

THE MANAGEMENT OF LAND DISPUTES IN ZAMBIA AND THEIR IMPLICATIONS FOR DEVELOPMENT: A CASE STUDY OF MAZABUKA

By

**CHIPO TWASI MFULA
714803275**

A thesis submitted in partial fulfilment of the requirements for a Master of
Science in Peace, Leadership and Conflict Resolution Degree at the
School of Education,
University of Zambia and Zimbabwe Open University

Supervisor: Dr Liberty Mweemba

July 2016

CERTIFICATE OF APPROVAL

This dissertation for Chipso Twasi Mfula is approved as fulfilling part of the requirements for the award of the degree of Master of Science in Peace Leadership and Conflict Resolution by the University of Zambia in Collaboration with Zimbabwe Open University.

Signature of Examiner

Date of Approval

.....
.....
.....

.....
.....
.....

DEDICATION

To my Family and Friends, my Parents Mr and Mrs Mfula, my Grand Parents, Mr J. D. Cholwe and Mrs H. Mfula, My Sisters and Brothers, Emma, Matani, Martha, Stella, Busiku, Chanda, Chonta, Moonga, Sibanzi, Chiko, Siku, and Bwalaya, my Niece and Nephew Christine and Johnathn. My Bestfriends, Twaambo, Kapungu, Nomagugu, Abel, Elizabeth and to My Boyfriend Bright Stongwa. All of you, your support and love has been overwhelming and unimaginable to my education and work. I love you all and I remain humbled.

ACKNOWLEDGMENTS

I would like to express my sincere thanks and gratitude to all people and institutions that rendered me help and made this study possible. My greatest thanks goes to Dr. G. Muleya the course coordinator MSPL, to Dr Liberty Mweemba my supervisor and mentor for sharing his knowledge and experience of research, and for always offering positive encouragement along with useful critique to provide me with professional guidance, assistance, encouragement and counsel throughout my study.

I would like also to extend my sincere thanks to the staff at the Institute of Distance Education (IDE) for their unwavering support and encouragement, to the Director professor Namangala for his encouragement even when challenges came my way he offered a solution around it. To Mr Mwanabike, Dr Moyo and Mr Malamba, my sincere gratitude for your guidance and support and lastly Mr. Francis Simui who was always there to help out in any way he could.

I acknowledge the support of my fellow students who stood by my side and helped to refine the work. Last but not least my appreciation goes to all the Respondents who participated, for their willingness to freely share their views and made it possible for this work to come to fruition.

DECLARATION

I declare that *THE MANAGEMENT OF LAND DISPUTES IN ZAMBIA AND THEIR IMPLICATIONS FOR DEVELOPMENT: A CASE STUDY OF MAZABUKA* is my own work, that it has not been submitted before for any degree or examination in any other university, and that all the sources I have used or quoted have been indicated and acknowledged as complete references.

Chipso Twasi Mfula

July 2016

Signed.....

KEYWORDS

- Land
- Disputes
- Conflict resolution
- Development
- Implications
- Management
- Mediation
- Negotiation
- Tenure

ABBREVIATIONS

MLGH	-Ministry of Local Government and Housing.
UN	-United Nations
MDG's	-Millennium Development Goals
ZLA	-Zambia Lands Alliance
ECZ	-Environmental council of Zambia
CSOs	-Civil Society Organisations
NGOs	- Non-Governmental Organisations

CONTENTS	PAGE
TITLE PAGE	i
CERTIFICATE OF APPROVAL	ii
DEDICATION	iii
ACKNOWLEDGEMENTS	iv
DECLARATION	v
KEYWORDS	vi
ABBREVIATIONS	vii
TABLE OF CONTENTS	viii
ABSTRACT	xii
 CHAPTER ONE	 1
1. STUDY DESCRIPTION	1
1.1 Introduction	1
1.2 Problem Statement	2
1.3 Study Purpose	2
1.4 Objectives of the Study	3
1.4.1 General Objectives	3
1.4.2 Specific Objectives	3
1.5 Research Questions	3
1.6 Limitations and Delimitations	3
1.7 Significance of the Study	4
1.8 Definition of Key Terms	4

CHAPTER TWO	6
2. LITERATURE REVIEW	6
2.1 Introduction	6
2.2 Land Disputes a Global Context	6
2.3 Land Dispute: An African Perspective	8
2.4 Land Disputes in Zambia	13
2.4.1 Land Rights and Governance	14
2.4.2 Profile of Mazabuka	17
2.1 Map of Mazabuka	18
2.5 Theoretical Framework	18
2.1 Figure of Marxist Conflict Theory	20
2.6 Rational	20
2.7 Conclusion	21
CHAPTER THREE	22
3. METHODOLOGY	22
3.0 Introduction	22
3.1 Research Design	22
3.2 Target Population	22
3.3 Sample Size	22
3.4 Sampling Technique and Procedure	23
3.5 Data Collection Instruments and Procedure	23
3.5.1 Primary Data	24
3.5.2 Secondary Data	24

3.6	Data Analysis Procedure	24
3.7	Ethical Consideration	25
3.8	Conclusion	25
CHAPTER FOUR		26
4. PRESENTATION OF FINDINGS		26
4.0	Introduction	26
4.1	Demographic Information	26
4.1	Table of Distribution of Respondents by Gender	26
4.2	Table of Distribution of Respondents by Marital Status	27
4.2	Understanding Land Disputes Management	27
4.3	Major Players in the Management of Land Disputers and Their Roles	28
4.3.1	Traditional Authorities	29
4.3.2	Civil Society and NGOs	29
4.3.3	Local Government	30
4.3.4	National Government Ministries	31
4.3.5	Courts	31
4.3.6	Political Leaders	32
4.4	Causes of Land Disputes	32
4.3	Table Showing the Causes of Land Disputes	33
4.5	Implications of Land Disputes Resolution on Development	33
4.6	Administrative and Land Use Measures Employed by the Local Authority in Mazabuka	34

4.7	Conclusion	36
CHAPTER FIVE		37
5.	DISCUSSION OF FINDINGS	37
5.0	Introduction	37
5.1	Demographic Data	37
5.2	Understanding of Land Disputes Management	38
5.3	Major Players in the Management of Land Disputers and Their Roles	39
5.4	Causes of Land Disputes	40
5.5	Implications of Land Disputes Resolution on Development	40
5.6	Administrative and Land Use Measures Employed by the Local Authority in Mazabuka	42
5.7	Summary of Findings	43
CHAPTER SIX		45
6.	CONCLUSION AND RECOMMENDATIONS	45
6.1	Introduction	45
6.2	Conclusion	45
6.3	Recommendations	47
REFERENCES		48
APPENDIX		53
Appendix A: Letter		53

Appendix B: Questionnaire	54
Appendix C: Interview Guide for key Institutions	57

ABSTRACT

Land disputes often have extensive negative effects on economic, social, spatial and ecological development. This is especially true in developing countries and countries in transition, where land market institutions are weak, opportunities for economic gain by illegal action are widespread and many poor people lack access to land. Land disputes can have disastrous effects on individuals as well as on groups and even entire nations. Many conflicts that are perceived to be clashes between different cultures are actually disputes over land and related natural resources. Land conflicts are indeed a widespread phenomenon, and can occur at any time or place. Both need and greed can equally lead to them, and scarcity and increases in land value can make things worse. Land conflicts especially occur when there is a chance to obtain land for free, no matter if this land is state, common or someone's private property.

The aim of this study was to examine the management of land disputes and their implications on development in Mazabuka District. It was hoped that the involvement of various stakeholders in the analysis of land disputes resolution would serve as an advocacy strategy by raising their awareness of land related issues. The objectives of the study were, to investigate who the major players in management of land disputes are and their roles, to determine the causes of land disputes, to assess the implications of land disputes resolution management on development and lastly to review the administrative and land use measures that have been employed by the local authority and other relevant stakeholders in trying to stop or reduce land disputes in Mazabuka.

This study was a qualitative exploratory study, because the perceptions on the management of land disputes and their impact on development in Mazabuka District were not yet known. Therefore the research aim focused on identifying them. It was hoped that the study would be valuable in exploring these perceptions and therefore contribute to the proposed establishments on effective land management strategies. The population sample size was 65, the study consisted of the residents of Mazabuka District, it also included Government officials, Politicians, the Judiciary, Chiefs/ Headmen and other Stakeholders involved in Land Administration in Mazabuka. The study used Purposive Sampling to establish its findings because it has a strong internal validity. Therefore, using this sampling method, key informants from selected organizations and independent persons, helped with the generation of the required qualitative data.

The data collection was done using Primary data collection with the distribution of questionnaires and Secondary data was collected from articles, previous research findings, books, journals, internet and other sources of reliable information. Data was analyzed using content analysis method, as this research is qualitative in nature. Using the qualitative case study approach that, the respondents had a vast knowledge on the causes of land disputes which they brought out as Political, Economic, Socio-economic, Socio-cultural, Demographic, Administrative, Technical and Psychological causes. The respondents also discussed the implications of land disputes resolution management on development, which for them seemed to be a serious source of concern and they felt needed to be addressed as soon as possible especially in the community, as such mechanisms were generally missing and those that existed were only on paper as the said. The major players in management of land disputes and their roles were also identified and detailed as Individual parties to the dispute, Traditional leaders including (Chiefs, Headmen, Chiefs Councils), The Police, (Mazabuka Police), The Local Authorities, (Mazabuka Municipal Council), The judiciary, being the Local courts, Magistrate courts and other Legal Instruments. The respondents added that their roles were of great significance and indispensable.

The following were the major recommendations due to the complex and inter-related nature of the management of land disputes; firstly that, Communities must be educated and sensitized on the proper channel of land acquisition by the local authority through creating awareness on radio, televisions and other platforms such as church programs. That, land disputes under litigation must be resolved speedily, equitable and fairly. Lastly that, there should be enhancement of community participation in the management, protection and utilization of land in Zambia at all levels.

CHAPTER ONE

INTRODUCTION

1. STUDY DESCRIPTION

1.1 Introduction

The Lands Act of 1995, chapter 184 of the laws of Zambia highlights the constitutional right of every eligible person to own land and to an environment that does not contribute negatively to his or her development as long as they follow specific guidelines. The 1995 Lands Act vests all land in the President for and on behalf of all the Zambian people. It provides that land may be administered under two a tenure system: statutory and customary tenure. While statutory land is administered in accordance with written laws, by government officials, customary land is administered by traditional authorities based on unwritten and localised customary laws,(Zambia lands Alliance: 2008) . It is normally said, all development starts with land, as such land management and administration should be well planned and integrated to be meaningful to the people. The growing world population and changes in lifestyle all call for a need to examine current trends in land issues, which also include land disputes, (Ministry of Lands, 2006:3).

Conflict or disputes are a phenomenon that cannot be avoided in human interactions. Social, economic, religious and political issues are agreed to be at the heart of the source of human disputes. That is, differences in interest on these issues can cause conflict of various natures. Land conflicts often have extensive negative effects on economic, social, spatial and ecological development. This is especially true in developing countries and countries in transition, where land market institutions are weak, opportunities for economic gain by illegal action are widespread and many poor people lack access to land. Land conflicts can have disastrous effects on individuals as well as on groups and even entire nations, (Wehrmann: 2008).

The management of land disputes should thus be handled and managed well as land is a primary resource that men and women in Zambia depend on for their livelihood and development, Mudenda (2006:2) agrees with this by adding, “Land is a source of food, shelter, social status and power”. From generations to generations, land has been held as the greatest resource and indeed the backbone of wealth in many African communities, whether

urban or rural. Land is the focal point of economic growth, poverty eradication and the general improvement of livelihoods, (Government Gazette: 2004). In the same line, to the investor, land has been the basis of wealth; to the farmer, a basis of production and down to the ordinary man, a source of pride. (Mulenga: 2005) observed that “land is a primary resource that men and women in Zambia depend on for their livelihood.

From the above it is clear that mismanagement of land disputes can have devastating effects on development from the individual level to nation and even the international context. Many countries of the world, especially developing countries in Africa have experienced severe problems related to land administrations under their current tenure systems. The most prevalent ones include Environmental degradation, landlessness, squatting, and rural poverty (Kambenja: 1997). The UN in addition argues that, one of the major land issues is dispute resolution, which if not addressed can lead to serious underdevelopment of a country.

1.2 Problem Statement

Zambia has a rapid population growth which has resulted in increased competition, demand for land and natural resources. Constrained efforts to acquire land have since resulted in various land disputes which range from dispositions to displacement of poor people in their own country. The Ministry of lands together with Ministry of local Government and Housing have employed various strategies to control the situation such as; the introduction of the lands tribunal, the use of local authorities in dispute resolution cases and various revised Acts of the constitution. Despite all the provisions of the 1995 Lands Act and all other efforts, land disputes have continued to happen as people continue to remain homeless and experience arbitrary land displacements following excessive bureaucracy and rigid conformity to formal rules resulting in underdevelopment. This clearly shows that existing laws in land management have failed and thus need to be amended in order to provide protection mechanisms to reduce the occurrence of these land disputes. As such this research is of key importance as it looks closely at the management of land disputes in Zambia and their implications on development.

1.3 Study Purpose

The aim of this study was to examine the management of land disputes in Zambia and their implications on development a case of Mazabuka District. It was hoped that the involvement of various stakeholders in the analysis of land disputes resolution would serve as an advocacy strategy by raising their awareness of land related issues.

1.4 Objectives of the Study

1.4.1 General Objective

The general objective of the study is to explore the management of land disputes in Zambia and their implications for development in mazabuka district.

1.4.2 Specific Objectives

The specific research objectives of this study are:

1. To investigate who the major players in management of land disputes are and their roles.
2. To determine the causes of land disputes.
3. To assess the implications of land disputes resolution management on development.
4. To review the administrative and land use measures that have been employed by the local authority and other relevant stakeholders in trying to stop or reduce land disputes in Mazabuka.

1.5 Research Questions

1.5.1 General Research Question

The general research question of the study is, to explore what the management of land disputes in Zambia and their implications for development in mazabuka district are?

1.5.2 Specific Research Questions

The following are the specific research questions of this study:

1. Who are the major players in management of land disputes?
2. What are the major causes of land disputes in Mazabuka?
3. What are the implications of land disputes resolution management on development?
4. What administrative and land use measures have been employed by the local authority to reduce and stop land disputes in Mazabuka?

1.6 Limitations and delimitations

This study focused on Mazabuka, as the district has experienced various land related disputes and this of course has had implications on development, accordingly any of the analysis and the findings of the study are specific to this study area though generalizations of the findings shall be made with caution to areas of similar characteristics.

Due to limited resources and time the researcher did not manage to visit all relevant stakeholders as hoped to in Mazabuka, as such the researcher concentrated on a few purposively selected key respondents.

Furthermore, the study did not assess the types, causes and the management strategies in areas outside Zambia though comparisons were made were necessary.

While conducting the study the researcher faced limitations related to reference materials, the unavailability of books and other materials in the library and other bookstores posed a huge challenge in data collection on the area in question.

1.7 Significance of the study

This study is imperative as it may help identify knowledge gaps with information necessary for the revision of the National Lands Policy relating to reforms on land tenure systems, dispute resolution, gender mainstreaming and so on, to ensure sustainable use of land and development.

It may also introduce better perspectives and insights about the different players in the management of land disputes and their roles in conflict resolution mechanisms for Mazabuka and the country at large.

Thirdly, the findings of this research will enable central government, local government, investors, political parties and individual residents improve their approaches to conflict prevention and dispute resolution with respect to land management.

Finally, the study will also give an input to the body of knowledge with its contribution to the understanding of management strategies employed in land administration for further research of a similar nature.

1.8 Definition of key terms

For the purpose of this study the following defining terms will be used in this study;

Disputes: According to the Berkeley (1995:448) disputes, refers to an inverse relationship or a disagreement between two or more Persons, between groups, regions or even nations originating from different insights and interests. Generally refers to disagreement, struggle or opposing about something, to strive for, against or resist it.

Conflict: Conflict refers to, an expressed struggle between at least two interdependent parties who perceive incompatible goals, and interference with the other party in achieving their goals, (Hocker and Wilmot, 1991).

Conflict Resolution: Conflict resolution is, the process used by parties in conflict to reach a settlement, (Sweeney and Carruthers, 1996).

Land: Land, in the law of real property, refers to a term including the surface of the earth (solid material), the land beneath, and the air above. The term also includes property permanently fixed to the soil, pastures, wood lands, and waters, (Microsoft Encarta, 2009).

Development: generally refers to change, whether positive or negative, development must be judged by its impact on people, not only by changes in their income but more generally in terms of their choices, capabilities and freedoms. It is a process of change, becoming larger, stronger, or more impressive, successful, or advanced and sometimes the exact opposite. Berkeley (1995:426) defines it as, “the act, process or result of developing”.

Management: Management is the handling of something successfully: the act of handling or controlling something successfully for example crisis management, it is said to be the skill in handling or using something, it is the skilful handling or use of something such as resource, (Microsoft Encarta, 2009). It is a term used to describe the techniques and expertise of efficient organization, planning, direction, and control of the operations.

Land Management: Land Management can be therefore be defined as, a process of determining, recording and disseminating information about ownership, value and use of land.

Implications: Implications have various understandings and meanings, however for this paper they are to refer to indirect suggestions, something that is implied or involved as a natural consequence of something else, a possible future effect or result of an action. Example it is important to consider the wider implications of making such a decision (Berkeley, 1995:772).

Mediation: Mediation refers to voluntary participation in a structured process in which an unbiased third party assists two or more disputing parties who are trying to reach an agreement (Girard et al 1985).

Negotiation: Negotiation refers to voluntary problem solving or bargaining carried out directly between the disputing parties to reach a joint agreement on common concerns. It is not a third-party process (Girard et al., 1985).

CHAPTER TWO

LITERATURE REVIEW

2.1 Introduction

This section aims to provide an overview of the issues described in the literature that are related to the management of land disputes and their implications for development. A review of publications, official reports as studies generated by other commentators and organisations on the concepts of land disputes management and the social determinants of land disputes has been done while carefully looking at the implications thereof. The literature is reviewed in line with the objectives of the study. Thus, the main purpose of this chapter was to forward the theoretical understanding of the management of land disputes from existing literature as espoused by different scholars, specifically the meaning, nature and effects are described briefly. A detailed account of Zambia is also given on the administration of land. Finally this study therefore will attempt to bridge the knowledge gap that exist by examining the resolution strategies employed and their impacts on development rather than focusing on the actual causes and disputes that have occurred like some of the scholars referred to.

2.2 Land Disputes: The Global Context

Land disputes are common in virtually all societies. In an ideal setting, strong institutions and transparent procedures can resolve such disputes or at least channel them into a process that minimizes their potential to foster violent disputes. However, in settings characterized by insecurity, inequality and weak or unrepresentative institutions, such grievances may be aggravated through sheer neglect or predatory and discriminatory policies. Land disputes are becoming more intense world over. However, it should be understood that land dynamics are context specific and rapidly changing, and conflicts related to them do not systematically escalate into violence. The consequences however of these disputes are far reaching and multidimensional and include extensive negative effects on economic, social, spatial and ecological development. These effects are most profound in developing countries, where land governance is weak, land markets undeveloped, where there is widespread corruption and political patronage and where many poor people lack access to land (Wehrmann: 2008).

When it comes to land disputes across the globe, the list is long and ever-changing. There are now more than 150 disputes under way that involve territory, mostly in Africa, Asia, and the Pacific region, but also in Europe and the Americas, (Conant: 2014). Globally, disputes over land manifest in different forms, some range from disputes between single parties (such as boundary, conflicts between neighbours), inheritance (conflicts between siblings) and disputes over the use of a given piece of land. In other situation there are land disputes that include numerous parties such as group invasions or dislodgments of whole settlements, investor companies with government backing verses indigenous people and many others (ZLA: 2014). But by far the most complex land conflicts are those that include corrupt land administration and state capture. For instance, in the Brazilian State of Amazonas, it is suspected that fully one third of its land area has been illegally appropriated **Invalid source specified..** For generations, most of the land has been owned by Indian tribes, however, the white newcomers in the area are allegedly using the judicial system to evict the Indians who are poorer. Seizing the advantage of bureaucratic indifference, these people (white settlers), led by powerful rice growers and ranchers, have persuaded judges to order the Indians to leave the land, (Pons-Vignon and Lecomte: 2004).

The case above shows that land conflicts are driven by powerful economic interests. When state institutions appear to collude in such injustices, the victims are rendered powerless to resist. Such a scenario can induce them to seek alternative ways of claiming for their interests such as violent armed struggle against the state and its clients or those in pursuit of their land. The present study may yet reveal possible collusion between corrupt or weak state institutions and powerful commercial interests in instigating the displacement of entire households and communities from their land.

Insecurity of tenure is another major factor in the developing world on the management of land disputes. The situation is exacerbated because land is a source of livelihood and a source for basic sustenance resources (food, fuel, income, water and so on) for approximately half a billion people. An estimated 50% of these people lack land tenure security either because they are tenants or landless labourers, or have insecure individual rights or questionable collective rights, as a result, the only option for them is to resort to violent mean to get what they want, (Prostermen and Hanstand: 2003). Research has shown that strengthening land tenure often results in improvements in land management, agricultural productivity, and household welfare, which directly translates into development even for the poorest in society.

Property rights issues, however, can be complex, they are often misunderstood, even by many policymakers and development practitioners, (Veit: 2013)

In light of the above, a majority of countries in the world have adopted new and improved land liberalisation policies, yet because the land markets are poorly developed, land liberalisation has generated even more problems than solutions especially for the poor in society. Attempts by the state to privatise land or the lack of strong institutional structures to assure fair land distribution or to assure secure land rights have created a conducive atmosphere for land dispute to flare up. To illustrate this, (Baata: 2007) reports that, “the privatisation of urban land in Mongolia has resulted in disputes based on multiple allocations of land. This has occurred because of illegitimated claims ineffective and inefficient land administration agencies whose staff is partly lacking capacity, partly open for inappropriate practices. The resolutions of land disputes lack transparency and generally favour the well-off applicants possessing informal connections to respective decision makers”. This situation is common in many developing countries like Zambia and makes land liberalisation a social evil rather than a social good.

Even in developed countries such as the United states of America, land disputes are common, resolving them however has taken years and years, for example, The US likes to disingenuously hold itself as an arbiter of fairness internationally, however this is not always true of the super power. The country for a long time now has been pursuing a policy of denigrating Native American title to their lands, if not out rightly stealing it. Until the US renounces certain land management practices more and more Americans will find themselves in land disputes, and fully comprehend the weak, legal claims they actually have to the land they live on under international law.

2.3 Land Disputes: An African Perspective

Many African countries are responding to the global demand for food, fuel, and raw materials. In recent years, there has been an uptick of large-scale land acquisitions by foreign governments and agricultural investors, principally for the production of food and biofuels. African governments are allocating new oil, mining, and logging concessions for large-scale industrial production, as well as acquiring land for the much needed infrastructure, such as roads, rails, and ports. Many countries have also expanded their network of protected areas in order to conserve biodiversity, store carbon, and safeguard ecosystem services.

In other words, competition for access to Africa's land and natural resources is increasing. This situation can lead to the displacement and resettlement of many rural people and create insecure tenure situations for those who still remain on their land. This places a huge demand on land, resulting in local's insecurity to lose their land which would translate into defending it by all means even if it means violence. Under weak tenure circumstances, people will often mine their soils and extract natural resources to maximize short-term benefits, eroding the resource base, negatively impacting ecosystems, and undermining long-term agricultural productivity, (Veit: 2013).

Secondly, in Africa land is held in high esteem by all members of society, it is appreciated by all members of the community as it is considered the beginning of all life and development, it is sacred to the common African man. (Veit: 2013) agrees with this by adding, "Land and natural resources lie at the heart of social, political, and economic life in much of rural Africa. They represent fundamental assets, primary sources of livelihood, nutrition, income, wealth, and employment for African communities and are a basis for security, status, social identity, and political relations. For many rural people, land and resources such as water, trees, and wildlife also have significant historical, cultural, and spiritual significance". As such this attached value to Land is increasingly becoming a source of conflicts in many parts of the continent, including Sub-Saharan Africa, where land access had traditionally been characterized as relatively egalitarian. It has been shown that local land disputes can erupt into large-scale civil strife and political movements (Andre and Platteau: 1998; Fred-mensah: 1999; Daudelin: 2002). Some underlying factors, such as population pressure, agricultural commercialization, and urbanization, have also contributed to the increasing number of land disputes, and in addition the current land tenure systems in Africa may not be well-equipped to resolve such conflicts (Cotula, et al: 2004; Van Donge: 1999). In many African countries, formal institutions for land administration are often simply superimposed on traditional structures without a clear delineation of responsibilities and competencies, implying that they lack both outreach and social legitimacy (Deininger: 2003). It is from this background that this paper shall discuss the management of land disputes in Africa

In Africa, land-related violence often has its origins in historical grievances from the pre-colonial and colonial era. The historical grievances may have produced hostilities that threaten the peace of post independent Africa. "Land disputes in Africa is a subject that can be traced to as far back as the early 1900s and 1960s and yet it is still one of the topical issues and top of the agenda at many a global forum especially those hinging on development in Sub

Sahara Africa”, (Ngombe et al: 2006). Current concern on land questions derive from the accumulated experience of economic development. Land is believed to be a prerequisite to economic growth as most people depend primarily on the land and agriculture for their existence. As such land is directly linked to both their economic and social interests, therefore its administration and the management of land disputes is of critical importance as how they are handled can either increase violence or reduce conflict which might have implications on development, (Quan: 2000).

A further factor is the scarcity of land created due to increased economic activity and population growth. Resentment and economic hardship related to land scarcity in Rwanda are often cited as contributing factors to the 1994 genocide. Scarcity has induced increased competition for land that arouses violent emotions. The fight for land has created a survival of the fittest mentality where only the strong survive, in this case being those with the greatest physical strength, political connections and economic power. Aggression and violence is deemed as one of the best way of defending the land one owns or securing more land for oneself. Failure to fight and secure land may mean reduced chances of survival and increased vulnerability to destitution and poverty. The scarcity of land has thus created a situation where fighting for land is not just about economic empowerment, but also about ensuring the survival of individuals, households and groups. Landlessness has become an existential threat. From this it is clear that managing land disputes is not only key but a necessity for most African communities experiencing land dispute, if mismanaged in any way would result in serious consequences on development, (USAID: 2012).

Another key source of land related disputes in Africa is insecurity of tenure. When land users fear that they may be forced off their land, insecurity of tenure can create a response that in combination with the threat of eviction can generate conflict. Fear of loss of land and livelihoods is a potentially powerful political mobilising factor. For instance the conflict that started in the parts of northeast Congo over grazing pasture for cows in 1999, where Hema herders dispossessed Lendu farmers after buying their land. Eviction grievances led both tribes to armed struggle. The struggle then evolved and spread until it became a national crisis resulting in the loss of over 5 million lives (Moore, 2010).

As identified above, the lack of secure tenure in a liberalised market leaves many communities vulnerable to dispossession. The clash between customary land tenure and the statutory system is rife in many African countries and increases this insecurity. The bottom

line to understand is that land tenure should be used as a mechanism to settle or resolve land disputes, however when it creates insecurities it creates a serious challenge towards land disputes management which would affect development in the end, (Prosterman and Hanstad: 2003; Wehrmann: 2008).

Disputes over land on the continent are further instigated as various groups struggle for the control of valuable resources, example, oil, minerals and other valuable resources. Controlling such resources may entail more income, more wealth and thus more power. When these resources are situated in regions where tenure regimes are non-existent and land administration is weak, land disputes are likely to result. Therefore, in situations where local people have insecure tenure over valuable assets, predatory actors (public and private sector) often struggle for control of these assets. This is the case in the East Kivu region of the Democratic Republic of Congo where conflicts over land and minerals are widespread, (Vignon and Lecomte: 2004; Rocha: 2011; USAID: 2012). Clearly land disputes management strategies in such areas have failed owing to the fact that, the country has weak tenure system, in such situation it is also a result of implementing of a less rounded approach towards conflict resolution.

Another dimension to the management of land disputes in Africa is land administration. Land administration is a general term for the processes of land rights' recognition, land use planning, land taxation, and developing accurate land information. It is central to the effective management of land and, therefore, critical to development in Africa. Land administration includes; the allocation of rights to land, the setting of land boundaries, the transfer of land rights through sale, lease, loan, gift or inheritance, and the adjudication of land disputes. It includes enforcement of land-use regulations and land valuation. Land administration can be applied through formal (statutory) or informal (customary) land tenure rules. However in Africa inadequate land administration can lead to problems and has led to various land disputes. Without effective land registries which provide a record of deeds or title documents, land parcels can be allocated to multiple people, resulting in conflict and insecure tenure. Without effective conflict resolution mechanisms, disputes can escalate into civil unrest and can turn violent. And without effective land-use planning, land will not be put to its most efficient uses. Given their importance, many African countries are working hard to modernize and streamline their land administration systems but this taking too long. Developing effective land administration systems is challenging, they require huge financial resources and trained personnel, both of which are in short supply in most African

countries. Customary land administration arrangements and statutory systems are often disconnected, and reconciling the two in a manner that serves the poor, and land users generally, can be difficult, such are the major land management challenges Africa is facing. Africa has emerged from reforms with a difficult legacy, however the performance of Africa's developing countries still falls short of the needed levels needed to reduce poverty and offset decades of stagnation (Plateau: 1992).

Examples of how land disputes have been managed in Africa are varied and wide, the following are a few cases;

Kenya.

Many indigenous communities were deprived of their rights to traditional lands when the British privatised land holdings. After independence, Kenya's first President Joseph Kenyatta, initiated a land redistribution programme. Nevertheless this programme was biased as most of the fertile land was allocated to his Kikuyu tribesmen. In a later backlash, many Kikuyu were pushed off their pastures. This created ethnic land grievances that have inspired violence during Kenya's elections since the 1990s (Moore, 2010). As a clear strategy to manage land disputes, the Kenyan government introduced various land redistribution programmes, despite the fact that it didn't entirely work brings us to the very fact that the management of land disputes is crucial and should be handled with caution so is to be effective, the case above shows how bad management strategies can affect and impact on development. It can therefore be argued that, land conflicts on the continent derive their origins from historical injustices which were not properly resolved through management of the conflicts. Groups believing themselves to have been unjustly treated, attempt to revenge or rectify that injustice. They may do this either through political organisation (as in South Africa), or under the leadership of a populist champion (such as Robert Mugabe in Zimbabwe). In many cases, the attempt to rectify this injustice has resulted in violent aggression over land. Experiences in Kenya have shown that market approaches to land can result in increased landlessness through land sales and weaken social bonds in customary areas. The weakening of customary rights indicates a change in societies, a scenario so familiar to the coming of the colonialist in Africa. Malawi too has shown the results of unclear policies in introducing market activities. Poor people have a higher chance of becoming landless by selling their parcels of land with the hope of getting money. From the literature reviewed, the call of market based activities in customary areas as a way of

promoting rural development in itself is a good idea but the approach of implementation is what has caused land disputes.

In summary it can be said, many conflicts in sub-Saharan Africa are over rights to land and natural resources. Some conflicts may cause individual loss and fray the fabric of communities, others can cause large-scale displacements of people, or war. However they all undermine development by diverting resources and compounding hardships. However, good governance is of particular importance in this context. Criteria such as sustainability, subsidisation, equality, efficiency, transparency, accountability, public participation and security, if applied to land tenure and land dispute management, form a good basis for development in developing countries to be relatively free from land conflicts. Tools and approaches to avoiding and resettlement of land conflict can be distinguished as preventive and curative measures. The former focus mainly on institutional framework conditions such as establishment and strengthening of constitutive and regulative institutions and establishment and control of an accessible and transparent capital market,(Wehrmann, 2008).

2.4 Land Disputes in Zambia

Zambia like many other African countries and indeed the world at large is facing multiple challenges in managing land disputes, and this in turn has an impact on development. In Zambia land disputes range from boundary conflicts, inheritance disputes, ownership conflicts due to legal pluralism, ownership conflicts due to lack of land registration, ownership conflicts between state and private or collective owners, to multiple sales or allocations of land and many more. A brief history of Zambia's land rights and governance would be the best place to start in understanding the issues that surround the management of land disputes and their implications for development.

2.4.1 Land Rights and Governance

The 1995 Lands Act vests all land in the President for and on behalf of all the Zambian people. It provides that land may be administered under a two tenure systems: statutory and

customary tenure. While statutory land is administered in accordance with written laws, by government officials, customary land is administered by traditional authorities based on unwritten and localised customary laws, (ZLA: 2014). Land in Zambia, like in many other countries, is the basis for all forms of social and economic development. It is the source of prestige, identity and a means to livelihoods especially for poor community members that live in rural and peri-urban areas. Because of this significance and value attached to land, it has become the source of conflict. In most cases, the poor and vulnerable groups are usually affected by such disputes, this is evidenced in the fact that, competition for land, especially in urban and peri-urban areas, has intensified over the past three decades manifesting as disputes between countries, Chiefdoms, institutions and individuals. This struggle for land has resulted in various degrees of violent and non-violent conflict, and as the go on, little or nothing is done in the current management systems of land disputes to reduce the negative impacts they carry on development, (Ministry of Lands: 2006:3). It is against this background that the land resource needs to be properly managed so as to ensure equal and sustainable benefits for all from its investment.

The Ministry of Lands is the principle ministry responsible for land administration and management and includes the Lands Department, Lands and Deeds Department, Lands Tribunal, Survey Department, and Survey Control Board. Zambia's 72 district councils have authority to administer land within their districts and have responsibility for land-use planning, in coordination with the Town and Country Planning Departments. The district councils process applications for leases of state land and evaluate requests for the conversion of customary land to state land. At the central level, the Commissioner of Lands within the Ministry of Lands exercises authority on behalf of the President. There are no provincial offices responsible for land administration, and communication between local and central levels has often been less than optimal. Personnel changes and allegations of corruption within the ministry have hampered progress (Brown: 2005; Adams and Palmer: 2007).

In the mid-1990's Zambia enacted legislation intended to encourage investment in rural land and improve agricultural productivity through the privatization of customary land. The 1995 Land Act permitted conversion of customary land into long-term leases of state land. In the decade following the adoption of the Land Act, foreign investors, politicians, and local elites obtained leaseholds. Some large agribusiness, industrial, and tourism investments have provided local communities with benefits including employment, out-grower schemes, small-business opportunities, and infrastructure development. In other cases, the conversion of

customary land has rendered whole communities landless, eroded rights to common pool resources, and enclosed communal land, (Adams: 2003; Lusaka Times: 2009; Nyondo 2009; Brown: 2005). The statement by Adam is a true reflection of a typical Zambian society, short term development provided by investors is the order of the day at the expense of real meaningful development by local people. In the some line, cases the conversion of customary land to large leaseholds has eroded local rights to common-pool resources, and enclosed communal land. As land is acquired for commercial farming, industry, and tourism, local people in some areas have lost access to water sources, grazing land, and forest products. In some cases protected areas have been identified for development (Brown: 2005; Black Lechwe: 2006).

To mitigate land disputes, the Lands Tribunal was created, it was intended to protect and enforce land rights, has been underfunded and inaccessible to most of the population, leaving limited options for addressing land grievances, (Adams: 2003; Lusaka Times: 2009; Nyondo: 2009; Brown: 2005). The 1995 Land Act established mobile Land Tribunals, which were intended to be a low-cost, accessible alternative to the formal court system. In practice very few rural Zambians know of the tribunals' existence. The tribunals have insufficient funding to conduct public awareness campaigns, tend toward formal proceedings conducted in English (which reduces their accessibility), are limited to addressing statutory land cases, and operate with a two-year backlog of cases. Other formal conflict resolution tribunals are the Town and Country Planning tribunal and Magistrate and High Courts. There is little evidence of the use of these forums by the economically disadvantaged (Machina: 2002; ZLA: 2014; Brown: 2005).

Even more serious the mechanism inverted for the sole purpose of managing land disputes is ineffective, what else should we expect if not serious under development in the area of land? If land disputes cannot be managed by the lands tribunal how will progress come to the community?

Legal Framework

Zambia's 1991 Constitution (as amended 1998) recognizes property rights and protects individuals against the deprivation of property unless authorized by law. The state can violate individual property rights if it is acting in the course of implementing a comprehensive land policy. The Constitution voids laws that discriminate on the basis of gender but explicitly excludes personal law (example, laws relating to marriage, children, divorce, inheritance) and

customary law both of which can contain discriminatory principles (GOZ 1991; Hansungule et al: 1998).

The 1995 Land Act recognizes and allows for the continuation of customary tenure. However, under the Land Act, formal law trumps the customary law in the event of conflict (Adams 2003; GOZ 1995a). Looking at the two systems, it is even more worrying that land disputes management is conflicting each other, the two systems rarely work in harmony with each other, this a a serious challenge as if the two cannot meet, a dispute can hardly be resolved, this directly translates into no or little development on the side of the parties involved and also the country at large, and economically it is impossible to grow.

No regulations were enacted under the 1995 Land Act, and efforts to pass a land policy in the decade following the Land Act's enactment were unsuccessful. Members of civil society raised concerns about the draft land policies, noting that the policies focused on the privatization of customary land and encouragement of large-scale investment in land without providing protections for the population dependent on rural land and access to natural resources, this in itself is a great source of concern considering it would result in more land disputes than resolve them. Policymakers have in recent years turned their attention to the land provisions in the new constitution, which was expected to be adopted following the 2011 elections (ZLA 2008; NCC 2009; NCC 2008).

Limited information on the nature of land disputes in Zambia is available, but isolated studies suggest that land disputes in rural areas most commonly relate to boundaries and encroachments. In peri-urban and urban areas, government efforts to evict residents from informal settlements and destroy slum housing have caused conflict and social unrest. Land conversions and the establishment of farm blocks for commercial farming are an increasing cause of concern among local farmers and have the potential to create conflict (Brown 2005; GIDD 2005; RAID 2000; Nyondo 2009). The most common method for resolving land disputes is through the local traditional leaders (headmen or chiefs). The customary leadership structure is hierarchical, and disputes that cannot be resolved at lower levels can proceed to consideration by senior and paramount chiefs. In resettlement areas, parties can also approach the resettlement-scheme management for dispute resolution. Other options include seeking the help of agricultural officers or a government committee (GOZ GIDD 2005; Mudenda 2006).

2.4.2 Profile of Mazabuka District

Mazabuka District

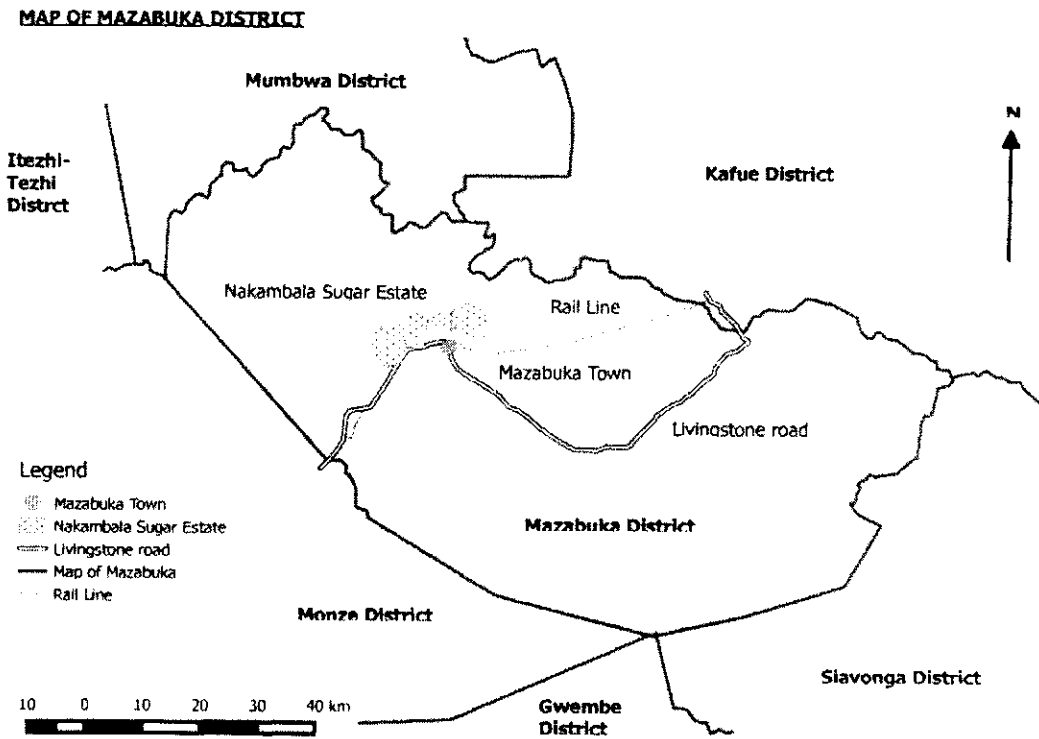
Mazabuka District is a small district of Zambia, located in Southern Province lying south west of Lusaka, on the Lusaka-Livingstone Road. Also known as the sweetest town in Zambia for house Zambia Sugar, Mazabuka is one of the most rapidly growing cities in sub-Saharan Africa. As of the 2000 Zambian Census, the district had a population of 203,219 people which has since increased. Mazabuka has three traditional rulers by the names of Their Royal Highnesses Chief Hanjalika, Chief Mwanachingwala and Chief Naluama. Mazabuka being a transit town has experienced an unprecedented rise in population, thus placing a demand on land, not only for accommodation but other activities as well such as farming and other valuable land investments.

The Mazabuka Municipal Council is the local authority in-charge of land administration for statutory land, where-as the three Chief administer traditional land. By implication this means these institutions including the office of the District Commissioner, the Police and Judiciary are solely responsible for the management of land disputes in the district.

Mazabuka as a district has witnessed and experienced various types of land disputes ranging from local disputes between neighbours to large disputes between Zambia sugar and the local inhabitants and many others resulting in the poor and under development in certain areas.

There is considerably little information on Mazabuka as evidenced by the literature reviewed as such, the researcher did not go into details on providing information on the district.

The map 2.1 shows Mazabuka District



2.5 Theoretical Framework

In Zambia Land administration has been liberalised, this means that, market forces now play a critical role in the way land is distributed and the use to which land is put. The liberalisation of Zambia's land management revolves around competition for ownership of land as well as the sometimes conflictual activities involving the use of land. Thus the best theory to analyse the management of land disputes in Zambia and their implications for development will be the Marxist Conflict Theory.

The theory seeks to explain conflict in terms of the struggle between classes for the control of the means of production, it was developed by Karl Marx. Marx focused on the causes and consequences of class conflict between the bourgeoisie (the owners of the means of production and the capitalists) and the proletariat (the working class and the poor). Conflict was analyzed with respect to the economic, social, and political dynamics taking place in a capitalist society. According to this perspective, a capitalist society is premised on the existence of a powerful minority class (the bourgeoisie) and an oppressed majority class (the

proletariat), conflict between the two classes are a result of interests which are at odds with each other, and unjustly distributed resources among them. In explaining this system, Crossman (2016) explains it as follows:

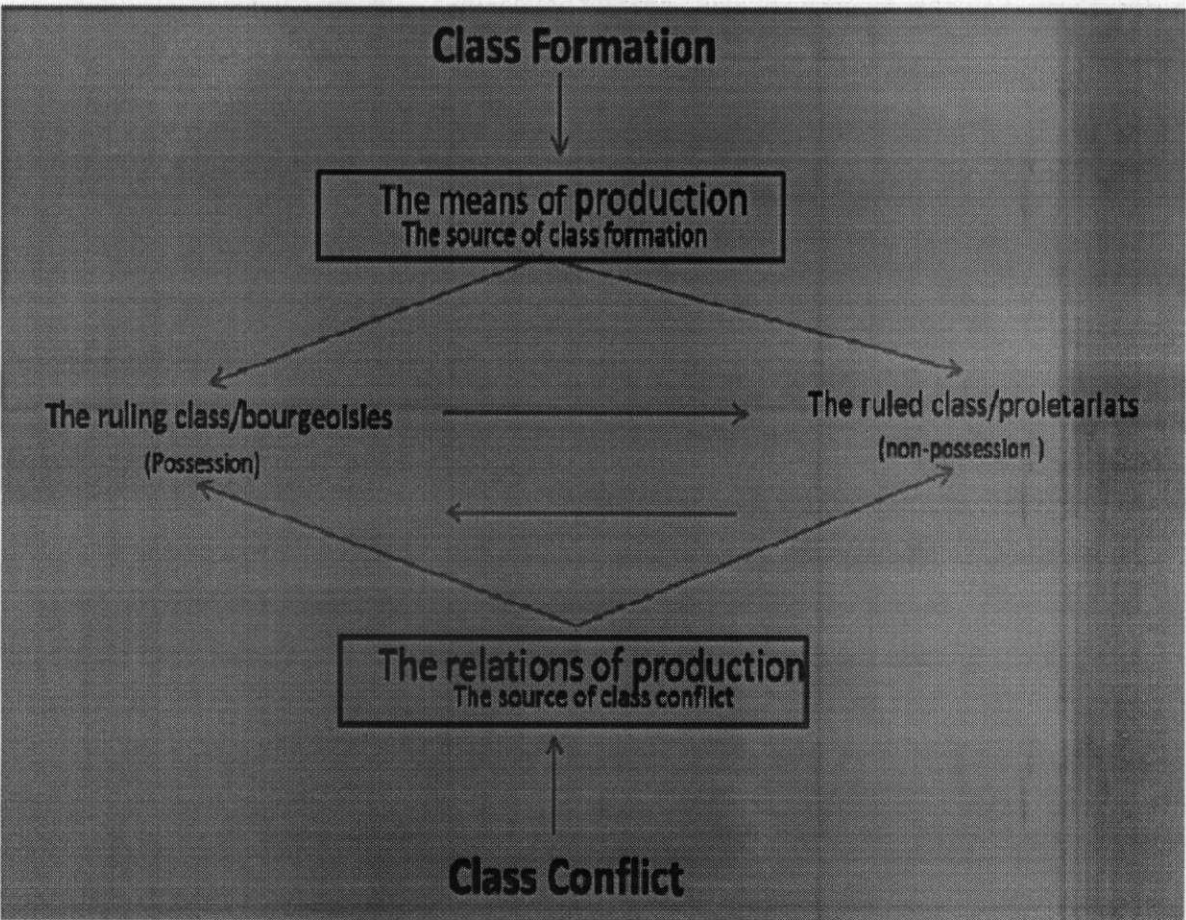
"Within this system an unequal social order was maintained through ideological coercion which created consensus and acceptance of the values, expectations, and conditions as determined by the bourgeoisie. Marx theorized that the work of producing consensus was done in the "superstructure" of society, which is composed of social institutions political structures, and culture, and what it produced consensus for was the "base," the economic relations of production".

The theory additionally argues that the socio-economic conditions worsened for the proletariat, they would develop a class consciousness that revealed their exploitation at the hands of the wealthy capitalist class of bourgeoisie, and then they would revolt, bringing about a change in economic, political and social structure of society.

In the Zambia context, land management and administration can be related to a similar capitalist society like that suggested by Karl Marx, land management is held in the hand of a small privileged minority, who have a strong economic base that gives them access and power to control land distribution and use. While the oppressed classes are represented in the case is the majority poor people with little or no access to land. At the point of class consciousness, the poor people revolt in a bid to voice out their issues. ZLA(2014), agree with this by saying, "There are also many poor Zambians who are not aware of the ways in which they can secure their rights to land, neither do they have the means to see that securing the rights to land becomes a reality as acquiring titles is expensive, time consuming and centralised. Some of these people experience insecurity of tenure due to non-adherence to proper land administration procedures and a system that is not transparent as some civic leaders, cadres and traditional leaders allocate and sale land without following the required procedures". This clearly presents a class struggle between the groups, it further shows the gravity to which the opposing groups can go to achieve their intended purposes, that is get land at all costs, which encompasses resorting to violence.

Figure 2.1 clearly illustrates the Marxist Conflict theory

Marxist Conflict Theory Illustration



Source: Invalid source specified.

2.6 Rational

The theoretical perspectives was useful for the present study, Understanding the dynamics of land disputes in Zambia requires one to analyse it from the point of view of the elites such as political leaders, commercial elites, foreign investors and traditional leaders. All these hold power of one form or another and have a significant influence on the management of land disputes in Zambia. The study also analysed the management land disputes from the perspective of powerless members of society. They are powerless as individuals, but once they organise themselves under various political movements such as political parties, community vigilantes, cooperatives or associations or just as a neighbourhood mob, they become a powerful force playing a key role in land conflicts. They may play a role in

challenging the elites, the state, or challenging groups they see as threatening their ability to own land.

The theory above is but a tentative explanation that may help the researcher to understand the factors responsible for the increase in land related disputes in the Mazabuka, and if the management of land disputes is effective. The researcher will attempt to analyse whether the findings of the present study conform to the theory or whether there are any aspects of the findings that deviate from the theory above.

2.7 Conclusion

This chapter has reviewed literature from a number of sources, the literature review sought to provide an overview of the broad range of issues related to the management of land disputes and their implications for development. The main purpose of this chapter was to forward the theoretical understanding on the management of land disputes from existing literature as espoused by different scholars. The literature was reviewed in line with the objectives of the study. Finally this study attempted to bridge the knowledge gap by examining the resolution strategies employed and their impacts on development.

CHAPTER THREE

METHODOLOGY

3.0 Introduction

This chapter outlines and discusses the most appropriate methods of design, sample selection, data collection and analysis. There was also a description of the ethical considerations necessary to complete the study undertaken.

3.1 Research Design

This study was a qualitative exploratory study. An exploratory study was appropriate for this research, because the perceptions on the management of land disputes and their impact on development in Mazabuka District were not yet known. Therefore the research aim focused on identifying them. It was hoped that the study would be valuable in exploring these perceptions and therefore contribute to the proposed establishments on effective land management strategies. This allowed for the collection of subjective data, which can give a greater understanding of what people consider important. Qualitative research methods therefore allow for participants to describe their experiences and perceptions in their own words, within their own contexts, (Freeman, 2009) in order to acknowledge the unique reality for each participant. The emphasis of qualitative research is on the experiences of people within their context, which in this study was the management of land disputes.

3.2 Target Population

The population for this study will consist of all the residents of Mazabuka District. It will also include Government officials, Politicians and other Stakeholders involved in Land Administration in Mazabuka.

3.3 Sample Size

The sample size will be 65, (60 households or any other relevant individuals and 5 key stakeholders, being Mazabuka Municipal Council, Ministry of Lands, the Police, members from the Judiciary and Chiefs/ Headmen). The total sample size for this study was be 65, divided into two(2) Groups, Group A and B. Group A consisted of Sixty (60) residents of Mazabuka district, who were heterogeneous and comprised of respondents of varying ages and backgrounds. Participants selected were all adults, with no upper age limit. Individual

households were sampled because it was easier to locate them. A sample size of 60 was suitable because this is a qualitative study and such a number would enable the researcher to achieve the point of saturation. Moreover, this sample size ensured that the research was conducted within the stipulated time frame.

Group B comprised of five (5) key institution, which included the following; Mazabuka Municipal Council, Mazabuka Police, members of the Judiciary, representatives of Their Royal Highnesses Chiefs Hanjalika and Mwanachingwala and representatives from Ministry of Lands. These key informants were included in the study because they are involved in Land Administration and are also directly responsible for the management of land disputes, i.e. mediating and arbitrating in land disputes. Thus are more likely to provide first-hand information on the subject.

3.4 Sampling Techniques and Procedure

The study used Purposive Sampling to establish its findings because it has a strong internal validity. Systematic and Purposive sampling were used to select this sample in that the researcher used personal judgment in choosing suitable participants. External validity was overlooked because the study used a case study research design, which does not require the findings of the study to be generalized. This sampling method was used because of the nature of the study which required qualitative data from precise sources. Therefore, using this sampling method, key informants from selected organizations and independent persons, helped with the generation of the required qualitative data.

3.5 Data Collection Instruments and Procedure

The data collection began with introductions, this included reviewing the purpose of the study and the ethical considerations outlined in the participant information sheet. At this point a questionnaire (see Appendix B) was used to collect information from Target group A administered by the researcher. The researcher would pose the questions and note down the answers in the spaces provided on the questionnaire. Such an approach allowed respondents to answer in a language of their own choice. This also was suitable for respondents who were not literate in the English language. Clarifications could moreover be made on certain questions by the respondents, while the interviewer could clarify on the responses.

The questionnaire consisted of both open and closed ended questions. Closed ended questions will be easier to analyse and could express descriptive statistics. Nevertheless, open ended

questions were the majority and these have the advantage of being able to capture in greater detail opinions and experiences of participants on the subject matter.

Semi-structured interviews were used to collect data from Group B, the researcher would use an interview guide (see Appendix C) made up of questions to guide the interview. The interview was done on a one to one basis and the researcher will take notes on the responses or record where possible. In-depth interviews are useful in getting detailed information on research topic. The ability to get deep insight into the subject matter is a key advantage of this tool. Another benefit is that, researcher could have a chance to ask for further explanation where they are not clear. Additionally, the interviewer could probe for more information on any new aspect arising during the interview.

3.5.1 Primary Data

Primary data was collected using research guides administered to key respondents (interview guide or questionnaire).

3.5.2 Secondary Data

Secondary data was collected from articles, previous research findings, books, journals, internet and other sources of reliable information.

3.6 Data Analysis Procedure

Data was analyzed using content analysis method as this research is qualitative in nature. The first step of the analysis was to gain a thick description of the perceptions of the management of land disputes from the responses of the questionnaire and key institutions interviewed. This was done by carefully going through the interviews and secondary data to identify information that answers the research questions. This approach facilitated for in-depth analysis of the management of land disputes in Zambia and their implications for development as perceived by the various respondents from key institutions in managing land related conflicts. The data were then coded using content analysis to see how the participants classified their perceptions and understanding of the study (O'Leary, 2004). The codes were first hand-recorded in the margins of the printed transcripts, and then entered into the electronic version of the same transcripts with additional comments by the researcher. The thematic analysis highlighted the common themes and the shared experiences of the participants. Finally connections were made between repeated codes and themes, as well as variances in the data (Gifford, undated). The qualitative methodology allows for concurrent

analysis of data during the data collection (Strauss and Corbin, 1994). This approach was suitable for this study in order to further clarify the research question and adapt the research focus according to the participants' responses. Then this data was analyzed manually and presented in a narrative form as this research was purely qualitative in approach.

3.7 Ethical Considerations

Prior permission to conduct research was obtained from the University. The Researcher provided adequate and clear explanations on the purpose of the study to the respondents and their voluntary participation and consent was sought. Respondents were assured of confidentiality of the information that they provided since they were not required to indicate their names anywhere and thus concealing their identities. The standard of voluntary participation will be adhered to in that no participant will be forced to take part in the research and participants will be free to withdraw from the research at any stage. To maintain objectivity, each answer will be judged as without bias, moralistic judgments and irrespective of the researcher's own opinions on the issue.

3.8 Conclusion

This chapter gave a blue print of the methodology that was used in this research study, it included; the research design, population sample, sample size, sampling procedures, ethical considerations and data analysis procedures. The next chapter presents the finding and discussions of finding which were after data collection from the respondents and other secondary sources of information.

CHAPTER FOUR

PRESENTATION OF FINDINGS

4.0 Introduction

This chapter set out to present the findings of the study on the management of land disputes in Zambia and their implications for development in Mazabuka district. These findings have been presented in line with objectives of the research and as such, data from the respondents were categorized according to the four (4) objectives of the study.

The questionnaires and interviews of participants' recorded views on the management of land disputes in Zambia and their implications on development are explored in this chapter. The chapter begins by looking at the respondents' understanding of the management of land disputes and who the major players are and their roles. Next, their views about the determinant causes of land disputes, followed by implications of land disputes resolution on developments which are the perceived challenges, and lastly a review of the administrative and land use measures that have been employed by the local authority and other relevant stakeholders in trying to stop land disputes in Mazabuka. The chapter concludes with the participants' suggestions or recommendations for how the Management of land disputes should be handled in order to reduce negative impacts on development.

4.1 Demographic Information

Table 4.1 indicates the distribution of respondents by gender

Gender	Frequency	Percent (%)
Male	50	77
Female	15	23
Total	65	100

Source: Field Data, 2016

Table 4.1 above indicate that the majority of the respondents were males represented by 77% (50 out of the 65) while female were represented by 23% (15 out of 65 respondents). This data indicates to the researcher that there are more men who own or have access to land than women, this was because the majority of the respondents in Mazabuka were the males who had at one point or another experienced or witnessed a land dispute and its resolution, and as far as decision making and governance was concerned it shows that most males still hold the cards in administration of land.

The table 4.2 indicates the distribution of respondent’s by marital status

Marital status	Frequency	Percent (%)
Single	17	26
Married	39	60
Divorced	5	8
Widowed	4	6
Total	65	100

Source: Field Data, 2016

The researcher learnt that over 70% of the respondents had at least gone up to tertiary level of education. The data also reflected that 60% of the respondents were married and the remaining 40% were single either by divorce, death of a partner or never married. This translates to the researcher that most married couples have access to or atleast owned land.

4.2 Understanding Land Disputes Management

As the respondents explored the concept of land management, various strategies were identified. From the data collected, it showed that 70% of the respondents have a clear understanding on how land disputes should be managed. The responses noted below have been organized into levels, starting with individual management strategies to broader

concepts involving authorities. At individual level, simple dialogue, mediation and negotiation take place, if this does not yield desired results they move to other management strategies. At third party levels, the disputes are reported to the appropriate authorities (traditional leaders, i.e. Headmen or Chiefs, or Traditional council or Court, the Police and Council) who will then investigate and bring the parties involved together. To the researcher this means that the respondents are aware that managing land follows certain procedures, if the resolution does not satisfy the parties in the matter, alternative solution could be sought.

In addition, how to deal with a land conflict depends first of all on the current stage of its process. That is, depending on the stage of the conflict, the emphasis chosen to assist in its resolution may be more on crisis prevention, peace-making, peacekeeping or peace building, each of which requires different tools and different methods of conflict resolution. As such parties need to be very sensitive to the level of the dispute so as to get the right resolution, if this is not done, a wrong strategy can be employed which might lead to other undesired results which would have other implications on development.

4.3 Major Players in the Management of Land Disputes and Their Roles

As stated above, the 1995 Lands Act vests all land in the President for and on behalf of all the Zambian people. It provides that land may be administered under two tenure systems: statutory and customary tenure. While statutory land is administered in accordance with written laws, by government officials, customary land is administered by traditional authorities based on unwritten and localised customary laws. During the research, respondents were asked who the major players in land management are, the respondents answered informal and formal institutions resolve land conflicts. Informal institutions include community elders or committees, while formal institutions include land tribunals or other governmental institutions. The findings of this research indicate, that various stakeholders are involved in managing Land disputes, the following are some of the major players identified by the respondents;

- Individual parties to the dispute
- Traditional leaders- Chiefs, Headmen, Chiefs Councils
- The Police- Mazabuka Police

- The Local Authorities- Mazabuka Municipal Council
- The judiciary- Local courts, Magistrate courts and other Legal Instruments.

The following is a clear explanation of the players and their roles in the management of land disputes, it also shows their strengths and weaknesses which may have a strong bearing on development.

4.3.1 Traditional Authorities

The Chiefs Representative for Their Royal Highnesses Chief Hanjalika and Chief Mwanachingwala told the researcher that the strengths of using traditional leaders were;

Firstly, accessibility because of their low-cost, flexible schedules and procedures, and use of local language, Secondly, traditional institutions have a consensus-oriented approach. Thirdly, Informal and formal leaders can serve as Conciliators, Mediators, Negotiators or Arbitrators and Lastly, strong social legitimacy means process and outcomes have ownership.

He further pointed that the Potential Weaknesses of traditional authorities were;

Firstly, formal institutions may not recognise traditional authorities, or may interfere in their functioning.

Secondly, traditional institutions may breakdown and traditional leaders lose legitimacy.

Thirdly May have limited capacity to resolve inter-community disputes or disputes with the state.

Fourthly, they may be inaccessible to some parties because of gender, class, caste or other biases; and

Lastly, decisions not recorded or Communicated to formal system, and thus may not be durable.

4.3.2 Civil Society and Non-Governmental Organisations

Peoples Action Forum managing director also added the Potential strengths of CSOs and NGOs

Firstly Civil Societies and Non-Governmental Organisations are perceived to have impartiality with parties in a land dispute.

Secondly Staff maybe more mobile to travel to disputes.

Often CSOs and NGOs have some Mediation, Dispute Resolution capacity, and focus on building interest-based agreements.

Fourthly, they may facilitate greater participation between parties to a conflict.

Lastly, CSOs and NGOs focus on capacity building within the community, and broadening a culture of Peace.

The potential weakness also included

The programmes may not have support from government or courts and other parties, it may be seen as propaganda by the CSOs.

CSOs and NGOs may not have sufficient convening power or capacity to address intercommunity disputes, issues related to high-value natural resources or structural inequalities. They are suited to play a facilitating role but nothing further than that.

The approach may vary between organisations, this leads to confusion, the system should be systematic and precise.

Lastly, decisions may not be binding on parties

4.3.3 Local Government

The assistant planner, speaking on behalf of the council clearly said the strengths of the local government in resolving land disputes included;

Local government structures possess the quality of proximity to the people and local knowledge. This gives them an advantage over the other players in the land dispute resolution process

Secondly control over administrative procedures may make them more responsive, this may include technical capacity for example surveying.

The department of Local Government also has vast access to land records, which makes it easy for them to trace information about particular area in question.

The department however said the have the potential weaknesses

The capacity may be reduced due to conflict, especially if the dispute turns violent.

Most often than not, knowledge may be out of date, it is common knowledge that Local Government institutions have poor record keeping systems, and without the investment in ICTs it is very difficult to access information.

Legitimacy may be weakened due to in-conflict practice related to illegal land allocation or fraud, and officials in these departments may seek to consolidate their power at the expense of traditional institutions or courts.

4.3.4 National Government Ministries

Ministries have the mandate for legal, policy and institutional reform required for structural reforms, and have convening power for inter-community or administrative boundary Disputes. This makes them the most suitable players in the management of land disputes

Potential Weakness

Responsibilities are often shared between different agencies, reluctance to share information with other departments may hamper the process. This too often results competition between agencies to see who is more effective but instead turns into poor coordination.

Ministries may have weak capacity or may have reduced legitimacy due to conflict

4.3.5 Courts

Potential strengths of courts as illustrated by the clerk of court to the magistrate court said;

Court processes, rules and decisions have legal legitimacy.

The Decisions may be impartial, based on merits of the case rather than feelings.

The court institutions are structured to reach down to local level within a hierarchy.

Courts have good access to land records.

But the potential weaknesses likely to be faced are;

In the structured court proceedings there is limited participation by parties in decision-making. Courts have a narrow definition of evidence, this has made a lot of dispute not to be resolved.

Courts are often inaccessible, remote and expensive, with technical and language barriers for the common man.

Courts too are often overloaded with land disputes cases, this would prolong the management of the land dispute which would result in violent conflict if not quickly handled.

In the system adversarial approach results in win/lose outcomes, which may damage relationships, which are not for traditional land disputes, these too may not be sustainable and may provoke future conflicts.

Court decisions may not be enforced due to lack of capacity, skills or links to enforcement officials.

Officials working in courts may be perceived to be corrupt, lack legitimacy or be biased toward elites.

4.3.6 Political Leaders

Lastly the District Commissioner commented that the potential strengths of using political offices in resolving land disputes;

May have influence over parties to disputes because of social relationships.

May be able to address complicated or protracted disputes

May be able to secure resources to help reach or implement agreements.

She added that, whereas the potential weaknesses include;

Political Leaders may be perceived as biased or as an interested party to a dispute.

They may not be able to stay engaged over the long-term on any individual disputes.

Political Leaders may take on the role of arbiters but lack enforcement mechanisms.

4.4 Causes of Land Disputes

When the researcher asked the respondents to give the causes or triggers of land disputes the following were some of the most common responses. As the data indicates, about half of the land conflicts are over boundaries that occur mainly with neighbours or relatives who live close by. The second most common reason for conflicts is over inheritance, which exclusively occurs among relatives. It appears that there are more conflicts related to land sales, as the value of land increases due to population pressure, agricultural

commercialization, and urbanization, it is expected that the land sales market will develop over time. However, if property rights are not clearly defined, there could be more cases of land conflicts related to land sales.

The table 4.1 summarises the causes of land disputes by showing the percentages for each cause of conflict as selected by respondents.

Table 4.1

MAJOR CAUSES	MALES	FEMALES	PERCENTAGE
Political causes	40	10	33%
Economic causes	25	15	26%
Socio-economic causes	7	3	6.5%
Socio-cultural causes	20	5	16.3%
Demographic causes	45	7	34%
Administrative causes	35	5	26%
Technical causes	15	8	14%
Psychological causes	48	12	39%

Source: Field Data 2016

4.5 Implications of Land Disputes Resolution on Development

As mentioned above, how to deal with a land conflict depends first of all on the current stage of its process. That is, depending on the stage of the conflict, the emphasis chosen to assist in its resolution may be more on crisis prevention, peace-making, peacekeeping or peace-building, each of which requires different tools and different methods of conflict resolution. In addition to the current stage of the land conflict, its social dimension, general characteristics and the position of the parties involved are all crucial factors in determining the most suitable form of conflict resolution, such as consensual or non-consensual approaches. The process begins by identifying the type of dispute, once land conflicts are identified and brought to the level of discussion, their settlement can be started. This can involve classical or alternative ways of conflict resolution which include; special land tribunals, land management measures, special local contracts, land conflict resolution by the victims and land governance. For the researcher however it is the length and outcome of these

processes that are of major concern, the data collected reveals that; most land dispute cases end up in court and proceedings take a very long time to be settled or resolved. Similarly land disputes take time to be processed hence delay development and most land is left unattended to. Development on the named piece of land can only start once the disputes have been resolved. In some cases land disputes have led to death, in the process of the dispute resolution some people who may have had good developmental agendas die, this may result in retards developments, especially if surviving relations have no similar developmental interests. Since land is a major factor for development, its difficulty to invest long term development where there are land disputes, parties spend much time trying to resolve issues instead of developing the land, a good example of this is Kabanje which lies in Mazabuka district, the small village became the centre of attention after entering into a land dispute with Zambia sugar Zambia's second forex earner from the mines. Till this date the dispute has not been fully resolved and residents of Kabanje village remain in limbo. To take it further Local Chiefs have become powerful players in most land disputes, in the case of Kabanje, for instance, Chief Mwanachingwala was reported by the national press to have supported the evictions of the poor villagers, even saying he will not consider granting alternative land to those were not "humble" before him. This all goes to show how the management process of land disputes is delicate, if any mistake is made, underdevelopment is yet to result.

4.6 Administrative and Land Use Measures Employed by the Local Authority in Mazabuka

In trying to access the different land use measured employed, the respondents of Mazabuka District clearly reported that the following were some of the land use measures employed to reduce land disputes and their effects should they happen;

The following information was provided by the Director of Planning Mazabuka Municipal Council

A piece of land should be on title, this means all land owner should acquire or atleast process for a title, this reduces land conflicts as the land legally belongs to the named person on the title, however this is difficult under customary land unless it is gazetted.

By coming up with a planning unit, the planning unit under the Local Authority is one of the most crucial departments in managing land disputes, their roles go beyond general administration. This department is very useful and helpful to the people as it is easily

accessible and is usually the first place grievances can be reported, this is cardinal to the management of land disputes in any area.

By restricting *land to the use applied for and by inspecting the on-going developments*. This is a purposive move to restrict land owners from using the land for other purposes than that applied for, this entails that the local authority has to approve all development on the land, this mechanism is one of the best land management strategies that reduces conflict as the Local authority would be aware of whatever developments are happening, and if they feel in any way that they would have a conflictual role would automatically restrict the development, hence preventing a land dispute from occurring .

Clear guidelines have been put in place on how to report land disputes and the constitution has been made it clear on how to go about resolving land disputes. As for Mazabuka Municipal Council they have gone a step further by sticking this notice on the Notice Board and door for all to see. This conflict resolution system gives clients and those involved in disputes first-hand information on exactly what to do and which channels to follow.

Local authorities are agents of the central government under the law in land acquisition, this ensures giving land to the right people by the authority itself, of course this has its own flaws, but ultimately it serves the purpose it was intended for which is, land management and ultimately land dispute resolution.

The local authority has made sure that, *change of ownership is done with the consent of legal owners*, rather than directly processing ownership change of a property, the local authority is mandated to seek concern from the current owner of the land, without which the process cannot take place. This is a very strategic land dispute management tool as some land disputes caused during change of ownership are avoided, this clearly minimises the risk of a conflict occurring.

The local authorities has been made available to offer advice on land related issues and have also been instrumental in arbitration of to land related disputes. *The local Authority (Mazabuka Municipal Council) is open to the public to offer technical advice on land management disputes. Also they have been instrumental in handling land disputes when called upon whether on statutory or customary land.* This gives confidence to the public of the competences of the department.

When a piece of land is identified it is advertised to the general public, interested persons are encouraged to apply and afterwards subjected to a transparent way of acquiring land by attending interviews carried out by various stakeholders and partners to avoid corruption.

This opens the system to the public and builds confidence in the personnel working in the department, such that even when resolving land disputes their credibility is high.

4.7 Conclusion

Based on the findings of this research study on the management of land disputes in Zambia and their implications for development; a case of Mazabuka District, the research came to a conclusion that, the respondents had a vast knowledge on the causes of land disputes which they brought out as presented above. The respondents too discussed the implications of land disputes resolution management on development, which for them seemed to be a serious source of concern and they felt needed to be addressed as soon as possible especially in the community as such mechanisms were generally missing and those that existed were on paper as the said. The major players in management of land disputes and their roles were also identified and detailed, the respondents mentioned that their roles were of great significance and indispensable, however these institutions need and to be strengthened and supported if they are to perform their duties effectively and efficiently. Lastly, the data collected shows that the administrative and land use measures that have been employed by the local authority and other relevant stakeholders in trying to stop or reduce land disputes in Mazabuka is of relevance to the community.

CHAPTER FIVE

DISCUSSIONS OF FINDINGS

5.0 Introduction

This chapter focuses on the discussions and summary of the key findings of the study. Once again the reader will remember that the main purpose is to explore the perceptions of people on how land disputes are resolved. The aim of this study was to examine the management of land disputes in Zambia and their implications on development a case of Mazabuka District. As such it was hoped that the involvement of various stakeholders in the analysis of land disputes resolution would serve as an advocacy strategy by raising their awareness of land related issues. This study was done within the analytical framework of, the Marxist Conflict Theory which was first presented in the literature review chapter. The theory seeks to explain conflict in terms of the struggle between classes for the control of the means of production, it was developed by Karl Marx.

The order of discussion follows the order in which the findings have been presented in the previous chapter. This order is in line with the main objectives of the study.

5.1 Demographic Data

The demographic information revealed in the previous chapter indicated to the researcher that the majority of the respondents were males as represented by 77% (50 out of the 65), while female were represented by 23% (15 out of 65 respondents). This data clearly spells out that there are more men who own or have access to land than women. This in itself is a serious cause of land disputes for the researcher and can evidently lead to conflicts. As far as decision making and governance is concerned it shows that most males still hold the cards in administration of land, this puts women in a compromising position as they can be discriminated against. Decision-makers fail to appropriately account for land and resource rights for several reasons. Some do not appreciate that property rights are central to achieving development outcomes, this means including women in decision making too.

The researcher also learnt that over 70% of the respondents had at least gone up to tertiary level of education. This in itself is a good thing, for the researcher it meant that majority of the respondents were literate and had a good comprehension of land issues, it meant that their

understanding was above average. It goes without saying a literate society is down- right the genesis of development, because of the high levels of education the respondents are able to invest in real estate or land. The data also reflected that 60% of the respondents were married and the remaining 40% were single either by divorce, death of a partner or never married. This translates to the researcher that most married couples have access to or atleast owned land. Clearly in the Zambian scenario married couples take development seriously, not only for themselves but for their children as well, this is especially so to secure their future in case of a death of their parents.

5.2 Understanding of Land Disputes Management

As the respondents explored the concept of land management, various strategies were identified. From the data collected, it showed that 70% of the respondents have a clear understanding on how land disputes should be managed. The responses noted below have been organized into levels, starting with individual management strategies to broader concepts involving authorities. At individual level, simple dialogue, mediation and negotiation take place, if this does not yield desired results they move to other management strategies. At third party levels, the disputes are reported to the appropriate authorities (traditional leaders, i.e. Headmen or Chiefs, or Traditional council or Court, the Police and Local Authority) who will intern investigate and bring the parties involved together. To the researcher this means that the respondents are aware that managing land follows certain procedures, if the resolution does not satisfy the parties in the matter, alternative solutions could be sought. In addition, the resolution to be applied must be carefully chosen, to deal with a land conflict, the parties involved must first of all access the current stage of the conflict. That is, depending on the stage of the conflict, the emphasis chosen to assist in its resolution may be more on crisis prevention, peace-making, peacekeeping or peace building, each of which requires different tools and different methods of conflict resolution. As such parties need to be very sensitive to the level of the dispute so as to get the right resolution, if this is not done, a wrong strategy can be employed which might led to other undesired results which would have negative implications on development.

5.3 Major Players in the Management of Land Disputers and Their Roles

The 1995 Lands Act vests all land in the President for and on behalf of all the Zambian people. It provides that land may be administered under two tenure systems: statutory and customary tenure. While statutory land is administered in accordance with written laws, by government officials, customary land is administered by traditional authorities based on unwritten and localised customary laws. During the research, respondents were asked who the major players in land management are, the respondents answered informal and formal institutions resolve land conflicts. Informal institutions include community elders or committees, while formal institutions include land tribunals or other governmental institutions. Seeing as various stakeholders are involved in managing Land disputes, the following are some of the major players identified by the respondents;

Individual parties to the dispute

Traditional leaders- Chiefs, Headmen, Chiefs Councils

The Police- Mazabuka Police

The Local Authorities- Mazabuka Municipal Council

The judiciary- Local courts, Magistrate courts and other Legal Instruments.

The results of the research clearly outlined who the major players are and their roles. As land administration and the players found in it are crucial to the limitation of land disputes, applying good governance policies to it should be briefly explained. In most countries where excessive land disputes exist, land administration and state land management are threatened by lack of capacity, administrative corruption and state capture. Hence good governance aims to address all three weaknesses. Good governance in land administration and state land management is therefore a fundamental component of land governance as it directly has a bearing on the players in the management of land disputes as well as the processes they will adopt to resolve a particular dispute. Note that this is very key in arriving at desired results, and if overlooked can have serious repercussions on the development of an individual and all through to national and international levels.

5.4 Causes of Land Disputes

When the researcher asked the respondents to give the causes or triggers of land disputes the following were some of the most common responses. As the data indicates, land conflicts are as a result of various factors, for the purpose of this discussion the causes of land disputes can be summarized into the following broad categories; Political, Economic, Socio-economic, Socio-cultural, Demographic, Administrative, Technical and Psychological causes. The various cause to land disputes as collected from the respondents, show that land disputes cover quite a large scope and need to be addressed from the root before one can resolve them, this is the only way to get a positive outcome and reduce the effects of negative development and stagnation. Thus, when critically analysed, it is clear that the primary reasons for land disputes are found in psychological desires, fears as well as in emotional and material needs this is so because, it is the basis of all mental processes, for example lack of self-esteem, loss of identity, desire for revenge and thirst for power are all psychological needs that are cited as major reasons for starting land disputes. However the resulting pursuit of individual interests is, however, considerably facilitated by the lack of an institutional framework which appear under the administrative and technical causes, some of which include; Missing land registers (destroyed) or one that does not meet modern requirements, others lack access to quality, up-to-date information on how land is being used by local communities, translates to out-dated materials, Insufficient implementation of formal regulations, Centralisation (centralised land use planning), Administrative corruption, Insufficient control over state land, Lack of communication, co-operation, and co-ordination within and between different government agencies. All these causes exist in Zambia and hence pose a huge risk to the management of land disputes and thus have negative implications on development. This being said, at the bottom of land disputes are the need for shelter on the one hand, and the desire for profit on the other. Dealing with land conflicts, therefore, means reconciling conflicting interests over land. Many people are in need of shelter but cannot afford to follow formal rules for obtaining it, while others simply don't want to do so, (Kariuki 2005: 99).

5.5 Implications of Land Disputes Resolution on Development

As mentioned above, how to deal with a land conflict depends first of all on the current stage of its process. That is, depending on the stage of the conflict, the emphasis chosen to assist in its resolution may be more on crisis prevention, peace-making, peacekeeping or peace-

building, each of which requires different tools and different methods of conflict resolution. In addition to the current stage of the land conflict, its social dimension, general characteristics and the position of the parties involved are all crucial factors in determining the most suitable form of conflict resolution, such as consensual or non-consensual approaches. The process begins by identifying the type of dispute, once land conflicts are identified and brought to the level of discussion, their settlement can be started. This can involve classical or alternative ways of conflict resolution which include; special land tribunals, land management measures, special local contracts, land conflict resolution by the victims and land governance. For the researcher however it is the length and outcome of these processes that are of major concern, the data collected reveals that; most land dispute cases end up in court and proceedings take a very long time to be settled or resolved. In addition it has been noticed that the decision is not usually accepted as the process does not involve the immediate parties in arriving at a resolution. Similarly land disputes take time to be processed hence delay development and most land is left unattended to. Development on the named piece of land can only start once the disputes have been resolved. In some cases land disputes have led to death, in other cases while in the process of dispute resolution some people who may have had good developmental agendas die, this may result in retards developments, especially if surviving relations have no similar developmental interests. Since land is a major factor for development, its difficulty to invest long term development where there are land disputes, parties spend much time trying to resolve issues instead of developing the land, a good example of this is Kabanje which lies in Mazabuka district, the small village became the centre of attention after entering into a land dispute with Zambia sugar Zambia's second forex earner from the mines. Till this date the dispute has not been fully resolved and residents of Kabanje village remain in limbo of what to do next. To take it further Local Chiefs have become powerful players in most land disputes, in the case of Kabanje, for instance, Chief Mwanachingwala was reported by the national press to have supported the evictions of the poor villagers, even saying he will not consider granting alternative land to those were not "humble" before him. This all goes to show how the management process of land disputes is delicate, if any mistake is made, underdevelopment is yet to result as is the case of Kabanje. In addition, many new policies and development interventions in Africa fail to adequately consider property rights of parties to the conflict. As a result these measures are unlikely to meet their goals, and may actually weaken and threaten local livelihoods.

5.6 Administrative and Land Use Measures Employed by the Local Authority in Mazabuka

In trying to access the different land use measures employed, the respondents of Mazabuka District clearly reported that the following were some of the land use measures employed to reduce land disputes and their effects should they happen;

According to the Director of Planning at Mazabuka Municipal Council, *“A piece of land should be on title”*, this means all land owner should acquire or at least process for a title, this reduces land conflicts as the land legally belongs to the named person on the title, however this is difficult under customary land unless it is gazetted.

By coming up with a planning unit, the planning unit under the Local Authority is one of the most crucial departments in managing land disputes, their roles go beyond general administration. This department is very useful and helpful to the people as it is easily accessible and is usually the first place grievances can be reported, this is cardinal to the management of land disputes in any area.

The department also placed emphasis on, *“restricting land to the use applied for and by inspecting the on-going developments.”* This is a purposive move to restrict land owners from using the land for other purposes than that applied for, this entails that the local authority has to approve all development on the land, this mechanism is one of the best land management strategies that reduces conflict as the Local authority would be aware of whatever developments are happening, and if they feel in any way that they would have a conflictual role would automatically restrict the development, hence preventing a land dispute from occurring .

Provision of Clear guidelines put in place on how to report land disputes and the constitution has been made it clear on how to go about resolving land disputes. As for Mazabuka Municipal Council they have gone a step further by sticking this notice on the Notice Board and door for all to see. This conflict resolution system gives clients and those involved in disputes first-hand information on exactly what to do and which channels to follow.

Local authorities are agents of the central government under the law in land acquisition, this ensures giving land to the right people by the authority itself, of course this has its own flaws,

but ultimately it serves the purpose it was intended for which is, land management and ultimately land dispute resolution.

The local authority has made sure that, change of ownership is done with the consent of legal owners, rather than directly processing ownership change of a property, the local authority is mandated to seek concern from the current owner of the land, without which the process cannot take place. This is a very strategic land dispute management tool as some land disputes caused during change of ownership are avoided, this clearly minimises the risk of a conflict occurring.

The local authorities have been made available to offer advice on land related issues and have also been instrumental in arbitration of land related disputes. The local Authority (Mazabuka Municipal Council) is open to the public to offer technical advice on land management disputes. Also they have been instrumental in handling land disputes when called upon whether on statutory or customary land. This gives confidence to the public of the competences of the department.

When a piece of land is identified it is advertised to the general public, interested persons are encouraged to apply and afterwards subjected to a transparent way of acquiring land by attending interviews carried out by various stakeholders and partners to avoid corruption. This opens the system to the public and builds confidence in the personnel working in the department, such that even when resolving land disputes their credibility is high.

5.7 Summary of Findings

Using the qualitative case study approach the study established that the management of land disputes in Zambia and their implications for development; a case of Mazabuka District, the respondents had a vast knowledge on the causes of land disputes which they brought out as Political, Economic, Socio-economic, Socio-cultural, Demographic, Administrative, Technical and Psychological causes as presented above. The respondents also discussed the implications of land disputes resolution management on development, which for them seemed to be a serious source of concern and they felt needed to be addressed as soon as possible especially in the community as such mechanisms were generally missing and those that existed were on paper as they said. The major players in management of land disputes and their roles were also identified and detailed as Individual parties to the dispute, Traditional leaders including (Chiefs, Headmen, Chiefs Councils), The Police, (Mazabuka Police), The Local Authorities, (Mazabuka Municipal Council), The judiciary, being the Local courts,

Magistrate courts and other Legal Instruments. The respondents mentioned that their roles were of great significance and indispensable, however these institutions needed to be strengthened and supported if they are to perform their duties effectively and efficiently.

Lastly, the data collected shows that the administrative and land use measures that have been employed by the local authority and other relevant stakeholders in trying to stop or reduce land disputes in Mazabuka is of relevance to the community and much appreciated. In relation to the Marxist Conflict Theory, Zambia Land administration has been liberalised, this means that, market forces now play a critical role in the way land is distributed and the use to which land is put. That is to mean land management revolves around competition for ownership of land as well as the sometimes conflictual activities involving the use of land which is similar to the findings of this paper. In addition land disputes with respect to the economic, social, and political dynamics are taking place in a Zambian society. While the oppressed classes are represented in the case is the majority poor people with little or no access to land. At the point of class consciousness, the poor people revolt in a bid to voice out their issues. However securing the rights to land becomes a reality as acquiring titles is expensive, time consuming and centralised as the procedures for land dispute resolution discussed above are diverse. Some of these peoples experience insecurity due to non-adherence to proper land administration procedures and a system that is not transparent as some civic leaders, cadres and traditional leaders allocate and sale land without following the required procedures

CHAPTER SIX

CONCLUSION AND RECOMMENDATIONS

6.1 Introduction

This chapter seeks to give the summary of, and conclusion to, the findings of the study on the management of land disputes in Zambia and their implications for development: a case of Mazabuka District. The chapter further gives recommendations which could act as a guide for future implementations of programs and activities that would help civil societies, government departments and other stakeholders involved in the management of land disputes to handle the more effectively and efficiently.

6.2 Conclusion

Land and natural resources lie at the heart of social, political, and economic life in much of rural Africa. They represent fundamental assets, primary sources of livelihood, nutrition, income, wealth, and employment for African communities and are a basis for security, status, social identity, and political relations. For many rural people, land and resources such as water, trees, and wildlife also have significant historical, cultural, and spiritual significance.

The management of land disputes is one of the most critical challenges facing developing countries today including Zambia. Land conflicts commonly become violent when linked to wider processes of political exclusion, social discrimination, economic marginalization, and a perception that peaceful action is no longer a viable strategy for change. The exploitation of high value natural resources, including oil, gas, minerals and timber testify to this as they have often been cited as a key factor in triggering, escalating or sustaining violent land disputes around the globe. Furthermore, increasing competition over diminishing renewable resources, such as land and water, are on the rise. This is being further aggravated by environmental degradation, population growth and climate change. The mismanagement of land and natural resources is also contributing to new conflicts and obstructing the peaceful resolution of existing ones. From the data collected it is true that, cases of land disputes are delicate and should thus be handled carefully. Addressing land grievances and conflicts is fundamental to creating sustainable peace. As such International assistance should prioritize the early and sustained engagement in land issues as part of a broader conflict prevention strategy. Such early attention can reduce the human, economic, social, environmental costs of

conflict and thus impacting on development positively. The first and most important steps in actively and consistently preventing land conflicts will always be to establish an adequate institutional framework and to re-establish traditional values by creating incentives, checks and balances as well as sanctions aiming at positively influencing people's behaviour. Looking at all the procedures of resolving a land conflict, I would conclude that it is easier to prevent a land dispute rather than to cure it. In resolving land disputes or conflicts, we cannot do much about the harm that has already been done, but it is therefore a more worthwhile investment for every government to invest in land conflict prevention measures by putting the right policies in place and ensuring implementation of what the policies require. In view of this, deliberate administrative and land use measures have been employed by the local authority and other relevant stakeholders in trying to stop or reduce land disputes in Mazabuka. This is the only assurance to reducing the impact of land dispute management on development.

This paper discussed the management of land disputes in Zambia and their implications for development in mazabuka district. The specific research objectives of this study were, to determine the causes of land disputes, to assess the implications of land disputes resolution management on development, to investigate who the major players in management of land disputes are and their roles and to review the administrative and land use measures that have been employed by the local authority and other relevant stakeholders in trying to stop or reduce land disputes in Mazabuka.

6.3 Recommendations

Due to the complex and inter-related nature of the management of land disputes, I hereby make the following recommendations;

1. That, Communities must be educated and sensitized on the proper channel of land acquisition by the local authority through creating awareness on radio, televisions and church programs.
2. That, land disputes under litigation must be resolved speedily, equitable and fairly.
3. That, there should be enhancement of community participation in the management, protection and utilization of land in Zambia at all levels.
4. That, parties involved in land disputes management must ensure transparency when dealing with land matters.
5. That, there must be equal distribution of land, regardless of sex, race and social status.
6. That, the state should introduce state lawyers in all provinces to represent the poor on land issues and
7. Lastly that, land disputes should be handled by the local authorities and not traditional leaders.

References

- Adams, M. (2003): Land Tenure Policy and Practice in Zambia: Issues relating to the Development of the Agricultural Sector. Mokoro Ltd. for DFID.
- Andre, C., and J.P. Platteau. (1998): Land relations under unbearable stress: Rwanda Caught in the Malthusian trap; Journal of Economic Behavior and Organization, vol. 34 (1): 1-47.
- Atwood, D.A. (1991): Land registration in Africa: The Impact on Agricultural Production; World Development, vol. 18 (5): 659-71.
- Berkeley, C (1995) Readers Digest Dictionary; Oxford Press, London.
- Boserup, E. (1965): The Conditions of Agricultural Growth: The Economics of Agrarian Change under Population Pressure, London: Earthscan Publications.
- Brown, T. (2005): Contestation, Confusion and Corruption: Market-based Land Reform in Zambia. In Competing Jurisdictions: Settling Land Claims in Africa, eds. S. Evers, M. Spierenbug and H. Wels, 79–108. Boston: Brill.
- Chileshe, A. (2001): Forestry Outlook Studies in Africa: Zambia. Ministry of Natural Resources and Tourism. [ftp://ftp.fao.org/docrep/fao/004/AC428E/AC428E00](ftp://ftp.fao.org/docrep/fao/004/AC428E/AC428E00.pdf), pdf.
- Chileshe, R. A. (2005): Land Tenure and Rural Livelihoods in Zambia: Case Studies of Kamena and St. Joseph. PhD diss., University of Western Cape.
http://www.aec.msu.edu/fs2/zambia/resources/Chileshe_r_a_PhD_Thesis_Zambia_Customary_Land_issues.pdf.
- Conant, E. (2014): For National Geographic, Published March
- Cotula, L., C. Toulmin, and C. Hesse. (2004): Land Tenure and Administration in Africa: Lessons of Experience and Emerging Issues, International Institute for Environment and Development, London.
- Daudeline, J. (2002): Land as a source of conflict and in post-conflict settlement; World Bank Regional Workshop on Land Issues in Africa and the Middle East; April 29-May 2, 2002, Kampala, Uganda.
- Deininger, K. (2003): Land Policies for Growth and Poverty Reduction: A World Bank Policy Research Report; Oxford and New York: World Bank and Oxford University Press.

- Deininger, K., and R. Castagnini (2005): Incidence and Impact of Land Conflict in Uganda; Journal of Economic Behavior and Organization, forthcoming.
- Drimie, S. (2002): HIV/AIDS and Land: Case Studies from Kenya, Lesotho, and South Africa; report, Human Science Research Council; Pretoria, South Africa.
- ECZ (2001): The State of Environment in Zambia 2001; Lusaka: Zambia.
<http://www.necz.org.zm/reports/SOE-2000.pdf>
- FAO (2009): Zambia: Soaring Food Prices – Country Action Plan. ISFP.
http://www.fao.org/fileadmin/user_upload/ISFP/Zambia_Final_Draft.pdf.
- Freeman, R. (2009): Health Promotion and the Randomised Controlled Trial: A Square Peg in a Round Hole? BioMed Central Oral Health, 9: 1. Available:
<http://www.biomedcentral.com/1472-6831/9/1> [Downloaded: 4/5/09 6:50 PM].
- Fred-Mensah, B.K. (1999): Capturing Ambiguities: Communal Conflict Management Alternative in Ghana; World Development, vol. 27 (6): 951-965.
- French, L, Marguerite, Fred Kafeero, et al. (2007): Linking National Forest Programmes and Poverty Reduction Strategies; Zambia. FAO Forestry Department and Forestry Policy and Institution Service report. <http://www.fao.org/forestry/16691-1-0.pdf>
- Gifford, S. (Undated): Unit 86: Analysis of Non-Numerical Research. In C. Kerr, R. Taylor and G. Heard. (eds.): Handbook of Public Health Methods. Sydney: McGraw Hill: 543-554.
- Girard, Rifkin and Townley. (1985): Peaceful Persuasion: A guide to creating mediation dispute resolution programs for college campuses; (Amherst, MA: Mediation Project, 1985).
- Government Gazette (2004): Lands and Deeds Registry (Amendment) Regulations.
- Government Republic of Zambia (1995): The Lands Act, 1995, Lusaka: Government Printers.
- Hirshleifer, J. (2001): The dark side of the force: Economic foundations of conflict theory; Cambridge University Press.
- Hocker, J. L. and Wilmot, W.W. (1991): Interpersonal conflict. Dubuque, IA: Wm. C. Brown.
- Jayne, T.S., T. Yamano, M.T. Weber, D. Tschirley, R. Benfica, A. Chapoto, and B.

Zulu. (2003): Smallholder Income and Land Distribution in Africa: Implications For Poverty Reduction Strategies, Food Policy; vol. 28: 253-275.

Kambenja, A. (1997): Land Tenure and Economic Development in Zambia

Machina, H. (2002): Women's Land Rights in Zambia: Policy Provisions, Legal Framework and Constraints. Lusaka: ZLA.

http://zla.websitedesign.co.zm/media/zla_womenandlandpaper.pdf

Microsoft Encarta 2009

Migot-Adholla, S., and F. Place. (1998): The Economic Effects of Land Registration on Smallholder Farms in Kenya: Evidence From Nyeri and Kakamega Districts, Land Economics; vol. 74 (1): 360-373.

Ministry of Lands (2006): Draft Land Administration and Management Policy; Zambia.

Moore, B. (2010): Securing women's land rights, "Our Daughters Inherit Our Land, but Our Sons Use their Wives' Fields": Matrilineal-Matrilocal Land Tenure and the New Land Policy in Malawi; Journal of Eastern African Studies, Volume 4, Issue 1.

Mudenda, M. M. (2006): The Challenges of Customary Land Tenure in Zambia; Lusaka.

Mulenga, J. (2005): Forward on Communities Views on Land Policy; Zambia Land Alliance booklet.

Ngombé, L. Y. (2006): Audiovisual Work in the Member States of the African Intellectual Property Organization (OAPI): The Journal of World Intellectual Property, 9: 445–457.
doi:10.1111/j.1422-2213.2006.00286.x

O'Leary, Z. (2004): The Essential Guide to Doing Research; New Delhi: Vistaar Publications.

Otsuka, K. and Place, F. (2001): Land Tenure and Natural Resource Management: a Comparative Study of Agrarian Communities in Asia and Africa, Baltimore; 17 Johns Hopkins University Press.

Phiri, Z. (1999): Water Law, Water Rights and Water Supply (Africa): Zambia Country Report. DFID KaR. UK: Cranford University.

Pinckney, T., and P. Kimuyu. (1994): Land Tenure Reform in East Africa: Good, Bad, or Unimportant? Journal of African Economies; vol. 3 (1): 1-28.

- Pons-Vignon, N. and Lecomte, H. S. (2004): Land, Violent Conflict and Development; OECD Development Centre Working Papers, No. 233; OECD Publishing, Paris. DOI: <http://dx.doi.org/10.1787/717151268534>.
- Postermen, R. and Handstand, T. (2003): World Bank Technical Paper no 436, The World Bank Washington, DC, June 2003p. 15-43.) Land Ownership (in: Legal Impediments to Effective Rural Land Use Relations in Eastern Europe and Central Asia a Comparative Perceptive.
- Quan, J. F. (2000): Land Use Policy: How to combine tradition and modernity? Regulating customary land management in Ghana; Volume 25, Issue 2.
- Rocha, M. (2011): Third World Quarterly: State Building for Peace: a new paradigm for international engagement in post-conflict fragile states; Volume 32, Issue 10.
- Shipton. (1998): The Kenya Land Tenure Reform: Misunderstandings in the Public Creation of Private Property. in R.E. Downs and S.P. Reyna (eds.) Land and Society in Contemporary Africa; Hanover and London, University Press of New England.
- Strauss, A. & Corbin, J. (1994): Grounded Theory Methodology, An Overview. In N. Denzin & Y. Lincoln (eds.). Handbook of Qualitative Research. California.
- Sweeney, B. and Carruthers, W. L. (1996): Conflict Resolution: History, Philosophy Theory, and Educational Applications.
- Thurlow, J, et al. (2008): Agricultural Growth and Investment Options for Poverty Reduction in Zambia. IFPRI Discussion Paper No. 00791.
http://www.fanrpan.org/documents/d00586/Agric_Growth_Zambia_Sept2008.pdf
- UN-Habitat (2009): Zambia National Urban Profile.
<http://www.unhabitat.org/pmss/listItemDetails.aspx?publicationID=2787>
- Unruh, J. Cligget, L. and Hay, R. (2005): Migrant land rights reception and 'clearing to claim' in Sub-Saharan Africa: A deforestation example from southern Zambia. Natural Resources Forum; 29:190–198.
- USAID (2012): Zambia; Country Profile on Property Rights and Resource Governance.

Van-Donge, J.K. (1999): Law and Order as a Development Issue: Land Conflicts and the Creation of Social Order in Southern Malawi.” Journal of Development Studies, vol. 36 (2): 373-399.

Veit, P. (2013): Shedding Light on Land Tenure in Africa

Invalid source specified..

Yamano, T., and T.S. Jayne. (2004): Measuring the Impact of Working-Age Adult Mortality on Small-Scale Farm Households in Kenya.” World Development, vol. 32 (1): 91-119.

Zambia Lands Alliance (2008): Land Policy Options for Development and Poverty Reduction: Civil Society Views for Pro-Poor Land Policies and Laws in Zambia
http://www.aec.msu.edu/fs2/zambia/resources/Land_policy_ZLA_Jan2008.pdf

Appendices

Appendix A

THE UNIVERSITY OF ZAMBIA
INSTITUTE OF DISTANCE EDUCATION
DEPARTMENT OF POSTGRADUATE STUDIES

**THE MANAGEMENT OF LAND DISPUTES IN ZAMBIA AND THEIR
IMPLICATIONS FOR DEVELOPMENT: A CASE STUDY OF MAZABUKA**

Introduction

Dear respondent,

I am student at The University of Zambia pursuing a Master of Science Degree in Peace, Leadership and Conflict Resolution. I am carrying out a research on the Management of Land Disputes in Zambia and their Implications for Development. You have been purposefully selected to participate in this research project by answering this questionnaire and other supplementary questions. You are please requested to tick on your appropriate answer and fill in supplementary spaces. The information you will provide here will be highly confidential. Your cooperation and participation in this research will be highly appreciated.

Yours faithfully,

Chipo Twasi Mfula.

Appendix B

Questionnaire

SECTION A: DEMOGRAPHIC INFORMATION

Q1. How old were you on your last birth day?

- 1. 18-22 years []
- 2. 23-27 years []
- 3. 28-32 years []
- 4. 33- And above []

Q2. Sex of the respondent.

- 1. Male []
- 2. Female []

Q3.What is your marital status?

- 1. Single []
- 2. Married []
- 3. Divorced []
- 4. Widowed []

Q4. What is your highest level of education?

- 1. Primary education []
- 2. Secondary education []
- 3. Tertiary education []
- 4. Not educated []

Q5. What is your occupation?

SECTION B: LAND AND ITS MANAGEMENT

Q6a. Do you possess any land?

- 1. Yes []
- 2. No. []

Q6b. If yes, how did you possess it?

.....
.....
.....

Q7a. Have you experienced or witnessed any land dispute(s)?

- 1. Yes []
- 2. No []

Q7b. If yes, give reasons of the cause and place where it occurred?

.....
.....
.....

Q8. How was the land dispute resolved?

.....

.....

Q9. Mention factors that are likely to cause land disputes.

.....

.....

.....

Q10a. In your opinion, do land disputes affect development?

- 1. Yes []
- 2. No []

Q10b. If yes, how do they affect development?

.....

.....

.....

Q11a. Are there any administrative and land use measures that have been employed by the local authority in trying to stop land disputes?

- 1. Yes []
- 2. No []

Q11b. If yes, what are they?

.....

.....

Q12. Are you aware of any policies and legislative measures that have been initiated since independence in order to reduce land disputes in Zambia?

- 1. Yes []
- 2. No []

Q13. What is your knowledge on land rights, acquisition and protection?

.....

.....

.....

Q14a. Is there any fair distribution of land between the poor and rich?

- 1. Yes []
- 2. No []

Q14b. If no, what are some of the reasons?

.....

.....

Q15. What do you think should be done in order to reduce the impact of land disputes on development?

.....
.....
.....

Q16. What is the role of the lands tribunal and how has it helped in addressing land disputes?

.....
.....
.....

Q17. What are your recommendations in improving the management of land disputes in Zambia?

.....
.....
.....
.....

–END –

Thank you for your participation, we value your contribution

Appendix C

Interview Guide for Key Institutions

SECTION A: DEMOGRAPHIC INFORMATION

Q1. How old were you on your last birth day?

- 5. 18-22 years []
- 6. 23-27 years []
- 7. 28-32 years []
- 8. 33- And above []

Q2. Sex of the respondent.

- 3. Male []
- 4. Female []

Q3. What is your marital status?

- 5. Single []
- 6. Married []
- 7. Divorced []
- 8. Widowed []

Q4. What is your highest level of education?

- 5. Primary education []
- 6. Secondary education []
- 7. Tertiary education []
- 8. Not educated []

Q5. What is your occupation?

SECTION B: LAND AND ITS MANAGEMENT

Q6. What is land?

.....

.....

.....

Q7. Who are the major custodians and administrators of land in your area?

.....

.....

.....

Q8. What are the major causes of land disputes in Mazabuka District?

.....

.....

.....

Q9. Who are the major players in management of land disputes?

.....
.....
.....

Q10. Give a detailed account on how land disputes are resolved in Mazabuka?

.....
.....
.....

Q11. What administrative and land use measures have been employed by the local authority to stop land disputes in Mazabuka?

.....
.....
.....

Q12. Has your organization taken any specific steps to minimize land disputes in Mazabuka district? If so what are they?

.....
.....
.....

Q13. What role does the Lands Tribunal play in resolving land disputes in your district?

.....
.....
.....

Q14. How does your organization collaborate with other stakeholders in minimizing land disputes?

.....
.....
.....

Q15. On average how long does it take to resolve a land dispute?

.....
.....
.....

Q16. Do you think land disputes have implications on development?

.....

Q17. What are the implications of land disputes resolution on development?

.....
.....
.....

Q18. What do you think should be done in order to reduce the impact of land disputes on development?

.....
.....
.....

Q19. What are some of the challenges faced by your organisation in ensuring efficient land administration?

.....
.....
.....

Q20. What specific reform can you recommend to the legal and institutional frameworks to minimise land disputes in Zambia?

.....
.....
.....

Q21. What are your recommendations in improving the management of land disputes in Zambia?

.....
.....
.....

– *END* –

Thank you for your participation, we value your contribution