Institutional Multiplicity and Its Implications for RESILIENT Land Administration Systems in Urban Informal Settlements in Sub-Saharan Africa: a focus on Lusaka, Zambia

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SUMMARY

A key theme of land administration systems (LAS) in Sub-Saharan Africa (SSA) is the presence of multiple institutions co-existing in the same geographical spaces. The governance of land rights is undertaken by a diverse spectrum of institutions, from traditional authorities and state land offices to local councils and non-governmental organisations. This multiplicity is commonly attributed to factors such as strong colonial legacies, post-colonial governmental policies and reforms and developmental organisational influences. The presence of multiple institutions has permeated the LAS space in SSA, influencing and affecting land administration in customary and urban areas. The result is that both state and non-state institutions/actors are central to matters related to land. Urban Informal Settlements (UIS), commonly associated with fragile tenure arrangements and undocumented property rights and interests, increasingly rely on a complex mix of both formal and informal institutional mechanisms to uphold a semblance of order. This paper investigates how the interplay between these diverse institutions enhances or undermines a resilient LAS in such contexts. Through a critical analysis of legislation, policies, and research studies from Lusaka, Zambia, this investigation moves beyond merely identifying institutional overlap. It examines how these institutions intersect, conflict, and complement one another in ways that affect core dimensions of resilience such as tenure security, land accessibility, and dispute resolution. A complex LAS is revealed to be at play in UIS in Lusaka. While these pluralistic arrangements can provide adaptive mechanisms for maintaining order and resolving conflicts, they can also be conduits for insecurity, dispossession, and opaque governance, often exacerbated by the actions of local politicians and land agents. Ultimately, we argue that building resilient LAS requires moving from attempts to impose formal and unified systems towards understanding of, and then the careful recognition, harmonisation, and integration of the *de facto* roles played by multiple institutions.

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1. INTRODUCTION

In Africa, LAS are characterised by the coexistence of multiple institutional frameworks. According to Toulmin (2009) and Bagayoko et al (2016), these are deemed as either formal, informal, customary, or hybrid frameworks. The frameworks reflect the historical legacy of the SSA states and contemporary governance styles that have been adopted by most of these states. This has resulted in dynamic and complex environments where state laws and state institutions operate alongside actors and institutions that are not supported by any formal laws but are recognised in the communities. In these environments, competing interests, power relations, and adaptive strategies have become commonplace and have had a profound impact on the coherent, equitable, and effective administration of land (Manara & Pani, 2023). For the urban poor, this complexity often translates into confusion, competing authorities, and tenure insecurity, fundamentally undermining resilience.

This dynamic is clearly evident in the Zambian context. Similar to many SSA states, Zambia's UIS are defined by weak state governance, hazardous living conditions, and socioeconomic vulnerability that trap households in cycles of poverty and risk (Mulenga, 2003; UNHabitat, 2007).The state of the LAS, which was built on colonial laws and institutions, has propagated the creation of the UIS (Malambo, 2013). Post-colonial government reforms have done little to improve the situation of those living in the UIS. The LAS remains socially and economically inaccessible to the urban poor. Land accessibility, guided land use and land management are absent, leading to dependency on locally designed systems, non-state actors and organisations to fill in such a role (Tembo & Sommerville, 2018). The government's attempts to formalise property rights have largely failed to improve living conditions or attract meaningful investment. Decisions regarding what is deemed most suitable for communities are largely made by government officials, with limited and insufficient engagement of residents. Consequently, many UIS dwellers have a severely limited capacity to anticipate, absorb, or adapt to stressors, with responses largely remaining reactive.

This paper focuses on the urban poor, as they are caught in the middle of a governance paradox. The formal systems have left them marginalised as they are ineffective for their needs, yet dependent on informal systems that offer recognition without security or scale. This raises a critical question of whether the very institutional multiplicity that currently fuels insecurity and exclusion can be strategically harnessed to build more coherent, equitable, and resilient land administration systems for UIS dwellers. Carabine & Wilkinson (2016) highlight how polycentric and diverse governance systems can enhance adaptive capacity by providing

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multiple avenues for problem-solving and redundancy in the face of shocks. In the context of LAS, this entails recognising the community-level governance, knowledge, and social networks that already function within UIS as critical assets. It argues that moving beyond the binary of formal vs. informal, or attempting to replace informal systems and instead engaging with the hybrid reality on the ground, is essential for breaking the cycle of poverty and risk.

This paper will first look to define the concepts of Institutional Multiplicity and resilience with respect to LAS in UIS of Lusaka. It continues to describe the methodology applied and the outcome of the analysis of the Institutional framework in Lusaka. The reality on the ground will be described through the studies undertaken in selected UIS and the conclusions drawn from these.

2 CONCEPTUAL FRAMEWORK

2.1 Definition of Institutional Multiplicity

According to Di John (2008), Institutional multiplicity is a complex co-existence of multiple, distinct institutional systems within the same geographical space. Each of these has its own rules, normative frameworks, and incentive structures (Carson & Prado, 2016). The same authors introduce the concepts of proactive and reactive institutional multiplicity, where the former entails the formal recognition of multiple institutions as legitimate service providers, while the latter advocates the establishment of parallel institutional arrangements to carry out administrative functions. This gives rise to an institutional setting characterised by parallel and frequently competing structures that social, political, economic, and administrative actors must navigate. Actors strategically negotiate and traverse these arrangements to advance their interests (Golooba-Mutebi & Hickey, 2016; Fushimi, 2025) .

2.2 Resilient land administration system

The development of resilient LAS has been a core component of the 2030 Agenda for sustainable development, the Sustainable Development Goals (SDGs), and other important frameworks such as the Voluntary Guidelines on the Responsible Governance of Tenure (VGGT). A LAS comprises land policies, land management strategies and land administration processes, all built upon a cadastre, land information systems and overarching good land governance (Williamson et al., 2010; Hull, 2019). For such a system to be resilient, aspects of secure and sustainable management and use of land are critical, as these prepare and enable community readiness to face disasters such as climate change or provide a platform for recovery post-disaster (Mitchell, Enemark & van der Molen, 2015). From the definition, it is clear that resilient LAS has at its core various institutions and actors that play important roles in the development and implementation of the system.

3 METHOD

The research employed critical analysis to systematically review materials that directly and indirectly speak to the institutional and legal framework affecting UIS in Lusaka, Zambia. The documents included the repealed Statutory Housing and Improvement Areas Act 194 of 1975 (SHIA), the Lands Act Cap 184 of 1995 (LA), the Land and Deeds Registry Act Cap 185 of 1914 (LADRA), the Land Survey Act Cap 188 of 1960 (LSA), the Urban and Regional Planning Act Cap 3 of 2015 (URP). Additionally, past research studies conducted in specific UIS within Lusaka were assessed to interrogate how land administration plays out in the UIS and the roles and influence of the multiple actors. The critical analysis framework adopted consists of steps, as highlighted by Wall et al., (2015) and Nixon et al., (2017). The steps are listed below;

1. Define the Scope and Purpose for the analysis: Clearly articulate the specific law, policy, or document being analysed. Specify the questions to be answered, the aspect of the documents focused on with respect to the objective of the study. Evaluate how the documents articulate the roles of the implementers and how these affect the end users.

2. Gather Relevant Data: Collection of available information from authoritative and credible sources. This study used existing legislation, policies and findings from research papers in understanding the institutional framework in Lusaka.

3. Apply a Critical Framework: Use of an analytical framework to guide the evaluation and ensure a comprehensive perspective. This study used institutional multiplicity as a lens for understanding the roles of various actors in land administration in Lusaka.

4. Interpret and Evaluate the Evidence: Recognise the patterns, trends, and gaps in the data. Conduct a thorough evaluation of the data's validity and reliability, as well as any potential biases or constraints intrinsic to the methodologies utilised for data collection.

5. Develop a Coherent Argument: Synthesise the findings and highlight and critique the successes and failures whilst acknowledging any conflicting evidence and counterarguments.

6. Communicate Findings and Recommendations: Presentation of results and possible recommendations.

4 HISTORICAL AND POLICY CONTEXT

4.1 Colonial Legacies and Post-Colonial State Formation

The enduring colonial influence on Sub-Saharan Africa's institutional frameworks is evident in systems like land administration, where externally imposed structures were embedded within existing informal institutions, creating fragmented and inefficient governance (Wu, 2024; Seidler, 2011). This legacy of parallel systems placed priority on extraction over participatory

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governance become the foundation that shaped the urban landscape. However, scholars such as Maseland (2018) and Barker (2020) counter that colonial impact constitutes a temporary shock, arguing that pre-colonial norms are reasserting greater influence over time. This institutional plurality and tension, exemplified in cities like Lusaka, fuels persistent instability and scepticism toward relying solely on state systems to address societal challenges.

4.2 Contemporary Reforms

Following independence, institutional reforms across SSA states aimed to reconcile pre-colonial systems with adopted Western frameworks. These efforts, however, often resulted in overlapping authorities and hybrid arrangements (Hilhorst, 2010; Home, 2021). Critical reforms shaping the LAS include land policy revisions, mass titling initiatives (Muyombano, Espling & Pilesjo, 2018; Ribar, 2025) , and decentralisation (Deininger, 2004; Khan Mohmand & Loureiro, 2017). As exemplified in Zambia, these reforms have introduced new state institutions to address tenure insecurity while increasingly recognising the role of traditional authorities (Richard & Shuichi, 2017). This has been accompanied by partnerships with development organisations to test and implement new processes, such as Fit-For-Purpose (FFP) land administration, alongside a broader agenda of decentralisation.

5 UNDERSTANDING INSTITUTIONAL MULTIPLICITY IN LAND ADMINISTRATION SYSTEMS IN LUSAKA, ZAMBIA

5.1 Formal State Institutions

The legal framework governing the LAS is characterised by complex and often overlapping institutions. These are guided through the LA, LADRA LSA, and the URP. The URP is an amalgamation of the Town and Country Planning Act and the SHIA. Both were formally repealed in favour of the URP. It is interesting to note that many of the regulations and institutions it established using the SHIA remain active. A key example is the Lusaka City Council (LCC), whose role and responsibilities in land administration in the UIS was established under the now-repealed acts and continues under the URP framework. While the LCC's role focuses on land owner documents to the UIS dwellers, the ultimate authority to issue parent titles for these areas remains with the Ministry of Lands and Natural Resources (MLNR) (Richard & Shuichi, 2017; Van Asperen, 2011).

5.2 Customary Institutions

Customary institutions predate colonisation and are enduring, continuing even after independence in Zambia. These are central to the administration of traditional land. Through the Lands Act (1995), the government recognised the important role these play in the processes of land sales and conversion from customary landholding to leasehold tenure. This has led to a hybrid system in which the traditional systems are integrated into the formal state process. Although the law has a provision for the conversion, the final authority on converting the customary land tenure still lies under the discretion of the chiefs. The commoditisation of

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customary land has elevated this role, as shown by the work of Phiri (2021) and through the increased interest from various players. This commoditisation process, in turn, has driven land tenure conversions that blur the lines between urban and peri-urban areas. Consequently, settlers are often uncertain about which institutions have the authority to address their challenges (Mulolwa et al., 2016).

6 CASE STUDIES AND EVIDENCE

6.1 Land Administration in Urban Informal Settlements

Weak land governance structures are a usual characteristic of UIS. This is highlighted by Tembo & Sommerville (2018) who point to the weaknesses in the institutional and legal frameworks and identify uncoordinated state and local government action as a contributing factor to the creation and subsequent extension of the UIS. They also highlight how most UISs are developed in areas that are prone to flooding (such as Kanyama and George settlements in Lusaka) and pose a number of physical and health risks to residents.

Research work undertaken by Ono & Muya (2024) in the north of Lusaka, in two UISs (Chaisa and Chazanga), revealed a multi-layered land administration framework involving formal government authorities, traditional/customary authorities, community-based organisations, political party organisations, residents and informal actors, and external/international agencies. Whilst formal government authorities, with the support of development organisations in some cases, carry out their legal mandate of overseeing the UISs, issuing occupancy licenses and collecting ground rent, the other actors, such as the Ward Development Committee (WDC), conduct parallel tasks such as dispute mediation, enforcing local norms, and issuing unofficial 'pseudo-registration' certificates. Politically aligned actors carry out similar roles to gain political advantage. These activities all occur in an environment of informal land transactions spearheaded by homeowners and residents. According to Musa & College (2023), social networks lay a foundation for the growth of property informal sales, leading to the growth of the settlements. These findings are similar to those argued by Bayuma and Abebe (2023) in Burayu city of Ethiopia where both state and non-state actors are identified as part of a complex network contributing to informal transactions on land in UIS.

Musa and College (2023) work, specifically in Chazanga settlements has parallels with that of Van Aspren's (2011). These studies highlight how traditional leaders also carry out land administration in urban UIS. These authors both reveal that contestation between the local authority and traditional leadership is commonplace. The authors show how in the UIS, legitimacy, legality and certainty are not only dependent on formal processes such as those underpinning ownership but also on social factors.

In the west of Lusaka city, a study by Sakala (2016), in an informal settlement called Garden House, highlights how state institutional confusion opens up opportunities for non-state actors or political cadres to take advantage and offer land illegally to unsuspecting citizens. This eventually results in poor land use planning, overcrowding, poorly constructed housing

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infrastructure, flooding, poor accessibility, and water and sanitation challenges. Chitonge & Mfune (2015) contribute to this through their study of Mtendere East (an UIS in the east of the city) where the role of political cadres and area councillors in land administration leads to land invasions on public or private land and overlapping claims of land ownership by those who purchase the resulting plots.

The work of Mbilikita (2016) elaborates how land and boundary dispute resolutions are still a challenge despite the number of state and non-state channels available in the UISs. The avenues such as courts, Lands Tribunal, Ward Committees, the state police, and in unique circumstances, the traditional leadership structures, are still uncoordinated and inefficient. This results in prolonged conflicts, inequitable outcomes, and a lack of legal certainty. (Mwaigombe and Kashaga (2021) argue that the resolution of such disputes requires an integration of local actors and existing informal systems, as these understand the contexts and social expectations in the communities.

Collectively, these case studies point to the reality of the roles multiple institutions play in the land administration of UIS. In most of the settlements, this results in non-inclusive and ineffective governance. In most cases, they look to close the gap in service delivery to meet the desperate need for land by a lot of the urban poor. Mandates are fragmented and overlapping in the highlighted studies, and the roles of political influences and informal systems play a central role in this occurrence. It is noted that their activities also lead to illegalities, but it also speaks to the failures of the state to address an important need amongst communities of land tenure and land rights.

6.2 Mass Titling Initiatives

The use of pro-poor tools such as the Social Tenure Domain Model (STDM) for the mass production of ownership documents was first attempted in Kanyama settlement. According to Ndungu et al., (2019) the process aimed at enumerating 18 400 households and producing at least 2 800 occupancy licenses. The study also highlights how the pilot enhanced inter-departmental coordination within LCC, improved community–government relations through participatory processes, and successfully integrated global frameworks (SDGs, New Urban Agenda) with local action. Despite these successes, the project still had a poor response from the homeowners as many could not cover the statutory fees of the ground rent and occupancy license payments. What is also observed is that despite the informal community institutions being involved in the enumeration processes, no clear guidelines on future engagements are provided with regards dealing with the recognised institutional framework. Thus, processes revert to 'business-as-usual' at the close of the process and long-lasting change is not achieved

More recently, the government launched the National Land Titling Programme using the Fit-for-Purpose land administration (FFPLA) framework to issue title deeds to residents within UIS. The implementation followed a top-down approach spearheaded by the Ministry of Lands and Natural Resources, Lusaka City Council and implemented by Medici land governance (Tembo & Sommerville, 2018; Tembo & Sagashya, 2022). The programme scored successes in mapping the UIS and upgrading residents' tenure to a 99-year lease tenure (Tembo, Minango

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& Sommerville, 2018). On the other hand, introducing new documents in areas where the Council had previously been carrying out the land administration risks creating administrative redundancy and heightening the risk of double registration. The processes add a layer of complexity to an already pluralistic environment. Existing informal structures were not properly integrated, as the State was treated as the main player. Umar et al. (2023) reviewed the mass titling initiatives in Lusaka. They argue that these promote illegalities and act as a springboard for the mushrooming of UIS since residents hold the view that the government will eventually legalise their landholdings and issue title deeds based on the set precedent.

7 THE CHALLENGES AND THREATS TO BUILDING RESILIENT LAS IN LUSAKA, ZAMBIA

Table.1 systematises the key features of institutional multiplicity, unravelling the complex roles and overlaps as evidenced by the legal framework. This complexity is also analysed in the discussion of the case studies after that presented in *Table.1*.

Table.1: Institutional Multiplicity in LAS as evidenced in the existing Legal Frameworks

Aspect of Multiplicity	Institutions / Roles Involved	Key Issues / Implications
1. Overlapping Administrative Authority	- The President / The Minister (ultimate landholder/declaratory power) - Ministry Responsible for Land - Ministry Responsible for Finance - Local Authorities / Councils (primary implementation & management) - Chiefs (customary areas) - Commissioner of Lands - Land Development Fund Committee - National Housing Authority (NHA) (sets building standards)	Multiple entities with concurrent or sequential roles in land alienation, management, and development funding can lead to coordination challenges, bureaucratic delays, and potential conflicts in authority. Conflicting directives or delays at the ministerial or NHA level can stall council projects, leading to inefficiency.
2. Multi-Layered Consent & Consultation	- President / Minister - Chief(s) - Local Authority - Council Registrar (mandatory consent for dealings) - Commissioner of Lands - National Housing Authority (approval of building specs) - Surveyor-General (approval of layout plans)	A single land transaction requires approvals from multiple independent actors, increasing complexity, time, and risk of veto at different stages. Developers/residents must navigate a complex web of consents with no single point of accountability, inviting delays, increased costs, and opportunities for rent-seeking.

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3. Parallel Land Registration & Titling	- Council Registry (parallel "register of titles" for SHAs/IAs) - Council Registrar (issues "conclusive" council certificates) - National Registry of Deeds (holds foundational 'grants' to councils) - Registrar of Lands & Deeds (amended to interact with Tribunal)	Establishes a parallel and duplicative registration system, severing land records in SHAs/IAs from the national archive. This creates 'islands' of data, complicates searches, and undermines the goal of a unified, secure national land information system.
6. Dual Tenure Systems & Administration	<u>Customary System:</u> - Chiefs - Local Authorities <u>Statutory Leasehold / Formal System:</u> - President / Minister - Commissioner of Lands - Lands Tribunal <u>Within Council Areas:</u> - Statutory Housing Areas (SHAs) – formal leasehold via Certificates of Title - Improvement Areas (IAs) – informal occupancy via Occupancy Licences (max 30 yrs)	The coexistence of two or more legally recognized systems with different administrators creates inherent friction, especially during conversion processes. This leads to tenure insecurity, conflicting rulings, and operational complexity, confusing beneficiaries about the security and nature of their land rights.
7. Parallel Dispute Resolution Mechanisms	- Lands Tribunal (primary specialized body) - Courts (High Court, Supreme Court on appeal) - Subordinate Court (adjudicates removals, appeals, special cases) - Council Registrar (investigative/quasi-judicial powers, e.g., on caveats) - Registrar of Lands & Deeds (amended to interact with Tribunal)	This creates systemic inefficiencies, including forum shopping, jurisdictional confusion, and delays. The registrar's dual role as both administrator and adjudicator compounds this and adds a further layer of complexity.

The cases written up in research papers reveal that the pathway to resilient land administration in UIS is obstructed by a series of interconnected challenges, each undermining specific, critical dimensions of a robust system. Institutional resilience is directly compromised by the fragmented and overlapping mandates of formal, traditional, and non-state actors/institutions, which create land governance vacuums and parallel structures. This fragmentation leads to a fundamental deficit in certainty and tenure security. This is highlighted in activities such as government bureaucracy is land tenure matters, issuance of pseudo-certificates and politically-driven land allocations that do not have recognised legal backing.

The physical resilience of settlements is actively threatened by the poor land-use planning and

siting in hazard-prone areas that this chaotic administration enables, leading to increased vulnerability to environmental shocks such as flooding. Programmes such as the NLTP can be seen as a stepping stone in providing baseline data of the UIS in preparing for possible interventions. However, addressing only land tenure security without addressing other aspects of a LAS fails to address sustainability. Some authors argue that resilience requires a holistic approach that integrates all the important stakeholders (Meyer & Auriacombe, 2019; McGill, 2020). The link between social connections and the relationship between residents of UIS, all the institutions that act in the settlements (state and non-state) and the environment are crucial in developing resilient systems (Nhamo et al., 2021).

Even external interventions, such as mass titling programmes, often fail to enhance systemic integration and adaptive resilience; their top-down approach risks administrative redundancy, ignores the embedded legitimacy of informal structures, and can create a perverse incentive for further informality, thereby reinforcing the very conditions they aim to rectify. Collectively, these factors illustrate that resilience is not merely undermined by a single flaw but by a synergistic failure across institutional, legal, social, and physical domains.

8 CONCLUSIONS

This paper set out to investigate how institutional multiplicity results in weak and non-resilient systems for the urban poor. Through an analysis of existing legislation and a number of research papers undertaken in some of the major UIS within the city of Lusaka, it is revealed that LAS in these settings are characterised by the coexistence and interaction of formal, informal, and in some unique cases, customary institutions. These are observed as a legacy of colonial history, post-independence reforms, and contemporary governance challenges. As a result, the informal settlement dwellers in Lusaka have to grapple with fragmented mandates, overlapping authorities, and conflicting legal frameworks. They are caught in a vacuum that enables opportunistic behaviour by political and non-state actors. This is often at the expense of vulnerable or state-centric systems and programmes such as mass titling initiatives that have often failed to achieve integration or sustainability. This complexity undermines key dimensions of resilient LAS, including tenure security, accessible dispute resolution, and coherent land-use planning. In order for the UIS in Lusaka to move towards resilience and inclusive cities that are encouraged through the SDG 11, there needs to be deliberate action towards a fundamental shift in approach. This may entail moving away from seeking to replace or dominate existing institutions toward strategically recognising, harmonising, and integrating the *de facto* roles played by multiple actors.

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