessary information for effective engagement. This is because there are neither laws nor regulations obliging the Government to involve civil society in national policy processes or to take up CSO submissions (Mumba and Mumba, 2010). Other reasons leading to CSOs limited impact on policy includes a lack of information and knowledge of policy processes, poor use of communication strategies, weak links with other actors, and the governments perception of CSOs as competitors for donor funding and influence.

Further, dominance of individuals in decision making has of late been noted as heads of some civil society organisation have been giving personal views in supporting government policies rather than following the ideals of the organisations. This echoed by Mweshi (2010) as he argues that:

*The existence and perhaps the survival of the organisation are inextricably linked to one or just a few individuals. Such personalities can be quite overbearing on other members or staff, and others who may have progressive ideas find it difficult to challenge them and are likely to find themselves unwanted (Mweshi, 2010:110 in Mumba and Mumba 2010).*

This can be attributed to high levels of corruption and intolerance of government regimes (Corella, *et al.*, 2006). With regard to intolerance,

*The Societies Act has been accused of being incompatible with the current democratic dispensation, as it gives government excessive discretionary powers to regulate organisations. In particular, sections 13 and 23 give the Minister of Home Affairs and the Registrar of Societies wide-ranging powers to cancel the registration of any society (Mumba and Mumba, 2010:56).*

Civil society actors have also complained about the Public Order Act as it suppresses freedoms of assembly and movements (Corella *et al.*, 2006).
Furthermore, section 4 (1) of Cap 116 is another piece of legislation hindering the smooth running of civil society in Zambia. It states that ‘no organisation may accept assistance from a foreign government or agency except with prior approval of the President in writing.

5.3.3.2. Limited Resources

Another factor hindering the growth of the civil society sector is the scarcity of financial resources. Funding constraints limit the scale and functioning of CSOs, significantly impairing their ability to deliver and maintain services. This echoed by a governance and environment consultant in the following narration:

_The heavy reliance on funding from foreign donors is making CSOs more reflective of donor interests than those of their communities or target groups (Interview, Riverine Zambia limited official, 6th July, 2017)_.

Moreover, the heavy reliance on donor funding leads to competition among CSOs for funding and a lack of autonomy in devising strategies for development but rather just imports foreign standards.

With regard to human resource capacity, the Zambia Land Alliance (2014) argues that:

_The dependence on volunteers though useful (as it covers the staffing gap) is not sustainable. After the departure of these volunteers, there is no sustainable continuity in the specific areas they contributed (Zambia Land Alliance, 2014:18)_.

Related to the foregoing is the issue of limited capacity in specific areas, including research, monitoring and evaluation and organizational development, among others. The factors outlined have resulted in a lack of consistency in the programs implemented.

5.4. Development of Informal Settlements

This section provides land governance reasons for the persistent development of informal settlements and developments in the city of Lusaka. These are categorized as colonial, legal, institutional and organisational, human resource capacity and political intervention.
5.4.1. Colonial Practices

A number of scholars have attributed informal land developments in Lusaka to post-colonial policies and practices. What are termed today as peri-urban settlements and slums began as residential areas for the labourers of nearby farms or industries. Upon attaining independence, Zambians acquired the freedom to move and settle in urban areas without restrictions (Chileshe, 2003; Nchito, 2007). The free movement of people saw labourers bring their families into urban areas, a situation which led to employers failing to supply enough housing for their workers. Those with lower incomes had to find their own housing. This resulted in the growth of informal settlements as people built according to their incomes on the only land they could find (Rakodi, 1986; Mwimba, 2002; Chileshe, 2003; Nchito, 2007). In the 1980s, the government then adopted a non-demolition agenda where upgrading and site and service options were carried out, mainly with the support of international donors (Rakodi, 1986). Some of the upgrading projects include the upgrading of George settlement funded by a World Bank loan and that of Kalingalinga settlement funded partly by the Zambian government (11 per cent) and a grant from the West German Agency for Technical Cooperation (74 per cent), 15 per cent being a community contribution in cash or kind (World Bank, 2002; Nchito, 2007). However, the projects were not successful as residents failed to pay back the revolving loans as they thought that it was the responsibility of government to provide them with housing.

The above trend has continued where unplanned settlements are growing, both through densification in existing areas and through outward expansion, with new land encroachments (Nchito, 2007). The trend is attributed to failure in the land delivery mechanisms, but more so, to the lack of appropriate planning for various human land uses in the city. In this regard, there has been excessive focus on formalisation of tenure and the provision of urban services and infrastructure in responding to poverty in upgrading informal settlements (Durand-Lasserre and Selond, 2007). This is to say the principal reason of upgrading of informal settlements has been to improve the living conditions by providing physical infrastructure and services that enhance holistic human development especially for the low income residents of the settlements (Abbott 2002 in Chikuta, et al., 2017). However few or no strategies have been put in place to counter the ripple effects which come with such improvements such as recrowding, community opposition, gentrification and creation of gated communities.
Further, the implementation of the upgrading process has been slowed by inadequate financial and human resources. In this regard, the upgrading process is such that once the declaration of a settlement is made, residents are issued with 30-year occupancy licences while the area goes through the process of upgrading. One deficiency of this process is that minimum standards for the houses to be constructed are not specified. Secondly, despite the pronouncement of the upgrading having the full blessing of government or local authorities, it may take many years before the legalised areas are provided with basic services and infrastructures. Thus, the upgrading process in Zambia mainly results in recognised settlements and not regularised settlements.

5.4.2. Legal Framework

With regard to state land, “there is no legislation apart from the Agricultural Lands Act which prescribes on what terms and conditions grants and dispositions of land can be made” (Mudenda, 2007:579). Secondly,

_The legal framework governing land administration in Zambia is located in several statutes, resulting in unclear regulatory framework for policy implementation in the acquisition, development and use of land, in the urban areas (Interview, CFHHZ official, 15th June, 2017)._ 

This situation resulted in rapid spontaneous urban growth as the law allowed illegal developments to be regularised if no enforcement or stop notice was issued within four years – which is akin to legalising illegality. This means that the numerous statutes are piecemeal and ad hoc as the statutes are not comprehensive and do not address all the needs in land administration (Mudenda, 2007). In this vein, the enactment of the Housing (Statutory and Improvement) Act and Lands Act of 1995 can be said to have been reactive. This is echoed by a research participant who notes that:

_The Housing (statutory and improvement) Act worked in isolation from other Acts such as the Survey Act, while the “Lands Act is being implemented without a land policy and supporting regulations” (Interview, CFHHZ official, 15th June, 2017)._ 

Furthermore, planning legislation (the repealed Town and Country Planning Act) had been obsolete and ineffective as it neither served the required needs nor responded to changing conditions (Mudenda, 2007). This is because the process for declaring a settlement as an improvement area is cumbersome and takes too long and conditions would have changed by the time the process is complete (Mulolwa, 2016).
Furthermore, while the Local Government Act empowers district councils to provide services for allocated plots, the Ministry of Lands and Natural Resources often allocates land before services are provided (it takes a long time before actual services such as water and roads are actually provided). This has provided fertile ground for informality and the situation is exacerbated by urban planning and housing operating without much co-ordination and co-operation and often with overlapping powers, functions, and jurisdictions (Mudenda, 2007).

The above problems have been worsened by a lack of enforcement of the law by Planning Authorities and notwithstanding deliberate moves by political party officials. Examples include a failure to strictly enforce the development clause in the lease agreement. This has been attributed to unrealistic legislation, as noted by a key informant in the following narration:

_The biggest number of cases the Lands Tribunal handles per session relate to re-entry as many people fail to adhere to lease condition. This is because many people do not know the land alienation system_ (Interview, lands Tribunal official, 5th April, 2017).

Moreover, enforcement notices are rarely issued for illegal developments or non-compliance. This results in the proliferation of sub-standard building structures and illegal developments. Despite the existence of the Town and Country Planning Act (TCPA) and the enactment of the Urban Regional Planning Act (URPA) of 2015, enforcement remains a challenge due to inadequate building inspectors at local government level (Mulolwa, 2016).

5.4.3. Institutional and Organisational Coordination

The settlement pattern in the City of Lusaka is also attributed to institutional and organisational failure to alienate and plan land efficiently. The multiplicity of entities dealing with land matters in Zambia has exacerbated land problems in the City of Lusaka. According to a key informant from Zambia Land Alliance, entities responsible for implementing the various functions of land administration ‘lack proper coordination’ This is acknowledged by a research participant from the Ministry of Lands and Natural Resources who notes that:

_Collaboration among land administration entities has been good but we would want it to be much better. We are supposed to collaborate with the council, Department of Physical Planning but….. (Interview, Commissioner of Lands official, 13th April, 2017)._
This is attributed to the entities reporting to different line ministries. Furthermore, the Commissioner of Lands was and is still not obliged to inquire into the technicalities of planning. This is in view of the fact that land use planning appraisals are executed by the Departments of Physical Planning in the Ministry of Local Government and planning authorities and the Land Use Planning section of the Ministry of Agriculture. This is a situation acknowledged by a key informant in the following narration:

*The Lands Department does not prepare layout plans but simply verifies availability of land parcels. Monitoring of land developments is done wholly by the local authorities. The lands department only comes in when there is an outcry from the people in cases of irregularities (Interview, Commissioner of Lands official, 13th April, 2017).*

The above problem is worsened by the lack of prior policy for “land identification for investors and for cross sector coordination on land use” (Mulolwa, 2016:7). This is a serious lapse in the system of land alienation because in alienating land, the “Commissioner of Lands has a responsibility to ensure that the land being alienated is properly planned and used for the intended purpose” (Mudenda, 2007: 565).

This reliance by the Ministry of Lands and Natural Resources on several government entities inevitably led to difficulties in co-ordination, thus the lengthy land administration process and confusion, which provided fertile ground for illegal land allocations and a failure to follow circular No 1 of 1985. This makes the process of acquiring land costly in terms of time, financial and other resources. In this regard,

*there have been cases of local authorities sometimes behaving like the principal as they have reached the extent of giving offer letters.” This situation has in the recent past seen the suspension of the land agency of, among others, Kabwe, Kalulushi, Chingola, Chongwe, Livingstone and Ndola local authorities (Interview, Commissioner of Lands official, 13th April, 2017).*

In addition, meaningful land alienation and physical planning cannot be divorced from each other. Such uncoordinated interventions that are seldom based on broadly shared guiding principles have unconsciously resulted in the current forms of urbanization that are not sustainable (Sylla, et al., 2016). Examples in the City of Lusaka include the uncontrolled spatial expansion of the city and mismatch of infrastructure investment, allocation of resources and investments that contribute to the generation of further inequalities and conflicts that aggravate societal divides, hence propelling city exclusion for some city residents. Sylla, et al. (2016) also argues that the
overlapping of powers of land administration entities often add to bureaucratic red-tape, which allows agencies to remain self-serving, with little regard to community needs and demands. In the midst of this mix-up, there is ample opportunity for patronage, informal fees, and other forms of corrupt practice that preclude the least able from participating in the formal land market and gaining security of tenure. This is because those who benefit from chaos are reluctant to support change, which in turn results in a lack of confidence in the formal system of land administration and a concomitant growth in informality. Moreover, most residents are not educated on the importance of development plans and zoning regulations while development control and monitoring mechanisms remain very weak, resulting in irregular urban land use and development, often in disaster prone areas (Mulolwa, 2016).

5.4.4. Human Resource and Financial Capacities

The other problem in land administration is the lack of adequate qualified staff and financial resources to effectively deal with issues of planning. In the City of Lusaka, interview information reveals that the Lands Department’s establishment has not been revised to suit the trending demands, while Lusaka City Council is understaffed. Regarding the City Council, a research participant stated that;

_The City Planning Department has 5 Socio-economic Planners as per establishment, 3 Environmental Planners as per establishment, 4 Building Inspectors with a deficit of 2, and 15 Physical Planners with a deficit of 6. These serve 33 wards in the city. We have a structure that is not responding to various issues in the city like population growth, demand for housing and other infrastructure among others._ (Interview, LCC-PD official, 14th June, 2017)

Furthermore, Mudenda (2007) say that the problem of under staffing is particularly pronounced in the Survey Department of the Ministry of Lands due to a shortage of well-trained survey staff. This results in survey diagrams of a low standard, resulting in a major bottleneck in the system of land delivery and titling. To overcome this problem, the Ministry of Lands and Natural Resources has in some cases resorted to the issuance of 14 year leases and occupancy licences which only require a sketch plan instead of a survey diagram, which have their own shortcomings. This has contributed to informality in the city of Lusaka as such parcels of land do not have well defined
boundaries and land use planning follow-ups (Chilombo, 2016). At MLG headquarters a key respondent reported that:

_Cabinet Office has not given us Treasury authority to fill the 87 vacancies for planners. This has contributed to the current settlement patterns in the City of Lusaka as planning problems do not manifest in the short term. We are now feeling the impact of what was not done right many years ago._ (Interview, MLG HQ official, 19th June, 2017)

5.4.5. Political Intervention

The unequal distribution of land in the City of Lusaka has resulted in urban dwellers resorting to unconventional means such as invasions of vacant or idle land. Chitonge and Mfune (2015) note that such land occupations are started and encouraged by the dominant party cadres (fervent supporters loyal to the ruling political party) who allocate land outside of the city's land administration system, as in the case of Mtendere East, Lusaka West, Chalala and Libala South. Such cases resulted in “the arresting of 300 cadres over the invasion of private land in Lusaka West in September, 2013; the shooting to death of Kapasa residents on 18th June, 2013 and the breaking out of riots over the demolition of houses built on illegally acquired plots in Garden House area in July, 2013” (Chitonge and Mfune, 2015:214). The above incidences are testimony to the fact that illegal land allocations in the City of Lusaka are a result of political patronage.

This scenario is also attributed to not opening new areas for residential development and absentee landlords. This is because the existing land delivery system does not provide land for low cost housing for the majority poor in the city as some local authorities are not aware of the guidelines or regulations relating to the land development fund. On the issue of providing housing land low cost housing, a research participant notes that:

_The ideal situation is that a planning authority decides where to develop a settlement. The current scenario is that a group of people will settle and then go to the council. This is attributed to lack of understanding of land alienation procedure while others take advantage of land ‘owners’ not knowing what to do in cases of land invasions._ (Interview, MLG HQ official, 19th June, 2017).

It is, however, worth noting that most informal settlements are preceded by planned settlements or upgraded settlements, as is the case at Garden House, Madimba and Kamwala South confirming Mulolwa’s (2016) claim that most improvement areas are
followed by overspills (see Figure 5.1). This downplays the notion of purported cadres alienating land, but rather suggests a coordinated effort between land administration officials and the cadres. On this note, an official at MLGH headquarters explained that

*Land allocations in new informal settlements are done strategically as they first allocate land to security officials such as army, police officers and high ranking government officials. Moreover, the politicising of land has resulted in more institutional control over urban settlement which has in turn resulted in some settlements developing on hazardous sites/environmentally unsafe areas, for instance Chalala settlement (Interview, MLG HQ official, 19th June, 2017).*

**Figure 5.4: Land Use in the City of Lusaka during 1970 and 2012.**

*Source: Davies (1971) and Field Data, 2017*

It worth noting that the map was produced using the latest high profile image sourced from the Zambia National Remote Sensing Centre.

### 5.5 Concluding Remarks

The study findings shows that land administration in the City of Lusaka is not inclusive as most indicators of the five good governance principles recorded negative responses of at least 60 per cent. This entails that formal urban land development arrangements in the city have not been able to cope with the demands of the majority of urban residents in the face of rapid urbanisation. The study findings also revealed that civil
society organisations’ roles in land administration include advocacy and communication for pro-poor land policies and mobilizing the vulnerable/marginalised to participate in public affairs, tracking the implementation progress of government policies and public officials’ performance. Others are identification of needs and building social capital and linking research and action on emerging issues. However, their efforts have not been consistent as they are hindered by authoritarian political control and limited human and financial resources, among others. The study also findings reveal that the development of informal settlements in the city is a result of bottlenecks in land delivery and planning legislations and poor coordination among government entities responsible for land governance. These have been exacerbated by inadequate human/financial resources and the politicising of the lands sector.

The deficiencies noted in the city’s land governance system has been a recipe for social, spatial, economic and environmental disruption (exclusion) as vulnerable groups resort to unconventional ways of accessing, securing and developing their land. It is thus wrong to interpret the tactics and struggles of the urban poor in the city as instances of insurgence but rather a reaction to deregulation and informality from above which has made land become not only an economic asset but a commodity of appeasement. This calls for strategic and integrated approaches to urban land development that ensures the creation of inclusive and resilient cities by promoting tenure responsive land use planning that understands existing community dynamics (including economic and social support networks) and implementing practical changes in the quest to reverse the proliferation of informal land developments.
CHAPTER SIX
CONCLUSION AND RECOMMENDATIONS

6.1. Introduction

This chapter is divided into two parts. The first section presents conclusions based on the findings and discussions, while the second section presents recommendations for implementation and future research arising from the findings. This structure is intended to demonstrate the value of the study, including considerations for future research.

6.2. Conclusions

The formation and proliferation of slums and informal settlements in many African cities has been seen as a key manifestation of different forms of exclusions and mainly attributed to the rapid pace of urbanisation. However, other factors such as economic, institutional, political and historical factors are also at play and are not fully understood. Thus, this study was conceived with the aim of assessing the inclusiveness of the City of Lusaka’s land administration system as a process in regulating land development.

Concerning the harnessing of inclusive tenets (good governance principles in land administration in the City of Lusaka), this study revealed that land administration in the City of Lusaka is entangled in bad governance as it faces problems like slow service delivery, corruption, widespread land conflicts and illegal land developments. This is attributed to expensive and bureaucratic land administration procedures, poor information management and a lack of coordination among land related entities. Moreover, the land alienation and planning process and related land investments often take place without meaningful community participation, and thus lack adequate checks and balances. The consequences of the above deficiencies have been an increase in land disputes. Against this backdrop, poor and vulnerable groups are negatively affected as they do not have access to affective and timely dispute resolution mechanisms, thereby undermining access to justice and basic human rights. This is exacerbated by political interference in land alienation and land use planning. This is because land has become a commodity of appeasement.
Furthermore, land in the City of Lusaka is viewed and treated merely as an economic asset. This has led to vulnerable groups such as the poor, women, youth and persons with disabilities experiencing difficulties in terms of access, ownership and control over land as they have limited access to land information and are often not aware of their rights and procedures to access and secure their land rights. They are also unable to afford land administration costs, which in turn have led to unacceptable inequalities in accessing and controlling land. This has been a recipe for social, spatial, economic and environmental disruption (exclusion).

With regard to the role of stakeholders in promoting good governance in land administration, the study shows that there has been an upsurge in efforts by the civil society sector in promoting good governance in land administration in the City of Lusaka. These include advocacy and communication for pro-poor land policies and mobilizing the vulnerable/marginalised to participate in public affairs, tracking the implementation progress of government policies and public officials’ performance. Others are identification of needs and building social capital and linking research and action on emerging issues. However, their efforts have not been consistent as they are hindered by authoritarian political control and limited human and financial resources, among others. This poses great challenges for collectively finding alternative solutions to the social, economic and political problems Zambia faces.

With regard to the third objective, the study found that there are a number of reasons for the continued proliferation of informal settlements in the city of Lusaka, the major ones being abrupt changes to colonial laws and policies, lack of institutional and organisational coordination which is exacerbated by limited human and financial resources to develop and implement a pro-poor land delivery system. Furthermore, the land administration system has been hijacked by political ‘cadres’ who have joined hands with some compromised government officials. This has resulted in a land administration system which is not only slow to address the huge demand for land, especially for low cost housing in the city, but also riddled with bureaucratic obstacles. In this regard, the majority poor tend to find it easy to access land in illegal settlements where they lack formal land rights recognition and protection.

Overall, the study shows that the right to live somewhere in a secure, peaceful and dignified manner cannot be achieved or enforced without a functioning land
administration system managing the people-to-land relationship. What is fundamental about the above perspective is that power relations and the distribution of wealth between different actors determine dynamics and outcomes of land governance processes. This calls for frameworks that ensure the sustainable use of land as well as mechanisms to generate revenue from land. This is because the two are important ingredients for creating inclusive and resilient cities and subsequently sustainable urban development. In this regard, land administration needs to reflect and actualise a human rights perspective to support the global agenda of achieving sustainable development goal number 11 (making cities and communities sustainable) through tenure responsive land use planning in tackling informality.

6.3. Recommendations

Since the study shows that land administration in the City of Lusaka is characterised by weak legal and institutional frameworks and is biased towards the minority elite residents instead of being inclusive for all, the study argues for a preventative approach in dealing with such problems. The following actions are recommended.

i. Resolve inconsistency of legal and institutional frameworks.

There is need for legal and institutional frameworks that are not reactive to issues but rather dynamic. This will be possible if the political hand does not have a major role in revising the aforementioned frameworks. Key legal framework changes should be the development of a pro-poor land policy and subsequent regulations to support the Lands Act of 1995 that restrict the number of land parcels to be owned by an individual. There is also need for simplification and translations of the said laws. Further, there is need to fully operationalise the provisions of the Urban and Regional Planning Act of 2015 by implementing Integrated Development Plans (IDPs) and planning agreements. Institutional wise, there is need for establishing a physical planning department in the lands department to coordinate with the city council in monitoring land developments and strengthen planning departments in terms of equipment, transport and technical support. Most importantly, there is need for reduced political interference in land alienation and monitoring land development. This is to be spearheaded by the Ministry of Lands and natural Resources, Ministry of Local Government and Ministry of Justice.
ii. **Operationalising the proposed commission of lands.**

There is need to operationalise the proposed commission of lands to enhance transparency and accountability in the administration of land. This will be actualised if the composition of the commission is broad based, that is include government departments, representation from persons living with disabilities, youths, and people living with HIV/AIDS, Women’s Movement, Members of Parliament, Private Sector, academia, the Church and other relevant institutions.

iii. **Develop Accessible Methods of Information Dissemination.**

The Ministry of Lands and Natural Resources and Ministry of Local Government need to embrace information technologies when disseminating land information such the use of short messages on phones in disseminating land information.

iv. **Operationalise the Slum Upgrading and Prevention Strategy Adopted by the LCC.**

The Ministry of Local Government needs to operationalise the slum upgrading and prevention strategy adopted by the LCC. This will be a success if there is a home policy on saving, for instance having a city fund that is a percentage of land rates. This will reduce the chances of middle and high income groups benefiting from or hijacking programmes meant for low-income groups such as slum upgrading. There is also a need for the Ministry of Local Government to implement the decentralisation policy in order to promote Local Economic Development (LED) to all areas to reduce the burden of providing housing land in cities and other major towns.

v. **Concerted stakeholder efforts**

Civil society needs sustained campaigns in order to draw attention and change the mind-sets of decision makers and other stakeholders, which in turn will change their priorities and policies. There is also a need for government and institutions of higher learning to promote research on responsive land governance that focuses on the problems of the poor and vulnerable.
REFERENCES


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APPENDICES
APPENDIX A: INTERVIEW GUIDE
The University of Zambia
School of Natural Sciences
Department of Geography and Environmental Studies

A. Introduction of Interviewer
My name is Lupale Mubanga, a Post graduate student at the University of Zambia. Thank you for agreeing to take part in this interview. This interview is concerned with urban land administration and city inclusiveness (socio-spatial justice). It will border on issues of land tenure (securing and transferring rights in land and natural resources), land value (land and properties markets), land use (planning and control of the use of land). The primary concern is to get your views on the land administration system in terms of citizen participation, transparency, accountability, equity, efficiency and efficiency. This study is purely academic.

B. Ministry of Lands; Ministry of Local Government (Department of Planning); Lusaka City Council (Department of City Planning) and Lusaka Provincial Planning Authority.

<table>
<thead>
<tr>
<th>Theme</th>
<th>Main Questions</th>
<th>Clarifying Questions</th>
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<tbody>
<tr>
<td>1. General information</td>
<td>a) What is the major role and function of your organization in relation to land administration?</td>
<td>• Can you expand a little on this?</td>
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<tr>
<td></td>
<td>b) What are the key activities or projects that your organization has been involved in the city for the last 20 years?</td>
<td>• Could you tell me anything else?</td>
</tr>
<tr>
<td></td>
<td>c) Are there legal provisions or a policy that guides the operations of your organization?</td>
<td>• Can you give me some examples?</td>
</tr>
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</table>
d) To what extent does your organization provide resources for land administration in the areas of training personnel, equipment and policies?

e) What are the major sources of revenue for your organization?

f) Is the revenue sufficient to cover the cost of operations?

g) What kind of urban land administration strategies are being followed today?

**Principles of Good Governance in Land Administration**

| 2. Participation | a. Who decides on where to develop and when to develop new residential areas?  
b. How open is the land delivery and decision-making process to all communities in the city?  
c. How many areas are currently (beginning of 2010) underway to be built up as new residential areas within the Greater City of Lusaka?  
d. What is the level of collaboration and coordination with statutory land agencies and other land professional institutions?  
e. What is the extent of involvement of community members in the city land delivery processes and decision making process with regard to land use? | • For (c), are responsibilities distributed in the best way? If not, what should be changed?  
• For (c) How far do you coordinate with other institutions concerned? With whom? When? How? |

| 3. Transparency | a. How do you rate accessibility of land market information to all?  
b. How do you rate clarity of the laws and rules regulating land delivery to the public? | • Is the land and planning law appropriate?  
• Do you feel the need for modification/amendments? If yes, what kind of modifications |
### 4. Accountability

| a. | How do you rate the mechanism for questioning and explaining the ongoing land activities in the city? |
| b. | How do you monitor implementation and development of approved planning programs? |
| c. | How do you perceive the mechanism that city administration informs the residents about the land activities carried out? |
| d. | How do you rate the appeal mechanisms for conflict resolution and access to land information? |

- Is the application process for building permission well organized? If not, what should be changed?
- Do have any documents that show policy related to this or has changed in this regard, Can you give any specific examples.

### 5. Equity and

### 6. Efficiency and effectiveness

| a. | How do you rate the cost of land access in terms of being affordable to most applicant community members? |
| b. | What are your views on the requirements to obtain land, transfer ownership/use right and building permit? |
| c. | What are your views on the duration for which decisions on applications for transfer of ownership/use and building are made? |
| d. | How is the land registration system and records kept on all land transactions? |
| e. | How adequate are the human resource for land governance in the City of Lusaka? |
| f. | How do you rate officials and workers performing their duties diligently and objectively? |
| g. | What do you consider as the major challenges for urban land acquisition, security and future developments in the Greater City of Lusaka? |
| h. | Could you please suggest any potential improvements to urban land administration and management in the Greater City of Lusaka? |

- What are the underlying causes of these changes?
- To what extent do the changes affect the provision of social services of informal settlements?
- What are some of the effects of the changes to land use pattern (re-zoning)?
- Are there any new strategies that have been developed and adopted recently? Please describe briefly the key elements of the strategy.
C. Property Developers/Real Estate Experts (National Housing Authority, National Pensions Scheme Authority, Meanwood Property Development Corporation, Homenet Zambia, Real Estate Investment Zambia plc).

My name is Lupale Mubanga, a Post graduate student at the University of Zambia. Thank you for agreeing to take part in this interview. This interview is concerned with urban land administration and city inclusiveness. It will border on issues of **land tenure** (securing and transferring rights in land and natural resources), **land value** (land and properties markets), **land use** (planning and control of the use of land). The primary concern is to get your views on the land administration system in terms of citizen **participation, transparency, accountability, equity, efficiency and efficiency**. This study is purely academic.

<table>
<thead>
<tr>
<th>Theme</th>
<th>Additional Questions</th>
<th>Clarifying Questions</th>
</tr>
</thead>
</table>
| 1. Informant tasks and responsibilities | a. What is the major role and function of your organization in relation to land administration?  
b. How much do you coordinate with other institutions concerned?  
c. What are the key activities or projects that your organization has been involved in the City of Lusaka for the last 20 years?  
d. In general, what is the trend in land values in 2016?  
e. How many transactions do you deal with in a month (average)?  
f. When a plot/house is sold, are there fees for registration to be paid?  
g. What is your view on the land registration system and record keeping on all land transactions? | |
| Principles of governance in land administration | As in B above | |
D. Non-Governmental Organizations and Experts (Land Alliance; PPHPZ; Transparency International; University of Zambia, Lands Tribunal)

My name is Lupale Mubanga, a Post graduate student at the University of Zambia. Thank you for agreeing to take part in this interview. This interview is concerned with urban land administration and city inclusiveness. It will border on issues of land tenure (securing and transferring rights in land and natural resources), land value (land and properties markets), land use (planning and control of the use of land). The primary concern is to get your views on the land administration system in terms of citizen participation, transparency, accountability, equity, efficiency and efficiency. This study is purely academic.

<table>
<thead>
<tr>
<th>Theme</th>
<th>Additional Questions</th>
<th>Clarifying Questions</th>
</tr>
</thead>
</table>
| 1. Informant tasks and responsibilities | a. What is your educational background?  
b. How long have you been working at this institution?  
c. Have you been working always in the same field?  
d. What is the structure of your organization? | |
| 2. Principles of governance in land administration | As in B above | |

Conclusion of Interview

Are there any other urban land governance problems that we have not discussed and that you find worrisome?  
or Do you want to add anything on urban land governance or public services?  
Would you like to be informed about the findings? (YES/NO)  
Would you be prepared to be identified in the final report? (YES/NO)  
Would you be prepared to take part in a follow up interviews? (YES/NO)
APPENDIX B: INTERVIEW SCHEDULE

The University of Zambia

School of Natural Sciences
Department of Geography and Environmental Studies

Introduction of Interviewer

My name is Lupale Mubanga, a Post graduate student at the University of Zambia. Thank you for agreeing to take part in this interview. This interview is concerned with urban land administration and city inclusiveness. It will border on issues of land tenure (securing and transferring rights in land and natural resources), land value (land and properties markets), land use (planning and control of the use of land). The primary concern is to get your views on the land administration system in terms of citizen participation, transparency, accountability, equity, efficiency and efficiency. This study is purely academic.

A. General characteristics
   1. Sex
      1= Female                          2= male       [   ]
   2. Age (in years)
      1= Up to 15 years       2= 16 to 30 years  3= 31 to 50 years  4= 51 years or above [   ]
   3. Occupation _________________________________

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4. How long have you lived in the community

5. Level of Education
   1= Never been to school   2= Primary   3= Secondary   4= Tertiary   5= other, specify

6. How many people live in the household
   1= females
   2= males

B. Views of informal settlers on the urban land administration system in terms of:
   I. EQUITY

7. Do all community members have equal access to land?
   1= Strongly agree   2= Agree   3= Disagree   4= Strongly disagree

8. How did you acquire your land?
   1= Gift   2= Inheritance from parents   3= Tenancy   4= Leasehold   5= others, specify

9. What rights do you hold in your land?
   1= 90 year lease   2= 30 Year occupancy license   3= 30 Year lease   4= 10 year land record   5= None

10. If your answer to (8) is none, how do you protect your acquired interest in land?

11. What is your view on current land values?
   1= Affordable   2= Unaffordable

12. What is your view on planning fees?
   1= Affordable   2= Unaffordable
13. Have you or any of your close relations been evicted from land in Lusaka?
   1= Yes  2= No

14. If the answer to question 23 is ‘yes’, Under what circumstances did you or your relation get evicted
   1= compulsory acquisition by state  2= re-zoning  4= illegally settled  5= other, specify

15. If the answer to question 23 is ‘yes’, were you compensated?
   1= Yes  2= No

16. If the answer to question 25 is ‘yes’, how were you compensated? ____________________________________

II. TRANSPARENCY
17. How do rate the clarity of the current land acquisition (land registration and ownership transfer) process?
   1= clear  2= no clear

18. What is your impression on the accessibility and dissemination of land information from urban land administrators?
   1= Very good  2= Satisfactory  3= Bad  4= Very bad

III. PARTICIPATION AND RESPONSIVENESS
19. Is decision-making on the use of land open to all community members?
   1= Yes  2= No

20. What are your Views on officials performing their duties diligently and impartially?
   1= Very good  2= Good  3= Satisfactory  4= Bad  4= Very Bad
IV. ACCOUNTABILITY

21. Are land acquisitions and land use fees used correctly?
   1= Strongly agree  2= Agree  3= Disagree  4= Strongly disagree

22. Are all land users given the same opportunity to present and defend their claims during dispute resolution?
   1= Strongly agree  2= Agree  3= Disagree  4= Strongly disagree

23. How would you describe the effectiveness of dispute resolution mechanism informal settlements?
   1= Very effective  2= Effective  3= Ineffective

24. How do you rate the changes to the city’s land administration system rules in terms of;
   a) Access to land  1= positive  2= negative
   b) Transfer of land rights  1= positive  2= negative
   c) Dispute resolution  1= positive  2= negative

V. EFFICIENCY AND EFFECTIVENESS

25. How do rate the duration of getting planning permission?
   1= long  2= short

26. How long did it take you to complete the land acquisition (land registration and ownership transfer) process?
   1= Less than 1 month  2= 1-3 months  3= 3-6 months  4= 6-12 months  5= More than 12 months

27. What other things would you like to inform me regarding land administration in the City of Lusaka