



UNIVERSITY OF ZAMBIA AND ZIMBABWE OPEN UNIVERSITY

POSTGRADUATE PROGRAMMES

**AN INVESTIGATION INTO LAND CONFLICTS IN KALOMO DISTRICT- ZAMBIA:
AN ANALYSIS OF THE PROCESS OF LAND ACQUISITION.**

BY

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DECLARATION

I, David Muchimba, [computer number: 715808815] DO HEREBY solemnly declare that “An Investigation into Land Conflicts in Kalomo District, Zambia: An Analysis of the Process of Land Acquisition” is my original work and has never been and shall never be presented to these or another University as part of an award of any degree.

Signed

Date

DEDICATION

I dedicate this work to God almighty who gave me strength, grace and passion to achieve what seemed impossible. I also dedicate this work to my father Jotham Chikange Haachilamba Muchimba and my mother Brandinah Mainza Muchimbafor standing by my side and encouraging me whenever my strength and will seemed to wane out under the pressure to complete the project.

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DEFINITION OF TERMS

In this research terms were taken as they were contextually explained here.

- i. **Conflict:** Misunderstanding between two persons or groups of persons.
- ii. **Land Acquisition:** buying or leasing pieces of land to either foreign or national investors
- iii. **Land Tenure:** Manner in which rights in land are held. Rules invented by societies to regulate behavior. It has to do with the way people hold rights to land, or natural resources on it either individually or collectively. It determine who can use what resources, for how long and under what conditions, (Peter and McLaughlin, 1999).
- iv. **Lease:** A contract in which one party conveys land, property or services to another for a specified period of time.
- v. **LEDC-** Less Economically Developed Countries.
- vi. **MEDC-** More Economically Developed Countries.

ABSTRACT

The purpose of this study was to investigate land conflicts through the analysis of the process of land acquisition in Kalomo district and come up with possible recommendations that can help minimise conflicts at land acquisition stage. The qualitative data was collected from both land administrators and the ordinary people in Kalomo district. In- depth interviews and questionnaires were administered using purposive sampling techniques. This technique was suitable due to the fact that the study required specific characteristics of respondents like land administrators and people affected by or involved in land conflicts. Both groups gave their views on the process of land acquisition.

The study was driven by the Neo-colonialism Theoretical framework whose major assumptions are that there is a continuation of domination by one country over another which makes a host country more economically dependent on the dominant country. However, neo- colonialism theory focuses on the domination and control of specific parts of land instead of an entire nation. It is not necessarily a relationship between two nations. Just like traditional colonialism, neo-colonialism is about one actor dominating the other. This theory was ideal to explain conflicts in the land acquisition process in which government and private entities took possession of land and how the indigenous people were affected by this external influence.

The major findings were that land administrators did not adhere to the existing guidelines of the Lands Act. The by- laws made by the district council were very exploitative for applicants who needed land. The involvement of officials from other government agencies did not only increase the expenses needed for land alienation process, but also their lack of expertise in land administration deteriorated the role of the land agencies. Further, some institutions such as the Zambia Railways interfered with the role of the district council by allocating land along the line of rail to its former workers and political party cadres by giving plots to their new party members on prohibited land. This resulted into many residents holding untitled land.

Research findings also indicated that there was a lot still needed to be done, especially at the land acquisition stage, to minimise land conflicts. There was an urgent need to revisit the Lands Act to regulate behaviours of various people holding interest in land. Children, like any other

beneficiary, need to be considered in the process of land allocation taking into account the child-headed households which have emerged in Zambia.

The lands Act should be translated into seven local languages to ensure adequate public consumption. As a public document, the Lands Act must be simplified from its technical language to a more comprehensive law to cater for the interests of both the educated (trained) and the uneducated (untrained) citizens. An independent body should be established to preside over customary land issues as the Land Tribunal is more inclined to statutory law. All in all, the study is aimed at emancipating the lives of the people whose land rights are entangled in the selfish desires of the few dominant institutions and in Kalomo district. This emancipation is guaranteed through the excavation and making known of the irregularities existing within the process of land acquisition, which, in the long run, may have been considered a normal trend by the stakeholders.

CHAPTER ONE

1.0 INTRODUCTION

This research dissertation is about an investigation in to land conflicts through the process of land acquisition. Land is the most basic of all essential economic resources without which life would be unbearable for humankind. It is not just a means of livelihoods and survival but also has profound cultural and socio- political dimensions by which society's development is measured. For a Zambian, land is the single most important asset, hence if not administered well it can lead to serious conflicts among the people holding interests in it, (Chileshe, 2005). Land conflicts experienced in Zambia include: land encroachment, allocating and settling on already titled land, unlawful extension of boundaries and leasing land without proper consent of stakeholders. Many scholars have attributed these conflicts to the increased land value which has compelled both government and private investors into serious competition for land. While the poor struggle to get plots through land agencies for their settlement, the privileged (rich) people simply amass most of the land and engage in profit making thereby increasing conflict between the later and the former.

Persistent conflict between customary law and statutory law over land acquisition has been recorded. Usually, when resolving conflicts over traditional land, in most cases statutory law prevails over customary law. Gross human rights violations have been witnessed resulting from both statutory and customary land, in which land administrators have been directly involved in serious conflicts with their subjects. The Zambian government has a responsibility to protect the land rights of its citizens, instead, many men and women die at the hand of the government institutions, over land rights. Mass demolition of residents' houses by government and hailing of insults by the victims in retaliation, is the talk of the day.

Although thousands of dollars have been donated by donor states and mechanisms set towards improvement of land administration, no single dollar has been dedicated towards minimising conflicts. Further, improvement of the land acquisition process has never been among the first priorities of government in its quest to minimise land conflicts.

This chapter will give a background of what the research topic is all about, statement of the problem, research objectives, research questions, justification of the study and limitations. The study, therefore seeks to investigate land conflicts through the process of land acquisition in Kalomo district.

1.1 BACKGROUND INFORMATION

The Republic of Zambia is situated in middle southern Africa covering an area of 752,614 square kilometers. In Zambia, land generates the largest stake of the country's economy. Prior to the coming of the colonial people, land in Zambia has been held under customary tenure, meaning that control of traditional land was only vested in families or chieftaincies not as owners but as custodians of the land according to customary law. Customary laws are based on traditions and customs not written down, but it is assumed that the members of the community are well vested with the rules and regulations under this system. This also entails that land acquisition was predominantly through the traditional leaders. For instance land could be acquired by an individual or community from traditional leaders as a gift, but this was strictly based on respective traditions and customs of a particular society, (Ministry of Lands, 2002).

The coming of the British South African Company (BSA Co.) in 1890 brought about changes in the way land was acquired. They introduced the new system, based on English Law which favoured their interests in land. This new system disregarded the existing customary tenure system by transplanting the statutory tenure which they deemed would protect their interests, (Mbaya, 2001). The BSA Co. in 1911 passed a specific law called the Order-in-Council which provided that "a native could acquire, hold, encumber and dispose of land on the same conditions as a person who was not a Native but no contract for encumbering or alienating land the property of a Native would be valid unless the contract was made in the presence of or attested by a Magistrate and bore a Certificate signed by him stating that the consideration for the contract was fair and reasonable, and that he had satisfied himself that the native understood the transaction", (The Johnson Land Commission, 1967:16). Since then, two systems of land tenure have been in use in Zambia, customary law and statutory land. Customary law was based on indigenous land tenure which evolved in the interaction of cultures and environment over

centuries and the statutory law based on the British land codes. It is through these two systems of land tenure that land is acquired in Zambia.

Further, in 1924, the British crown took over control of Northern Rhodesia from the BSA Co. The British Crown introduced the 1924 Order-in-Council which secured the position of the Governor. The Governor was granted power by the British Crown over land administration. The 1924 Order in council provided for the appointment of the Native Reserve Commission to demarcate land for the natives, hence the movements of masses of Africans into reserve land such as the East Luangwa district of North East Rhodesia. Moreover, no compensation was made for the African masses for moving from crown land to reserve lands. African chiefs no longer had ultimate powers over land as the situation was before the coming of the whites. This strategy of racial segregation entails that conflicts between the two races would inevitably erupt as Africans were not happy with the conditions they were subjected to. For example, in the reserves Africans complained of soil erosion and successively poorer crops (Palmer, 2007).

Furthermore, the reserve land which Africans were forced to occupy was essentially a permanent habitat of the indigenous people, characterized with poor conditions such as soil erosion and overcrowding due to an influx of dispossessed Africans from the alienated land. Europeans could acquire land in reserves only for a five-year period, if this was considered by the Governor to be in the best interests of the indigenous people; and mineral exploitation was permissible, though no African was allowed to resettle in the crown land, (Mvunga, 1960).

Crown land comprised all land occupied by the white settlers especially the land along the line of rail. Unlike Reserve land, Crown land was far much fertile and well located. "Crown land was for non-native settlement and for mining development. It included land certified as a result of geological survey to be suitable for European development, and all land known to contain potential mineral resources....", (Johnson Land Commission Report 1967:20). It is important to mention that Crown land was strictly for the white people and no African was allowed to settle in this land. Only temporal arrangements were made for servants for the time they were required to work after which they had to return to the reserves or trust land.

After independence, the Zambian government repossessed land control and committed its use to development through the enactment of various statutes. Since then land law in Zambia has been held in two tenure systems: “state” and “communal” and all land is officially recognised as either “state land” or “customary land, (Chileshe, 2005). As part of his “Back to the Land” campaign, President Kaunda introduced a Lands Act of 1970 where his government took over all unfenced or unstamped land from the indigenous people. This entails that developing land by fencing or stamping it was one of the pre-requisites of land acquisition and ownership. Citizens who were not able to fence or stamp their land lost it. This created uncertainties about the future of the majority Zambian people. Also, “this short term legislation made little difference to the position of commercial farmers, Zambian or foreign, but the fact that the government had armed itself with such powers, and the lack of clarity as to its ultimate objectives, are said (by the Commercial Farmers Bureau) to have inhibited investment”, (Kydd, 1986:253).

Moreover, the Lands (Conversion of titles) Act chapter 289 of 1972 was intended to empower an African by enabling him to hold title to the land on free basis which was not occupied before. This Act provided that land was vested in the Republican president in perpetuity for and on behalf of the Zambian people. This entails that the Zambian people were entitled to acquire land using procedures which favoured their interest, hence serious disputes over land in their quest to exercise their land rights, (Ministry of Lands, 2002).

In 1995 the government introduced the new land law, the Lands Act of 1995 which was intended to replace the old law which was contained in the 1975 Act. This old Act was deemed to make it difficult for people to freely transfer the title of land. The Lands Act of 1995 was intended to address land issues through the review of customary land tenure system, empowering of traditional leaders and create a private land market. This bill was presented in parliament for approval. Despite the opposition members of parliament not approving this Bill, because of alleged lack of wide consultation, it became law and it is the current legislation providing guidelines for the administration of land in Zambia, (Zambia Land Alliance, 2006).

Today land is acquired through the Lands Act of 1995. It guarantees the continuation of leasehold and leasehold tenure. Through the 1995 Lands Act, authority is vested in the president to alienate land. “All land in Zambia shall, subject to this Act, or any other law be administered and controlled by the President for the use or common benefit, direct or indirect, of the people of Zambia”, (Section 5 of the Lands Act, 1995). According to the Zambian Constitution (2016) part xxi- Article 296 (1), “land is vested in the president and held by the president in trust for, and on behalf of, the people of Zambia” while Article 296 (2) states that, “land shall be delimited and classified as state land, customary land...” It is also important to note that the current legislation recognizes the continuation of customary tenure and conversion of customary tenure into leasehold tenure.

In order to make customary land available for commercial farming it has to be transformed to state land, whereby it gets titled. Titles are issued by the Commissioner of Lands within the Ministry of Lands (MOL). Customary Land is cheap and investors might find this option attractive as an opportunity to acquire land of the quality and location best suited for their purpose. However investors will likely have to install all necessary infrastructure. In addition, enforcing the transfer might lead to conflict with local farmers, (Tygesen, 2014).

The Housing (Statutory and improvement) Act of 1974 still empowers the councils to administer the giving out of plots in state controlled land. District councils have been giving out plots to residents living within their catchment areas. In this act, the minister is granted powers to declare any area of land within the jurisdiction of a council to be a Statutory Housing area as long as the land is held in free-simple and a housing plan prepared by the council is approved by the surveyor general(section4). The council is not allowed to sell or convey any freehold estate, allocating more than one piece of land to any one person, or giving out plots to a person who is engaged in the business of buying and selling. Upon payment of a prescribed fee, a council certificate of title for land is issued to an individual (section7 (1)) or legal entity (section5 (2)).Where two or more persons are entitled as tenants in common to undivided shares, only one certificate of title shall be issued (section7 (3)), although the council registrar is given powers to

issue a separate certificate for each person's share upon payment of a fee (section 7 (4)), (Roth, Khan and Zulu (1995)).

Section 4 of the 1995 lands Act states that the president, despite being vested with authority to administer all land in Zambia, shall not alienate any land situated in a district or an area where land is held under customary tenure without first consulting and getting the approval of the chief and local authority. In the case of a game management area, the Director General of the Zambia Wildlife Authority (ZAWA) should also be consulted. This legislation also states that any other person or body whose interest may be affected by the grant should be consulted, (ZLA, June 30th 2014). It also provides for the establishment of a Land Development Fund and the creation of a Lands Tribunal. This is a group of judges appointed by the state to administer land issues. The Lands Tribunal was established to assist people who were aggrieved of the manner in which their land rights were infringed.

However, despite having the Lands Act in place, disputes over land, particularly in urban and peri-urban areas, are increasingly intensifying. For example, complex land issues have been experienced between countries, for instance conflict over boundaries between Zambia and other countries and between chiefdoms over boundaries and ownership of certain pieces of land. Further, government conservation officers and rural communities have always been in constant conflict over alleged illegal settlement and poaching. A number of incidents on land disputes in Zambia have been recorded. Some of them are longstanding while others are recent, (Chooma, 2014).

1.2 THE PURPOSE OF STUDY

The purpose of the study is to investigate the land conflicts in Kalomo district, Zambia through the analysis of the process of land acquisition.

1.3 STATEMENT OF THE PROBLEM

Land is one of the most important aspects of wealth in Africa. Particularly, in Zambia people construct their livelihoods entirely from land. To ensure smooth administration of land, the Zambian government has the Lands law regulating the relationships of people holding interests

in land. Despite having this land law in place, there are land conflicts in the country. In both urban and rural areas, disputes over residential plots and farmlands are being witnessed. Some disputes are so violent that parties involved are not only losing their property but also their lives in their quest to protect their alleged pieces of land. There are also unresolved conflicts over land in Peri- urban areas involving indigenous inhabitants, and government institutions. Although various conflict resolution mechanisms have been put in place by government, such as the lands Act, 1995 and The Lands Tribunal, land disputes are on the increase in the country. Therefore, this research will investigate land conflicts with regards to the process of land acquisition in Kalomo district of Southern province- Zambia.

1.4 GENERAL OBJECTIVES

To investigate the land acquisition process in Kalomo district.

1.4.1 SPECIFIC OBJECTIVE

- i. To investigate how land is acquired in Kalomo district.
- ii. To assess the land tenure systems used in Zambia.
- iii. To identify the challenges faced in acquiring land in Kalomo district
- iv. To investigate the causes of land conflicts in Kalomo district.
- v. To analyze strategies put in place to address land conflicts in Kalomo district

1.5 MAIN RESEACH QUESTION

What are the causes of conflicts in the land acquisition process in Kalomo district?

1.5.1 SUB- QUESTIONS

- i. How is land acquired in Kalomo district?
- ii. What land tenure system is used in Zambia?
- iii. What are the challenges faced in addressing land conflicts in Kalomo district?
- iv. What are the causes of land conflicts in Kalomo district?
- v. What are the strategies used to minimize land conflicts in Kalomo district?

3.91 LIMITATIONS OF THE STUDY

1. Also, some respondents could not freely release some of the information required.

2. Some respondents hid some of the information for fear of being cited for corruption.
3. Many of the people were unaware of the existence of a land Act and as such may not know their entitlements.

3.92 ETHICAL CONSIDERATIONS

In addition, since the research was about conflict issues, the researcher was determined not to bring together people in conflict during data collection as this might exacerbate violence.

The research was carried out in the light of ensuring ethical considerations. It is recognised and ensured that human beings have the right to be informed consent and should enjoy freedom from coercion. People who were not willing to participate were excluded. This is an important concern given the fact that information gathered can potentially be used or abused in ways that could harm the respondents. All human behaviour is subject to ethical principles, rules and conventions which distinguish socially acceptable behaviour from that which is generally not acceptable. According to Terrebranche (2006:67), any research should take the principle of autonomy and respect for the dignity of persons. The research will seek permission from participants and the local leadership to carry out interviews.

The participants were informed of the nature and the purpose of the research as well the benefit of gathering data. The researcher did not use real names but pseudonyms. As regards to the principle of non- maleficence, the researcher ensured that no participant was harmed during the period of research. The benefits go to the community and the local authority in general based on the better understanding of the perception of the researched and the recommendation that is made arising from the findings.

1.7 SIGNIFICANCE OF THE STUDY

This study may be relevant to the institutions that administer land, such as the Ministry of Lands and district councils as it may help find ways to mitigate or circumvent completely the devastating consequences of land conflicts arising from the process of land acquisition. The findings of this research will contribute to the formulation of a framework that will make administration of land efficient, thereby minimising land disputes. Since the research aims to analyse the procedures used to acquire land, it is hoped that the study will contribute in feeling

the existing knowledge gaps in the proposed research. This will serve as a tool to fix the complex conflict patterns experienced in the country.

1.8 THEORETICAL FRAMEWORK

The main purpose of this study is to understand land conflicts by analysing the process of land acquisition. The study investigates factors that create conducive climate for conflicts particularly in the process of land acquisition.

The study was guided by Neo- colonialism theory by Nkrumah (1966) which expounds that during colonial rule colonisers formulated the exploitative policies by which they amassed African resources on the expense of the indigenous people during the colonial era. The theory states that these are the same rules and regulations which former colonies inherited at independence and which, today, former colonies still use to govern certain aspects of their societies. The colonial injustices are being depicted in today's process of land acquisition in the once colonised countries.

Neo- colonialism theory is connected to the idea that independent states can be partially under the control of an external force through economic or monetary means, (Nkrumah, 1966:6). However, neo- colonialism theory focuses on the domination and control of specific parts of land instead of an entire nation. It is not necessarily a relationship between two nations. Just like traditional colonialism, neo- colonialism is about one actor dominating the other. In return for ownership of land, these less wealthy countries relied on the colonisers' financial support and technological advances, which had its repercussion on culture and made them more political and economically dependent, hence, the integration of dependency theory, cultural theory and Marxist theory as components (supportive theories) of neo-colonialism theory. Nkrumah explains that natural resources play a major part in this new form of colonialism as he sees neo-colonialism as a continuation of the economic structure of colonialism, (Alexander, 2013). The continuation of the colonial structure is facilitated by the current policies adopted from the colonisers.

According to Nkrumah, colonisers design rules and regulations to harness resources for the indigenous people in such a way that the system favours the foreign investors while it exploits the indigenous people. Neo- colonialism theory is concerned about political, economic and cultural frictions that are experienced in the process of land acquisition. The theory explains the possible conflicts that are- economic, political and socio- cultural in nature- that may arise during the process of land acquisition. These frictions arise from the fact that there is growing competition for land because the economic development for most of the African population is relied on the access to land since majority of the population depends on land and land- based resources for their livelihoods, (Seckeris, 2010; Zwan, 2011; Gebremedhin, 2015). Therefore, the current governments of once colonised nations together with private investors extensively guard and protect the colonial policies because they work in favour of the privileged few. They use these same adopted policies to restrain the behaviours of the indigenous people in order to amass their resources.

These imposed colonial state structures are seen to exacerbate conflict instead of promoting peace. In short, neo- colonialism theory argues that the policies colonisers used to acquire land from indigenous people are the same rules and regulations the current government agencies and individual investors are using to acquire resources. According to the theory, domination does not only take place on political and economic levels, but it also takes place on a cultural level. In modern neo- colonialism the similar thing happens as investors set new rules and regulations and also bring their own workers to the land.

Land acquisition has to do with individuals or institutions buying or leasing pieces of land to either foreign or national investors. These individuals or institutions would include citizens, (local) governments, domestic companies or transnational companies. Land acquisition can be understood in two parts namely; one investing party that wants to acquire land; and one that offers this land. It is noteworthy that investing parties can directly affect the ability of the hosting country and their inhabitants to control the land. The process of land acquisition usually influences the inhabitants of that particular area in an economic, political, and socio- cultural manner.

According to neo-colonialism, certain factors are attributed to being drivers of land acquisition. These are simply factors that compel one to venture into the process of land acquisition. Three key drivers of the wave of land acquisition have been identified namely; food security, non-food commodities and investors. The growing world population has led to an increase in the need for food thereby doubling the prices of most food commodities. This clearly indicates an increased demand for buying and leasing land elsewhere for food, (Actionaid, 2012). Another driver for land acquisition, are the investors. These investors can be put into two categories namely; government and private investors. In this research context, 'government' refers to all institutions which represent a sovereign government such as ministry and government-backed agencies. Government investors are usually compelled to acquire land to meet the needs of their populations, so as those providing land up for acquisition. The category 'private' in this research context means private corporations which are mostly established by individual investors.

According to Hill (1993:40-41), policy is "a product of political influence, determining and settling limits to what the state does". In this research about land conflict and land acquisition and land rights in Kalomo, the term policy will be defined as "all political influences by state institutions and international community on land rights, human rights and land acquisition process that affect stakeholders in the process of land acquisition Kalomo.

Neo-colonialism theory identifies policy as starting point of the acquisition process. Policy directly influences possible conflicts as rules and regulations (or guidelines) affect those who take part in the process of land acquisition. Despite the importance of policy, the problems with land acquisitions are not contained within the national or international policies, (Cotula et al., 2003:68). Another problem is that policies that guide land acquisition are out-dated, not amended or not complied to (Alexander, 2013:21). Conflict has been also identified to be an essential guide to every step of the process but it is also the mean solution to minimise land conflicts.

According to Sunkel (1969), dependency theory can be defined as, an explanation of the development of a state in terms of the external influence- political, economic, and cultural- on national development policies. This entails that dependency theory is mainly concerned about political, economic and socio- cultural elements.

To understand political aspect of dependency, one has to study state and personal sovereignty. Sovereignty has to do with a person or a state having “supreme authority”, (Philpot (2010) in Alexander, 2013:23). State sovereignty implies an independent authority and power a state has to determine its own decisions. This gives sense to the fact that a state has sovereign as long as there are self- made laws that are obeyed by the inhabitants of that specific state.

Further, sovereignty can also be seen as something a person owns. King (1996) defines personal sovereignty as a concept that deals with freedom and self- ownership. It should be noted that a high level of personal sovereignty is characterised by one’s authority and power over his or her direction and destine without any restriction. Allina (2012) describes personal sovereignty as something with layers. Every person has layers and these layers determine one’s sovereignty. Therefore, situations of enslavement, colonialism and oppression, takes off the layers of sovereignty, and this exposes an individual to possible violations of their human rights.

Economic aspect of the neo- colonialismtheory is characterised by the work of Memmi (1965) and Nkrumah (1965). They claimed that economic gain motivated colonialists to occupy colonies. In their quest to acquire resources, colonialists exploited the inhabitants they found in their leased or bought land. While foreigners enjoy the profit from all the businesses set up in a host land, indigenou people remain underdeveloped as they are drained of their resources and are made to supply their cheap labour. This situation forces inhabitant to remain economically dependent. Today’s neo- colonialism shows that parts of the land are leased, and most resources of the land are enjoyed by investors rather than the indigenou people. Also the investors bring in their own workers thereby increasing dependency and underdevelopment.

In other words, the colonial system structured our economy in a way that makes us suppliers of raw materials which fetch little money on global market. The adopted colonial system makes us

dependent on and controlled by rich nations such that we cannot sustain ourselves. Investors have an upper hand because of the grants and loans that Zambia benefits.

The cultural aspect of neo- colonialism theory explains the impact that colonialism has on the culture of the colonised people, (Phinney, 2003; Grebmer at al. 2011). The cultural standards set by the colonisers, carried along with the feeling of racial superiority of the investors, and the oppression of the various cultural elements in hosting countries, brought cultural issues such as race and ethnicity. According to Douglas and Wildavsky (1982), cultural elements can be discussed from a personal perspective and a societal perspective. Scholars have observed that society as a whole sees little direct cultural change as land acquisition processes take place to confined areas. However, an individual bears great impact. A new land user can introduce new rules and regulations that oppress the dominant culture. Land acquisition process usually involves eviction and relocation of people once living on the land, thereby adversely affecting their culture. Many conflicts erupt, when some groups, especially the minority, have categorised themselves as being victims of others. Therefore, there is need to investigate how the process of land acquisition affect the culture of the nation.

Further, political, economic and socio- cultural conflict have been identified as the most common forms of conflicts in post- colonial societies. Studies have shown that, of the three forms of conflicts, economic conflicts are rampant and are clearly identifiable, while political and cultural conflicts are underneath the surface. The more fragile a country is, the more likely its social and economic inequality leads to conflicts, (Thought Economics, 2009). It has also been observed that land- related conflicts have become more violent, especially when they are linked to the processes of political exclusion, social discrimination and economic marginalisation, (Vignon and Lecomte, 2004). Furthermore, economic conflict involves misunderstanding over resources, as one group or individual gain resources on the expense of the other.

In order to understand the process of land acquisition and its link to conflict, some elements must be taken into consideration. These include an increase in economic and /or socio- cultural inequality raises the prospect of violent uprisings; polarisation of society in groups raises the prospect of violent uprising; a decline in national poverty can cause tensions if certain groups are left out or some do better than others in poverty reduction, and raises the prospect of violent

uprisings; abuses of personal integrity/repression raises the prospect of violent uprisings; denial of (political, economic, socio- cultural) participation raises the prospect of violent uprising; state violence raises the prospect of violent uprisings by targeted groups; the fragile a state government is, the less legitimate it is considered by its people, and the more likely it is that the above mentioned factors lead to conflict. (Alexander, 2013:26).

1.5 CONCLUSION

Chapter one outlines the research topic, the background to the study, purpose of the study, problem statement, the research objectives, research questions and the significance of the study. Key terms are also defined within this chapter. In each stage of chapter one, each step of the chapter is outlined within the concept of the research topic.

CHAPTER TWO

2.0 LITERATURE REVIEW

2.1 Introduction

This chapter outlines works of different researchers with regards to the topic under study. Many have researched on how plots, state land and customary lands were acquired in different parts of the world namely; America, Europe, Asia and Africa. Zambia is not exceptional to the African societies cited in this chapter.

2.2 ACQUISITION OF LAND

Land acquisition process, whether customary or statutory, is one of the important aspects of land administration. This process involves serious steps which should not be ignored. Within this process, there are several stakeholders that are involved. Therefore, this aspect of land administration should be observed by all peace stakeholders to minimize conflicts. If stakeholders do not observe important values in the process of acquiring land, this may create a conflict-prone climate in the country.

Alexander (2013) conducted a research in Sarawak- on how land acquisition deals are a gateway to violence. He collected data using interviews and snowball methods. The findings were that foreign investors had more resources to influence, or buy off, local and government elites. According to his research findings, this situation was the breeding ground for conflicts as the indigenous people had little education to understand the land acquisition deals. Additionally, the research concluded that the indigenous people do not have formal rights to the land they may have lived on for years and years. Tygesen (2014:52) states that, “Customary landholders sometimes find themselves dispossessed of their land because of major investments without tangible benefits. In many instances, local people and traditional leaders are not consulted or there is very little consultation before large scale acquisition occurs.”

A research done by Heubuch (2016) shows that the French agricultural code, firstly requires a special permit for the cultivation of a piece of agriculture land which does not automatically arise

from ownership of the plot. The agricultural code establishes commissions for land. These commissions are comprised of representatives of farmers' associations, cooperatives, insurance companies and banks, the chamber of agriculture, unions, local authorities, environmental protection agencies, consumer interest groups and skilled crafts and trades. Besides the commissions, another institution mandated to administer land acquisition is the regional Associations for Rural Development and Population (Sociétés d'aménagement foncier et d'établissement rural), popularly known as SAFER. However, research shows that despite having institutions in France that administer land acquisition, there are sentiments of public discontent expressed through intense debates over the land stakeholders. Heubuch (2016) reveals that there were increasingly lucrative activities by the institutions responsible for land administration, which lead to venting land issues.

2.3 LAND TENURE SYSTEM

Land tenure is an important aspect of social political and economic structures. It is multi-dimensional, bringing into play social technical, economic, institutional, legal and political aspects that are often ignored but must be taken into account. This entails that land tenure, if not well defined, can have a strong bearing on land conflicts in any given society. The importance of land tenure system is that it provides adequate information on how land in a particular society should be owned and controlled. Land tenure provides specifications on the behaviour of people towards land acquisition, control and transfer through traditions and customs and statutory instruments, (Food Agriculture and Organisation (FAO), (2002).

Research done by Muchula (2009), on customary land and women's access to land and property rights in Zambia, shows that more women than men in some villages had access to customary land. The findings were that women than men had converted their land to leasehold. He concluded that land that received title became more secure than untitled land. Further, this research also concluded that married women had no access to customary land in the area of study. The study also concluded that divorcees and widows could acquire land directly from the headman to sustain them with their children.

Osman et al (2013) conducted a research on conflicting elements of land tenure in Darfur. The research focused on how agricultural change affected people. They found out that community members secured right to cultivate plots of land by making marks on trees as boundaries around their plots. The conclusion was that conflicts increased as they secured boundaries around their various areas. He also observed that various forms of disputes which included disputes over boundaries, ownership of land and crop damage. In a traditional agriculture system, a community member secured right to cultivate plots of land by marking the trees that constitute the boundary of the land that he intends to cultivate. The research findings were that dispute over boundaries increased with the change in the land tenure, the permanent use of land and land fencing as a means to mark boundaries and indicate individual private ownership.

Research conducted by Sirait et al (2004) on tenure systems in Indonesia shows that when the director General of Agriculture prepares some tenure maps, local people are not involved in consultation and local customary land are thus ignored. The overlap of the map and territory adversely disadvantaged the Dayak people. This entails that conflicts were inevitable under this condition as it weakened and harmed the Dayak communities economically, culturally and spiritually, (Siburian, 2004).

A study done by Chileshe (2005) on land tenure and rural livelihoods in Zambia showed that the role of traditional leaders in land matters in customary jurisdictions remained a challenge in land matters. The study pointed out that the democratically elected local councilors were struggling in defining their roles and found themselves in competition with the local chiefs over administration of land, which was attributed to the cause for delayed development. The research reported that the rural land tenure rights depended on one's ability to pay to both headmen and local chiefs. The study showed that the land users for the purchased land had more control of their land than those settled on unpaid land.

A similar research done by Hardley (2005) in Indonesia on disputes over forest land revealed that land in Indonesia was both under customary and statutory tenure. His research focused on

forest land of Kalimantan Occupied by the Dayak people. The observation was that indigenous knowledge was increasingly recognized as having important role in promoting sustainable forest management, conservation efforts as well as a basis in managing natural resources in many developing countries, (Crevello, 2004). For instance customary law provided specifications on penalties to be given to individuals who violated regulations protecting forestland. Such penalties included payment of fine or giving other possessions, (Eghenter, 2000). The conclusion drawn was that although customary law was applied to regulate behavior of people holding various interests in land, statutory law interfered in the customary administration of land. research results, the current conflict in Indonesia is Community- Outsider conflict involving local communities and external actors like logging, plantations and mining companies and government agencies. If conflict erupts between statutory and customary law, the government would apply statutory law as reference and ignore customary law, (Sirait, et al, 2004).

2.4 CHALLENGES IN ADDRESSING LAND DISPUTES

Gaston and Dang (2015) did a research in Afghanistan on how land conflicts could be solved. Using interviews, they found out that the legal framework was a substantial hurdle. The limited means for recognizing communal and pasture lands and customary ownership under Afghan law are at odds with the reality of most land ownership in Afghanistan. Research results indicate that when dispute over land arise, they fester and multiply because both the formal and the informal mechanisms for land resolution and enforcement are weak. This research reveals that where there are land disputes, statutory law always works to suppress customary law.

Marzatical (2016), in his research on land conflicts in Kenya observed that while land registration process might have increased tenure security for many land owners, it has also create new forms of disputes. The research reveals that there are disputes over already registered land. Some members of the community want to register part of the land which already bears the names of either their late parents or late husbands. In addition the high cost of registration has discouraged updating the registrations after land transactions, such as inheritance and sales.

Milimo, et al, (2011) conducted a research on social impact on land commercialization in Macha mission in Choma district of southern province Zambia. The research team collected data using semi- structured interviews, key informant interviews, focus group discussion and direct observations of what was happening. The researchers observed that the eviction of the people who were squatting in Macha mission by the land owners, brought adverse effect on their livelihood, which included loss of homesteads, loss of farmland, greater food insecurity and high poverty levels.

2.5 CAUSES OF LAND CONFLICTS

Land conflict is one of the topics that have been broadly researched by many different researchers. This effort has been prompted by violent relationships of people holding various interests in land. Some previous research findings have revealed that land disputes mostly result from commercial investment and investment policies, population growth and unclear boundaries.

European Coordination ViaCampasina (ECVC) and Hands Off the Land (HOtL) (2013) conducted a research on land conflicts in Europe. They observed that Europe was experiencing tremendous and rapid land concentration which took the form of land grabs. The research results were also that, increased transformation of Agricultural land to non- Agricultural uses combined with artificialisation of land, caused land conflicts in Europe. The lives and livelihoods of millions of small- scale farmers and agricultural workers were adversely affected by this process.

Plank (2013) carried out a research in Ukraine on housing, land and property rights. and the results were that the government officials always advocates for land privatisation while they were in power because they stood to profit from its privatisation – but once in opposition, the political parties were against it. He therefore, concluded that Ukrainian political parties had no firm position regarding the introduction of a land market, (Allina-Pisano, 2004). A similar research on land conflicts in Serbia also acknowledge that a privatisation process started in the aftermath of Yugoslavia's disintegration around 2000 and many agricultural companies were privatised without the question of their ownership over agricultural land being previously solved. This demand by the European Union that member countries should liberalise land market

including the opening up of land markets to foreign buyers, led to land grabs by several governments from small- scale farmers in order to fulfil this international standard. This exercise sparked out into serious conflicts in Europe.

A study done by Lopata (2013) studied on different treatment given to small scale farmers and large- scale farmers by governments. The research found out that large farmers were given support to improve in their production while small scale farmers never received any support. They were family- run enterprises for which farming was a way of life and whose first objective were to feed their families. Surplus production was marketing and sold locally. This way of life was however, changing as farmers faced pressure to transform their farms and made them more competitive as only larger farms received support and were considered to be profitable and hence 'viable' enterprises. These commercial pressures were also proving to be an obstacle for young people who wanted to acquire land and start farming.

Hodein et al (2010) carried out a research in Ethiopia on local land border conflicts and reviews that the land conflicts were more common near district centers where also the land reform had been less successful in reducing the number of conflicts during and after the reform. In this reform, no provisions covered urban land and the expansion of urban centers into the surrounding rural communities, leading to more conflicts that the reform did not address properly. It also revealed certain weaknesses of the reform that required geographically targeted follow up reforms in locations where the implementation process was poor and in peri- urban areas where land pressure and demands for land for public and other non- agricultural purposes are high.

Access to land and resources are potential causes for land-related conflicts in South Sudan. Many of these conflicts are about access to land for grazing and for settlements. The livestock production requires that pastoralists move their herds in search of water and grazing land, whose availability varies from place to place seasonally. The expansion of permanent settlements and cultivation in some areas is affecting the free movement of livestock, resulting in conflicts between farmers and pastoralists. The former complain about destruction of their crops by the

movement of cattle through cultivated areas, while pastoralists complain about farmers expanding into areas traditionally used for grazing or transit, (Marzatical, 2016).

Mudenda (2006) argues that customary Tenure in Africa is a recipe for underdevelopment, and thus a major cause of land conflicts. He maintains that this land tenure could not adequately meet the pressure created by demands for land. Chiefdom disputes resulted from unclear boundaries between chiefs and also unavailable or outdated maps. Common identifying marks as regards boundaries in customary land include streams, hills, large trees or footpaths. These have often helped in demarcating or identifying boundaries between chiefdoms. With this in mind, it is easy to encroach in customary land, (Zambia Land Alliance 2005:19). According to research findings, the boundary problem stemmed from the fact that the Land Surveying profession lacked financial capacity to carry out efficient cadastral surveys over the country. Unclear boundaries caused serious disputes in that there were uncertainties of resources management.

Muchula (2009) in his research on customary tenure concluded that land conflicts were caused by reluctance by traditional leaders to authorize their subjects to obtain title. He further reports that the traditional leaders are hesitant to authorize them to get leasehold for fear that some of the subject may become disloyal to the rulers as they would be answerable only to the president who granted them the title. Their (Traditional leaders) perception is that once title is granted, this indirectly erodes the authority they have over their subjects. According to Muchula's findings, traditional leaders were of a concern that due to an increase in the demand for land, there may be an influx of outsiders making high offers to purchase land from subjects who may have obtained title and then this would eventually lead to loss of land and then finally their authority.

Despite various scholars' attention to land conflicts, there is little research that has been published on conflicts particularly, related to the process of land acquisition. Therefore conflicts related to, or emanating from, the process of land acquisition remains poorly understood. Without secure access to land and its natural resources, both rural and urban people in Zambia have little hope of permanently resolving land disputes. Land and natural resource rights are vital to people at all levels of society. Land based activities, such as subsistence farming, smallholder

cash cropping, and manufacturing of various products are all dependent on peaceful administration of land, (Toulmin and Quan, 2000). Many studies have been dedicated to various aspects of land disputes and prudent suggestions given to the current land problems. As acknowledged above, the Zambian government has the land law, and several land policies have been put in place to regulate the behaviours of people holding various interests in land. Much as studies have been directed, and measures put in place to understand land conflicts, conflicts to do with the process of land acquisition are not sufficiently understood. Instead, land disputes are intensifying in the country. The research therefore, endeavors to investigate land conflicts by analyzing the process of land acquisition in Kalomo district.

GAP

Literature by alexander (2013); Tygsen (2014) and Heubuch (2016) showed that indigenous people were adversely affected by land acquisition deals conducted by investors who came into their land. However, the researchers did not take into account the procedures used by both the local people and investors to acquire land. Therefore, this research will investigate procedures used to acquire land by both the local people and the investors.

Muchula (2009), in his research on women access concluded that customary land which received statutory recognition became more secure than untitled land. He also found out that unmarried women and widows, in his area of study, received land from the headman to settle with their children, while the married women had no access to land. The research found out that most of the women had their land secured under leasehold tenure. He therefore, concluded that women in some villages were given adequate rights of access to land. However, the research focused on widows and unmarried women, but did not take into account why widows and married women were given land. There was need to find out the land- inheritance rights of children. This research therefore will find out about land inheritance rights in order to understand land conflicts. There is need to find out whether or not every titled land is secure.

CHAPTER THREE

3.0 RESEARCH DESIGN AND METHODOLOGY

3.1 INTRODUCTION

This chapter serves to identify and justify the methodology which was used for the purposes of this study. Particularly, the chapter is concerned with: research design, population and sample, sampling procedure, research instruments, data collection procedures data presentation and analysis procedures. Broadly speaking, chapter three provides the conceptual and logical research procedure by which knowledge was generated to satisfy the requirements of the study. The chapter presents the research design, the approaches that were used in the research, population sample, sample size, under sampling, purposive and convenience, data collection, in which in-depth interviews, documentation and questionnaires were used.

3.2 RESEARCH DESIGN

The study was carried out using qualitative research methodology. Babie (1993) explains that qualitative research methodology uses a descriptive approach as people are required to give their perception on social events. This research methodology seemed to be the most appropriate research paradigm to investigate land conflicts because it is descriptive.

3.3 STUDY POPULATION

A population is a group of individuals that have one or more characteristics in common that are of interest to the research (Best and Khan 1993). It is the “entire set of object of research about which the study wants to determine some characteristics.” Thus the population for this study comprised people that held both state land and customary land in Kalomo district, officers from Kalomo District council, Workers from the Lands Department and traditional leaders in Kalomo district in Southern province, Zambia. As much as possible, efforts were made to identify those with land issues on customary or statutory hold in order to get a variety of views.

3.4 POPULATION SAMPLE

A sample is a specimen and findings from a sample which become generalized to the entire population (Nachamias and Nachamias 1996). The population sample for this research was fifty (50): Forty- Three (43) from Kalomo residents, One (1) officer from the district council One (1) officer from the Lands Department- Southern Province, Five (5) traditional leaders. Further, permission from respondents was sought in advance. The researcher assured respondents of confidentiality with the information they provided as an ethical consideration.

3.5 SAMPLING PROCEDURES

A sample is a specimen and findings from a sample which become generalized to the entire population, (Nachamias and Nachamias 1996). It often happens that if the study population is large, as in this case of land conflicts, to study or involve everyone is practically impossible and unnecessary, for it would be expensive and time consuming (Kane, 1997). In such cases, there is need for the use of a study sample which is a limited sub-set of the population being studied. Through a sample, a researcher expects to find the results from the sample to be precisely the same as would be obtainable when the entire population is studied. For the purposes of this study, the study population will be reduced to Fifty (50) people in Kalomo district: one (1) from the district council, One (1) from the Ministry of Lands, Five (5) from the chiefs, Forty- Three (43) from Kalomo residents.

3.6. PURPOSIVE SAMPLING

A purposive sample is a sampling technique which uses a researcher's judgment. In this case, the purposive sampling framework was used in the case of those people with land grievances. Fraenkel and Wallen (1996) are of the view that purposive sampling is a sample chosen for specific characteristics, deemed necessary in a sociological enquiry, because such cases are likely to be information rich with respect to the purposes of qualitative study. In this study, the researcher was confident that purposive sampling would be an ideal technique in collecting information about the process of acquiring views and opinions of affected people in land issues.

3.7 INSTRUMENTS FOR DATA COLLECTION

The researcher used more than one instrument to collect data. This is for the purposes of increasing validity (internal and external validity) as well as achieving reliability. Such a consideration is important in light of the character of the non-representative sampling framework. In-depth interviews, questionnaire and documentation were used as outlined in the following sections.

3.7.1 IN-DEPTH INTERVIEWS

In-depth interviews were used because they allow flexibility and the researcher can keep probing. Due to flexibility, the interviewee has an opportunity to freely express oneself especially on this research which requires people's responses on their experiences. Face to face interviews allows one to judge the quality of response due to facial expressions or non-verbal clues. Tuckman (1994) asserts that in-depth interviews have an advantage of getting open ended responses and allow for clarifications on issues which are not clear on either side. Ackroyd and Hughes in Haralambos and Holborn (1991:737) state that "... using data that the respondent says about himself or herself potentially offers the researcher access to a vast store houses of information since the researcher is not limited to what he or she can immediately perceive or experience, but is able to cover as many dimensions as one can." Hence the research used in-depth interviews in

3.7.2 QUESTIONNAIRES

Questionnaires were used because they provide the subjective reality about people's experiences on land acquisition. A questionnaire was given to different people occupying on different pieces of land with different activities. This helped come up with reliable information as people responded in accordance with their experiences.

DATA COLLECTION PROCEDURES

Collecting data using qualitative methods means that the information was descriptive and required the use of questionnaires. The district council, the ministry of lands officials and traditional leaders were interviewed individually. Questionnaires were administered to the ordinary people and questions were asked from broad, general questions to carefully targeted questions that required specific information.

3.8 DATA PRESENTATION

Due to qualitative design of the research in social science, much of the data on the responses from respondents was presented in descriptive thematic format. Data was collected from the target population and then it was analysed to determine the most recurrent themes. After capturing the responses from each of the research instruments and they was then sorted in rough clusters of similar structure depending on the data and themes which emerged from the research.

3.9 DATA ANALYSIS

The data was analysed in accordance with the themes which were noted in the sub problem questions and assumptions and related supportive literature: how land is acquired at district level, the land tenure system used in Zambia, how state land is acquired, how customary land is acquired and procedures investors use to acquire land. The magnitude of each response was checked to ascertain the extent to which it supported the research objectives and sub research questions.

3.93 CONCLUSION

This chapter presented the research design and methodology which were used in the research which is qualitative in nature as it was grounded on the assumptions that individuals construct social reality of inform of meaning and interpretation. The approach used was descriptive. The chapter looked at population, sample and methods which were used for sampling and these were: purposive and convenience, collection of data which used in-depth interviews, questionnaires, documentation, data analysis, limitations and delimitations as well as research ethics.

CHAPTER FOUR

4.0 PRESENTATION OF FINDINGS

This chapter concerns about data presentation, analysis and interpretation. These stages were done on the data that was collected using in- depth interviews and questionnaires. This chapter presents data on investigation into land conflicts by analysing the process of land acquisition in Kalomo district, Zambia.

The data collected was presented in a thematic approach. This means that people's responses are presented in a descriptive way based on themes that emerged during field work. In this approach, recurrent themes were noted and coded as responses were given by each respondent. Davidson (1997; 53: 767-784) states that the process of thematic analysis has to do with the task "to review, identify and code recurrent themes within data for each participant; and second, using similar steps, to identify common themes and areas of divergence across participants." This approach therefore, has to do with merging identified themes into meaningful relation with each other by focusing on the core elements of the described experiences.

The methods used to collect data are primarily qualitative. The techniques used to analyse data are also qualitative. Fossey et al (2002:728) defines qualitative analysis as the procedure of "reviewing, synthesizing and interpreting data to describe and explain the social world being studied. In investigating land conflicts, aspects such as the procedures used to acquire land in Kalomo district, the kind of security of land one holds, causes of land conflicts in Kalomo, challenges faced in the process of land acquisition and strategies land administrators use to resolve conflicts, were assessed. The following section presents some responses given by some research participants. Before a discussion of findings, a brief overview of the demographic characteristics of the population under study is given below.

DEMOGRAPHIC CHARACTERISTICS

A total of 50 participants were used in this study 43 questionnaires were administered to people from both rural and urban areas of Kalomo district. The study also involved selected respondents from institutions that deal with land: 1 officer from Kalomo district council, 1 officer from the lands department, and 5 traditional leaders from different chiefdoms of Kalomo district, namely;

Chikanta, Siachitema, Sipatunyana, Simwatachela and Nyawa chiefdoms. In addition, respondents from Kalomo urban were from different locations. These included people from high cost and the low cost areas. The levels of education of participants from Kalomo urban varied from location to location. For example, most of the adult- respondents from Mawaya compound (low coast area) had not attained their senior secondary education, while most of those in high cost areas had completed secondary school education. Respondents from the rural areas were also of mixed educational status.

4.1 FINDINGS OF THE STUDY

The following were the research findings. The first section of this presentation brings out findings from the interviews with the land administrators, namely; the district council- planning unit, the officers from the Ministry of Lands, and the traditional leaders from the chiefdoms of Kalomo district. The second section focuses on the findings from the rural and urban people's questionnaires.

4.2 FINDINGS FROM THE INTERVIEWS WITH THE DISTRICT COUNCIL

This part of the chapter presents the responses of the district council official to sub- question one (i) which sought to investigate how land is acquired in Kalomo district.

4.3 The procedure followed to acquire land/a plot

One of the Kalomo district council officials was asked to explain the procedure followed to acquire land or a plot in the district. It was envisaged that the officer's responses would provide a clue about land conflicts emanating, particularly from the land acquisition process.

According to the district council official, for one to acquire a piece of land, he or she was expected to apply to the district council for land. Then he or she would be called to the council for interviews with a non- refundable interview fee as determined by the committee and the full council. If successful, the council gives an offer letter to the applicant upon payment of service charge.

4.3.1 Qualifications for acquiring land/a plot

According to the respondent, an applicant is required to have financial capacity to build or develop a plot. The district council official emphasised that a person with, strictly, a bank statement stood a better chance to succeed in the interviews. The respondents also said that the reason for a bank statement was to be sure that an applicant would develop a plot within the given period of time. The district council official said:

'If an interviewee has no bank statement in an interview, it means that an applicant has no capacity to build, and such people may delay development in the district.'

Further, according to the district council, an applicant was required to produce his or her National Identity Card (NRC) in order for the council to capture details such as nationality, gender and age of the applicant as these were important qualifications for one to acquire land in the district.

4.3.2 Age and Gender qualification to acquire land/a plot

The council official, in her response to the question why they wanted to know the age and gender of an applicant, said that they were not giving plots to children as it was automatically [and generally] known that children had no capacity to build or develop a plot.

In addition, the district council official said:

'Women, just like men, have the right to acquire land hence the need to consider the gender of applicants when alienating land.'

4.3.3 Qualifications for foreigners to acquire land

Asked whether or not the qualification for land acquisition was just the same for both Zambians and foreigners, the official at the district council said that the foreigners would acquire land in Zambia only if it was a company. The respondent said that individual foreigners were not entitled to land acquisition. The district council official stated:

'We do not give land to individual foreigners unless it is a company.'

4.4 SECURITY OF LAND ACQUIRED THROUGH DISTRICT COUNCIL

This section of the chapter presents responses of the District council official to the objective question two (2) of the study objectives which endeavoured to assess the land tenure system used in Zambia.

The district council official said that land tenure system is based on customary and statutory law. However, the respondent stated that all land was vested in the president. They said that security of state land was ensured by obtaining certificate of title and land record card from Local government authority. The district council said

‘Acquiring land through the council is safer than holding customary land, this is because state land is held by obtaining title and record cards which guarantee ownership and control of a plot. However, there is no security in traditional land. Customary land is not safe as it can be encroached due to its inadequacy of statutory recognition.’

4.5 CHALLENGES EXPERIENCED IN THE PROCESS OF LAND ALLOCATION

Below are the findings from the district council official. These were responses to the objective question three (3) of the research objectives which intended to identify the challenges faced in acquiring land in Kalomo district

Accessibility of the land to be leased

District council official expressed concern that since customary land is not planned, it is difficult to convert customary land to state land. The respondent said that lack of access roads made the process of land alienation difficult.

4.5.1 The Lands Act

The district council official stated that the procedures outlined by the Lands Act for the alienation of land were too cumbersome and long as they encouraged illegal land allocation. The

district council official further said that there were a lot of unresolved land issues arising from the cumbersome procedures outlined in the Lands Act.

Further the district council official gave reference to the Golden Miles plots which had been demarcated and laid undeveloped for Four (4) years. This was in the case, said the council official, where the Ministry of lands had ordered the council to halt the allocation process as there were uncertainties about Golden Miles plots. The respondent stated that the applicants that were successful in the interviews for the acquisition of Golden Miles plots had already been enlisted but were not yet given offer letters and were not allowed start developing their plots until the district council was given a go ahead by the Ministry of Lands. The respondent said:

'we were directed by ministry of lands not to give offer letters to successful applicants as the council still had some issues with Ministry of Lands over acquisition of Golden Miles plots.'

Furthermore, the district council official also said that, due to the allocation process that took long, most of the successful applicants for Golden Miles were no longer able to develop their plots as they had finished their resources over the years they had to wait for the offer letters. The district council official said:

'Some employees whom we offered plots have been transferred to other parts of the country far from Kalomo district such that when we called them to come and collect their offer letters, they expressed lack of interest in the plots they were given as they would find it difficult to travel all the way to develop there plots from other districts. So the process delayed most people's progress. Many plots are likely to lay dormant and most of them may be repossessed and then be advertised to the public.'

In addition, the council official responded that the language used in the Lands Act was not user friendly to the illiterate people. The respondent said that only the educated ones understood the land law as it was expressed in English language. The district council official said:

'Everyone in Zambia is a beneficiary of the Lands Act, that is, both the educated and the uneducated, but it favours only the educated people who understand English language. Only the

literate people have few problems with the process of land acquisition as they can read. In short the illiterate people have no access to the Lands Act.'

The district council also expressed that even the educated people had problems to understand the language expressed in the Lands Act as it was too technical to understand by the majority Zambians. Respondents said that the language used in the Lands Act could only be understood by the law practitioners who received special training in lands administration. One of the district council officials said:

'As a public document, the language used in the Lands Act, is too technical for the majority Zambians to understand as only those who trained in Law stand a better position to understand and apply it.'

4.5.2 Illegal Allocation of land in Kalomo district

4.5.3 Zambia Railways

One officer at the district council responded that some institutions in Kalomo district unlawfully allocated land to some people. The council said, particularly, the Zambia Railways company in Kalomo allocated plots to its workers in the prohibited area. The respondent said the Railways demarcated plots to its former workers in the restricted area along the rail of line as repatriation fund. The district council further said that the Railways of Zambia demarcated and sold plots in the restricted land along the line of rail to investors who built a milling company, and also to the churchmen who built some churches.

4.5.4 Political Cadres

The district council official stated that there were some cases of interference by some party cadres in the administration of land in the district. Reference of this case was given to Mawaya compound where people got plots from political party cadres, who allocated land without the consent of the district council. The respondents said that most of the plots were illegally built. They stated that some houses were built on the roads. In addition, the district council also said that the political cadres invaded the areas reserved for toilets in the compounds. They said these politicians demolished the toilets that were on this site and allocated plots for their party

members. The respondent said that these illegal activities made it difficult for the district council to conduct their planning activities. They said that people in Mawaya compound no longer had toilets and this led to deplorable sanitary conditions in the compound.

4.5.5 Expenses incurred in the process of land allocation

The following were the expenses the district council incurred in their quest to allocate land in Kalomo district.

4.5.6 Adverts and allowances

The district council stated that the process of land acquisition was very expensive. Respondents said that there were allowances given to the committee members who handled the applications, interviews and selection of the applicants for land or plots. The council said that it was usually a very big team of officers who handled the process of allocating land and it needed to be fully allowed for every sitting, and the council had to struggle to find that money. One district council official said:

‘Some Officers came from outside town and the council needed money for their food and accommodation. The council said that usually the interviews would go for more than a day.’

4.6 CAUSES OF LAND CONFLICTS

This part constitutes the responses of the district council official, to the objective question four (iv) which intended to investigate the causes of land conflicts in Kalomo district.

The district council official stated that people in the district were involved in serious land conflicts because it was a scarce resource. The respondent stated that the rising land value led to high land prices, resulting into failure to purchase plots by most residents in the district. The district council also said that some residents changed the positions of beckons for the allocated plots by increasing the sizes of their plots and reducing their neighbours’. The respondent said that if the council mistakenly allocated land to two or more applicants, these two applicants would quarrel for the allocated plot each one of them claiming ownership to it.

4.7 Strategies used by the district council to resolve land conflicts

According to one officer at the district council, people who were allocated the same plot were called to the council and one of them would be given another plot. Further, the council said that on the application form, there were options for the plot number an applicant entered as first, second and third priority. This was done in case of any omission or collusion so that an applicant would be given another plot according to priorities shown on his application. The district council also said:

In a case, where one illegally got the plot and already started developing the plot, sometimes we just charge an illegal settler a penalty fee for illegal settlement. But this is sometimes done on humanitarian grounds especially for buildings developed after someone received his pension.

4.8 FINDINGS FROM INTERVIEWS WITH THE MINISTRY OF LANDS

Data was also collected from one of the officials from the Ministry of lands. The main purpose of interviewing the lands department was to collect as enough data as possible on the process of land acquisition. It was also envisaged that the responses of the lands department would give a clue about the irregularities or inadequacies that exist in the process of land acquisition.

4.9 THE PROCESS OF ACQUIRING LAND

This part presents responses to objective question one (i) of the research objectives which intended to investigate the procedures used to acquire land.

One of the Ministry of Lands officials said that the initial stages of the process of land acquisition started with advertising land to the public by the ministry of lands. Applications for land were then invited within an advert. The respondents said that they used the print media to advertise for land. The respondent said that the main reason for using this kind of media was that information displayed on this media was permanent as compared to the other kinds of media.

4.10 Qualifications and requirements for acquiring land/plot

The official from ministry of lands said that anyone who applied for land must be a Zambian. He said that the minimum age for someone to acquire land in Zambia was 21 years, therefore, anyone below this age did not qualify to own land in Zambia. The respondent said that an applicant needed to fill in the application form and present his or her National Identity Card

(NRC). He said that not all applicants who qualified to own land were allocated because of its limited availability.

Further, Ministry of lands said that land could also be bought from another person. He said that the land owner was supposed to obtain consent to assign land or a plot from the state, pay property tax to ZRA, pay registration fees to Ministry of Lands and then submit the documents for change of ownership. Asked what criterion used to allocate land to applicants, the respondent said that an applicant needed to prove to the ministry of lands that he had capacity to build or develop the land applied for. Ministry of Lands said that a bank statement, as it was generally known, was not one of the qualifications to own a plot as Kalomo district council had put it. He said that there was no provision in the Lands Act for an applicant to produce a bank statement in order to acquire land or a plot.

4.11 Representation of urban and rural people in the process of land acquisition

The Ministry of Lands official said that very few people from the rural areas acquired plots through the Ministry of Lands or the Local Authorities as compared to those from urban areas. The ministry of lands responded that representation of rural people in the process of acquiring state land was lower than that of urban people. The reason for low representation of rural people, according to the respondent, was that people in rural areas already have traditional land. The Ministry of Lands stated that the urban people were highly represented in the process because land was scarce in town and everyone wanted to acquire it.

4.12 CHALLENGES EXPERIENCED IN THE PROCESS OF LAND ACQUISITION

The following findings were responses to the objective question number three (iii) of the main research objectives which intended to identify the challenges faced in acquiring land

4.12.1 Land as a scarce resource

An official from ministry of lands expressed that land was a limited resource therefore, not all applicants who qualified to own land were allocated due to its scarcity. The respondent stated that applicants who missed their opportunities pressurised the officers in the Lands Department for land.

4.13 The Lands Act

The ministry of lands official stated that the Lands Act did not provide for the land acquisition procedure, thereby making it difficult for the responsible agencies to allocate land. Further, asked whether or not people were aware of the Lands Act, the respondent said that people were aware of this law but they had not read it.

4.14 CAUSES OF LAND CONFLICTS

The findings presented in this part of the chapter are responses to the objective question number four (iv) which sought to investigate the causes of land conflicts.

One official from Ministry of lands said that most conflicts over land were between the state and residents, and also between or among the residents themselves.

4.14.1 Illegal settlement

The respondent said that illegal acquisition of land by individuals and institutions led to land conflicts. He also said that some residents never applied to the Ministry for land but they just erected buildings without the consent of any of the authorities. Some of the invaded land belonged to other people who, thereafter, reacted sharply leading to physical assault and death. A Ministry of Lands official stated that there were a lot of land related cases of which some of them were in the court. He said that the state had a right to demolish any structure built in an illegally acquired land, if the perpetrator did not comply with the demands of the law. The respondent further said:

‘Some individuals and institutions legally acquire their land, but the kind of structures erected on such land, are in conflict with the kind of environment around. For example some business centres such as malls and taverns are built too close to institutions of learning, hence this has led to serious conflicts.’

4.14.2 Sale of land

The official from the Ministry of Lands also stated that land could also be acquired by buying from other people and that this process caused serious conflicts if it was not administered well.

He expressed that most people did not follow the correct procedure when buying land from other people.

According to the Ministry of Lands official, the land owner should obtain consent of the state to assign land to another person, pay Property Transfer Tax to Zambia Revenue Authority (ZRA), pay registration fee to ministry of lands and then submit the documents for change of ownership. However, the respondent said:

‘These steps are not observed by the majority who buy land or plots from other residents. Most people only exchange the money but do not submit their documents for change of ownership’.

4.14.3 Lack of Adherence by the Land Agencies to the Lands Act

An official from ministry of land also said that local government authorities understood the needs of the local people and therefore if they did not follow the laid down procedures by the Lands Act, innocent people might suffer. The respondent explained that mostly statutory institutes, such as local district and municipal councils complicated the procedure of land alienation. He gave reference to the Kabwe Municipal City and Ndola City Councils which threatened the eviction of the duly acquired plots.

4.15 STRATEGIES PUT IN PLACE BY THE MINISTRY OF LANDS TO MINIMISE CONFLICTS

This section of the chapter presents the response of the objective question number five (v) of the research objective which endeavoured to analyse strategies put in place to address land conflicts.

The ministry of lands stated that it was carrying out some sensitisation programmes throughout the province on the consequences of illegal acquisition of land. In addition, the respondent said that the department called the parties in conflict to talk to them that they might together find a lasting solution to the problem. The respondent also said:

‘The Ministry of Lands is mandated to suspend the land agencies that are not administering land according to the provision of the Lands Act. For example, Kabwe Municipal Council and Ndola City Council were, with immediate effect, suspended on 9th June 2017, for failure to adhere to the guidelines of procedures in the administration of Land.’

4.15 FINDINGS FROM THE TRADITIONAL LEADERS' INTERVIEWS

Interviews were conducted with traditional leaders from five chiefdoms of Kalomo district. The following were their responses:

4.17 How customary land is acquired

This section presents responses to the objective question number one (i) which sought to examine how traditional land was acquired.

One of the traditional leaders said that one had to approach the headman and who then would call the village committee. He said that this committee sits and decide on whether or not to give land to the land seeker. If the committee deems it fit to give him land, and if it is available the land seeker would be given. The respondent said that one would qualify to acquire traditional land if he or she was married and had a family. He expressed that one needed to come with a transfer letter from the chief where he or she came from, which describes him or her. The traditional leader said:

'Where the traditional leader with his committee agrees to give a person a piece of land, he or she is given a period of six months as probation to be observed of his or her behaviour. Where the headman and the committee are satisfied with the behaviour of the land seeker, the headman communicates to the chief informing him of the new comer in the chiefdom and then the details of the new comer are written in the village register.'

According to one traditional leader, any land not occupied was a vacant land and it could be given to someone else who might be in need of it.

Another traditional leader said that in order for one to acquire traditional land, he or she had to declare the asset he or she had in order for the committee to know whether or not land for the size of the declared property was available. The respondent stated that land seekers with a lot of property for example hundreds of cattle, needed a big area for their animals therefore, people with such property had difficulties to find traditional land. He said:

‘Everyone can acquire customary land, depending on the equipment or kind of asset he has. We do not have enough land today, to give to people with a lot of wealth particularly hundreds of cattle. People with big equipment such as tractors need commercial areas. If we give land to such people, then others will be displaced.’

4.18 SECURITY OF TRADITIONAL LAND

This part presents the responses of the traditional leaders to sub- question number two (ii) of the research objectives.

One traditional leader in Kalomo district stated that security of customary land was through the contributions one made to the village and chief’s committees. He further said that one had right to own or hold traditional land for as long as his details were written in the village register. The respondent said:

‘Performing village activities by the subjects guaranteed security of their land as they would be known by their headmen and the committees.’

The traditional leader also said that if one left the land and relocated somewhere else, the land he or she leaves automatically becomes vacant and liable to be occupied by somebody else. Further, the respondent explained that no village subject was allowed to hold two or more pieces of land within the same village.

One traditional leader from chief Sipatunyana said that headmen were not allowed to give land which was already occupied by any village subject to another person. He said that subjects and traditional leaders were not allowed to sell land without the consent of the chief.

4.19 CHALLENGES TRADITIONAL LEADERS FACE IN ALIENATING LAND

The findings below are the responses to the objective question number three (iii), a reflection of the third objective of this research which endeavoured to identify the challenges faced in acquiring traditional land.

One traditional leader responded that there was no written or coded law on how traditional land was to be administered hence the process of giving out land was haphazardly done. She said that

customary system did not provide documents to be issued to the people they gave land as was in the case of state land which gave land record cards. Traditional leader said that customary land was not certified and that it did not have plot numbers, thereby making it difficult to allocate people land. The respondent said that:

‘Our land is not planned as in the case of state land. We don’t have equipment to use in allocating traditional land, to demarcate boundaries and to make accessible roads such as using caterpillars, graders and cranes.’

One headman said that chiefs just delegated tasks to their headmen without involving them in decision making processes. He said it was difficult for them to alienate land for big projects such as schools, hospitals, business centres or farms as they were just delegated to do so by their superiors, the chiefs. The respondent said that these projects displaced most of the subjects and it gave them task to look for alternative land for the displaced. The headman said:

Accommodating a family is different from giving out land for a project such as school, hospital or farming investments as projects demand large tracts of land. The challenge we, headmen are facing is that chiefs just direct us to allocate land for such projects and relocate the displaced families whereby it is difficult to find another arable land for them.

Another traditional leader said that most of the conditions under which some projects acquire traditional land are prearranged with the chiefs. The respondent said that investors did not only displace the village subjects but also disregarded the local leaders (the headmen). He said:

‘These new comers for big projects do not only displace the people, but they also disregard and exploit both us and our subjects around. Subjects who seek employment from these investors are given meagre wages and sometimes physically assaulted during slight differences with them.’

One traditional leader also lamented that low education levels of other traditional leaders led to maladministration of traditional land. He added that most traditional leaders did not understand the Lands Act and most of its provisions hence the conflicts between traditional leaders with statutory institutions. The respondent gave reference to the provision which restrained traditional leaders from allocating more than 250 hectares of land. He said that most traditional leaders did not understand the Lands Act due to their low educational attainment.

4.20 CAUSES OF CONFLICTS OVER TRADITIONAL LAND

This part presents responses of traditional leaders in Kalomo to the sub- question number four (iv), a reflection of the fourth research objective which intended to investigate the causes of land conflicts in Kalomo district.

One of the traditional leaders said that establishment of big projects on customary land especially on already occupied land, caused conflict. Upon displacement of some families, their livelihoods change because of their arable land which they lose to the project established. He said that:

'We're always at loggerheads in violent disputes with our subjects. When a direction comes from the chief to relocate some families to some other land, the affected subjects tend to be resistant and violent.'

Another respondent said:

'I feel that the shootings of the PTA chairperson and the two headmen in our community were as a result of the subjects who were dissatisfied by the building of this school.'

One traditional leader expressed that headmen sold pieces of land because they were not motivated for the work they did for the community. The headman said that their subjects no longer contributed towards the welfare of the village and this was where they got their food especially during heavy droughts when they had no food. He said that despite the work headmen did for the community, they were the least motivated leaders. He also responded that some subjects sold land to other people without knowledge of their headmen. The respondent said:

I no longer receive tribute from most of my subjects. This situation is everywhere. Subjects today have no regard for their leaders. We have experienced droughts in the country, which have spelt disaster for our economy. I think this has led to most headmen engaging in the selling of pieces of land to people who need it. When subjects see this, they refrain from community activities.

Another traditional leader from Chikanta chiefdom stated that:

Traditional land is not owned by an individual, but it is for the community. We give land to people just to use and not to permanently own. Some subject sell land without our knowledge

and this causes conflicts between the buyer and the seller. When the deal fails, I tell my subjects to return the money to the buyers of which it would be finished already, and so the buyer would want to be refunded and not just lose the money.

4.21 STRATEGIES USED TO RESOLVE CONFLICTS OVER TRADITIONAL LAND

Traditional leaders were asked to state the strategies they used to resolve disputes over traditional land. They responded that most of the conflicts were resolved at the place called Kkuta, the place where the headman presided over some cases brought to his attention. The headman together with his or her committee presided over the issues brought to the Kkuta. At this place a lot of cases were amicably solved.

The respondents further said that they would refer some cases to the chief as the final court of appeal for traditional matters. In addition, the respondents said that if a subject did not comply with the rules of the village even after the chief talked to him he or she would be given forced transfer from the village and his or her names would be erased from the village register. One headman said:

'A piece of land left by any subject whom the traditional chief chassed automatically becomes vacant and can be allocated to anyone who needs land.'

2.22 FINDINGS FROM THE ORDINARY PEOPLE'S QUESTIONNAIRES

Questionnaires were administered to people in Kalomo district.

4.22 HOW PEOPLE ACQUIRE LAND IN KALOMO DISTRICT

This part presents the responses of the general citizens to sub- question number one (i) which reflects the first objective of this research. The objective intended to investigate the causes of land conflict in Kalomo district.

Questionnaires were administered to both people holding state land and those holding customary land. The respondents were expected to give their experiences and observations on how land was

acquired in Kalomo district. They were assured that their responses would be given due confidentiality they so deserved.

4.22.1 State land

Some respondents said that they firstly carried out a research and simply took possession of the land as lawfully provided in section 9 (1) of the 1995 Lands Act. In short they never sat for interviews at the district council with other applicants to acquire plots. One responded that we:

I carried out a research and. I read section 9(1) of the 1995 Lands Act and the 1996 constitution of the republic of Zambia- article 16(2) (j) and I lastly read the law of property on the acquisition of property. I thereafter, occupied a vacant land and fenced it. Later on, the government legally gave me the same land.’ (male 68 years)

Another resident said:

‘I directly applied to the Republican president of Zambia, Dr. Frederick Titus Chiluba. The president sent some officers who asked me the purpose of the land I was applying for. I told them it was for a poultry project. They asked me to produce the names of an organisation and thereafter, they directed the council to give us land. Later on we shared the land and transformed it from a community development project to residential plots. That was how I acquired my plots.’ (male 53 years).

One respondent stated that people bought their plots from private sellers. He said that the community chairperson witnessed the payments and then the chairperson gave them papers which they signed as buyers and also the sellers signed on these forms. He further said the chair persons went to the district council where they presented the transactions on behalf of the buyer and the seller. The council then issued the forms of change of ownership of property. The respondent also explained that the community chairperson could directly sell the land and processed the documentation on behalf of the buyers. The respondent said that:

‘The chair person processed the papers on my behalf and brought them to me after everything was done.’ (female 37 years).

Another respondent said that he applied to the ministry of lands through the Land Resettlement Scheme Committee in Kalomo district for a settlement. He said that he paid a certain amount of money and was given a receipt for payment. The respondent said that he was required to prove he had a family, to produce his National Registration Card (NRC) and also to unveil his next to kin. He also said:

'I was requested to declare my personal property. I declared my plough, harrow, cultivator, animals including cattle, goat and chicken.' (male 57 years)

Some residents expressed that the council was not giving plots to residents who had no capacity to develop land, and so they demanded a bank statement to prove if an applicant could build or develop a plot. The respondents said that all they wanted was to sell the plots after acquiring them. They said that since they did not have money, they borrowed from their friends and deposited it in their accounts and then got the bank statement which they presented in the interviews as a requirement. One respondent stated:

'I borrowed the money I deposited in my account for the sake of acquiring a plot through council. When they gave me a plot I sold it at a high price to somebody who needed it. I used the money for business and then bought this plot where I have now built my own house.' (female 47)

Another resident said:

'That's my business. I apply to council for a plot, I sit for interviews and when they give me a plot, I sell to people who are desperately in need of one at a good price.'

Some residents said that they were given plots around the rail of line by the Zambia Railways as their repatriation fund just when they stopped work. They said they did not have papers from council. One respondent said:

'I am a retired worker for Zambia Railways Company. I was given this plot by the Zambia railways just after I stopped work. I built my house and I got settled just here.' (male 70 years)

Another resident responded that:

'After the Zambia Railways gave me a plot, I sold it to somebody who was in need of one and bought another plot in this area where I have built my own house.' (male 54years)

Other residents stated that they got their plots free of charge from their political chair person who demarcated land for them. She said that the political chairperson collected their NRC s and Voter's Cards to process some plots for them. One resident stated:

'I got my plot as a member of a political party. Our political chairperson was very active indeed'. (female 35 years)

4.22.2 Customary land

Some respondents from Siachitema Chiefdom said that they approached the traditional leaders (village headmen) who then called the village committee to decide on whether or not to give them land. One respondent said:

I was given traditional land free of charge. I approached the headman who then called his committee to agree on whether or not to give me land. I was given land on condition that I was supposed to follow the rules of the village such as making some annual contributions to both the village and the chief's committees.

Another resident said that:

The village committee gave me land. I was put on probation of Six (6) months before I was finally given to own the land. After six months my name was written in the village register and my details taken to the chief as a permanent village member.

One respondent stated:

The village headman with his committee requested me to go with a chicken to the village shelter which was to be prepared for the committee so that they ate just after showing me the boundaries of my land, as it was a custom.

Other residents from Nyawa chiefdom said that they bought traditional land from other village members including headmen. They said that they gave certain amount of money to the headmen who later on called the village committee to show them land. One resident said:

After paying a certain amount of money to the village headmen, he called his committee which took me round to show me the boundaries of my land. The boundaries were marks made on trees and streams to demarcate from other land owned by other people.’ (male 45 years)

Another respondent from Siachitema chiefdom said that he acquired his land just after he was displaced by the school project brought in the village by The World Vision International Organisation. He said that the chief ordered the headmen to relocate his family to another area. He said that he left a very fertile area which gave him and his family, an enjoyable livelihood, and then he was given an area which was once occupied by another family which just relocated. The respondent said:

‘It was not easy to occupy the new area they gave me. It was a place once occupied by somebody else, who just moved somewhere else. The headmen relocated me to an area with poor soil for farming without any compensation. They just dumped my family without cleansing the new place. The village headmen warned me not to demand for compensation for customary land as this would cause mysterious things to happen on me. Later on I mysteriously fell from my bicycle, and this is how I lost my leg. I stopped demanding for compensation.’ (male 68 years)

4.23 SECURITY OF LAND/PLOTS HELD BY RESIDENTS

This section of the chapter presents responses from ordinary citizens to the objective question number two (ii) which assesses the land tenure systems used in Zambia.

Respondents were asked to state how secure their land or plots were. They were asked to state whether or not their plots were free from eviction by any authorities or individuals. Respondents unveiled their feelings and experiences pertaining to security statuses of their land or plots.

4.23.1 State land

Some respondents said that they had offer letters for their plots from the district council. They said that at the time they got their plots, they were also given offer letters by the district council. They said they had right to own and control their pieces of land. One Kalomo resident stated:

'I got security of my plot through the offer letters I obtained from district council. No one can come and harass me to get me out of this house. Even if I die now, I know that my children will not suffer because this asset will remain with them.'

Another resident explained:

'Before I acquired any plot, I was panicking because I never wanted to just die without first investing. But the day I got my plot, I got relieved. I'm now able to build any structure I want on this area.'

Another respondent said:

'Land acquired from the council is a permanent settlement. Every building I have built here is permanent. In other words, I have a peace of mind.'

Another respondent said that state land was free from any eviction in the sense that even if one's documents for the house got missing, the records were kept at the district council. He said since their parents died, they had never seen the documents of their house. He said somebody got them during the funeral and they did not even know their plot number. But the council said that the record was still traceable. The respondent said:

'The district council told me to take the details of my father so that they check the records at the office. I am pretty sure my father's records will be traced at the council and no one will throw us from our house.' (male 19 years)

There were other respondents who said that they were given plots by their political chair persons, but were not served with offer letters. They said that they were severally visited by the district council who were threatening to evict them. One respondent stated:

'I do not know where I will go if the council comes and evicts us from this area. Our former political chairperson is also quite as though he is not the one who gave us plots.'

Some respondents said that they bought plots from some other residents but documentation was not yet finalised. They said they felt not safe to stay without papers from the council as the process of obtaining these papers was quite long.

'I bought this plot from another person. We have started documentation but the process is complicated. It is not safe to stay here as long as I do not have papers of ownership in my hands.'

4.23.2 Customary land

Some residents stated that their land had security in that their names were written in the village register. They said that the headmen and their committees knew the boundaries of the land. Respondents also said that the security of their land was guaranteed by the village activities they performed such as attending village meetings and moulding bricks for the village projects. The respondents also said that they made contributions which included certain sum of money for the welfare of the village. One resident responded:

'I am known by the headman because I attend village meetings and I make some annual contributions to both the village and the chief's committees.'

'no one can get my land because the names of my family members are written in the village register.'

Another respondent said the kind of boundaries for customary land worried him as they were characterised with marks made on trees. He said that the trees were not permanent as one would burn them to destroy the boundaries.

Customary land is not safe to occupy because its boundaries are made on trees which can be burnt either by bush fires or by somebody who wants to encroach your land.

Some residents expressed that customary land was not safe as headmen did not respect the rights of the land user. They said that if there was any project coming in the community, traditional leaders could pounce at any piece of land for community work regardless of how much the inhabitants of that area would have invested. One resident stated:

'when they brought the school project in the village, they never cared I had a family. they did not care how much I had contributed to the development of my village. They did not even want to listen to my background story of how I found that land.'

Another village resident said:

'I did not know I would once leave that arable land. It gave me everything. I used to grow enough maize to sustain my family and I even sold surplus food. I moved out of that land the way I entered it. I was sent away without any compensation. Today I live like a destitute. Everyone knows I am a beggar.'

Another respondent explained:

When we were evicted from that land headmen said we had got the land free of charge and were supposed to leave it as it were. I decided to come to town that I may acquire a plot with papers.

Some women expressed that when their spouses died, they were requested to leave the land they lived in by the village headman. They said that they were sent away and left the land they developed. They were threatened that if they continued staying on that land, strange things would happen to them. One of the evicted residents said:

When my husband died, I was requested by the headman to live the land with my children. We let the land which we had developed. We left a very big orchard with a variety of fruits. They only allowed us to remove some iron sheets from the house we had built. My sons went to stay somewhere else and I came back to stay with my old parents. (female 54 years)

4.24 CHALLENGES PEOPLE FACE IN ACQUIRING LAND/PLOTS IN KALOMO DISTRICT

This section presents the responses of residents to the objective question number three (iii) which intended to identify challenges faced in acquiring land.

Some youth of age between 16 and 20 years were interviewed and said they were heading families, looking after their siblings ever since their parents died. They said they were squatting on other people's plot where they built their hut. They said every time they sat for interviews they were not given plots, but they had resources to build their houses. One youth stated:

I have applied several times to the council for residential plots but I have not been going through. I have a National Registration Card (NRC). I work in the shop and I have managed to

buy building materials. I have managed to buy 50 pockets of cement through lay-by. But what surprises me is that every time I apply I am not invited for interviews.

Another one said:

I have animals at the village which I was planning to sell for building a house in town. The council demanded a bank statement, but I did not have an account. That's how I failed the interviews. (female 37 years)

Some respondents said that the size of land they were given was not what was on the offer letters and forms change of ownership. They said that the chair persons reduce the sizes of plots which they give to people. One respondent said:

*'The chair persons for our compound reduce the sizes of the plots. The details which the council has are different from what is on the ground. I paid money for 30*50 metres, but the papers indicate 25 *30 metres.'* (Female 46)

Some residents responded that most of the people in the compound had no proper letters of ownership of their plots from council as political party leaders were just demarcating without involvement of the district council. One respondent said:

'I am still waiting for the papers of my plot. It is now two years since the political chairperson promised to process our papers at the district council, and now the same council is threatening to demolish my house because it is built on the road side.' (male 45years)

4.25 CAUSES OF LAND CONFLICTS

This part presents the responses to the objective question number four (iv) which endeavours to investigate the causes of land conflicts in Kalomo district.

4.25.1 Failure to adhere to the guidelines of the Lands Act

Some respondents said that the district council does not understand the Lands Act. He gave reference to the conflict he was involved with the district council. One resident said:

There are a lot of disturbances and quarrels between me and the council. The problem arises from the fact that the council does not understand the term, 'lawful authority' as used in section 9 (1) of the 1995 Lands Act and it does not understand Article 16 (2) (j) of the constitution of Zambia. It was when I lawfully occupied a vacant piece of land and fenced it which was on a reserve or trust land that the district council wanted to evict me claiming that I occupied state land. So I sued the district council. (male 68 years)

Another resident said that:

'the council officers in our district lack understanding of the Lands act. If council fails to understand the law, what about the majority Zambians who never did any training in land administration? I made a research. I read the Land law and observed how our district council does things. I discovered that if they understand the land law, then they take advantage of the illiterate Zambians in favour of their selfish desires.'

4.25.2 The bureaucracy for land acquisition

One respondent said that the bureaucracy to be followed in the acquisition of land is too cumbersome. He said:

'The procedure used to acquire land is too cumbersome. If one lacks patience may even take things personal.'

4.25.3 The Rising land value

Another respondent said that rising land value caused conflicts in the district between the state and citizens and among citizens themselves. She said that land was in short supply and was sold at very high prices. She said people who did not afford to buy land continued squatting in unauthorised areas hence, conflict between squatters and legal land users. She stated that:

'land is a scarce resource. If you find it, you need to be tough to negotiate the price.' (male 30 years)

Another respondent explained that:

R: *I am squatting within some one's compound. He had offered me to stay in his plot just for a year while I was still looking for my own plot. But now I have failed to get any plot because they are very expensive.*

4.25.4 Restrictions to the plan of building

Some respondents said that not every applicant managed to build according to the given plan. They said most of the buildings failed to finish within the given period of time because they had not enough money to erect buildings recommended by the district council. Respondents said those who did not follow the building plans were always in conflict with the district council. One respondent said:

I am still looking for money to finish building. It has taken me time to finish because I have to follow the council's recommended plan.

Another respondent said:

'Ba council sibafunamazamafayela- fayela.' (Meaning that, the council people do not like shoddy work) *if you fail to follow the council's recommended plan when building, they can force you to redo your building or they can repossess the plot.*

4.25.5 Lack of credibility in the process of land acquisition

Another respondent said that applicants were treated differently during interviews for plots. She said that some candidates never used to stand on a queue, but they were called straight into the interviews room by the attendants. She said:

'The district council treats people differently. Interviewers call some people directly to the interview room without them standing on a queue while others will be queuing for hours. This causes uproar every time the district council calls for interviews for plots. By the end of the day, we even know who would get plots and who may not because of the way the council officials conduct themselves'

Other respondents said that some people were given plots every time interviews were conducted while others were not given each time they sat for interview. Respondents said that people who

occupied high positions in the district were given plots each time the council advertised for interviews. One respondent said:

If you are not the head teacher at any of the urban schools, or a doctor or clinic officer at any hospital or clinic, you can never acquire any plot through district council.

Some people responded that their councillors did not represent their people during the process of land acquisition. They said that wards represented by some councillors got a lot of plots as compared to their wards which received little attention. One resident stated:

'I feel some councillors fail to represent their people in the ward during selection of applicants.'

4.26 CAUSES OF CONFLICTS OVER CUSTOMARY LAND

Some respondents from Siachitema chiefdom said that lack of respect for property rights of people by traditional leaders led to conflicts. They expressed that traditional leaders did not respect people's land property rights as they would displace their families for a big project. Respondents gave reference to the school project which displaced them. They said they were forced out of their land by the headmen who were ordered by the chief to do so. Respondents stated that they were not compensated but were relocated to some other poor land. One affected man said:

'I will not forget what they have done to me. They disturbed my progress. No matter how much I work on this poor land, I do not move. They just damped my family on a very small and poor land.' (male 54 years)

Another resident said:

'My father mysteriously got injured and was amputated when he demanded for compensation for the displacement. When I delay to pay school fees for my children, they don't spare them. My children are chassed from the same school which displaced them.' (male 39 years)

One of the affected residents said:

'My family has now grown big and my children do not have anywhere to live. If they compensated me, I would have bought land for my children.' (male 68 years)

Other respondents said that headmen sold land for their personal benefit. They said that traditional leaders received money from other people and squeezed them on the land already occupied by some subject thereby reducing the size of their land. One resident said:

'Traditional leaders bring other members into the village by cutting our pieces of land. It is not fair because he receives money from these people for his own benefit. So many people have paid him money but we have not seen any development from the money he receives. He should have organised for the village borehole using the same money, but we can't see any benefit.' (male 53 years)

Respondents from Sipatunyana chiefdom also said that traditional leaders never communicated to their subordinates whenever they wanted to do anything. They stated that they were evicted from their land by the district council without being addressed by their chief. One of the affected residents lamented:

'We were called to the district council and the district council secretary addressed us demanding that we should leave the area we occupied as the chief had surrendered it to the state. We were all shocked as the chief had never addressed us before then.' (male 51 years)

Another resident said:

'Land is everything for our survival, evicting someone from his or her land is as good as stabbing someone to death.' (male 35 years)

Some respondents said that people usually fought for boundaries. They said that other subjects would alter their neighbours' boundaries and then would extend their works to that land. When legal land users discovered this irregularity, confusion arose in the community.

'Every month, we go round our land checking on the boundaries. One day we discovered that some of the trees we marked to demarcate boundaries with our neighbour were not there. The trees were cut down and we found that the land was ploughed. Our neighbour claimed that he ploughed part of his land. We could not accept that. So the issue was taken to the village chief's committee. He was guilty and then apologised.' (male 46 years)

4.27 STRATEGIES PEOPLE USE TO SOLVE LAND CONFLICTS IN KALOMO DISTRICT

This part of this chapter presents findings in response to sub- question five (v) which intended to analyse the strategies put in place to address land conflicts in Kalomo district.

One respondent said that he took his children round the piece of customary land to show them some boundaries to ensure security in case of encroachment by some other land users. He said:

‘I took my sons round and showed them the boundaries. Even if I die now my children would be able to show their children’s children the boundaries of their land. This is how our fathers also used to secure their land.’

CHAPTER FIVE

5.0 DISCUSSION OF FINDINGS AND RECOMMENDATIONS

5.1 Introduction

The chapter presents the discussion of findings under the headings: procedures followed in acquiring land, security of land held by different people, the challenges faced in allocating state land and customary land, the causes of land conflicts, strategies put in place to resolve land conflicts in the district and chapter conclusion. The research conclusion and recommendations are also presented in this chapter.

5.2 Discussion of Findings

5.3 The procedures followed in acquiring land/plot under State land

According to the interview with the district council, state land was acquired by firstly applying to the district council, and then applicants were invited for interviews. Thereafter, the district council would sit for selection and select appropriate candidates. Sichone (2010) confirms that all council officers were responsible for processing applications, selecting of suitable candidates and making recommendations as may be decided upon by them. Such recommendations would be invariably accepted by commissioner of lands unless in cases where it becomes apparent that doing so would cause injustice to others, or if recommendations so made, is contrary to national interest or to public policy. But the study showed that the number of applicants called for interviews for plots, was not proportional to the number of plots advertised. The number of applicants was too big to compete for small number of plots advertised. Moreover, the interviews were conducted by a big team, a combination of personnel from council and other government agencies who received full allowances for each day. This entails that the number of applicants who missed their chances was unfairly big. It also means that the council deliberately raised the number of interviewees for the purpose of fundraising to meet allowances for personnel. The system was also exploitative as the district council unreasonably collected money from the poor Zambian citizens. This is in line with the dependency theory which explains how the dominant institutions extract resources from hosting communities thereby making the later too economically and politically dependent on the former. Balaji (1994) describes inequality in society as an arrangement where the rich people maintain their positions by exploiting the poor

people. Therefore the system by which the council uses to fundraise for allowances widens the gap between the poor and the rich as poor people are made to pay a non- refundable fee from their limited coffers.

5.4 QUALIFICATIONS FOR ACQUIRING LAND/A PLOT

The following were discussions of the findings on: capacity to develop the land, nationality and the age of an applicant.

5.4.1 An applicant's capacity to develop the land/a Plot

An in- depth interview with the district council reviewed that, a person applying for land must have capacity to build. During interviews for plots, district council strictly required an applicant to produce a bank statement to prove to the interviewing panel that he or she had capacity to build. As emphasised by district council, an applicant who did not produce a bank statement during an interview for a plot, did not stand a better chance to acquire a plot as there was no evidence he or she would build. According to the findings, most of the applicants who met this condition acquired plots. The study found out that there were no alternative means to prove an applicant's capacity to build other than a bank statement. However, the ministry of lands in an interview responded that the Lands Act did not provide for a bank statement as a qualifying factor for one to acquire land. Sichone (2010) confirms that there is no provision of such requirement in the current lands act. This entails that the issue of the bank statement was just a criterion devised by the council as a convenient means of selection and not provided by the law. Therefore, the bank statement as a sole requirement for evidence when applying for a plot disadvantaged people from rural areas who had capacity to build such as those had livestock (cattle, goats, sheep) but did not have bank accounts.

5.4.2 An Applicant's Capacity to Build

In addition, the district council said that most people who were successful in interviews were from town residents. Rural people were not given plots as they had no bank statements during interviews. It is a known fact that most of the rural people in Zambia do not keep their money in bank accounts but have resources in form of livestock and food crop for their livelihoods. Furthermore, most of the respondents said that the money they declared as theirs before the

interviewing panels was actually not their money. They said they borrowed the money from other people, deposited it in their bank accounts and then returned the money to the owners just after interviews. Research also indicated that some applicants engaged in business of selling and buying plots every time they acquired from council. Section 5(1) (i) (iii) of the Housing (statutory and improvement) Act of 1974 prohibits the council from giving land to any person who is engaged in the business of selling or buying. The Lands Act of 1995, Section 5 (1) also states that “a person shall not sell, transfer or assign any land without the consent of the president and shall accordingly apply for that consent before doing so.” hence, the application of the neo-colonialism and the research model where policies are depicted to cause conflicts because they are either out- dated, not amended or not complied to. The council in its discretions of alienating land, did not restrict beneficiaries from engaging in to selling and buying of land, resulting into same people acquiring plots in every interview conducted while the unprivileged majority remained in despair. The council did not identify and regulate the frequency of acquiring land by some applicants who sat for interviews for residential plots with an intention of selling.

Moreover, the plots which remained dormant for some time without being developed were given to the people who had resources to build. This renders the district council’s criterion of “a bank statement” questionable if the successful applicants could not build within the expected period of time. Successful applicants took many years without starting developing their plots until when they found money. This means that those plots which remains dormant for so long belonged to the applicant who got plots but had no capacity to build. It can be deduced that successful applicants did not actually own the money reflected on their bank account as some respondents stated in the field. This also led to building of structures outside the plan prescribed by the local authorities, leading to conflict between the applicants and the district council.

5.4.2 Nationality of an applicant

The study findings were that foreigners were not entitled to own land unless one had a resident permit. According to the district council a foreigner would only be given land if he or she was an investor. This was in controversy with the ministerial statement passed by the Lands minister through the Zambia National Broadcast (ZNBC) on 23rd June 2017 on the rights of non-

Zambians to own land. She said that land would be given to a non- Zambian only where he or she had a resident permit. But the Lands Act of 1995- Section 3 (3) (a) - (k), states that the president may alienate land to a non- Zambian, where a non- Zambian is a permanent resident, where a non- Zambian is an investor, where a non- Zambian has obtained the president's consent in writing under his hand and where a non- Zambian is a company registered under the companies Act. The procedure announced by the Ministry of lands to alienate land for foreigners is quite different from the stipulations of the Lands Act of 1995. As depicted by the research model above, conflict may arise if the existing policies are not adhered to. This entails that one may claim to be eligible if he or she meets the qualifications stipulated in the Lands Act other than announced by the minister.

Dependency theory posits that the cause of the low levels of development in less economically developed countries (LEDC's) is reliance and dependence on more economically developed countries (MEDC's). This simply means that less developed countries are undeveloped because they rely on the more economically developed countries. Ferraro (1996), as a corollary of this theory urges the less developed countries to cut off ties with more economically developed countries, retain their surplus production, and follow economically independent and socialistic ideas in order to further develop their economies. Therefore, the decision of the ministry of lands not to give land to foreigners who did not have resident permit can be interpreted as a way of cutting off ties with the less economically developed countries. The decision could be reasonable but was prematurely arrived at, in the sense that the policy still reflected other qualifications for foreigners to hold land in Zambia besides that of a resident permit. Zwan (2015) posits that land policy development does not take existing sensitivities and grievances into account hence, it may be difficult to better monitor the risks and the likelihoods of violent conflicts.

5.43 Where a non- Zambian is a company

Data indicate that the residents formed organisations and applied to the district council for land. Section 3 (3) (d) of the Lands Act states that "...the president shall alienate land to a non- Zambian, where a non- Zambian is a company registered under the companies act..." Data

shows that most organisations disbanded after acquiring land and shared it among themselves. The motive behind the formation of companies was to amass big tracts of land.

This entails that people formed companies on shareholding ratios just for the purpose of owning land. After land has been acquired, shareholding ratios change and the law does not say anything when this happens, (Mulwanda, 2010:16). This is a serious source of conflict as this system permits other people to acquire large tracts of land on the expense of poor citizens. This entails that the district council had no mechanism in place which would ascertain the equitable acquisition of land. Besides, it means that the current land law is

5.44 QUALIFICATION FOR ACQUIRING CUSTOMARY LAND

Marital status of a land seeker

Research findings were that acquisition of land under customary tenure depended on the marital status of a land seeker. Traditional land could only be given to a person who was married and who had a family. Responses of traditional leaders from Siachitema's, Sipatunyana, Nyawa and Chikanta chiefdoms were that people without families were not stationed and if given land might leave it to go somewhere else where they may wish to settle. This entails that a person may be a mature adult but as long as he or she does not have a family, he or she cannot acquire land under customary tenure in Kalomo district. Mudenda (2006) also posits that this has often led to dissatisfaction among the members of the community, the most vulnerable groups being women, youths and the disabled. It is a known fact that in every society there are unmarried women, either divorced or widowed. The underlying factor for land rights of these women were their contribution for the development of the land they settled before divorce or bereavement. Therefore, most of the women in Kalomo district were landless because of the strings set against them.

Age of an Applicant or Land Seeker

The research findings show that there were child- headed households in Mawaya compound in Kalomo district. The study further shows that some children from child- headed households were engaged in informal employment and had raised enough money for building. Others paid for building materials from hardware shops on layby basis. But the district council did not consider

these children's applications for land because of their age. This was a very harsh condition for child-headed families. It is important to mention that when children find themselves to be family heads, their attitudes towards life also change. Some children from such families have trained themselves to save money while they fend for their family members. Land is one of the investments that can cushion the socio-economic challenges of every family. However, Ministry of Lands (2006) argues that there is a bias in land allocation towards older persons towards pensioners who are more entitled to land than the younger persons. Moreover, the contractual age of 21 years is high taking into account the increase in the child-headed households. This situation has led to most children losing their self-esteem, considering themselves as permanent failures even when they have capacity to build. It is therefore important to realise that some people in distress have been forced into their situations because of the existing policies such as the Zambian land law which does not recognise the welfare of children. Due to lack of proper policies that takes care of youths, most people resort to believe that a bridge is their permanent house, and under such kind of shelter, they develop complex behaviours which in turn pose a great threat to the security of the citizen. For example, most homeless youth in Zambia tend to abuse drugs and engage in crime.

Traditional leaders gave a similar response to the question whether or not children were qualified to own traditional land. Unmarried youths in Kalomo district, as data indicates, were also not qualified to own land. This brought confusions in most villages as some of the village youth were entitled to inherit land property use from their deceased fathers. Moreover, those youths that had completed school wanted to fundraise for their college by growing cash crops on customary land. This could give reasons to the brutal killings that were happening in the rural areas in which village headmen and elders usually were the victims. Additionally, denying the youth of their land rights leads to early marriages. The fact that a married person qualified to own customary land, led to many youth engaging into early marriages in Kalomo district. MOE and UNICEF (2014), state that the issue of children engaging in early marriages is not adequately addressed. This entails that most of the family elders were beneficiaries of land acquired by young couples as their rights of use of their children's rights also increased.

Acquisition by inheritance

Research revealed that youths have always reacted sharply to issues involving denial of their land inheritance rights. Data also clearly shows that most of the land related conflicts experienced in Siachitema's and Chikanta chiefdoms involved youths demanding their land rights on the land left by their deceased parents, thus Chileshe (2006) states that "The holding of rights in land is now regarded as one of the inheritable responsibilities." This means that as long as the land inheritance rights of the eligible beneficiaries are not recognised, land conflict may continue in Kalomo district. There are a lot of land conflicts in Kalomo involving administrators not recognising beneficiaries to the inherited state (land). It is note worth stating that today, even in villages, the family pattern has shifted from extended families to nuclear families and inheriting children is slowly considered, by relatives to the deceased, as a burden due to natural disasters such as droughts that characterise the current poor economy. Relatives who happened to adopt these children opted to just provide them with food and not education. Most traditional leaders have therefore, not considered this fact hence, youths continue to lead a miserable life.

Size of investment of land seekers

The findings from the research were that the kind of activity one wanted to do in the prospected land, determined the response as to whether or not land would be given to him or her. It was stated that, in some villages particularly in Mugwagwa village of Siachitema's chiefdom, land seekers with large investment such as hundreds of cattle would not be given land as there was no enough land for large scale farmers. Although there were such conditions attached to the qualification for acquiring land, land conflicts were traced in this village. It can be deduced that land seekers with large scale investment would not avail or declare the actual size of their property during negotiations. However, conflicts erupted after they were finally given when they brought hundreds of cattle on a small piece of land. Tension occurred as they settled, whereby their animals entered their neighbours' fields and gardens. This led to tension between these new subjects with the headmen as headmen felt cheated. It is therefore worthy stating that headmen are not always the causers of land problems

5.5 SECURITY OF LAND

5.5.1 Witchcraft

Many respondents said that land rights were not respected on traditional land. The setting up of big projects such as schools, farming investments displaced a number of people. Affected subjects said that they were not compensated for the loss of their land. There was also a belief that there was no compensation for customary land. Traditional leaders in chiefdoms of Kalomo threatened that if subjects continued claiming compensation for their eviction, something strange would happen to them as traditional land was not supposed to be compensated. The traditional leadership maintained that a school project was for the benefit of the whole community hence there was no need to compensate the evicted families. A research done by German (2011) in Kilwa district- Tanzania shows a different attitude of traditional leaders who fairly and generously represented their community when a company without a signed contract displaced the local people. Although the company did not manage to pay all what was demanded, research shows that compensation was paid for tree crops including mango trees, coconut and cashew nuts. In Zambia such efforts are unheard of, instead land administrators are characterised with jealous and rage at their subjects.

It can be stated that such an action to compensate affected individuals was aimed to reduce conflicts between investors and the inhabitants of the hosting area. It is important to realise that some beliefs about communal land are a long gone trend in most societies where land is highly valued. Therefore, it can be deduced that certain 'ancient' or 'archaic' practices and beliefs in some societies are deliberately retained by traditional leaders as a way of maintaining their authority in fulfilling undesirable practices. Some chiefs and headmen would not be happy if their subjects were given compensation for any inconvenience made by investors. Peters (2002) in Chileshe (2005) confirms that some traditional leaders, especially in southern Africa, use witchcraft (bulozzi) as means to evict some successful subjects in order to accommodate new comers. This required the victim to move to another village in search of land both for residential and agriculture. This means that victims would not automatically and easily settle in a new area as he or she may first struggle looking for a new settlement. This has resulted into gross human

rights violations. For example, respondents in chief Siachitema said that most of the headmen were killed by suspected former subjects whom they evicted from their arable land.

5.5.2 Gender disparities in Land Acquisition

Research also found out that there was gender inequality in the administration of customary land. Malambo (2013) indicates that more men than women had obtained title deeds to their land. He also observed that more urbanites than rural dwellers had obtained title deeds. Kajoba (1998), who did an earlier research also confirm the assertion that more men have received more title deeds than women. This is in line with the findings of the Ministry of Lands (2006) that right to land derived from customary tenure are subject to local practices and beliefs. Traditional leaders claimed to be partners with government in fighting human rights violations hence there were the perpetrators of the same. Law enforcers have failed to punish traditional leaders who violate human rights due to the belief that traditional chief carry divine authority which may pose trouble, resulting from the enforcement measures. A good example is the stabbing to death of the two police officers by spiritualists in Choma district on 5th March 2012. The police officers unbelievably were shooting while targets advanced with knives until they caught and stabbed the duo, (<https://www.lusakatimes.com/> - 15/07/17). This event compromised most of the law-enforcers' courage to arrest traditional chiefs and spiritualists on land related human rights violations.

Research has found out that very few women who held land had converted it from customary hold to leasehold while many of their male counterparts had already done so. The few women whose land was converted to leasehold had their title deeds written under the names of their brothers. For widows their land titles bore details of their administrators, their husbands' relatives. The same was observed by the vice president of the Republic of Zambia on ZNBC News on 25th June 2017, that widows were not given their land rights as land was controlled by successors who were mostly men. The fact that widows are not given their inheritance land property rights has increasingly devastated their livelihoods.

5.5.3 Selfish desires by traditional leaders

It is important to note that investors (both government agencies and private investors) who intend to acquire land use on customary land usually deal directly with the traditional chief as a custodian of all customary land. Government and private investors are mostly vested with knowledge about compensating displaced people holding either customary or statutory tenure, and so it would not be enough to conclude that investors get land without compensating the affected families. Rather, it is important to consider the fact that traditional chiefs did not involve their subordinate leaders, the headmen, when addressing investors who came to seek land rights use. German (2011) posits that chiefs gave land to foreigners and urban elites without consent or participation of the local people. The field- work reported that headmen are involved at the end of the process, only after the contracts have been signed with the investors. Research found out that the only role played by headmen in the process was to allocate land to investors. This entails that compensation is mostly made to the chiefs and it does not trickle down to the rightful beneficiaries, the affected families, leading to serious conflicts between the chief and his subjects.

The above findings dismiss the view of the respondents who said that security of their pieces of customary land was through the contributions they made to the headman and village committees. Data shows that those who were evicted from their pieces of land were known by the chief and their names were in the village registers, but when the projects were set up their contributions and activities toward the development of the village were not remembered. Therefore it can be stated that security of customary land depends on how much traditional leaders uphold justice through the decisions they make each time they alienate land. Therefore, during land acquisition by investors, traditional leaders have not protected the interests of their subjects hence, conflicts between land administrators and their subjects.

Dependency Theory sheds more light to the above findings, by describing how the personal sovereignty is affected by the government agencies and private investors during the process of land acquisition. British colonial policies directly affected state sovereignty because it was the whole state which was targeted. Today, only some parts of the nation are affected, meaning that individuals are the ones that feel to be affected by the influence of government agencies and private investors and not the whole nation. Dependency Theory, personal sovereignty are affected

when one takes control of a piece of land. The chief may be influenced to make by-laws, to control the behaviour of his subjects in order to suit the investors' presence. This has a remarkable repercussion on family livelihoods as individuals feel they have less rights and control over land. Allina (2012) asserts that contemporary land acquisition deals causes indigenous peoples in most countries to have less layers of personal sovereignty, making them more dependent on what the investors say and do. In Kalomo district, in some villages where commercial farms and government schools were built, displaced subjects said that they felt insecure when they were evicted from their farming land. Research shows that the working relationship of the affected subjects with the school management (Parent Teacher Association (PTA)) was very poor as affected parents always reflected on how they were evicted during the inception of the school. It is therefore, the role of a legitimate government to uphold and protect the rights of its citizens and not to fuel conflicts.

5.5.4 Not all titled land is secure

Other respondents said that holding statutory land in Zambia was more secure than holding customary land. Both the council and the residents in Kalomo urban said that obtaining title and record cards guaranteed ownership and control of one's land. Data also revealed that some people in Kalomo district sold land to more than one person. It was found out that some of these respondents had issues in court, to do with encroachment of their land by other people. This entails that the legal owners did not enjoy the rights of ownership and use of their land due to disturbances such as court issues. That is why Chileshe (2005) argues that security held in any land depends on the extent to which the landholder enjoys protection of the rights of possession and non- interference by the state or private entities. Also Bruce (1993a) is of the same view that as long as the landholder is assured of possession and use of a particular land, for a specified period, which may be long or short, then according to this tenure, the tenure is secure, (Bruce, 1993a). This implies that titled land is not secure until it is free from interference by the state or private investors, despite it being held on title. It was a growing trend by some private individuals to shift boundaries of their neighbours' plots to enlarge their own plots. The council in most cases ordered parties in conflict to stop developing the land until such a time when the responsible officers remarked the boundaries. This delayed the progress of not only the victims

but also of the whole town. Despite the land having a title deed or certificate of ownership, the time lost to attend court sessions by the owner deteriorates security status of the land in question. Research also revealed that most of the people whose land had issues in court felt that there was no security for their land, while others sold it away.

Tygesen (2014) presents a view that “titling of land in itself, can be a source of insecurity because chiefs consent to outsiders being granted leases, transgressing the rights of local rights holders and potentially denying the right of parents to bequeath land to their offspring. At the same time the prevailing sporadic nature of upgrading or titling system is susceptible to land grabbing by those with sharp elbows, dispossessing the poor and vulnerable members of the community.” This entails that a piece of land may be titled but if its acquisition displaces other members of the community, the new land user may not enjoy ownership rights as previous occupiers may demand repossession of their land rights.

Besides, security of a titled land depends greatly on the location of the leased land. If a leased land is on customary area, there could be disturbances arising from boundary trespass, a feature which characterise common hold under customary land. It can be stated that some of the offenses under leasehold, may not be characterised as offenses under customary law, for example common grazing areas would not be restricted from use by other grazers under customary land, even when the area is owned by an individual. Therefore, it is not necessarily a title deed that determines security of one’s piece of land, but it is determined by where and how one acquires land.

5.6 CHALLENGES FACED IN THE PROCESS OF LAND ACQUISITION

A. State land

The following are challenges faced in the process of land acquisition:

5.6.1.1 Bureaucracy involved

According to Roth, Kani and Zulu (1995), land acquisition started with an applicant seeking consent of the village headman and the chief. The chief then writes a consent letter, attaches it to the application, which is taken to the district council requesting for the convention of land from customary tenure to leasehold. The council then seeks planning permission from the planning authority, which in turn requests the surveys department to prepare a sketch plan. The survey

department then sends the sketch plan to the regional officer who prepares a lease agreement a successful applicant and then sends it to the regional officer to sign. The lease agreement passes through several offices such as the registry, lands and deeds registry where the registrar signs a processing schedule. The registrar then prepares the title deed and then sends it to the commissioner of lands. The commissioner again sends it to the regional officer who sends it to the applicant. The process usually takes three or more months. Considering how long the process of land acquisition is, one might judge that the district council was not willing to serve the applicants as they were slow in processing papers. It should be realised that the district council is just an entry (initial) stage in the process of land acquisition hence, lack of proper knowledge about this process may always exacerbate conflicts.

5.6.1.2 Lack of access roads

Further, research also reviewed that there were no access roads to areas held on customary tenure hence, it was not possible for council teams to convert such areas to leasehold within a short time as demanded by the applicants. Research revealed that people had interest to convert their customary land to lease hold, but they could not afford to pay for the services because they did not have enough resources. Land is one of the commodities with a great value. It can be used as collateral when one wants to get a loan. It is important to state that people may have land as a resource but if it is not titled, it would not help smallholder farmers to serve as collateral during the land acquisition process. Lack of action by government to help people without properly documented resources to serve as collateral, has delayed national development. Sitsiko et al (2015) states that without policies that protect customary rights holders, from land appropriation and enable local residents to alienate land and to participate on equal footing in land markets, on-going processes of land commodification and alienation are unlikely to achieve the sorts of outcome necessary for pro- poor agricultural growth strategy to take hold. Indeed, these processes are unlikely to hasten already severe land inequality conditions. Any legitimate government, with viable economic policies would always devise mechanisms to help smallholder farmers to have their customary land acquire statutory recognition. Zambia still has abundant customary land, and land owners are willing to convert their land because of its economic power,

but the government has given a deaf ear to the cries of the poor and disparate applicants from whom it still need to suck their little available resources.

5.613 External influence on the process of land acquisition

Research results were that most of the land agencies did not adhere to the guidelines of the Lands Act when allocating land. Reference can be given to the acquisition of Golden Miles areas by the district council which resulted into serious conflicts. The findings were that the district council encroached Golden Miles area, formerly known as Chikoli- 620 area which was held under customary tenure without the consent of the inhabitants of the land. According to Section 3(4) (c) of the Lands Act of 1995 the president cannot alienate any land held under customary tenure without consulting any other person or body whose interest might be affected by the grant. Instead, data indicates that the council had never involved the Ministry of lands in the acquisition of the Golden Miles, a serious contravention of the Lands Act- 1995. Research further reveals that due to this omission, the process of allocating plots on Golden Miles area was put to halt for five (5) years, even though successful applicants were already enlisted, and service charges paid. Research also reports that many applicants were affected. Among the affected applicants were civil servants who left the district on transfer; and those who could not afford to build after the period of five (5) years due to depreciation of the Zambian Kwacha and clamming down of their businesses. This entails that there was a pending conflict between applicants and the district council over anticipated repossession of dormant plots meant for the transferred applicants who might not be able to travel from other district to Kalomo to build; and those who fell bankrupt due to the county's economic downturn.

Dependency theory explains how external influence may cause conflicts in the process of land acquisition as shown above. Research found out that there were certain roles which the district council could not perform without express permission of the ministry of lands. The Ministry of Lands together with its agencies are bound to follow the guidelines of the donor state which may be against the Lands Act. The theory, in this context refers to the donor as an external influence, whose policies may adversely affect the political, economic and cultural development of the recipient country if its conditions are meant to transfer resources on the expense of the local

people. In the same vein, the theory can also refer to the ministry of lands as an external influence on the decisions of the district councils. In the same context the theory also can refer to the district council as external influence on the decisions of the applicants. When applicants apply for plots, they have budgets according to the available resources and the anticipated inflow of resources within a specified time, to enable them build. However, applicants' decisions for acquiring land are in most cases affected by the demands of the council and the ministry of lands, and usually in the end the decision of the powerful prevails, though against the wishes of the less powerful (applicants). After they had paid service charge to the lands department, research reports that the applicants were not shown their plots immediately. The affected respondents said that they were ready to build at the time

German (2011) states that, while regulations to protect land users are relatively progressive, poor monitoring and enforcement caused in part by capacity constraints renders them essentially meaningless. Lack of consistency in applying the lands act by practitioners entails that there were likelihoods of corrupt practices to quicken the process, by ignoring important aspects provided in the lands act. These irregularities caused serious conflicts and this is confirmed by the suspension of the Ndola city Council and Kabwe Municipal Council by the Minister of Lands on 9th June 2017, for failure to adhere to the guidelines of the Lands Act such as allocating land on already titled land.

The Lands Act

Moreover, reports from the study show that there were two beneficiaries of the Lands Act. These were the literate- who could read and write in English language; and the illiterate people- those who could not read and write English language. The literate people could read the document in order to get the guidelines, while the illiterate could not read at all. Research also reveals that even the literate ones found it difficult to understand the lands act as the language used in the document was too technical. Understanding the technical language used in the lands act required one who underwent training to interpret the law and not just an ordinary person. Sichone (2010:216) confirms that “many people in the country have not been to a law school to understand the complex English approach to land law which is reflected in the Zambian statutory

law.” This entails that professionals were the only ones who could understand the lands act. The Lands Act is a public document which people were supposed to have access to, just like any other legal document. In other words, the lands act was not user friendly as most of the end-users were not educated. This posed a very serious challenge because it only worked in favour of the educated ones.

Neo-colonialism theory, explains the above situation as the continuation of exploitation of the indigenous people by either the state or private entities. The level of education in Zambia is not yet satisfactory. Achola (1990) adds that it (education) still takes the British colonial structure which continues to favour the rich few. As a component of neo-colonialism, Marxist theorists state that only the rich people can afford university education which helps them to maintain their positions in society to control resources and exploit the uneducated. A big number of citizens fail to access the lands act due to their low level of education, while the educated few enjoy the interpretation and application of the land law in matters involving land. Therefore, this entails that there is a probability that any land issue taken to court is most likely to be decided in favour of the educated opponent as he or she might have adequate understanding of the law even though the losing party was the legal owner of the plot. This situation widens the gap between the poor and the rich which exacerbate persistent poverty in the country. This may result into domination of the rich over the poor people as supported by the dependency theory. Dependency theory attempts to explain the present undeveloped state of many nations or societies by examining the patterns of interactions among nations and by arguing that inequality among nations is an intrinsic part of those interactions.

Lack of awareness of the lands act by the people was seen in the way most of them acquired land. Data from several respondents also indicated that some people who bought land from other residents had not processed exchange of ownership documents. There were a lot of land issues based on wrongful acquisition of land where two or more people bought the same land. Those who bought from other people just paid the money without first seeing the documents of the land on sale. This is in line with the response of the Lands Department that the people were only interested in exchanging the money but did not go to the council for change of ownership. The

council plays a significant role in the exchange of ownership, but during these transactions, people kept away from the land agency. The study revealed that some people in Kalomo engaged in business of buying and selling plots, wielding on poor people's land rights. Research indicates that at a certain point of the year such as in December, when parents had no money to take children to school, the poor and disparate people supplied land at very cheap prices. This entails that the public was not sensitised by the lands agencies on awareness of the lands act. It can be stated that as long as the public was not aware of the lands act, inequalities in land acquisition process would increase. Dependency theory as Frank (1972) puts it, regards capitalism as a motive force behind dependency relationships. He propounded that capitalism has enforced a rigid division of labour which is responsible for the underdevelopment of most societies of the world. The theory states that people who keep on supplying their land resources without considering the current land forces due to rising value will remain undeveloped. For example, the Lands Act does not state the number of chances an applicant is given to apply for land, hence resulting into same people acquiring pieces of land while minimising other people's chances.

Moreover, findings from both Kalomo district council and the lands department revealed that the process outlined in the lands act was too cumbersome as the Lands Act did not provide the actual procedure on how land was supposed to be allocated to the applicants, thereby leading to illegal land allocation. Bruce, Kachamba and Hansungule (1995), the district councils confused their powers over land with those of the commissioner of lands. None of them knew that Trust and Reserve lands just like state land, was vested in the president. Nor were they aware of the existence of the circular. Research shows that some citizens in Kalomo had studied the Lands Act, perhaps, more than the district council officers did hence, they were able to note any maladministration in the process of land acquisition. These could also alert the public on the noted irregularities. This caused a lot of tension between the district council and Kalomo residents. It can therefore, be stated that that

Illegal allocation of land

Political cadres

It was found out that political cadres were interfering with the process of land allocation in the district. The district council stated that it found it difficult to administer land as some houses

were built on roads. The study reported that most residents from Mawayya compounds had no documents of ownership to their plots. Some of the houses were built on the areas reserved for toilets. These demolished some of the toilets they found and allocated land to the council. Le Meur (2006) attributes the behavior of the political cadres to the competition embedded between the governing parties and the opposition parties. For politicians, land distribution was an election strategy, where they wanted to increase the number of supporters and voters during elections. This situation may be difficult for the land agencies to control, as the perpetrators of these offences might be the appointing officers for government positions. This causes prolonged and unlawful land acquisition which leads to tension between opposition parties and the governing party.

Zambia Railways

The respondent said that the role of the district council was undermined as it was not consulted as an agent responsible for allocation of land in the district on behalf of the Ministry of Lands. Research results indicated that the Zambia Railways alienated land to people, which was reserved along the line of rail without consulting the district council. The findings show that the land in question was given to the former council worker as repatriation fund as the company had run out of money to give out as package to its retirees. The respondent also said that it was a challenge to the council as it was not consulted and that the land in question was not permitted for settlement. This entails that there was no coordination among government institutions. The district council is the only land agency mandated for demarcating land on state or crown land. Planning of any site is firstly done by the council, and then they allocate plots for appropriate activities in the district. This entails that the role of the district council was interfered with by the Zambian railways.

5.7 CHALLENGES IN ACQUIRING CUSTOMARY LAND

Lack of documented rights to land

In- depth interviews with traditional leaders revealed that the process of acquiring land was haphazardly done due to lack of documentation in the customary system. Traditional leaders said

that customary land was not certified and that it did not have plot numbers, thereby making it difficult to allocate. Campion and Acheampong (2014) also confirms that “customary land users often lack documented rights to land and, therefore, are often at the mercy of the traditional council’s capacity to act in accordance with their fiduciary responsibilities.” the term “fiduciary”, in this context means law involving trust especially with regard to the relationships between a trustee and a beneficiary. It is this relationship that exists between the headman with his committee and the village subjects. This entails that the subjects have to be loyal to their traditional leaders for them to live at peace. This also means that the welfare of the village subjects depends entirely on fair play as traditional leaders execute their responsibilities. Therefore, before one ventures in the process of land acquisition, it is important to evaluate the tenure status of the land in question.

Unclear boundaries

Data indicate that the village committees marked trees to demarcate land between neighbours. The challenges expressed in marking boundaries on traditional land was that with time, trees would be burnt down by bush fires or cut by their neighbours who intended to encroach their land. MOL (2006) states that conflicts arise due to lack of clear physical boundary marks to indicate chiefdoms, districts, provincial boundaries and unclear boundaries of nature reserves resulting in lack of controls and encroachments.

5.8 CAUSES OF LAND CONFLICTS

The subjects’ disloyal to their leaders

Research reveals that subjects in most of the villages in Kalomo district had stopped being loyal to their traditional leaders. Headmen stated that their subjects no longer made contributions towards the development of the village. The headmen said that their subjects no longer contributed towards the welfare of the village and from which they got their food especially during droughts when they had no food. In response to the question why they stopped being loyal to their leaders, most of the responses from the subjects were that their traditional leaders had developed a tendency of selling land which was already occupied by the subjects. Moreover, they used the money for their personal benefits. This shows an erosion of the traditional leader’s

power. Hence, Malambo (2015), states that most traditional leaders engage in selling land due to selfish desire. This means that the money which traditional leaders received was not used for the development of the village, such as building a neighbourhood watch. Subjects stopped supporting their leader who engaged in selling land without their consent, as they received a lot of money from new investors. This caused disloyalty among the village subjects in most villages of Kalomo district.

The 250 hector- limit

The information collected revealed that most traditional leaders had not welcomed the clause in the lands act, which restrained them from leasing more than 250 hectares of land. Research findings were that in Kalomo district some chiefs had allocated more than 250 hectares of land without the consent of the commissioner of lands. This is in line with the findings of Chileshe (2005); Cousins (2003a) that “the controversial role of chiefs over customary land is not only unique to Zambia, but in southern Africa this also remains a challenge in land tenure reform. Research shows that some chiefs in Kalomo district had residential houses in town where they would reside even if they leased all their land. Malambo (2015) also mentioned of some chiefs in central province who sold off all their land and intended to go to town to stay with their children. This entails that some chiefs did not care about the inhabitants of the land they sold out to investors who would evict them. This brought tension between the subjects and the chief.

In other words, if chiefs fail to follow development policies (250 hector- Limit), national development, on one hand may delay as it is the case now in Zambia. On the other hand, it is important to mention that chiefs, just like statutory institutions such as ministry of lands, are also key stakeholders of land, as such, there must be consensus in certain aspects of land administration. Mulwanda (2010) observed that chiefs had no statutory role to play in land alienation but their only role in the statutory act was only to give consent to the conversion of customary land to leasehold. This could also be the reason why chiefs seem to hesitantly accept the restraint clause of 250 hector of land because they feel to be too restricted in making decision on matters involving all customary land, as custodians of that land. Therefore, as long as there is no consensus between statutory (government) institutions and customary institutions on matters

of land alienation, it would be difficult to minimise land conflicts not only in Kalomo district but also in Zambia as a nation.

Failure by investors to adhere to local conditions

In- depth interviews with key informants reviewed that the rising land value compelled chiefs to engage in uncontrollable sell of customary land in the district. This resulted in drastic shortage of grazing land and tension between residents and new investors who brought restrictions, (ibid). For instance, there were cases in Kalomo involving an investor threatening to shoot local people for alleged hunting in his farm. This made local people react against such threats. This is why the Cultural Theory explains that new land users can introduce new rules and regulations that oppress the dominant culture, (Wildavsky, 1984).

In addition, the study revealed that private investors were everywhere in the district persuading local people to sell land to them. As a result many people in north- west and eastern parts of Kalomo district sold their small pieces of land to private investors after which the same people got employed on their former land to process tobacco and to look after animals. Investors acquired land and immediately converted it to leasehold, leaving the local people with less than 50% of their original land. One of the indicators of poverty is that people can sell their valuable property at a very low price in order to meet their immediate needs.

It can be deduced that investors accumulated a lot of land, thereby making indigenous people becoming more dependent on the investors. This is in line with the dependency theory which explains that the displacement of the indigenous peoples due to land acquisition has had social and economic consequences for them, (Ferraro, 1996). The Zambian government was responsible for protecting its people who were being evicted from their land. The government of Zambia exacerbated these conflicts by keeping the exploitative policies in place which vented conflicts. That is why Osman et al (2013) state that there is unclear property rights and tenure security and a deficient private property legal framework. This is also in line with neo-colonialism theory which expounds that a policy can either solve problems or exacerbate violence, as is the case in Zambia.

Lack of communication between traditional chiefs and their subjects

Research findings also showed that some chiefs did not communicate to their subjects whenever there was a serious concern which affected the chiefdom. People from chief Sipatunyana, stated that their chief did not communicate when he surrendered their land (Chikoli- 620- area) to the district council in 2011. Research reveals that instead, the subjects were called to the district council only to be addressed by the council secretary demanding them to leave their area. Data reveals that the end of this meeting was characterised with stone- throws and insults by the chief's subjects, at the district council secretary with his staff. This means that the manner in which the chief's subjects were approached was not in accordance with customary law by which those people were governed.

According to the research findings, traditional leaders in the first place, failed to address their people before surrendering the land to the district council. Moreover, the district council secretary ordered subjects to leave the area without setting modalities for compensation. In addition, when the district council officials took the subjects to see the alternative settlement in Mal- Com- area, the people already settled in that area drove them back as they were not addressed too, by the chief before this. Some concerned citizens communicated to the Ministry of Lands, who came to the aid of the affected people and put the eviction to halt until when the appropriate procedure was used. Although successful applicants were already enlisted for the Golden Miles Plots, the land allocation process was put to halt for five years. The affected people who were also small scale farmers were told not to cultivate the land where the District council put some beckons. This situation adversely affected the livelihoods of the people in Chikoli 620- Farms as their field were turned in to plots. There was also a pending conflict between the council and the applicants that were successful about the beckons which were removed over the five years period during which the land laid dormant, and also a conflict about the charges which council collected from applicants before servicing the site.

5.9 STRATEGIES USED TO RESOLVE LAND CONFLICTS

Data from traditional leaders review that there was a court at village level called ‘Nkuta’ where the senior headman presided over disciplinary cases that were brought to his attention. Gienanth (2007) states that traditional justice mechanisms are almost entirely male- dominated and there is wide spread discrimination against women in the field of marital rights and inheritance. This entails that women’s interests were not represented in the traditional courts hence an increase in Gender- Based Violence in Kalomo district and in most Zambia’s rural areas. The village headman referred some cases which he or she could not solve to the chief’s palace where gender disparity continued in the court structure.

Data collected showed that the ministry of lands was carrying out some sensitisation programmes about the lands act. In addition, the respondent said that the department called people involved in conflicts to talk to them that they might together find a lasting solution to the problem. But responses from the ordinary people in Kalomo district were that there was no any sensitisation programme about the lands act. They said that sensitisation programmes were not even a single day, aired through any of the two radio stations namely; Namwianga Radio Station and Kalomo Community Radio Station. The fact that no sensitisation programme was waved on any of the available media, kept people ignorant about the land law.

Moreover, some data from the district council indicated that where one illegally got the plot and already started developing the site, sometimes the district council would just charge an illegal settler a penalty fee for illegal settlement. It was stated that this was sometimes done on humanitarian grounds especially, if one had already built after receiving his or her pension. This was in line with the observation of the MOE (2006) that pensioners were deemed to be the most eligible beneficiaries of land of all the people who needed it. This entails that the role of the district council was compromised by illegal settlers in the sense that the agency failed to take a serious step against illegal settlers thereby encouraging would- be offenders. Further, one would argue that the idea of arriving at charging a penult fees to an illegal settlers was motivated by the need to raise funds as the penult given would not alter an omission.

CHAPTER SIX

6.0 SUMMARY, CONCLUSION AND RECOMMENDATION

6.1 INTRODUCTION

This chapter presents a synthesis of all aspects covered in chapter one, two, three and four. The chapter focuses on the summary, conclusions and making of the recommendations of the study with regards to the research topic and research questions of this study.

6.2 Summary of the research

The study aimed at investigating land conflicts by analysing the process of land acquisition with reference to: the procedures used to acquire land, the security of land (tenure) acquired, challenges faced in the process of land acquisition, causes of land conflicts and strategies used to resolve conflicts in Kalomo district. The target groups in Kalomo district were mainly the district council, the ministry of lands, traditional leaders and the general public of Kalomo. Information was collected through the use of in-depth interviews and questionnaires. Data was presented using thematic method through which themes emerged during the study.

6.3 CONCLUSION

The conclusion drawn from the study was that most land conflicts emanate from the acquisition stage. Kalomo district council was not adequately funded, particularly for the process of land allocation. The number of applicants the district council invited for interviews to compete for plots was not in proportion to the number of plots advertised. The motive behind inviting a very big number of interviewees was simply to raise enough funds for the interviewing panels which comprised the planning committee, the full council and officers from other government agencies.

Moreover, the council had a burden to pay these officers from other government agencies for their allowances. So the actual burden was laid on the poor residents through the payments of non-refundable interviews fee. Therefore, the process of land acquisition in Kalomo was too exploitative as many applicants unfairly competed for very few plots with non-refundable interview fees. This did not only deteriorate the relationship of the council with the general

public, but it also exacerbated poverty in Kalomo district in particular, and in the country, in general.

The criterion, by district council, to demand a bank statement as sole evidence an applicant had capacity to build, disadvantaged most farmers who applied for plots but did not have bank accounts. The district council did not accept anything as an alternative for a bank statement especially for rural people who had resources (cattle) but did not have bank accounts to prove they had money. This was a source of conflict because the council refuted explanations and other alternative evidence for them to acquire land. In addition, the council were only able to prove there was money in an applicant's account but had no capacity to prove whether or not the money deposited was borrowed for the purpose of acquiring a plot, as was the case in Kalomo district. This delayed development in the district because most of the people who got plots had no capacity to build. After acquiring plots, they returned the money to the owners and most plots laid dormant for years without being developed, thereby delaying development of the town. Further, the district council did not restrict beneficiaries from engaging in to selling and buying of land, resulting into same people acquiring plots in every interview conducted while the unprivileged majority remained in despair.

Furthermore, land as resource was unevenly distributed to the people in the some residents temporarily formed projects on shareholding basis, and later on applied for change of land status, from business plots to residential plots in which shareholders shared tracts of land. This is a serious source of conflict as this system permits other people to acquire large pieces of land on the expense of poor Zambian.

In most chiefdoms of Kalomo district, only people who were married and had families qualified to own land. This means that women, youth and the disabled were the most vulnerable as many of them had no families. As long as one was married, he or she qualified to own land. Therefore this entails that most youths engaged in early marriages in rural areas with a view to acquiring pieces of land. It is a known fact that in every society there are unmarried women, either divorced or widowed. The underlying fact is that land is a valuable resource and therefore, it

creates a basis for the livelihoods of all people regardless of marital status. In Kalomo district most of the women who became widowed also remained landless as the land they developed while their husbands were still alive was transferred back to the traditional leaders or the relatives of the deceased husbands.

RECOMMENDATIONS

- Government workers who are called from other agencies to render assistance during interviews should be funded by their respective ministries to reduce the burden laid on the poor citizens.
- There is need to translate the current lands act into seven main local languages to widen the range of public consumption. The lands act is a public document which should not be designed only for an educated few, but for all the people of Zambia including the uneducated ones. Therefore, its translation into seven local languages will ensure not only access to, but also understanding and application of the land law by an average population of the Zambian people. The sensitive aspects of the land law must be amended to minimize discrepancies in administration. Statements passed by public institutions must be reflected and well defined in the public document. This is especially in land ownership rights of non- Zambians who live in Zambia.
- There is need for increased sensitisation on the lands act using all the types of media by using all the seven main languages of Zambia, and not only when there is tension in the country.
- There is need to codify rules and regulations, based on common customs and traditions on land administration across the country which will be used to guide behaviour of traditional leaders in land administration to reduce unnecessary tension in villages.
- Need to establish an independent body specifically for traditional land disputes which will efficiently and impartially work to hear and decide on matters involving grievances on traditional land. The government of Zambia needs to strengthen the public sector institutions and put in place stronger and binding mechanisms for resolving conflicts emerging from land acquisition processes to cushion the effects of the weakening confidence in the chiefs or chieftaincy institution's arbitration.

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QUESTIONNAIRE

AN INTERVIEW GUIDE FOR KALOMO RESIDENTS HOLDING LAND

I am a student with the University of Zambia (UNZA) and Zimbabwe Open University pursuing a Master of Science in Peace, Leadership and Conflict Resolution (MSPL). I am kindly asking you to complete or answer these questions. Please be assured that there is no right or wrong answer. Your responses shall be accorded the due recognition and confidentiality they so deserve. Indicate by ticking the box corresponding to your answer.

Sex: Male Female

Age in year: 16-20 21-25 26- 30 31 – 35 36+

1. Highest level of education: Grade 7 O’Level Other:

Specify.....

2. Resident status: in Kalomo urban Peri- urban Rural area

3. Religion: Christianity Islam Any other:

Specify.....

INFORMATION COLLECTED FROM ORDINARY PEOPLE ON LAND ACQUISITION IN KALOMO DISTRICT

1. What kind of land do you hold to?

Customary land State land

2. What are the benefits of acquiring and?

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.....
.....

3. What challenges did you encounter in acquiring your plot?

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.....

4. What procedure did you use to acquire your land/ plot?

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.....

5. What security do you have for your piece of land?

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.....

6. How did you acquire security of your land?

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.....
.....

7. Explain the challenges, if any, posed by the current Lands Act in the process of land acquisition.

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8. Why do traditional leaders quarrel with their subjects over land?

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9. Are you aware of the Lands Act? Explain why the Lands Act is important.

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10. According to your experience or observation, what are the challenges posed by the current Lands Act?

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11. What strategies do you use to resolve land conflicts in Kalomo district

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12. What recommendations do you give for the current Lands Act?

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