

**AN INVESTIGATION OF POLITICAL CONFLICTS IN LAND ACQUISITION IN  
ZAMBIA: A CASE STUDY OF MANSA DISTRICT OF LUAPULA PROVINCE OF  
ZAMBIA**

**BY**

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A Dissertation Submitted to the University of Zambia in partnership with Zimbabwe Open University in partial fulfillment of the requirements for the award of the degree of Master of Science in Peace Leadership and Conflict Resolution.

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## **Declaration**

I **Rufus Mkandawire** declare that, “**An Investigation of Political Conflicts in Land Acquisition in Zambia**” is my own work and has not previously been submitted for any degree at this or any other University and does not incorporate any published work or material from another thesis or dissertation. Sources that I have used or quoted have been acknowledged by means of references.

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## **Certificate of Approval**

This dissertation by **Rufus Mkandawire** has been submitted with my approval as the University Supervisor in partial fulfillment of the requirements for the award of a Master of Science in Peace, Leadership and Conflict Resolution by the University of Zambia in collaboration with Zimbabwe Open University (UNZAZOU).

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Date

**Dr Moyo**

## **Dedication**

I would like to dedicate this study to my late mum and dad. It's also a dedication to my wife Jane and children, Natalia, Wane and Rufus who patiently endured my absence when they very much needed me around them. To my friends and to all the people who helped morally in ensuring that this work was a success and dream come true. May the almighty God abundantly bless you all. I therefore owe you infinite gratitude.

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“A single hand cannot tie a bundle” says an old adage. Many people had made it possible for me to complete this research. I am grateful to all the respondents for dedicating their time in making their honest responses.

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## **Abstract**

Zambia is a landlocked country located in Southern Africa. It has two land tenure types' namely customary land tenure system and state titled land under the statutory land tenure system. Customary land tenure is the dominant system governing land administration of the major land mass of Zambia. This study focused on investigating Political Conflicts in Land Acquisition in Zambia. The study examined the effects of haphazard land administration and acquisition processes and found that Zambia's laws relating to land especially in customary areas are currently insufficient to guide an effective administration system. It is therefore argued in this study that sidelining the antiquated British laws existing as a legacy of colonization and formulating laws that address contemporary land problems is what is needed to alleviate the land conflict issue.

The objective of this research was to analyse the nature, causes of conflicts on state and customary land in Zambia and possible challenges and remedies to alleviate them. It was set on the principle that a good land governance system is a prerequisite for order and economic development. Using evidence from Mansa town, the study used both primary and secondary data to conclude that conflicts on both customary and state land are occurring with greater frequency and intensity. Amongst causes of land conflicts identified were illegal allocation of land, invasion of idle or undeveloped private or public land, double allocations, insufficient supply of affordable state land, insufficient monitoring of land use, and ineffective cadastral surveying; all symptom of an ailing land governance system. As such the purpose of the study was also to ascertain the extent to which politicians interfere with the land administration and acquisition processes in Zambia. In order to achieve the objectives of this study, a qualitative research design was used. In this regard, it is recommended that the Zambian government should work on preventing land conflicts through among other things, curbing illegal land allocations and invasion of vacant land and ensuring that land institutions adequately monitor land use.

## **Acronyms**

**ADB** - African Development Bank

**BSA** – British South African Company

**CEDAW** - Convention on the Elimination of All Forms of Discrimination against Women

**CPR** – Common-Pool Resources

**CSO** - Civil Society Organization

**DC** – District Council

**EIA** – Environmental Impact Assessment

**FGD** - Focus group discussions

**FPIC** - Prior and informed consent

**GMAs** - Game Management Areas

**ICCPR** - International Covenant on Civil and Political Rights

**ICESR** – International Covenant on Economic, Social, and Cultural Rights

**INTA** - The National Institute for Agrarian Transformation

**MLNREP** - Ministries Lands, Natural Resources and Environmental Protection

**PSDRP** - Private Sector Development Reform Programme

**UDHR** – Universal Declaration on Human Rights

**UNECA** - United Nations Economic Commission for Africa

**UNEP** - United Nations Environment Programme

**ZLA** – Zambia Land Alliance

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# **CHAPTER ONE**

## **INTRODUCTION AND OVERVIEW OF THE STUDY**

### **1.1 Overview**

Chapter one outlines the background to the study which investigated political conflicts in land acquisition in Zambia. The chapter begins with background information in which the overview of Mansa District is given. Furthermore, the chapter presents the statement of the problem, purpose of the study, research objectives, research questions and significance of the study delimitations of the study, limitations of the study, theoretical and conceptual frameworks.

#### **1.1.1 Background of Luapula Province**

Luapula Province lies in the Northern part of Zambia. It shares boundaries with Northern Province on the eastern side while in the western side, it shares an international boundary with the Democratic republic of Congo (DRC). It also shares borders with Copperbelt and central provinces. The province has 13 districts namely Samfya, Mansa, Mwense, Kawambwa, Nchelenge, Chiengi, Milenge, Lunga, Chembe, Chipili, Mwansabombwe including Kaputa and Nsama which are geographically located in northern Province but administratively falling under the jurisdiction of Luapula. Luapula province covers a surface area of 50,567 square kilometres. Out of this, 19, 967 square kilometres is covered with water. According to the census conducted in 2010, the province has about 991,927 people. (Central Statistics office 2010)

#### **1.1.2 Mansa District Area and Population**

Mansa is the capital of the Luapula Province of Zambia, and headquarters of Mansa with Ushi as the widely spoken language. It has an Area of 277 km<sup>2</sup> and Density of 104.9/km<sup>2</sup>. In colonial times Mansa was called Fort Rosebery and was also the headquarters of the province. The first Fort Rosebery, however was situated in the Luapula Valley around 1900, where most of the province's population live, near Mambilima. After an outbreak of sleeping sickness in the valley some years later it was moved to the present site in the belief that the higher plateau site would be healthier.

Contemporary, Mansa District has two constituencies being Bahati and Mansa Central and 18 political wards namely; Chansusu, Mansa, Chibeleka, Myulu, Chilyapa, Lwingishi, Musaba, Lukangaba, Misakalala, Muchinka, Mulenshi, Mushipashi, Mutuna, Kaole, Chipoka,

Kampemba, Katangashi Misakalala and Fimpulu. According to the population census results of 2010, Mansa District had 204,998 people (CSO report, 2010). Although only 50 km east from the Democratic Republic of the Congo, and cut off from the Copperbelt by the Congo Pedicle, Mansa does not have direct trade links to that country. Wars and frequent conflict in the Congo over the past fifty years have frequently hindered the development of Mansa District.

Over the last twenty years the town has grown considerably in population but not in prosperity since a decrease in employment in the mines of the Copperbelt forced a return to the land in areas such as the Luapula Province. The District lacks industries since the battery factory closed in 1994, and in the absence of employment opportunities, manganese mining has been the major resort for daily sustenance for most family units. Due to the mining activities in place, political land conflicts have been inevitable evidenced by displacement of person (s) from their land without any compensation and resettlement plan. (Central Statistics office report 2010)

The research was conducted in Mansa District because the researcher wanted to understand land conflicts at play and the vulnerability of the affected population amidst political players in land administration processes.

**Figure 1. 1 Map of Mansa District (Central Statistics Office, 2010)**



## **1.2 Land Conflicts**

Land is crucial to Africa's social and economic development, as the majority of the population depend on it for their livelihoods (Van Der Zwan, 2010). Unfortunately, socio-economic development in Africa is adversely affected by land conflicts (Arko-Adjei, 2011; Deininger and Castagnini, 2004; LRRRI, 2009; Mwambashi, 2015; UN-Habitat et al., 2015). Like most African countries, Zambia faces an equal share of land conflicts on both state and customary land. In many cases the results of conflicts on land is disorder and retardation in economic development. Unlike the advent of the colonial era of Zambia, that had large portions of land acquired and owned by the colonial masters in the lack of appropriate enforcement of laws governing landholding, such as the 1964 State and Reserve Order Act and many other statutes. The colonial administrators introduced English law or statutory tenure which was done through concessions orders in council. The British government was first represented by the British South African company (BSA Company) and then the British Crown took over the administration of the territory until 1964 when the country gained its independence (Zambia Land Alliance, 2008).

Post-independently, as the most significant formal transformations introduced to the Zambian land governance system was the draft Lands Policy of 1968-1975 and the Lands Acquisition Act Cap 296 of the laws of Zambia of 1970 by President Kenneth Kaunda regime. The inauguration of the 1991 regime under President Fredrick Chiluba introduced the Lands Act of 1995 chapter 184 of the laws of Zambia that paved the way for local and foreign investments in land. The lands Act was enacted to provide a framework or the regulation and governance of land administration. In addition, many other Act were enacted devised such as Subordinate Courts Act Cap 45 of the Laws of Zambia (Section 14), and the High Court Act, chapter 50 of the Laws of Zambia, Chiefs Act Chapter 287, Registration and development of Villages Act Chapter 289, Town and Country Planning Act and Urban and Regional Planning Act 2015, Local Courts Act Chapter 29, Subordinate Courts Act Chapter 28, High Court Act 27, and the Land Policy and Legislation.

The rising demand for land ownership, possession and access amongst the Zambian government and its citizens, Chiefs and the new actor the "investor" on the other hand who has emerged as a result of rising prices for food and non-food commodities in Zambia has necessitated the

inevitability of political conflicts in the acquisition of land. The world now has billionaires whose combined net worth equals the annual income of the poorest 45% of the world's population. This contrast arises mainly from the mal-distribution of land ownership and the lack of access to land by the majority which culminates into serious land conflicts. According to the Zambia Land Alliance [ZLA] (2008), amongst the challenges faced by the Zambian land administration is the centralization of state control over land matters, patronage and corruption within the government, local authorities and customary authorities in land delivery, failure to abide by the land administration procedures and lastly the inability by the communities to fully participate in the governance of land.

According to the lands Act (1995), all land in Zambia belongs to the state. Customary land is held in trust by the president through the traditional authorities, Zambia's 288 chiefs. Statutory land is governed and administered by a variety of statutory institutions including the Ministries Lands, Natural Resources and Environmental Protection (MLNREP), the forest department, and municipalities and other urban authorities. Land legislation enacted in Zambia by the colonial government and the post-independence parliament has had the single most important influence on land law and land rights in the country. Common law, equity, and statute law mainly apply in State Lands, whereas customary law applies to Reserve and Trust Lands except where land in these categories has been converted to State Land.

### **1.3 Statement of the Problem**

According to the Zambia Land Alliance (2005), Land conflicts continue to negatively affect many countries globally. In Zambia, the increase in demand for land can be attributed in part to rising population with incomes among the middle class Zambians but also to the Zambian governments drive to boost economic growth and reduce poverty by attracting local and foreign investors. This increase in leasing and selling land shows substantial demand in a context of increased land scarcity. Amidst this cry for access to land by the vulnerable groups in the communities, there has been an overwhelming demand for state and customary land areas by both local and foreign investors. The perception of the Zambian Government has been that in order to develop, there is need to open up customary and state land for foreign investors. In addition, Investors are able to access land in customary areas through written consent from the Chief to hold land under leasehold system. Planning authorities are required to draw site plans

for the areas and the committee interviews the applicant. Upon success, the council secretary recommends the allocation of the unnumbered plot to the Ministry of Lands. Once the procedure is complete, the plot immediately changes from customary to state land. It is worth noting at this point that under the current land tenure system, there is no provision for land that has been converted to state land to be reconverted to customary land (GRZ, 1996). The current demand for land in Zambia calls for the conversion of customary land to state land to meet future land requirements (Kapijimpanga, 2002:1). There is every reason to fear that with this high demand for customary land, the local people will have problems in accessing their own land. It is becoming more apparent that without stern and effective allocation systems in customary and state lands, access to land by the locals is threatened.

Land in Zambia is unquestionably recognized as a crucial asset and it is for this reason that Land conflicts have been increasingly rampant, evident by the many reported cases of land related disputes across the country. Kariuki (2006) argues that the problems with land range from tenure disputes, unsuitable land legislation, land administration, land grabbing and invasions. Nsemiwe (2006) asserts that in Zambia, customary practices such as inheritance systems contribute to the inequality of land distribution. However, despite the existence of different pieces of legislation and reinforcing statutes guiding land acquisition in Zambia, land conflicts still occur. Additionally, various studies have been conducted on land conflicts but there seems to be imprecise information on how political conflicts affects land acquisition in Zambia. It is against this background that the research was formulated and will focus on investigating political conflicts in land acquisition in Zambia.

#### **1.4 Purpose of the Study**

The purpose of the study was to investigate political conflicts in land acquisition in Mansa District of Luapula province of the Republic of Zambia.

#### **1.5 Research Objectives**

- i. To investigate the nature of political conflicts related to land acquisition in Mansa District of Luapula province of the republic of Zambia.
- ii. To examine the effects of political conflicts in land acquisition in Mansa District of Luapula province of the Republic of Zambia.

- iii. Investigate the challenges enhanced by political conflicts in land acquisition in Mansa District of Luapula province of the Republic of Zambia.
- iv. To devise mitigation measures of curbing political conflict in land acquisition in Mansa District of Luapula province of the Republic of Zambia.

### **1.6 Research Questions**

- i. What is the nature of land conflicts in Mansa District of Luapula province of the Republic of Zambia?
- ii. What are the effects of political conflicts in land acquisition in Mansa District of Luapula province of the Republic of Zambia?
- iii. What are the challenges enhanced by political conflicts in land acquisition in Mansa District of Luapula province of the Republic of Zambia?
- iv. What recommendations can you give on the best ways to mitigate land disputes in Mansa District of Luapula province of the Republic of Zambia?

### **1.7 Significance of the study**

The findings of this research are important for a number of reasons. To begin with, they are going to add to the body of knowledge on political conflicts in land acquisition in Zambia. In addition, they will inform and influence policy and decision making processes at all levels of governmental, non-governmental, bilateral and multilateral institutions and the global community at large, as they will be used as a source of information. There is also optimism that the current study findings will help in and contribute to the identification and prioritization of challenges caused by political land conflicts. Lastly, fellow students who may wish to replicate or conduct alternative studies shall benefit from the findings of this research before embarking on their own research.

### **1.8 Delimitation of the Study**

The study was restricted to Luapula province of the republic of Zambia in particular, Mansa District to be specific. The findings of the study might not be generalized to other districts. Mansa was the only district included in the study because the sample involved was too small to warrant such generalization. The study was conducted in Mansa District the provincial headquarters, home of many indigence people of the province who are from a variety of classes,

society and tribes. This substantiates the reasons the researcher decided to choose this district. The district is comprised of both the poor and the rich people with a large number of business men and women.

### **1.9 Limitations of the Study**

The researcher being a civil servant (police officer) working for the government of the republic of Zambia had a lot of responsibilities to do besides doing this research. The researcher was at the time he was supposed to collect data engaged in a presidential duty of a by-election. In addition, the researcher faced financial constraints to enable him to engage fully in the research which became seemingly intermittently progressing. The other challenge faced by the researcher was the limited information by some political elites based on patronage and was insufficient for certain spheres of the research at hand. Despite the challenges the researcher ensured that the study was conducted according to the research procedures.

### **1.10 Theoretical Framework**

Theoretical framework refers to the conceptual underpinning of a research based on either theory or specific conceptual model. The main purpose of a theoretical framework, apart from generally informing study, is specifically to guide the researcher in his analysis, explanation and interpretation of data (Rakotsoane, 2006)

Kombo and Tromp (2006:56) defined a theoretical framework as a collection of interrelated ideas based on theories. It is a reasoned set of prepositions which are derived and supported by data or evidence. A theoretical framework is an important part of a research for it tries to clarify why things are the way they are.

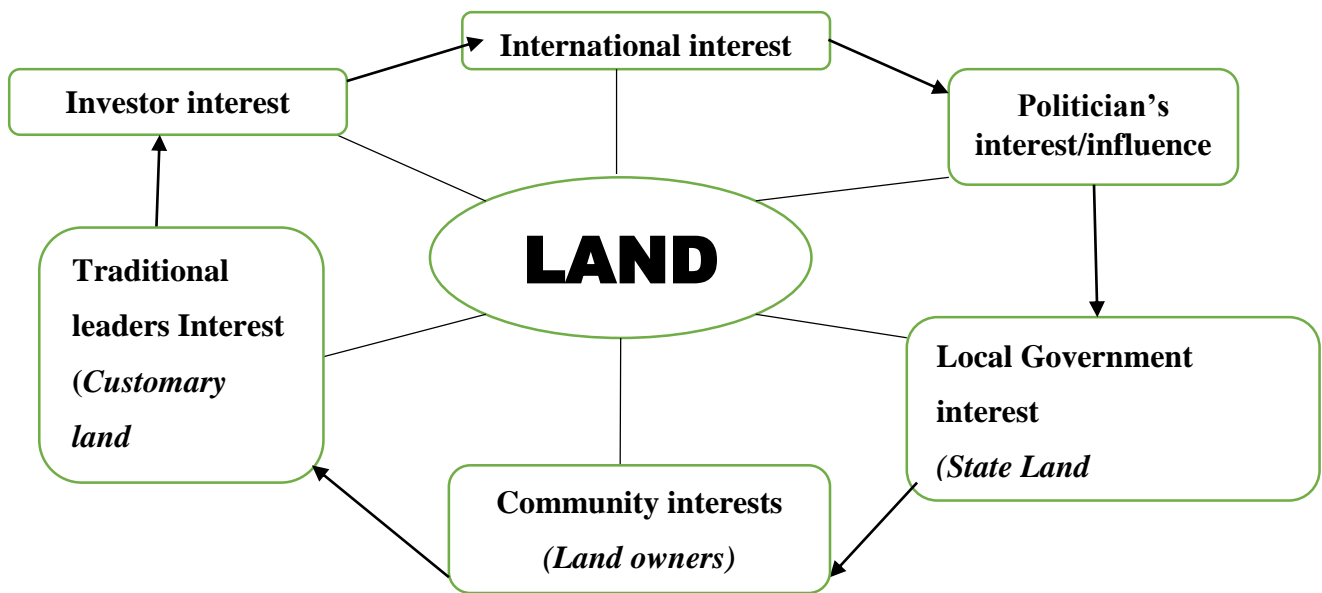
However, this study was guided by the conflict theory by Karl Marx. The proponent never gave a theory of stratification but gave a theory of social class on the basis of which we derive stratification or inequality in society. Marxian perspective provides a radical alternative to functionalist view of the nature of social stratification. According to Marxian perspective, systems of stratification derive from the relationships of the social groups to the forces of production. In all the stratified societies, there are two major social groups: a ruling class and a subject class. The power of the ruling class derives from its ownership and control of the forces of production. The ruling class exploits and oppresses the subject class. As a result there is a basic conflict of interest between the two classes.

In view of the above, the researcher found the theory applicable to this study because of its focus on societal issues regarding created stratifications in form of social classes in society. In this research context, the ruling class are the political elite who hold on to the instruments of power and control over land administration processes and the subject class being the oppressed in the processes of land acquisition.

### 1.11 Conceptual Framework

A conceptual framework is imperative in research because it identifies the research variables and clarifies the relationship among variables. It is also valuable in the sense that it sets the platform for the presentation of the research questions that drive the study (Chalmer, 1992). In this research, the conceptual framework guided the interpretation of findings. The conceptual model in this study identifies various key actors and interests that influence land administration and acquisition such as politicians, investors both local and international, and the local government representing government line ministries responsible for land administration.

**Figure 1. 2 Summary of the Conceptual Framework**



*Source: Researcher 2019 – 2020*

## **CHAPTER TWO**

### **LITERATURE REVIEW**

#### **2.1 Introduction**

A review of secondary sources of literature relevant to this study is presented in this chapter. The literature review is divided according to sub-themes based on or related to the research questions such as to find out the nature of political conflicts related to land acquisition in Zambia. The factors that affect land administration in Zambia. The challenges enhanced by political conflicts in land acquisition in Zambia and the best ways to mitigate political land disputes in Zambia. This chapter also identifies research gaps and ends with a summary.

#### **2.2 Conceptualizing the Dynamic Nature of Conflict**

The term conflict has no precise definition, however, it is ambiguous and draws its meaning depending on the context in which it is used and has many existing definitions. In this context, a conflict means an open confrontation between two opposing groups or individuals, a struggle or a contest between people with opposing needs, ideas, beliefs, values and goals. Most often, incompatibility of views, opinion and access to shared resources are the underlining reasons behind conflicts. In other words, Conflict is “a dispute or incompatibility caused by the actual or perceived opposition of needs, values and interests. According to the researcher, indeed the aforesaid definition does not bring out what may really be the conflict of interest between two opposing groups, meaning that conflicts vary in terms of type, who is involved and complexity. The aforementioned agrees with how Sociologists define a conflict, as a social fact in which at least two parts are involved, with its origins found either in the differences between their interests or in those between their social position: “the conflict is an inevitable aspect of human interaction, an inevitable consequence between choices and decisions” (Zartman, 1991). Consequently, a land-related conflict can be defined as a social fact in which at least two parties are involved and the roots of which are the different interests regarding the land ownership rights: the land use right, the land administration right, the right to generate an income from land, the right to exclude other people from the land, the right to transfer the land. Hence, the researcher perceives a land-related conflict to be understood as a wrong use, restriction or

dispute related to the land ownership rights. The land-related conflicts defined as such can be aggravated, if the social positions of the involved parties are very different.

A study conducted by Diez et al, (2006) authenticates the aforementioned definitions of conflict by referring to it in broader terms to denote the incompatibility of the subject positions. This definition emphasises the opposition or incompatibility at the heart of the conflict, and initially leaves open the exact nature of these incompatibilities as to whether they are between individuals, groups or societal positions; whether they rest in different interests or beliefs; or whether they have a material existence or come into being through discourse. The researcher further notes that, given this initial definition, conflict is not always characterised by violence. Yet, conflict might escalate and lead to destructive results, in particular in the form of physical violence that is increasingly seen as legitimate as conflict intensifies. However, conflict can also lead to a new social or political organization and therefore be productive if the parties involved are able to deal with their incompatibilities so that such a new organizational form is achieved.

Jabri (1996); Burton (1990); Diez et al. (2006) argue that “conflicts, first and foremost are discursive in nature and that incompatibilities can only be recognised as such if someone makes reference to them”. This does not mean that there is no material side to conflict. On the other hand, the distribution of land or other goods, or the clash of interests are core reference points for the articulation of incompatibilities. However, they do not constitute conflicts in and of themselves as Marxist or liberal theories based in materially defined interests would have it; they need to be discursively constructed in order to become effective as conflict matters. On the other hand, conflicts can bring about physical, psychological, or emotional damage. However, these very real experiences do not depend on a material definition of conflict, but are inflicted by conflictual discourse or the serious legitimated through such discourse.

Another opportune time for the researcher to define land conflicts borrows from Bruce (2011), who defined land conflict as a disagreement over rights to land by two or more parties, individual or groups. Land conflicts within a country will occur at either the interpersonal level or intra-societal level (Wehrmann, 2008). These conflicts may occur between individuals, individuals and public institutions, firms and individuals and so on.

### **2.3 Historical Background of Land Administration in Zambia**

The historical background of land administration in Zambia is very pertinent in understanding the phenomena of political conflicts in land acquisition in Zambia. In Zambia, as in many other countries in Africa, an enduring impact of colonialism has been the creation of a dual land system comprising the customary and statutory systems coupled with a variance in tenure systems, freehold and customary. Generally, customary tenure systems are communal and their management is derived from customary norms and principles. Communal tenure refers to systems that combine individual/family rights to land and natural resources with a group oversight and rules to keep land within a group. Communal systems are mixed regimes, comprising various bundles of individual, family sub-group rights and duties. In communal tenure systems, land and resource rights are directly embedded in a range of social relationships and units, including households and kinship networks (Bruce, 1998).

Rights are derived primarily from accepted membership of a social unit, and can be acquired via birth, affiliation, or allegiance to a group and its political authority, or transactions of various kinds including gift, loans and purchases. Land and resource may include both strong individual and family rights to residential and arable land and access to a range of common property resources such as grazing, forests, and water. They are thus both “communal” “individual” in character. The dual systems developed during colonialism allowed for the development of full property rights in land in the freehold sector, which facilitated the commoditization of land through land markets. Customary tenure, on the other hand, not only prevented the emergence of land markets but also created new forms of land governance in which all customary lands were deemed to be held in trust for the people by chiefs or other traditional authorities. As a result, in Zambia customary land cannot be bought or sold and by law has no monetary value.

Emissaries of Cecil Rhodes and the British South Africa Company arrived in Barotseland in 1884 to make a treaty with the then-paramount chief Lewanika. Treaties concluded with most of the chiefs in Zambia during the 1890s guaranteed "African" rights to large areas of tribal land in exchange for mineral concessions. The 1911 Northern Rhodesia Order in Council instructed the company to assign to the African population (of Northern Rhodesia) sufficient land for their use and occupation. Missionaries, miners, and traders began to settle, reaching a population of roughly 1,500 Europeans by 1911. The company divested its control of the territory in 1924,

and a governor was appointed by the British sovereign. Under its agreement with the crown, the company retained its mineral rights in exchange for territory.

In 1928, the Northern Rhodesia (crown lands and Native Reserves) Order in Council was promulgated, creating two categories of land: Crown Land and Native Reserves. Generally, Crown Land consisted of land earmarked for European settlements and mining along a narrow strip of about 20 to 30 miles on either side of the railway line from Livingstone to the Copperbelt, including thin pockets of land near Chipata, Mbala, Mukushi, Mumbwa, and Mwinilunga and reserve areas for African occupation under customary tenure arrangements. White settlement initially took place in a rather haphazard manner, first by the company and later under crown governance.

A series of Native Reserves Commissions between 1926 and 1928 established a more regularized system of settlement by whites, and the systematic evacuation of crown land by African residents, who were forcibly crowded into reserves. Much land was left unclassified and came to be known as the "silent lands," set aside for the anticipated influx of white settlers that never materialized (Dorner 1982). Overcrowding in the reserves continued to worsen, leading in 1938 to the Pimm Commission openly stating that the reserves policy had been a disaster. The 1947 Northern Rhodesia (Native Trust Land) Order in Council provided for a fundamental reversal in policy. Whereas previously crown land was reserved for white settlers, under the 1947 order it was defined as that amount required for a more realistic and limited number of white settlers, with the remainder reserved for native "African" occupation.

A number of important developments followed in the post-World War II period. First, a wave of settlers did eventually acquire farms; over a thousand white farms were established by the 1960s, with a substantial reduction in the area of unalienated crown land. Second, prior to the 1930s, allocations of crown land involved mainly freehold property. Beginning in the 1930s, more and more settlers were granted long-term leaseholds rather than freeholds, giving way entirely to leaseholds by 1944. With independence in 1964, crown land became State Land, while Reserves and Trust Land retained their pre-independence classifications.

Post-independently, Zambia's legal system has been based on common law imported from Britain (Chinene et al. 1993). The Royal Charter executed on 29 October 1889 paved the way

for the introduction of English law in the country. Through the North-Western Rhodesian Order in Council of 1889 (for Barotseland) and the North-Eastern Rhodesian Order in Council (outside Barotse territory), English law was made to apply. A host of other legal regimes in Zambia make reference to English law, including the Subordinate Courts Act Cap 45 of the Laws of Zambia (Section 14), and the High Court Act, chapter 50 of the Laws of Zambia (Section 13.9). However, the Application Act (chapter 4 of the Laws of Zambia) is the most prominent integration of English law. According to this act, common law, the doctrines of equity (c) statutes which were in force in England on the 17th day of August 1911, and any later English statutes applied to Zambia, are made in force in Zambia. Chinene et al. (1993) notes that, there are doubts over which 1911 English statutes apply, but these provisions and the decisions reached in English courts elsewhere in the Commonwealth have considerably shaped Zambian law.

Despite the application of common law in Zambia, most Zambians still conduct their activities in accordance with customary law. No single body of customs prevails across the country; in fact, local variations are common. The term customary law encompasses a host of different prevailing tribal customs. Although customary law has been superseded by legislation in many areas, it continues to play a considerable role in the development of land tenure concepts and structure in tribal areas. However, land legislation enacted in Zambia by the colonial government and the post-independence parliament has had the single most important influence on land law and land rights in the country. Common law, equity, and statute law mainly apply in State Lands, whereas customary law applies to Reserve and Trust Lands except where land in these categories has been converted to State Land.

Although statistics are conflicting, the bulk of Zambia's land is held under customary tenure. According to the lands Act (1995), all land in Zambia belongs to the state. Customary land is held in trust by the president through the traditional authorities, Zambia's 288 chiefs. Statutory land is governed and administered by a variety of statutory institutions including the Ministries Lands, Natural Resources and Environmental Protection (MLNREP), the forest department, and municipalities and other urban authorities. Statutory land is also leased out to individuals on long term basis of up to 99 year. There are no private titles, as these were abolished and converted to leasehold in the 1975 land (Conversion of Titles Act) during the Kenneth Kaunda

administration. The definition of customary areas and state land are defined by the Lands Act of 1995 based on the status of land at the time of independence and thus are inflexible. In practice, however, land that has been converted to state leasehold tenure within customary areas often loses its relationship to the traditional authorities. Other exclusive state uses are present on ostensibly customary land, for example national parks. Game management areas (GMAs) also often have restrictions on use by small holders. The current state of national land records, and incentives for landholders not to complete the process of converting customary land to state land, makes this figure to verify at present.

#### **2.4 Causes of Land Conflicts**

Globally, literature on land has highlighted several causes of land conflicts. However, Akhtar (2012); Garcia-Ruiz and Teodoro (1993) in their writings reveal that, during the twentieth century there have been many changes on land, the cultivated land has decreased, meadows have replaced to grain fields, livestock pressure has much lessened and transhumance has practically disappeared. At the Same time, the constant pressure of population growth and urbanization (Marshall and Shortle, 2005) underlined the demand of more infrastructural development projects especially in developing countries (Singhal, 2009). Then it follows a great pressure on arable land which if mismanaged may lead to serious land conflicts (Deininger and Castagnini, 2006). Thus the researcher argues that, it may not be wrong to say that land conflicts increase exponentially as the pressure increases on land. With the aforesaid, authors Marshall and Shortle (2005) in particularly elucidate a very important aspect which the researcher certainly agrees to, that pressure of population growth and urbanisation leads to the need for more infrastructure development. However, the benefits of such infrastructure must be known to the beneficiaries to avoid conflicting interests.

Adding on to the preceding arguments, a great deal of previous research into land conflicts has established that, world over land use conflicts explode sharply over issues linked to social inequalities. For example, such conflicts sparked by the takeover of land for public projects (Pham et al., 2010) in which land owners forcibly dispossessed from their resources (Ostrom and Nagendra, 2006). It is commonly understood that in rural areas most of the indigenous people share common-pool resources (CPR) with lack of social justice and recognized rights (Ostrom, 1990), which may be due to such people possess lower literacy level, less built-up,

fewer infrastructures, lower human population density and unaware of rules and rights. The researcher agrees with the preceding author's point of view. Due to major developmental undertakings in most countries such as multi-million dollar projects by governments, local community's tend to be dispossessed of their land especially in rural areas where literacy levels are low. However, the authors did not bring out the political conflicting interests that may surface in most instances. In addition to the aforesaid, usually land rights for the rural people are unrecognized.

Kambenja, (1997) in his writings contends that many countries of the world, especially developing countries in Africa have experienced severe land conflicts related to land administrations under their current tenure systems. The most prevalent ones include conflicts arising from Environmental degradation, landlessness, squatting, inadequate public revenue and rural poverty. Dorner (1972) has described land tenure as "embodying those legal, contractual or customary arrangements whereby individuals or organizations gain access to economic or social opportunities through land". This therefore follows the agreement by the researcher that land tenure is an institution that regulates human behavior regarding land in a particular society. The researcher further posits that, Kambenja is right to the largest extent however, he does not explain the political nature of such conflicts bordering on land administration and tenure.

Africa's land conflict question centers on the type of land holding. There is a large number of published studies (e.g. Ngombe et al, 2006, Smith 2001) that argued that customary tenure in Africa is a recipe for underdevelopment, and thus a major cause of conflicts. Ali and Nasir (2010), showed that in various developing countries, unclear ownership rights and regulation of the land institutional behavior towards property rights and land acquisition process are positively associated with decline in farm production and increase in conflicts of land use. On a different note, Alam (2006) thus, views such land use conflicts as limiting land management practices. Unlike Alam, Tinel, (2002) posits that, Indeed, such type of conflicts are challenge for economists to analyze, because they are normally accruing when there is lack of coordination in the relations between stakeholders, i.e., public authorities, business firms and local population.

However, Peters (2002) states in his research findings that, African governments are faced with an additional major challenge when dealing with land issues, e.g. fighting the widespread land grabbing which is increasingly taking place almost everywhere on the continent, often

undertaken by the economically most powerful groups, including government officials and politicians. In contrast to Peter, the researcher goes further stating that African governments are further faced with the lack of technocratic involvement in the resolution of conflicts involving land and that failure to devise and abide to land laws is another major challenge.

Bob et al. (2008:28) states in his writings that inequality is often a consequence of political, economic and social processes that concentrate resources in certain hands at the expense of others. In Sub-Saharan Africa, the vast majority of the black population has limited access to land ownership and related natural resources, resulting in high levels of vulnerability and resultant conflicts over land. On a different premise Mamdani (1996), Munro (1998), Lentz (2013) and others have insisted that African land tenure regimes be viewed as institutional configurations that have been molded and remolded by colonial and postcolonial governments in efforts to extend state power in the rural areas. They show that existing land tenure regimes bear the heavy imprint of the modern state, even if they are often not entirely defined by states, and that rural land regimes go far in structuring the political relationships that link rural communities to the state.

The United Nations in their tool toolkit and guidance for preventing and managing land and natural resources report (2012) asserts that, the management of land and natural resources is one of the most critical challenges facing developing countries today. The exploitation of high-value natural resources, including oil, gas, minerals and timber has often been cited as a key factor in triggering, escalating or sustaining violent conflicts around the globe. Furthermore, increasing competition over diminishing renewable resources, such as land and water, are on the rise. This is being further aggravated by environmental degradation, population growth and climate change. The mismanagement of land and natural resources is contributing to new conflicts and obstructing the peaceful resolution of existing ones. It goes further to reveal that, Land and natural resource issues are almost never the sole cause of conflict. Land conflicts commonly become violent when linked to wider processes of political exclusion, social discrimination, economic marginalization, and a perception that peaceful action is no longer a viable strategy for change. Tensions over land may also be closely related to, or manipulated by, political interests. This agrees with the researcher's view that indeed political marginalisation and scramble for resources can lead to regrettable effects and this can be exemplified by the land

conflict in the eastern part of the democratic republic of Congo surmounted by inequalities in the distribution of land for mining. However, much of literature on land conflicts has paid particular attention to conflicts on land rich in mineral resources as opposed to other studies which looked at land conflicts arising as a result of developmental projects. In this research context, the researcher strives to understand how political conflicts affect land acquisition, which has revealed to have a relatively small body of literature.

A recent United Nations Environment Programme (UNEP) report highlighted the fact that natural resources have played a role in at least 40 percent of all intrastate land conflicts. Moreover, as Wiley has noted, land issues have played a significant role in all but three of the more than 30 intra-state conflicts that have taken place in Africa since 1990. Despite this reality, governments and the international community have in the past shied away from developing systematic and effective strategies to address land grievances and conflicts. Land is seen as too politically sensitive or too technically complicated to lend itself to meaningful resolution: as experience has demonstrated, this is a mistake. Recent studies have shown that conflicts associated with natural resources are twice as likely to relapse into conflict within the first five years after the end of hostilities. Clearly, there is a critical need to ensure that land and natural resource-related issues are addressed at all stages of conflict.

In recent years, land market reforms have been carried out in countries as diverse as Brazil, Cote d'Ivoire, Uganda, Kenya and Zambia (Brown, 2002). The quest for land reform involves raising the living standards of huge proportions of the world's population, currently estimated at 6 billion, of which many are in developing countries (UN Habitat, 2003). The great majority live in rural areas thus it is a matter of necessity that overall development must include rural development (Ngombe et al, 2006). There is widespread argument that Africa can only develop if the traditional tenure, consisting of about 90% of Africa's land resources, is integrated into the leasehold tenure system, which is founded on principles of individualization (Brown, 2002). The researcher argues that the inclusion of rural areas in development is rather in the affirmative, however he refutes the notion of integrating traditional tenure into leasehold tenure system because much of power in the leasehold system is concentrated on state control for most countries and by the power vested in the president to alienate land, many rural people risk being

dispossessed of their land. Reforms are rather important to undertake in the sense that they help to seal lacunas and insufficiencies in the administration of land.

Gizewski and Homer-Dixon (1998), who propounded on control over and allocation or access to land. The study found that control over and allocation or access to land is the key means by which power and privilege are retained and expanded in the political system and becomes a source of conflict. The researchers view is that, it is far true that the land administration and acquisition processes have been politicised and increasingly been a source of conflict in sub-Saharan Africa which has manifested into large-scale civil strife and political movements. The population pressure, agricultural commercialization and urbanisation have contributed to the increasing number of conflicts.

Zambia has approximately 94% of its land designated as customary Area. It is occupied by 73 tribes, headed by 240 chiefs, 8 senior chiefs and 4 paramount chiefs (Chileshe, 2005). The conversion of customary land to state land has caused conflicts in many rural areas of Zambia. Following the implementation of the Land Act 1995, the government failed to pass any statutory instruments - the rules and procedures that govern the administration of land (Adams, 2003). It has been observed in areas converted for tourism purposes, under the premise of market based land reform that local people have lost full access common pool resources upon which they have depended for their livelihood (Southern Guardian, 2005).

There exists literature that shows that land conflicts in Zambia are caused by various factors and these may be political, legal and judicial, institutional, operational, and technical (Lukonde, 2008). As opposed to Lukonde, the researcher notes that resolving the foregoing elements require a good land governance system because it is indeed a prerequisite for maintenance of order and economic development. Good land governance implies having effective political will to tackle land issues. In addition, having sufficient legal and judicial systems proactive in the implementation and enforcement of land policy and legislation, institutions having sufficient dissemination of land information to the public, operationally having sufficient staff, equipment and finance in public land institutions and technical in effective land use planning and cadastral surveying elements (Deininger et al, 2012).

On the contrary but based on the same premise, one of the characteristics of conflict is that it is dynamic and as such, several lines of evidence suggest that in many instances, there are highly politicised land conflicts in the acquisition of a resource such as land attributed to its value in agriculture and mining mineral endowment and other major investments. Large scale acquisitions of land for commercial agriculture and mining have led to loss of land and have undermined the livelihoods of affected rural communities in Zambia. These land based investments have been characterised by a lack of consultation with and participation by affected communities. From generations to generations, land has been hailed as the greatest resource and indeed the backbone of wealth in many African communities including Zambia, whether urban or rural. Land is the focal point of economic growth, poverty eradication and the general improvements of livelihoods. To the investor, land has been the basis of wealth; to the farmer, a basis of production and down to the ordinary man, a source of pride. Mulenga (2005) contends that “land is a primary resource that men and women in Zambia depend on for their livelihood. She further asserts that land is a source of food, shelter, social status and power.

However, previous research on Zambia’s land administration system indicates that the country currently lacks an adequate legal framework to secure customary, informal and unregistered land rights of people affected by such commercial investment, and provide for transparent and accountable land administration. Additionally, the researcher suggests that, the expedition of the processes of land law reform must be priority for the Zambian government and civil society. Furthermore, the aforementioned demonstrates one of the dimensions on which this research is focused, that if only the current legislation and statutes governing land acquisition could be harmonized by way of review and in practice, aligning them in a way that addresses the contemporary land problems, land conflicts would be a thing of the past. That is to say, sidelining the current insufficient antiquated pieces of English legislative legacies of colonization and devising contemporary legislature and policies that will address the current shortcomings in the administration and acquisition of land. However the aforesaid insufficiencies have led to causing and escalating conflict hampering sustainable development.

Further review of literature on land indicated that inadequate and inappropriate land policies, laws and institutions as well as low levels of implementation of policies and laws among others were major causes of land conflicts in Zambia (Van Der Zwan, 2010). It is far true and

agreeable by the researcher that the legacy of colonization has hindered progress of the country in the sense that the existing land laws are antiquated and are unable to resolve contemporary land problems and this to the largest extent has affected land administration institutions.

The major argument on causes of land conflicts in Zambia has been on customary tenure and its security in land holding. The World Bank (2003) argues that customary tenure encumbers commercialization; it is insecure, lacks certainty and frustrates rural land markets. The researcher disapproves the argument by the World Bank and advances the fact that customary tenure does not in any way encumber commercialization, however it's the procedures involved in the conversion of such land to leasehold tenure that people shun for commercial investment. Additionally, this land is held by chiefs who are the main land administrators which calls for consultations. This is in line with Brown (2002), who posits that the debate on security of tenure in customary land has continued to date without conclusive evidence that customary areas hinder the development of markets and lessen the ability of rural development to take place and that it causes conflicts.

According to a research conducted by the Zambia Land Alliance System (ZLA, 2005), a civil society organization (CSO) that advocates for land rights for poor and vulnerable communities, which sought to understand Large-Scale Land Acquisitions Displacement and Resettlement in Zambia. Posited that, the Lands Act of 1995 stipulates that all land is vested in the president, and confers on him the power to alienate land for 'public purposes', for instance, for public infrastructure or for national development. The Lands Act also prescribes for consultation to be granted by Chiefs, local authorities and any other person or body whose interest might be affected in matters of land alienation, but in practice there are few mechanisms to ensure this.

In extrapolating the preceding arguments on a different premise, political land conflicts occur on customary land areas when land is converted to statutory land and allocated to investors by traditional leaders, local authorities and the national government without consent from the local people and absence of a clear resettlement plan. In as much as the lands Act stipulates that consultation must first take place with 'any other person or body whose interest might be affected by the grant' of the customary land, in practice there are no stipulated mechanisms as to how people must be consulted or how their views must be addressed, hence the gap. Consent is

only required from the Chief and the local authority. Under such circumstances, entire communities can be moved off their land against their will and in the best case scenarios are subsequently resettled.

In a similar research but on a different premise, the Zambia Land Alliance report (2005) states that, amidst the cry for access to land by the vulnerable groups in the community, there has been an overwhelming demand for land in customary areas by both local and foreign investors and government. The perception of the Zambian government has been that in order to develop, there is need to open up customary land for foreign investors. Investors are able to access land in customary lands through written consent from the chief to hold land under leasehold system. Planning authorities are required to draw site plans for the areas and the committee interviews the applicant. Upon success, the council secretary recommends the allocation of the unnumbered plot to the ministry of lands. Once the procedure is complete, the plot immediately changes from customary to state land. It is worth noting at this point that under the current land tenure system, there is no provision for land that has been converted to state land to be reconverted to customary land (GRZ, 1996). However, the researcher posits that in many instances the standard procedures for land acquisition are sidelined by the investors who corrupt political elites in order to be given land. The lack of involvement and participation by the community's in the processes of land administration has to the largest extent contributed to revolts in most rural areas.

Fitzpatrick (2005) points out that, there has in recent years been a change in the official attitude towards customary tenure. Agencies such as the World Bank now recognised that customary systems of land tenure are often more flexible and adapted to local circumstances than centralized and uniform systems (Deininger, 2003). Therefore, from the researcher's view, the challenge is no longer to argue that customary systems are flexible, dynamic and adaptive: it is to look for ways in which customary land rights that enfranchise poor and marginal groups may be strengthened and legally recognised. On a different premise, Deininger (2003) states that it is emphasized that much more attention should be paid to the legality and legitimacy of existing institutional arrangements of land administration, and that dealing with issues of economic efficiency will not automatically resolve equity issues, including the rights of historically disadvantaged groups such as women, herders and indigenous populations.

According to the Mansa land alliance report (2016), conflicts on involving land had continued to happen due to the demand on customary land which was reported to have had manganese deposits. This was also reported from neighboring villages and that the scramble for such land was a base for hate speech which culminated into violent conflicts and serious threats. An undercover investigation by the Alliance team revealed that corrupt activities and politics were alleged to be at play in the sense that for some people, it was difficult to undergo the land acquisition processes and preference was in short cuts. What came out strongly to be the cause of conflicts in the report was failure of government institutions to fully disseminate information due to insufficient funding, which meant that community members lacked information and resorted to conflicts. In addition it was discovered that the major cause of conflicts was due to the low literacy levels possessed by the community members thereby posing a huge risk on land.

Media reports on Zambia also show an escalation of cases of fighting over land in most cities and rural areas, especially in the cities of Lusaka, Ndola and Kitwe and in rural areas such as Mansa Chembe and Kawambwa (see for example, Zambia Daily Mail, 4 May, 2015; Zambia Daily Mail, 28 January, 2018; Zambia Reports, 23 February, 2013). In many cases the researcher perceives the results of conflicts on land to be disorder and retardation in economic development and that most of these conflicts have a political attachments that hamper land justice and sustainable development. Kariuki (2006) in his findings argues that the problems with land range from tenure disputes, unsuitable land legislation, land administration, land grabbing and invasions. Nsemiwe (2006) asserts that in Zambia, customary practices such as inheritance systems contribute to the inequality of land distribution and may contribute to conflicts.

## **2.5 Factors Affecting Land Administration in Zambia**

Zambia's laws relating to land in customary areas are currently insufficient to guide an effective administration system. Laws relating to resources, like wildlife and forests, are not well harmonized with the laws that govern customary land administration, creating ambiguities across different areas within customary land. Additionally, guidance to traditional authorities on how to manage customary land and the rights and responsibilities of chiefs on these lands is lacking. Customary land management is not necessarily contradictory to best practices;

however, there is a need for customary systems to be able to be documented and used as evidence with equal weight to state leasehold titles in court. Such communication between institutions and systems would reduce conflicts and allow for a more harmonized approach. This is one objective of the current/ongoing Land Audit. There are additional measures that could be taken to better coordinate customary and state land management within the legal framework, including more explicit recognition of customary rights as equal to statutory rights, and a relaxation of elements of the Surveys Act that describe how land documentation and beaconing should occur. On the whole, however, there is nothing in the current legal framework that restricts chiefs from administering customary land certificates.

## **2.6 Challenges Enhanced By Political Conflicts in Land Acquisition**

The absence of a coherent land policy is responsible for disorderly management of land in Zambia. A national land policy advances discipline in the land market, minimises land encroachments and avoids multiple land sales; unapproved development schemes and haphazard developments. The national land policy has to produce effective and efficient land administration and management systems for both state and customary land, harmonise land investments for agriculture, forestry and fisheries, energy and mining uses and also produce a framework for accessible land dispute management. Land administration at local level is delegated to local authorities and on customary lands to the chief. The chiefs are expected to participate in land identification for various public uses and make recommendations to the Commissioner of Lands. However, the functions of the chief in land administration are not clearly defined and need institutionalization.

## **2.7 International Human Rights Law**

Zambian law does not fully protect the property rights of customary landholders. There are gaps in key pieces of legislation such as the Constitution and the Lands Act. Though domestic law may not fully protect these rights, there are various international instruments to which Zambia is a party that protect the interests of community members and give legal status to customary tenure. Examples of international agreements to which Zambia is a party that are relevant to land and property rights include the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the Universal Declaration on Human Rights

(UDHR), the International Covenant on Economic, Social, and Cultural Rights (ICESR), and the International Covenant on Civil and Political Rights (ICCPR). As a member state of the United Nations, Zambia has signed and ratified these and other international and regional instruments; however, most of the provisions of these instruments have not been domesticated into national law but are considered part of a separate legal system. Domestication would require Zambia to incorporate the provisions of these multilateral and bilateral treaties into either existing legislation or to use them as the basis of new legislation to give these treaties the force of domestic law.

## **2.8 Mitigation Measures of Land Conflicts**

The United Nations tool kit and guidance for preventing land conflicts report (2012) revealed the following steps to mitigate land conflicts; there may be a need to undertake more fundamental land reforms to address the structural causes of conflict, such as unequal access to land or land concentration. Whether ‘market assisted’ or ‘government-led,’ land reform requires sustained political consensus, financial commitment and measures to mitigate the risks associated with such reforms. It is far true that if the structural causes of conflict are identified and dealt with accordingly, land conflicts would be reduced. In addition, the researcher contends that it is important for governments to consider the plights of its citizens before coercively undertaking huge developmental projects, overall, citizen political inclusion and participation reduces the propensity for conflict occurrence, hence is the way to go.

Acquare (1984), contends that governments and development partners must reconcile economic growth with security of tenure priorities. Reviewing previous concessions, linking security of tenure to investment promotion, and wealth-sharing agreements are some practical measures to be considered. He further contends that policy, legal and institutional reforms should be implemented in an incremental, conflict sensitive and coordinated approach. There may be a need to rescind discriminatory law, develop ad hoc policies and laws to address specific challenges e.g. population returns, informal settlements, concessions, etc. prior to more fundamental reforms such as the development of a comprehensive land policy or deciding on the future land administration system. The researcher posits that, it is now well established from a variety of studies that the, absence of coherent land laws and policies especially in developing countries has exacerbated the occurrence of land conflicts. However, the conflicts can be settled

or resolved through different approaches according to degree to which they emphasize. Different conflict resolution approaches suggest diverse mechanisms, i.e., that it can be resolved based on the multiple land use objectives. Mwasi (2001), and other authors in their writings suggest approaches such as collective action Petit (2002), diverse human demands Mann and Jeanneaux (2009), valuing the economic costs of land use Pham et al. (2010), and by improving social interactions among actors (Owen et al., 2000).

## **2.9 Research gap**

Gizewski and Homer-Dixon (1998), propounded on control over and allocation or access to land. The study suggests that control over and allocation or access to land is the key means by which power and privilege are retained and expanded in the political system. Whereas Pham et al. (2010) looked at dispossessions and conflicts on land. The study found that most cases in which land owners were forcibly dispossessed from their resources became the genesis for conflicts which would result in serious violence.

Another study by Kambenja (1997) looked at land tenure regimes and state structure in rural Africa and implications for the forms of resistance to large scale land acquisition by outsiders. The author argues that even with the incorporation of land policy provisions into African constitutions, there is every reason to believe that in the near future, highly politicised land conflicts will continue. This is because land politics in Africa are a redistributive game that creates winners and losers.

A research conducted by Mulenga (2005), sought to understand the problematic of land acquisition for public use in Zambia. One of the most valuable lesson drawn was that the processes involved in land acquisition for public use i.e. alienation, valuation and compensation, unless supported by clear, institutionalized and inclusive protocols, which are transparent and predicable, may result in unintended and undesirable negative consequences and grievances triggering conflicts between government and land owners.

In a similar research, Mutale (2019), looked at allocation and access to resources and posited that, “allocation of, and access to, resources are often political matters”. This is even more so in cases where varying groups are contesting for limited resources.

The previous researchers looked at the problematic of land acquisition, allocation, access, land tenure and concentration of control over land. However, the researcher found that little has been done on political conflicts in land acquisition. It is for this reason that this study was undertaken.

## **2.10 Summary of Literature**

From the review of literature, it is clear that one of the main reasons underlying the increased incidence of land conflict is the failure of the prevailing land tenure systems to respond to the challenges posed by appreciation of the value of land in a way that would enhance effective tenure security, thus property rights are deficient. It is useful to place land conflicts into a broader context of increasing land values and scarcity. If land values increase in an environment where access to land across groups is highly unequal or governed by other factors such as ethnicity, it can give rise to conflicts that run along ethnic lines and spread to areas completely unrelated to land. This appreciation is attributed to increased population, a key variable that underlies the need for better definition of property rights to land. Inequitable distribution of resources where powerful groups marginalize the weak could in particular be a source of grievance and conflict, where property rights are not responsive to scarcity of resources in a way that allows equitable access, efficient use and security of tenure.

Literature has so far shown that land conflicts are serious aspects that need attention. Different scholars have given their contributions on lands conflicts in different forums, journals and books. The concept of conflicts have been assigned different definitions by different scholars. Evidence from the reviewed literature points to wide variability in the legal underpinnings of customary rights and the legislated processes for land acquisition. Yet despite this variation, in the vast majority of cases outcomes are reportedly similar: customary rights to vast areas of land are lost often permanently, with limited to no compensation. This poses an interesting analytical puzzle, as to whether legal frameworks are meaningless due to limited enforcement, or whether similar outcomes occur through diverse pathways.

## **CHAPTER THREE**

### **METHODOLOGY**

#### **3.1 Introduction**

The previous chapter reviewed literature on land conflicts, their causes, effects, challenges and measures to mitigate it. This chapter focuses on the methodological approaches used in carrying out this research. It is divided in subsections; to begin with is the research design, target population, sample size, sampling procedure, research instruments, data analysis, validity and reliability.

#### **3.2 Research Design**

A research design is a logical plan of study that guides the researcher on the collection, analysis and interpretation of data. Kombo and Tromp (2014) view it as a structure of research which holds all elements together in a research project. Creswell (2009) argues that researchers describe phenomena as they appear in everyday life before they have been theorized, explained and interpreted. Therefore, a case study was employed in this research, deeming it appropriate for a reason that the researcher sought to describe phenomena as it exists without manipulating participants or results. Case studies are in-depth investigations of a single person, group event or community. Typically data are gathered from a variety of sources and by using several methods e.g (focused group discussions and semi structured interviews). The case study method often involves simply observing what happens to, or reconstructing ‘the case history’ of a single participant or group of individual’s e.g (specific social group). Case studies allow a researcher to investigate a topic in far more detail than might be possible if they trying to deal a large number of research participants (nomothetic approach) with the aim of ‘averaging’ (stake, 1995).

The case study is not itself a research method, but researchers select methods of data collection and analysis that will generate material suitable for case studies such as qualitative techniques (semi structured interviews, participant observation, diaries), personal notes e.g (letters, photographs, notes or official document e.g (case notes, appraisal reports) (Yin, 2003). For the

purpose of this research, a case study research design and a qualitative approach were employed for reasons based on the aforementioned.

### **3.3 Target Population**

Best and Khan (2006) state that a target population forms an accessible population that is convenient for the researcher and representative of the overall target population. Sidhu (2013:253) defines population as the aggregate or totality of the objects or individuals regarding which inferences are to be made in sampling study. It means all those people or documents proposed to be covered under study. In other words, one can state that population refers to an entire group of persons or elements that have at least one thing in common that are of interest to the researcher. Thus, the population of this study included government departments, civil society organizations and other stakeholders responsible for land administration in Mansa district of Luapula province of the republic of Zambia.

### **3.4 Sample size**

Webster (1985) states that a sample is a finite part of a statistical population whose properties are studied to gain information about a whole. When dealing with people, it can be defined as a set of respondents selected from a larger population for the purpose of a survey. White (2005) states that a sample size is a group of subjects or situations selected from a larger population. Bless and Smith (1995) also state that sample is subset of elements taken from a desired sample. In other words, a sample is the number of participants selected from the universe to form a desired sample, a fraction of what should be studied.

In this regard information was collected from 23 key informants (9 employees from central and local government - Ministry of Lands and Natural Resources, Ministry of Local Government, housing and infrastructure development, and Mansa City Council; 3 employees from Lands Tribunal, 2 Subordinate Court, 3 employees from Zambia Land Alliance (Mansa), and 3 private land surveying firms); 2 academicians and 1 from Ministry of Mines. These key informants were important in providing information on how land administration is executed. Furthermore, 8 traditional leaders and 8 councilors were part of the sampled increasing the sampling frame to

39 and were considered for reasons being providing information on community and customary administration of land.

Two focused group discussions were conducted, one amongst traditional leaders and the other amongst the political councilors. The interviews were conducted among the key informants. The focus group discussions and interviews had been conducted in order to collect data on main variables, e.g., pre-conflict situations of land acquisition in the area and position of the actors, behavioral approaches of the institutions towards land acquisition, administration and compensation process and the post conflict situations.

### **3.5 Sampling Techniques and Procedures**

According to Sidhu (2013:253) Sampling is a process of selecting a sample from the population. Lukonde (2013), posits that a sampling technique or design is a process that helps the researcher to select respondents of the research. It is also a research plan that explains how respondents should be selected for the research from a population. Sampling is an important process in conducting a research because researchers cannot manage to collect data from all persons that have the same characteristics needed for a study. Rakotsoane et al (2007) states that sampling techniques are methods by which the researcher can derive a sample from a population, to do this a small sample representing the population in question is studied and analysed. Sampling techniques comprise probability and non-probability sampling. Probability sampling includes Simple Random Sampling. Stratified Random Sampling. Systematic Sampling whereas non-probability type of sampling includes Purposive Sampling. Convenience Sampling. Snow-ball Sampling.

Hesselberg (2014) states that, it is imperative to get informants who are well reasoned with different characteristics to get variations of narrations and views. Consequently, for the purpose of this research, purposive sampling technique was employed in order to get participants who would give information relevant to the research. The method of sampling was preferred among others by the researcher because it only targeted people who were expected to be information laden and who would provide the most needed information for this research. Kombo and Tromp (2006) state that the power of purposive sampling lies in selecting information rich cases for in-

depth analysis related to the central issues under study. In this research context, in order to accomplish the objectives and to answer the questions of this empirical research, primary and secondary data were collected through various sources such. For primary data, the focused group discussions and interview guides were conducted from selected experts of diverse professional backgrounds. In addition, secondary data was collected through desk review were various documents, reports, journals, articles, research works, surveys and internet publications on land conflicts were analysed.

### **3.6 Research instruments**

Research instruments or data collection instruments refers to tools or devices that the researcher used in collecting the necessary data. The most commonly used method of collecting data by the researcher was directly asking the participants to respond to the questions in their own views, thus making the interview guide and focused group discussions guide the commonly used (Bless and Achola, 1998). In this study the methods for data collection used by the researcher were interview guides and focus group discussions from political groups encompassing ward councilors, and traditional leaders. Furthermore data was collected from government and civil society organization and other relevant stakeholders dealing in land who were part of the sample using the same data collection techniques. However, documents review was also used as a data collection tool especially for the collection of sensitive information revealed by the local politicians regarding land matters at district level.

#### **3.6.1 Interview guide:**

An interview guide is a conversation carried out with a definite purpose of obtaining information through the spoken word (Sidhu 2013). Interviews involves collecting of data through direct verbal interaction between the interviewee and the interviewer. Rakotsoane (2006: 20), defines an interview as a face to face meeting between two or more people where an interviewer asks questions in order to obtain information from one or more respondents. Interviews require direct actual and physical presence of the two or more persons involved, the researcher and the respondent (s). Johnson (1994) states that the interview guide aims at collecting information from a number of people and puts less emphasis on a standardized approach. It is a more flexible style that suits the personality and circumstances of the person

being interviewed. An interview guide is also a list of questions on topics that need to be covered by the interviewer. These interviews comprise structured and open-ended questions that the interviewer asks as a way of leading the respondents towards giving the intended data that meets objectives (Klan and Best 2009). For this study, the researcher conducted interviews in such a way that there was a face to face encounter between the researcher and the respondent (s). The interview guide was the instrument used to collect or gather information from Key informants such as government and Civil Society organizations and were carried out in their various office premises being Ministry of Lands and Natural Resources, Ministry of Local Government, Housing and infrastructure development and Mansa City Council; Subordinate Court, employees from Zambia Land Alliance (Mansa) and from Ministry of Mines. The interviews lasted between 30 to 50 minutes.

### **3.6.2 Focused Group Discussions:**

Focus Group discussions are said to foster a range of opinions, a more revealing and complete understanding of the issues. Krueger & Casey (2000) highlights some of benefits which fits well with the purpose of this research. Two Focused Group discussions targeted groups such as the 8 ward councilors and 8 traditional leaders (Chiefs). One FGD was done for traditional leaders in surrounding areas of Mansa District where land conflicts were experienced. Another one was done for councilors. The aim of these FGDs in this research was to get a range of views, opinions and feelings of the various groups on the research topic at hand and get a common understanding of the various issues under the study. More explanations were provided during the FGDs and this made the research information rich. Participants for the FGDs were purposively selected and informed through making of appointments by the community volunteer who was engaged to contact them. However the main challenge with these groups was the issue of rains which made others to delay to join the discussions.

Qualitative methods were applied where the main methods were semi structured interviews and FGDs with the use of information guides or questionnaires. In order to be able to make follow ups and validate information, tape recording was used to record the responses and discussions. Note books were also utilized for recording of key information and making notes on important

issues which were raised and required follow ups. Individual testimonies were used in getting the experiences and the feelings of the participants on the issue.

### **3.7 Reliability and Validity**

Mouton (2012: 100) states that in order to collect data, some form of measuring instruments have to be employed. In human science, measuring instruments refers to such instruments as questionnaires, observation schedules, interviewing schedules and psychological tests. These measuring instruments need to satisfy certain conditions if they have to produce true results. Khan and Best (1989: 160) states that reliability is the degree of consistence demonstrated by instrument or procedure. Whatever measuring, it does so consistently. Raulin and Graziano (2000:84) contends that good measures give the same results each time they are used regardless of who does the measuring. According to Bryman (2008), reliability is understood to be a measure of how stable or true a concept is.

Regarding validity, Khan and Best (1989:160) states that it is the quality of data gathering instruments or procedure that enables it to measure what it is supposed to measure. Validity refers to the accuracy of measure. Reliability and validity has to be taken care of in research and data collecting, since instruments can be reliable without being valid but they cannot be valid unless they are reliable. So in order to meet these two imperative conditions, this research study used three instruments in the process of collecting data which are interview guides, focused group discussions (FGD) and document review.

The sample that was involved in the research comprised three sub-groups who were politicians, traditional leaders and government line employees. The reason for involving three sub-groups of respondents and using three different types of data collection instruments was so that the researcher could ensure that data collected by one instrument was validated by another. The responses gathered from the three sub groups using the three research instruments were compared and scrutinized in order to come up with reliable and valid findings.

### **3.8 Data analysis**

Isaac et al (1972) defines data analysis as a critical examination of data for drawing meaningful inferences with known facts. Data analysis is about making sense of the data that has been collected or giving meaning to the data. Rakotsoane et al (2006) asserts that the process of data analysis should be described in detail. What is to be done in this process is determined by the research methods or techniques used in data collection. This is because different methods require different ways of analyzing data. In this research, a process of Thematic Content Analysis (TCA) was used. This is the process which involves the breaking down of text into themes and categorization of the pattern. (Terre-Blanche, Durrheim & Painter, 2006; Strauss & Corbin, 1990). Graphs and excel was used during the data analysis.

### **3.9 Ethical considerations**

Rakotsoane et al (2007:49) states that for ethical considerations as the researcher engages in the research process data collection techniques are developed, he/she has to consider whether his or her research procedures are likely to cause any physical or emotional harm to the participants involved in the research. Ethics concerns what is wrong and what is right in the conduct of research. Since research is a form of human conduct, it therefore follows that such conduct has to follow generally accepted norms and values. Just like in many spheres of human life, certain kind of conduct is morally acceptable whilst another is not (Mouton 2012). Rakotsoane et al (2007:49) asserts that it is considered unethical for the researcher to secretly gain access to records which may contain the informants' personal data or pose sensitive questions.

According to mouton (2012:243), respondents have the following basic rights: the right to privacy, which includes the right to refuse to participate, the right to anonymity and confidentiality, the right to full disclosure about the research, (informed consent) and the right not to be harmed in any manner. Consequently, in this research, informed consent was sought from the participants before engaging them in any form of discussion and participation Consent forms were signed where the participant was able to sign and verbal consent was used for the ones not able to write. Interpretation of the consent form was also done in order to help the participant fully understand what was contained in the research.

All discussions and interviews were conducted in places that were safe and comfortable for the respondents. All participants' real names have not been used in this study and will remain anonymous and pseudonyms will be used rather than actual names of the participants where applicable for the purpose of upholding confidentiality.

Cultural sensitivity was observed all the time as the research was done in rural set up where cultural values are seriously upheld.

### **3.10 Summary**

This chapter has described the research design and the methods that were used to collect information from the participants. This chapter also discussed the sample size, sampling procedure, data collection instruments, reliability and validity, data analysis and ethical considerations.

## CHAPTER FOUR

### PRESENTATION OF FINDINGS

#### 4.1 Overview

The previous chapter discussed in detail the research methodology used in this study. This chapter presents the findings of the study on investigating the nature, effects, challenges and mitigation measures to curb political conflicts in land acquisition. A case study of Mansa District of Luapula province of the republic of Zambia. The findings were guided by what can be called emerging themes especially from the four research questions in line with the interview guides, focused group discussions and documents reviewed.

#### 4.1.2 Background Information

In order to answer the research questions, the researcher wanted to have background information of respondents and the precipitating factors of political conflicts in land acquisition in Mansa District of Luapula province of Zambia. The following is the background information of the respondents.

#### 4.1.3 Demographic analysis of the key informants

Among the respondents in this research were the government employees, traditional leaders, councilors and NGOs working in Mansa District. The area under study has 8 chiefs who were also part of the sample size.

**Table 4. 1 distribution of respondents**

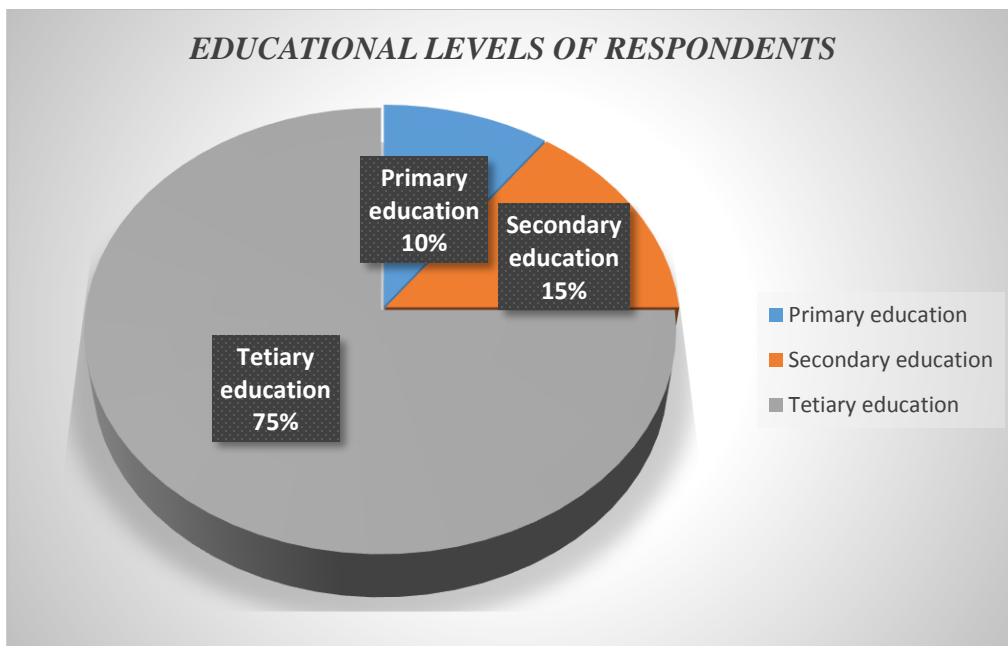
Category	M	F	Total
<b>Chiefs</b>	2	0	2
<b>Headmen/women</b>	4	2	6
<b>Councilors</b>	5	3	8
<b>GRZ/NGO Workers</b>	10	13	23
<b>Total</b>	21	18	39
<b>%</b>	<b>53.8%</b>	<b>46.2%</b>	

**Researcher 2019-2020**

#### 4.1.4 Educational levels

The Education levels of the respondents was one of the variables considered. The researcher wanted to know how far the respondents had advanced in terms of education. This was important for this research in that it needed a balance in terms of responses both from people who had the theoretic and experiential perspective of the phenomena being investigated and those who just had experience but lacked the theoretic analysis of the phenomena under investigation.

**Figure 4. 1 Educational levels for respondents**



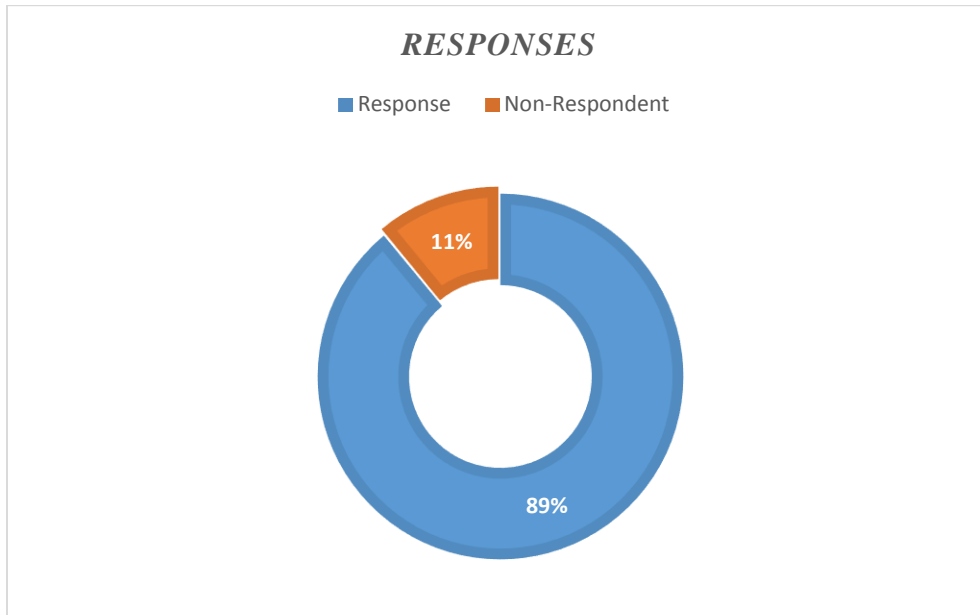
#### *Researcher 2019-2020*

The pie chart above looks at the level of education for the respondents among traditional leaders, councilors and key informants. Responses indicated that the respondents especially from the government institutions went beyond primary education and majority of them completed secondary level as well as tertiary as opposed to some traditional leaders who testified to have attended primary classes at some point in time with some not having been to school at all.

#### 4.1.5 Responses

A total of 45 respondents were targeted and the turnout was at 39 represented by 89% response. The distribution of those who responded is as distributed in the pie chart below.

**Figure 4. 2 Comparative responses**



#### **Researcher 2019- 2020**

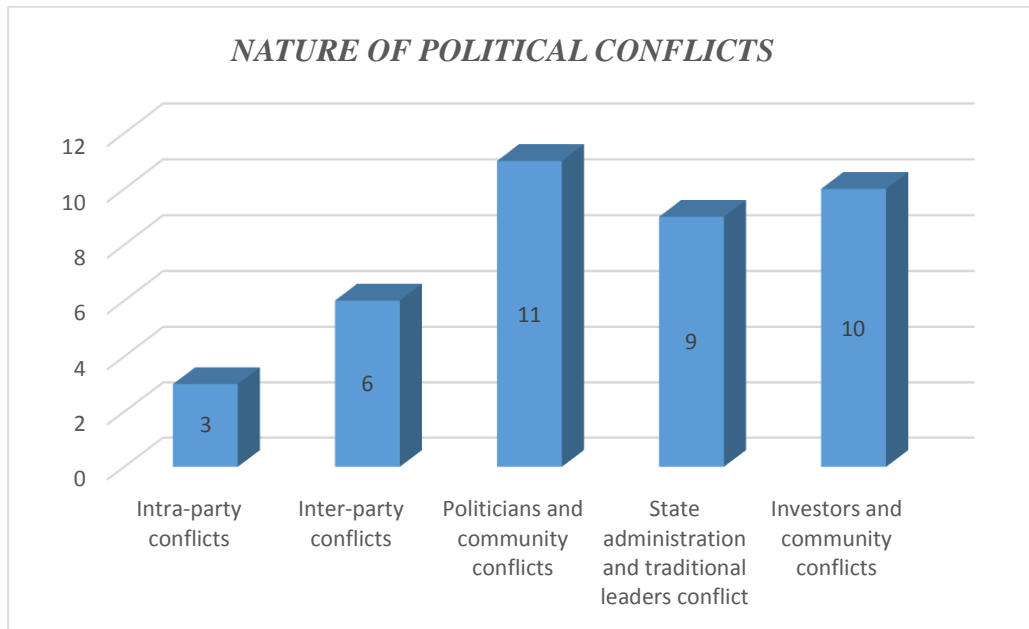
The researcher interviewed a total of 23 key informants with structured interviews. Out of this total, the distribution was as follows (9 employees from central and local government - Ministry of Lands and Natural Resources, Ministry of Local Government, housing and infrastructure development, and Mansa City Council; 3 employees from Lands Tribunal, 2 Subordinate Court, 3 employees from Zambia Land Alliance (Mansa), and 3 private land surveying firms); 2 academicians and 1 from Ministry of Mines. These key informants were important in providing information on how land administration is executed. Furthermore, 8 traditional leaders and 8 councilors were part of the sampled increasing the sampling frame to 39 and were considered for reasons being to provide information on community and customary administration and acquisition of land processes.

## 4.2 RESEARCH FINDINGS FROM THE INTERVIEWS AND THE FOCUS GROUP DISCUSSION

### 4.2.1 Nature of Political Conflicts in Land Acquisition

Respondents from both the interviews and the focus group discussions were asked on what they think was the nature of political conflicts in land acquisition in Mansa district and the following were their responses:

**Figure 4. 3 Nature of Political Conflicts**



**Researcher 2019 - 2020**

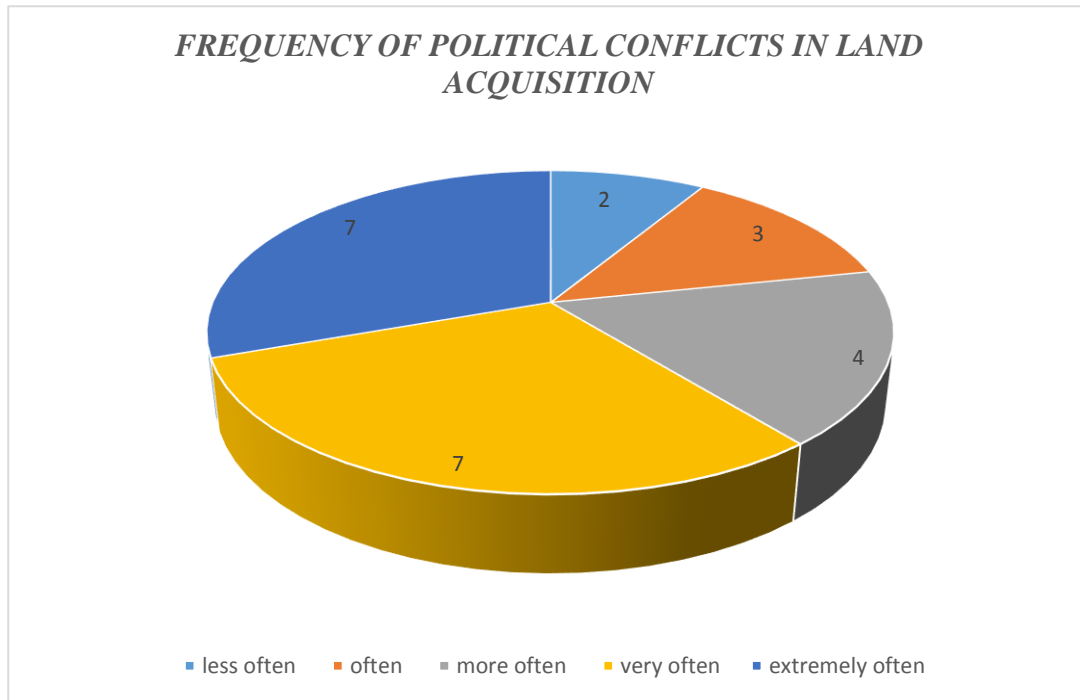
From the above graph, respondents attributed the nature of political conflicts in land acquisition to depend on the demand posed on the type of land whether customary or state land but rich in resources (Manganese) and had business potential was a prerequisite.

However, 3 respondents attributed the nature of political conflicts to Intra-party conflicts, 6 to Inter-party conflicts, 9 to State administration and Traditional leader's conflict, 10 to Investors and community conflicts and conflicts between politicians and the community at 11 being reportedly high and the most rampant in the case study district.

#### 4.2.2 Frequency of Political Conflicts in Land Acquisition

Respondents from both interviews and focus group discussions were asked to give feedback of the frequency of political conflicts in land acquisition from their respective areas and the following were their responses:

**Figure 4. 4 Frequency of Political Conflicts**



#### *Researcher 2019 - 2020*

The frequency of political conflicts in land acquisition in Mansa district was reported to have depended on an area. For instance, customary areas such as Matanda, Chimese and Kalaba chiefdoms have land rich in Manganese deposits, hence the frequency level being reportedly high. However, political conflicts in land acquisition on state land were reported in areas such as Chilyapa ward, where an influx of individual demand and interests from the high and middle working classes on commercial plots for housing and business were rampant.

#### 4.3 INTERVIEWS OF KEY INFORMANTS

Interviews were conducted amongst government employees who were asked about the Causes of Political Conflicts in Land Acquisition. The technocratic responses elicited pertinent information regarding the investigated phenomenon. According to them, these conflicts were

attributed mostly to councilors and Members of Parliament using their powers to gain access to land and its resources (such as manganese) in the process abrogating the normal land acquisition procedure. All respondents drew out that they experienced interference from political players during processes of land allocation atleast at one point in time. Most of the land in which conflicts occurred was prime, arable land on high demand and land rich in manganese deposits for mining excavations purposes. The following were also attributed to be the causes:

#### **4.3.1 Lack of coordination**

Respondents from the municipality stated that lack of coordination among land institutions and poor record keeping at the municipality cause political conflicts in land acquisition. Furthermore, double allocation of land. On one hand, the Department of Resettlement in the office of the Vice President, Ministry of Mines and Mineral Development, Land Husbandry Section in the Ministry of Agriculture, and Municipality in the Ministry of Local Government and the traditional leadership are involved in land allocation. To achieve effective land allocation, these institutions are expected to collaborate. However, coordination is lacking (Interview with Municipality Employee, 2019-2020). Lack of coordination among land institutions sometimes lead to the same parcel of land being offered to different people by different land institutions. On the other hand, poor record keeping is rife at the District municipality (Interview with Municipality Employee, 2019-2020).

#### **4.3.2 Lack of information**

Respondents were asked if they had any information on the legal frameworks that guide land acquisition in Zambia and some said they have heard of the constitution, the Lands Act, Land acquisition Act, Registration and development of Villages Act Chapter 289, High Court Act, Local Court Act and the Lands draft policy but didn't really comprehend the contents of the statutes but only had ideas of what they meant to safeguard, which is land. This lack of information especially amongst councilors and traditional leaders was one of the contributing factors that led to the loss of land. Many reported to have been defenseless amidst political conflicts in land acquisition as they did not understand the procedures of land repossession which in turn left them landless. (Interview with academician, 2019-2020).

### **4.3.3 Wastage of time and money**

Respondents from the court of law said that political conflicts in land acquisition bore a number of negative consequences on land being wastage of time and money during the period of conflict resolution, since most of the land conflicts take very long to be resolved. For example, political conflicts in land acquisition cases have been pending in courts for more than 5 years. The share of long-standing (> 5 years) land conflict cases is greater than 20% of the total pending land conflict court cases in Mansa district. A lot of resources are wasted which can be used for developing the land. For instance, in the case involving the invasion of property number 33857, New Mufulira of Mansa District, the land owner indicated that so far they have spent more than US\$ 1000 in litigation costs. This money could have been used to develop the land. It should be pointed out that since the case is still in court, the land owner may still incur more costs (interview with Local court employee 2019-2020).

## **4.4 FOCUS GROUP DISCUSSIONS FOR TRADITIONAL LEADERS AND COUNCILORS**

Focus group discussions were conducted amongst two groups, traditional leaders and councilors. Responses from selected respondents from traditional leaders understood political conflicts in land acquisition as conflicts involving chiefdoms and their boundaries. It was then explained to them that Political conflicts in land acquisition denoted conflicts arising as a result of political leader's interference in land administration and acquisition processes using their political affiliations, patronage and powers. In addition, Responses from selected councilors were that political conflicts in land acquisition are conflicts involving two political parties in a scramble for land and that they had grave negative effects. The following were attributed to be the effects:

### **4.4.1 Informal Procedures in Land Acquisition**

Respondents were asked if they had resorted to informal or formal institutions during land acquisition processes and information obtained on the ground was that they did, preferably the informal process; and one of the reasons as to why they preferred informal procedure in land acquisition was that it was faster and less time consuming. As opposed to the formal procedure, both traditional leaders and councilors said that the process was too long and time consuming.

The other reason attributed to the non-use of the formal procedure was the tendency of poor record keeping by registry officers (focus group discussion with councilors and traditional leaders).

#### **4.4.2 Permanent displacement of communities**

Respondents said that due to the mining activities in Mansa District, most villagers were displaced from their long lived land. This was because of the preferences of traditional leaders and the politicians in leasing land to investors for economic uplift minus the involvement of the community and current land owners. Most people owning land under customary tenure do not have formal legal documents to show ownership hence the displacements being experienced as opposed to displacement on state land arising as a result of conflicts bordering on political patronage and use of political power for land gain. According to the respondents, people of Fikombo village woke up one morning and found themselves as squatters. From 1920, the people of Fikombo village have lived on this land, planted over 320 mango and guava trees, which they used as a medium of exchange with people who cultivate their maize. This had been their livelihood until an investor came and ordered the villagers to vacate, claiming he had bought the land. 46 native families were given marching order claiming they were illegal squatters. Out of desperation, some families left the village after being compensated US\$340 to start a new livelihood. The results were women and children sleeping near graveyards (focused group discussion with traditional leaders).

#### **4.4.3 Poor resettlement system**

Respondents were interviewed on the resettlement issue and were probed further if any of the displaced people underwent formal resettlement. In response they said that despite the investor having huge sums for the projects, less attention was given to the displaced to settle for reparation. In fact what is experienced here is a situation where investors are using cheap labour and the local land, first and foremost to maximize a profit which is later externalized. They would rather grow flowers than food for the starving Zambians. If the major intention is to develop, why then should they displace the beneficiaries of development being the unsettled people (focused group discussion with traditional leaders and councilors).

#### **4.4.4 Decline in food production**

Due to the displacements at play as a result of the political conflicts related to land, respondents reported that, most of the displaced people resorted to settlements in clustered communities where they were deprived of access to productive arable land for agricultural purposes which as a result led to intense decline in food. In addition to the responses, demand for land in the clusters only allowed a single garden bed for vegetables per household which were insufficient to sustain a balanced diet. In addition, due to excessive demand for land, the land market had potentially increased prices hindering the poor and the displaced people acquisition of land for agricultural purposes, hence the increase in poverty levels. (Focus group discussion with traditional leaders and councilors).

#### **4.4.5 Violence**

Respondents said that Land conflicts have sometimes degenerated into violence which involves demolition of houses, loss of human life and rioting by people. For example, government agencies have been demolishing houses that have been built on land which was acquired illegally. Furthermore the respondent said media reports were illustrative from other places in Mansa district: In May 2015, a number of families were left in the cold after the Mansa Municipal Council demolished their houses in broadcast area of Mansa District (focus group discussion with councilors).

#### **4.4.6 Ineffective checking of layout plans**

Respondents from the Municipality said that they prepare layout plans for their respective areas and subsequently request the Ministry of Lands and Natural Resources to check land availability and number the layout plans. Before numbering, staffs at the survey department have to check whether the planned land is available and plot the new layout to update noting sheet (this process is known as temporary noting). Respondents complained that due to sheer complacency by the staff at the Survey Department, sometimes the plans are not checked and this leads to numbering plans where other plots already exist. The outcome is two layout plans with different parcel identification numbers on the same land. This implies that the same parcel of land could be allocated to two people but with different parcel identification numbers. Because of this confusion politicians take advantage and escalate the problem by high jacking other people's

plots using political power and in the end blaming survey departments and the council. This culminates into serious political conflicts in land acquisition at play.

#### **4.5 CHALLENGES ENHANCED BY POLITICAL CONFLICTS IN LAND ACQUISITION**

##### **4.5.1 Deny government an opportunity to raise revenue**

When asked about the challenges, respondents said Local and central governments are denied an opportunity to raise revenue from property taxes (rates) and ground rent. For instance, disputants may not pay rates or ground rent until the conflict is resolved (Interview with Ministry of lands employee 2019-2020).

##### **4.5.2 Hinder both local and inward investment**

Respondents were probed further and they said Land conflicts deter both local and inward investment. No development can take place on land with conflicts. For instance, prime land known as Chabala Muwe land located in Mansa District has remained undeveloped since 2006 because of a political land acquisition conflict (Interview with Ministry of lands official).

##### **4.5.3 Environmental Degradation**

Some respondents said, environmental problems will emerge as more political conflicts in land acquisition increase. There are no stipulated rules that give restrictions to investors on where they should not get land, like river sources, historical sites, or homes to endangered animal or tree species. Therefore, investors are at liberty to get land in areas of their own interests and use it as they wish despite the damage done to the environment thereby exacerbating the effects of climate change. Respondents further said that most manganese investors mine in areas housing river sources and forest reserve areas and these cause highly detrimental effects to the environment resulting into massive soil erosion and river dryness hence intermittent droughts (Ministry of Lands and Natural Resources employee 2019-2020).

#### **4.5.4 Insufficient supply of affordable State Land**

Respondents said that due to the fact that there is insufficient supply of affordable state land politicians have taken advantage of the situation to invade customary land and land reserved for natural preservation without following the laid down procedures in land acquisition, hence the political conflicts in land acquisition (Ministry of lands employee 2019-2020)

#### **4.5.5 Insufficient monitoring of land use**

Respondents from Land institutions (that is, Ministry of Lands and Natural Resources and Municipality) said that their institutions have not been monitoring land use through site inspections. Thus, these land institutions are unable to identify land problems early enough. Put differently, land institutions are reactive and not proactive. For instance, the Municipality waits until people have built and then demolish their properties on allegations that they built on illegal land.

### **4.6 MITIGATING MEASURES OF POLITICAL CONFLICTS IN LAND ACQUISITION**

#### **4.6.1 Increase in Funding**

The respondents from both traditional leaders and councilors said that increasing funding portfolios for government line ministries must be regarded as priority for the Zambian government. This will help to eradicate the existing inefficiencies due to constrained finances. In addition to that, sufficient funding will enable officers to monitor land use timely and conduct surveillance their by reducing the unsurveyed property back log.

#### **4.6.2 Amendment of Land laws**

Respondents from the government departments said it is important that laws are amended in such a way that they become suitable to the current land problems. In addition, respondents further said that, the British laws were doing more harm than good and that there is urgent need to protect customary land rights.

### **4.6.3 Reliable land governance system**

Respondents when asked said that a good land governance system was a prerequisite to alleviate political conflicts in land acquisition. They furthermore said that there is great need for the Zambian government to fully be involved in land governance system if sanity is to be attained otherwise political infiltration will continue with detrimental effects worsened. In addition, one of the respondent said that having sufficient legal backings would do the country good and that laws were meant to follow and not to abrogate and this was encapsulated in good citizenship.

### **4.6.4 Devise resettlement plans**

Respondents advanced the view that the government should devise ways in which displaced people are compensated handsomely. Respondents also advanced the view that the centralization of power in the head of state alone posed a big risk on the land occupants because of the power vested in him to alienate land as he pleases. However, the decentralization of power of alienation would be ideal to resolve political land conflicts.

## **4.7 Desk review (secondary data)**

Research findings show that political conflicts in land acquisition on state and customary land in the case study district are occurring with greater frequency. Based on the findings on the ground the researcher went further to carry out a desk review in order to authenticate primary data collected on the research topic. The following are some of the Causes of conflicts on state and customary land which include but not limited to the following:

### **4.7.1 Illegal allocation of land by some politicians and council employees**

There are rampant illegal allocations of state land by some politicians such as councilors, ruling political party officials and some employees in councils (Mushinge, 2017b). Put differently, illegal allocations of land are a cancer sweeping across Zambia (NAZ, 2015). The high frequency of illegality and lawlessness in land allocation are threatening law and order in the country (All Africa, 2016). In the face of this problem, the Government established the Task Force against Illegal Land Allocation in 2014. Findings show that the taskforce is not functioning well due to insufficient staff, insufficient vehicles and inadequate funding from Government. Thus, illegal land allocations have continued.

#### **4.7.2 Invasion of idle or undeveloped private or public land**

Evidence gathered from the documents indicate that the current state and customary land delivery in the country is not based on the principle of equity. Particularly, the poor and those who are not politically linked are not able to easily access state and customary land. For example, in a survey conducted by Zambia Land Alliance in 2016, found that: Only the rich get state land in Zambia, there is really no chance for people without money. That is why people end up going to political party cadres hoping that it will be faster and cheaper, but they end up being cheated as well. The Zambian government must consider the plight of the poor when it comes to issues of access to state land; it is sad to note that even non-Zambians are given priority over Zambians when it comes to state land allocation. Government must first look at its own people; many Zambians are already poor, if they lose their land where are they going to go? (ZLA, 2016, Para. 4, 7 and 8).

It is against this backdrop that some people in low income groups have continued to try and find ways to access land by using illegal means. One way is invasion of idle or undeveloped land Chama (2007) identified the three most common types of land invasion in the country as: Invasion of open state land which has been reserved for government use or land under the jurisdiction of local authorities but left open for a long time. Invasion of formally planned and allocated land by groups of people who threaten and bar legal land owners from taking possession of their land: such invasion also cover land that is held on title but not developed. Invasion of traditional land without consultation with the community members and the traditional leaders in charge of land administration. Conflicts over invaded state land involve violent confrontation as the authorities or the title holders seek to remove the invaders from the land. Thus, in some instances, either title holders or invaders have ended up losing lives while trying to defend their pieces of land. For instance, in 2013, a former Member of Parliament (Barnabas Chella) was axed to death by peasant farmers over the Mfubu Ranch land in Kitwe (African News Hub, 06 September, 2013). The former Member of Parliament was killed by more than 80 land invaders who had invaded on his farm. Not dissimilarly, in the same year (2013), two residents in Kampasa area in Chongwe District, Lusaka Province were shot dead by Zambia National Service personnel who were carrying out an eviction exercise (Lusaka Times, 15 June 2013).

### **4.7.3 Provision of insufficient land information to the public**

According to MLNREP (2014) and MNDP (2017), the public has little information on land issues. Land institutions do not adequately disseminate information to the public on land allocation procedures, land laws, land rights and other land issues. For instance, interviews conducted in a survey to assess information levels on land statutes by Zambia Land Alliance in 2016, revealed that many residents feel there is not enough education on land laws, land allocation procedures, land rights and responsibilities (ZLA, 2016). One of the interviewees commented: Honestly speaking as a young person, I have no idea; I do not know where I should start from if I decide to acquire land today. There is need for more information; the land institutions should educate the politicians and the general public on land issues (ZLA, 2016, para.2). Due to lack of or limited information on land issues, some people buy land without investigating ownership details and some use political power and linkages to acquire land. The end result is that people lose their land and end up buying land belonging to others; which leads to political conflicts in land acquisition.

### **4.7.4 Ineffective cadastral surveying**

There are only a few licensed Land Surveyors in Zambia coupled with lengthy unpredictable approval times of survey records by Surveyor General's Office, which leads to a big back log of unsurveyed properties in Zambia (Chileshe and Shamaoma, 2014). As a result, municipalities usually allocate unsurveyed land to would-be developers with financial muscle and political linkages or power which in turn contribute to cases of encroachment, misallocation and political land conflicts. The other problem is that most municipalities lack appropriate survey equipment and use tapes and low accuracy hand held Global Navigation Satellite System (GNSS) receivers to set out plots and show clients on the ground, which also leads to misallocation and encroachment. Furthermore, there are a number of illegal surveys being undertaken by unauthorized surveyors thereby contributing to unreliable data in the cadastral property register (GRZ, 2017).

#### **4.7.5 Out of date cadastral records**

According to procedure, all cadastral survey maps are supposed to be updated upon approval but research findings show that cadastral maps are not regularly updated (Chileshe and Shamaoma, 2014). The out-of-date cadastral maps do not properly reflect the situation on the ground which is a breeding ground for encroachment and multiple site plans of the same parcel of land.

#### **4.7.6 Ineffective land use planning**

Land use planning is done in an ad hoc manner and this in turn lead to disorderly land development (UN-Habitat, 2013). For instance, land is allocated where there are services such as roads, underground water and sewerage pipes. A number of plots have been created on roads and under power lines and over the drainage. In addition, when land has been identified and planned, municipalities are required to provide services such as water, roads, electricity and sewerage. However, in practice, land parcels are allocated to people (in most cases) without the provision of services despite land users paying service charges. For instance, boundary conflicts occur when land is allocated and occupied without provision of roads. Land owners who need access to their properties make their road(s) and in the process encroach on other properties in the respective areas.

#### **4.7.7 Wrongful repossession of land**

Section 13 of the Lands Act, Chapter 184 of the laws of Zambia provides for the repossession or re-entry of the parcel of land where the lessee is found to be in breach of the conditions of the lease. However, there are cases where Land Officers (at the Ministry of Lands and Natural Resources) do not follow the procedure for re-possession in most cases due to corruption and political interference from councilors, Mayors, party officials and members of parliament. Wrongful repossession causes political conflicts in land acquisition in situations where Land Officers re-allocates the parcel of land to another client while the original title holder still holds on to the original title; and later re-surfaces to claim the parcel of land. In other cases, municipalities in conjunction with Land Officers re-plan or sub divide the repossessed parcel of land and offer it to different clients without cancelling the Current or original title and the original title holder continues to pay ground rent and reclaims the property.

#### **4.7.8 Summary**

This chapter presented findings of the study which aimed to investigate political conflicts in land acquisition: A Case Study of Mansa District of Luapula Province of the Republic of Zambia. The findings reveal that the nature of conflicts in the case study district boarder on intra-party conflicts, inter-party conflicts, state administration and traditional administration of land conflicts and with the most outstanding being politicians and community conflicts. The findings identified the causes, effects, challenges and mitigating measures to end the conflicts.

## **CHAPTER FIVE**

### **DISCUSSION OF THE FINDINGS**

#### **5.1 Overview**

The previous chapter presented the findings of the study. This chapter discusses the findings. The purpose of this research was to investigate political conflicts in land acquisition in Zambia. A Case Study of Mansa District of Luapula province of Zambia. The discussion is in accordance with the themes emerging from the four specific objectives that guided the study. The first objective was to investigate the nature of political conflicts related to land acquisition in Mansa District of Luapula province of Zambia. The second was to examine the effects of political conflicts in land acquisition in Mansa District of Luapula province of Zambia. The third objective was to investigate the challenges enhanced by political conflicts in land acquisition in Mansa District of Luapula province. Lastly, the objective was to devise mitigation measures to curb political conflict in land acquisition in Mansa District.

#### **5.2 Nature of Land Conflicts**

The Research established that almost all the respondents had some knowledge and understanding of what political conflicts in land acquisition were to some extent, even though the levels of understanding were different. The research revealed that the term conflict is something that is vague and has no precise definition. However, it draws its meaning depending on the context in which it is used and has many existing definitions. It further established that, a conflict means an open confrontation between two opposing groups or individuals, a struggle or a contest between people with opposing needs, ideas, beliefs, values and goals. Most often, incompatibility of views, opinion and access to shared resources are the underlining reasons behind conflicts.

In the case of Mansa district, most of the land is under customary tenure, less than 10% is approximated to be state land. It is for this reason that with the rising immigration of people from neighboring districts and provinces such as the Copperbelt, demand for land has been at a high rate. Additionally, the manganese mining activities in the district have posed an enormous threat to customary land. This has led to permanent displacements of community's leaving them landless. This has necessitated the inevitability of political conflicts in land acquisition

attributed to the infiltration of politicians in land administration and acquisition processes, whose interest is to benefit from the investors, whose agenda is to safeguard their selfish interest before the interests of the local land owners. In addition, the researchers views the interests to be pure egocentrism. This is in tandem with what Sichone (1997) asserts by stating that: it is common knowledge that any investor invests first to serve his interest before serving the displaced community's interest. These findings can also be justified by a definition in the reviewed research literature by Jones et al. (2005) who stated that Conflicts always vary in terms of their legal, political and institutional framework, economic constraints and pressures, social structure, stakeholder's interest, environmental situation, history behind the conflict and for their geographical location. Land conflicts may also be of different types according to the involvement of stakeholders and their temporal and spatial scale: their spatial and social concern may vary related to the involvement of local actors and to their ability to recruit new participants or supporters in the upcoming stages. This agrees with (Hirschman, 1970) who stated that, broadly speaking, conflicts can be compound and complex, but they can be categorized as; the conflicts related to personal differences or preferences with small individual actions (interpersonal conflicts) and the conflicts related to distribution of power among groups and resources available (structural conflicts), which are strongly linked to public decisions with a great social impact.

### **5.3 Causes of Political Conflicts in Land Acquisition**

This research established that the causes of political conflicts in land acquisition are many but not limited to intra-party, intra-party conflicts, inter-party conflicts, state administration and Traditional leader's conflicts, investors and community and politicians and community conflicts over land. In furtherance of the findings, this research found that the occurrence of conflicts in the case study district depended on an area and the propensity of occurrence was more on commercial plots on state land and customary land rich in resources such as manganese deposits. These findings are justified by a research conducted by Nawaz and Sattar (2008) who stated that, political conflicts are practiced in places where competition and expectation of land use exist, as well as where the decision on future land uses may face the risk to favor only selected stakeholders. The conflicts also emerge when the legal rights of land owners have been misused and the economic benefits of the land use will be too far from its present uses.

However, the chains of structural conflicts described are more related to the conflicts over land use, which is the result of misuse of stakeholder's and political power. For example, in some situations, different types of land users compete for the same space, with diverse kinds of land uses with confronting objectives. One of the characteristics of conflict is that it is dynamic and as such, several lines of evidence suggest that in many instances, there are highly politicised land conflicts in the acquisition of a resource such as land attributed to its value in agriculture and mining mineral endowment and other major investments. Large scale acquisitions of land for commercial agriculture and mining have led to loss of land and have undermined the livelihoods of affected rural communities in Zambia. These land based investments have been characterised by a lack of consultation with and participation by affected communities. From generations to generations, land has been hailed as the greatest resource and indeed the backbone of wealth in many African communities including Zambia, whether urban or rural. The study elicited information on other causes such as lack of coordination amongst land administration institutions (Municipality and Ministry of Lands).

Tinel, (2002), posits that, political conflicts indeed, are a challenge for economists to analyze, because they are normally accruing when there is lack of coordination in the relations between stakeholders being public authorities, business firms and local population. The lack of information amongst community members on their land and property rights and repossession procedures including the allocation of two parcels of identification on the same piece of land. This agrees with a study by Ostrom (1990) in the literature review that It is commonly understood that in rural areas most of the indigenous people share common-pool resources (CPR) with lack of social justice and recognized rights, which may be due to such people possess lower literacy level, less built-up, fewer infrastructures, lower human population density and unaware of rules and rights.

The aforesaid is in line with Mulolwa (2016: 74) who posited that, the lack of coordination in municipalities, poor record keeping on land has made the information not to be disseminated and maintained in a uniform way. It is fragmented, and do not seem to aid decision-making on land based issues. It has been observed that inadequate land information, dissemination and management has led to lack of transparency and accountability in the processes of land allocation. This validates a study by the MLNREP (2014) and MNDP (2017), who stated that

the public has little information on land issues. Land institutions do not adequately disseminate information to the public on land allocation procedures, land laws, land rights and other land issues. For instance, interviews conducted by Zambia Land Alliance in 2016, revealed that many residents feel there is not enough education on land laws, land allocation procedures, land rights and responsibilities (ZLA, 2016). Literature reveals that, there are rampant illegal allocations of state land by some politicians such as councilors, ruling political party officials and some employees in councils (Mushinge, 2017). Put differently, illegal allocations of land are a cancer sweeping across Zambia (NAZ, 2015). The high frequency of illegality and lawlessness in land allocation are threatening law and order in the country (All Africa, 2016).

The researcher further notes that, Land conflicts such as those in Mansa district are occurring all over Zambia, highlighting increasing tensions between customary and private land rights. These land conflicts have been sharpened by the process of economic and policy reform, including the increase in the number of investors wanting to invest in the district, which has seen wealthy Zambians and foreign investors buy up land previously held under customary tenancy by the rural poor. This agrees with a study conducted by Kleinbooi and Manji (2010) which states that, since the early 1990s, most southern African countries have gone through structural adjustment programs and policy reforms aimed at both recognizing customary rights and liberalizing the land market. These reforms have not been without controversy, due to the perceived lack of public participation, limited legal backing for rights of customary users, the conceptualization of development and related land reforms as market-based enterprises, the sheer scale of landholdings and the easing of restrictions on land ownership by foreigners (Brown, 2005; Andrianirina-Ratsialonana, 2011; Zambia Land Alliance, 2006).

The demolition of houses by the government on what is termed to be illegal land was established by the study to have contributed to political conflicts in land acquisition in that, peoples resources go to waste when houses already built at which ever level of construction were destroyed. The researcher contemplates and further notes that; the first concern that arises is whether people must be allowed to spend a lot of money developing structures that the municipality later come to demolish; it is not fair especially to poor people in this economic era. The demolition of property leads to riots over state and customary land. Findings show that land

institutions in Mansa district are unable to monitor land use due to lack of transport, insufficient staff and inadequate financial resources.

This study shows that environmental degradation was attributed to be one of the causes of political conflicts in land acquisition. In addition, land meant for forests reserves and cultural sites was being encroached by means of political patronage linkage and power which posed detrimental effects on climate. According to Hardin (1968), it has also been argued that customary tenure regimes in which resources are managed as common property contribute to resource degradation by failing to regulate predatory behavior.

#### **5.4 Effects of Political Conflicts in Land Acquisition**

The study established that Mansa district is politically motivated and houses different people of different political affiliations and power. Although it is a rural set up, it has benefited from the national cake of development and has some economic face uplift evidenced by the increase in the number of investors it receives with a view to foster development. However, it is for this reason that the coming of investors has had effects on the locals being and not limited to displacement of people without proper resettlement systems which in turn culminate into serious poverty which hampers the case study district developmental agenda. This agrees with a research conducted by Mann and Jeanneaux, (2009) posited that Conflicts on land use have negative effects on individual households as well as on the nation's economy and are occurring in many forms when there is a clash of interests between different actors for use of same piece of land. Indeed, land use conflict is a serious issue of the century. Oppositions due to urban sprawl, clash of traditional ideas on rural land uses, population growth and clash of interests on new project construction (mining, highways, airports, industries, hydraulic projects, etc.) are prominent examples of the land conflicts.

On the contrary but based on a different premise, decline in food production was established as by this study to be one of the effects of political conflicts in land acquisition. The researcher argues that, if people are impoverished over a period of time, sustainable development is hampered which has an impact on economic development of a country, for reasons that their minds are digressed from developmental issues to simply the hunt of food for themselves and

their families. During such conflicts, some people may escape their areas of production due to fear and insecurity. This makes them stop engaging in rural-urban agricultural production and livestock keeping which leads to the decline of food production.

The researcher argues in this research context that, manganese mining in the case study district has to a large extent precipitated a clash of interests amongst stakeholders and different actors in the land acquisition and distribution processes culminating into grave negative consequences hampering social economic development of the district. The research further established that, people in the case study district spent more time resolving political conflicts in land acquisition cases in courts of law which were time and money consuming their by devoting limited time to developmental matters, hence the exacerbation of negative effects. This agrees with a research conducted by (Kapijimpanga, 2002:1) who postulated that, the current demand for land in Zambia which calls for the conversion of customary land to meet future land requirements is a threat to sustainable development. There is every reason to fear that with this high demand for customary land mostly by political figures, the local people will have problems in accessing their own land. It is becoming more apparent that without stern and effective allocation systems in customary lands, access to land by the locals is threatened.

The study further established that the community members preferred informal processes of acquiring land, which had a negative bearing in land allocation as it was termed to be illegal. Ideally, for the purpose of this research, Informal land acquisition process includes and is not limited to the all the illegal ways in which land is acquired such as bribes, political influence, corruption, and political violence (cadrelism) in the acquisition of land whereas formal land acquisition process includes all laid down procedures according to the Zambian law.

## **5.5 Challenges in Land Acquisition process**

With regards to challenges, according to this research, poor record keeping by municipalities is a challenge and had compounded the state land challenges being faced by councils countrywide. For instance, a single parcel of land could be allocated to two or more people. Cases of double allocation of state and customary land are common (Chitengi, 2015; KCC, 2012; GRZ, 2012; UN-Habitat, 2012). In other cases, there were multiple site plans on the same piece of land allocated to different people. Poor record keeping prevents the council staff to quickly know

which land is already planned, who has been allocated for what and where. This is supported by a study established in literature that stated that according to the Zambia Land Alliance [ZLA] (2008), amongst the challenges faced by the Zambian land administration is the centralization of state control over land matters, patronage and corruption within the government, local authorities and customary authorities in land delivery, failure to abide by the land administration procedures and lastly the inability by the communities to fully participate in the governance of land. This is also validated by a research for Kombe (2015) who stated that, In Kenya, the Ndung'u report from 2004 revealed that former Presidents Kenyatta and Moi, as well as cabinet ministers, former high ranking civil servants and other influential people have been among the major beneficiaries of illegal allocations of public land. Land grabbing in Kenya is such a common phenomenon that it is even reflected in contemporary art. The Kenyan painter Lonaa, who documents the everyday street life of the poor, placed a hoarding with the sign "Land reserved for grabbers" in the centre of one his recent paintings. Corruption – bribery, fraud, nepotism, favouritism and clientelism in land administration and state land management is a widespread problem, and leads to a high number of land conflicts all over the world.

This study further shows that the exhaustion of serviced state land coupled with the increase in demand for land has put pressure on the Ministry of Lands and Natural Resources and Mansa Municipality to find alternative land on customary areas. However, In the face of increased pressure, government introduced the Land Development Fund through the Lands Act of 1995. The fund was meant for opening up new areas for development. In particular, the fund was meant for land use planning, cadastral surveying, and provision of services such as roads, electricity, water and sewerage. However, over time, the opening up of new areas has been adversely affected by unpredictable and inadequate funding from the Treasury – Ministry of Finance (MLNREP, 2014). In this regard, low funding has been the most prominent challenge in trying to achieve the objectives of the Land Development Fund. The end result has been insufficient supply of affordable state land. Insufficient supply of land causes conflicts because many people compete for very few available parcels of land. For instance, some people who have no access to land may end up evading any available idle or undeveloped private or public land.

## **5.6 Mitigation Measures**

In mitigating land conflicts, this study established that an increase in funding for government line ministries responsible for land administration would help to bring about sanity in that the problems encountered as a result of insufficient funds would be alleviated thereby promoting efficiency. The study also found out that relegating the antiquated British laws embraced as a result of the legacy of colonization would bring about land justice. This is supported by the researcher who notes with dismay that the current land laws are not sufficient to address the contemporary land problems, hence the need to review them. This is supported by literature which states that resolving the foregoing elements require a good land governance system. Good land governance implies having effective political will to tackle land issues. In addition, having sufficient legal and judicial systems proactive in the implementation and enforcement of land policy and legislation, institutions having sufficient dissemination of land information to the public, operationally having sufficient staff, equipment and finance in public land institutions and technical in effective land use planning and cadastral surveying elements (Deininger et al, 2012; Wehrmann, 2008).

## **5.7 Summary**

This chapter discussed the aspects of political conflicts in land acquisition. It started by examining the definition of conflicts. It stressed that a conflict is a disagreement between two or more people with different interests or goals and that if mismanaged would result into serious violence as an effect. The study established that the causes of political conflicts in land acquisition were the lack of coordination amongst government line ministries responsible for land administration, poor record keeping which contributed to lack of proper information dissemination hindering the community's important and useful information. The study also found out the effects of these conflicts if not addressed being violence, reduced food production, lack of productivity which hinders sustainable development. Mitigating measures to address the investigated phenomenon was found and what was established was to sideline the antiquated British laws and to devise laws which can address current land problems.

## **CHAPTER SIX**

### **CONCLUSION AND RECOMMENDATIONS**

#### **6.1 Overview**

The previous chapter discussed the findings of the study. This chapter presents the conclusions and recommendations of the study.

#### **6.2 Conclusion**

It has been revealed that there are different definitions of land conflicts, the nature and effects of political land conflicts in Mansa District of Luapula province of Zambia. The study further establishes mitigating measure to combat political conflicts in land acquisition. Despite the limited provisions for compensation in land legislation that this research revealed, Zambia requires impact mitigation processes and formal institutions for dispute resolution to provide an avenue for aggrieved parties to seek recourse on land related conflicts.

The findings of this research showed that conflicts on state and customary land are occurring with greater frequency. Amongst causes identified were illegal allocation of land by some politicians and council employees, invasion of idle or undeveloped private or public land, double allocation of state land, insufficient supply of affordable state land, insufficient monitoring of land use, ineffective cadastral surveying, out of date cadastral records, ineffective land use planning, wrongful repossession of land, and ineffective checking of layout plans. The foregoing predicament leads to among other things wastage of resources, violence, and hinder local and inward investment. In light of the presence of land conflicts, the research suggests that the central and local governments should work on preventing land conflicts through the following recommendations:

#### **6.3 Recommendations**

- 6.3.1 The government of the republic of Zambia must consider the decentralization of the Task Force against Illegal Land Allocation in all provincial headquarters who will deliberate over land matters whenever they arose.
- 6.3.2 The government of the republic of Zambia must curb all illegal land allocations and invasion of vacant land and also curbing double allocation of land by improving

coordination among land institutions as well as improving land record keeping in municipalities and curbing illegal surveys.

- 6.3.3 The government of the republic of Zambia must strive to improve dissemination of land information to the public through the media such as radio, television and newspapers.
- 6.3.4 The government of the republic of Zambia must Provide adequate land development fund to enable the municipalities opening up sufficient land;
- 6.3.5 The government of the republic of Zambia should ensure that land institutions adequately monitor land use.
- 6.3.6 The government of the republic of Zambia must Ensure that the Survey Department at the Ministry of Lands and Natural Resources update cadastral maps regularly.
- 6.3.7 Improving land use planning by avoiding allocating land where there are no services. Here, there is need to ensure that land use plans clearly indicate where the services are located. Municipalities should also adequately provide services whenever land owners pay for service charges.
- 6.3.8 The government of the republic of Zambia must ensure that the correct procedure is followed when repossessing land; and ensuring that the Survey Department at the Ministry of Lands and Natural Resources effectively check the layout plans.

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## APPENDICES

### Appendix 1. 1

#### Interview Guide for Government Employees

I am a student of Master of Science degree in Peace Leadership and Conflict Resolution at the University of Zambia. I am carrying out a research on the topic entitled “**An Investigation of Political Conflicts in Land Acquisition in Zambia: A Case Study of Mansa District**”.

I need your help to respond to the following questions. All the information you provide in this study is confidential and the results will only be made available to my research supervisors nothing about your personal identity, work place and residential address will be revealed to anyone.

#### Section 1: Personal data

Kindly introduce yourself

1. What is your Gender?
  - a. Male
  - b. female
2. What was your age at last birthday?
  - a. Below 25
  - b. 25-35
  - c. 35-45
  - d. 45-55
  - e. Above 55
3. What is your employment status?
  - a. Formal
  - b. Informal
  - c. Other
4. What is the Level of your education?
  - a. Primary
  - b. Secondary

- c. Tertiary
  - d. Never
5. What is your Income level?
- a. Below K 1,000
  - b. K 1,000 – K 5,000
  - c. K 5,000 – K 10,000
  - d. K 10,000 – K 15,000
  - e. Above K 15,000
6. How long have you lived in Mansa District?
- a. 0 - 5 years
  - b. 5 – 10 years
  - c. 10 – 15 years
  - d. Above 15 years
7. According to your understanding, what are political conflicts in land acquisition?
- .....
- .....
- .....
- .....
8. Do you know about any statutes or legal frameworks guiding land acquisition processes?
- a. Yes
  - b. No
- 8 (1) If yes, specify.....
9. Do you face any interference from political players in the processes of land administration?
- a. Yes
  - b. No
- If yes, explain.....
10. How often do you experience the aforementioned conflicts?

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11. What do you think are the causes of political land acquisition conflicts?

- a. Intra-party conflicts
- b. Inter-party conflicts
- c. Politicians and community conflicts
- d. State administration and traditional leader's conflicts
- e. Investors and community conflicts

12. In a scale of 0 - 5 how do you rate the occurrence of reports on political conflicts land acquisition?

- a. 1
- b. 2
- c. 3
- d. 4
- e. 5

13. What do you think are the effects of political conflicts in land acquisition?

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14. According to you, which method of Land acquisition do you prefer?

- a. Formal
- b. Informal

14 (1) Why do you prefer the chosen method?

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15. Do you think these effects affect development in the district?

- a. Yes
- b. No

15 (1) If yes specify.....

16. Do you face any challenges in the administration of land in relation to political conflicts?

- a. Yes
- b. No

16 (1) If yes specify.....

17. How do you handle these challenges and interference from political players as local government?

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18. What recommendations can you give to mitigate political land conflicts in land acquisition?

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THANK YOU FOR YOUR PARTICIPATION

## **Appendix 1. 2**

### **Focus Group Discussion for Chiefs**

I am a student of Master of Science degree in Peace Leadership and Conflict Resolution at the University of Zambia. I am carrying out a research on the topic entitled “**An Investigation of Political Conflicts in Land Acquisition in Zambia: A Case Study of Mansa District**”.

I need your help to respond to the following questions. All the information you provide in this study is confidential and the results will only be made available to my research supervisors nothing about your personal identity, work place and residential address will be revealed to anyone.

#### **Section 1: Personal data**

Kindly introduce yourself

1. What is your Gender?
  - a. Male
  - b. female
2. What was your age at last birthday?
  - a. Below 25
  - b. 25-35
  - c. 35-45
  - d. 45-55
  - f. Above 55
3. What is your employment status?
  - a. Formal
  - b. Informal
  - c. Other
4. What is the Level of your education?
  - a. Never
  - b. Primary
  - c. Secondary

- d. Tertiary
5. What is your Income level?
    - a. Below K1,000
    - b. K 1,000 – K 5,000
    - c. K 5,000 – 10,000
    - d. K 10,000 – 15,000
    - e. Above K 15,000
  6. How long have you lived in Mansa District?
    - a. 0 -5 years
    - b. 5 – 10 years
    - c. 10 – 15 years
    - d. Above 15 years
  7. Do you allocate land as a traditional leader in your chiefdom?
    - a. Yes
    - b. No
  8. According to your understanding, what are political land acquisition conflicts?
 

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  9. Do you know about any statutes or legal frameworks guiding land acquisition processes?
    - a. Yes
    - b. No

8 (1) If yes, specify.....

10. Do you face any political interference in the allocation of land in your chiefdom?
 

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10. (1) What type of interference do you experience?

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11. In a scale of 1 – 10, how often do you experience political interference in the allocation of land?

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12. How do you handle political land conflicts in your chiefdom?

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13. Do you face coercion from politicians to lease or convert traditional land to statutory land in your chiefdom?

- a. Yes
- b. No

14. How participatory and willing are you as a traditional leader in the conversion of customary land to statutory land in your chiefdom?

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15. Does the conversion of customary land to statutory land cause political conflicts in your chiefdom?

- a. Yes
- b. No

15. (1) If yes, Explain.....

16. Do you think the political conflicts hinder development in your chiefdom?

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17. What recommendations can you give to mitigate political land conflicts in your ward?

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THANK YOU FOR YOUR PARTICIPATION

## **Appendix 1. 3**

### **Focus Group Discussion for Ward Councilors**

I am a student of Master of Science degree in Peace Leadership and Conflict Resolution at the University of Zambia. I am carrying out a research on the topic entitled “**An Investigation of Political Conflicts in Land Acquisition in Zambia: A Case Study of Mansa District**”.

I need your help to respond to the following questions. All the information you provide in this study is confidential and the results will only be made available to my research supervisors nothing about your personal identity, work place and residential address will be revealed to anyone.

#### **Section 1: Personal data**

Kindly introduce yourself

1. What is your Gender?
  - a. Male
  - b. female
2. What was your age at last birthday?
  - a. Below 25
  - b. 25-35
  - c. 35-45
  - d. 45-55
  - e. Above 55
3. What is your employment status?
  - a. Formal
  - b. Informal
  - c. Other
4. What is the Level of your education?
  - a. Never

- b. Primary
  - c. Secondary
  - d. Tertiary
5. What is your Income level?
- a. Below K1,000
  - b. K 1,000 – K 5,000
  - c. K 5,000 – 10,000
  - d. K 10,000 – 15,000
  - e. Above K 15,000
6. How long have you lived in Mansa District?
- a. 0 -5 years
  - b. 5 – 10 years
  - c. 10 – 15 years
  - d. Above 15 years
7. According to your understanding, what are political conflicts in land acquisition?
- .....
- .....
- .....
- .....
8. Do you know about any statutes or legal frameworks guiding land acquisition processes?
- a. Yes
  - b. No
- 8 (1) If yes, specify.....
9. Do you experience any political conflicts in land acquisition in your ward?
- a. Yes
  - b. No

9 (1). If yes, specify

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10. Are you involved in the allocation of land in your ward?

- a. Yes
- b. No

10 (1) If Yes explain to what extent you are involved

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11. Do you think the involvement of political leaders in land acquisition processes causes conflicts?

- a. Yes
- b. No

11 (1) If yes, specify the kind of conflicts

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How do you handle conflicts arising from political land acquisition processes in your ward?

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12. What recommendations can you give to mitigate political land conflicts in your ward?

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THANK YOU FOR YOUR PARTICIPATION