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EFFICACY OF PUBLIC INSTITUTIONS IN PREVENTING AND RESOLVING CONFLICTS ON STATE LAND IN ZAMBIA

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ABSTRACT

Context and Background:

There are public institutions mandated to prevent and resolve conflicts on state land in Zambia. Those institutions included the Ministry of Lands and Natural Resources (MLNR) and Local Authorities (LAs) while those which are supposed to resolve conflicts were general courts (such as Subordinate and High Courts) and Lands Tribunal (specialized land court). The MLNR and LAs were unable to adequately prevent land conflicts and thus conflicts on land in Zambia were occurring with greater frequency. On the other hand, general courts and Lands Tribunal were not operating efficiently and effectively and therefore unable to adequately resolve conflicts on state land.

Goal and Objectives:

This study aimed at investigating the common types of conflicts occurring on state land, investigating the challenges hindering public institutions from preventing conflicts on state land, investigating the challenges hindering the general courts and Lands Tribunal from resolving conflicts on state land effectively and efficiently, and suggesting how the challenges can be addressed.

Methodology:

The research incorporated the use of both primary and secondary data collected between May and September 2023. Secondary data were obtained through documents which include peer-reviewed journal articles, theses, books, electronic media, Zambian land laws and government reports, and technical reports. Secondary data was supplemented by primary data obtained from four purposively selected institutions: Ministry of Lands and Natural Resources, Kitwe City Council, Lands Tribunal, and Zambia Land Alliance (Kitwe office).

Results:

The study established that the common types of conflicts on state land included invasion of idle or undeveloped private or public land, double or multiple allocations of land, eviction by private land owners, and eviction by government agencies. The MLNR and LAs are facing various challenges including poor coordination between them, poor land record keeping, inadequate monitoring of land use, and corruption. The General courts were faced with challenges including inadequate numbers of judges and magistrates, inadequate court buildings, and insufficient funding from the government. The Lands Tribunal challenges included inadequate funding from government, inadequate staff, poor conditions of service for members of the Tribunal, centralized operations, and low public awareness of the Lands Tribunal.

Keywords:

General court, land conflict, public institution, specialized land court

1. INTRODUCTION

Land is a key natural resource which plays a critical role in Africa's social and economic development (Danish Institute for International Studies, 2006). The fact that land is becoming an increasingly scarce resource in many parts of the continent, has implied that issues related to land conflicts now range high on the policy agendas of both in African countries and among international donors (Danish Institute for International Studies, 2006). There are numerous land conflicts in most of Sub Saharan countries (Economic Commission for Africa; 2022; Accord, 2010; Kalabamu, 2021). Conflicts on land are caused by among other things increasing population, rapid urban population growth, changes in land values, insufficient information to the public, weak legal and institutional framework, and high cost for land services only accessible to the rich in society (Djeroh and Ojibo, 2010; Economic Commission for Africa, 2022; Kalabamu, 2021; Mathieu, 2011).

Zambia like other Sub Saharan countries has a high occurrence of land conflicts (Kaoma, 2021). The country has seen an increase in number of conflicts on both customary and state land (Kaoma, 2021); the focus of this paper is conflicts on state land. There are public institutions mandated to prevent and resolve conflicts on state land. Public institutions which are supposed to prevent conflicts for the purpose of this study are the Ministry of Lands and Natural Resources (MLNR) and Local Authorities (LAs) while those which are supposed to resolve conflicts are general courts (such as Subordinate and High Courts) and Lands Tribunal (specialised land court). However, MLNR and LAs are unable to adequately prevent land conflicts and thus conflicts on land in Zambia are occurring with greater frequency (Government of the Republic of Zambia [GRZ], 2021a; Mushinge et al., 2022). Further, general courts and Lands Tribunal are not operating efficiently and effectively and therefore unable to adequately resolve land conflicts (Banda, 2020; GRZ, 2021b). Some conflicts have degenerated into violence where people have been injured or even killed as well as property being destroyed (Mushinge, 2017). In view of the foregoing, this paper answers the following questions: what are common types of conflicts occurring on state land? What are the challenges hindering public institutions from preventing conflicts on state land? What are challenges hindering the general courts and Lands Tribunal from resolving conflicts on state land effectively and efficiently? And how can the challenges be addressed?

2. LITERATURE REVIEW

Land conflicts refers to heightened social disputes involving at least two parties in situations where land is a subject of competition (Economic Commission for Africa, 2022). The competing interests over property rights may include 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 should it be taken compulsorily from the owner of beneficiary (Economic Commission for Africa, 2022). Land conflicts often have extensive negative effects on economic, social, and spatial development (Wehrmann, 2017). Preventing and resolving land conflicts is critical to any inclusive and sustainable development, peace and stability, and the realisation of human rights, making land conflict prevention and resolution key basis for the achievement of the Sustainable Development Goals (SDGs) (Wehrmann, 2017); since land is at the heart of poverty eradication, food security, tenure security, gender equality, decent work, water management, sustainable cities, ending climate change, and protecting biodiversity (Stevens, 2023). Strong public institutions are essential for the

prevention and resolution of land conflicts, which is key to achieving secure land rights (tenure security). Secure land rights can prevent human rights violations, reduce inequality and improve access to housing, food security, and sustainable, social, and economic growth.

Public institutions refer to government at all levels and in all dimensions (Pratt, 2006). They include local, regional (that is, provinces and states), and national governments, including the compact conventions and other arrangements that are made between governments (Pratt, 2006). Within government, this includes administrative and judicial components. There are many examples of public institutions, for instance, public health institutions, public learning institutions, and public land institutions. However, in the context of this paper, the focus is on public land institutions which relate to institutions responsible for land administration (land use planning, cadastral surveying, land allocation, land registration and titling, and land development) and land conflict resolution.

The mandate of the public land institutions is to improve the general welfare of society by efficient delivery of land services such as land conflict prevention and resolution. In order to address the needs and expectations of all stakeholders, public land institutions need to be effective and efficient in preventing and resolving land conflicts. Factors that influence the efficiency and effectiveness of public land institutions are explained in table 1.

Table 1: Factors influencing the Operations of Public Land Institutions

Factor	Explanation	Source
Adequate Funding	Adequate funding to public land institutions enables effective and efficient delivery of land services. These institutions prepare budget estimates and the central government, through parliament, approves the budget estimates, and Ministry responsible for finance does the allocation of funds.	Mushinge, 2017
Sufficient Human Resources	Efficacy in the operation of the public land institutions is dependent upon adequate qualified and well paid personnel.	Adapted from Curristine et al., (2007)
E-Government	Public land institutions use of information and communication technologies enhance their operations and delivery of land services.	Adapted from Sayimer (2015).
Decentralisation	Devolution of functional responsibilities provides incentives for public land institutions to deliver locally preferred land services more efficiently.	Adapted from Curristine et al., (2007)
Proper Land Record Management	Good land record management in public land institutions enables informed and consistent decision-making and provides evidence of key decisions and events. Land records are securely protected, well organised, and located when needed.	Adapted from Kanzi (2010).
Proper Coordination	Proper coordination allows inter-departmental and inter-institutional coordination throughout the public land institutions and consequently, this enhances their efficacy in delivery of public services to the populace	Ngosa (2021)
Zero Tolerance to Corruption	Corruption in land administration leads to a high number of conflicts over land. For example, one type of land conflict is the allocation of same land parcels by the land institution due to the acceptance of fake documents. Thus, ensuring zero tolerance to corruption can prevent such land conflict.	Adapted from Zuniga (2018).

3. RESEARCH METHODOLOGY

The research involved the use of both primary and secondary data collected between May and September 2023. Secondary data were obtained through documents which include peer-reviewed journal articles, theses, books, electronic media, Zambian land laws and government reports, and

technical reports. Secondary data was supplemented by primary data obtained from four purposively selected institutions: Ministry of Lands and Natural Resources (3 respondents), Kitwe City Council (2 respondents), Lands Tribunal (1 respondent), and Zambia Land Alliance (Kitwe office) (1 respondent). The data collection method used with the respondents was in-depth face-to-face interviews and sampling technique used was purposive sampling.

4. STATE LAND ADMINISTRATION AND LAND CONFLICT RESOLUTION IN ZAMBIA

4.1 State Land Administration in Zambia

There are two land tenure systems in Zambia namely statutory and customary tenure. Land held under statutory tenure system is known as state land (formerly Crown land) while land held under customary tenure is known as customary land (formerly reserve and trust land). At independence, (1964), state land and customary land was estimated to be 6 percent and 94 percent respectively of the total land area of the country, which is 752,614 square kilometres (GRZ, 2021a). However, these figures have not been updated and therefore fail to account for any land conversions from customary tenure to statutory tenure, which is provided for in the 1995 Lands Act. Due to the conversions of customary land to state land, a recent report estimated state land and customary land to be 20 percent and 80 percent respectively (Tembo and Sagashya, 2021). However, the actual figures will only be known when a land audit is undertaken. The focus of this paper is state land.

State land consists of land rights regulated by state policies, laws and institutions such as Ministry of Lands and Natural Resources (MLNR), and Local Authorities (LAs). The Ministry of Lands and Natural Resources is the main Government Ministry mandated to carry out the functions of state land administration. The granting of land rights on state land follows processes which include land use planning cadastral surveying, land allocation, land registration, and land titling. All these processes except for land use planning are supposed to be undertaken by the Ministry of Lands and Natural Resources. However, the MLNR has no offices at district level. Therefore, LAs are appointed as agents to undertake the process of land allocation (it should be pointed out that in some instances, the MLNR also does the land allocation). The appointment of the local authorities as agents of the Ministry of Lands and Natural Resources started in the early 1980's, when the Government felt that local authorities (which exist in all 116 districts of Zambia) should participate in the process of land allocation at district level, since the MLNR has no structure at that level. It should be mentioned that local authorities are called councils and are divided into city, municipal and town councils. City councils are located in those urban districts which have more population and diversified economic activities, while the municipal councils cover the suburban regions. Town councils are located in those relatively rural districts which have less population and rely heavily on agriculture. There are 5 city councils, 14 municipal councils, and 97 town councils in Zambia.

4.2 State Land Conflict Resolution in Zambia

Conflict resolution mechanisms for state land in Zambia include the Subordinate Court, High Court, Lands Tribunal, Mediation, and Arbitration. However, the resolution of land conflicts through Mediation and Arbitration is not common in Zambia (Mushinge, 2017). Subordinate Court and High Court are part of the general courts (courts with jurisdiction to hear both civil and criminal matters) while the Lands Tribunal is a specialised land court. The Subordinate Court of Zambia is established

by the Subordinate Courts Act of 1934 while the High Court of Zambia is established by the High Court Act of 1960. Lands Tribunal was established by the Lands Act of 1995 and its operations were enhanced by the Lands Tribunal Act of 2010. There is a system for appealing rulings on land cases in the judicial system. In this regard, if one wishes to appeal a judgment delivered by either the Subordinate Court or the Lands Tribunal, he/ she can appeal to the High Court (it should be pointed out that the High Court is also a court of first instance for conflicts on state land). Again, if one wishes to appeal a judgment delivered by the High Court he/she can appeal to the Court of Appeal, and finally, if one is aggrieved with the decision of the Court of Appeal he/she can appeal to the Supreme Court.

5. FINDINGS OF THE RESEARCH

5.1 Common Types of Conflicts on State Land

Research findings showed that the common types of conflicts on state land were invasion of idle or undeveloped private or public land, double or multiple allocations of land, eviction by private land owner, and eviction by government agency. These are explained as follows.

5.1.1 Invasion of Idle or Undeveloped Private or Public Land

State land in Zambia has become a commodity that is not easy to access especially by the poor (Mubanga and Hampwaye, 2019). The difficulty to access land by the poor is evident in the cost of acquiring land. On the one hand, Local Authorities (Councils) charge an application fee amounting to US\$22 for state land which is non-refundable even if one has not been offered the parcel of land (Interview with an Employee at Kitwe City Council, June, 2023). Further, for one to actually be allocated state land after successful interviews, they need to pay premium fee amounting to US\$239 for a low cost parcel of land (Interview with an Employee at Kitwe City Council, June, 2023). This therefore means that poor people are disqualified from owning land even when it is advertised by the council. Moreover, the prices of land on the open market were far higher than those of the council and as such poor people were left at a disadvantage. On the other hand, since the councils are not the final authority on state land allocation, a recommendation is then made to the Ministry of Lands and Natural Resources (MLNR) so that the land is formally offered to the applicant. At the Ministry, the applicant will have to pay more fees (that is, ground rent, preparation fee, consideration fee, and registration fee) amounting to US\$247 (Interview with an Employee at Ministry of Lands and Natural Resources, June, 2023). This means that for a person to own a low cost parcel of land, he or she has to pay total fees amounting to US\$508. This is unaffordable to the poor people. Statistics show that as at 2022, 60 percent of the population in Zambia live on US\$1.90 or less per day, the international poverty line (GRZ, 2023a). This implies that majority of people in Zambia live on US\$57 per month or less. The implication is that the majority will not be able to afford the total fees of US\$508. In view of the foregoing, some people in low income group have continued to try and find ways to access state land. One way is invasion of idle or undeveloped private or public land. Table 2 shows some examples of idle or undeveloped private or public land.

Table 2: Examples of Land Invasions in Zambia

Source	Date	Details
Lusaka Times	19 August 2020	The Water Development, Sanitation and Environment Protections Minister has warned that people that have invaded public land reserved for water development risk facing full wrath of the law. The Minister sounded the caution when he visited some areas in Ndola city of the Copperbelt Province. In an area called Minsundu where Kafubu Water and Sanitation Company has one of its water treatment plants, it was discovered that people had invaded the public land and built structures. This illegality is despite there

Source	Date	Details
		being a court order that all those that had invaded the land around the treatment plant should vacate.
Lusaka Times	7 October 2020	Government has advised citizens to stop invading public land that has been reserved for security purposes. Copperbelt Provincial Permanent Secretary has asked councils in the province to help safeguard public land which has been reserved for security reasons, warning that issues of national security should not be taken lightly.
Times of Zambia	29 July 2022	Copperbelt Permanent Secretary has ordered for the demolition of more than 100 structures constructed along the Kafubu river bank in Ndola. He said some people invaded the banks of Kabufu river and had allocated themselves pieces of land.
Zambia police	17 November 2023	The Zambia Police has received numerous complaints from members of the public on land invasion. Among the identified area invaded include Lusaka West, Star Cottage in Lusaka, and Mopani property, and farm No. 840 in Kitwe situated behind Mindolo dam on the Copperbelt Province.

5.1.2 Double or Multiple Allocations of Land

There are instances where a single parcel of land could be allocated to two or more people and separate offer letters prepared in the names of different applicants. Cases of double or even multiple land allocation are common (Chitengi, 2015; GRZ, 2012). For example, land conflicts due to double or multiple allocation of land are thousands on the Copperbelt Province (News Diggers, 23 October 2023). The factors responsible for this include the poor coordination between institutions with authority to allocate land (that is, Ministry of Lands and Natural Resources and Local Authorities), poor record keeping by land institutions and corruption in land institutions. The foregoing is explained in detail under 5.2.

5.1.3 Eviction by Private Land Owner

As explained earlier, idle or undeveloped private land can be invaded by people. Findings showed that land title holders would usually try to peacefully engage the trespassers with the view of removing them from the land. However, in most cases this does not work because trespassers resort to violence. Thus, land title holders usually go to court and the court would order for an eviction of trespassers (table 3 is illustrative).

Table 3: Examples of Eviction by Private Land Owners

Source	Date	Details
Zambian Observer	10 August 2020	Over 600 families in the Mindolo North area in Kitwe have been left homeless following the demolition of their houses which were illegally built on Mopani land.
Lusaka Times	29 August 2022	Over 1000 people are threatened with having their houses demolished in Luano Ward, Chingola Constituency in Chingola on the Copperbelt Province. Facts of the matter are that, a private company, Mapalo Quarries, is claiming ownership of the 95 hectares piece of land, where the houses have been constructed.
Zambian Observer	28 September 2022	Whiteman claims he has title to the land and wants 1,500 houses demolished in Bwana Mkubwa area in Ndola District. He carried police officers, provincial and council officials and council equipment to use in the demolition of the houses. Front loaders being to the council were set ablaze by angry protesters.
Lusaka Times	7 June 2023	Eighteen structures have been demolished in Namalombwe ward of Chilanga District in Lusaka Province, following a court order given to Zamastone Mining Company Limited to take possession of its land invaded by squatters.

5.1.4 Eviction by Government Agency

Whenever open state land which has been reserved for government use or land under the jurisdiction of local authorities but left open (land is only safe if some kind of fencing is constructed) for a long time, some people may invade it and build houses. Due to political reasons the developed illegal

settlement(s) may be legalised but if not then the government agency such as the local authority and state police may demolish the structures (table 4 is illustrative).

Table 4: Examples of Eviction by Government Agency

Source	Date	Details
Zambian Observer	20 August 2020	On 20 August 2022, the Chingola Municipal Council demolished over 300 houses illegally built on the Kasombe Airstrip, land on title and belonging to Zambia Civil Aviation Authority.
Lusaka Times	8 October 2023	A number of families in Chingola's Gymkana area have been left homeless after their houses were demolished by state police in compliance with a court order. The action left several families without shelter.

5.2 Challenges hindering Public Institutions from Preventing State Land Conflicts

According to research findings challenges hindering public institutions from preventing state land conflicts included inadequate monitoring of land use, poor coordination between public land institutions, poor land record keeping in public land institutions, and corruption. These are explained as follows.

5.2.1 Inadequate Monitoring of Land Use

Research findings showed that public land institutions have not been monitoring land use through site inspections to identify land problems (such as invasion of idle or undeveloped private or public land and multiple land allocations) early enough. For example, councils (local authorities) wait until people have built their houses and then demolish these houses stating that they built on illegal land. The major concern is that people must be allowed to spend large amounts of money building houses that the local authorities later come to demolish. Public land institutions were unable to monitor land use due to inadequate staff, lack of transport and insufficient financial resources (Interview with MLNR Employee, September, 2023; Interview with KCC Employee, May, 2023).

5.2.2 Poor Coordination between Public Land Institutions

As explained earlier, the Ministry of Lands and Natural Resources (MLNR) has delegated one land administration task which is land allocation to local authorities such as Kitwe City Council. The two institutions (MLNR and Local authorities) are expected to collaborate and coordinate while performing their respective land administration roles. Nevertheless, the respondents from Kitwe City Council and the MLNR acknowledged that the coordination between these public institutions was poor. This poor coordination makes the prevention of state land conflicts difficult. There were instances where the same piece of land was allocated from the Ministry of Lands and Natural Resources and also by the Local Authority in the area (GRZ, 2012). This leads to land ownership conflicts. The respondent from Kitwe District Land Alliance stated that:

The Ministry of Lands and Natural Resources being the overall institution in the administration of state land, allocates land without informing the local authorities and local authorities also sometimes give land without authority from the Ministry of Lands and Natural Resources. This has led to a high frequency of land ownership conflicts (Interview with Kitwe District Land Alliance employee, June, 2023).

“Speaking when the Minister of Lands and Natural Resources paid a courtesy call on Chief Chiwala at his palace in Masaiti District (Copperbelt Province), the Minister admitted that there was no collaboration between local authorities and his ministry in terms of land allocation. The issue about

councils and the ministry, we admit and we are guilty. We have caused confusion ourselves. What councils are doing, the ministry does not know. What the ministry does, the council does not know” (News Diggers, 23 October 2023).

5.2.3 Poor Land Record Keeping in Public Land Institutions

Research findings showed that the legal and planning departments (involved in land use planning and land allocation) at the Kitwe City Council (KCC) mainly used manual land records management system. Therefore, the two departments at KCC had a problem of missing or misplacement of property files due to inadequate storage facilities. The missing or misplacement of property files sometimes lead to the allocation of the same parcel of land to two or more people, thus, leading to land ownership conflicts. Generally, instances of double or multiple allocation of parcels of land do occur in all councils due to poor record keeping (GRZ, 2017).

The Ministry of Lands and Natural Resources had made some efforts to ensure that the land records were properly managed such a way that they were both sufficiently accessible and safeguarded against any misplacement or missing. Thus, the Ministry established the Zambia Integrated Land Management Information System (ZILMIS) in 2014. The ZILMIS included an integrated Geographical Information System (GIS) component to facilitate effective state land administration. However, ZILMIS had various challenges such as double allocation and changing of certificates of title without authority (Interview with MLNR Employee, July, 2023). The Minister of Lands and Natural Resources stated that people used to log in and change certificates of title anyhow and this caused a lot of confusion and land conflicts (Lusaka Times, 5 June 2023). Despite using an electronic land record management system at the ministry, incidences of poor record keeping do occur. For instance, the Minister of Lands and Natural Resources revealed that when the ministry undertook a data cleaning exercise in the country, 500,000 out of 1,000,000 certificates of title had significant missing data which included National Registration Card numbers, email addresses or phone numbers, making it difficult for officers to verify the land ownership (ZNBC News, 4 June 2023). The missing of critical information on certificates of title means that the ministry did not know who the land owners were. In view of the foregoing, in May 2023, the ministry moved from the old Zambia Integrated Land Management Information System (ZILMIS) to the new Zambia Integrated Land Administration System (ZILAS) to help address the many challenges surrounding the ministry’s operations (Lusaka Times, 5 June 2023). It is hoped that the new system will be working effectively and efficiently.

5.2.4 Perception of Corruption

Public land institutions were among the most corrupt institutions in the country (Banda, 2019). This was confirmed by the the Minister of Lands and Natural Resources who said that his ministry was ranked top in terms of corruption and there was need for serious investigations (News Diggers, 20 April 2023). The Minister of Lands and Natural Resources said that he was saddened with the continued reports of corruption in land administration (Lusaka Times, 16 August 2022). The minister had been receiving reports from different parts of the country on how certificates of title and double or multiple allocation of land had been administered in corrupt ways (Lusaka Times, 16 August 2022). The forms of corruption in the land sector were political corruption (for example high level abuse of government powers and political positions) and administrative corruption (for example low level bribes and fraud) (Arjjumend and Seid, 2018). A respondent from Kitwe District Land Alliance stated that:

Employees in public land institutions attend to people with money quickly because they receive bribes. And also, those politically connected are treated with a lot of favours. (Interview with Kitwe District Land Alliance employee, June, 2023).

According to News Diggers (10 November 2023), “the Lands Minister said the public is perpetuating corruption at his ministry by not reporting officers who demand for money in order to offer a service. If on a particular day, the network is good, everything works well. So those officers who are cheating them (the public) that the system is not working, pay me ZMW 3,000 (US\$130) or ZMW 2,000 (US\$87) so that I can help you. If the system is not working efficiently, how does it work after being paid?”.

5.3 Challenges faced by the General Courts and Lands Tribunal

According to News Diggers (23 October 2023), 95 percent of the cases at the Ministry of Justice (general courts) were land related matters. However, general courts were unable to adequately resolve land conflicts due to various challenges, which included inadequate numbers of judges and magistrates to deal with the ever increasing number of cases, inadequate court buildings, and insufficient funding from the government (GRZ, 2023b). These challenges had led to courts’ inefficiency and unreasonable delays in the processing of cases (Banda, 2020). Congestion in the court system and the unreasonable delays in the disposal of court cases were unfortunate realities of the judicial process (Banda, 2020).

The Lands Tribunal was established in 1996 as a specialised land court with the objective of achieving speedy, low cost, flexible and efficient means of settling conflicts over land. Its establishment was necessitated by the various challenges faced by the general courts which in turn led to inefficiency and unreasonable delays in the processing of cases. However, Lands Tribunal was faced with challenges which adversely affects its operations. The challenges are explained in table 5. These challenges have led to a situation where many judgments had been delayed way beyond the stipulated sixty days (section 12 of the Lands Tribunal Act provides that the Tribunal shall deliver judgment on any matter within sixty days after the conclusion of the hearing of the case).

Table 5: Challenges facing the Lands Tribunal

Challenge	Explanation
Inadequate Funding	Funding from the Government to the Tribunal has been insufficient for its effective and efficient operations. For the years 2018, 2019, 2020 and 2022 the Tribunal’s funding per year was a meagre US\$132,158.59 while that for the year 2021 was US\$ 88,105.72.
Inadequate Staff	The organisational structure at the Lands Tribunal was very lean. Only the Registrar undertakes the day to day administration of the institution. Other employees included a driver, secretary, registry clerk, police officer, office orderly and a general worker who supported the office of the Registrar and were primarily seconded from the Ministry of Home Affairs and Ministry of Lands and Natural Resources as well as interpreters and court reporters from the Judiciary
Poor Conditions of Service for Members of the Tribunal	The Lands Tribunal consist of the following members: Chairperson, Deputy Chairperson, a representative of the Attorney-General, a representative of the Law Association of Zambia, a representative of the House of Chiefs, a Registered Planner, a Registered Land Surveyor, a Registered Valuation Surveyor, and not more than three persons from the public and private sectors. These members were paid sitting allowances rather than salaries, and they work on part-time basis. The chairperson and deputy chairperson received US\$52.86 while other members received US\$44.05 per sitting. These amounts were considered inadequate considering the work that the members had to undertake, especially when preparing judgments.
Centralized Operations of the Lands Tribunal	The Land Tribunal is highly centralised with its offices solely located in the Lusaka District. Therefore, in order to settle their land conflicts, all litigants from the remaining 115 districts in the country must travel to Lusaka or wait until circuit courts are conducted in a subject area. However, circuit courts are rarely done due to inadequate funding.

Challenge	Explanation
Low Public Awareness of the Lands Tribunal	The Lands Tribunal is centrally located in Lusaka and the general populace were not aware about its existence and how to access its services, due to low public awareness caused by inadequate sensitisation programmes.

Source: Adapted from GRZ (2021b); Mushingi et al. (2024)

6. CONCLUSIONS AND RECOMMENDATIONS

The common types of conflicts on state land included invasion of idle or undeveloped private or public land, double or multiple allocations of land, eviction by private land owner, and eviction by government agency. The Ministry of Lands and Natural Resources and Local Authorities were unable to adequately prevent state land conflicts due to various challenges which included inadequate monitoring of land use, poor coordination between public land institutions, poor land record keeping in public land institutions, and corruption. Therefore, conflicts on state land in Zambia were occurring with greater frequency. On the other hand, general courts and Lands Tribunal were not operating efficiently and effectively due to various challenges. General courts were faced with challenges which included inadequate numbers of judges and magistrates, inadequate court buildings, and insufficient funding from the government while the Lands Tribunal challenges included inadequate funding from government, inadequate staff, poor conditions of service for members of the Tribunal, centralized operations, and low public awareness of the Lands Tribunal. Therefore, the general courts and Lands Tribunal were unable to adequately resolve land conflicts. The outcome is unreasonable delays in the processing of land conflict cases.

The study recommends the following specific strategies to address the foregoing challenges if not addressed may lead to continuous occurrence of conflicts on state land and delay in the resolution of conflict by general courts and Lands Tribunal. On the one hand, public land institutions may prevent land conflicts by ensuring effective monitoring of land use; ensuring proper coordination between them; improve land record keeping by digitization of land record management in local authorities; and zero tolerance to corruption. On the other hand, to decongest the general courts, there is need to enhance the effectiveness of the Lands Tribunal through transforming it into the only court which should handle land conflicts like the Industrial Relations Court which handles labour conflicts or the Family Court which handles family matters. Further, the Lands Tribunal effectiveness can be enhanced through increased funding from government, employing adequate staff, improving conditions of service for members of the Tribunal, decentralisation of operations, and undertaking deliberate programs aimed at raising awareness levels and sensitising the general public on the importance of its operations and existence.

7. ACKNOWLEDGMENT

The first author acknowledge the contributions made by the co-authors in working on this article.

8. FUNDING

There was no funding received for this research and therefore the full cost for the study was covered by the Authors.

9. ROLE OF THE AUTHORS

Secondary and primary data collection as well as preparation of this article was undertaken by the three authors.

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African Journal on Land Policy and Geospatial Sciences ISSN:2657-2664, Vol.7 Issue 4 (September 2024)

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11. ADDITIONAL READING

In order to better appreciate the findings of our paper, we recommend additional reading of the following:

GRZ (2017). Report on Agriculture, Lands and Natural Resources on the Report of the Auditor General on Government efforts to ensure Access to Land in an effective manner for the Second Session on the Twelfth National Assembly. Lusaka: National Assembly of Zambia.

Government of the Republic of Zambia (2021). Report of the Committee on Legal Affairs, Human Rights, National Guidance, Gender Matters and Governance for the Fifth Session of the Twelfth National Assembly. Lusaka: National Assembly of Zambia.

12. KEY TERMS AND DEFINITIONS

Land Conflict: Land conflicts refer to heightened social disputes involving at least two parties in situations where land is a subject of competition (Economic Commission for Africa, 2022).

Public Institutions: Public institutions means government at all levels and in all dimensions (Pratt, 2006). They, therefore, include local, province and national governments and other arrangements that are made between governments (Pratt, 2006). In the context of this study, the focus is on public land institutions which relate to institutions responsible for land administration and land conflict resolution.