

**LAND TENURE IN INFORMAL SETTLEMENTS: IMPLICATIONS ON
PARTICIPATORY UPGRADING OF KALIKILIKI SETTLEMENT IN LUSAKA**

By

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Spatial Planning

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TITLE PAGE

Land Tenure in Informal Settlements: Implications on Participatory Upgrading of Kalikiliki
Settlement in Lusaka

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DECLARATION

I Leah Chiti Chileshe Tembo do hereby declare that this dissertation is my own work. Neither the material nor any part of the dissertation has been submitted in the past, or is being, or is to be submitted for a degree at the University or any other University. All published work or material from other sources incorporated into this dissertation has been acknowledged and adequate reference thereby given.

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

Candidate

APPROVAL

This dissertation of LEAH CHITI CHILESHE has been approved as fulfilling the requirements for the award of A MASTERS OF SCIENCE DEGREE IN SPATIAL PLANNING by The University of Zambia.

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ABSTRACT

This study sought to examine the implications of land tenure on participatory settlement upgrading. The key objectives of the research were: to examine the tenure arrangements that guide the access to and the use of land in Kalikiliki; to assess the factors that influence willingness to participate in settlement upgrading in Kalikiliki and to identify and explore the implications for policy change of tenure systems in Kalikiliki.

The research used both primary and secondary data. The sample size for the research was 70 for the heads of households, information was obtained from three key institutions, namely the local council-Lusaka City Council (LCC), the Lusaka provincial planning office, and from the Non-Government organisation, People's Process on Housing and Poverty in Zambia (PPHPZ). The data was analysed using both quantitative and qualitative means. The study revealed that most of the residents in the settlement are tenants. The findings indicate that only 4.48%, of the respondents were tenants who had signed a contract with the landlord, 15% were landlords (owners of the structure in which they live), while 59.70% were tenants who had no contracts. Among the 59.70 %, 20% were tenants who shared one housing unit with the landlord. The results also show that 13.43% of the tenants were subletting.

Results from the qualitative evidence collected through interviews and the focus group discussion that was held show there is compelling evidence that gender has an impact on participatory settlement upgrading. The results also indicate that the longer one lived in the settlements the stronger the connection to the settlement. This has a strong behavioural implication on the level of participation.

It can be concluded from the study that three factors seem to affect participation: gender, greater connection to place through length of stay and possible fear of eviction, while tenure seemed to have a limited impact on the levels of participation. The relationship between tenure and participation is quite poor. However, a strong relationship exists between length of stay that confers a feeling of ownership and a sense of place and willingness to participate. On the other hand, the study revealed that the perceived probability of eviction reduces willingness to participate in settlement upgrading.

There is a need, therefore, to design land developmental processes that are empowering in nature. Local residents must be put at the centre of all processes to help reduce uncertainty, anxiety and hence to promote participation by city dwellers with the right to live in the city.

Key words: land tenure participatory settlement upgrading, informal settlements

DEDICATION

To my late father Mr. F.P. Chileshe, you may not be here to witness the sacrifices you made for us as your children but we still treasure your words of wisdom.

To my family, my husband and children, thank you for the huge sacrifice you had to make to enable me complete my studies successfully. God bless you all and thank you very much.

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ABBREVIATIONS AND ACRONYMS

CBOs	Community Based Organisations
GLTN	Global Land Tool Networks
GRZ	Government of the Republic of Zambia
HBC	Home Based Care
LCC	Lusaka City Council
PPHPZ	Peoples Process on Housing and Poverty in Zambia
UN	United Nations
UNZA	University Of Zambia
ZHPPF	Zambia Homeless and Poor People’s Federation

CHAPTER 1: INTRODUCTION

1.1 Background

The discourse on land in Southern Africa, particularly most developing countries, is essentially a debate on tenure (Huchzermeyer and Karam, 2006). In Tanzania, for instance, the tenure agenda has been taken up with an empirical investigation into the performance of local institutions regulating tenure security, housing land development and settlement growth (Kombe & Kreibich, 1999). This has led to the government allowing the resolving of tenure matters by the courts of law, irrespective of the legal status of the land concerned.

In this region, the land question varies, depending on the colonial history of a particular country. The colonial policy of dispossession of native Africans of their land compromised their ability to sustain themselves and hence affected the subsequent form of tenure adopted (Marongwe, 2003). For most countries in Southern Africa, land tenure is considered as central to rural development strategies while urban tenure in informal settlements is largely ignored (Marongwe, 2003). Despite this, in the last thirty years, governments of the developing world, along with their partners in the donor community, have implemented numerous projects or programmes aimed at upgrading informal settlements. In the 1970s and 1980s, the World Bank, the U.S. Agency for International Development and, to a lesser extent, the area development banks supported numerous project-based upgrading initiatives that attempted to improve urban service delivery, enhance tenure security and facilitate the development of low-cost housing with appropriate standards (World Bank, 2000).

Unlike other resources, land cannot be created or moved. It also invokes intense emotional and psychological attachment, in a way that services, materials and finance do not (Payne, 2001). A precondition for creating equitable and efficient land for all citizens therefore lies in understanding different delivery systems and associated tenure. Systems of tenure and property rights occupy a central element in the preparation of such a policy.

Although only a few countries in Africa have developed national-level policies and programmes for informal settlements (Huchzermeyer and Karam, 2006), they have no clear direction on tenure in these areas. Informal settlement upgrading projects are

commonly found across the globe. International academic reflections on settlement upgrading have been extensive, yet little has been done to relate tenure to participatory settlement upgrading.

Further research work, however needs to be done to establish a relationship between tenure and settlement upgrading. It is also important to note that the issue of understanding land delivery systems in informal settlements has equally received very little attention. Furthermore, studies need to be undertaken to understand who is actually benefiting from tenure systems in informal settlements.

1.1.1 Growth of Informal Settlements

Statistics indicate that in 2008, over half of the world's population lived in informal settlements and an increase of 70 per cent was expected by 2050 (UN-Habitat and GLTN, 2008, pg 15). Africa and Asia are experiencing a fast rate of urbanization. Indeed, it is estimated that the two continents will account for 62% of the world's population by 2050 (UN-Habitat and GLTN, 2008). It must be noted that the largest proportion of the population of these two continents is expected to live in informal settlements.

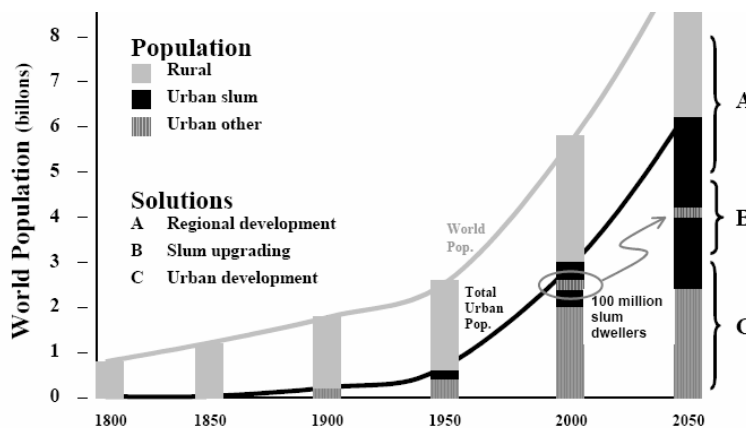


Figure 1.1 : Dynamics of Urban Slum Problems

Source: United Nations Human Settlements Programme, 2003

Figure 1.1 illustrates the growth of informal settlements which indicate a rapid rate of growth. The solution to reducing this growth lies in the upgrading of these settlements through the use of sustainable and appropriate solutions. Wragg & Lim (2013) have argued that African cities are in the throes of change. This is attributed to rapid

urbanisation, globalisation and recent economic growth that have had and continue to have a transformative effect on city spaces, hence transforming the outlook of the urban environment (Roy, 2005). The growth of the informal settlements has been accompanied by an increasingly large middle class, hence increasing the demand for land and other urban services, which many African governments are unable to meet (Roy, 2011). Rakodi (1995) argues that the growth of the informal settlements in developing countries is due to the use of European models of land administration. With the predominance in illegal occupation of private and public land by squatters, the issue of land tenure has sometimes become a stumbling block in the improvement of informal areas (Handzic, 2010). Handzic (2010) further emphasises that authorities and the state, including the security apparatus, often neglect to service and protect informal areas or squatter settlement dwellers. Worse, the state can ignore such residents outright, or take aggressive action against them, which can take the form of slum removal or arbitrary police invasions. It can therefore be said that regularization or legalization of land tenure has continued to be a very controversial issue in the context of developing countries, particularly in informal settlements.

1.1.2 Participation and Tenure

In an effort to address the growth of slums or informal settlements from 1972 to 1986, there was a demand for the use of participatory approaches. The World Bank was one of the agencies that began to use such an approach, and from about 1974 the Bank lent the equivalent of \$7.4 billion to finance 97 urban housing projects. The portfolio was dominated by participatory projects, with 68% going toward sites-and-services and slum upgrading, and with only 25.7% of investments for the development of housing policies or housing finance markets (World Bank, 2017). These statistics of investment are inclusive of the programmes that were run in Zambia, as the country was one of the Bank's first sites. The remaining 6.7% went towards disaster relief. While participatory upgrading projects represented 68% of the World Bank's urban support from 1972 to 1986, they were dropped to 20.3% from 1987 to 2003 (World Bank, 2017). The drop was indicative of the fact that the approach was presenting various challenges. The World Bank had viewed the use of a participatory approach as a means to cover costs, rather than as a means to help people improve their lives and tenure. The approach was envisaged to help reduce the growth of slums but yielded very little results. The above indicates lapses in the understanding of the complexity of tenure in informal settlement and the concept of participation.

In understanding elements of participation and tenure (Handzic, 2010) conducted research in Rio de Janeiro's Favela- Brazil. Handzic (2010) argues that land tenure issues have been known to slow down the implementation of slum upgrading in some instances and halt them completely in others. He further argues that whatever form of land tenure comes to take place in informal areas, it is critical to ask the squatters what their priorities are and to make sure that they participate in a process as important as this one through democratic channels. It will undoubtedly be a decision that will affect the type of living conditions and the cost of housing of favela residents, as opposed to the bureaucrats or the politicians who often make this decision (Handzic, 2010).

In Africa, Kenya sets a precedence when it comes to issues to do with upgrading. The Kenyan government, through the Kenya Slum Upgrading Programme (KENSUP) and working in collaboration with UN-Habitat, initiated a number of participatory upgrading programmes. However, evidence from a number of studies undertaken in the areas (UN-Habitat and GLTN, 2008) where the programmes were running indicates that more than 86% of the structures in the slum settlements are under the control of absentee landlords who claim *de facto* ownership rights. This affected the level of participation in communities like Mathare, Kibera, and Korogocho. This affirms Roy's (2005) position that secure tenure is a pre requisite for effective participation in settlement upgrading.

1.1.3 Upgrading Programmes in Zambia

The idea of upgrading unplanned settlements in Zambia was born during the Second National Development Plan (SNDP) which covered the period 1972 to 1976. Prior to this period the Zambian government supported the demolition of unplanned settlements (FNDP, 2006-2010). The change of heart seems to have been dictated by the fact that the government was not able to provide adequate affordable housing, especially for the low income groups, and also the realization that the problem of unplanned settlements was already getting out of hand. Hence, the logical thing to do was not to demolish, but to start recognizing these unplanned settlements with the aim of facilitating the improvement of the housing units, provision of the required facilities and services. The programs were funded by the World Bank. The first project was the Lusaka Squatter Upgrading and Sites and Services Project in Kanyama. The World Bank-financed Lusaka Squatter Upgrading and Sites and Services Project, completed in 1981, supported what was probably the first upgrading scheme in Sub-Saharan Africa and

provided more than 30,000 new and improved shelter sites in informal settlements in the city. Critics of this project cite lack of participation as one of the weaknesses of the methodologies of this project. Moreover, although significant capital investment was expended on infrastructure, there was little community involvement throughout the process, a not uncommon approach at that time. Furthermore, the project did not achieve financially sustainable operations, no maintenance capability was established, and associated institutional reforms were not fully realized. The other key factor that the project seemed to have overlooked was the element of regularizing land tenure.

Other lessons drawn from the projects were that:

- (1) Service levels were not based on what residents wanted,
- (2) Technical norms were often unrealistically high,
- (3) Community organizations were expected to operate and maintain facilities although they were not consulted during the planning and implementation process, and
- (4) Cost recovery measures did not include any sanctions to deal with defaulters.

1.2 Problem Statement

The growth of both the urban and rural population has resulted in shortages in housing provisions and a proliferation of privately developed and illegal/informal settlements in many cities in the developing world. The settlers who live in these informal settlements have limited security of tenure and their legal status is not clearly defined by the law.

In a quest to improve the lives of people living in informal settlements, government policy has promoted the issuance of occupancy licenses to people living in informal settlements. This is based on the assumption that tenure is the only factor that can help residents in these settlements live better lives. However, tenure is not the only factor affecting participation in settlement upgrading, although it can be a prerequisite factor. Dwellers of informal settlements are issued with an occupancy license which is valid for a period of thirty (30) years. Few financial institutions can give loans to owners of housing units who have occupancy licenses.

This tends to limit their ability to access finance for investment in home improvements. Most of the literature supports the notion that tenure security is an important prerequisite for participatory upgrading (Handzic, 2010, Roy, 2005 and Van Gelder, 2007). However, tenure security may or may not influence participatory slum upgrading and therefore it is important to determine its impact and look at other factors that can affect the upgrading process.

The rationale behind upgrading is that everyone should have access to basic services and has a right to live in a space they define as home and be empowered to live productive lives. However, in Africa, and in Zambia in particular, the upgrading process has always been donor-driven and local residents are largely overlooked in the process. This type of upgrading has excluded the involvement/participation of residents and their needs have not been addressed. Other important factors affecting upgrading have also been overlooked.

Furthermore, the emphasis of the upgrading process has been on providing what can be referred as formalised tenure, without consideration of the local dynamics or an understanding of tenure that defines the livelihoods of the people involved. Furthermore, in most tenure upgrading and regularization projects, security of tenure is assumed to have a direct positive impact on the mobilization of household resources at the settlement level.

From the literature reviewed, the arguments for secure tenure are not conclusive (Assies, 2009, De Soto, 2000 and Durand-Lasserve, & Royston, 2002). Neither are the other factors likely to affect participation clearly outlined. This study was carried out in order to investigate factors that could participation of residents in settlement upgrading in Kalikiliki.

1.3 Aim of the study

The aim of the study was to examine factors that affect participatory settlement upgrading in Kalikiliki.

1.4 Research Objectives

The specific objectives were:

1. To examine the tenure arrangements that influence access to and the use of land in Kalikiliki settlement.

2. To assess the factors that influence willingness to participate in settlement upgrading in Kalikiliki
3. To identify the implications of policy change of tenure systems in Kalikiliki settlement.

1.5 Research Questions

1. What are the tenure arrangements guiding the access to and the use of land in Kalikiliki?
2. What are the factors that influence willingness to participate in settlement upgrading of Kalikiliki?
3. What would be the implications of policy change of tenure systems in Kalikiliki?

1.6 Significance of the study

Informal settlements continue to house a number of people in Zambia. General studies in informality lie at the heart of urban management policies. This means that there is a need for professionals to come up with policies that will guide the development of these areas to ensure that all citizens have a right to live in the city.

The number of people living in informal settlements in Zambia and Lusaka generally has continued to grow. The government has a huge responsibility to ensure that access to land for housing needs is provided to all classes of people, with security of tenure that can enable them to invest in their lives. The Government also has the responsibility of ensuring that the environment in which its citizens live is suitable for the improvement of their lives. It must also be noted that use of participatory approaches to development have proved to yield more sustainable results. There is a need, therefore to establish if tenure has an implication on participation in informal settlements. This study of Kalikiliki settlements generated data that could be used to inform participatory upgrading approaches in other informal settlements in Lusaka, as well as in other cities in Zambia. The benefits of the study's findings help provide a localised approach to upgrading of informal settlements. Furthermore, the experience contributes to knowledge on how the challenges of informal settlements in Southern Africa and beyond may be resolved. The findings of this study will be relevant to policymakers and urban professionals as they will inform them of the dynamics that surround tenural issues and participation in settlement upgrading.

1.7 Conceptual Framework

The conceptual framework used in this research was built on the following key pillars-conceptual thoughts as illustrated in figure 1.2 : (i) The right to the city, (ii) adaptive governance and (iii) empowerment of low income groups with secure land rights. Informal settlements are nested within and shaped by larger and more complex systems, which need clear understanding and learning if any proposal for improvement of these areas is going to yield tangible change in the management of informal settlements.

The concept of the right to the city; the city houses intense and highly politicised social processes. Its dense interconnections, tense transactions and utter heterogeneity may well help create both the necessity and the inspiration to contest the status quo of institutions, processes of marginalisation, and social (in) justice. For Fernandes (2007:208),“the ‘right to the city’” [consists] of the right of all city dwellers to fully enjoy urban life with all its services and advantages (the right to habitation), as well as taking direct part in the management of cities (the right to participation).

According to Purcell (2002:99), the Right to the City defends the elements of citizenship, the ability of all groups and individuals to live in the city, being present and enjoying this environment in all its parts; and partaking in the control over the decisions that shape the city, using its spaces to exercise their citizenship. If this access to control is not ensured, powerful groups and individuals would exploit their privileges to further shape the city to their advantage – thus reinforcing and extending the oppression and isolation of the marginalised. This conceptual understanding promotes employment of the poor, regardless of where they live, upgrading of their lives and sustainable livelihood.

Adaptive governance is a concept from institutional theory that focuses on the evolution of formal and informal institutions for the management and use of shared assets, such as common pool natural resources and environmental assets that provide ecosystem services. As such, the notion encompasses both the ‘efficiency’ and ‘adaptability’ of potential institutional arrangements, contributing to a clearer understanding of options for addressing different types of market and institutional failures which may impede upon the development and implementation of welfare-enhancing policy options (see Bowles 2003, Ostrom 2005). Adaptive governance refers to the evolution of the rules

and norms that promote the satisfaction of underlying human needs and preferences given changes in understanding, objectives and the social, economic and environmental context. The concept of Adaptive Governance was first coined, by Hollings in 1978.

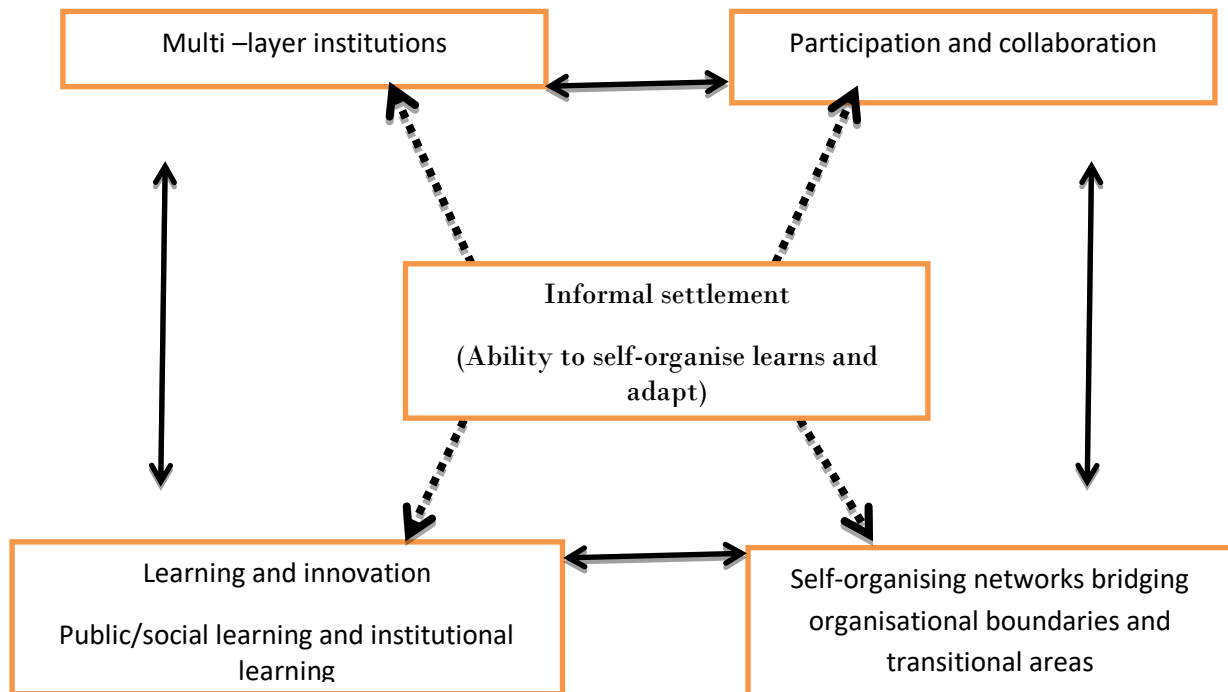


Figure 1.2: Conceptual Framework Governing and Organising Informal spaces

Source Adapted from Djalante, Holley and Thomalla, 2012

Folke et al (2005) state that adaptive governance recognises that the complexity of informal urban settlements requires collaborative management and practical involvement through flexibility and negotiation, rather than the application of standard rules and procedures. This means a tractable and variable approach that can accommodate informal and interim solutions within more formal structures and systems. It needs experimentation, testing and reassessment to match the needs of a particular local situation with the shifting contextual conditions. In the context of this study this implies that understanding of tenure requires multi-level systems that share power and responsibility between government, local communities and other stakeholders. Furthermore, it is equally important that both the informal and formal approaches can be used to govern spaces where people live.

The Concept of Empowerment

The concept of empowering low income groups that reside in informal settlements with secure tenure land rights (which range from occupancy licences to individual title) with the upgrading of the settlements aims at ensuring that settlers become owners of the land and the houses in which they reside or rent to others. Such property ownership will give low income groups some economic muscle, which they can use as a springboard to obtain capital from micro-finance institutions (using their properties as collateral) to finance income-generating activities (such as block making, metal working and making of crafts among others) as small-scale entrepreneurs. Such income-generating activities could help to uplift the living standards of the settlers, improve household incomes and increase household food security and general welfare; as such income can be used to educate their children. In addition, empowerment should imply that after the acquisition of such secure tenure rights the individuals have the liberty to rent, mortgage and sale or transfer such rights legally at the going market rate.

1.8 Structure of the Dissertation

This dissertation was structured around seven chapters, which are interlinked. In Chapter One the background, research problem, objectives, research questions and the significance of the research are clearly explained. In Chapter Two, various types of literature were reviewed. In the Third Chapter, a description of the justification the study area is provided. Chapter Four gives a detailed account of the research methodologies employed in this study. Chapter Five is centred on presenting the study findings and Chapter Six discusses the results of the research. Chapter Seven provides an illustration of the conclusions and policy recommendations of the research.

CHAPTER 2: LITERATURE REVIEW

2.1 Introduction

This chapter focuses on a review of the various arguments as they relate to the issue of tenure and participation in settlement upgrading of informal settlements. The Literature review is based on the following themes: defining land tenure, land tenure as a component of urban development, factors affecting the willingness to participate in settlement upgrading, while the last component addresses the policy implications of tenure systems on settlement upgrading.

The global urban transition witnessed over the last four decades is presenting planning and urban management with unprecedented challenges. The challenge is centered around how to accommodate this massive influx of people into the cities Assies (2009). Having a roof over one's head and access to basic services and infrastructure is the key undertaking; yet often out of the reach of local governments, who often simply cannot cope with the demands for services and housing. The rapid growth of cities in developing countries needs different approaches, compared developmental approaches used in Western countries (Roy, 2005). Governments' attempts to provide new housing for low-income groups in developing countries have not had much success. The result of this has been that people settle in informal settlements. This has prompted huge debate on what approach to undertake in order to meet this challenge. According to Assies (2009: 573) the debate on land tenure, land law and land reform in both rural and urban areas has been rekindled. Institutions like the World Bank issued a policy research report entitled *Land Policies for Growth and Poverty Reduction* (Deininger 2003) and in the same year UN-Habitat (2003) came up with a *Handbook on Best practices, Security of Tenure and Access to Land: Implementation of the Habitat Agenda*. These debates oscillate between a policy stressing private property and connecting people to markets on the one hand, and forms of use rights on the other. These are two rather contrasting approaches as to how best to approach the challenges within informal settlements. One

may be characterised as a legalistic approach advocating land titling in line with formal ownership (de Soto, 2000; Deininger, 2003) and the other as emphasising security and rights before formal ownership in land tenure, which Royston terms the legal pluralist approach (Durand-Lasserve & Royston, 2002; Payne, 2004).

2.2 Defining Land Tenure

Durand-Lasserve and Selod (2007) refer to land tenure as the designation of the rights individuals and communities have regarding land. These rights can be distinguished by the rights to occupy, use, develop, inherit, and transfer land. Some may have access to all rights, including full use and transfer rights; while others may be limited in their use. The two aforementioned scholars argue that land tenure should be viewed as a social relation involving a complex set of rules which governs land use and land ownership. From their arguments it can be deduced that different sources of law and different ownership patterns may coexist, leading to diversity of tenure situations ranging from the most informal types of possession to use of full ownership (Durand-Lasserve & Selod, 2007). This view agrees with the thinking of Purcell (2002) in his conceptualisation of the right to the city. This position argues that everyone in the city is entitled to have security of tenure as they have a right to live and use their urban space as they wish.

2.2.1 Tenurial Arrangements in Informal Settlements

In informal areas, the understanding of security of tenure evolves around two key elements, land and access housing. Land tenure security is associated with land ownership and land use rights; while housing tenure security is associated more strongly with the rights of residents to a property, which may include the rights of the owner (as landlord or owner-occupier) and non-owners such as tenants, lodgers or squatters. The distinction between land and housing tenure issues can be conceptualised as issues of 'space' and 'place.' as illustrated in the concept of the right to the city, with security of tenure for residents in informal settlements, who typically live close to cities and under a variety of tenure arrangements concerned with both land tenure security and housing tenure security, Fernandes (2007).

2.2.2 Types of Land Tenure Systems

The debate continues to turn on distinctions between statutory and customary law, and formal and informal tenure systems. Payne and Durand-Lasserve (2012) have argued

that informality is the opposite of formality. Porter (2011: 116) observes that this understanding views informality not as outside formal systems but instead as those produced by formal structures. Furthermore, she argues that informal tenure arrangements always intimately relate to a certain extent to the formal structures. According to Payne and Durand-Lasserve (2012), the ways in which a society allocates title and rights to land is an important indicator of the nature, character and organization of that society, since rights to land can be held to reflect rights in other areas of public life. They therefore contend that there can be as many systems of land tenure as there are societies. Naturally, societies which place a great deal of emphasis on communal interests will reflect this in the forms of tenure which are officially recognised, whilst those which give priority to the rights of individuals will encourage private tenure systems. On the whole, future tenure arrangement relating to upgraded informal settlement should emphasise empowerment or residents with secure land rights so that the concept of the right to the city becomes more meaningfully and economically rewarding to the individuals concerned. The different types of land tenure are illustrated in Table 2.1.

Table 2. 1: Summary of Forms of Tenure

Tenure categories	Characteristics	Advantages	Limitations
Freehold	Ownership in perpetuity. This is found in all market economies at different levels of economic development, including transition economies in eastern Europe.	Provides a high degree of security. Freedom to dispose, or use as collateral for loans. Maximises commercial value, enabling people to realise substantial increases in asset values.	Costs of access can be high. Collateral value may not be relevant if incomes are low/financial institutions are weak. Property values can go down as well as up and may trap the unwary in properties worth less than they paid for them.
Delayed freehold	Conditional ownership. Title is granted on the completion of payments or when developments have been completed. This is also found in all market economies.	This provides the same high degree of security as freehold, providing payments are made as required or developments have been completed. Freedom to dispose, or use as collateral	Failure to maintain payments or undertake developments may result in eviction and loss of funds invested. Collateral value may not be relevant if incomes are low. Property values can

		for loans. Maximises commercial value, enabling people to realise substantial increases in asset values.	go down as well as up and may trap the unwary in properties worth less than they paid for them. Expectations of increased values can divert investments from more productive sectors of the economy.
Registered Leasehold	Ownership for a specified period from a few months to 99 years. This is based on English property law and exists in most countries where this legal system applies, particularly members of the Commonwealth and countries once under British colonial administration.	As secure as freehold, but only for the period specified in the lease.	Requires legal framework. Costs of access can be high.
Public rental	Rental occupation of publicly-owned land or houses. This exists in countries of all political and legal structures.	Provides a high degree of security, providing terms and conditions of occupation are met.	Limited supply may restrict access. Often badly located for access to livelihoods. Terms often restrictive.

Source: UN-Habitat (2004)

The various forms of tenure indicate the different rights that owners of land will enjoy and the level of security of tenure.

Leap (2005), in unveiling tenure, contends that there are multiple tenure systems that may all display varying degrees of formality and informality, security and insecurity and that these are more accurately placed in a multi-dimensional relationship to one another. Movement towards formality or informality may equally apply to customary rights,

registered individual titles or other forms of tenure (Leap 2005) as illustrated in Figure 2.1.

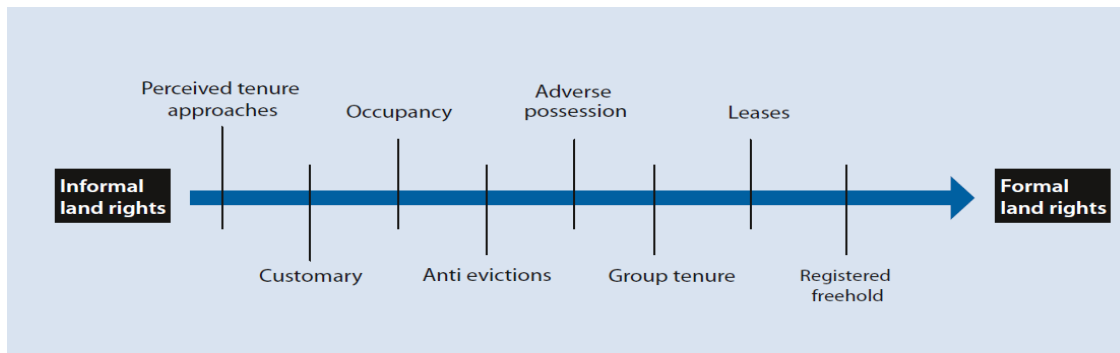


Figure 2.1: Tenure Continuum

(Source: Leap, 2005)

The UN-Habitat (2008) argues that this approach (continuum of tenure) has severe limitations. For instance; it confuses tenure status and rights and also implies that customary systems are relatively informal.

2. 2.3 Land Tenure as a Component of Urban Development

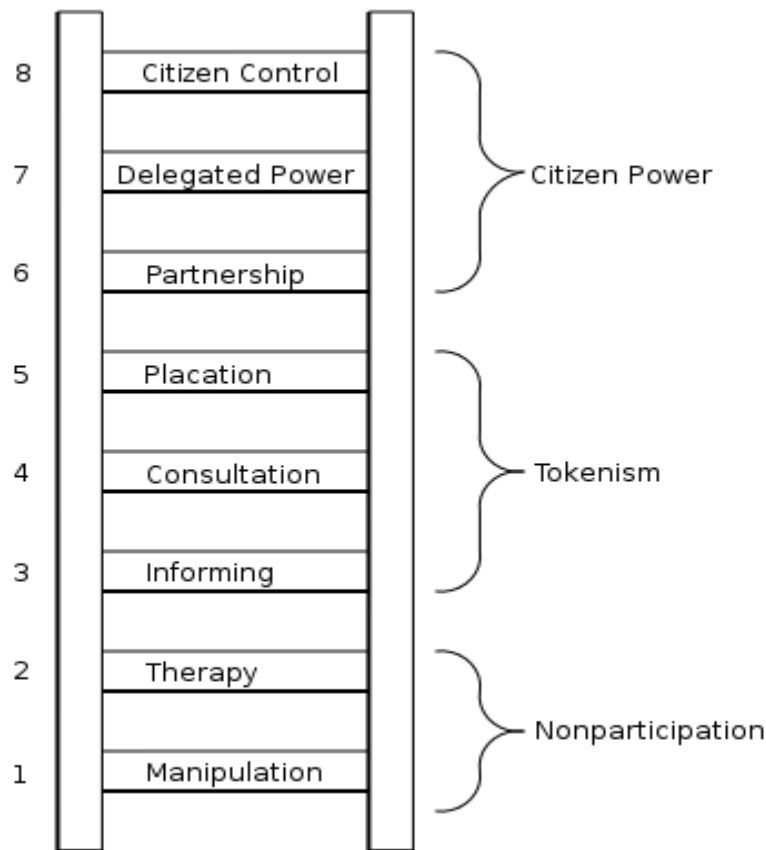
The prominence of security of tenure on the agenda at the Second Habitat Conference in Istanbul in 1996 – twenty years after the United Nations Centre on Human Settlements was founded at the first Habitat Conference in Vancouver in 1976 - reflected its twin priorities of adequate shelter for all and sustainable cities (Lombard, 2012). The UN Habitat Agenda, signed at the conference, committed to ‘providing legal security of tenure and equal access to land to all people, including women and those living in poverty’ (Habitat Agenda in UN-Habitat 2007, 111). Furthermore, in 1999, the UN Centre for Human Settlements (UN-Habitat) launched its Global Campaign for Security of Tenure, with the objective to ‘improve the conditions of people living and often working in slum areas and informal settlements in major urban centres of the world by promoting security of their residential tenure (Lombard, 2012). Since then, a number of global organisations did and have shown keen interest in tenure and informality. For instance, the then Millennium Development Goal (MDG) Number 7 on tenure security also provided an important indicator for the urban target (Payne, 2004) which set out to achieve ‘a significant improvement in the lives of at least 100 million slum dwellers’ by 2010 (UN-Habitat, 2011: 168). Equally, the World Bank has its own approach as it responds to the proliferation of urban informal settlements, which was anchored on financing the sites-and-services and upgrading programmes (Kiddle, 2010). However,

this approach was encumbered by a host of deficiencies, such as low levels of cost recovery and poorly-located housing and the fact that land tenure often remained insecure during upgrading. From the mid-1980s to 1990, a paradigm shift away from large scale urban projects in search of better management of urban development was led by the Bank. In a quest to improve this situation, a New Urban Management Programme (NUMP) derived from ‘neoliberal economic orthodoxy, which emphasizes the withdrawal of the state, operation of a relatively free and unconstrained market and notions of efficiency, productivity and growth’ (Jones and Ward, 1994) was introduced. The emphasis of this new approach in informal settlements was on management operational efficiency and property rights (Jones and Ward, 1994). Durand-Lasserre and Royston (2002) argue that secure tenure is recognised as a development priority at the international level, and by many national governments. Security of tenure has a human rights dimension as a prerequisite for the integration of informal settlements into the city. It is also the main component of the right to housing, and an essential prerequisite for access to citizenship.

2.3. Participation as a Strategy for Settlement Upgrading

Since the 1920s, participatory approaches to urban upgrading in developing nations have demonstrated that involving the urban poor in the physical, social, and economic development of their settlements could improve their living conditions (Fallavier, 2007). These housing policies and projects have since been central to urban poverty reduction. Yet, while participatory upgrading is still used on a limited scale, it has failed to become a mainstream component of urban development (Fallavier, 2007).

In the late 1960s, participation was defined as *the redistribution of power that enables the have-not citizens excluded from the political and economic processes to be deliberately included in the future*”, Arnstein devised a *ladder of citizen participation* in local planning that represented possible degrees of citizen involvement as eight rungs (Arnstein, 1969). This ladder is illustrated in Figure 2.2.



Source: Arnstein, 1969 pg 62

Figure 2: 2: Ladder Of Citizen Participation

Figure 2.2 is the ladder of participation has illustrated by Arnstein,(1969) Manipulation and therapy being the lowest form of participation and citizen control has the highest form of participation.

Manipulation and Therapy, the basics approach of these two of participation is to educative the community, both are non-participative, for instance in the name of citizen participation, people are placed on rubberstamp advisory committees for purposes of soliciting their support to government programmes.

Informing: takes the approach of informing citizens of their rights and responsibilities. However, too frequently the emphasis is placed on a one-way flow of information -from officials to citizens-with no channel provided for feedback and no power for negotiation. Under these conditions, particularly when information is provided at a late stage in planning, people have little opportunity to influence the program designed “for their

benefit.” The most frequent tools used for such one-way communication are the news media, pamphlets, posters, and responses to inquiries

Consultation: Inviting citizens’ opinions, like informing them, can be a legitimate step toward their full participation. To strengthen this approach consulting must be combined with other modes of participation, this rung of the ladder is still a sham since it offers no assurance that citizen concerns and ideas will be taken into account

Placation: with this model a few citizens are engaged and allowed to participate in strategy meeting and provide technical advice to decision making bodies; however this approach may not provide the feedback to the large community and hence is limited in it.

Partnerships: this only happens when communities and decision making bodies agree to share planning and decision-making responsibilities through such structures as joint planning committees.

Delegated power: Negotiations between citizens and public officials can also result in citizens achieving dominant decision- making authority over a particular plan or program. Once some form of power is delegated to communities who can now become accountable.

Citizen control: with this highest level of participation citizen demand that degree of power (or control) which guarantees that participants or residents can govern a program or an institution.

The ladder of participation shows that at the apex of the process of citizen control which requires empowerment of citizens, which is provided through support, hence building the relation between authorities and the communities they serve.

A critical analysis of Arnstein’s Ladder of Participation implies that the goal of economic and social development in developing countries is to set in motion a process of self-reliant and sustainable development through which social justice will be realised. "Self-reliant development" means building the endogenous mechanisms of society that will enable developing nations ultimately to achieve growth without aid. "Sustainable" development means continuing a stable growth pattern in such a way that economic development is in harmony with the environment. The realisation of "social justice" means equalizing and ensuring opportunities for people to participate in order to rectify

disparities between regions, income levels, and gender. This thinking is backed up by the illustration in the concept of adaptive governance and the right to the city and the theoretical thinking underpinning this research. The ladder indicates that levels of participation are different, yet participation itself is a desirable component of development.

The focus in development, therefore, should not only be on increasing the material production but also on fostering and improving the social capabilities of people involved in development. For this to be done, people involved in development should take an active part in the process of planning and implementing development activities, as well as enjoy their benefits. This is what "participation" means. Participation in every aspect of politics, economy, and society is important as both the goal and means of development.

In settlement upgrading, participation thus has two main objectives. Firstly, improving the living conditions of poor communities. This can be done through upgrading housing infrastructure and developing the local economy and social support mechanisms on a self- and mutual-help basis. Secondly, enhancing the ability of the poor to influence decisions, especially decisions around improving their communities (Fallavier, 2007). Reaching these objectives, however, requires that local governments accept low-income dwellers as actors of their own planning process by recognizing their rights to tenure; by providing them with technical, financial, and legal support to improve their settlements; and by involving them in the local planning processes that affect their lives (United Nations, 1976, 1977). The above mentioned factors not only act as catalysts to accelerate settlement upgrading but also provide get a sense of ownership of the communities in which the poor live.

2.3.1 Elements of effective Participation in Settlement Upgrading

Participatory approaches in urban land management have become very common and mainstreamed in policy and practice towards securing tenure (Magigi, 2004). The quality of participation can only be enhanced as the basic human needs of regional inhabitants are met. This can further be strengthened through creating a sense and capability to manage aspects of governance and community resources. The series of processes through which peoples' awareness, organization, and capabilities are continuously developed is collectively termed "the process of participation in local society awareness, organization, and capabilities are continuously developed is collectively termed ". However, many forms of participation in this process actually

exist. Assies (2009) argues that three critical elements are necessary for effective informal settlement upgrading. These not only interact but influence the form as well as the quality of participation.

1. People and local organizations (including the subgroups that form part of the organization when an organization is involved), the agents of participation; in this sense the people living in informal settlements, are the key agent of participation in the upgrading process.
2. The formal and informal institutions such as laws, administrative systems, or behavioural norms that determine the participating entity's opportunities for participation and behavioural models need to be clearly explained and documented prior to the process of implementation. As informed by the concept of adaptive governance.
3. The national structures of state and government that are guarantors of the effectiveness of these institutions and can improve or strengthen them through policy support.

Handzic (2010) further argues that the quality of participation varies depending on the following: (i) what kind of participating entities exist, and what kind of institutions offer what kind of opportunities for participation, (ii) the extent to which the state and government channels guarantee the effectiveness of existing institutions and carry out appropriate policy support, (iii) the degree to which participating entities are able to respond appropriately to opportunities to participate and, finally (iv) how the state, government structures, and other third parties are able to improve and strengthen institutions or to find a mutually complementary and strengthening relationship with informal and formal institutions when necessary in order to increase opportunities for participation. Because these three elements are themselves determined by the initial cultural and historical conditions and status of development of the society in which participation takes place, the quality of participation is also influenced by these conditions and their developmental status.

Through participatory development, urban planners seek not only to construct or restructure such formal institutions as legal and administrative systems, administrative processes, and markets, but also to introduce mechanisms from informal institutions such as the existing traditional resource management systems of local societies to enhance the effectiveness of existing formal institutions. This approach is applicable to

both urban and rural spaces (Assies, 2009). For example, it is conceivable that by actively mobilizing the know-how of local societies and such informal customs as mutual aid, one can compensate for the limitations of existing formal systems and by enhancing the capabilities of community members and their organizations, one can create norms for new and better organizational arrangements, improving and developing informal institutions. Furthermore, efforts to promote a change in the perceptions and enhance the capabilities of public officials and to improve or streamline the government agencies and channels will facilitate the above-mentioned improvements and the degree of effective and sustainable participation in local societies.

2.4 Relationship Between Tenure And Participatory Settlement Upgrading

Turner (1972) and de Soto (1986; 2000) both argue that informal settlement residents do not lack resources, skills or social networks. What they do generally lack, however, are secure tenure and/or recognized rights to reside on and fully develop the land they occupy. In order to mobilise these hidden resources, inhabitants need some assurance that investments made will be recognized by the state and will not be confiscated or demolished. Security of tenure provides this assurance. Once secure, the argument is that residents will marshal and participate effectively in their own resources to invest in better housing and services and this will result in an incremental physical improvement of the settlement, De Soto (2000).

According to Sinai (1998) and Kigochie (2001), experiences from upgrading programmes in Africa indicate that security of tenure is an integral factor for the successful implementation of upgrading projects. It aids the process of project implementation, maintenance, and cost recovery. Recognized rights in land are expected to produce a literal “buy in” into project objectives. Residents will want the project to succeed because they have obtained the right to live there and will benefit directly from project-provided services. Residents will have a pronounced interest in maintaining infrastructure since it affects their livelihoods and property values. Secure tenure is also viewed as an enforcement mechanism for cost recovery, since liens can be placed on titles or land can be threatened with confiscation (Sanyal, 1987).

2. 4.1 Factors Affecting Participation in Settlement Upgrading

Baruah (2010) and Handzic (2010), argue that it is vital to examine other key variables apart from tenure that are likely to affect participation. These factors, as discussed by various authors and deduced from the conceptual framework of the study, include the following:

Gender: Feminists and advocates of women's rights, mainly women, have tried to promote gender equality in development, while a different set of academics and practitioners, mainly from backgrounds in rural development policy and practice, have strove to promote participatory development. While there have been overlaps in the methods used (Moser, 1993; Levy, 1996), gender advocates have argued for the mainstreaming of gender into all participation developmental approaches.

This argument is based on the premise that when title to informal urban settlements is secured, families are able to make structural improvements and lobby the government for better services, resulting in better sanitation and living conditions (Levy, 1996). Studies have found that women in India who have secure urban tenure have higher self-esteem, are better able to participate in local committees and governance structures, and are able to invest in their homes and generally participate in all developmental activities at community level (Baruah, 2010). While many people in the developing world lack secure property rights and access to adequate resources, women in all regions and in many countries across the globe have less access to land than men do (Baruah, 2010). In patriarchal cultures— predominant in much of the world—men as *de facto* heads of households have the largest role in decision making about resources at both the household and community levels, meaning women have disproportionately fewer rights to land and property (FAO, 2011a; Doss, 2013). Research has shown that when women are heads of households, they are more likely to invest in home improvements as a means of securing the livelihood of the family as compared to men (Goetz, 1997). Secure rights to land, including the right to manage it and control the income from it, go beyond mere access. For a majority of women, access to land and property is essential for food production and sustainable livelihoods.

Level of Education: Chimah (1985) has contended that levels of education have a bearing on the understanding of tenure and hence have the ability to affect levels of

participation. Seller (1990) argues that most people living in informal settlement are not educated and hence spend most of their time looking for resources to feed their families, as their lack of education hinders their ability to obtain high income earning jobs.

Length of stay in a settlement: Research shows that connection to place has strong behavioural implications (Carmin, 2003). Individuals with a strong connection to place feel more invested in its future and the public good and, as a result, are more likely to contribute to collective action (Manzo et,al. 2006). Greater connection to place is also thought to enhance one's sense of empowerment, because this is a product not only of relationships between community members but also between community members and their physical environment. Tuan (1974) and Frederickson and Anderson (1999) show that it is through interaction with the particulars of a location that one endows such a location with value and develops a connection to place. Following this reasoning, connection to place might be assumed to increase over time. Therefore, duration of residence in one's settlement can be deduced as a key variable in understanding issues to do with participation in settlement upgrading.

Fear of Eviction: A different position regarding the idea of tenure security that has gained substantial ground in habitat discourse has questioned the necessity of legal title as the bearer of security for poor slum dwellers and argued that tenure security is not merely determined by legal category as people also improve their houses in the absence of legal title. Once people are confident that they will be left alone by the authorities or are not living with the fear of impending eviction, they will improve their dwellings and participate in any activities that are targeted at improving their community (Gilbert, 1994). Legality of tenure is thus not necessarily a precondition for security of tenure, according to the adherents of this perspective, as tenure security “depends less on the exact legal status and more on occupants' perceptions of the probability of eviction and demolition” (Razzaz, 1993). In a similar vein, Doebele (1978:12) states that, “while tenure is generally considered a legal category, it is, just as fundamentally, a matter of the state of mind of the persons concerned. Stated operationally, the critical element may not so much be the legal category involved as the perception of the occupant of his security in relation to the investment contemplated”. In essence, what is important for the process of participatory settlement upgrading, according to this perspective, is not

legal title but rather some sense of perceived tenure security, which implies that residents have no fear of eviction.

2.5 Implication Of Policy Change For Tenure Systems

Tenure security remains an explicit goal of organizations concerned with informal settlements and urban poverty, such as the Cities Alliance, UN Habitat, and Slums/Shack Dwellers International. Providing enhanced tenure security for informal settlement residents has been assumed to be an integral part of most upgrading projects implemented in the last thirty years by the aforementioned organisations. Tenure security is deemed to be important because it is seen as *the* key precursor to settlement improvement and housing consolidation (UN-Habitat, 2007).

Tenure security has also been pursued in order to improve the financial base of local government units through the expansion of the property tax-base. With better revenue-generating potential, local government units are expected to provide better services and to even build up the financial resources to carry on upgrading with their own means (Sanyal, 1996; Bassett and Jacobs, 1997; Cohen, 2001).

The emphasis on tenure security is also justified as a means of addressing urban poverty. De Soto (2001) argues that legalization (which is only one mechanism for conferring tenure security) will release massive amounts of “dead capital” that will spur income-generating activities. In the case of upgrading, tenure security is seen as important for aiding the development of small-scale rental properties or the establishment of home-based enterprises (Sinai, 1998; Kigochie, 2001). Finally, tenure security has been seen as a primary mechanism for increasing formal sector funding for housing investment and economic development. In this case, legalization and titling are pursued in order to provide collateral acceptable to the financial community (Renaud, 1987).

Tenure security, either perceived or legal, is considered critical for successful upgrading since community residents must feel secure in their settlement if they are to invest effort, money and time towards making infrastructural improvements. The level of infrastructure development in an informal settlement is related to the level of security of tenure. In Kenya, for instance, the state of infrastructure in Kisumu is largely attributed to tenure insecurity. Kisumu has access to all basic infrastructure, including water,

electricity, schools and health facilities, among many other social amenities. Tenure security is considered as a prerequisite for the self-help approach to upgrading housing in informal settlements (Olima, and obala, 1999). Infrastructure development removes fear and has the potential to help mobilize public participation in terms of finance and labour contributions to the various upgrading tasks (Bassett, 2001).

2.4.1 Upgrading and the provision of tenure security in Kenya and Botswana

Bassett (2001) argues that provision of security of tenure in informal settlements has been shown to have the predicted positive impacts. In numerous projects, enhanced security has been followed by private investment in housing and general neighbourhood improvement.

Basset (2001) cites the case of Mtaani-Kisumu Ndogo settlement in Kilifi, Kenya. The policy does allow for the insurance of legalized tenure in informal settlements. For instance, beacon certificates were issued by the Survey Department of the Ministry of Lands and this prompted increased production of houses built with permanent materials. Income levels improved as a result of upgrading, particularly in projects that encouraged the development of extra rooms for rental purposes.

Petty landlords who obtained plots through the Self-Help Housing Scheme of Gabarone, Botswana, for example, were able, through a similar form of tenure, to command rents which easily enabled them to meet monthly plot payments and provide an important income stream for household survival. Finally, provision of infrastructure and key urban services has improved the quality of life for settlement residents in Kenya's informal settlements (Kessides, 1997).

From the literature reviewed, the arguments for secure tenure are not conclusive. Neither are the implications of tenure in settlement upgrading clearly outlined. Literature has not established a clear relationship between tenure and upgrading, nor have any policy implications of changing tenure being unveiled. There is a need, therefore, to clearly outline the relationship between tenure and participation in a Zambian community as this will enable suitable actions to be undertaken in the local context

CHAPTER THREE: DESCRIPTION OF THE STUDY AREA

3.1 Introduction

This chapter gives a description of the study area, focusing on the following parameters: location of the area, population size, socio economic activities and the rationale for selecting the settlement as the focus of the study.

3.2 Location of Study Area

Kalikiliki is located on the eastern side of the city of Lusaka about 20 kilometres from the Central Business District (CBD). It borders Mtendere on the western side, Kabulonga and Hilltop on the southern side, Ibex Hill on the eastern, and Natural Resource Development College (NRDC) on the northern side

3.3 Description of Study Area

Kalikiliki is an informal settlement which is dualistic in nature, with the Southern side characterized by a residential area similar to the suburbs with good quality houses in spacious yards and in wall fences. This part of the settlement is well organized and has access to services such as piped water, water borne toilets and roads. The houses are logically arranged and most likely inhabited by the middle and high income earners. The North-Western part of the settlement portrays a closely built housing pattern with undefined boundaries and most of the houses found in this area are built from mud bricks (UNZA, 2013). The settlement was formally legalized on 16 February, 1999. The legalization entailed that people registered their properties with the Lusaka City Council, which went ahead to give the registered plots/ houses numbers. The residents received land records of ten (10) year leases which attracted a ZMK 12.50 (\$ 1.2) ground rate fee. Furthermore, occupancy licences of a thirty year lease period were issued to those who managed to pay their outstanding ground rates dating back to the period when the settlement was legalized. The settlement's status as an unplanned area does not guarantee issuance to a title deed.

3.4 Rationale for Selecting the Settlement

The settlement was selected on the basis that it has been in existence for a number of years and the researcher was familiar with the settlement and had established social relations that were vital for the collection of data, owing to the fact that tenure issues are somewhat sensitive.

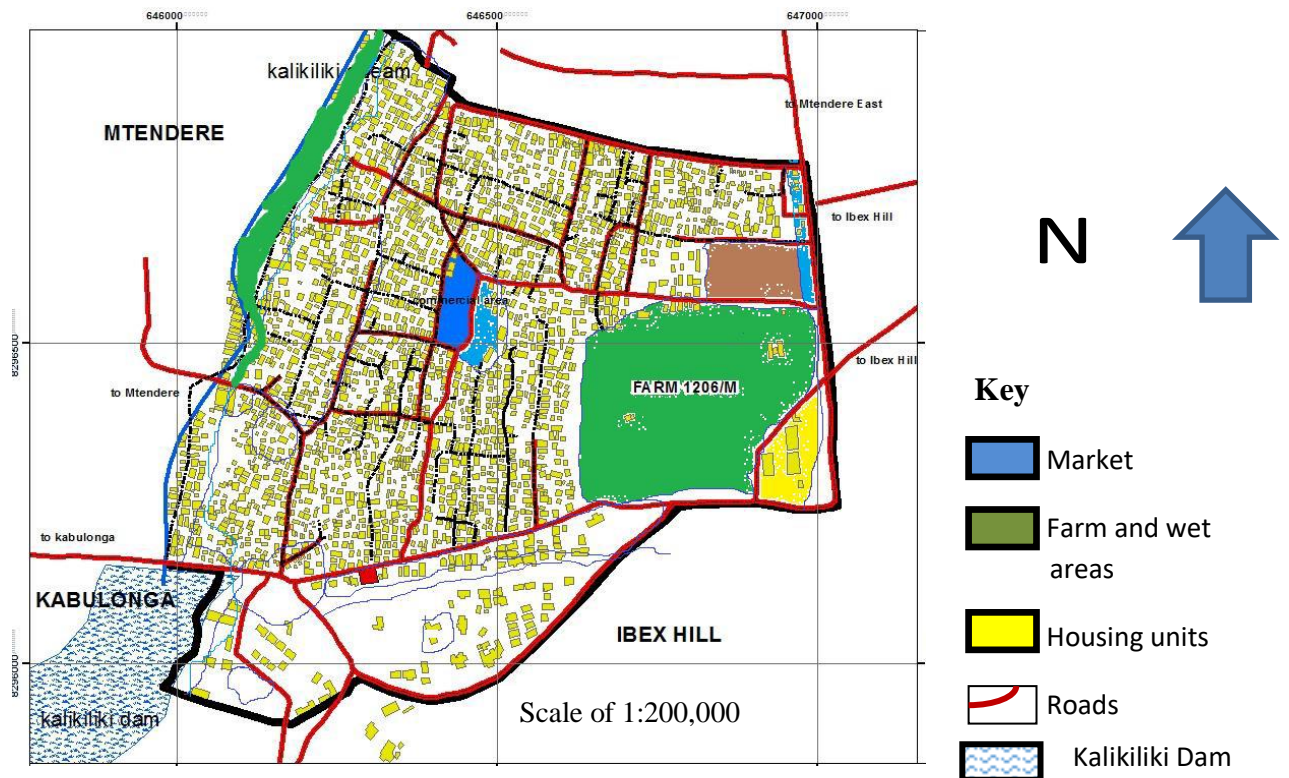


Figure 3.1 : Location of Study Area

Source: Author, 2015

3.5 Population

The settlement covers an area of 75 hectares, with an estimated population of 20,268. Kalikiliki has a total number of 4,378 structures, of which 3,378 are households with an average of 6 people in each house (PPHPZ, 2013).

3.6 Social Economic Activities

Findings from the research done in the area indicated that most of the social economic activities are of a basic nature and include activities like selling charcoal, retailing activities and working as maids in the neighbouring settlements (UNZA, 2013). Most of the residents of Kalikiliki who work within Kalikiliki engage in informal business.

3.7 Social Services

A social survey was recently conducted by PPHPZ to establish social services available in the settlement. According to the enumeration report, the settlement does not have the necessary infrastructure to meet the basic needs of such a

population. The settlement does not have a public school and therefore school going children have to walk to the neighbouring Mtendere compound to access education. There is no public health post but there is a private clinic that is not well equipped or well staffed (PPHPZ, 2013). The settlement does have a main access road, a public market, or water supply system that provides communal water points for the residents.

CHAPTER FOUR: RESEARCH METHODOLOGY

4.1 Introduction

This chapter presents the methods of data collection, sample size, sampling design and the processing and analysis methods.

4.2 Research Design

This research adopted the use of a case study. The rationale was that the case study is used as a preeminent methodological approach for the purposes of understanding and intervening in complex environments and processes which are characteristics of land tenure and participation (Flyvbjerg, 2006; and Easton, 1992). Land tenure is a complex issue and alters in different communities within the same environment, hence the use of a case study fostered experiential learning that equipped the researcher with the skills and insights needed to confront the issues faced in the settlement with regards to tenure and participation in settlement up grading.

4.3 Target Population

The target population for the research was 3,378 households (GRZ, 2012) which was the entire set of units for which the research data was used to make inferences.

4.4 Sample Size

These are the number of elements/units that were drawn from the total population for research purposes. According to Israel (2013), a sample size of between 70 and 100 is adequate for a population of between 3000 and 4000. A sample size of 70 heads of households was drawn from the target population of 3,378 households, given the limited time and financial implications of resources required to undertake the study. The heads of households were selected on the basis that they understood tenure issues. The heads of households provided the data and in their absence, any adult person found at the house was interviewed.

4.5 Sampling Method

The research employed both probability and non-probability sampling methods. The specific methods included:

4.5.1 Random Sampling

Simple Random Sampling is a form of probability random sampling. This method helped to achieve objectivity and reduce the element of biasness as every household in the community was given an opportunity to participate in the research (Cochran, 1977).

Seventy (70) households were randomly selected to be part of this sample size. Households were selected randomly based on the sampling frame provided by the council office in the settlement. This was complemented by the data collected by People Process on Housing and Poverty in Zambia (PPHPZ) which showed a complete sampling frame of the population (the data was based on an enumeration and numbering exercise that was conducted in the settlement). The households were assigned numbers and then selected randomly. The method of sampling without replacement was used to exclude individuals from being selected twice.

4.5.2 Purposive Sampling

This method was used in selecting key informants both at community level and policy making level. The method was also used when selecting institutions from which to obtain data. The rationale was to get the needed data from individuals and institutions that have an understanding of tenure and participation.

4.6 Data Collection Techniques

The research employed the use of both primary and secondary data. The collection of primary data enabled the collection of specific data that answered directly to the research questions.

4.6.1 Primary data

A number of primary data collection techniques were used. These include:

- a) **Interviews:** the researcher conducted in-depth interviews using an interview guide (with key informants). The use of an interview guide enabled probing, hence, the collection of more information that was relevant for the research. Qualitative data was obtained using this method. The sample size for this method was 7 key informants drawn from the community and some strategic institutions. The Key informants included: 1 person from the People Process on Housing and Poverty in Zambia, 1 from Peril-Urban Unit from Lusaka City Council, 1 community leader Kalikiliki from and 2 elder community members and two members from the Zambia Homeless and Poor People's Federation (ZHPPF).
- b) **Survey:** A questionnaire (the questionnaire is attached as Appendix 1) was also used to obtain primary data; it contained both-open ended and closed questions. The use of a questionnaire enabled the researcher to collect large amounts of data from a large number of people in a short period of time and in a relatively cost effective way. The use of a questionnaire equally enabled the researcher to

easily and quickly quantify the results through the use of a software package. The sample size for this technique was 70 heads of households. The questionnaire was administered by the researcher in both English and in a local language, Nyanja, for respondents who could not speak or understand English. Prior to the administration of the questionnaire, a pre-test of the tool was done which enabled the researcher to make changes to the tool.

- c) **Focus Group Discussion:** a focus group discussion was conducted in the settlement comprising of Seven (7) women and Five (5) men drawn from the community leadership. The leaders included people from the Ward development committee and church leaders.
- d) **Community Feedback Forums:** data was also collected during community feedback sessions that were held during the community studio planning phase 1 with spatial planning students from the University of Zambia who were making various presentation using developmental maps developed with the community.
- e) **Phone Interviews: telephone** interviews were conducted with 30 landlords in the cases where the tenant was willing to provide contact details for the landlord, to gain further insight into how tenure affects participation in settlement upgrading.
- f) **Spatial data collection using Geographical Information System:** Software was used to calculate the plot sizes of the individual housing units.

4.6.2 Secondary Data

Secondary data were collected from various sources which included, *inter alia*, reports from GRZ, CSOs and PPHPZ. The data collected also included censuses from Lusaka city council, information collected by government departments with regards to informal settlement, organizational records from PPHPZ on the upgrading activities and programs.

4.7 Data processing and Analysis

The process involved collecting and summarising the data collected and presenting the data using percentage tables, figures and, quotations from the respondents.

The research used both qualitative and quantitative analysis methods. The following are the methods of analysis that were used:

4.7.1 Content Analysis

The procedure involved the categorisation of verbal data, for purposes of classification, summarisation and tabulation. The process of content analysis involved continually revisiting the data and reviewing the categorisation of data until the researcher was sure that the themes and categories used to summarise and describe the findings were truthful and accurate reflections of the data (Flyvbjerg, 2006).

4.7.2 Secondary data Analysis

Secondary data analysis allowed for further analysis of existing data sets which presented interpretations, conclusions or knowledge. The process of secondary analysis of existing data involved obtaining data sets from studies that have already been completed and using the data to answer the research questions.

4.7.3 Basic Descriptive Statistics:

The research used chi-square and two tailed Z-proportational test to analyse some of the data from the questionnaire.

CHAPTER FIVE: PRESENTATION OF RESULTS

5.1 Introduction

This chapter presents the findings of the research based on both secondary and primary data. The findings are structured themes based on the research objectives: tenural arrangements guiding the use and access to land, factors affecting participatory settlement upgrading and the impact of policy change on tenure systems.

5.2 Characteristics of the Households

Data was collected on the following parameters to examine the characteristics of the households: gender of head of household, marital status, level of education, age distribution and length of stay in the settlement.

Gender of Head of Household

Table 5.1 reveals that 61.43% of the heads of households were male, while 38.57% were female. The research also found that 5% of the households were orphan-headed households.

Table 5.1: Gender of Head of Household

Gender of head of household	Percentage
Female	38.57
Male	61.43
Total	100

Source; Field Data, 2015

Level of Education: The data from Table 5.2 shows that the majority of the respondents did not obtain higher levels of education, as out of the 51.43% only attained some form of primary education while 40% attained secondary education and approximately 9% had obtained tertiary education.

Table 5.2: Level of Education

Level Of Education	Percentage
Primary	51.43
Secondary	40.00
Tertiary	8.57
Total	100

Source; Field Data, 2015

Marital Status

The survey findings indicate that 74.29% of the respondents were married, 5.71 were single and 20% were widowed, as depicted in Table 5.3.

Table 5.3 : Martial Status

Marital status	Percentages
Single	5.71
Married	74.29
Divorced	0
Widowed	20.00
Total	100

Source; Field Data, 2015

Age Distribution in the Settlement

The data obtained indicates that most of the respondents are aged between 31 and 40, as reflected in Figure 5.1.

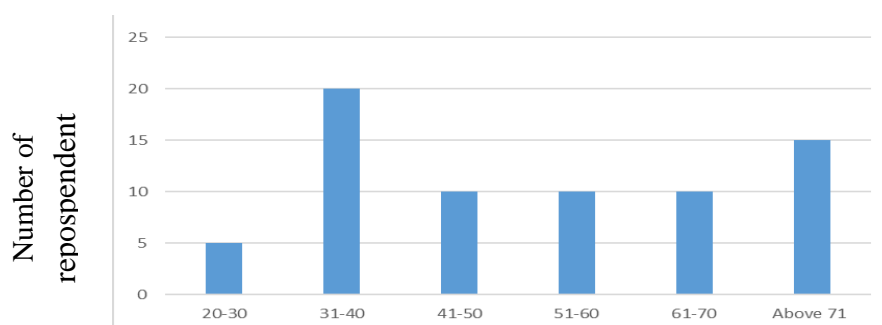


Figure 2.1: Age Distribution

Source; Field Data, 2015

Length of stay in the settlement

The data below (figure 5.2) indicates that the majority of the research participants (58.9%) had spent more than 11 years in the settlement.

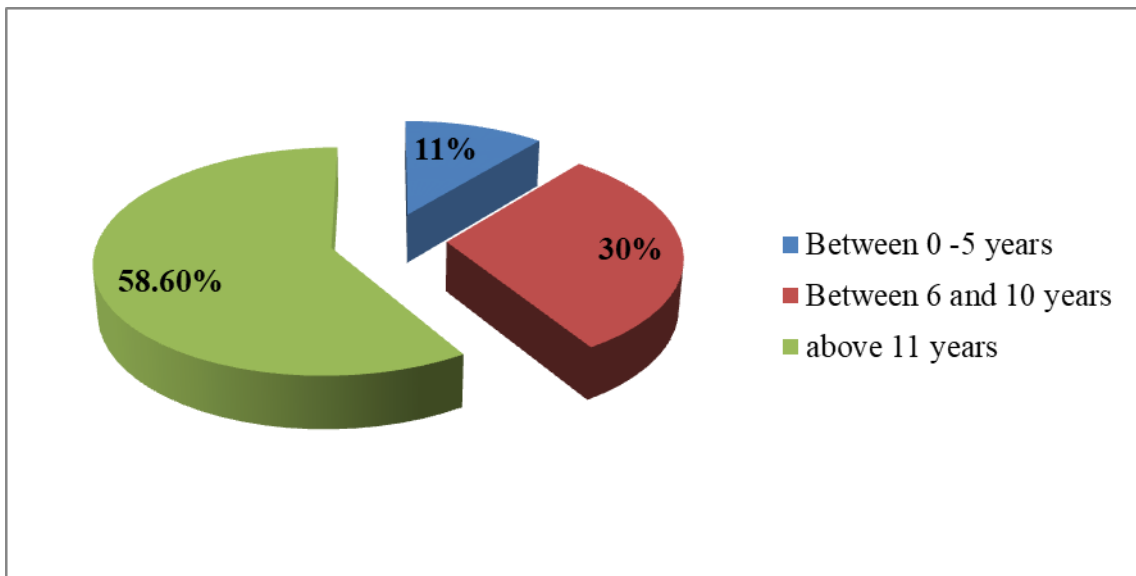


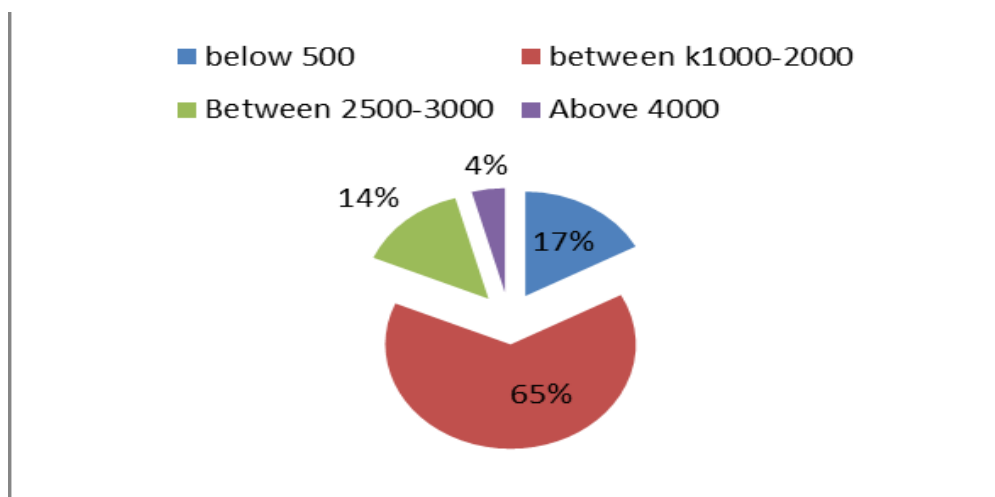
Figure 5.2: Length of Stay

Source; Field Data, 2015

5.2 Socio-Economic Characteristics of Settlement

Income levels

The income levels in the settlement are as indicated in Figure 5.3



5.3 : Income Levels of respondents

Source; Field Data, 2015

The data indicate that 65% of the respondents earn between 1000 and 2000 kwacha. Only 4% of the respondents earn above 4000 kwacha. This data indicates that most of the residents belong to the lowest urban income group.

Employment Status

The findings on employment status, that 65% of the respondents are engaged in some form of employment, while 34% are not in any form of employment.

5.3 Spatial Physical Characteristics of the Settlement

The settlement is characterized by the haphazardly arranged physical layout of housing units, as indicated in figure 5.4. The poor layout of housing units makes it difficult to plan for the provision of roads, pathways, and water and sanitation facilities. Despite this, most of the land/structures have access to basic infrastructure like water facilities and electricity. Over time, the settlement has been growing, owing to the following factors: natural population growth, lack of adequate housing in the city of Lusaka, post – independent migrations and complex land markets within the city of Lusaka. The population of Lusaka city continues to grow at a growth rate of 3.0%, and 90% of this population growth resides in informal settlements UN-Habitat (2003).

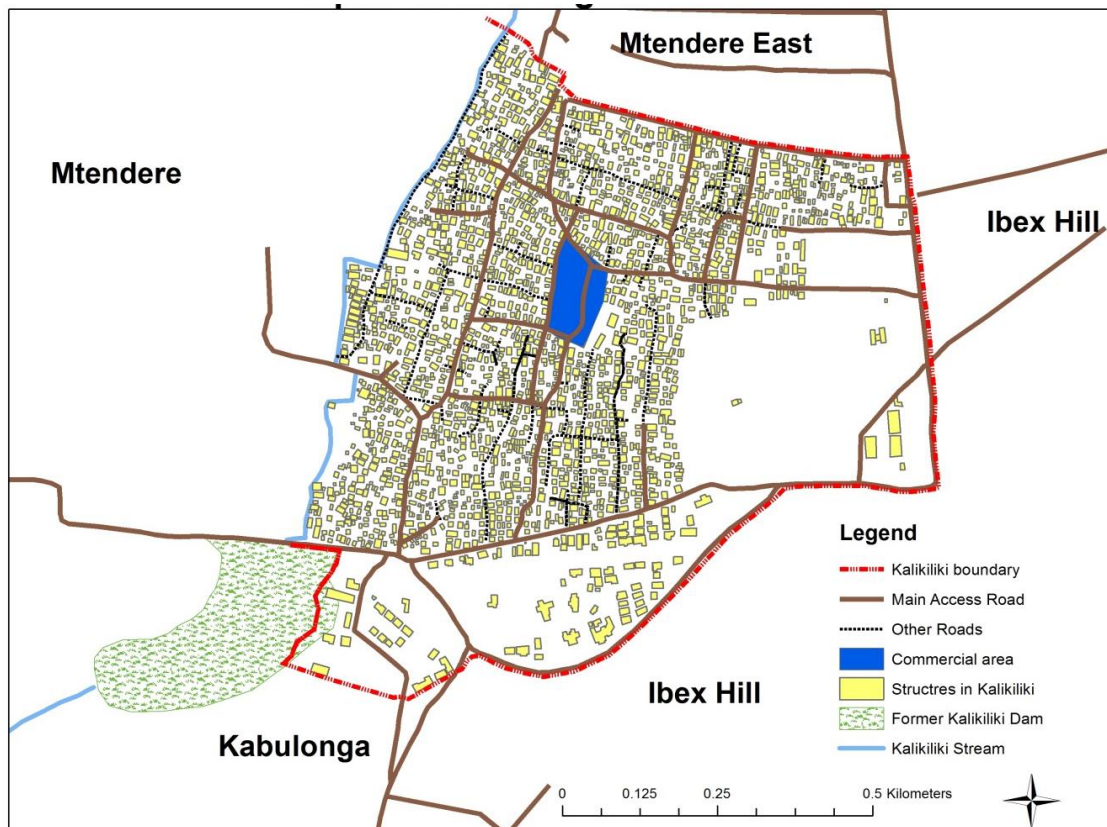


Figure 5.4 : Haphazard Arrangement of Plots in Kalikiliki

5.3.1 Plot Size

The plot sizes in the settlement vary from 10 × 10metres to 12 × 20metres. These sizes are indicative of the haphazard way in which land was allocated in certain sections of the

settlement. Most of the housing units in the settlement are built with concrete blocks and only a few were built with mud, as indicated in Figure 5.5



Figure 5.5 : Haphazard Arrangement of Plots

5.2. Examining Tenure Arrangements

Various parameters were examined to access the tenural arrangements that guide the access and use of land in the settlement. The parameters examined included land access and land delivery mechanisms in the settlement, eligibility of land allocation, affordability of land and the price thereof and the types of tenure that exist in the settlement.

5.2.1 Land Access and Delivery in the Settlement

A total of 71.43% of the research participants, as shown in Table 5.4, indicated that the settlement does not have land for new allocation. This implies that land markets in the settlements have taken on a different shape. Currently, the settlement is experiencing massive subdivision as a means of providing additional land to new residents. Unauthorised land development or informal subdivision is the main type. Unauthorised land developments are a widespread phenomenon in the settlement. This is evident in the haphazard arrangement of the plots, as shown in Figure 5.4 .The poor layout of housing units makes it difficult to plan for the provision of roads, pathways, water and sanitation facilities.

Table 5.4 : Respondents views on availability of Land in the settlement

Availability of land	Percentage
Yes	11.43
No	71.43
Did not Know	17.14
Total	100

Source: Field data, 2015

This has led to increased land conflict within the settlement, which are centred mostly on encroachments (Key informant interview-1, 2015).

5.2.2 Eligibility of Land Allocation

A total of 84.2% of the respondents indicated that everyone is eligible to access land in the settlement, while 15.8 % felt allocation and acquisition of land/structures within the settlement must be left for the local residents

One respondent indicated the following in responding to the above issue:

Anyone can have the land in the settlement provided one has money land can be found in one way or another (Interview 6: interview with male key informant in His 30s, 2015).

5.2.3 Affordability of land in the settlement

The majority of the respondents (64.5%) indicated that land in the settlement was expensive and this situation made it difficult for the urban poor to access land, even in informal settlements. The other (35.5 %) respondents were of the view that land in the settlement was affordable.

5.2.4 Key Players in the Land Delivery System in the Settlement

Land markets have been changing in the settlement. In the past the allocation of land was a key responsibility of political leaders, such as the ward chairman, but now a number of other players have emerged in the markets which has made it difficult to track land transactions in the settlement.

Table 5.5 : Key Players in the Land Delivery

Key players in the local land markets	Percentages (n=70)
Politicians	40
Former Community leaders	27.14
Community members	28.57
Did not know	4.29
Total	100

Source: Field data, 2015

From the results in Table 5.5, 27.14% it can be said that former community leaders were responsible for all land transactions in the settlement, while 40 % 28.57 indicated that the political system played a key role in the local land markets.

5.2.5 Channels of Access to Land in the Settlement

Findings in Figure 5.6 indicates that the majority of respondents that is 44.1% of the residents had purchased the land/structure within the settlement.

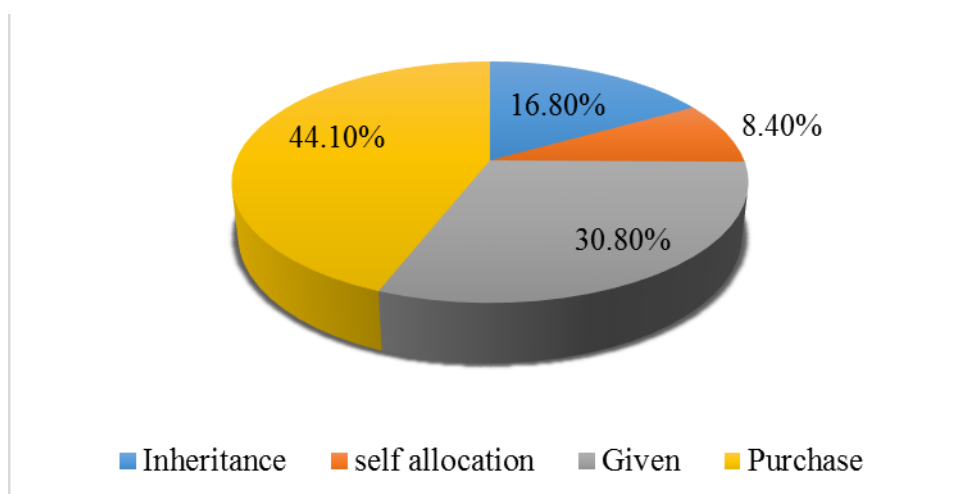


Figure 5.6 : Means of Acquiring Land in the Settlement

Source: Field data, 2015

5.3 Procedure of Land Delivery Past and Present

This section details the process of land allocation in the settlement after 1964,

5.3.1 Land Delivery System in the Settlement in The 1970s

A key informant from People process on Housing and poverty in Zambia explained that in the past, just after Zambia gained its independence, the country witnessed a massive

population growth in the urban centres. In the past, land in the settlement would be given on the basis of political allegiance. This meant those in the settlement who were card-carrying members of the ruling party would be given pieces of land on which to build housing structures, while those who did not have but aspired to live in the settlement were encouraged to apply for membership to the party. During these periods land was indeed in the hands of political leadership. The key informant further explained that the ward chairmen had a local register that indicated who was living in the community, where they came from and how many children they came with to the settlement. The community had a self-regulating system which could track all land transfer transactions in the settlement. The old and vulnerable would also be given land on which to build their structures, although land was rarely given to the women folk.

5.3.2 Land Delivery System Currently

Currently, land markets in the settlement have taken on a new dimension. The majority of individuals are selling their housing units to individuals coming from outside the settlement. Residents are also being 'forced' to sell their housing units, or persuaded by the rich to sell off their housing units. A respondent who once owned a housing unit in the settlement illustrated how he was persuaded to sell his structure at K50, 000.

A lot of people had approached me, asking me to sell my plot to them. Due to financial pressure and lack of money I sold it off, now am just squatting in the same place where I was a landlord (Interview 6: Respondent from the community, 2015).

The respondent has now remained a squatter in a squatter settlement. It is also evident in the settlement that individuals who have obtained or are in the process of obtaining occupancy licenses can easily sell off their housing units at a higher price compared to others who have not started or do not have occupancy licenses.

A key informant from the community within the settlement, explained that different procedures of land right transfers were witnessed. With the issues of purchasing, most of the search mechanisms (the search for a structure to buy) are built on two key factors, one that has started processing for occupancy licence (ownership of land/structures) and the other which is in poor condition. In some cases land transfers are overseen by the local council, which has an office in the settlement. Sometimes the church will be a witness to such transactions. Also in other cases the transfer is just a mutual agreement

between the buyer and seller. Most of the land transactions in the settlement are unrecorded by the local authority. In this vein, the massive phenomenon of subdividing and selling of land/structures is also a common occurrence in the settlement.

In the words of one respondent; In this settlement you can buy and sale of land without the council knowing, which has results in conflicts as some people are in the habit of selling other people’s land without their consent (Interview 14 with Respondent from the community, 2015).

The respondent further explained that as a result of this, land disputes are on the increase in the settlement. These are centred on the following: non-payment of rental, encroachments due to increased subdivisions, blocking of access roads/paths, double allocation and sale disagreements.

5.3.2 Land Tenure and Security

Tenure categories in the settlement

Most of the respondents (60%) were tenants without tenancy contracts as shown in Table 5.6.

Table 5.6 : Tenure Category of respondents

Tenure category	Percentages
Tenant with contract	4.5
Owner of the house	22.4
Tenant without contract	59.7
Sub-letting (renting from a tenant)	13.4

Source: Field data, 2015

The findings in Table 5.6 indicate that most of the respondents were tenants in the settlement. This is indicative of how rapidly land rights have been transforming in the settlements. It also does not agree with the notion by the Ward development committee that most of the people living in the settlement have lived there since the settlement began. It also raises the questions as to where the original settlers of the settlement are now living. Apart from this, there is a wide variation of rental sub-markets in terms of accessibility and quality of infrastructure of the location, form and security of tenure, and the quality of housing and facilities. Conditions range from contract-regulated tenure to renting a room or bed.

A key informant from the Lusaka city council eloquently documented the different tenure arrangements in the informal settlements as follows

“Land tenure in informal settlements range from legal to Illegal. They are those who own the land and have carried out development without planning approval- which is common phenomenon, hence the settlement lacks basic infrastructure. It is equally common to find land owners who carried out illegal subdivisions on one single plot that has an occupancy license obtained from the council. It is also common to find a number of quasi-legal rights holder who may have obtained unregistered rights obtained through allocation by a local authority official/councillor or national government official (but who has no authority to allocate land under the law). Finally, there are those who squat on public or private land without permission. These illegal settlements are not planned and therefore lack the requisite infrastructure and related facilities. This is the case with Kalikiliki settlement here in Lusaka.

5.3.3 Tenure Documentation

Exactly half of the respondents did not have any documentation to show ownership of the land or structure which they currently occupied as can be seen from Figure 5.7.

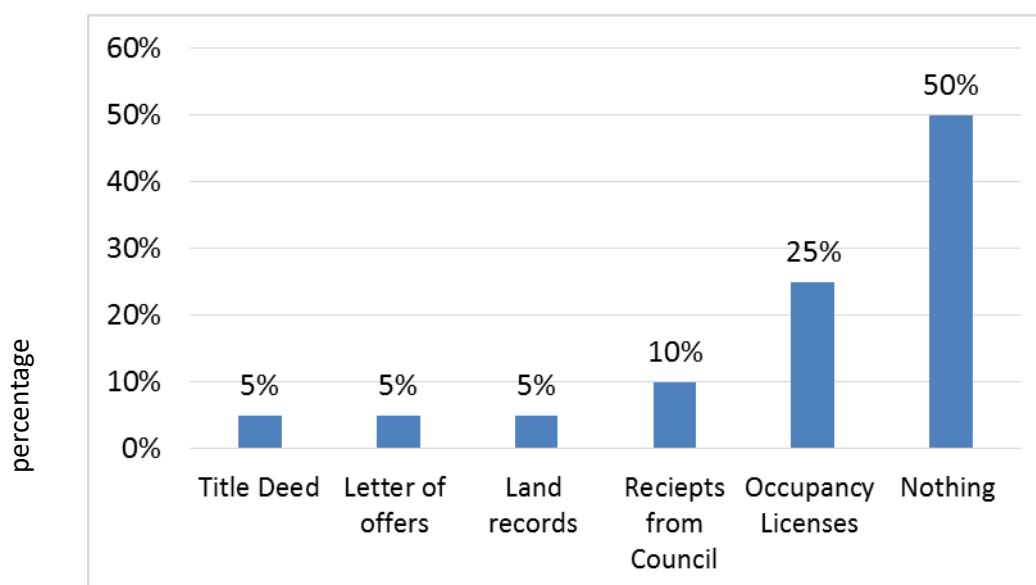


Figure 5.7 : Tenure Documentation

Source: Field data, 2016

5.3.4 Acquiring/transfer of land rights in the settlement

Table 5.7 details the various means of acquiring land in the settlement

Table 5.7 : Transfer of Land Rights

Methods of acquiring land rights	Percentage
Inheritance	24.64
Purchase	47.83
Allocation (given)	24.64
I don't know	2.90
Missing	1.3
Total	100

Source: Field data, 2015

Table 9 indicates that 24.64% of the respondents show that land rights in the settlement can be transferred via inheritance. Land is sometimes kept in lineage/clans/families. This is happening not only in traditional societies but also among the urban elite. A total of 47.83% of the respondents indicated anyone could purchase a structure in the community, implying that land markets in the settlements are active, despite the researcher finding it difficult to meet the sellers of land in the settlement.

The respondents indicated that systems must be developed within the community as a means of holding land in the settlement (a means to self-guide the poor, women and children). This is as a result of the current trend of women and the disadvantaged to easily sell off their parcels of land.

5.3.5 Perception of Security of Tenure

The findings indicate that 22.9% of the respondents believed a title deed provided tenure security more 25.7% felt an occupancy license was more secure form of tenure than the title. Furthermore, the findings indicate that 51.4% viewed the provision of basic services as a more secure form of tenure. Residents in informal settlements view the provision of basic services as a more secure form of tenure, owing to the fact that the setting up of basic services by government requires a commitment of huge sums of money and on that basis once such investments are made, evictions and demolition are no longer an option for government.

5.4 Participation as a Strategy for Settlement Upgrading

Participation, arguably the most powerful idea and trend currently shaping development cooperation thinking and practice, has been the object of intense international debate in recent years. It is a process in which people, especially disadvantaged people, influence resource allocation and the formulation and implementation of policies and programs, and are involved at different levels and degrees of intensity in the identification, timing, planning, design, implementation, evaluation, and post-implementation stage of development projects. Development processes urgently need to be owned by the people (and partners) if the results are to be sustainable. This section reviews participation as a strategy for settlement. The elements focused on are participation by making improvement of the housing units in which the tenants or landlords are living, participation in settlement upgrading at community level given the prevailing tenure dynamics of most residents living in the settlement as tenants.

5.4.1 Willingness to make improvements to housing

The results show that 45% of the respondents were willing to participate in upgrading of the settlement by making improvements to the housing units they lived in. This was due to the fact that they have lived in the same housing unit for a number of years. Figure 5.2 indicates that most of the residents had lived in the settlement for more than 11 years.

5.4.2 Participation in settlement upgrading at community level

Slightly over half (51%) of the respondents reported that they were willing to participate in any community settlement upgrading process while 49% were indifferent about participating the any community upgrading process due to the kind of tenure (occupancy certificate that last only for 30 years but which are renewable) which they currently have.

In addition, participants from focus group discussions argued that due to lack of legal ownership documents of the land, landlords and tenants alike are not able to develop land and feel safe that the law would not protect their investments and property.

One of the respondents gave the following narration with regards to participation in settlement upgrading at community level

We have lived here for many years yet the law can be changed anytime to suit some people, this can affect how lives and families.

One of the key informants, argued that:

Residents in informal settlements are not assured of their ownership of the land they occupy. The residents especially tenants are sensitive to the fact that anytime the rightful owner could claim it. With this in mind, majority of these dwellers carry out land use activities and development in a manner that should the rightful owner claim the land and house, they are able to do so quickly without losing much investment. This is exemplified by the proliferation of many temporary structures and little investment in infrastructure, although it is equally evident of the fact that the length of time that the council takes to demolish the informal settlement tends to give people living in the settlement some sense of security and hence the tendency to build permanent structure has become more evident in the settlement.

5.4.3 Frequency of paying ground rent

According to the findings indicated in table 5.8 , 61 % of the residents only paid for ground rent as and when they had money, while only 24 % paid on a monthly basis. The general feeling in the settlement is that the land rates bills are too high.

A key informant from the Ward development committee observed that

Lack of security of tenure hinders most attempts to improve shelter conditions for the urban poor, undermines long-term planning, and distorts prices for land and services. It has a direct impact on access to basic urban services and on investment at settlement level, and reinforces poverty and social exclusion. It impacts most negatively on women and children. From the point of view of governments, insecure tenure also has a negative impact on the rate of tax recovery through local taxation on property and economic activities.

Table 5.8 : Payment of Land Rates

Frequency of payment	Percentage
Once a year	24.29
As and when they have	61.43
Did not Know	14.29
N	70

Source: Field data, 2015

The observation from the results is that some tenants pay rates this is because when bailiffs visit the settlement the goods are obtained from the person living in the house, regardless of whether one is a tenant or a land lord.

5.5 Factors influencing Participation in Settlement Upgrading

A number of key factors were used to deduce the relationship between tenure and participatory upgrading. These included: gender, level of education, length of stay, tenure and fear of possible eviction.

5.5.1 Gender

Results from the qualitative evidence gathered through interviews and the focus group discussion show that there is compelling evidence that gender has an impact on participatory settlement upgrading. The responses below indicate the research findings.

We as women of this community are not only concerned about access to water and other social facilities but we want our children to live in a better house and better community. That is why we are sometimes forced to work for free for the sake of our communities (focus group discussion, 2015).

Another respondent narrated the following:

My husband will one day marry someone else and leave me and the children in this unfinished house if I do nothing, me and the children will suffer.

Yet another female respondent indicated the following:

Most women can only access housing through a relationship to males, e.g. husbands or in-laws. When these relationships break or otherwise cease to exist, women are left vulnerable and often unable to find alternative housing for themselves and their children.

A test was done on the variable gender using a Z test for differences in Two Proportions. The analysis examined the differences in views on participation between men and females in the settlement as indicated in table 5.8.

Table 5:8 : Results of Z-Proportional Test

Z Test for Differences in Two Proportions	
Data	
Hypothesized Difference	0

Level of Significance	0.05
Group 1	
Female Positive Views on Participation	20
Sample Size	27
Group 2	
Male Positive Views Participation	16
Sample Size	35
Intermediate Calculations	
Group 1 Proportion	0.7407
Group 2 Proportion	0.4571
Difference in Two Proportions	0.2836
Average Proportion	0.5806
Z Test Statistic	2.2438
Two-Tail Test	
Lower Critical Value	-1.9600
Upper Critical Value	1.9600
p-Value	0.0248
Reject the null hypothesis	

Confidence Interval Estimate	
for the Difference Between Two Proportions	
Data	
Confidence Level	95%
Intermediate Calculations	
Z Value	-1.9600
Std. Error of the Diff. between two Proportions	0.1192
Interval Half Width	0.2336
Confidence Interval	
Interval Lower Limit	0.0500
Interval Upper Limit	0.5172

Since the p-value is 0.0248 which is less than 0.05 the null hypothesis that they are no differences between the proportions of men and women with respect to their levels is rejected. The results therefore are in agreement with the findings obtained from the focus group discussions(FDGs), that indicated a difference in participation based on gender. This therefore suggests that gender has an implication on the levels of participation.

5.5.2 Level of Education Status

The data collected indicated that the level of education has no bearing on participation in settlement upgrading

In this community, we have both educated and uneducated people, people are looking for where to live and as long as it is house a person will live in it.

The results indicate the community has residents who have acquired some basic form of education. As 51% of the respondents has acquired upon primary level of education.

This implies that the willingness to participate in settlement upgrading is not in any way affected by one's levels of education. It could therefore be said that levels of education do not affect the understanding of issues and relevance of tenure.

5.5.3 Length of Residence

The findings show that the duration of residence in the settlement presents a greater likelihood of residents considering it "home," and hence positively related to the likelihood of participation. This suggests that length of stay in a place plays an important mediating role between connection to place and participation.

The results also indicate that the longer one lived in the settlements the stronger the connection to the settlement was. This brings with it a significant behavioural implication in terms of the level of participation.

We have lived here for years and we have seen governments come and go, some do nothing for this settlement others have put roads and water. This is our community and only us can improve it, if we improve our home.

Results show a relationship between length of stay and level of participation (Table 5.10)

Table 5 :9 : Chi-square results

Length of stay category	observed	expected
Between 0&5 years	8	23.33
Between 6 and 10 years	21	23.33
11 years and above	41	23.33
		P Value= 0.00000717756811

The chi-square test gives a p-value of 0.0000071. Since the p-value of 0.0000071 is less than 0.05, we reject the null hypothesis that there is no association between length of stay and the level of participation and conclude that there is a relationship between participation and length of stay. The results suggest that length of stay may have an

effect on the level of participation. However, it should be noted that the relationship is not necessary causal in nature.

The implication of this on the levels of participation is that the longer one lived in Kalikiliki, the more likely one would be to invest in its future and the public good and, as a result, the more likely one would be to contribute towards collective action.

5.5.4 Fear of Possible Eviction

The results from Table 5.10 show that 70% of the respondents felt fear of postion eviction affected they level of participation in any form of upgrading in the settlement.

Table 5.10: Fear of Eviction And Participation

Fear of possible Evition affecting participation	Percentage
Yes	70%
No	30%
N	70

Source: Field data, 2015

The other findings indicate that fear of possible eviction has an effect on the level of participation in settlement upgrading of informal settlements. This can be deduced from the responses obtained from interview a key respondent from the People Process on Housing and Poverty in Zambia-federation women.

The respondent narrated that :

How can you live well in your community every day, when all you hear on the news is that government will demolish you houses and give the land to investors?

5.5.5 Perception of Security of Tenure

From figure 5.8 , 51.4% of the respondents viewed the provision of basic services as a more secure form of tenure. Residents in informal settlements view the provision of basic services as a more secure form of tenure. This is because setting up of basic services by government requires a commitment of huge sums of money and on that basis

once such investment are made evictions and demolition are no longer an option for government.

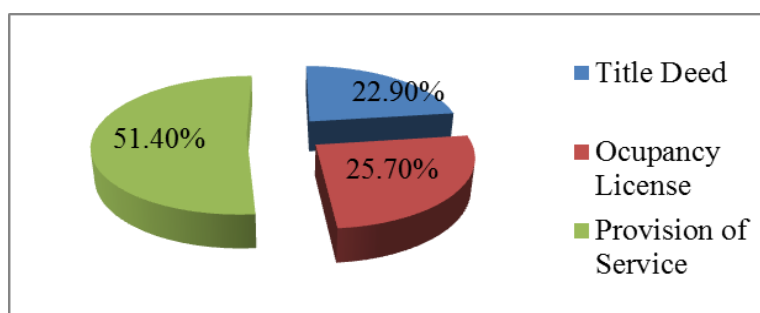


Figure 5.8 : Perception of Security of Tenure

Source: Field data, 2015

5.6 Implications of Policy Change of Tenure Systems

Data collected from a key informant from Lusaka City Council (LCC) indicated that the local authority does not have a clear policy framework on how to address issues of informality.

As a council we are still in the process of developing a slum upgrading strategy which will act as a road map to addressing developmental challenges and tenure in informal settlements. The current system of documenting land rights has lots of loop holes and has potential to fuel conflicts. The council has in many cases issued occupancy licenses for one house to more people. Participatory settlement upgrading is a good approach to adopt. However, the only challenges would be managing the tenants and landlord relationships.

5.6.1 Forms of Tenure

The urban and regional planning act No 5 of 2015 provides for the issuance of occupancy licences in informal settlements. The occupancy licenses are valid for a period of thirty years and grant rights that are limited to just the structure and not the surrounding land parcels. The forms of tenure available to land holders should provide clear and certain rights of ownership.

5.6.2 Processes of Subdivision and Tenure Registration

The current legal framework empowers the council to develop a layout plan within an improvement area . Land Rights for the residents are are only limited to the structure that one owns and not the surrounding land parcels.

In the Urban and Regional Planning Act No:3 of 2015 Section 30 the following are the provisions with regards to Tenure Registration:

(1) A person shall not, without an occupancy licence issued under this section and except in accordance with the conditions of the occupancy licence, build, use, let, sell, create a lien or security or in any way deal with any dwelling or building erected on any piece or parcel of land.

(2) A local authority may issue to any person an occupancy licence in respect of any piece or parcel of land in such form, subject to such conditions and on payment of such fees as may be prescribed.

(3) Subject to the provisions of this Act, an occupancy licence shall be valid for a period of thirty years. (4) An occupancy licence and any other document relating to any dealing with land shall be registered in such manner as may be prescribed.

(5) The holder of an occupancy licence shall have such rights and obligations in respect of the piece or parcel of land to which the licence relates and in respect of any dwelling or other building erected thereon as may be prescribed.

(6) A local authority may, after giving three months' notice in writing to the licensee, revoke an occupancy licence on any of the following grounds: (a) the licensee has committed a breach of, or failed to comply with, any of the conditions of the licence; or (b) the licensee has failed to pay the fee prescribed for the licence.

(7) Any fees payable under this Part may be recovered by a local authority as a civil debt.

(8) A holder of an occupancy licence may apply to the registrar for the issuance of the certificate of title in respect of the piece or parcel of land to which the occupancy licence relates.

CHAPTER 6: DISCUSSION

6.1 Introduction

This chapter discusses the findings of the research based on the following objectives of the study. Examining the tenure arrangements that guide the use and access to land, to assess the factors that influence willingness to participate in settlement upgrading Kalikiliki and to explore the impact of policy change on tenure systems.

6.2 Examining Tenure Arrangements

The results of the study show that most of the people living in the settlement lack security of tenure. This can be seen from figure 11, which shows that 50% of the respondents did not have documentation to show any proof of security of tenure. The literature review from the various studies conducted on informal settlements shows that about 60 percent of the urban population are living in informal settlements characterized by, among others, poor environmental conditions and lack security of tenure (Roy, 2005). The findings obtained from this study indicate that most of the (59.7%) respondents (Table 5.7) were tenants in the settlement. From these findings, it can be argued that homeownership is not the only or even predominant form of finding shelter in the kalilikili, although the literature on urban housing seems to suggest this. Raked (1995: 791) rightfully criticises this preoccupation and demands greater attention to rental housing. Indeed, recent figures compiled by UNCHS suggest that in most cities, the majority of the population is renting accommodation. Percentages vary between 20 and 91 and there are significant differences between and even within countries (UNCHS1996:212.). It is plausible to assume that a large proportion of these tenants are poor, and are renting because owner occupation is not accessible to them. Hardoy and Satterthwaite (1989) note that overcrowding, lack of facilities and poor maintenance is common characteristics of most rental housing for low-income groups. The findings of this research are in agreement with this observation that owner occupation is a huge challenge in informal settlements. What was evident in the research was that in each house the landlord had the option to rent it out to anyone for purposes of just having the housing unit in the informal settlement. Apart from this, there is a wide variation of rental sub-markets in terms of accessibility and quality of infrastructure of the location, form and security of tenure, and the quality of housing and facilities. Conditions range from contract-regulated tenure to via renting a room or bed.

Only 4.5% of the respondents were tenants who had signed a contract with the landlord, 22% were landlords (owners of the structures in which they live), while 59.70% were tenants who had no contracts with the landlord. Another category is that of subletting; 13.43% of the respondents were tenants of tenants. These findings indicate that most residents living in the informal settlement are tenants who do not have any claim on the land or the structure, and this agrees with studies done in other developing countries (Lombard, 2012). Rental is the most common form of tenure in formal as well as in informal settlements (Neuwirth, 2004). Tenants and subtenants form a heterogeneous group. The fact that most of the settlers in Kalikiliki are tenants and not homeowners seems to suggest the reluctance of such individuals to participate in settlement upgrading. Another observed situation in the settlement was that tenants share the same housing units with their landlords.

Most structure owners who claim *de facto* ownership of land live outside the settlements. One of the research respondent did indicate that the landlord lives on the Copperbelt province and has left a number of structures in the settlement. He usually comes once a month to collect rentals from the three structures that he owns in the community.

Some authors have stressed the importance of tenure security as *perceived* by dwellers (Payne, 2002), while others have argued for *de jure* (legal) tenure security, which has often taken the form of allocating titles (De Soto, 2000). Others, again, have focused on *de facto* tenure security, arguing that the actual circumstances are more relevant than its legal status (Durand-Lasserve & Selod, 2007). The lack of consensus on what would be a good indicator of tenure security is also explicitly pointed out by Durand-Lasserve and Selod 2007: 23) who observe that “*such an indicator is lacking in the Habitat Agenda, in the MDG monitoring systems, and the set of indicators proposed by UN-Habitat to define slums*”. This makes the reliability and comparability of tenure security in existing data impossible. The results of the study indicate that most respondents felt that provision of basic service provided some kind of “assurance” as compared to formalized tenure. This assertion is in agreement with argument provided by rights based scholars who argue that rights on paper are a necessary but insufficient condition for pro-poor policy, and hence rights-based approaches are increasingly seeking to be complementarity with livelihoods-based approaches to development, which are informed by a growing body of practical experience. “Secure rights to land underpin

secure livelihoods and shelter by reducing households' vulnerability to shocks, guaranteeing a level of self-provisioning and supplementary incomes from basic foodstuffs and enabling easier access to basic infrastructure, employment markets and financial services” (Quan: 2002). Highly marginalized groups lacking organization and resources may be unable to realize their formal rights. Improving livelihoods may be necessary to give them the incentive and leverage to lobby for realization of rights. The setting up of basic services in informal settlement will then act as a catalyst to facilitate for participatory settlement upgrading. Residents in informal settlements view the provision of basic services as a more secure form of tenure.

6.2.2 Land tenure as a component of urban development

The review of literature and the research findings collected from the residents of Kalikiliki support the notion that secure land tenure security would influence upgrading by providing a sense of identity and peace of mind, although Fallavier (2007) argues that tenure plays a limited role in the mainstreaming of participatory settlement upgrading as a component of urban development. The results show that 45% were willing to participate in settlement upgrading regardless of the tenure, by making improvements to their housing units, 50.9% were willing to take part in any community-led upgrading process. The findings show some level of indifference among community members with regards to the process of upgrading. This shows that it is highly possible that tenure is not the only factor that influences the process of upgrading. Although it is evident from the study that tenure security does affect the pattern of physical layout as shown in Figure 5.4. Hence, affecting the physical appearance of communities.

Based on the community interviews and community feedback forums it was evident that structure ownership was partially considered as a prerequisite for participation in settlement upgrading, while others, despite not owning structures in the settlement, felt comfortable on the basis of having stayed in the settlement for a long period. Many of the settlers were upgrading their units (as owners) irrespective of title or permission from the council. Upgrading initiatives require a significant investment of resources and would only be carried out upon an informed decision based on the perception of the risk of eviction. De facto security does not provide for credit, however, based on the number of subdivisions that are being carried out done in the settlement, one would still argue that perceived tenure has an effect and plays a more significant role in upgrading than legal tenure. De facto security of tenure does have some advantages and

disadvantages with respect to willingness to participate in upgrading. Once a sense of ownership is established, it would initiate the consolidation process, mainly through the self-help approach.

Based on the study, the most negative effect regarding the process of upgrading was lack of access to finance. A title deed and an occupancy license would enable access to credit and hence to other financial resources. The provision of ownership would further instil a greater sense of responsibility in the immediate environment and would deter the establishment of unauthorised units or developments. It must be mentioned that provision of ownership could contribute to the perception of empowerment as postulated in the conceptual framework of individual settlers and inspire or motivate them to willingly participate in the upgrading process through self-help methodologies.

This assertion is in agreement with Leap (2005) who argues for a shift in thinking about what forms of tenure bring tenure security towards the ability to enforce a socially meaningful and socially legitimate tenure system that prioritises the impact on the poor. Others have advocated for group tenure as a mechanism to restrict the sale of properties for the poor, but still provides them with an opportunity to have access to finance.

This implies that to some extent the landlord-tenant relationships in the settlement are flexible and can be deemed to be generally good. However, it must be mentioned that the number of new residents in the settlement is also increasing and this may in the near future put pressure on old and poor residents.

6.3 Factors That Influence Willingness to Participate In Settlement Upgrading

A number of factors were examined to deduce the relationship and factors that have a bearing on participatory settlement upgrading. The examined factors include: gender, length of stay, level of education, forms of tenure and fear of eviction.

6.3.1 Gender

The results indicated that gender is a key determinant when it comes to participation in settlement upgrading as women are able to not only attend community meetings but also provide free labour, which is a vital resource in the upgrading process. Recently, gender analysts have examined how the strategic behaviour of individuals within households is linked to wider social processes, institutions and power structures. Community organisations, public services and markets are not neutral but operate according to rules and norms, which afford different access to women and men. As

Goetz (1997) points out, men have occupied public office and dominated decision-making and decision-enforcing for a long time and their views and interests are embedded in these institutions. This means that women's participation and direct access to a range of resources outside the household may be limited, with negative implications for their own and household wellbeing.

It should be mentioned that during various meetings with community residents of the settlement, more women than men attended the meeting, and most of the inputs during the discussions came from women.

6.3.2 Length of Residence

The result of the research suggests that the duration of residence in the settlement presents the likelihood that it would be considered "home" and this also affects the likelihood of participation. This suggests that responsibility to place plays an important mediating role between connection to place and participation.

The degree to which upgrading projects has fostered effective community participation is a source of serious concern in settlement upgrading. Experience reveals that involving communities in projects is not easy and that establishing a true partnership between targeted communities, on the one hand, and donors and local government on the other, is in fact quite difficult. Broadly speaking, participation is multidimensional and communities can participate in three very different ways in the process as follows: (1) through participation in decision making, (2) through contributions in cash or in kind, and (3) through involvement in ongoing operations and maintenance and making improvements to their housing units. The result indicate that residents are willing to participate in settlement upgrading.

The results further indicate that the longer one has lived in the settlement, the stronger the connection to the settlement. This has a strong behavioural implication on the level of participation. The implication of this on the levels of participation is that the longer one has lived in Kalikiliki, the more one would invest in its future and the public good and, as a result, the more likely one would be to contribute to both individual and collective action. This implies that to some extent the residents felt secure, regardless of not having any form of rights to live in the settlement. Frederickson (1999) amplifies that greater connection to a place can be as a result of the time spent living in that place and is significantly related to participation. This leads to an enhanced sense of

empowerment for individual members of the community. This is a product of a relationship developed between the community members and the physical environment. Following this reasoning, connection to place might be assumed to increase over time. Therefore, connection to place may be used as a determinant of the willingness to participate. This implies that the length of stay in a settlement gives residents some kind of rights.

Interviewee narratives suggest that length of stay in the settlement may closely be related to an additional concept – responsibility to place and right to the place as argued in the adopted conceptual framework. – held by many to be important to participation.

“As mentioned by one renter: “Renters are seen, and see themselves, as temporary residents with less responsibility especially those who recently came to live in the settlement.” Likewise, one owner stated: “Tenants are just staying temporarily and this has implications for their responsibility to the community.” Another owner commented: “Tenants think they will leave at any time” They are, therefore, less concerned with the community.

These remarks substantiate the qualitative results, which showed that duration of residence in one’s settlement and the likelihood of considering it “home” were both significant and likely to affect participation. They also extend the quantitative results by suggesting that responsibility to place plays an important mediating role between connection to place and participation. These findings seem to also augment what Frederickson (1999) shows in his research, namely that it is through interaction with the particulars of a location that one endows it with value and develops a connection to place and is motivated to participate in any developmental processes. This positive relationship between a sense of home ownership and motivation to participate in settlement upgrading has policy implications. It would seem that in the process of attempting to resolve the existing challenges in the study area, effort must be made to promote this sense of empowerment to individual settlers in their personal capacities and as community members.

6.3.3 Level of Education

With respect to the level of education and willingness to participate in upgrading, the results indicate that education has no bearing on participation. This implies that the

willingness to participate in settlement upgrading is not affected by one's level of education. It can be assumed, therefore, that the level of education does not affect the understanding of issues and relevance of tenure in Kalikiliki.

6.3.4 Forms of Tenure

The results indicate that forms of tenure and willingness to participate have a weak relationship. On the willingness to participate, several renters noted explicitly that: “...*it is untrue that renters have less time to participate and are not motivated to participate owing to the fact that we are spending money to living in this settlement.* However, several renters strongly argued that the perception that owners have more free time is not true and is a product of the various disagreements between owners and renters. Other renters argued that owners of housing units are motivated to participate because they are likely to benefit and have secure value. Further, some tenants or renters did indicate that:

“Tenants are worried about whether their voices will be heard so are unwilling to put in time to local efforts.”

This was deduced during the various community engagement programmes through community feedback forums, undertaken in partnership with PPHPZ (community feedback forum 4, 2015).

6. 3.4 Fear of Possible Evictions

The results suggest that fear of possible eviction has a bearing on participation in settlement upgrading, especially when coupled with lack of public infrastructure investment by government or other developmental stakeholders. The level of public infrastructure invested in a settlement such as schools, clinics, roads, water reticulation to some extent does generate some form of security of tenure as argued by Olima and Obala (1999). This in turns does remove the fear of possible eviction and can motivate them to mobilize public funds and participation in settlement grading. Lack of government investments in terms of infrastructure increases the fear of possible eviction from an informal settlement and detaches people from participation in settlement upgrading.

6.4 Implications of Policy Change of Tenure Systems

The most obvious policy implication is that informal tenure systems should be tolerated and accommodated, but not without recognising their shortcomings and the problems

that such tolerance and accommodation might pose. While their strengths are recognised and built upon, their weaknesses should also be identified and policy should concentrate on addressing these weaknesses without compromising the positive contribution they make to meeting the demand for housing (land).

It is vital to recognise that the urban poor equally have a right to the city and seek some form of security of tenure. One key policy issue should be to improve the tenures available to accessing land informally, but such access should be formalised through legal reforms to empower residents. This could be done by progressing from one form of tenure to another, as the settlement develops over time (Leap, 2005). Thus one of the most obvious implications is that in the vast majority of cases, evicting settlers and demolishing their houses should be discouraged. In addition, security can be enhanced by public-sector agencies accepting innovations in documentation that have emerged in the informal systems, because these are generally popularly understood, widely accepted, cheap and procedurally simple. A particular example of this is documentation and certification of the individual housing units through a community process which PPHPZ has tempted to do in other communities. This certification and documentation process is not only owned by the community but also helps the community to manage local and development processes.

Recognition of areas in the process of being settled through informal processes of subdivision and sale can pave the way for working with subdividers and sellers to improve layouts. This can help to ensure the reservation of access ways and sites for social facilities, and make it possible for the early provision of a basic level of services. Such actions can result in further public investment in social services that are likely to reduce the fear of eviction in such settlements.

Furthermore, recognition can also contribute to incremental improvements in service provision, since once areas are *de jure* or *de facto* recognised, utilities can be provided on a full or partial cost-recovery basis as demonstrated by some utility providers in the case study cities-Botswana and Kenya (commonly electricity, often water, more rarely other environmental infrastructure).

CHAPTER 7: CONCLUSIONS AND RECOMMENDATIONS

7.1 Introduction

The study examined land tenure in an informal settlement and its implications for participatory upgrading with a view to understanding what constitutes tenure in informal settlements and how land tenure affects participation in settlement upgrading. The objectives of the study were: to examine the tenure arrangements that guide the use and access to land in the settlement, to assess the factors that influence willingness to participate in settlement upgrading and to identify and explore implications of policy change of tenure systems in Kalikiliki settlement.

Over time, the participation of the urban poor in settlement upgrading has been argued as a key component in improving their living conditions. Participation has been demonstrated as a core element of poverty reduction programs, both in developed and under-developed nations. This is because it is assumed that participation by local residents will make use of locally available resources and empower beneficiaries to solve future problems with limited outside assistance. Central to this assertion has been the issue of land tenure. This chapter provides a conclusion and recommendations based on the study findings provided in Chapter 5.

7.2 Conclusion

The analysis shows that most of the residents in the settlements are tenants, while the majority of the landlords do not have any documentation to show prove of ownership of the properties they own in the settlement.

The analysis also show that three factors seem to affect participation; gender, greater connection to place through length of stay and possible fear of eviction, while tenure seemed to have a limited impact on the levels of participation. The relationship between tenure and participation is quite poor, but a strong relationship exists between length of stay that confers a feeling of ownership and a sense of place and willingness to participate on the the one hand, while perceived probability of eviction reduces willingness to participate in settlement upgrading.

The study concludes that gender has a key bearing on participation in settlement upgrading. Women were not only active participants in the focus group discussions and community feedback forums but also equally understood the history of the settlement.

The women interviewed said development of the community was an important aspect of their well-being.

The length of stay in the settlement also affects the participation in settlement upgrading. This shows that connection to place has strong behavioural implications. Individuals with a strong connection to place feel more connected to a place and hence invest in its future and the public good and, as a result, are more likely to contribute to collective action. Collective action implies the community coming together to enhance their own status through working as a group. Greater connection to place is also thought to enhance one's sense of empowerment, because this is a product not only of relationships between community members but also between community members and their physical environment. The length of stay seems to suggest an important element of responsibility to invest in the improvement of the settlement.

The lack of secure tenure has often been attributed to the source of inadequate investment in housing and infrastructure development, therefore negatively impacting urban human settlements and hence decreasing livelihoods of the people especially the poor. The argument behind is that once tenure is secure, property owners, especially the poor themselves can invest in their own homes and neighbourhoods. However, this study concludes that the relationship between tenure and participation is very weak, meaning that residents in informal settlements do not necessarily view tenure as a key element in settlement upgrading. Other factors are likely to affect their participation in settlement upgrading, hence any intervention for the purpose of enhancing security of land tenure should be towards creating a conducive environment to enable the urban poor to own land and participate in economic activities with the intention of transforming informal investments systems considered to be dead capital into the formal systems and thus become live capital.

It can be concluded from the study that fear of eviction is reduced when government invests in public infrastructural services – such as water and sanitation facilities, electricity and proper access roads because these act as a catalyst to facilitate economic upliftment, maintenance of personal health and may lead to improvement in the quality of life if properly used in informal settlements. The investment by government implies that the settlement will not be demolished as setting up such infrastructure demands huge resources. Communities can then invest in settlement upgrading as the process

equally demands a huge investment in terms of capital resources and household time. Once government sets up the investment, the individuals in the community can therefore play a pivotal role in the upgrading process shifting from that of passive recipients to active participants, in any other process concerning the development of their settlement. Participation by the community in all aspects of their development will mean more than simple identification of problems. The community will be capacitated to understand the implications of solving these problems in terms of financial, technical, legal and human resources; time frame; and their role and other actors' roles and responsibilities. The community here refers to all the individuals living in the settlement, including women, men, children, persons with disabilities, and the elderly as a way of solidifying their rights to the city. All these groups of people are an important part of the community in their own right and their specific needs could then be addressed by actions undertaken individually and collectively by the community. In Kalikiliki, the government, with support from the government of Japan, has set up a water system that provides water to the residents. The government has equally worked on the main access roads and the settlement has access to electricity. This is a form of assurance that the area may not be demolished as the infrastructure can be deemed as a significant investment.

7.3 Recommendations

The following are the policy recommendations arising from this study that could be considered when upgrading a settlement:

- a) Local government agencies working in informal settlements need to consider implementing a pro-poor land recordation system which is an affordable, practical, achievable way to approach this issue. Such a system also needs to be decentralised so as to support a range of tenure rights for poor people, particularly in situations where conventional land registration systems cannot accommodate them. Instead of condemning the informal existing processes of land delivery as illegal, deficient and unsuitable for modern urban development, they should be reviewed, encouraged where possible, and their weaknesses addressed through mutual adaptation on the part of government and private landowners.
- b) Local Government, with the support of other players, needs to design land developmental processes that are empowering in nature. Local residents must be

put at the centre of all processes to help reduce uncertainty, anxiety and hence to promote participation by city dwellers with the right to live in the city.

- c) The attempts by informal land sub dividers, developers and community leaders to foster orderly layouts, register land transfers, develop guarantees of tenure security and service land should be encouraged, as this is done in the spirit of improving the settlements and ensuring equitable access to all members of a community. In Kalikiliki, this was a common practise in the past and the residents testified as to how it was an effective means of bringing order to the settlement.

This also implies that initiatives by indigenous land-owning communities to keep registers of alienated land should be encouraged and strengthened. A legal framework to support such activities to guide land matters in informal settlements will need to be drafted by local government agencies, working in partnership with the relevant communities.

- d) Initiatives by local communities to plan and subdivide land should be supported by local Councils, for example: disseminating principles of good layout design and adopting flexible planning standards. Current initiatives like those of PPHPZ, which support community-led planning should be scaled up in any informal settlement upgrading process.

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APPENDICES

Appendix I: Household Questionnaire

RESEARCH INSTRUMENT: QUESTIONNAIRE FOR THE HEADS OF HOUSEHOLDS

RESEARCH TOPIC: Land Tenure in Informal Settlements: Implications on participatory Settlement Upgrading of kalikiliki settlements

The researcher is a student at the aforementioned institution conducting a research on land tenure in informal settlement: Implications on participatory Settlement Upgrading.

Note that the information provided will be used for academic purpose only and any assistance will be appreciated greatly.

Section A: Demographic Data

- i. Sex
 - a).Male
 - b). Female
- ii. Level Of Education
 - a) Primary
 - b) Secondary
 - c) Tertiary
- iii. Marital Status
 - a) Single
 - b) Married
 - c) Divorced
 - d) widowed
- iv. Type of Household
 - a). Orphan headed
 - b). Child/Youth headed
- iv. Age Category
 - a)20-30years
 - b) 31-45years
 - c) 46-55years
 - d). 56-65 years
 - e). Above 66 years
- v. What is your length of stay in the settlement –How long have you lived in the settlement?
 - a). Not more than a year
 - b). Between 2 and 5 years
 - c). Between 6 and 10 years
 - d). Above 11 years

Section B: Socio-Economic Characteristics

- i. Employment Status
 - a) Employed
 - b) Unemployed

ii. Source Of Income

a) Business b) Other State (please specify)

iii. Month Level of income for head of Household

a)1000-3000 b)4000-7000 c)8000 and above

iii. If you pay for your land rates, do you consider the rates affordable?

State the amount

a) Yes b) No c) Not applicable

iv. How often do you pay?

a).Once a month b) Other State (please specify)

SECTION C: Spatial –Physical Characteristics

i. Access to basic Infrastructure (such as water, electricity and access road)

a) Yes

b) No

If Yes Mention the Specific Infrastructure

ii. Materials Used For Building The House Of Occupation

a. Mud b) Grass c) Concrete& Cement

SECTION D: Land Access and Delivery in the Settlement

i. Is there any land available for new allocation in the settlement?

a).Yes

b). No

ii. Who is eligible for the allocation of land in the settlement?

a). Anyone

b).other state and give reasons

iii. What are the possible channels of access to land?

a). Purchase

b).heritance

c)given

iv. Who allocates land in the settlement?

a). Politicians

b). The church

c).community

members

v. How would you describe access to land in kalikiliki settlements?

- a) Affordable b) Expensive c) Other State & Give Reasons
- vi. What is the price of land in the settlement?
 - A) below 10,00 b) Between 11,000 and 20,000 c) Between 21,000 and 30,000 d) Between 31,000 and 50,000 e) Above 50,000

SECTION E: Land Tenure and Security

- i. What types of tenure exist in Kalikiliki settlements?
 - a. Statutory b) Non-statutory c) Customary
- ii. How is tenure acquired in Kalikiliki?
 Explain
- iii. Which tenure category do you have?
 - a) Tenant with contract b) Tenant without contract c) owner
- iv. If you are the owner what document do you have as proof?
 - a) Occupancy Licences b) Title Deed c) land records d) Others state
- v. Is access to land equitable to all groups of people in the settlement?
 - a. Yes b).No c).Others Explain
- vi. Who are the most disadvantaged group in the settlement?
 - a. Women b).Youths c).widows
- vii. What would you perceive as security of tenure?
 - a. Title Deed b).Occupancy License c).Provision of Basic Services
- viii. What forms of tenure would you prefer and why?
 - a. Communal b).Cooperative c).Leasehold d).Other State and Give Reasons
- ix. What is the degree of land tenure security in the settlement?
 - a).High b).low c).medium
- x. What action has been taken to improve land tenure in the settlement?
- xi. Has the settlement suffered any eviction/demolition and threats in the last ten years?
 - a).Yes b).No

SECTION F: Tenure and Participation

- i. What does settlement upgrading mean?
- ii. How has the upgrading process affected kalikiliki settlements?
- iii. What are the opportunities and challenges following upgrading in kalikiliki settlements?
- iv. What are some of the benefits of the upgrading process?
- v. What factors affect participation in settlement upgrading?
- vi. How can land rights be changed to protect the interests (of the poor) women and children to safeguard their lives in kalikiliki settlements?
- vii. Does the current tenure influence participation in upgrading of kalikiliki settlements?
 - a). Yes
 - b).No
 - c). Others state and explain

Appendix ii: Institutional/key Informant Interview Schedule

RESEARCH INSTRUMENT: INTERVIEW SCHEDULE FOR KEY INFORMANTS & INSTITUTIONS
RESEARCH TOPIC: Land Tenure in Informal Settlements: Implications on participatory Settlement Upgrading a Case of Kalikiliki Settlement in Lusaka

The researcher is a student at the aforementioned institution conducting a research on land tenure in informal settlement: Implications on participatory Settlement Upgrading. Kindly note that that this research is vital for understanding land related issues in our community.

Kindly note that the information provided will be used for academic purpose only assistance will be appreciated greatly.

Name of institution/key informants

.....

ii. Purpose of institution

.....

iii. Role of institution in policy formulation

.....

iv. What are the laws that govern land issues in informal settlements?

v. Are current laws enforced adequately in informal settlement?

Yes No

Give

reasons

.....

vi. Do you think the current laws recognise the tenure forms in the informal settlement?

Yes No

Give reasons for either answers

vii. Do the practices on the ground reflect the provision in the current law?

Yes No

Explain

if

Yes/no

.....

viii. **How adequate do the current law** recognise the tenure categories and property rights in informal settlement?

.....

.....

ix. **Are the local community members facilitated to participate and contribute to the making of land laws?**

.....

....

Thanks and God Bless for the help rendered.