

LAND DISPUTES IN THE SOUTHERN PROVINCE OF ZAMBIA: A CASE OF THE KAFUE FLATS

1890 – 1964

BY

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DECLARATION

This dissertation is the result of my own work, has not previously been submitted for a degree at this or any other university and does not incorporate any published work or material from another dissertation.

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APPROVAL

This dissertation of Martin Chikombo is approved as fulfilling the partial requirements for the award of the degree of Master of Arts in History by the University of Zambia.

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Abstract

This study reconstructs a history of land disputes on the Kafue Flats of Zambia. It covers the period between 1890 and 1964.

The study begins by giving an historical overview of traditional land tenure focusing on the kinds of land rights and land use rules that existed among the egalitarian societies of the Kafue Flats on the eve of colonial take over. Thereafter, a detailed description of colonial land administration up to 1964 is given. Here, the study shows that colonial intrusion; that is British colonisation that began in 1890, radically modified the land tenure system on Kafue Flats. The study also argues that the customary tenure system that guided the administration of land in native reserves was a colonial formation. Later, the study investigates the causes of land disputes. It establishes that there were a lot of causative factors to land disputes on the Kafue Flats. These included among others alienation of land, creation and institutionalisation of traditional authorities, creation of administrative district boundaries, game ordinances, fishing activities, population and animal increases. The study ends with an examination of interventionist measures undertaken by the colonial state to deal with the persistent problem of land disputes.

DEDICATION

For Amos Namambo Chikombo, father and confidant friend

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TABLE OF CONTENTS

Abstract	iv
Dedication	v
Acknowledgements	vi
List of Maps	xi
List of Tables	xii
List of Abbreviations	xiii
List of Old and New Names of Places.....	xiv

CHAPTER ONE: INTRODUCTION

Introduction and Historical Background	1
Statement of the Problem	5
Objectives of the Study.....	6
Rationale	6
Area of study	6
Environment and Ecology	8
Climate	9
Literature Review	11
Research Methodology	17
Organisation of the Study	18

CHAPTER TWO: AN OVERVIEW OF LAND ADMINISTRATION ON KAFUE FLAT UP TO 1964

Introduction.....	28
Features of Traditional land tenure on Kafue Flats.....	28
Traditional land use of the Kafue Flats.....	32
BSAC land administration on Kafue Flats 1890 – 1924.....	34
Crown Lands, Native Reserves and Trust Lands on Kafue Flats 1924 – 1964.....	37
Chiefs, Headmen and land administration on Kafue Flats.....	41
Delimitation and Demarcation of District Boundaries on Kafue Flats.....	44
Game laws, hunting and fishing on Kafue Flats.....	45
Conclusion.....	48

CHAPTER THREE: CAUSES OF LAND DISPUTES ON KAFUE FLATS 1890 – 1964

Introduction	54
Land alienations and disputes over land on Kafue Flats.....	54
The Delimitation of Native Authorities as a cause of land disputes.....	65
District Boundaries and land disputes on Kafue Flats.....	69
Game Laws as a cause of disputes on Kafue Flats.....	73
The Fishing industry and land disputes on Kafue Flats	82
Human and animal population increase and land disputes on Kafue Flats.....	87
Conclusion.....	89

**CHAPTER FOUR: ASSESSMENT OF COLONIAL GOVERNMENT INTERVENTION MEASURES
OVER LAND DISPUTES ON KAFUE FLATS 1890 – 1964.**

Introduction.....103

Land dispute intervention measures during the BSAC rule, 1890 – 1924.....103

Land dispute intervention measures during British Colonial rule, 1924 – 1964.....108

Conclusion.....123

CHAPTER FIVE: CONCLUSION

Conclusion131

BIBLIOGRAPY.....134

LIST OF MAPS

Map 1. Showing the extent of the Kafue Flats	Page 7
Map 2. Showing ethnic groupings, National Parks and GMAs of the Kafue Flats	Page 8
Map 3. Map of the Kafue Flats	Page 10

LIST OF TABLES

Table 1. Land Alienated and Compensation Amounts to Africans, Magoye, 1914 – 1922

Page 36

LIST OF ABBREVIATIONS

- ANC**- African National Congress
- BOMA** - British Overseas Management Administration
- BNP** – Barotse Native Police
- BSAC** – British South Africa Company
- CMG** - Companion of the Order of St Michael and St George
- CPRs** - Common Pool Resources
- DC** – District Commission
- GMA** – Game Management Area
- INA** – Ila Native Authority
- KBRC** – Kafue Basin Research Committee
- MA** – Masters
- MP** – Member of Parliament
- NAZ** – National Archives of Zambia
- NRG** – Northern Rhodesia Government
- PC** – Provincial Commissioner
- Ph. D** – Doctor of Philosophy
- PTNA** – Plateau Tonga Native Authority
- RCLC Ltd** - Rhodesia Cattle and Land Company Limited
- SP** – Southern Province
- UNIP**- United National Independence Party

LIST OF OLD AND NEW NAMES OF PLACES

OLD NAME		NEW NAME
Barotseland	-	Western Province
Fort Jameson	-	Chipata
Northern Rhodesia	-	Zambia
Nyasaland	-	Malawi
Southern Rhodesia	-	Zimbabwe

CHAPTER ONE

Introduction and Historical Background

Disagreements over the use, access, possession, control and ownership of land have been an old problem on the Kafue Flats. The area has endured over the years perhaps some of the most intense land disputes in Zambia. The problem has not been confined to the twentieth century. Smith and Dale wrote that local informants recalled of famous inter communal wars which arose out of disputes over land. Smith and Dale indicate that the last of the bloody land disputes occurred at Ngabo in 1896 over fishing rights.¹

From 1900 land feuds became a constant feature on Kafue Flats. By 1903 Colonel Colin Harding, Acting Administrator for North Western Rhodesia, feared the worst. He sent several confidential letters to the High Commissioner in Pretoria asking for a police force to help quell the internecine land feuds. In one of the letters, Colonel Harding relayed the fierce spirit of independence possessed by each of the local tribal groupings. He feared that 'constant friction over territory among prominent men, some of whom command a huge following of support behind them, might lead to serious trouble.'² In June 1903 Colonel Harding, with other white officers and a host of native allies, marched to Maala to arrest one of the belligerents named Mungalo whose territorial disputes with Mungaila over hunting, fishing and grazing rights on Kafue Flats had led to several deaths. Mungalo was eventually sent into exile to Lealui in Barotseland in June 1903.³ After this incident a police camp was established at Nkala on the margins of the Kafue Flats. Then in 1903 civil administration was introduced into the Southern Kafue District, and in 1905 Mr William Dale took charge of the greater part of the Kafue Flats as administrator.⁴

The introduction of a police camp and civil administration did not stop land disputes on Kafue flats. In fact the anarchic state of the Kafue Flats bewildered a Mr O C Rawson, a renowned cattle trader from Southern Rhodesia, when he wondered in 1905 why there were numerous accusations and counter accusations of land encroachments despite the area being sparsely populated, agriculturally poor and prone to floods⁵. The Colonial State was worried over the internecine land disputes on Kafue Flats. A fact

finding tour led by Mr Heath was instituted in 1906.⁶ The impression given to Mr Heath by the pioneers of the Baila - Batonga Mission of the Primitive Methodist Church, the Rev. H. and Mrs Buckenham, Rev. A. Baldwin, Rev. F. and Mrs Pickering and Rev. W. Chapman was that of constant disputes over land and cattle. For one, Rev. G. E. Butt, the famed Primitive Methodist Missionary and traveller concluded that land disputes on Kafue Flats were due to the rough and quarrelsomeness of the locals especially the Ila people⁷. A similar view was held by the local administrator Mr William Smith when he reported that disputes over land in the area were a result of the litigious and rapacious nature of the local people.⁸

The year 1910 marked the turning point in the history of land disputes in the area. In this year, a white settler named Major Gordon with the help of the BSAC and the Rhodesia Cattle and Land Company Limited (RCLC Ltd), alienated and introduced a game ranch on land used for grazing and hunting by people in Chieftaincies of Hamusonde, Chongo and Mwanachingwala⁹. Apart from the loss of land, Chief Siamusonde contested the boundary with Major Gordon's ranch. He also complained of blocked access to his land on the western side of the ranch as well as to grazing rights on Kafue Flats.¹⁰ Similarly, Chief Chongo complained of restrictions placed by the managers of Lochinvar Ranch on the movement of his people's cattle to a grazing area in the North bank of the Kafue River. The ranch owners accused both Siamusonde and Chongo's people of poaching, cattle rustling and devaluation of the land due to soil erosion caused by cattle trekking¹¹.

The alienation of Lochinvar Ranch invoked long standing boundary disputes in the area. In case of the Siamusonde and Namwala boundary, matters came to a head with riots by Siamusonde's people in 1915 after Surveyors were given the task of cutting the boundary as described in the 1913 law.¹² The 1913 law drew the boundary between Namwala and Mazabuka district along the Lochinvar Ranch boundary. Chiefs in the newly gazetted Namwala Districts accused Siamusonde of encroachment beyond the District border. Also reported were boundary disputes between Chiefs Mungaila and Chilyabufu in 1924, Chiinda and Mungaila in 1926 as well as headmen Kazoka and Shanambe¹³. Attached to the boundary claims were disputes over fishing, grazing and hunting rights. In September 1926 alone the Assistant

Magistrate at Namwala recorded 17 Kafue Flats land dispute cases and the number continued to increase.¹⁴ Incidences of land disputes among chiefs prompted the colonial state to suspend issues of boundaries and allow no territorial rights to chiefs on the Kafue flats¹⁵. A map attached to one of the tour reports, dated 9th December, 1927 by the Survey Department clearly showed dispute hot spots from Mandondo and Mbeza in the Kaumbwe area of the Kafue Flats. Other dispute hot spots noted by the Survey Department were Banachibwembwe, Chibimba, Chumpi, Chisenga, Chisolo, Hakeeta, Itungu, Kafwefwe, Kaunga, Mulindi, Myonzan'gombe, Namusendelele, Namalyo, Namatushi, Nankumba and Nyimba.¹⁶

From 1930, a new wave of land disputes emerged on Kafue Flats. Following the approval of European applications for winter grazing, disputes arose over grazing areas.¹⁷ Africans complained of being severely punished for their cattle straying into European herds or on suspicion of stealing or killing cattle. Whites accused Africans of spreading animal diseases and damaging pasture through overgrazing and grass fires. Some white farmers advocated for the Kafue Flats to be a reserve for white grazing. For example, Mr McEwen, a Senior Agricultural Research Officer at Mazabuka, recommended to the Agriculture Commission in 1934 that African cattle transhumance be banned all together.¹⁸ The Commission recommended that the land along the north bank of the Kafue River from Chikupi Extension in Lusaka District up to Blue Lagoon in Mumbwa District be reserved primarily for grazing of European owned cattle.¹⁹ There was considerable amount of ill feelings between white cattle owners and Africans whereas white farmers made the complaints about incursions by native cattle on to their grazing lands. Complaints were made to the effect that those who went early to the flats grazed their cattle everywhere and only went to the area allocated when other parts of the flats were taken. Dissatisfactions were expressed too at the letting to Messrs Werner for a number of years of large areas of grazing. From 1937 Europeans began fencing their holdings as recommended by a joint report submitted by the District Commissioners for Mazabuka and Namwala. The increased amount of fencing compounded by the introduction of grazing fees of 1d per head per month exacerbated the disputes. By 1947 many Africans

could not practise cattle transhumance to the Kafue Flats in the dry season because much of the area was either settler owned or belonged to the state.

In the years 1950 to 1958 boundary disputes involving Chiefs Siamusonde, Mungaila, Muchila, Mukobela and Nalubamba over the Kafue Flats reopened. In 1951 Chief Siamusonde claimed territorial rights to the land west of Lochinvar up to the Kafue River. He argued that past colonial administrators settled the boundary to his disadvantage on arbitrary physical features rather than on traditional boundaries.²⁰ The same portions were claimed by Chiefs Mungaila, Muchila, Mukobela and Nalubamba. Matters came to the fore in February 1954 when the Ila Native Authority decided to bar all Africans not registered in Namwala District from hunting and grazing on land beyond the Namwala Mazabuka boundary. A meeting jointly chaired by the District Commissioners for Mazabuka and Namwala was held at Bweengwa with Chiefs Mungaila, Nalubamba and Siamusonde present. The meeting agreed to suspend the traditional Chila hunt for 1955 after Siamusonde threatened to attack should any Chief go for Chila without his permission.²¹

Land disputes exacerbated when Native Authorities began issuing fishing, cultivation and beer licences after 1955. Both the Ila Native Authority and the Plateau Tonga Native Authority collected the licence fees from Banachibwembwe, Chunga, Chisololo, Namalyo, Nankumba, Nyimba and Mulindi area of the Kafue Flats. However, in 1957, Siamusonde instructed the people to stop payment of fees to the Ila Native Authority as they were under his area. Members of the Ila Fish Guard found collecting beer fees on behalf of the Ila Native authority were arrested by Siamusonde's Kapasus at Namalyo. This dispute was only calmed after the colonial state issued Proclamation Number 1 of 1958 which bared chiefs from collecting fees.

Another series of land disputes occurred after 1960. Following the high flood of the Kafue River in 1958, the Batwa people were forced by the rising water to leave their usual habitat. A group settled around Mushitu area just north of the Bweengwa River in Chief Nalubamba's area while some settled at

Banakaila in Chief Chongo's area. Others settled at Mulindi while the other group went to Chief Mwanachingwala's area. The fishermen who settled at Banakaila and Chief Mwanachingwala returned to their traditional fishing grounds at Nyimba when floods subsided. Those at Mushitu and Mulindi remained and continued to cultivate mainly because the soils were more fertile there than in their traditional fishing area. Through instructions from the Ministry of Lands, a forced eviction was conducted at Mulindi in May 1964. Their huts were knocked down. Chief Siamusonde protested to the Resident Secretary.²² He went further by instructing all people in the area to stop payment of grazing, cultivation and beer fees. On 29th April 1964, 32 men, 10 of whom were armed with shotguns and the remainder with spears proceeded to Mulindi, Namalyo, Chisolo, Nankumba and Nyimba to intimidate the villagers into paying all taxes to Chief Nalubamba. A few days later, Chief Mwanachingwala sent his assessors with instructions that all fees be paid to his court.²³ Chief Chongo too joined the dispute claiming that Nyimba was in his Chieftom as it was inhabited by his subjects from Banakaila. A meeting was held on 13th May, 1964 at Namwala chaired by Namwala District Commissioner. In attendance was R.J Peterson, the Monze District Officer in charge and chiefs from Mazabuka, Monze and Namwala districts. They agreed that the 1959 agreement whereby Chisolo, Namalyo and Nankumba areas were part of Namwala District and Mulindi part of Mazabuka be strictly adhered to.²⁴

Statement of the Problem

Much as land use, land policy and land administration have been studied, no comprehensive work has been done on land disputes in Zambia, in particular Kafue Flats of Southern Zambia. This study gives another dimension to the literature on land. It focuses on land disputes. Importantly the study focuses on an area that was geographically isolated from the main line of modern communication and urbanization. This is an area prone to flooding, of less soil fertility and which never experienced mass removals of people from their original tribal lands due to the colonial policy of land alienation.

Objectives of the Study

The study had the following objectives;

1. To examine the history of land tenure and land use on Kafue Flats
2. Investigate the causes and nature of land disputes on the Kafue Flats
3. Assess the effects of intervention measures undertaken by authorities vis – a – vis the land disputes on Kafue Flats.

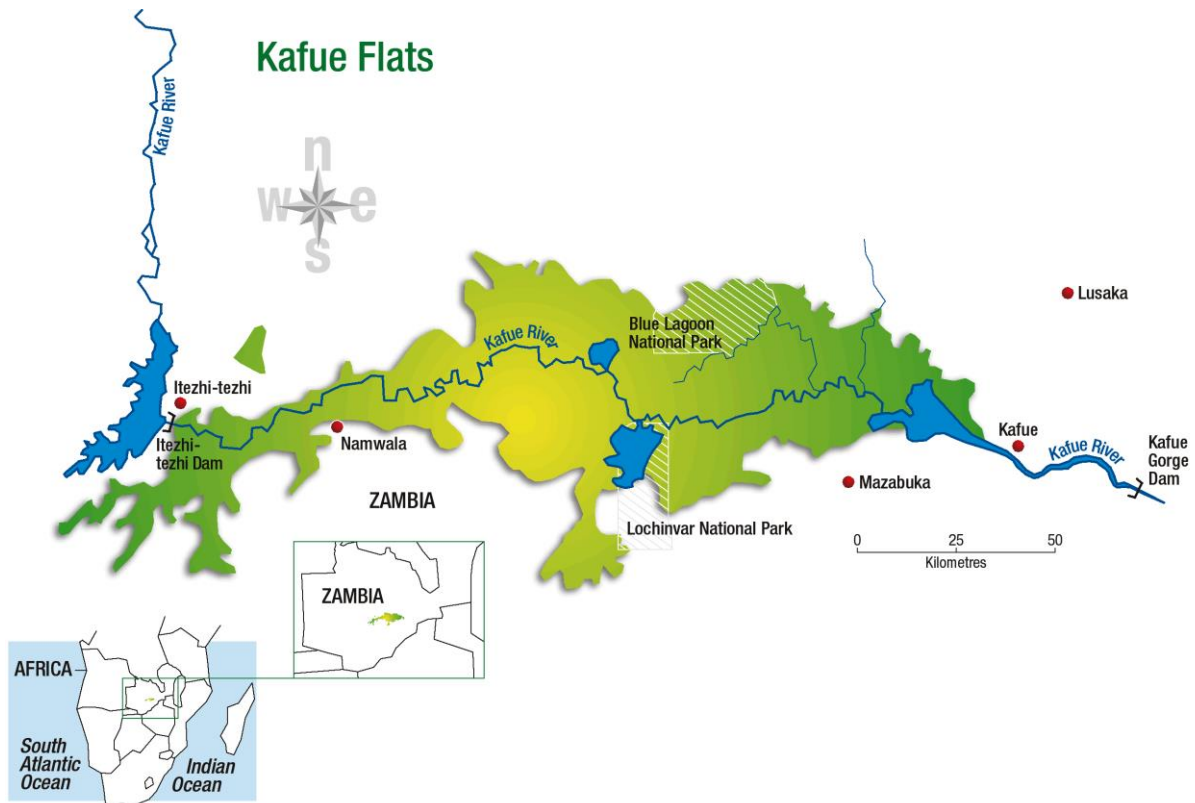
Rationale

Apart from the author's personal interest in the subject of land, this study is a contribution to filling the glaring gap on the history of land disputes in Zambia. A study of this nature brings to light the competing claims to land in the past and the reasons thereof.

Area of Study

This study focuses on the Kafue flats floodplain located in the Southern Province of Zambia along the Kafue River. The flood plain stretches from Itezhi – tezhi Dam to the Kafue Gorge, a straight distance of 240 km and a river length of 448 km²⁵. It lies between latitudes 15° 30'S and 16° 00'S and longitudes 26° 05'E and 28° 10'E²⁶ (see map 1). The total area of the Kafue Flats is approximately 13, 986 km² and of this about 6, 604 km² is liable to flooding²⁷. This floodplain stretches through four districts of Southern Province namely; Itezhi – tezhi, Namwala, Mazabuka and Monze, as well as part of Mumbwa and Kafue Districts in Central and Lusaka Provinces respectively. There are at least 21 chieftaincies in the Kafue Flats. The study focuses on the Southern part of the Kafue Flats, specifically the Chiefdoms of Chongo, Hamusonde, Mungaila, Mwanachingwala and Nalubamba.

Map1: Showing the extent of the Kafue Flats



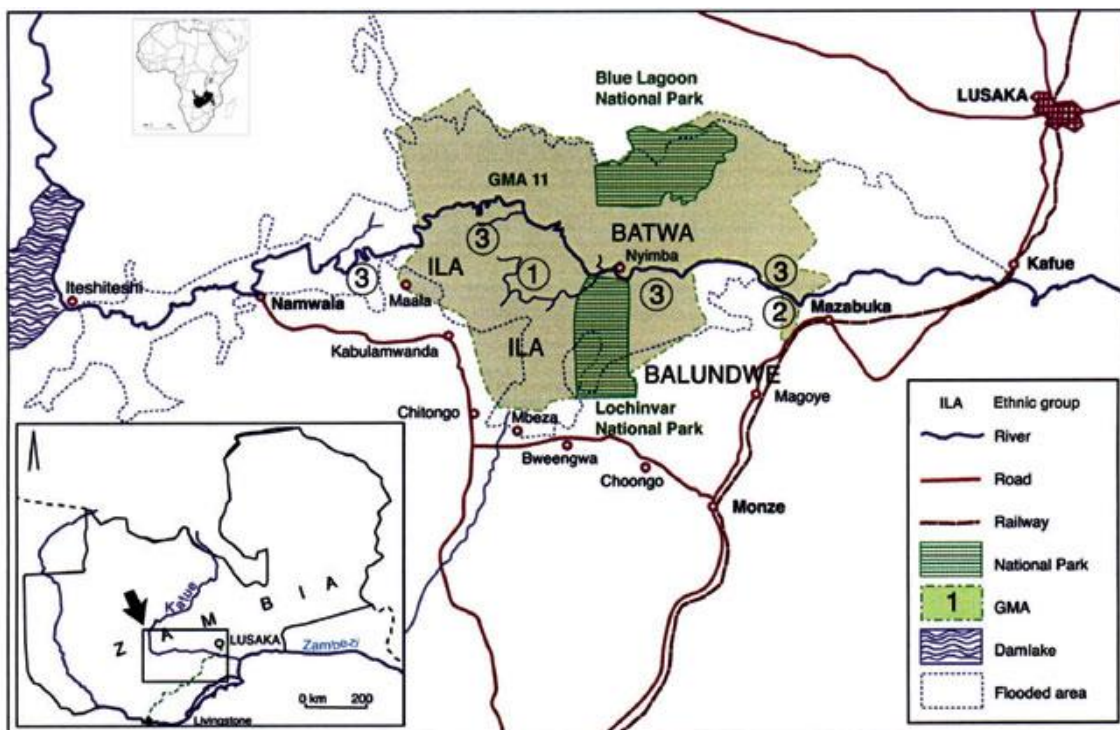
Source: Richard C.V Jeffrey, Case study on river management: Kafue Flats

In 1920, Smith and Dale distinguished three ethnic groups of people on the Kafue Flats²⁸. They were; the permanent settlers, the cattle keepers in transhumance during the dry season and the temporary fishermen. The permanent settlers were identified as either T wa (plural Batwa), referred to as a relic of the pre-Bantu population²⁹, or individuals seeking refuge in the swamps³⁰. The cattle keepers in transhumance during the dry season were Ila and Plateau Tonga (or Balundwe) who were settled in the woodlands on the margins of the flood plain. Carol Sorensen argued that the earliest seasonal fishermen comprised immigrants from the Lozi Kingdom, who after crossing the Zambezi at Sesheke settled in the western parts of the Kafue Flats³¹. Post-colonial literature indicates that the Bemba from Northern Zambia, as well as people from Malawi, Zimbabwe and Democratic Republic of Congo flocked to the Kafue Flats in search of settlement and employment.³²

The Kafue Flats contain two National Parks at the eastern end. Lonchinvar established in 1972 is on the south bank while Blue Lagoon established in 1973 is on the north bank. The two small national parks

take up 840km² of the flats. On either side of the river are Game Management Areas (GMA) established in 1971. They take up a total area of 9, 000km². To the far east of the Flats is Kafue National Park. National Parks in Zambia are totally protected while Game Management Areas (GMA) are buffer zones open to licensed hunting.

Map 2: Showing ethnic groupings, National Parks and GMAs of the Kafue Flats.



Source: Harry Nixon Chabwela and Tobias Haller, “Governance issues, potentials and failures of participatory collective action in the Kafue Flats, Zambia” in International Journal of the Commons, Vol.4, No.2 (2010)

Environment and Ecology

The Kafue Flats floodplain is of flat terrain overlaid with soils and vegetation that suggest formation in association with floods. The areas that are often flooded consist of clay soils. Trapnell and Clothier described these soils as rich in carbon, impervious, poorly drained yet capable of holding large quantities of water³³. Upon drying, these soils are subject to shrinking and cracking, giving a reticulate pattern to

the soil surface. The cracks vary in width and depth but may be several centimetres in width and a metre or more deep. Despite their dark colour, these clay soils are deficient in organic matter, nitrogen and potassium³⁴.

To the western end, the Flats are overlaid with Kalahari soils characterised by rounded and deep loose sands which are acidic. The soils lack clay particles, are acidic and well drained. Here, the plains are waterless during the hot dry season but flood during the rainy season. Short grass, tall palm trees and belts of light bush make up the main vegetation. Limited cattle keeping characterises this area largely due to tsetse fly.

The soils on the eastern and southern end are richer than on the west.

Climate

The Kafue flats floodplain has three distinctive seasons: the rainy, cold and hot dry. The rains occur between November and early April. It is cold between May and early August and hot between late August and late October. Rains average 800mm annually. Prior to damming of the Kafue River at Itezhi – tezhi, the run – off from local tributaries accounted for the initial flooding and waterlogging during the months of December, January and February. The average minimum and maximum temperatures for the Kafue flats are 15⁰ and 29⁰ centigrade, respectively.

Literature Review

Although much research on land has been done in Zambia, a historical study of land disputes is lacking. The earliest scholarly works on land unfortunately concentrated on land use, land administration and land policy. In addition, the majority of these works concentrated on events along the line of rail in Southern, Central and Eastern Provinces. This study gives another dimension to the literature on land. It focuses on land disputes. Importantly the study focuses on the Kafue Flats, an area that was geographically isolated from the main line of modern communication and urbanisation. The Kafue Flats is an area prone to flooding, of less soil fertility and which never experienced mass removals of people from their original tribal lands due to the colonial policy of land alienation.

A number of studies have been carried out on issues of land in Zambia. Elizabeth Colson's work highlighted some aspects of Tonga traditional land tenure.³⁵ She outlined how land was acquired and the land rights in pre - colonial Tonga society. Colson extrapolated three ways in which an individual acquired land. Further, Colson discussed the impact of colonial rule on land rights among the Tonga. Similarly, Uchendu and Anthony's *Agricultural Change in Mazabuka District* and Allan et al's 1945 *Reconnaissance Survey* and White's 1963 paper entitled *Factors Determining the Content of African land-tenure Systems in Northern Rhodesia* are informative on Tonga land tenure³⁶. These studies agreed with Colson that rights to land among the Tonga were defined chiefly with respect to arable land, whereas the rights to graze stock hunt and fish were unrestricted. It was further stressed by White, Schultz, Trapnell and Clothier that once land was obtained, individuals enjoyed a degree of security of tenure since there was no interference in the holding.³⁷ The information provided in the works mentioned was valuable in understanding traditional Tonga land tenure and the impact of colonial rule on it. However, I shall argue that the right to hunt and fish on Kafue Flats were restricted and regulated by traditional institutions.

Lawyers wrote on the subject of land due to its legal connotations. Patrick Mwunga's³⁸ works gave our study vital background information. He explored how the British South African Company (BSA Co.) established its claims to land in the territory. Other lawyers whose works were vital to our study are Mbao, Mulimbwa and Sichone³⁹. Conclusively, Mbao, Mulimbwa and Sichone identified the inadequacy of the existing customary laws governing land and the need to adjust them. While this work appreciated the knowledge gained from lawyers whose main concern was law per se, it has a different approach. It will give a historical analysis of all the underlying forces that led to disputes over land.

Lewis Gann is arguably the first professional historian to write a history of colonial Northern Rhodesia. Although his works are more illuminating on European than on African society, he remains a leading authority in our understanding of land administration from 1890 up to 1953. Like Mwunga, Gann's work provided this study with information on the earliest land concessions obtained by the BSA Co. from the Litunga Lubosi Lewanika, king of the Lozi in the reign 1886 – 1916.⁴⁰ Although Lewanika's claims on the extent of his territory have been questioned, the concessions provided the BSA Co. with a basis on which it asserted ownership of the land within the said 'territory'. Other scholars that wrote on the historical background of the tenure system in Zambia are Bruce and Dorner.⁴¹

Gann's European bias was balanced by the general works of Robin Palmer, Thomas Rasmussen, Robert Rotberg and Richard Hall⁴², who apart from taking the story of land up to independence concentrated on the experiences of African societies to colonial land administration. Thomas Rasmussen and Robert Rotberg wrote of land as one of the causes of African discontent which ultimately led to nationalism. Richard Hall indicated that Africans along the line of rail experienced large scale removals from their traditional land. Palmer argued that large scale removals of Africans from their traditional land after 1928, was unnecessary since there was no influx of European settlers into Northern Rhodesia. While none of the aforementioned works is primarily on land disputes, they provide analysis which has relevance for our study.

While Hellen, Johnson, Kay and Dixon Fyle have been criticised for arguing that the colonial period represented an age of improvement for Zambia's rural population⁴³, their works contains valuable material on land disputes. For the purpose of this study, Hellen's descriptive geographical study outlined that already in 1958 disputes over land were common due to the rise of enclosure by improved Tonga farmers.⁴⁴ Kay intimated that some land use patterns led to land disputes in Eastern Zambia. Johnson and Dixon Fyle admitted that the spread of European farming practices were a mixed blessing in several senses as the change from a mere subsistence agricultural economy to a cash economy led to agitations for more arable and grazing land. Other scholars whose works explored the relationship between the commercialisation of agriculture and the rise of land disputes are Robert Bates, Oliver Kandyata, Flexon Mizinga, Henry Bernstein, A. Wood and R. Vokes.⁴⁵

Leroy Vail and Absalom Mulongo highlighted the effects of the colonial policy of land alienation on their areas of study⁴⁶. Vail's pioneer work on eastern Zambia demonstrated how the deluge of state policies affected the local people. Through the perspective of ecology Mulongo demonstrated how colonial policies accelerated exploitation of natural resources on the Kafue Flats up to 1940. He agreed with Vail that the colonial state reconsidered the policy of land alienation in the interest of the local peoples, after it realised the impact on people's agricultural practices. However, this study will demonstrate that the colonial policy of land expropriation for both private and public usage on Kafue Flats was never reconsidered in the interest of local people. Nonetheless, we agree with Mulongo's article in the *Zambia Journal of History* in which he demonstrated how the colonial government's policy of establishing game parks created conflicts between state interests and peasant rural activities.⁴⁷ We shall add that, through the creation of game parks, the local people lost valuable grazing, hunting and fishing land as well as lost their access to animal protein. The study adds that natives suffered damage to their crops from marauding game and their domestic animals were afflicted with animal disease.

Some scholars attributed the problem of land disputes to antagonistic relations between those with greater resource and wealth and poor people. Among them are works by Chipungu, Moomba,

Mwalukanga and Bruce⁴⁸. Taking Mazabuka, Monze and Lusaka Districts as case studies of peasant differentiation, Chipungu, Moomba and Mwalukanga respectively, demonstrated that a stratum of very rich peasants were able to use their positions and ambiguities of customary law to appropriate land in both colonial and post-colonial periods. These appropriations led to agitations over land. John Bruce observed in the early 1960s, that competition over land in much of Africa increased as the wealthy and powerful engaged in what he called 'land grabbing' through manipulation of traditional land tenure rules and regulations. Other scholars who wrote from this paradigm are Leonard Chiinda, Bennett Siamwiza, Taylor Brown, Carolyn Baylies and Morris Szeftel.⁴⁹ Chiinda, Siamwiza and Taylor Brown cited incidences in senior Chief Mweemba's area where land disputes erupted after some former Members of Parliament and Government officials fenced off tracts of communal land for themselves. Carolyn L. Baylies and Morris Szeftel told of land being forcibly expropriated by public figures, describing the process as a form of 'primitive accumulation'.⁵⁰

Pauline Peters disagrees with the assessment that land disputes in much of Africa stem from the continued existence of customary landholding.⁵¹ Instead, she sees the new land policies introduced during the 1990s with the support of the World Bank and other international aid agencies to be at the helm of land disputes in much of Africa. Peters asserts that from the 1960s land disputes arose because the new land policies ignored overlapping and multiple rights and uses of land, and led to unequal access to land based on social differences, and often encouraged speculations in land by outsiders. She dismissed the conventional notion that customary landholding did not provide the security of land rights.

On the local scene, Taylor Brown and Michelo Hansungule concluded that implementation of new land laws generated land disputes among villagers, between traditional leaders and their subjects and created tension between locals and outsiders.⁵² Brown further maintained that conversion of customary land tenure to leasehold tenure created confusion and insecurity about the future of the commons and customary land in Zambia. According to them, donor driven land reforms were to blame for land disputes. Contrary to their argument, this dissertation argues that land disputes on the Kafue flats predate donor

driven land reforms and blaming land disputes on donor driven land laws such as the 1995 Land Act lead to overlooking some important factors or indeed to an oversimplification of a complex problem.

General works and case studies on land disputes in Africa and elsewhere influenced our approach and enhanced our understanding of the causes of land disputes. Some of these can be appropriately reviewed according to their theoretical orientation. One theoretical framework used in the study of land disputes is the Neo Malthusian theoretical framework. Neo Malthusians stressed the causal connection between population pressure, land scarcity and disputes. One proponent of this approach is Quentin Gausset who aptly demonstrated the close link between population increase and land disputes in the Cameroon⁵³. Marijke Verpoorten, Klaus Deininger, Chris Huggins and Jean Bigagaz have also written from this perspective.⁵⁴

The causes of land disputes have also been explained from the 'tragedy of the commons' and 'New Institutionalism' approach. The former sees land disputes as a consequence of ruthless overexploitation. The chief proponent of this theory is Garrett Hardin whose self-titled book *The Tragedy of the Commons*⁵⁵ illustrates the argument that it is not necessarily land scarcity but rather improper use or over exploitation of the commons that led to disputes over common resources like land for grazing, fishing and water. Other scholars who have written from this point of view are Liz Alden Wily and Laurel Rose⁵⁶. Proponents of the New Institutionalism approach argue that disputes over common pool resources occurs only because of the erosion of traditional management system in communal areas. Elinor Ostrom's ground breaking essay *Governing the Commons: The Evolution of Institutions for Collective Action* stands at the centre of the New Institutionalism approach. She was one of the first scholars to point that change in traditional institutions that governed common pool resources by the state led to disputes over the common pool resources. Carol Sorenson, Tobias Haller, Harry Chabwela and Wanga Mumba studied the land disputes on Kafue Flats using the New Institutionalism approach. The general conclusion was that land disputes on Kafue flats arose owing to failure by the state to provide well-functioning institutions

to manage Common Pool Resources (CPRs). This failure to provide well-functioning institutions to manage CPRs led to a de facto open access hence the land disputes.⁵⁷

Another theoretical approach that has been used to investigate the causes of land disputes in many countries is the environmental scarcity. Proponents of this approach see land disputes as a consequence of natural catastrophes. They argue that droughts push people into struggle for ecologically favourable land. Among the scholars who have written from this angle are Steven Lawry, P. D Little and P. Brokensha, G. Peperkamp, Patience Munge Sone, Sanna Ojalammi, Karen Witsenburg, Adano Wario Roba, Christopher Tanner, Gregory Myers and Ramchand Oad⁵⁸.

There are scholars who have argued that in order to fully comprehend the problem of land disputes a multi – faceted analysis must be employed. This is the view upheld in Sara Berry's '*Debating the Land Question in Africa*', Urmilla Bob's '*Land-related conflicts in Sub-Saharan Africa*', Abiodun Alao's '*Natural Resources and Conflict in Africa*', Ward Anseeuw and Chris Alden's '*The struggle over land in Africa: Conflicts, politics and change*', Bill Derman, Rio Odgaard and Espen Sjaastad's '*Conflicts over Land and Water in Africa*'. These scholars have argued that there are many factors that lead to land disputes in various places and at different times. They indicate that taking a mono – causal approach may lead to overlooking some important factors or indeed to an oversimplification of a complex problem.

Studies on land disputes in Africa and elsewhere have influenced our approach and enhanced our understanding of land disputes. Drawing his study from Cameroon, Emmanuel Mba⁵⁹ argues that land disputes in North – west Cameroon arose after the colonial government demarcated district boundaries. Sobseh Emmanuel Yekong⁶⁰ agrees with Mba and laments the colonial state's process of drawing boundaries without following pre – colonial boundary arrangements. Carola Lentz⁶¹ posits that the creation of new districts by the General Jerry Rawlings administration provoked land disputes in Ghana. This study will investigate how the drawing of boundaries as well as the creation of districts and chiefdom

boundaries by the colonial state could have led to land disputes. Other scholars who have linked the problem of land disputes to the demarcation of boundaries are Prescott, Fanso and Temgou.⁶²

On the local scene, only Mweembe Muleya Mudenda studied the link between the delimitation of boundaries and land disputes in Zambia in 2006.⁶³ The result was a general and descriptive work devoid of any significant historical analysis

In order to understand the history of the people who lived in the Kafue Flats area before the imposition of colonialism, Jeffreys, Lehmann, Smith and Dale's studies were useful.⁶⁴ The Batwa are said to have been the first inhabitants and settled on levees and along the main river channel. The dominant ethnic groups, who came to the area much later than the Batwa, are the Ila and Plateau Tonga also known as Balundwe. They settled on the margins of the Kafue flats.

Research Methodology

The study is based on a qualitative research methodology. The University of Zambia Library provided the initial sources. Data was collected from books, journal articles, Ph.D. theses, M.A dissertations, Annual Reports, Native Affairs, later African Affairs Annual Reports and various documents from the Special Collections Division of the Main Library. The National Archives of Zambia was consulted for documents such as District Notebooks, Tour Reports, Official Government Correspondences, African Affairs and Annual Reports. Data was also collected from the Zambia Land alliance, Ministry of Lands, Surveyor General's Office, Mazabuka, Monze, Namwala and Kafue Flats where written and oral interviews were consulted and conducted respectively.

Organisation of the Study

This dissertation is divided into five chapters. Chapter One is the introduction and historical background. Chapter Two is an overview of land administration on Kafue Flats up to 1964. Chapter Three examines the causes of land disputes on Kafue Flats between 1890 and 1964. It presents an argument that the creation of chiefs, drawing of boundaries, land alienation, population increase, game and fishing laws among other factors led to land disputes on Kafue Flats. Chapter Four assesses the intervention methods vis – a – vis land disputes by successive colonial governments. Chapter Five is the conclusion.

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CHAPTER TWO

AN OVERVIEW OF LAND ADMINISTRATION ON KAFUE FLATS UP TO 1964

Introduction

This chapter is divided into seven major sections. Section one and two describe the features of Traditional land tenure and land use on Kafue Flats as it was at the time of colonial takeover via the British South Africa Company (BSA Co.). A description of pre – colonial land tenure and land use is essential in order to find out what kinds of land rights or rules, if at all, existed then and how they were transformed under colonial rule. This will be helpful in assessing the extent to which colonial land policy impacted on the Kafue Flats vis a vis land disputes. The third and fourth sections give a detailed description of colonial land administration up to 1964 while section five traces the creation and institutionalization of chiefs and headmen among the acephalous Tonga, Ila and Batwa people of the Kafue Flats. The description of the creation of traditional authorities which follows is rather long and given in greater detail than wished for in order to see the changes in land holding and utilisation. The identification of the changes, it is hoped will finally make sense when analysed (in chapter three) in relation to how the creation and institutionalisation of traditional authorities was a contributing factor to land disputes on Kafue Flats. Section six looks at the delimitation of district boundaries within the Kafue Flats. The last section looks at colonial policies on game and fishing.

The main argument of the chapter is that colonial intrusion; that is British colonisation that began in 1890, radically modified the land tenure system on Kafue Flats. The radical changes in land acquisition, land rights, land ownership and land use contributed to land disputes on Kafue Flats.

Features of Traditional land tenure on Kafue Flats

White defined land tenure as ‘the rights of individuals or groups over arable, grazing and residential land, how such rights are acquired, what they consist of, how they operate in the holding, transfer and

inheritance of land and how they may be extinguished.¹ The land tenure system practised on the Kafue Flats was the Tonga common or traditional land tenure system in which land was owned and regulated by the clan or family. This differed from most Bantu groups in which the chief was the principal custodian of the land. In pre – colonial times the Batwa, Ila and Plateau Tonga did not have chiefs. Nonetheless, their land tenure system had specific features.

One feature of the Tonga land tenure system on the eve of colonialism was the concept of *Katongo* and religious rituals. The concept of *Katongo* emanated from the original acquisition of land by the head of a family, leading to claims by other family members that such land was family property.² Thus, some pieces of land lay idle because certain families had refused to release them for use to those not from owning families. The owning family asserted that the land was reserved for members of the family who might need it in future. Till then that land was not made available to any non-family members. In addition to the concept of *Katongo*, some parcels of land were attached to religious rituals. The most important in this regard were burial grounds for forefathers such as local priests. These were places of worship commonly referred to as *Malende*. No allocation for agricultural purposes was done on such land.

According to Tonga land tenure system an individual could acquire land for cultivation in any of the three ways. The first and most common way was by clearing any virgin bush where no prior claim of occupation had been asserted by anyone of the village residents.³ With certain exceptions which are discussed later, all virgin or unused lands formed a common pool from which any member of the community could help himself as he liked. All that a prospective land owner needed to do was to select a strip of land that he would then clear and cultivate according to his wish and ability. He did not need to consult anyone unless there was a village or settlement close to the area he intended to settle or cultivate. If a village or settlement was close, the newcomer checked with the 'big men' and occasionally 'big women' of that area.⁴ The 'big men' or 'big women' were people of influence in the locality. Some were priests or *Ulaanyika*, some were not. *Ulaanyika*, (the term that can be translated as 'owner of the land', *nyika* having the general meaning of country, though it had a more specific connotation of 'bush land', 'unsettled

region') normally acquired influence and following as the first settler of a particular neighbourhood. However, *Ulaanyika* could not allocate the land or refuse it to newcomers.⁵ Hence a check with him was merely for consultation to avoid the possibility of future dispute. It did not in any way indicate that the land was given by *Ulaanyika*. This way of land acquisition was the most common since Tonga land was sparsely populated.

Transference of rights in land temporarily or permanently was yet a way through which Tonga people gained access to land.⁶ Permanent transfers of rights were common amongst those that traced their heritage from a common ancestry. In most cases land owners permanently transferred land rights to their children or close matrilineal relatives. Max Gluckman termed this transfer as secondary holdings.⁷ Such transfers were done on areas known as *Katongo* (singular *Katongo*, plural *Tutongo*). Permanent transfers were also made to people who were not relatives such as friends. However, such transfers were rare. According to Village Headman Munta of Chief Siamusonde in Monze District, non-relatives who desired permanent land rights transfer first gave the land owner a gift in form of a string of beads known as *ngwale*.⁸ After receiving the gift of *ngwale* also known as *cilapulamililo* the land owner informed his or her close relatives about his or her intentions to transfer land rights on a particular piece of land. This was done to avoid the obtained land being reclaimed by the heirs on the death of the donor. Temporary transfer of land rights was also common. Temporary transfer of rights could be for one season only or for an indefinite period. When the owner wished to use the land again, he gave notice of termination of the rights at harvest time. This was done so as to give the person to vacate ample time to look for and prepare another plot of land for use.

It was traditionally possible for a resident to acquire land through buying. This way of land acquisition was common among the Ila on the western side of the Kafue Flats. Smith and Dale refer to land purchases among the Ila. 'Occasionally land may be sold; the purchaser acquires not only the land but all the rights not specifically reserved'.⁹ Cattle, hoes, slaves or bundles of tobacco (Indian hemp) were used as payment for the land. Slaves were needed among the Ila as they did not reproduce at a rate that

maintained their numbers and the stability of a clan depended on many followers.¹⁰ There is no record of land sales in other parts of pre – colonial Kafue Flats. Apart from the Smith and Dale's record, Colson noted that river land was sold in Chipepo, Sinazongwe and Mweemba areas during times of distress.¹¹ She further notes that in Munyumbwe, Sinadambwe, Sigongo and Simamba areas no sale was permitted among the Valley Tonga even during times of hunger. However, there is need for caution with this way of land acquisition. As observed by Allan et al, the whole interpretation of the information given by Smith and Dale depends on the meaning of local words.¹² In parts of *Butonga* newcomers gave gifts to 'big men' or 'big women' so as to be received into the community while others gave gifts to 'big men' or 'big women' in order to establish peaceful relations between themselves and the old community. Despite, records have indicated that the idea of land purchase was entirely foreign to Tonga custom.¹³

Records indicate that by 1890 acquisition of land through inheritance never occurred as land was abundant. Writing in 1940, Allan observed 'according to most of our old informants land was rarely, if ever, inherited in the past; it simply reverted to the common pool.'¹⁴ Allan's observations are echoed by Smith and Dale who recorded in the 1920s that there was no land inheritance among the Ila. Smith and Dale recorded that 'as all land is held communally, land ownership is not affected by the death of any person, what passes as inheritance are cattle, wives, slaves and personal belongings.'¹⁵

Land was also taken in raids and had to be protected. According to Smith and Dale, a day was appointed for a land grab where fighting took place by throwing spears at each other or by attacking the other group directly.¹⁶ After the fight or raid, the land was named after the clans which won the fight. These encounters in the Flats did not immediately stop after the beginning of British rule. Tuden writes that smaller communities were often raided by larger groups, which then incorporated them.¹⁷

One feature of Tonga traditional land tenure was the existence of well-defined individual rights on land. Any piece of arable land was identified by being owned by a particular individual. Once so owned, an individual's rights could not be interfered with, or extinguished by anybody.¹⁸ Neither the *Sikatongo* nor

Ulaanyika could dispossess an individual of his land. The only way the *Sikatongo* and *Ulaanyika* could indirectly interfere with an individual's title was by expelling such a landholder from the area on account of having committed a heinous offence. Otherwise, security of tenure was assured for as long as one resided in the area within which his land was situated.¹⁹ Owning land was thus very much attached to residence. Once one was resident in an area, that person had the right to acquire land for his own use.

Communal rights were yet another important feature of the Tonga land tenure system. These were rights that every village resident enjoyed over all land. Falling within this description was the right to graze cattle on communal land. Before European administration, each Tonga community reserved considerable areas for grazing cattle (*Machelelo a n'gombe*).²⁰ These grazing areas were commonly the *dambos* known as *Misena*. Every village resident was entitled to graze his cattle along with fellow village residents on the common grazing areas. Grazing rights extended to fields individually owned during the period after harvesting and the new planting season.

Traditional Land use of the Kafue Flats

Land use "is the application of human controls, in a relatively systematic manner, to the key elements within an ecosystem, in order to derive benefit from it."²¹ The land use of the Kafue Flats evolved primarily around cattle rearing and crop production. Hunting on the plains and fishing in river levees and lagoons were also conducted.

During the rainy season, cattle were kept in the margins and uplands. From July to December, the Kafue Flats were left for cattle grazing since water and grass in the surrounding areas were limited. Rights to grazing were acquired in the same manner as rights to arable land. Batwa lineage leaders gave certain demarcated areas called *Lutanga* (Plural *Mantanga*) to be used and held in perpetuity by the receiver of the right²², and were passed on to the representative of the next generation upon the holder's death. Usually the *Lutanga* user paid an ox as a symbolic tribute to the Batwa after which he became the manager of the grazing on the *Lutanga*, which was still owned by the Batwa, and subject to certain

management regulations stipulated by the community.²³ The boundaries of the *Mantanga* were mostly natural ones. Most of them were located within the tributaries of the Kafue River and Kafue River oxbow lakes where the cattle were safe during the night.

Under the Pre – Colonial arrangement, only margins and upland of the Flats were cultivated. Cassava, maize and groundnuts were grown on a small scale. Groundnuts and cassava did particularly well on the sandy soils in the Namwala parts of the Flats while maize was grown in the eastern and northern ends of the Flats. However, groundnuts were usually ravaged by spring hares²⁴.

The Kafue Flats were famous for the *Chila*, the great annual clan hunts. Specific clan members appointed a day on which the hunt took place. These clan members held one *Chila* a year. During a *Chila* all men over eighteen years of age were invited although no outsiders were admitted. In most of the Flats the *Chila* was held between March and May when the flood had arrived. However, on the western margins it was held in late October when fire was used to encircle game. Hunting before and after a *Chila* was announced in a territory was forbidden and sanctioned²⁵.

The extensive fishing that took place on Pre – Colonial Kafue Flats was controlled by old age regulations. All stretches of river, ponds or pools had hereditary keepers who controlled the fishing²⁶. The Kafue River was controlled mainly by the indigenous Batwa while fishing in ponds, pools, swamps and lagoons were under specific land owners. Most important was the notion of spiritual ownership of river sections and ponds whereby lineage leaders claimed to have ownership given to them by their ancestors. Different owner groups claimed to control the area under a form of spiritual ownership given them by ancestral spirits²⁷. They controlled all fishing activities and sanctioned those who did not comply with the rules. At the beginning of the rainy season, people fished in specific tributaries using spears, canoes and hooks. In the full flooding season, everybody could fish without restriction in shallow waters. After the floods receded, different owner groups invited neighbours to controlled collective fishing called *Ikuwo*. In this

case fishing was done by women using fishing baskets known as *Mahumbo* (Singular *Ihumbo*). Men used special barbed spears called *Myuumba* (singular *Muumba*).

BSAC Land Administration on Kafue Flats 1890 – 1924

The Kafue Flats came under Chartered Company rule by virtue of concessions signed by the Litunga Lubosi Lewanika and his Indunas with the agents of the BSA Company, namely the Ware Concession of 1889, Lochner Concession of 1890, Lawley Concession of 1898 and Lewanika Concession of 1900.²⁸ The Lewanika Concession of 1900 provided that '... the BSA Company have the right to make grants of land for farming, mining and trading purposes ... to white men approved by the King....Undertaking that native lands, villages and cattle posts, gardens and fountains shall be in no way interfered with'.²⁹ The land within the Barotse plain was exclusively reserved for the Lozi King and his people. In 1909 the Litunga granted the BSA Co. a further concession to supplement the one of 1900. This supplementary concession was more extensive in its effect on land matters in that the Litunga granted the Company 'for its use or to dispose of as it may think fit all the land within the territory over which he is paramount Chief, that is to say within the boundaries of Barotseland North-Western Rhodesia except that portion....'³⁰ For our purpose, the most important land agreement was the one between Lewanika and the company regarding land in *Butonga*. The land concession that Lewanika signed specifically stated that white farmers would be allocated land for farming purposes in the Tonga and Ila country. The agreement was expressed as follows: "The BSA Co. shall have the right to make grants of land for farming purposes in any portion of the Batoka or Mashukulumbwe country to white men approved by the king."³¹ Unlike the 1900 concession, this agreement did not make any provision for local consultations.

Having failed to find abundant exploitable minerals in Northern Rhodesia, the Company saw the land at its disposal as an asset to boost economic development of the territory. It is possible, too, that the problem of financial deficit might have driven the BSAC into arguing for European agricultural enterprise. The Company was faced with a never – ending loss in revenue as administrative expenditure annually

exceeded its revenue. For instance, the annual deficit for North-Western Rhodesia for 1909 – 1910 was estimated at £ 28, 814 despite the significant contribution of African tax.³² To promote European enterprise, the Company accelerated land alienation.

The Chartered Company's land policies particularly relating to land alienation were rather haphazard. The new European settlers in search of land in North – Western Rhodesia went around looking for whatever suitable land there was and approached the Company for approval. The approval was done by the Northern Rhodesia Administrator and local magistrates or their assistant resident at Mazabuka, Magoye, Monze and Namwala. The magistrates provided information relating to the ecology and number of Africans inhabiting land earmarked for alienation. To cite an example: in 1914, a Mr. G.P. Stewart wanted to occupy some land around Magoye. He applied to the Northern Rhodesia Administrator in Livingstone. The Administrator in turn wrote to the Assistant Magistrate inquiring about the land in question. The Acting Assistant Magistrate wrote in response, "all the land from this **Boma**...is good desirable land for white occupation".³³ Once the approval was done, a settler was granted the land in the form of a 'Permit of Occupation'. The provisional grant was for 5 years at the expiration of which period and on fulfilment of a development clause freehold title was granted. The development clause inserted in the 'Permit of Occupation' required the fulfilment of a stipulated minimum development of the land.

In the years 1914 to 1924, Land alienation was done through surrender and tenancy agreements. The 'Surrender Agreement' stipulated that Africans on would be European land could be removed on payment of compensation of £1 per hut and 10 d per cultivated acre.³⁴ Whether or not compensation was actually paid to the dispossessed Africans as stipulated by the Surrender Agreement remains debatable. Records from the Assistant Magistrate at Magoye show that some money was paid to Africans for the loss of their land and huts. The following table shows the amount of money paid to Africans in Munenga and Siowi area for the loss of their land. Munenga and Siowi were located on the margins of Kafue Flats.

TABLE: Land Alienated and Compensation Amounts to Africans, Magoye, 1914 – 1922

<u>Agreement Date</u>	<u>land alienated(acres)</u>	<u>Huts destroyed</u>	<u>No. of Africans removed</u>	<u>Compensation</u>
27.08.1914	7	5	9	£8.10s
09.09.1914	12	20	30	£21.00
12.10.1914	121	57	94	£89.10s
24.07.1916	59	75	240	£67.76s
03.05.1918	1 and quarter	-	-	£1.18s
13.10.1921	21	-	-	£10.10s
19.10.1921	118	18	174	£68.5s
04.01.1922	94	19	45	£35.00

Source: NAZ, BS 3/127, Native Tenancy Agreements, Surrender of Native Rights on land, 1914 – 1922

The table raises a number of concerns about its validity. First, calculations show that payment of compensation was not in accordance with the stipulation of Surrender Agreement. For instance, the Agreement of 12 October 1914 shows that a total of £89.10s was paid yet the compensation should have totalled up to £117.19s. Second, in some cases the number of huts recorded to have been destroyed could not have accommodated the large numbers of people to have been residing in them. For instance it was recorded on 19th October 1921 that 18 huts were destroyed and 174 Africans were removed. Calculations give an average of 9.6 persons per hut. Bearing in mind that the traditional Tonga huts were mostly one roomed, it is difficult to comprehend how more than 9 people lived in one hut. This anomaly leads one to conclude that there was more land alienation and huts destroyed in the area than recorded by the Assistant Magistrate. Third, the areas of Munenga, Siowi and Mwanachingwala are recorded by several scholars to have firmly resisted and rejected payment for their land.³⁵

The only land alienation to a European on Kafue Flats proper during company administration occurred in 1914 when Major Home Gordon, a Scottish cattle farmer emigrating from Botswana, obtained a Deed of Indenture from the BSA Co. for the land around Kabwibwi, Mpanda, Mulindi, Chungu and Lupumbu.³⁶ Major Gordon named his ranch as Lochinvar after a lake in his native Scotland. This land subsequently fell into Category 2 of Article 2 of the Northern Rhodesia Crown Land and Native Reserves Order in Council of 1928.

From 1924 to the early 1960s, ownership of Lochinvar changed hands a number of times. In 1933 Major Gordon sold the ranch for £5,054³⁷ to a Mr Vaughan. Mr Vaughan sold it to Mr John Oliver for £6,500³⁸ in 1935. From 1948 to the late 1950s the ranch was owned by Nanga Estates Ltd³⁹ and run as a commercial cattle ranch of up to 12,000 herds. From then until 1965 the ranch was owned by Lochinvar Estates Ltd, a holding company with Messrs Werner Brothers as the main shareholders.⁴⁰ All the owners of Lochinvar were sympathetic to wildlife and the ranch eventually became a wildlife sanctuary.

Crown Lands, Native Reserves and Trust Lands on Kafue Flats, 1924 - 1964

When taking over administration of Northern Rhodesia on 1st April, 1924, clause 3(f) of the Devonshire Agreement reached with the BSAC provided that the Crown shall recognise all land alienations which had been made by the Chartered Company.⁴¹ To give effect to this agreement, the Northern Rhodesia Order in Council of 1924 recited appointment of a Governor, who amongst other roles was to provide enough land for white settlers and natives. On 10th October, 1924, Sir Herbert Stanley, the first Governor for Northern Rhodesia appointed commissioners to inquire as to what land should be reserved for settler and native usage. The commissioners reported that two categories of land namely Crown Lands and Native Reserves be declared. With advice from the Privy Council, the Northern Rhodesia Crown Lands and Native Reserves Order in Council of 1928 was passed.⁴²

Clause 2 of the Order defined 'Native Reserves' as 'The lands set apart by this Order for the sole and exclusive use of the natives of Northern Rhodesia....'⁴³ The Native Reserves were vested in the Secretary

of State. On Kafue Flats, two native reserves were created. To the north bank of the Kafue River, the Luba Native Reserve number XVII extended into Mumbwa area while on the south bank the Tonga-Ila Native Reserve number VIII encompassed Mazabuka, Monze and Namwala Districts. In reserves the indigenous people could acquire land and exercise interests and rights therein in accordance with customary law. However, after creating chiefs, the Colonial State gave the control of land among the Tonga, Ila and Batwa to chiefs. This change brought by the Colonial State in the nature of land ownership and land rights held by indigenous people would lead to land disputes as we shall see in Chapter Three.

At first, the Kafue Flats did not attract much European interests. To begin with, there were no roads linking the area to the line of rail at the time. It was therefore difficult for would be white landowners to penetrate the area. There was also the problem of access to markets. This was an obvious disadvantage since produce from Kafue Flats area would cost a lot more than what was produced along the line of rail. Most importantly, there was the problem of environment and ecology. The area was usually inundated, of less known soil fertility, thought to be Tsetse fly infested and was regarded as unsuitable for agriculture. However, following recommendation by the Agriculture Commission of 1927, the Kafue Flats also became Crown Land which could either be sold to settlers or temporarily utilised upon meeting several conditions.⁴⁴ Among the conditions were the payment of grazing fees and acquisition of a grazing permit. An application was made to the District Officer in which was stated the number and kind of stock, the approximate boundaries of the land required and the length of time one desired such stock to graze. In 1931, a grazing permit was issued for three months only and the grazing charge was set at 10/- per hundred head per month.⁴⁵ But most of the Crown Land in the Kafue Flats came under settler control through granting of freehold or leasehold estates. Among the prominent settler land owners was Mr H.C Werner who bought 9, 100 acres, Mr Wroth who got 8,000 acres, Mr Findlay 7,800 acres, Dr Smith 5,600, Mr E.W Kirby who got 5, 000 acres, and Messrs Werner brothers whose land was in excess of 24, 000 acres.⁴⁶

As per terms 'Crown Lands', were outside the domain of customary law. The Colonial State could alienate this land to intending settlers. Tenants were granted either freehold or leasehold estates by the Crown within this category of land. This is the category of land to which English and statutory law applied. The word 'estate' refers to the duration of interest. There were three freehold interests, namely a fee simple, fee tail and life estate.⁴⁷ All these estates had one thing in common and that is the duration of the estate was fixed but not certain. Under fee simple freehold, the duration of ownership was unlimited in that the class of heirs who could inherit the estate was not closed. A fee tail on the other hand was in all respect like the fee simple except that the class of heirs who were to inherit the estate were restricted. The fee tail estate was, however abolished in Northern Rhodesia in 1944 by provisions of the Lands and Deeds Registry Act. A life estate derived its name from the duration of the estate which was measured by the life of the tenant.

The basic distinction of leasehold from a freehold was that the former had a 99 years fixed term of duration. Apart from the 99 years lease, the 999years lease was granted in agricultural lands. Northern Rhodesia's first Governor Sir Stanley preferred freehold tenure. He felt that European settlers had come to Northern Rhodesia to establish permanent homes, freehold estates were therefore the only kind of interest compatible with permanent settlement. In any event Governor Stanley argued that freehold was the policy obtaining in both Southern Rhodesia and South Africa, countries to which European settlers in Northern Rhodesia would feel affiliated.

From the 1930s Sir Stanley's successor Governor Robert Maxwell began implementing a policy of leasehold tenure. He felt that freehold grants meant loss of control over the land so alienated which could over time incite speculations in land. Maxwell felt too that holdings in fee simple could easily be leased to Africans, which would defeat the Government policy of reserves. Most settlers, however, favoured freehold tenure and demanded reversal of policy. By the 1950s mounting pressure culminated in a reversal of policy. Leasehold tenure was to be gradually converted to freehold tenure through provisions of the Crown Grant Ordinance Number 3 of 1960.

Soon after the creation of Reserves, the Northern Rhodesia Government found itself in an embarrassing situation of having tracts of unused Crown Lands where there was land hunger in the reserves. After his appointment as Northern Rhodesia Governor in 1935, Sir Hubert Young questioned the efficacy of the Reserve policy in the territory. His main argument was that Native Reserves were unnecessary and entailed considerable hardships. What was required instead was a division of the country into Crown Land, which comprised all land suitable for present and future European agriculture and mining, and Native Trust Land, which could be described as unsuitable for such purposes. The Native Reserves might ultimately be joined with the Native Trust Land. The policy was modelled on that which Young had adopted in Nyasaland. By June 1937 the Pim – Milligan and Bledisloe Commission had been appointed whose terms of reference were to divide land not yet set aside for reserves.⁴⁸ The two Commissions reported in favour of Native Trust Lands in 1938 and 1939. The outbreak of World War 2 and a new Governor delayed matters until on 14th October 1947 when recommendations of the Commissions were effected by the Native Trust Land Order – in – Council.⁴⁹ The Kafue Flats, amongst other parts of Northern Rhodesia was reserved for indigenous use and occupation.

The Trust Land created was 'for the use or common benefit direct or indirect, of natives'.⁵⁰ The main difference between Native Trust Lands and Native Reserves was that a provision was made in respect of Native Trust Land for land to be alienated for specific periods, to individual Africans, or to Europeans. This could be done only in cases where it was shown that alienation of land would benefit Africans and that land was not required for direct occupation of Africans. However, Trust Lands were not merged with Native Reserves to avoid any occasion that would involve movement of people. Europeans or non – indigenous persons could be granted what were known as 'Rights of Occupancy' for a duration of 99 years. 'Rights of Occupancy could be granted to Europeans or non – indigenous people by the Governor.

Having ably laid out the administration of Crown and Trust lands, we might as well at this stage focus on the nature of land administration in reserves under customary law. Here we shall concentrate on the

subject of chiefs, headmen and Native Authorities, how they came into being. This is necessary because it completes the picture of what land administration in reserves and Crown lands actually was.

Headmen, Chiefs, Native Authorities and Land Administration on Kafue Flats 1905 – 1958

In order to maintain control over land among communities of the Kafue Flats and its margins, the Colonial State formed an alliance with chiefs under the Native Administration system and invested trusteeship and ultimate ownership of land rights in chiefs. This meant the chiefs had powers to regulate and allocate land, a new status with little base or parallel to local tradition. This section traces the history of chiefs and headmen among the acephalous societies of North Western Rhodesia. We must emphasise here that the absence of chiefs among the Tonga, Ila and Batwa people did not mean there were no leaders. One kind of leader was the rain shrine priest known as *Sikatongo*, serving the small locales Colson calls *Masi* or neighbourhoods.⁵¹ There were also persons called *Ulaanyika*, “the owner of the land,” who received respect as the first settler of a particular neighbourhood, but who in fact could not allocate the land or, by himself, refuse it to new comers.⁵² In addition to *Ulaanyika* and *Sikatongo*, the Kafue Flats had a constellation of clan leaders that coordinated and managed the common pool resources found thereabout. For instance, a specific clan regulated the hunting of animals on the flats, including the collective hunt called *Chiila*. Another coordinated fishing activities in ponds, lagoons, tributaries and river sections. The supervision of pasture areas and cattle camps called *Matanga* were done by different clans. However, the colonial State changed the aforementioned administration of land when it gave the responsibility of land to chiefs and headmen.

The Colonial misconception of the administration of land among the Tonga, Ila and Batwa goes back to 1903. In this year, the BSA Co. began to recognise certain persons as official indunas of the neighbourhood. A number of prominent men were equally recognised as Village Headmen. After the imposition in 1905 of *Mutelo*, as tax came to be known in Chitonga, the number of officially recognised leaders increased substantially. Vickery notes that ‘District Indunas’ or ‘Chiefs’ rose from less than fifty

in 1904 to over a hundred by the time of the First World War.⁵³ The increase resulted partly from additional designations by District Officers in their search for the 'real' leaders. After the First World War, the BSA Co. implemented a series of administrative actions to bolster the authority of chiefs. The basis for these actions was the Administration of Natives Proclamation Number 8 of 1916 and amended Proclamation Number 6 of 1919.⁵⁴ The 1916 Proclamation among other things defined the duties of the chiefs and provided for the fining or imprisonment of subjects who failed to carry out their chiefs' orders. This enabled chiefs to exercise a considerable amount of control over their people something which they had been unable to do before. In explaining what Government hoped the Proclamation Number 6 of 1919 would achieve, J. Moffat Thomson, the Secretary of Native affairs told the Legislative council:

The new bill introduces a more advanced form of native administration, which gives to the chiefs the management of their own affairs within their tribal areas and it is hoped it will preserve and maintain all that is good in native custom and tribal organisation...Chiefs will take more interest in their own affairs.⁵⁵

The power and influence of traditional authorities was further enhanced after the Imperial Government took over the administration of Northern Rhodesia from the Chartered Company in 1924. Deliberate efforts were made to bring the territory's native administration into line with the general policy operative in other British African tropical dependencies. These efforts culminated into the passing in 1929 of the Native Authority Ordinance and the Native Courts Ordinance by the Legislative Council – a measure that followed a recommendation by a conference of Administrative Officers two years earlier that a system of indirect rule be introduced in the territory in place of the de-facto direct rule. The 1929 Native Authority Ordinance replaced the Administration of Native Proclamation Number 8 of 1916 and amended Proclamation Number 6 of 1919. The new Ordinance institutionalised the position of chief as head of an area far exceeding the average Tonga neighbourhood which had previously been the basis of the administration's native district. By the late 1930s, the state's policies shifted towards creating bigger and allegedly more efficient Native Authorities out of the numerous existing authorities. In 1939, for example,

an Acting Secretary outlined the colonial state's official policy on chiefs in Northern Rhodesia when he informed the Provincial Commissioner, Northern Province, 'the present policy is to abolish petty subordinate authorities at suitable opportunities with the objective of building up strong central authorities.'⁵⁶

Subsequently, chiefs with smaller populations were abolished and amalgamated into large ones. After 1934 Chiefs Siyoowi, Shikafwe and Munenga lost their chieftainships and were made village headmen under Chief Mwanachingwala. Kazoka and Hachiboloma were put under Chief Nalubamba while Chiinda's chieftainship was abolished with his land shared between Chiefs Mungaila and Nalubamba.⁵⁷

The process of eliminating petty native authorities was halted during the Second World War for fear of active resistance. When it was revitalised, the colonial state embarked on creating even larger Native Authorities. For example, the Plateau Tonga Native Authority emerged, comprising ten chiefs encompassing Mazabuka, Choma and later Monze. Equally the Ila Native Authority emerged in Namwala District in which Chief Mukobela presided over as senior chief. To the North – west part of the Kafue Flats, the Saala Native Authority came into being in Mumbwa District. By 1958 the Kafue Flats consisted of three Native Authorities with 21 out of 29 chiefs claiming territorial rights on it. The claimants were, Chiefs Chongo, Mwanachingwala and Hamusonde of the Plateau Tonga Native Authority. Others were Nalubamba, Mukobela, Muwezwa, Mungaila, Chiinda, Chilyabufu, Shimbizhi and Shezongo from the Ila Native Authority. Musungwa, Kaingu and Shakumbila of the Saala Native Authority claimed territorial rights to the North West in Mumbwa District.

Delimitation and Demarcation of District Boundaries

Having succeeded in transforming the political landscape of the acephalous Batwa, Ila and Tonga people, the colonial state embarked on administrative reforms of the Kafue Flats area. By 1913, the colonial state had divided the area into Namwala and Mazabuka Districts. The 1913 Mazabuka – Namwala boundary was described as running down the western boundary of Lonchinvar Ranch up to the Kafue River.⁵⁸ This

boundary was re – defined through Proclamation Number 4 of 1915. The Proclamation described the Mazabuka – Namwala boundary as starting at the source of the Liyunga Stream in a straight line to the south west corner of beacon J1 of farm number 55a Lochinvar; then along the western, north western and northern boundaries of this farm through beacons K1 and V on Kafue River.

The Mazabuka - Namwala boundary description was re – defined in 1953 after Choma District was gazetted. Proclamation Number 12 of 1953 described the starting point of Mazabuka – Namwala boundary to be the Liyunga Stream.⁵⁹ The boundary then followed the stream in a north – easterly direction to its confluence with the Mutama (Bweengwa) River; thence in an easterly direction to Beacon J1 at the South Western corner of Farm No 55a, then in a straight line along the western boundary of Lochinvar up to the Kafue River. The Liyunga Stream became the point at which Choma, Mazabuka and Namwala Districts met as well as Chiefdoms Mapanza, Nalubamba and Siamusonde. However, in 1954 incidences of boundary disputes involving Chiefs Nalubamba, Mapanza and Siamusonde increased. In August 1954 the colonial state engaged the Department of Survey and Lands to clearly demarcate both the district and chiefdom boundaries. On the Namwala – Mazabuka District, the Department of Survey and Lands were accused of disregarding the 1913 beacons and blazed trees when marking the boundary. The activity was suspended after riots broke out in Siamusonde area in 1955.

In 1958 the Namwala – Mazabuka and Choma Districts were all re – defined through Government Notice Number 82 of 1958.⁶⁰ The Government Notice maintained the 1953 description of the Liyunga Stream as the point at which Choma and Namwala Districts met as well as Chiefdoms Mapanza, Nalubamba and Siamusonde. However, a new district of Monze was gazetted. It sat in between Choma District to the South and Mazabuka to the North East. To the west, the Monze – Namwala boundary description started at Beacon A on the Izhimo Marsh Plain. It then ran on a bearing of 13 degrees for approximately 5 kilometres to the source of the Liyunga Stream, then down the Liyunga Stream for approximately 16 kilometres. From here, the boundary ran on a bearing of 75 degrees for approximately 9.5 kilometres to Beacon J1 on the south-western corner of Farm No. 55a "Lochinvar Ranch", then along the western

boundary of Farm No. 55a through Beacon K1 to Beacon V on the south bank of the Kafue River until Beacon Z on the north-eastern corner of Farm No. 55a. Mazabuka District was re – defined as starting at Beacon Z of Farm No. 55a "Lochinvar Ranch", before running on a bearing of 202 degrees for approximately 15 kilometres to the western extremity of the Luwato Lagoon. Here Namwala District shared a boundary with Mumbwa District. The boundary then went north-eastwards and south-eastwards down this lagoon to its confluence with the Kafue River; then eastwards down the Kafue River to its confluence with the Wamba River.

Game Laws, hunting and fishing on Kafue Flats

From the earliest period of colonial administration officials of the British South African Company voiced their concern over the evils of African ways of hunting especially the *Chila* traditional hunt, as they regarded it as barbaric and wasteful. At a meeting held in August 1906, the Native Commissioner for North – Western Rhodesia voiced the typical concerns of the early period when he told the local magistrates that the 'wasteful *Chila* hunt would have to stop.' Instructions were conveyed to local authorities to curtail the use of traps, pits, snares, spears and locally made muzzle – loader guns. In addition chiefs and headmen were directed to forbid the sale of guns and gunpowder in their areas. By 1908 conservationists and sportsmen pressured the BSAC to protect species of birds and wild animals by creating game reserves. Bowing to pressure, Company Administration declared the elephant, hippopotamus, white rhino, eland, zebra, Buffalo, kudu and Lechwe as royal game and prohibited their killing, hunting pursuit or capture, unless they were bona fide required for scientific or farming purposes.⁶¹

The prohibition of hunting denied the Africans their major source of animal protein at the time when effects of the rinderpest epidemic that had decimated a large percentage of cattle in the 1890s were being felt. While these policies were being strictly enforced on the Africans, there was 'promiscuous granting' of licences to Europeans. Ordinary people and chiefs appealed to the administration to rescind the prohibitions. The BSAC administration nevertheless persisted in its policy of preserving game. This state

of affairs drew bitterness among Africans as they regarded prohibitions as discriminatory. They turned to poaching. In the years 1914 to 1918, poaching reached alarming proportions that the administration was forced to relax the regulations and allowed hunting with spears, nets, bows and arrows.

After 1924, the Colonial Office continued with the policies of the BSA Company administration, with a number of modifications. In 1925, the Legislative Council of Northern Rhodesia adopted the 1925 Game Ordinance. The ordinance created protected areas where both Africans and Europeans needed licences to hunt.⁶² In 1931, an ordinance was passed limiting the number of animals that could be killed by holders of certain categories of licences. A holder of the £3 license could still shoot as many buffaloes, wild pigs, wildebeest, zebra, kudu and Lechwe as he wished, in addition to four elephants, four elands, two hippopotami and two kudus.⁶³ Holders of other licences operating within Kafue Flats could also take the liberty of killing any number of animals. Few Europeans who took these licences and killed more animals than allowed were never prosecuted.⁶⁴

As in the BSA Company period constant appeals to hunt game on Kafue Flats were made. However, these appeals were turned down for fear that, if allowed, the situation would lead to a further decimation of game by African hunters. It was within circles of colonial administration that game was a lucrative industry that had to be protected at all costs. According to the Pim Report of 1938, game licences brought in about £2000 per year of revenue into the coffers.⁶⁵ Bowing to pressure from farmers and missionary personnel over the destruction of crops and spread of sleeping sickness due to the increase in the number of game, in 1935 the Colonial State allowed farmers to shoot garden raiding animals under the direction of Provincial Commissioners.

In 1942, the Department of Game and Tsetse Control was established with the responsibility of protecting and conserving game and fish in the rivers, lakes and swamps. The first director, Vaughan – Jones, wrote in the first annual report for the department that ‘it cannot be strongly enough emphasised that in a country where vast rural areas carry small populations the wildlife in one shape or another is the main economic

asset as much as soil or water supply.⁶⁶ The Department of Game and Tsetse Control recommended for the establishment of game reserves after 1950. The Kafue National Park was established in 1951 thereby taking about 10 per cent of the western part of the Kafue Flats. In addition, revised licence schedules were introduced, requiring Africans wishing to hunt take up licences. The lowest licence of sixpence, which allowed people to kill up to ninety animals, was considered wasteful in that some people 'shot game and sold it for money'. Thus the cheapest licence was now revised to cost 2s.6d. The new rates, it was argued 'would mean less game shot and more money would go into the treasury'. A wildlife survey of 1956 headed by Dr F.F Darling commissioned by the colonial government recommended that immediate steps be taken to conserve the Lechwe. The survey also requested government to provide funds to teach Africans the usefulness of conserving wildlife.⁶⁷

Conclusion

The chapter discussed the administration of land on Kafue Flats of Southern Zambia from 1890 up to 1964. This was done by first looking at the features of traditional land tenure and traditional land use of the Kafue Flats on the eve of colonial rule. Here, the chapter brought to light the kind of land rights and land rules as they existed at the time of colonial takeover. The Chapter also looked at land administration under chartered company rule and crown rule where we indicated the transformations in land use and land holding. Here, the chapter extrapolated the creation of a dual land system namely crown lands and native reserves. It also emphasised that customary tenure system that guided the administration of land in native reserves among the egalitarian societies of the Kafue Flats was a colonial formation. It was born out of a misunderstanding by the colonial state that land rights, access and ownership among the Ila, Tonga and Batwa were inherited in traditional authorities. The chapter also looked at the administrative

transformations of the Kafue Flats. Here a discussion of the creation and delimitation of district boundaries was made.

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CHAPTER THREE

CAUSES OF LAND DISPUTES ON KAFUE FLATS 1890 – 1964

Introduction

This chapter is a discussion on the causes of land disputes on Kafue Flats in the years 1890 to 1964. It is divided into several major sections. The first section looks at how the colonial policy of land alienation led to land disputes on Kafue Flats. Here we focus on the alienation of Lochinvar area and the resultant disputes over cattle, hunting, fishing and collection rights. We also look at the alienation of land in several sections of the Kafue Flats for European usage and the resultant disputes over grass fires, animal disease, poaching of pastures and stock thefts. Section two and three discuss the interrelationship between the creation and institutionalisation of traditional authorities, creation of administrative district boundaries and the development of land disputes on Kafue Flats. Here we argue that changes brought about by the appointment of chiefs and headmen as regards land led to land disputes on Kafue Flats. We posit too that the division of the area into Namwala, Mazabuka, Mumbwa and Monze districts contributed to land disputes on the Kafue Flats. Sections four and five look at how game ordinances, fishing activities, population and animal increases led to land disputes respectively.

Land alienations and disputes over land on Kafue Flats

Despite the less degree of land alienation on Kafue Flats as contrasted to that along the line of rail, the impact of land alienation felt was more serious than often supposed. One of the problems precipitated by alienation of land on Kafue Flats was the loss of traditional grazing, fishing and hunting grounds. Concomitant with this loss was the rise of disputes over cattle, fishing and hunting rights. The first wave of such disputes occurred following the alienation of Lochinvar area. Prior to alienation, Lochinvar area was used for fishing, hunting, cattle grazing, collecting and gathering by people from Chongo, Nalubamba, Mwanachingwala and Siamusonde chieftaincies.¹ After the alienation in 1908, local inhabitants were barred from collecting, gathering, cattle grazing, fishing and hunting in this area. Instead,

they were forced to graze their cattle on the north bank of the Kafue River after wading them across the river.² Cattle from Siamusonde and Chongo chieftaincies were trekked across the ranch, a practice that was protected by a provision in the 1914 title deed to the ranch.³ About 52, 000 cattle were annually driven across the ranch in each direction. Lochinvar ranch management even erected some stock yards and a dipping tank at Chunga to assist the trekking of cattle. Initially, the arrangement worked smoothly, but after some time the owners of the ranch began to make complaints about the trekking of cattle across the ranch. One of the complaints was that trekkers crossing the ranch made no efforts to follow recognised routes. Trekkers were also accused of purposely damaging the Kraals at Chunga, taking timber from the building and breaking down fences. The owners of the ranch argued that while they did not object to the movement of cattle through the ranch, they felt that strict security measures should be taken to protect their interest, and urged the Mazabuka D.C to exercise more control over the movement of cattle and monitor the activities of native herdsmen on the ranch.

After 1940, disputes between inhabitants of Chongo and Siamusonde chieftaincies and Lochinvar ranch began to be severe. In 1953 Africans constructed without permission three permanent cattle kraals within the ranch on the south bank.⁴ The new owners of Lochinvar Ranch, Nanga Estates, sent law enforcers, destroyed the kraals and evicted the squatters. The ranch was thereafter fenced in an attempt to control trespassing. A few months later Nanga Estates wrote to Mazabuka District Commissioner complaining of damage to their property, especially ranch paddocks and argued that soil erosion resulting from 52, 000 plus African cattle affected the value of the land.⁵ Nanga Estate urged Mazabuka D.C to exercise more control on the movement of cattle and activities of Africans on the Lochinvar ranch.⁶

Meanwhile in the years 1950 to 1956, Lochinvar Ranch suffered heavily from annual outbreaks of trypanosomiasis.⁷ The cause of this was considered to be mechanical transmission propagated by native cattle returning from grazing grounds on the North Bank of the Kafue River.⁸ Ranch managers also argued that migration of native cattle was responsible for the annual disappearance of hundreds of ranch cattle.⁹ They alleged that Ranch cattle were driven off the Ranch together with the migrating herds. Under

these complaints, Ranch authorities insisted that each and every animal returning from the North Bank had to be inoculated against trypanosomiasis on Kafue Flats.¹⁰ In addition, each herd in passage through the ranch had to be accompanied all the way by a government messenger or veterinary assistant to ensure that these animals had no contact with ranch cattle and no Ranch cattle was picked up.¹¹ It was demanded too that all native herds had to complete passage through the ranch on the day they crossed over to the south bank, thus no herds were allowed to sleep on the ranch.¹² The D.C Mazabuka engaged the veterinary Department to look into the practicability of Nanga Estates' proposals.¹³ The Director of Veterinary Services, P.J Sheehy rejected Nanga Estates' proposal arguing that inoculating over 20, 000 herds of cattle annually would be an extremely heavy undertaking to face up to. He suggested that instead of crossing through the Ranch, all returning stock move along the boundaries of the ranch.¹⁴ This suggestion was rejected by the D.C Mazabuka who argued that closing the trek routes through Lochinvar, which were traditional, was inviting trouble.¹⁵ He stressed the importance of keeping on good terms with the people of Siamusonde and Chongo.¹⁶ The Provincial Veterinary Officer for Southern Province, R.J.M Gillies, directed that Chiefs offer permits and notify ranch officials over the intended trek days.¹⁷ The cattle treks from Chiefs Chongo and Siamusonde to the North Bank for 1957 were hence done without any complaint from Ranch officials as compromise appeared to have been reached.

The dispute between Lochinvar and the users of the trek routes re – emerged at the end of 1957. It was alleged that Siamusonde's people who owned over 28,000 cattle had cut a large section of the western boundary fence in three places, had driven their cattle through and stole ranch cattle in the process.¹⁸ It was further alleged that Siamusonde placed at least 3,000 cattle on the 'island' inside the ranch, the area having the best river grazing on the ranch and being well known ranch property.¹⁹ The Lochinvar manager indicated too, that ranch workers sent to search for cattle were frightened away with spears and Chief Siamusonde refused to enforce among his people the £50 fine imposed to repair the fence.²⁰ In 1958, the D.C for Namwala sent law enforcers and drove Siamusonde's cattle off the ranch up to 400 metres beyond the western ranch boundary.²¹ At the same time Chief Choongo's people were barred from

trekking their cattle through the ranch.²² The D.C Namwala also placed restrictions at Nyimba and Banachibwembwe crossing points on Kafue River.²³ Nanga Estates engaged a law firm Ellis and Company for legal advice on the possibilities of closure of the rights of way through the ranch, claiming that when the Company bought Lochinvar they knew nothing about an earlier agreement on customary rights of way.²⁴ Africans equally engaged a law firm to review their rights within Lochinvar. The aforementioned legal actions put the colonial state in a state of panic just as frustrations and anger at Lonchinvar amongst Africans mounted.

Evidence of the anger and frustrations amongst Africans at the alienation and eventual restriction over Lochinvar area can be found in the words of the touring officer recorded in the Mazabuka Note Book of 1958. The officer who was in an entourage despatched to resolve the impasse between Lochinvar management and African herdsmen at Nyimba and Banachibwembwe reported that “at Keemba Hill, just north of Chongo, we were soon surrounded by an angry crowd. We tried to explain what we were trying to do. They did not want negotiations... they wanted their land...it was quite an ugly situation.”²⁵ Further evidence of anger is found in the words of Amon Mukanka of Moonzwe Village in Chongo Chieftdom. Mukanka was able to remember the day cattle were barred from crossing through the Ranch. He recalls that;

“on our return from Butwa in September 1958, we found law enforcers deployed at Nyimba and Banachibwembwe. They threatened to shoot us and directed that we drive our cattle back... we refused to leave and began to sing war songs with groups from Gohwe, Nteme, Keemba and Banakaila. We were ready to fight for our land but village elders told us to wait.”²⁶

This information is corroborated by the letter authored by Chief Chongo to the D.C Mazabuka expressing fears over eminent trouble if Ranch officials did not reverse the restrictions. He wrote that emotions among his people were very high with some hot heads going around villages organising people for a forceful entry into the Ranch and an attack on law enforcers stationed at Nyimba and

Banachibwembwe.²⁷ A meeting was quickly arranged and held at Monze. In attendance were representatives of Nanga Estate, Chiefs Siamusonde, Chief Chongo, Namwala D.C, Mazabuka D.C and the Provincial Commissioner for Southern Province. Nanga estates supported by Namwala D.C insisted for the ban of African cattle rights in Lochinvar Ranch to be upheld. The P.C Southern Province, however, directed that restrictions on African cattle rights be lifted immediately. He argued that the African rights had existed for many years, and that action for damages on Ranch property could only be taken against specific owners whose cattle could be identified,²⁸ a difficult task given the large number of cattle involved. On the day of the meeting, it was reported that large numbers of men with spears and knobkerries had collected at Banachibwembwe, Nyimba and on the western borders of Lochinvar in readiness to attack should the ban on African rights be upheld.²⁹

Despite intervention from the colonial state, disputes over Lochinvar persisted. As earlier pointed out, over the years Lochinvar had become an important Lechwe sanctuary. Up to 1959 the Lechwe population varied between 6,000 and 10,000.³⁰ By 1962 numbers had arisen to over 18,000.³¹ The Lechwe moved freely between the ranch and the flats as they were not strictly confined, nor provided with food or water. Until 1962 over 12,000 cattle occupied the same area³² leading to a conflict of interest. Most times Lechwe would mix with cattle. Already in 1954, tuberculosis was observed both in cattle and Lechwe. Mr I. Macadam, the Chief Veterinary Officer indicated that the disease was being spread by the Lechwe.³³ He recommended for the exclusion and cropping of Lechwe to reduce disease and overgrazing. The dispute that now emerged was over the ownership of Lechwe since the wild animals moved freely between the ranch and the flats. The Director of Game and Fisheries indicated that all wildlife belonged to the state.³⁴ The ranch disputed this and asked for legal opinion to determine the ownership. The ownership of Lechwe was cleared by Mr J. E Madocks of the Native Affairs Department. Madocks cleared that the laws of England relating to game when applied to Northern Rhodesia meant that owners of the property do retain the ownership of the game on the property if it is killed lawfully.³⁵ Consequently,

government could neither crop Lechwe on Lochinvar nor order the owners of the ranch to carry out cropping.

In exercising what they viewed as customary hunting rights in Lochinvar Ranch, Africans often came into direct disputes with ranch staff. Documentation indicates that incidences of confrontation between ranch staff and Africans escalated during the 1950s when nationalist leaders used game rhetoric to garner support for the independence cause. In 1956 for example, a local game guard warned that “the situation will develop into guerrilla warfare”³⁶ if local people continued to attempt to hunt in the ranch. The Namwala District Game Ranger in charge reported “poaching gangs” numbering 6 to 8 with muzzle loaders, spears and poisoned bow and arrows³⁷. He referred the situation to “an outbreak of war” although there were no reported injuries or killings that year and only vague reference to threats.

There were, however, documented incidences of violent clashes between ranch game guards and people hunting illegally in Lochinvar Ranch. The Ranch manager warned in 1961 that the “game guards patrolling ... are likely to be fired on with muzzle loaders, rifles or poisoned arrows.”³⁸ In the same year 1961 a Lochinvar Ranch game guard reported two incidences over the previous two years where bullets flew: “Game Scout John was fired at by a gang of native hunters...and Game Scout Alex was also fired at by a gang of six, one whose bullets hit the tree alongside which he stood.”³⁹ In some of these situations of disputes, a number of cattle herders, poachers and game guards were killed. In an interview with this researcher in October 2012 Chief Chongo indicated that he lost a number of cattle herders during the colonial period who were shot by ranch staff on the pretext that they were poaching.⁴⁰ On a number of occasions rural residents retaliated to the killings and conducted ambush raids on scouts inside Lochinvar Ranch. Edward Maungila of Loongo Village in Chief Nalubamba’s area remembers participating in an ambush raid on Lochinvar scouts in 1962 to avenge the death of a Mr Shamakando, a prominent man shot dead by ranch staff.⁴¹ The hostilities between ranch staff and local inhabitants led to anti – poaching operations by the combined forces of Wildlife Department, Ranch Game Guards and Police, sweeping

neighbouring communities in June 1962.⁴² In the course of the operation which lasted up to the end of the year a number of people were arrested.

Following the anti – poaching operation of 1962, stories of harassment of villagers by game guards and wildlife operatives began to emerge. People found inside of the Ranch, no matter what their activities were dealt with harshly. A villager said that after the anti – poaching operative of 1962, their right of way across the park were closed and guards would beat people they caught inside the ranch.⁴³ Others talked about rape if women were caught alone collecting fire wood. Others complained in general about beatings, arbitrary arrests, fines and threats with guns.⁴⁴ One villager claimed that he became the victim of harassment because he complained to the police at Monze about ranch staff bringing a poached buffalo into the village for sale.⁴⁵ In a similar incident, two ranch guards who were arrested for trying to sell buffalo in a nearby village were actually caught by villagers. These particular guards, although black as the locals, were rumoured to be perpetrating a pattern of violence towards villagers. Finding them bringing poached meat to the village merely gave villagers the opportunity to rid themselves of these ‘bad eggs’.⁴⁶

Efforts to educate Africans about the benefits of animal conservation did little to change local views about Lochinvar Ranch. Siamusonde Chieftom was particularly hostile to the idea of conservation hence gave the most severe opposition to views of animal conservation. When first pressed to help educate his subjects about conservation of wild animals, Chief Siamusonde openly rejected the idea on 22nd June 1931 when he told a Mr Molyneux that he with his subjects would continue to hunt, fish, collect and gather on their land.⁴⁷ Despite reminders that it was a Government directive to educate his subjects and help to conserve game Siamusonde still maintained that as Bweengwa people, they were not obliged to respect Lochinvar nor observe Game Ordinances since hunting especially of Lechwe was their birth right.⁴⁸ In colonial vocabulary Siamusonde people were described as having a high sense of pride, independence and insulting behaviour towards Government orders. The D.C Mazabuka described the Bweengwa people as “a hostile lot led by a headstrong Chief who once has decided on any particular line against

Government, he doesn't weaver."⁴⁹ Acting Provincial Commissioner for Southern Province, E.C Thompson, simply described Chief Siamusonde as an unscrupulous chief who the state needed to whip into line.⁵⁰ To this effect, Government suspended the payment of subsidy to Siamusonde from 12th February to 15th April 1931 for refusal to obey Government orders and insulting behaviour towards Government officials.⁵¹

Apart from restrictions over Lochinvar Ranch area, settlers granted land on Kafue Flats constantly fought to control the movement of African livestock. White appetite for Kafue Flats pasturage was first built by the 1927 Agricultural Commission Report. In this year, the Commission recommended that Government start granting grazing permits to white cattle farmers in need of winter grazing in the flood plain.⁵² By August 1927 D.Cs for Mazabuka, Namwala and Mumbwa had issued grazing permits to all white applicants. The arrival of white cattle led to disputes. African herders had always used grazing pastures on Kafue Flats extensively. Hence claims of ownership made by settlers over grazing lands brought the two groups into persistent disputes. Africans complained that some formal grants by the crown encroached on their land.⁵³ Europeans accused their African counterparts of encroachment and stock thefts.

The disputes were not limited to whites against Africans. Some whites complained against fellow whites and Africans against fellow Blacks. Most times herders accused those who went early to the Flats of grazing their cattle everywhere and only went to the area allocated when other parts of the flats were taken up.⁵⁴ Such allegations commonly referred to as 'poaching of grazing' were common since grazing areas were allocated with roughly defined boundaries. There is also continual evidence of accusations of bias and dissatisfaction at the letting of huge tracts of land to individual white settlers. In a single report, the Magistrate at Namwala mentioned land disputes on Kafue Flats that arose out of dissatisfaction at the letting of huge tracts of land to Messrs Werner for a number of years.⁵⁵ He named Mr Gordon James, Mr E. W Kirby and Stuart Bellings whose applications for freehold land had been rejected as the main complainants.

Land disputes were particularly worse in 1931. In this year, the rainfall was insufficient to promote good pasturage in all districts and also inadequate to fill the streams, pools, and water holes from which the animals regularly drank during the dry season. During the same year, Northern Rhodesia was invaded by swarms of locusts.⁵⁶ The swarms comprised both Redwing and the tropical phase of the migratory varieties. Although every attempt was made to destroy the hoppers, the swarms invaded Gwembe, Mazabuka, Choma, Kalomo, Namwala, Mumbwa and Barotseland causing severe damage to gardens and animal pasture. It became essential, therefore, to move to the flats large numbers of animals which, under normal conditions, would have remained in their usual grazing grounds.⁵⁷ Herders from as far as Chief Mapanza in Choma District, Chiefs Monze and Mwanza in Monze District, Chief Mwenda, Chief Sianjalika and Chief Naluama in Mazabuka District drove their animals to Kafue Flats to utilise pastures.⁵⁸ Due to the higher concentration of animals, disputes often arose owing to the impossibility of defining boundaries.

Another point of dispute on Kafue Flats was over the control of contagious cattle disease. Settlers claimed that African herds spread disease because of the African's inability to practice scientific herd management.⁵⁹ Europeans wanted to take the necessary steps to control contagious disease in African herds as well as their own, however, Africans were uncooperative. Africans were suspicious of Europeans intentions with regard to cattle. With their experience in land alienation, their perception, grounded in fact, was that the whites were prepared to expropriate anything if it were shown to be of value.⁶⁰ Dipping and inoculation for foot and mouth disease, the two main anti – disease measures introduced by the Veterinary Department in the late 1920s and 1930s, and which many whites wanted made compulsory were adamantly opposed by Africans. Furthermore, African herdsmen did not readily come forward with disease information which would invite an invasion by veterinary officials. The Veterinary Officer J. H. Venning reported in 1930, for example, that all chiefs and headmen denied knowledge of an outbreak of anthrax. All were fined.⁶¹ Despite the fines, Africans remained opposed to any cattle disease prevention measure. In the late 1930s and up to the early 1940s the Ila, Saala and Plateau Tonga Native Authorities

rejected European proposal to make reporting of cattle sickness mandatory⁶². This move provided grounds upon which white settler farmers pushed for a total ban of African cattle transhumance to Kafue Flats. A classic example is the campaigns spearheaded by Mr McEwen, a senior Agricultural Research Officer at Mazabuka. McEwen campaigned against African presence on the Kafue Flats arguing that the proximity of skinny and diseased African cattle to settler cattle spread disease. He campaigned for a total ban of African cattle transhumance to the Kafue flats.⁶³ In 1936 prominent Mazabuka farmer F.P Godson complained to the Reserves Commission that African herdsmen let their cattle wander aimlessly among his herds or drove them into settler herds to allow pedigree bulls mate. This practice argued Godson not only compromised the quality of his stock but led to a rise in contagious abortions.⁶⁴

Settler claims that African herds spread animal disease often proved illusory to Africans. For African herders, ensuring the survival of cattle served as their primary goal. Towards this end, they practiced a variety of strategies to abate the risk of animal disease. One such strategy was controlled grass fires. For Africans controlled grass burning was the most efficient means of controlling ticks, the chief conveyor of disease. Early burning destroyed some of the younger ticks while late burning was valuable in destroying some of the larger ticks which had hidden from the cold and so escaped the early burning. This practice of grass burning was yet a point of constant disputes between Africans and Europeans. Europeans accused African herdsmen of damaging pasture on Kafue Flats through grass fires.⁶⁵ Africans complained of harassment from Europeans and viewed a ban on grass fires as an underhand method aimed at decimating African herds through disease. A touring District Commissioner was moved by reports of despair and frustrations among African herdsmen on Kafue Flats. He reported of 'bitterness, despair and bewilderment at arrests and fines for controlled grass fires.'⁶⁶

The idea of establishing the Federation of Rhodesia and Nyasaland exacerbated land tensions on Kafue Flats. Particularly striking were the increasing rumours that flowed back and forth through the African societies that by going into federation Europeans were plotting to take away the Kafue Flats completely. Late in 1948, D.C for Namwala, J.E Passmore noted in his monthly 'public opinion report'; "the general

attitude of Africans is that ... Europeans are plotting to take away their land.”⁶⁷ Mr Harry Nkumbula and his African National Congress took advantage of this fear to whip up opposition to federation as well as drive for Zambia’s independence. Nkumbula and his Africanist movement used to their advantage some colonial administrators’ jarring comments and clear statements of intent. For example, in a visit to Lusaka in 1949, the British Secretary of State for the Colonies, Arthur Creech Jones stated not unreasonably that white land takeovers on Kafue Flats needed to be controlled and inherent African land rights respected.⁶⁸ On the following day, Roy Welensky, the leader of Northern Rhodesia settlers, thundered that, “the European community will not under any circumstances recognise a paramountcy of African interests.”⁶⁹ Welensky’s clear statement of intent coupled with numerous and equally jarring comments such as “If the Africans don’t come in with the Europeans, they will face the fate of the Red Indians in North America,”⁷⁰ served as fertile ground for opposition to white presence on Kafue Flats.

Mr. Harry Nkumbula campaigned against harassment, stock confiscation, arbitrary arrest and beatings of Africans at the hands of whites on Kafue Flats. He also condemned the creation of game reserves and made the land issue a prominent feature of his parliamentary debates. Nkumbula even facilitated the engagement of solicitors by Chief Siamusonde in 1954. Siamusonde engaged a Lusaka based law firm, Arthur Johnson and Company, in November 1954 with a view to having African land claims and rights on Kafue Flats examined.⁷¹ Despite the state of panic at the Southern Province administration created by this legal action, Mazabuka D.C watered down the case. In a confidential letter to the Provincial Commissioner dated 27th October 1954, R.D.M William the Mazabuka D.C claimed that the case of encroachment was a favourite past time and minor complaint as it had been made for many years.⁷²

The Delimitation of Native Authority as a cause of land disputes.

The creation and institutionalisation of chiefs and headmen among the acephalous societies of the Kafue Flats led to an increasing number of disputes over land. As already noted, the Tonga, Ila and Twa were not organised into kingdoms or chiefdoms in the pre-colonial period. Hence the control and allocation of

land was not in the hands of the chiefs as obtained amongst centralised societies such as the Lozi, Bemba and Ngoni. However, to maintain control over land, the colonial state formed an alliance with chiefs under the Native Administration system and invested trusteeship and ultimate ownership of land rights in chiefs. This meant the chiefs had powers to regulate and allocate land, a new status with little base or parallel to local tradition.

As Vickery mentioned, when recognising and appointing chiefs the colonial administration asked local leaders to come to their administrative places (Boma), but there were instances where communities, unsure of what the regime required put forward secondary figures as a sort of 'trial *induna*'.⁷³ However, as the privileges or benefits of the position of chief or headman became clearer to people many went forward and the number of officially recognised leaders increased substantially. The colonial state tried to streamline administration by naming relatively few men as chiefs and relegating many others to headmen, usually of villages. By so doing, the colonial state sow seeds of disputes over land. To begin with, for every man who thus became a chief or headman there were probably ten who had an equally valid claim since they or their ancestors had also been recognised as leaders of small groups of villages or as ritual leaders.⁷⁴ Others were appointed as headmen when in pre – colonial times they held or played senior roles than some of the appointed chiefs.⁷⁵

Consequently, disputes over seniority and legitimacy among chiefs, headmen and members or descendants of the pre-colonial leadership arrangement who were not integrated into the new political system arose and these disputes focused on land. An illustrative example here is that of disputes over legitimacy involving Chief Nalubamba, Hachiboloma and Kazoka. Kazoka and Hachiboloma were appointed as headmen under Chief Nalubamba purely for administrative reasons despite them having held senior community leadership positions in pre-colonial times contrasted to Nalubamba.⁷⁶ The two headmen contested Nalubamba's jurisdiction over their areas that lay on the Kafue Flats. Chief Siowi was demoted in 1934 before his chieftaincy was completely abolished and placed under

Mwanachingwala after Siowi's fall out with the colonial state.⁷⁷ Batwa subjects and descendants of Siowi disputed Mwanachingwala's legitimacy over them.

By placing land management under the institution of chieftaincy, although ultimately under the colonial state, the colonial state effectively created a new land tenure system. Under the new land tenure system, the ultimate land authority was no longer the *Sikatongo* or *Ulaanyika* but new authorities – chiefs – who were installed by the British. In other terms, the authority over land was shifted upwards from family heads and lineage elders to chiefs. The new chiefs, although some of them had been *Sikatongo* or *Ulaanyika* now had new powers given them by the state to control members of the community, collect taxes and distribute access to resources.⁷⁸ The result of this change was twofold. First, there was confusion between traditional authorities and ritual leaders. Second, competition amongst the various incumbents of traditional leadership roles arose. Here, we must note that among the new leaders, a good number of them had neither been *Sikatongo* nor *Ulaanyika*.⁷⁹ As a result, communities viewed the chiefs and headmen not as hereditary representatives but as government appointees whom they regarded with little reverence. Elizabeth Colson summarises this situation in her 1940 description of Tonga chiefs and headmen. She wrote that chiefs “emphasize their position to the people as representatives of government ... the rest of the Tonga view their chiefs not as hereditary representatives of their community but as government appointments.... They treat such men with no particular reverence.”⁸⁰ These factors contributed to disputes over land.

The imposition of Chiefs and Headmen among the acephalous societies, itself was based on ideas of territoriality. As a result territorial boundaries had to be fixed over which the traditional authorities presided. However, most of the boundaries were drawn on arbitrary physical features rather than on the traditional tribal boundaries.⁸¹ Hence, accusations and counter accusations of land encroachments were common. In addition local custom and traditional land tenure system considered the Kafue Flats as a reserve for cattle grazing (*Machelelo a n'gombe*), fishing and hunting in which every citizen had rights.⁸² As a result leaders who wanted exclusive control of land on Kafue Flats were firmly opposed.

Furthermore, the amalgamation of smaller chiefdoms or big men on Kafue Flats into bigger ones on the uplands meant that some leaders without a claim to land on Kafue Flats had their areas extended to the Flats. A good example is that of Chiefs Musungwa, Muwezwa and Mungaila. In 1951, the colonial state abolished the Batwa Chieftaincy of Shikafwe at Kabulungwe in the centre of the Flats. Shikafwe and his 24 independent headmen were divided and put under the authorities of the Ila chiefs Musungwa, Muwezwa and Mungaila.⁸³ These factors led to disputes over land.

In 1924 Chiefs Mungaila and Chilyabufu locked horns over boundaries on Kafue Flats. Chief Chilyabufu claimed that his territory followed the Kalando River from its source to its junction with the Kafue and that fishing, grazing and hunting rights within the area were reserved to the people who recognised Chilyabufu as their chief.⁸⁴ From 1927 to 1959, Chief Siamusonde, unsuccessfully, tried to have his territorial boundaries with Chiefs Chongo, Mwanachingwala, Nalubamba and Mungaila redrawn, arguing that boundaries in the northern and western part of his area extending to the Kafue Flats were inaccurate, and that each of the said chiefs encroached upon his territory on the Flats from the time colonial rule started.⁸⁵ In 1928 Mungaila demanded that all non – Mungaila residents wishing to graze their cattle along the Kafue would have to pay an annual fee to his court.⁸⁶ This led to widespread disputes between Mungaila and neighbouring chiefs over water and grazing rights. Chief Chiinda refused the order arguing that grazing, fishing and hunting was common for all.⁸⁷ Disputes between the two continued until 1942 when the colonial state eventually abolished Chiinda's chieftaincy and placed Chiinda's area under Chief Mungaila and Nalubamba.⁸⁸

Furthermore, the turmoil of the previous century where 'big men' constantly sized each other's authority continued in the colonial era. The fragmentation among traditional authorities resulted into intense competition over seniority. That competition centred on land. In 1928 - 29, Chief Mungaila argued that he had always been senior (*Mwami Mukando*) among chiefs and that authority to graze, fish and hunt on Kafue Flats were sanctioned by him.⁸⁹ Mungaila went to the extent of demanding for reports of judgements of land cases on Kafue Flats, and he would either confirm or overturn their ruling.⁹⁰ Similarly,

Chief Chilyabufu claimed seniority among Ila traditional authorities and barred those who did not recognise his seniority from usage of certain sections of the Kafue Flats.⁹¹ Around 1932 Chief Siamusonde warned Chiefs from Namwala District of severe consequences if they did not stop encroaching and intimidating his subjects on Kafue Flats.⁹² Siamusonde alleged that huge sections of the Kafue River, its tributaries and land had always been used by his people as distinct from that used by Ila people.⁹³ He based his senior authority on Kafue flats on the right to call for *Chila*. DC Namwala proposed that the only way to settle disputes of this nature was to declare all land on Kafue flats to be government property and allow no territorial rights to chiefs.⁹⁴

Since the rule of the BSAC, village lands were registered under headmen and chiefdoms through land registration. Sometimes the chiefs themselves played headmen off against one another which led to land disputes. A classic example occurred in 1929 when Mungaila covertly encouraged a prominent headman Shanambe to register Kazoka's villages and lands. Kazoka, a relatively independent headman controlling the best pasture area on Kafue Flats, was backed by Siamusonde. Mungaila's intention was to have Kazoka's area incorporated into his chiefdom on grounds of having a small number of registered villages.

District Boundaries and land disputes on Kafue Flats

The demarcation of district boundaries was one of the causes of land disputes on the Kafue Flats. Research into files and records as far back as 1915 shows that land dispute between Chief Mungaila and Ex-Chief Chiinda began after the Namwala – Mazabuka boundary was demarcated.⁹⁵ Ex-Chief Chiinda observed in 1917 that land problems with Chief Mungaila began after some of his subjects were told that they were living on the wrong side of the Mazabuka Namwala boundary.⁹⁶ The drawn boundary allegedly cut Chiinda's chiefdom into two halves. The larger half of Chiinda's area containing the majority of his villages got administered from Namwala Districts while the smaller part with fewer villages registered in Mazabuka. According to available records land dispute between Chiefs Chiinda and Mungaila peaked in

1928 when some of Chiinda's villages that fall across the border in Namwala were registered under Mungaila.⁹⁷ A quick perusal of the available data show that Chiinda strenuously and unsuccessfully tried to have the boundary redrawn to conform to the traditional boundary.⁹⁸ The new boundary allegedly led to Chiinda's subjects on the Mazabuka side being excluded by Mungaila from enjoying communal fishing, hunting and grazing rights on Kafue Flats. Chiinda's land was shared in between Mungaila and Nalubamba.

The 1915 Namwala - Mazabuka boundary demarcated by the colonial state was equally not satisfactory to the people of Siamusonde. It was claimed by the latter that his land lying to the west of Lochinvar Ranch containing ancient places of worship, ancestral graves, and used for grazing, hunting, fishing and cultivation by his subjects had been left on the Namwala side of the boundary.⁹⁹ This claim led to land disputes between Chiefs Siamusonde and Mungaila on one hand and between Chiefs Siamusonde and Nalubamba on another. For Siamusonde disputes over this land with Chiefs Nalubamba and Mungaila arose out of failure by the colonial state to inspect the entire stretch of territory when demarcating the Namwala – Mazabuka boundary, preferring to follow the 1913 boundary with Lochinvar Ranch drawn on arbitrary physical features rather than on the traditional tribal boundaries.¹⁰⁰

The district boundary between Namwala and Mazabuka was first drawn in 1915. Up to 1915, the Siamusonde Chieftaincy came under the administration of Namwala District but thereafter passed under Mazabuka District. After the Mazabuka and Namwala boundary was demarcated and Siamusonde Chieftaincy shifted to Mazabuka District administration, disputes between Chiefs Siamusonde and Chiefs from Namwala especially Mungaila and later Nalubamba arose over territory on land west of Lochinvar ranch stretching all the way to Kafue Flats. Records indicate that disputes over territory between Chief Mungaila and Siamusonde first erupted in 1915.¹⁰¹ In this year Mungaila began charging people from outside Namwala Districts found hunting, fishing and grazing on territory stretching along the northern border of Lochinvar Ranch and the Kafue River. Siamusonde complained to the D.C Mazabuka. In his words to the D.C, Siamusonde note that "when we still belonged to Namwala District there was no land

disputes, but from the time we turned to Mazabuka District...two hundred of my people and part of my land was also taken to Namwala District."¹⁰² He also wrote to the P.C Southern Province and demanded that Mungaila be reprimanded for encroaching and collecting revenue on his land.¹⁰³

Before boundary investigations could be completed Mungaila banned people from outside his Chieftom placing a claim that the land in question was his and Siamusonde was encroaching as he was putting a claim on land in Namwala District when he belonged to Mazabuka District.¹⁰⁴ The colonial state intervened and assured Siamusonde's fishing, grazing and hunting rights on the disputed land. However, in late 1928 fights involving herdsmen and fishermen from Siamusonde against a revenue collecting team from Namwala District resulted in several deaths.¹⁰⁵ A number of people were arrested and both Chiefs Mungaila and Siamusonde were stopped from claiming territory on the disputed land until a full survey of the boundaries was done.

The boundary disputes between Chief Siamusonde and Chief Nalubamba began after the Mazabuka Namwala boundary was re - defined in 1953.¹⁰⁶ As in the 1915 description of the Namwala - Mazabuka boundary, Proclamation Number 12 of 1953 described the Liyunga Stream as a reasonable natural boundary between Mazabuka and Namwala.¹⁰⁷ However, there appears to have been some confusion over the source of the Liyunga Stream. The source of the Liyunga stream was described as coming from both Nalutanda Pool and Izhimo Marsh which were divided by about two miles of elevated ground upon which the villages of Mwanan'gonze was located. Disputes first arose when Chief Nalubamba accompanied by his court clerks and retainers (*Kapasus*) arrived to register the village of Mwanan'gonze.¹⁰⁸ Mwanan'gonze hurried to expostulate to Chief Siamusonde from whose chieftom Mwanan'gonze was a senior village headmen. Siamusonde accused Nalubamba of encroaching on his land.¹⁰⁹ The confusion was not lessened when a few weeks later Choma District was established and the boundary between Choma and Mazabuka was defined without taking into account that Namwala boundary was also involved.¹¹⁰

An immediate attempt to resolve the dispute which was almost degenerating into full scale skirmishes resulted into a joint tour of the Mazabuka - Namwala boundary in late 1953.¹¹¹ Chief Nalubamba, Chief Siamusonde accompanied by their headmen and District Commissioners for Mazabuka and Namwala conducted a joint tour of the whole boundary up to Kafue River. However, they were unable to find beacons or blazed trees which had been marked in the previous boundary demarcation. After the tour, it was generally agreed that the description of the boundaries given in Proclamation Number 12 of 1953 (also known as Government Notice Number 271 of 1953) were inaccurate and that the Department of Survey and Lands would be re-engaged to re demarcate and new draw boundary maps.¹¹²

The Department of Survey and Lands began the work to clearly demarcate both district and chiefdom boundaries in August 1954. However, it suspended its work a few months later after accusations of biasness towards Nalubamba.¹¹³ When it resumed its work in early 1955, Surveyors were accused of disregarding the position of the 1913 Lochinvar Ranch beacons. The demarcation was completely abandoned in late 1955 after Siamusonde's people rioted against the Department of Survey and Lands.¹¹⁴ Immediately the Department of Survey and Lands abandoned the work, D.Cs Namwala and Mazabuka summoned a meeting where both chiefs were instructed that there should be no further registration and influx of villages in the area in dispute from either side until new boundary maps had been drawn.¹¹⁵ It was suggested too that until the boundaries of the Namwala and Mazabuka Districts were prescribed and amended to conform to traditional boundaries, the collection of tax by Namwala BOMA messengers in the disputed area should be suspended and that if taxes were required to be levied the authority to collect should first be sought from Chief Siamusonde.¹¹⁶

In 1955 the Ila Native Authority passed an order banning all Africans not registered in Namwala District from participating in the *Chila* hunt.¹¹⁷ A major area for such hunts was in Mbeza just to the west of Lochinvar. When the people of Mbeza learned that the district boundary definitely excluded the people of Bweengwa, they asked for government assistance over exclusion of Bweengwa people from the *Chilas*. Siamusonde responded by challenging the boundary between Mazabuka and Namwala Districts,

and by claiming territorial rights in Namwala.¹¹⁸ Although the D.Cs for Namwala and Mazabuka agreed that the boundary should stand, the Provincial Administration supported Siamusonde's right to call and participate in *Chilas* in Namwala. The decision only worked in 1956 – 57, when more serious trouble ensued, exacerbated by a second government decision.¹¹⁹

In the area under question was a large settlement of fishermen and fish buyers especially at Nankumba. As already indicated, the licencing of fishermen had started in 1955 by the Plateau Tonga Native Authority (PTNA). The following year in 1956, the Ila Native Authority (INA) began collecting licence fees.¹²⁰ People in the area were dissatisfied, arguing that they had been given permission to settle and fish by Siamusonde, and that they paid tax to Siamusonde's court. The government ruled that since the area under dispute was in Namwala District, the fishermen must be licenced by the INA.¹²¹ Siamusonde was still not satisfied. He strenuously argued that the district boundary had been wrongly drawn basing his claim on the right to call for *Chila*, right to trek and graze cattle. Siamusonde had not raised the claim to land until 1955, when his right to Chila had been questioned and when his licence fees had been taken to Nalubamba's court.¹²² Nalubamba, on his side, sought to exclude Siamusonde from grazing his cattle beyond the Namwala Mazabuka boundary since this was one of the grounds for Siamusonde's claim to land. Additionally, Mbeza people later argued, Siamusonde's people were taking Mbeza cattle with them as they returned from the Flats, by either rustling them or slaughtering them for the girls' initiation ceremony known as *Chisungu*.¹²³

The claims to land by Siamusonde on the western side of the Mazabuka – Namwala boundary were strenuously opposed by the District Commissioner of Namwala. He indicated that, research into his files and records at the BOMA as far back as 1916 showed no evidence to support Siamusonde's claim.¹²⁴ The D.C Namwala argued that the claim had not arisen in any of the boundary disputes in the area such as between Kazoka and Shanambe in 1924 and between Mungaila and Chiinda in 1928. He indicated that although there was reference to constantly recurring questions of grazing rights in the Kaumbwe area, in the northern part of Siamusonde's claimed corridor, the files made no mention of Chief

Siamusonde, his cattle or his area.¹²⁵ He indicated that maps by the Department of Survey clearly showed cattle posts from Mandondo and Mbeza both which were Nalubamba territory. The sub – district boundary was also clearly shown as being the western boundary of Lochinvar. In addition, the traditional landholding boundaries of chiefs concurred in excluding Siamusonde.

Game Laws as a cause of disputes on Kafue Flats

Hostilities between colonial authorities and local communities peaked when game laws were introduced on the Kafue Flats. From the perspective of government officials and wildlife conservationists, the disputes were over the destructiveness of traditional *Chila* Lechwe hunt, *Iyezha* buffalo hunt and illegal hunting or poaching. For local communities the disputes revolved around restrictions on customary resource uses, reduced access to ancestral lands, spread of animal disease and the predation of wildlife on cultivated lands. There were recurring confrontations over boundary locations and demarcations, access to local livelihood resources such as fish, and the enforcement of park and conservation laws. In order to complete the picture on how game laws contributed to land disputes on Kafue Flats, this section begins with a recap of the colonial game ordinances in more detail than done in Chapter Two.

The abundance of game on Kafue Flats made wildlife a central issue in both Company and Crown administrations. Unlike minerals which were a wasting asset, game was viewed as sustainable and renewable natural resources which could be replenished simply by passing a few restrictions. It was also a lucrative industry that could contribute immensely to the colonial treasury as far as administrators cared, looked after and conserved wildlife. In order to restrict access to game, the BSAC issued and passed laws restricting the ownership of firearms, founded some game reserves and established game regulations. The rules changed all over again when settlers arrived. They demanded from the BSAC and then later from the Northern Rhodesian Protectorate, that it controls the tsetse fly and does something about the damage to crops and stock caused by wild animals. At the same time, conservationists and sportsmen asked the government to do something to protect wild life.

In 1925 the Protectorate adopted the 1925 Game Ordinance and created protected game areas.¹²⁶ Besides establishing protected game areas, the 1925 Ordinance contained clauses regulating African hunting which were important for customary rights. The law established that no person shall hunt any game unless he holds the appropriate Game License and that no license shall be issued to a native without the consent of the Governor.¹²⁷ By this means, the Governor had it in his power to exclude the local people from the use of wildlife whenever it pleased him. He could also suspend his decision, alter or remove a declaration on what kind of animals could be hunted. The Ordinance further outlawed certain traditional hunting practices, including the use of nets, guns, traps, snares, pit-falls, poison, or poisoned weapons. The Governor could make regulations allowing and regulating the hunting of game for the purpose of food supply in times of famine or by natives who were habitually dependent for their subsistence on the flesh of wild animals. Certain customary rights were also confirmed in the 1925 Game Ordinance. Cap 106, section 35 of the 1925 Game Ordinance permitted natives living within Southern Province to hunt using dogs and spears.¹²⁸

While the colonial administration was willing to concede limited local access, various other interests within European society were anxious to see it extinguished. African rights to hunt wildlife were perhaps the most visible and symbolically important arena of struggle in this respect. Conservationists found the "liberal" position of the 1925 Game Ordinance towards natives unpalatable and constantly chastised the Northern Rhodesia Government for allowing the "slaughter" of game by Africans. Conservationists advocated for the state to exercise its claim as the sole legal authority controlling wildlife and to curtail any customary use by Africans. At the same time sportsmen asked Government to protect animals while missionaries and settler farmers bemoaned the ravages of wild animals and tsetse flies.

In 1931, the colonial state commissioned Captain C.R.S. Pitman, Game Warden of Uganda to undertake the first fauna survey of Northern Rhodesia. His conclusions and recommendations reflected the already known British attitudes to wildlife. Pitman argued that hunting by the Africans using muzzle – loaders and rifles had since 1900 increased by 75 per cent.¹²⁹ He estimated the Lechwe population on Kafue Flats at

near 150, 000 and approximated that Africans killed 75,000 to 80,000 animals a year. To reverse this trend and protect wildlife, Pitman recommended among other things; revision of the Game Ordinance with restricted schedules for all game species, establishment of a Game Department, creation of additional game reserves and education of Native Authorities in matters pertaining to wildlife.¹³⁰

The colonial state moved fast in implementing some of Pitman's recommendations. In 1942, the Department of Game and Tsetse Control was established with the responsibility of protecting and conserving game and fish. The Department of Game and Tsetse Control equally made attempts to control game populations in areas inhabited by humans while more restrictions on hunting of game in areas demarcated for wildlife were effected.

In 1954 a preliminary Red Lechwe survey was conducted on Kafue Flats by the Mazabuka District Game Ranger General. He estimated the Lechwe population to be roughly 25, 000.¹³¹ In his report, Game Ranger General recommended that traditional African hunting practice of *Chila* be suspended for a number of years so as to safe guard the Lechwe. In May of the same year, the District Commissioner for Namwala submitted a report on the general situation of the Lechwe in the district. He warned that the Red Lechwe was in danger of extinction so long as the *Chila* traditional hunts were still held.¹³² He noted that the traditional element of hunting for custom had ceased to exist; instead Africans were using the *Chila* to hunt for the exploitation of proceeds. He suggested that the Native Authorities concerned be requested to produce legislation to remedy the situation. The two reports prompted the Government to commission another wildlife survey headed by Dr F.F. Darling. Among his recommendations were; that immediate steps be taken to conserve the Lechwe and that the Government should provide funds to teach Africans the usefulness of conserving wildlife.¹³³ In Darling's opinion, the Africans regarded game as inexhaustible and that 'nobody should stop them doing what they liked with it'.¹³⁴ This opinion reflected part of what was attributed to the Africans by European administrators working in Africa.

Fears over the possible extinction of the Lechwe led to heated discussion between Africans and colonial administrators on the destructiveness of the *Chila* and *Iyezha* traditional hunts. On occasion of the Governor's visit to Namwala in early 1955, the Ila Native Authority requested the government not to ban their traditional hunts.¹³⁵ The Ila Native Authority told the Governor that they were prepared to make orders to the satisfaction of the Government for the control of *Chilas* and to enforce them.¹³⁶ In response, the Governor intimated that provided satisfactory orders were enforced it would not be necessary for Government to ban *Chila*.¹³⁷ At the meeting of the Ila Native Authority in February 1955, an order for the control of the *Chilas* and *Iyezha* buffalo hunts was passed which inter alia limited the number of *Chilas* to two a year and excluded all Africans not registered in Namwala District from participating in any *Chila* or *Iyezha*.¹³⁸ On passing the order the Ila Native Authority requested for Government assistance in enforcing the order, especially with regard to Siamusonde's people of Mazabuka District. Government assistance was assured.

The passage of an order barring Africans not registered in Namwala Districts from participating in the *Chila* and *Iyezha* hunts invoked strong protests from Africans from Mazabuka Districts. Chief Siamusonde for one argued that this order deprived him of his traditional hunting rights which he had enjoyed until now.¹³⁹ Siamusonde further questioned the legality of the order arguing that he was the senior most authority and that the right to call for any traditional hunt rested upon him. Pending a full investigation into the question of who had traditional rights to hunt buffalo and Lechwe, the Governor allowed for two *Chilas* to be held in April 1955, one in Namwala District and another in Mazabuka District.¹⁴⁰

In May 1955 a meeting co-chaired by Namwala D.C and Mazabuka D.C was held at Siamusonde's court at Bweengwa. Also present were Chiefs Nalubamba and Mungaila of Namwala District. Chiefs Nalubamba and Mungaila agreed to allow Chief Siamusonde and his people to hold one *Chila* on condition that Namwala Chiefs held a *Chila* first and that Bweengwa people would only hold a *Chila* for that year.¹⁴¹ Siamusonde rejected the conditions arguing that he had an absolute right than any other Chief to hold a *Chila* first as the hunt was purely a Siamusonde tradition and done on his land. It was at

this meeting that Siamusonde laid claim to the land over which the *Chilas* took place.¹⁴² Chief Siamusonde even issued threats that should 'Namwala Chiefs' go for *Chila* without his permission, Government should not blame his people for the consequences the Ila would suffer.¹⁴³ It was reported too that on the day of the meeting, large numbers of Siamusonde's people had collected together with their spears and knobkerries in the disputed area. The meeting decided against holding a *Chila* for 1955 until full investigations over the disputed area were conducted.¹⁴⁴

In 1956, the Colonial Government through an order made by the Minister for Agriculture and Natural Resources permitted the people of Siamusonde to conduct a *Chila* in their traditional hunting ground to the west of Lochinvar Ranch.¹⁴⁵ However, permission was not granted to Chief Chongo and Mwanachingwala's people. The Nteme and Banakaila people of Chief Chongo had traditional hunting grounds east of Lochinvar Ranch at Munga Wankala, Kase and Busanga.¹⁴⁶ Their *Chila* called by a senior headman took place at the end of the rainy season in April or May. Chief Mwanachingwala's people traditionally drove their *Chila* at Mumba and Kasako area of the Flats.¹⁴⁷ The fact that *Chila* had been denied to the people of Chongo and Mwanachingwala and allowed for Bweengwa people was resented especially in Chongo chiefdom. In May 1956 several of Chongo's headmen went to the *Boma* to have audience with Mr H.T Baydon the District Commissioner for Mazabuka.¹⁴⁸ The headmen were denied their demand for *Chila* and told that only *Chila* approved by the Member for Agriculture and Natural Resources would be permitted. Unsatisfied with the D.C's reasoning, the village headmen returned to their areas and held meetings. On 28th May, 1959 the headmen wrote a letter to Chief Chongo saying that they were dissatisfied with his leadership. 'He was', they said, 'weak and gave in to Government Officers and they proposed to get rid of him as chief.'¹⁴⁹ The headmen also sent a letter to the D.C Mazabuka demanding his presence at a meeting to be held on 30th May and that if he failed to appear, Chongo's people would proceed to the Flats to conduct a *Chila*. The D.C in the company of Chief Chongo met the headmen at Luyaba School where the *Chila* hunt for Chongo chiefdom was again denied. The

twelve senior headmen were reprimanded for alleged insubordination and lack of respect for Government legislation.¹⁵⁰

The strict application of game laws, general disarmament of Africans and absence of disease epidemics among animals naturally led to a rapid increase in game on Kafue flats, which often encroached on land close to the villages. In most areas, it became common for game animals to graze close to villages where they destroyed vegetation and left overgrazed areas prone to soil erosion. Cases were also recorded of some game becoming garden raiders. For example buffalos were attracted to cereals because of their sweet stalks and destroyed maize fields. Hippopotamus destroyed crops in the riverside gardens, especially in chief Kaingu's and Muwezwa's areas.¹⁵¹ There were many complaints about raiding eland and wild pig destroying crops in various parts on the fringes of Kafue Flats. The destruction of crops by these animals was so serious that during the tour of Chief Siamusonde's area in 1930, the District Officer submitted that the "human population is almost entirely subsisting on wild fruits and roots."¹⁵²

To make matters worse, the government did not allow people to kill the animals without licences. Hence the animals continued to destroy the crops. People referred to rampaging animals they were not allowed to kill as 'government cattle'.¹⁵³ Lions were also drawn close to villages, killing a number of cattle and forcing people not to venture far from their homes. As the encroachment of game worsened, anger among the affected African population grew. Stuart Marks reports that for the Africans, the phenomenon of having large game close to villages was a development associated with the coming of colonial rule.¹⁵⁴

The build-up of game also led to the spread of Tsetse fly, particularly the species *Glossina morsitans* and *Glossina pallidipes* into areas that were formerly free of tsetse fly. With the fly came the spread of trypanosomiasis or *nagana* in cattle and sleeping sickness in man. The cattle disease *nagana* described as the 'gravest menace to the progress of civilisation in Central Africa, and a hindrance to the development of 'stabilised agriculture and pastoral development of Africa', was caused by trypanosomes from one vertebrate vector to another through blood-sucking tsetse fly.¹⁵⁵ Being tree less and seasonally

inundated, the Kafue Flats themselves were incapable of supporting a tsetse fly population. So long as cattle grazed over them there was little or no danger of being infected with trypanosomiasis. However, the presence of so many animals especially the buffalo, which were carriers of tsetse fly greatly assisted the encroachment of the tsetse fly belt. Starting in 1921, the tsetse fly covered most parts of Chiefs Chilyabufu, Kaingu, Musulwe, Musungwa, Shaloba, Shezongo and Shimbizhi on the north bank of the Kafue.¹⁵⁶ By 1934 the tsetse fly had spread to parts of Chiefs Mungaila, Muchila, Mukobela and Siamusonde on the south bank. The fly was spread by large herds of buffalo. Annual flooding of the flats and reduced pastures especially in November and December forced herds of buffalos into the upland areas where the tsetse found habitat in shrubs. Indiscriminate shooting of buffalo on Kafue Flats though for mitigation purposes, also led to introduction of fly into clean areas as beasts ran away from the slaughter and crossed into clean south bank areas thus introducing fly in traditionally fly free areas.¹⁵⁷ During the tour of Chiefs Mungaila, Muchila and Siamusonde's area in 1934, the Officer Cadet found large numbers of game in these areas, which traditionally did not harbour such large numbers.¹⁵⁸ A quick perusal of the available data in Tour and Annual Reports for Mazabuka and Namwala shows that five fifths of the two districts were infected with tsetse fly.¹⁵⁹ The dire tsetse situation is echoed by Chittenden's veterinary report dated April, 1958 which states that tsetse fly were mentioned in all reports throughout the history of Namwala, Mazabuka and Monze districts up to the date of the report (1959)¹⁶⁰

The presence of wildlife in large numbers did not only destroy crops but facilitated the spread of animal disease. The presence of tsetse fly and its resultant bovine trypanosomiasis was evidenced by the dying of cattle in large numbers on the Kafue Flats and its margins. By 1943 bovine trypanosomiasis accounted for 4,000 cattle deaths per year.¹⁶¹ The situation was so serious that the Department of Veterinary Services began shooting buffalos even without license. Nonetheless, infections continued to rise such that by 1959 approximately one out of three cattle was infected with bovine trypanosomiasis.¹⁶² Large-scale shooting of buffalos was abandoned in the 1960s due to public opposition.

Other diseases associated to the presence of large numbers of wildlife were tuberculosis and foot and mouth disease. Foot and mouth was spread by ungulates such as Impala, Eland, Wildebeest, Lechwe and the buffalo. Foot and mouth disease is reported to have been endemic since 1926. More outbreaks were reported in 1934 and 1935 when trade in cattle went down due to prevalence of this disease.¹⁶³ As earlier pointed out, cases of tuberculosis in cattle on Kafue Flats were first observed in 1954. Mr I. Macadam, the chief veterinary officer indicated that the disease was being spread by the Lechwe. He recommended for the exclusion and cropping of Lechwe to reduce transmission of the disease.¹⁶⁴ However, the Lechwe were not put in total exclusion and continued grazing amongst cattle and buffalos. The Lechwe got foot and mouth from buffalo and transmitted it together with tuberculosis to cattle. Cropping was equally unsuccessful after a dispute over the ownership of the Lechwe ensued between Lonchinvar Ranch and government.¹⁶⁵

Despite government efforts in cattle inoculations, game fencing, tsetse spraying and game cropping, disease continued to decimate cattle herds. Evidence of this is noted in the variations of cattle figures between 1915 and 1964. In 1915, Mazabuka and Namwala Districts had over 90,000¹⁶⁶ cattle, which dropped to 54,000¹⁶⁷ in 1924. Cattle population further dropped to 50,000¹⁶⁸ in 1947 from an average of 60,000¹⁶⁹ in the 1930s and cattle were still on the 1917 figure of 71,000¹⁷⁰ in 1964. Within this period, the majority of Africans lost confidence in the ability of government to deal with the disease burden. Members of the National Assembly recognised the failure of government to control tsetse. In 1959, the area Member of Parliament (M.P) Mr Harry Nkumbula alluded to the fact that ever since control of tsetse was introduced there was an increased population of tsetse fly in the area.¹⁷¹ Nkumbula's sentiments were echoed by fellow backbencher M.Ps who passionately condemned Government's commitment to tsetse eradication and accused it of "protecting animals at the expense of people". One M.P, a Mr L.H Hantuba, for one, accused Government for allegedly trying to "turn Northern Rhodesia from man – centred to animal – centred."¹⁷² He highlighted the political fact game laws and animal diseases were gathering adding that political songs "have already been composed in various districts that this Government favours animals

more than human beings.” Kitwe East M.P a Mr Stanley argued that by “prosecuting traditional hunting practices” government was reducing Africans to “subhuman beings.”¹⁷³

Several facts should be pointed out about African hunting on Kafue Flats. For Africans, hunting especially the *lyezha* buffalo hunt and Lechwe *Chilas* prevented undue game increase for the grazing grounds shared with cattle. It also prevented the transmission of disease from game to cattle just as it abated ravages of garden and maize fields by game. Control on hunting was maintained in that only chiefs and appointed persons called *Chila* 3 to 4 times a year. In the eyes of local people, the presence of large numbers of wildlife was the enemy to their economic livelihood. Hence, Africans vigorously opposed any creation or expansion of protected game areas. They fished and hunted in game reserves. They also set bush fires and used snares, dogs, pits, and spears.

The fishing industry and land disputes on Kafue Flats

The fishing industry was another source of land disputes on Kafue Flats. In the 1920s, Government on belief that the Kafue Flats fisheries were underutilised requested the local chiefs to allow in a number of fishermen from other parts of the country.¹⁷⁴ The aim was for the local people to benefit from the advanced skills and experiences of the visitors and ultimately be able to provide the much needed fish protein to urban areas. The first fishermen to arrive were Lozi who settled close to some of the Batwa villages at Nyimba around 1926.¹⁷⁵ More Lozi fishermen arrived in the 1930s and built semi - permanent villages close to the riverbank on the flats. In an interview in the fishing village of Nankumba, informants stated that they have been in the Flats since the 1930s.¹⁷⁶ They added that in the flooding season their fore fathers received permission to erect villages on the higher ground close to the woodlands from Chief Siamusonde, to whom they gave fish from time to time in return for being allowed to settle and fish. Apart from Tonga and Lozi, several ethnic groups including Bemba, Lenje, Luvale and Kassai immigrated to the Kafue Flats and established fishing villages such as Namalyo, Nswilile, Liken’ga and Shimungalu.¹⁷⁷ By 1950 the Kafue Flats were arguably the most attractive fishing area for immigrant fishermen in

Northern Rhodesia. In his Ph. D study, La Munière notes that “there was a myth in the Copperbelt and other areas of the country that if you wanted to make fast money, you had to go to Kafue Flats for fishing.”¹⁷⁸ La Muniere adds that a lot of commercial fishermen moved to the Flats in search of an “eldorado” some from as far as Nyasaland and Kassai in the Belgian Congo.

Disputes between immigrant fishermen and local fishermen began in the 1930s. Data in the Namwala District Notebook indicate that disputes between immigrant fishermen and local fishermen were over fishing rules and fishing rights.¹⁷⁹ Local fishermen accused immigrant fishermen also referred to as “alien fishermen” of disrespecting local fishing rules. According to Smith and Dale praying to ancestral spirits before fishing, making rituals and keeping the breeding times were vital fishing rules on Kafue Flats.¹⁸⁰ Records indicate too that prior to an influx of fishing migrants, Batwa and some Tonga groups had specific river sections, lagoons, ponds or areas they regarded as exclusively theirs.¹⁸¹ Tobias Haller adds that claims of specific stretches of the Kafue River, lagoons and sections were never challenged but accepted by Ila and Tonga people, who grazed their cattle on the lush grass in the floodplain close to the Kafue River. The Ila and Tonga herdsmen used to compensate the Batwa priests for ritually protecting the cattle when crossing the river for grazing on the north bank of the Kafue.¹⁸² Claims of exclusive fishing rights in ponds, lagoons and certain stretches of the Kafue River by local Batwa and Tonga fishermen were never accepted by ‘alien fishermen.’ Furthermore, immigrant fishermen were accused of not respecting local fishing rules such as praying to the ancestral spirits before fishing, making rituals and keeping the breeding times.¹⁸³

Disputes arising from use of destructive fishing methods on Kafue Flats were first reported in the Namwala District Note Book of 1904.¹⁸⁴ Although there were never any serious differences or hostilities, the local people accused Lozi fishermen of using destructive fishing methods. From 1930 onwards, disputes over fishing methods increased. One such method was *Ukutumpula* brought by immigrant fishermen from Luapula.¹⁸⁵ This method involved beating on the water with sticks, beating drums and empty containers as a way of driving fish into the direction where nets had been laid. The dispute was

that *Ukutumpula* scared fish further into deep waters hence rendering some local fishing methods ineffective.

Other methods criticised were *Futukusa* and *Chikukula*. *Futukusa* and *Chikukula* fishing techniques were introduced on Kafue Flats in late 1950 by seasonal immigrant commercial fishermen.¹⁸⁶ According to Tobias Haller, both fishing techniques were first brought to Chanyanya area, to the east of the study area, before being introduced on Kafue Flats fisheries.¹⁸⁷ *Futukusa* and *Chikukula* nets were made out of thinly meshed nylon. *Futukusa* nets would be set across the Kafue River and big lagoons such as Chunga, fixed with a rope on the top and tied to heavy objects at the bottom. The *Chikukula* nets were set by a group of 4 to 5 men and made a 10 to 20-metre-wide oval shape movement with the boats dragging from deep waters towards the shore of the river or pond, eventually out of the water. Both methods were blamed for being too destructive for the fish population. When reprimanded by local groups for disregarding local rules and using destructive fishing gear, seasonal immigrants used the ideology of citizenship arguing that as citizens of Northern Rhodesia they had every legitimate right to fish.

Despite government's desire to conserve game on Kafue Flats, the colonial state allowed commercial fishing in the area without hindrance. The presence of fishermen on Kafue Flats led to activities inconsistent with the principles of game conservation. One of these was a dispute between bird life and fishing activities. By 1940 the Kafue Flats had become a renowned bird sanctuary with more species than any other national park in the world.¹⁸⁸ Among the notable bird species were the white and pink – beaked Pelicans, Goliath Heron and Fish Eagle,¹⁸⁹ all of which eat commercially exploitable fish. The White Pelican in particular provided one of Kafue Flats' fine spectacles, starting to arrive in June each year and being present in thousands by the late dry season. Between July and October each year large numbers of White Pelicans used to fish Nampongwe Stream just above Hippo Corner.¹⁹⁰ Commercial fishermen used the same area for fishing and were reported as killing many birds in their nets in the lagoons. They cut down thickets along the levees to obtain floats and firewood, thus destroying good nesting places for

water – birds. Motorized fish traders were observed disturbing Lechwe and water birds along the banks of the river.¹⁹¹

Another dispute to emerge was over the licencing of fishermen and fish buyers at Banachibwembwe, Chunga, Chisolo, Namalyo, Nankumba, Namatushi, Nyimba, Mushitu and Mulindi fish camps. The licencing of alien fishermen had started in 1955 by the Plateau Tonga Native Authority.¹⁹² Siamusonde also collected beer, cultivation and grazing fees in the aforementioned areas on behalf of the PTNA. The following year in 1956, the Ila Native Authority began collecting licence fees using Chief Nalubamba's court.¹⁹³ People in the area were dissatisfied, saying that they had been given permission to settle and fish by Siamusonde, and that they paid tax to Siamusonde's court. Now they were being required to pay tax to both the PTNA and INA at Nalubamba's court. Before government could resolve the dispute, the high floods of the Kafue River in 1958 forced the alien fishermen and their Batwa counterparts to leave their usual habitat on the banks of the Kafue River. They took up occupation in, and around Mulindi on the western border of Lochinvar. However, government would not allow the squatters to take up residence on the boundary of Lochinvar for fear of poaching on the estate. Despite, government was in the process of acquiring the estate. Government officials felt duty bound to set aside, in advance of any possible floods, an area on high ground where the Batwa and fishermen from the flooded area could take up temporary residence until they could return to their usual habitat when floods receded. The particular area selected was the Mushitu area just north – east of the Bweengwa River in Chief Nalubamba's area. We must bear it in mind that the Mushitu area where the fishermen were resettled lay in a stretch of land disputed between Chiefs Siamusonde and Nalubamba.

In September 1958, a revenue collecting team from Namwala district traversed the area in dispute and collected taxes, net licences, fish levy, cultivation and grazing fees.¹⁹⁴ A number of the fishermen had already paid licences to Chief Siamusonde's court. They had subsequently to be refunded. The discontent was further deepened by the levying of tax, not only on fishermen but also on fish traders or retailers upon whom tax was not levied before the Namwala Authority began to claim jurisdiction. Chief

Siamusonde immediately took the matter up and made very strong representation to the D.C Mazabuka.¹⁹⁵ When encountered by Mazabuka D.C, the fishermen were vociferous in their protest. They argued that in the past they had owed allegiance to Chief Siamusonde and operated in the area on his permission and had at no time consulted Chief Nalubamba.¹⁹⁶

In 1962 high floods forced a group of fishermen from the island of Nyimba and Banachibwembwe. Some settled at Banakaila in chief Choongo's area while others were temporarily accommodated at Mulindi fishing camp. Others went to settle in Chief Mwanachingwala's area. By arrangement made between the manager of Lochinvar Ranch and the District Officer in Charge for Monze, a number of fishermen were permitted on temporary basis to cultivate on Lochinvar Ranch. After the floods subsided, the fishermen who settled at Banakaila and Mwanachingwala returned to their traditional fishing grounds at Nyimba and Banachibwembwe. Those at Mulindi remained and continued to cultivate on Lochinvar mainly because the soils were more fertile there than in their traditional fishing area. They paid grazing, beer and cultivation fees to Nalubamba's court. In May 1964, the Minister of Lands and Natural Resources issued instructions for a forced eviction of the fishermen. Their huts were knocked down and property destroyed. Chief Siamusonde protested this action to the Resident Secretary. As a stop – gap, the fishermen were allowed to stay at Mulindi on condition that they never stray into Lochinvar Ranch. After the situation normalised, Chief Siamusonde sent instructions to the effect that payment of fishing, grazing, cultivation and beer fees to Nalubamba was to cease immediately and be paid at his court. This directive incensed Nalubamba who on 29th May 1964 sent a lorry carrying 32 of his men armed with shotguns and spears into Mulindi. Nalubamba's men then proceeded to intimidate villagers of Namalyo, Chisolo and Nankumba into paying all taxes to Chief Nalubamba and not Siamusonde.

On the 27th and 28th April 1964, Chief Siamusonde sent assessors, a court clerk and six retainers (*kapasus*) to Chisolo and Namalyo to instruct the people there to cease paying fish levy to the Ila Fish Guard and to cease payment of other revenue to Nalubamba's court. Two people found collecting beer fees on behalf of Nalubamba were arrested and detained at Siamusonde's court in Bweengwa.¹⁹⁷ They

were only released after the government threatened Siamusonde with arrest and suspension of his monthly allowance. Upon their release on 1st May 1964, Chief Siamusonde visited Chisololo, Namalyo, Nyimba, Nankumba and Banachibwembwe. He told the fishermen that they were his subjects and that no one should intimidate them.

Animal and human population increase as a cause of land disputes on Kafue Flats

Despite the absence of population counts, population increase on Kafue Flats can be traced back to the late 1860s. In 1864, the Lozi people of western Zambia revolted against Kololo domination following the death of Sekeletu, the King of Buluzi. Many Kololo men lost their lives in that bloody revolt. However, some managed to escape. One of the fleeing groups crossed the Zambezi¹⁹⁸ and came to take refuge on the Kafue Flats. The cessation of the Lozi and Ndebele predations into the Kafue Flats area following the introduction of colonial administration in 1902 helped to stabilize the population growth.

In 1904 the BSAC introduced through the Native Administration, hut tax in the territory. "The tax was levied as a money tax on each adult male and also on each wife except the first one."¹⁹⁹ This policy antagonised the local people. Some of the aggrieved decided to move away from the upland dry areas into the Kafue Flats where fishing provided income and an alternative to labour migration. It was equally known that colonial tax officials rarely visited the Flats. The Magistrate at Namwala confirmed in 1923 that the Kafue Flats was the favourite shelter for those who wanted to evade a police summon.²⁰⁰ A number of tax defaulters are known to have run away from upland areas and settled on the Flats among the Batwa. This added to fishing communities already on the Flats. The population continued to increase on Kafue Flats as rudimentary medical services provided by the Primitive Methodist missionaries at Nanzhila and Nkala reduced the mortality rate by treating malaria and dysentery both of which were very prevalent and major causes of death in the Flats.²⁰¹

From 1930 onwards human population increased substantially as immigrants from other parts of the territory immigrated to the Flats. The immigrants were largely Bemba from the north of the country and the Copper belt area, Chewa from North - eastern Rhodesia and Nyasaland, and Lozi from the Barotse region in North - western Rhodesia. Other immigrants were Mwakyusa from Tanganyika and Kassai from Belgian Congo.²⁰² In addition, the creation of Native Reserves along the line of rail and land alienation pushed most of the Plateau Tonga into the Kafue Flats thereby aggravating the problem of land shortage especially in Mwanachingwala area of Kafue Flats.²⁰³ These developments had an impact on land holding and land utilization, as land pressure began being felt. By 1960 population growth had become more pronounced such that land disputes among individuals were no longer uncommon.

It has to be mentioned here that as the Kafue Flats are largely flat and inundated, the aforementioned demographic changes took place on raised grounds that were not usually flooded. Records indicate that at the beginning of the 1940s there were 1262 fishermen living in 16 permanent fishing camps and 48 in semi-permanent fishing camps.²⁰⁴ By 1956 there were at least 114 major permanent fishing camps in the floodplain, each of which supported 1200 or more fishers.²⁰⁵ Generally population density on Kafue Flats still remained largely low when contrasted to that on upland areas.

In addition to increased human population, the livestock population also increased appreciably during the same period. In Siamusonde area the number of cattle counted by the touring officer in 1927 was 18,206.²⁰⁶ This number grew to above 28,000²⁰⁷ in 1940. The 1947 figures for the cattle population in the Namwala North Bank area of the Kafue Flats was 9,121²⁰⁸. Following the introduction by the Government of some trypanosomal drugs in the area, cattle figures increased by approximately 59% to reach 14,509²⁰⁹ in 1952. The tsetse control programme of the 1950s also helped to stabilize cattle losses that had continued even after the introduction of both curative and preventive medicines, to such an extent that by 1963, the North Bank had a total of 43,527²¹⁰. According to the counts made by Veterinary Assistants in 1958, cattle from Chief Chongo area on the Flats numbered 17,213.²¹¹ A year later in 1959 cattle from Chief Chongo totalled 21,763²¹² beasts while that from Siamusonde numbered 32,447²¹³.

Cattle figures in the Namwala South Bank area of the Flats varied greatly between 1915 and 1963. For example in 1915, the area had 90,000²¹⁴ cattle, which dropped to 54,000²¹⁵ in 1924. Cattle population further dropped to 50,000²¹⁶ in 1947 from an average of 60,000²¹⁷ in the 1930s and cattle were still on the 1917 figure of 71,000²¹⁸ in 1963.

Despite cattle statistic fluctuations, cattle population on Kafue Flats remained high. The Veterinary Cadet reported in 1960 that the area carried more cattle than it could properly support.²¹⁹ He also noted of friction among cattle owners as well as disputes between cattle owners and small scale maize growers.

Conclusion

To sum up, the Kafue Flats saw a rise in land dispute between 1890 and 1964. The disputes arose mainly due to changes brought in the area by British colonisation. Beginning in 1890, the alienation of land, creation of chiefdoms, drawing of boundaries, game and fish legislation all contributed to changes in land acquisition, land rights, land ownership and land use. The changes in land acquisition, land rights, land ownership and land use were actually the basis upon which land disputes on Kafue Flats rested.

END NOTES

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CHAPTER FOUR

INTERVENTIONIST MEASURES AND THEIR EFFECTS VIS A VIS LAND DISPUTES ON KAFUE FLATS, 1890 – 1964.

Introduction

Between 1915 and 1964, various systematic attempts were made by successive colonial governments to solve the problem of land disputes on Kafue Flats. This chapter discusses the attempts made by Chartered Company and Crown Governments to try and redress the internecine land disputes on Kafue Flats. It also discusses the effects of the identified measures. The chapter is divided into two sections. The first section examines interventionist measures carried out during the British South African Company (BSAC) rule, covering the period 1890 up to 1924. The second section looks at the period of the British Colonial Office rule, from 1924 to 1964. The main argument of the chapter is that both Chartered Company and Crown administrations employed measures whose aim was curtailing land disputes on Kafue Flats and that each of the measures had an effect on the people and Kafue Flats in general.

Land disputes and interventionist methods during the BSAC rule, 1890 – 1924

Although the BSA Company was aware of the problem of land disputes on Kafue Flats since the beginning of its administration, practical attempts to solve the problem only began after 1900. The first such attempt involved the establishment of permanent police presence and civil administration in the area. Tasked with the responsibility of stamping out illegal dealings in firearms, cattle stealing and other law breakings, police and civil administration presence was commandeered to quell land disputes too. This task was done mainly through arrests and prosecution of natives squabbling or causing chaos over land. Nonetheless, police and civil administration presence only had negligible effect as regards land disputes on Kafue Flats.

The history of police presence in the Kafue Flats can be traced to 1899. In this year the BSAC began using the British South Africa Company Police (BSACP). The only role of the British South Africa Company Police was to provide security to tax collectors. The British South Africa Police were replaced by the Barotse Native Police (BNP) in 1902.¹ The first commander of the BNP Major Colin Harding CMG (Companion of the Order of St Michael and St George) formerly commander of the Mashonaland Native Police was tasked with the responsibility of recruiting and training police personnel as well as conducting extensive patrols on the Flats. He established a police camp at Nkala on the western margins of the Flats. The police manpower in 1902 comprised of 9 all European Officers and 240 native police. Of the 240 men, 216 were classified as Ngoni², making the Ngoni the most heavily represented ethnic group in in the BNP's rank and file. Ngoni was the most heavily represented ethnic group because Harding was keen on employing some of the Ngonis he had recruited for the Mashonaland Native Police. By the end of 1904 African men in the BNP numbered 336. The second largest contingent numbering 50 were Ila.³ A year later in late 1905, "only 20 local natives remained in the corps, the bulk of its members being composed of natives from North Eastern Rhodesia."⁴ By 1909, all the new recruits in the BNP were once enlisted in Fort Jameson, while many of their predecessors signed up for a further term of three years.⁵

Civil administration consisting of an administrator and a magistrate was introduced into the Southern Kafue District in 1903. Mr William Dale took charge of the greater part of the Kafue Flats as administrator in 1905 while Mr Harry Rangely arbitrated as magistrate based at Namwala.

It is important to remember here that the mental approach of BSA Company administrators to North – Western Rhodesia was that of hostility. Years before 1900, "the Chartered Company believed that they were going to operate among an African population that was warlike, hostile...and probably cannibalistic."⁶ Harrowing experiences scribed in early accounts and diaries of explorers and travellers such as Emil Holub and Richard Selous, both of whom had traversed the Kafue Flats region, helped to cement this view. Robert Coryndon, the first administrator of North – Western Rhodesia and one of Cecil Rhodes's "Apostles," noted upon his first visit to North – Western Rhodesia in 1897 that a precondition

for the subjugation and subordination of communities in North – Western Rhodesia was a substantial investment in ‘law and order’⁷, which meant the use of excessive force.

Robert Coryndon’s successors Sir Robert Codrington and Sir Lawrence Aubrey Wallace both of whom first served in North - Eastern Rhodesia before working in North-Western Rhodesia in February 1908 to December 1908 and January 1909 to August 1911 respectively appeared to have preconditioned to an extent by their experiences administering the warlike Bemba and Ngoni of North – Eastern Rhodesia. Both administrators substantially invested in the use of excessive force when administering natives of North - Western Rhodesia. Sir Robert Coryndon for one initiated the formation of the North – Western Rhodesia Rifle Association in 1905 to serve as Government’s stand by force to deal with native uprisings.⁸ Sir Lawrence Aubrey Wallace who later served as first administrator of Northern Rhodesia after the amalgamation from August 1911 until March 1921 seemed to be overwhelmed and somewhat expectant of potential native rebellions against whites. Hence, he demanded that all able bodied white men especially in the civil service are trained in the use of firearms so that they could be easily mobilised and armed.⁹ *The Livingstone Mail* described the Rifle Association in December 1910 as ‘the largest and most important organisation in the country’.¹⁰ Sir Wallace was succeeded by Sir Drummond Chaplin. Sir Drummond Chaplin, a very able administrator, remained in office till responsible Government was established in 1923.

The uncompromising approach of BSAC administrators when dealing with natives of North – Western Rhodesia was reflective in the nature of the police force in the area. Police presence in the area was of military or paramilitary detachments. As mentioned already, before 1912, when the Northern Rhodesia Police was formed, there were in operation the Barotse Native Police and the British South Africa Company Police. Although nominally police, they were in most cases under military command.¹¹ Hence whenever called upon to abate land disputes police action were to a large extent brutal. Actually the first commander of the Barotse Native Police Force Colonel Colin Harding was tasked with the responsibility of making a brutal peace after land disputes in Maala area had resulted into several deaths.¹² A few years

later Harding fell out with the Administration by rising with the High Commissioner in South Africa on the question of hut burning to encourage compliance from natives.¹³ He resigned in 1906 and his Second - in - Command, Major Carden became Commandant.

Although operating with a small police force, Major Carden continued with the brutal operations as during Harding's time. The police force in the area was always small due to a number of factors. Primary among them was the fact that European officers were expensive for the Company to maintain. Hence, a small number of officers in the area also meant few expenses incurred by the company administration. Another factor was that white officers were susceptible to disease hence their numbers were continually thinned by disease especially Blackwater Fever. In 1906, for instance, only 13 white officers and 67 Africans were deployed in the area. In fact, due to the very small size of the police force, drier areas were given priority over the Flats because they were easier to patrol.

In addition to the use of police and civil administration to quell land disputes, Company Administration adopted an exile and banishment programme. Under this programme, individuals who had been identified or denounced as land belligerents either by fellow villagers or Company Administrators were banished away from the Flats. Evidence indicates that as early as 1902, Company administrators circulated plans for arresting and exiling 24 individuals.¹⁴

Many of those banished or exiled were traditional leaders of various ranks, such as headmen, traditional councillors, chiefs or members of ruling families. They were closely linked to traditional decision making structures. For instance, in June 1903 Colonel Colin Harding, with other white officers and a host of native allies, marched to Maala and arrested Mungalo whose territorial disputes with Mungaila over fishing, hunting and grazing rights on Kafue Flats had led to several deaths.¹⁵ Mungalo and his followers were eventually banished from the disputed area and exiled to Lealui in Barotseland. Mungalo only returned to Maala in 1911.

Another notable case of banishment was that of Namiyoba, Chief Shezongo's sister, who in 1908 was banished from Nanzele and Kasangala on Kafue Flats upon incidences of land disputes with the heir to Shezongo. Namiyoba described by Mrs Reverend Julia Anna Smith as having a great deal of influence among people than the chief unsuccessfully fought the banishment order.¹⁶ Although the six headmen she was banished with returned to Nanzhila in 1910, there is no record of Namiyoba ever returning to Nanzhila.

Other prominent individuals banished from the Kafue Flats were Mwanankumba and Shibeenzu. According to Smith and Dale, Mwanankumba, a respected tribal leader in Maala area, was banished in 1910 after he took possession of some of Mungalo's land also claimed by Mungaila.¹⁷ Shibeenzu of Kantengwa, a nephew to Chief Mungaila, was banished by the Magistrate at Namwala in 1913 upon incidences of land dissensions.¹⁸ Shibeenzu wrote a petition to the Governor lamenting the decision. In response, the Magistrate indicated that Shibeenzu's punishment was also meant to dampen his morale for the position of heir to Mungaila Chieftaincy.¹⁹ Banishment and exiling continued throughout Company Administration. In a 1919 record, the Magistrate at Namwala put the number of exiled and banished Africans at 42.²⁰ They were overwhelmingly men; only one woman was banished.

The act of banishment was usually a public spectacle, serving two purposes. On one hand it was an example of what may happen to transgressors. On the other hand it was an exhibition of the state's coercive power and ability to discipline and punish those who would transgress. However, this punitive programme of banishment and exile had no more than negligible effect in dampening land disputes overall. The majority of exiled or banished people drifted back to their villages after a year or two of banishment or exile. Their clandestine return was usually due to the inefficient administrative bureaucracy. A few of the banished were never to return to their home areas or communities. The determinant appears to have been their status and role played prior to banishment as well as the prevailing political conditions in the area from which they were banished.

The effect of the setting up of civil administration and police presence was a steep reduction in incursions by slavers, an end to raids by hostile tribes from across the borders, reduction in cases of cattle raiding and rustling as well as land disputes. In the year ending 12 July 1907 eighty-eight Africans appeared before the Magistrate at Kafue and Kalomo for Kafue Flats land related cases.²¹ By the time of Crown takeover in 1924, land disputes were no longer a menace on Kafue Flats. An artificial atmosphere of peace reigned as land disputes remained low, smouldering away from the eyes of colonial authorities as belligerents feared the brutality of Company Administration.

Land dispute interventionist methods during the Crown rule, 1924 - 1964

After 34 years of Royal Charter, the BSAC handed over Northern Rhodesia to the British Colonial Office on 1st April, 1924. At the time of handover, incidences of land disputes on Kafue Flats were at their lowest. However, after 1926 land dispute incidences peaked again. The land disputes were closely tied to hunting, fishing and grazing rights.

Upon attainment of political control of Northern Rhodesia, the Crown Administration devised some new measures aimed at combating land disputes on Kafue Flats. One such measure involved limiting the number of cattle on Kafue Flats. As early as May 1924, the Secretary for Animal Health wrote to the Provincial Veterinary Officer based at Choma pin-pointing high cattle population as a major contributor to persistent land agitations on Kafue Flats.²² By late 1925, Government had devised plans aimed at limiting the cattle population as well as raise some revenue for the Crown treasury. In November 1925 instructions were passed that a permit would be required for cattle grazing on Kafue Flats.²³ Attached to this permit was a grazing fee charged at the rate of 1d (penny) per head per month. This instruction was framed under article 14 of the Northern Rhodesia Order in Council of 1924²⁴ which validated such demands for fees in future provided the Secretary of State did not object. Grazing permits and fees were later reviewed through General Notice 45 and 46 of 1929.²⁵ General Notice 45 directed that every permit should be applied for and grazing fees fully paid before 1st January of every year. General Notice 46

instructed District Officers to strictly supervise herding of cattle through intensified patrols and not to entertain animals without a permit on the Flats.²⁶ The notice also instructed District Officers to ensure branding of all cattle and never to allow exchange or transference of grazing permits.

Despite strong opposition and outright condemnation even from white farmers,²⁷ grazing fees and permits on Kafue Flats were strictly applied. As a result of grazing permits and grazing fees, Colonial Administration was able to control the cattle population on Kafue Flats. The immediate effect of this measure was a severe reduction in the cattle population on Kafue Flats as most herders failed to acquire permits hence unable to transhumance. Concomitant with low cattle population was a reduction in incidences of land disputes on Kafue Flats.

Following an outbreak of Foot and Mouth Disease in neighbouring Southern Rhodesia in 1930 – 31, issuance of grazing permits and collection of grazing fees in Northern Rhodesia were temporarily suspended.²⁸ The suspension was done with a view to allowing local farmers to keep their cattle in condition so as to be in position to supply the meat market of the mines. As Foot and Mouth Disease decimated cattle herds in Southern Rhodesia, a severe drought scotched Northern Rhodesia causing a critical shortage of water and grazing for animals. Furthermore, a heavy infestation of locusts blanketed much of Southern, Central and Western Provinces from mid-1933²⁹ ravaging the natural green on which cattle not driven to the Flats usually foraged. The two natural catastrophes prompted Colonial Administration to allow unrestricted cattle transhumance to the Flats, which although drier than usual, somewhat did not experience a full onslaught of the locusts invasion. In the same year Government engaged the Agricultural Survey Commission to among other things advise on how best to utilize the Kafue Flats³⁰, whose agricultural potential was equated to that of the Nile valley in Egypt.³¹ It appears that both African herders and European cattle farmers took considerable advantage of this and sent more cattle to Kafue Flats than the Flats could safely carry.

In an attempt to redress the resultant land disputes, Government effected the 1933 recommendations of the Agricultural Survey Commission of subdividing the Flats into 1,000 acres strips, each strip fixed with beacons, dipping facilities and feeding about 66 heads of cattle.³² The Colonial State equally expedited the sale of land to individual white farmers and ordered that they fence their holdings. These measures acted, to a large extent, to the detriment of Africans who held large herds. The majority of African herders especially on the north bank of the Kafue River were pushed out of the Kafue Flats as they could no longer transhumance since much of the Flats fell in private white hands and was fenced. To the south bank, sections of the Flats that still fell in African hands and unaffected by subdivision witnessed increased cattle stocks and land squabbles especially in the Namwala – Mazabuka border.³³

Besides limiting the number of cattle on the Kafue Flats, the Colonial State made attempts to control and manage game populations. In 1945, Government through the Department of Game and Tsetse Control embarked on the Kafue North Bank game fence. Apart from curtailing the spread of Tsetse fly and disease to livestock, the main purpose of the fence scheme was to lessen the conflicts between human beings and game animals.³⁴ The fence was completed in 1949 at a total cost of approximately 40,000 pounds. The immediate effect of the fence scheme was a break of contact between the mass of game that seasonally migrated towards the ample water and lush grazing of the Kafue flood plain, and the cattle of the area. Consequently, there was a steep reduction in land use conflicts between human beings and game animals. The fence scheme also led to a progressive build-up of cattle in the previously Tsetse infested Kafue north bank especially in Chieftains Kaingu, Musulwe, Musungwa and Shezongo.³⁵ According to the 1947 Veterinary Department census, cattle figures in the aforementioned chieftains stood at 9,121³⁶. In 1952 the figures for cattle stood at 14,509³⁷ which was an increase of 5,388 or approximately 59% in seven years.

In the early 1950s Colonial Administration realised the ineffectiveness of pasture subdivision, grazing strips and fencing as a measure to abating land disputes on Kafue Flats. The Administration realised too that cattle build up on Kafue Flats, although a potential augmentation of the meat supply of the territory,

was fuelling land disputes.³⁸ Various schemes were considered including the re-introduction of grazing fees and the Native Authority Culling Ordinance that were outlawed in 1933. The idea was that grazing fees, cattle culling and de-stocking would bring about a massive reduction of cattle population on Kafue Flats thereby reducing incidences of dispute over pasture.³⁹

Despite a great deal of political activity in the area at the time, that habitually interfered with any Government scheme, an onslaught of conservation and agricultural improvements propaganda and education were unleashed on African herdsmen encouraging them to reduce their cattle stock. Eventually, the compulsory Cattle Culling Order was passed in early 1955.⁴⁰ This order provisioned a routine elimination of all old, emaciated, and what was termed as 'excess' cattle. The Order provisioned a scheme whereby Government bought at a subsidised price all cattle to be culled then transported the cattle for sale to the Cold Storage Company in Livingstone.⁴¹ This scheme entailed too that, herders could cull what were known as 'Excess' cattle. 'Excess' cattle were simply market value cattle that herders culled in order to reach a particular ceiling as advised by veterinary or agricultural officials in relation to the carrying capacity of the land.⁴² Owners of 'excess' cattle received compensation from Government for every market value animal culled and signed to a condition that they would always adhere to the numbers as advised. Up to 1957 the Cattle Culling Order was applied without much difficulty or opposition. In fact the D.C for Mazabuka and his field staffs were congratulated by his Excellency the Governor in 1956 for successfully applying the Order on Kafue Flats.⁴³

Another measure employed by the Colonial State to lessen land disputes on Kafue Flats was the use of Native Authority Orders. Although passed by specific Native Authorities, the Colonial State dictated the Orders that were passed. Some of the Native Authority Orders were passed with a thought to lessen incidences of dispute. The 1951 Native Authority Orders were particularly important. Order Number 5 read that "No person shall burn or otherwise destroy the grass on a demarcated grass strip..." whereas Order Number 10 read that "No person shall damage, destroy or in any way interfere with any fence which has been erected..."⁴⁴ Although passed under the disguise of conservation, the aforementioned

Orders aimed at curtailing grass fires and fence sabotage, the two major causes of land disputes on Kafue Flats. In March 1952, a sub – committee was appointed to alter or abridge the Native Authority Orders operating at that time. The Committee revised all Native Authority rules that guided tax collection, fishing, beer brewing and hunting.⁴⁵ The revised rules were announced at the Plateau Tonga Native Authority (PTNA) Council meeting of 28th October, 1953 and the Ila Native Authority (INA) meeting of November, 1953. Some of the changes to the Orders were that tax payers pay all their taxes at their chiefs' courts. It also commanded that hunting and shotgun licences be paid at the BOMAs.⁴⁶ On occasion of the Governor's visit in early 1955, the INA passed an order for the control of the *Chilas*. It limited the number of Lechwe *Chilas* to two a year. Furthermore the Order barred Africans not resident in Namwala District from participating in any *Chila*.⁴⁷ On passing the Order the Native Authority asked the Government for assistance in enforcing it, especially with regard to Bweengwa people of Mazabuka District. An assurance was given.

Effects of Native Authority Orders on Kafue Flats were varied and immediate. On one hand, the Native Authority Orders curtailed the intermittent disputes over grass fires and pasture encroachments. On another hand, Native Authority Orders reignited long standing chiefdom boundary land disputes. Going with this were disputes over levy and tax collections. For instance Chief Siamusonde strongly protested the INA Order that barred Africans not registered in Mazabuka District from participating in *Chila* hunting, arguing that the Order deprived him of his traditional hunting rights within Namwala District which he had done since time immemorial. Pending full investigation into the question of who had traditional rights to hunt Lechwe, the Governor agreed that two *Chilas* could be held during April, one in Namwala District and another at Bweengwa.⁴⁸ A meeting was held at Bweengwa with the three chiefs Mungaila, Nalubamba, and Siamusonde present as well as the DCs for Mazabuka and Namwala. The Namwala chiefs eventually agreed to allow the Bweengwa to hold one *Chila* on condition that Namwala chiefs held a *Chila* first and that Bweengwa people would only *Chila* for 1955. Siamusonde rejected the conditions arguing that he had an absolute right than any other chief to hold a *Chila* first as the hunt was purely a

Siamusonde tradition and done on his land.⁴⁹ As Namwala Chiefs could not concede to this, Siamusonde actually rekindled the old Chieftom boundary squabbles with Chiefs Mungaila and Nalubamba. The meeting decided not to allow *Chilas* at all for 1955 so as to investigate the position thoughtfully. This decision was accepted by both sides.

A perusal of the data in District Note Books, Tour and Annual reports shows that chieftom land disputes on Kafue Flats became frequent after 1913.⁵⁰ By 1928 local Administration felt it a 'serious threat to local peace' and proposed that the way to settle the disputes was to declare the Kafue Flats to be Government property and allow no territorial rights to chiefs.⁵¹ A year later on 23rd December, 1929 the Secretary for Native Affairs, R.S. W. Dickson instructed all District Secretaries not to consider land claims which dated back prior to the introduction of British Administration.⁵² This directive, however, had only negligible effects on land disputes on Kafue Flats. On 27th July, 1931, the Acting Secretary for Native Affairs J.W. Sharratt Horney approved in principle that there would be no Chiefs' boundaries on Kafue Flats.⁵³ After this directive chieftom boundary squabbles on Kafue Flats dramatically reduced until 1955.

In 1955, disputes reappeared following the controversial Native Authority Order excluding Africans not registered in Namwala District from participating in the traditional hunts. The new state of affairs prompted the colonial State to employ some systematic attempts to settle the disputes once and for all.

The first attempt to resolving chieftom boundary disputes was consisted of holding joint tours of the Mazabuka - Namwala boundary so that belligerents could understand their borders properly. Two tours were conducted in 1955 and 1956.⁵⁴ During the first joint tour Chief Nalubamba, Chief Siamusonde accompanied by their headmen and the DCs for Mazabuka and Namwala toured the whole boundary up to Kafue River. However, they were unable to find beacons or blazed trees which had been marked in the 1913 boundary demarcation.

The second joint tour was held in January 1956. Objectives of this tour were to settle finally the dispute between Chief Siamusonde, Mapanza and Nalubamba over their respective boundaries and at the same

time find a proper demarcation of the boundaries.⁵⁵ Chief Mapanza was invited to this particular tour as some of his subjects were accused of incursions into Siamusonde area. Officials from the Survey Department were also in the tour to provide guidance. After the tour, it was generally agreed that the chiefdom boundaries up to Kafue Flats were inaccurate.⁵⁶ The second measure was to engage the Survey Department to demarcate both district and chiefdom boundaries as well as draw boundary maps. The Department of Survey and Lands began the work to clearly demarcate both district and chiefdom boundaries in August the same year. However, it suspended its work a few months later after accusations of biasness towards Nalubamba.⁵⁷

When it resumed its work in mid-1956, the Survey Department were accused of disregarding the position of the 1913 Lochinvar Ranch beacons. The demarcation was completely abandoned after Siamusonde's people rioted against the Survey Department. 15 of Siamusonde's people including two headmen were arrested, despatched to Mazabuka and subsequently convicted of riot. Two days after the riots, violence arose involving Chief Mapanza of Choma District and Chief Siamusonde of Mazabuka. Siamusonde and Mapanza's subjects clashed over an area near the Izhimo Marsh in Nalutanda resulting in several deaths. It appears Mapanza's subjects had asked and received permission from Nalubamba to settle, erect gardens and herd cattle in the disputed area. No sooner had the violence erupted than D.Cs for Namwala and Mazabuka summoned a meeting where suggestions that district boundaries should be changed to place both Chiefs Siamusonde and Nalubamba in the same district were dismissed. Chiefs were instructed too that there was to be no further registration and influx of villages in the disputed area from either side until new boundary maps had been drawn. It was instructed too that until the boundaries of the Namwala and Mazabuka Districts were prescribed and amended to conform to traditional boundaries, the collection of tax by Namwala BOMA messengers in the disputed area would be suspended and that if taxes were required to be levied the authority to collect should first be sort from Chief Siamusonde.⁵⁸

In 1957 Mazabuka and Namwala districts administrators decide to bring all chiefs concerned to a round table to discuss and settle the boundary disputes. In attendance at this meeting were Chiefs Chongo,

Monze, Nalubamba, Mapanza, Mungaila, Mukobela, Mwanachingwala and Siamusonde. Each of the chiefs was accompanied by their headmen and traditional councillors. It was obvious from the hearings that took place on 20th November 1957 at Ifumpa at Nalubamba's court that the land in question had been jointly exploited in the past as farming, fishing and hunting grounds where people continued enjoying equal rights until British administrators demarcated a boundary among them. Chief Siamusonde traced the history of his boundary disputes to 1913. In his words, the demarcation exercise marked the beginning of the dispute as the new boundaries did not conform to traditional boundaries.⁵⁹ Siamusonde argued too that it was only after demarcation that some of his subjects realised or were told that they were living on the wrong side of the boundary.

Siamusonde's claims to land on the western side of the Mazabuka – Namwala boundary were strenuously opposed by Chiefs Nalubamba, Mungaila, Chongo, Ex- Chief Chiinda, Headman Kazoka and Hachiboloma. Chief Nalubamba and Headmen Kazoka indicated that before Lochinvar was alienated, Kazoka's eastern boundary was with Chief Chongo and not Siamusonde. Ex-Chief Chiinda indicated that Siamusonde's area did not reach the Kafue Flats while Nalubamba's only extended to the Kafue River by virtue of his jurisdiction over Kazoka. The evidence by Chiefs Chongo, Nalubamba, Chiinda and Headman Kazoka was supported by chief Mungaila who argued that Chief Siamusonde's country never extended as far north as the Kafue Flats. The DC for Namwala equally indicated that, research into his files and records at the BOMA as far back as 1908 showed no evidence to support Siamusonde's claim.⁶⁰ The D.C Namwala argued that the claim had not arisen in any of the boundary disputes in the area such as between Kazoka and Shanambe in 1924 and between Mungaila and Chiinda in 1928. He indicated that although there was reference to constantly recurring questions of hunting and grazing rights in the Kaumbwe area, in the northern part of Siamusonde's claimed corridor, the files made no mention of Chief Siamusonde, his cattle or his area. In addition a map attached to one of the tour reports dated 9th December 1927 by the Survey Department clearly showed cattle posts from Mandondo and Mbeza both which were Nalubamba territory. The sub – district boundary was also clearly shown as being the western

boundary of Lochinvar. In addition, the traditional landholding boundaries of chiefs concurred in excluding Siamusonde. Siamusonde was still not satisfied. He strenuously argued that the district boundary had been wrongly drawn basing his claim on the right to call for *Chila*, right to trek and graze cattle. Siamusonde had not raised the claim to land until 1955, when his right to *Chila* had been questioned and when his licence fees had been taken to Nalubamba's court.⁶¹

Although the D.Cs for Namwala and Mazabuka agreed that the boundary should stand,⁶² the Provincial Administration advised that a divisional surveyor, a Mr D Sheridan in corroboration with the D.Cs for Namwala and Mazabuka as well as the Land Tenure Officer, a Mr White, prepare new maps showing every detail of the area.⁶³ The Provincial Commissioner admitted, however, that despite the inaccurate maps, Siamusonde's claim to the land was nothing more than a cry of despair as he had insufficient evidence to establish his claims to any particular area of land west of Lochinvar.⁶⁴ The P.C noted too that whatever the findings of the enquiry by surveyors and the D.Cs, the 1913 District boundary running to the west of Lochinvar was to stay. Nonetheless, the PC Southern Province directed the INA and Chiefs Mungaila and Nalubamba that there would be no question at all of their denying Chief Siamusonde or his people rights in the disputed area subject to reasonable conditions being agreed between Chiefs from Namwala District and Siamusonde.⁶⁵ Government directed too that there would be no *Chila* hunt until all necessary boundary enquiries had been conducted.

The holding of the enquiry into the chieftom boundary disputes and preparation of new maps was delayed because of the change of the DC at Namwala and did not start until November, 20th 1957 by which time rain had fallen and made it impossible to go over the disputed land. Siamusonde complained to the PTNA meeting that the colonial state was deliberately dragging its feet in sorting out his boundary trouble with Namwala chiefs.⁶⁶ He complained too that many of his subjects were leaving his area and emigrating to Chief Nalubamba where they were being given permission to cultivate. This particular complaint echoed a 1956 note by Mazabuka DC when he concluded that the boundary problems between

Siamusonde and Nalubamba were to an extent due to lack of suitable arable land in other parts of Siamusonde's area.⁶⁷

In November 1958, the DCs Mazabuka, Monze and Namwala convened a meeting at Mazabuka BOMA to revisit and settle boundary questions and Lechwe drives once and for all. Invited were Chiefs Siamusonde, Nalubamba and Mungaila. However, Siamusonde decided to miss the meeting. Mazabuka DC stated that as Chief Siamusonde had failed to attend the meeting, there would be no question of referring back to him after discussions.⁶⁸ Discussions would have to be reached by those present. One point for discussion was the right to the land west of Lonchinvar Ranch. The meeting learnt of earlier discussions between the PC Southern Province and the DCs for Namwala and Mazabuka where it was agreed that Chief Siamusonde's claims to the land would have no support from Government.⁶⁹ It was made clear that there was no question of changing existing boundaries in Chief Siamusonde's favour as boundaries were of long standing. The Namwala DC warned that any further pressure from Chief Siamusonde claiming the land west of Lochinvar Ranch would antagonise the Ila Chiefs and result in the withdraw of grazing concessions. He equally warned that the holding of *Chila* in this area might similarly be stopped.

The meeting equally discussed and agreed that the Barotse and other fishermen in the disputed area would continue to pay their licences to the Namwala Treasury through Chief Nalubamba.⁷⁰ Chief Nalubamba was directed not to allow people emigrating from Siamusonde Chiefdom to settle or cultivate in his area without Chief Siamusonde's agreement. On the question of hunting Lechwe, the meeting recommended that *Chila* for 1959 be prohibited but shooting of male Lechwe on licence be permitted. This it was stated would meet with favour and help to preserve the natural meat supply.

After a lengthy discussion the meeting agreed that Lechwe would have complete protection except over the period of the *Chila* hunt and that only Africans registered in the areas of Chiefs Siamusonde and Nalubamba would participate in *Chila*. The meeting agreed too that by tradition Chief Siamusonde would

be the one to call the *Chila*. The meeting put some conditions to be met before and during the *Chila*. The first condition was that a 3 week notice to the date of holding the *Chila* would be given to the DCs Mazabuka and Namwala and that only after the DCs go ahead response could the *Chila* hunt be held. Attached to this condition was an instruction that the *Chila* hunt would conclude before 31st May, 1959. Other conditions were that no fire-arms would be used in the hunt and no Lechwe meat could be sold nor be taken out of Chiefs Siamusonde and Nalubamba's areas without a permit from the chiefs. It was agreed too that the 1959 *Chila* hunt would be of 2 days duration only whereby a small hunt would be held at Chisenga on the first day and the main hunt at Nasendelela and Nankumba on the second day. Finally all participants would have to be in possession of game licences.

The boundary dispute between Siamusonde and Chief Nalubamba came into the limelight once more following the Batwa squatters. Due to high floods of the Kafue River in 1958, the Batwa people were forced by rising water to leave their usual habitat at Nyimba. They took up occupation that year in and around Mulindi on the western border of Lochinvar. However, Government moved the Batwa into Mushitu area just north – east of the Bweengwa River in Chief Nalubamba's area. Chief Siamusonde saw an opportunity to reopen the boundary question. He demanded that his boundary be moved to the line west of Lochinvar where he claimed it should be. Siamusonde demanded that fish levy for Namalyo, Mulindi, Chisolo and Nankumba be paid at his court since the aforementioned were part of his area of jurisdiction.⁷¹ The Resident Secretary Mr G.G.C Rawlins directed district administrations not to entertain Siamusonde's claims as the boundary matter had been conclusively settled at the Mazabuka BOMA meeting of November 1958 which culminated into passage of Government Notice No. 82 or Proclamation No. 1 of 1958. He instructed too that whichever Chief's area Batwa fishermen settled in would be regarded as their area of administration and the Chief and Local Authority concerned informed accordingly.⁷² The District Officer in charge of Monze a Mr R.J Peterson and the DCs for Mazabuka and Namwala held a meeting in May 1959 where they signed an agreement putting Chisolo, Namalyo and Nankumba areas in Namwala District and Mulindi in Mazabuka District.⁷³ Chief Siamusonde refused to recognise the

agreement and took the case to the Southern Province Chiefs' Council. He argued that the 1958 Proclamation and 1959 agreement were not the tribal boundary.⁷⁴

Following intervention from the Southern Province Chiefs' Council, Chief Siamusonde agreed on 7th April 1960 to lay no further claim to any extension of his boundaries beyond what Government had accepted as proper ones provided his traditional hunting, grazing and fishing rights were preserved.⁷⁵ Ila traditional councillors and senior headmen did not welcome this arrangement and petitioned the DC for Namwala and the INA to bar Bweengwa people from the area. They were allegedly incensed by Chief Siamusonde's stubborn attitude over hunting, grazing and fishing rights on Ila land.⁷⁶ The DC for Namwala Mr Chittenden supported Siamusonde's ban from the area. However, the Deputy Provincial Commissioner, a Mr Burton, who also had been DC at Mazabuka for a short time wrote to the Ministries of Legal and Native Affairs requesting the two ministries to help preserve Siamusonde's hunting, grazing and fishing rights in the disputed area.⁷⁷ On 13th August, 1960 the PC Southern Province, J. Sugg, directed the INA and Chiefs Mungaila and Nalubamba never to deny Chief Siamusonde and his people hunting, grazing and fishing rights in the disputed area.⁷⁸

Having discussed the land dispute interventionist measures, let us take a look at the political atmosphere under which some of the aforementioned measures were enforced. Particular focus is on the role played by the Federation of Rhodesia and Nyasaland. Our argument is that African rejection to Federation culminated into stronger resistance to anything associated with colonial administration. This passive resistance driven by nationalistic campaigns made it difficult for Crown era land dispute intervention measures to succeed.

Although African non – cooperation began soon after colonial intrusion, it became intense in the years leading to the Federation of Rhodesia and Nyasaland. ANC propagandists used the fear of land loss as a vehicle to garner objections to Federation among rural Africans. They warned that Federation would

lead to an influx of white settlers across the Zambezi and more African land loss.⁷⁹ Consequently, Africans began opposing anything associated with colonial administration.

The first mass resistance against colonial state was registered to the Bledisloe Commission in 1938. The Bledisloe Commission was a Royal Commission appointed in 1937 to examine the possible closer union of the three British territories of Southern Rhodesia, Northern Rhodesia and Nyasaland.⁸⁰ The Commission spent three months interviewing people of all races and background. Africans unanimously opposed any ties with Southern Rhodesia. A Chewa chief told the Commission that he would never accept amalgamation with Southern Rhodesia because white Southern Rhodesians had no respect for Africans.⁸¹ An African giving evidence in Mongu explained to the Commission that Southern Rhodesians did not look upon a black man as a person, hence treated Africans like dogs...I am a person, not a dog.⁸² Governor John Maybin of Northern Rhodesia later wrote that, "there is no contesting the fact that a very large number of natives from this territory have worked in Southern Rhodesia and have an intimate knowledge of how white Rhodesians treat Africans."⁸³

The unity of African feeling against Federation was further expressed in the joint submission of the Native Authorities and Native Associations of Northern Rhodesia to the Commission in 1938.⁸⁴ The Colonial Secretary in the British Labour Government, Arthur Creech Jones, was also opposed to Federation and possible influx of whites into Northern Rhodesia. He stated in 1938 that permanent white settlement in Northern Rhodesia needed to be controlled, arguing that since Northern Rhodesia was a Protectorate, Africans had inherent rights which would be interfered by European influx. The Commission eventually recommended against immediate amalgamation of the three territories. Instead, it proposed the creation of an inter-territorial Council and certain other machinery for cooperation among the territories.⁸⁵

Nonetheless, in 1949, white settlers held a conference at Victoria Falls in Livingstone. No Africans were invited.⁸⁶ The leading figures at this conference were Roy Welensky and Sir Godfrey Huggins. Sir Godfrey Huggins (later Viscount Malvern), was the Prime Minister of Southern Rhodesia. It was here that they

agreed that Federation must happen. Although the British Government had no prior information about this conference, the new Colonial Secretary James Griffiths accepted Federation “as long as there could be partnership between Africans and Europeans.”⁸⁷

Partnership became the slogan of pro-Federation Europeans. James Griffiths argued to the British parliamentarians that through Federation Africans would take their full part with the rest of the community in the economic life of the territory.⁸⁸ Sir Godfrey Huggins summed up white settler ideals when he commented, “Yes, it will be a partnership – such as exists between a horse and its rider”.⁸⁹ Roy Welensky was equally clear in his statement of intent. In a 1949 interview, Welensky remarked that “I am prepared to work in partnership with the African people – and for as long as I can see, in that partnership we will be the senior partners.”⁹⁰

Although the idea of Federation was enthusiastically supported by European settlers in Southern Rhodesia, the same did not hold true for the African populations of Northern Rhodesia. Of all their reasons for opposing amalgamation or Federation, the fear of losing land carried the greatest emotions. Opposition to colonial administration and anything associated with it worsened after Harry Mwaanga Nkumbula took over leadership of the Northern Rhodesia African Congress (N.R.A.C). Harry Mwaanga Nkumbula, a militant, articulate and uncompromising opponent of the Federation came from Maala in ‘Ila country’ which included parts of the Kafue Flats.

Early formulation of what would become the dominant feature of Nkumbula’s anti-federal campaign took place during a meeting of the Southern Province’s African Provincial Council (SPAPC) that Harry Nkumbula attended as the representative of the Ila Native Authority, where he sat briefly as a ‘progressive councillor’ in 1951. Giacomo Macola writes that the meeting provided Nkumbula with the chance to publicly broadcast his warning that Federation, because of the ‘large influx of European immigrants that it would usher in, would lead to more land loss among Africans.’⁹¹

Threats of more land loss instilled a new fire into African chiefs. As traditional trustees of tribal land, chiefs spoke firmly against plans for Federation. In 1953 120 chiefs signed a petition against Federation and submitted it to the Houses of Parliament.⁹² In the same year Chiefs Chongo, Mukobela, Mungaila and Siamusonde began publicly organising resistance to colonial government in the form of non – compliance. The chiefs obstinately ordered their people to disregard all agricultural, forestry and veterinary laws and suggested that they refuse to pay taxes.⁹³ Chiefs Mungaila and Siamusonde even donated cows for sale to enable Nkumbula and other nationalists travel to England and submit the petition against Federation.⁹⁴ Their activities were assisted through anti- Federation campaigns by militant nationalists such as Edward Mungoni Liso, Robinson Nabulyato, Simon ber Zukas, Justin Chimba among others. The aforementioned party activists convinced swathes of people to defy fishing and game restrictions and to abandon recommended soil conservation practices.⁹⁵ They even formed the Anti- Federation Action Committee. The Committee carried out public campaigns against Federation and run the two anti – Federation media namely the *Freedom Newsletter* and *A Case Against Federation*.⁹⁶

Opposition to colonial rule became intense after the Federation of Rhodesia and Nyasaland was formed on 1st August, 1953. Nationalist politicians embarked upon vigorous Anti – colonial campaigns. By unfortunate coincidence, colonial dispute intervention measures coincided with the split of ANC. Both ANC and United National Independence Party (UNIP) leaders made speeches with similar themes. Harry Nkumbula intensified his condemnation of the creation of game reserves and cattle culling. For instance, in a 1955 meeting with improved farmers at Keemba Hill west of Monze, Nkumbula told the gathering to reject the Cattle Culling Order defining colonialists as “land grubbers, who knew that the entire economy of the colonial peoples was primarily agricultural yet did everything possible to impoverish them.”⁹⁷ Similarly future President Kenneth Kaunda advised UNIP activists to use questions affecting land and hunting rights in Kafue Flats area to “stir up the Ba-Ila.”⁹⁸ In his Anti – colonial campaigns, Kaunda “enthusiastically encouraged” Africans to kill any wild animal they desired, and to resist - by force if necessary — their arrest if caught hunting by officials.

In a nutshell, the point being driven here is that nationalistic campaigns led Africans into believing that anything associated with the colonial state was to an African's disadvantage and needed to be resisted. As a result land disputes intervention measures faced resistance as opposed to cooperation by many local people.

Conclusion

This Chapter has demonstrated that both Chartered Company and Crown Administrations made attempts in the years 1890 to 1964 to mitigate land disputes on Kafue Flats. However, the measures outlined above only had negligible effects as regards land disputes on the flats. Many reasons accounted for the failure or partial success of interventionist measures to land disputes on Kafue Flats. Among other factors, both Chartered Company and Crown administrations failed to come up with systematic measures that would fully end land disputes. Chartered Company Administration's use of police presence, prosecutions, arrests, exiling and banishments were not sustainable measures to ending land disputes on Kafue Flats. Similarly, Crown Administration's interventionist measures were symptomatic and failed to fully investigate the land dispute problems and finally settle them. Furthermore, most interventionist measures were done in haste and characterised by a considerable amount of resistance as opposed to cooperation by many local people.

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CHAPTER FIVE

CONCLUSION

This study has shown that in the years 1890 to 1964 the Kafue Flats witnessed a series of land disputes. The study has argued that land disputes on Kafue Flats arose due to a confluence of causative factors. Primary among the causative factors was the colonial policy of land alienation. Alienation of land on Kafue Flats resulted into loss of traditional grazing, fishing and hunting grounds for Africans from Chiefdoms Chongo, Nalubamba, Mwanachingwala and Siamusonde. Concomitant with this loss was the rise of disputes. The first wave of such disputes occurred following the alienation of Lochinvar area in 1908. By 1947 most of the Kafue Flats had been alienated for exclusive use of white cattle farmers.

Alienation of land also meant that grazing space for African cattle was reduced. As whites fenced their land holdings, there resulted a huge concentration of African cattle onto un-alienated land especially around the Namwala – Mazabuka boundary. At the same time there was a rapid increase in both the wild and domestic animal population in the area thereby adding pressure to the land situation. Thus there was an ever diminishing competition for grazing land hence the internecine disputes.

The study has further shown that the creation and eventual institutionalisation of chiefs among the acephalous Tonga, Ila and Batwa contributed to land disputes. The study established that prior to creation and institutionalisation of Chiefs, the Tonga, Ila and Twa were not organised into kingdoms or chiefdoms. Hence the control and allocation of land was not in the hands of the chiefs as obtained amongst centralised societies such as the Lozi, Bemba and Ngoni. However, to maintain control over land, the colonial state formed an alliance with chiefs under the Native Administration system and invested trusteeship and ultimate ownership of land rights in chiefs. This meant the chiefs had powers to regulate and allocate land, a new status with little base or parallel to local tradition. In addition, appointment of chiefs was marred with contestations. Some people were appointed as headmen when in pre – colonial times they held or played senior roles than some of the appointed chiefs. Disputes over seniority and legitimacy among chiefs, headmen and members or descendants of the pre-colonial leadership arrangement who were not integrated into the new political system arose and these disputes focused on land.

The study established too that the delimitation and drawing of chiefdom and district boundaries caused land disputes on Kafue Flats. Here the main argument was that boundaries were drawn on arbitrary physical features rather than on the traditional tribal boundaries. District boundaries allegedly cut some chiefdoms into halves leading to affected chiefdoms being administered from two different administrative districts. This compounded by Native Authority Orders barring people not registered from particular districts from enjoying land or resource rights led to tensions between chiefs hence accusations of land encroachments.

The study elaborated too that increased animal and human population contributed to land disputes on Kafue Flats. Both domestic and wild animal increase added pressure on land. The increase in game also led to increases in cattle disease as well as animal human conflicts. At the same time Game laws brought the Colonial State and local people into constant conflicts over allegations of poaching. There were other sources of conflicts including fishing rules and levy collections.

The dissertation further looked at the various measures Chartered Company and Crown Administrations undertook to end land disputes in the area. The general conclusion reached was that the various measures failed to solve the problem of land disputes on Kafue Flats. Chartered Company Administration's use of police presence, prosecutions, arrests, exiling and banishments were not sustainable measures to ending land disputes on Kafue Flats. Similarly, Crown Administrations interventionist measures were symptomatic and failed to fully investigate the land dispute problems and finally settle them. Furthermore, most interventionist measures were done in haste and characterised by a considerable amount of resistance as opposed to cooperation by many local people. By the time of Zambia's political independence in 1964, land disputes were still a menace on Kafue Flats.

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