

Research Article

# Examination of the Management of State Land by Local Authorities in the Context of Unauthorized Settlement: A Study of Forest No. 31 in Kabwe, Located in Zambia's Central Province

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## Abstract

This study presents an analysis of the management and administration of state land by the local authority in the midst of illegal settlement. A case study of excision national forest no. 31 of block 1 in Kabwe, central province, Zambia. The research explored how the Local Authority would manage and administer state land in the midst of illegal settlement. The significance of this research lies in its potential to contribute to the existing knowledge on land management and administration challenges. By focusing on the specific case of Excision National Forest No. 31 in Block 1, Kabwe Central Province, this study offers context-specific insights that can inform policies and interventions aimed at the management and administration of state land by the Local Authority amidst illegal settlement and promoting responsible land use practices. The findings of this research are expected to provide valuable insights into land administration and Management systems. In conclusion, the analysis of management and administration of state land by the local authority in the midst of illegal settlement. A case study of excision national forest no. 31 of block 1 in Kabwe, central province, Zambia, contributes to the broader understanding of land management and administration challenges. By examining the specific case, this research aims to inform policies and interventions that promote sustainable land use practices, benefiting both communities and the state through the Local Authority.

## Keywords

Excision National Forest No. 31, Illegal Settlement, State Land, Local Area Plan and Encroachment

## 1. Introduction

This chapter provides context for the analysis of management and administration of state land by the local authority amidst illegal settlement with a particular emphasis on excision national forest no. 31 of block 1 in Kabwe, central province, Zambia. Further, it provides background information

for the research and subsequently presented the statement of the problem, research objectives, significance of the study, scope of the study, and lastly provided the definition of key terms. The literature review section of the research study on the management and administration of land by the local au-

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thority amidst illegal settlement in Kabwe, Central Province, Zambia, provides an overview and critical analysis of existing scholarly works, research studies, and relevant sources that have investigated similar or related topics. It serves as a foundation for the research by identifying gaps, building upon existing knowledge, and contextualizing the current study within the broader academic and practical landscape.

The literature review begins by establishing the significance and relevance of the research topic highlighting the importance of effective land management and administration in the face of illegal settlements. The review emphasizes the potential social, and economic consequences of unregulated settlement and the need for sustainable land practices. The literature review explores studies that have examined the management and administration of land in similar settings or cases of illegal settlements. It delves into research on land use policies, practices, community engagement and the role of local authorities in addressing illegal settlements. The review aimed to identify key themes, gaps, and trends beginning from Global, Continental, Regional, National, Provincial and District in the existing literature, providing a solid foundation for the current study.

Kabwe District serves as the provincial headquarters of Zambia's Central Province and is a key commercial hub in

the country. The district extends 12 km from north to south and 11 km from west to east, covering an area of approximately 1,572 square kilometers. The town itself spans about 4.018 square kilometers and is situated near latitude 14°27' South and longitude 28°27' East. According to the 2010 census, the district's population is 202,360, consisting of 98,781 males and 103,579 females, with a population growth rate of 0.5%. The district comprises 28,397 households across its 29 wards. Kabwe's economy is primarily driven by government institutions, which provide over 50% of local employment. These institutions include the military, prison services, educational, and healthcare facilities. Additionally, local investments in tertiary education, such as universities and colleges, also contribute to the district's economy. The steady growth of the industrial park in the district, which includes manufacturing, packaging, pharmaceutical establishments, and farming, has further bolstered Kabwe town's importance in the regional food systems, connecting it to the national network. The surrounding farming areas, both within and beyond the district, contribute to this significance. Agricultural productivity in Kabwe is supported by a diverse mix of small-scale and commercial farmers, playing a vital role in the town's economic systems.

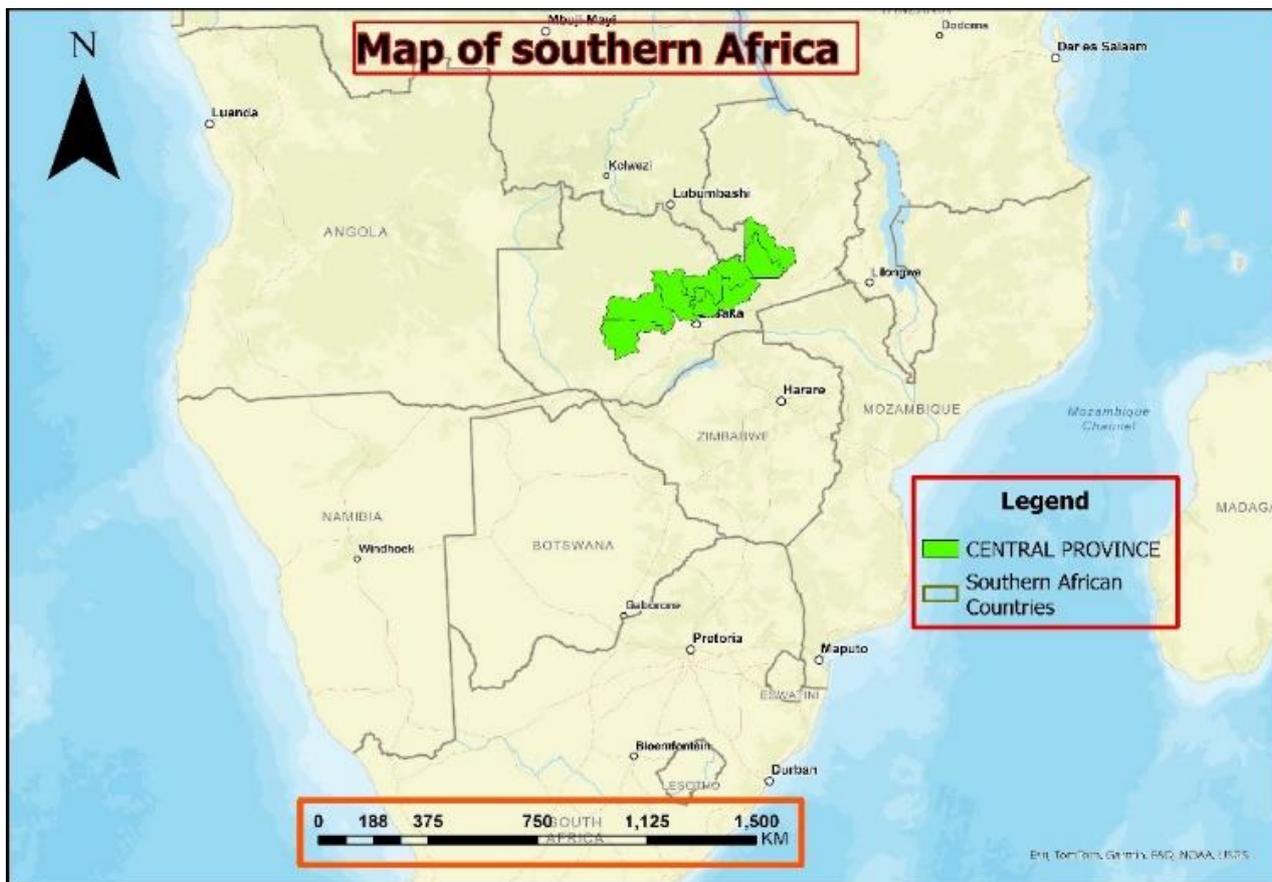


Figure 1. The Central Province Map of Zambia, (Source: African Countries Map, images, stock photos).

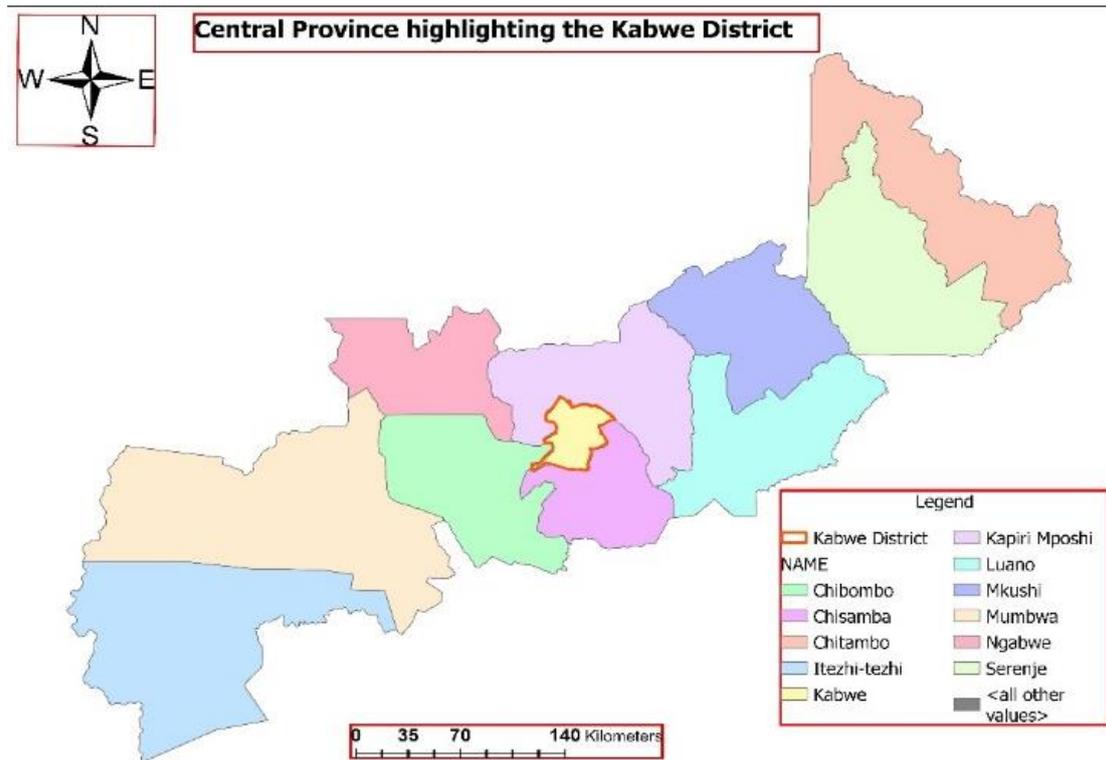


Figure 1. Kabwe District Map, (Source: African Countries Map, images, stock photos).

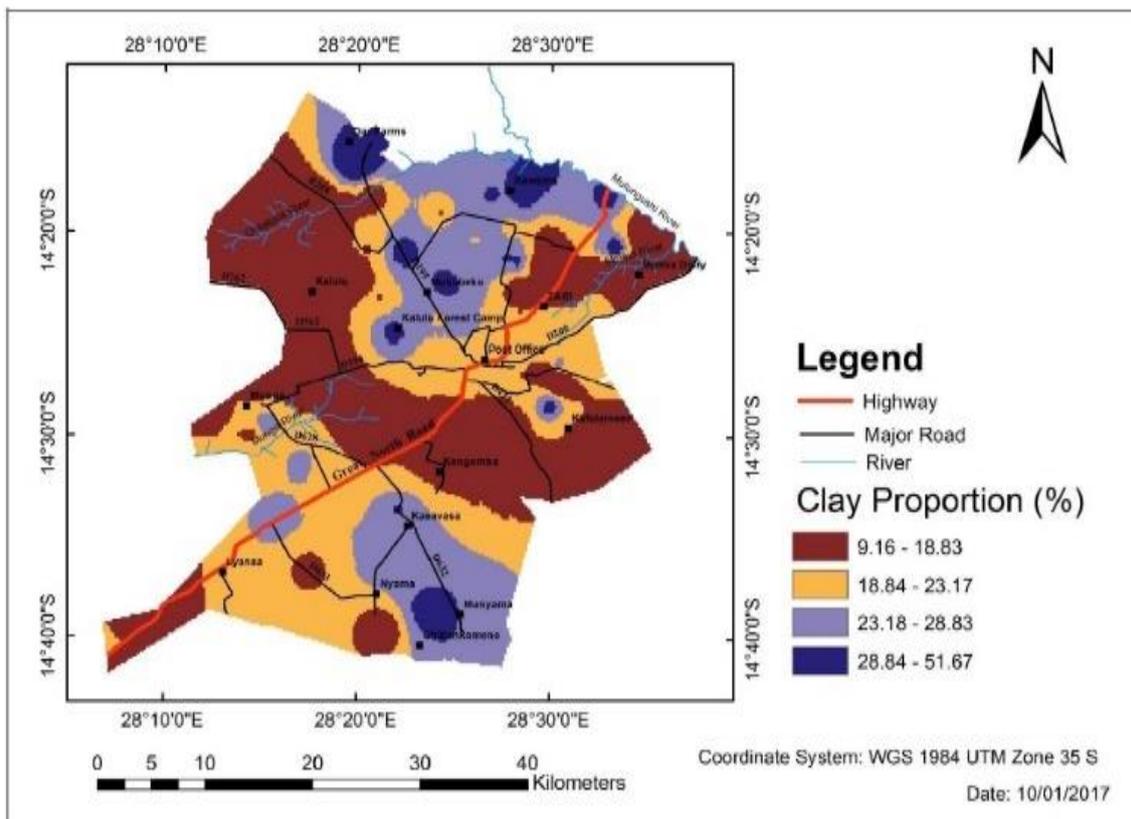


Figure 2. Clay soil proportion Map in Kabwe District, (Source Author: 2024, generated from coordinate system WGS 1984 zone 35.5 Date 10/01/2017).

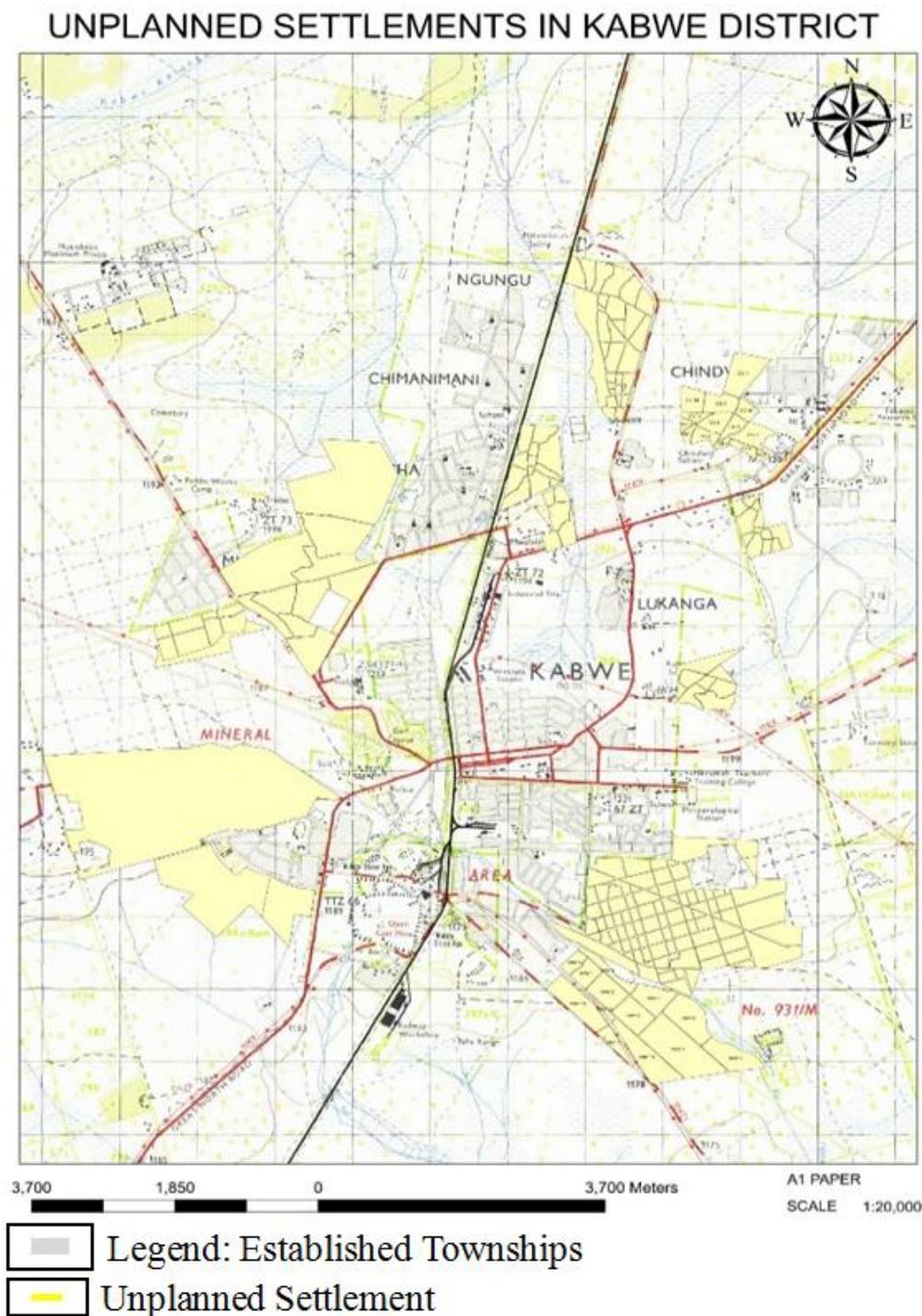


Figure 4. Unplanned settlement Map in Kabwe district, (Source Author, 2024. GIS data).

### 1.1. Background of the Study

Kabwe Municipal Council is located approximately 130 kilometers north of the Zambian capital, Lusaka. It has a proud history of civic government since 1<sup>st</sup> January 1954 when it attained its municipal status and was the first council to be declared to a municipal status. The municipality saw infrastructure development and services such as tared roads with street lights, piped water supply systems, sewerage and

sanitation, housing and other municipal services. Prior to its declaration as a municipality, Kabwe was first declared as a village in 1915 and a township in 1930. With major infrastructure services made available, Kabwe was able to attract some key industrial developments such as Kabwe Industrial Fabric Factory, Zambia Railways workshop, Chindwini, Kohima barracks and Zambia National Service Training School. Other developments included learning institutions such as the National Fire Services Training School which is currently the only fire training school in Zambia, Kwame Nkrumah

Teachers College which has been upgraded to what is now called Kwame Nkrumah University, and Kabwe Trades Training Institute which is now known as Kabwe Institute of Technology. The establishment of the National Agriculture Marketing Board Silos at Natuseko also set Kabwe apart after Zambia gained independence [1].

The quest for the municipality to attain city status is still alive and plans have been made enshrined in the Kabwe we

want to see tomorrow. One of the major issues for the expansion of Kabwe has been Land, land finally was made available through excision of National Forest No. 31 Block 1 by signing the Statutory Instrument No. 73 of 2019 by then his Excellency Edgar Chagwa Lungu on 23<sup>rd</sup> October, 2019. This meant that the land which was excised was now state land to fulfil Local Authority’s aspirations.

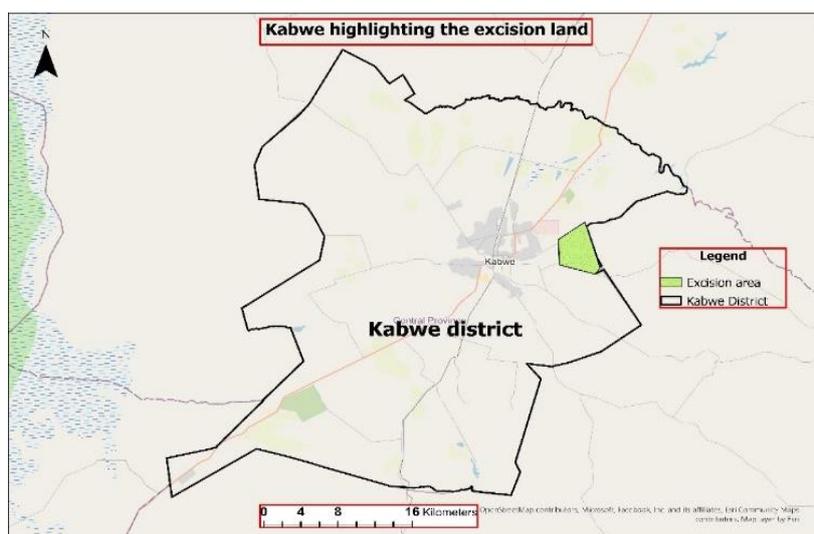


Figure 5. Location Map for the project in Kabwe District – Excision Area. forest number 31 Block 1. (Source Author, 2024 GIS data).



Figure 6. Base image Map showing levels of encroachment in the excision area. (Source Author, 2024 Base Image Google Earth 2024).

## 1.2. Research Objectives

To conduct an in-depth analysis of the management and administration practices, challenges, and impacts associated with illegal settlement on state-owned land, using Excision National Forest No. 31 block 1 Kabwe, Central Province, Zambia as a case study. The aim is to inform policy and decision-making processes towards more effective land management, sustainable development, of state-owned land.

### *Specific Objectives*

This study was guided by the following specific objectives;

1. Investigate the extent of illegal settlement within Excision National Forest No. 31 of Block 1 in Kabwe, Central Province, Zambia.
2. Assess the current management and administration practices of the local authority concerning state land in Excision National Forest No. 31 of Block 1 in Kabwe, Central Province, Zambia.
3. Evaluate the socio-economic and environmental impacts of illegal settlements on the Excision National Forest No. 31 area and its surrounding communities.
4. Identify the key factors contributing to the prevalence of illegal settlement in Excision National Forest No. 31 of Block 1 in Kabwe, Central Province, Zambia.
5. Examine the legal and policy frameworks governing state land management and administration by the local authority in Zambia, and their effectiveness in addressing illegal settlements in Excision National Forest No. 31 of Block 1.

## 1.3. Research Questions

This study was guided on the premise of the following research questions;

1. What is the extent of illegal settlement and the challenges faced by the local authority in managing and administering State land in Excision National Forest No. 31 of Block 1 in Kabwe, Central Province, Zambia?
2. Who are the key stakeholders involved in the management and administration of State land in the mentioned area, and how do their roles and interactions impact the prevalence of illegal settlements?
3. When did the issue of illegal settlement in Excision National Forest No. 31 of Block 1 begin, and the historical factors that contributed to its emergence and persistence?
4. Whom do the illegal settlers in the mentioned area primarily consist of, and their underlying socio-economic reasons that drive their decision to encroach on State land?
5. Which strategies and policies could be developed and implemented by the local authorities to deter the challenges of illegal settlement in state land?

## 1.4. Significance of the Study

The analysis of the management of state land in the midst

of illegal settlement on Excision National Forest No. 31 in Block 1, Kabwe Central Province, Zambia, holds significance for various stakeholders and fields of study. The following points highlight the importance of this study:

1. **Informing Policy and Governance:** The findings of this study will provide valuable insights for policymakers and government officials involved in land management and governance. By understanding how to manage and administer state land by the Local authority in the midst of illegal settlement, policymakers can develop and implement more effective policies, regulations, and strategies to be used appropriately. The study will inform evidence-based decision-making, leading to improved land governance practices and more sustainable land management approaches.
2. **Enhancing Land Administration and Planning:** Research on land administration and planning contribute to enhancing land administration systems and land-use planning processes [2]. By examining the case of Excision National Forest No. 31, the study will identify gaps and challenges in land administration, highlighting the need for improved mechanisms for land registration, cadastral mapping, and land dispute resolution.
3. **Empowering Communities:** It is crucial for the Local Authority to manage and administer state land in the midst of illegal settlers for the purpose of empowering the affected communities [3]. The study highlights the social challenges faced by settlers. The findings can inform community development initiatives, social inclusion programs, and livelihood enhancement strategies that empower the settlers and improve their living conditions. This empowerment will contribute to poverty alleviation, social justice, and inclusive development.
4. **Generating Context-Specific Knowledge:** By focusing on the specific case of Excision National Forest No. 31 in Kabwe Central Province, this study will generate context-specific knowledge and insights. These findings can be used as a reference point for researchers, practitioners, and policymakers working in similar contexts facing illegal settlement on state land. The context-specific knowledge generated through this study will enrich the existing literature, contributing to a deeper understanding of the challenges and potential solutions in managing illegal settlements.

## 2. Literature Review

### 2.1. Empirical Literature

The empirical research on analysis of management and administration of state land by the local authority in Zambia and the surrounding areas is presented in this section.

#### *Encroachment and Its Origin*

In Bhutan, the concept of "encroachment" emerged when

the certificate of title system for land administration was introduced, a development that took place under the rule of His Majesty the First King. Over the past decades, encroachment has emerged as a significant concern due to urbanization, the commercialization of natural resources, agricultural activities, and migration practices. Encroachment, often synonymous.

## 2.2. Global Context

Approximately one billion, or one-third, of the global urban populace resides in informal settlements [4]. The prevalence of informal settlements is particularly concerning in the Global South, where 61.7% of the urban population in Africa resides in such settlements, and this proportion has been increasing [5]. Notably, urban development in developing nations is increasingly oriented towards informality rather than meticulous formal processes. This trend raises concerns about the feasibility of African countries attaining the envisioned status of cities outlined in the New Urban Agenda, Sustainable Development Goal 11, and the African Agenda 2063 [6].

Illegal settlements, often characterized by unauthorized occupation of government land, pose significant challenges to local authorities worldwide. These settlements are driven by a complex interplay of factors, including rapid urbanization, population growth, poverty, and the lack of affordable housing options [7].

### *Illegal Settlement on Land Around Global South*

Throughout the Global South, the dynamics of urban informality are evolving, leading to implications for our understanding of this phenomenon across economic, spatial, and political contexts. Informality is frequently depicted through criticized dichotomies: one perspective views it as a troublesome, unregulated, and unplanned reality requiring regulation, while another sees it as a celebration of the resilience of marginalized groups navigating social, economic, political, and geographic exclusion. Despite informality transcending disciplinary and professional boundaries, it is commonly studied and addressed narrowly within specific domains rather than comprehensively across them. [8]. occasionally, instances of the "politics of informality" may manifest through sporadic occurrences of public protest, collaborative mobilization, and violent actions, as individuals unite to safeguard their encroachment into formal spaces as entrepreneurs or residents [9].

### *Land Encroachment - South Africa*

Since the advent of democracy in 1994, South Africa has encountered numerous instances of land invasion nationwide [10]. Consequently, land invasion stands out as a significant social issue prevalent in urban areas throughout the country [11].

### *Brazil*

In the metropolitan region of São Paulo (RMSP), a sprawling city with around 12 million inhabitants [12], approxi-

mately 30% of the population resides in conditions reminiscent of slums, facing challenges related to the absence of fundamental infrastructure like water and sewage services [13]. These zones commonly exhibit precarious land tenure, wherein residents possess informal claims without legal titles officially acknowledged by the state [14].

## 2.3. Continental Perspective

Africa is experiencing the most rapid urban growth among all the regions of the developing world. According to the United Nations [15], between 1975 and 2000 the urban population has more than tripled, from 70 million to 222 million. This rapid urbanization process will continue unabated in the next years: it is estimated that by the year 2030 the urban population will be 609 million, representing 54 percent of the total population of the region, up from 34 percent at the turn of the century.

*Table 1. Urban Growth in some selected regions.*

Sno.	Country	1975	2000	2030
1	Benin	0.7	2.6	7.7
2	Burkina Faso	0.4	2.0	9.2
3	Chad	0.6	1.9	7.5
4	Cote d'Ivoire	2.2	6.9	14.1
5	Ghana	3.0	8.6	19.0
6	Guinea	0.9	2.6	8.2
7	Liberia	0.7	1.3	4.3
8	Mali	1.3	3.6	15.4
9	Mauritania	0.3	1.5	4.4
10	Niger	0.5	2.2	12.5
11	Nigeria	12.8	50.6	134.4
12	Senegal	1.6	4.5	11.3
13	Sierra Leone	0.6	1.6	4.8
14	Togo	0.4	1.5	4.4

Adapted from: World Urbanization Prospects: the 2003 Revision, UN, New York

### *Uganda:*

Uganda has witnessed the emergence of informal settlements, particularly in its capital, Kampala. Land tenure insecurity, inadequate urban planning, and a lack of affordable housing options are among the key challenges faced by local authorities [16].

### *Ethiopia:*

Urban growth in Ethiopia is marked by a modest degree of

urbanization, with approximately 18% of the overall population residing in urban zones [17]. However, the rate of encroachment on the peripheries of emerging municipalities has witnessed substantial increases in recent decades [18].

Nigeria:

Most urban centres in Nigeria are not spared from these unlawful settlements. Slum areas in Lagos include: Makoko, Ajegunle, Bariga, Mushin. Likewise slum settlements in Abuja include: Nyanya, Lokogoma, Garki village, Gishiri, Lugbe to mention a few [19].

Ghana:

Migration can contribute to urban poverty and the emergence of informal settlements. Enclaves of migrants, whether internal or international, sharing the same nationality, place of origin, or ethnic group, are a widespread occurrence globally. Several factors propel migrants to concentrate in specific city areas, including social networks, exclusion from housing or employment in native neighbourhoods, xenophobia, the safety found in numbers, and the pursuit of land for agricultural purposes [20].

In Ghana, urban slums are distinguished by their high population density, precarious structures, overcrowded and unsanitary conditions, and a lack of access to fundamental amenities such as clean water, sanitation, and healthcare services [21].

Ivory Coast (Côte d'Ivoire):

Côte d'Ivoire faces challenges related to land, particularly in urban areas. Land conflicts and tenure insecurity have contributed to the emergence of informal settlements. Local authorities grapple with regularization and service provision in these settlements [22].

## 2.4. Regional Context

The issue of illegal settlement on state land is a pressing concern in many countries within the Southern African Development Community (SADC). This literature review examines the management and administration of state land by local authorities in the context of illegal settlements, focusing on selected SADC countries.

Zimbabwe:

Decisions to diminish the influence of urban councils in housing provision have favored the elite, with limited benefits extending to the impoverished. The establishment of new informal urban settlements by aspiring or incumbent members of parliament has been employed as a strategy to garner political backing [23]. On a broader scale, elites have been observed to reap political advantages, including votes, as well as economic gains through elite accumulation [24].

South Africa:

Informal settlements are a prevalent characteristic in every city and town in South Africa, serving as a crucial foothold and housing option for a significant portion of the global urban population. In South Africa, they cater specifically to those without land, the impoverished, and the homeless [25].

Zambia:

Zambia faces illegal settlements, particularly in urban areas like Lusaka. Factors contributing to this issue include rapid urbanization, land scarcity, and weak land management systems [26].

## 2.5. Zambian Perspective

In Zambia, access to land has become a challenge for the poor and vulnerable, leading now to informal settlement despite the country's commitment to the Habitat III Agenda on Urbanization and Development. This difficulty arises from shortcomings in land administration, including issues such as corruption, lack of transparency, and unfairness in land allocation [27]. Inadequate land administration has facilitated the exploitation of public land resources by middlemen engaging in illegal brokerage within the city. With the urban population rapidly expanding at an estimated rate of 4.9 percent per annum, the City of Lusaka is facing unprecedented pressure on land, resulting in a shortage of land and increased land values that disproportionately affect the poor and vulnerable, making access to land increasingly challenging. This situation can be attributed to the widening gap between current practices of urban land administration and the necessary measures for creating inclusive, productive, and sustainable cities [28]. In essence, the policies, strategies, and plans have not kept pace with the speed of urban transformation, while various forces and stakeholders incentivize uneven and unequal development [29].

Socio-economic Impacts Illegal settlements have profound socio-economic impacts on residents. Limited access to basic services, such as clean water, sanitation, healthcare, and education, characterizes these settlements [30]. Insecure land tenure in such areas often results in vulnerability to eviction, exclusion from formal economic opportunities, and limited access to credit and social services.

Interventions and Recommendations: It is evident that different situations have led different people across the globe to settle on state land and that different interventions have been employed to address the situation and have yield minimal results according to literature presented. It is in this vein that this paper seeks to analyze the administration and management of state land in the midst of illegal settlement by the Local Authority in Excision Forest No. 31 block 1 in Kabwe, Central Province, Zambia. Efforts to address the issue of administration and management of state land in the midst of illegal settlements have included land regularization programs, awareness campaigns, and participatory land-use planning [7]. However, these efforts have faced challenges due to the complex interplay of social, economic, legal, and environmental factors.

Recommendations include the need for comprehensive

<sup>1</sup>The comprehensive process of revitalizing, redeveloping, and restructuring urban areas to accommodate changing socioeconomic, environmental, and demographic needs while ensuring efficient and sustainable land use.

analyses of specific cases, which include; Excision National Forest No. 31 Block 1 in Kabwe. These analyses can provide a multidisciplinary approach encompassing improved land management and administration, poverty alleviation, and sustainable urban planning which is essential for addressing this complex issue.

Failing to manage and administer of state land in the midst of Illegal settlements in Zambia pose significant challenges

to both affected populations and the effective governance of land resources. Addressing this issue requires a comprehensive understanding of the historical, socio-economic, and governance factors at play. Effective solutions must involve a combination of policy reforms, improved land management, and sustainable urban planning to provide solution to issues of managing and administering of state land in the midst of illegal settlement.



(sources author, 2024).

**Figure 7.** Pictures of water point and the type of the toilet in excision area of forest No. 31 of Block 1.

## 2.6. Central Province Perspective

Illegal settlements on state land are a persistent issue in many urban areas of Zambia, and Kabwe, the provincial capital of Central Province, is no exception. The analysis of how local authorities manage and administer state land in the midst of illegal settlement is a critical aspect of urban governance. This literature review explores the existing research and knowledge on this topic, shedding light on the challenges and potential solutions.

### Historical Context of Land Management in Zambia

Land management in Zambia has been significantly shaped by its colonial history. The legacy of colonial land policies, which often favored large landholders and margin-

alized indigenous populations, continues to influence land administration today [30].

### Challenges in Kabwe's Land Administration

Kabwe has experienced rapid population growth and urbanization, leading to increased pressure on land resources. This growth has resulted in a rise in informal settlements and encroachments on government land [2]. Weak land management systems, corruption in land administration, and inadequate enforcement mechanisms have created an environment conducive to illegal occupation [5].

### Social and Economic Impacts

Illegal settlements in Kabwe have significant social and economic impacts. Residents often face limited access to basic services such as clean water, sanitation, healthcare, and education [27].



(source: Authors, 2024)

**Figure 8.** Pictures of the church and space for school.



Figure 9. Picture of the recreation Centre of an excision area. (Source Author: 2024).

### Efforts to Address Illegal Settlements

Efforts to address illegal settlements in Kabwe have included land regularization programs, awareness campaigns, and land-use planning [7]. The Zambian government, non-governmental organizations, and community-based initiatives have undertaken various interventions [31].

## 3. Methodology

### 3.1. Research Approach

**Qualitative Research:** Qualitative research delves into individuals' beliefs, experiences, attitudes, behaviors, and interactions. The methodologies used include interviews, focus groups, and content analysis.

### 3.2. Research Design

**Case Study Design:** Adopts, a case study design to gain an in-depth understanding of the specific on the management and administration of state land in the midst of illegal settlement by the Local Authority. It explores the complexities and nuances of the topic, allowing for a rich understanding of the stakeholders' perspectives, experiences, and challenges to probe deeply into the research setting to obtain the in-depth understanding about the way things are, and why they are that way and how participants in their contextual natural setting perceive them [31].

### 3.3. Study Population

The estimated population of illegal settlers in the excision National Forest No. 31 of block 1 in Kabwe, Central Province, Zambia stands at 94. (Source: Kabwe District Forest Department). The number of Key informants is 14. The total study population includes; illegal settlers in the project area and also part of heads of Departments in the District, Coun-

cilors, Ward development committee members which sums up to the population size of 108.

Table 2. Target Population of the Project area.

Classification	Population Size	%
Illegal Settlers in the Project area	94	87
Key informants		
Heads of Government Departments	11	10
Councillors	1	1.0
WDC Members	2	2.0
<b>TOTAL</b>	<b>108</b>	<b>100</b>

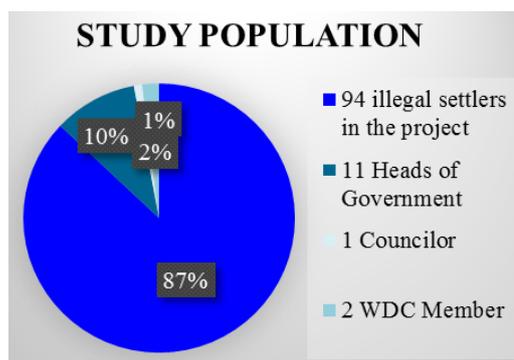


Figure 10. The composition of the study population in the project area.

### 3.4. Sample Size

A sample size is a representative subset of the entire population (Saunders et al., 2019). The sample size for this study

was determined using the Taro Yamane formula from 1976.

n = sample size

$$n = \frac{N}{K+N(e)^2}$$

$$n = \frac{108}{1+108(0.05)^2} = 85$$

Where;

N = Target population of study

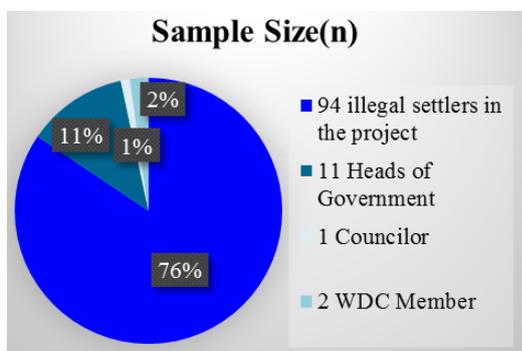
K = Constant

e = degree of error expected

The sample size consisted of 85 respondents, determined by dividing the total sample size by the study's total population. This calculation yielded a representative percentage of 83% for each category, as shown in Table 3 below.

**Table 3.** The composition of the population in the strata and its Sample Size and percentage.

Classification	Population in the Strata (N)	Size of Sample (n)	Total Sample/Total Population
Settlers in the project area	94	76	Total(n)/Total(N)*100
Key informants			↓
Heads of Government Departments	11	11	
Councillor	1	1	
WDC Members	2	2	
TOTAL	108	90	
Representative percentage			83%



**Figure 11.** The composition of the sample Size.

### 3.5. Sampling Techniques

The study used a mixed sampling design that combines probability sampling (systematic sampling) with non-probability sampling (judgmental/purposive sampling). Systematic sampling randomly selects participants from the target population at predetermined intervals, suitable for gathering data from community members in excision area of Forest No. 31 of Block 1. Judgmental/purposive sampling relies on the researcher's knowledge and judgment to select sample members, particularly when a limited number of individuals possess the desired qualities.

### 3.6. Data Collection/Instruments

The key tools that were used included questionnaires, focused group discussions, as well as interview guides.

### 3.7. Data Analysis

Qualitative data was employed using thematic analysis.

### 3.8. Reliability and Validity of the Research Instruments

To ensure reliability and validity, a pilot study was conducted to pre-test the research instruments, involving 10 participants as an acceptable way of carrying out a pilot study [31].

### 3.9. Ethical Considerations

The study strictly adhered to ethical guidelines when collecting, analyzing, and presenting research data. The privacy and identities of participants were safeguarded, and their data was assured to be used solely for academic purposes. No forms of coercion or incentives were employed to encourage participation, and participants were informed of their right to withdraw at any stage. The researcher followed the data collection guidelines established by the University and regulatory bodies.

### 4. Results

This chapter provides the outcomes of the research and elucidates the results of the analysis of management and administration of state land by the local authority amidst illegal settlement. a case study of excision national forest no. 31 of block 1 in Kabwe, central province, Zambia.

#### Response Rate

A total of 100 questionnaires were distributed to participants who have significant influence and more so those that have settled in the excision Forest No. 31 Block 1 in Kabwe district. Among the distributed questionnaires, 85 were completed and returned, resulting in a response rate of 83 percent. Table 3. The composition of the population in the strata and its Sample Size and percentage, provides an overview of the response rate achieved from the completed questionnaires.

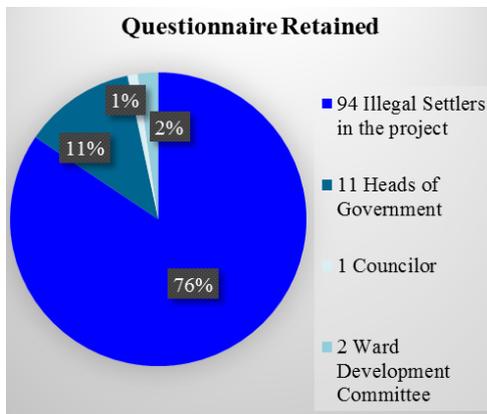


Figure 12. The composition of different people who participated in answering the Questionnaires.

The achieved response rate is considered satisfactory, representative, and aligns with the guideline proposed by Mugenda & Mugenda (2003). According to their stipulations, a response rate of 50% is deemed sufficient for analysis and reporting, a rate of 60% is considered good. (Mugenda & Mugenda, 2003).

### 5. Discussion

#### 5.1. Settlement and Land Management

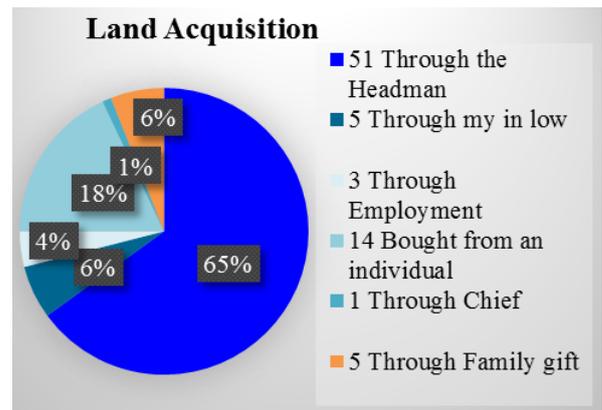


Figure 13. The variance among the ways through which land was acquired in the excision area.

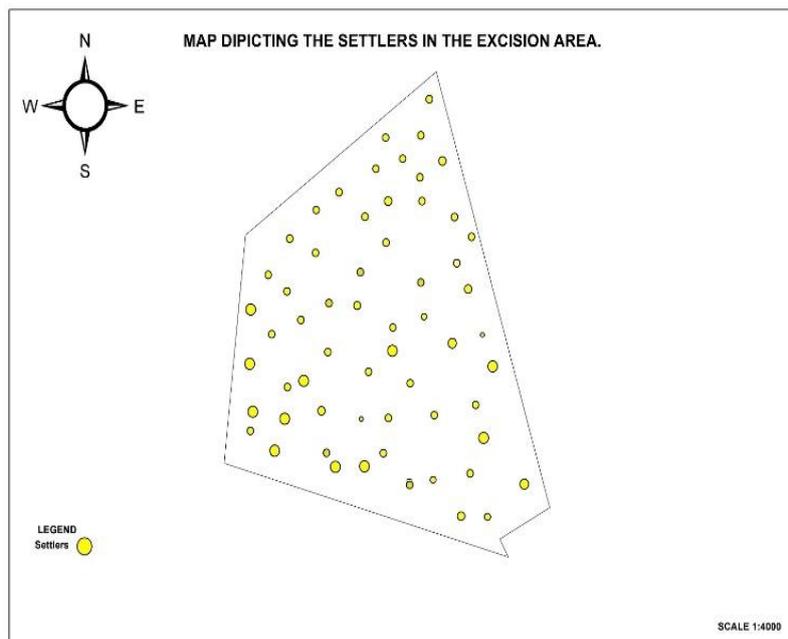


Figure 14. The excision Map of Forest No.31 of Block 1, depicting settlers. (Source Author: 2024).

## 5.2. Settlement and Land Management

Based on the percentage scored on [table 4](#). Understanding of settlement and land management the study reviewed that;

*Table 4. Understanding of settlement and land management.*

Response	Frequency	Percent
1- What are the reasons for settling on state land excision National Forest No. 31 block 1?		
(a) Farming	53	67
(b) Marriage	10	13
(c) Job Purposes	9	11
(d) Relocation	2	3
(d) Don't know	5	6
Total	79	100

The situation where people have settled on state land (excision national forest No.31 block 1) for reasons such as farming, marriage, and job opportunities. However, these settlers lack legal documents for the land, and the Local Authority have been issuing enforcement notices to settlers informing them that they should vacate within 28 days. This has been done several times but settlers always decide not to follow Local authority's in-

### 5.3.1. Remedies and Assistance

*Table 5. Perception of solutions and support.*

Response	Frequency	Percent
10- What kind of support or assistance do you think would be most helpful for the settlers in Excision National Forest No. 31?		
(a) help to regularize the stay of settlers in excision area.	43	55
(b) Give settlers financial Help	14	18
(c) Access to clean water	05	6
(d) Markets	09	11
(e) Electricity	05	6
(f) Assist with delivery facility for pregnant women	03	4
Total	79	100

Based on [Table 5](#). Perception of solutions and support, the settlers express a desire for assistance in regularizing their stay on state land. They seek financial support and improved living conditions, emphasizing their basic rights as human

beings. (see the attached A 5). Further, it was discovered that, Kabwe Municipal Council has no Integrated Development Plan which is one of the strongest documents that should spur development in the district including strategic plan.

The study reviewed that;

The situation where people have settled on state land (excision national forest No.31 block 1) for reasons such as farming, marriage, and job opportunities. However, these settlers lack legal documents for the land, and the Local Authority have been issuing enforcement notices to settlers informing them that they should vacate within 28 days. This has been done several times but settlers always decide not to follow Local authority's instructions. (see the attached A5). Further, it was discovered that, Kabwe Municipal Council has no Integrated Development Plan which is one of the strongest documents that should spur development in the district including strategic plan which came to an end in 2021.

## 5.3. Impacts and Livelihoods

Based on the provided information by the illegal settlers, it is emphasized that the desired services in the excision area, encompassing education, healthcare, market access, agricultural inputs, and clean water, remain elusive, compounding the difficulties they face in their daily lives.

In this section, authors are advised to provide a thorough analysis of the results and make comparisons with relevant literature, not a short summary or conclusion. Any future research directions could also be stated in the discussion.

Additionally, the observation made is that there is a lack of awareness about existing programs aimed at resolving the issue of illegal settlement on state land among the general population.

### 5.3.2. Recommendations from Settlers and Their Personal Experiences

According to table 4. Understanding of settlement and

land management, settlers on state-owned land, it is crucial for the development of contemporary infrastructure such as, roads, schools, churches, markets, and hospitals to be established where they are currently domiciled.

### 5.3.3. Factors Contributing to Illegal Settlement

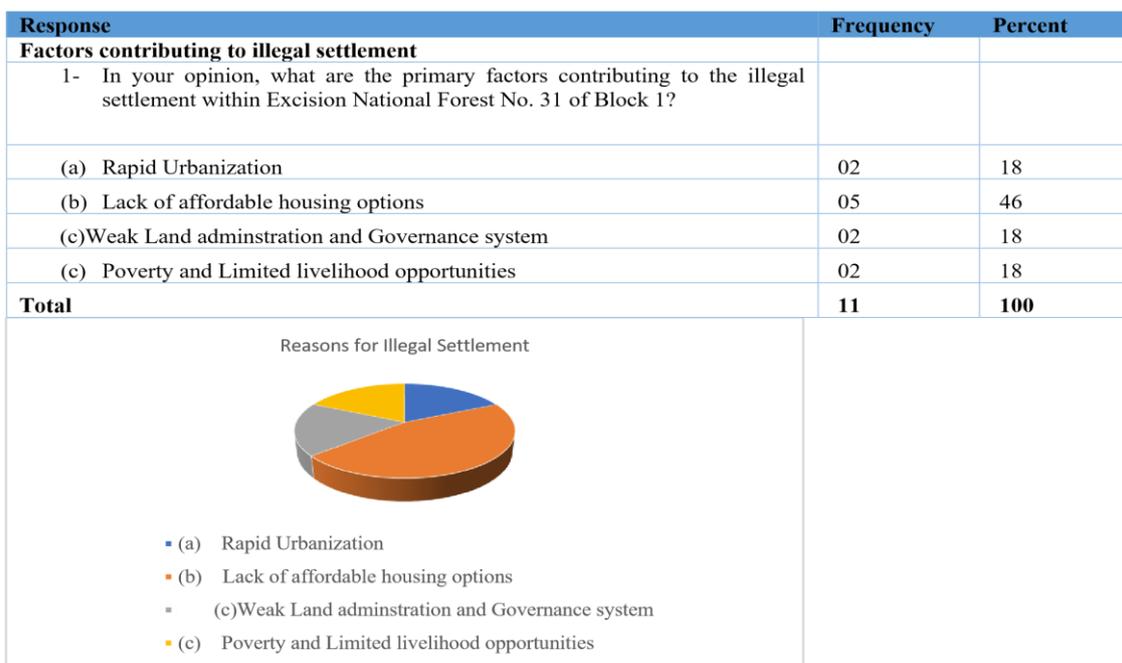


Figure 15. Factors contributing to illegal settlement.

Figure 15 Factors contributing to illegal settlement. reviews that the substantial growth of population in excision land is due to rural urban drift and it is acknowledged as a significant driver, motivating people to establish unauthorized settlements in expanding urban zones.

More so lack of affordable housing options compels individuals to turn to illegal settlement on state land as a means of securing housing. Settlers highlight shortcomings in the land administration and governance system, suggesting that loopholes or inadequacies may facilitate or worsen illegal settlement. Additionally, economic difficulties, such as poverty and limited employment opportunities, push individuals to settle illegally on state land in their quest for both residence and employment. All the above have been made possible due to lack of the National Urbanization Policy (NUP), which has been in a draft form since December 2021 when the policy was first developed. Delays in approving the NUP has resulted in the absence of a National Planning Framework (NPF), hence weak institutional and regulatory framework for urban development and inefficient urban planning.

### 5.3.4. Extent and Evolution of Illegal Settlement

The illegal settlement within state land is characterized as being of moderate scale, with a tendency to expand. This

phenomenon has evolved gradually over time, demonstrating a steady increase, particularly in recent years, marked by a growing number of settlers. (see appendix)

### 5.3.5. Legal and Policy Frameworks

Table 6. Legal and policy frameworks.

Response	Frequency	Percent
6- What are the existing legal and policy frameworks governing the management and protection of state-owned land in Zambia, particularly within Excision National Forest No. 31 of Block 1?		
(a) Urban and Regional Planning Act No.3 of 2015	09	82
(a) Land policy	02	18
Total	11	100

The legal and policy frameworks overseeing the management and protection of state-owned land in Zambia include; Land Administrative circular No.1 of 1985, The Urban and Regional Planning Act No.3 of 2015, Land Administration

and Allocation Circular No.1 of 2015, and the Land Policy of 2021. However, according to data presented in Table 6. Legal and policy frameworks these frameworks have not been effectively enforced. The challenges and constraints in managing and enforcing land regulations within state land include difficulties in relocating and compensating illegal settlers, the influence of political interests, and shortage of human resources for law enforcement. Above all, there have been delays in the approval of regulations to support the implementation of provisions in the URP Act. Although the Ministry of Local Government & Rural Development commenced the process of developing regulations in 2016, only one (1) set of regulations (URP General Regulations) was approved in 2020 while three (3) sets namely Planning Procedures; Land Use Classes and Exempted Development Classes and Improvement Areas were still in draft form as at December 2021. This inadequacy of legal and policy frameworks has acerbated illegal settlement in state land.

### 5.3.6. Impacts of Illegal Settlement

The illegal settlement within state land has notable social, economic, and environmental impacts. The unauthorized settlements disrupt planned land use and lead to environmental degradation. These combined factors highlight the multifaceted negative effects of illegal settlement on state land.

## 5.4. Effectiveness of Interventions and Initiatives

Table 7. Effectiveness of Interventions and initiatives.

Response	Frequency	Percent
7- In your experience, how effectively have these legal and policy frameworks been implemented in addressing the issue of illegal settlement within Excision National Forest No. 31 Block 1?		
(a) Effectively implemented	01	9
(b) Have not been effectively implemented	10	91
Total	11	100

According to Table 7. Effectiveness of Interventions and initiatives, efforts to address illegal settlement on state land have included interventions such as regularization and formalization, as well as removing settlers through enforcement notices. However, these interventions have been deemed ineffective in resolving the illegal settlement, implying that the mentioned strategies in managing and administering state land cannot suffice as the number of settlers keep on swelling hence the proposal of workable interventions in managing and administration of state land.

## 6. Conclusions

Conclusively, the analysis of the management and administration of state land by the Local Authority in the context of illegal settlements, particularly within the excision of national forest no. 31 of block 1 in Kabwe, Central Province, Zambia, has revealed significant shortcomings in the efficacy of interventions employed thus far. Generally, the measures that have been put in place by the Ministry of Local Government and Rural Development to deliver services with respect to land usage have not yielded the desired results. This is evidenced from the fact that, despite having a new and improved Act-Urban Regional Planning Act No.3 of 2015, regulations are still not in place to support efficient land usage practices. Adherence to prescribed land usage guidelines has also been at an all-time low due to various factors that have included inadequate sensitization, inspections and enforcement.

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## Author Contributions

**Silumbwe Moses Evance:** Conceptualization, Methodology, Investigation, Formal Analysis  
**Mpundu Mubanga:** Resources, Data Curation

## Conflicts of Interest

The authors declare no conflicts of interest.

## Appendix

*Administrative Circular No. 1, 1985*  
 PROCEDURE ON ALIENATION  
 INTRODUCTION

This Circular is intended to lay down general policy guidelines regarding the procedure all District Councils are expected to follow in the administration and allocation of land.

Your attention is drawn to the fact that all land in Zambia

is vested absolutely in His Excellency the President who holds it in perpetuity for and on behalf of the people of Zambia. The powers of His Excellency the President to administer land are spelt out in the various legislations some of which are; The Zambia (State Land and Reserves) Orders, 1928 to 1964, the Zambia (Trust Land) Orders, 1947 to 1964, the Zambia (Gwembe District) Orders, 1959 and 1964 and the Land (Conversion of Titles) Act No. 20 of 1975 as amended. His Excellency the President has delegated the day-to-day administration of land matters to the public officer for the time being holding the office or executing the duties of Commissioner of Lands. Under Statutory Instrument No. 7 of 1964 and Gazette Notice No. 1345 of 1975, the Commissioner of Lands is empowered by the President to make grants or dispositions of land to any person subject to the special or general directions of the Minister responsible for land matters.

Pursuant to the policy of decentralization and the principle of participatory democracy it was decided that District Councils should participate in the administration of land. To this effect, all District Councils will be responsible, for and on behalf of the Commissioner of Lands, in the processing of applications, selecting of suitable candidates and making recommendations as may be decided upon by them. Such recommendations will be invariably accepted unless in cases where it becomes apparent that doing so would cause injustice to others or if a recommendation so made is contrary to national interest or public policy.

Accordingly, the following procedures have been laid down and it will be appreciated if you shall ensure that the provisions of this Circular are strictly adhered to.

#### A. PREPARATION OF LAYOUT PLANS

The planning of stands for various uses is the responsibility of the appropriate planning authority of the area concerned. Once a chosen area has been properly planned, the planning authority shall forward the approved layout plans to the Commissioner of Lands for scrutiny as to the availability of the land.

Upon being satisfied that the layout plans are in order, the Commissioner of Lands shall request the Surveyor-General to number and survey (or authorize private survey) the stands.

Thereafter, a copy of the layout plan showing the order of numbering, shall be sent back to the District Council and the planning authority concerned.

#### B. ALLOCATION OF STANDS

Stands recommended for allocation to the Commissioner of Lands will be assumed to have been fully serviced by the District Council concerned. If the stands are not serviced, the District Council shall give reasons for its inability to provide the necessary services before the recommendations can be considered.

Before stands are recommended, the District Council concerned may advertise them in the national press inviting prospective developers to make applications to the District Council in the form appended hereto and numbered as An-

nexure A.

On receipt of the applications the District Council concerned shall proceed to select the most suitable applicants for the stands and make its recommendations in writing to the Commissioner of Lands giving reasons in support of the recommendations in any case where there may have been more than one applicant for any particular stand, or where an applicant is recommended for more than one stand.

On receipt of the recommendation(s) from the District Council(s), the Commissioner of Lands shall consider such recommendation(s) and may make offer(s) to the successful applicant(s), sending copies of such offer(s) to the District Council(s) concerned.

Where the District Council is not the planning authority, an applicant whose recommendation has been approved by the Commissioner of Lands shall be directed, in a letter of offer in principle, to apply for and obtain planning permission from the relevant planning authority before a lease can be granted.

If the District Council is aggrieved by the decision of the Commissioner of Lands, the matter shall be referred to the Minister of Lands and Natural Resources within a period of thirty days from the date the decision of the Commissioner of Lands is known, who will consider and decide on the appeal. The Minister's decision on such an appeal shall be final.

No District Council shall have authority in any case to permit, authorize or suffer to permit or authorize any intending developer to enter upon or occupy any stand unless and until such developer shall have first received the letter of offer, paid lease fees and the development charges, and has obtained planning permission from the relevant planning authority.

Prior to the preparation of the direct lease, the District Council concerned shall inform the Commissioner of Lands the minimum building clause to be inserted in the lease.

Prompt written notification of the relevant particulars upon the issue of a certificate of title shall be given by the Commissioner of Lands to the District Council concerned.

#### C. UNSCHEDULED AGRICULTURAL LANDS

Any State Land required for agricultural use shall be notified to the Commissioner of Lands so that its status and availability can be determined. Once the Commissioner of Lands is satisfied that the land in question is available the Department of Agriculture in consultation with the District Council shall be requested to plan the area into suitable agricultural units. The layout plans duly approved by both the Department of Agriculture and the District Council concerned shall be submitted to the Commissioner of Lands for survey and numbering.

Once the District Council is in possession of information from the Commissioner of Lands regarding the numbered farms or small-holdings the procedure outlined in paragraph 4B(ii) (iii) (iv) and (vi) above shall apply. And the application form to be completed by the applicants shall be as per Annexure 'C'.

No District Council shall have authority in any case to permit, authorise, or suffer to permit, or authorise any intending developer, to enter upon or occupy any agricultural farm or small-holding unless and until such developer shall have first received the letter of offer and has paid the lease fees.

#### D. RESERVES AND TRUST LANDS

In the Reserves and Trust Lands, the powers of the President, in making grants or dispositions of land, are limited by the requirement to consult the local authorities affected by such grants or dispositions of land.

Local authority, in the Orders, has been administratively understood to mean the Chief and the District council. This means, therefore, that the consents of the Chiefs and District Councils shall continue to be the basis for any approval of applications for land in the Reserves and Trust Lands.

As has been the practice before, to ensure that a local authority has been consulted, the Commissioner of Lands will insist that each recommendation is accompanied by the following:

- 1) written consent of the chief under his hand;
- 2) extracts of the minutes of the Committee of the Council responsible for land matters embodying the relevant resolution and showing who attended, duly authenticated by the Chairman of the Council and the District Executive Secretary;
- 3) extracts of the minutes of the full Council with the relevant resolution and showing who attended, duly authenticated by the Chairman of the Council and the District Executive Secretary.
- 4) four copies of the approved layout plan showing the site applied for, duly endorsed and stamped by the Chief, Chairman of the Council and the District Executive Secretary.

The preparation of the layout plan showing the area applied for, should be done by persons possessed with the cartographic know-how. At Annexure 'B' of this circular is a model layout plan which provides the necessary details for an acceptable layout plan.

It has been decided, for the time being, not to allocate more than 250 hectares of land for farming purposes in the Reserves and Trust Land areas. The District Councils are, therefore, advised not to recommend alienation of land on title in such areas in excess of 250 (two hundred and fifty) hectares as such recommendations would be difficult to consider.

In each case recommended to the Commissioner of Lands, the recommending authority shall certify that it has physically inspected the land applied for and confirm that settlements and other persons' interests and rights have not been affected by the approval of the application.

#### E. APPLICATION FOR LAND BY NON-ZAMBIANS

You are now aware that under the Land (Conversion of Titles) (Amendment) (No. 2) Act of 1985 no land can be alienated to a person who is not a Zambia. However, under the same Amendment, a non-Zambian can be granted a piece of land if his application has been approved in writing by His

Excellency the President.

To obtain the approval of His Excellency the President, a non-Zambian wishing to own a piece of land will be required, in the first place, to submit his application to the District Council concerned for scrutiny. In considering the application, the district council will be at liberty to solicit for as much information as possibly from the applicant about the intended development.

When recommending the application to the Commissioner of Lands, the District Council shall be required to give full back-up information in support of or against the applicant in addition to the following:

Extracts of the minutes of the Committee of the Council responsible for land matters, embodying the relevant resolution and showing who attended the meeting duly authenticated by the Chairman of the Council and the District Executive Secretary;

Extracts of the minutes of the full Council, with the relevant resolution and showing who attended the meeting, duly authenticated by the Chairman of the Council and the District Executive Secretary; and four copies of the approved layout plan, showing the site applied for, duly stamped and endorsed by the Chairman of the Council and the District Executive Secretary where the site has not been numbered.

*Consultations* – Development projects of great significance both to the district and the nation, shall be referred to the Provincial Authority for guidance before communicating the decision to the Commissioner of Lands.

*Decentralization of Lands Department* – Necessary plans to further decentralize the various aspects of land administration and alienation to the Provincial Headquarters have been made. These plans will be operational as soon as funds are available.

*Reserved Powers* – The Minister responsible for lands shall have the right in any case or cases or with respect to any category or categories of land, to modify, vary, suspend or dispense with the procedure outline above or any aspect of same as he may see fit in the circumstances.

F. CHELA,

*Minister of Lands and Natural Resources*

cc The Rt Hon. Prime Minister cc Hon. Chairman of the Rural Development Committee cc Administrative Secretary, Freedom House cc All Hon. Members of the Central Committee in charge of provinces.

cc Hon. Minister, Ministry of Decentralization, Lusaka.

cc Hon. Minister, Ministry of Agriculture and Water Development, Lusaka.

cc Hon. Minister, Ministry of Legal Affairs, Lusaka.

cc All Chairmen of District Councils.

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## Biography



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