

**THE GROWTH AND DEVELOPMENT OF TOWNS IN A DUAL LAND TENURE
SYSTEM IN ZAMBIA: A CASE OF LUNDAZI TOWN**

BY

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DECLARATION

I, MARRIEN KALAPULA, [514702851] DO HEREBY solemnly declare that the content of this dissertation entirely represents my own work and it has not previously been submitted for a degree at this or another University. All published work or material from other sources incorporated in this dissertation have been acknowledged and adequate reference thereby given.

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ABSTRACT

Zambia has experienced rapid urban growth reflected in physical expansion of towns and cities. However, this expansion is mostly characterised by informal urban development. Although there exists a diversity of circumstances and factors that contribute to this situation, this study reveals the existence of a dual land tenure system as the key factor inhibiting the sustainable growth and development of Lundazi town. This is because Zambia has a dual land tenure system consisting of customary tenure and leasehold tenure. The focus of this study, therefore, is to establish how a dual land tenure system impacts the growth and development of Lundazi town and other regional capitals facing similar situations. Qualitative methods were applied in the collection and analysis of data. Interview schedules were used to obtain data from developers in both state and customary areas. About 40 developers were interviewed. Structured interviews were held with 8 key informants involving council officials, the chief and other officials dealing in issues relating to land administration and land use planning in Lundazi and a focus group discussion was held with 10 selected village headmen of Mphamba Chiefdom. Qualitative data was analysed using content analysis while Geo-spatial analysis of maps was done using Geographical Information System which was used to produce maps illustrating findings. Research findings show that the existence of a dual land tenure system has had both negative and positive consequences on the growth and development of Lundazi town although the negatives outweigh the positives. Firstly the fact that the town is surrounded by customary land hinders smooth expansion of Lundazi town. Secondly it has affected the morphology of the Lundazi town as it limits the capacity of the authorities in charge of land use planning in Lundazi to ensure coordinated growth and development of the town and its hinterlands resulting in the haphazard development of the rural-urban fringe areas and the proliferation of informal settlements within the urban boundary. The challenge is that, while Lundazi town is established on state land and administered through the leasehold tenure system, the immediate land surrounding it, towards which it is expected to naturally expand is customary land, administered through customary tenure and the two systems do not overlap. This limits the authorities in charge of urban land management in Lundazi to control development in surrounding areas as they are under the jurisdiction of the traditional authorities. Thus, development in such areas has remained unregulated. Therefore, to address the challenges of informality in urban growth and development of Lundazi Town, the study recommends Integrated Development Planning so that both land held under leasehold and customary tenure system can be planned collectively for future development of the town. The study also recommends the development of a comprehensive Land administration framework that will harmonise the dual land tenure system and integrate them into spatial planning issues.

Key Concepts: Urban Growth; Urban Development; Dual Land tenure System; Rural-urban Fringe; Land Use Planning

DEDICATION

To Mum and Dad, for your unconditional love and for being great parents to me. Love you always.

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ACRONYMS

BSA	British South African Company
CEO	Chief Executive Officer
CSO	Central Statistical Office
DACO	District Agricultural Coordinating Officer
DC	District Commissioner
DDCC	District Development Coordinating Committee
DPPH	Department of Physical Planning and Housing
EPPA	Eastern Province Planning Authority
EWSC	Eastern Water and Sewerage Company
FNDP	Fifth National Development Plan
GIS	Geographical Information System
IDP	Integrated Development Plan
HRC	Human Rights Commission
LAP	Local Area Plan
LDC	Lundazi District Council
LDF	Land Development Fund
LDP	Lundazi District Profile
MLGH	Ministry of Local Government and Housing
MP	Members of Parliament
PWDRE	Plans, Works, Development and Real Estate Committee
SSA	Sub-Saharan African
T and CP	Town and Country Planning
URP	Urban and Regional Planning
UN	United Nations
UNICEF	United Nation International Children Emergence Funds
UNIP	United National Independence Party
ZANIS	Zambia News and Information Services
ZESCO	Zambia Electricity Supply Cooperation
ZILMIS	Zambia Integrated Land Management Information System
ZIMS	Zambia Information Management System

CHAPTER ONE

INTRODUCTION

1.1 Background

Urban growth, which refers to an increase in the proportion of a population living in urban areas and the further physical expansion of already existing urban centres (Alaci (2010), is a global concern. According to Bloch (2012), there are currently more people living in urban areas than in rural areas worldwide. He further asserts that in 2010, urban areas being home to 3.5 billion people representing 50.5 per cent of the world's total population. Oduro, et al., (2014) observe that, most of the world's urban growth occurs in the developing world, particularly Africa and Asia where the urban population is expected to double between 2000 and 2030. This is due to the high rate at which most urban centres are growing in terms of population and physical infrastructure development, especially in Africa. For instance, the urban growth rates for African urban centers are in the order of 3.4 percent making Africa the fastest urbanizing continent (UN-Habitat, 2010). With this escalating growth rate, most African countries, Zambia inclusive, are undergoing rapid urbanization, accompanied by urban spatial expansion as urban centers enlarge and grow outwards to make room for urban population increase and infrastructure development (Kessides, 2006; GRZ, 2010; Bloch, 2012; Nchito, 2013; Tembo, 2014). However, as the urban areas expand outwards beyond the initial city and town boundaries into the peripheries, land tenure systems become an issue of great concern (Bloch, 2012, Taylor and Thole, 2015; Lombard, 2012).

In countries with efficient land tenure systems coupled with strong and efficient planning systems such as the United Kingdom, the United States or Australia, planners make provision for particular urban areas to expand beyond their current boundaries to accommodate or alleviate growth pressures and provide the necessary services and service infrastructure (Bloch, 2012). The experience is however different in Zambia as well as other Sub-Sahara African (SSA) countries due to ambiguous land tenure systems (Taylor & Thole, 2015). The common scenario in these countries is that, when urban spatial expansion occurs, revision of municipal boundaries is seen as the ultimate solution to enable local authorities to provide enough urban space for shelter, infrastructure development, and services delivery for residents (Bloch, 2012). This is also evident in Zambia. The country has experienced rapid urban growth with approximately 40 percent of its population living in urban areas (CSO, 2010; and Tembo, 2014). This has resulted in most municipalities especially in small towns which are generally settlements with between 5,000 and 20,000 inhabitants (Nchito, 2013) using the population

threshold to resort to expand their urban boundaries into the peri-urban and rural peripheries thereby incorporating settlements which were previously not categorised as urban into the new urban limits (All Africa, 2015; Zambia Daily Mail, 2015; Times of Zambia, 2014 and Bloch, 2012).

In Zambia however, most local authorities face difficulties in extending urban boundaries due to the existence of a dual land tenure system; a system in which leasehold and customary land tenure exist and interface with one another (; Zambia Dairy Mail, 2015; Kalugia, 2009; Adams, 2003 and Van Loenen, 1999). While towns are established on state land and administered through leasehold tenure system, their immediate land surrounding them, towards which they are expected to naturally expand is customary land, administered through customary tenure and the authorities in charge of urban land management have no mandate to such lands. Lundazi, being one of the towns in Zambia, follows the same trajectory. This study therefore seeks to establish the effects of the dual land tenure system on urban growth and development in Zambia using Lundazi as a case.

1.2 Problem Statement

Zambia exhibits informal urban growth which is reflected in the proliferation of informal settlements that surround most towns and cities (Kawanga, 2014). Between 60 and 70 percent of the urban population lives in informal settlements with inadequate housing and water and sanitation services (USAID, 2010). Various studies done on urban developments in most SSA countries facing similar challenges of informal urban growth like Zambia show a link between land tenure and the spatial characteristics of urban developments (Musoga and Musyoka 2015; Muinde, 2013; Lombard, 2012 and Fekade, 2000). For instance, a study by Muinde (2013) on the informal expansion and development of Kampala city revealed ineffective and unclear land tenure systems as a major hindrance to sustainable urban growth and development control as access to land on which urban development take place and on which planning regulatory are applied is governed by rules of tenure. In Zambia however, there has been a dearth of empirical studies to assess how the systems of land tenure present in the country affects the growth and development of towns and cities as most urban development studies link the informal urban growth that is experienced in in the country to inefficient land use planning legislation and practices while overlooking the hindrance of land tenure systems on effective spatial planning. By using Lundazi Town as a case, this study assesses the effects of a dual land tenure system present in Zambia on the growth and development of towns. If the issue of a dual land tenure is not treated with the seriousness it deserves, opportunities that otherwise would have been

available for the local authorities to ensure a sound growth and development of the towns and cities would be lost. This would result in the informal development of the large portions of urban spaces in the nation. As a result, towns and cities that will evolve will be largely unplanned and characterised of associated urban challenges such mushrooming of slums, pollution, environmental degradation, transportation problem, and an unhealthy population at large.

1.3 Aim of the Study

The aim of this study is to establish the effects of a dual land tenure system on the growth and development of towns in Zambia using the case of Lundazi town.

1.4 Research Objectives

The following are the research objectives formulated to achieve the aim of the study:

- i. To establish the characteristics of the dual land tenure system in Lundazi Town.
- ii. To examine the influence of a dual land tenure system on the morphology of Lundazi Town.
- iii. To establish the Urban Land Management Challenges faced by the Lundazi Local Authority in a dual land tenure system.

1.5 Research Questions

The following are the research questions:

- i. What are the characteristics of a dual land tenure system in Lundazi?
- ii. How does the dual land tenure system affect the morphology of Lundazi Town?
- iii. What are the Urban Land Management Challenges faced by the Lundazi Local Authority in a dual land tenure system?

1.6 Justification of the Study

The study highlights the challenges associated with urban growth and development in a dual land tenure system which is attributed to lack of harmony in the administration of the two tenure system. This may help policy makers develop viable policy options to integrate the land tenure system into land use planning system. The study also highlights the challenges faced by the authorities in charge of urban land management and urban land use planning which may help local authorities as well as spatial planning and land use management authorities achieve sustainable development of towns and cities.

1.7 Scope of the Study

Except for the study area chapter which provides the general characteristics of Lundazi District as a whole, this study is limited to the areas falling within the urban boundary of Lundazi Town and customary land falling within Mphamba Chiefdom and not the entire Lundazi District. This is because Lundazi District has 11 chiefdoms but the town falls within Mphamba Chiefdom and its current expansion only affects Mphamba Chiefdom.

1.8 Definition of Terms

This section gives brief definitions of the key terms as they are used in this study.

Town/Urban

The terms ‘Town’ and ‘Urban’ in this study are used interchangeably to mean “the area of a city or municipality” as defined in the Local Government Act, Cap 281 of the laws of Zambia (Local Government Act, 2010)

Urban growth

In this study, the term “urban growth” is used interchangeably with the term “urbanization” to mean the increase in the proportion of a population living in urban areas and the further physical expansion of already existing urban centres due to increase in urban socio-economic activity mainly physical urban infrastructure thereby spreading into the peripheries of the city and town as defined by Alaci (2010).

Informal Growth/ Urbanization

Refer to urban growth characterised of informal urban development which usually occurs as a result of the inability of cities to absorb growth within a formal planned urban framework (UN-Habitat, 2014, Sheppard, 2010).

Urban development

In this study, development means “the carrying out of any building, rebuilding or other works or operations on or under land, or the making of any material changes in the use of land or buildings” as defined under the URP Act of 2015 of the laws of Zambia. Therefore “urban development” in this study means the carrying out of any building, rebuilding or other works or operations on urban land (URP Act, 2015).

Informal Urban Development

Urban developments that do not comply with the urban planning and land use regulations (UN-Habitat, 2014, Sheppard, 2010).

Dual Land Tenure System

In this study, land tenure is taken to mean ways in which land is accessed and the rules that guides access to land as defined by Muinde (2010). Therefore, a Dual Land Tenure System in this context means the existence of the two different land tenure systems, which are Leasehold and Customary, as recognized by the Zambian Law (Van Loenen, 1999; Sichone, 2010).

Leasehold Tenure

Leasehold is the right to own land on rent for a specific period of time under terms and conditions provided by the state (Sichone, 2010).

Customary Tenure

Refers to the traditional system of land holding in which land is owned by the indigenous communities and administered by the chiefs and headmen on behalf of the communities through traditional norms and customs (Sichone, 2010).

Rural-Urban Fringe

The term “rural-urban fringe” is synonymous to “peri-urban”, “urban periphery” or “sub-urban area” to mean the zone of transition between built up urban areas and the surrounding countryside or the boundary zone outside the urban area where rural and urban land uses intermix (Fesenmaier, *et al.*, 1979).

Land Use Planning

Land use planning in this study is used interchangeably with the term ‘planning’ to mean, “the initiation and management of change in the built, socio-economic and natural environment in and across, a spectrum of sectors and urban and rural areas” as defined under section 2 of the Urban and Regional Planning Act (URP Act, 2015).

Planning Permission

In this study, planning permission means, “permission granted to carry out development on land” as defined under section 2 of the Urban and Regional Planning Act (URP Act, 2015).

Planning authority

A ‘planning authority’ means a regional planning authority, provincial planning authority or local planning authority mandated to regulate, control and plan for the development and use of land and buildings within its area of jurisdiction, prepare and implement integrated development plans, local area plans and sectoral plans in accordance with URP Act, receive and process applications for planning permission for the development of land, operate services and maintain infrastructure in its area, promote and facilitate sustainable land use in accordance with this Act and any other written law and perform any other planning and development functions as are necessary for the implementation of this Act (URP Act, 2015).

1.9 Organization of the Dissertation

This dissertation is organized into six chapters. Chapter One, gives in a general way the nature and scope of the study. It also contains the statement problem, the research aim, research objectives and research questions. Chapter Two is a review of relevant literature on land tenure and urban growth and development in Zambia as well as other. It also presents the link between the two. Chapter Three gives a description of the study area and addresses the physical characteristics of Lundazi, the origin and growth of the town and the administrative structure of Lundazi. Chapter Four presents a research design, strategy and a description of the methods and approaches applied in data collection, analysis and presentation. Chapter Five presents the findings of the study and gives a general discussion of the findings of the study in relation to literature review. It describes the characteristics of a dual land tenure system in Lundazi and how it has affected the nature and pattern of urban growth and development. It also highlights the challenges the dual tenure system presents to the authorities in charge of urban land use administration. Lastly but not the least, Chapter Six provides a conclusion on the main research findings as well as policy recommendations.

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

The issue of land tenure is key to achieving sustainable urban growth and development as it is an important part of social, political and economic structures within a given society (United Nations, 2002). According to Bloch (2012) as towns grow and expand in their physical structures, the need for more land to accommodate the increasing population and infrastructure development increases too. This therefore calls for effective and efficient management of land tenure systems which guide the processes of land acquisition and ownership. This chapter provides an overview of literature on land tenure and urban growth and development in Zambia. The objective of this section is to learn lessons from the previous studies and identify gaps to be filled in by this study.

2.2 History of Land Tenure System in Zambia

Zambia recognizes a dual land tenure system in which leasehold and customary land tenure systems coexist and interface with one another. Accordingly, customary land tenure system is the most dominant type of tenure system as it occupies 94 percent of total land coverage while leasehold occupies only 6 percent of the total land coverage (Muleba, 2012; Van Asperen 2011; Sichone 2010; USAID 2010; Mudenda, 2007; Van Loenen, 1999).

Before the advent of colonialism in Northern Rhodesia, hereafter referred to as ‘the territory’ as Zambia was then known, all land in the territory was administered in accordance with African Customary Law (Van Loenen, 1999; Mudenda, 2007; Sichone, 2010). The customary land tenure system regulated the manner and ways in which the indigenous peoples could acquire, exercise and enjoy rights in land (Mudenda, 2007). Chiefs and Village Headmen were the custodians of land and held powers to give and presumably deny their subjects the right to land and the right to claim land came with membership in a village as families or groups and no village member held land individually (Van Loenen, 1999; Mbewe, 2007).

According to Sichone (2010), the coming of the British Colonists through the British South African Company (BSA Co.), brought in the western concept of registration of individual property rights to land adopted from the English statute law which saw the introduction of English land tenure system as freeholds and leaseholds in the late 1890s.

Mudenda (2007) indicates that the BSA Co. was also empowered to make grants of land to both white settlers and the natives. Sichone (2010) states that to the settlers, land was given on freehold or leasehold, and such holdings were registered since that was what they understood and believed could fully protect their interests. Natives on the other hand were not allowed to obtain title. This was attributed to the strong belief that under existing African traditions individuals did not own land but families and groups (Sichone, 2010).

Mudenda (2007) and Sichone (2010) further reveal that in 1924, the BSA Co. administration of Northern Rhodesia was terminated and the Territory was under the direct rule of the British sovereign and the power to administer the Territory was entrusted to a Governor appointed by the British Crown. The Governor was empowered on behalf of the British Crown to make grants and dispositions of land within the Territory. With the powers vested in the Governor by the crown, land was divided into two categories namely Crown Lands and Native Reserves through the Crown Lands and Natives Reserves Order in Council of 1928 (Sichone, 2010).

Crown Lands were land meant for exclusive occupation and use by the white settlers and the powers to grant crown land was vested in the Governor of Northern Rhodesia (Van Asperen, 2011; Sichone, 2010; Mudenda, 2007; Mulolwa, 2002; Van Loenen, 1999). According to Mudenda (2007) and Sichone, (2010), Crown lands were regulated by English law and the interests created in these lands were estates and tenures in freehold and leasehold. Freehold is the right to ownership of land and buildings property in perpetuity and free from any restrictions while leasehold is the right to own land on rent for a specific period of time under terms and conditions provided by the state. Thus, the indigenous people were not allowed to enjoy customary land rights over Crown rights and were removed from such land (Mudenda, 2007; Sichone, 2010).

Native Reserves was land set aside for the use and occupation by the natives of Zambia, which land was subjected to customary law and the power to administer these areas were vested in the Secretary of State (Van Loenen, 1999; Mulolwa, 2002; Mudenda, 2007; Sichone, 2010; Van Asperen, 2011). Sichone (2010) indicates that the non-natives were also allowed to hold land in reserves for not more than five years provided the intended use of such land was for the benefits of the natives.

Mudenda (2007) notes that, the categorization of land as crown and native reserves were based solely on segregation. He indicates that, Crown land earmarked for white settlers encompassed all land rich in mineral deposits, tsetse fly free areas and land which fell along the line of rail

leaving land with no mineral deposits and away from the line of rail for the natives. Reserves on the other hand proved to be uninhabitable owing to the absence of water supplies or the presence of tsetse fly, and some parts of reserves had insufficient access to the railway while others became overcrowded (Mudenda, 2007).

Mudenda (2007) and Sichone (2010) indicate that with the passage of time, Native Trust Lands were introduced, which were carved out from portions of unutilized Crown Land to allow more land for the natives to be held in perpetuity. This, they argue, followed the deteriorating situation in the land set aside as native reserves for the occupation and use by the natives. The Colonial Government found itself in an embarrassing situation of having large tracts of unutilised land within Crown land, while there was scramble for land in reserves (Mudenda, 2007). The Native Trust lands, like the Native reserves were also vested in the Secretary of State for the Colonies and was to be set apart for the exclusive use of natives of Northern Rhodesia directly and indirectly (Sichone, 2010). However, according to Sichone (2010), non-natives and Government could also have access to trust land in special cases only if such alienation were for the benefit of the natives and for the purpose of establishing Towns respectively.

It was after this official categorization of land as crown, native reserves, and trust reserves that a dual land tenure system was clarified. According to Sichone (2010), one was called statutory tenure system based on freehold and leasehold tenure which applied to crown lands and the other one was the indigenous customary tenure which applied to Native and Trust land. Muleba stipulates that of the 75.2 million hectares total landmass of Zambia, Reserves and Trust lands constituted 27,297,500 hectares (36 per cent) and 43,447,900 hectares (58 per cent) respectively, adding up to 94 per cent and Crown Land constituted 4,454,600 making 6 per cent.

2.3 The Current Dual Land Tenure System in Zambia

According to Sichone (2010), the current dual land tenure system in Zambia is generally a remnant of the colonial legacy. This is because, at independence, Zambia retained both the Colonial categorization of land and the dual land tenure system. However, a few changes such as the transfer of the powers of vestment of all lands from the governor and Secretary of state for colonies to the president of the Republic of Zambia were made. Other changes as noted by Mudenda (2007) included the abolition of Freehold tenure system and the conversion of all freehold titles to land to leasehold.

With the enactment of the Conversion of Titles Act of 1975, crown land was converted into state land to be held under leasehold tenure and Native Reserve and Native Trust Lands were consolidated into customary land to be held under customary tenure (Sichone, 2010). Furthermore, the statistics of land were also adopted as 94 percent customary land and 6 percent state land. Muleba (2012) however, contends that these figures may not be a true reflection of the prevailing statistics as some land that was previously held under customary tenure has since been converted to leasehold tenure under the provision of the Lands Act of 1995. He further argues that national and game parks, which comprise 30% of the country, are state controlled. Mulenga and Honig (2015) also premise that a significant portion of land in Zambia is devoted to townships and as towns grow, surrounding land held under customary tenure is converted to leasehold tenure in order for the district authority to have jurisdiction in that area. Additionally, it should be noted that every time a new district is created, land is converted from customary tenure to leasehold tenure system. Therefore, the assertion that customary and state land in Zambia occupies 94 percent and 6 percent respectively remains highly questionable.

Leasehold tenure is a statutory system of land holding in Zambia adopted from the English land Law. One of the major characteristics of leasehold tenure is that, Land interests are registered under the Lands and Deeds Registry Act Cap 185 of the Laws of Zambia for a period not exceeding 99 years. Adams (2003) asserts that registration of land rights is an advantage of leasehold tenure system over customary tenure in that it enhances security of tenure which comes with greater benefits to the leaseholder such as access to loans and or mortgages. Chinene, et al. (2010) argues in the same vain that because of the length of the lease, this land tenure system encourages long-term investments.

Another characteristic is that a person holding land under leasehold tenure system is required by law to pay ground rent annually and the lessee is required to develop the land within the stipulated time of 18 months from the date of offer. Sichone (2010) posits that planning permission is a requirement for the development of land under leasehold tenure which facilitates orderly development of land. Chinene et al. (2010) on the other hand have also asserted that that land ownership title deeds obtained under this tenure system facilitate land sales which both generate income and move land resources to efficient producers.

However, Chinene et al. (2010) have also highlighted some disadvantages of leasehold tenure system, indicating that one important impediment to rights under leasehold tenure is the

provision that all dealings in land should follow Presidential consent. This disadvantages the tenant in that it ineluctably makes it illegal to acquire or transfer state land ownership without the consent of the President. It also restricts the tenants' liberty to deal in land as they wish.

Another disadvantage of leasehold tenure system is that, the rights and interests of the tenant in land are subject to compulsory acquisition of land and other property whenever the President deems it in the interest of the people of Zambia (Chinene et al., 2010). Mudenda (2007) also highlights another impediment to land ownership with the argument that the requirement for planning permission before any development is attempted on land held under leasehold tenure restricts land holders from developing their land as they wish. In addition, the leaseholder is required to pay ground rent and property rates to the leaser annually for the entire period of the lease which makes the cost of land expensive. In some cases, the ground rentals and property rates are significantly high and provide for periodic increase which may result in the leaseholder defaulting on payments leading in turn to proceedings and potentially to forfeiture of property.

Customary tenure on the other hand is an indigenous form of land holding which has existed long before the coming of the colonial government (Van Loenen, 1999; Adams, 2003; Kalugia, 2009; Sichone, 2010; Van Asperen, 2011; Mwiche, 2013). According to Van Loenen (1999), this form of tenure is generally communal in character in which land is held by families, clans, or communities from generation to generation, without any limitation. Chiefs and headmen are the custodians of customary land and therefore play an important role in regulating access to and use of customary land according to customary rules and regulations for the benefit of the subjects (Van Loenen, 1999; Adams, 2003; Kalugia, 2009; Sichone, 2010; Van Asperen, 2011; Mwiche, 2013). They grant occupancy and use rights, oversee land transactions between community members, regulate common pools of resources, and adjudicate land disputes (Tagliarino, 2014). However, according to Sichone (2010), there is no deliberate policy by the state to guide alienation of customary land in Zambia, that is why there is no uniform application but it varies from chieftdom to chieftdom among tribes or locality.

2.4 Institutional and Legal Framework

Sichone (2010) reveals that the administration of Land held under both leasehold and customary tenure systems in Zambia is undertaken by various institutions. These include: the Ministry of Lands, Natural Resources and Environmental Protection (MLNREP), Local Authorities (LAs), the Department of Physical Planning and Housing (DPPH) under the

Ministry of Local Government and Housing (MLGH), the Planning Authorities (PAs) and the Traditional Authorities. Besides the institutional framework, there are also a number of legislations that guide the administration of land held under leasehold. These include; the Lands Act, the Land Survey Act, the Lands and Deeds Registry Act, the Land Acquisition Act, the Urban and Regional Planning (URP) Act and Circular No. 1 of 1985. Table 1 provides the institutional and legal frameworks for the dual tenure system.

2.5 Urban Growth and Development

A number of studies have been carried out on urban growth and development. According to Buckeley, et al., (2009) urban areas as physical phenomenon are bound to grow with the change in time. Nsiah-Gyabaah, (2003) indicates that, rapid urban growth finds expression principally in outward expansion of the built-up area, converting prime agricultural land into residential and industrial uses. Bloch (2012) observes that, most African societies are undergoing rapid urbanization accompanied by physical urban expansion as cities and towns enlarge to make room for urban population increase. He further indicates that, such rapid physical expansion occurs as the urbanizing front line moves outwards on city and town peripheries and simultaneously as older areas and neighbourhoods make room for new residents and economic activities.

Tembo (2014) observes that, rapid urban growth in any country around the world is associated with many problems chief of which is the challenge of resource exploitation for sustainable development. He indicates that, this problem is due to failure of infrastructure development to keep pace with the increasing number of people flocking into towns and cities in search of a better life which can also correspondingly mean the lack of governments' capacity to mobilize sufficient resources which are required for effective response to urban challenges the result of which is the proliferation of informal settlements that surround most towns and cities. According to the UN-Habitat (2015), due to this challenge, the proportion of urban residents living in informal settlements is higher in Africa as a region than any other part of the world (UN-Habitat, 2015). Estimates by UNHabitat (2003) show that about 70 percent of all urban residents in SSA live in slums.

Table 1: Institutional Framework for Administration of a Dual Land Tenure System in Zambia

Leasehold Land Tenure System	
Institutional Framework	Legal Framework
<p>1. MLNREP</p> <ul style="list-style-type: none"> • Mandated to coordinate all land services. • Charged with critical responsibility of land administration on behalf of the people of Zambia and is responsible for the portfolio functions as contained in the Government gazette notice number 547 of September 2004. • Major functions include; land policy, land administration, land survey and mapping, land deeds registry, and provision of land for all purposes. <p>2. Local Authorities</p> <ul style="list-style-type: none"> • Play a role of agents of the commissioner of Lands in the alienation of land held under leasehold tenure system as empowered by Lands Circular No.1 of 1985. • Incharge of identification of land for development, advertisement and selection of applicants and recommendation of applicants to the Commissioner of Lands for allocation. • Also carry out planning functions for the development of land held under leasehold tenure which include, • To regulate, control and plan for the development and use of land and buildings within its area; • To prepare and implement integrated development plans, local area plans and sectoral plans in accordance with the URP Act; to receive and process applications for planning permission for the development of land; 	<p>1. The Lands Act</p> <ul style="list-style-type: none"> • Is the main statute for the overall regulation of all land in Zambia • Provides for the continuation of vestment of land in the President, and alienation of land by the President. • Provides for the continuation of leaseholds and leasehold tenure • Provides for the establishment of the Land Development Fund (LDF) for the development of land held under leasehold tenure • Provides for the establishment of the Lands Tribunal to settle land disputes. • The Act also repeals the Land (Conversion of Titles) Act. <p>2. The Lands and Deeds Act</p> <ul style="list-style-type: none"> • Provides for the registration of documents and issuance of Certificates of Title and Provisional Certificates of Title.

<ul style="list-style-type: none"> • To operate services and maintain infrastructure in its area; promote and facilitate sustainable land use in accordance with the URP Act and any other written law. <p>3. Department of Physical Planning and Housing (DPPH)</p> <ul style="list-style-type: none"> • Established under the Ministry of Local Government and Housing • Oversees all the functions of Physical Planning at national level to ensure coordinated development of state land held under leasehold tenure system. • Major functions include; • To oversee the preparation of the National Planning Framework • Provide information and education to the public regarding the planning undertaken by planning authorities • Ensuring compliance of planning authorities with the principles, requirements, standards and guidelines specified under the Urban and Regional Planning Act of 2015 and monitoring of the implementation of standards, guidelines and procedures for regional planning • Conduct, promote and co-ordinate research in relation to any aspect of urban and regional planning. <p>4. Planning Authorities (PAs) and Planning Committees</p> <ul style="list-style-type: none"> • Include Provincial Planning authorities, Regional Planning Authorities and District Planning Committees • Provincial Planning authorities are established under DPPH to oversee all planning activities in the Provinces, assist local authorities in planning, drafting, adopting, implementing, and reviewing their integrated development plans and local area plans for land under leasehold tenure system and customary land. • Regional Planning Authorities are established under the URP Act on ad hoc basis and are charged with the following functions, 	<ul style="list-style-type: none"> • Provides for the transfer and transmission of registered land as stated in the preamble of the Act. <p>3. The Land Survey Act</p> <ul style="list-style-type: none"> • Provides for the manner in which land surveys shall be carried out and diagrams and plans connected therewith shall be prepared as it is a requirement that land which is subject of alienation has to be surveyed and cadastral diagrams should be produced for purposes of land registration. • Provides for the protection of survey beacons and other survey marks and for making further and more comprehensive provisions for the registration and licensing of land surveyors. <p>4. Lands Acquisition Act</p> <ul style="list-style-type: none"> • Make provision for the compulsory acquisition of land and other property; and to provide for matters incidental to or connected with the foregoing <p>5. Urban and Regional Planning (URP) Act</p> <ul style="list-style-type: none"> • Regulates the manner in which land held under leasehold tenure is zoned and developed • Provides for a planning framework, guidelines, systems and processes for the use
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<ul style="list-style-type: none"> • To coordinate the preparation of the regional development plan • To advise and assist planning authorities within the region on the preparation of development plans to ensure compliance with the regional plan and the National Planning Framework • To conduct research required for regional planning • To recommend to the Minister such measures as may be necessary to comply with the principles and standards specified under section <i>three of this Act</i> • District Planning Committees are also established under the URP Act and their functions include; • To recommend for adoption of the integrated development plans, local area plans and any other plan prepared by the local planning authority in accordance with this Act, • To recommend modifications or changes to the integrated development plan, local area plan and any other plan prepared by the local planning authority in accordance with this Act; • To consider and make planning decisions on applications for development as prescribed 	<p>and development of land by requiring planning permission before undertaking any development or subdivision on land.</p> <ul style="list-style-type: none"> • The Act repeals the Town and Country Planning (T & CP) Act, 1962, and the Housing (Statutory and Improvement Areas) Act, 1975 <p>6. Circular No. 1 of 1985</p> <ul style="list-style-type: none"> • Empowers local authorities as agents of the commissioner of lands in land administration • Lays down general policy guidelines regarding the procedure all local Authorities are expected to follow alienation of land. • provides advice to all local authorities not to recommend alienation of land in in excess of 250 hectares
Customary Land Tenure System	
Institutional Framework	Legal Framework
<p>1. MLNREP</p> <ul style="list-style-type: none"> • Oversees the overall administration of customary land and national level • Guides traditional authorities in the alienation of Customary land <p>2. Traditional Authorities</p> <ul style="list-style-type: none"> • comprise traditional leaders which include chiefs and village headmen • Are mandated to administer and oversee the alienation of land under customary tenure. • They regulate the use and allocation of customary land 	<p>❖ No specific legislation to regulate the alienation of customary land. However, some sections of the Lands Act and the 1985 Lands Circular do apply</p> <p>1. The Lands Act</p> <ul style="list-style-type: none"> • Recognizes customary tenure and its continuation as a system of landholding in

<p style="text-align: center;">3. Local Authorities</p> <ul style="list-style-type: none"> • Participates in the process of conversion of customary land tenure into leasehold 	<p>Zambia although it does not provide specific guidelines on the administration of customary land</p> <ul style="list-style-type: none"> • The Act also provides for conversion of Land tenure from customary to leasehold tenure. <p style="text-align: center;">2. 1985 Lands Circular</p> <ul style="list-style-type: none"> • Provides guidance to traditional authorities not to allocate land in excess of 250 hectares
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Source: Adapted from Sichone, 2010

Zambia follows the same trajectory. It is one of the highly urbanized countries in the SSA due to high net migration from rural to urban areas and natural population increase in urban settlements resulting in urban sprawl (Tembo, 2014). UNICEF (2012:10) defines urban sprawl as, “the uncontrolled and disproportionate expansion of an urban area into the surrounding countryside, forming low-density, poorly planned patterns of development.” Taylor and Thole (2015) attribute the problem of urban sprawl that is being experienced in Zambia to inefficient and ineffective spatial planning system. They state that, “there is no effective town planning practice in Zambia, particularly in the districts. This is because the Town and Country Planning practice in Zambia has fallen short of public and private sector expectations in directing physical development in most urban settlements” (Taylor and Thole, 2015:34). This assertion, they argue, is based on the idea of the increasing haphazard physical development resulting in the unplanned urban settlements being the major feature of Zambia’s urban landscape.

2.5 The Link between Urban Growth and Land Tenure System

Bloch (2012) indicates that, as urban spatial expansion take place and the urban limit moves out into the peri-urban and rural peripheries, revision of municipal boundaries occurs to incorporate areas and settlements which were previously not categorized as urban. This therefore draws attention to the important role of land tenure systems in the process of urban growth and development. This is because, according to Muinde (2013), one cannot talk of urban spatial planning or extension of urban limits into the urban fringe areas without considering the land tenure systems. This is because land tenure systems are the rules underlying a people’s relation to land. In his study on the effects of land tenure on urban developments in Kampala, Muinde (2013) postulates that access to land on which urban development take place and on which planning regulatory are applied is governed by rules of tenure. He goes on to say that the rules of tenure define rights to land, how these rights are accessed and even influence developments put on land depending on the security accorded to land rights. Fekade (2000) too considers land tenure as a developmental issue which, he argues is also a critical issue in urban growth, He identifies land tenure arrangements which have not undergone reform as being one of the reasons for failure to achieve sustainable formal urban development. This is in line with the views of Dowall and Clarke (1996), that lack of effective tenure system among others is a serious constraint on efficient city growth in developing countries.

The important role of land tenure system on urban growth and development in Zambia cannot be overlooked. Like most SSA countries, rapid urbanization in Zambia has triggered most local

authorities to extend urban boundaries in order to provide room for increasing urban population and infrastructure development (ZANIS, 2012; Times of Zambia Newspaper, 2012 and the Post Newspaper, 2014). However, the existence of a dual land tenure system in the Country has posed formidable challenges for sustainable urban growth and development as the majority of land surrounding towns and cities is held under customary tenure over which the authorities in charge of urban land use planning and management have no mandate (ZANIS, 2012; Times of Zambia Newspaper, 2012 and the Post Newspaper, 2014). For example, in 2012, Kapiri Mposhi District Council faced a challenge of urban expansion as the traditional authority in custodian of customary land surrounding the town refused to surrender part of the customary land to state for urban expansion (ZANIS, 2012). The Times of Zambia Newspaper (2012) reported a similar challenge of urban expansion in Mkushi in 2012 due to land tenure challenges. It was reported that;

“Mkushi today is experiencing the challenge of urban expansion owing to its recent growth in population. The District Council has no more land for expansion. The District Council has been trying to conclude negotiations with traditional leaders in charge of customary land surrounding the district such as Chief Chitima for land for projects that fall under local Government jurisdiction and they have been hopeful that the negotiations with chief Chitima will yield a positive outcome soon.” Times of Zambia Newspaper (2012).

These few examples affirm the challenges of urban expansion in a dual land tenure system in Zambia and therefore suggest the need for proactive solutions that integrate the dual land tenure into developmental solutions.

2.6 Chapter Summary

The chapter reviewed literature from existing sources. According to the literature reviewed, the dual land tenure system that Zambia is to this day still operating under is a remnant of the colonial era. The colonialist introduced statutory tenure system based on English land laws whereas customary tenure is an indigenous land tenure system that has been enjoyed in Zambia since time memorial. The literature reviewed revealed that Zambia has experienced rapid urban growth and development accompanied by outward urban expansion as the urban limits are crossed to accommodate areas which were initially peri-urban or rural. Much of this growth and development however, is not controlled due to inefficient urban land use planning system coupled with ineffective land tenure system. The result has been reflected in urban sprawl which is characterised by unregulated urban development especially in the rural urban fringe

and informal settlements. The literature revealed however does not indicate how the existence of a dual land tenure or inefficiencies in its administration has affected urban growth and development in Zambia. Thus, the need for this study. The next chapter provides a background to the study area.

CHAPTER THREE

THE STUDY AREA

3.1 Introduction

This chapter presents the background to the study area. It gives a brief description of Lundazi town and the District as a whole in terms of physical characteristics, demographic and cultural characteristics, historical background and the administrative structure.

3.2 Location, Climate, Rainfall and Temperature

Lundazi District is located in Eastern Province Zambia and is the largest District in the Province in terms of land area coverage. It occupies an area of 14,058 square kilometres representing 27.3 percent out of 51,476 square kilometres total area of Eastern Province (CSO, 2012). The District lies between longitudes 30 E 50' and 33 E and latitude 11 S 32' and 13 S 15'. It is perched high above the eastern side of the Luangwa Valley and close to a border crossing to Malawi. Lundazi shares boundaries with Chama District to the north, Mpika District to the West, Chipata District to the South, Mambwe District to the Southwest and the Republic of Malawi to the East (LDC, 2013). Figure 1 shows the location of Lundazi.

Lundazi District has a humid subtropical climate with long dry season from April to October and short wet season from November to March. The District generally has a warm climate with modest rains, a combination suitable for cultivation of a wide range of tropical crops and the rearing of livestock. Rainfall ranges between 800 to 1 000 mm per annum in the plateau area and 700 and 800 mm per annum in the valley region while temperature ranges from 8 to 33 degrees centigrade on the plateau area and 8 to 38 degree centigrade in the valley (LDC, 2013). Humidity is generally low during most of the year, rising to a maximum relative humidity levels in the wet season (LDC, 2013).

3.3 Relief and Drainage

Geographically, Lundazi is divided into two regions; the plateau area and the valley area. The Plateau areas are over 1 000m above sea level and the valley areas are at 500 to 750m above sea level and lie in the Luangwa Valley west of the District. The valley floor through which the Luangwa River meanders is part of the East African Rift Valley system and is characterized by a flat bottom (LDC, 2013). In terms of drainage, Lundazi has a number of water bodies that provide it with natural drainage system. These water bodies include rivers, perennial streams, and seasonal streams. The major rivers are: Luangwa, Lundazi, Msuzi, Lumezi, Lukusuzi, Lumimba and Lukuzye Rivers. The plateau is the source of many perennial and seasonal

streams which join into rivers flowing westwards to discharge into the Luangwa River (LDC, 2013).

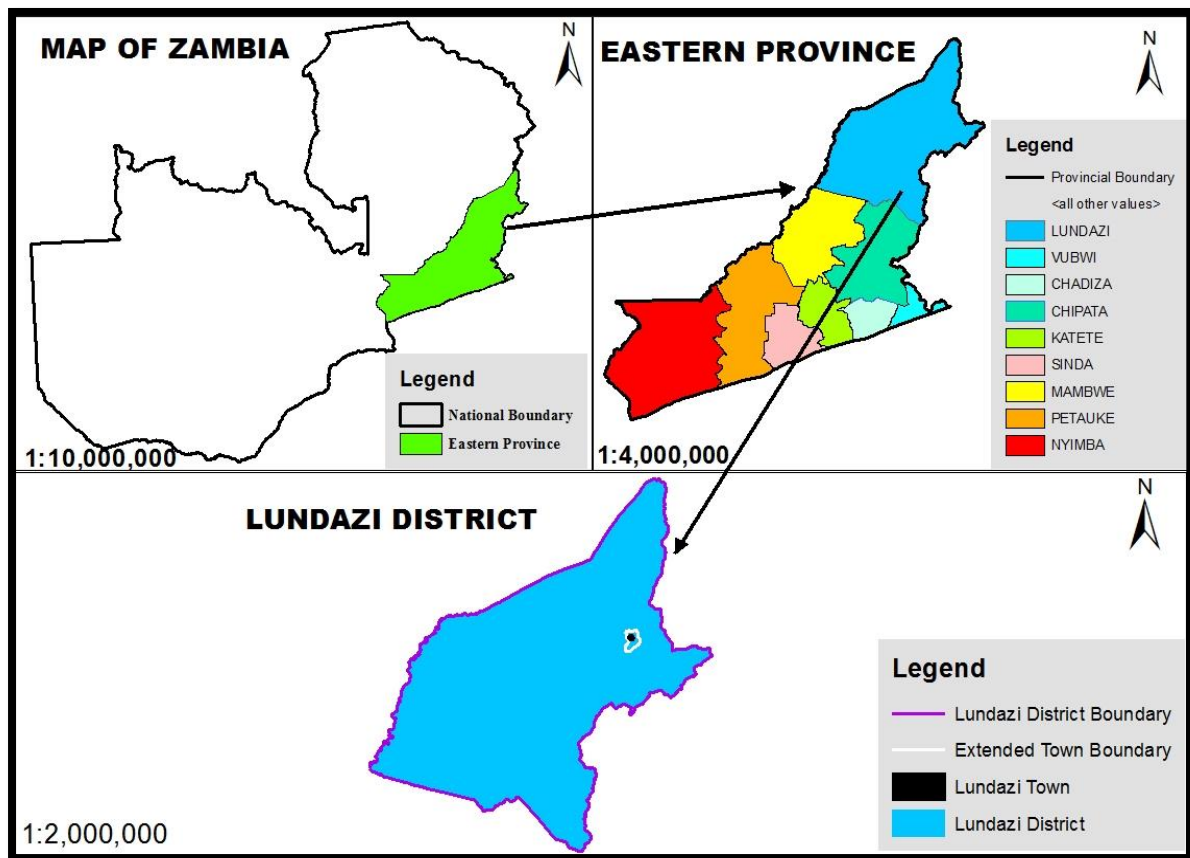


Figure 1: Location of Lundazi
Source: Author, 2015

3.4 Soils and Vegetation

The soils in Lundazi plateau area range from red sandy loamy to sandy clay loamy while the valley basin is rich in alluvial soils (LDC, 2013). The vegetation of the plateau is largely Miombo woodland while that of the valley is largely Mopani Woodlands. Both the plateau and the hilly descent to the valley are covered with woodlands richly endowed with tree species for commercial value such as the Mukula tree whose scientific name is *Pterocarpus angolensis* which is a valuable raw material in the production of gunstocks and other artefacts (LDC, 2013).

3.5 Population and Ethnicity

Lundazi District has a total population of 323,870 representing a share of 20.3 percent out of 1,592,661 total provincial population (CSO, 2010). Of the 323,870 total population, 158,379 is male population and 165,491 is female population representing 48.9 and 51.1 percentage of

male and female population respectively (CSO, 2010). The District is predominantly rural with agriculture as the main economic activity. About 307,968 is rural population and only 15,902 is urban population (CSO, 2010). In terms of ethnicity, the main ethnic groups found in Lundazi are Tumbuka and Chewa speaking people. The Ngoni's are the minority although their influence is quite considerable. Tumbuka is the most widely spoken language in the District though in terms of traditional and cultural practices, the Chewas and the Ngonis are more predominant. In terms of population concentration, the Chewa are the most populous grouping in the District. There is also a small minority ethnic grouping of Bisa and Senga speaking people in the District (LDC, 2013).

3.6 Origin of Lundazi Town and Early Urban Development

Lundazi is one of the oldest towns established as an administrative centre when Zambia, Northern Rhodesia by then, was run by the British during the colonial era. According to GRZ (1950), Lundazi was founded in 1908 in place of Nawalia by a Mr P.E Hall, the former District Commissioner (DC). Nawalia, was the first British Overseas for Military Administrative (BOMA) centre which was established by the BSA.co in the western side of the Luangwa River in 1899 (GRZ, 1950). In British colonies, BOMA was used to mean government offices because in the late 19th century, such officers usually included a fortified police station or military barracks often in the form of a Timber stockade (Livestock enclosure) and many were called forts as n Fort Jameson (Chipata City) and Fort Rosebery (Mansa Town) (GRZ, 1950). In the 20th century however, BOMA came to mean Districts or provincial government headquarters even where fortifications were no longer required (GRZ, 1950). So the Nawalia BOMA was located on the right bank of the Munyamadzi River about 12 miles (19.3 Kilometres) above its confluence with the Luangwa River, and the site is now in Mpika district. It stood on a narrow rocky or shingly beach terrace overlooking the ancient lake bed of the Luangwa valley. It was named after a female chief of that name and on her death the heir was called Kazembe. Nawalia Boma was closed in 1907 and thereafter Mr Hall P.E founded the Boma at Lundazi on its present site which almost certainly began its existence as a one-man station (GRZ, 1950).

According to Grimond (2005), during the early period of its establishment, Lundazi town had little physical development, with only a few brick houses and small local shops. He further contends that construction of the Castle Hotel (Plate 1) which began in 1948 was the idea of a Welsh District Commissioner called Colonel Errol Button. The castle was the first remarkable historical building in Lundazi town. Describing the building, Grimond candidly said;

“Lundazi is an unremarkable place, way out east on the Malawi border, and on the road to nowhere much. The only town in an area the size of Ohio, it has just one building of note, a hotel built in imitation of a small Norman castle by a district commissioner in the late 1940s, when the country was run by the British” (Grimond, 2005:1).



Plate 1: The Castle Hotel-Lundazi
Source: Field Work

Among the earliest developments are the historical, Lundazi double storey houses with a unique design as shown in Plate 2. An interview with the Lundazi Council official revealed that, the Lundazi double storey houses are one of the oldest structures built during the colonial period when most parts of Lundazi town were undeveloped. The buildings were deliberately made with arches in the wall for defensive purposes. According to the information provided by the LDC official during interviews, at the time of the town establishment the area was all bush with a lot of wild animals including lions (Field Data). So at night, the colonialists lit fires in the arches of the houses to keep the wild animals away. There are in total about 27 houses of the same design built in a circular manner with an open space in the middle. Today the historical castle hotel and the Lundazi double storey houses are administered by the Zambia National Heritage Conservation Commission.



Plate 2: Historical Lundazi Double Storey House
Source: Field Work

During the same period, Grimond (2005) states that there were no roads in the area except for the footpaths. The only road of significance was the main road from Chipata to Lundazi which he describes as “an unpaved artery, alternatively hard and corrugated, then soft and sandy, always dusty and often, when unmarked bends or unseed chasms suddenly appeared, rather dangerous.” (Grimond, 2005: 2).

By early 2000s, the Chipata-Lundazi road had been paved though incomplete, a development that Grimond unreservedly describes in detail;

“The road had since been tarred, and a 4X4 can now bowl along the first 130km of the approach to Lundazi at some speed. But then, at Kazonde, the tar stops and thereafter, despite the patching and grading in progress, all vehicles must slow to little more than walking pace to navigate the slopes, trenches and pot-holes of the remaining 50km..... This drive would take about five hours in a strong high-clearance 4WD; longer if you need to be gentle with your vehicle” (Grimond, 2005:2). Plate 3 illustrates this.



Plate 3: State of part of Chipata-Lundazi Road by the early 2000's
Source: Grimond, 2005:3

3.7 Current Growth and Development of Lundazi Town

The Lundazi District Situation Analysis of 2003 reveals that Lundazi town experienced urban developemnts albeit at a slow pace. A number of physical infrastructure such as schools, churches, modern houses, lodges, banks, a clinic, a hospital, a post office, and a market and shops had been built by early 2000s. The growth and development of Lundazi town however remained slow until 2013 to 2014, when the remaining unpaved part of the main road was completed (LDC, 2013).

Today, Lundazi has changed as a number of infrastructure developments have come up. The Daily Mail Newspaper (2015) reports,

“The face of Lundazi is fast changing. The District is currently undergoing rapid housing development on its rolling hills, perhaps testimony to a booming local economy. And there are even greater plans by the local authority to have better planned residential and shopping complexes in the town. Lundazi is now vying for municipal status.”

Some of the notable, current infrastructure developments in Lundazi include; road infrastructure: Transport is no longer a challenge in Lundazi. The Chipata-Lundazi Road which use to be unpaved and potholed has been complete and with this completion, a trip to Lundazi town from Chipata which used to take five hours and longer now takes only one hour to one hour-thirty minutes (Refer to Plate 4). Township roads have also been constructed and paved with streetlights as shown in Plate 5.



Plate 4: Chipata-Lundazi Road
Source: Field Data, 2016



Plate 5: Township Road Infrastructure in Lundazi Town
Source: (Field Data, 2016)

There is also a bus terminus (Plate 6) within the town which serves as a transport hub for the entire District and facilitates the connection of the District to the rest parts of the country. Two service stations are also available to support motorised transport system in Lundazi (Plate 7)



Plate 6: Lundazi Bus Terminus
Source: (Field Data, 2016)



Plate 7: Service Station in Lundazi Town
Source: Field Data

Besides transport infrastructure, housing is another area with major infrastructure development in Lundazi town. These housing typology are a mixture of low, medium and high cost housing structures. A number of modern, high cost housing structures have been built in Lundazi town mostly by individual developers (Plate 8).



Plate 8: High Cost Housing Units in Lundazi Town
Source: Field Data, 2016

3.8 District Administration

Lundazi District is administered under two formal Government Administrative Systems; the Central Government and the Local Government. The traditional leadership also form part of the Lundazi District administrative system. Under the Central Government System, the office of the District Commissioner (DC) is in charge of overseeing all the District developmental projects and is the highest ranking office in the District Administration. The DC is the Chairperson of the District Development Coordinating Committee (DDCC) charged with responsibilities of coordinating and spearheading developmental programs (LDC, 2013).

The Local Government System on the other hand is administered by the LDC which is a twofold administrative system established under the Local Government Act Cap 181 of the Laws of Zambia. On one hand are the political leaders comprising of 3 elected Members of Parliament (MPs), 27 elected Ward Councillors, and 2 appointed councillors who serve as representatives of all chiefs in the council. These serve as the policymaking body headed by the Council Chairperson. On the other hand are council administrative staff members, who serve as policy implementers overseen by the Council Secretary. The Council Secretary is the chief executive officer for the District Councils and the office exists to provide leadership, guidance, strategic management, and coordination of all Council activities by interpreting

Government policies into implementable programmes and projects in the context of the National Decentralisation Policy. According to the LDC report (2013), the LDC has two sub-centres namely Mwase and Emusa, both of which are out-stations and each administered by a Council Administrative Officer.

Concerning the traditional leadership, there are about 11 chiefdoms in Lundazi, represented in the District Council by two appointed councillors (LDC, 2013). These are; Mphamba Chiefdom within which Lundazi Town falls, Kapichila, Mwasenthembwe, Mwasemphangwe, Kazembe, Mwanya, Chikomeni, Phikamalaza, Chitungulu, Zumwanda and Magodi (LDC, 2013). It is through these chiefdoms that traditional affairs are administered (LDC, 2013).

3.9 Chapter Summary

The chapter provided a background to the study area. It gave a description of the study area in terms of physical, demographic and administrative characteristic of Lundazi District. It also provided historical information on the origin of Lundazi town, its early developments as well as the current status of the town in terms of growth and development. The chapter reveals that Lundazi town is an old town created in the colonial period. The town was deliberately under-bounded as it was established specifically with the white colonist in mind and the black population was not anticipated to form part of town life. However, with the natural urban population increase coupled with the rural-urban migration which was precipitated by the removal of colonial restrictions of entry into towns, Lundazi town has experienced urban growth and development.

CHAPTER FOUR RESEARCH METHODOLOGY

4.1 Introduction

Determining an appropriate research methodology is considered as an important element in a research study. In this study, qualitative research method was used and justification as to why it was vital to use qualitative approach is provided. A research strategy is thereafter given. This research sought to adopt the case study research strategy as the appropriate strategy and accordingly explains why a case study was preferred. The chapter concludes by outlining the techniques and procedures for sampling, data collection and data analysis.

4.2 Research Design

A research design used in this study comprise of three phases. Phase one is a pre-field work phase in which problem need for research was identified based on reserchers observation of phenomenon and having identified the knowledgagap after reviewing the existing literature. A study area was also identified in this phase. Phase two is field-work phase in which data relating to the objectives was collected. Phase three is a post-field work phase in which data collected was analysed. Figure 2 summarises the research design for this study.

4.3 Research Methods

In this study, qualitative research methods and tools were used for both data collection and analysis. The reason for using the qualitative method in this study is because, as indicated by Griffin (2009), it is more elaborate and brings about greater details due to the open-ended type of questions that are usually associated with the method which make respondents free to respond in their own way. The qualitative method also allows for probing by the interviewer.

4.4 Research Strategy

A case study was adopted as the overarching research strategy in this study and Lundazi was selected as a study area because the researcher had stayed there and had observed how the growth of the Town was negatively affected by the fact that it is bounded by traditional land which was exhibited by the emergency of unplanned settlements in the rural urban fringe. Thus, the researcher felt the need for a study.

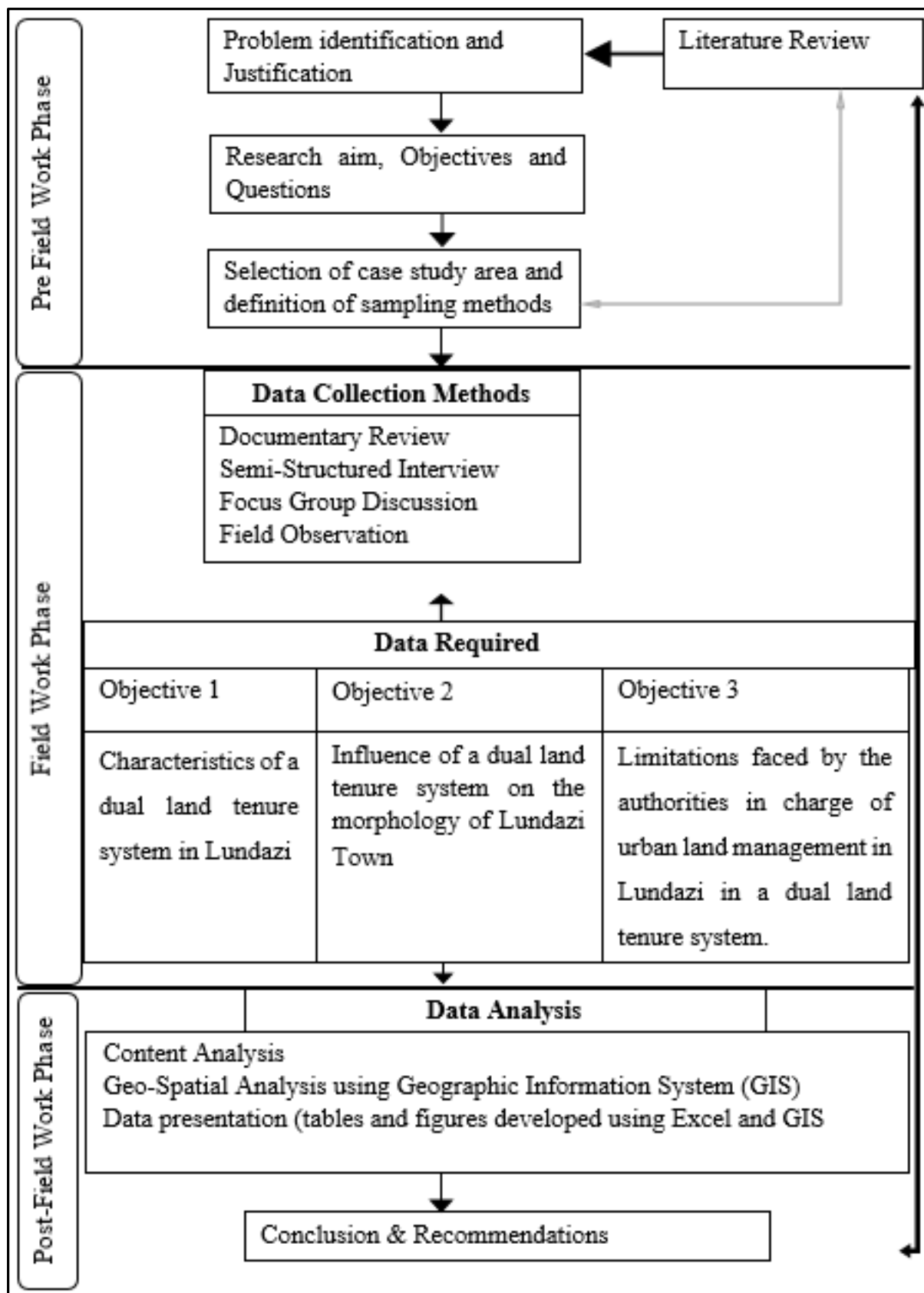


Figure 2: Research Design

Source: Adapted from Muinde (2013:18)

4.5 Sampling

Sampling was done to select a suitable sample, or a representative part of a population for the purpose of determining parameters or characteristics of the whole population.

4.5.1 Study Population and Sample

The study population comprises all institutions and individuals that take part in land administration and management as well as land access and development in Lundazi. These include; Lundazi District Council (LDC), Ministry of Local Government and Housing (MLGH), Eastern Province Planning Authority (EPPA), Ministry of Lands, Natural Resource and Environmental Protection (MLNREP), the Lundazi District Administration Office (LDAO), the Lundazi District Agriculture Coordinating Office (LDACO), Mphamba Royal Establishment (Chief and Village Headmen), Developers in the Lundazi Urban area and Developers in the Lundazi Rural-Urban fringe areas. From this population, a sample size of 58 respondents in total was selected and these were; 7 key informants comprising officials from the LDC and other named institutions, the Chief in whose chiefdom the town fall, 10 village headmen of Mphamba Chiefdom, 20 developers on state land and 20 developers in the rural-urban fringe areas were also part of the sample. Selection of a research sample size was purposely done by the researcher and the Supervisors having put into consideration the amount of data needed to be collected, time available for field work and analysis and the resources available to support data collection and analysis.

4.5.2 Sampling Techniques

In this study, non-probability sampling techniques were used to select research participants from whom data was collected, these being; purposive and snowball sampling.

4.5.2.1 Purposive Sampling

Purposive sampling was used to select key informants as well as village head personnel who participated in the focus group discussion. Purposive sampling is selecting a sample on purpose based on the researcher's own knowledge of the population, its elements, and the nature of the research aims. Therefore, in this study, these two groups of respondents (key informants and village head persons) were selected on purpose because they are the experts in the fields of land alienation and land development processes in Lundazi. The reason for using purposive sampling is that it is a convenient way for researchers to assemble a sample with little or no cost since the target group of experts in the field under study is already known. This is why this method was used.

4.5.2.2 Snowball Sampling

Snowball sampling was used to select 20 developers in State land as well as 20 developers in customary land in Lundazi. In this study, some known developers were used to identify others. This method was used to select developers in Lundazi because it was difficult to identify a population of developers because both the council records and village registers had scanty information on the developers and not all developers were found on site at the same time. Thus, snowball sampling was used because it is a network sampling or chain sampling as it relies on previously identified group members to identify others who may share the same characteristics as the group already in place.

4.6 Data Collection

Both primary and secondary data were used in this study. Secondary data was collected through document review while primary data was obtained through interviews, focus group discussions and observations.

4.6.1 Document Reviews

Secondary data was collected by review of relevant literature including the national archives reports on Lundazi District and Lundazi council records which include; the District profile, Lundazi town layout plans, Lundazi Google Earth Images and minutes of the Plans, works Development and Real Estate committee (PWDRE) of the council as well as minutes of the full council meetings. Data collected from these documents was supplemented by the primary data collected on the study area and on all the three objectives.

4.6.2 Semi-Structured Interviews

Semi-structured interviews were conducted with key informants; the Lundazi Council officials, the provincial planner from EPPA, the chief lands officer from MLNREP, the District Commissioner (DC), the District Agricultural Coordinating Officer (DACO), the Senior Chiefs Affairs Officer at Ministry of Chiefs and Traditional Affairs and his Royal Highness Chief Mphamba. Semi-structured interviews were also conducted with developers both in customary land falling in the urban fringe areas and in state land falling within the urban boundary. Semi-structured interview guides with open ended questions were used which provided guidance during interview sessions and enabled the respondents to express their views in their own terms. Appendix 1 shows all of interview guides used for different respondents.

4.6.3 Field Observation

Field observation is another method through which data was collected. Physical observation of the town and its fringe areas was done by the researcher to gain a better understanding of the actual condition of urban growth and development. An observation checklist was used which provided guidance on specific data to collect as indicated in Appendix 2. Infrastructure developments both new and old such as roads, residential structures as well as commercial were observed both in town and in the fringe areas. Photographs of various relevant developments were captured and have been incorporated in Chapters three and five of this report.

4.6.4 Focus Group Discussion

A focus group discussion was held on 12th February 2016 with village headmen from Mphamba Chiefdom at the Chief's Palace. A sample of 10 headmen who were purposefully selected from villages affected by the extension of the urban boundary was taken who were communicated to through the Chief. These include Headman Mphamba, Chijemu, Majambani, Chimwala, Kolakomuto, Chewe, Chiyapula, Mateza, Muyabala, and Nchete. It is worth noting that the names of the headmen take after their respective villages. A focus group discussion guide (Appendix 3) was used to guide the discussion and the responses from the discussion were recorded by the researcher after obtaining permission from the discussants.

4.7 Data Analysis and Presentation

The data that was collected in this study was analysed qualitatively and is presented through verbatim narratives, and figures developed using GIS. Secondary data collected through review of council records and primary data collected through interviews and focus group discussion were analysed using content analysis method. With content analysis, recordings of primary data collected through interviews and focus group discussion were transcribed and documented in narrative write ups from whom valid inferences categorised into themes were made which were linked to objective of the study. Since the non-participant observation was one of the methods used to obtain data in which the researcher was able to observe phenomenon, opinions of the researcher about the observable phenomenon were interpreted and presented it write ups. For secondary data, insights from already existing data sources which are relevant to the study were extracted and were incorporated in the write ups. Data collected from the Lundazi Google Earth Imagery, topographic sheets and town layout plans as well as observations was analysed by Geo-spatial analysis using Geographical Information System (GIS) which was used to produce maps illustrating the findings relevant to all the objectives.

CHAPTER FIVE

RESEARCH FINDINGS AND DISCUSSION

5.1 Introduction

This chapter presents findings of the study and analyses them in relations to the research objectives and questions. The chapter reveals detailed characteristics of the two land tenure systems in Lundazi. It also establishes how the morphology of Lundazi Town has been influenced by the existence of a dual land tenure system. The chapter further reveals the urban land management and land use planning challenges faced by the LDC as the authority in charge of urban land management. Diagrams and maps are used to illustrate the findings.

5.2 Characteristics of a Dual Land tenure System in Lundazi

The dual land tenure system present in Lundazi is one where leasehold and customary land tenure systems exhibit different characteristics in terms of general land administration, land acquisition and land development processes. Both leasehold and customary tenure systems reveal some characteristics that affect the growth and development of Lundazi Town positively and negatively. However, the findings reveal more negative effects which override the positive effects.

5.2.1 Leasehold Land Tenure System in Lundazi

The study found that leasehold tenure system in Lundazi applies to only 0.05 percent of total land coverage of Lundazi District. This is because it only applies to state land falling within the urban boundary under the jurisdiction of the LDC, the settlement schemes or farmland under the jurisdiction of the LDC as well as some parcels of customary land whose interest of ownership have been converted from customary tenure into leasehold tenure.

5.2.1.1 Land Access under Leasehold Tenure System

Land under leasehold tenure system in Lundazi is acquired by way of application. In an interview with LDC official, it was revealed that the process of land acquisition begins with the LDC identifying land to open up to the public for development. After identifying land, the LDC not being a planning authority engages the provincial Department of Physical Planning and Housing (DPPH) to prepare a layout plan. The layout is then submitted to the Eastern Province Planning Authority (EPPA) for approval before it is forwarded to the MLNREP for numbering. After numbering of the layout plan, the land is surveyed and beaconed and services such as roads are provided in advance. This process is preceded by land zoning processes. Zoning is a tool used to categorise and specify different land as residential, commercial, industrial, agriculture and many more others and how buildings are related to their

surroundings such as other buildings, open spaces and streets (Smith, 2017). In addition, an IDP is a plan prepared by a planning Authority which plan integrates social, economic, environmental, spatial, infrastructural, institutional and organisational development and the provision of amenities and services aimed at alleviating poverty and improving the quality of life of members of a community (URP Act 2015). Analysis of the findings indicates that, land use planning and zoning which is practiced on land under leasehold tenure system promotes orderly development of land and sustainable development. This is in line with the statement by Amler, et al. (1999) that, land use planning creates the prerequisites required to achieve a type of land use which is sustainable, socially and environmentally compatible, socially desirable and economically sound.

Findings further reveal that, when the land is prepared, applications are then invited through an advertisement indicating some conditions to be met by the applicant. Interested people then lodge in their applications by filling in the lands application forms. This process promotes transparency in land transactions which is in accordance to the provision of section 253 subsection (1, e) of the Amended constitution of Zambia which provides that, “Land shall be held, used and managed in accordance with the principle of transparent, effective and efficiency” (Amended constitution of Zambia, 2016).

The applications are then processed by the local authority at two stages. First at the committee level (Plans, Works and Real Estate Development Committee-PWRED) where interviews and selection are done and secondly, at full council level where the approval of selected applicants recommended by the committee is done. The Council then recommends the approved applicants to the commissioner of Lands based in Lusaka for offer who approves or rejects the applications. Upon approval, an ‘invitation to treat’ which is a notice prescribing fees to pay to MLNREP before an offer is made is issued to the applicant and an offer letter is thereafter issued to the applicant upon payment of the fees prescribed in the invitation to treat. The Offeree is then required to submit survey diagrams to the commissioner’s office so that a lease can be prepared and eventually certificate of title.

During interviews, both the LDC and MLNREP officials revealed that, the council is mandated to handle land up to 250 hectares. For land between 250 and 1000 hectares, the commissioner of Lands passes the application to the Honorable Minister of Lands for clearance before approval and for land above 1000 hectares, the Minister seeks the consent of the Republican President as provided by the land administrative circular No. 1 of 1985 of the laws of Zambia.

Figure 3 illustrates the procedure for land access under leasehold tenure (Land Administrative Circular, 1985).

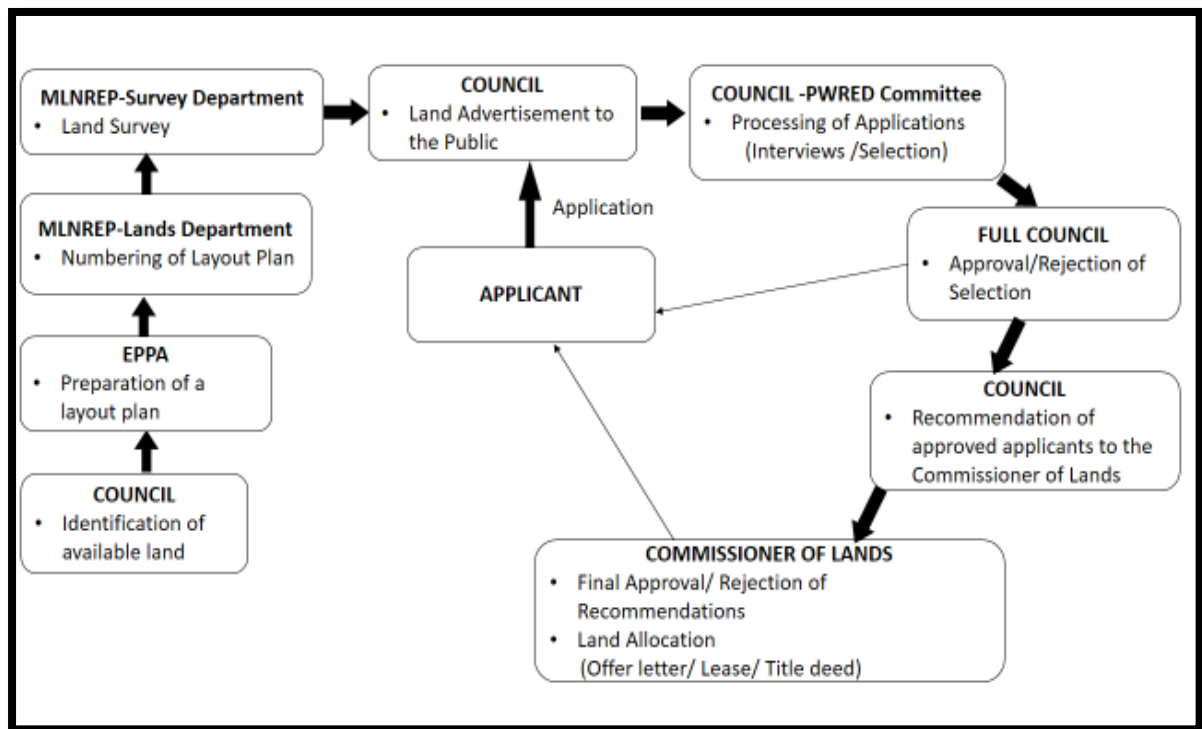


Figure 3: Land access procedure under leasehold tenure system in Lundazi

Source: Author, 2016

This process however is highly bureaucratic resulting in inefficiencies in management of land held under leasehold tenure. This is because, as indicated by Ludwig (2004), bureaucracy is usually associated with inflexibility, rigidity, process conservatism and is time consuming. During interview with the LDC Official, it was revealed that the LDC did not follow the above laid out procedure thus, most land holders in Lundazi town do not have relevant documents such as offer letters and title deeds from the MLNREP as proof of land ownership and the few that have them are mainly from the business community and are of Asian origin. It was only in 2013 after the change of management that the council started following the procedure with the first allocation under the right procedure done in 2014 for a residential area named as Sunnydale Garden. The common practice before 2013 was that, immediately after identifying land to open up for development, the council could manually demarcate the plots by determining the plot sizes with the measuring tape and come up with a temporal layout plan with temporary plot numbers. Without subjecting the land to cadastral survey, the LDC could then advertise to the public. Shortlisted applicants could then be allocated land and were issued with temporal letters of allocation from the council.

During the study, a review of some LDC minutes found that under minute number PWDRE/20/04/12 of the Ordinary Council meeting held on 21st September 2012 for example, it was indicated “*Allocation of Unnumbered Plots-Area behind the Sheds*” (LDC, 2012). This affirms the fact that, LDC could offer unnumbered plots to the developers which posed a challenge for developers to obtain relevant documents from the MLNREP.

Analysis of the findings shows that the high bureaucracy in land administration under leasehold tenure system which is experienced in Lundazi is due to highly centralized systems of land alienation and land registration. Though one of the objectives of the Government of the republic of Zambia is to improve and promote decentralized system of registration of properties in order to guarantee security of ownership as stipulated in the Fifth National Development Plan (FNDP), land registration in Zambia is still centralized to date. This is because the functions of land alienation and land registration in Zambia are only performed by the Commissioner of Lands and Registrar of Deeds respectively who are based at the MLNREP headquarters in Lusaka and Ndola. Though there are administrative Lands offices at every provincial centre, they do not carry out these functions.

The LDC Official during interviews revealed that, it takes long for the Commissioner of Lands to process the applications resulting in failure by most holders of state land in Lundazi to acquire relevant documents such as offer letters and title deeds as proof of land ownership and as a basis for security of tenure. This also negatively affect land development processes. The Officials from MLNREP during interviews however stated that the reason why offers and title deeds take long to be processed is due to the technical challenges associated with the electronic Land Information Management Systems (LIMS) that is used at MLNREP for processing applications.

5.2.1.2 Land Development under Leasehold Tenure System

The study found that development of state land in Lundazi is regulated by the LDC and EPPA through statutory laws. The URP Act of 2015 of the Laws of Zambia and the Public Health Building Regulations are the key legislation governing land development processes under leasehold tenure. As established by the study, the URP Act and the Public Health Building Regulations provide for the developer, prior to the commencement of any development works on land to obtain Planning Permission and Building Permit respectively. The study also established that application for planning permission under the URP Act of 2015 requires the developer to submit a completed planning permission application form to which is attached; a

set of four copies of the building plans which include Floor plan, Section, Elevations, Site and Location plans and certified copies of land ownership documents (Offer Letter, Title Deeds or Occupancy License). The application is then scrutinized by three (3) sections of the LDC which are the Physical Planning Unit, Public Health and the Fire section. At this stage, the applicant is required to pay what is termed as “Plan Handling Fee” which varies depending on the type of land use (commercial, residential, industrial or special user) and size of the structure.

Analysis of the findings shows that, the process of obtaining planning permission before commencement of any development on land held under leasehold tenure system is a good practice as it helps the authorities in charge of urban land management to ensure that all upcoming developments in the town suit an orderly, aesthetically urban development pattern for a safe, healthy and habitable environment and that all buildings conforms to the national buildings standards.

The study further found that since Lundazi is not a planning authority, it does not have the powers to grant planning permission as this is a function of the planning authority. In an interview, the LDC Official revealed that the LDC forwards the building plans to the EPPA for either outright approval, approval with conditions, or disapproval. If the application for planning permission is approved, the developer is then issued with a building permit by the LDC through its Public Health section. A building permit allows a developer to start developing within six (6) months, failure to which the permit elapses and has to be renewed. This is followed by building inspection process as any construction being undertaken in the town has to be inspected by the Building Inspectors. Attached to the approved building plans are a set of inspection slips which the developer fills and forwards to the Building Inspectorate of the LDC. These notices act as a request for Building Inspectors to come and inspect the construction site.

Building inspection take place at various stages and at every stage the developer is required to pay inspection fee which varies from case to case. Building inspectors then submit reports of inspection of a complete development to the public health section to certify whether the construction carried out was in accordance with the approved plan and whether the structure underwent the stages of inspection to ensure that the mixtures and block works were according to the recommended standards. Any development therefore that is undertaken without following the above stipulated procedure is considered illegal. As established by the study, by law, construction is required to be completed within eighteen (18) months from the date it is granted, failure to which the land might be subjected to repossession. When a structure is

completed, the developer is required to obtain an Occupation Certificate from the Local Authority. An occupation certificate is a permit allowing the developer to occupy and start using the structure. It is issued under the Public Health Act.

Analysis of the findings shows that if all processes are devotedly followed, leasehold tenure system has the capacity to promote orderly urban development, leasehold tenure system has positive characteristics that support planned urban developments and controlled urban growth as it is a requirement for one to obtain planning permission before the commencement of any development on land held under this tenure system.

The study however found that most of the developments in Lundazi town did not follow the process outlined above and thus do not have planning permission as indicated by the LDC official during interviews. By law, these structures should be considered as illegal developments and are liable to demolition. However, in the case of Lundazi, not all buildings built without planning permission were subjected to demolition because in most cases it was not the fault of the developers for not acquiring planning permission but was due to the failure of the system for both land access processes and land development processes. This is because for a developer to obtain planning permission, he or she is required by law to attach to the application a proof of land ownership document which can either be, an offer letter, lease, or title deed from the MLNREP. But since the council did not follow the standard procedure for land allocation to enable developers acquire relevant documents for land ownership as stated in the previous section, it was impossible for developers to obtain planning permission as they did not have proof of land ownership documents.

In an interview, the LDC Official attributed their failure to facilitate the acquisition of planning permission by most developers to inefficiencies in the land alienation system due to bureaucracy and a centralized land registration system. The LDC gave an example of the previous allocation of 96 plots in an area called Sunnydale Garden that was done in 2014 and the approved applicants were recommended to the commissioner of lands for offer in the same year. Two years later, only 38 out of 96 had received offer letters from lands and the rest had not yet received due to failure of the system at the MLNREP. This means that out of the 96 developers who were allocated land by the council in 2014, only the 38 developers with offer letters from the MLNREP were eligible to apply for planning permission by 2016. This is the major factor that prevents most developers from acquiring planning permission.

The study also found that the other reason why most structures in Lundazi were built without planning permission is because most developers simply did not know that they needed planning permission, a situation attributable to inadequate community sensitization by the LDC and EPPA. During interviews, some developers on state land revealed that previously they did not know that they had to apply for planning permission before they could commence any developments on land. The perception was that as long as one acquires land and had money for building, he or she could commence development of whatever structure one wanted without any interference from anyone. The study further found that some developers had a little knowledge of planning permission but they still went on building illegally as they were apprehensive of being inconvenienced as the process took too long. In some cases, some developers would submit their building plans to the council before they commenced any development on their land, but because of the lack of proof of land ownership, their applications could not be processed. This also led to most developers to resort to building without permission.

5.2.1.3 Institutional and Legal Framework for Leasehold Tenure System

The study found that the institutions in charge of administration of land under leasehold tenure system in Lundazi include LDC, MLNREP and EPPA. LDC is an agent to the Commissioner of Lands in the process of land alienation and is in charge of land identification for development, advertisement and consideration of application as well as recommendation of applicants to the commissioner of lands as empowered by circular No.1 of 1985. The LDC, though not a planning authority also coordinates urban developments by facilitating urban land use planning and urban development control.

The study also found that, LDC works hand in hand with the MLNREP which coordinates all land alienation activities in the District through the office of the Commissioner of Lands and the Registrar of Deeds at the headquarters, as well as the Eastern Province lands office and the Eastern regional survey department. The study further found that, EPPA, which is a provincial planning authority that oversees all planning activities in Lundazi and other districts in Eastern Province as empowered by the URP Act of 2015 also works hand in hand with LDC in urban land use planning and development control.

In terms of legal framework, the study found that the administration of land under leasehold tenure system in Lundazi is governed by statutory laws which include; the 1995 Lands Act, Lands and Deeds Registration Act, Land Survey Act, the URP Act and the Public Health

Building Regulations. The study further found that, besides the statutory laws, by-laws formulated by the council are also used in the administration of land held under leasehold tenure in Lundazi.

5.2.2 Customary Land Tenure System in Lundazi

The study found that, customary land tenure system that governs the administration of customary land is the dominant form of land holding in Lundazi. This tenure system is administered by chiefs and village headmen who oversee all customary land transactions and are responsible for resolving land related disputes.

5.2.2.1 Land Access under Customary Tenure

The study found that, access of land under this tenure system is mainly done in three ways; membership and inheritance, gifts, and land purchase. The majority of customary land in Mphamba Chiefdom of the Tumbuka speaking people is held by local residents who access it by way of membership and inheritance. Local residents in this study refer to members of the rural community by birth, marriage and or residence. Both interviews with the Chief and a focus group discussion with the village headmen revealed that in Mphamba traditional culture, a patrilineal descendant system is followed in relation to inheritance of land rights. This means that, male children have birth rights to their father's land which they inherit as family land upon the death of their father with the first male child being in charge or all siblings sharing equally among themselves and hold it as individual's based on the decision of the first male child. Female children do not have birth rights to inheritance of land but might still inherit at the discretion of their male siblings.

The study further found that women in marriage have access to their husband's land for as long as the man lives and through her male children with him. If the couple has no male child, when the man dies, the woman remains landless and by tradition she is required to surrender her husband's land to his family and together with her female children return to her family. In unique situations where a woman shares a good relationship with her husband's family, she is allowed to continue living on and cultivating her late husband's land by the deceased's family. However she cannot sell it or lease it without permission of her late husband's family, and therefore, she can be removed from that land whenever they decide to do so.

The findings reveal a patrilineal lineage system "blood line" of a typical Tumbuka culture, which is a line of descent traced through the male members of the family. When a man dies, the land property inheritance rights are vested in the eldest male child. Other male children

have rights to land upon the discretion of their eldest brother. Whereas female children do not have any right to land property inheritance. This system however has been a source of disputes among family members especially brothers where instead of all children having equal rights to their fathers inheritance, only the eldest son has birth rights to land inheritance. In addition, the system is gender insensitive as it infringes on the rights of women to land which is contrary to the call of the United Nations Human Rights Commission (UNHRC) which advocates for gender equality in land access (United Nations Humans' rights Commission, 2014). Besides, such discriminations against women when it comes to land rights have diverse impact on the livelihood of women. Since customary land is the source of livelihood for most rural household, denying women's access to land means denying them a source of livelihood. This contributes to high poverty levels that are experienced in most female headed households (United Nations, 2012).

Furthermore, the findings reveal that, the due perpetuated advocacy for humans rights by the UN and other Humans rights advocates coupled with the influence of the modern culture which emphasise equal rights to property among all children; male and female, the Tumbuka culture of Mphamba chiefdom has been undergoing transformation in which women's right to land are being recognized among some families and in a situation where a man who is the head of the family dies, his land inheritance is shared equally among the children be it male or female as further revealed in by the findings. This has brought about individualism in ownership of customary land which is an innovation from the historical communal ownership of customary land which is recognized by many Zambian traditional societies. This is done in the quest to increase individual powers and control over land so that any member of the family may do whatever he wishes with his inheritance without any influence from other members of the family. And such situation where female members of the family are considered to have equal rights to land, they can do with it anything they wish such as selling or leasing it out. This is a positive response to gender equality which can help improve the standard of living of women in the rural areas of Lundazi as well as in Zambia as a whole.

As established by the study, gifting is another way by which customary land is accessed in Lundazi. In both interviews with the Chief and the focus group discussion with the village Headmen, it was revealed that traditional leaders or community members can give part of their land to whoever they wished provided they have full rights to that land and do not infringe on other members rights and the receiver is required to get consent from the chief. Local people from other communities also access land by this way provided they come with a letter of

transfer from the village or chiefdom of their origin which is presented to the headman of the host village and later on to the Chief.

According to Mphamba tradition, the procedure for accessing land by the local people coming from other villages and chiefdoms is as follows: first when the new comer arrives into the village, he or she is introduced to the village headman to whom the letter of transfer is presented. The headman of the host village then introduces the new comer to the group headman of the village zone and later introduces him or her to the chief for recognition. Depending on their reason for transfer as stated in the letter and whether they have a criminal record, the new-comer can either be accepted or rejected at village, zone or chiefdom level by the Village Headman, Group headman and the Chief respectively (Refer to Figure 4). A dirty record in this case is associated mainly with the practice of witchcraft, theft and adulterous activities. If the new-comer is accepted in the community, the village headman calls for a village gathering to introduce the new-comer to all community members. The new-comer can then be given land for settlement and cultivation by the headman or the family friends.

The study however found that not all new-comers undergo the above mentioned procedure. In an interview with the Chief, it was revealed that some people come into the chiefdom and are given land by some Headmen or subjects without his knowledge and permission. Similarly, Headmen in a focus group discussion revealed that there are instances where new-comers in their villages are allocated land by their families and friends who are members of the village without the knowledge and permission of the Headman.

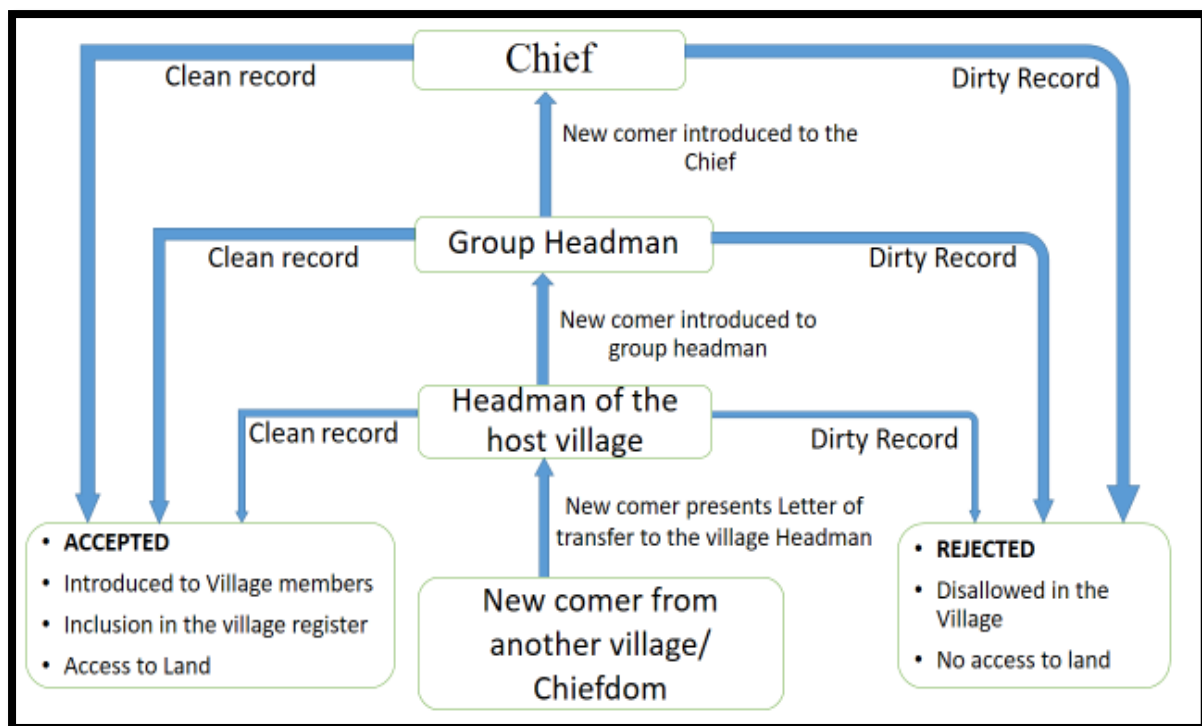


Figure 4: Procedure for Land Access by the Local People from other Villages/ Chiefdoms
Source: Author, 2016

The study also found that, outright purchase is another way by which customary land in Lundazi is accessed and is commonly practiced by the non-local people. Non-local people in this study refer to non-villagers or non-rural people comprising of Lundazi urban residents, mainly civil servants, workers in private organizations, and business persons of Zambian and Indian nationality, as well as investors coming from outside the District. Land is purchased either directly from the individual village subjects or through the village Headmen or the chief.

Interviews with some selected developers in the urban fringe areas revealed that, the majority of them acquired land through this method, and it involved payment of money or its equivalent. Interviews with the Chief and a focus group discussion with the Headmen, however revealed a different side of the story. From their perspective, this form of land access is not referred to as selling but rather, a mere allocation to ‘investors’ with potential to development the area. The money and other goods and services that are received from the ‘investors’ by cash or in kind is taken as ‘*Mwambo*’ (a token of appreciation or homage) and not as a payment and is determined by the investors themselves. This however is a very discombobulating situation as the giver of the payment in any form perceives it as a payment while the receiver perceives it merely as a token of appreciation. Upon payment of ‘*Mwambo*’, the “investor” is then introduced to the village committee and is included in the village register for land allocation. He or she is then

introduced to the Chief where a consent letter is obtained. After that, the investor is free to develop the land without any interference from the subjects, headman or the Chief.

By the Zambian law, selling of customary land is illegal considering the provision of section 5 of the Land act which states that “*A person shall not sell, transfer or assign any land without the consent of the President and shall accordingly apply for that consent before doing so.*” However, given the position of the traditional leaders in which they consider the payment made to them by investors as ‘*Mwambo*’ they cannot be held accountable as in illegally selling land as paying of homages to traditional leaders has since time memorial been part of the African tradition and Zambia is not an exception. Selepe, (2009) indicates that, “*The institution of traditional leadership has been in existence on the whole continent of Africa from time memorial. Traditional leaders have been the custodians of traditional norms and customs. They have administered land, resolved disputes and protected their subjects. In return, the community paid homage to their leaders by giving them esteemed reverence in varying forms and circumstances.*”

In terms of reasons for acquiring customary land, most developers in the rural-urban fringe areas during interviews indicated that they decided to acquire land under customary tenure because land was readily available and the procedure for land access was non-tedious. This by large has made customary tenure system more responsive in meeting the needs of the people for land for development than leasehold tenure system. However, the challenge is that, this land is not planned before it is allocated because, the LDC and EPPA as authorities in charge of urban land management have had no mandate to it. Thus, there is no land zoning, no layout plans and land is not surveyed and beacons to guide the boundary limitations of individual plots. Accordingly, land allocation is rather unregulated which has negative impact on land development.

In terms of area preferences, the study found that most of the non-local people prefer to acquire land falling within the urban fringe due to its close proximity to the town, mainly for residential or commercial purposes. This has negative impact on the development of Lundazi Town in the sense that, by it being the land that surrounds the town, the rural-urban fringe area is the space that is naturally available for urban expansion. Therefore, the fact that this land is not planned makes it the bleeding space for informal settlements which affect the general urban growth.

5.2.2.2 Land Development under Customary Tenure

The study found that, developments in the customary lands of Lundazi have never been regulated. During interviews, both the LDC and EPPA officials attributed lack of development control in the fringe areas to the existence of a dual land tenure system. They indicated that initially, the fringe areas fell under customary tenure under the jurisdiction of the traditional authority of Mphamba chiefdom and it was the traditional authority that was in charge of land allocation and general administration of land in these areas. They further revealed that although the repealed T and CP Act provided for control of development in areas falling within 20 mile (32 kilometres) from the planning boundary, this provision was never implemented in Lundazi due to lack of cooperation by the traditional authorities who could not allow customary land under their custody to be incorporated into the land use planning system. The LDC Official for instance stated that,

“We made efforts to consult the traditional authority of Mphamba Chiefdom if we could conduct development control in areas falling within 32 kilometres from the planning boundary as was a provision of the repealed T and CP Act, but there had been lack of cooperation on the part of the traditional authority” (LDC Official, 2016)

Similarly, the EPPA Official stated;

“Of course the repealed T and CP Act provided for control of development in areas falling within 32 kilometres from the planning boundary but implementation of that provision of the Act in Lundazi was quite tricky. I am sure you are aware that Chiefs are more powerful than professionals in Zambia. So there has been resistance from the chiefs to allow EPPA to control development in areas that fall within their jurisdiction, which is customary areas. So when it comes to development control, we concentrate so much on planned areas falling within the urban boundary” (EPPA Official, 2016).

Both the LDC and EPPA officials indicated lack of a national Land Policy framework as a contributing factor towards the lack of coordination in land administration system which has also affected spatial planning in Lundazi. They revealed that, since independence, there has never been a national Land Policy document to guide effective land management and coordinate the land tenure systems. Interviews with officials from the MLNREP revealed that, preparation for a land policy is underway as the document is at draft level.

Presently, the URP Act of 2015, the piece of legislation that governs land use planning and development extends planning controls into customary areas through planning agreements as provided in section 25 of the Act. However, this provision had not been effected in Lundazi at the time data was collected due to lack of planning regulations as was revealed by the officials from the Lundazi Local Authority and EPPA. Thus, the developments in customary areas of Lundazi have remained unregulated.

According to Fekade (2000), failure to control urban development due to inefficient and ineffective planning systems that has been experienced in many developing countries has resulted in urban sprawl. UNICEF, (2012) defines urban sprawl as; “the uncontrolled and disproportionate expansion of an urban area into the surrounding countryside, forming low-density, poorly planned patterns of development.” This is the case with Lundazi. Analysis of the findings shows that lack of development control under customary tenure system has allowed the land owners to develop their land in any way provided they act within the limitation of their land and do not commit any nuisance or trespass on their neighbour’s property. This has resulted in the combination of different land uses in an unregulated and conflicting manner. Due to lack of land use planning and development control, services such as land zoning, access roads and drainages and piped water reticulation are not provided in customary areas. Consequently, lack of planning and development control in customary land has affected the settlement patterns negatively as houses are not organised in a proper manner and they do not have proper access roads which hinder them from receiving important services such as ambulances and fire services.

5.2.2.3 Institutional and Legal Frameworks in Customary Tenure System in Lundazi

It is a well-known fact that customary land tenure system is administered by the Traditional leaders who are the Chiefs and Headmen. However, in both the interviews conducted with the chief, and the focus group discussion conducted with the headmen, it was revealed that Customary land tenure system in Lundazi is not administered by the traditional leaders alone but other government institutions such as the MLNREP, Ministry of Chiefs Affairs, District Administration Office, The District Agricultural Coordinating Office (DACO) and the council also play some roles either directly or indirectly. Both officials from the MLNREP and Ministry of Chiefs Affairs during interviews mentioned that the traditional leaders of Mphamba Chiefdom do make consultations with their offices on some issues pertaining to the administration of land in their chiefdom especially when it involves conversion of land tenure from customary to leasehold or land allocations for public purposes.

Furthermore, an official from the Lundazi District Administration Office (DAO) revealed during an interview that the DAO plays a role of advocacy by urging the traditional leaders to surrender part of their land to the state for public developmental purposes. It was further mentioned that, the DAO participates in the resolution of land disputes between or among chiefdoms, land disputes between the chiefs and headmen as well as land disputes between the traditional leaders and their subjects when these issues are reported to her office. Similarly an official from the Department of Agriculture in an interview revealed that his office participates in the administration of customary land through the preparation of site plans for land under customary tenure intended to be converted into leasehold tenure whereas the council participates by processing applications for land under customary tenure intended to be converted into leasehold tenure and further make recommendations to the commissioner of lands for the conversion as revealed in an interview with the council official.

In terms of legal framework, unlike the general understanding that there are no written regulations set to guide the administration of customary but its rather administered through oral traditions, the study found that traditional administration of Mphamba Chiefdom does not depend entirely on the unwritten customary laws but the written state laws too. Both interviews with the Chief and the focus group discussion with village Headmen revealed that the traditional leaders ensure that they operate within the provision of the 1995 Lands Act, the Circular No.1 of 1985 and some other relevant Statutory Instruments (SIs) and ministerial policy statements when administering land. During interviews, the officials from the MLNREP indicated that, since some sections of the Lands Act and other SI's apply to customary land, his ministry advises the traditional leaders to refer to these important pieces of legislations.

5.3 Effects of Dual Land Tenure System on the Morphology of Lundazi Town

The study found that, the physical expansion of Lundazi town in a dual land tenure system has resulted in the transformation of the urban fringe areas into suburbs and the emergence of informal settlements.

5.3.1 Transformation of the Urban Fringe

The study established that with the growth of Lundazi Town, the urban developments have spilled over the previous urban boundary into the urban fringe areas. These areas include Kaluba village, Chifwiti, Chinthuta Makule, Chinyumba, Chipazi, Chipyola, Kapaipi, Mkachito, Chizonga, Phiri, Savia, Kalikomo villages among others as shown in Figure 5.

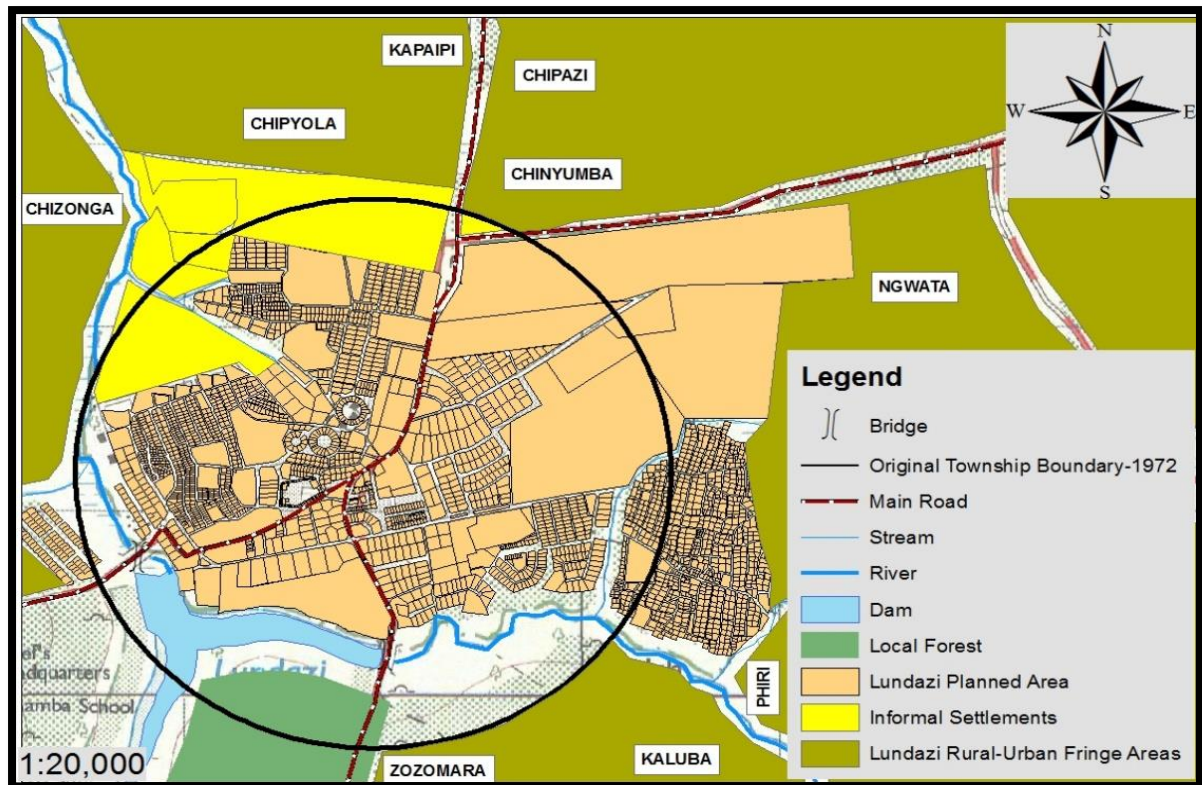


Figure 5: The Urban fringe Areas of Lundazi Town
Source: Author, 2016

The study further established that the spilling of urban developments over the official urban boundary has resulted in urbanization of the urban fringe areas of Lundazi as urban development such as modern housing structures (Refer to Plate 9) lodges, shops, and light industries have sprung up in these areas. In some cases, this has resulted in the modification of the traditional village structures to semi-modern structures, for example, by extending them and replacing grass thatched roofs with iron sheets as well as plastering brick and mud walls with cement so that they can fit in the new suburb form.

Development of suburbs like in the case of Lundazi is one common form of urbanization that is experienced in Africa. This is in line with the observation by Bloch, (2011) that, “within the picture of overall spatial expansion, new suburban development appears in a fashion akin to that of a colour spreading through water, diffusing from and through the existing urban fabric into peri-urban and rural areas. This is the case with Lundazi.



Plate 9: Modern Housing Infrastructure in the Lundazi Urban fringe Areas
Source: Field Work, 2016

The urbanization of Lundazi rural-urban fringe areas as both positives and negatives. According to Browne, (2014), the strongest positive of urbanization is that it is highly effective for economic growth as it produces economies of scale for business, fosters an innovative environment and pays higher wages and dividends. It also reduces poverty and increases access to services. This is the case with Lundazi in that, the findings reveal that there is an increase in employment opportunities in the fringe areas as they diversifies from depending entirely on agricultural activities to various non-farm activities. This has resulted in higher income levels of most residents of the rural-urban fringe areas. Another benefit is that it has led to spatial improvement of the rural-urban fringe as modern infrastructure such as housing, lodges, commercial infrastructure and light industries have developed in these areas.

In terms of demerits however, the urbanization that has been taking place in the rural-urban fringe areas of Lundazi has been largely informal as developments have been unregulated resulting in the intermixture of commercial, residential and agricultural land uses in conflicting manner and there are no municipal services such as layout mapping and land zoning, roads and drainages provided in these areas.

The study also found that as the rural-urban fringe areas get urbanized, displacement of the traditional village structures (Plate 10) and rural lifestyle that once dominated these areas has been taking place though a few still exist to date.



Plate 10: Traditional Village Structure in the Lundazi Rural Urban Fringe
Source: Field Work

This kind of development is more evident in Chimuthyulu settlement (Figure 6) which was reclassified from a rural settlement (village) into an urban settlement in 2009. Interviews with both the Chief and the LDC official revealed that Chimuthyulu was initially a village located within the urban fringe area of Lundazi with traditional village structures like any other rural area but was later surrendered to the LDC by the traditional authority following the transformation of the village into a sub-urban area. Interviews with both the LDC official and the chief further revealed that the transformation of Chimuthyulu from a village to an urban settlement came about due to shortage of urban land. This exerted pressure on Chimuthyulu village for land for development due to its close proximity to the town as some urban elites mainly civil servants and local business men started buying some vacant plots from Chimuthyulu and contracted modern housing infrastructure while others bought the poor village residents off their land and they too constructed modern houses. As established by the study, these urban elites started converting the land tenure from customary to leasehold tenure in their quest for security of tenure. They also started demanding for services such as access roads, piped water, electricity, and a market that the village headman and his traditional village

council could not provide. The increasing demand for services led the Chimuthyulu village headman and his village council in consultation with the chief to resort to surrendering the entire village to the LDC.

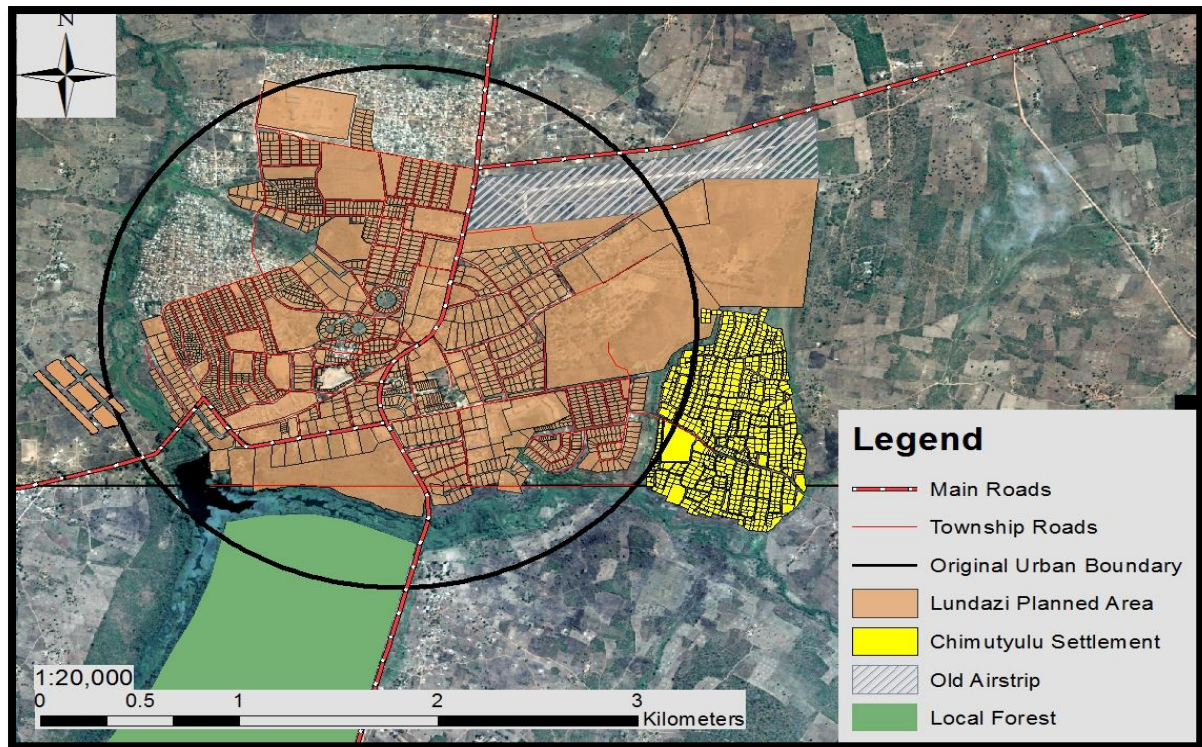


Figure 6: Location of Chimuthyulu Settlement
Source: Author 2016

Analysing the spatial change that occurred in Chimuthyulu of Lundazi, it can be said that urbanization took place alongside with it gentrification. Gentrification is the influx of affluent middle and high class population into the lower income neighbourhoods causing displacement of the lower-income population that had initially occupied the area by buying them off their old and lower standard structures which they rejuvenate into modern structures resulting in transformation of the entire neighbourhood from lower to middle income (Shaw, 2008). The term gentrification is often interpreted as a largely urban phenomenon, with urban gentrification being a widely acknowledged research subject. Gentrification however does not only occur in the urban context but in the rural setting as well, like in the case of Lundazi in which the urban elites comprising middle class civil servants and business men and women are buying the low class rural residents in the urban fringe areas off their land and property.

Often times, gentrification sets off a chain of both positive and negative effects. On the positive side, as indicated by Ebenezer (2010), gentrification helps upgrade dilapidated and less valued properties into modern high value properties resulting in revitalization of the area as it is the

case with Chimuthyulu in which village structures were turned into modern structures occupied by middle class families. From higher property values, there are great economic benefits for the local authority through property taxes. Landlords also benefit through increased property rentals (Ebenezer, 2010). This is the case with Chimuthyulu.

In terms of negative effects, gentrification results in increased property taxes and displacement of the low income households which is mainly psychological for the indigenous locals who cannot afford urban lifestyle (Ebenezer, 2010). In Chimuthyulu, the coming in of the Council after the area was surrendered by the traditional authority has brought about increased property tax via property rates as well as property legalization fees. Property legalization fees are a one off charge that clients owning land in the rural urban fringe areas but have no proof of land ownership are required to pay to the LDC so that their land can be regularised and documents be processed. Also most indigenous rural settlers of this area have since then sold their pieces of land and have gone to settle in the far more rural areas away from urban life as they could not afford paying the property taxes and because urban lifestyle has resulted in increased cost of living in these areas due to the rise in rental prices and bills for electricity and piped water.

5.3.2 Emergence of Informal Settlements

The study found that the northern and north-western parts of Lundazi town are characterized by informal settlements which include Dunda, Gabon, Kalopa, William, Riverside compounds and part of Chinyumba village as shown in Figure 7. An informal settlement as defined by UN-Habitat (2002), is “a contiguous settlement where the inhabitants are characterized as having inadequate housing and basic services.

As established by the study, informal settlements in Lundazi emerged on state land that fell within the first urban boundary drawn in 1972 but was perceived as customary land when the LDC lost track of the original urban boundary. Slowly these areas developed as squatter settlements for rural people who wanted to experience urban life and provided urban residents with cheap unskilled labour but could not afford decent housing in the urban area. Because these areas were perceived as customary land, the LDC did not recognize them as an integral part of the town thus they were not provided with any municipal services such as land use planning as well as development control.

Informal settlements are usually potential breeding places for social and political unrest such as the increase of disease, crime, poverty and unemployment (Nabutola, 2004). Urban challenges such as low incomes, high unemployment levels, lack of financing, inadequate

housing delivery, poor land administration and lack of serviced land ready for development have led to the development of many informal settlements all over the world (Nsama (2006). This is the case with the Lundazi informal settlements. During field work, the researcher observed that, these informal settlements are characterised by self-help sub-standard housing infrastructure built with cheap materials such as mud bricks. Grass, metal sheets as well as cheap, poor quality iron sheets are commonly used as roofing materials with wood poles as beams. They also lack adequate urban services and facilities such as access roads, proper drainage system, electricity, clean water and proper sanitation. In these settlements, unprotected wells are the most common sources of drinking water whereas pit latrines are the commonest sanitation facilities in these areas. It was further observed that, the wells and pit latrines in these areas are located in unregulated proximities and there is a possibility that the fecal waste seep into wells from which drinking water is fetched. This could be the reason why residents of these settlements are prone to waterborne diseases such as diarrhea, dysentery and cholera as mentioned by the LDC official in an interview. Solid waste in these areas is also disposed of indiscriminately which makes the surroundings look very untidy and degraded.

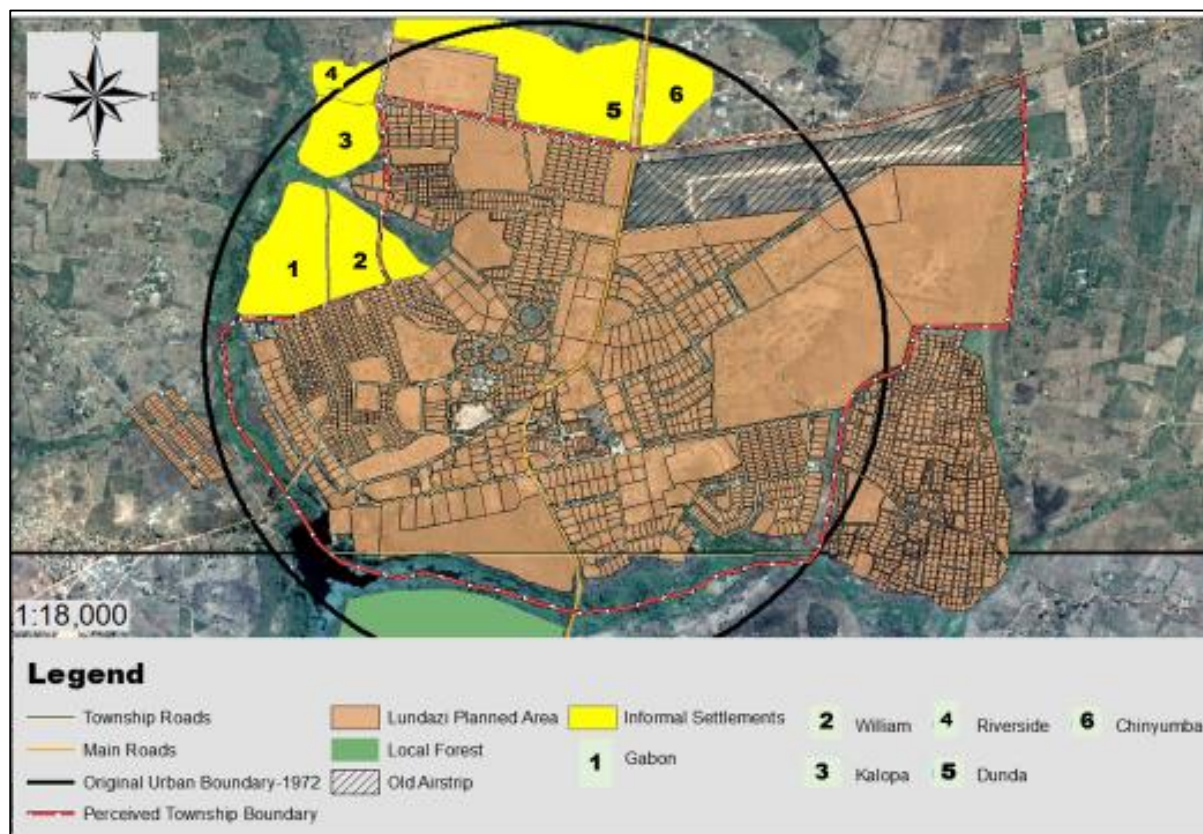


Figure 7: Location of Informal Settlements in Lundazi Town

Source: Author 2016

In line with the views of Taleshi, (2009) that, informal settlements cause instability of urban development and their physical harms include irregular residential structures, erosion of buildings, unorganized façade of buildings and its undesirable effects on the image of the town, it can be said that, the existence of informal settlements in Lundazi is an impediment to sustainable urban growth and development. The above description of the status of the informal settlements of Lundazi shows that it has affected the orderly pattern of Lundazi urban thereby making part of the town look untidy and largely unplanned. In addition, most of these informal settlements are located in the banks of Lundazi River and its tributaries with high risks of flooding. This does not only endangers the lives of the residents of these informal settlements but also causes natural resource degradation as well as deterioration of living conditions within the urban boundary, problems that threaten the urban sustainability. In general, the existence of informal settlements in Lundazi defeats the purpose of sustainable urban growth which is to achieve a unique sense of community and place, equitable distribution of the cost and benefits of development, preservation and enhancement of natural and cultural resources, and promotion of public health as indicated by UN (2008).

5.4 Challenges of Urban Land Management Faced by the Lundazi Local Authority

The study established that, the existence of a dual land tenure system in Lundazi presents the LDC as the Authority in charge of urban land management with formidable challenges of urban land supply and spatial planning.

5.4.1 Challenges of Urban Land Provision

The study found that inadequacy of urban land in Lundazi is one of the major challenges faced by actors in urban land management. Demand for urban land has been soaring and the capacity of the LDC to provide enough land for development has been dwindling. The LDC official during interviews linked the shortage of urban land to the existence of a dual land tenure system in that, the land on which Lundazi town is seated was claimed from customary land. Thus, since the time of establishment in 1908, Lundazi urban land has been limited. They revealed that the first urban boundary which was drawn in the early 1970s to demarcate the urban area from the customary land was of a circular shape of a radius of only 1.5 kilometres from the town centre. This meant that out of 14,058 square kilometres total district land area coverage, the town only occupied an area of 7.0695 square kilometres representing 0.05 percent land coverage. Since urban growth and development do not take place in thin air but requires enormous amount of land; for smooth expansion as indicated by Dowall and Clarke (1996),

inadequacy of urban land leaves the customary land surrounding the town as the available land for urban expansion.

However, the study established that accessing customary land by the LDC as the authority in charge of urban land management has not been easy as it has been under the jurisdiction of the Traditional Authority as the Traditional Authority has exercised resistance in surrendering part of customary land to state for urban expansion and other public purposes. The study for example found that in 2004, there was high demand for urban land but LDC had no land to meet the demand. Thus, the LDC resorted to lobbying for land from the traditional authority of Mphamba Chiefdom which surrounds the town. However, their hope for a solution was shattered as the traditional authority refused to surrender part of customary land to the LDC stating that the law does not provide for the council to enter into traditional land. After stiff negotiations with the traditional authorities, LDC managed to acquire a piece of land from Mphamba village outside the urban boundary in 2008. This piece of land (Figure 8) was demarcated into 97 residential plots and yet when plots were advertised to the public, they attracted about 539 applicants.

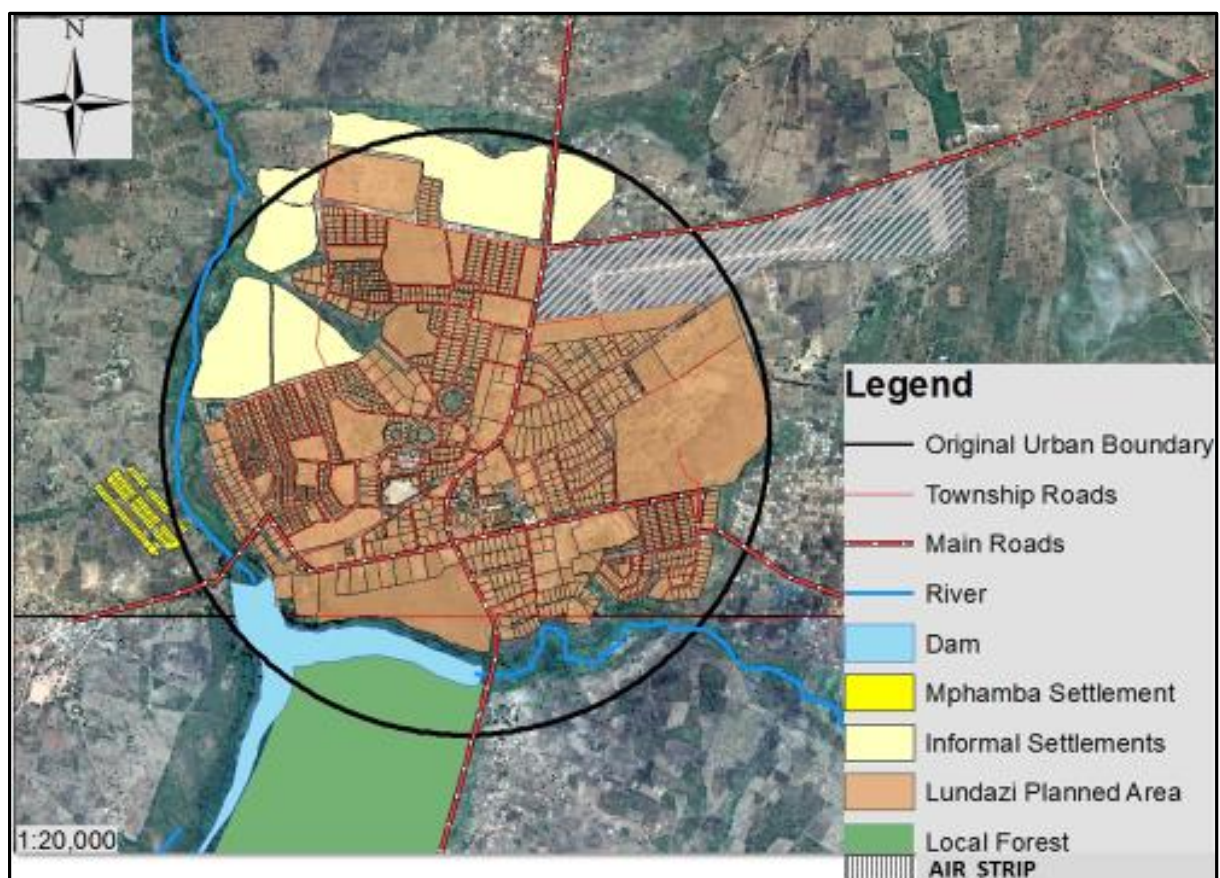


Figure 8: Location of Mphamba Settlement
Source: Author, 2016

The study further found that lack of capacity by the LDC to supply serviced urban land has resulted in most urban residents resorting to acquiring customary land in the fringe areas mainly for housing and commercial purposes. During interviews, 95 percent of the developers in the rural-urban fringe areas sited inadequate urban land as being the major reason for opting to acquire customary land. One developer in Kaluba Village in an interview for example stated that;

“The council has very limited land and there is always high demand for land whenever the LDC opens up land for development and advertises to the public. I have applied for land to the LDC seven times but I have never been allocated any plot hence my resorting to acquiring customary land.” (Unnamed Developer in Lundazi, 2016).

Another developer in the urban fringe stated;

“I opted to accessing customary land because I could not manage to access a plot from the council. When I went to the council offices to apply for a plot, I was told to wait for the council to advertise. I waited for some time but the council was not advertising. When I went to find out why they were not advertising plots, I was told that it was because the Council had no land so they were trying to lobby for land from the Traditional Authority. This process took so long until I could not wait anymore.” (Unnamed Developer in Lundazi, 2016).

Study analysis shows that inadequacy of urban land has been hindering effective and efficient urban land administration in Lundazi as it limits the capacity of the LDC to supply land. According to UIA (2000), in a situation where demand for urban land yet the supply is both genuinely and artificially limited, it radically increases land cost and in turn consumes scarce investments capital which could be better used elsewhere. This has been the situation in Lundazi. 85 percent of developers in the rural urban fringe areas indicated high cost of urban land as another factor that pushed them to resort to acquiring customary land. For instance, it was revealed that, a 25 by 50 metres plot in urban area could cost around Ten thousand Kwacha (K10, 000) on average while 50 by 100 metres piece of land in customary land could cost around Two Thousand Five Hundred Kwacha (K2500). This means that, the cost on one plot in urban areas is equivalent to the cost of four plots in customary land.

5.4.2 Challenges of Public Service Provision

The study further found that the problem of the shortage of urban land has affected public service provision. This is because, it has prevented the Local Authority from having a local area plan which is an overall development strategy for Lundazi Town and District as a whole. The result has been fragmented developments.

The study for example established that in 2009, Government released funds for the construction of a District General Hospital but there was no urban land to accommodate this development. This prompted the LDC in collaboration with the district administration office and other line ministries to approach the Mphamba Traditional Authority for land closer to the town on which the District Hospital could be constructed. As established by the study, the process took approximately one year for the negotiations to be finalized, when the chief surrendered a piece of land of about 75 acres (30 hectares) along the main road to Chipata approximately 5 kilometres south of the town centre by 2010. The challenge that came with this is that, this land is located in a village and is surrounded by unplanned settlements and after the land was surrendered to the state, the traditional leaders started selling some vacant land closer to the hospital site to individual developers. This denied the Local authority chance to plan for the areas near the hospital. This has resulted in conflicting land uses. For example, the findings reveal that, there is a cotton manufacturing industry (Ginnery) located about a 100 metres from the hospital site.

Similarly in 2012, there was another government project aimed at constructing a District Trade School. The LDC again teamed up with the District Administration Office and other line ministries to lobby for land from the traditional authority and after a number of meetings for negotiations, they managed to acquire a piece of land about 6 kilometres west of the town centre. This also came with similar challenges like in the case of the Hospital Site. Figure 9 shows the location of Lundazi District Hospital and the District Trades Training Institute.

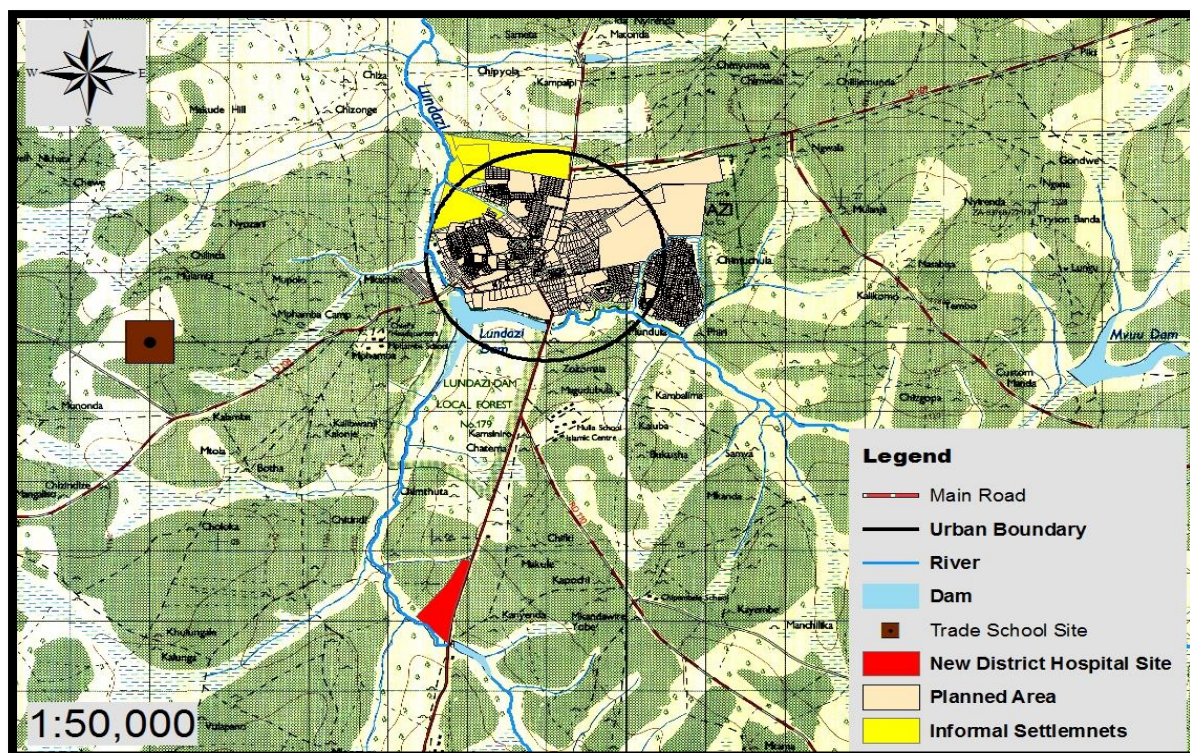


Figure 9: Location of Lundazi District Hospital and Trade School

Source: Author, 2016

N.B. Topo sheet NO. 1233-A3 was adapted from Google

5.4.3 Challenges of Competition for Land

High competition for land is another consequence of shortage of urban land. The study found that, each time the LDC opens up land for development and advertises to the public, the demand tends to be higher than the available plots. During interviews, about 70 percent of developers within urban boundary indicated stiff competition as the major challenge they faced in acquiring state land due to high demand for limited number of plots. High Competition for land has a negatively impact on land administration processes. According to FAO, (2011) competition for land due to limited accessibility promotes corruption and favouritism in land administration as it result in bribery of land administration officials to obtain land. Though no evidence of corruption was produced, some developers during interviews mentioned corruption as one of the challenges faced in accessing urban land. As indicated by U4 (2013), corruption in land administration has a negative effect on sustainable urban development in that it promotes inefficient land ownership with land owned by those most able to undertake corrupt acts rather than those with the best potential to use it. It also reduces confidence in enforcement of existing land rights which in turn may increase risks, reduce investment and engagement with formal land registration system (U4, 2013).

5.4.4 Re-zoning of open spaces

The study further found that due to increasing demand for land for residential and commercial infrastructure development, the LDC resorted to infilling land development by re-zoning some open spaces reserved for other uses such as parks, playgrounds and other social and cultural recreation facilities as well as preservation of natural environment into commercial and residential uses. For example, in 2009, part of Vigodo grounds which is an open space used for District gatherings such as political rallies, national and international commemorations such as independence day, freedom day, international women's and international youth day celebrations, to mention but only a few was rezoned and subdivided into commercial and special user plots. During the same year, an open space which served as a playground for Dunda informal settlement was rezoned by the council and subdivided into residential plots and it was renamed as Dunda Planned settlement. In 2014, the airstrip buffer zone area that served as a flight path and was temporally used for gardening purposes by the Lundazi Prisons Service, also commonly known as “*Prisons' Farm*” was re-zoned and subdivided into 96 high cost residential plots and one special user plot for a District Day Secondary School and was thereafter renamed as “*Sunnydale Garden*”. This was followed by relocation of the airstrip and rezoning it into a mixed use node for residential, commercial, and special user plots. Concerning the re-zoning of the airstrip, the Daily Mail Newspaper, 2014 reported;

“Lundazi District is currently undergoing rapid housing development on its rolling hills, perhaps testimony to a booming local economy. Council secretary Boyd Kaoma was eager to share with this author plans for the future Lundazi town, driving him to a large piece of land reserved for a whole new town centre, complete with a shopping mall, bank and a high-cost residential complex to be called Kanele. The new town centre will sit on a plot of land where the airstrip is currently located. The airstrip will move to another site away from residential houses (Zambia Daily Mail, 2014).”

In the same year 2014, two other open spaces were rezoned into commercial uses; one for a bank (Zambia Indo Bank) and another one for a service station (MS Filling Station). Figure 10 shows some rezoned open spaces.

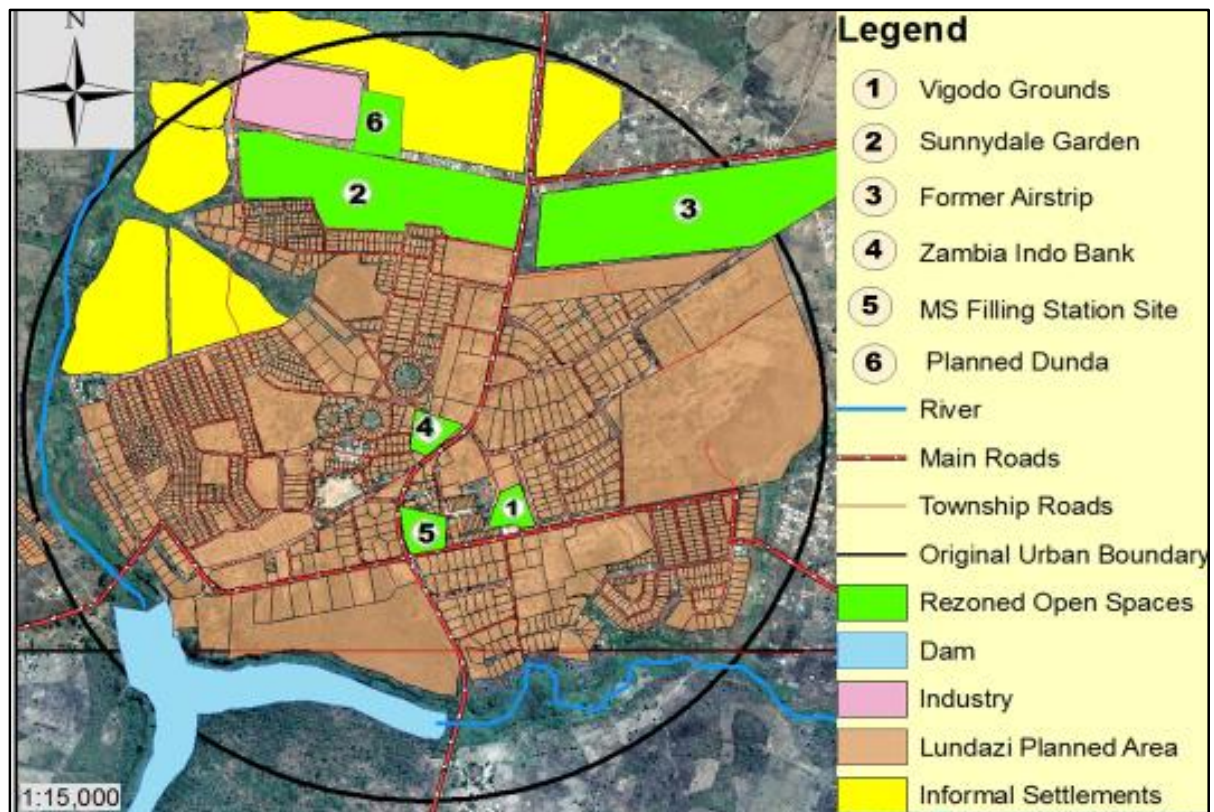


Figure 10: Rezoned Open Spaces in Lundazi

Source: Author, 2016

Analysis of the finding shows that, rezoning of open spaces into residential and commercial uses has affected the liveability of the Lundazi town. As indicated by Balogh & Takacs (2011), open spaces provides environmental, economic and social benefits critical to sustaining the health of the town. Thus sustainable towns and cities are comprised of more than just buildings and people as they encompass open spaces such as play grounds, play parks and others. In fact, the most liveable cities and some of the world's most famous cities like New York are known for their open spaces as they provide attraction for both their local and international tourists. The benefits of open spaces in urban areas among others include provision of space for recreation, sport and cultural facilities and preservation of natural environments which are also associated with health benefits (Balogh & Takacs, 2011). Therefore, preservation of open spaces must be a key consideration in urban planning if sustainable growth of the Lundazi Town is to be achieved.

5.4.5 Urban Boundary Extension Challenges

The study found that increasing challenges of urban land provision coupled with failure to regulate land developments in the rural urban fringe areas prompted the LDC to resort to extending the urban boundary as an ultimate solution to ensure that enough land is made available to facilitate coordinated development of the town and its surrounding areas. As

established by the study, LDC in collaboration with the EPPA and other line ministries commenced negotiations for urban boundary extension with the Mphamba Traditional Authority in March 2013 which were sealed in April 2014 when His Royal Highness Chief Mphamba surrendered about 4870 hectares (48.7 square kilometres) of land to the state and approval by His excellence the President was done in December 2015. Approximately 30 villages were affected by the extension programme as they had been absorbed in the new urban boundary. These include Chipyola, Chinyumba, Chipazi, Kapaipi, Chiza, Chizonga, Chimwala, Chimuchula, Sameta, Chaga, Ida, Nyirenda, Mandula, Zosomala, Kambalima, Kaluba, Magudubula, Samva, Bukusha, Mkanda, Kamsiniro, Chatema, Chifwiti, Makule, Chimthuta, Chitindi, Kapochi, Kanyenda, Mkandawire and Yobe as shown in Figure 11.

This is a typical scenario of urban expansion in the SSA countries. Bloch, (2015) indicates that, the common scenario in the SSA countries is that, when urban spatial expansion occurs, revision of municipal boundaries is seen as the ultimate solution to enable local authorities provide enough urban space for shelter, infrastructure development and services delivery for residents and as a tool to facilitate urban economic development and reducing the conjoined continuing high levels of urban poverty and urban informality. This is achieved by moving out urban limits into the peri-urban and rural peripheries, incorporating areas and settlements which were previously not categorised as urban (Bloch, 2015).

However, urban boundary extension was not easily achieved by the LDC as it took approximately two years eight months for the process of urban boundary extension to be finalized. The process of urban boundary extension took long because there was high resistance from the traditional authorities especially village headmen who did not want the chief to surrender part of customary land to the state.

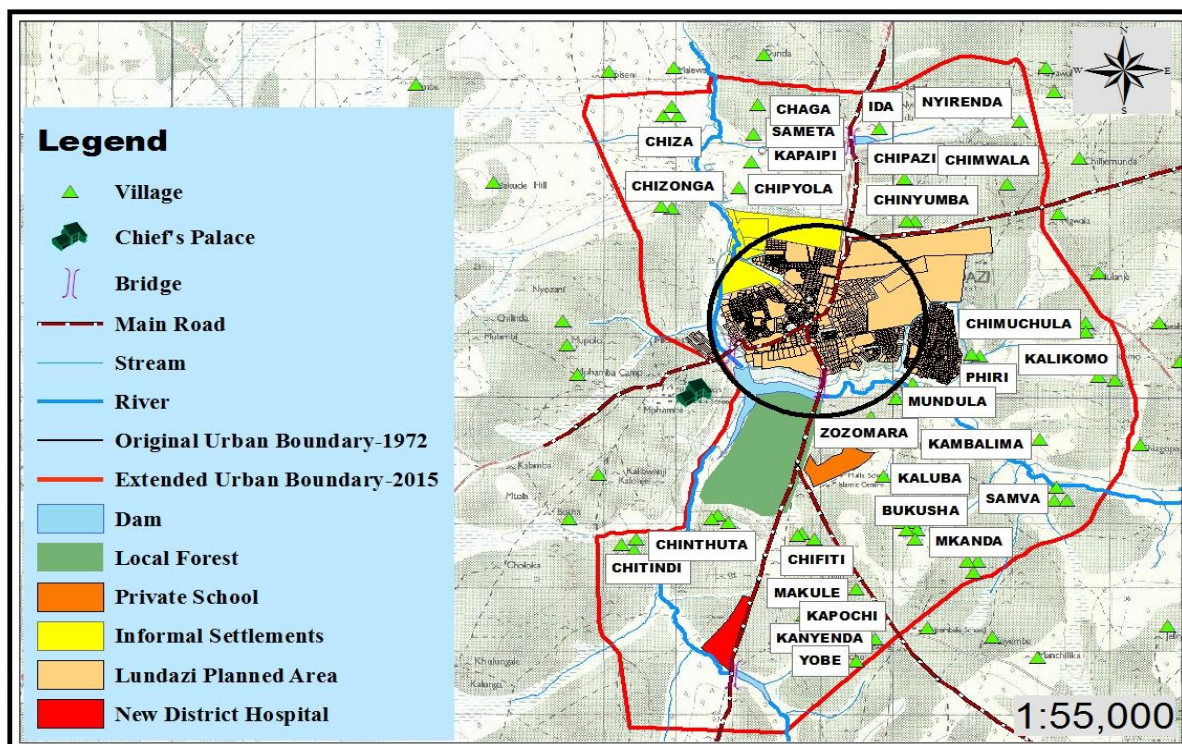


Figure 11: Extension of the Lundazi Urban boundary

Source: Author, 2016

N.B. Topo sheet NO. 1233-A3 was adapted from Google Earth?

The study further found that during negotiations and after the Chief had given consent to the extension of the urban boundary into his chieftdom, disputes arose between the Chief and some village headmen and their subjects as the later accused the former of having sold his chieftdom to the state at the expense of his people. There were also disputes between the traditional authority and the council during negotiations as the traditional authority accused the council of having grabbed their land by force. Radio breeze reported on this;

“A land dispute has ensued between Lundazi District Council and Villagers in Chief Mphamba’s area in Lundazi. Headman Chinyumba Allan Mtonga and his vice Stanley Phiri have complained that Lundazi District Council has taken away land that was used for farming by the Villagers. The duo expressed fear that they might be displaced as the local authority had also grabbed land which has been earmarked for other development.” (Breeze FM, 2015).

Land disputes are indeed a widespread phenomenon cause by either scarcity or increase in land value. This is the case in Lundazi. During interviews, the LDC Official indicated that, the main cause of land disputes between the LDC and the traditional authority is that, the traditional leaders have come to realize the value of land and so they would rather sell the land and make profit than surrender it to the state for free. Initially the pre-colonial societies in Zambia considered land as a free commodity and thus there was no exchange of money involved when

dealing with land (Mwiche, 2013). Van Loenen (1999) indicates, “One key aspect of customary tenure is free access to land by all members of a community.” Because of the way land was perceived as a free commodity, it was easy for the state to acquire customary land for establishment of District administrative centres and for other public purposes for free and traditional leaders as custodians of customary land never excised resistance. Today however, the story is different. With the realization of the value of land, traditional leaders would rather sell land for their own benefits than release to government at no fee for the public benefits. Thus, conflicts emerge when the state persist to acquires customary land for free without any compensation. Traditional leaders on the contrary during the focus group discussion indicated that, the reason why they exercise resistance in surrendering land to the state is because they feel it is unfair for the state to acquire customary land for free with the claims that customary land is not supposed to be sold when them after acquiring it demarcate into small plots and sell to the public. This is one of the issues in land administration under the dual land tenure system that calls for serious intervention if land conflicts between the local authorities and the traditional authorities are to be resolved.

5.4.6 Planning and Development Control Challenges

The study found that, ensuring development control in the rural-urban fringe areas is another main challenge faced by the LDC in administering land in a dual land tenure system. With the extension of the urban boundary, the rural-urban fringe areas which were initially administered under customary tenure were incorporated in the new planning boundary. This called for full involvement of LDC and EPPA to plan and control development in such areas.

The study however found that, there was little land available within the extended boundary as most land had already been allocated to individual developers and investors by the traditional leaders and their subjects. Thus, instead of the LDC and EPPA, concentrating on green field planning, much attention is taken to legalization of the existing unplanned settlements and structures adopted in the new urban boundary.

Unplanned settlement legalization comes with it complex planning challenges. NALAS (2011) indicates that, the practice of legalization hasn’t accomplished significant results in most countries. This is because the administrative capacity in most countries is insufficient and inadequate for the effective implementation of the legalization process. Also frequent changes of adopted regulations weaken the state’s authority and stimulates the further generation of informal construction thereby lowering criteria, extension of dedlines and the procedure is

cheaper than the regular construction as planning standards are compromised to accommodate the majority and avoid demolitions. This is the case with Lundazi. The LDC and EPPA have limited capacity to control development and legalize settlements in the rural-urban fringe areas.

The study established that the major contributing factors to inadequate development control by both LDC and EPPA are inadequate financial and human resources. Firstly, because LDC is not a planning authority, it has always relied on the EPPA for development control. EPPA however is based at the provincial headquarters, Chipata, a distance of about one hundred and eighty two kilometers (182km) from Lundazi. Because the distance is so long, EPPA, constrained by inadequate financial resources, could not travel to Lundazi to conduct regular development control activities. EPPA was also overwhelmed with work as there are 9 districts in Eastern province that it attends to. Secondly, inadequate human resource in the planning department of the LDC has been another challenge. For a long time, LDC did not have Urban Planners or building inspectors to carry out physical planning activities in the absence of EPPA. The study found that, the urban planning section at LDC was constituted in 2013 when the first physical planner was sent to the district. Before 2013, the Planning Department of the LDC that had been in existence was more concerned with Socio-economic Planning and the function of urban planning was being handled by the Works Department which too did not have qualified personnel. Because of this shortage of human resource at the district level it was difficult to conduct regular development control in the absence of EPPA. Hence most developers were able to develop illegally without being noticed and by the time the illegal developments were brought to the attention of the LDC and EPPA, the developments were either completed or nearing completion.

The other factor which has made development control more difficult and complicated is the fact that the residents of these communities as well as the urban residents who purchased land in these areas while they were still under customary tenure have continued developing without planning permission despite having been sensitized that the land is now under the jurisdiction of the LDC and permission has to be obtained before one develops his land. Some village Headmen and their subjects too have continued selling the available undeveloped land which was initially used as agricultural fields claiming that it is still their land despite knowing that the land is now under the jurisdiction of the LDC. The challenge is that there is no control in terms of allocation. Headmen sale land even in buffer zone of rivers and streams, road reserves, local forest reserves etc.

CHAPTER SIX

CONCLUSION AND RECOMMENDATIONS

6.1 Introduction

Zambia has experienced rapid urbanization resulting in physical expansion of towns and cities. This expansion however is mostly characterized by informal urban growth which is reflected more in the peri-urban areas (rural-urban fringe) being the zone of transition between the rural and urban developments.

The main objective of the research was to establish the effects of a dual land tenure system on the growth and development of Lundazi Town. In order to do so, relevant aspects of land tenure and urban growth and development were presented as research objectives which were evaluated as research questions. This chapter therefore presents summary of findings, conclusion and recommendations of the study.

6.2 Conclusion

The study identified a strong link between land tenure system and urban development in Lundazi. Land tenure system influences land access processes as it defines people's access rights to Land and consequently, land access processes influence land development as they determine whether urban developments are undertaken formally or informally. However, from the discussion above, it emerges that there is a negative linkage between land tenure systems and urban development processes resulting in informal urban growth in Lundazi. Lundazi town has experienced significant urban growth and associated infrastructure development resulting in an increase in demand for urban land for housing and other purposes. Given the inadequacy of urban land in the district whose major contributing factor is the ineffectiveness of existing land tenure systems as established by the study, the customary land that surrounds the town has been the space naturally available for urban expansion as urban development spills over the official urban boundary into the rural-urban fringe areas.

However, despite the fact that the town is surrounded by customary land, there has been lack of integrated development between the town and its surrounding areas and the two exist in isolation in terms of land use management. The study identifies ineffectiveness in the dual land tenure system as there has been lack of coordination between the two tenure systems. While the leasehold tenure system which governs the administration of urban land embraces spatial planning and land development control, customary land tenure system has not been in support of spatial planning. Thus, as developments within the urban boundary are regulated,

developments in the rural urban-fringe areas remain unregulated. For this reason, there has been a widening gap between the two tenure systems in Lundazi regarding administration and management processes as the two systems do not overlap. The result of this negative linkage has been an informal growth of Lundazi Town.

The study attributes the ineffectiveness in land tenure system in Lundazi to lack of a national land policy framework. A sound national land policy with an effective land registration system provides answers to the economic growth of each country. In Zambia however, there has been a lack of an administrative land policy framework from time immemorial. Though there have been policy pronouncements by government to develop and implement a land policy since independence, this important document is still not in effect. This has contributed to lack of coordination in land administration and management in a dual tenure system in Lundazi. Furthermore, the centralized land registration system operational in Zambia restricts initiatives to be set in place and leads to delays in land access and land development processes. This has contributed to informal developments on land held under leasehold tenure system resulting in the disorderly pattern of urban developments in Lundazi.

The study has also identified failure to enforce spatial planning policies such as development control by the LDC and EPPA as authorities in charge of spatial planning and land use management in Lundazi as a contributing factor to unregulated development especially in the rural-urban fringe. The study has also attributed the existence of urban informal settlements in Lundazi town to the lack of spatial planning policies. Being a former British colony, Zambia is an English law jurisdiction as it adopted the Town and Country Planning regulations from England. England and other countries with strong and efficient planning systems coupled with effective land administration systems make provision for particular urban areas to expand beyond their formal boundaries to accommodate or alleviate growth pressures and provide the necessary services and service infrastructure. Being a replica of the England T &CP Act, the T and CP Act Cap 183 of the laws of Zambia which initially governed spatial planning and land use management in Zambia made provision for PAs to control development in areas falling within 20 miles (32 kilometres) from the planning boundary. However, due to ineffectiveness in the existing dual land tenure system established by the study, implementation of this provision of the Act had been a challenge in Lundazi as the traditional authority in charge of customary land surrounding the town could not allow LDC and EPPA to control development in the rural-urban fringe areas. The result is unregulated developments in the urban-fringe areas.

The study further observes that, efforts to tackle urban informality in Lundazi have been concentrated on addressing planning and development control challenges without considering the hindrance the dual land tenure system poses on urban planning. For example, revision of urban boundary by incorporating the rural-urban fringe areas which were previously administered under customary tenure system into urban limit was seen as the ultimate solution to the LDC and EPPA to facilitate planned developments. However, extension of the urban boundary as established by the study has come with more development control challenges as unplanned developments in the rural-urban fringe area have continued taking place and controlling them has been challenging especially with the inadequate human resource to conduct development control.

Similarly, the Government of Zambia through MLGH is making strides to address the challenges of spatial planning undertook a review of planning legislation and enacted a URP Act No. 3 2015 which repeals the T and CP Act of 1962 and the Housing (Statutory and Improvement Areas) Act of 1975. This act provides for a comprehensive urban and regional planning system and extends planning controls across customary and state land. However, even after the enactment of the URP Act, the informal growth of Lundazi town has remained the same as at the time of data collection, this provision of Act had not yet been implemented in Lundazi as the planning regulation were not yet in place.

6.3 Recommendations

In view of the research findings and rapid expansion of Lundazi Town, the study recommends:

- i. Developing a comprehensive national urban land administration and management system made up of actors and activities which interact to produce efficient allocation and use of urban space especially land in the urban fringe areas. This system should be aimed at guiding and controlling growth of towns and cities to ensure orderly growth and efficient functioning in provision of urban housing, services and facilities. To achieve this, the study recommends developing a comprehensive, efficient and effective national land management policy framework that will integrate spatial planning and land tenure system to promote harmony between the two tenure systems.
- ii. There is need to decentralise the system of land registration as the current system is over centralised thus delays land access and land development processes. Therefore, the study recommends the implementation of Section 233 of the Amended Constitution

of Zambia which provides for the establishment of the Lands Commission's offices in all Provinces and progressively in districts to administer, manage and alienate land on behalf of the President to be implemented as soon as possible. The District office of the Lands commission should also be empowered with authority to carry out land registration functions so as to promote decentralization of land registration functions and reduce heavy dependency on the centralized system.

- iii. There is need for the authorities in charge of spatial planning and urban land use management in Lundazi and the nation at large to imitate countries with strong and efficient planning systems such as the United Kingdom, the United States or Australia, by making provision for future expansion of urban areas beyond their current boundaries to accommodate or alleviate growth pressures and provide the necessary services and future service infrastructure. This can be achieved by putting up a deliberate national policy to preserve land in the urban fringe areas for future urban expansion.
- iv. The study recommends revision of section 25 of the spatial planning regulation (URP Act 2015 which provides for planning of customary land under planning agreements. The provision of the URP Act to extend planning controls into customary land should be maintained but "planning agreements" should be done away with as this has not reformed much from the current system of negotiating with traditional leaders for land every time there is a government project. Instead, more focus should be on integrated development planning which should subject all land inclusive customary land to planning regulations without planning agreements.

6.4 Further research areas

Further research to be undertaken to establish how integrated development planning by subjecting all land inclusive customary land to planning regulations without planning agreements will influence planned growth and development of towns in a dual land tenure system in Zambia.

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APPENDICES

APPENDIX 1: INTERVIEW GUIDE FOR LUNDAZI LOCAL AUTHORITY

Date of Interview.....Time.....

Participant's Name..... Sex.....

Age.....Occupation

A. Land Access

1. What is the procedure for accessing land under your jurisdiction?
2. What legal framework guides access to land under your jurisdiction?
3. Which other bodies does the Lundazi Local Authority interact with in respect to Land development procedures?
4. Have you ever faced any challenge alienating land under your jurisdiction? If YES what challenges and what are the measures put in place to address them?
5. Since the town is surrounded by customary land, have u ever faced any land tenure related challenges? If YES what are the challenges and how do you address them?
6. Has the council tried to access customary land for urban expansion or for any other public purposes? If YES, have there been any challenges faced in accessing such land? If YES, What challenges and what measures have you put in place address them?

B. Land Development

1. What is the procedure for developing land under your jurisdiction?
2. What legal framework guides development procedures for land under your jurisdiction?
3. Which other bodies does the Lundazi Local Authority interact with in respect to Land development procedures?
4. Are there any challenges faced when controlling urban developments? If YES, what challenges and what are the measures put in place to address them?
5. Since Lundazi Town is surrounded by customary land, do you conduct development in such areas?
6. Have you ever faced any land tenure related in controlling urban land development? If yes, what kind of challenges.

APPENDIX 2: INTERVIEW GUIDE FOR EASTERN PROVINCE PLANNING

AUTHORITY

Date of Interview.....Time.....

Participant's Name..... Sex.....

Age.....Occupation

1. What specific role do you play in land administration and management in Lundazi?
2. What legal framework guide your land use planning activities?
3. Have you ever faced any land tenure related challenges in controlling development in Lundazi? If YES what challenges and what are the measures put in place to address them?
4. Since Lundazi Town is surrounded by customary land, do you conduct development in such areas?
5. Have you ever faced any land tenure related in controlling urban land development? If yes, what kind of challenges
6. In your own opinion, do you think a dual tenure system has any effect on the growth and development of Lundazi town? If yes, what are the effects?
7. What do you think is the best way to administer land in a dual tenure system so as to promote sustainable growth and development of Lundazi town while maintaining a balance between urban and rural development.

APPENDIX 3: INTERVIEW GUIDE FOR MINISTRY OF LANDS

Date of Interview.....Time.....

Participant's Name..... Sex.....

Age.....Occupation

1. What role do you play in land administration?
2. What is the procedure for alienation of land in both leasehold and customary tenure?
3. What legal framework guide land alienation in the two land tenure systems?
4. Is there a specific procedure for acquisition of customary land by the state or Local Authority for town expansion and other public purposes? If yes, what is the procedure?
5. If no, has this Ministry put any deliberate policies to easy the process of land acquire land for town expansion and other public purposes?

6. Have there been any land tenure related challenges faced when alienating land in small districts like Lundazi that have been brought to your attention? If yes what are the challenges and are the measures put in place to address them?
7. In your own opinion, do you think a dual tenure system has any effect on the growth and development of Lundazi town? If yes, what are the effects?
8. What do you think is the best way to administer land in a dual tenure system so as to promote sustainable growth and development of Lundazi town while maintaining a balance between urban and rural development?

APPENDIX 4: INTERVIEW GUIDE FOR OTHER KEY INFORMANTS

Lundazi District Administration

Lundazi District Agricultural Coordinating Office

House of Chiefs

Date of Interview.....Time.....

Participant's Name..... Sex.....

Age.....Occupation

1. Do you play any role in land administration in Lundazi? If yes, what's your role?
2. Have there been any challenges in land access processes in Lundazi brought to your attention? If yes, what kind of challenges and what do you think can be done to address them?
3. Have there been any land use planning challenges in this district brought to your attention? If yes, what kind of challenges and what do you think can be done to address them?
4. Have there been any Land tenure related disputes between the council and the traditional authority brought to your attention? If yes, what is the nature of the disputes? Do you play any role in resolving such disputes and in what way
5. Since Lundazi Town is surrounded by customary land, in your opinion, do you think it has any effects on the growth and development of the town? If yes, what are the implications?
6. What do you think should be done to promote sustainable growth and development of Lundazi Town?

APPENDIX 5: INTERVIEW SCHEDULE FOR DEVELOPERS

Date of Interview.....Time.....

Participant's Name.....Sex.....

AgeOccupation

Land Access

1. What is the size of your land?
2. How did you acquire this piece of land?
3. What attracted you to the area?
4. What documentary evidence of occupancy do you have?
5. Did you face any challenges in acquiring this piece of land? If yes, what challenges did you face?
6. What measures did you take to address these challenges?

Land Development

1. Were the developments on your land approved by any relevant Authority before the commencement? If yes, which authority approved your developments? If No, what procedure did you undergo to develop your land?
2. Were the developments on your land inspected/ monitored by any authority? If yes, at what stage of development?
3. Are there services provided in your area such as roads, water and electricity?
4. Did you face any challenges when developing your land? If yes, what challenges?
5. What measures did you take to address these challenges?
6. What policy measures would you suggest to be taken by relevant actors to address these challenges?

APPENDIX 6: INTERVIEW GUIDE FOR THE CHIEF

Date of Interview.....Time.....

Participant's Name..... Sex.....

1. What is the criterion for allocating land to the local people within your area?
2. Are there any rules governing land allocation to the local people within your chiefdom?
If yes what are the rules and who formulate them?
3. Do outsiders acquire land in your area? If yes, what is the criterion for allocating land to outsiders?
4. Are there any specific areas that are of much interest to outsiders? What are these areas and why are they of much interest to outsiders?
5. Do you prepare layout plans for the land you allocate to outsiders in your chiefdom?
6. Do you control development on the land you allocate to outsiders in your chiefdom?
7. Do you provide services in terms of roads, water and electricity in the land you allocate to developers in your area?
8. Do outsiders who acquire land in chiefdom convert the interest from customary to leasehold? If yes, what are your views on the conversion of land from customary to statutory?
9. Since the town is located within your chiefdom and is surrounded by customary land under your jurisdiction, have you ever experienced any land related interference from the council or rather the state?
10. As the custodian of customary land surrounding the town, do you play any role in promoting sustainable town growth and development?

APPENDIX 7: FIELD OBSERVATION CHECKLIST

1. Infrastructure development within the urban boundary
2. Infrastructure development in the rural-urban fringe
3. Presence and condition of Informal Settlements

APPENDIX 8: FOCUS GROUP DISCUSSION GUIDE FOR VILLAGE HEADPERSONS

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Participant's Name

Village

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1. What is the criterion for allocating land to the local people within your area?
2. Are there any rules governing land allocation to the local people within your chiefdom?
If yes what are the rules and who formulate them?
3. Do outsiders acquire land in your area if yes, If yes, what is the criterion for allocating land to outsiders?
4. what is the estimated demand for land in your chiefdom from outsiders?
5. Do you plan the land you allocate to outsiders by way of demarcating plots in your chiefdom?
6. Do you control development on the land you allocate to outsiders in your chiefdom?
7. Are there any specific areas that are of much interest to outsiders? If yes, what are these areas and why are they of much interest to outsiders?
8. Do outsiders who acquire land in chiefdom convert the interest from customary to leasehold?

9. Since your villages are located closer to the town, have you ever experienced any land related interference from the council or the state?
10. As the custodian of customary land surrounding the town, what role do you play in promoting sustainable town growth and development?
- 11.** In your own opinion, what you think should be done to promote sustainable development of Lundazi town?