



# The urban land question in Africa: The case of urban land conflicts in the City of Lusaka, 100 years after its founding



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## ARTICLE INFO

### Article history:

Received 10 September 2014

Received in revised form

9 March 2015

Accepted 27 March 2015

Available online 28 April 2015

### Keywords:

Urban land conflict

Lusaka

Informal settlement

Urban planning

Land invasion

## ABSTRACT

Pressure on urban land is growing in many cities across Africa and the developing world. This is creating various challenges around urban land administration, planning and development. Growing pressure on urban land is manifesting in various ways including the mounting urban land conflicts. In this paper we look at the urban land question in Lusaka, focussing on urban land conflicts. What we have found in this study is that the reportedly growing invasion of vacant or idle land in Lusaka is a more complex issue which involves not only the desperate urban poor looking for land to squat on, but also well-resourced groups, who sometimes hire poor people to invade the land on which they later develop residential and commercial properties. We argue in the paper that the prevalence of these conflicts points to the gap in the administration, planning and delivery of land and the accompanying services.

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## 1. Introduction

The orthodox land question in Africa has largely focused on the rural land dynamics. In its classical formulation, the land question is strongly (if not entirely) associated with issues of unequal access, distribution, ownership, use and administration of land in rural areas. Urban areas are generally perceived as ‘regulated spaces’ where various dimensions of the land question have been effectively negotiated through both the market and state intervention. Since the land question has been widely associated with the countryside, there has been little attention in the literature devoted to the different dimensions of the urban land question (Obala & Mattingly, 2013). Debates on issues of land in urban areas are often restricted to matters of planning, housing and informal settlement. Rarely are questions about equality of access, ownership and distribution of urban land raised.

But as the pressure on urban land in most African cities builds up, due to the robustly growing population as well as the current episode of sustained economic growth in most countries, the urban land question is resolutely imposing itself on the urban spaces, in various forms such as land invasions. In this paper we look at the

emerging land question in the City of Lusaka (the capital city of Zambia), focussing on one specific way in which the urban land question is manifesting itself— informal urban land invasion and the associated conflicts. In this paper, we show that while the land question in the City of Lusaka is an outcome of the makeshift and lopsided nature of colonial social engineering, the post-colonial state in Zambia has done little to decolonise both the conception and the structures of urban planning and settlement patterns. In this paper, we define urban land conflicts as social and legal tensions manifested in concurrent claims over a piece of land, disputed ownership and other forms of contest around urban land (see Lombard, 2013).

## 2. Methodology

This paper draws mainly from face-to-face interviews with residents of Mtendere East, conducted in January and July 2014. We also conducted interviews with leaders of different opposition parties, as well as the City of Lusaka officials, including officers from the planning and housing department and the informal settlement unit. In total we interviewed 18 Mtendere East residents, randomly interviewed, since there is no list of residents to sample from. In addition to face-to-face interviews, we also conducted informal conversations with several residents in various sections of the settlement. We also had interviews with two residents of the nearby low density suburb of Ibex Hill who have been living in the

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area before the settlement began. The paper also draws from secondary data and land conflict cases before the courts of law, particularly cases before the Lusaka High Court and the Lands Tribunal.

### 3. The land question(s) in Africa

The land question in Africa is widely formulated as a by-product of colonial rule on the one hand, and on the other hand, the failure of the post-colonial African states to implement radical land reforms which would effectively address colonial legacies around land distribution and administration. For some analysts the existence of the land question in Africa today is a reminder of the incomplete process of decolonisation on the continent (Moyo, 2008). In its standard formulation, the land question in Africa is widely conceptualised in terms of inequalities regarding ownership of, access to and control over land in the country side. For instance, it has been argued that, the land question and persistent rural poverty in Africa are fundamentally issues of social justice and equity (Moyo, 2004). This formulation of the land question, however, is more prevalent in southern Africa and some parts of East and North Africa which had large European settler populations during colonial rule, resulting in large scale land dispossession of indigenous African peoples (Moyo, 2008; Mafeje, 2003).

While land access and ownership is also skewed and unequal in most urban areas in Africa, mainstream debates on the land question have often downplayed its urban manifestations (Obala & Mattingly, 2013). There seem to be a widespread assumption that the land question is mute in an urban context. The idea of the land question being a rural matter is implicit in the argument that there has been no land question in Africa except in a few countries with large settler communities such as South Africa, Namibia, Kenya, Algeria and Zimbabwe (Mafeje, 2003). But as some analysts have argued,

To assume that a land question in Africa can only arise out of a particular generic social formation, such as feudal and semi feudal tributary systems of land inequities or widespread settler colonial land expropriation, is to miss the salience of growing land concentration and inequality, and struggles to regain control over land (Moyo, 2004: 1).

If the key element of the land question in Africa is about inequality and injustice in the way land is distributed, accessed, owned and controlled, then the land question cannot be restricted to the countryside only. For instance, in the City of Lusaka, available evidence suggests that more than 70 percent of the city's urban population reside on 10.5 percent of the land in unplanned/informal settlement while the remaining 30 percent of the population in planned and conventional suburbs occupy 11.4 percent of the land (LCC, 2000).<sup>1</sup>

#### 3.1. The urban land question

Thus, if one takes unequal access to and control of land as the core feature of the land question in Africa, then it becomes evident that struggles over access to and use of land are not only a rural phenomenon. There are many, often, inaudible and suppressed struggles over land currently occurring in urban areas among poor urban dwellers (Pithouse, 2014). But often, the urban land struggles and conflicts are obscured by the dominance of the land question in

rural areas, which frequently attract public attention and galvanise wider political alliances (Obala & Mattingly, 2013). Consequently,

... when the land question is reduced to a question of the countryside, or the agrarian questions, the urban land question can also be occluded. And when the urban [land] question is reduced to the housing question, which in turn is reduced to a matter of the number of houses that have been built, without regard for where they have been built, or what form they take, the urban land question is also silenced (Pithouse, 2014).

Although the urban land question has been widely conceived in terms of challenges of squatter settlements and therefore, largely a housing problem; current pressure on urban land is exposing the scandalously unequal distribution of and access to land, which many poor urban dwellers are increasingly becoming aware of. With this growing awareness of the inequality in access to land in urban areas, many landless urban dwellers are inventing ways of making their voices heard, oftentimes through unconventional means such as invasion of either private or public unoccupied or idle land. With little or no hope in the formal land delivery system, the urban poor are more and more,

... bypassing these alien, outdated and inhibitive formal/official urban planning standards and regulations, constantly improvising, creating and adopting their own parallel indigenous structures, procedures and institutions in order to tackle their existential problems, chief among which is the provision of shelter/affordable housing (Fekade, 2000: 128).

One of the direct consequences of this scenario is an increase in land conflicts. For instance, the Lusaka City Planning Authority “has reported a rise in the number of complaints that are put before the courts involving allocation and ownership” (SOE, 2007: 29). There are several urban land conflict cases before the Lusaka High Court resulting from illegal occupation of vacant land. One of the most popular cases involves a group of people who invaded and occupied the land near the Libala Water Works. The Lusaka City Council threatened to evict the ‘squatters’ in 2012, but the group took the matter to court challenging the eviction. There are other cases involving the former Minister of Land who was allocating plots in Lusaka illegally. The case that is similar to the Mtendere East situation is the *Sakala vs Lutanga Mulaka* cases, in which the applicant has been living on land belonging to an absentee land lord since the 1970s. When the landlord recently re-surfaced threatening to evict the current occupant, the latter decided to take the matter to court, and the case is still before the Lusaka High Court. In addition to cases before the Lusaka High Court, there are several urban land cases before the Lands Tribunal, which is mandated by the 1995 Land Act to resolve land disputes.

#### 3.2. Dimensions of the urban land question

One of the key dimensions of the urban land question is the struggle to access land among the urban poor, which is often compounded by an inefficient and inequitable land delivery system. Evidence from Kenya suggests that because of an inefficient land delivery system, a small minority of the urban elite own the larger proportion of urban land (Obala & Mattingly, 2013). Even in cases where flexible land delivery systems such as “occupancy licence” in Zambia, “residence licences” in Tanzania, and “starter title and landholder title” in Namibia, exist, not many residents in unplanned settlements have accessed land through these means (Gastorn, 2013).

<sup>1</sup> The land use figures are from the Lusaka Integrated Development Plan (LCC, 2000) while the population figures are from the *World Bank Country Assessment Report* (2002).

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