

Negotiating the Interface: Struggles Involved in the Upgrading of Informal Settlements -a Case Study of Nkandabwe in Kitwe, Zambia

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SUMMARY

The plight of the majority of people living in many nations especially in developing countries today is lack of basic shelter, as the means of acquiring or building a house is beyond their reach. Housing is more than shelter and should define human socio-economic and physical welfare of an individual. It is a product in which man seeks shelter, security, comfort, dignity and should provide safety, a store for possessions, protection against elements and a locus for family life. Shelter is universally accepted as one of the basic rights of every human being, but many countries still experience a shortage in adequate housing that is affordable. The combination of population growth and migration on one hand and inadequate effort to increase housing stock on the other have in many nations widened the gap between demand and available stock. Urban challenges such as low incomes, high unemployment levels, lack of financing, poor land administration and lack of serviced land ready for development have led to the development of many informal settlements all over the world.

As these informal settlements grow some need to be improved so that every nation can contribute positively to global development and to achieving target 11 of the millennium development goals which state that by 2020 to have achieved a significant improvement in the lives of at least 100 million slum dwellers. To improve the living conditions of people living in informal settlements most nations have fostered upgrading of informal settlements or demolition and reallocation of inhabitants of these settlements to other areas which often births conflicting views amongst various stakeholders. The conflicting views of these stakeholders need to be harmonized and the absence of a negotiating space or platform to bring understanding delays development of informal settlements and exposes inhabitants to unacceptable living standards. Ensuring that there is a platform for negotiating interests and opinions amongst various stakeholders who are responsible for fostering the improvement of peoples livelihoods in informal settlements needs to be understood as a tool to the achievement of target 11 mentioned above and a way of contributing positively to the change going on in the world today.

The paper tries to draw the attention of surveyors, planners, urban managers, politicians and other concerned parties to the importance of creating a negotiating platform where dialogue can be improved, conflicts harmonized and eventually people's livelihoods in informal settlements improved. The paper examines the importance of negotiating the interface as

various stakeholders strive to improve living standards in informal settlements and makes a study of Nkandabwe in Kitwe, Zambia.

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1. INTRODUCTION

housing is a very important element of social development and quality of life in every society. Issues concerning housing or shelter have become a hot potato and brought a lot of debate worldwide and when such issues are being discussed the word informal settlement or slum always seems to be present. Because shelter is necessary to everyone, the problem of providing adequate housing has long been a concern, not only of individuals but of governments as well. The population in urban areas of most developing countries continues to grow at a rapid rate and the provision of affordable housing, good sanitation and basic infrastructure for all urban dwellers is becoming an increasingly serious challenge for urban planner, policy makers and local authorities. The Istanbul Declaration on Human Settlements of 1996 noted that our cities must be places where human beings lead fulfilling lives in dignity, good health, safety, happiness and hope. This is not the case as lack of a housing market that is characterized by high demand and inadequate supply of housing stock has led to the birth of many informal settlements or slums in a lot of developing countries.

According to the UNHABITAT, globally, the slum population is set to grow at the rate of 27 million per year in the period 2000-2020. They further state that slum population accounts for over 70 per cent of the urban population in many Sub-Saharan African cities and that the annual slum and urban growth rates are also highest in Sub-Saharan Africa (4.53 per cent and 4.58 per cent, respectively). The lack of adequate housing in the cities of developing countries is one of the most pressing problems of the 21st Century, and the cost of providing adequate shelter for all is immense. Yet, the cost of doing nothing may be even greater, for the new urban slums are potential breeding places for social and political unrest such as the increase of disease (e.g. HIV/AIDS), crime, poverty and unemployment. The decision to demolish, reallocate or upgrade any informal settlement some times may come with problems that in most cases cannot be ignored. The objective of focusing on informal settlements must be to prevent the slum / informal settlement population from living in inadequate conditions through the provision of planned and serviced land while ensuring that new ones do not emerge (Muwowo, 2005). Unless the increasing demand for housing is met, informal settlements will definitely continue to expand.

2. UNDERSTANDING INFORMAL SETTLEMENTS

Housing delivery in most countries has been outpaced by demand and this can be attributed to the problem of unprecedented rise of the population in most developing countries which is a result of urbanization which has put some strain on accommodation. The disadvantaged

ones are the poor who have consequently found themselves living in informal settlements or slums. In this paper the terms informal settlement and slum have been used interchangeably. According to Nabutola (2004) an informal settlement is a dwelling put up without authority of the owner of the land, usually without a formal design and without conforming to any specification as to laid down rules and regulations, planning standards, generally accepted methods of workmanship, construction and is more often than not temporary. According to him these would not have access to public utilities like electric power, clean, running piped water, sewerage, and drainage. Social services (schools, hospitals, entertainment, churches, mosques, markets) public amenities like road and rail transportation are rare. There is no security of tenure, entry to the settlements is easy and unregulated. Informal settlements constitute structures which are characteristic of indigenous resources and adapted technology and houses are constructed from poor quality materials such as mud. To change this reality and improve living conditions in slums or informal settlements upgrading is preferred to demolition as this is cheaper and affordable.

2.1 Struggles of Improving Informal Settlements

Upgrading, demolition or reallocation as ways of improving the living conditions of informal settlement dwellers has received many conflicting views from various members of society. For instance human right activists who are fighting for the rights of all human beings especially the poor and the vulnerable in society are of the view that shelter is the right of every individual and such settlements should thus be upgraded. Environmentalists think that informal settlements contribute to environmental degradation and are places that encourage the development of various diseases due to poor hygiene or sanitation. The law sees them as temporal developments that contradict country laws and policies, thus they are exposed to the thought of demolition. Politicians in a way may seem to protect these settlements because they know that a good number of votes will come from there. Taylor (2006) shares a similar view on the same and notes that informal settlements in the urban areas of some countries generate political interests such that their demolition becomes difficult even though the planning authorities are empowered through the town planning legislation to ensure there is a discontinuance of the development. Due to the fact that these settlements are illegal, the authorities are also reluctant to provide basic infrastructure and services for fear of compromising the same laws they are supposed to safeguard. Phiri (2005) is of the view that if city authorities do not deal with the informal settlement problems in a constructive way, then the informal settlement will deal with cities in a destructive manner which in fact is very true.

The government should be seen to play a pivotal role in everything that is done as they themselves make the policies and laws. This calls for a need to negotiate the conflicting interface or opinions with other stakeholders. To negotiate means to have formal discussions with someone in order to reach an agreement with them while the term interface means a situation, way or place where two things come together and affect each other so that they can work with one another. The importance of dialogue or negotiating the views amongst various stakeholders is intended to promote understanding and quickens responses to urban

challenges such as improving living conditions in informal settlements. Negotiating the interface also prepares people for improvement or reallocation because it will be easier for people to participate in upgrading or understanding and accepting the risks of continuing to live in a particular area or settlement.

3. THE HISTORY OF INFORMAL SETTLEMENTS IN ZAMBIA

The evolution, growth and sustainability of informal settlements in urban areas in Zambia has become a common feature which planners, urban managers and politicians antagonize each other i.e. each group of professionals blame each other (Taylor, 2005). The history of informal settlements in Zambia can be traced from the time when the British South African Company gained prospecting rights for minerals in the Northern Rhodesia (Now Zambia) in 1891, and discovered workable deposits of lead and zinc at Broken Hill (Now Kabwe). In 1902 this provided the necessary incentive for the company to construct a railway line connecting the Katanga copper mine in Congo (Zaire) through Kabwe to the existing line from Bulawayo to South Africa. About fifty kilometres of the land near the railway line was alienated as crown land. The new towns which grew along the line of rail were therefore built upon land alienated to the control of private ownership of non Africans.

The discovery of workable copper ore on the Copperbelt around the 1920s made the territory an economic centre of gravity and accentuated the disparity between rural and urban economic opportunities for Africans. By 1939 Zambia was the world's main source of copper and was potentially a rich country (Lambert, unknown). There was however, a shortage of men voluntarily seeking for work, and the administration of that day decided to create the need for employment. Taxes such as hut tax were levied on all able bodied men in the villages or rural areas which made most of them seek employment in urban areas. This gave birth to rural-urban migration in Zambia which is still in motion today. The government of that time avoided expenditure, accepting the American system of company towns, clearly burdening the mine authorities with the expense of developing public services. The mines on their part enjoyed complete control of their own townships and all civic conventional urban development administered by a municipal or city council.

Industrialization without urbanization was the policy objective of the colonial government of that time (Knauder, 1982). The white settlers wanted to develop industries without creating urban areas that had adequate housing and other social amenities though they established white residential areas with large green belts and they were also separate settlements made for Africans. The houses for Europeans were of substantial value and high architectural quality, sited on planned layouts of individual large plots with spacious gardens and servants quarters within the plots and mostly these housing estates occupied the best most converted land near the town centre and they had all the necessary community facilities (Knauder, 1982). Housing for Africans was temporal, poorly designed, and was made of poor materials. The compounds where these were created had inadequate social amenities, schools, health facilities and were sited in environmentally and aesthetically poor areas. Simon (1979) observed that:

'Housing conditions in the segregated ghettos were bad. 'Single' urban Zambians lived in bachelor quarters in barracks, compounds or locations. Others who had their families with them were expected to build their own houses. They could not afford to build or pay economic rent for a decent dwelling, nor would the government or employers generally. For these reasons the 'shanty town' and 'squatter camps' emerged in the early days of urban growth. Urban workers erected pole and dagga shelters and sun-baked brick houses, drew water from nearby streams, wells and an occasional stand pipe and for sanitation used pit latrines and the surrounding bushes.'

Africans were not accepted as permanent residents of the towns as it was perceived that 'an African's home was in the village' and that he should return to it after working in town for some time (Knauder, 1982). The colonial housing stock lacked opportunities for Africans to own houses. They remained tenants in the land of their birthright and were forced to behave in ways alien to them, for instance no petty businesses were allowed. The size of dwellings provided was inadequate as there were no provisions for wives and children, and since there were no schools, workers' children had to be sent to mission schools in the villages until in the 1950's when African townships were established. Employment was also tied to housing such that no provision was provided to keep the houses after employment. It was expected that occupants would retire back to the rural areas. In addition, they were not allowed to alter or extend their environments to suit their circumstances.

3.1 The Housing Situation Post Independence

Upon gaining independence in 1964 freedom of movement for all Africans was promoted resulting in the further increase of the rural urban migration and the population of the urban areas increased from 20.5% in 1963 to 29.4% in 1969. The government embarked on a vigorous building campaign to house the unhoused through out the country through numerous development plans which were intended to improve the housing situation in the country. In 1991 the Movement for Multi Party democracy came into power and noticing that there was inadequate housing the government sold all council houses to sitting tenants, continued to build more houses through various housing delivery projects and they also put into place a National Housing Policy whose objective was to provide adequate, affordable housing for all income groups in Zambia.

Even after all these efforts there is still a shortage of housing and Mbat-Mwengwe (unknown) suggests that Zambia's inadequate housing is more pronounced in the low income groups which constitute the majority of the country's population and it is this acute housing problem, which has led to an increase in unplanned settlements. She further argues that the result has been deteriorating hygiene, sanitary and health conditions and frequent loss of property due to the structural failures the units develop. From the onset it is worth noting that houses in the informal sector in Zambia are on average good as compared to other countries, although it is sad to also note that of the estimated 900,000 informal sector housing households in the country, only about 61,000 of these households are supplied with piped water (Ndilila, 2005).

The causes and expansion of informal settlements in Zambia can be attributed to low/lack of income, high poverty levels, unemployment, poor governance, insufficient housing delivery, lack of implementation the housing policy to advantage the poor as well and corruption. Upgrading has been seen as an alternative to the clearance of informal settlements as this will mean that the displaced persons will have to be immediately accommodated in ready made houses. This entails that new settlements will have to be opened up and investments have to be made into infrastructure and other services which is very costly on the part of government. For this reason Ndilila (2005) is of the view that total clearance of slums may be seen as being unpractical, undesirable and economically unattainable which in fact is true especially for a lot of developing nations.

4. KITWE

The case study for the paper was done in Kitwe which covers an area of 777 square kilometres and lies on the Copperbelt Province and is 360km north of the capital city, Lusaka. The history of this city is related to the discovery of rich copper deposits near Chief Nkana's palace in the early 20th century which motivated the early settlers to persuade the chief to move his village to another area. This led to the sinking of the first shaft at Nkana mine in 1928 while smelting operations begun in 1932. Due to the development of the mining sector, companies to provide background and forward linkages in the manufacturing and service sector emerged. The population grew rapidly due to the migration of people from rural areas who came in search of employment and perceived better living conditions. Kitwe was founded as a copper mining centre in 1936 and the town was established as a management board in 1951 and in 1954 was elevated to a municipal council. It achieved city status in May 1967 and is normally referred to as the hub of the copper mining industry in Zambia. The table below shows population growth since 1969 a few years after independence.

Table 1: Population Growth Pattern of Kitwe

Year	1969	1980	1990	2000	2005
Population	159,178	266,286	338,207	388, 646	410, 488
Change in Population		107,108	71, 921	50, 339	21,842
Percentage Growth		67.29	27.01	14.88	5.62

Source: Central Statistical Reports 1990 and 2000, Taylor: 2005

Note: The Population figure 410, 488 was estimated using the growth rate of 1.1 %, similarly the percentage growth was calculated.

The annual growth rate has been decreasing over time whilst the population has still been increasing. Population increase also places a high demand for land and natural resource use resulting in deforestation, environmental degradation and related problems. As at now the district has inadequate housing stock in all types and the existing infrastructure is characterized by inadequate and dilapidated district infrastructure, urban and feeder roads and waste management. This has resulted in many illegal or informal settlements with no

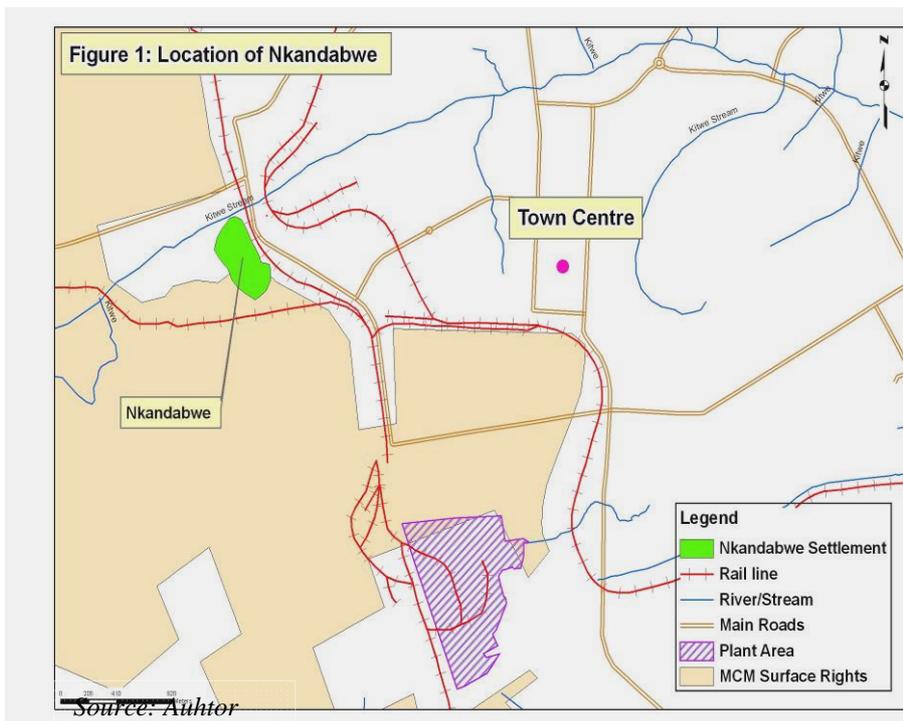
accompanying urban infrastructure and services and demand for basic infrastructure far outstrips, its provision (supply) resulting in undue pressure on existing facilities. The city has twenty five informal settlements and due to the fact that they are no new housing stocks being built that will cater for the urban poor, upgrading of informal settlements has been used as a way of improving people's lives.

5. THE BIRTH OF NKANDABWE INFORMAL SETTLEMENT IN KITWE

When the shaft was sunk at Nkana mine and smelting operations begun, coal was used as a source of energy to run it. The coal used to be transported from different parts of the country one of those being Nkandabwe mine in Southern Province. The coal would be offloaded at a site on the Nkana mine land. This made it easier to access the coal when needed. After

sometime the workers thought it would be convenient to build some shelter where they could rest while waiting for the coal to be brought or while offloading the coal and this gave birth to Nkandabwe.

The settlement has been increasing in population and caters for various people including the jobless, poor, widows and other vulnerable groups from other areas of Kitwe who are in search of cheap accommodation.



The settlement has been in existence for over thirty years. As can be seen from the map Nkandabwe is located just near the town centre, Kitwe's industrial area and the Mopani mine area. The reason for selecting this informal settlement is that it not only automatically satisfies the previously mentioned characteristics of an informal settlement, but that initially the settlement was on land which wholly belonged to ZCCM but it was later agreed upon that the settlement be sealed off by a boundary and exist as an island in the middle of mine land. The agreement was that the boundary would not be moved or tempered with and the development of the settlement will not go beyond the boundary.

As at present the surface rights of Nkandabwe are under council jurisdiction while the subsurface rights are jointly owned by Mopani Mine and ZCCM holdings. This entails that if

these mining companies find rich copper ore under the settlement they are free to start mining underground but the fear with this is that it can expose the settlement to the risk of subsidence. The occupants of the settlement have been reallocated to other places in the past such as Kawama site and service (a serviced area) but some came back though transport and other incentives were given as part of the package for moving. The settlement has also been demolished a number of times but just like in many other countries worldwide it has been rebuilt within no time.

5.1 Data Collection

The methods used to collect and register data and information about the physical, environmental, political and socio-economic structure of the settlement and inhabitants that is used in this paper was collected by the author. The author carried out random questionnaires and group focussed discussions with inhabitants which both had a 'letting the people' approach as this gave a deeper insight about the situation in the settlement. Data was also collected by going to the study area walking through it, observing what was happening, carrying out physical investigations and taking photographs that have been used in this paper. The author also interviewed the local authorities, the executive directors of Citizens for a Better Environment and Christian Resource centre (a non governmental organisation that deals with various issues concerning HIV/AIDS).

5.2 Nkandabwe

Nkandabwe has an area of about 127,576.81 metres square (31.53 acres or 12.76 hectares). According to information gathered from the department of housing and social services of Kitwe city council, the population of Nkandabwe has been increasing and in 1997 they were 72 housing units and a population of 576 while in 2005 they were 358 housing units and a population of 2500. At present this settlement has 462 housing units and has a population of about 2,800. It is the home of the poor, jobless, thugs, unemployed and vulnerable. The poverty levels are high in this area and this can be seen from how the people live. The area is just near a very busy road and has a rail line passing next to it. The settlement also has the Kitwe stream passing just near it that is surrounded by a dambo and one may think that it is actually a village in a rural area, due to the sort of houses or infrastructure within the settlement.

Plate 1: Aerial photograph of Nkandabwe



Source: ZCCM holdings taken on 22-06-06

The settlement has a Resident Development Committee that was elected by the people and is supervised by the council. The HIV/AIDS pandemic has severely affected countries like Zambia and it only right to make mention that statistics concerning the HIV/AIDS prevalence were not available. Although an interview with Mr Jeffry Mikunga who is the Chief executive of an organization called Christian Resource Centre was carried out. The organisation ran an HIV/AIDS project in Nkandabwe from 2002 to March 2006. Information gathered from the interview revealed that when the organization started operations in 2002 most of the inhabitants did not know about HIV/AIDS, how it is spread or how it can be transmitted. Mr Mikunga revealed that voluntary counselling and testing had been tried but with little success as a lot of people were afraid to know their status.

5.2.1 Infrastructure

A walk through Nkandabwe will show the state in which people live. The settlement has poor infrastructure and no proper or tarred roads, but a few dusty roads and paths that provide access to the homes within the settlement. Sanitation is very poor and the only toilet facilities in the whole settlement are pit latrines. Until recently the inhabitants used to get water either from the Kitwe stream or some leaking pipes that are near the settlement. At the moment the settlement only has two taps from which they get water whilst some still collect water from the stream or leaking pipes. There is no electricity for cooking and the inhabitants use charcoal and firewood. For lighting the inhabitants use candles, paraffin or open fires. There is no collection of garbage and open pits or near by bushes are used for refuse disposal. It is sad to note that no levels of hygiene are maintained in this area because just near one of the taps there is a place where the inhabitants throw their garbage and this is also the place where pigs and goats feed from as shown in the picture on the left. There is only one community school that is in partnership with the Ministry of Education. The school operates from a church building which is also used as a community hall and caters for about seven hundred children though a good number of the children go to schools that are outside the settlement. They are no health facilities and some of the patients are taken to Mindolo Clinic or Kitwe Central hospital, which are some kilometres away while others are attended to by a traditional healer within the settlement.



Water collection



Goats and Pigs eating garbage



School/ Church building



Bathing Places

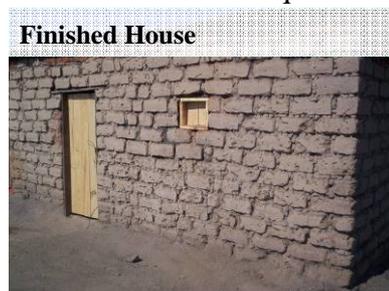
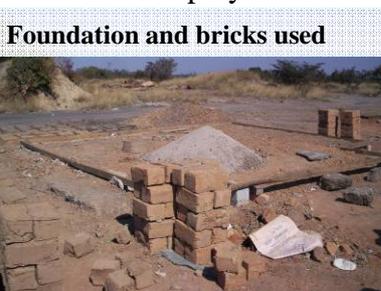


Pit Latrines

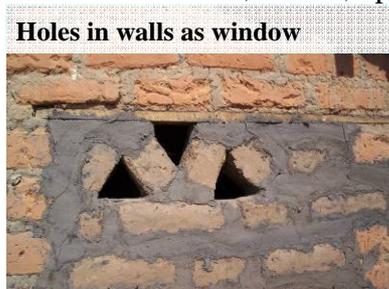
5.2.2 Building materials used in construction

Most of the houses are constructed from adobe blocks which are made by either the locals themselves with the help of some builders or entirely by the builders who are in both cases paid for their labour and expertise. Adobe which simply means sun-dried brick in Spanish is made out of earth or mud, sand, straw, and water, which is mixed into "mud," formed into bricks, and baked in the sun. It is basically just dirt that has been moistened with water, sometimes with chopped straw or other fibbers added for strength, and then allowed to dry in the desired shape. The bricks vary in shape and sizes depending on the individual builder's choice or requirement. During times of heavy rainfalls some of these houses are washed away which according to those interviewed is due to either poor workmanship of the builders or

lack of good quality building materials which can be attributed to the fact that some cannot afford these materials. They are countable structures that are made of concrete blocks in the settlement. The houses vary in size and may range from one room up to about six rooms. The walls are constructed mainly from these bricks. A variety of roofing materials are used and these include polythene sheets, sacks, carton boxes (these account for about three quarters of



the roofing materials used). A small portion of the houses use either iron sheets or asbestos roofing sheets (though these are less than one quarter of the houses) whilst the other houses have a combination of the above mentioned materials. The windows are also made out of a wide range of materials that include carton boxes, timber, openings in the walls and countable



windows were glazed in the entire settlement. The openings in the walls are similar to those found in the rural areas of the Northern province of Zambia that are locally known as Nsolokoto. These openings are used to allow sunlight into the rooms and ensure air circulation within the buildings or houses. The use of this sort of architecture represents the shift of rural construction techniques to urban areas. The doors leading to the external entrances are normally made of timber whilst many of the homes do not have internal doors and a piece of cloth is used to separate one room from the other. Cooking is mainly done

Timber & plastic covered pit latrines



outside but some houses have shelters or hut like structures that are used as kitchens. The toilets and bathing places are in some houses separate or together but are not attached to the main house. They are mainly made of an assortment of materials such as sacks, pieces of timber, clothes that mainly just cover these facilities. Some houses have pit latrines and bathing places that are constructed with adobe blocks. The houses are constructed for owner

occupation or for rent which ranges from K 15, 000 to 70, 000 depending on the number of rooms being rented (Rate used: 1 \$ = K 3, 500)

5.2.3 Social Amenities and shopping facilities

Type of shops in settlement



They are no recreation facilities in this area and the only social amenity seems to be the bar which was the only building that seemed to be constructed properly and people were drinking beer as early as ten hours when the author was carrying out the physical investigation of the buildings. There are no proper shops or markets and people go to St Anthony market which is about five minutes walk from the settlement or Chisokone market in the town centre.

5.2.4 Economic Aspects of Nkandabwe (Main economic activities/ Sources of Income)

Sand digging and stone quarring



Most of the people in this settlement work in the mines, the industrial area, second class area or town as casual workers and the majority of those who have more permanent jobs are guards. Some get their income by selling stones



Beer Brewing

and sand which may be used in the construction of buildings, whilst others sell the coal residues or collect copper residues which they later go to resell. Some produce and sell charcoal. Beer brewing is yet another way in which people get income. This provides income for the people though a few others are maids or gardeners in various upper class residential areas. The incomes of the inhabitants range from K 100, 000 to K 800, 000 per month. The pictures show the different sources of income of inhabitants of Nkandabwe.

The proximity to the industrial area, mines, second class areas, town centre, access to resources that can provide an income and cheap accommodation discourage many from moving to other areas.

5.3.2 Environmental aspects of Nkandabwe

The natural environment that surrounds any one being is important not only for their health but also for social livelihoods and eco-systems as well. There are certain environmental factors that directly affect Nkandabwe. The settlement is located on land which may one day have mining activities underneath and this may make the settlement liable to subsidence. The mine itself is only minutes away from the settlement and they are emissions from the mine such as sulphur dioxide which if exposed to people in excess amounts can be considered as a major health hazard as the emissions are believed to cause respiratory illnesses. The cutting down of trees for producing charcoal or as a source of energy is leading to deforestation therefore increasing soil erosion. The Kitwe stream is surrounded by a dambo which serves as a catchment area for the particular stream in that it acts as a source of water for the stream. If this catchment is disturbed by the activities of the inhabitants such as farming, industry and even the settlement itself, soil erosion will increase. In addition, without plants, runoff increases and the supply of water to aquifers is reduced because less water soaks into the ground. Consequently the stream will not have a continuous supply of water from the aquifers and flow only in the rainy season. When the stream-bank vegetation is removed, the banks are at the mercy of the erosive forces of flood waters which scour away the riverbank allowing the adjacent slope to collapse. The other important factor to consider is that the stream provides water for the Kafue River which is one of Zambia's major rivers that supports a wide range of eco-system. Disturbing the stream catchment area will mean that less water will go to the river and eventually some of the eco-system will be affected and may be lost. One other possible effects of having the settlement near the Kitwe stream is that when it rains all the run off water goes into the stream and sediments settle there. Sedimentation takes place and eventually the stream may dry off especially if the stream-bank has been disturbed.



In terms of waste management the use of pit latrines may pose a risk of polluting underground water and in some cases when it rains all wastes from the pit latrines may go into the stream where people go to bath and wash. The use of bushes or open dumping areas by households as a means of garbage disposal paves way for breeding grounds for disease. Illegal quarrying and sand digging that are practiced in the settlement leave holes in the ground which serve as breeding grounds for mosquitoes and from the survey it was revealed that malaria is the commonest disease that affects inhabitants.



5.3.3 Political aspects

The settlement is true evidence of the influence of politics in the existence of informal settlements as most political support comes from informal settlements such as Nkandabwe.

Any interference or changes with regards to the settlements can mean a loss in of votes for the political party initiating such proposals. Political cadres play a role in the illegal alienation of land in Nkandabwe. An interview with a representative from the local authorities revealed that sometimes they had gone to demolish the houses when the inhabitants were given an area where they could move to, but the council workers faced resistance and that is why the demolition process gets halted from time to time. The author was informed that some politicians were influencing such, behaviour therefore encouraging the inhabitants to go on living in the particular settlement.

5.3.4 Legal aspects

The Housing (Statutory and Improvement areas) that is CAP 194 of the laws of Zambia is an act that was passed in 1974 to provide for the control and improvement of housing in certain areas and to provide for matters connected with or incidental thereto. Under Section 2 of part 1 of the application of this Act it provides that ‘notwithstanding to the contrary contained in any written law, the provisions of any such law, in so far as they are inconsistent with the provisions of this Act, shall not apply to any land comprised in a statutory Housing Area or in an improvement Areas.’ Furthermore, section 48 of the Act as set in the schedule excludes certain Acts from applying to these areas especially improvement areas. This includes Acts such as the The Land and Deeds Registry Act, The Land Survey Act, The Rent and The Town and Country Planning Act. The reason for this is to afford flexibility in the implementation of the Housing (Statutory and Improvement Act) by waving certain procedures and requirements under the various Acts. Informal settlements may be ‘declared’ in which case they have recognition from Central and Local Government authorities. The Housing (Statutory and Improvement Areas) Act also provides for the regularization of informal settlements that have been declared legal by the authorities. At present Nkandabwe is referred to as an undeclared settlement. The tenants of illegal or informal settlements live in constant fear of eviction or reallocation, but these inhabitants are protected by politicians whom they are asked to vote for in return. The issue of Nkandabwe seems to bring about two contrasting legal situations. Under the Housing (Statutory and Improvements Areas) Act the area is not recognized whilst under the Electrol Act it is recognized. This has continued to bring about arguments in terms of security of tenure in many other settlements as well.

6. CHANGING THIS REALITY AND NEGOTIATING THE INTERFACE

The livelihoods of some of the inhabitants of Nkandabwe can be seen to confirm the notion revealed by the State of the World’s Cities Report 2006/7 that states that slum dwellers in developing countries are as badly off if not worse off than their rural relatives. This is so because in rural areas land is readily available on which agriculture can be practiced to provide and income to sustain livelihoods. The majority of the inhabitants of Nkandabwe are very poor and live in very bad conditions and the infrastructure may be termed as not fitting. Upgrading of the settlement would be seen as one of the solutions to improving people’s livelihoods. But upgrading of Nkandabwe can be seen to have the following negative and positive impacts on the settlement and its inhabitants.

The advantages of upgrading will be that this will lead to an improvement in the living conditions at Nkandabwe and the houses will have a better quality leading to the increase in rentals and rates can be collected in the long run. On the other hand the disadvantage of upgrading this informal settlement will be that the poor will not afford and will be forced to shift elsewhere, thus shifting the problem. Legally it is not correct to upgrade when you know that there is a possibility of subsidence of the land. The only solution would be to move the people out. But the people themselves know the problems associated to the settlement but still they do not want to move even when they are given incentives as earlier experienced. These factors have been well known by authorities and other concerned parties but one may wonder why it has taken so long to change the situation when lives may even be lost. When upgrading a settlement the pros and cons of upgrading the particular informal settlement are always supposed to be examined thoroughly and in most cases will bring about conflicts and struggles. The absence of a platform to negotiate these struggles or conflicts created when trying to improve peoples living conditions has led to the continued existence of Nkandabwe.

At this point where political influences are in force, the local authorities are facing resistance when they are trying to bring order. Where environmentalists view the settlement as an environmental hazard and where the subsurface rights belong to mining companies who may commence operations underground in case they find copper ore that is of good quality and this will expose the land to the risk of subsidence and lives may be lost, it is important to find a way of negotiating the interface between all parties involved. This does not mean coming up with meetings that are elaborate and at times a waste of money, but it calls for solutions that should be actively implemented so that a positive change can be seen. This calls for good urban governance, better land administration, provision of serviced land, provision of cheaper building materials that are of good quality, promoting industries that will promote employment so that people can have stable and increased incomes. In instances where governments or local authorities have not declared informal settlements due to various reasons, inhabitants should be reallocated to areas that have necessary infrastructure. The government should also ensure that those reallocated are provided with better infrastructure and the livelihoods of those reallocated are compensated if possible. As was seen in Nkandabwe, some people were not willing to move as this would mean they would have no source of income.

7. CONCLUSION

In most countries development has been affected by influential groups who make important decisions concerning development. But it is a reality that as we strive to influence the change going on in the world today certain barriers need to be overcome and what is right is done. The study of Nkandabwe has clearly shown that in most cases the regulating authorities are unable to deliver laws or policies that mainly relate to the development of informal settlements. This is due to interferences from various stakeholders who are influential which in turn may lead to the resistance of inhabitants to adhere to laws and policies. Stakeholders and those in authority must clearly be shown the importance of certain urban management

policies and regulations and the reasons why these should be adhered to. As urban technocrats it is essential to ensure that stakeholders opinions, beliefs, laws and policies are all negotiated.

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BIOGRAPHICAL NOTES

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