An Evaluation of the Lands Tribunal in Resolving State Land Disputes in Zambia

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INTRODUCTION

Land is the cornerstone of all human activity. This activity might relate to holding an interest in land or even to transactions of the commodity. Disputes like in any other sphere of human endeavour have been known to arise in land matters. Land dispute resolution as a process must therefore be re-enforced with the potential of alleviating delays in the delivery of justice. Delays in the settlement of land disputes frustrate the very essence and purpose for which the land dispute resolution was established. The result is an increment in the backlog (or caseload) which can be detrimental to land development in that developers (investors) may lose money and time.

In Zambia, the inefficiency of the Lands Tribunal is seen to be a major obstacle in the smooth outworking of the land dispute resolution process. Against this background, the study conducts an evaluation of Lands Tribunal in resolving state land disputes in Zambia.

OBJECTIVES OF THE STUDY

❖ To evaluate the efficiency of the Lands Tribunal in resolving land disputes in Zambia.
❖ To examine the performance of the Lands Tribunal to date with a view of identifying factors which retard its operations in resolving land disputes.
❖ And to recommend measures that will improve its efficiency and make it appealing to the public.

HYPOTHESIS

Although, the Lands Tribunal was established to speed up the resolution of land disputes in Zambia, it has failed to achieve this, due to legal and institutional constraints.

THEORETICAL FRAMEWORK

❖ Concept of Land Conflict
❖ Land Conflict Management
❖ Specialized Land Court

Land Conflict is a social fact in which at least two parties are involved, the roots of which are different interests over the property rights to land: the right to use the land, to manage the land, to generate an income from the land, to exclude others from the land, to transfer it and the right to compensation for it.

The ultimate purpose of land conflict management is to:
❖ Reduce the incidence of conflict.
❖ To increase the likelihood that any conflicts that take place will be resolved efficiently and effectively.

Specialized land courts help to:
❖ Free general courts from the burden of land related cases.
❖ Decrease the time people have to invest in solving land disputes.
❖ Improve decision-making by arbitrators who are more familiar with land issues.

CONCLUSION

There is need for the participation of all branches of government, the private sector and the Zambian community in general in improving the efficiency of the Lands Tribunal. However, this is a complex process that requires time, resources and commitment from all stakeholders.

RECOMMENDATIONS

The study thus recommends:
❖ The jurisdiction of the Tribunal should be expanded to handle all types of land disputes.
❖ The operations of the Tribunal should be decentralized.
❖ Employment of adequate personnel.
❖ Provision of adequate financial resources.
❖ Improvement of conditions of service for board members.
❖ Improvement of land record management.