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Inclusiveness of Urban Land Administration in the City of Lusaka, Zambia

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Abstract. Many cities in developing countries are experiencing urbanization characterised by the continuous proliferation of informal settlements. In the City of Lusaka over 70 percent of residents live in informal settlements. The purpose of this paper is to provide an account of how inclusive land administration is in the City of Lusaka using the perspective of good governance principles. The sample comprised 10 key informants purposively selected from government institutions/civil society organisations and 60 respondents conveniently drawn from informal settlements. The findings were analysed thematically and using descriptive statistics. The findings show that there is need to create policies and legislation that assists in developing viable, liveable and inclusive townships. Most indicators of the five good governance principles recorded negative responses of at least 60 per cent. Formal urban land development arrangements in the city have not been able to cope with the demands of the majority of urban residents. The study suggests that land and housing policies be revised to serve a broader purpose beyond the provision of shelter in order to suit the dynamic and contemporary needs of specific societies. Further re-search is needed on tenure responsive land use planning in order to understand existing community dynamics (economic and social support networks) and implement practical changes for tackling informality if Zambian cities and communities are to be sustainable and resilient.

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1. Introduction

The availability of affordable housing land for all is said to be a prerequisite for providing liveable and inclusive neighbourhoods (Turok, 2016). However, urbanization in many developing countries has become synonymous with slum formation, where the deprivation of basic social services and insecurity of tenure are key features of life (UN-Habitat, 2010; Antonio, 2011). Insecurity of tenure is attributed to, among others, a lack of effective land-use planning and control, pro-poor and fit-for purpose land administration. In view of the above the United Nations (UN) is advocating for good governance in land administration in order to develop cities and human settlements that are inclusive, safe, resilient and sustainable. From a land development perspective this demands a transparent, accountable, effective, efficient, equitable and well-functioning land administration system (Sylla et al., 2016).

In Zambia, land has become a commodity that is not easy to access by the poor and vulnerable despite the country having committed to the Habitat III Agenda on Urbanization and Development. This is due to deficiencies in land administration such as corruption, lack of transparency and unfairness in land allocation (Transparency International Zambia, 2011). Poor land administration has given rise to middlemen profiting from illegal brokerage of public land resources in the city. With the fast-expanding urban population estimated to grow at a rate of 4.9 percent per annum, the City of Lusaka is experiencing unprecedented pressure on land leading to a shortage of land as well as increased land values which discriminate against the poor and vulnerable for whom access to land has become increasingly difficult. The aforementioned can be attributed to the growing gap between current patterns of urban

land administration and what is required to make cities inclusive, productive and sustainable (Mitchell et al., 2016). In other words, policies, strategies and plans have not kept pace with the speed of urban transformation, while many forces and stakeholders are incentivizing the uneven and unequal development (UN-Habitat, 2015). This calls for a move towards pluralistic policies and frameworks that mainstream good governance principles in land administration. In this regard, the realisation of good governance principles is vital for achieving a sustainable urban future where city residents become co-sovereigns or having 'complete communities'. However, this needs a coordinated and collaborative framework that is multi-disciplinary and involving all stakeholders. This paper seeks to contribute to debates on issues of urban land question by highlighting the political economy of land (power relations) in the City of Lusaka especially on questions of equal access, ownership and distribution of urban land in Zambia. The introduction is followed by a discussion of the political economy of informal settlements, methods, and results focusing on inclusive urban land administration.

2. Political Economy of Informal Settlements

In recent decades, an extensive body of literature has emerged on the drivers of informality (Qian, 2014). These are categorised as exogenous factors such as rapid urbanisation, lack of affordable housing and housing land for the poor, weak urban land governance (legal frameworks and policies, urban planning for various human land uses, discrimination and marginalization), displacement caused by conflict, natural disasters and climate change) and

endogenous factors mainly summed as economic vulnerability of the urban poor (Siame, 2013; Qian, 2014; Chikuta et al., 2017). Whereas a number of studies have been done in Zambia concerning changes in urban planning strategies to combat informality and poverty, little research has been done on the combination of land use planning and tenure security improvement in improving the living conditions of the urban poor. The latter is important as new urban planning strategies such as upgrading of informal settlements have been noted to have adverse effects such as creating opportunities for gentrification. For instance, “some property owners in the Kalingalinga settlement have realised how beneficial it has become to sell their property with the on-going improvements” (Chikuta et al., 2017:47). Consequently, there has been displacement of the urban poor (lower income residents) to the urban fringes thus contributing to urban sprawl and creating favourable conditions for more informality and a sprawling haphazard urban form that is difficult to service with public transport, bulk infrastructure and other services (Turok, 2016). A parallel African case where the urban poor were displaced is the social housing projects (Car Gardens and Brickfields) of Johannesburg where middle-class residents were attracted while the poor were pushed away from these areas into informal settlements on the periphery of the city (Gunter, 2013).

In view of the foregoing, it is worth noting that housing is multi-dimensional and has complex interactions with the economy, social institutions, demographic shifts and the natural environment (Turok and Borel-Saladin, 2016, Turok, 2016). For instance, in a liberalised land sector, artificial land shortages are eminent that in turn leads to land values that are above the affordability of the underprivileged. The phenomenon negatively affects the livelihood of vulnerable groups in making long-term investment in land (Arko-Adjei, 2011; Deininger et al., 2012). This is because land ownership and secure tenure opens personal credit markets for investments in land buildings, provides a social safety net and transfers wealth to next generations (De Soto, 2000). For instance, those who have secure land rights, unlike those who have short-term land rights, are likely to apply their full efforts into making long-term improvements or investments attached to the land. This said, contemporary debates

on tenure security and land investment in informal settlements show that formalisation of land rights leads to re-crowding, community opposition, gentrification and creation of gated communities (see Gunter, 2013). In this regard, improvement of informal settlements results in the displacement of poor who are unable to pay higher rentals or to afford buying real estate in the area (Levy et al., 2006; Chikuta et al., 2017, Samboko, 2017). This is to say that in the production of a formalised space, wealthy urbanities buyoff (displace) original informal settlers creating a continuous cycle of urban informality as plots in urban areas mainly are accessed by the minority elite (Rakodi, 2008; Ikejiorfor, 2009).

The above trends are against the principles of equitable access to urban amenities and secure tenure for all, as emphasised in the Constitution of Zambia (Amendment) Act, 2016 and Habitat III agenda. Further, Ngwenya (2013) argues that, public sector policies and investments should be sensitive to the needs of the poor so as to curtail the effects of urban regeneration or revitalization programmes that often work in favour of the middle class and to the detriment of the poor. In this regard, an inclusive economy is one that expands opportunities for more broadly shared prosperity and in particular for those facing the greatest barriers to advancing their well-being. This implies that building inclusive cities requires housing land to be affordable and well located with housing options and services for all socio-economic groups. Providing such rights on a large scale for the vulnerable comes with costs due to the cost of doing so, the capacity required and the potential to develop the land (Palmer et al., 2009).

Therefore, there is a need to generate an understanding regarding the processes and outcomes associated with land-use planning and regulation, especially pertaining to proliferation of informal settlements. As a consequence, re-orientation is required from what should be done towards what is actually being done. This needs a critical review of “economic, socio-cultural, environmental and political/administrative dynamics as these evolve across and within an urban area” (Healey, 2007:3). Healey (2007) highlights the need for intellectual muscle in imagining what to link, integrate and ‘join up’ without hurting the locals. This calls for new ways of running government, driven by concerns for great-

er effectiveness and relevance of policy programmes in delivering concerns and demands of citizens and stakeholders. Further, Kombe and Kreibich (2000) argue that despite the possibility of having overnight changes to formal institutions, there is a need to examine the sanctioning power as informal constraints to such changes can be embodied in customs, traditions and codes of conduct, which may be impervious to deliberate policies. This implies that implementation of policies and plans are hampered by invisible interactions between actors in the system (Roy, 2009). For instance, local authorities are not by themselves in a position to make cities more inclusive but must take coordinated action between local and higher tier governments.

As for the current debates on the challenges of land administration system (lack of land policy, poorly coordinated institutions, lack of urban poor participation and transparency and weak capacity for implementation and monitoring of laws and spatial plans), it is necessary to ask questions about power relations and dynamics/ outcomes of land governance processes in the City of Lusaka. Leaving such urban characteristics unexplored can result in the failure to come up with a responsive land administration system that focuses on the problems of the poor and vulnerable in informal settlements. It is in this vein that the inclusiveness of land administration in the City of Lusaka was investigated in order to address these challenges.

3. Study Area and Methods

The study was undertaken in the City of Lusaka in Lusaka Province, in Zambia (Figure 1). The city's urban population is estimated to grow at a rate of 4.9% per annum. The City of Lusaka is the most highly urbanised in Zambia. Therefore, it is experiencing many problems relating to urban sprawl, rapid land conversion, unregulated developments and high levels of urban poverty.

The study employed the concurrent embedded strategy where both quantitative and qualitative data are collected simultaneously. The approach was used to explore the uniqueness, complexity and precise nature of land administration in the City of Lusaka.

The sample comprised 10 key informants purposively selected from government institutions, civil society organisations, experts and property developers, and 60 property owners conveniently drawn from selected informal settlements. The study was motivated to select stakeholders with experience in land matters comprising of government department-front liners in land administration, Civil Society Organizations, experts and property developers in the city

Multi-stage cluster sampling was used to select respondents in informal settlements. Informal settlements were categorised either as legalised (regularised) or recognised (not regularised). It must be noted that not all legalised settlements are regularised as the latter involves not only the provision of tenure documents but also the provision of infrastructure services such as roads, water and sanitation facilities. The next step was the determination of the sample size that was representative of the target population. According to Silk (1979) an ideal sample size should be at least be 10 percent of the target population. In this case, 20 percent from each category were selected giving a total of 10 settlements. That is 20 percent of 33 recognised (not regularised) settlements and 20 percent of 16 regularised settlements. A simple random sampling method was then used to select the sample from the population of each category by lottery techniques. Due to the lack of a sampling frame for the total number of properties in each selected category of informal settlement, six respondents were conveniently selected as opposed to the initial plan of randomly selecting from zones. According to Kothari (2004), convenience sampling involves selecting anyone who is handy, thus the researchers found it convenient to choose units of the sampling population without any specific order as long as they were land owners (landlords). The selection of land owners was done by snowball sampling. The major determining factor in arriving at the six respondents in each settlement was the manageability of collecting data from a total sample of 60 by using interview schedules.

The qualitative data from key informants were analysed thematically while quantitative data provided a numerical description of trends and extent of inclusive tenets in the City of Lusaka. The primary sources were complemented by information

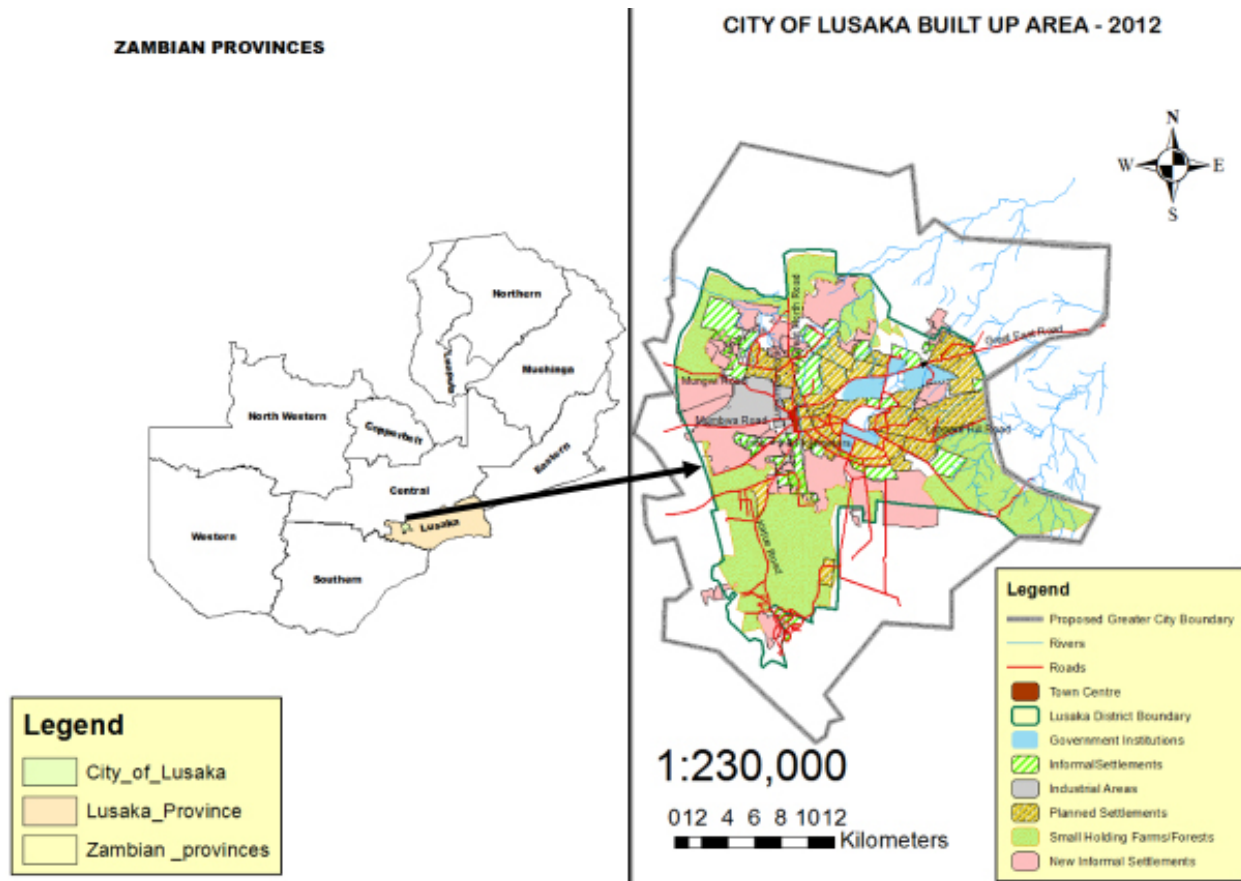


Figure 1. Location of Study Area (Source: Zambia National Remote Sensing Centre)

from secondary sources on good land administration and inclusive cities.

4. Inclusive Urban Land Administration

City inclusiveness is about promoting equity and creating cities wherein all can participate in their social, economic and political dynamics (Soja, 2009). Inclusiveness parameters are presented and discussed in terms of five good governance principles (transparency, accountability, participation, equity, and efficiency and effectiveness). These constitute the backbone of the new urban agenda framework for inclusive cities which are secure tenure and equitable access to and control over land, sustainable land use, land based revenues for the benefit to all and responsible land governance. It is therefore essential to understand the visible and invisible interactions between actors, that is, institutions (rules) and organizations (entities) and the broader social

and political context (stakeholders' interests, incentives and constraints) in which the land administration system operates (Roy, 2009; UN-Habitat 2013).

4.1. Transparency

The indicators of transparency include: clarity and accessibility of the laws and rules regulating land delivery and land use, free flow of and accessibility to land market information to all (Arko-Adjei, 2011; Sungema et al., 2014). In terms of clarity and accessibility of land acquisition regulations and laws, the study findings show that only 38.3 percent of the respondents perceive land regulations and laws to be clear while 61.7 percent had opposing views (see Figure 2). This is an indication that the majority of respondents in the study area do not understand land law as they needed more clarity.

An analysis of qualitative data also revealed that most laws and regulations are technically justified

but practically inappropriate which leads to many land disputes. In this regard, one key respondent from the Lands Tribunal noted that:

People do not know the law and where to find the law. Moreover, there are a lot of grey areas in our laws which has subsequently resulted in more than half of cases the Lands Tribunal adjudicates on per session to be re-entry (Interview, Lands Tribunal official, 5th April, 2017).

Another research participant noted that:
Land law is very technical, not accessible and limited in numbers. Further, land laws are not translated into local languages (Interview, Zambia Land Alliance official, 12th April, 2017).

As for the issue regarding providing low cost housing, a respondent that;

The ideal situation is that a planning authority decides where to develop a settlement. The current scenario is that a group of people will settle and then go to the council. This is attributed to lack of understanding of land alienation procedure while others take advantage of land 'owners' not knowing what to do in cases of land invasions. (Interview, Ministry of Local Government HQ official, 19th June, 2017).

The scenario of people not knowing the law is also common among councillors as one research participant observes:

From the training we have had with local au-

thorities in Kalulushi and Chadiza, it is sad that many councillors do not know about the Urban and Regional Planning Act of 2015. This shows that there is no link between planning authorities and politicians, implying that we have become a country functioning without laws. Now if councillors do not know about the law what of the general citizenry? (Interview, Civic Forum on Housing and Habitat in Zambia official, 15th June, 2017).

Furthermore, a governance and environment consultant adds that:

Since land law is a subject that is difficult to understand, the public only knows of land procedures when they have problems or challenges. This in turn results in people failing to hold public officials accountable (Interview, Riverine Zambia limited official, 6th July, 2017).

Due to the fact that the legal framework governing land administration in Zambia is located in several statutes, it is unclear about the regulatory framework for policy implementation in the acquisition, development and use of land. The unclear legal framework is not desirable as it has created overlaps of mandates for government entities dealing in land and led to bureaucracy in land governance (Adeniyi, 2013; Mulolwa 2016). For instance, while the Local Government Act empowers district councils to provide services for allocated plots, the Ministry of Lands and Natural Resources often al-

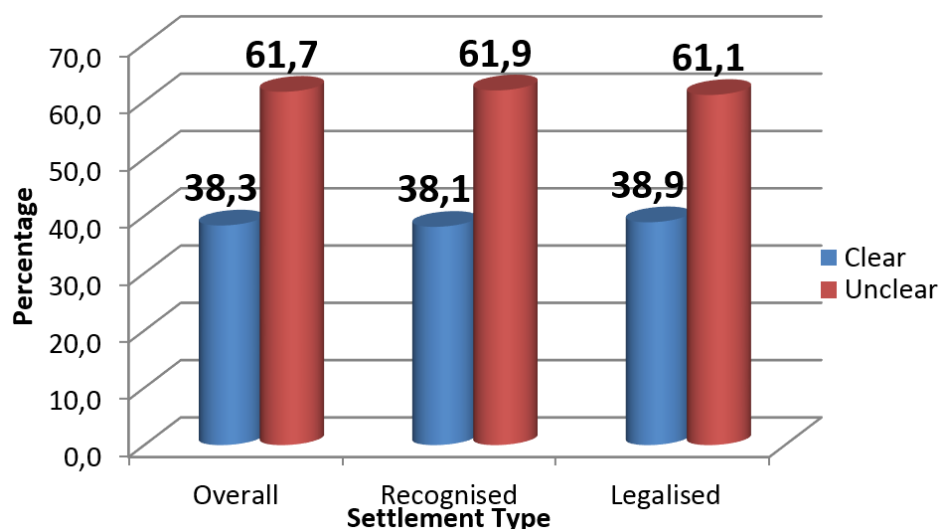


Figure 2. Responses on Clarity and Accessibility of land Acquisition Regulations and Laws (Source: Authors)

locates land before services are provided (it takes a long time before actual services such as water and roads are actually provided).

Further, the overlapping of powers of land administration entities often add to bureaucratic red-tape, which allows agencies to remain self-serving, with little regard to community needs and demands (Sylla, *et al.*, 2016). In the midst of this mix-up, there occurs patronage, informal fees, and other forms of corrupt practice that preclude the least able from participating in the formal land market and gaining security of tenure. The foregoing has led to those who benefit from chaos to be reluctant to support change, which in turn results in a lack of confidence in the formal system of land administration and a concomitant growth in informality. Moreover, most residents are not educated on the importance of development plans and zoning regulations while development control and monitoring mechanisms remain weak, resulting in irregular urban land use and development, often in disaster prone areas (Mulolwa, 2016). Consequently, this does not promote the building of a 'complete community' but rather propagating exclusion in all its forms as formal land administration institutions and entities are often seen as 'alien' authorities by those in informal settlements rendering them unreceptive to modern planning arrangements such as re-development or renewal proposals (Turok and Borel-Saladin, 2016, Turok, 2016).

Accessibility and dissemination of land market information is another pillar of transparency in land governance (Arko-Adjei, 2011). Figure 3 shows that the majority of the respondents (71.7 percent) in the study view access and dissemination of land information to be problematic. The scenario is attributed to a number of deficiencies in the land management system and the mode of disseminating information as noted by key informant that:

The Ministry of Land and Natural Resources' land records are stored both manually and electronically. Currently we mainly rely on the manual system as the electronic system is still being developed (Interview, Commissioner of Lands official, 13th April, 2017).

In relation to the above Mulolwa (2016) notes that property records at the Ministry of Lands and Natural Resources (MLNR) and Lusaka City Council registries are not linked or synchronized. This has resulted in ownership information in the registry/cadastre at the MLNR and Lusaka City Council not reflecting reality on the ground. To address these shortcomings and to fully computerize the Land Administration System, the Ministry of Lands and Natural Resources has developed the Zambia Integrated Land Management and Information System which commenced in 2013. Nevertheless, its implementation is not well embraced by some government officials and politicians for fear of losing the advantage of accessing land. With regard to in-

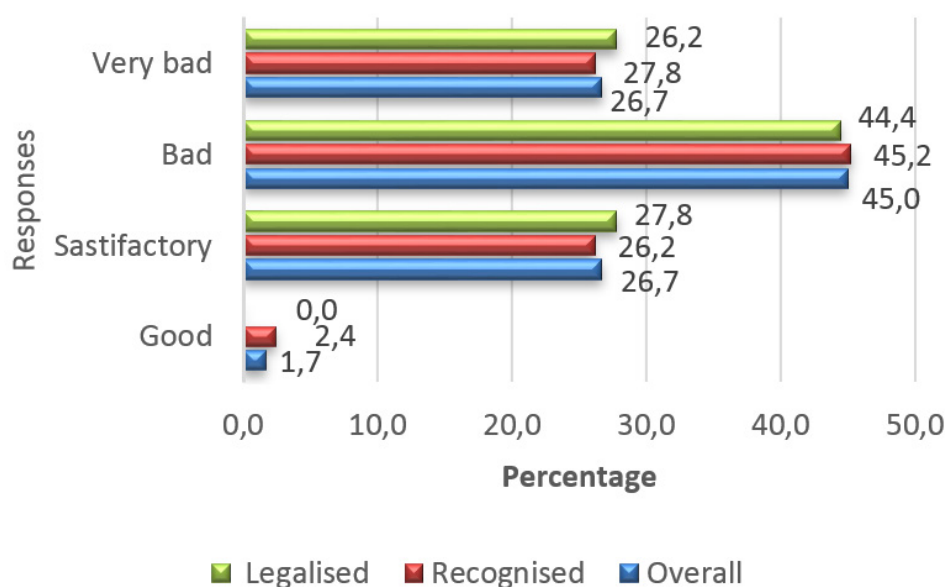


Figure 3. Responses on Accessibility and Dissemination of Land Information (Source: Authors)

formation dissemination, the mode of dissemination is not efficient as the majority of city residents are not able to purchase/access newspapers. In this vein, a governance advocate narrated his experience that:

Delivering re-entry information using the postal or print media has caused many land owners to lose ownership rights, thus the need to embrace information technologies such as using text messages (Interview, PPHPZ official, 16th June, 2017).

However, a land administrator noted that; *The biggest challenge in accessing land information is the poor reading culture which makes many residents not to know where there are parcels of land (Interview, Commissioner of Lands official, 13th April, 2017).*

Furthermore, an official from the Ministry of Local Government headquarters noted that;

Information dissemination is open but lacks sensitisation about the Land delivery processes. It is open in the sense that land is always advertised before it is allocated to people but the medium through which it is done is not adequately open enough because not every one reads newspapers. Maybe if they could widen the spectrum such as holding public meeting or conduct public address (Interview, Ministry of Local Government HQ official, 19th June, 2017).

It is important to note that the lack of land information makes land transaction costly because people end up buying land that has already been allocated to other people. Moreover, individuals end up involving themselves in corrupt practices in the way they acquire land from others.

4.2. Participatory and Responsive Land Administration

In the case of participatory and responsive land administration, the indicators of participation include the extent of involvement of community members in the land delivery processes, plan preparation, policy decisions, and implementation of laws and regulations diligently and impartially (Arko-Adjei, 2011; Sungema et al., 2014; Melese, 2016).

Regarding openness of decision making on the use of land, the study findings show that 78.6 percent of respondents in recognised settlements and 88.9 percent of respondents in legalised settlements (see Figure 4) perceive decision making on land use not to involve all the stakeholders.

An analysis of qualitative data on the other hand shows that decision making in land administration in the City of Lusaka has not reached a level where communities can effectively influence planning outcomes that address their absolute aspirations. In view of the foregoing, most land governance experts are of the view that local communities' involvement

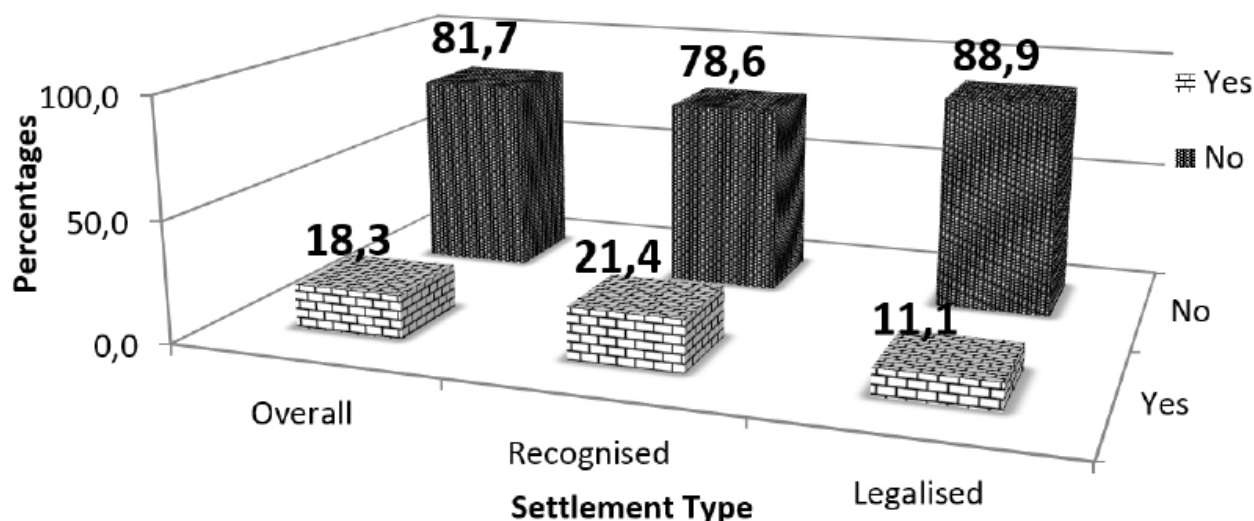


Figure 4. Responses on Openness of Decision Making on the Use of Land (Source: Authors)

in land use matters is usually passive as they are just informed. For instance, despite “local authorities advertising the initiation of Plans or changes to Plans, the public rarely go to review and make comments mainly because of the inadequate or inappropriate methods used to provide public information” (Mulolwa, 2016:41). This entails that the majority of city residents, especially the vulnerable, are unable to inform the planning process. Moreover, even in cases where views are obtained from few city residents, in rare occasions are applications for re-zoning modified in anticipation of future developments. Furthermore, in cases where the consent to change or modify an approved development plan has been refused, the Urban and Regional Planning Act of 2015 provides for the applicant to appeal to the minister responsible for planning, who decides without any public consultation. It also provides for an applicant to appeal to the High Court of Zambia or the Planning Appeals Tribunal for adjudication before the minister makes the final decision if the latter refuses consent to the applicant. Gunter (2013) notes that where the need for development overrides the need for community participation due to the notion that local development can take place without the participation of local communities, the resulting scenario is a top down development in which local residents feel little or no to ‘buy in’ to the new development. In this way, there is an apparent restricted opportunity for locals to inform the planning processes with their indigenous knowl-

edge, which is considered technically inferior. This downplays the call for various stakeholders, irrespective of their socio-economic status, to be given an opportunity to communicate their ideas and engage in a debate until they reach a consensus on the best way forward in planning matters (Sandercock, 1998; Fainstein, 2010; Ngwenya, 2013). Although it is difficult to ensure that all interests are well and fairly represented, it is imperative that everybody, including those earning below average income or no income at all be involved in the shaping of the city in which they reside (Lefebvre, 2003; Gorgens, 2011). Indeed, Turok, (2016) contends that successful places are rarely achieved by planners, engineers, designers or architects working in isolation but rather harnessing collective knowledge, energy and resources of all spheres of society. Healey (2007) argues that decision-making should not be left to the elites and politicians alone to decide for the masses.

The study findings pertaining to performance of duties diligently and impartially found that 39 respondents (65 percent) are of the opinion that the performance of duties by officials tasked with land administration is repulsive (see Figure 5). The poor performance of duties is attributed to a number of factors including, gross political interference in the administration of land. As noted by one land governance expert:

There is gross political interference in the administration of land, leading to problems such

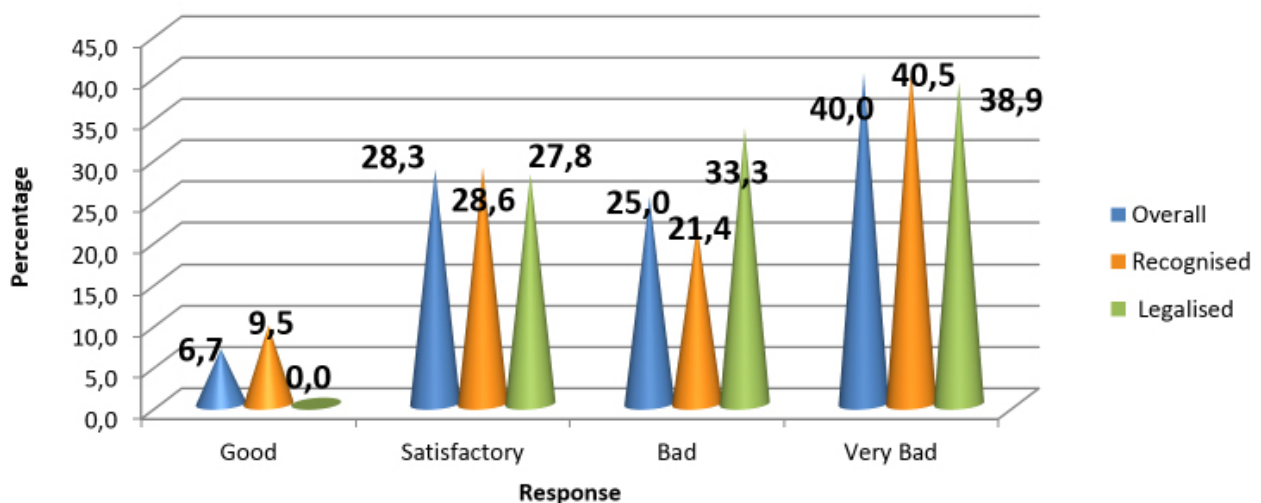


Figure 5. Responses on Performance of Duties Diligently and Impartially (Source: Authors)

as double allocation and increased informality, a situation that has eroded the financial base for the Local Authority. Secondly, land has become a commodity of appeasement (Interview, CFHHZ official, 15th June, 2017).

In addition, the compromise in performance of duties is due to political agents (cadres) being appointed to key land alienation and development control in government departments in order to favour the appointing authority which can be likened to what Roy (2009) terms as ‘informality from above’ where informality exists at the very heart of the state and is an integral part of the territorial practices of state power. It is also attributed to deliberate moves that allows political agents to invade vacant land as a way of paying them for the work done during political campaigns. Examples of cases in the city of Lusaka include Garden House and Chalala settlements. It is observed that most informal settlements are preceded by planned settlements or upgraded settlements as is the case at Garden House, Madimba. This downplays the notion of purported cadres alienating land, but rather suggests a calculated informality (deregulation), one that involves purposive action and planning, and also where the seeming withdrawal of regulatory power creates a logic of resource allocation, accumulation, and authority. This has resulted in corruption thriving in the land sector as noted by another key informant in the following narrative:

The land sector is experiencing high levels of corruption as the sector lacks systems to stop potential bribe paying within their ranks; sanction those that are found wanting and raise the profile on the dangers of allowing corruption to continue thriving. There is also no mechanism beyond a seller going out advertising the sale of their land. That is, the seller determines the value of land which leads to desperation and speculation (Interview, Riverine Zambia limited official, 6th July, 2017).

This has resulted in corruption thriving in the land sector which, in turn, hinders the less privileged to access land for housing.

4.3. Accountability

Accountability is about the answerability of institutions/servants for their actions and resulting consequences in implementing land policies. Variables considered are: correct use of land premiums and planning fees, appeal mechanisms for conflict resolution and general mechanisms for questioning on-going land activities (Arko-Adjei, 2011; Sungema et al., 2014).

In terms of the use of land premiums and planning fees, the study shows that the majority of respondents share the view that the land administration system in the city does not account for land premium and planning fees (see Table 1). These findings align with those by Sungema et al. (2014) and Melese (2016) from studies in Ethiopia where it was found that city administration never reports to residents on its land activities and related financial statements. The situation is attributed to:

Gross political interference in the administration of land where political supporters are collecting application and development fees. The situation has eroded the financial base of local authorities because they delay in parcels of land on their valuation rolls (Interview, Zambia Land Alliance official, 12th April, 2017).

The scenario affects the capacity of both local and central government to provide basic services such piped water, sanitation facilities and township roads.

With regard to the opportunity to present and defend claims during dispute resolution, 71.7 percent of the respondents in all the settlements held the view that it was not favourable to all. According to Mulolwa (2016: 65) people are not “acquainted with the processes and procedures on how to bring their disputes before any of the forums”. As for whether or not the dispute resolution mechanism was effective, 70 percent of the respondents disagreed (see Figure 6). The ineffectiveness of the conflict resolution is attributed to the fact that in informal settlements “land rights provided by occupancy licenses do not include the surrounding yard of a housing development resulting in 60 per cent of disputes caused by encroachments as plot boundaries demarcated by using trees or shrubs passed

on by word of mouth from the seller to the buyer” (Chilombo, 2016:34).

Further, “conflicts in the formal system are usually not resolved in a timely manner as courts are overburdened with a high number of cases and processes and procedures of bringing about disputes before the courts unfriendly” (Mulolwa 2016: 66). In his respect one interviewed good governance consultant argues that:

The Lands Tribunal is not as effective as people thought as it is highly centralised. Moreover, very few people know the mandate of the Lands Tribunal owing to poor publicity about the institution” (Interview, Riverine Zambia limited official, 6th July, 2017).

The result has been the creation of parallel avenues alongside the judicial resolution channel such as the ward development committees, the Lusaka City Council, the police and the Minister of Lands and Natural Resources, political cadres and the church which have failed to foster equity and agreement in the conflict resolution process as community structures are not well grounded in legal and planning matters (Chilombo, 2016). Such parallel conflict resolutions are hijacked by the minority elite and end up serving the interests of the powerful interests instead of collective needs. Further, gaps in the legal framework have resulted in conflicts among land administration entities. For instance, the Ministry of Lands and Natural Resources is involved in dispute resolution “through its mandate to appoint the registrar for the Lands Tribunal which clearly presents a potential and/or real conflict of interest in cases where the Ministry is involved as a litigant in land disputes” (Mulolwa,

2016:69). Thus, civil society organisation and governance activists are of the view that placing all land in the care of the Republican President gives too much power to one office and makes it difficult to distribute land equally (Zambia Land Alliance, 2008). The great powers vested in the President in matters of land alienation have the potential to lead to conflicts of interest or are sensitive to abuse in cases of implementation and arbitration. For example, in a land dispute between rural/peri-urban communities and leaseholders or investors, the President can rule in favour of investors at the expense of the local people (Mudenda, 2007).

4.4. Equity

Equity is a way of providing equal opportunity for all to access land and land information without legal obstacles and procedural difficulties. The study focused on whether all community members had equal access to land, affordability of land premiums and planning fees.

Equitable access to land is one of the indicators of equity. As shown on Figure 7 respectively 35 percent and 38.3 percent of the respondents disagree or strongly disagree to the assertion that all community members in the city have equal access to housing land. The challenge of accessibility to formal lands for the majority of the urban population is accentuated by the fact that such plots are usually allocated to the elite in society (Ikejiorfor, 2009). The study revealed that land in Zambia is commercialised as an individual is empowered to own land only when they have the capacity to develop it by way of hav-

Table 1. Responses on Correct Use of Land Premiums and Planning Fee (Source: Authors)

Response	Type of Settlement					
	Recognised		Legalised		Overall	
	Number	Percentage	Number	Percentage	Number	Percentage
Agree	3	7.1	2	11.1	5	8.3
Disagree	29	69.0	14	77.8	43	71.7
Strongly disagree	10	23.8	2	11.1	12	20.0
Totals	42	100.0	18	100.0	60	100.0

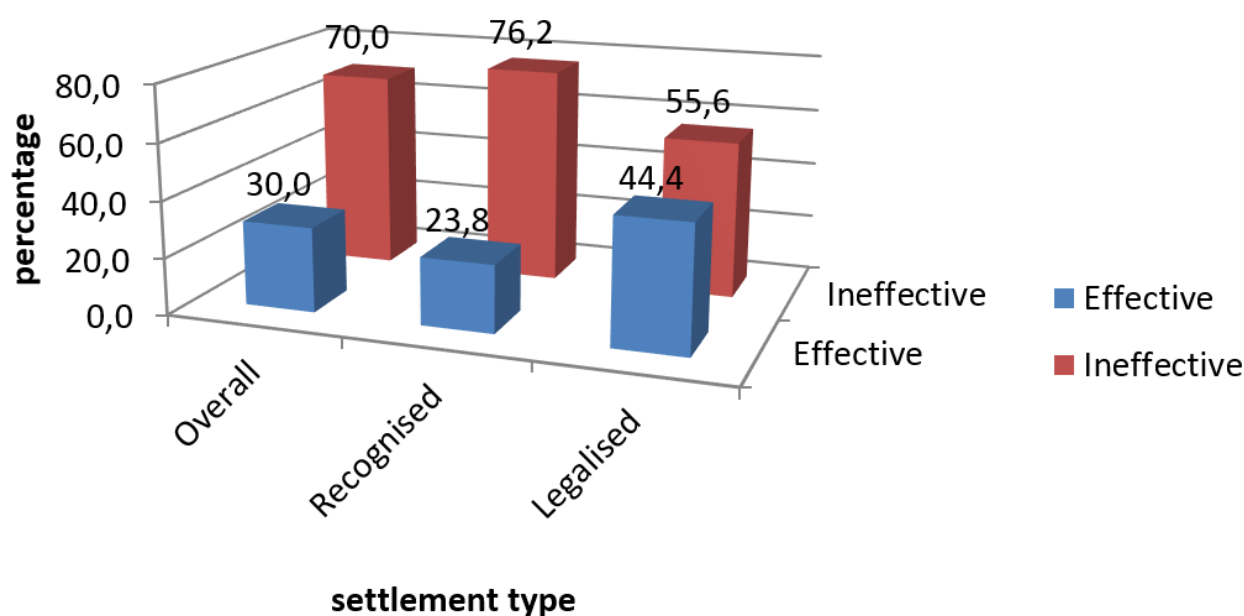


Figure 6. Responses on Effectiveness of Dispute Resolution Mechanism (Source: Authors)

ing sufficient funds to support the application for land. One key informant stated that:

An individual is empowered to own land only when they have the capacity to develop it by way of having sufficient funds to support the application for land. Previous it was affordable when land had no value but now plot premiums are high. For instance, you will be told to pay K600 non-refundable fees before the offer then pay about K20,000 to K80,000 as development fees. This entails that only those with financial resources can acquire land in the city (Interview, MLG HQ official, 19th June, 2017).

Furthermore, a governance activist noted that: *The current land legislation in Zambia does not clearly prescribe how it protects the rights of some vulnerable groups such as the disabled who are in some cases marginalised in terms of accessing and developing land. This is because, the disabled who are mostly poor have to compete for land just like anyone else who are able to meet the cost of accessing land (Interview, Zambia Land Alliance official, 12th April, 2017).*

The scenario disadvantages the vulnerable and underprivileged as the current land legislation in Zambia does not clearly prescribe how it protects the rights of some vulnerable groups in the face

of the commercialised land sector. This is due to the fact that the vulnerable groups have to compete for land just like anyone else who are able to meet the cost of accessing land (Turok, 2016). This forces them to look for alternatives which are often informal/squatter settlements or land invasions. Chitonge and Mfunze (2015:215) argue that “initial invaders were people who could not afford to buy land through the formal land market”. Thus, the Zambia Land Alliance (2014) advocates for deliberate measures to be put in place to help vulnerable groups have access to land. Nearly all sample respondents perceive current land premiums to be unaffordable. The study findings further show that plot premiums in the city range from K67, 000 to K 1, 500, 000 for plot sizes ranging from 600 to 2, 000 square metres. These exclude charges such as:

Consent at K333, assignment at 1 percent of selling price, and processing of certificate of title currently standing at K166.80 and payable to the Ministry of Lands” (Interview, Meanwood Property Development Corporation official, 20th June, 2017).

According to a governance expert, high land premiums are attributed to a number of factors as noted by one respondent;

Attaching value to land and liberalising of the

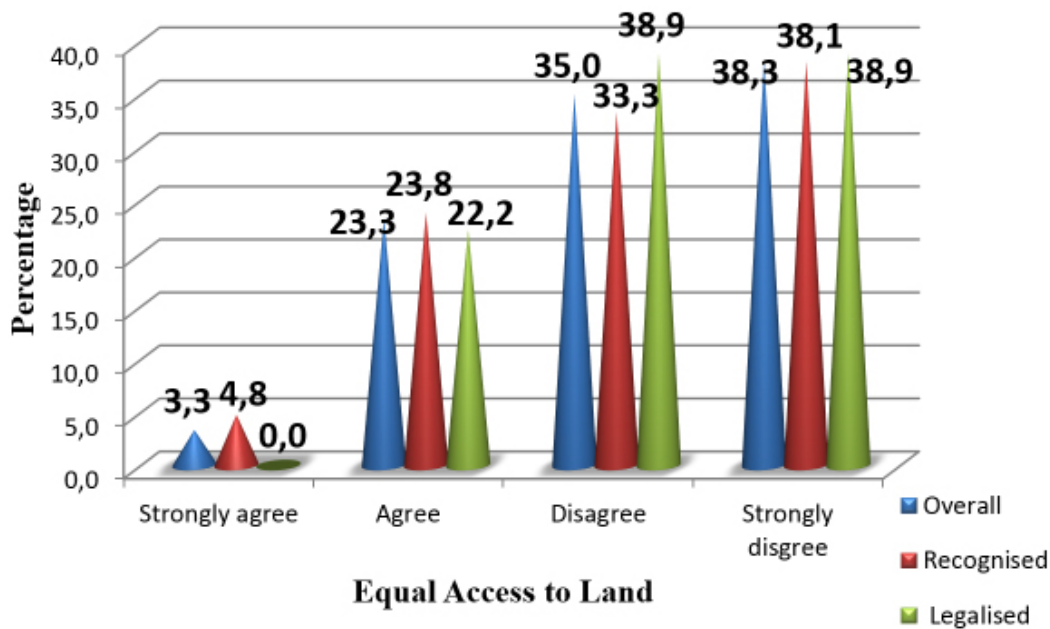


Figure 7. Responses on Equal Access to Land (Source: Authors)

land market. This has been worsened by the Lands Act being implementing without a land policy and accompanying regulations. This has resulted in access to land being purely on status and speculative purposes, if I do not have the resources to buy land, I cannot have capacity to purchase a house (Interview, CFHHZ official, 15th June, 2017).

Overall, the increasing unaffordability of housing land and lack of legal restriction on a number of hectares or parcels of land an individual can own is said to be “responsible for increasing the number of people who are homeless and have to resort to living in inadequate and insecure housing conditions” (Ghazi et al., 2017:14). This situation has led to gentrification, creation of informal settlements and gated communities and encroachments on private lands which negatively impact social cohesion and equality (Chikuta et al., 2017; Ghazi et al., 2017). It was found that 52.4 percent of the respondents in recognised settlements and 83.3 percent in legalised settlements considered planning fees (for instance change of ownership) to be affordable. This could partly explain the high rate of land use changes in the city, which, according to a key informant are “taking place so frequently” (Interview, Riverine Zambia limited official, 6th July, 2017). With reference to land rights held by the re-

spondents, the study revealed that 55.0 percent of the respondents have no tenure documents to their properties. These results are in agreement with the Lusaka City Council’s numbering and registration of properties September 2016 report which shows that 63.75 percent (69, 890 properties out of 109,630 properties) in informal settlements have no occupancy licences or land records. Chitonge and Mfunze (2015) also indicated that the uptake of occupancy licences in the city of Lusaka is low, with only 12% of people obtaining them. This situation impacts negatively on community participation in developmental programmes. In this vein Gunter (2013) notes that most active members of the community in terms of community participation are those individuals who owned their own property and had security of tenure. Thus, the need to sensitise residents in recognised settlements on the need to acquire tenure documents if their land is to be a vital source of capital.

4.5. Efficiency and Effectiveness

This section addresses the level of satisfaction by considering the duration of completing land acquisition and planning permission as tenure security improvement and land use planning are two possi-

ble strategies for securing their land rights and improving the living conditions of people. The length of the process of acquiring land is one of the measures of the efficiency of the system. The study findings indicate that more than half of the respondents in both recognised and legalised settlements completed their land acquisition process in more than 12 months (Figure 8). Key informants from the Ministry of Lands and Natural Resources and the Lusaka City Council noted that there is no specific duration for obtaining tenure (leases, certificate of title or occupancy licence) a fact acknowledged by Mulolwa (2016) who notes that there is no specific period for obtaining tenure documents.

The problem of the long duration to obtain tenure documents was echoed by a governance and environment consultant in the following statement:

Some people I know took two to three years to get a title. In my own experience, there have been some parcels of land where it took more than three years awaiting numbering (Interview, Riverine Zambia limited official, 6th July, 2017).

The lengthy procedure of acquiring tenure documents is attributed to several factors. One respondent noted that:

The Lands Act highly centralises the statutory land administration system, and the process of acquiring title deeds, which makes it difficult for many, especially the rural poor. While occupancy licenses play a pertinent role in increasing security of tenure, the process of ac-

quiring them is cumbersome and inaccessible or not known to many. Settlers living in informal settlements are sometimes not aware of the process of legally securing their parcels of land, thus the need for government to enhance sensitization around this matter (Interview, Zambia Land Alliance official, 12th April, 2017).

The implication of the above is that security of tenure is not guaranteed which in turn affects market efficiency by increasing transaction uncertainty, reduces the ability to transfer and enlarging trading opportunities and the possibility to exploit gains from trade (De Soto, 2010). This is due to the fact that informal land transactions by law are not registered which results in government and the local authority to lose the much needed revenue such as ground rent and development fees which in turn negatively affects service provision. Moreover, it makes it difficult to monitor or account for registered land. For the poor, the long duration to obtain tenure documents may force them to leave informal settlements as those with financial power buy them out. Other studies have shown that investment behaviour of informal settlers has changed. Poris and Crisol (2004) show that those without security of tenure have invested in improving their housing structures in anticipation of compensation in case they are evicted.

With regard to obtaining planning permission (building permission, subdivision and change of use), the study findings show that 73.8 percent and 61.1 percent of the respondents in recognised and

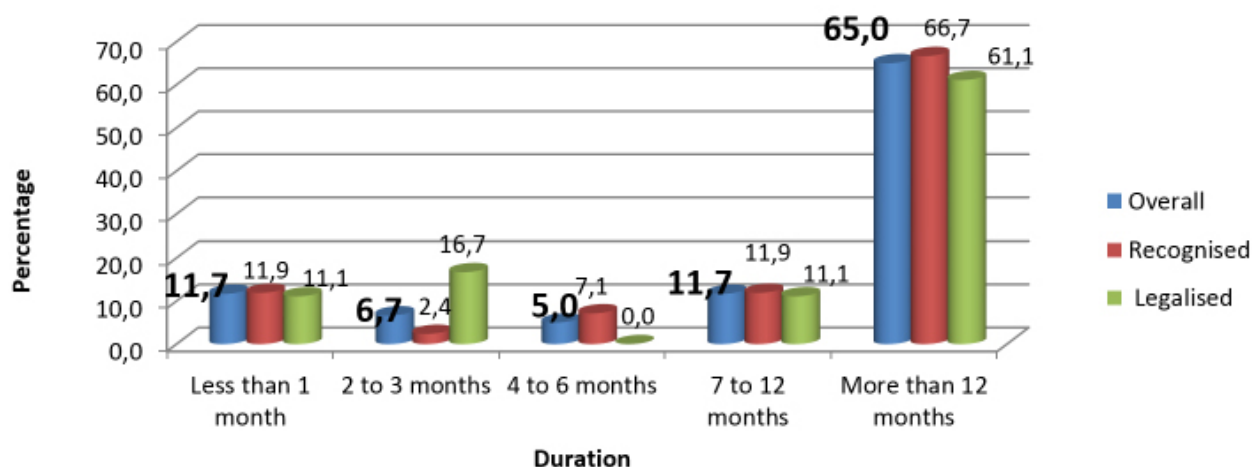


Figure 8. Responses on Duration of Completing Land Acquisition (Source: Authors)

legalised settlements respectively were of the view that the procedure is long (Figure 9). In addition, Mulolwa (2016) notes that obtaining planning permission in Zambia exceeds 90 days. Good governance advocates attribute the lengthy duration of getting planning permission to the multiplicity of entities involved and tedious procedures. One of the respondents reinforced the above argument by adding that:

The time frame of acquiring planning permission is long as officials are working under authority that are not accountable to the people (Interview, Zambia Land Alliance official, 12th April, 2017).

Further, an official from the Lusaka City Council noted that:

Objectivity is watered down by political interference as planners receive instructions from high-ranking officers in government. This has recently seen public officials becoming politically oriented for fear of dismissal when they act contrary to the existing system. A case in point is the threatening of council officials with regard to implementing ZILMIS. Thus, planners are not in charge of planning activities in the City of Lusaka (Interview, Lusaka City Council Planning Department official, 14th June, 2017).

In addition, a People's Process on Housing and Poverty in Zambia (PPHPZ) official explained that the lengthy procedure is a result of informal settlers tak-

ing long to pay penalties in the form of outstanding ground rates and planning fees.

In the upgrading process, our experience has been that informal settlers have to pay huge amounts as penalties of settling in a settlement illegally. These are for the planning process defaulted and outstanding land rates (Interview, PPHPZ official, 16th June, 2017).

Other challenges include a "lack of understanding of technicalities to do with administration of land by the masses, a lack of institutional and technical resources that limit the planning input and confusion in terminologies used" (Mulolwa, 2016: 41). Turok and Borel-Saladin (2016) further argue that inappropriate planning and building standards such as large minimum plot sizes and house sizes complicate the ability of poor households to construct or purchase formal dwellings that meet these standards. They also argue that due to poor education, precarious jobs and irregular earnings they cannot borrow capital to invest in land or housing. The result is that the poor are marginalised from potential sites and adequate shelter as middle-class communities use such regulations to 'maintain standards' and exclude the poor. This calls for land use planning and tenure security improvements not to be considered in isolation in order to reverse the current urban spatial expansion occurring in an ad hoc manner resulting in un-coordinated development and disorderly physical development and the ubiquitous poor quality of living and environmen-

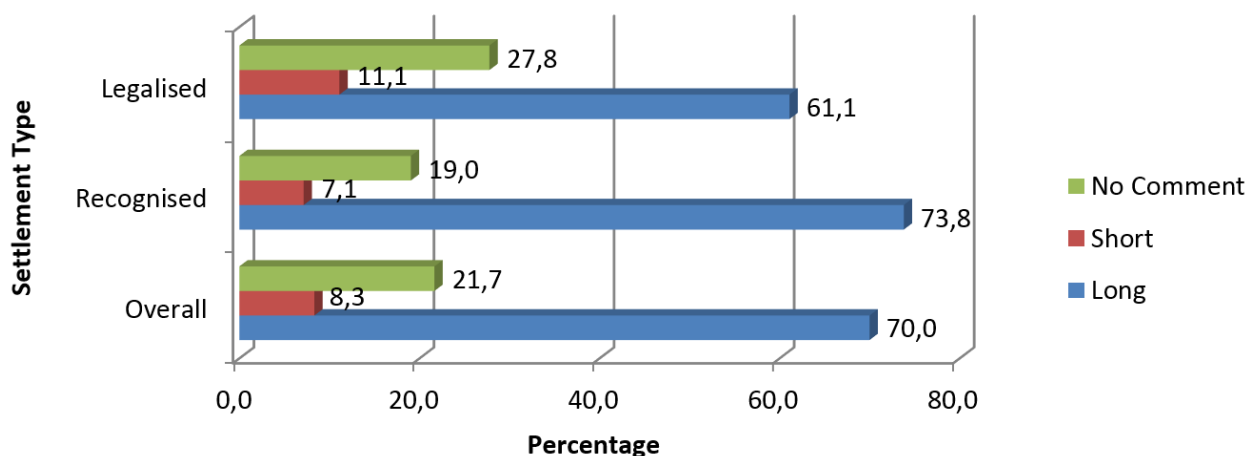


Figure 9: Responses on Duration of Obtaining Planning Permission (Source: Authors)

tal conditions. Thus, institutions need to plan and design efficient and equitable urban environments through sensitive place-making by using policies that go beyond problem alleviation and crisis response to address strategic issues such as balancing the need for affordability and minimum standards, protecting the interests of backyarders and homeowners, and addressing the legal complications of intervening on privately owned land (Turok, 2016).

5. Conclusion

The formation and proliferation of slums and squatter settlements in many African cities has been seen as a key manifestation of different forms of exclusions and mainly attributed to the rapid pace of urbanisation. In this regard, a number of studies show that narrowly conceived and stand-alone housing programmes often create more problems than they resolve (Turok, 2016). It is argued that bottom-up solutions are likely to be more creative, responsive and resilient than state-regulated activities because they are closer to conditions on the ground and free of bureaucratic hurdles (Gunter, 2013). In this vein, good governance in land administration is crucial for a well-functioning urban land administration. Thus, this study was conceived with the aim of assessing the inclusiveness of the City of Lusaka's land administration system as a process in regulating land development.

The study findings reveal that inefficient and inadequate planning and development systems in the city make it difficult to respond effectively to the challenges of the urban land question in Lusaka. Consequently, land administration in the City of Lusaka is entangled in expensive and bureaucratic procedures, poor information management and a lack of coordination among land related entities. Moreover, the land alienation and planning process and related land investments often take place without meaningful community participation. The consequence is the emergence and flourishing of the informal land markets and the associated conflicts over land as the marginalised resort to unconventional ways of accessing, securing and developing their land. This is exacerbated by political interference in land alienation and land use

planning as land becomes a commodity of appeasement for those seeking political office. This disadvantages the vulnerable and underprivileged as the current land legislation in Zambia does not clearly prescribe how it protects the rights of vulnerable groups in the face of the commercialised land sector. It would thus be wrong to interpret the tactics and struggles of the urban poor in the cities as instances of insurgence but rather as a reaction to 'deregulation and informality from above' (ie. the withdrawal of regulatory power and authority from the formal land administration). Strategic and integrated approaches to urban development are essential to ensure the creation of inclusive and resilient cities and subsequently of sustainable urban development. In this regard, land administration needs to reflect and actualise a human rights perspective to support the global agenda of achieving sustainable development through tenure responsive land use planning in tackling informality. This entails that achieving sustainable development goal number 11 (making cities and communities sustainable) in Zambia requires further research on tenure responsive land use planning in order to understand existing community dynamics (including economic and social support networks) and implementing practical changes.

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