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INSTITUTE OF DISTANCE EDUCATION

**The perceived scarcity of land and the role of civic authorities in resolving
land disputes: Chowa Mpanga area in Kabwe peri-urban**

By

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A Dissertation Submitted to the University of Zambia in collaboration with The Zimbabwe Open University in partial fulfillment of the requirements for the award of Master of Science degree in peace, leadership and conflict resolution.

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DECLARATION

I, Kakene Sitali, hereby declare that, this submission is my own work towards an award of Master of Science in peace, leadership and conflict resolution. To the best of my knowledge, it contains no materials previously published by another person nor material which has been accepted for award of any other degree of the university, except where due acknowledgement has been made in the text

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DEDICATION

This dissertation is dedicated to my mother whose passion was to see that I attain education for the betterment of the family. My sincere gratitude goes to my wife Sarah who supported me dearly throughout my studies. To them I say thank you for the love and support.

APPROVAL

This dissertation of Kakene Sitali is hereby approved as fulfilling the requirements for the degree of Master of Science in Peace, Leadership and Conflict Resolution by the University of Zambia in collaboration with the Zimbabwe Open University

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LIST OF ABBREVIATIONS

DMMU	-	Disaster Management and Mitigation Unit
LGAZ	-	Local Government Association of Zambia
ZLA	-	Zambia Land Alliance
UNDP	-	United Nations Development Programme
MLGH	-	Ministry of local government and housing
GDP	-	Gross domestic product
LAZ	-	Law Association of Zambia
SACCORD	-	southern African Centre for Constructive Resolution of Disputes
FGD, s	-	Focus Group Discussion

ABSTRACT

There can be no meaningful development without an efficient and effective land administration system. In order to enhance national development, land should be more available for different economic ventures such as agriculture and industry. Land is the object of competition. This is because; land can be used as an economic asset, as a connection with identity and social legitimacy. Access to land is key to national development. And to the contrary failure to have access to this resource can be detrimental to development. The Zambian government currently does not have a land policy. The only document available is a draft policy which was made available in 2006. And it still remains a draft up to date. The current national discourse on land issues largely focuses on the lack of transparency in land allocation and administration on both customary and state land which affects stakeholders from subsistence farming to large investors. Land disputes are common in virtually all societies. In an ideal setting, strong institutions and transparent procedures can resolve such disputes or at least channel them into a process that minimizes their potential to foster violent disputes. However, in settings characterized by insecurity, inequality and weak or unrepresentative institutions, such grievances may be aggravated through sheer neglect or predatory and discriminatory policies. In Africa land is held in high esteem by all members of society, it is appreciated by all members of the community as it is considered the beginning of all life and development, it is sacred to the common African man. The aim of this study was to explore the role that Kabwe municipal council play in resolving land disputes. The general objective of the study was to investigate factors that lead to land disputes in peri-urban areas of Kabwe district and how civic authorities resolve these disputes. This study was a qualitative study. Thus it explored various mechanisms used in the allocation of land, what led to land disputes and the means to which these disputes are resolved.

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CHAPTER ONE

INTRODUCTION

1.0 BACKGROUND

Land as a factor of production is of immense importance. This is because; land represents or stands for all nature living and lifeless. It is for this reason that in recent years, the economic importance of land has even become more pronounced. The economic prosperity of a country is closely linked with the richness of her natural resources. Thus the economic importance of land can never be underscored, as it is a unique commodity.

The fact that land has an economic value, the likelihood of conflict over such a natural resource is high. Conflicts arising from land disputes are pronounced. Globally, land related disputes explode into full scale conflicts. For example, the ongoing communal violence in Nigeria and Sudan is tied to competition over scarce fertile land. In most of these disputes, civil authorities at local level are blamed or accused for the failure to properly manage land and demarcating it in a manner that benefits the communities they service. Disputes over access to land drove wars in Liberia and Sierra Leone, and the nearly 25-year war in Sri-Lanka was fought over geographical claims to an ethnic home land by the minority Tamil ethnic group (Morrison, 2006).

Land is the object of competition. This is because, it can be used as an economic asset, as a connection with identity and social legitimacy. Access to land is key to national development. And to the contrary failure to have access to this resource can be detrimental to development. Therefore, civil authorities have the duty to ensure individuals have equal access to land. Failure to address these bedrock issues may increase the likelihood of conflict.

The Israeli-Palestinian conflict is another example of conflict that is fought over land. Following Israel's founding in 1948, and the subsequent occupation of Palestine, the conflict has ensued over the rightful owners of the land. The seeds of the conflict were already sewn when the British government was given the mandate to govern Palestine (Ahmed, 1993).

As part of that mandate was a commitment, the Balfour declaration, to a Jewish homeland in the territory.

In Zambia, since time immemorial land had been held under customary tenure, until the 1960s when Freehold and leasehold tenure systems were introduced. Since the 1960s Zambia has maintained a dual system of land tenure. Namely, customary and leasehold system. Ownership of land nevertheless, is vested in the Republican President on behalf of all Zambians (ZLA, 2014).

The Zambian government currently does not have a land policy. The only document available is a draft policy which was made available in 2006. And it still remains a draft up to date. The aim of a land policy is to enhance security of tenure, ensure collection of real property taxes, and improves access to credit, facilitate land reforms, prevention of land speculation, disputes and conflicts and ensure equitable access to land for the poor, minority groups and women (Krueger, 2005). Due to the increase in population, competition for land, particularly in urban and peri-urban areas has intensified. The Zambian government has in the recent past indicated its intention to conduct a land audit, so as to ascertain how much land is owned by the state, private ownership and customary land. And also the extent to which it is utilized (Ngombe *et al*: 2006). There is urgent need to manage land in a manner that realizes social, economic and sustainable development that benefits all the citizens in a country. However, this cannot happen in the absence of a good land policy, so as to effectively administer this resource. In recent years, government has made pronouncements on intentions to conduct land audit. This is in order to ascertain how much land is owned by the state, the scale of customary land and the level of private ownership and the extent to which it is utilized (Mudenda, 2006).

In recent years, there has been an increase in land related wrangles particularly in urban and peri-urban areas of Zambia. This is attributed to an increase in population among other things. For example, it was recorded in the Zambia Land Alliance article that a land wrangle happened in Ndola where the local council as the authority for land allocation, allocated a portion of land to more than one individual (ZLA, 2014).

The current national discourse on land issues largely focuses on the lack of transparency in land allocation and administration on both customary and state land which affects stakeholders from subsistence farming to large investors. The main challenges with customary and state land are the lack of transparency in land allocation and decision-making within both the state and

customary land system and also the state and customary land systems lack methods to share information with each other (Mudenda, 2006)

The current land administration system, as well as the application of the Decentralization Act, is perceived by many as creating ambiguities, between the roles and functions of traditional authorities over land and people within chiefdoms (ZLA, 2014). While the Decentralization Act has placed more autonomy at the District level, to date, the engagement of the Districts has largely been focused on municipalities.

The Decentralization Act, as well as the urban and Regional Planning Act of 2015, also empowers District Councils to play a substantive role in rural development issues, including land use and management (ZLA, 2014). Thus, as districts begin to play these roles and as municipalities expand their service delivery and management into peri-urban customary land, numerous conflicts have emerged. As decentralized capacities build, these conflicts will likely spread further into rural customary land and will continue to be conflict hotspots in peri-urban areas that there are specific priority groups and the fact that there are limited resources which have to be effectively and efficiently utilized.

Land is arguably the most important asset in most rural and peri-urban areas. This, inequality in land distribution has been found to have a strong inverse relationship with economic growth and poverty reduction. Additionally, even in the process of growth, poor households appear to benefit less than non-poor households when assets such as land are distributed unequally (Brown, 2003).

Therefore, it must be stated that land distribution has been found to negatively affect economic growth in the present and future. It is well documented that severe land inequalities persist in many African countries. In most of these countries, the main issues that arise are those related to access and procedures in access to land particularly by poor households who do not have the financial capability to acquire land (Adams, 2003).

Land reform in Africa is generally undertaken to address political, social and economic imperatives and is deemed to be central to addressing past injustices in land access and allocation

as well as contributing to local and national security (Krueger, 2005). Land reform can take various forms including: the allocation of land itself, compensation, subsidies, law than protect the land rights of previously disadvantaged groups or a combination of mechanisms

1.1 STATEMENT OF THE PROBLEM

In recent years, certain municipalities in Zambia have come under heavy scrutiny on how they are managing land. Among the local authorities affected include; Livingstone, Kitwe and Kabwe. This study, therefore, investigated the Kabwe problem so as to shed light on how local authorities have entangled themselves in land scam

1.2 PURPOSE OF THE STUDY

The primary aim of this study was to explore the role that Kabwe municipal council play in resolving land disputes.

1.3 GENERAL OBJECTIVE

To investigate factors that lead to land disputes in Peri-Urban areas of Kabwe district and how civic authorities resolve these disputes

1.4 SPECIFIC OBJECTIVE

- a. To explore causes of land related disputes in Kabwe district.
- b. To establish how land is acquired in peri-urban areas of Kabwe District
- c. To examine the major players involved in resolving land related disputes in Kabwe district
- d. To investigate the mechanisms in resolving land related disputes in Kabwe district.

1.5 RESEARCH QUESTIONS

The study answered among others, four specific questions in relation to the objectives of the study outlined above.

- a. What are the causes of land disputes in peri-urban areas of Kabwe?
- b. How is land acquired in peri-urban areas of Kabwe?

- c. Who are the major players involved in resolving land related disputes in Kabwe District?
- d. What are the mechanisms in resolving land disputes in Kabwe District?

1.6 SIGNIFICANCE OF THE STUDY

The study may add some knowledge however modest, to the existing knowledge on land administration and may also provide information to policy makers at local government level (Kabwe Municipal Council) on how to deal with land administration and resolving land related disputes.

1.7 DELIMITATION OF THE STUDY

The study was conducted in Chowa Mpanga area, a peri-urban area in Kabwe District of Central Province

1.8 LIMITATION OF THE STUDY

The study had two limitations. These were:

- a. The research was undertaken within academic period combining studying and research
- b. There was none availability of sufficient participants at a given time for a focused group discussion, however, the researcher managed to generate adequate data to write the dissertation that addressed the objectives of the study.

1.9 OPERATIONAL DEFINITIONS

LAND ADMINISTRATION: Land administration is considered as a way in which society exercises stewardship over land taking into consideration the land tenure system and Culture

LAND: Land in real property includes the surface of the earth, the land beneath and the air above.

DISPUTES: Refers to inverse relationship or disagreement between two or more persons, between groups, regions or nations that are opposing something, to strive for, against or resist it

CONFLICT: According to Wilmot (1999), conflict refers to an expressed struggle of at least two interdependent parties who perceive incompatible goals and interference with other parties to achieve their goals.

PERI-URBAN: These are areas immediately surrounding a city or town.

CIVIC AUTHORITIES: authorities mandated to operate and administer local institutions on behalf of the local community.

LANDS ACT: An Act or law that stipulates how particular type of land is to be administered with regards to particular provisions of the law

DEMARCATIION: the apportioning of certain pieces of land in accordance to the agreed and laid down procedure

BOUNDARIES: these are agreed perimeters after demarcation of land into various plots

MECHANISMS: procedures that are used in either allocation of land or resolving land related disputes

CUSTOMARY LAW: the law that governs the administration of land under traditional leaders

CHAPTER TWO

LITRATURE REVIEW

2.0 INTRODUCTION

This section aims to provide an overview of the issues described in the literature that are related to the management of land disputes and their implications for development. A review of publications, official reports as studies generated by other commentators and organizations on the concepts of land disputes management and the social determinants of land disputes has been done while carefully looking at the implications there of. The literature is reviewed in line with the objectives of the study. Thus, the main purpose of this chapter was to forward the theoretical understanding of the management of land disputes from existing literature as espoused by different scholars, specifically the meaning, nature and effects are described briefly. A detailed account of Zambia is also given on the administration of land. Finally, this study attempted to establish knowledge gaps in the literature related to the study.

2.1 GLOBAL PERSPECTIVE

Land disputes are common in virtually all societies. In an ideal setting, strong institutions and transparent procedures can resolve such disputes or at least channel them into a process that minimizes their potential to foster violent disputes. However, in settings characterized by insecurity, inequality and weak or unrepresentative institutions, such grievances may be aggravated through sheer neglect or predatory and discriminatory policies. It should be understood that, land dynamics are context specific and rapidly changing, and conflicts related to them do not systematically escalate into violence. The consequences, however, of these disputes, are far reaching and multi-dimensional and include extensive negative effects on economic, social, spatial and ecological development. These effects are most profound in developing countries, where land governance is weak, land markets undeveloped, where there is widespread corruption and political patronage and where many poor people lack access to land (Weizmann, 2009). When it comes to land disputes across the globe, the list is long and ever-changing.

Globally, disputes overland manifest in different forms, some range from disputes between single parties (such as boundary, conflicts between neighbors), inheritance (conflicts between

siblings) and disputes over the use of a given piece of land (Ferguson, 2009). In other situation there are land disputes that include numerous parties such as group invasions or dislodgements of whole settlements, investor companies with government backing verses indigenous people and many others (ZLA, 2014).

In the Indian scenario, for generations, most of the land has been owned by Indian tribes; however, the white newcomers in peri-urban areas are allegedly using the judicial system to evict the Indians who are poorer. Seizing the advantage of bureaucratic indifference, these people (white settlers), led by powerful rice growers and ranchers, have persuaded judges to order the Indians to leave the land, (Krueger, 2005). The case above shows that land conflicts can be driven by powerful economic interests. When state institutions such as municipal councils appear to collude in such injustices, the victims are rendered powerless to resist. Such a scenario can induce them to seek alternative ways of claiming for their interests such as violent armed struggle against the state and its clients or those in pursuit of their land (Morrison, 2006).

Insecurity of tenure is another major factor in the developing world on the management of land disputes. The situation is exacerbated because land is a source of livelihood and a source for basic sustenance resources (food, fuel, income, water and so on). An estimated 50% of these people lack land tenure security either because they are tenants or landless laborers, or have insecure individual rights or questionable collective rights, as a result, the only option for them is to resort to violent mean to get what they want (Krueger, 2005). Research has shown that strengthening land tenure often results in improvements in land management, agricultural productivity, and household welfare, which directly translates into development even for the poorest in society. For instance, on land management, a chief can prohibit an individual from cultivating in a grazing area (Mulolwa, 1998).

The President of Zambia, however, may alienate any land in the customary area if he takes the local customary law on land tenure into consideration and if he consults the chief and the local authority in the area in which the land to be alienated is situated (ZLA, 2014).

Property rights issues, however, can be complex, they are often misunderstood, even by many policy makers and development practitioners (Veit, 2013). In light of this, a majority of countries

in the world have adopted new and improved land liberalization policies, yet because the land markets are poorly developed, land liberalization has generated even more problems than solutions especially for the poor in society (Williams, 2007). To illustrate this, (Krueger, 2005) reports that, “the privatization of Peri-Urban land by local authorities in Mongolia has resulted in disputes based on multiple allocations of land. This has occurred because of illegitimated claims, ineffective and inefficient land administration agencies whose staff is partly lacking capacity, partly open for inappropriate practices.”

In this regard, several resolutions have been made on how to improve access to land by the poor communities in society. However, it must be stated that, the resolutions of land disputes lack transparency and generally favors the well-off applicants possessing informal connections to respective decision makers (Williams, 2007). A similar situation is common in many developing countries like Zambia and makes land liberalization a social evil rather than a social good.

2.2 LAND DISPUTES: AN AFRICAN PERSPECTIVE

In Africa land is held in high esteem by all members of society, it is appreciated by all members of the community as it is considered the beginning of all life and development, it is sacred to the common African man. Veit (2013) says, “Land and natural resources lie at the heart of social, political, and economic life in much of peri-urban Africa.”

Land represents fundamental assets, primary sources of livelihood, nutrition, income, wealth, and employment for communities in Sub-Saharan Africa and are a basis for security, status, social identity, and political relations (Brown, 2007). For many people in peri-urban areas, land and resources such as water, trees, and wildlife also have significant historical, cultural, and spiritual significance. As such this attached value to Land is increasingly becoming a source of dispute in communities of peri-urban areas, especially in Sub-Saharan Africa, where land access had traditionally been characterized as relatively egalitarian (Morrison, 2008).

It has been shown that local land disputes can erupt into large-scale civil strife and political movements (Longman, 2002). Some underlying factors, such as population pressure, agricultural commercialization, and urbanization, have also contributed to the increasing number of land

disputes, and in addition the current land tenure systems in Africa may not be well-equipped to resolve such conflicts (Krueger, 2005). In many African countries, formal institutions for land administration are often simply superimposed on traditional structures without a clear delineation of responsibilities and competencies, implying that they lack both outreach and social legitimacy (Deininger, 2003).

A further factor is the scarcity of land created due to increased economic activity and population growth. Resentment and economic hardship related to land scarcity in Rwanda are often cited as contributing factors to the 1994 genocide (Lawson, 2005). Scarcity has induced increased competition for land that arouses violent emotions. The fight for land has created a survival of the fittest mentality where only the strong survive, in this case, being those with the greatest physical strength, political connections and economic power. Aggression and violence is deemed as one of the best ways of defending the land one owns or securing more land for oneself. Failure to fight and secure land may mean reduced chances of survival and increased vulnerability to destitution and poverty (Deininger, 2003).

The scarcity of land has thus created a situation where fighting for land is not just about economic empowerment, but also about ensuring the survival of individuals, households and groups. Landlessness has become an existential threat. From this, it is clear that managing land disputes is not only key but a necessity for most African communities experiencing land dispute, if mismanaged in any way would result in serious consequences on development (Weizmann, 2009). Another key source of land related disputes in Africa is insecurity of tenure. When land users fear that they may be forced off their land, insecurity of tenure can create a response that in combination with the threat of eviction can generate conflict (Mulolwa, 1998). Fear of loss of land and livelihoods is a potentially powerful political mobilizing factor. For instance, the conflict that started in the parts of northeast Congo over grazing pasture for cows in 1999, where Hem herders dispossessed Lendu farmers after buying their land. Eviction grievances led both tribes to armed struggle. The struggle then evolved and spread until it became a national crisis resulting in the loss of over 5 million lives (Veit, 2013). Hence, the lack of secure tenure in a liberalized market leaves many communities vulnerable to dispossession. The clash between

customary land tenure and the statutory system is rife in many African countries and increases this insecurity.

The bottom line is that land tenure should be used as a mechanism to settle or resolve land disputes, however when it creates insecurities it creates a serious challenge towards land disputes management which would affect development in the end (Weizmann, 2009).

Disputes over land on the continent are further instigated as various groups struggle for the control of valuable resources, example, oil, minerals and other valuable resources. Controlling such resources may entail more income, more wealth and thus more power. When these resources are situated in regions where tenure regimes are non-existent and land administration is weak, land disputes are likely to result. In most instances local authorities charged with the responsibility to administer land, usually fail short or are found wanting, as the case was in the north eastern Congo (Veit, 2013)

Therefore, in situations where local people have insecure tenure over valuable assets, predatory actors (public and private sector) often struggle for control of these assets. This is the case in the East Kivu region of the Democratic Republic of Congo where conflicts over land and minerals are widespread (Morrison, 2006)

Clearly, land disputes management strategies in such areas have failed owing to the fact that, the country has weak tenure system. Additionally, institutional capacities to administer land related matters at local government level are either weak or non-existent (Veit, 2013). In such a situation it is also a result of implementing of a less rounded approach towards conflict resolution.

Another dimension to the management of land disputes in Africa is land administration. Land administration is a general term for the processes of land rights' recognition, land use planning, land taxation, and developing accurate land information. It is central to the effective management of land and, therefore, critical to development in Africa. Land administration includes; the allocation of rights to land, the setting of land boundaries, the transfer of land rights through sale, lease, loan, gift or inheritance, and the adjudication of

land disputes. It includes enforcement of land-use regulations and land valuation. Land administration can be applied through formal (statutory) or informal (customary) land tenure rules. However, in Africa inadequate land administration can lead to problems and has led to various land disputes (Brown, 2003).

One of the fundamental building blocks of peace is the institutional capacity to manage and resolve conflicts over resources such as land without their becoming violent. Therefore, given the importance of land to individuals and families in peri-urban areas of Africa, the equitable and effective governance of land is critical in peace building. In this regard, local authorities in Africa must develop capacities that will enable them deal effectively with land related disputes (Mulolwa, 1998).

Issues related to land rights and land access, as well as injustices tied to land acquisition are often structural causes of violent conflict, and when these are not adequately addressed, it is difficult for peace building and development to be sustainable (Weizmann, 2009). Therefore, attention to land policy and land governance needs to be part of any development or peace building effort in a possibly conflict prone environment. This is fundamental in addressing land related violence.

In addressing land related grievances, local authorities should take existing sensitivities and grievances into account. In doing so, municipalities should priorities the establishment and strengthening of land tenure framework that allows households or individuals to obtain and possess secure land rights to the land they use or occupy (Lawson, 2005). Such a framework has numerous benefits, including enhanced investment incentives, reduced potential for violent conflict, use of land as collateral and improved equity through increased bargaining power among social groups that have been traditionally marginalized (Ferguson, 2009).

The establishment of such a framework requires addressing a number of interlinked issues, including legal recognition of land tenure rights: the social legitimacy of those rights: land institutions that are accessible, efficient, and responsive to clients: as well as incentives and structures to manage conflicts over land. This can only be done by working inclusively with governments and non-state actors working together (Ngombe *et al*, 2006).

The majority of governments in Southern Africa have focused on the protection of land rights for the vulnerable neglecting issues of extensive land distribution. For instance, in Mozambique where there had been a long history of a dual system of state farms and collectives, the 1997 land law held up the rights of peasant groups with the aim of reversing discrimination towards the rural poor in relation to land access. However, the strategies by civic authorities to promote increased land investment have relied on the concept of vacant land which is an integral part of approaches for the development of land use and land management policies (Brown, 2003). With regards to vacant land, all individuals in society regardless of their status should have equal access to such land. Thus, municipalities must adopt the role of facilitator for all interested parties in as far as access to land is concerned (Weizmann, 2009).

In Rwanda, access to land is based on structures of land tenure inherited from Belgium colonial role which have contributed to continued concentration of land amongst small urban elite as a consequence; land markets have been largely defined by issues of land scarcity, and environmental degradation (Ahmed, 1993). Proposals to achieve effective pro-poor land reforms at local government level include the adoption of a pluralistic approach that joins customary and formal land tenure, create an enabling environment. The financial costs involved in carrying out large scale land registration program have been extensive (Adams 2003). Formal processes of registration have failed to take up a pro-poor approach in ensuring the most vulnerable groups including marginalized groups particularly the youth and women are fairly represented in registration initiatives (Weizmann, 2009). This is because of a centralized management of land registration processes which has made it difficult to gain access to land institutions, thus limiting the distribution of information and guidance for vulnerable rural groups (Morrison, 2006).

This is further compounded by the influence of the elites who are able to access advance knowledge of impending registration programs. In addition, customary governance has experienced significant challenges in delivering equitable land management and administration. Customary authorities are faced with meeting the demands of rising demographic pressures, coupled with increasing competition over scarce land resources. Thus, ensuring the

accountability of decisions taken in relation to the distribution of communal land remains a concern (World Bank Report, June 2003).

In most instances, the process of acquiring land in various municipalities in sub Saharan Africa is usually marred with a lot of red tape and other procedural bottle necks that lead to corruption and accusation of corruption and favoritism (Lawson, 2005). Thus, redressing these inequalities in some of these countries is important in as far as implication of poverty reduction strategies is concerned. Consequently, improving access to land among the most land constrained small holder households would be an effective way to reduce poverty (Williams, 2007).

However, in most African countries, particularly sub-Sahara Africa, improving land access to small holders is fraught with difficulties. As earlier alluded to, these difficulties relate to among other things ineffective procedures in the distribution of land especially by those mandated to administer land and other land related resources. Currently, up to 90% of sub-Saharan African's land is untitled without legal owners, this land falls to the state, which makes it easy to lease to foreign investors (Lawson, 2005). For a century, African land laws have protected private property, but have largely limited this projection of lands with registered titles (Ahmed, 1993).

Furthermore, Mvunga and Mphanza (1982) adds that, gender inequality is another problem in as far as access to land is concerned. In order to address such challenges, legislation has to be passed into law. Such law will inevitably guarantee both men and women equal access to land and land related resources.

The policies on land administration must aim at highlighting gender related issues and also address access to land by vulnerable sectors of society such as the disabled and the youths. The youths being a majority segment of the population in Africa (Brown, 2005). As alluded to earlier, violent conflict is at times directly related to the competition over access to land. This competing claim to land and natural resources and the unequal access to land by the poor has been and is a source of conflict in a number of African societies and the situation is often aggravated during times of food scarcity or when extractive resources are discovered (Weizmann, 2009).

Additionally, inequitable land distribution by local authorities and the tension between traditional and modern land ownership systems can lead to injustices especially in urban and peri-urban areas of Zambia. It is such injustices that have the potential of turning into violent conflict. Similarly, the recent increase in large-scale land acquisitions by well-placed individuals, companies and foreign states has accentuated the need for civic authorities at local government level to better define land rights through transparent and coherent land governance in order to ensure that population groups that depend on land are not marginalized, displaced or deceived. Even where land is not necessarily at the root of conflict, tenure disputes often emerge in the course of conflict and serve to perpetrate insecurity and instability (Ngombe *et al*, 2006).

Thus, it is important for civic authorities to introduce land reform processes that address the needs of the vulnerable in communities. The primary beneficiaries of land policy reform would be land users and land owners. Thus, these groups would play a central role in the process of reforming land policy and formal and informal institutions dealing with land and land tenure (Adam, 2003). In this regard, civil society organizations have an important role to play in the development of new land policies. This is because as community based organization that advocate for the plight of disadvantaged groups in communities, these organizations are better placed to engage and advocate for national governments to start or enact an all-inclusive land policy (Bingham, 1993).

Different kinds of civil society organizations play two critical roles. Firstly, representing the interests and voices of particular groups of people who will be affected by any changes in land policy, especially the poor and vulnerable. Secondly, monitoring the implementation from a conflict sensitivity perspective, and drawing the attention of those involved and the need to adopt approaches were necessary (Ahmed, 2010).

Additionally, the civil society will also raise the awareness of local populations about changes and reforms to land policies. Large landholders and customary chiefs together with the civic authorities are vital in as far as land policy reforms are concerned. In societies where land ownership in peri-urban areas is managed through customary chiefs as the case in many African

countries, land reforms of privatization would require complex and highly political negotiations that can also fuel political divides and conflict (Williams, 2007).

Thus, policy makers at local government level should acknowledge the importance of sound land governance and land policy to the wellbeing of their communities; hence take the necessary steps to initiate the land policy development process in a conflict sensitive manner. They should also build up the capacity for institutions that deal with the management and governance of land such as municipal councils to ensure the success of the implementation phase (Brown, 2003). In order to successfully implement such policies and measures, political willingness and commitment are key factors. It must be stressed that political leaders initiating and driving comprehensive land policy reforms stand to gain politically and electorally from the process, especially if underlying issues of tenure insecurity and inequality are addressed (Weizmann, 2009).

Comprehensive reform is rarely feasible, because of the disruption it causes and the difficulty of implementation on a large scale. Thus, it is more realistic to identify “pockets” of potential reform areas within an incremental process that builds momentum around reforms (Ferguson, 2009). Additionally, if issues related to access and ownership of land are not handled appropriately and comprehensively, a rise in land disputes and conflicts can undermine social stability (Krueger, 2005).

Land registries provide a record of deeds or title documents. These facilities are important in the administration of land at local government level. Land registries provide physical evidence of legally binding documents. Therefore, inadequate management or lack of land registries has potential to cause land related disputes. This is because; different individuals might claim ownership of a given piece of land.

However, in most countries in Sub-Saharan Africa, land registries especially at municipal level are usually poorly kept or non-existent (Lawson, 2005). Such scenarios are a recipe for land related disputes.

Land related disputes have origins in historical grievances from the pre-colonial and colonial eras. The historical grievances have produced hostilities that threaten the peace of post independent Africa. “Land disputes in Africa is a subject that can be traced to as far back as the early 1900s and 1960s and yet it is still one of the topical issues and top of the agenda at many a global forum especially those hinging on development in Sub Sahara Africa” (Ngombe *et al*, 2006).

Current concern on land questions derive from the accumulated experience of economic development. Land is believed to be a pre-requisite to economic growth as most people depend primarily on the land and agriculture for their existence. As such land is directly linked to both their economic and social interests, therefore its administration and the management is of critical importance. As how they are handled can either increase violence or reduce conflict which might have implications on development (Brown, 2003).

2.3 ZAMBIAN PERSPECTIVE

Zambia like many other African countries and indeed the world at large is facing multiple challenges in managing land disputes and this in turn has an impact on development. In Zambia land disputes range from boundary conflicts, inheritance disputes, ownership conflicts due to legal pluralism, ownership conflicts due to lack of land registration, ownership conflicts between state and private or collective owners, to multiple sales or allocations of land and many more (Ngombe *et al*, 2006). A brief history of Zambia's land rights and governance would be the best place to start in understanding the issues that surround the management of land disputes and their implications for development.

In recent years, particularly in Zambia, there has been a rise in the prevalence of large scale land acquisitions. This study poses the fundamental question of what role local authorities play to administer land for the wellbeing of the general citizenry. And also their role in resolving land related disputes when they occur.

In as far as customary land is concerned, local authorities work in consultation with traditional leaders. The chiefs provide consent after consultation for any development to take place in

customary areas. The consultation is made with an understanding that the chief has made necessary consultations with his or her subject (Ngombe *et al*, 2006).

If or when a traditional ruler is by passed and title deeds are issued behind his or her back, then the Land Act is being abrogated. The 1995 Lands Act states that, “the president shall not alienate any land situated in a district or area where land is held under customary tenure without consulting the chief or local authority or without consultation of other people whose interests might be affected, and if the applicant has not received prior approval from the chief or local authority” (ZLA, 2014). However, in most cases, this practice does not always happen. It is because of such gaps in the law, that investors both local and foreign are able to acquire large pieces of land at the expense of the local communities.

There is a gap in decision making regarding land distribution between local authorities, chiefs and village heads. Chiefs often give out land without consulting community members. Local authorities issue out land without involving local communities and traditional leaders. And at National level investment agreements are signed between central government and multinational investors without fully consulting other stakeholders (Chinene *et al*, 2006). All these processes occur within the context of a localized customary land administration and statutory policy framework, which does not protect the poor and marginalized people.

Multinational investors usually acquire large areas of fertile and productive land at the expense of local community who do not have the financial muscle to compete with foreign investors. These investments in land or large scale land allocations often results in displacement of local people from their homes, hence their livelihood is affected. In some cases, people are never resettled or are resettled in places that cannot support their livelihood. Such marginalization of the local communities can lead to land disputes. Land issues readily lend themselves to conflicts; this is because land is an important economic asset and sources of livelihood (Ministry of Lands 2006). Therefore, communities can readily mobilize themselves around land issues, making land the central object of conflict. According to the Neo-institutional theories which interpret land conflict as a transaction list line involving supply and demand that result into land disputes as a result of improper land administration system and the scarcity of land (Ministry of Lands 2006).

This study focused on land administration of Chowa Mpanga area in Kabwe peri-urban by local authorities. Without effective policies in administering land, sustainable development is threatened. There is need for surveys to be carried out by local authorities to establish the rise in population against the demand and availability of land for development. According to Mudenda (2006), land is a primary resource that men and women in Zambia depend on for their livelihood. Land is key to economic growth and poverty eradication.

However, to the investor, land has been the basis of wealth and profit generation. Therefore, in order to alleviate poverty, there is need for local communities to have access to land. And also to be given a fair or just opportunity to own land. Land is deemed as belonging to members of the community for their own use (ZLA, 2014). It is thus the duty of local authorities to ensure that every member of the community capable of owning land is allocated land. The failure by local authorities to properly administer land has led to dissatisfaction among the members of the community. The most vulnerable members of the community in terms of access to land are women, the youths and the disabled.

Cultural beliefs have not assisted, but rather contributed in sidelining women in terms of access to land, although several attempts have been made to educate communities on the importance of women to own land. Laws on customary inheritance have been a major determining factor to accessing land by women. For this reason, the Zambian government formulated the land legislation that formally recognized the importance of land ownership by women and has allocated 30% of state land for women (ZLA, 2014). However, customary land remains silent on that matter.

During the annual meeting of the 2003 draft policy review by Pelum Association of Zambia (PAZ), chiefs brought out examples of how unclear land allocation system is in Zambia. For instance, they gave an example of Nanga area in Chief Mwanachingwala's chiefdom where the chief gave consent to an investor to develop. Having failed to develop, the land was repossessed and advertised by the Commissioner of Lands instead of going back to the chief (Pelum, Draft Land Policy Review, 2003). Thus, the challenge in the current land tenure system in Zambia is

that there is no provision for land that has been converted to state land to be reconverted back to customary land.

Local authorities need to up their performance in order to ensure that local community have access to land. The *Times of Zambia* on 22nd august 2002 carried a story headlined “Displaced in my own country?” It is the story of the people of Kasembele Village in Masaiti district on the Copperbelt Province who woke up one morning and found themselves as squatters. From 1920, the people of Kasembele village have lived on this land, planted over 320 mango and guava trees, which they used as a medium of exchange with people who cultivate maize. This had been their livelihood until Thomas Edward Robert came and ordered the villagers to vacate, claiming he had bought the farm. 46 native families were given marching orders claiming they were illegal squatters. Out of desperation, some families left the village after being compensated with K1 million. The results were that, women and children resorted to sleeping at the nearest grave yard (Chisala, 2002).

Land conflicts such as those in Kasembele are occurring everywhere indicating the failure to properly administer land on behalf of the people. The pressure is on municipalities to provide land for the population in peri-urban areas exerts pressure on the customary areas bordering the districts (Kambenja, 1997).

Commenting on the draft land constitution, the Zambia Land Alliance observed that government and district councils continued to trespass into traditional land because of unclear boundaries between state land and customary land. Such a dispute has tended to hinder development especially in peri-urban Areas, as they tend to argue more on the boundary than on development (ZLA, 2014). Therefore, the onus is on local authorities to ensure that proper demarcations are made between state land and customary land. They must facilitate the updating of maps that show such demarcations.

In order for us to better understand what land administration is, there is need to take into consideration some of the terms that are used in land administration. The terms are as follows: Land allocation, land surveying, land use and monitoring, land acquisition and land registration.

These terms are important in land administration in that failure to properly manage them can lead to mismanagement of land. This would in turn lead to land related disputes.

Therefore, this study posed fundamental questions of whether or not civic authorities at local level are able to deliver to the people at the grass roots; a land administration system that not only reflects a pro-poor approach but also engages local communities in the development of peri-urban areas.

Human activities evolve around land. In Zambia most of the land is held under customary law. In understanding what land administration is, it must be stated that land administration can be considered to be the way in which a society exercises stewardship over land taking into consideration the land tenure system, cultural and social norms (Kambenja, 1997).

The Land Act of 1995 is the guiding Act which recognizes customary tenure. The Act further allows for the conversion of title from traditional to state lease. In such instances, the state lease will be given for a period of 99 years. Customary tenure is encoded and unwritten, making it difficult to define as it differs from chiefdom to chiefdom (Chinene *et al*, 2006).

In recent years, in Zambia, there has been high conversion from customary to leasehold, especially in areas near cities (peri-urban areas). A study carried out by Augrey Malambo found that most villagers in Chibombo were now converting their customary land to leaseholds and that their holdings are now becoming smaller. The selling of land under the Land Act of 1995 is that it gives rural and peri-urban land owners an opportunity to convert their land into cash. In such instance (when land is converted from customary to leasehold) it becomes the exclusive use of the one who has bought and done the conversion.

The end result is that, most of the land in peri-urban is increasingly becoming the preserve of those with money. And less accessible to local people and communities for which it is intended. Hence, overtime, communal land meant to benefit local communities will be reduced to an extent that there will be very little land remaining as customary land.

Therefore, the biggest challenges in Zambia and indeed Africa are that of ensuring equitable access to land not just those with money but also individuals and communities at the grassroots level. It has been observed that lack of access to land at community level and poor land administration (including administrative procedures) can lead to under development, poverty and land wrangles. Many countries of the world, especially developing countries in Africa have experienced severe problems related to Land Administrations under the current tenure system (Ngombe *et al*, 2006).

In this case, it is clearly seen that, an effective and efficient land administration strategy especially at local level is cardinal in as far as alleviating poverty and underdevelopment is concerned. This is because land, especially fertile land, is a key component in agricultural development which is a driving force in alleviating hunger and poverty in developing countries particularly Africa. It has been argued that customary tenure in Africa is a recipe for underdevelopment, and thus a major cause of the regions untold levels at rural and peri-urban poverty (Ngombe *et al*, 2006).

This is owed to the fact that people have realized the need to own property in terms of houses or farms. Thus, there is every reason to fear that with high demand for customary land, local people will have problems in accessing their own land.

Hence, without an effective allocation system, access to land by the locals will be threatened. The Land Act of 1995 was a piece of legislation passed by the Zambian government to among other things provide for the conversion of land holding from customary to leasehold tenure by authorizing chiefs to recommend to the government the issuance of a leasehold title to an individual man or woman or corporate body (ZLA, 2014)

The other issue which was established is that of delays in land compensation. It relates to land meant for public projects such as roads which the government obtains from local communities in exchange for compensation. Delays in compensation are sources of disputes.

As can be seen, land conflict is indeed a widespread phenomenon in Peri-Urban areas. As stated by Ngombe, both the need (demand) and greed can lead to land dispute. The aspect of land value can even make things worse. In recent months, most Peri-Urban areas have been experiencing land wrangles in which people have been encroaching and developing on land which doesn't belong to them. It seems like there is not enough land in the country for the people to develop or use for cultivation, but the truth of the matter is that Zambia has huge tracks of land which could not be finished even if all willing citizens were given portions (Williams, 2003).

The biggest problem which is significant is that of urbanization and many people would prefer to be close to cities or town where they think it would be better to develop or invest in their businesses. Hence the end result is an increased demand for land in Peri-Urban areas. With this increase in demand for land, there is a subsequent increase in application for land through Local Authorities (Councils).

The challenge with the sudden increase in demand for land is that of access, this is because demand will usually outweigh supply (availability). As a result of an increase in demand, Local Authorities (some officials in Local Authorities) may illegally allocate land to unsuspecting members at Local Communities (Chinene *et al*, 2006). For instance, in 2015, some council officials and a named councilor were implicated in the selling of plots in Mindolo North of Kitwe city on the Copper belt. Plots were sold to members of the local communities even when the piece of land belonged to Mopani Copper Mines and Phoenix materials. People started building on illegally acquired plots (Kambenja, 1997).

What followed was the demolition of the structures built on these plots. This is because Mopani Copper mine and Phoenix Materials obtained a court order which was granted as they were the legal owners of the land in question. In most cases, many people who fall victims of illegal plot acquiring are those who do not want to follow procedure like the case had been in Mindolo North where people had been warned that the land belonged to Mopani and Phoenix Materials (Lawson, 2005).

The Land Act of 1995 made provisions for the establishment of the land tribunal whose jurisdiction is to settle disputes relating to land including matters of compensation to be paid as the situation may require. Tribunal is a machinery of justice which is able to adjudicate upon specific matters with a panel of people with expertise in a specific field (Ferguson, 2008). However, the land tribunal is a centralized body based in Lusaka. It only conducts sittings in provincial centers to deal with certain cases and not all cases. For instance, in 2015 the tribunal had a sitting in Ndola on the Copper belt. It considered 38 out of 100 cases (Chinene, 2003).

The reason given by Lands Tribunal Registrar Michael Chisengele was that over 100 cases were received but that only 38 have the necessary legal backing. Mr. Chisengele said that the tribunal would not consider other cases involving squatters without proper documents to ascertain the cases. Mr. Chisengele further stated that many people think that they own land once they start to live on it, neglecting the procedure on how to be legal owners. Mr. Chisengele also stated that other cases involve land which is on title but not yet developed and is offered to another person (Lawson, 2005).

This then explains why very few land dispute cases are adjudicated by the lands tribunal. In most cases, these cases go unresolved, as the victims (individuals) that are duped/sold plots illegally are not compensated because they illegally acquired these plots. The challenge then is the land tenure system and whether or not proper documentation of land under title is available.

Little empirical information is available on tenure security on either state land or customary land in Zambia (Longman, 2002). Thus, the leasehold system itself can be a source of insecurity. This is because; a chief's consent to outsiders being granted leases, transgressing the rights of the locals can be a source of disputes.

The draft land policy states that current laws do not discriminate anyone on the basis of gender. However, in most cases, women still lack access to land in comparison to men because the Land Act of 1995 recognizes customary law. The negative effect of customary law on the livelihood of women and children has increasingly brought to focus by the HIV/AIDS pandemic which throws

women into even deeper poverty on the death of their spouse due to dispossession by the spouse's family (Williams, 2007).

The question on customary land tenure is one that needs to be urgently addressed by relevant authorities charged with the responsibility of administering land at local government level. Much has been said about its defects and the need to replace it with a more progressive tenure system. Introducing a policy that cannot be embraced by the people affected is a recipe for disputes (Brown, 2003). Therefore, there is need to revisit the system and ensure that loopholes are sealed.

Therefore, in an event of land related disputes and violence; the onus is on the municipal councils to devise mechanisms that promote effective resolution of land conflicts. Incorporating a conflict sensitive approach to land policy has the potential not only to reduce the likelihood of the escalation of violent conflict, but also of increasing the overall stability, food security and economic potential of a given community (Brown, 2003). However, if policy makers ignore the conflict dimension, and view land reforms as a technical exercise, the possibility of instability and land-related violence increases significantly (Krueger, 2005).

A major challenge facing land reform policy-makers and implementers is how to balance often conflicting social, economic and political land reform imperatives. This, and multiple demands and high number of potential beneficiaries have resulted in a range of land conflicts linked to land reform processes (Krueger, 2005). In certain instances, land reform programmes identify specific beneficiaries that are targeted in particular projects. The targeting of specific groups is partly a result of governments taking into consideration that there are specific priority groups and the fact that there are limited resources which have to be effectively and efficiently utilized (Lawson, 2005).

The issues of the role of local government institutions such as municipal councils in relation to land control and use in peri-urban areas is highly contested. Deininger, (2006) state that, formal institutions for land administration were in the past superimposed on traditional structures without clear delineation of responsibilities and competencies, implying that they tend to lack

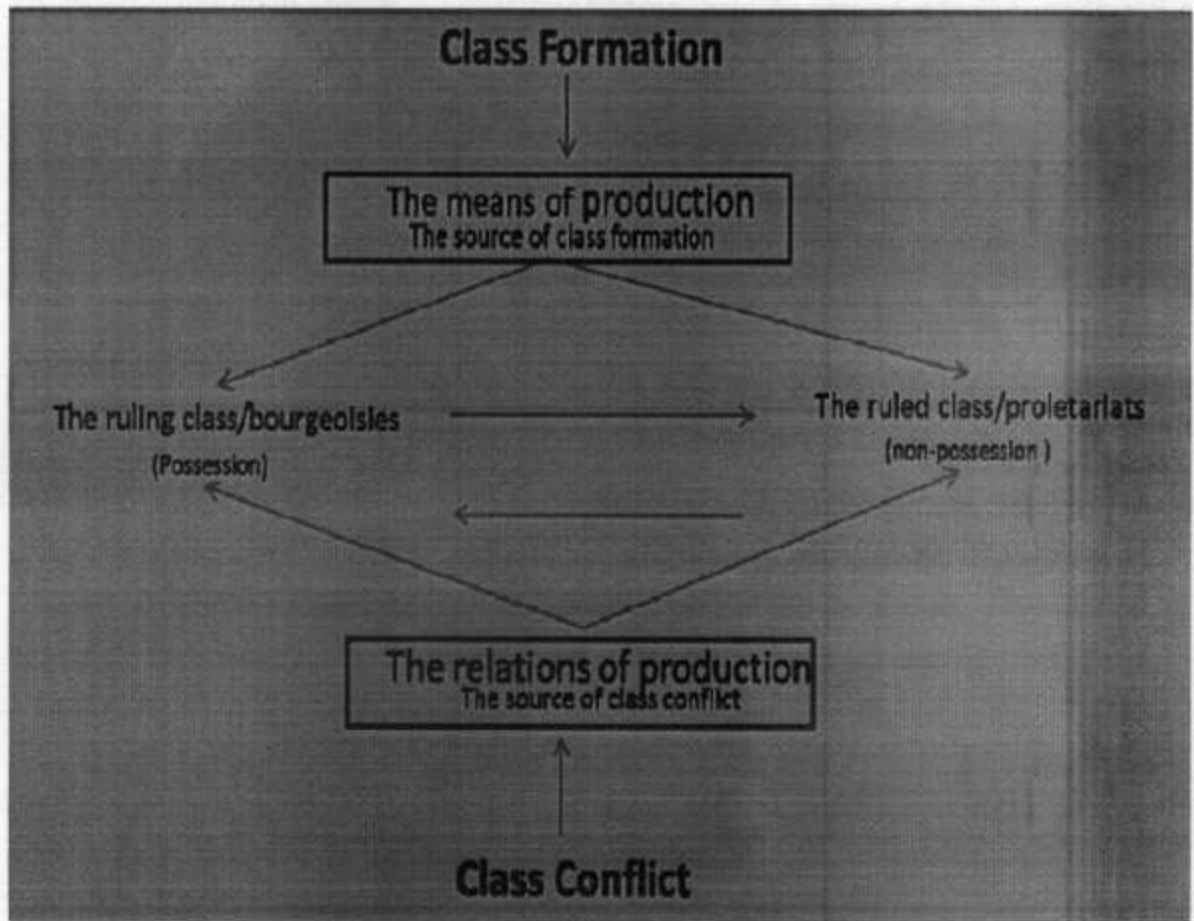
both outreach and social legitimacy. In this case, there is contestation between traditional institutions and democratically elected loyal government structures to allocate and manage land. This has in some instances resulted in conflicts in certain localities, de-stabilizing communities and impeding projects for peace and development.

2.4 THEORETICAL FRAMEWORK

The theory that seeks to explain conflict in terms of the struggle between classes for the control of the means of production was developed by Karl Marx. Marx focused on the causes and consequences of class conflict between the bourgeoisie (the owners of the means of production and the capitalists) and the proletariat (the working class and the poor). Conflict was analyzed with respect to the economic, social, and political dynamics taking place in a capitalist society.

Figure 2.1 clearly illustrates the Marxist Conflict theory

Marxist Conflict Theory Illustration



Source: Invalid source specified.

According to this perspective, a capitalist society is premised on the existence of a powerful minority class (the bourgeoisie) and an oppressed majority class. Conflict between the two classes is a result of interests which are at odds with each other and unjustly distributed resources among them. In explaining this system, Grossman (2016; p55) explains it as follows:

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

culture, and what it produced consensus for was the "base," the economic relations of production.

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

In addition, the occurrence of disputes in human society is endemic since the time immemorial (Krueger, 2005). These are usually caused by divergences of interests between and among various classes of society. Individuals and groups compete for a number of resources, land inclusive. Scholars have pointed out on attributes of efficient land administration and mechanisms of resolving land related disputes. Dornier, (1972) lays stress on attributes such as fairness of the process and judiciousness of the outcome.

2.5 CONCEPTUAL FRAMEWORK

In the Zambian context, land management and administration can be related to a similar capitalist society like that suggested by Karl Marx, land management is held in the hand of a small privileged minority, who have a strong economic base that gives them access and power to control land distribution and use. While the oppressed classes are represented in this case as the majority poor people with little or no access to land. At the point of class consciousness, the poor people resolve to act in a bid to voice out their issues. It is their action that leads to land related disputes. According to the ZLA (2014, p23):

There are also many poor Zambians who are not aware of the ways in which they can secure their rights to land, neither do they have the means to see that securing the rights to land becomes a reality as acquiring titles is expensive, time consuming and centralized. Some of these people experience insecurity of tenure due to non-adherence to proper land administration procedures and a system that is not transparent as some civic leaders, cadres and traditional leaders allocate and sale land without following the required procedures.

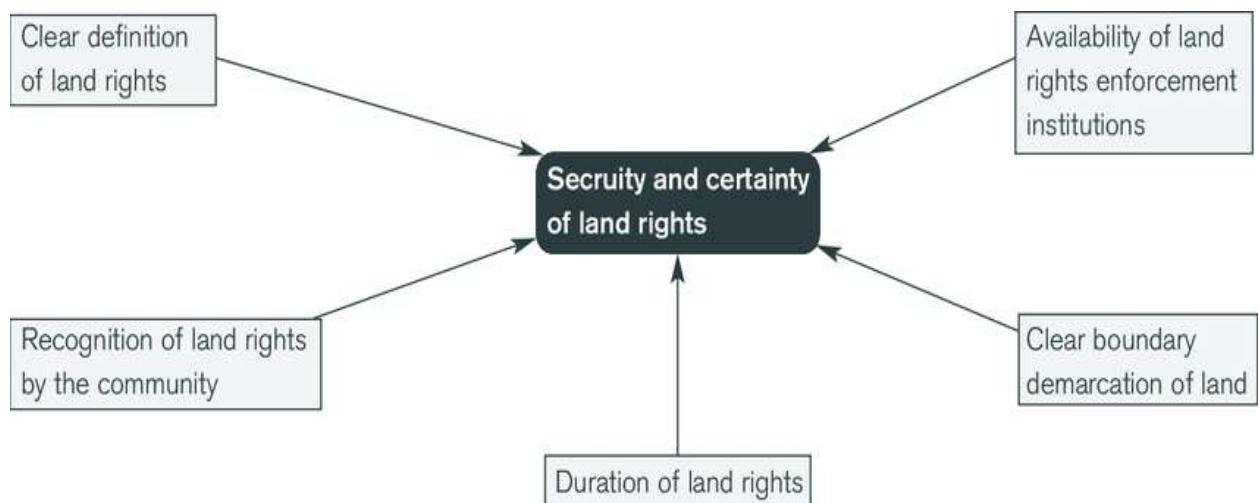
This clearly presents a class struggle between the groups. It further shows the gravity to which the opposing groups can go to achieve their intended purposes, that is get land at all costs, which encompasses resorting to violence.

In Zambia, land administration has been liberalized, this means that, market forces now play a critical role in the way land is distributed and the use to which land is put. The liberalization of Zambia's land management revolves around competition for ownership of land as well as the sometimes conflicting activities involving the use of land.

Thus, the most appropriate theory to employ in analyzing the data on the management of land disputes in Zambia and their implications for development will be the Marxist Conflict Theory.

In recent years, there has been an increase in competition for land, particularly in urban and Peri-urban areas (ZLA, 2014). Population increase has been cited as one of the reasons for this sudden increase in demand. Some experts in land administration have argued that the current land tenure system in Zambia is a drawback to sustainable development (ZLA, 2014).

Diagram 2.2 below, shows that rights are pre-requisite to legal attainment of land.



Source: research gate.

From the theoretical framework as stipulated by the Marxist theory of conflict resolution. The researcher discovered that it is also an imperative factor for the local authorities in charge of land allocation to make it known to the general public interested in land about the land rights that may be subjected to them in the process of acquiring land

In fact, Morrison (2005) says that, people lack access to quality, up to-date information on how land is being used by local communities.

2.6 CONCLUSION

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

CHAPTER THREE

3.0 RESEARCH METHODOLOGY

Qualitative approach was adopted in this study. This was in order to generate deeper insights about the complex socio-cultural context (Holland and Campbell, 2006). With this approach, research participants were actively involved. The main reason why interviews were used was because of the complexities of socio-cultural issues predominately surrounding land ownership in most peri-urban areas of Kabwe District.

3.1 RESEARCH DESIGN

Descriptive survey was used in this research. One-on-one interviews were conducted. Brief interviews and discussions with individuals about specific topic were also done.

3.2 RESEARCH INSTRUMENT

The research instruments for the study were semi-structured interview guides.

3.3 SAMPLING PROCEDURE

Purposive sampling was used. A purposive sample is a non-probability sample that is selected based on characteristics of a population and the objective of the study. Thus, elements selected for the sample are chosen by the judgment of the researcher.

3.4 SAMPLE SIZE

The research sampled thirty (30) respondents. Twenty-five (25) were from the households of Chowa Mpanga area and five (05) were officers involved in land administration at Kabwe Municipal council.

3.5 DATA COLLECTION METHOD

The study employed a combination of study methods. These included literature review, household interviews and interviews with officers at the civic authorities. Secondary data was collected through desk research which mainly focused on literature on land management and conflict resolution.

3.6 DATA ANALYSIS AND REPORTING

The data collected in this research was qualitative in nature. Thematic analysis was adopted. Thematic analysis focuses on human experiences. Thus, this approach focuses on the participant's perceptions, feelings and experiences. A theme represents a level of patterned responses or meaning from the data that is related to the research questions at hand

3.7 SAMPLING FRAME AND SELECTION OF THE TARGET GROUP

According to the Kabwe Municipal Council survey records of 2016, Chowa Mpanga Area has 515 demarcated plots of which, 125 have been developed and occupied as households. A Sample of thirty (30) were interviewed. The respondents were divided as follows: twenty-five (25) from the households in Chowa Mpanga and five (05) officers from Kabwe municipal council involved in land allocation

The selection of Kabwe in general and Chowa Mpanga in particular represents an analysis on land dispute owing to the fact that Kabwe Municipal Council was among the three councils whose authority to allocate land was suspended in 2016. Also Chowa Mpanga being an area in Kabwe where land disputes have been common in recent years. The sampling frame was done using the household register for the area and members (respondents) were picked systematically using the 4th number.

CHAPTER FOUR

PRESENTATION OF RESEARCH FINDINGS

4.0 LOCAL / CIVIL AUTHORITY

When asked whether or not the municipal council had enough land, an officer in the planning department stated that, “it depends on the type of planning model that the council decides to adopt.” He further explained that “if we decide to adopt the traditional planning model, then most of the land would be exhausted in a few years’ time but if we adopt the compact model of planning, then there would be enough land.”

The responses attained from the officer entails that in recent years, there has been challenges in the application of the compact model. Thus the municipal council is still using the traditional planning model. A system that involves allocation of large portions of land to individuals.

4.1 PROCEDURE IN LAND ALLOCATION

When asked on the procedure for land application, an officer in the legal department explained that, “land allocation in particular and land administration in general are guided by the lands act as well as the urban planning act. “Furthermore, he explained that, “the guidelines for the urban planning act require individuals who apply for land to be interviewed and three individuals must be interviewed for one plot.”

According to the officer, during interviews of applicants for pieces of land, organizations such as the Anti-Corruption Commission, Ministry of Lands and Women’s Lobby group are in attendance. The officer further stated that, “the council’s policy on land allocation is that thirty percent of the advertised plots are reserved for women.”

Another officer from the legal department explained that, “the biggest challenge as far as land acquisition and administration is concerned is the issue of awareness on land acquisition process by most members of the general public. “She stated that, “this gap in knowledge and information on land has led to an increase in the number of people called speculators.” She explained that,

“speculators in the land acquisition process are simply taking advantage of unsuspecting members of the community.”

These speculators apply for plots at the Council and when allocated these plots, they re-sale them at a high price. It was explained that, “in most instances, speculators normally use unsuspecting members of the public or their own relatives to apply for plots.” The fear is that if they use their own details, they might be blocked. She stated that, “the whole process has become a money making venture for the speculators.”

4.2 MAJOR PLAYERS IN RESOLVING LAND DISPUTES

An officer in the planning department when asked on mechanisms in land resolution stated that, “the Land Act of 1995 provides that land may be administered under two tenure systems, Statutory and customary tenure.” The study established the following as the major players to land related disputes. They include the following, individual parties to the dispute, traditional leaders, local authorities, the judiciary and political leaders.

When asked on the major parties in resolving land related disputes, a resident stated that, “traditional play a key role in resolving disputes because they are easily accessible because they leave within the communities thus understand people’s problems.” She further stated that, “accessibility is important because of the flexible schedules and procedures involved and the use of local language.” Secondly, she stated that, “traditional authorities have a consensus-oriented approach, hence are effective in resolving land related disputes.” However, she pointed out that the weaknesses with traditional authorities is that, firstly, “traditional authorities may have limited capacity to resolve inter community disputes.” Secondly, decisions made by traditional authorities are not recorded to formal systems.

The study also established that local authorities are involved in resolving land related disputes. An officer from the legal department stated that, “local government structures possess the quality of proximity to the people, thus giving them an advantage over other players in land dispute resolution process.” He further stated that, “the local authority has the technical and legal capacity to effectively deal with any land related dispute that may arise.” However, the officer

stated that, “the capacity of the local authority to handle land related disputes may be weakened by in-conflict practices related to land allocation mechanisms.” He stated that, “such practices have the potential to jeopardize the reputation of the municipal council.”

The study also established that local courts are used in resolving land related disputes. They are effective in that, court processes, rules and decisions are legally binding. The courts are structured to reach down to local levels and hence can be accessed by members of the community. However, the court system’s adversarial approach results in win/lose outcomes. Such an approach has a potential to damage relationships thus may provoke future disputes.

Additionally the study established that political leaders at local level are involved in resolving land related disputes. A resident stated that, local councilors have been influential in resolving land related disputes. She explained that, “councilors are important in resolving land related disputes because of the influence they have in local communities in general and over the parties to the dispute in particular”. She further stated that, politicians have the capacity to secure resources that can be used to assist in implementing an agreement. However, on the potential weakness, she stated that, “in certain instances, politicians are sometimes perceived to be biased or as interested party to the dispute.”

The research findings also indicated an increase in land disputes due to illegal squatting. The officer in the planning department explained that, “the issue of illegal occupation of land is one of the biggest problems affecting land administration at the municipal council.” She further said that, “this has led to the council facing planning challenges in terms of land demarcation for new plots.”

Additionally, she stated that, “in certain areas, people have been illegally squatting for over twenty years.” She argued that, “the Lands Act is very clear on the aspect of squatting / squatters.” She explained that, “according to the lands Act, any person who squats is liable to be evicted.” Regardless of the number of years that individual might have squatted on a piece of land, legally, that piece of land is not theirs. However, she explained that, “due to political interference, certain provisions of the lands circular have been abused, thus illegal settlements

end up been legalized.” Thus, the study established that the dynamics of local government and municipality are complex.

4.3 REASONS/CAUSES FOR LAND DISPUTES

It appears that there are more disputes related to land sales, as the value of land increases due to population pressure, agricultural activities, commercialization and urbanization. Therefore, if property rights are not clearly defined, there could be more cases of land related disputes.

When asked as to the causes of land disputes, a resident indicated that, there are a lot of middlemen in the land procurement process. She explained that the middlemen usually claim to work or represent council officials. She further stated that the middlemen usually demand for a down payment before processing documents.

Another resident indicated that the problem with access to land relates to situations where the middlemen obtained commissions from several clients when in actual fact they only have limited number of plots. He explained that, in such instances, in order to appease the majority of the clients, the middlemen often issue duplicate title deeds. Thus, the situation leads to two or more individuals having claim to the same piece of land.

A resident explained the causes of land related dispute is that of the period of time that the local authorities give to would be developers (especially residential plots) to develop their areas. She stated that, most individuals in peri-urban areas are poor and cannot afford to pay all the amount of money as demanded by the municipal council in a short period of time and also develop the area in a given stipulated period of time. She further explained that, this situation has led to local authorities repossessing the land and giving it to other developers. In such instances, those whom land has been repossessed may become agitated leading to land related disputes.

Another resident explained that, as a result of high fees associated with the development of new plots, most members of the community opt to resale the land even before they obtain title deeds. She explained that, they would then use part of the money to process for title deeds which they

would give to one that has bought their land. In such a situation, an individual only benefit financially for a plot they applied for at the local authority.

On the causes of land related disputes, an officer from the legal department explained that, the biggest challenge that leads to land related disputes is that of illegal squatting. He explained that, there are a lot of illegal squatters on some of the land in peri-urban area of Kabwe District. He further stated that, disputes over land usually arose in instances where individuals are required to vacate particular pieces of land. This is during periods when such land is advertised and legally allocated to successful applicants. He explained that, in such instances, the law required that illegal squatters to be removed without compensation and legal owners of the land to occupy the area.

Additionally, an officer from the planning department explained that, it becomes difficult to evict individuals who have been illegally squatting on a piece of land for a long period of time. He further stated that, the process is worsened by the fact that some squatters may claim to have a historical claim to the land. Such individuals are willing defend their land thus may lead to land related disputes. The officer further stated that, due to political expedience, in certain circumstances, illegal settlements would be legally recognized so as to avoid disputes over land.

This study established that, another cause of dispute is that of individuals and households having claim or offer letters to the same piece of land. Both parties to the dispute claim to have followed the proper procedure such as interviews in acquitting land.

The research established that letters given to applicants stipulate the amount of money successful applicants are supposed to pay to develop the plot. Respondents (residents) explained that, “the process of application for plots with the Municipal Council is married with a lot of procedures and payments.”

Some residents said that, “these disputes are due to the fact that the procedures that others use in acquiring plots are marred with a lot of lapses”. They explain that, “in most instances, plots obtained through local representatives are relatively cheap and without a lot of paper work.”

A resident stated that, “local representatives such as councilors facilitate land acquisition process on behalf of the members of their wards. “Furthermore, he explained that, “in the past three years, local representatives have assisted us in acquiring land”. Although the members of the community are required to pay some amount of money so that the process is quick. Respondents explained that, “land acquired through local representatives is easier to pay for and also less complicated.”

They further explain that, at times an applicant will simply be required to attend interviews to formalize the whole process when in actual fact they would have already assured that the land (plot) is already theirs.

Some respondents explained that, they did not have title deeds on these properties, but were in the process of securing them. They explained that, “what was more important was that they had offer letters to begin developing the land.”

A resident explained that of boundaries between plots and access roads are also causes of land related disputes. He explained that, “the major issue with boundaries relate to how the plots are demarcated at the initial stage.”

Some respondents accuse the local authority of causing the problem of boundaries. A resident explained that, “certain plots appear bigger than others despite been in the same area.” He further stated that, “this is the reason why some residents may also want to expand their plots.” But that, “in certain cases, this expansion is usually done without the permission from local authorities.” Consequently, “some plots may expand into areas reserved for access roads.”

The study also established that livelihoods depend not only on individual plots, but on group access to broad and vast territories such as fertile land for agricultural activities. Thus disputes over water sources and other natural resources are common. This explains why communal land meant for use by all members in peri-urban areas tends to attract a lot of disputes

4.4 ADMINISTRATIVE AND LAND USE MEASURES EMPLOYED BY THE LOCAL AUTHORITY IN KABWE

The following information was provided by an officer from the planning department “a piece of land given to an individual must be attached or presented with a title deed, which gives an individual right and legal ownership of land.” This information entails that, pieces of land should be on title for someone to claim legal ownership. The officer further stated that, “such scenario reduces land related disputes as the land will legally belong to a person whose name is indicated on the document.” He explained that, “it is however difficult for land under customary law unless it is gazette.”

He further explained that, “local authorities need to monitor and restrict land use to the purpose applied for.” He said that, “this can be done through regular inspections of ongoing developments within and around areas marked for development.”

CHAPTER FIVE

DISCUSSION OF FINDINGS

5.0 INTRODUCTION

This study has established that land disputes are dynamic in nature. This is because; the relationship between disputes often changes over time. As such, disputes often evolve into full scale conflict even after peace agreements are made. In Africa, Zambia inclusive, community based conflict resolution processes have been formulated at grass root level in an effort to address land related wrangles and disputes (Mudenda, 2006). These disputes have a potential to escalate into full scale conflicts. In this regard, conflict management strategies should be complemented by negotiation and state building programs. Thus, this study aimed at analyzing land administration by civic authorities in Kabwe District in as far as peri-urban area of Chowa Mpanga is concerned. And it also established the mechanisms that the Kabwe Municipal council uses in resolving disputes

5.1 CAUSES OF LAND DISPUTES IN KABWE

As the data collected from Chowa Mpanga area indicates, land disputes areas a result of various factors. For the purpose of this discussion, the causes of land disputes canbe summarized into the following broad categories; Political, Economic, cultural, and Demographic. The various causes to land disputes as collected from the respondents show that land disputes cover quite a large scope and need to be addressed from the root before they can be resolved. This finding can relate to that of Ngombe *et al* (2006), “Land disputes in Africa is a subject that can be traced to as far back as the early 1900s and 1960s and yet it is still one of the topical issues and top of the agenda at many a global forum especially those hinging on development in Sub-Sahara Africa and is concentrated on factors like political, economic and so on” (Ngombe *et al*: 2006, p.27).

The primary reasons for land disputes in Chowa Mpanga are demographic and economic. The study established that, as a result of population increase in peri-urban area of Kabwe District, there is a subsequent increase in demand for land. It must be stated that, the challenge has been on the municipal council to provide land for an increasing population in peri-urban areas.

Therefore, the onus is on the Kabwe Municipal council to devise mechanisms that can be used to address the demand for land in peri-urban areas in relation to population increase.

In doing so, the local authorities must also address institutional challenges which can be administrative and technical. Some of which include; Missing land registers (destroyed) or one that does not meet modern requirements. All these institutional challenges coupled with the demand for land due to population increase tend to contribute to land related disputes.

The economic factor is another cause of land related dispute in Chowa Mpanga area of Kabwe District. As alluded to earlier in the study, there has been an increase in the number of people referred to as speculators in the land market. These speculators seem to be driven by an economic incentive. It is such an incentive that brings about exploitation of unsuspecting members of the public wishing to access land. Additionally, the sudden increase in demand for land particularly in peri-urban areas has equally contributed to the increase in the economic value of land. There seems to have been a sudden realization of the economic value for land. Thus if not properly handled, such economic value can lead to land related disputes. In order to weed out the possibility of having land speculators and their clients on the list of would be beneficiaries of land, the municipal council must vigorously scrutinize the list of applicants. The process of scrutinizing and vetting must be carried out with cooperation of other stake holders such as the anti-corruption commission among others. Hence, by taking a proactive approach, sanity would be restored, thereby reducing the possibility of land related disputes due to availability of speculators in the land market.

As established by the study, political and cultural reasons are also to a certain extent causes of land related disputes. As earlier alluded to in the study, the provisions of the lands circular are very clear in as far as legal ownership of land is concerned. However, due to political interference, certain provisions of the lands act are abrogated, thereby legalizing an illegal settlement. Such scenarios tend to encourage illegal squatting on pieces of land. Therefore, the local authority needs to put in place measures that are aimed at curbing down levels of political interference in land administration. In so doing, transparency and accountability will enhanced.

Encouraging technocrats as opposed to politicians to seat on panels that are mandated to allocate land would be one of the measures to reduce on political interference.

The cultural reasons relate to the inability of women to have access to land especially customary land. This has a negative impact on communities that constitute a large number of female headed households. In this regard, the Kabwe Municipal council tends to reserve 30% of all advertised plots to women. However, such measures only apply to state land. In customary land, women's access to land is restricted.

The study established that, most of the poor in communities have limited or no access to land. In most cases they are made to compete with the relatively wealth indigenous and foreign businessmen and women for a share of land. Even during periods of relative stability, latent grievances may exist, often related to access to land or insecurity of tenure (Longman, 2002). These grievances if not properly handled may lead to general discontent by the general population. Additionally, procedures involved in land allocation by most civic authorities often favor the elite. The elite who had the financial muscle and influence to easily acquire land. And in most instances, large pieces of land at the expense of the majority of the people.

In order to address most of the land related grievances, there is need for reforms in land allocation mechanisms. These reforms have to address the challenges in as far as land acquisition is concerned. However, it must be stated that, there can be reluctance to recognize and address the potential for latent land related grievances from becoming violent. In periods of insecurity, land related disputes can turn increasingly violent and may result in some population displacement (Krueger, 2005). Violence due to land has the potential of marginalizing certain ethnic groups. This is because, as people increasingly become discontent with land related issues, they gradually start identifying themselves on ethnic lines and the issue at marginalization sets into motion ethnic sentiments (Veit, 2013).

Fundamental land reforms are required and must be tabled to address the structural causes of conflict. This is because situations of open conflicts are often characterized by large scale population displacements (Williams, 2007). Such displacements usually affect a population that

has a historical and cultural attachment to a given land. Usually such displacements are done in order to pave way for both foreign and local large scale investments (Williams, 2007)

The justification for such displacements is often economic benefits not only to the local community but also to the entire country in general. Abandoned land is occupied, sometimes out of necessity or in good faith and other times as part of an orchestrated plan to change the ethnic composition of territory (Brown, 2003).

Land is an integral source of natural resources. Natural resources that include natural oil and gas. Minerals such as gold, diamond and copper. These resources if well managed can bring about economic development. Natural resources are defined as the actual or potential sources of wealth that occur in a natural state, such as timber, water, wildlife, metals, fertile land, and hydrocarbons (Adams, 2003).

Experience has shown that natural resources especially land are often used to fund conflict. Examples of countries endowed with natural resources, but continue to experience a surge in conflicts are well documented. Thus, land endowed with natural resources can both be a blessing and a curse. Conflicts have arisen over the abundance or scarcity of natural resources.

Natural resources, especially minerals are often used to fund conflicts (Weizmann, 2009). This has brought in a new economic and political incentive that has the potential to change the rationale for conflicts. To this effect, land related disputes tend to be protracted, move especially when the root causes are not adequately addressed.

Land has a variety of characteristics, some of which lead themselves to conflicts. Land for example is a valuable asset. For many household, access to land is central to food security and is a source of cash income. Furthermore, land may be the only significant household asset to be passed down to future generation.

In this regard, it is one of the most important assets which families at community level can use to sustain their livelihoods. Thus without access to land, the physical security at households may be

at risk. In many societies, women headed households may be particularly vulnerable without land, lacking an important livelihood asset as well as the security of a community.

Land is an important safety net for poor households. This is because, during an economic downturn, households can fall back on ventures such as subsistence farming so as to sustain themselves. In extreme circumstances, land can even be sold to ensure family survival. Thus, economic sustenance in local communities is tied up to land.

However, land is much more than an economic input or asset. It is also a source of identity. In most societies, land and identity are inexplicably linked. This is because; history teaches us that culture and history of ancestors are usually tied up to land (Sherwin, 1999).

Consequently, a community's identity is linked to land. Communities are identified by the size or area of land they own or have acquired. As such, without land, a community may lose its distinctive identity. At household level, access to land confirms membership to a community (Sherwin, 1999). Thus, land ownership instills a sense of belonging not only at individual and household level, but also at community level. On the other hand, the lack of which can mean exclusion in a given society or community.

Land is also an important source of power. Nations as well as communities have exerted enormous power and influence by virtue of the size or area of land they possess (Williams, 2007).

The vast land they possess; the more influence they wield. Thus, the perceived threats to security, livelihoods or identity can mobilize communities or nations to engage in violent conflicts. Understanding the central role that land plays in society, it is fundamentally important in appreciating its role in conflict. Therefore, in order to address land related disputes and conflicts, the onus is on leaders at local government level to put in place mechanisms that monitor and protect housing, land or property rights.

The full range of land and natural resources tenures that exists in a given country is what is referred to as land tenure system (Adams, 2003). The argument in this dissertation is that a holistic approach is the only sustainable approach in as far as addressing land related disputes. In

so doing, there is need to develop strategies at local government level that takes into account institutional strengths as well as their potential shortcomings so as to address land related disputes. Such capacities can be built in collaboration with traditional or customary leaders.

Traditional or customary institutions may be more resilient to the impact of disputes. This is particularly true in a post conflict environment where state structures have collapsed and other avenues for resolving conflicts are non-existent (Weizmann, 2009). Thus, where they exist, customary institutions may be the first point of reference for addressing land related disputes. In this regard, civic authorities need to work hand in hand with other stake holders in land related disputes. However, this is not to suggest that traditional institutions work more effectively than any other institution, rather what is required are targeted support within a larger capacity development strategy which aims at improving such institutions.

As highlighted in this research, the other type of system aimed at addressing land related disputes is that of a networked system. A networked system is a collection of informally or formally coordinated institutions or organizations addressing land related issues. This system may include government agencies, traditional authorities, non-governmental and civil society organizations and private companies (Adams, 2003). Ultimately, the strength of a system for land grievances and disputes resolution is its overall capacity to channel disputes into a variety of mechanisms that collectively reduce the risk of land disputes becoming violent.

Disputes which escalate into conflict are a major causes and in some cases, result in humanitarian crises. Conflict frequently overlaps with underlying social inequalities, poverty and high levels of inequality. Conflicts are direct threats to find security as they lead to massive loss of life. Conflicts displaces millions of people each year, often forcing them to flee with nothing and making them extremely reliant on the communities that offer them shelter and humanitarian aid (Lawson, 2005).

It is important to recognize that violent conflict over land is not inevitable. Nor one conflicts unmanageable. Practical steps can be taken to prevent grievances from turning into violent

conflicts. As earlier alluded to, what is required is for civic authorities to work in liaison with other stake holders in addressing these challenges.

5.2 ACQUISITION OF LAND IN PERI URBAN AREAS

The 1995 Lands Act vests all land in the President for and on behalf of all the Zambian people. It provides that land may be administered under two tenure systems: statutory and customary tenure. While statutory land is administered in accordance with written laws, by government officials, customary land is administered by traditional authorities based on unwritten and localized customary laws (ZLA, 2014).

As stated by Lawson (2005, p.20) on local government land administration in sub Saharan Africa, land monitoring would restrict land owners from using land for other purposes than that applied for. In so doing, civic authorities would be aware of whatever development that is taking place in their areas.

The Study established that at local government level, informal and formal institutions are used in collaboration with civic authorities to resolve land related disputes.

Informal institutions include community elders' or committees, while formal institutions include land tribunal or other governmental institutions (Veit, 2013).

Respondents identified the following as major players in resolving land related disputes; Individual parties to the dispute, Traditional leaders/chiefs, Headmen, Chiefs Councils, the Police, the Local Authorities the judiciary and other Legal Instruments. The results of the research clearly out lined who the major players are and their roles. As land administration and the players found in it are crucial to the limitation of land related disputes

Good governance at local government level is essential in as far as land administration and resolving land related disputes is concerned. Good governance in land administration and state land management is a fundamental component of land governance as it directly has a bearing on the players in the management of land disputes as well as the processes they will adopt to resolve

a particular dispute (Brown, 2003). It can be stated that, this is key in arriving at desired results, and if over looked can have serious penalties on the development of an individual and all through to national and international levels.

This may be upheld by keeping the theory discussed in the theoretical framework. In Karl max's capitalist society theory and in this perspective, a capitalist society is premised on the existence of a powerful minority class (the bourgeoisie) and an oppressed majority class. Conflicts between the two classes are a result of interests which are at odds with each other, and unjustly distributed resources among them. In explaining this system, Grossman (2016; p. 47) explains it as follows:

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

5.3 PLAYERS INVOLVED IN RESOLVING LAND RELATED DISPUTES

As established in this study, there are several parties that are involved in resolving land related disputes in Kabwe district. Among them includes Kabwe Municipal Council. The local authority has an important role to play in resolving land related disputes because they are the custodians of the same land. And as established in this study, majority of these disputes are as a results of procedural lapses on the part of the local authority

The study established that, in order to address these disputes, Kabwe municipal council established the dispute management committee. This committee is comprised of officials from other institutions such as the judiciary. However, the study also established that the lack of participation by traditional leaders may have a negative impact in resolving land related disputes, especially when dealing with customary land which is under traditional authorities. In this

regard, the onus is on Kabwe municipal council to provide a platform where all the key stakeholders in land related matters can address their concerns and suggestions.

The study also established that individual parties to land related disputes are key component in resolving these disputes. For instance, two or three individuals having a claim to the same piece of land. This is because, in order to adequately address such disputes all parties to the disputes must be involved in the processes that are aimed at finding a solution. Additionally, it is from the affected individuals that suggestions and recommendations on how to better handle land administration and related disputes are obtained.

The study also established that the lands tribunal was established by an act of parliament to specifically deal with land related disputes. However, this tribunal is centrally located in Lusaka. And only seats in provincials headquarters to consider some but not all the cases. Therefore, in its current form, the lands tribunal is inadequate to address various land related cases. What is required is for the lands tribunal to be decentralized to provincial level, so that, tribunals at provincial level can then seat depending on the number of cases can then seat at district level.

5.4 MECHANISMS OF RESOLVING LAND DISPUTES

At the point of class consciousness, the poor people resolve in a bid to voice out their issues. ZLA (2014), agree with this by saying,

There are also many poor Zambians who are not aware of the ways in which they can secure their rights to land, neither do they have the means to see that securing the rights to land becomes a reality as acquiring titles is expensive, time consuming and centralized. Some of these people experience insecurity of tenure due to non-adherence to proper land administration procedures and a system that is not transparent as some civic leaders, cadres and traditional leaders allocate and sale land without following the required procedures.

From the above quotation posed on the conceptual framework, it may be alluding that, the mechanism of land dispute should also look into the sensitization of poor/illiterate people on the steps of acquiring land in a lawful procedure and not through dubious means. This maybe an

avoidance measure from disputes as lawful acquisition will stand one clean in the civic authority's intervention.

The results of the Study clearly outlined who the major players are and their roles. As land administration and the players found in it are crucial to the limitation of land disputes, applying good governance policies to it should be briefly explained. In most countries where excessive land disputes exist, land administration and state land management are threatened by lack of capacity; administrative corruption and state capture (Williams, 2007). Hence good governance aims to address all these concerns

What is required is to prevent latent, perceived and actual grievances from turning into violent conflicts. Additionally, drastic measures must be put in place to mitigate the short and long term negative impacts of disputes that have a potential of developing into violent conflict. In recent years, there has been a growing realization by most government on the complex relationship between land and conflict (Veit, 2013).

Such a realization has been exacerbated by a growing number of cross border disputes and conflicts. Land related issues are cardinal in cross border disputes and conflicts.

This research document argues for a holistic institutional approach to addressing land grievances and conflicts. This approach will focus on three basic components: (i) appreciate various land related conflicts as well as their known and documented grievances. (ii) Identifying and developing effective capacity building initiatives in local authorities as far as land administration is concerned. (iii) Monitoring and implementation of the capacity building initiatives and strategies.

This is important because without a systematic approach to land issues, structural causes of land related disputes and conflicts will not be adequately understood and addressed. According to the research findings, land tenure and property rights are often used interchangeably. However, there are more cardinal differences between the two. Land tenure refers to roles regulating people's relationship to land as well as the roles that define how property (and other) rights to land are to be allocated within society (Sherwin, 1999). These rights include rights to occupy, enjoy and use

land and resources, cultivate and use land productively, restrict or exclude others from land, transfer, sell, purchase, grant or loan, inherit and bequeath: develop or improve; rent or sublet and benefit from improved land values or rental income.

These rights are summarized as use rights, control rights or transfer rights. However, it is important to state that the land tenure system does not confer rights. There are a number of restrictions and responsibilities that are included.

The research also focused on the communal tenure system. This is because of the nature of the area where the research was conducted from. A peri urban area in Kabwe District of Central Province. In a communal land tenure system, rights for commons and groups exist whereby each member of the community may use the land and resources of the community, such as grazing cattle on a common pasture is one example.

However, non-community members may be excluded from using the said land. In an open access land tenure system, no specific rights are assigned to any individual or group of people, thus no one can be excluded from accessing it (Morrison, 2006). Examples of open access tenure include rangelands and forests. In state land tenure system, rights are assigned to a public sector entity. Thus, in state land tenure system, land is said to be in the hands of the public or state.

The common forms of statutory tenure include freehold, leasehold, public and private rental, and cooperatives. (Krueger, 2005) Freehold rights are the strongest form of statutory rights, possessing the most complete set of use, control and transfer rights, including the dominion right. As highlighted by Adams 2003, statutory forms of tenure are regulated by state policies, laws and institutions such as national, local governments and courts.

Customary tenures are common in many municipalities, particularly those with part of the land under customary law. In these communities, statutory law is often referred to as “received law” or a law(s) imported during colonial periods (Krueger, 2005). Land and natural resources rights are vested in a community, ethnic group or family. As such decisions regarding allocation, use and transfer are the responsibility of traditional authorities such as chiefs and headmen. In these

circumstances, whenever there are disputes, they are regulated through negotiation, mediation and arbitration. Thus, in such communities, local authorities have limited authority.

In this regard, the research established that some of the land under the jurisdiction of Kabwe Municipal Council is under customary law hence the difficulty in enforcing the law in as far as land administration is concerned.

The other form of tenure is the conflict tenure. This form of tenure system arises during periods of insecurity and conflict. They tend to represent new dimensions to regulate access to and use of land. Conflict tenure may be based on customary or other forms of tenure, but their sources of authority are often based on coercion (Krueger, 2005). Conflict tenures may have highly localized rules and may evolve over time.

If grievances escalate to violent conflict, the impact on people, land relations and institutions can be devastating. People can be displaced from their homes, fleeing into neighboring countries. Internally displaced people often end up in camps.

Whether or not violent conflict has broken out, grievances are common in many societies. A grievance is an issue, concern or claim-perceived or actual-held by one party against another party (Lawson, 2005). Grievances may either be latent or manifest. Manifest grievances are those that are highly visible and articulated with parties engaged in avert action to defend or achieve their goals and interests. Grievances that lead to violent conflicts are usually related to an existing or perceived increase in physical insecurity. The growing tension between parties, polarization of issues can trigger events that shape or escalate the conflict from one of unvoiced grievances, antagonism and words to mobilization and direct action.

A second type of grievance concerns changing perceptions or realities regarding security of tenure. The research has identified issues of access to land as cardinal in prevention of land related disputes. Additionally, the paper has also identified security of tenure as equally important in preventing land related disputes. While access issues are often based on the perceived or real injustices of past events, security of tenure issues focus on current changes and

trends, or concerns about the future (Lawson, 2005). Security of tenure issues are frequently associated with change that is perceived to affect the supply and demand for land, established patterns of land-use or competition between users.

Where traditional and statutory institutions prove inadequate, informal institutions may emerge to facilitate land access, land transactions and the resolution of land related disputes.

Land institutions may be struggling to cope with the increased pressure of land related conflicts or disputes. Traditional authorities may find it difficult to regulate and manage inter-group disputes. Courts often have a limited presence outside urban areas, but may nevertheless see an increase in land-related cases, develop in backlog of cases and be unable to settle enough cases to make a difference or in a manner that is seen to be acceptable and fair (Ferguson, 2009).

It must be stated that, what is required is an effective land reform process that has the potential to reduce land related disputes, thereby creating a stable environment in communities. However, land reform processes that are inadequately conceptualized and implemented can create land related conflicts (Ferguson, 2009). Furthermore, land scarcity and unfair market practices exacerbate land related conflicts. In this regard, effective sustainable solutions must be found. These must aim at improving the quality of life of those most affected by land related disputes and conflicts

Local political structures and their connections to national governments are extremely important for understanding all sorts of political processes that interests among other things the control over land and land related matters. Thus, local dynamics can be critical in determining the fate of entire nations.

Post-colonial land reforms have largely failed to address historic injustices and ensure broad based access to this vital resource. When considering agrarian societies, where individuals heavily rely on land and on its biological resources to secure their livelihoods, the most relevant measure of inequality is undoubtedly inequality in access to land (Williams, 2007). The causes are numerous and complex and revolve essentially around the existence of valuable natural

resources such as oil. The situation has been further compounded by the existence of weak institutions of governance that fail to address or are complacent in the escalation of the conflict. Land has therefore been under pressure at a growing pace in Chowa Mpanga Area due to among other things an increase in population and the administrative lapses by civic authorities to administer land. This has led to an increase in land related dispute

5.5 THE MARXIST THEORY OF CONFLICT RESOLUTION

As the researcher indicated in the literature review, the Marxist theory of conflict resolution was deemed appropriate in understanding the problem that was being investigated. Clearly this theory fits the situation of Chowa Mpanga because the area has in recent years experienced an increase in incidents of land related disputes. Among the reasons for these disputes include the following; firstly, the study established, land as being at the Centre of needs by various classes in society.

These classes include, the low, middle and high income classes. In recent years, access to land especially in peri-urban has become competitive. This is due to the fact that, the value of land has suddenly increased. As alluded to this study, one of the reasons for the sudden increase in the value of land is that of population increase especially in urban and peri-urban areas.

The aim of this study was to establish the role that civic authorities play in the administration of land and also review the extent to which they are involved in resolving land related disputes. Thus, the Marxist theory of conflict resolution was used to explain the various disputes that exist within a given society due the existence of different social classes that compete for resources, land inclusive.

The conflict theory as stated by Karl Marx claims that society is in a state of perpetual conflict because of competition over limited resources. Therefore, in understanding land related disputes that occur in Chowa Mpanga area of Kabwe District, this theory was used.

This study was not theory driven and it was not aimed at testing the Marxist theory of conflict resolution, but rather, it used the theory as prism through which the land disputes in Chowa Mpanga could be seen.

CHAPTER SIX

6.0 CONCLUSION, RECOMMENDATIONS AND POLICY IMPLICATIONS

This section presents the conclusion and the implications of the study findings. It sheds light on what is required to be done to address identified challenges that impede effective and efficient access to land in Urban and peri-urban areas. It also provides proposals for an effective land acquisition and land administration procedure so as to avoid land wrangles and disputes and therefore enhance sustainable development. Furthermore, it presents proposals for improving land utilization by would be land owners.

6.1 STUDY CONCLUSION

This study sought to understand the challenges that individuals in urban and peri-urban areas (Chowa Mpanga) of Kabwe District are facing in their pursuit of land. This study also aimed at finding out the mechanisms and procedures used not only in the allocation of land but also administration of land. The study findings established that land owners had land disputes and concerning bordering on land acquisition process. Land owners raised concerns particularly on how local authorities allocate land. Land owners expressed behavioral, boundary and non-adherence to established procedural processes in land acquisition.

The major land concerns of land owners included insecurity, uncertainty and fear of land grabbing/repossession by the powers that be. The findings further indicate that land owners had numerous land related problems and administrative issues related to acquisition of land. The findings highlighted that efforts by local authorities to address land related conflicts were inadequate and incomprehensive. In many cases land owners/users turned to their neighbors for advice who might also be inadequately or incorrectly informed.

This study provides ample evidence to support the contemporary theorists' notion that land supply and demand faced land conflict risks that justify their need to access and utilize land sustainably.

The land problem in many parts of the world has been a thorny issue which has been giving politicians, civil and traditional leaders and those who are led, sleepless nights (Veit, 2013). As eluded in the Zambia Land Alliance Report of 2014, “in recent years, Zambia has been experiencing land wrangles in which people have been encroaching and developing on land which does not belong to them. Political cadres have also come out in full force grabbing land whenever they have found it lying idle and selling it to desperate would the developers”.

The problem which is significant is that of urbanization. Many people would prefer to be close to cities or towns where they think it was better to develop or invest in businesses. Hence, the increase in land related disputes.

In January 2018, Minister of Lands Jean Kapata suspended the land Agency for Chongwe District Council, the minister cited irregularities in the issue of land and that the council had been allocating land without following any laid down procedures. The minister further stated that most local authorities across the country were in a habit of allocating land in their respective areas without following laid down procedures.

Land conflicts are influenced by a range of complex and interrelated factors. As such, land related disputes are intensifying and becoming more widespread. Land and related resources such as water and biodiversity are vital in marginalized communities since they offer diversified livelihood opportunities and alternatives.

Land also provides sense of security in contexts where formal employment opportunities and access to resources are limited. As a result, land has been a source of disputes and contestation. Ownership and control of land and related resources are often associated with influence in decision making and power to affect outcomes (Veit, 2013). Issues of access and distribution are important in the context of land and people’s power relationship with it.

It must be stated that, one of the major challenge facing land reform policy makers and implementers is how to balance often conflicting social, economic, and political land reform imperatives. These are the multiple demands and high number of potential beneficiaries has

resulted in a range of land conflicts linked to land reform processes. (Lawson, 2006). In this regard, land reform programmes must identify specific beneficiaries that are to be targeted in particular projects. Specific groups to be targeted must include women, the elderly and the youths. These groups tend to be vulnerable in most societies. There are so many poor Zambians living in peri-urban and urban areas on statutory land who are not aware of the ways in which they can secure their rights to land, neither do they have the means to see that securing the rights to land becomes a reality as acquiring titles is expensive, time consuming and centralized (ZLA, 2014).

As established by this research, Some of these people experience insecurity of tenure due to non-adherence to proper land administration procedures and a system that is not transparent as some civil leaders; cadres and traditional leaders allocate and sale land without following the required procedures. As such, many poor Zambians living in urban areas and per-urban areas find refuge in unplanned settlements. As a consequence illegal land allocations, land grabbing and misplacement of resources become a frequent occurrence.

People living under both customary and unplanned settlements therefore have many times lived on the land with a sense of insecurity of land tenure due to absence of documentation to support land ownership coupled with a poor land administration system. Civil and traditional leaders have expressed little transparency and accountability in land governance. Most often, the community members have little knowledge about their land rights and how they can protect themselves.

The land policy needs to address practical aspects of land related conflicts as opposed to poverty theoretical or academic perspective. And in so doing, the wide structural inequities between the 'land haves' and the 'land-have not's as a major cause of land-related conflicts shall have to be addressed.

The policy debate as well as research about land rights and land conflicts have demonstrated that when dealing with land issues in Africa it is advisable to keep a few basics in mind. First, there is no single land issue. A whole series of issues are among other things expressed in terms of

access and control of natural resources that is in terms of land tenure. Land policies express, implicit or explicit, the political choices made concerning the distribution of power between the state, its citizens and local system of authority.

Customary land rights are regularly marginalized by the actions of a wide range of actors, from the state and powerful economic actors to the development community. Achieving equitable land access is integral to the protection and advancement of land rights for marginal groups. Without legally protected rights to land, vulnerable low income households are unable to defend land claims and positively engage in disputes over land tenure.

Failure to administer rights granted to secure land access has been a prime factor in rising land insecurity for people in peri-urban areas in most sub Saharan African countries (Brown, 2003). Thus, it is important to have a greater tenure system. Greater tenure securities is cardinal in strengthening income growth status for the poor and ensure livelihood resilience while strengthening the ability to access credit and compete in domestic and global markets.

Processes for acquiring land rights through state involvement continue to contrast distinctly with land allocated on the basis of customary law and traditional practices, formed through tight knit communal networks (Adams, 2003). Marrying the two systems customary and formal land rights is perhaps the most major policy challenge facing most local authorities.

Additionally, Land reform has proved a difficult process for the majority of local authorities in Sub Saharan Africa (Lawson, 2005), this is because of the complicated process of attempting to manage the competing interests of a range of stakeholders, including commercial investors, small holder farmers, agribusiness and the landless poor. Therefore, securing land rights through legislative reform is an important tool in dealing with the challenges of land inequity. Consequently, interest groups such as small holder farmers with legally protected land will be empowered to successfully dispute wrongly claims of land ownership thus reducing the threat of land grabbing particularly in peri-urban areas.

Thus, what is required is building the right institutional environment to respond to rapid changes in the land market particularly in Peri Urban areas. There is also need to address the complex relationship / arrangement between formal and customary land rights.

The control over land resource is a major factor in determining patterns of poverty and inequality. The colonial legacy has burdened Africa with severe inequalities in the distribution of land between and among various interest groups. In most countries in Southern Africa, land has been an intrinsic part of rural / Peri-Urban livelihoods, thus placing land reforms at the Centre of poverty reduction strategies (Brown, 2003). Scarcity of land, poor access to available land combined with weak institutions to enforce land judgments has had a negative impact on the welfare of individuals in Peri-Urban Areas. The misrepresentation of the vulnerable groups in policy processes concerning land and natural resource management has led to increasing inequality in relation to land allocations.

6.2 RECOMMENDATIONS AND POLICY IMPLICATIONS

This study has the following recommendations and policy implications that need to be considered. They include the following:

6.2.1 Securing land rights in informal settlements

Securing land rights in informal settlements can be achieved by providing short term lease rights without compromising the government's long term development rights

6.2.2 Access to land and security of tenure

Access to land and security of tenure are critical parameters in land administration. In an effective land administration, mechanisms relating to security of tenure are cardinal in addressing issues relating to the return of displaced populations.

6.2.3 Need for Policy and Institutional Reform

There is need for policy and institutional reforms in order to and incremental, conflict sensitive and coordinated approach. There is also need to develop policies and laws that address challenges such as informal settlements and land concessions. This can be done before a comprehensive land policy is implemented.

6.2.4 Reform of land allocation procedure

There is need to re structure the composition of the panel that is mandated to scrutinize applicants for land. Need to have more technocrats as opposed to politicians on the panel. In this regard, there may be less political interference

6.2.5 From traditional to compact model system

In order to address the challenges posed by the traditional system of land allocation, Kabwe municipal council must introduce the compact system of land allocation in peri urban areas. Such a system would cater for a large segment of applicants.

6.2.6 Involvement of traditional leaders in dispute resolution processes

There is need for local authorities to involve traditional leaders on panels that are aimed at resolving land related disputes. This is because, traditional leaders play an important role in the administration of customary land, some of which is located in peri-urban areas

6.2.7 Improvement in access to records

There is need for the municipal council to implement measures that are aimed at improving access to stored records relating to land and land development in peri-urban areas. Secured storage facilities must be made available and where possible back up records must be kept in other places. These measures may assist in addressing issues relating to missing records or files. The measures may also address the issue of multiple claims to a single piece of land

6.2.8 Decentralization of the lands tribunal

This is in order to facilitate quick access to justice in as far as land related disputes are concerned. This is because; a decentralized lands tribunal will adequately address various grievances with regard to land administration.

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APENDIX A

INTERVIEW GUIDE FOR MUNICIPAL COUNCIL OFFICERS INVOLVED IN LAND ALLOCATION

PLACE..... **DATE:**
AGE: **SEX:**

HOW LONG HAVE YOU BEEN INVOLVED IN LAND ADMISTRATION

- DO YOU PARTICIPATE IN LAND ALLOCTION BY CIVIC AUTHORITIES?
- IS THERE ENOUGH LAND WITHIN THE JURISDICTION OF THE MUNICIPALITY
TO ENABLE COMMUNITIES TO ACQUIRE LAND FOR FARMING AND HOUSING?
- WHAT IS THE PROCEDURE FOR ACQUIRING LAND AT THE MUNICIPALITY?
- WHAT CAUSES LAND WRANGLES WITHIN THE JURISDICTION OF YOUR
MUNICIPALITY?
- WHAT MEASURES ARE SUPPOSED TO BE PUT IN PLACE IN ORDER TO AVOID
LAND WRANGLES?
- IN YOUR OWN VIEW, WHAT WOULD BE THE BEST MECHANISM IN RESOLVING
LAND DISPUTES? EXPLAIN

APENDIX B

INTERVIEW GUIDE FOR RESIDENTS OF CHOWA MPANGA

PLACE:..... **DATE:**

AGE: **SEX:**

- HOW LONG HAVE YOU BEEN A RESIDENT IN THIS AREA?
- ARE YOU FAMILIAR WITH HOW PEOPLE ACQUIRE LAND IN THIS AREA?
PLEASE EXPLAIN
- HOW IS THE PROCESS OF LAND ACQUISITION DONE IN YOUR AREA?
- WHAT CHALLENGES ARE FACED DURING THE LAND ACQUISITION PROCESS?
PLEASE EXPLAIN
- DO YOU KNOW AND UNDERSTAND HOW LAND IS GIVEN TO DIFFERENT
LAND APPLICANTS? PLEASE EXPLAIN
- GIVE REASONS WHY YOU THINK LAND DISPUTES HAVE BEEN EMERGING IN
YOUR AREA
- WHAT KIND OF LAND DISPUTES ARE PEOPLE IN YOUR COMMUNITY FACING?
- IN YOUR OWN OPINION, WHAT IS THE BEST MECHANISM FOR RESOLVING
LAND DISPUTES?