

CHAPTER 2: Conflicting Interests in Communal Peri-Urban Land: A Literature Review

This chapter furnishes a critical review of the literature canon on the contestations over the acquisition of communal land based on the studies that were previously done by some other authors. The chapter presents conceptual and theoretical framework that assists in understanding the causes of peri-urban contestations; examines the causes of conflicts in acquisition of communal land for urban expansion by local authorities and provides a review of the legal instruments that guides local authorities in acquisition of communal land for urban expansion in Zimbabwe. The conflicts over communal land for urban expansion can best be understood looking at Figure 3 that has been adopted from by Kombe (2010). As is illustrated, conflicts emanate from different interests on land. Communal land occupiers are usually concerned about their socio-economic well-being, fair and equitable compensation and profits while local authorities are concerned about the need to acquire space for various urban land uses. To satisfy the growing needs for urban development, land must be acquired from communal occupiers and when the expectations of communal landowners are not met, conflicts ensue. The protracted conflicts between local authorities and communal land occupiers frustrate investors and developers whose interests are economic opportunities and secure land tenure for investment. Development will henceforth be affected because of the conflict of these three parties. An inclusive, fair and transparent land acquisition process that will reconcile the interests of all the parties will thus, help to minimise the conflicts.

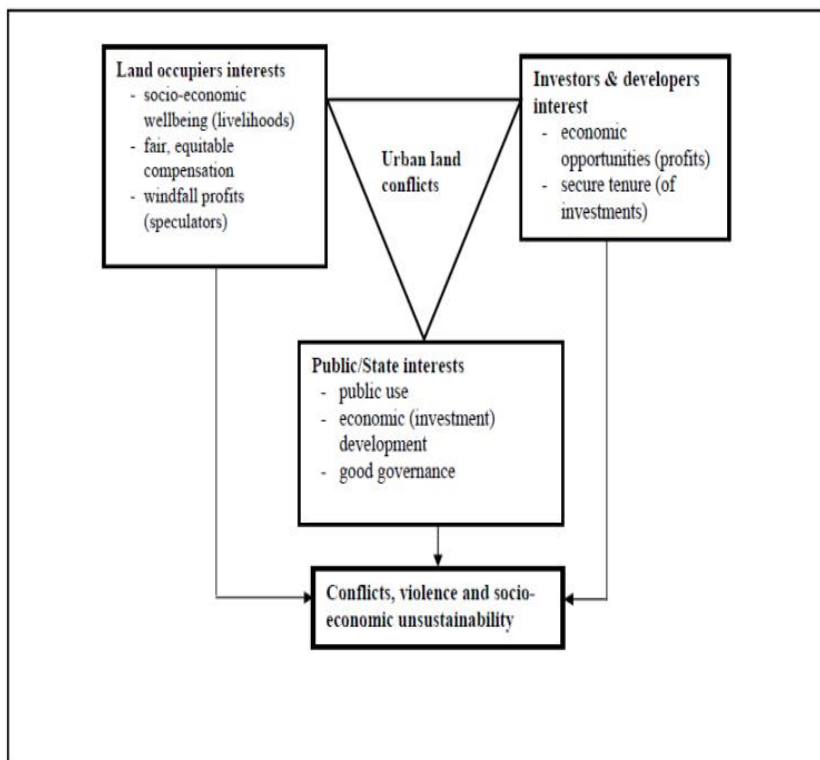


Figure 2.1: Key actors and interests in land conflicts (*Adopted from Kombe, 2010:16*)

This study is anchored conceptually and theoretically on the population growth theory, the economic growth theory and the political theory (Alemineh, 2018). These three theories were propounded by Clark and Harvey in 1971. These theoretical optics explain the factors behind the expansion of urban centres outwards and the effects that results because of the expansion of the urban centres. The population growth theory argues that an increment in urban population either in natural growth or through rural to urban migration explodes to the surrounding of city (Alemineh, 2018). A recent study by Kesanko *et al.* (2006: cited in European Environment Agency, 2016) on urban expansion in fifteen European countries between 1950s and 1990s supports the population growth theory as it discovered that population growth was a major driver to urban expansion throughout the study period. The European Environment

Agency (2016) also supports the view espoused by the Population Growth Theory by alluding that the size and structure of the population affect the extent of the built-up areas and the larger the population, the more space is required to accommodate all the people. The trends in urbanisation in Africa also provide more evidence to the Population Growth Theory. In his study report on the implication of population growth and rapid urbanisation in Africa, Chirisa (2008), expounded that rapid population growth in Sub-Saharan Africa has a great bearing on urban growth and expansion. The rapid population growth in African cities and towns is mainly attributed to high rates of rural to urban migration. Issues such as difficulties in provision of infrastructure, conflict for land, overcrowding and shelter problems are resultant from population growth that is the main factor (Chirisa, 2008). The demand for land for urban expansion at this area of study, Guruve Growth Point, is also to some extent explained by the Population Growth Theory. The 2012 Zimbabwe National Census report alluded that Guruve District is the second urbanized district in Mashonaland Central province among Rural District Councils and had seven percent of its population living in urban settlements.

The second theory that is important to this study is the Economic Growth Theory. This theory posits that economic growth or socio-economic development is a major driver to urban expansion. The growth in economic activities of urban settlements as indicated by the increase in Gross Domestic Product (GDP) will cause urban settlements to require more land for expansion, thereby engulfing on its surroundings (European Environment Agency, 2016; Alemineh, 2018). A study by European Environment Agency (2016) in Europe discovered that an increase in GDP brings about a multiplicity of effects including a change in lifestyles, an increase in demand for investment resulting in demand for more space for building of industries, an increase in use of motorised transport that make people to have the desire to live at the periphery of urban settlements and a general change in tastes and preferences. These factors induce the demand for more land for outward urban expansion hence resulting in more communal land being expropriated.

The economic growth theory seems to be of much applicability to the real world and there is a lot of literature to support it. For instance, studies by Zhang & Xie in China in 2019 brought out that economic growth has a positive correlation with urban expansion. The conclusions drawn by Zhang & Xie (2019) were based on a spatial statistical analysis of Chinese country level data by Deng (2008) that showed that every ten percent increase in Gross Domestic Product (GDP) will cause an urban expansion to increase by three percent. The economic growth

theory also seems to be of great applicability to the researcher's study area since the need for more land by Guruve Rural District Council is in response to the demand for housing and industrial activities as evidenced by the physical developments on the ground. Figure 4 below provides the interrelationship between urban expansion and economic growth.

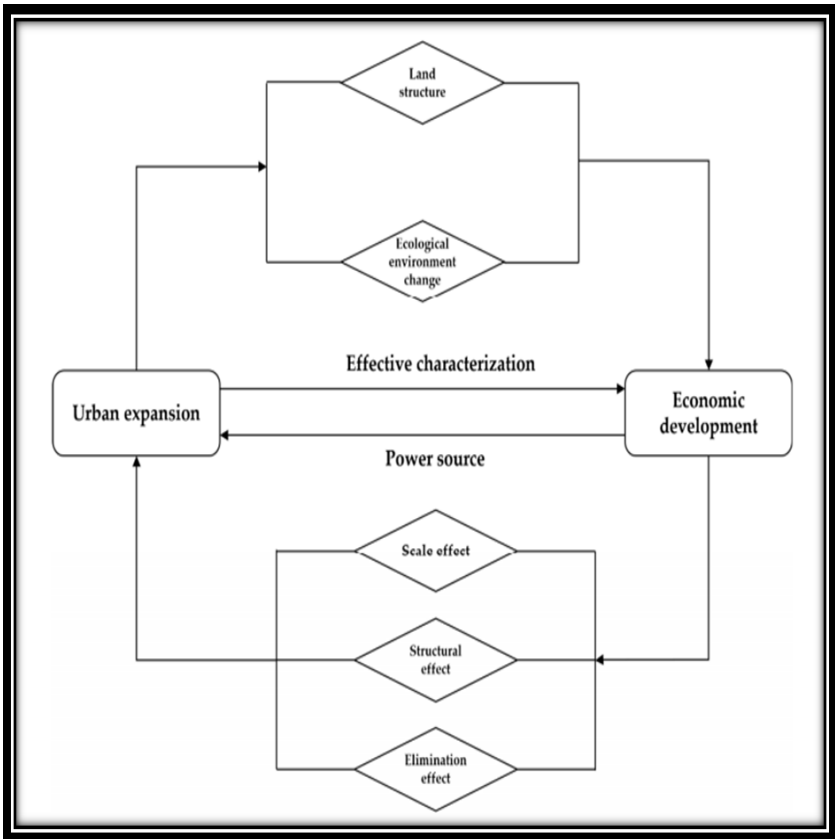


Figure 2.2: Effect of economic development on urbanisation (Zheng & Xie, 2019:07)

As illustrated on Figure 4, economic growth has a direct bearing on urban expansion, and it affects the structure of land and cause ecological environment change. Economic growth has thus, a scale effect, structural effect and elimination effect on spatial developments. The third theoretical perspective that provides explanation and intellectual grounding for urban expansion is the political

perspective. This theory postulates that the absence of proper planning policies and failure to enforce such policies are a source of unlimited urban expansion that ultimately pose a threat to peri-urban communal farmers (Aleminéh, 2018). This theory is premised on the basis that politics has the power to promote sustainable urban development and prevent urban sprawl through enactment of appropriate legislation (European Environmental Agency, 2016). Basing on these policies, some governments in the world have developed policies that outlaws urban sprawl or have introduced incentives and subsidies to promote compact development and German is a typical example of such nations.

A study by Kombe (2010) in the City of Dar as Salaam discovered that lack of clear and predictable policies on peri-urban development and lack of frameworks on capacitation and resource mobilization for public planning institutions is the major cause for uncontrolled peri-urban development. The political perspective is thus, relevant in explaining urban expansion and the nature of developments in peri-urban areas. The Political theory, the Population Growth theory and the Economic Growth theory are thus, all important to explain urban expansion. Figure 5 below summarises these three theories and how they explain the occurrence of peri-urban land expropriation and changes in livelihoods of communal peri-urban dwellers.

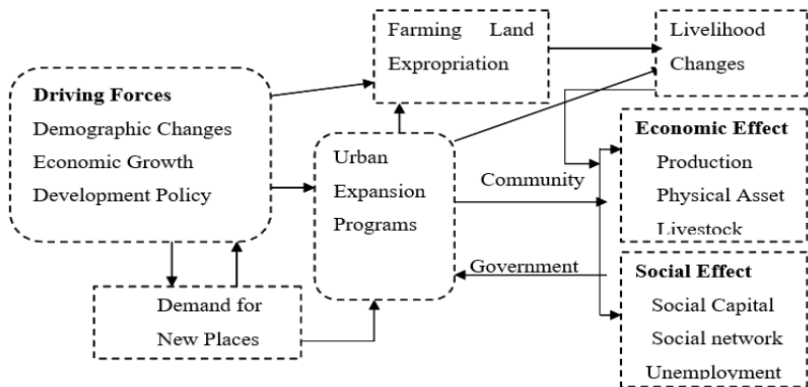


Figure 2.3: Key Drivers and effects of peri-urban expansion (*Adopted from Aleminéh, 2018:51*)

Several studies have been carried out to examine the nature, causes and manifestation of protracted contestations and conflicts between communal land

holders and local authorities as local authorities tries to expand their boundaries. There is a consensus among several authors that efforts by local authorities to acquire communal land usually hit a snag due to delayed compensation, unfair compensation, poor communication, legal pluralism, poor governance, unregulated land development and lack of clear and predictable strategies in land acquisition. These factors are discussed in the following passages.

Studies in both the developed and developing world indicate that delayed and unfair compensation is a major issue that causes conflicts between local authorities when they try to expand their boundaries. In Tanzania, land acquisition and compensation for the acquired land or properties are provided for in the Constitution of 1977, the Land Act of 1999 and the Physical Planning Act of 2007 (Kombe, 2010). However, despite the explicitness of these statutory instruments, fair and prompt compensation before land is acquired is a bigger problem and the process can delay up to five years (Kombe, 2010). The issue of compensation is complicated by the misuse of the public interest concept to justify land acquisition. Public agencies that acquire land usually justify their actions as meant to advance the interests of the public through construction of public infrastructure, commercial centres and new urban areas (Phuc *et al.*, 2015). With this view, they disregard the concerns of the communal land occupiers and regard compensation issues as meant to stifle development. Kombe (2010) recommended mandatory provision of alternative land for resettlement and fair and prompt compensation as the bedrock of conflict free land acquisition.

Effective communication and participation of the affected land occupiers is one aspect that has been cited by many authors as key in countering conflicts between local authorities and the land occupiers. In Dar es Salaam (Tanzania), poor communication and non-involvement of the affected people has been cited as a major cause of conflict in land acquisition for urban expansion (Kombe, 2010). Because sitting land occupiers are not directly represented in crucial decision-making processes linked to land acquisition, land conflicts have arisen in Dar es Salaam, resulting in protracted disputes between public authorities and sitting land occupiers (Kombe, 2010). In most cases participation by land occupiers is passive and where they attend meetings; their roles are limited to listening to announcements without being given the latitude to negotiate (Phuc *et al.*, 2015). According to FAO (2009), conflicts in land acquisition for development projects or urban expansion usually emanate from the exercise of legitimate power by government without taking due cognizance for the process hence resulting in the exercise becoming unfair.

Where the land acquisition process is participatory and inclusive, FAO (2009) recommended that it must religiously follow certain statutory procedures including proper planning and assessment of the impact of the proposed land acquisition project to the affected people and looking for alternative solutions, publicity, valuation of properties in the areas earmarked for acquisition, payment of compensation, giving a chance to appeals and restitution.

Poor governance in land administration is another major cause for conflicts in land acquisition (Kombe, 2010). Governance issues in land administration and management that give rise to conflicts include dysfunctional land management and problematic governance institutions, including a lack of transparency in land acquisition, weak structures for checking land grabbing and exclusion of the disadvantaged (Kombe, 2010). Issues of corruption, nepotism and unregulated informal land acquisition also contribute to conflicts in communal land acquisition for urban expansion (Wehrmann, 2008). Legislative reforms that promote effective participation by communal land occupants are important to minimise conflicts (Kombe, 2020).

Legal pluralism is one of the major causes of conflicts in land in most African countries (Knight, 2010). Legal pluralism refers to the existence of two or more separate legal systems working alongside each other to deciding community matters (Knight, 2010). The existence of formal and customary legal systems working alongside each other is leading persistent conflicts and lawlessness as each legal system is assuming supremacy over another (Knight, 2010). For instance, in most African countries that were once colonised by the European countries, there are too many conflicting Acts and policies on land. In this case Nkamae (2006) observed that the Tribal Land Act and regulations in Botswana, the Communal Rights Act in South Africa and the National land Policy in Malawi are examples of Acts and regulations contributing to disputes between traditional leaders and local authorities. These Acts and regulations give powers to communal landowners while at the same time in urban centres other Acts like this are in use.

Past studies also indicate that capacity constraints to implement planned developments usually results in long term land acquisition problems (Nkmae, 2006). For instance, peri-urban settlements around the city of Gaborone (Botswana) were declared planning areas in the mid-1980s but capacity constraints resulted in the lack of monitoring and enforcement of development covenants and laws such that most construction in peri-urban areas took place without planning permission (Nkmae, 2006). This scenario thus, causes problems in trying to displace the illegal developers. Further capacity challenges results in lack of

clear, transparent and predictable strategies in land acquisition. While studying land acquisition conflicts in Dar es Salaam, Kombe (2010) concluded that a clear and transparent land development framework is important to avoid conflicts between governments and communal landowners.

In many countries across the globe, the legality to acquire land for urban expansion is enshrined in National Constitutions and some subsidiary Acts that are named differently from country to country. The provisions contained in these various legal frameworks vary depending on the history of the nation in question and its social and ethnic status. In general, the legal frameworks address issues to do with landownership, the process for land acquisition, responsibilities of various parties involved and compensation issues.

In the republic of China, the National Constitution of 1982 provides that rural land is collectively owned, and the land can be acquired for urban expansion and development projects (Asiama, 2015). The actual process of rural land acquisition and resettlement in China is guided by the Land Administration Act. The process of acquisition of rural land for urban planning and development in China as enshrined in Land Administration Law involves application by the acquiring authority to government seeking approval, approval of the application after consideration of the value of the intended use versus its current use, publication of requisition, presentation of certificates by land occupants to register for compensation, assessment of the compensation by the acquiring body, publication of the compensation plans by the acquiring body as a way of soliciting opinions and setting of the standard for compensation by the government (Asiama, 2015). Final acquisition and resettlement is done after the above steps are religiously adhered to.

The United States of America (USA) has a provision for land acquisition in its National Constitution that is contained in its Fifth and Fourteenth Amendment of the Constitution. The constitution provides that no person shall be deprived of life, liberty or property without just compensation and without due process of law (Asiama, 2015). The process of land acquisition in the United States of America is conducted either by the state or local government and they are guided by the Eminent Domain Law together with the national Constitution.

In most African countries, rural land is owned by the state and where local authorities require it for urban expansion an application is made to the central government. Like other developed countries such as China and United States of America, land Acquisition in Tanzania is provided for in her national constitution

and the constitution clearly address the need to adhere to due process and payment of just compensation. Tanzanian Land Acquisition Act of 1967 is the principal Act that governs land acquisition (Kombe, 2010). The Act stipulate four key stages that are followed in the acquisition process that are planning and decision to acquire land, getting statutory authority and serving notices, field investigation and valuation and payment of compensation (Kombe, 2010). The instruments used in the process of land acquisition in Tanzania are usually negotiation and persuasion, legalised force and compulsory acquisition.

In Rwanda, it is only the state that is vested with the powers to effect land acquisition. The Rwandan national constitution provides that the right to property shall not be interfered with except where the property is required for public interest in which case the state can acquire it. The state put more importance to the public interest and as such activities that constitute public interest and that can guarantee land acquisition are listed in its principal law that guide land administration that is the Law Relating to Expropriation of 2007 (Kombe, 2010). The main steps that are followed in land acquisition as provided by the Act are initiation of the land acquisition process by the District executive, notification of the intention to acquire land to land occupants, sending of the land acquisition proposal to Lands commission, appraisal and approval of the proposal by the land commission, the Land commission make consultations with the land occupants, publication of the proposal, compensation and relocation (Kombe, 2010).

In conclusion, there exist laws and regulations in most countries both developed and developing that address land acquisition issues. The most common feature of all the legal set ups in all these countries is the fact that land acquisition issues are contained in National Constitutions and there are also Acts of parliament that provides guidelines on how the land acquisition process should be conducted. The issues addressed in these legal frameworks are also common. These include the need to respect the rights of the expropriated parties, the need to consult extensively in the process, the need to follow due process and the need to compensate the expropriated parties satisfactorily.

Several consequences result from conflicts emanating from acquisition of communal land for urban expansion. Some of the effects of these conflicts include poverty, profit and financial losses, homelessness, loss of agricultural land and a serious disturbance to livelihood activities (Magsi, 2014). Figure six below presents a conflict tree diagram illustrating the causes and consequences of conflicts in acquisition of land for urban expansion.

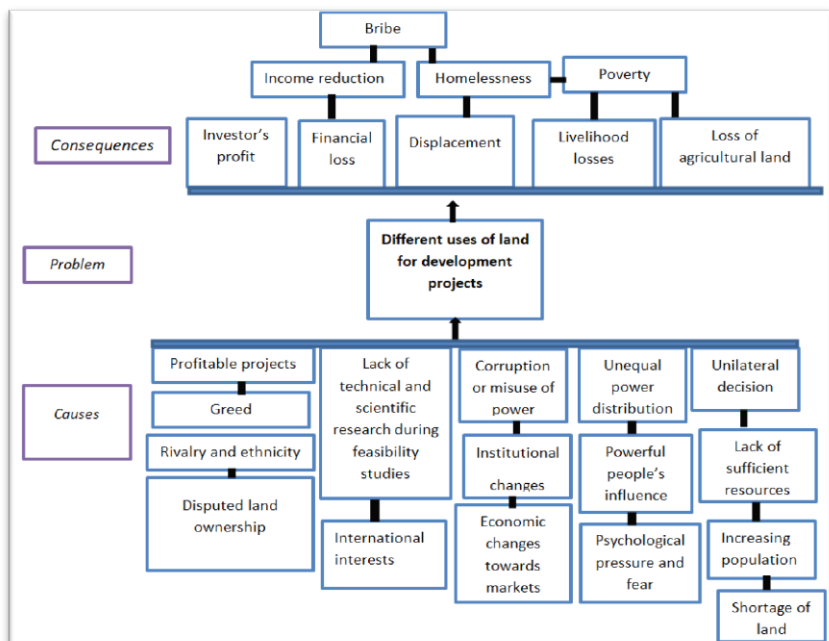


Figure 2.4: Conflict Tree Diagram Showing causes and effects of land conflicts to socio-economic development *(Adopted from Magsi, 2014:63)*

As illustrated on Figure 6 above, several factors result in demand for acquisition of rural land. These include development projects and general shortage of land for urban expansion. The process of acquisition of land will result in conflicts and the conflicts affect the society and economic activities in various ways. These conflicts are further explained below.

Conflicts in the process of acquisition of rural land for urban expansion can affect socio-economic development of an area by affecting the profits of companies and by creating financial losses to investors. Companies may be forced to engage courts to dispel communal land occupants on 'acquired' land resulting in more costs and financial losses. Conflicts can also affect the ability of companies to expand their operations, or they may be forced to cut down operations. For instance, Saruji Corporation that was a cement production company in Msikitini and Chasimba in Dar as Salam was forced to consider cutting its supply of cement after incessant conflicts with rural land occupants (Kombe, 2010).

Studies in several countries have brought out that conflicts in the process of acquisition of rural land for urban expansion are contributing to a greater extent, to retardation of development through delay or cancellation of development projects or limiting expansion of urban centres. A recent study by Chigbu & Ansah (2020) has discovered that the Trede district of Ghana has lost investment projects because of land disputes. The district lacks basic amenities and economic activities such as hospitals, tertiary schools and industrial areas because each time potential investors come, the land earmarked for such developments is under cultivation (Chigbu & Ansah, 2020).

Conflicts resulting from contestations in acquisition of communal land for urban expansion also affect the livelihoods of the rural occupants through diminution of agricultural land and disturbance of similar livelihood activities such as animal rearing and fishing (Ravanera & Gorah, 2011). For instance, the residents of Lubhu and Lele in India were left poor and their livelihoods seriously affected by conflicts. Contestations in acquisition of communal land for urban expansion results in strained relationship in society and disturbs peace and tranquillity. In several rural peri-urban areas where local authorities are in conflicts with the rural occupants for land, the rural occupants have a general resentment for the local authority and this in most cases triggers violence in such areas. The worst-case scenario occurs where there is a deadlock in land acquisition resulting in litigation. For instance, in Kalinga Nagar (India), police opened fire at protesters who were opposing a mining project in the area and in the process fourteen men and women were killed (Ravanera & Gorah, 2011). Conflicts of this extent affect the social and economic life of the rural land occupants and results in abject poverty to the affected people and general underdevelopment to the affected area.

There are many planning strategies that can be adopted by local authorities to address the contestations relating to urban expansion into rural areas. Most of the strategies however require a paradigm shift by central governments and local authorities since they require legal and institutional changes and new skills set through human capital building. Some of the strategies include introduction of an urban expansion system that incorporate peri-urban land rights and livelihood issues, introduction of participatory and inclusive land development tools, embracing regularization, improvement of the land administration institutional framework and institutional capacity building of the local planning authorities (Adam, 2014; Chigbu *et al.*, 2020).

One of the strategies that can be adopted to address contestations relating to urban expansion into rural areas is incorporation of peri-urban land rights and livelihood issues in the process of land acquisition for urban development. This approach is also known as tenure responsive lands use planning (Adam, 2014). Studies in both the developed and the developing world have discovered that contestations relating to urban expansion into rural areas usually emanate from non –recognition and non-incorporation of land rights and livelihood issues in the process of land acquisition. Adopting a land use planning approach that integrate all forms of land rights allows for participatory planning, incorporates tenure security and provides security from unwarranted disposition and reduce the occurrence of land disputes (Adam, 2014). This approach also helps to avoid monolithic planning where land uses are skewed towards residential and commercial uses only; but instead incorporate also agricultural activities (Adam, 2014; Chigbu *et al.*, 2020). Moreover, a paradigm shift from consideration of only physical issues such as land use, housing supply and urban infrastructure in urban development policy-making and planning would see policy-makers giving priority to livelihood issues and hence reduce contestations (Adam, 2014).

Experiences from countries such as Ghana, Ethiopia and Tanzania have brought out that land acquisition and peri-urban development process are onerous and top down and hence they are marred with a lot of conflicts. To circumvent the status quo, participatory and inclusive development tools are encouraged. Some of the participatory land development tools that can be used are land readjustment and legal mechanisms that allows for the automatic conversion of peri-urban/ customary land rights into urban (Adam, 2014).

Land readjustment is a concept that refers to land acquisition and reallocation techniques based on voluntary participation and contribution of land by local peri-urban landholders (Adam, 2014). Land readjustment paves way for a win-win situation in which planning authorities can acquire land without using its power of eminent domain(expropriation), and landowners can remain in situ and enjoy better living conditions (World Bank, undated). This approach has the capacity to accommodate the interests of various actors who have a stake in peri-urban development.

This is another participatory land development tool that can be used to acquire land with minimal conflict. This approach should be guided by the development of a policy and legal mechanism that allows for automatic conversion of peri-urban or rural land rights into urban land rights when peri-urban territory within a rural jurisdiction is planned for inclusion into urban jurisdiction (Adam, 2014).

Regularisation is another land development tool that can be considered as a strategy to address contestations relating to urban expansion into rural areas. Regularisation, also expressed as legalisation entails recognising and legalising informally built settlements in the process of urban development. Informal settlements are usually developed in urban fringes and they should pose a challenge when the planning authorities expand their boundaries. Embracing the regularisation strategy thus, implies that planning authorities must move away from their hostile attitude in which they consider demolition as a solution and move towards the view that informal settlements are caused by the inefficiency and inadequacy of the formal and delivery system (Chigbu *et al.*, 2020). Such a mind-set shift by planning authorities will result in minimal conflicts in urban expansion into rural areas.

Capacity building is another effective strategy that can be used to address the contestations relating to urban expansion into rural areas. A recent study in Ghana by Chigbu *et al.* (2020) indicates that due to lack of financial, human resources and logistical constraints, state planning institutions are not pro-active enough to plan rural areas. Planning in most cases occurs after an area might have been fully transformed into peri-urban or urban town. Capacitating local authorities with adequate resources will thus, enable them to initiate land use planning in rural areas before traditional authorities take over and manage them in their own interest (Chigbu *et al.*, 2020). Capacity building also entails educating and training planning authorities on how they can integrate social norms with legal regulation in the planning peri-urban areas (Chigbu *et al.*, 2014).

Two case studies detailing contestation in acquisition of communal land in Ghana and Tanzania are presented. These cases outline the causes and effects of contestations in land acquisition in the Trede district of Ghana and Masiki and Chasimba villages in Ghana.

CASE STUDY 1: CAUSES AND EFFECTS OF CONTESTATIONS IN LAND ACQUISITION TO SOCIO-ECONOMIC DEVELOPMENT

The Trede district of Ghana has lost investment projects because of land disputes. It was found that, in 2008, the government was considering siting the Atwima Kwanwoma district capital in Trede but, due to on-going chieftaincy and land disputes cases, such decision could not materialize. It is currently the area council for the district. One sub-chief commented;

“We deserved to have the district capital in our town because Trede is big and more developed than the other towns in the District. However, matters of disagreements related to chieftaincy and land made us lose this great opportunity (Chigbu and Ansah (2020).”

Trede currently has one clinic, and the proposed hospital has been pending for years and families whose lands were acquired for the project are disputing over the land since they were not compensated in any form either by money or alternative land. One sub-chief commented that;

"...any time these investors come to inspect the land they find people cultivating on the land."

Findings by Chigbu & Ansah (2020) show that land dispute adversely affected physical, social, and economic developments of Trede.

2.7.2 CASE STUDY 2: CHALLENGES IN LAND ACQUISITION FOR INDUSTRIAL USE AT MSIKITINI AND CHASIMBA (DAR ES SALAM) (ADOPTED FROM KOMBE, 2010)

Msikitini and Chasimba are 20 kilometres north of Tanzania's Dar es Salaam metropolis (Kombe, 2010). These two settlements started to experience meaningful developments around 1980s. They had around 4000 people in the year 2010 (Kombe, 2010) who were settling as communal landowners. The laws that govern communal land in Tanzania does not give ownership to communal landowners but vests the powers of landownership in the hands of the state (Land Ordinance cap 113 of 1923). The land conflict in these two settlements started in 1993 when Saruji Corporation, that was a public institution that was operating a cement factory nearby, had a need to expand its operations and thereby increasing its land size. The area on that Msikitini and Chasimba settlements were located was designated for industrial development according to City of Dar es salaam Master Plan of 1979. Saruji Corporation with the assistance of local leadership negotiated with the settlers at Msikitini and Chasimba and compensated them for buildings but excluding the land. However, the residents of these two settlements refused to relocate from their homes. The major factors they cited for refusing to be relocated were the fact that they were not involved in the process of determination of compensation and the compensation was pittance and unfair and their acceptance of the monetary compensation was by means of being cajoled by their local leaders. The residents of Msikitini and Chasimba appealed to court, but they lost the case and Saruji Corporation was given the right to the land and sought support from riot police to forcefully evict the residents. The people resisted and the conflict escalated into a war and in May 2007, a group of women from Msikiti and Chasimba organised at protest at State House in Dar es Salaam. In December 2007, a new court order was given that directed the land occupiers to continue occupying the land until their new appeal was determined. The Saruji Corporation however threatened to cut its supply of cement if the case was not determined in their favour. Experts and key informants who followed up the events of Msikitini and Chasimba concluded that the conflicts emanated from the fact that Saruji Corporation did not comply with

the provision of the Tanzanian Land Acquisition Act of 1967. The Act obliges public institutions and entities that acquires land to pay fair, full and prompt compensation to the land occupants. Good governance was therefore not adhered to.

CASE STUDY 3: LAND ACQUISITION IN THE REPUBLIC OF CHINA

Land acquisition in China is provided for in Article 10 of the Chinese Constitution. The constitution provides that all lands belong to the public, urban land and natural resources are owned by the state while rural land is collectively owned. Compulsory acquisition only applies to rural land since urban land is state owned and the acquisition and resettlement process is guided by the Land Administration Laws. The process involves a series of application and approval by various government departments. These include the State Council, the Local Body of Central Government and the Land Administration Department. The procedure involves the following steps:

- Application by the acquiring authority to government (State council and Local Body of Central Government if the land size is small and large respectively) seeking approval,
- Approval of the application after consideration of the value of the intended use versus its current use,
- Publication of requisition, presentation of certificates by land occupants to register for compensation,
- Assessment of the compensation by the acquiring body,
- Publication of the compensation plans by the acquiring body as a way of soliciting opinions and setting of the standard for compensation by the government,
- Payment of compensation,
- Change of ownership and takeover of property.

Source: Aslama (2015).

This chapter reviewed literature relating to contestations in acquisition of communal land for urban development. The literature is based on studies conducted in both developed and developing countries on experiences in these countries and the strategies implemented to promote urban development. The section lays down the conceptual framework, the theoretical framework and the key themes that are in line with the objectives that are the causes of the contestations in acquisition of rural land for urban expansion, the effects of the contestations to socio-economic development, the legal frameworks governing land acquisition in peri-urban communal area, the strategies that can be

implemented to address the conflicts relating to acquisition of rural land and some cases studies.

Several studies reviewed have brought out that the main theoretical perspectives that explain the expansion of urban centres that can lead to the need to acquire more land is because of population growth, economic development and political decision. The literature has brought out that prompt and just compensation, participation and involvement of the affected families and legal pluralism are the key factors that causes the peri-urban dwellers to resist efforts by local authorities to acquire that land. In cases where local authorities do not prioritise compensation and relocation of the affected people to alternative land, conflicts are usually rife, and the contestation prolongs. The literature has also brought out that local authorities and governments usually ignore compensation in the belief that their efforts are meant to benefit the public (public interest) and the whole community benefits from the development. This misconception of the public interest concept is a great cause of conflicts between public authorities and peri-urban rural dwellers. Issues of participation and involvement of the affected families are key from the initiation of the land acquisition process up to the compensation and relocation stage. Where active participation is not considered, resistance by communal land dwellers became imminent and land acquisition usually will not be achieved easily.

The second thematic issue discussed in the literature review section based on experiences of other countries and the effects of the contestations in land acquisition to socio-economic development. The literature has clearly brought out those conflicts in land acquisition for urban expansion is a cause of concern globally and has far reaching repercussions to socio-economic developments. Firstly, the conflicts affect the local authorities' development agenda. It was clearly brought out in the literature that the conflicts, delays social and economic infrastructure developments, affect profitability of business, frustrates investors and lead to cancellation of proposed mega projects. On the other hand, the conflicts also affect the livelihood of the peri-urban dwellers. It is revealed that Local authorities' intention to acquire land for urban expansion affects productivity on the land and lead to poverty and joblessness to the affected people. The continued conflict is thus, counterproductive.

The literature also reviewed the legal frameworks of other contexts pertaining to acquisition of communal land for urban expansion. In many countries, issues of land acquisition for urban expansion are provided for in the national Constitutions and some subsidiary Acts of parliament. In most countries,

communal land is state- owned and it can be acquired for urban expansion. Compensation, relocation, participation by the affected people and adherence to lay-down procedures with the affected families given a chance for restitution are the key issues addressed in the legal frameworks.

On the strategies to address the conflicts in land acquisition for urban expansion, there is a general concurrence by several authors that there is need to incorporate land rights and livelihood issues in land acquisition, regularisation of informal peri-urban developments, embracing of participatory peri-urban development strategies such as land adjustment and capacity development for the local planning authorities. Implementation of these strategies can address the main factors that cause the communal land occupants to resist expropriation and thus, leading to a harmonious land acquisition and development process.

This chapter has reviewed the critical literature relating to contestations surrounding communal land for urban expansion. It has covered the causes of conflicts between local authorities and communal land occupiers while local authorities try to expand their boundaries, among them, poor governance, unfair and delayed compensation, legal pluralism and lack of effective consultation in the process of land acquisition. The chapter has also reviewed the legal instruments that guides land acquisition for urban expansion in other countries. The review of legal framework was meant to establish whether the causes of the conflicts in land acquisition for urban expansion are a result of weak or conflicting legal framework or not. This chapter also touched on the effects of conflicts in land acquisition to urban growth and socio-economic development. The chapter has clearly revealed the experiences of other countries on the effects of conflicts in communal land acquisition that include delays in projects take off and implementation, limited infrastructure development, cancellation of development projects and poverty and underdevelopment in the affected regions. The next chapter presents the research methodology and design for the research.