URBAN DEMOLITIONS IN ZAMBIA

Challenges and Opportunities of Rapid Urban Growth in a Developing Country

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EXECUTIVE SUMMARY

Informal settlements have been an integral part of urban settlements in the country. These settlements, which started as temporary homes to the urban poor on casual employment during the colonial era now form a permanent feature of urban areas and are home to over 70 percent of the urban population of the major of the country. Existing legal and regulatory frameworks mainly focus on planned areas and do not adequately provide for the informal settlements where the majority of people in the major urban areas live. The legal framework, now under review, is based on the colonial policy of reserving decent housing areas for the urban rich and encouraging the urban poor to go back to their villages, is largely archaic, expensive to implement and does not adequately address the needs of the urban poor. Government and local authority institutions lack resources to provide adequate urban land administration and guide development and have lost control of urban land administration and management. Urban land management in major cities has been hijacked by political party cadres and some corrupt Government and council officials who have created an informal land administration system parallel to the dysfunctional formal system. The informal land administration system thrives on corruption and anarchy. In the immediate past, Government policy on settlement development has been to legalise all unplanned settlements so long as they are not located in areas that are unsuitable for human habitation or on privately owned land. However, as formal land administrators and managers in Government and councils have lost control of the situation, Government has desperately resolved to curb corruption and anarchy in land administration and demolish ‘illegal structures’. Consequently, hundreds of unfinished housing structures and makeshift trading structures in the central business districts, mainly in Lusaka, have so far been demolished. At the same time top officials in Government ministries accused of corruption have been relieved of their duties. A number of stakeholders including the civil society have strongly condemned the urban demolitions in the country and have accused Government of addressing the effects and not the causes of a dysfunctional urban land administration system. Clearly, the situation requires intervention and the introduction of the Cities Alliance Programme in the country would be timely. Other opportunities for improved urban land administration in the country include- taking advantage of the on-going review of the spatial Planning Legislation to address all the known shortcoming in the laws, especially the failure to address the needs of the urban poor; making the planning processes more inclusive and participatory; decentralisation of urban land administration; Government facilitation of cheaper housing finance for low cost housing through implementation of the provisions of the Fifth National Development Plan; and development of a comprehensive urban upgrading strategy. Key challenges include the curbing of corruption in urban land administration as the demand for land grows by the day; building and retaining adequate capacity in the institutions tasked with urban land management and administration; and provision of adequate resources for land administration and development control by cash-strapped councils. Growing poverty among the urban poor means that the majority of people have diminishing capacity to abide by the expensive and cumbersome formal land administration processes in their quest for land for development as demanded by the government institutions.
**SUMMARY ON DEMOLITION EXERCISES IN LUSAKA**

<table>
<thead>
<tr>
<th>Date</th>
<th>Area</th>
<th>No. of Structures demolished / Action</th>
<th>Status</th>
<th>Comment</th>
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<tr>
<td>December 2006</td>
<td>Chunga Cemetery</td>
<td>-</td>
<td>Incomplete dwelling houses</td>
<td>Demolition carried out to safeguard Chunga Cemetery from invasion</td>
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<tr>
<td>January 2007</td>
<td>Chunga Cemetery</td>
<td>-</td>
<td>Incomplete dwelling houses</td>
<td>Repeat demolition in the same area after it was re-invaded</td>
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<tr>
<td>January 2007</td>
<td>Kamwala Residential Area (Medium Cost)</td>
<td>4 Incomplete dwelling houses demolished; foundations buried</td>
<td>4 incomplete dwelling houses demolished; floor slabs destroyed; building materials on site destroyed.</td>
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<tr>
<td></td>
<td>Kamwala South, Farm 917</td>
<td>8 structures demolished.</td>
<td>5 structures at a designated play park demolished; several foundations buried; 3 structures on land designated as a road reserve demolished.</td>
<td></td>
</tr>
<tr>
<td>March, 2007</td>
<td>Kamwala South Residential Area (medium cost)</td>
<td>25 incomplete house structures were demolished</td>
<td>3 of the structures were at roof level while 22 structures were at foundation / slab level.</td>
<td>15 demolition victims have sued Government and the council claiming full compensation amounting to US $291,000</td>
</tr>
<tr>
<td>March, 2007</td>
<td>Kalikiliki unplanned settlement</td>
<td>93 structures demolished</td>
<td>Incomplete housing structures. 31 structures were at gable level, 42 were at window level and 20 were at slab level.</td>
<td>The area zoned for agriculture use. The area is held on Title by an absentee landlord and borders a high cost housing compound</td>
</tr>
<tr>
<td>March, 2007</td>
<td>Kabwata/ Libala area</td>
<td>20 makeshift structures demolished</td>
<td>Makeshift pay phone booths and car wash facilities on two main roads reserves linking a medium cost area to the CBD.</td>
<td></td>
</tr>
<tr>
<td>March, 2007</td>
<td>Central Business District</td>
<td>More than 100 makeshift structures demolished</td>
<td>Complete makeshift structures made of cardboard, plastic and iron sheets</td>
<td></td>
</tr>
<tr>
<td>April, 2007</td>
<td>Central Business District</td>
<td>Tens of makeshift structures demolished</td>
<td>Complete makeshift structures made of cardboard, plastic and iron sheets</td>
<td>Repeat operation after street vendors had returned to the CBD area after the earlier demolition in March.</td>
</tr>
<tr>
<td>April, 2007</td>
<td>Kamwala Trading Area</td>
<td>Tens of makeshift structures demolished</td>
<td>Complete makeshift structures made of cardboard, plastic and iron sheets</td>
<td></td>
</tr>
<tr>
<td>May, 2007</td>
<td></td>
<td></td>
<td></td>
<td>500 street vendors sued the Minister of Local Govt and Housing over the demolition of their stalls and have given the state a 29-day ultimatum to remove police officers from the CBD or face demonstrations.</td>
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1.0 INTRODUCTION

1.1 Background to Squatter Settlements in Zambia

Zambia, with a population of about eleven million people, is one of the most urbanized countries in Sub-Saharan Africa with almost 50% of the population living in urban areas. According to the last census Lusaka and Copperbelt provinces have the highest percentage of urban population at 82 and 81 percent, respectively. Unsustainable migration trends and internal population growth have led to high population growth in the urban areas without accompanying improvement in infrastructure for service provision. Towns and cities have continued to attract large numbers of people from rural areas. For instance, the population growth of Lusaka estimated at 6% is twice the national average. High levels of in-migration into the cities can be attributed to a diversified economy in the cities, relatively better access to social services and employment opportunities. Unfortunately, most migrants coming to the urban areas do not find the quality of life they aspire for and end up living in informal settlements in a poor urban environment lacking both adequate shelter and social services. About 70% of the urban population of the cities live in informal settlements.

The distinction between “formal”, or planned, settlements and “squatter”, or unplanned, settlements dates from the creation of the first urban centres during the colonial period. Formal settlements were the only recognized permanent urban settlements, and were reserved for European settlers. They were designed with infrastructure for housing, transportation, access to piped water, sanitation and social services. Africans were not allowed to reside permanently in these urban centres and even their temporary stay was tied to being formally employed. As a result, at the expiry of their short-term employment contracts, those who wanted to remain in urban centres retreated to temporary settlements on farms on the outskirts of cities where they lived as “squatters”. Although after independence Africans were granted the right to live permanently in cities, the formal urban centres were not large enough to accommodate the new migrants attracted by the thriving urban economies. The temporary settlements on the urban outskirts thus became the main areas where new migrants found space for self-help housing. Yet, these settlements lacked essential infrastructure and services. Today, despite some urban upgrading programmes since the 1970s their situation has not improved much and in many cases the situation has been worsened by overcrowding. Poor access to essential infrastructure and services has since the 1990s been compounded by a loss of employment and income due to the failure and privatization of state-owned enterprises, to the devastating effects of HIV/AIDS, and to a rapid demographic growth that further accentuates overcrowding. Informal settlements housed more than 50% of the population of the major cities of Lusaka, Kitwe and Ndola in 1990, and up to 70% of Lusaka’s dwellers by 2004.

Despite the alarming situation, Government has not sufficiently supported upgrading of informal settlements and generally considers them to be unacceptable.
A low cost settlement in Lusaka in the 1970s. Low cost housing in urban areas after independence were less crowded, more spatially organised and provided a more positive living environment than today when development is done in a chaotic manner with the majority of the people living in areas without basic services such as clean water, access roads and waste management. The urban population increased particularly rapidly after independence, with an average annual growth rate of 5.8% from 1969 to 1980, declining to 3.7% from 1980 to 1990. However, the proportion of urban dwellers had reached 42% of the national population by 1990, and almost 50% by 2005, by which time Zambia had become one of the most urbanized countries in Sub-Saharan Africa.

(source of picture: Lusaka City Council, 1974)

Low cost housing in the unplanned settlement of Lusaka today. 70% of the urban population of Lusaka lives in informal urban settlements, which occupy only 20% of the city’s total area. Residents of “unauthorized” urban settlements lack security of tenure and live under the threat of demolition of their houses by local authorities. The quality of housing is inadequate. At the community level, inhabitants of unplanned settlements have developed numerous mechanisms to supplement the lack of government capacities in planning for the development of their areas and in providing basic social services. Community-based organizations (CBOs) work closely with communities on social and economic initiatives. Although most CBOs lack the resources necessary to help effectively resolve problems, they often provide the only support vulnerable people in the unplanned settlements receive.
While residents of formal settlements have always had the right and access to basic physical amenities and public services, residents of informal settlements have largely been left on their own to meet these needs. Support to upgrading efforts by local authorities remains largely ad hoc, largely due to lack of resources and a national settlement upgrading strategy.

1.1.2 Urban Livelihoods

Although the Zambian economy appears to have stabilized, unemployment and underemployment are still major problems. The privatization program of the mid 1990s has been accompanied by a restructuring of the labour market and by retrenchments that may have improved the performance of most enterprises, but have not yet translated into the creation of new employment opportunities on a large scale. As a result, the livelihoods of most urban dwellers who used to work in the protected formal sector, including large state-owned enterprises, today depend on the informal rather than the formal sector. The better-off urban residents are still those in the protected formal sector who live mostly in the formal (planned) settlements. Most people earning their livelihoods from the informal sector live in informal settlements and are self-employed. They work in a variety of informal economic activities ranging from producing and selling building materials – including crushed stone, sand, bricks, etc.- to trading in petty commodities, farming, and renting out houses or rooms. The majority of the urban population is thus dependent on informal economic activities, estimated at over 70% in major urban centres.

The few residents of informal settlements who are formally employed mostly have low-paid jobs and have little support from their employers in terms of housing finance for home ownership.

1.1.3 Housing

Government has estimated that there is a shortfall of about over 1 million houses in the country. Imbalanced development between the rural and urban areas continues to encourage migration into towns and cities at scales that cannot be sustained by the urban areas. Further, inadequate housing remains the most challenging issue for residents of informal settlements in urban areas. First, habitable land is scarce, and some settlements have been developed in areas unsuitable for human habitation such as water-logged areas and highly quarried sites. Lack of serviced land for housing has forced people to live in overcrowded dwellings and has pushed up rents, as housing supply is below demand. In Lusaka, 70% of the urban population lives in informal urban settlements, which occupy only 20% of the city’s total area.

Formal housing standards given in the Local government Act and the Public Health Act are so unrealistically high that “more than half of the country is built to illegal standards because people cannot afford to meet the standards.” (Sunday Post, 8th April, 2007).
Corner of Church Road and Cairo Road in 1929 (left) and today (right). The country’s main post office on the right has grown in size and complexity as has the rest of the CBD area. Road traffic congestion is one of the biggest problems facing the City. Today, it is estimated that tens of vehicles are offloaded on the Lusaka roads every day. Thanks to poor planning, all main roads lead to or pass through the CBD of the City and have become overloaded and operate insufficiently, especially at peak hours. Vehicle congestion at peak hours virtually brings vehicular movement to a standstill at peak hours, a situation which is having a negative effect on the economic development of the CBD of Lusaka.
(Source of picture on the left: John’s Place, Rhodespark, Lusaka)
1.1.4 Self-Help

At the community-level, inhabitants of informal urban settlements have developed numerous mechanisms to supplement the lack of government capacities in supporting the development of their areas, especially in the provision of basic social services, including education and health and care. On the economic front, some communities have developed trade associations and cooperatives, which often also have important social roles.

Community-based organisations such as Resident Development Committees (RDCs) are the main official community representatives for local development activities. Typically, successful RDCs are involved in constructing or extending community infrastructure such as markets, water and drainage systems, roads, schools, and police posts etc., and managing social services ranging from solid waste management to support to vulnerable households. Community-based organizations (CBOs) and cooperatives with strong social orientations further run a multitude of social and economic initiatives. Although most CBOs lack the resources necessary to help effectively resolve problems, they often provide the only support vulnerable people in the unplanned settlements receive.

2.0 Government Policy and Regulatory Framework

2.1 National Housing Policy

Zambia’s National Housing Policy was produced by the Ministry of Local Government and Housing in 1996. It was envisaged as providing a “comprehensive assessment of the housing situation in the country” and “a vision for the development of adequate affordable housing for all income groups in the country” (GoZ, 1996, p.iii). The policy does, indeed, appear to give an impressive priority to housing development, which is promised 15% of the total national budget each year. However, this has proved to be an empty promise. Funds for construction have therefore proven, in practice, to be available only via loans, which are often inaccessible to low-income groups due to high interest rates. The Policy further provides for making serviced land available for housing development and streamlining the land allocation system; streamlining building standards, regulations, and other controls to meet the needs and capabilities of various segments of the population; encouraging the production and use of local and affordable building materials; helping the poor acquire decent shelter through alleviation of affordability problems; fostering housing areas that are functional, healthy, aesthetically pleasant, and environmentally friendly; and preparing a national housing implementation strategy. At present, however, hardly any of these objectives are being achieved.

Government has stated that the National Housing Policy would be reviewed this year (2007) together with the national housing development strategy.
2.2 Institutional Framework

The main national government ministry working in the area of human settlements development and infrastructure provision is the Ministry of Local Government and Housing. Within the ministry is the Department of Physical Planning and Housing and the Department of Infrastructure and Support Services. In terms of housing, the role of the Ministry is mainly that of policy setting and supervision, with planning and regulation of actual development at city level being the responsibility of local authorities.

The Ministry of Community Development and Social Services, seeks to aid community-driven development and formulates ways of reaching and mobilising the urban poor as they work with other institutions such as local authorities at the community level.

Further, as a matter of Government policy, local authorities have entered into partnerships with community based organisations (CBOs) to identify service needs, especially in the unplanned settlements, and NGOs to implement community-based programs. International NGOs such as Habitat for Humanity and CARE International actively participate in low cost housing delivery and capacity building programmes, respectively.

2.2.1 Planning Authorities

The Minister of Local Government and Housing has delegated certain of its functions to Statutory Planning Authorities, which relate to the control of developments and subdivision of land in urban areas. These Planning Authorities are:

- The Provincial Planning Authorities which are serviced by the Department of Physical Planning and Housing and;
- The Planning Authorities of cities and municipalities which are serviced by their respective city and district councils.

2.3 Legal Framework

2.3.1 Local Government Act

The Local Government Act of 1991 delimits the powers and responsibilities of the 72 local authorities in Zambia. Of these, four are City Councils (Lusaka, Ndola, Kitwe and Livingstone), 12 are Municipal Councils and 56 are District Councils. Powers in housing and infrastructure development, as re-stated in the National Housing Policy, include the enforcement of building standards, the planning and regulation of land use and new developments, the management of upgrading schemes, and the allocation of land. Related responsibilities include the setting of housing delivery goals, the identification of new land for housing, the provision and maintenance of infrastructure needed to open up such land for development and the provision of community and recreational facilities. The Local Government Act also has a provision for registration of community base organisation (CBOs).
In many urban areas, from the early 1990s onwards, elected Area-Based Organisations have been formed. These comprise Zone Development Committees at the local level, which in turn elect the CBO such as the Residents Development Committee in each settlement. These CBOs have the mandate to facilitate development programmes in the settlements in collaboration with other stakeholders.

2.3.2 Housing (Statutory and Improvement Areas) Act

The Housing (Statutory and Improvement Areas) Act of 1975 was a major turning point in the recognition of informal settlements in Zambia as it provided for unplanned settlements to be legalised, whereas previously the only official policy was demolition. Under the Act, local councils are responsible for identifying which settlements should be legalised, subsequently submitting documentation to the Ministry of Local Government and Housing for approval. Cases where approval would not be given include sites in water-logged areas and other areas deemed unsuitable for human habitation, sites on privately owned land and sites with houses built on top of infrastructure for water supply, power supply, telecommunications, etc. In such areas demolition without negotiation remains a possibility.

The Act, considered the principal legislative document on settlement upgrading and regulation of development in unplanned settlements, has serious impediments to development. The Act in its present form prohibits, in its areas of jurisdiction, the sell or conveyance of freehold state; the letting of more than one piece or parcel of land to any one person and the letting to any person engaged in the business of buying, selling, letting, developing or in any way dealing in immovable property. A further limitation of the Act is that the term ‘legalisation’ refers to each unplanned settlement as a whole, rather than to the individual plots in the settlement. After an unplanned settlement has been declared an ‘Improvement Area’, a 30-year occupancy licence may be issued to residents, but the land remains the property of the council. The Act is currently being reviewed with support from Sida.

2.3.3 The Town and Country Planning Act

The Town and Country Planning Act (Chapter 475 Revised Chapter 283) is supposed to provide a framework for effective planning and control of development in the main cities and towns with Zambia. However, the Act was enacted before independence when spatial planning needs were very different from the circumstances we find ourselves in today. Consequently, contemporary planning issues such as change of use of land, use of appropriate affordable local building materials, outdoor advertising, participatory planning approaches, integrated planning methodologies— to mention but a few—are not adequately addressed in the Town & Country Planning Act in its current form. It is envisaged that the on-going review of the Act, supported by Sida, will bring about a transition from the old fashioned master planning, which is archaic and rigid, to integrated development planning which takes into account all contemporary planning issues through adequate participation of stakeholders in the planning process.
2.4 Key Players in Urban Land Administration

Key Players in land administration in urban areas are: the Planning Authorities (i.e. the Councils), the Commissioner of Lands (Ministry of Lands) and the Ministry of Local Government and Housing. For state land, The Planning Authority is in charge of the planning process and recommending of potential developers for land alienation to the Commissioner of Lands. The Commissioner of Lands is responsible for land alienation while the Ministry of Local government and Housing is responsible for planning policy and legislation and supervision of Planning Authorities. In informal settlements, land is owned by the Council who normally grant residents rights to occupy their structures through 30-year Occupancy Licences.

3.0 URBAN DEMOLITIONS – A NEW GOVERNMENT POLICY

3.1 Background

Early March, 2007, the Cabinet of the Zambia Government sat and resolved on a new policy to combat illegal land allocation and development in the country. It was resolved that Government would demolish all illegal and unplanned settlements throughout the country. The Chief government spokesperson announced at a news conference in Lusaka that Government would use whatever means at its disposal to “restore order in the nation”. He also stated that State machinery would swing into full action and no political leader or cadre whether from the ruling MMD or opposition would be spared if found wanting. According to Government, the development had been necessitated by the increase in “acts of lawlessness, which have gone unabated”. At the same briefing, the new Minister of Lands admitted that there were a number of shortcomings in the land administration due to inadequacies in the law. In view of this, the Government would review all existing legislation relating to land.

Speaking in Parliament, an opposition Member of Parliament, a former Lusaka Town Clerk, blamed political leaders “for allowing the country to degenerate into unprecedented levels of lawlessness as town planners are overtaken by “political planners”. The Minister of Local Government and Housing concurred with the MP and informed parliament that Government was in the process of upgrading “illegal settlements” and would start by providing services to identified areas.

It is however, unlikely that Government would mobilise enough resources and political will to effectively undertake the upgrading of unplanned settlements as repeatedly stated for political expediency.
Lusaka Demolitions. In March and April, 2007, State police and council police have caught developers in both planned and unplanned settlements and traders in the CBD area unawares and demolished hundreds of structures. Government claims that the nationwide demolitions will continue since they are aimed at restoring sanity in the cities and curb illegal land allocation and development in the cities. The Council has, however, admitted that the exercises are not sustainable in that “demolitions cost millions of Kwacha and it is not easy to quickly mobilise such money to go back and carry out demolitions where Council has demolished”.

Police Patrons in the Lusaka CBD Area. Hundreds of state police officers are patrolling the CBD area in order to keep away the street vendors. However, it costs about US $5,000 per day to sustain the 200 police officers on patrol and there are complaints that Government is defaulting on the payment of the daily allowance to the officers on patrol. In the absence of dialogue between the developers and the Government, it is clear that the operations aimed at keeping street vendors away from the CBD cannot be sustained.
3.2 Lusaka Demolitions

3.2.2 Background

Lusaka has over the years been faced with problems that come with uncontrolled development, largely due to inadequate capacity of the city council to provide development control services, corruption in the land delivery system, political interference in land allocation and cumbersome land alienation procedures. In a council committee meeting in January, 2007, councillors requested the Director of Planning for a plan to demolish illegal structures “as a way of cleaning up the city.”

In February, the Director of City Planning presented a work plan to the Council’s Plans Works and Development Committee seeking permission to demolish “illegal” structures in different parts of the city. The Director referred to the Town and Country Planning Act which stipulates that planning permission be obtained from the Planning Authority (the Council) before carrying out development in the city. The Director’s report further identified the three most common types of illegal development in the city as follows:

a) Invasion of Open State Land which has been reserved for Government Use or land under the Jurisdiction of Local Authorities but left open for a long time.

b) Invasion of formally planned and allocated land by groups of people who threaten and bar legal land owners from taking possession of their land: such invasion also covers land that is held on title but not developed.

c) Illegal Extensions to existing structures where property owners have made extensions to their houses without the benefit of planning permission: this type of development was most common in planned areas of the city.

The Director’s report also stated that his office had undertaken the following to curb illegal development in the city and encourage dialogue with the developers:

- Placement of a Notice in the print media to invite illegal developers to liaise with the council and submit applications for planning permission for consideration by council with the objective of normalising their situation by obtaining permission from the council.

- Reporting of known individuals involved in illegal sale of land to State Police for possible prosecution (unfortunately, most of those that have been arrested were on police bond and have continued their illegal land allocation activities).

- Serving of Enforcement Notices on illegal developers directing them to stop illegal developments and restore the land to its condition before the illegal developments were carried out.
3.2.3 Demolition of Housing and Makeshift Structures

In December 2006, Lusaka City Council conducted demolitions in Chunga, a peri-urban area, to safeguard Chunga Cemetery from invasion by illegal developers. In January, 2007, the Council went back to Chunga again to conduct demolitions with the same objective as the December, 2006, demolition.

On 26th January, 2007, Lusaka City Council moved in and demolished structures at the Council Tennis Courts in Libala, a medium cost settlement. About four structures were demolished including burying of foundations and destruction of building materials. On the same date the Council moved into Kamwala South Farm 917 and demolished about five structures at a designated play park and also buried several foundations. The Council also demolished about three structures on land designated as a road reserve.

On 10th March at mid-night, over 400 Lusaka City council and state police swung into action and demolished about 100 unfinished houses, which they called “illegal structures”, on privately owned but undeveloped land in an area between Kalikiliki, a peri-urban area and Ibex Hill, a high cost residential settlement, where residents had acquired plots from political party cadres and people engaged in illegal selling of land, including Government and council officials. Incomplete housing structures under construction were knocked down using sledgehammers in an overnight raid.

On Saturday, 17th March, Lusaka City Council police pounced on unsuspecting street vendors and destroyed makeshift pay phone booths and car wash facilities on two main roads reserves in a northern suburb of the city. About 20 makeshift structures were demolished. The police also confiscated sprayers and hovers from car wash facility owners. Some owners of the structures claimed to have permission from the council for their business. A riot nearly broke out when the affected vendors started throwing beer bottles at the council police officers.

On Saturday 24th March at mid-night, a combined team of over 300 state and council police demolished about 100 makeshift stall at Lusaka’s Town Centre Market. These stalls had spilled over on to the CBD roads bordering the market. Owners of the stalls and street vendors woke up to rude shock when they found armed police had sealed off their trading places. The makeshift structures had blocked some lanes on the main road reserves and were built in front of some shops which are part of a newly constructed market. Fire outbreaks are common at these highly congested, poorly built makeshift stores made of inflammable materials such as plastic paper and dry wood.

The council’s official position has been that that demolition was the last resort after the traders ignored council’s directives to stop trading under unsafe conditions on the road reserves of the CBD.
Demolition of makeshift structures. Lusaka Council police have been combing the city and destroying makeshift structures used as phone booth kiosks. Unfortunately, some of the kiosks were authorised by some local authority staff under circumstances the cartoonist (right) portrays as the “stench of corruption” in institutions mandated to allocate land and authorise development in the city. Government officials, council staff and party cadres at the community level – all have a long notorious history of corrupt practices in land allocation, especially in the main urban areas.

(source of cartoon on the right: Post Newspapers)

Demolition of makeshift stalls in the CBD and Kamwala Trading Area. On 24th April, 2007, state and council police moved into the Lusaka CBD area and Kamwala Trading Area and demolished hundreds of makeshift stalls at mid-night. Tens of people were arrested for loitering during the same operation. Unfortunately, the sites proposed by the council as alternative trading areas have been rejected by the vendors on the basis that sites outside the CBD area are conducive for their business. As a result, vendors have been creeping back into the CBD as soon as police patrols are eased.
Although the authorities are offering alternative sites to most traders, the traders are unwilling to move to the new sites claiming that the new locations are not prime trading areas and are in places their customers will not go to.

3.3 Demolition Plans in other Urban Areas

3.3.1 Mazabuka Municipal Council to demolish “Illegal Structures”

Mazabuka Municipal Council, located about 200 km south of Lusaka, has stated that they will soon swing into action and demolish all illegal structures in line with Government directives. Apparently, Mazabuka is one of the few councils with a structure plan to guide development. However, inadequate capacity has resulted in the council failing to adequately guide development in the town. “Interference” in land allocation by political cadres on the ground has also fuelled the growth of unplanned settlements in the town.

3.3.2 Solwezi Municipal Council to demolish “Illegal Structures”

In Solwezi, the Provincial Headquarters of North Western Province, the council has announced its plans to move in and demolish houses built on a road reserve, a guest house built on a water line and shops at the town market which were built under a 33kv power line. Council announced its intentions to demolish the structures in March, 2007, and has been issuing verbal warnings to the owners of the properties, directing them to stop trading from the unauthorised sites.

3.3.3 Choma Municipal Council to demolish “Illegal Structures”

In Choma, about 400 km south of Lusaka, the Council has announced that it will demolish illegal structures in the central business district which marketeers have been using as shops. The Council intends to issue eviction letters to all affected traders advising them to leave their unauthorised trading areas before carrying out the demolitions. However, the traders have resolved not to leave their trading areas. Some have gone as far as threaten to “bewitch” using African Magic, any council officials who will demolition their structures as demolition of their structures was tantamount to killing them as the demolition would in actual fact destroy their only source of livelihood.

4.0 STAKEHOLDER REACTIONS

4.1 Owners of demolished Structures demand Compensation, drag State to Court

About 15 owners of unfinished structures demolished on 10th March in a medium cost housing suburb of Kamwala have produced documentation indicating that the land was acquired legally from Lusaka City Council and that they paid all the necessary land alienation fees to council and are demanding compensation. Stated Government position is that only owners of demolished properties who would prove that they had planning permission for their demolished structures would be compensated.
Lusaka vendors whose makeshift structures were demolished in the CBD have also dragged the State to court, demanding compensation. This development has been confirmed by the Attorney General. The vendors have accused the State of being unfair to them and are seeking redress in the courts of law. However, Government has stated that street vendors were undertaking unregulated activities and were on the wrong side of the law.

4.2 Kalikiliki Residents

The Spokesperson for the Kalikiliki residents whose structures were demolished has stated that the Government’s action was illogical as most of the unplanned settlements have been in existence for many years and had been legalised. He claimed that most residents had bought the plots on which they had developed the houses and it was shocking that Government would demolish their houses.

4.3 Internally Displaced Peoples’ Voice (Zambia)

The Internally Displaced peoples’ Voice in Zambia has condemned the demolitions accusing Government of risking a serious humanitarian disaster since over 70 percent of the urban population in major towns resided in unplanned settlements. The organisation has warned that the demolitions were capable of reversing the economic gains the country had made in recent years.

4.4 Southern African Centre for Constructive Resolutions of Disputes (SACCORD)

SACCORD has urged Government to act in a conciliatory manner and meet the affected people in order to find a way forward. SACCORD further observed that it was inappropriate for Government to carry out demolitions in the rainy season.

4.5 Zambia Land Alliance (ZLA)

The Zambia Land Alliance, a Zambian non-governmental organisation that deals with land issues, has observed that the situation was "scary" because people do not know how the Government is going to proceed. ZLA has cautioned Government against making people homeless and urged them to target local politicians who have been allocating land illegally to their supporter without any regard for the law. Further, the ZLA has called for the review of the Lands Act of 1995 which they claim has being “too narrow and containing a lot of loopholes that allow for abuse of office”. The ZLA has also called for long-term changes in the administration of land in the country.
Lusaka has been a city where street vendors are “everywhere” selling everything—fruits, cooked food, car spare parts, building materials, labour for car washing… you name it… and in some of the most unhygienic conditions. Recent demolitions have however led to the forceful, many believe temporary, removal of all vendors from the CBD and the destruction of their makeshift structures.

It is important to note that the construction of shops (right) on market sites in the CBD has deprived the marketers of some of their prime space. For instance each shop takes up the space of not less than 20 market stalls. Marketers cannot afford shop rentals, which are usually more than US$ 1000 per month, demanded by the private developers who have entered into agreements with the council to upgrade city markets under public private partnership. Although the agreements include the construction of market stalls for the marketers, side by side with shops, the private developers have focussed more on developing shops which give them higher returns. Consequently, conflict between the council, the marketers (now turned into street vendors) and the private developers has been inevitable.

Early May, 2007, over 500 street vendors sued the Minister of Local Government and Housing over the demolition of their structures. And the Unemployment Association of Zambia has given the Government a 29-day ultimatum to remove police officers patrolling the CBD or face demonstrations from the vendors.
4.6 Political Party Reactions

The opposition National Democratic Party (NDP) has called for the resignation of the Minister of Local Government and Housing for the alleged inhuman action taken by councils of demolishing housing structures in the country. The party wondered why Government was now worsening the poverty levels of the poor by destroying their houses and why they failed to control the situation in its early stages but waited for the vulnerable people to erect the structures before acting.

The largest opposition party in the country, the Patriotic Front, has accused Government of committing a “terrorist act” against Zambians by demolishing “illegal” houses and other structures. The Party has stated that it would sue the State for demolishing the structures.

5.0 OPPORTUNITIES

Addressing issues arising from a largely dysfunctional urban land administration system in the country gives rise to a number of opportunities as itemised below.

5.1 Cities Alliance Programme

It is timely that the cities alliance programme be initiated in the country. Clearly, the institutions tasked with land administration and management in the urban centres of the country have failed to live up to their mandate and with growing challenges and diminishing local authority resources, the situation can only get worse if no positive intervention is carried out.

Failed policies, bad governance, corruption, inappropriate regulation, dysfunctional spatial planning systems are worsening the lives of the urban poor, especially in the major cities such as Lusaka. The Cities Alliance Programme for Zambia will have potential to build upon successful community-based upgrading programs undertaken in the past, to address the deficiencies in the broader policy and institutional issues and to bring together all stakeholders working for sustainable development in the main urban areas of the country.

5.2 Review of Spatial Planning Legislation in Zambia

The on-going review of spatial planning legislation in the country gives all stakeholders an opportunity to address the many aspects of the law which hinder smooth urban land management and development in the country.

objective of the project is to improve the living conditions of the urban areas, especially the urban poor, by enabling them to get legal access to land, security of tenure, and Municipal services, supported by a legal framework responsive to contemporary spatial planning, urban development and housing provision challenges. This objective will, however, only be achieved by adequate stakeholder participation.

It is critical that the provisions of the Town and Country Planning Act are reconciled with the provisions of the Housing (Statutory & Improvement Areas) Act. Specifically, there is need to review planning standards in relation to affordability of building materials and promotion of local building materials in low cost settlements such as Improvement Areas. In view of the current Government policy of economic liberalisation, there is need to revisit the proscriptions in the Housing Act and promote the participation of the private sector in housing development. Amendments are needed to bring the Act in line with market-oriented housing delivery mechanisms and to promote investment in regularized informal settlements. The new law must promote a simplified, affordable and locally manageable system of land tenure in low cost housing areas.

5.3 Participatory Planning Methodologies

A number of local authority have had valuable experiences in application of participatory planning approaches which could be replicated and applied to improve environmental planning and urban land management in the country. For example, the Sustainable Cities Programme (SCP) facilitates the strengthening and improving of planning and management capacities in municipal authorities and their partners in public, private and community sectors. Based on the demonstration-replication approach, the SCP supports cities in all parts of the world to develop local participatory approaches to improved urban environmental planning and management. Building on this experience, a variety of tools and training materials have been developed in order to support wider replication of the SCP experience. In Zambia, the SCP has supported the Sustainable Lusaka Programme and is currently supporting the Sustainable Kitwe Programme. The SCP programme in the country needs to be up-scaled and involve more cities.

5.4 Fifth National Development Plan (FNDP) 2006-2010

In the FNDP, Government states its goal as “To provide adequate affordable housing for all income groups in Zambia” while its vision is “To ensure that 1.5 million people are adequately housed by the end of FNDP”. The republican President has announced that Housing has become a “priority” sector in the country, along with Education, Agriculture and Health. In the FNDP, Government has committed itself to strive to increase resources earmarked for housing development, especially the provision of finance for long-term financing of low cost housing development in the country. If realised, Government plans could make a significant contribution to provision of adequate shelter in the country, especially for the urban poor.

5.5 Urban Upgrading Strategy

For some time now, local authorities, donors and NGOs have been addressing some of the problems related to settlement upgrading in the urban areas of the country and are
implementing a number of well-intentioned initiatives, particularly in Lusaka and the community demonstration projects on the Copperbelt. These initiatives are not, however, framed within an overall national policy for low-income, unplanned/informal settlements. It is likely that greater efficiencies and more consistency would come from initiatives being guided by an overall policy and by a clear strategy for implementing that policy. Issues addressed would need to include land, tenure, landlord/tenant rights, standards, service levels, coverage, community participation, operation and maintenance, as well as cost recovery and sustainability.

5.6 Decentralisation of Urban Land Administration

Current urban land management practices are highly centralised and do not favour the urban poor settlements where the demand for good governance and transparency in land administration is highest. Current problems offer an opportunity for creating an inclusive land administration system with more community involvement and public participation. There is urgent need for decentralisation of planning and development control functions to areas where development is taking place by involving community based organisations in the land administration process.

6.0 KEY CHALLENGES TO URBAN LAND ADMINISTRATION

Urban land administration in the country is largely dysfunctional. The land tenure system has been riddled with administrative hurdles, thus inhibiting participation of the urban poor. Land acquisition procedures have remained highly centralized and cumbersome. Below is an elaboration on some of the key challenges to urban land administration.

6.1 Corruption

The entire system of urban land administration has been besieged by corrupt practices. The Ministry of Lands has consistently been classified as the most corrupt Government ministry. Virtually in all cities, land allocation has been hijacked by political party cadres and cartels involving briefcase Real Estate agents and corrupt public officials due to dysfunctional institutional structures in Government and councils. Multiple land allocations and plot creations on the same piece of land due to poor record keeping and inadequate land administration systems, and corruption, apparently from the highest to the lowest levels of public offices, and lack of capacity in general in institutions tasked with land administration have collectively led to collapse of the urban land management system in the main urban centres, especially in Lusaka.

Recently, the President sacked the Minister of Lands and her Deputy and suspended the Permanent secretary and the Commissioner of Lands – in effect all the senior ministry officials- due to alleged corrupt practices. In addition, many senior officers at management level have been suspected. At council level, corruption in land allocation involving both councillors and council staff has been a bottleneck for a long time. At the community level, political party cadres have a long notorious history of illegal acts in land allocation and corrupt practices.
6.2 Inappropriate Planning and Land Administration System

Urban planning in Zambia remains mainly physical, confined to controlling development by enforcing rigid planning laws and regulations. As a result, it rarely involves the participation of stakeholders in the planning process. This is particularly the case in informal settlements. A consequence is the continuation of an institutional and legal framework that works against community needs and the informal economy which sustains the majority of urban dwellers.

The procedures for application for land tend to be complex, difficult to understand and costly. The highly centralised system requires people to travel long distances to ill-equipped Government offices for formal transactions in land. The travelling time required, together with the need for relatively sophisticated plans and drawings, all combine to discourage adherence to the system and encourage illegal development. Often, records containing vital information on land administration are misplaced thereby derailing the process and the client is expected to keep reporting to Government offices to check on the progress.

6.3 Inadequate Resources

Institutions dealing with issues of planning and land administration generally have inadequate capacity to carry out their work effectively. Lack of qualified personnel and equipment are commonplace. Most Government and council offices are understaffed and the available staff are over-worked. This leads to delays in land alienation. If development has already proceeded in advance it is often found to be in the wrong location and this further exacerbates the situation of unauthorised development.

Inadequate capacity in institutions such as councils have provided fertile ground for many vices such as corruption, illegal land allocations, illegal development and insecure land tenure. Inadequate capacity by Planning Authorities to monitor and control development due to lack of equipment and adequately trained personnel will have to be tackled if the country is to develop adequate shelter for its citizenry.

Lusaka City Council has admitted that that development control has been made difficult to achieve because illegal developers quickly get back on site to resume construction immediately after demolitions since the council has no capacity to effectively guide development in the unplanned settlements.

Out of date Development Plans cause problems in land allocation as do out-of-date base maps which do not properly reflect the situation on the ground. Lack of good cadastral registration and land tenure records is a serious constraint on efficient release of land for development.

6.4 Poverty

Although the country has experienced economic gains over the last few years, including consistent economic growth and reduced inflation, along with a surge in its copper exports and a major package of debt relief from foreign donors in 2005, the poverty situation of the urban poor has been worsening. But more than 70 percent of the urban
population remains in poverty with little hope of improvement in their lives. Poverty makes most of the urban communities unable to afford decent housing and participation in the formal planning processes as prescribed by the planning authorities.

7.0 CONCLUSION

Urban land administration in the country is besieged by inappropriate, highly centralised and expensive practices which do not facilitate development by the urban poor. The laws are largely archaic and difficult to implement. Institutions tasked with urban planning and controlling development lack the capacity to do so, a situation which has been fully exploited by corrupt informal systems that run side by side with the formal but dysfunctional systems. Although a number of policy and legislative frameworks are in place, enforcement of the same has been inadequate mainly due to lack of capacity in responsible institutions such as local authorities and Government line ministries. Performance of the responsible institutions is further hindered by highly centralised land administration systems. Time is ripe for implementation of the Cities Alliance Programme in the country. There are opportunities for improved low cost urban settlement development in the on-going review of spatial legislation if the process will be driven by stakeholders; in promoting participatory planning methodologies in local authorities; in the decentralisation of urban land administration; and in the provisions of the Fifth National Development Plan in terms of provision of provision of long-term housing finance for low income housing and in the development of an appropriate urban upgrading strategy. Key challenges to development of adequate housing hinge around eradication of corruption in the urban land administration systems; the high poverty levels in the country; inappropriate spatial legislative frameworks (now under review); inadequate capacity in responsible institutions and a highly centralised urban land administration system. Although Government has adopted the policy of demolishing unplanned settlements, such a policy is unlikely to promote the development of sustainable human settlements. Instead, the policy will lead to increase in urban poverty as it attempts to address the effects and not the causes of a dysfunctional urban land management system. It is important that Government invites all stakeholders to a round table for dialogue on the way forward.
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1.0 Literature


2.0 Persons Talked to

Ms Matilda Okpara, Director of Physical Planning and Housing, Ministry of Local Government and Housing
Mr Muhau Wina, Assistant Director, Ministry of Local Government and Housing
Ms Meembo Changula, Principal Planner, Ministry of Local Government and Housing
Mr Timothy Hakuyu, Town Clerk, Lusaka City Council
Mr Joseph Mukupa, Acting Director of City Planning, Lusaka City Council
Mr Bornwell Matawe, Deputy Director of Housing and Social Services, Lusaka City Council
Ms Chanda Makanta, Public Relations Manager, Lusaka City Council
Ms Nina Nkhuwa, Assistant Director for City Planning, Lusaka City Council
Mr Verenasiyo Tembo, Assistant Director City Planning, Lusaka City Council
Mr George Nyendwa, Area Councillor, Chaisa Ward
Mr Adrian Nsefu, Resident Development Committee Chairperson, Chaisa Unplanned Settlement
Mr Douglas Banda, Lusaka resident
Ms Aggie Ngoma, street vendor, Lusaka
Mr Rueben Lifuka, President, Transparency International Zambia
Mr Henry Machina, National Coordinator, Zambia Land alliance