

Assessment of Land Governance System in Preventing State Land Conflicts in Zambia

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Abstract

The purpose of the research is to assess the land governance system in preventing state land conflicts in Zambia. In order to obtain insights about the actual realities on the ground, based on a case study strategy (i.e. Lusaka District has a study area), the research examined the present status of state land governance system, and investigated the efficiency of the present state land governance system in preventing state land conflicts. Methodologically, qualitative approach supported by quantitative approach was used to conclude that the present state land governance in Zambia is dysfunctional. This land governance system is characterised by lack of land policy, defective legal framework, defective institutional framework, defective technical issues and defective operational issues. Thus, the present land governance framework is unable to prevent state land conflicts. As a result state land conflicts are occurring with greater frequency in the country in general and Lusaka District in particular. In light of the foregoing, it is recommended that, the Zambian government should consider investing in land conflict prevention measures like formulating an appropriate land policy and land laws, establish effective land institutions, and undertaking effective technical issues (i.e. comprehensive land use planning, systematic cadastral surveying, systematic land registration, and transparent land allocation), improving the government-stakeholders nexus, and improving capacity building and awareness.

Keywords: Zambia, Lusaka, land governance, state land conflict

1. Introduction

Africa in general and Sub-Saharan Africa [SSA] in particular is the scene of many conflicts related to land (UNECA, 2011). It has been shown that land conflicts can erupt into large-scale civil strife and violence (Yamano and Deininger, 2005). For instance, most of the conflicts in Africa (Darfur in Sudan, Democratic Republic of Congo, Ethiopia versus Eritrea, Kenya, Rwanda, Zimbabwe, Angola, Liberia, and Sierra Leone) over the last two decades have all been attributed to unresolved land issues (Anseeuw and Alden 2010; UNECA, 2011). Conflicts over land in these countries impede development (Arko-Adjei, 2011; Mwesigye, 2014). Many African countries experiencing land conflicts have a fundamental problem of weak land governance (Byamugisha, 2013). In most African countries weak land governance is characterised by among other things; insufficient or inconsistent legal provisions, many different legal frameworks governing land and competing with one another, low levels of implementation, over-bureaucratised centralised institutions, lack of clear hierarchy or other form of co-ordination amongst the different land institutions, lack of human resources/technical expertise and finance, corruption due to poor remuneration of civil servants and lack of rule of law, high cost for land services only accessible to the rich in society, insufficient information to the public, lack of transparency, and lack of responsibility and accountability (Wehrmann, 2008; Zimmermann, 2006). In the face of this problem, in the past two decades, some African countries have undertaken land sector restructuring with the view of improving land governance. Despite this restructuring, literature review reveals that limited results have been achieved (see Anseeuw and Alden; 2010; AU et al., 2010; UNECA, 2011; Van Der Zwan, 2010). This implies that there are still substantial gaps in the governance of the land sector in most African countries.

The foregoing contributions point to the level of vigorous research work on the African platform regarding land conflicts and land governance. In spite of the numerous research works on the subject (land conflicts and land governance), little (if any) has been done in Zambia particularly on state land conflicts and land governance. It is from this background that this paper assesses the land governance system in preventing state land conflicts in Zambia. In so doing, we attempt to answer key questions including: 1) What is the present status of state land governance system in Zambia? 2) How efficient is present state land governance system in preventing state land conflicts in Zambia? This paper draws on international literature, personal experience and research in Lusaka District of Zambia to find answers to these questions.

2. State Land Conflicts and Land Governance – A Literature Review

2.1 Understanding State Land Conflicts

State land is land held under statutory tenure. This tenure system is established by law or statutes (Payne and Durand-Lasserre, 2012; Musyoka and Musoga, 2015) and enables formal registration of land ownership.

Statutory tenure is largely an imported concept in African countries and is generally concentrated in urban areas, where it was designed to serve the interests of colonial settlers (Payne and Durand-Lasserve, 2012). A land conflict on the other hand is defined as a “social fact in which at least two parties are involved, the roots of which are different interests over the property rights to land; the right to use the land, to manage the land, to generate income from the land, to exclude others from the land, to transfer it and the right to compensation for it” (Wehrmann, 2008: 9). A state land conflict therefore, can be understood as a misuse, restriction or conflict over state land rights (adapted from Wehrmann, 2008). Put another way, a state land conflict is a disagreement over the use, access, possession, control and ownership of land between two or more parties (SCC and ZLA, 2012).

2.2 Land Governance – what it is

The expressions “land governance” or “governance of the land sector” and, consequently, “good land governance” have been raised by the international community of land-experts as concepts emerging from a series of principles, conditions or success factors necessary for the establishment of sound land sectors (Espinoza, 2012). A number of institutions - governmental and non-governmental - even argue that good land governance is a crucial pre-requisite for sustainable development and that the old fashioned concept of government in the context of land issues should no longer be the focal point of international discussions, but rather the processes behind and how these perform and contribute to the achievement of broader objectives (*ibid*). Literature review shows that the term land governance came into existence in the 1980s. In spite of the term being in existence for more than three decades, there is no agreed-upon definition for it. This paper therefore refers to land governance as “the rules and structures through which decisions regarding access to land and securing rights to that land are made and implemented” (adapted from Deininger et al., 2012; FAO, 2012). Rules for land governance include policies, laws, regulations, bye-laws and procedures (Palmer et al., 2009). On the other hand, structures for land governance include the executive, parliament, the judiciary, public land agencies, professional bodies to mention a few (*ibid*).

Land governance covers all activities associated with the management of land that are required to fulfill political, economic and social objectives and achieve sustainable development (Enemark, 2009). According to Magel (2015), the whole is more than the sum of the parts. Thus, land governance should be understood as a system comprising the components which include land policy, legal framework, institutional framework, technical issues (i.e. land use planning, cadastre, land allocation and land registration) and operational issues (i.e. funding, human resource and equipment). These components should work as a whole and not as separated or independent components. Where the components are defective, the system of land governance is malfunctioning and this has consequences which can be quite dramatic, for instance state land conflicts.

3. Overview of Zambian Land Tenure System

Zambia is a vast country with a total surface area of 75, 261, 400 hectares. It has two systems of land holding (see figure 1): (i) state land covering about 6% of the country and governed by a statutory tenure system; and (ii) customary land (formerly reserve and trust land) covering the remaining 94% and mainly held under customary tenure (Chileshe and Shamaoma, 2014). However, these figures have not been updated and therefore fail to account for any title conversions from customary tenure to statutory tenure (*ibid*), which have been undertaken since 1985. Due to the conversions of customary land to state land, Republic of Zambia (2015) estimates that currently the area for state land may be as high as 10 percent (7, 526, 140 hectares). This implies that customary land is estimated at 90 per cent (67, 735, 260 hectares) of the country’s land area. Moreover, the existence of two land tenure systems means that there are two types of land conflicts (i.e. state and customary land conflicts) and two types of land governance systems (i.e. state and customary land governance systems). On the one hand, state land conflicts occur on land under statutory tenure while customary land conflicts occur on land under customary tenure. On the other hand, state land governance system governs land under statutory tenure while customary land governance system governs land under customary tenure. The focus of this study is state land conflicts and state land governance system.

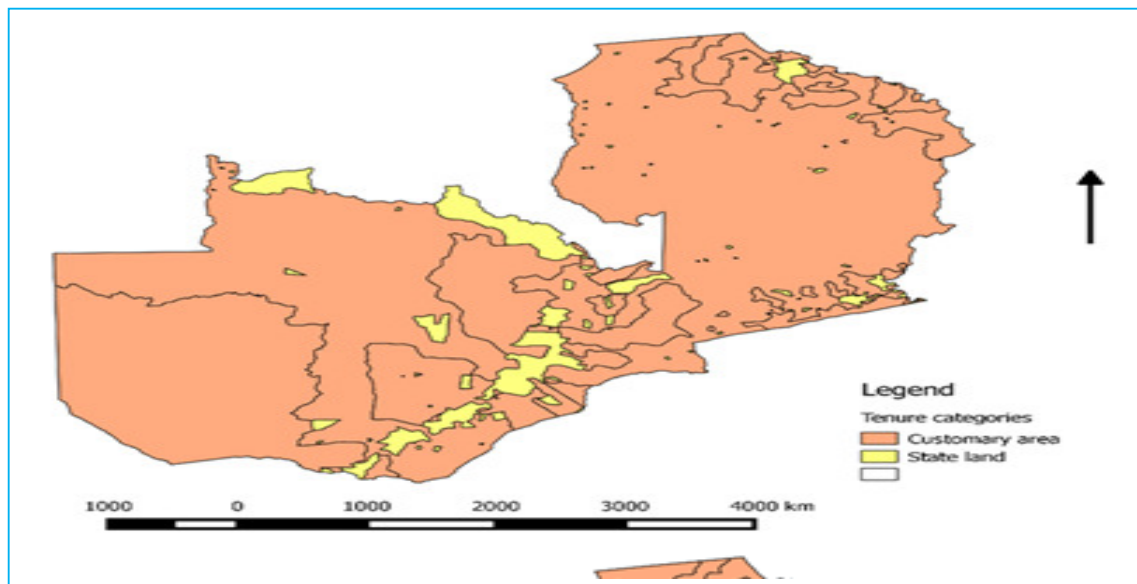


Figure 1: Map showing Land Categories in Zambia (Mulolwa, 2016)

4. Methodology

The research was primarily qualitative in nature but quantitative approach was also adopted to collect supporting data. The study adopted a case study strategy, where Lusaka District in Lusaka Province was studied. Lusaka Province comprises 8 districts namely: Lusaka, Chongwe, Luangwa, Kafue, Chilanga, Chirundu, Rufunsa and Shibuyunji. The provincial capital: Lusaka (selected as the study area of the research) is bordered by Kafue, Chilanga and Chongwe (see figure 2). Lusaka district of the Lusaka Province was selected because it is a hotspot for state land conflicts.



Figure 2: Locational Map – Lusaka Province (Adapted from Chalochatu, 2017)

Key Informants for this study were 38 employees of the selected public institutions (central and local government – 15 employees), land conflict resolution mechanisms (LCRMs – 6 employees), private firms (land

surveying and law firms – 6 employees), Non-Governmental Organisations (NGOs – 5 employees) as well as selected politicians from the ruling and opposition political parties (6 politicians). These key informants have experience in land conflicts and land governance. Questionnaires were used to collect information from these informants and purposeful sampling was used to select them. Further, interviews were conducted with 204 households in Lusaka District and 6 academics (3 from the Copperbelt University and 3 from the University of Zambia) in order to determine the consistency of empirical data from the key stakeholders, thereby also enhancing data validation and reliability. Secondary data were also gathered through an analysis of various literature on land conflicts and land governance. Fieldwork was conducted between May and September, 2016.

5. Results and Discussion

5.1 Status of Land Policy and Legal Framework

5.1.1 Status of Land Policy

Research findings show that Zambia currently lacks a clearly codified and defined national land policy. Efforts to establish a codified land policy started in the 1990s but have been unsuccessful (Mbinji, 2012). This implies that Zambia has been trying, albeit without success, to put in place a land policy for over two decades (Mbinji, 2006; ZLA, 2008). In a way, the absence of land policy has led to inefficient and ineffective state land governance system (adapted from Mbaya, 2000; Mbinji, 2012; ZLA, 2008).

5.1.2 Weak Enforcement of the Lands and Deeds Registry Act of 1994

According to Part III Section 35 of the Lands and Deeds Registry Act of 1994 chapter 185 “after land has become the subject of a Certificate of Title, no title thereto, or to any right, privilege, or easement in, upon or over the same, shall be acquired by possession or user adversely to or in derogation of the title of the Registered Proprietor”. This implies that the law provides protection to the person who is given a certificate of title. However, research findings show that people with land on title are not entirely protected. This is also confirmed by Bertelsmann Foundation (2014 cited in Business Anti-Corruption Portal, 2016) that although land rights in Zambia are well-defined by law, they are poorly protected and not properly enforced. Particularly, ruling political party cadres have been grabbing titled land from unsuspecting land owners and demarcating plots for sale. In this regard, Lusaka residents called for sanity in the way state land is governed in the country especially in Lusaka District, sighting numerous media reports of political party cadres grabbing state land from citizens (ZLA, 2012). This shows that the rule of law had broken down in the country.

5.1.3 Major Weakness in the Lands Act of 1995

The Lands Act does not provide for the procedure for state land allocation. The absence of the procedure for land allocation in the Act has led to local authorities applying different terms and conditions to be satisfied by the applicants of land (Sichone, 2010). Thus, local authorities can give land to any person it considers appropriate. Evidence gathered from the questionnaires, interviews and documents indicate that the current state land delivery in the country is not based on the principle of equity. All the key respondents and academics indicated that the poor are not able to easily access state land. One of the key respondents from a law firm commented:

“Although land is an undeniable right bequeathed to all citizens regardless of status and place in life, the current land distribution system is characterised by inequitable state land allocation that give too much power to the rich and disadvantage the poor” (Key Respondent # 1).

In this regard, the Lands Act has been criticised by international organisations and non-governmental organisations (UN-Habitat, 2005; ZLA, 2005). In particular, the criticism is on the lack of focus in the Lands Act on the needs of the poor (van Asperen, 2014). As a result the poor invade any vacant land (public or private) in cities and towns.

5.1.4 Outdated Land Survey Act

The Land Survey Act was enacted in 1960. Land surveying practice in terms of methods, procedures and technology has changed tremendously since 1960 which renders this Act inadequate to regulate cadastral surveys (Chileshe and Shamaoma, 2014). Most surveys are now performed using digital equipment (*ibid*). Despite the wide use of digital equipment the records still have to be converted to hard copy format to satisfy the law (*ibid*). There is no doubt that the current Act limits the medium of archival, accessibility, management and delivery of cadastral services to clients (*ibid*).

5.2 Status of Institutional Framework

5.2.1 Centralisation of MLNREP

Prior to the adoption of the National Decentralisation Policy in 2002, the Ministry of Lands, Natural Resources and Environmental Protection (MLNREP) - the main institution in state land governance - was highly centralised. The Ministry had offices only in Lusaka District (Lusaka Province) and Ndola District (Copperbelt Province). The aim of this policy is to transfer authority, functions and responsibilities as well as appropriate resources to district level in order to improve quality of service delivery (Republic of Zambia, 2002). Research findings show that despite the existence of the policy, the Departments of Lands and Surveying in the Ministry

have offices at provincial level but no offices at district level. Moreover, the Lands and Deeds Department is still highly centralised with offices only in Lusaka District (Lusaka Province) and Ndola District (Copperbelt Province).

5.2.2 Lack of Coordination between Land Institutions

Since the Ministry of Lands, Natural Resources and Environmental Protection (MLNREP) has no offices at district level, it has delegated some state land governance functions such as land identification, land use planning, interviewing land applicants, and land allocation to the local authorities. This is because local authorities have offices in all 106 districts in Zambia. By establishment, local authorities fall under the Ministry of Local Government and Housing and not the Ministry of Lands, Natural Resources and Environmental Protection. Considering the foregoing scenario, these institutions are expected to collaborate to ensure the collective goal of effective state land governance. However, all the key respondents from government land agencies admitted that coordination is lacking. The issue of lack of coordination between land institutions is also confirmed by various authors and organisations (see for example, MLNREP, 2014; Mulolwa, 2016; UN-Habitat, 2012). It is evident from the preceding scenario that it is asking too much to expect the two land institutions to make expeditious decisions in a seamless fashion (Mulolwa, 2002).

5.2.3 Perception of Stakeholders on Corruption

The study intended to find out whether or not there is corruption in state land delivery system. Thus, household respondents were asked to rate corruption in state land delivery system. The findings in table 1 indicate that the majority of household respondents (156 respondents representing 76.5%) think that there is corruption in state land delivery system.

Table 1: Perception of Stakeholders on Corruption

Perception of Stakeholders on Corruption	Frequency (f)	Percentage (%)
Yes	156	76.5
No	11	5.4
No Response	17	8.3
Do Not Know	20	9.8
Total	204	100.0

Source: Survey Data, 2016

Particularly, Ministry of Lands, Natural Resources and Environmental Protection and local authorities (under the Ministry of Local Government and Housing) are corrupt (MLNREP, 2014; Musole, 2007). The issue of corruption was also confirmed by academics and key respondents from land surveying firms, law firms, and non-governmental organisations as well as politicians. One of the respondents from a land surveying firm asserted:

“There is no proper system of accountability in the delivery of title to applicants. For example while others can get title within one week others can take as many as ten years or more without explanation. While others can acquire multiple pieces of land using the system others cannot even afford one even with equal capability” (Key Respondent # 2).

The whole state land delivery system is corrupt because just for one to have his/her land issue addressed they should part away with some money (Key Respondent # 3). The reason is that officials in public land institutions and politicians (i.e. councillors) have turned land as source of livelihood. Thus, corruption benefits those with money and the poor are ignored.

5.2.4 Provision of Insufficient Information to the Public

Land institutions were poorly rated regarding dissemination of information to the public on land allocation procedures, land laws, land rights and other land issues. According to table 2, out of 204 household respondents, 164 respondents (80.4%) ranked the government as very inefficient and ineffective.

Table 2: Dissemination of Information to the Public

Land Institutions Dissemination of Information to the Public	Frequency (f)	Percentage (%)
Very Efficient and Effective	0	0.0
Somehow Efficient and Effective	15	7.4
Very Ineffective and Inefficient	164	80.4
No Response	9	4.4
Do Not Know	16	7.8
Total	204	100.0

Source: Survey Data, 2016

The issue of provision of insufficient information to the public is also confirmed in the Strategic Plan 2014 – 2016 prepared by the Ministry of Lands, Natural Resources and Environmental Protection (MLNREP). According to MLNREP (2014), the public has little information on land laws, land rights and procedures for land allocation.

5.2.5 Poor Land Record Keeping

There has been poor record keeping at land institutions - i.e. Ministry of Lands, Natural Resources and Environmental Protection, Department of Physical Planning, and local authorities [city, municipal and district councils] (Sikazwe, 2005; UN-Habitat, 2012). Poor record keeping is still rife at local authorities (Lusaka City Council included) and Department of Physical Planning (Key Respondent # 4). The Ministry of Lands, Natural Resources and Environmental Protection (MLNREP) has made some efforts to ensure that the land records are stored in such a way that they are both sufficiently accessible and are safeguarded against any misplacement. Particularly, the Ministry established the Zambia Integrated Land Management Information System (ZILMIS) in 2014. This computer system was procured and installed to trigger the migration from manual to the computerised land governance to improve efficiency in records management. The ZILMIS includes an integrated Geographical Information System (GIS) component to facilitate effective land governance. The ZILMIS was meant to replace the process used which was largely manual-in-nature with only several automated functions. This led to delay in the issuance of certificates of title and was not able to meet the challenges in land governance. Furthermore, the Ministry (MLNREP) had procured scanners for the purpose of scanning all hard copy files so as to digitalise them. In this regard, the Ministry's target was to digitalise 80% of the physical records by 2016 (MLNREP, 2014). However, as at 2016, the Ministry (MLNREP) has only digitised 40% of physical records (Key Respondent # 5). This implies that the Ministry still faces problems of poor record keeping and slow processing of certificates of title. It is evident from the foregoing that, although ZILMIS is a very good system, it is not being put to good use. In the light of the foregoing, the issue of missing files is very common.

5.3 Status of Technical Issues

5.3.1 Land Use Planning

The study intended to find out whether or not land use planning was performing well. Research findings show that land use planning is done in an ad hoc manner. The overall effect is piecemeal, highly compartmentalised, haphazard, uncoordinated and disorderly land development (UN-Habitat, 2006, 2013). For instance, land is allocated on existing services such as roads, underground water and sewerage pipes. The foregoing predicament is due to the inadequate capacity by local authorities to monitor and control land development due to lack of equipment, inadequate personnel and financial resources, sheer complacency, and political interference (UN-Habitat, 2007). Other reasons include lack of services or facilities map (i.e. you only notice when there is a problem or when constructing your structure), allocation of land in unplanned areas by both planners and political cadres, and allocation of land by political cadres in planned areas.

5.3.2 Cadastral Surveying

The principal purpose of cadastral surveys in Zambia is to give unambiguous spatial locations, sizes and shapes of land parcels specifically for land registration (adapted from Silayo, 2005). Despite its importance, state land is characterised by minimal cadastral coverage. To verify this, household respondents were asked whether or not they have cadastre for their land. According to table 3, the majority of respondents (133 respondents representing 65.1%) did not have cadastre.

Table 3: Do you have cadastre for your land?

Variable	Frequency (f)	Percentage (%)
Yes	41	20.1
No	133	65.2
No Response	30	14.7
Total	204	100.0

Source: Survey Data, 2016

The issue of minimal cadastre coverage for state land was also confirmed by academics and all key respondents. One key respondent from a private surveying firm stated that "*generally, cadastre coverage for the entire state land is less than 40%*" (Key Respondent # 6).

5.3.3 Land Allocation

The study intended to establish whether or not the state land allocation is functioning well. Findings show that state land allocation is characterised by cumbersome procedure and lack of transparency. Firstly, according to table 4, the majority of household respondents (169 household respondents representing 81.9%) think that state land allocation procedure is cumbersome.

Table 4: Public Perception on State Land Allocation Procedure

State Land Allocation Procedure	Frequency (f)	Percentage (%)
Cumbersome	167	81.9
Simple	6	2.9
No Response	31	15.2
Total	204	100.0

Source: Survey Data, 2016

The issue of cumbersome state land allocation procedure was also confirmed by academics and all key respondents. One of the key respondents commented: “*the procedure for state land allocation involves far too many separate stages and decision-makers. This gives rise to delays in execution of the entire land allocation process*” (Key Respondent # 7). The key respondents and academics were of the opinion that the process was lengthy. The process was lengthy as it had the potential of extending beyond several months, or even years (Musole, 2007).

Secondly, the study intended to establish whether or not the land allocation processes are open to all members of society. In this regard, household respondents, academics, and key respondents from non-governmental organisations, law firms, land surveying firms as well as politicians were asked to rate the transparency of government land institutions in land allocation. According to table 5, the majority (143 respondents representing 70.1%) of household respondents believe that the government land institutions are not transparent when it comes to the allocation of state land.

Table 5: Transparency in Land Allocation

Variable	Frequency (f)	Percentage (%)
Very Transparent	0	0.0
Somewhat Transparent	20	9.8
Not Transparent	143	70.1
Do Not Know	29	14.2
No Response	12	5.9
Total	204	100.0

Source: Survey Data, 2016

Further, out of the 17 key respondents (from non-governmental organisations, law firms, land surveying firms as well as politicians), 12 respondents (representing 70.6%) think that land allocation is not transparent while 5 respondents (representing 29.4%) believe that land allocation is somewhat transparent. Similarly, out of the 6 academics, 5 lecturers (representing 83.3%) think that land allocation is not transparent while only 1 lecturer (representing 16.7%) believes that land allocation is somewhat transparent. Household respondents, academics, and key respondents who believe that land allocation is somewhat transparent stated that government land institutions (e.g. local authorities) do advertise when they have land to allocate. However, household respondents, academics, and key respondents who think that land allocation is not transparent pointed out that even if local authorities advertise land for allocation, the allocations are conducted way before the adverts and land is allocated to close associates. There is no transparency, in that there is already a list of names submitted to most local authorities (Lusaka City Council included) by politicians (from the ruling party) waiting for land (Response from Lusaka City Council Official, 2016). Thus, whenever there is land for allocation, the names on this list are given priority at the expense of the majority ordinary applicants (*ibid*).

5.3.4 Land Registration

Evidence gathered from documents, interviews and questionnaires indicate overwhelmingly that land registration in Zambia is not functioning well. Several numbers attest to this. Firstly, less than 50% of the ownership information in the register is up-to-date and reflects ground reality (Mulolwa, 2016: 64). Secondly, according to official records, there are only about 142,000 registered titles (*ibid*) in Zambia although the potential registrable land parcels are estimated to be over 900,000 (Key Respondent # 8). As a result over 80% of state land parcels are not registered in the land registration system (*ibid*). The majority state land users therefore lack tenure security.

5.3.5 Land Occupation

Land occupation is when a person exercises physical control over land. For instance, a person may put up buildings. Thus, the occupant of land is in occupation of it as long as he/she has the power of entering into and staying there at pleasure, and the power of excluding all other persons from the use of it. Findings show that in Lusaka District in particular and Zambia in general, many people have occupied or are occupying vacant private or public land illegally. One of the main reasons for this is that the state land delivery system is highly inequitable. Thus, many people especially those in low income group end up occupying any vacant private or public land without permission. The end result has been the majority of the urban population in Zambia residing in illegal urban settlements.

5.4 Status of Operational Issues

Key respondents from Government land institutions indicated that there is inadequate or lack of funding from government. On the one hand, the issue of underfunding or lack of funding to the Ministry of Local Government and Housing (i.e. Department of Physical Planning and Local Authorities i.e. grants) has also been confirmed by various authors and the Government of Zambia (see, for example, Musole, 2007; Republic of Zambia, 2013). On the other hand, insufficient funding to the Ministry of Lands, Natural Resources and Environmental Protection (MLNREP) has also been confirmed by the Strategic Plan 2014 – 2016 prepared by the Ministry (MLNREP). According to MLNREP (2014), over time, the operations of the Ministry have been adversely affected by unpredictable and inadequate funding from the Ministry of Finance.

Unpredictable and inadequate funding creates problems with the purchasing of equipment such as computer hardware and software, vehicles, global positioning systems, scanners, and typewriters. This has led to failure to adequately implement planned activities and compromised service delivery (MLNREP, 2014). However, this is not to say that “there is little or no investment in capital in the land sector” (Mulolwa, 2016: 64). Zambia Integrated Land Management Information System (ZILMIS) provides an example of significant investment in the land sector (*ibid*).

In addition, Research findings show that staffing levels do not meet the current demands of the land institutions to deliver services as required. Although key respondents from Lusaka City Council did not give numbers of staffing levels, they confirmed that the current employees are inadequate. A key respondent from the Department of Physical Planning (Ministry of Local Government and Housing) indicated that the full establishment requires 160 employees but 83 employees are available leaving a deficit of 77. Findings from the Ministry of Lands, Natural Resources and Environmental Protection show that there is insufficient staff at the departments of Lands, Survey, and Lands and Deeds. Even though a key respondent from the Lands and Deeds Department did not give numbers of staffing levels, he confirmed that the current employees are inadequate. Key respondents from the Lands and Survey Departments provided figures of staffing levels as follows: (i) The full Lands Department establishment requires 106 land officers but only 29 are available leaving a deficit of 77; and (ii) at the Survey Department only 1/4 of the required positions (i.e. Land Surveyors, Cartographers, Photogrammetrists, Examiners, Draftsmen etc.) are filled leaving a deficit of 3/4. For instance, the establishment requires 14 licensed land surveyors but only 4 are available leaving a deficit of 10.

5.5 Efficiency of Present Land Governance System in Preventing State Lands Conflicts

It will be recalled from the preceding section that the present state land governance framework in Zambia is malfunctioning. Considering this, the big, ineluctable question must therefore be, if this present state land governance framework is able to prevent state land conflicts? According to all the key respondents and academics, the present land governance framework is unable to prevent state land conflicts such as invasion of idle or undeveloped private or public land, illegal allocation of land by some politicians and government officials, violent land acquisition by political cadres, boundary conflicts, multiple allocations of land, eviction by private landlord, and eviction by government agency. Therefore, these land conflicts are occurring with greater frequency in the country in general and in Lusaka District in particular.

A score of A, B, and C were used to assess the frequency of state land conflicts occurring in Zambia in general and Lusaka District in particular. A means most frequent land conflicts, B means second most frequent land conflicts, C means the least frequent land conflicts. All the academics and key respondents provided the ranking shown in table 6.

Table 6: Frequency of State Land Conflicts

Types of Land Conflicts	Score
Invasion of idle or undeveloped private or public land	A
Illegal allocation of land (e.g. by some politicians such as councillors, ruling political party officials etc. and government officials)	A
Violent land acquisition by political cadres	B
Boundary conflicts	B
Multiple allocations of land	C
Eviction by private landlord	C
Eviction by Government Agency	C

Source: Survey Data, 2016

In addition, it should be pointed out that state land conflicts have implications such as loss of life and damage to property, high litigation costs, decrease food production, deny the government to raise revenue, and hinder investment.

6. Conclusion and Recommendations

The findings of this research show that the present land governance system is unable to prevent state land

conflicts. The present system of land governance is unable to prevent state land conflicts due to lack of land policy, dysfunctional legal and institutional frameworks as well as improper technical and insufficient operational issues. Therefore, state land conflicts are occurring with greater frequency in the country in general and in Lusaka District in particular. The high incidence of state land conflicts have implications such as loss of life and damage to property, high litigation costs, reduce food production, deny the government to raise revenue, and deter investment.

In light of the absence of preventive measures in the current state land governance system, the research suggests that the government should invest in land conflict prevention measures like formulating an appropriate land policy and land laws, establish effective land institutions, and undertaking effective technical issues (i.e. comprehensive land use planning, systematic cadastral surveying, systematic land registration, and transparent land allocation). These can only be achieved if there is active involvement and participation of various stakeholders (i.e. government and other actors) as well as ongoing capacity building and awareness. It should be borne in mind that if the land governance system is not improved, the problem of state land conflicts will remain unresolved or become worse.

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