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Implications of Customary Land Conversions on the Authority of Traditional Leaders:

A Case of Mungule Chieftdom, Chibombo District in Central Province of Zambia

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ABSTRACT

This thesis examines the intricate dynamics surrounding the implications of customary land conversions on the authority of traditional leaders, with a specific focus on Mungule Chiefdom in Chibombo District, Zambia. The study investigates the multifaceted interactions between land administration and indigenous rights preservation in various political regimes. It underscores the central role of traditional leaders in managing customary land and the challenges they face, particularly the erosion of their authority resulting from land conversions.

The study employs the theory of traditional leaders' authority to elucidate key concepts and their connections to customary land conversions. Using a case study approach, the research methodology involved purposive sampling and semi-structured interviews. The participants include headmen and headwomen, local members of the Mungule community, key informants from the Ministry of Chiefs and Traditional Affairs, Ministry of Lands, House of Chiefs, academicians, historians, and representatives from the private sector.

The empirical evidence analysed in this study reveals the complex dynamics and adverse implications of land conversions on traditional leadership's authority. They include conflicts with cultural beliefs, economic challenges, and the blurring of legal boundaries. Customary land conversions fragment loyalty within culturally diverse communities, as individuals align themselves with leaders who resonate with their specific identities and interests. This fragmentation is exacerbated by land conversions that shift land from communal to individual ownership under statutory tenure, thus transforming land into an economic commodity. The study also highlights the challenges posed by newcomers and external forces that challenge traditional norms and practices, further weakening traditional leadership's authority and disrupting community cohesion. The economic consequences of losing control over valuable resources compound the struggles of traditional leaders. These consequences underscore the erosion of their authority resulting from converting customary land to leasehold tenure systems, the disruption caused by the influx of newcomers, and the complexity of land exchanges negotiated financially.

This study offers significant insights into the impacts of customary land conversions on traditional leadership and local communities. It reveals that the shift from customary to leasehold tenure weakens traditional leaders' authority, challenging existing understandings of land governance. Additionally, the research explores nuanced dynamics like the detachment of newcomers from cultural practices and the fragmentation of loyalty within culturally diverse communities. It underscores the importance of inclusive approaches in land governance to address challenges while preserving cultural heritage and promoting equitable development.

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LIST OF ABBREVIATIONS AND ACRONYMS

BSACo	British South Africa Company
CH	Chief
CHT	Chittagong Hill Tracts
CSO	Central Statistics Office
CSOs	Civil Society Organisations
DDB	Doctoral Degrees Board
DMMU	Disaster Management and Mitigation Unit
FGD	Focus Group Discussions
GOVT	Government of the Republic Of Zambia
GPS	Global Positioning System
H	Historian
HD	Headman
HIV	Human Immunodeficiency Virus
LSAs	Land Sector Agencies
MMD	Movement for Multiparty Democracy
NGO	Non-Governmental Organisation
NRC	National Registration Identity Card
OM	Ordinary Member
PhD	Doctor of Philosophy
PNG	Papua New Guinea
PVT	Private Sector
QDA	Qualitative Data Analysis
SA	The Republic of South Africa
SAP	Structural Adjustment Programme
SLMP	Sustainable Land Management Program
UCT	The University of Cape Town
UNDRIP	United Nations Declaration on the Rights of Indigenous Peoples
UNIP	United National Independence Party
UNZA	The University of Zambia
URP	Urban and Rural Planning
ZLA	Zambia Land Alliance

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CHAPTER ONE INTRODUCTION

1.1. Overview

This study examines the effects of customary land tenure changes on the traditional leaders' authority in the Mungule Chiefdom of Chibombo District in the Central Province of Zambia. The study looks at the effects of changing customary tenure to leasehold tenure on the authority of traditional leaders in managing their communities in customary areas. It also investigates how traditional leaders maintain their authority despite the continuous reduction of customary land and the influx of newcomers with different cultural backgrounds, which changes homogenous ethnic communities into heterogeneous ones.

This chapter outlines the study's background and context, the problem statement, the research objectives, the research questions, and the rationale. The background focuses on the precolonial and post-colonial state of land administration, with particular attention to the political approach, policies, legal frameworks, and institutional arrangements concerning land conversion. Finally, the chapter provides a preview of all the subsequent chapters in the study.

1.2. Background and Context

Land administration in Zambia is a complex and multifaceted subject, intertwining customary land systems, indigenous rights, cultural heritage preservation, and the authority of traditional leadership. To comprehend these dynamics fully, a nuanced exploration within the context of various political regimes that have shaped Zambia's history is necessary. Customary land systems, deeply rooted in Zambia, reflect its people's diverse cultures and traditions. Local communities and traditional leaders are pivotal in the stewardship of land. The customary tenure system acknowledges communal land ownership, aligning with indigenous rights and emphasising the connection between communities and their ancestral lands. The government's efforts to integrate Indigenous perspectives into land administration policies underscore the significance of cultural practices tied to the land.

Cultural heritage preservation is intimately linked to land administration, as many practices and traditions derive from the relationship between communities and their land. Land's relevance to humanity is vivid regardless of geographical position, serving as an integral resource worldwide for shelter, food production, raw materials, and cultural purposes, including burial grounds and spiritual guidance for traditional leaders. The challenge lies in balancing

modernisation with cultural heritage preservation. Efforts to document and safeguard indigenous knowledge related to land use are essential for maintaining cultural identity.

The institution of traditional leaders in Africa is closely tied to customary land governance, holding authority in land administration and playing a vital role in mediating disputes, enforcing customary laws, and preserving cultural norms. Loss of control over customary land translates into losing control over the people and activities in these areas. However, the authority of traditional leaders in Zambia has changed during different political regimes. Understanding the historical context of these changes is crucial to grasp the dynamics of land administration in Zambia. Examining these dynamics through the lens of various political regimes provides insights into the evolving landscape of land administration. Zambia's governance has shifted from colonial rule to post-independence governments, influencing land policies and the role of traditional leaders. Historical analysis sheds light on the motivations behind policy decisions and their impact on land administration. In different periods, guided by various political regimes, the Zambian government has implemented diverse approaches and policy measures to govern people about land. Details of these efforts are discussed in the succeeding sections, offering a comprehensive understanding of the multifaceted relationship between land and governance in Zambia.

1.2.1 Land Administration in Zambia

Land administration determines documents and shares information about land tenure, ownership, value, use, and associated resources (Lemmen et al., 2015). It focuses on the practical implementation of land governance policies and principles. It involves the operational aspects of managing land records, land transactions, and land information systems. Land administration aims to establish efficient and transparent mechanisms for land registration, cadastral mapping, land valuation, property taxation, and other land transaction and management processes. Land administration ensures secure land tenure, reduces disputes, facilitates land markets, and supports sustainable land use (Enemark et al., 2021). In Zambia, land administration is regulated under the Lands Act of 1995 and traditional customary law. The land is categorised as either customary land or leasehold land.

Customary land in Zambia is under the jurisdiction of traditional leaders or chiefs, who manage and allocate it according to local norms and practices (Nsama, 2023). Initially, customary land constituted about 94% of Zambia's total land area (Chitonge, 2015). However, over time, it has significantly reduced, with current estimates indicating that it now makes up approximately 51% of the land due to portions being alienated for industrial, mining, and government economic projects, as well as individual conversions (Sitko and Chamberlin, 2016). Although

the state technically holds all land in trust, customary land tenure remains under the management of local chiefs, leading to challenges such as disputes and insecurity, partly because there are often no written records of land rights. Zambia operates under two main land tenure systems: customary and leasehold tenure. Customary land tenure is a native system that provides land use rights based on customary law and traditional practices, while leasehold tenure is governed by statutory laws, granting individuals private usufruct rights for a specified period under certain conditions (Mushinge and Mwango, 2017). The boundaries between customary and state land are often unclear, resulting in conflicts. Furthermore, crucial natural resources on customary land, such as wildlife and forests, are still controlled by state institutions like the Zambia Wildlife Authority and District Forestry Office (Persha et al., 2015).

Leasehold land is rented from the state for a specified period, usually 99 years. It includes land for residential, commercial, and industrial use. The 1995 Lands Act governs leasehold land in urban and peri-urban areas (Munshifwa, 2018). The Ministry of Lands and Natural Resources is the government department responsible for land administration. It administers all leasehold land and oversees the conversion of customary land tenure into leasehold tenure. Land administration in Zambia has been the subject of various reforms due to overlapping rights, lack of secure tenure, land disputes, inefficient administration, and issues of transparency and corruption (Lupale and Hampwaye, 2019).

The interaction amid traditional leaders and the state/government in land management in Zambia is complex and multifaceted. Traditional leaders play a significant role in managing customary land, which constitutes the majority of land in the country. They allocate land based on traditional norms and practices, maintaining social and cultural ties to the land (Chileshe et al., 2005). However, this traditional system often operates parallel to the statutory land administration system overseen by the Ministry of Lands and Natural Resources.

In practice, the state's legal framework recognises the authority of traditional leaders in the administration of customary land but also allows for the conversion of customary land to leasehold land, which brings it under the statutory system (Mulolwa, 2006). This process requires the consent of the traditional authorities, indicating a level of cooperation and overlap between the two systems. However, this dual system can lead to conflicts and inefficiencies, mainly when there are disputes over land rights or when customary practices conflict with statutory requirements (Brown, 2005). Efforts to harmonise these two systems have been ongoing. For example, the National Policy on Land aims to integrate traditional and statutory land administration systems to improve efficiency and reduce conflicts (Ministry of Lands and

Natural Resources, 2018). This policy seeks to formalise customary land rights by documenting and registering them, providing greater tenure security and facilitating land transactions. However, the interaction between traditional leaders and the state in Zambia's land management involves a balance of respecting customary practices while implementing statutory regulations to ensure land tenure security, efficient land use, and sustainable development.

Land Administration under Different Political Regimes in Zambia

The land administration system in Zambia has evolved significantly over the years, shaped by different political regimes and historical influences. This study explores land administration's transformations in Zambia, highlighting key policies and reforms, challenges, and the role of traditional leaders in this process.

Pre-colonial and Colonial Era (Pre-1964)

The pre-colonial era in Zambia saw land administration based on customary law, where land was considered communal property under the governance of local tribes (Munshifwa, 2018). However, significant changes occurred with the advent of the British South Africa Company (BSACo.) in the late 19th century. The colonial government introduced leasehold tenure and claimed all land under leasehold tenure as Crown Land (Munshifwa, 2018). Traditional leaders retained some authority over customary lands, albeit under colonial oversight. The British Colonial Government introduced land policies aimed at facilitating mineral exploitation and agricultural production for export. These policies laid the foundation for future land administration practices in independent Zambia.

Crown Lands

Crown Lands were areas directly controlled by the British colonial administration. These lands were primarily designated for European settlers and commercial enterprises, including mining and large-scale agriculture (Munshifwa, 2018). The administration of Crown Lands was governed by policies aimed at facilitating resource extraction and economic development for the colonial power, often at the expense of indigenous land rights (Peters, 1994).

Native Reserves

Native Reserves were areas set aside for the indigenous African population. According to the Northern Rhodesia (Crownland and Native Reserves) Order in Council, 1928, Native Reserves were established to confine African communities to specific territories, ostensibly to preserve

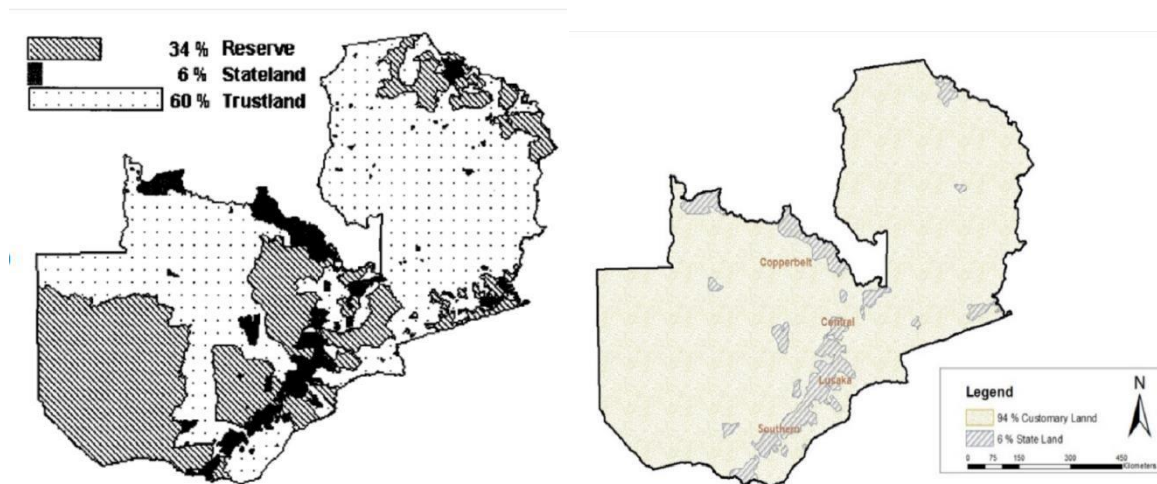
their traditional way of life. However, these reserves often comprised less fertile lands, limiting the African population's agricultural productivity and economic development (Gann, 1958; Vail, 1977).

The administration of Native Reserves was under the supervision of traditional leaders, but colonial officials closely monitored and regulated their authority. This system aimed to maintain control over the African population while minimising the administrative burden on the colonial government (Palmer, 1977). The reserves were characterised by a lack of formal land titles, perpetuating tenure insecurity and hindering access to credit and investment (Chanock, 1991).

Native Trust Lands

Native Trust Lands, introduced later, were intended to serve as a buffer between Crown Lands and Native Reserves. These lands were managed under the trusteeship of the colonial government, which purported to protect African interests while allowing for limited economic exploitation by European settlers (Hall, 2012). The Northern Rhodesia (Crownland and Native Reserves) Order in Council, 1928 took a substantial part in formalising the distinctions between these land categories and delineating the administrative responsibilities of each. The administration of Native Trust Lands involved a dual system where colonial authorities retained significant control, but local traditional leaders were expected to manage day-to-day affairs according to customary practices (Ranger, 1983). This arrangement often led to conflicts and ambiguities regarding land rights and governance, exacerbating tensions between Indigenous communities and colonial authorities (Moyo, 1995).

Figure 1: Maps showing Crown 6% (state Land), Native Trust Land (60% and the Reserve land 34% which make the total of (Customary Land)



Source: Bae (2023)

Historical Injustices Addressed by Land Reforms

The land reforms in Zambia intended to address several historical injustices rooted in colonial land policies and practices. Injustices included the dispossession of Indigenous lands, which involved the establishment of Crown Lands, the creation of Native Reserves and Native Trust Lands, which led to the dispossession of vast tracts of fertile land from Indigenous communities. These lands were appropriated for European settlers and commercial enterprises, marginalising the indigenous population (Palmer, 1977; Munshifwa, 2018). The colonial land policies also created a dual land tenure system that favoured European settlers while relegating Indigenous communities to less fertile and less productive lands. This inequitable distribution contributed to socio-economic disparities and hindered the development of indigenous agricultural practices (Vail, 1977; Chanock, 1991). Besides, the lack of formal land titles in Native Reserves and Native Trust Lands perpetuated tenure insecurity among indigenous communities. This insecurity limited their access to credit and investment opportunities, further entrenching poverty and underdevelopment (Chanock, 1991; Moyo, 1995).

Another historical injustice manifested through colonial oversight and the imposition of external administrative structures which undermined traditional land governance systems. The role of traditional leaders was often reduced to mere administrative agents of the colonial government, eroding their authority and disrupting customary land management practices (Ranger, 1983). Furthermore, enforcing rigid land use regulations and introducing cash crops by colonial authorities disregarded indigenous agricultural knowledge and practices, leading to environmental degradation and biodiversity loss (Palmer, 1977).

The legacy of these historical injustices continues to affect Zambia's land sector today. Postindependence land reforms have sought to redress these imbalances, yet challenges remain. The persistence of tenure insecurity, socio-economic disparities, and the marginalisation of traditional land governance systems highlight the ongoing impact of colonial land policies. Addressing these historical injustices requires comprehensive land policy reforms that recognise and integrate customary land rights, promote equitable land distribution, and support sustainable agricultural development (Moyo, 1995; Munshifwa, 2018).

One-Party Rule (1964-1991)

Upon gaining independence in 1964, Zambia adopted a one-party political system, centralising land administration under the Ministry of Lands and Natural Resources (Munshifwa, 2018). The State played a dominant role in land allocation with limited private ownership. The Land Act of 1970 vested all land in the President, and land acquisition could only occur through government leases (Munshifwa, 2018). The 1995 Land (Conversion of Titles) Act allowed customary land to be converted into leaseholds, reducing the influence of traditional leaders in land governance. However, customary land remained mainly under their control in practice (Munshifwa, 2018).

Multi-Party Democracy (1991 - Present)

The reinstatement of multi-party democracy in 1991 brought about significant land administration reforms to address historical injustices and promote sustainable land use. During this period, land became a central focus and was recognised as a critical resource for investment and development. The 1995 Land Act aimed to streamline land administration and encourage the registration of land rights, making land more investment-friendly (Munshifwa, 2018; GRZ, 1995). Despite these legal changes, traditional leaders were crucial in administering customary land (Chitonge, 2022).

Key Policies and Reforms

Several key policies and reforms have been implemented to shape land administration in Zambia. The Land Act 1995 decentralised land administration and introduced leasehold tenure (Sitko, 2010; Nolte, 2014). The National Land Policy of 2002 emphasised customary land rights and the integration of gender and environmental considerations (Hall et al., 2017). Land titling programs aimed to formalise land rights and promote access to credit and investment (Sambo et al., 2015). The 2017 Land Policy reaffirmed commitments to sustainable and transparent land administration (Chitonge, 2022).

Challenges and Ongoing Efforts

Land administration faces challenges, including inadequate funding, limited local capacity, overlapping tenure systems, and land use conflicts. However, the Zambian government continues to enhance land administration processes, ensuring equitable land access (Munshifwa, 2018). The evolution of land administration in Zambia reflects the country's historical journey through different political regimes. Traditional leaders have retained a significant role in administering customary land despite legal changes. Challenges persist, but ongoing efforts seek to address historical injustices and improve land governance, promoting equitable access to land for all Zambians. This complex interplay of history, policy, and tradition informs Zambia's current state of land administration.

1.3. Problem Statement

Despite the impact that transformations in land administrations have had on the loss of customary land tenure systems in various chiefdoms, it still needs to be determined what implications the customary land conversions have had on the authority of traditional leaders in Zambia, particularly in Mungule Chiefdom. This study focuses on the unexplored dimension of customary land conversion in Zambia, specifically delving into the authority of traditional leaders. While existing studies have addressed aspects of customary land conversion, this research uniquely emphasises the need to explore traditional leaders' authority more. Previous research has not comprehensively revealed the extent of traditional land remaining or provided guidance on an appropriate land policy for preserving the interests of these leaders (Chitonge et al., 2017; Honig and Mulenga, 2015; Munshifwa, 2018; Nsama, 2023). The gap lies in the need to thoroughly examine how traditional leaders can play a pivotal role in shaping land policies to safeguard their interests within the broader perspective of customary land conversion. Most studies that have been done along similar lines have concentrated on investment, land demarcations, development, agricultural production and land grabs, among others. These findings, conclusions and recommendations do not address, nor do they offer a solution to, the existing challenges in the authority of traditional leaders in Mungule Chiefdom (Kumwenda et al., 2018; Katungula, 2020; Kajoba, 2018; Chitonge, 2018). Other scholars researching customary land have primarily explored its security, tenure politics, exclusionary practices, and developmental implications. However, they often overlook the specific impact of converting customary land on the authority of traditional leaders (Chitonge, 2017; Akaateba, 2019; Chimhowu, 2019).

The erosion of traditional leaders' authority is a multifaceted problem with implications for cultural heritage, economic disparities, environmental degradation, community development, legal conflicts, sustainable resource management, and urban development. These issues collectively impact communities' well-being and cultural and environmental sustainability. A balanced approach is essential to address these challenges and secure the future of traditional leadership in Zambia and similar nations. This approach should respect traditional authorities while accommodating the imperatives of progress and change. Comprehensive research that considers cultural context, grassroots perspectives, land reforms, economic consequences, governance challenges, and the preservation of social fabric is crucial.

Furthermore, the current study aimed to delve into critical aspects, such as the sustainability of traditional leader institutions in customary land conversions to a leasehold tenure system and the influence of a culturally heterogeneous community on the authority of the institution of traditional leaders in Mungule Chiefdom. By exploring these facets, the research sought to provide a more nuanced and holistic understanding of the issue, contributing to developing a balanced and informed approach that secures the future of traditional leadership in evolving landscapes.

Estimates on the extent of customary land conversions in Zambia indicate significant changes in land tenure systems, though the government of the Republic of Zambia has no official statistics. Studies have shown that a substantial portion of customary land has been converted to leasehold tenure. For instance, it is estimated that over 10% of customary land has been converted, with the conversion rate accelerating in recent years due to the increasing demand for agricultural and urban development (Sitko and Chamberlin, 2016; Mulolwa, 2016). This conversion process often occurs without adequate consultation with traditional leaders, undermining their authority and the integrity of customary land governance systems (Honig and Mulenga, 2015; Kajoba, 2018). The lack of clear legal frameworks and the pressure from investors and urban expansion continue to drive these conversions, posing significant challenges to traditional leadership and community cohesion (Munshifwa, 2018).

1.4. Research Objectives

The main objective of this study was to examine the implications of customary land conversions on the institution of traditional leaders. This broad objective was further structured into three specific objectives:

To examine the effects of customary land conversions on the authority of traditional leaders in Mungule Chiefdom

To evaluate whether the authority of traditional leaders is sustained within the context of customary land conversions to the leasehold tenure system in Mungule Chiefdom To investigate how a culturally heterogenous community affects the authority of the institution of traditional leaders in Mungule Chiefdom

1.5. Research Questions

Main Question: What are the implications of customary land conversions on the institution of the traditional leaders? This broad question was further structured into three specific questions of the study as follows:

What are the effects of customary land conversions on the authority of traditional leaders in Mungule Chiefdom?

Is the authority of traditional leaders sustained within the context of customary land conversions to a leasehold tenure system in Mungule Chiefdom?

How does a culturally heterogeneous community affect the authority of the institution of traditional leaders in Mungule Chiefdom?

1.6. Rationale of the Study

Debates around customary land conversions have mainly focused on livelihood, displacements, enclosures, exclusions, compensations and conflicts, among other dynamics, but have yet to focus on how these dynamics affect traditional leaders. This study provides insights into the implications of customary land conversions on the authority of traditional leaders. While the study traces the relevance of traditional leaders during an epoch characterised by increasing customary land conversions, it remains in conversation with broader land debates around land dispossession, roles of traditional authority, agrarian issues and livelihoods in Africa. The institution of traditional leaders is at the helm of the culture, beliefs, customs and well-being of rural communities in many African societies. Thus, knowledge of the land and its linkages with institutions of traditional leaders becomes significant for projecting the future of such societies under changing land tenure systems.

Additionally, a literature review reveals significant gaps in existing knowledge, particularly in how customary land conversions impact traditional leaders' authority. While existing studies provide valuable insights into the historical, economic, and socio-political aspects of land conversions, they often neglect the effects on the authority of traditional leaders. This oversight leads to unanswered questions about the consequences of land conversions on cultural conflicts,

local norms, and the authority of traditional leaders. Moreover, the complex interactions between various stakeholders, including national states, traditional leaders, civil society organisations, and the private sector, still need to be explored. The historical context and colonial legacies, which can shed light on the dynamics between traditional leaders and state actors, are also insufficiently addressed in the literature.

This research, therefore, was undeniably necessary because it fills critical gaps in current knowledge by addressing the often-neglected dimension of how customary land conversions impact the authority of traditional leaders. Given these leaders' pivotal role in upholding culture, beliefs, and customs within African societies, understanding the implications of their jurisdiction is paramount. The study contributes to academic discourse and holds practical significance for policymakers navigating the complexities of changing land tenure systems. By shedding light on the intricate relationships between traditional leaders and state actors, considering historical contexts and colonial legacies, this research is a vital step toward fostering a comprehensive understanding of the societal consequences of customary land conversions, ultimately aiding in developing informed and culturally sensitive policies.

1.7. A Brief Summary of the Theories Employed

The study used a conceptual framework anchored on Gluckman's (1965) theory of the origin of traditional leaders' authority, supported by other scholars, such as Chanock (1985) and others.

1.8. Central Argument

The central argument is that customary land conversions undermine the authority of traditional leaders and endanger their future. The evidence presented in the findings chapter supports this. The chapter provides a brief statement about the study's key findings and its contribution to existing knowledge/literature.

1.9. Ethical Issues that Arose in the Study

The research adhered to all ethical clearance conditions set by the Faculty of Humanities at the University of Cape Town by receiving approval before commencing fieldwork. The Department of African Studies provided a letter signed by the supervisor, facilitating the researcher's introduction to pertinent stakeholders within the case study locale. In terms of informed consent, the researcher recognised the significance of providing participants with comprehensible information about the study, ensuring their voluntary participation (Hennink et al., 2011:63). The information was conveyed to participants in the Nyanja language, with translation assistance by a research assistant from the chiefdom into the local language, Lenje.

Interviews were recorded with participants' consent. Participants were asked to sign informed consent forms upon voluntary agreement to partake, with detailed explanations provided. The researcher remained open to addressing any participant queries related to the research process.

To emphasise confidentiality and anonymity, the researcher upheld the directive of safeguarding participants' identities and personal data (Hennink et al., 2011:63). Participants were informed that their names would not be disclosed in the thesis or related works. A numbering system was employed, wherein prefixes were attached to participant numbers based on their involvement category. For instance, ordinary members were identified as OM followed by a number, such as OM3, denoting ordinary member number 3. Various prefixes represented participants from distinct sectors: PVT for private sector, A for academia, H for Historians, HD for headmen, CH for chiefs, and GOVT for government representatives. These alphanumeric designations replaced actual participant names.

Indigenous members of the Mungule Chiefdom were categorised as local people, while those who acquired land from the chiefdom yet with customary land ownership, regardless of conversion status, were termed newcomers. Given the sensitivity of land debates and the potential for conflict, original beneficiary names were safeguarded through numbering instead of using their original names, as highlighted above.

1.10. Contribution of the Study

This PhD thesis significantly contributes to the body of knowledge by uncovering the unintended consequences of traditional leaders' authority and the complexities within local communities. By focusing on the erosion of traditional leadership authority during land transitions from customary to leasehold tenure, the research challenges prevailing narratives and offers a nuanced perspective on authority dynamics within communities. It reveals that the conversion process not only diminishes traditional leaders' influence but also grants autonomy to newcomers, leading to a detachment from cultural practices and a fragmentation of loyalty within heterogeneous communities. Furthermore, the study examines how cultural diversity introduces fresh ideas and challenges to traditional norms, emphasising the transformative effects on societal values and beliefs. Through its meticulous analysis, this research significantly backs our appreciation of the intricate interactions between land governance, cultural dynamics, and traditional leadership, providing valuable insights for policymakers, stakeholders, and community leaders navigating the complexities of land tenure transitions.

1.11. Limitations of the Study

Political and health situations restricted the researcher from interviewing some people, such as the Chieftainess, who had been sick, leading to restrictions in accessing her. Apart from that, at the onset of data collection, a ward councillor in the chiefdom died, and he was representing the opposition party, began to fight tirelessly to scoop this seat again. Meanwhile, the ruling party, whose candidate seemed popular, began to fight violently to scoop the seat. The death of this councillor, therefore, led to a tense environment in the area with campaigns that were highly violent to the extent of loss of life and attacks on any suspicious gatherings, making the researcher not hold any focus group discussions. Additionally, the researcher could not conduct any focus group discussions due to the COVID-19 pandemic, which attracted global regulations that prohibited gathering in crowds. These situations were beyond the researcher's control. Other limitations included time, finances, and access to communities. However, enough data were gathered from individuals and triangulated by incorporating different categories of participants, as mentioned in the methodology chapter, to ensure the information remained valuable, reliable and valid.

1.12. Thesis Outline

Chapter One. The chapter introduced the study of the implications of customary land conversions on the authority of traditional leaders and further provided the problem statement, which was supported by the contextual background. This chapter highlighted the intricate dynamics of land administration in Zambia, examining the relationships between customary land systems, indigenous rights, cultural heritage preservation, and the authority of traditional leadership within various political regimes. It traced the evolution of land governance from the pre-colonial era to the present, emphasising key policies and reforms during each phase. The chapter highlighted the pivotal role of traditional leaders in managing customary land and the challenges they face, including limitations due to political and health-related constraints. This study argues that customary land conversions undermine the authority of traditional leaders, with supporting evidence from critical findings. Ethical considerations were emphasised, ensuring participant confidentiality and data reliability through multiple research techniques, underscoring the significance of context in qualitative research. The broader context emphasises the connection between traditional leadership, land governance, and societal wellbeing, delineating the intricate interplay between customary and statutory land tenure systems and their impact on traditional authority. Additionally, the chapter highlights the study's rationale, objectives and questions. Finally, the chapter highlighted the study's limitations, the ethical clearance of the study, and the summaries of each chapter.

Chapter Two. This chapter reviews the knowledge on customary land, customary land debates, and debates on traditional leaders, focusing on global, regional, and Zambian perspectives. The existing literature on customary land conversion in Zambia highlights valuable insights and significant gaps in understanding this complex issue. These gaps include a need for more focus on the impact of land conversion on local communities, an incomplete analysis of the role of traditional leadership, and the neglect of grassroots perspectives. Additionally, the socio-cultural aspects of land conversion should be more studied, and existing research often has limited geographic and thematic scope. The thesis argues that customary land conversion undermines the authority of traditional leaders, addressing these gaps. Overall, the literature review underscores the importance of holistic research and a nuanced understanding of the interplay between land conversion and traditional leadership in Zambia, offering a valuable contribution to the field.

Chapter Three discusses the conceptual framework based on the Theory of Traditional Leaders' Authority according to Gluckman (1965), as the main scholar who got inspired by the works of Evans-Pritchard (1940) and was supported by Boone (1992), Mamdani (1996), Colson (2013) and Nuesiri (2019), in forming the conceptual frameworks used in this study. It defines key concepts, such as traditional leadership, customary land, customary land conversions, culturally heterogeneous communities, succession, and traditional society. The chapter further discusses four factors of the Theory of Traditional Leaders' Authority according to Gluckman (1965). These factors include succession, traditional culture, customary land tenure system, and cultural homogeneity. The chapter also explains how these concepts link to the conversion of customary land and to each other. It further bases the discourse on the perception that customary land conversions rest on legal aspects of the country, which are mostly not in tandem with customary laws and, sometimes, conflict with the traditional set-up of authority in chiefdoms. Each of these critical factors is discussed in detail, and how they link with the authority of traditional leaders is highlighted.

Chapter Four discusses the methodology and design used in the study. It elaborates on the method applied, which was a case study method and, therefore, adopted the qualitative approach. The chapter also highlights the reasons for the case study selection, describes it and elaborates on the historical data of the case study area. In this chapter, respondents are further described in various categories and their roles, which link them to the study by showing the required data. The tools used in the study, such as semi-structured interviews, observations, and secondary data, are also highlighted in this chapter. Finally, the chapter discusses the limitations of the study, how data were analysed and ethical considerations.

Chapter Five is one of the empirical chapters highlighting customary land dynamics after conversions in Mungule Chiefdom. The chapter embarks on the presentation of the process and context of customary land conversion in Zambia. This aspect helps understand how converting people conducts the process by illustrating what occurs on the ground, which points to why customary land resources in the chiefdom are considered depleted. The chapter also brings to light the scenario after customary land is converted by highlighting the overview of the current occupants of Mungule Chiefdom: both the local people and the newcomers. The chapter reveals that most of the people who have been converting customary land tenure to leasehold land tenure have been those who come from outside the chiefdom and are of diverse ethnic origins. It then elaborates on the final dynamic of a changed community with a mixture of cultures in Mungule Chiefdom.

Additionally, the chapter provides a thorough narrative of how traditional leaders in Zambia acquire and use their authority in the chiefdom. This freedom encompasses the manifestation of the authority of traditional leaders through land allocation, withdrawal of customary land from individuals, controlling activities in the customary areas, responding to the needs of the people living within the chiefdom, passing on the culture to future generations, and, finally, communicating with ancestral spirits on behalf of the subjects in the chiefdom. A conclusion for the chapter is drawn from the presentation of the empirical data.

Chapter Six is the second empirical chapter and emphasises the ramifications of customary land conversions on the authority of traditional leaders, building upon the dynamics elucidated in Chapter Five. It delves into a series of adverse implications arising from these conversions. Notable is that the erosion of customary law due to cultural deceit within the chiefdom weakens the traditional leaders' capacity to regulate activities, leading to conflicts with cultural beliefs and norms. The need for more transparency in the conversion process, with instances of fraudulent use of signatures, further undermines the credibility and authority of the leaders. The commercialisation of customary land is viewed as a betrayal of ancestral trust, as the new landowners often disregard the sacred practices embedded within the land, thereby diluting the traditional leaders' influence.

Furthermore, the reduction in land size hampers agricultural practices, disrupting the age-old practice of tribute payments to the chief, consequently straining the allegiance of the populace to the traditional authority. Simultaneously, the chapter highlights the resultant technical ambiguity in land governance, as the conversion blurs the lines between state and customary land, leading to conflicts between statutory and customary law. This shift in legal dynamics diminishes the potency of customary law, gradually rendering traditional leadership obsolete.

Moreover, the influx of diverse communities and cultures resulting from the land reforms engenders a cultural heterogeneity that challenges the traditional leaders' ability to govern effectively, amplifying tensions between the state and traditional institutions. However, it also acknowledges the positive effects of the conversions, such as improved financial access for landholders and enhanced infrastructural development within the chiefdom. The chapter underscores introducing leadership training programmes and fostering enhanced private sector engagement and development initiatives within the community.

Overall, the chapter paints a complex picture of the multifaceted impact of customary land conversions on traditional leadership, elucidating the intricacies of cultural, legal, and governance challenges arising from these transformations while acknowledging the potential for positive developmental outcomes.

Chapter Seven discusses the implications of customary land conversions on the authority of traditional leaders identified in Chapter Six and how these affect the authority of traditional leaders in the chiefdom. The discussions occur within the parameters of the theory of traditional leaders' authority, according to Gluckman (1965), as the main scholar, supported by Colson (2013), Nuesiri (2019), Boone (1992) and Mamdani (1996) as cited in the conceptual framework in Chapter Three. The chapter highlights the intricate challenges faced by traditional leaders in Mungule Chiefdom as they grapple with the transition from cultural homogeneity to cultural heterogeneity. This shift poses significant challenges to their authority, necessitating effective strategies for navigating cultural diversity and maintaining their role in the face of changing authority dynamics. The sale of customary land and the conversion to leasehold tenure, influenced by modernity, have profound implications for ancestral trust, social cohesion, and the legitimacy of traditional leaders. Understanding the historical context and the impact of colonial legacies is crucial in comprehending the complex interplay between traditional and modern authority. The reduction in cultivation also weakens traditional leaders' authority's economic and political basis, calling for adaptation to contemporary challenges. This chapter sheds light on the multifaceted dynamics of traditional leadership in the evolving landscape of Mungule Chiefdom and beyond.

Chapter Eight provides a comprehensive overview of the research, focusing on the study's core elements and its contributions. It begins by framing the research within the context of customary land conversions and their impact on traditional leaders' authority in Mungule Chiefdom, Chibombo District, Zambia. The primary objective is to address a gap in the scholarly literature, specifically the influence of customary land conversions on traditional leaders' authority. The study delves into the effects of cultural heterogeneity on traditional leaders' authority and the impact of customary land conversions on the same. The interview

involved interviews with various stakeholders, including traditional leaders, local people, newcomers, government officials, historians, and academicians, as a methodology. Due to COVID-19 restrictions, one-on-one interviews were conducted for data collection instead of groups.

However, findings reveal that cultural diversity dilutes traditional leaders' influence, requiring them to adapt to remain relevant and foster consensus within their communities. On the other hand, customary land conversions lead to many challenges, including shifting decision-making away from traditional leaders, economic redefinition of land, displacement of communities, and disruption of traditional structures. The study underscores the complex relationship between community cohesion, social dynamics, economic well-being, and traditional leadership. The chapter highlights significant contributions to the discourse on customary land conversions, shedding light on the process and its impact on the authority of traditional leaders. It challenges prevailing notions of land acquisitions as forceful seizures and emphasises the voluntary nature of these exchanges, granting newcomers autonomy independent of traditional leadership.

In conclusion, the chapter highlights the challenges traditional leaders face in the context of cultural heterogeneity and land conversions. It underscores the need for modern leadership development programmes for traditional leaders, focusing on governance, conflict resolution, cultural competence, and ethical decision-making. Additionally, it recommends preserving and celebrating the cultural heritage of Mungule Chiefdom through various initiatives, emphasising the importance of understanding these complexities in the post-colonial context of traditional leadership in Africa.

CHAPTER TWO

REVIEW OF LITERATURE

2.1. Introduction

This chapter reviews existing academic and analytical data or works undertaken on customary land conversions and their impact on traditional leaders' authority and the future. The chapter provides a review of research works, books, and articles on this subject matter. The main reason for undertaking this exercise was to examine the body of knowledge, gain a deeper understanding and knowledge of this theme, and identify the existing research gaps in the subject matter. About the scope of coverage, the literature reviewed in this chapter was drawn from the global, regional and Zambian perspectives from 1995 to date, which helped to provide detailed studies, research and works on customary land conversions and the impact it has on the authority of traditional leaders. In doing so, the review has exposed similarities and dissimilarities between already undertaken research and analytical works and the current research work presented in this thesis.

The conversion of customary land tenure refers to transitioning traditional, communal land ownership systems into forms recognised and regulated by statutory laws. This shift often involves changing land status from customary or communal ownership to individual or leasehold ownership, typically under a legal framework established by the government. The motivations for such conversions can vary, ranging from economic development to addressing land tenure issues. It is essential to note that this process can have significant implications for local communities and their access to resources. According to Richards (2018), customary land conversion has been a subject of debate, with proponents emphasising economic development benefits, while critics argue that it may disenfranchise vulnerable groups. The complexities of this transformation require careful consideration of cultural, social, and economic factors to ensure a fair and equitable outcome for all stakeholders. Land conversion has become a significant concern in Zambia due to multiple factors, including rapid urbanisation, population growth, and foreign investments. These changes put pressure on traditional agricultural lands and natural reserves, potentially leading to food insecurity and ecological imbalance (Chileshe, 2005).

Furthermore, there is also the question of land tenure and the rights of local communities. Local communities are often marginalised, and their lands are converted without adequate compensation or consultation, exacerbating social inequalities (Simasiku et al., 2010). Therefore, the conversion of land in Zambia is not just a matter of economic development but a complex issue that intersects with social justice, environmental sustainability, and cultural

heritage. As such, the subsequent sections of this chapter provide an overview of customary land conversions and the authority of traditional leaders, beginning from the global and regional to Zambian perspectives.

2.2. Customary Land Conversions from the Global Perspective

The phenomenon of customary land conversions holds significant importance on a global scale. Across the world, particularly in developing nations, customary land (traditionally owned by indigenous communities or local entities) is increasingly being converted for various purposes, such as agricultural development, industrialisation, and real estate expansion. This transition often ignites complex socio-economic and environmental issues, including disputes over land rights, loss of livelihoods for local populations, and ecological degradation. The global perspective reveals a multifaceted web of stakeholders ranging from local communities to multinational corporations and policymakers (Deininger and Byerlee, 2011; Zoomers, 2010). Understanding these conversions is crucial for balancing economic development with social equity and environmental sustainability.

Numerous studies have delved into the intricacies of land conversions, exploring a range of scenarios. One noteworthy investigation occurred in 2001 in Malaysia, where McMorrow and Talip scrutinised the customary land tenure system, framing it as a clandestine avenue for acquiring land. Within the Malaysian context, customary land was denoted as 'de facto native recognition' under the Sabah land code. The Malaysian Government categorised its tenure system into five distinct classes: Town Lease, Country Lease, Provisional Lease, Native Title, and Field Register. These titles were then applied to four types of land: State Land, Forest Reserve, Alienated Land, and Government Reserve. Notably, the study brought to light a harmonious collaboration between the Malaysian Government and stakeholders, fostering an environment where no participant felt subordinate (McMorrow and Talip, 2001).

This operational synergy aligns with the principles of political economy expounded by White et al. (2013), wherein delineating roles, ownership, and equitable distribution of surplus among critical players is paramount. This approach allows each stakeholder to define operational boundaries, ensuring seamless coordination throughout the Malaysian landscape. However, White et al.'s (2013) argument emphasises that the authority of traditional leaders is susceptible to broader political, economic, and social influences, including state interventions and neoliberal development agendas. A critical examination of how changes in the tenure system impact traditional leaders' authority is notably absent in White et al.'s (2013) study.

In contrast to the customary practices observed in many African countries (McMorrow and Talip, 2001), where traditional leaders convene with community members before engaging with stakeholders, the Malaysian study presents a distinct model of land administration. The conventional African approach underscores the deeply ingrained nature of customary land tenure systems in the cultural tapestry of African societies. These systems often involve communal ownership and generational transmission of usage rights. Traditional leaders, elders, or councils typically oversee customary land administration, playing pivotal roles in decisionmaking processes.

In many African settings, customary land administration is characterised by communal decision-making forums, where community members gather to discuss land-related matters. These forums serve as platforms for dialogue and consensus-building, ensuring that decisions align with cultural norms and values. Traditional leaders often mediate conflicts and enforce decisions to maintain harmony within the community. In contrast, the Malaysian study portrays a stark departure from this African customary land administration model, offering a unique perspective on managing land administration (McMorrow and Talip, 2001).

However, the reviewed literature also indicates that all these new land administration systems in Malaysia came about after 1976, when smallholder farmers were restricted from occupying state land (McMorrow and Talip, 2001:221). There could be various reasons smallholder farmers were restricted from occupying state land, possibly due to the systems. However, my study investigates the state of the matter in Mungule Chiefdom to establish challenges for the local people in how they interact with newcomers in their area who have diverse cultural orientations. The study seeks to understand the process of converting from a customary land tenure system to a leasehold tenure system, whether any flaws could restrict local people or newcomers from occupying the state land, and any challenges that come with mixing the cultures and their impact on traditional leaders. Above all, keeping in focus the argument that customary land conversion undermines the authority of traditional leaders.

The study in Malaysia further identified the challenge where the community in Malaysia was accusing the native customary land rights of favouring the native Malays, called Bumiputera (McMorrow and Talip, 2001). On the other hand, favouring the natives is the number one priority of traditional leaders, even in Zambia (Kyed and Buur, 2007). Besides, favouring the natives in Malaysia indicates how authoritative the institution of traditional leaders is in their delivery of the customary law, which is also common in some African countries. For example, traditional leaders in Ghana are said to be authoritative, to the extent that, where the state and the community cannot change their stance on land administration, regrettably, they keep

changing the rules of the game as it suits them, using their authority for their gain in land transactions (Yaro, 2015).

However, favouring the native Malays through customary land rights indicates that the customary law's custodians, traditional leaders, are authoritative enough to defend customary law's effectiveness and, above all, to make the customary law authoritative. The studies above helped me widen the perspectives to examine the authority of traditional leaders in Mungule Chiefdom in Zambia, where the land administration system stands at the crossroads of tradition and modernity, with customary law governing vast rural areas. In contrast, statutory law increasingly encroaches on customary practices (Mwenda, 2017). This complex landscape reveals several unaddressed critical gaps, raising concerns about protecting land users, preserving cultural heritage, and equitable land tenure systems. Furthermore, the Land Act of 1995 introduced a legal framework for converting customary land into leasehold tenure system, often favouring commercial interests at customary landholders' expense (Chilufya, 2008). Despite this, there is a lack of clear guidelines and safeguards to ensure that traditional leaders adequately protect the rights and interests of local communities. This leaves customary landholders vulnerable to land dispossession and exploitation. Moreover, there need to be more standardised guidelines outlining the conversion process, customary landholders' rights, and traditional leaders' role in these proceedings (Tembo, 2014). This ambiguity creates opportunities for land grabbing, corruption, and disputes, further undermining the security of customary land tenure.

Another 2005 study by Thapa and Rasul addressed the implications of changing national landuse policies in Bangladesh's Chittagong Hill Tracts (CHT). Using land-use change as their conceptual framework, some factors that influenced land-use change were attributed to increased population, skill, knowledge and technology, infrastructure development, tenure systems, national policies and institutional arrangements. Findings in the study indicate that land policies adopted during different politico-administration periods directly affected land use in CHT (Goap and Rasul, 2006). These kinds of changes destabilise communities because, even when policies are good during one particular political administration period, the community has no confidence to invest in land because they know that it is just a matter of time before the good policies change according to the next political administration. This, therefore, creates an attitude in the community, leading to their non-committal to the laws that govern them.

A comprehensive examination by Anseeuw, et al (2012) synthesises a decade of research across Africa, Asia, and Latin America, revealing the complex dynamics of customary land conversions amidst global economic pressures. Their collaboration with numerous grassroots

organisations, civil society entities, academics, and research institutions underscores the broad consensus on the escalating trend of land acquisitions globally. Although their primary focus is not on customary land conversions, their findings are highly relevant to my study, particularly concerning the implications for the authority of traditional leaders. The report highlights staggering figures: 134 million hectares in Africa and 29 million hectares in Asia have been affected by land acquisitions driven by burgeoning demands for food, feed, fuels, and other commodities. These acquisitions are influenced by global market forces, including trade liberalisation and investment regimes, mirroring the challenges faced in Zambia. The authors argue that such pressures undermine local governance structures, including the authority of traditional leaders who historically governed customary lands.

Adoupo and Reyntjens (2017) further underscore these dynamics. They illustrate how foreign and domestic investments in agriculture displace local communities. Government policies and international market demands for products like rubber, exacerbate this issue. These investments erode local communities' control over customary lands. This displacement affects more than just land access. It also challenges the traditional authority vested in local leaders. These leaders are often marginalised in decision-making processes regarding land use and allocation.

In the context of Zambia, where traditional leaders play crucial roles in land governance, these findings suggest a critical examination of how global market pressures and national policies influence their authority. As land conversions accelerate, traditional leaders face significant challenges in maintaining customary land tenure systems and safeguarding community interests. Their role in mediating land disputes and preserving cultural heritage becomes increasingly tenuous amidst the complexities of modern land transactions and investments. Thus, while the report by Anseeuw et al. (2012) and subsequent studies highlight global trends in land acquisitions and their drivers, they also illuminate the nuanced impacts on local governance structures and the authority of traditional leaders. Understanding these dynamics is essential for policymakers and stakeholders in Zambia seeking to balance economic development with preserving customary land rights and traditional leadership roles.

In their findings, Anseeuw et al. (2012:10) underscore the significant governance failure in recognising and safeguarding customary land rights, which they argue holds equal importance to statutory land entitlements. This failure affects traditional leaders' rights and the broader community's access and control over their ancestral lands. Similarly, Adoupo and Reyntjens (2017) highlight that local communities often assert their land rights and resist dispossession through negotiation strategies and adjustments during land deal implementations. This resistance underscores stakeholders' need to acknowledge and respect customary land rights,

involving local communities in decision-making processes to ensure fairer outcomes in land transactions. These studies resonate with my research on the implications of customary land conversions on the authority of traditional leaders, as they illuminate systemic governance failures in administering customary land. However, while they address significant aspects of this issue, they only exhaustively explore some possible reasons for these failures. Moreover, Anseeuw et al. (2012) critique agricultural policies for their inadequate support of smallholder agriculture, emphasising instead a preference for a modernist vision driven by foreign direct investment. This critique underscores broader concerns about how policy frameworks can either support or undermine traditional land governance structures and the roles of local leaders in managing community land resources effectively.

Failure of governance was also experienced in Bolivia, where conversion of land by the indigenous community seems to be an all-pervasive challenge, creating an entry opportunity for individuals from other ethnic groups who could acquire land in customary areas and convert their land to a leasehold tenure system. Pacheco (2009:326) presents a scenario in Bolivia similar to Zambia, where Indigenous communities cannot afford to change the tenure system because of the exorbitant costs involved, and the process is remarkably lengthy (Byamugisha, 2016). This state of affairs can allow individuals with diversely cultured backgrounds worldwide to acquire land in customary areas and immediately change the tenure system from customary to leasehold tenure, forming heterogeneous communities (Young, 2015). In addition, Fenrich et al. (2011:16) express concern over the “swelling rate at which African communities are being integrated into national and international economies and political communities since most of them begin to use the statutory law to guide their activities. Such communities are the grounds being considered for most deviations in customary laws.”

Such communities also observe the gradual or steady shifting of the African culture, where the closely interwoven, homogenous community that fostered and formed customary law is being phased out at a highly accelerating rate. They expressly point out a scenario where new landowners opt to convert their land from using customary law to using statutory law. This move has empowered the state to preside over such pieces of land despite being in the heart of the customary area. This transition raises curiosity to establish how new landowners are incorporated into what is obtained in the latest local communities and how traditional authorities interpret the bulk invasion into the homogenous community by the new landowners, who do not share the cultural orientation of the village. This links to the argument that converting the customary land tenure system to the leasehold tenure system undermines the authority of traditional leaders.

Another study by Wily (2010) identifies drivers, such as rapid urbanisation, population growth, commercial agriculture, and natural resource extraction, as significant factors contributing to the conversion of customary lands in Africa. She (2010) further points out that these drivers often lead to the commodification of land, resulting in land grabbing and the marginalisation of local communities to the extent of depleting them of the spaces they had for agricultural purposes. However, the study advocates for bold steps to secure customary land rights, including legal recognition of customary tenure, community-based land mapping and documentation, and establishing mechanisms for conflict resolution. The study calls for incorporating customary land rights into national legal frameworks and policies to protect the interests of rural communities and indigenous people.

The report by Anseeuw et al. (2012) further indicates that there was a failure to make decisions, which affected the future use of land and, hence, the future of agriculture systems and rural societies. The use of land in the report is similar to what drives the eagerness for this study to establish how the change from customary tenure to leasehold tenure impacts the land use and the control of activities on the converted land in Mungule Chiefdom. Anseeuw et al. (2012) saw this as having a hidden impact on food security and ecosystems, particularly on local land users, who have the most to lose. In their conclusion, Anseeuw et al. (2012) pointed out that the problem was not the irresponsible investment but the effects of global market forces in the context of international, national and local governance failures.

The gap in the existing literature on land identified in this study was that, despite being able to identify failure in governance, agriculture policies and making decisions that affected the future use of land changes and the hidden impacts, Anseeuw et al. (2012) did not pay attention to legal and policy implications of land acquisitions, nor the impact on the authority of traditional leaders responsible for governing occupants of the rural communities. Studies from Malaysia, Africa, and other parts of the world provide valuable insights into land conversion processes, authority dynamics, and governance failures. The literature emphasises the need for comprehensive reforms to secure customary land rights, protect the interests of local communities, and ensure equitable land tenure systems. Addressing these issues guided the current study to assess how customary and statutory law coexistence in land administration could be harmonious, benefiting both land users and the nation's development and sustainability. Hence, there is a need to establish the implications of customary land conversions on the authority of traditional leaders.

2.3. Traditional Leadership from the Global Perspective

Research conducted between 1999 and 2001 by Duncan (2001) revealed that the authority of traditional leaders in Indonesia was undermined under their government for affiliating themselves with religious groups. This generated conflicts, which saw most of the indigenous Tobelo people despise one another's religious beliefs. It emerges that this state of the matter greatly affected the governance failure of traditional leaders in customary areas. As a result, traditional leaders lost confidence in their government and returned to the neglected *adat* (Indonesian customary law) to shift their focus from religious affiliation to ethnic affiliation. The researcher highlighted that the Indigenous people of Tobelo, especially those who were practising *the adat* ritual, were perceived as backward because of their ritual practice. Therefore, the study by Duncan (2001) aimed to discover ways of uplifting the *adat* tradition among the Tobelo people in Northern Maluku.

This research portrays a similar situation to the contestation experienced between the state and the traditional authority in Zambia, where the state anticipated modifying the institutional setup by forming customary land boards to take over the administration of customary land (Chitonge, 2022:54). Additionally, the nature of the Tobelo community, which had a diverse religious affiliation, is similar to the heterogeneity created in customary areas, though inclined towards the cultural set-up. Heterogeneous communities have a high chance of individuals observing dissimilar laws due to their diverse ethnic affiliations, and similar to the case of the Tobelo people, this factor can become a source of conflict. As mentioned earlier, the viewpoint by Duncan (2001) indicated how, within one society, some individuals were allowed to perform certain practices, whilst others were not. In addition, in Tobelo, people began to see *adat* as a sign of backwardness, something older people could chat about on the veranda or dances to be performed at weddings or trotted out for visiting dignitaries. This indicates the possibility of undermining traditional rituals observed and practised in customary areas in most nations, which may lead to conflict among the heterogeneous communities. Heterogeneous communities in both contexts, whether due to religious diversity or cultural heterogeneity, can become sources of conflict, eroding traditional authorities' authority. This is because, in places like Tobelo, specific individuals were allowed to perform certain practices while others were not, leading to the perception of *adat* as backward, indicating the potential for undermining traditional rituals in heterogeneous customary areas and eroding the authority of traditional leaders. A review of this literature provided a guide for the current study on the implications of customary land conversions on the authority of traditional leaders in Zambia

2.4. Customary Land Conversions from the African Perspective

In Africa, the concept of land is intrinsically linked to identity, community, and cultural heritage. Customary land tenure systems have long been the cornerstone of land ownership, particularly in rural regions. However, in recent times, these traditional systems have been undergoing significant transformations due to factors such as globalisation, urbanisation, and policy reforms (Jayne et al., 2018). According to Cousins (2013), customary land systems are "fluid and adaptable" but are increasingly being formalised and commodified. Similarly, Manji (2006) argues that the conversions of customary land to formal or state-recognised systems are often driven by external interests, including foreign investors and national governments, and may not necessarily benefit local communities. This tension between traditional practices and modern demands provides a fertile ground for scholarly exploration, focusing on how such conversions impact African societies' socio-economic dynamics and cultural fabric.

Several studies have been conducted on customary land conversions in Africa. For example, research by Ubink (2008) conducted between 2002 and 2005 in Ghana focused on land dealings that became more monetarised. The study established that, due to the prevailing conditions, the land in Ghana became insufficient, leading to its increase in value, and, as a result, the customary land tenure system's equity began to be questioned (Ubink, 2008). Additionally, the researcher's inquisitiveness arose from the suspicion that all the benefits of customary land transactions accrued to the institution of traditional leaders. Emanating from this was redefining land ownership and tenure contestations of land rights. This move by the Government of Ghana has the potential to bring about conflict among key stakeholders. Moreover, the study shows a political unwillingness to enhance the functioning of land sector agencies (LSAs) and strengthen their checks on chiefly land management (Ubink, 2008). This scenario helped my research understand how land in Mungule Chieftdom is distributed, especially analysing those who could acquire customary land and convert it to a leasehold tenure system.

Another research by Chimhowu (2019) focused on the "neo-liberalisation of customary tenure" in sub-Saharan Africa, highlighting the evolution of the new African tenure system as a result of interactions between local and global opportunities and state-driven neo-liberal reforms (Chimhowu, 2019:896). The study concentrated on the historical authority of traditional leaders in managing land tenure systems and how their roles had been impacted by the emergence of this new tenure regime influenced by neo-liberal ideologies. The findings established that the reforms shifted traditional leaders' authority over land allocation, resource management, and dispute resolution within communities, reshaping their traditional roles (Chimhowu, 2019).

The findings of this study were helpful to the current study as some of the analyses of the changes that come about due to the reforms in the livelihood of the people because of the land tenure changes by some of the occupants of the land shed light on the situation within the

Mungule Chiefdom. Therefore, this scenario does not offer a platform for generalising the findings in the previous study to embrace the current research as a whole since the location for the study, which covered different countries and continents, is away from Zambia. However, from Tobelo, Indonesia, to various African contexts, these studies emphasise the challenges of maintaining traditional practices, managing conflicts arising from diverse affiliations, and the impact of policy changes on traditional authority. Understanding these dynamics is crucial for effective land governance and the preservation of cultural heritage in customary areas.

2.5. Traditional Leadership from the African Perspective

Traditional leadership is vital in various communities' governance and socio-cultural fabric in Africa. This form of leadership, often rooted in indigenous knowledge and customary practices, bridges the past and present, balancing modernity with age-old traditions. According to Ntsebeza (2005), African traditional authorities are not merely relics of a bygone era but play an active role in contemporary governance, influencing local politics and resource distribution. Similarly, Logan (2009) argues that the authority dynamics between traditional leaders and modern governmental structures are complex and interdependent rather than a simple case of overshadowing the other.

Several scholars have conducted their studies in Africa. Buur and Kyed's (2006) study in Mozambique 2006 focused on the implementation of Decree 15/2000 and provided valuable insights into the legal reforms during the post-colonial period. However, a significant gap in the analysis appears concerning the authority of traditional leaders, who play a pivotal role in the governance structures of many African nations, including Mozambique. Their study primarily explored the legal aspects and challenges associated with Decree 15/2000, but it needed a comprehensive examination of how these legal reforms intersect with and impact the traditional leadership framework. Understanding the dynamics between formal legal structures and traditional governance is essential for thoroughly comprehending the socio-political landscape in most African countries, including Zambia and Mozambique.

To address this gap, the current study incorporates an in-depth analysis of the relationships between legal reforms and the authority of traditional leaders. It explores how formal legal changes influence traditional authority structures, potential conflicts or collaborations between formal and traditional governance systems, and the implications of these dynamics on local communities, with the possibility of providing a more comprehensive understanding. Additionally, a deeper exploration of the socio-cultural context, specifically focusing on the interactions between legal reforms and traditional practices, would contribute to a more nuanced perspective on governance in post-colonial settings.

Similarly, in their review of various conference presentations held in London between 30th June and 2nd July 2005, Buur and Kyed (2006) highlighted that colonial methods of indirect rule saw traditional leaders used as a leeway by the colonial administrations and as the avenues to extract human and natural resources, and, also, that traditional leaders were used as a scheme for curbing well-thought-out opposition against colonial masters. These researchers argued that there was a need to scrutinise official recognition of traditional authority from an empirical perspective to establish the genuineness of the traditional jurisdiction towards the post-colonial administration (Kyed and Buur, 2012). This mistrust has pertained in most African states and continued into the post-colonial era.

One such country is Zambia, where two institutions, the state and the traditional leaders, have become hostile to each other to the extent that traditional leaders shunning consultative meetings. An example can be drawn from the policy validation meeting held at Hotel Intercontinental in Lusaka, Zambia, on 20th January 2018, at which I was in attendance as an interested party in land issues before commencing my PhD candidature. All of the 27 chiefs who were invited by the Government of the Republic of Zambia for a discussion over the matter mentioned above walked out of the meeting, claiming that the state had a hidden agenda in land issues and, therefore, traditional leaders representing others were not willing to discuss any policy matters about land.

The other reason traditional leaders gave for walking out of the consultative meeting was that all of the 288 chiefs in Zambia were called upon and meetings held with them, and that, before calling the 288 chiefs, the Government needed to translate the draft policy into all the local languages so that each chief could read and understand. Additionally, Chitonge (2022:48) highlights that “the traditional leaders’ rejection of this meeting about the policy validation in Zambia is an indication that the state authority over customary land should not be assumed to be given to the traditional leaders”. Chitonge (2022:49) further points out that, "in Africa, the traditional leaders' assertion over customary land, can be professed as a form of rivalry with the state". These conflicts between the two institutions are a clear indication that there is more to the interactions between the institutions: on the one hand, the state appears to be making efforts to help the traditional leaders, while, on the other, the state’s proposed strategies seem to be unclear. Hence, my argument is that the idea of converting the customary land tenure system to the leasehold tenure system is a strategy by the state to undermine the authority of traditional leaders.

In other cases, especially in democratic countries, political parties sometimes use traditional leaders to gain popularity in rural areas. This aspect tends to cast suspicion on the ruling parties. Buur and Kyed (2006) concluded in their study that the state and traditional leaders were two

ideally separate spheres of leadership arbitration and could not be converged in practice, especially since the requirements for each entity are on two opposing sides. For traditional leaders, one has to meet the spiritual domain regardless of their performance, while, for the state, what seems to be the requirement comprises performance skills, wealth and popularity. The concern about using some spiritual authority in the traditional leader occurs in Africa and other continents.

However, the study by Buur and Kyed (2006) provoked more research to examine how traditional leaders would work in harmony with other stakeholders in land issues and also to find out how informed key individual players were, for example, the two institutions (the state and the traditional leaders), about the roles and boundaries of each other in society. As Buur and Kyed (2006:864) showed, "this reliance on a state official contradicted not only the principle of spiritual judgement held supreme in the appointment of concession but also the states' legal mandate". Such a study would clarify the amorphous boundaries of these two domains, reducing the conflicts encountered in most countries (Buur and Kyed 2006:867).

Another study was conducted by Johnson (2011) in Sierra Leone, which showed a different perception of traditional leaders having authority over customary land. The study argued for an institutional environment enabling individualisation of protectorate land through an orderly evolution of land rights, allowing freedom of contract to minimise costs and improving land markets. The background of this is that the researcher was curious about the authority over tribal land vested in the tribal traditional leaders or chiefs in each province of Sierra Leone. He challenged the protectorate land ordinance, which gave more authority to chiefs, to be repealed to allow Sierra Leone to develop an orderly functioning real estate market with a proper code of conduct, which was written and with records well-kept, unlike the oral which could not be traced, since no records were kept (Johnson, 2011). Having reviewed Johnson's research, I noticed a gap of bias towards the elite, leaving out key stakeholders believed to be pivotal in land administration issues, such as the traditional leaders who are custodians of the local communities. In most societies, these are the sources of the current strife in land administration if handled poorly. Johnson's study is helpful to my research because it helps target all the stakeholders interested in land issues regardless of their economic status. Therefore, the data collected were from all categories of individuals at the grassroots level and from top state and private sector officials. However, Johnson's research needed to be more coherent, creating the need to conduct well-balanced research without social exclusion.

Reviews of many other studies exposed that issues of customary land and the involvement of traditional leaders impeded development efforts. An example is the study on individualisation of customary land in Papua New Guinea, conducted by Elahi Quadrat-I Khandakar in 2013. He

highlighted that a customary land tenure system was initially considered an impediment to agricultural development and rural poverty alleviation. Using conventional economic wisdom, he believed that individuals' ability and willingness to use productive resources were positively related to ownership. His findings emerged differently from what he had expected: he had thought the popular perception of the definition of customary land to be ambiguous, though, in his conclusions, he noticed that the communal ownership characteristic of a customary land tenure system characterised customary land. By employing the theoretical framework of neoclassical economics, he realised that customary land tenure systems tended to be conceptually based and, therefore, susceptible to errors in their policy reform recommendations. Hence, he concluded it would be a deadly policy blunder to design projects to dismantle the customary land tenure system quickly and aggressively.

Nevertheless, he recommended an alternative: to use the land reform policy promoted by the Australian Agency for International Development, which he deemed more appropriate (Elahi, 2013). Customary land tenure systems are an essential area that needs to be embraced and sustained. This study is helpful to my research, as it lays a platform for the argument that customary land conversions undermine the authority of traditional leadership. This study, therefore, sought to explore the impact that changes in land administration have on the local community and the authority of traditional leadership in Zambia.

In this same line, another research was conducted in South Sudan by Daniel Geu in 2020, where he analysed the impact of the diminishing authority of traditional leaders. The situation that resulted from the civil war that the country experienced and the aftermath was that the youths who were returning to their homesteads could no longer submit to the traditional leaders for their reasons. Despite Geu offering different causes of the diminishing authority of traditional leaders resulting from war, the aspect of traditional leaders' diminishing authority analysis is similar to mine; therefore, this study is helpful to my research as it offers a similar outcome to that of Mungule Chiefdom in Zambia.

Studies on traditional African leadership provide valuable insights into its challenges and dynamics. These insights are highly relevant to studying the implications of customary land conversions on the authority of chiefs. The complex relationship between traditional leaders and the state, the role of traditional leaders in local communities, and the impact of policy reforms are critical factors to consider when investigating the changing landscape of land tenure and its impact on traditional authority. Understanding these dynamics is essential for addressing conflicts and facilitating effective African land governance.

2.6. Customary Land Conversions from the Zambian Perspective

Customary land conversion in Zambia is a complex and often contentious process involving transforming land from customary to leasehold tenure. Approximately 50% plus or minus of Zambian land is held under customary law (Sitko, 2019). While customary land is traditionally governed by local chiefs and community norms, converting it to leasehold allows for formal legal recognition, often facilitating investment and development projects (Mwitwa, 2019). However, this conversion process has been scrutinised for potentially marginalising local communities and exacerbating land inequality. As Zambia navigates the path of modernisation and economic development, the tensions and synergies between customary and formal land management systems present unique challenges and opportunities (Sichone, 2017; Mwitwa, 2019).

Various studies have been conducted on customary land conversions within Zambia. For this research, only studies relevant to my topic were reviewed to give a general perspective. The studies highlighted similarities and differences with my research, uncovering gaps that must be addressed.

For example, Van Loenen carried out a study in this field in 1999, looking particularly at land tenure in Zambia, and he aimed to describe the rich history of land tenure systems in Zambia. He conducted an in-depth study on the two operational systems in the country: the leasehold land tenure system and the customary land tenure system. He established that the land tenure system had worked smoothly until copper markets collapsed, which resulted in formal land registration failure due to complex procedures and a lack of competent personnel on the leasehold tenure system on the one hand. On the other hand, he revealed that traditional leadership was regulating the customary land tenure system with the full consent of their people (local people). Meanwhile, this system was considered insecure by Western standards, even if it worked for the local people themselves. His study further established that, over the years, changes in governments and political or cultural systems led to changes or modifications in land administration (Van Loenen, 1999). While this study reveals that changes in all the areas led to modification in land administration, it did not study how these changes impacted the local community and the authority of the traditional leaders to predict their anticipated future. Meanwhile, customary land was in high demand because investors took advantage of the market-based land reforms, and they acquired land in the customary areas for easy access to their mining sites; hence, the need for a study of how high demand for customary land is impacting on the local people in the community and the authority of traditional leadership.

In a similar supposition, Brown (2005) also researched land dynamics between 2002 and 2003, investigating the execution and impact of market-based land reforms in Zambia. He looked at how market-based land reforms proceeded in terms of increasing tenure security for smallholders and assessed how resourceful and reasonable land administration had become after the 1995 Land Act. Finally, he evaluated whether the Land Act reduced or worsened the earlier tension between customary governance and formal state administration.

The researcher gathered data by interviewing government officials, serving and retired political leaders, academics, land lawyers, land surveyors, members of the donor communities, and civil society activists. In addition to this study, he made seven trips to the hot spots while observing directly on the ground and applying participatory research methods. His study revealed that the Land Act, which liberalised or privatised customary land in 1995, was generating economic and social exclusion in part of the country where benefits of market-based land reforms accrued to local elites and outside investors and not to the rural poor occupying customary land, who depended on it for their livelihood. If local communities depended on the customary land for their livelihood, how did they cope with the generation of economic social exclusion, and how did their affected livelihood impact their loyalty to traditional leadership?

Brown (2005) concluded that transferring customary land to the leasehold tenure system led to the closing of common pool resources for the local communities. Meanwhile, the institution of traditional leaders was present with their role of governing people living within their catchment areas. What role were the traditional leaders playing to help the local community in such matters? Brown indicated that the aspect mentioned above further generated intra-community strife where villagers and chiefs collided over title deeds with the new owners of the converted land.

Despite Brown's deep study, some areas were not addressed. For example, issues such as the collision between newcomers and the institution of traditional leaders should have been addressed, hence the need for my research.

There is a need to address questions such as: What was causing the newcomers not to recognise the authority of the traditional leaders who have had the strength to govern people living in the customary areas? While it is unclear how this collision impacted the authority of the traditional leaders, there is still a need to investigate the implication of these collisions on the authority and future of traditional leadership, bearing in mind that homogenous communities were now divided because of strife caused by these enclosures of common pool resources.

Additionally, Brown (2005) discovered that rational and effective land administration was hindered by the presence of assenting and opposing authorities at the local level, such as the

chiefs, headmen, district secretaries, district councils, area Members of Parliament, and a range of provincial officials, among other stakeholders. As a result, most African countries' administration capacities were weak (Brown, 2005:106).

Like Vein, Kasanga and Kotey (2001:20) learnt that "as and when the state land machinery was applied and enforced, the customary system was weakened and extinguished for all practical purposes". With the argument that customary land conversions undermine traditional authority, those mentioned above generated a need to conduct an in-depth study on the implications of customary land conversion on the authority of the traditional leaders regarding the people (both new and local people) in the customary areas they occupied. This literature also created a need to explore how the Republic of Zambia interpreted the impact of the high demand for customary land, which the changes have influenced in policies.

A study conducted by Deininger (2003) was a broader analysis or review of land policies in multiple countries, including Zambia, focused on the usefulness of land policy in the sustenance of development and poverty reduction. He urged policymakers to advocate for individualisation of land with the justification that it would bring about tenure security and inspire land owners to invest even more. Apart from that, he also justified individualisation by proposing that it would also facilitate the exchange and distribution of land at a low cost, as landowners could find it easier to rent out their property and would also be able to access credit facilities by using land as collateral. He further encouraged most states to acquire land from the customary areas and develop farm blocks, which he believed would increase productivity. Indeed, productivity would increase at the expense of the traditional leaders and the local people, who initially occupied the acquired land for their homesteads or their fields for cultivation. This creates more questions that need further investigation, such as: Where would the local people go? How would the institution of traditional leaders govern the newcomers; with which laws would the newcomers be governed? Who would continue to govern the local people, and where would they be governed if their homesteads or fields were taken away?

In all this, Deininger did not consider the knowledge and financial capacities of the rural poor nor the social, economic, political, and cultural dynamics that would come with the individualisation of customary land. Despite giving an example of Europe, where collective production had failed, the researcher should have considered that there is no one-size-fits-all, as economic maturity varies between countries and, even more so, continents. Moreover, Deininger (2003) used critical informants in his consultative meetings to gather his data, as he indicated that he had about four consultative meetings with policymakers, non-governmental organisations and academics. Yet, he omitted the local people and the traditional leaders who have been the custodians of customary land (Deininger, 2003).

Considering that his conclusion lacked the people's perspective at the grassroots level, namely, the traditional leaders and the local people occupying customary areas, this created a gap that this study hopes to address. Besides, Chitonge et al. (2017:86) highlight that “the increasing exercise of privatising customary land is raising serious questions not only about customary land, but a whole set of traditional institutions and cultural norms in rural areas.” Hence, there is a need to investigate the future of traditional leaders in Mungule Chiefdom.

In 2007, an analytical review of the consequences of formalising property rights was done by Meinzen-Dick and Mwangi (2009). They argued that property rights to land were a web of interest allowing individuals to have the right to use, regulate or manage resources and would be based on a range of customary institutions or local norms or on state institutions (Meinzen-Dick and Mwangi, 2009). The review discussed different expressions of the rationale of land tenure and their effects on the web of interests. It also discussed how the web of interests was affected, especially for the poor and marginalised groups.

A study conducted by Austin Ng’ombe (2013) concentrated on two villages in the new mining areas of Solwezi. His focus was to assess how the Government of the Republic of Zambia was expected to serve the interest of its poor citizens in rural areas while, at the same time, pursuing the collective global market agenda to aspire for the country's international recognition and acceptance. It was found that the initial ideas of the Government were to stimulate the land market, encourage foreign private investment, allow landowners to access formal credit facilities, and, finally, enhance security tenure by allowing titles (Ng’ombe, 2013:1). In affirmation with what has been highlighted above, Ng’ombe (2013:1), highlights that “Zambia included a section in the Act of the clause that provided for the conversion of communal land to leasehold”. This means that the country made this deliberate move to make conversions easy so that, on the one hand, many individuals could afford it. On the other hand, they needed to critically plan the rural poor's capacities in converting land from customary to leasehold.

Ignoring the capacities of the rural poor raised more concerns and was noticed as a severe gap by many researchers. For example, Chimhowu (2018:475) noted this aspect and pinpointed that “... challenges emerged so far, relate to rising inequalities and social differences especially between those with means and resources to secure their rights and those without”. This is a vital gap because such inequalities are potential sources of conflict in a heterogeneous community if poorly managed. Likewise, Ng’ombe (2013) showed the unexpected results of land reforms and highlighted that “land reforms resulted in exclusion; captured the elite; increased displacements and enclosures of the commons” (Ng’ombe, 2013:1). Those mentioned above could be some of the reasons that, in some chiefdoms within Zambia, converting the customary land tenure system to the leasehold land tenure system is not allowed,

for fear of infiltration into the homogenous community (Nyanga, 2017). This infiltration is a potential source of conflicting norms within a chiefdom. Hence, my argument is that the conversion of the customary land tenure system undermines the authority of traditional leaders. Over and above these considerations, Zambia Land Alliance (ZLA) (2008:11) suggested that, as much as there has been a provision for converting customary land to the leasehold land tenure system, most traditional authorities (chiefs) have demanded that a legal provision be created for converting the leased land back to customary land after the stipulated lease time elapses. This raises many questions about why, despite traditional authorities being aware that no conversions can be done after the leasehold period, they still encourage their subjects to convert, as shown by Chitonge et al. (2017). In addition, there have been some demands to revise the leasehold periods. Also, some advocates from traditional leaders contend that there is a high possibility of depleting customary land, which would have repercussions on the future of traditional authority. As Brown (2005:99) noted during a conference for traditional leaders 2002, "most chiefs, therefore, fear that over time, their authority will decline... chiefs without land are not chiefs". Hence, the argument that customary land conversions undermine the authority of traditional leaders

Another research on customary land conversions was conducted within Zambia by Chitonge, Mfunne, Umar, Kajoba, Banda and Ntsebeza (2017b) between 2016 and 2017, which they titled "Silent privatisation of customary land in Zambia". They aimed to examine the practice of converting land from the customary tenure system to the leasehold tenure system. They evaluated the opportunities and challenges this created in society. Their study area was Chongwe and Chibombo districts in Zambia (Chitonge et al., 2017:83). They focused on the socio-political dynamic of customary land conversion.

While this study was conducted in the same chiefdom where my study was conducted (Mungule Chiefdom), the researchers focused on the impact of the conversion of land to the leasehold tenure system, evidenced by titles, on the local community. This study was biased towards the socio-political dynamic and did not address the cultural dynamic by investigating the authority of traditional leadership nor the future of the local or Indigenous community regarding the newcomers in the chiefdom; therefore, there is a need to address that issue.

Finally, the existing literature on customary land conversion in Zambia offers valuable insights and presents notable gaps. There needs to be more focus on the impact of land conversion on local communities and an incomplete analysis of the role and future of traditional leadership. Moreover, the perspectives of grassroots communities are often neglected, leading to an incomplete picture of the real-world implications. Despite their critical importance, the

sociocultural dynamics of land conversion still need to be explored. Besides, existing research has a limited geographic and thematic scope, restricting a comprehensive understanding of this complex issue. These gaps indicate the need for more holistic research incorporating these overlooked aspects. These gaps have been addressed in this study, which argues that the conversion of customary land to the leasehold tenure system undermines the authority of traditional leaders

2.7. Traditional Leadership from the Zambian Perspective

Traditional leadership in Zambia is a cornerstone of the nation's governance and socio-cultural fabric. This form of leadership is deeply rooted in the country's pre-colonial history and continues to impact contemporary Zambian society significantly. Traditional leaders, often called chiefs, play crucial roles in matters ranging from land allocation to dispute resolution and are considered custodians of customary laws and traditions (Chigunta, 2005). Their authority is often juxtaposed with modern political structures, creating a complex interplay that is uniquely Zambian. Despite the pervasive influence of globalisation and modernisation, traditional leadership remains an enduring and revered institution in Zambia (Momba, 2012).

However, following massive land transactions conducted between the local people of most of the chiefdoms and the newcomers, who purchase the land and convert it to the leasehold tenure system, it has been observed that newcomers in chiefdoms mostly come with their understanding of different cultures, shaped by where they come from and tend to violate the norms of the chiefdoms to which they come. Land reforms in Zambia brought about many changes in how different categories of people perceive and use land. For example, Chitonge et al. (2017) indicated that individualising land through titling or other forms of land formalisation negatively impacts the poor members of rural communities. However, this impact is yet to be investigated in my study. Chapter Seven offers that detail. Indeed, the aforementioned could add to some of the reasons McMorrow and Talip (2001) indicated that customary land tenure was perceived as a back door to obtaining land tenure.

Having such a perception is a potential source of conflict, which is why researchers such as Chitonge et al. (2017) highlighted that if policy changes are not well managed, they tend to frustrate the efforts of the government to reduce poverty. Besides, in countries such as Bangladesh CHT, the Government was advised to

Immediately adopt a policy of granting inheritable usufruct rights to control encroachment on public land for shifting cultivation and a policy to encourage farmers to make investments in land use and management. Therefore, policymakers were advised to change their inherent attitude of perceiving the local people as forest destroyers (Goap and Rasul, 2006:450).

This attitude towards the local people could point to reasons that there has yet to be a plan to acquire land from the customary areas without a serious plan of what would become of the locals after the newcomers acquire all customary land. If the institution of traditional leaders does not consider the local people, what about the institution of traditional leaders themselves? How are they affected by this scenario where there is a possibility of the people they govern not being available when they are called upon for community meetings by their traditional leaders; what then becomes of the traditional leaders? Hence, the argument that converting customary land to a leasehold tenure system undermines the authority of traditional leaders.

Correspondingly, Amanor and Ubink (2008) point out that, since colonial times, governments have accepted and devised the control of land by chiefs as a scheme for gaining control over land, natural resources and agriculture production at the cost of the poor peasants. However, policymakers globally often work suspiciously with local communities, as Van Loenen (1999) indicated, which attitudes emanated from the initial purpose for engaging traditional leaders by the British colonists, which was to be their informants. This relationship between the colonists and traditional leaders created much suspicion between stakeholders in customary land, especially the local people and the traditional leaders. Subsequently, this work with suspicion continued even after independence in Zambia. This time, the suspicion was between traditional leaders and the state since traditional leaders continued to relate with some colonists. For example, Bell (2016) highlighted that

The Torrens system spread from South Australia (1858) to Queensland (1861), New South Wales, Tasmania, Victoria (1862), and Western Australia (1874). The new laws required that after a given date, all land alienated from the Crown would follow the Torrens System, while land titles granted before the acts introduced by the colonisers could be registered voluntarily (Bell, 2016:11).

Hence, most of the countries built on this system developed a dual tenure system: the customary tenure system, which is under traditional leaders, who are believed to be custodians of the traditional land on behalf of the inhabitants of the customary areas, and the leasehold tenure system, which is administered under the state and title deeds. This dual tenure system is given as evidence of having all the necessary details of who the owners of such pieces of land are.

Currently, several institutions are involved in land administration, such as national states, traditional leaders, civil society organisations (CSOs), and the private sector, such as Medeem and Tetrattech in Zambia. Henn (2018) highlights that when institutions are discussed in economic development, most of the reference is to the national states, but in sub-Saharan Africa and Africa in general, domestic institutions include traditional leaders, which encompass the

chiefs and head persons. In other African nations, the institution of traditional leaders is broken down in more detail; for example, Kompi (2018) elucidated that

kingship is categorised into four: thus Theocratic kingship, where God or a deity is recognised as the supreme civil ruler; Stratified Kingship, which is based on the hierarchical or vertical division of society according to rank, caste or class like the one found in India; Ethnic kingship which is unified under an ethnic-national leadership of a social group of people who identify with another based on everyday ancestral, social, cultural or national experiences; The incorporated Kingship which becomes eclipsed or obscured voluntarily or involuntarily usually after the taking over of colonial or postcolonial governance (Kompi, 2018:24).

Many traditional leaders are part of lineages that have ruled communal communities even before colonial occupations. Khunou (2017) illustrates that, for the Bafokeng people, most of the traditional leadership generally was from a hereditary background, and most of these migrated from somewhere, either from one parent or from a close relation of parents and scattered into other countries, while others would even cross the national boundaries. For example, Khunou (2017) highlighted that

the Hurutshe broke away from the parent Kwena group under Chief Malope. Malope was regarded as the father of all of the different communities of the Kwena group. The larger Tswana chiefdoms of the Ngwaketsi and 16 others were from the same lineage originating from North West Province, South Africa. It is possible to trace a chronologically accurate genealogy of the hereditary chiefs and headmen of the Bafokeng community; however, it is only from Kgosi Mokgatle (1834-1891) onwards. The Bafokeng people [became] estranged from the Hurutshe genealogy and established their liberated chiefdom (Khunou, 2017:3).

For such movements to be orderly, particular family lineages were chosen to lead these people, and these were the traditional leaders who were respected and accepted by the communities they were leading. To relate this to Kompi's categorisation of kingship, as shown above, this could be categorised as ethnic kingship, where this group shares a common culture, values, and norms, among other traditional beliefs. Similarly, the case for this study falls in the category of ethnic kingship, where the legacy of local authority has established chiefs as local elites who have important roles and legal standing for their communities. Additionally, Tieleman and Uitermark (2018) highlighted examples of traditional leaders in different societies, such as “the monarchs of Western Europe, the royal dynasty of Saudi Arabia, the Shia Clergy of Iran and the leaders of the indigenous communities in settler societies who have secured a more or less prominent position within the modern states” (Tieleman and Uitermark, 2018:721). In addition, Kompi (2018) defines traditional leaders as models of traditions and customs, holding communal political office in line with cultural customs and values and enjoying the approval from their communities to serve them. He further points out that 'tradition' is the name bestowed

on those cultural attributes which, in situations of change, are to be pursued, passed on, thought about, safeguarded and not lost (Kompi, 2018:43).

Additionally, other studies have revealed that some analysts understand the dominance of the traditional leaders in rural areas as a sign of the powerlessness of the African states to use a monopoly of authority over their territories and the failure to regulate authority and supremacy (Chitonge, 2022:49). Nevertheless, the aforementioned created a need to investigate how customary land conversion impacts on the authority of traditional leaders, knowing that the Land Act Number 29 of 1995 section 8 (2 and 3) allocates a central role to traditional leaders to administer customary land (Chitonge, 2022:53). However, this literature is reviewed to pinpoint where the gaps are for Zambia in its collaboration with stakeholders in land matters, since there is no proper collaboration among stakeholders in land matters.

The literature reviewed on traditional leadership and land tenure in Zambia presents valuable insights into the roles of traditional leaders, the impact of land reforms, and the resulting dynamics within chiefdoms. However, there are several areas for improvement in this discourse. Firstly, the studies need to sufficiently investigate how land reforms, particularly the conversion from customary to leasehold tenure, affect the authority and governance of traditional leaders. Secondly, the studies still need to focus on the impact of these changes on local, often impoverished people, as well as new comers who have become community members. Thirdly, most of the literature reviewed discusses policy implications but needs to delve deeper into the tensions between traditional leaders, state actors, and newcomers in the context of land reforms. Fourthly, the reviewed literature hints at the historical evolution of traditional leadership but does not explore how contemporary changes may be rooted in colonial legacies or how they might affect various forms of kingship. Lastly, while mentioning institutions involved in land administration, the reviewed literature must explore the complexities of these multi-stakeholder environments in the Zambian context.

The observed literature gaps point to areas requiring further study for a more comprehensive understanding of the interplay between traditional leadership and land tenure reforms in Zambia. Besides, most of the studies on customary land differ from my research because they have concentrated on socio-economic and socio-political dynamics. At the same time, my research focused more on the socio-cultural dynamic to assess how the high demand for customary land impacts the authority of the traditional leaders in Mungule Chiefdom, where there seem to be a lot of customary land conversions, if not the highest rate of customary land conversions in Zambia, according to the general public. Hence, the need for my study, which

addresses most of these gaps, as it argues that customary land conversions undermine the authority of traditional leaders.

The new (2022) *Zambian Land Policy* further elucidates the role of traditional leaders in land administration, emphasising their responsibility to manage customary land and ensure equitable access and sustainable use of land resources within their jurisdictions. According to the policy, traditional leaders are tasked with registering customary land rights, issuing customary land certificates, and resolving land disputes (Zambian Ministry of Lands and Natural Resources, 2022).

The policy aims to formalise and strengthen the role of traditional leaders in land governance while also addressing the challenges posed by land conversions and the integration of customary and statutory land tenure systems. The 2022 policy highlights the need for capacity building among traditional leaders to effectively handle these responsibilities, including documenting and digitising land records to prevent illegal land transactions and disputes (Zambian Ministry of Lands and Natural Resources, 2022). Furthermore, the policy outlines the importance of collaboration between traditional leaders and local government authorities to ensure coherent and transparent land administration processes.

This policy also recognises the significance of maintaining cultural heritage and community ties by preserving customary land tenure systems while facilitating economic development and investment. It balances the dual objectives of respecting traditional land rights and promoting national development goals (Zambian Ministry of Lands and Natural Resources, 2022).

By incorporating these elements, the study can better understand how contemporary land policies impact traditional authority and community dynamics in Mungule Chiefdom, particularly in the context of the high demand for customary land and its conversions.

In conclusion, the extensive literature review presented in this thesis illuminates the intricate dynamics surrounding customary land conversions and their impact on traditional leadership, particularly in Zambia. The study underscores the significant gaps in existing research, such as the neglect of cultural context, the marginalisation of grassroots perspectives, and the oversight of how land reforms directly affect the authority of traditional leaders. The conversion from customary to leasehold tenure systems has wide-ranging implications, both economically and in terms of governance and social fabric. While the global and African perspectives offer valuable insights (Deininger and Byerlee, 2011; Manji, 2006), the Zambian context presents a unique set of challenges and opportunities that need to be comprehensively addressed (Sichone, 2017; Mwitwa, 2019). By focusing on these overlooked aspects, this thesis seeks to contribute

a more nuanced and holistic understanding of the discourse. It argues persuasively that the process of converting customary land tenure undermines the authority of traditional leaders, casting a shadow over the future of this vital societal institution. Therefore, as Zambia and similar nations navigate the complicated terrain of modernisation and economic development, finding a balanced approach that respects the traditional authorities while accommodating the imperatives of progress and change

becomes crucial.

Identified Gaps

The existing literature on customary land conversions in Zambia provides valuable insights into the issue's historical, economic, and socio-political aspects. However, several notable gaps in understanding the implications of these conversions on the authority of chiefs and the dynamics within local communities have yet to be identified.

Most studies need to adequately address the impact of land conversions on the authority of traditional leaders. The role of chiefs in governing communities and mediating land-related conflicts often needs to be explored. Additionally, many studies overlook the cultural and social aspects of land conversion and how they influence the cohesion and identity of local communities. The transformation of land tenure systems may have profound cultural implications that must be adequately examined. Moreover, much of the existing research has a restricted geographic focus, primarily in specific districts or areas, and is often limited to economic or political analyses. A broader thematic and geographic scope is necessary to understand the issue comprehensively. Regrettably, many studies do not sufficiently consider the perspectives and experiences of the grassroots communities affected by land conversions. The voices of traditional leaders and local people should be included in the analysis.

Additionally, several gaps become apparent from the existing literature on traditional leadership; for example, there is a gap of inadequate exploration of the impact on traditional leadership because existing studies primarily focus on the economic and social implications of customary land conversions, often overlooking their effects on traditional leadership. These conversions can lead to cultural clashes, violations of local norms, and reduced authority for chiefs. The impact on the traditional leaders and their relationship with local communities remains underexplored. Additionally, the perspectives of grassroots communities, especially those directly affected by land conversions, are often marginalised in the literature. This neglect leaves essential questions unanswered, such as how these changes affect local communities' daily lives and loyalty towards their traditional leaders. Besides, land administration in Zambia involves multiple stakeholders, including the national state, traditional leaders, civil society

organisations, and the private sector. The reviewed literature does not delve into the complexities of these multi-stakeholder environments, leaving room for a more comprehensive understanding of their interplay. Furthermore, the historical context, including colonial legacies, is briefly mentioned in the literature but has yet to be explored in depth. Understanding how contemporary changes may be rooted in these legacies could shed light on the dynamics between traditional leaders and state actors.

2.8 Conclusion

Customary land conversions in Zambia present a multifaceted challenge, transcending economic and political implications. While the existing body of literature has offered valuable insights, it has also left significant knowledge gaps concerning the effects of these conversions on the authority of chiefs and the intricate dynamics within local communities. In light of this, it was imperative to conduct comprehensive research that addressed these gaps, allowing for a holistic understanding of this intricate issue. In return, this facilitates formulating wellinformed policy decisions that balance economic progress and preserve traditional leadership and community cohesion. This thesis focused on Mungule Chiefdom and endeavours to bridge these knowledge gaps by investigating the diverse ramifications of customary land conversions on the authority of traditional leaders and the communities they serve. In summation, the literature review underscores the pressing need for further research to fill these gaps and shed light on the intricate relationships between customary land conversions and the authority of traditional leaders in Zambia, all within the context of a rapidly changing landscape that challenges both the nation's traditions and modernisation efforts.

3.1. Introduction

The previous chapter presented a critical literature review focusing on the empirical and synthesis literature reviews and highlighted the research gaps. This chapter presents the conceptual framework, which is premised on the theory of traditional leaders' authority according to Gluckman (1965). This theory was postulated on four variable factors: succession, traditional society, customary land tenure system, and culturally homogeneous community. All variables directly link to customary land about the authority of traditional leaders in this study. While there are several sources of authority for traditional leaders to govern, this study focused on the authority of the institution of traditional leaders, which is conferred on them from their aspiration to the throne to the end of their tenure of office. It is immersed in the authority that allows them to govern the populations residing in customary areas, according to Gluckman (1965), who got his inspiration from Evans-Pritchard (1940) and got supported by Chanock (1985) and Nuesiri (2018). It suffices to mention that theories from the abovementioned scholars formed the concepts from which this study obtained guidance to formulate the conceptual framework.

3.2. Theories of the Authority of Traditional Leaders

The intricate relationship between traditional leaders, land, and authority has been a subject of extensive African exploration, marked by various theories. One notable perspective is the Resource Mobilization Theory, which posits that traditional leaders wield authority by controlling vital resources, such as land, water, and livestock. This control enables them to garner loyalty and support from their followers (Mbembé and Nuttall, 2004). This theory forms the foundation for my study in Mungule Chiefdom, where the recent shift from customary to leasehold land tenure challenges the traditional leaders' historical control over land resources. The study critically examines how this conversion undermines the authority of traditional leaders, emphasising that the alteration in land tenure disrupts the age-old authority structures. In delving into the dynamics of authority within Mungule Chiefdom, Gluckman's theory takes centre stage, particularly regarding traditional leaders' authority in connection with customary land. Aligning with Gluckman, Nuesiri's perspective supplements this framework, emphasising the intertwined nature of traditional authority and cultural and social dynamics (Gluckman, 1955; Gluckman, 1965; Nuesiri, 2018). These theories underscore the idea that the authority of

traditional leaders is deeply embedded in the communal structure, extending beyond mere administration to encompass the preservation of cultural norms and values about Evans-Pritchard's (1940) thought. They are broadening the scope by incorporating supporting theories from Chanock (1985) and exploring the traditional leaders' culturally rooted authority and its vulnerability to challenges posed by modernisation. This comprehensive approach enhances our understanding of the symbiotic relationship between traditional leaders and their communities, emphasising the cultural context and historical traditions shaping their authority.

Furthermore, the study integrates the theory asserting that historical legitimacy grants traditional leaders the authority to make decisions, linking their authority closely to historical ties, as per Gluckman (1965). While the primary focus is on Gluckman's Theory of Traditional Leaders' Authority, the study acknowledges the relevance of various concepts from scholars, such as Herbst (2000, 2005), Boone (1992), and Evans-Pritchard (1940), in addressing the challenges traditional leaders face in the evolving landscape of Mungule Chieftdom. This approach enriches the theoretical framework and provides a nuanced understanding of the variables influencing the dynamics of authority in the study area.

3.3. Max Gluckman's Theory of the Traditional Leaders' Authority

Max Gluckman was a prominent social anthropologist who conducted extensive fieldwork in Barotseland (now part of Zambian Western Province) in the 1950s and 1960s. His work has been extensively discussed and analysed in academic literature on African politics and society. He developed a theory around the authority of traditional leaders over land, which he believed stemmed from their role as "custodians of the land" and as representatives of the collective interests of their communities—and added that the authority of traditional leaders in customary areas is often rooted in a combination of traditional legitimacy and social contract.

According to Gluckman (1965), traditional leaders in Barotseland held authority over land and its use through a complex system of tenure, which he called "segmentary lineage organisation". This system was based on the idea that extended families or lineages owned land and that these lineages were organised into larger units based on shared ancestry and descent. Traditional leaders, typically members of these larger units, acted as intermediaries between individual families or lineages and the broader community. This theory relates to my study because, as population increases in Mungule Chieftdom, land continues to be appropriated by newcomers, traditional leaders have a challenge to allocate land to families, subjecting them to disintegration and ending up allowing individuals with different ancestry and descent to intrude into these lineages. Therefore, this theory explains how families maintain their lineages while disintegrating.

Similarly, Evans-Pritchard (1940), earlier before Gluckman's study, pointed out that when there are diverse lineages or ethnic groups, the authority of traditional leaders may be limited. Traditional leaders must find a way to resolve conflicting interests and uphold a considerate balance between different groups within the community. This balance is necessary for upholding social cohesion and avoiding conflicts arising from intergroup rivalries. Gluckman (1965) argued that the authority of traditional leaders in Barotseland was not simply a matter of coercion or force but was also rooted in the social and cultural norms of the community. He saw these leaders as deeply embedded in their communities, with a strong sense of obligation and responsibility to serve the needs of their people. In this sense, the authority of traditional leaders was both institutional and moral, based on the idea that they were the best guardians of the interests of the people they represented.

Besides, Gluckman's (1965) theory of traditional leaders' authority provided valuable insights into the complex dynamics of authority in traditional African societies. He elaborated on three sets of ideas, which included how the Barotse formulated a theory of authority providing for the representation of different elements of the state in their official organs at their chiefdom level, how far the local people considered the king and other officials to be bound by law; and the idea of the laws of succession to the throne. All these sets are elaborated on in the subsequent paragraphs:

On the formulation of a theory of authority with representation, Gluckman (1965) observed that, among the Barotse people, there was a unique system in place that underpinned a theory of authority, which allowed for the representation of different elements of the state in their official organs at the chiefdom level. In this system, traditional leaders and their authority are not absolute but distributed among various segments of society. Traditional leaders are not autocrats but represent different groups within the chiefdom. Gluckman's research highlighted that authority is not concentrated solely in the hands of a single chief or king; instead, leadership positions are distributed among different lineages and clans. This decentralisation of authority ensures that various segments of society have a say in the decision-making processes of their chiefdoms. It allows for a more inclusive and representative form of governance, a departure from the centralised authority in many other societies. Similarly, Mungule Chiefdom has one chief and more than 600 headmen/women, from whom she appoints her advisors. Therefore, this aspect fits well with my study of traditional leaders' authority theory because I have obtained some excerpts for my conceptual framework.

Another key aspect of Gluckman's (1965) research focused on how far the local people considered the king and other officials bound by law. He discovered that the Barotse people had a well-developed legal system that applied to ordinary citizens and those in positions of

authority. This legal system served as a check on the authority of chiefs and kings. According to Gluckman (1965), the Barotse people believed their leaders, including the king, were subject to the same legal norms and principles as everyone else. This concept of legal accountability ensured that rulers did not wield unchecked authority. If a chief or king acted unjustly or violated customary laws, there were mechanisms to hold them accountable to help maintain a degree of fairness and justice within the society.

The third set of ideas from Gluckman (1965) emanated from the intricate laws of succession to the throne among the Barotse. Succession was not arbitrary but followed a set of well-defined rules and customs. These rules determined who was eligible to ascend to the position of chief or king. The succession laws were essential for maintaining stability and legitimacy within the chiefdom. By studying these laws, Gluckman aimed to understand how they were intricately linked to the cultural and social fabric of the Barotse society. He explored questions of lineage, inheritance, and the role of rituals and ceremonies in selecting a new traditional leader.

Gluckman's (1965) Theory of Traditional Leaders' Authority among the Barotse revolved around formulating a theory of authority with representation, binding kings and officials by law, and evaluating succession laws to the throne. These ideas shed light on the complex and nuanced ways authority was structured and maintained within this African society, highlighting the importance of cultural and legal mechanisms in the governance of chiefdoms.

In addition to this, Gluckman's seminal work in 1965 suggests that the authority of a traditional leader is not just a product of coercive forces but is deeply embedded in cultural norms, traditions, and the mutual understanding between the traditional leader and the people (Gluckman, 1965). The traditional leader is expected to provide protection, resolve disputes, and ensure the community's well-being. In return, the community offers loyalty and service to the traditional leader, including paying tributes and participating in communal work. This relationship is often formalised through traditional ceremonies and rituals that give the traditional leader authority and hold him accountable to the community (Gluckman, 1965).

He underscored that, in traditional African societies, the traditional leader often holds a dual role as a political leader and a spiritual figure. This dual role enhances the traditional leader's authority and legitimacy in the eyes of the community. He added that people view the traditional leader as a direct link between the ancestors and the divine, which imbues the traditional leader with a form of traditional legitimacy. This form of authority is intrinsically linked to the cultural and spiritual beliefs of the community, making it difficult to separate the traditional leader's authority from the collective identity of the people (Gluckman, 1965).

Therefore, the traditional leader's authority is consolidated through a social contract with the community.

Additionally, the authority that allows traditional leaders to govern populations in customary areas is a complex interplay of traditional legitimacy and a social contract deeply rooted in cultural norms and traditions. The traditional leader is a political and spiritual leader whose authority is granted and constrained by the people they govern. This multifaceted authority dynamic makes the traditional leader's role a vital cornerstone in traditional societies' social and political organisation (Gluckman, 1965).

3.3.1. Components of the Theory of Traditional Leaders' Authority According to Gluckman

Exploring each component of Gluckman's (1965) Theory of Traditional Leaders' Authority more deeply provides a more comprehensive understanding of how these elements influence the traditional leaders' authority, especially in the context of customary land conversions. For example, the component of traditional leaders serving multiple roles as lawmakers, judges and spiritual leaders in traditional societies entails that their authority is not just political but also moral, rooted in cultural norms and traditions. However, when customary lands are converted for modern usage, the multifaceted authority structure of the traditional leader is tested. If the conversion is done without the traditional leader's input or against their wishes, it can erode their standing as an authoritative figure in the community (Gluckman, 1965; Lund, 2008). This study argues that converting customary land to a leasehold tenure system undermines the authority of traditional leaders.

The concept of "moral economy" also refers to the unwritten rules and norms governing the equitable distribution of resources. Traditional leaders traditionally have a role in ensuring that land and other communal resources are used to benefit the entire community. However, mainly commercially driven land conversions can disrupt this moral economy. If the traditional leader is seen as facilitating land grabs or inequitable distribution of resources, it may weaken their moral authority (Gluckman, 1965; Borrás and Franco, 2012). Hence, the argument that customary land conversions undermine the authority of traditional leaders.

However, traditional leaders often engage in rituals and ceremonies that are not only cultural practices but also assertions of their authority. These rituals are an essential part of their role in society. But customary land often has spiritual or ritualistic significance; therefore, conversion of such land could mean a loss of places where important ceremonies are held, thereby affecting the traditional leader's ritualistic role and, consequently, their authority (Gluckman, 1965; Comaroff and Comaroff, 1991). For this reason, this study argues that customary land conversions undermine the authority of traditional leaders.

Furthermore, traditional leaders have historically navigated their relationships with colonial and modern governmental systems, and to fit into modern administrative structures, they have had to adapt their traditional roles. However, the legal frameworks with land conversions often involve modern governmental agencies. The traditional leaders' ability to interact effectively with these entities can strengthen or weaken their local authority (Gluckman, 1965; Nolte, 2013).

Nevertheless, the relationship between a traditional leader and their community is often governed by a set of mutual expectations and a social contract. This contract outlines the roles, responsibilities, and limitations of the traditional leaders' authority. Yet, if the conversion of customary land is done without the community's input or benefit, this social contract can be broken down, resulting in a loss of trust and, potentially, a decrease in the traditional leader's authority (Gluckman, 1965; Cousins, 2011), and, finally, undermining the authority of traditional leaders.

This study, therefore, highlights that traditional leaders' authority in customary land conversions is a complex interplay of various factors, including their authority structure, moral economy, ritualistic role, interactions with modern authorities, and the social contracts they hold with their communities. Each component can reinforce or undermine their authority, depending on how they are navigated during the land conversion process.

3.3.2. Critiques of Gluckman's Theory of Traditional Leaders' Authority

The theory of traditional leaders' authority by Gluckman (1965) has been subject to various critiques in African societies, particularly for its perceived overemphasis on traditional leaders at the expense of other social actors, such as peasant farmers and commercial interests. Before Gluckman, Schapera (1956) focused on the significant roles of various social players in African communities, emphasising the importance of including peasant farmers and commercial interests. Fortes (1957) also advocated for a more holistic approach in structural-functionalism that encompasses the roles of farmers and commercial interests, paving the way for critiques of later works like Gluckman's. However, Epstein (1981) revisited Gluckman's work and emphasised the need for a refined understanding of complex social forces in African societies. Comaroff (1985) approached the critique from a postcolonial perspective, arguing that Gluckman's emphasis on traditional leaders could reinforce colonial hierarchies and marginalise other groups, such as peasant farmers. These critiques have enriched the debate and encouraged subsequent researchers to adopt a more comprehensive and context-specific approach to studying African societies.

Others have critiqued Gluckman's (1965) Theory of Traditional Leaders' Authority for its limited applicability outside of this specific cultural and historical context of Zambia's Barotseland. Nevertheless, my study is within the same country (Zambia) but focuses on a different tribe, specific of whose fundamental beliefs are similar. Besides, considering the time since the previous research, my study gives the current transformations and how they affect the authority of traditional leaders. Evans-Pritchard (1956) criticised the tendency of the Manchester School, to which Gluckman belonged, to overlook the nuances of different cultures, arguing that these theories could, thus, not be universally applied. Geertz (1973) emphasised the need for a more interpretative approach to understanding the complexities of authority structures in different societies, thereby challenging Gluckman's functionalist approach. Turner (1967), another member of the Manchester School, suggested that understanding local rituals and symbols was crucial for a comprehensive understanding of authority dynamics, which he felt was missing in Gluckman's work. Strathern (1988) pointed out that Gluckman's theories could not be easily applied to societies with very different bases of authority, such as Papua New Guinea. Lastly, Carrier (1992) questioned the universal applicability of Gluckman's theories, especially in the study of complex, contemporary societies.

Despite these criticisms, Gluckman's work has had a lasting impact on the study of African politics and society and has helped to shape society's understanding of the role of traditional leaders in land governance in many parts of the continent.

For example, in his book *Politics and Social Change in Modern Africa*, political scientist Crawford Young highlights Gluckman's theory as an influential perspective on African political systems. According to Gluckman, he explains that traditional leaders in African societies hold dynamic and constantly shifting authority rather than being fixed and based on individual leadership qualities (Young, 2008:104).

Similarly, anthropologist Elizabeth Colson, in her study of the Tonga people of Zambia, uses Gluckman's theory to explain the complex social structures that underpin traditional leadership. She notes that traditional leaders in Tonga society "have only the authority their kinsmen give them" and must negotiate relationships and balances of authority with other community members (Colson, 2013:68-69). McCarthy and Zald (1977), through the Resource Mobilisation Theory, provide a framework that supports the notion that traditional leaders may need to negotiate and build coalitions and alliances across different cultural groups within the community to access resources and strengthen their position, thereby maintaining their authority and influence. This earlier work aligns with and reinforces Colson's later observations.

Furthermore, historian John Iliffe's book "The African Poor: A History" highlights how Gluckman's theory offers a nuanced understanding of how authority operates in traditional African societies. Iliffe (2010) explains that traditional leaders in Africa "play a complex role in mediating between the state and civil society" and that their authority is rooted in "social interaction rather than authority" (Iliffe, 2010:12-13), supported by the Segmentary Lineage Theory, which states that traditional leaders need to strike a balance between asserting their authority as leaders while also maintaining harmony and cooperation among different segments of cultural groups. Failure to navigate these complexities can result in internal divisions and even fragmentation of the community (Evans-Pritchard, 1940)

However, Gluckman's Theory of Traditional Leaders' Authority in Barotseland has influenced academic perspectives on African politics and society. Scholars continue to draw on it to analyse the complex social structures and authority dynamics that shape traditional leadership in African communities. Hence, the reason for my usage of Gluckman's Theory of Traditional Leaders' Authority in my study is because it helped me to understand the current status of the authority dynamics as Mungule Chiefdom keeps on transforming to modernity due to customary land conversions, with the argument that customary land conversions undermine the authority of traditional leaders.

3.3.3. What the Authority of Traditional Leaders States According to Max Gluckman (1965)

Gluckman's Theory of Traditional Leaders' Authority provides an in-depth understanding of the complex social, political, and cultural dynamics that underpin traditional governance systems in Africa. In addition to what is indicated in the introductory section above, the theory of authority, according to Gluckman (1965), states that the authority of traditional leaders is deeply rooted in cultural norms and traditions and a social contract between the traditional leader and the community. This perspective deviates from earlier Western theories, which often focused solely on economic or coercive aspects of authority. Gluckman's multidimensional approach allows for a more nuanced understanding of the role and authority of traditional leaders in African societies.

According to Gluckman, one of the key aspects of a traditional leader's authority is the concept of "Traditional Legitimacy". In this, the theory states that a traditional leader is not merely a political leader but also a spiritual figurehead. His (or her) role is cemented through ceremonies, rights, and rituals that legitimise the traditional leader's authority and establish him as a conduit between the divine and the earthly realms. This spiritual dimension grants the traditional leader

a unique form of authority deeply embedded in the community's cultural and religious beliefs (Gluckman, 1965).

Another aspect of the Theory of Traditional Leaders' Authority emphasises the importance of the social contract between the traditional leader and the people. According to this contract, the traditional leader is responsible for maintaining social order, resolving disputes, and ensuring the community's welfare. In return, the community provides loyalty, service, and tribute to the traditional leader. This mutual obligation creates a dynamic of reciprocity that sustains the traditional leader's authority. Failure to fulfil these responsibilities could lead to a loss of legitimacy and, in some cases, the removal of the traditional leader (Gluckman, 1965).

The Theory of Traditional Leaders' Authority also states that while the traditional leader holds significant authority, this authority is not absolute. Traditional systems often have built-in checks and balances that hold the traditional leader accountable. These checks and balances may include councils of elders, religious leaders, or other influential community members who can advise, question, or even challenge the traditional leader's decisions (Gluckman, 1965).

Besides, Gluckman's Theory of Traditional Leaders' Authority in African societies posits that their authority is a complex construct shaped by traditional legitimacy, social contracts, and a system of checks and balances. This multifaceted understanding offers a more nuanced perspective on the authority dynamics in traditional African communities. Similar to this line, my study established the legitimacy of the traditional authority in the newly established heterogeneous community of Mungule Chieftdom, examining the social contracts and the checks and balances available and how the modernity of Mungule Chieftdom impacts the authority of traditional leaders.

3.3.4. What the Authority of Traditional Leaders States According to Evans-Pritchard (1940)

According to Evans-Pritchard (1940), the Theory of Traditional Leaders' Authority over customary land states that the authority of traditional leaders is a central aspect of the traditional society and leadership within segmentary lineage systems. Evans-Pritchard (1940) explains that, in traditional societies, customary land refers to the land that is collectively owned and managed by the community, and customary laws and practices govern its control and allocation. As central figures in these societies, traditional leaders play a significant role in mediating access to and control over customary land. Evans-Pritchard's research, particularly his studies of African societies like the Nuer and the Azande, provides insights into the dynamics of authority related to land ownership in traditional settings.

In Mungule Chieftdom, newcomers appear more numerous than locals, although this is based on observations rather than statistical evidence. This perception influences political negotiations for succession, a critical aspect in the theory of traditional authority where only some qualify to reach the throne. Negotiations for succession must be conducted within the family lineage, which democracy can undermine. Ntsebeza (2005:24) highlights that "the institution of traditional leaders is hereditary and not by elections or people choosing and is despotic," meaning that ascending to the throne is not determined by democratic elections where the majority rules. Chapter 5 of this study explores the scenario in Mungule Chieftdom, where many newcomers have displaced many local people. If democratic elections were introduced in such a chieftdom, newcomers might outnumber residents due to their perceived numerical advantage, compromising hereditary considerations, as newcomers may not understand the hereditary traditions and connections to ancestral spirits that guide traditional leadership.

Therefore, traditional leaders' authority begins with the aspirations to appoint an individual to occupy the chiefly office, as this position is not meant for just anyone. Traditional leadership requires individuals deeply rooted in the community's culture and lineage, ensuring that the chiefly office maintains its connection to ancestral spirits and the traditions of the local people.

Additionally, Evans-Pritchard (1940) emphasised the importance of the segmentary lineage system in traditional societies. He elaborated that society is organised into segments consisting of extended families or lineages with common ancestors. These segments are ranked hierarchically, and the traditional leader typically belongs to the highest-ranking segment. The segmentary lineage system is critical to this study because it helps understand how the intrusion of newcomers into Mungule Chieftdom impacts the hierarchy of traditional leadership in the chieftdom, which is the highest-ranking segment. Besides, Evans-Pritchard (1940) indicated that traditional leaders' authority is often hereditary from their position within the segmentary lineage system. He added that traditional leaders are prominent as their communities' symbolic and ritual leaders, and their authority is considered sacred and legitimate. This aspect helped the study understand how segmentary lineage is organised in Mungule Chieftdom, where families are disintegrated due to limited space to allocate land to family members as they expand.

Furthermore, Evans-Pritchard (1940) pointed out that the land holds immense cultural, economic, and symbolic significance in traditional societies. It is not merely a resource for subsistence but is intricately linked to social identity, belonging, and authority. The traditional leaders' control over customary land reinforces their status and authority as the custodians of

the community's resources. This insight is relevant to what is happening in Mungule Chiefdom, where land conversions are increasing, and newcomers have a different attachment to the land than the locals. The presence of newcomers, who appear to be more numerous than local people, impacts the land's traditional structures and cultural significance.

According to Evans-Pritchard (1940), traditional leaders often have the authority to allocate and redistribute land within the community. This authority is exercised based on customary norms and principles of reciprocity, ensuring that each segment of the community has access to the resources needed for their livelihoods.

Moreover, he explained that traditional leaders act as mediators and arbitrators in land and resource use disputes. They play a crucial role in resolving conflicts and maintaining social harmony, as disputes over land ownership can lead to tensions and violence within the community. Similarly, in Mungule Chiefdom, conflicts over land, even among family members. Therefore, this particular understanding helped me understand land conflicts in Mungule Chiefdom.

In addition, Evans-Pritchard's Theory of Traditional Leaders' Authority states that traditional leaders' authority over customary land is often reinforced through various rituals and ceremonies. These ceremonies reaffirm the traditional leaders' status as guardians of the community's ancestral land and its sacred significance. Traditional leaders are expected to fulfil specific social obligations to their communities in return for their authority over land and resources. They are responsible for ensuring the well-being of their people, resolving disputes, and upholding traditional customs and values.

While traditional leaders wield considerable authority over customary land, their authority is not absolute. Customary systems allow for checks and balances; other community elders or councils may influence decision-making processes. Given the impact of modernisation and external influences, traditional land tenure and authority systems have undergone significant changes in some societies. Colonialism, land privatisation, and population growth have introduced new challenges to the traditional authority structures related to land. Also, since customary land is converted to the leasehold tenure system in Mungule Chiefdom, this theory helped understand how the influence of traditional leaders and other influencers is impacted by the transformations that have come to the chiefdom due to the conversions of customary land.

Evans-Pritchard's theory provides valuable insights into how the authority of traditional leaders is intertwined with the control and management of customary land in traditional societies. The traditional leaders' authority over land is pivotal in maintaining social cohesion, resolving disputes, and preserving cultural norms and values within these communities. It is essential to

recognise that traditional societies are diverse and complex, and authority and land tenure dynamics can vary significantly across different cultures and regions. However, this theory provides an understanding of the significant changes that arise as traditional societies evolve due to globalisation, urbanisation and modernity. Since traditional society's characteristics are different from the characteristics of modern society, this theory helped provide specific areas of focus to establish how modernity affects the authority of traditional leaders in Mungule Chiefdom.

3.3.5. What the Authority of Traditional Leaders States According to Chanock (1985)

Chanock's Theory of Traditional Leaders' Authority is rooted in African societies and their governance structures. According to Chanock (1985), traditional leaders in African societies hold significant authority over their communities due to their position within the social hierarchy and ability to mobilise resources (such as land) and people. He argues that traditional leaders exercise authority in three ways: firstly, they control the land, which is often the primary source of wealth and authority in many communities. Secondly, traditional leaders also play a vital role in mediating disputes within their communities, making them essential to maintaining social cohesion. Lastly, traditional leaders often act as intermediaries between their community and the outside world, interacting with colonial administrators and, later, the government on behalf of their people.

However, Chanock notes that traditional leaders' authority is not absolute, and they often have to navigate complex political landscapes to maintain their influence. He argues that colonialism and the introduction of modern governance structures challenged the role of traditional leaders, and many had to adapt to these changes to maintain their relevance. Thus, this theory helps my study understand how traditional leaders adapt to the changes coming with the transformations of Mungule traditional society as it modernises due to intrusions and conversions of customary land tenure systems.

In summary, Chanock's Theory of the Authority of Chiefs highlights the significant authority held by traditional leaders in African societies and the challenges they faced in navigating changing political landscapes. His work contributes to my understanding of the complex dynamics between traditional and modern governance structures in Africa and the enduring influence of traditional leaders in shaping African societies. This theory helps my research establish how traditional leaders' authority is being challenged with the introduction of modern governance structures in Mungule Chiefdom, where newcomers are guided by statutory law and not customary law. As customary land is diminishing in Mungule Chiefdom, modernity is slowly taking shape; therefore, using this theory creates a broader understanding of how the

undermining of traditional leaders occurs as they govern populations residing in customary areas.

3.3.6. Sources and Uses of Authority

As Gluckman (1965) made significant contributions to the understanding of authority dynamics in social systems, particularly in the context of African societies, he explored the sources and uses of authority among traditional leaders, which have been studied and cited by various scholars ever since. He established that traditional leaders often originate their authority from a traditional system of authority that is deeply rooted in cultural practices and is frequently lineage-based. He added that the position of lineage usually passes down through generations within a particular family or clan, serving as a living embodiment of the community's history and tradition (Gluckman, 1965).

Besides, the concept of "Traditional Authority", as described by Gluckman, is rich and complex, deeply rooted in the nuances of culture and history. He indicated that, in many societies, especially those with tribal affiliations or deeply embedded traditions, the authority of a traditional leader is not merely a matter of administrative convenience or brute force but a manifestation of cultural continuity and social harmony (Gluckman, 1965). Another component he highlighted was that the source of authority of traditional leaders was not merely administrative but also spiritual. He pinpointed that traditional leaders often serve as intermediaries between the divine and the earthly realms, conducting rituals and ceremonies with significant cultural and religious importance (Gluckman, 1965; Turner, 1967). It furthermore indicated that cultural norms and values reinforce traditional leaders' authority. And that it involves not only enforcing laws but also upholding traditional practices and customs that define the community's identity (Gluckman, 1965; Boon, 1982). Finally, other components highlighted were that traditional authority often rests on unwritten social contracts between the traditional leader and community members. In exchange for loyalty and service, in this case, the traditional leader provides protection, justice, and welfare, creating a reciprocal relationship of mutual benefit (Gluckman, 1965).

However, this thesis mitigates some weaknesses in Gluckman's theory. Considering his contributions and their limitations, especially in the context of African traditional societies and land tenure systems, his work focused on conflict, rituals, and customary law in African societies. He is well-known for his "Order and Rebellion in Tribal Africa" and his analysis of the role of traditional leaders and customary law in maintaining social order. However, his theories have some limitations. For example, his work often presented traditional societies as relatively static, needing to adequately account for the dynamic nature of social and political

changes. Additionally, his emphasis on how traditional systems maintain social order sometimes overlooked how these systems could be sources of conflict and change, especially with external influences, leading to insufficient attention to power dynamics, and his analysis did not profoundly explore the shifting power dynamics within traditional leadership structures, especially under the influence of colonial and postcolonial state interventions.

However, the above weaknesses have been mitigated in this thesis in several ways. Firstly, the thesis underscores the evolving nature of traditional leadership and land tenure systems. It highlights how customary land conversions—especially under different political regimes—affect the authority of traditional leaders. Besides, empirical evidence has been provided from Mungule Chiefdom, which illustrates the real-time impacts and adaptations within traditional leadership structures, offering a more nuanced understanding. Secondly, the study highlights how land conversions lead to conflicts, economic challenges, and legal ambiguities. It emphasises how the community's loyalty gets fragmented due to land conversions, revealing internal conflicts and shifting allegiances within the community. This perspective adds depth to understanding social dynamics beyond mere social order. These, in turn, erode the authority of traditional leaders and address Gluckman's less-explored theme of internal conflicts and challenges within traditional systems. Thirdly, the thesis explores how newcomers and external economic forces challenge traditional norms. The transformation of land into a financial commodity under statutory tenure is discussed, showing how economic factors impact traditional authority. This economic perspective is crucial for understanding contemporary shifts in power dynamics while addressing gaps in Gluckman's work, offering insights into how external influences reshape traditional power structures.

As indicated in the recommendations in the last chapter of this thesis, where inclusive approaches to land governance are proposed, the thesis provides practical solutions for preserving cultural heritage while promoting equitable development. This forward-looking approach contrasts with Gluckman's descriptive analysis, offering actionable insights. However, by focusing on the dynamic interactions between land administration, indigenous rights, and the evolving role of traditional leaders, this thesis addresses key areas for improvement in Gluckman's theory. It provides a more comprehensive and current analysis of how customary land conversions affect traditional leadership, highlighting conflicts, economic challenges, and the fragmentation of community loyalty. This enriched perspective helps to understand better and navigate the complexities of land governance and traditional authority in contemporary African societies.

3.4. Uses of Authority

Gluckman (1965) emphasised that one of the primary roles of a traditional leader is to act as a mediator in conflicts within the community. Additionally, traditional leaders often distribute community resources, from land to community projects (Gluckman, 1965; Evans-Pritchard, 1940). Furthermore, a traditional leader preserves cultural norms and traditions, often serving as the community's spiritual leader or custodian of local customs (Gluckman, 1965; Turner, 1957).

Gluckman (1965) argued that traditional leaders' authority is not just top-down but also lateral, aimed at maintaining social harmony. They have to strike a balance between different factions and interest groups within the community to maintain peace (Gluckman, 1965). His work laid the foundation for understanding the complex factors contributing to a traditional leader's authority. His perspectives have been widely influential in anthropology and political science, offering a nuanced understanding of authority in non-Western Societies.

3.5. Challenges and Adaptations

While traditional authority provides a strong foundation for the traditional leader's authority, it is worth noting that this form of authority is dynamic. It can adapt to changing circumstances, such as colonial influence, modernisation, or economic shifts, although this often leads to tensions between traditional and modern forms of governance (Gluckman, 1965; Comaroff, 1985).

3.6. Definition of Key Concepts

The following key concepts are defined below: Traditional Leaders, Customary Land, Authority of Traditional Leaders, Villagers and Newcomers.

3.6.1. Traditional Leaders

The concept of "traditional leaders" encompasses a rich tapestry of roles and responsibilities that spans various academic disciplines. This thesis embarks on a comprehensive exploration, drawing insights from four distinguished scholars to unravel the intricacies and complexities inherent in this form of authority.

Brett (1973) defines traditional leaders as the custodians of customary laws and indigenous governance structures. He posits that traditional leaders, first and foremost, serve as the custodians of customary laws and indigenous governance structures. Their influence extends

beyond governance, encompassing vital functions in local administration, justice administration, and the regulation of social norms. Additionally, these leaders play a crucial role in preserving cultural heritage, adapting to contemporary challenges, and ensuring the continuity of age-old traditions. In essence, their multifaceted role positions them as pillars of both governance and cultural preservation. Comaroff and Comaroff (1991) contribute a nuanced perspective by characterising traditional leaders as bearers of "dual legitimacy". This duality manifests in their acknowledgement of cultural and spiritual authority within their communities and external recognition, particularly by the state, for their administrative roles. This dual legitimacy transforms them into pivotal intermediaries, skillfully navigating the intricate dynamics between local communities and broader political structures, highlighting the delicate balance they maintain. Ekeh (1975) further expands the discourse by conceptualising traditional leaders as representatives of the "primordial public". They are rooted in ancient customs and traditions and have a moral responsibility to uphold the community's values. As the societal glue, they foster unity and a shared identity within the community. Ekeh's perspective emphasises traditional leadership's deeply ingrained cultural and moral dimensions, portraying these leaders as guardians of the collective ethos.

Max Gluckman (1965) introduces another layer, defining traditional leaders as administrative and symbolic figures. Beyond their role in dispute resolution and local administration, he underscores their pivotal function in maintaining social cohesion through rituals and ceremonies. According to Gluckman, their authority is profoundly symbolic, intricately woven into the cultural and moral fabric of the community, shaping its collective identity. This symbolic dimension adds depth to their administrative roles, highlighting the intertwined nature of their influence.

The multifaceted nature of traditional leaders is illuminated through the lenses of Brett, Comaroff and Comaroff, Ekeh, and Gluckman. Traditional leaders play indispensable roles as custodians of tradition, intermediaries between local and external authorities, representatives of the primordial public, and administrative and symbolic figures within their communities.

This comprehensive exploration enriches our understanding of traditional leadership, emphasising its deep-rooted connections to culture, spirituality, and the intricate web of societal dynamics.

However, this thesis adopts the concept of "traditional leaders" as referring to individuals who hold positions of authority within a community based on customary laws, cultural norms, or historical precedence rather than through modern political processes, such as elections. These leaders often serve as mediators, spiritual guides, and guardians of cultural heritage, exercising influence that may be recognised both within their communities and by external governing

bodies. Their roles can be multifaceted, including but not limited to conflict resolution, land management, and community development. Traditional leadership structures vary widely, from tribal chiefs and village elders to religious clerics and clan heads. However, the unifying factor is their foundational roots in their communities' social and cultural fabric (Baldwin, 2016; Logan, 2009).

3.6.2. Customary Land

The concept of "customary land" can be understood through various scholarly lenses, each emphasising different facets of this complex system. Each scholar brings a unique perspective to the concept, highlighting its economic, political, and legal dimensions.

According to Fernandes (2008), customary land is a land tenure deeply rooted in local traditions and cultural practices. This author stresses that indigenous or local customs govern this system and that traditional leaders rather than state authorities often enforce land rights. For him, the system is an essential resource for rural livelihoods (Fernandes, 2008).

On the other hand, Sikor and Lund (2018) focus on the political dimensions of customary land. They assert that the system is not merely a set of traditions but is often intricately tied to community authority dynamics. For them, customary land rights serve as a battleground for political claims and are instrumental in shaping social hierarchies (Sikor and Lund, 2018).

Lastly, Wily (2011) emphasises the legal complexities of customary land. She argues that, while customary land systems are often seen as informal, they have their own sets of laws and regulations, which are equally legitimate but usually need to be recognised by formal legal systems. Wily contends that bridging this gap between customary and formal legal understandings is crucial for sustainable development (Wily, 2011).

However, the definition adopted for customary land for this thesis is a system of land ownership and management governed by indigenous or local traditions, customs, and laws rather than formal legal statutes. In this system, communal or individual land rights are often recognised and enforced by traditional leaders, such as chiefs or elders, rather than state authorities. Customary land is usually held in trust for the community, and its usage is regulated through a complex web of social norms, rituals, and agreements. It serves as an essential resource for the livelihood of local populations and is deeply tied to their cultural and spiritual identities (Fernandes, 2008; Sikor and Lund, 2018).

Additionally, customary land is characterised by complex tenure and use rights systems. These are often rooted in oral traditions and involve customary laws, norms, and practices that govern land access, use, and control. Customary land also encompasses a range of customary

territories, including sacred sites, hunting grounds, and gathering places, that provide essential ecological and cultural benefits to indigenous communities. According to the United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP), customary land tenure is a fundamental right of indigenous peoples, and governments must recognise and protect it. However, in many countries, customary land is threatened by competing interests, including commercial development, mining, and conservation efforts.

The concept of customary land reflects the importance of traditional knowledge, culture, and practices in ensuring sustainable and equitable use of natural resources. It also highlights the need for governments and other stakeholders to engage in respectful and collaborative processes with Indigenous communities to manage and protect their land.

3.6.3. The Authority of Traditional Leaders

The authority of traditional leaders is a subject of scholarly inquiry that spans various disciplines, such as anthropology, sociology, and political science. Each scholar brings a unique perspective to the table, shedding light on the different dimensions of this form of authority. From moral authority rooted in local customs to symbolic capital, from the complexities of postcolonial governance to the ritualistic aspects that bind communities, the authority of traditional leaders is multifaceted. Below are precise definitions from four notable scholars that illuminate the intricacies of this concept: Scott (1998), Bourdieu (1977), Mamdani (1996), and Gluckman (1965).

Scott defines traditional leaders as "moral authority" deeply rooted in local customs, traditions, and social networks. Scott argues that this moral authority enables traditional leaders to resolve conflicts effectively and make decisions that resonate with community values. Their authority often contrasts with the more bureaucratic systems of modern states, which may need more nuance to handle local issues effectively (Scott, 1998).

Bourdieu conceptualises the authority of traditional leaders through the notion of "symbolic capital". According to Bourdieu, symbolic capital includes elements such as respect, honour, and prestige, which enable these leaders to mobilise community members more effectively than using economic or political authority alone. Bourdieu posits that this form of capital is potent in influencing the behaviour and attitudes within a community (Bourdieu, 1977).

Furthermore, Mamdani describes the authority of traditional leaders in postcolonial Africa as a form of "decentralised despotism". In Mamdani's view, traditional leaders are intermediaries between the state and local communities. They wield significant influence at the regional level but are also beholden to the central government. This complex relationship allows them to

maintain a unique authority localised and influenced by larger political structures (Mamdani, 1996).

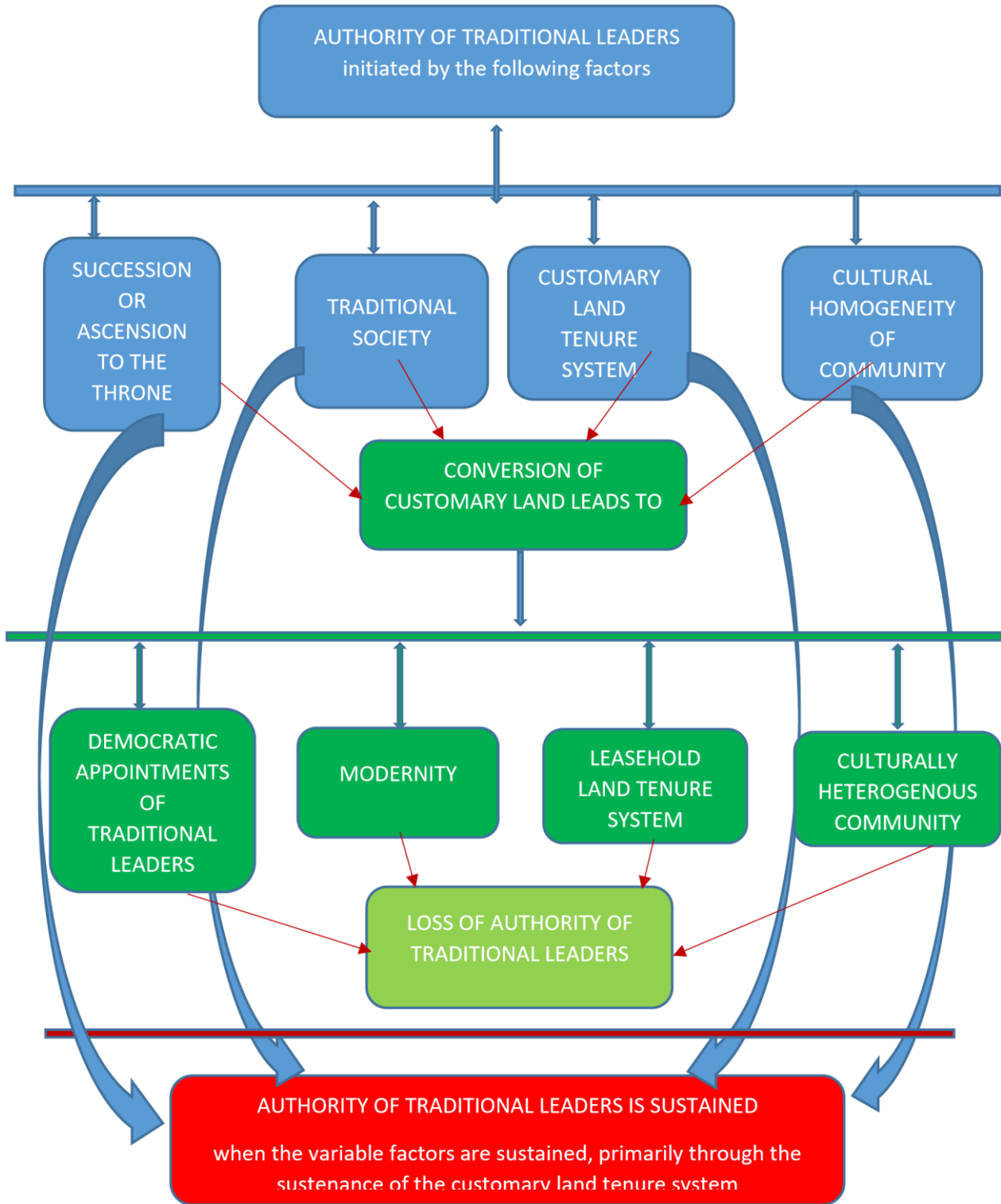
Finally, Gluckman defines the authority of traditional leaders as "ritualised", serving administrative and symbolic roles within the community. According to Gluckman, these leaders resolve disputes and maintain social cohesion through rituals and ceremonies. They embody the community's history and values, thereby holding a form of authority that is deeply symbolic and resonant within the community (Gluckman, 1965).

This thesis adopts the concept of the "authority of traditional leaders", which refers to the multifaceted authority wielded by traditional leaders in indigenous or local communities. Traditional leaders often serve as the custodians of cultural norms, arbiters in disputes, and spiritual guides, among other roles. Their authority is usually derived from a combination of lineage, wisdom, and communal consent and is legitimised through various traditional ceremonies and rituals. This authority is not merely symbolic; traditional leaders often have substantial influence over the distribution of resources, decision-making processes, and maintenance of social order within their jurisdictions (Brown, 2016; Njoku, 2019).

3.7 Factors on Which the Theory of Authority Was Promised

As alluded to earlier, the authority of traditional leaders is determined by several factors, including but not limited to succession, traditional society, the customary land tenure system, and the cultural homogeneity of the community. These factors provided key concepts for this study and have been defined above to create a better understanding of how these concepts affect the authority of traditional leaders if they are not upheld and applied. Figure below exhibits these factors' association with traditional leaders' authority.

Figure 2: Conceptual framework for traditional leaders' authority



Source: Author

3.8. A Conceptual Framework of Traditional Leaders' Authority

The intricate structures that govern the authority of traditional leaders in traditional societies, as discussed by Gluckman (1965) and Evans-Pritchard (1940), are fascinating in their complexity. These structures are multidimensional, encompassing social, economic, political, and cultural aspects that help shape and define the role and authority of traditional leaders. Additionally, Evans-Pritchard's work on the Nuer people of Sudan provides some specific perspectives on succession, traditional society, customary land tenure systems, and cultural homogeneity.

3.8.1. Succession

Succession in traditional leadership is more than a mere change in leadership; it is an institutionalised process fraught with rituals and ceremonies (Gluckman, 1965). Succession often involves rites that can include offerings, dances, and the invocation of ancestral spirits. These rituals are not only to bless and legitimise the incoming traditional leader but also to remind the community of the sacred nature of the traditional leadership and its ties to ancestral lineage, strengthening the social fabric and giving the new traditional leader a moral and spiritual mandate to govern (Gluckman, 1965). However, Gluckman examined the role of traditional leaders and their succession in traditional African societies and identified several areas about the authority of traditional leaders and their succession.

For example, he emphasised the legal and political context in which traditional leaders exercise authority and how their succession influences these dynamics. He argued that traditional leaders operate within a specific legal framework, and their succession involves political negotiations with different factions and interest groups within the chiefdom (Gluckman, 1940).

In Mungule Chiefdom, political negotiations for succession become challenging, as newcomers are perceived to outnumber local people according to some participants in the interview (HD2, 27th August 2019). This study, therefore, considers this factor in assessing how negotiations are conducted. Succession is critical to traditional authority because only some qualify to reach the throne. Additionally, negotiations must be undertaken in the family lineage. These negotiations, as indicated above, are only conducted in a democracy, which undermines traditional succession. Ntsebeza (2005:24) highlights that "the institution of traditional leaders is hereditary and not by elections or people choosing and is despotic," meaning that ascending to the throne is not determined by democratic elections where the majority rules. Chapter 5 of this study explores the scenario in Mungule Chiefdom, where many newcomers have displaced many local people. If democratic elections were introduced in such a chiefdom, newcomers might outnumber residents due to their numerical advantage, compromising hereditary

considerations, as newcomers may need to understand the hereditary traditions and connections to ancestral spirits that guide traditional leadership. Therefore, the authority of traditional leaders begins with the aspirations to appoint an individual to occupy the chiefly office, as this position is not meant for just anyone. Traditional leadership requires individuals to be deeply rooted in the culture and lineage of the community, ensuring that the chief office maintains its connection to ancestral spirits and the traditions of the local people.

However, the theory of authority, according to Gluckman (1965), states that the initial authority of the traditional leader is confirmed immediately after a person is appointed to the seat where ordinary people are not appointed, but only those who have certain qualities and belong to a particular lineage or linkage to the throne and whom the ancestral spirits have affirmed. Considering the sacredness of the throne, loyalty is extracted from the people concerning the ancestral spirits (Gluckman, 1965), which is sustained by cultural, ritual, and traditional practices that tie every community member to paying allegiance to the throne. In addition, Evans-Pritchard noted that succession among the Nuer is a complex process deeply rooted in lineage and clan systems (Evans-Pritchard, 1940). The succession often follows patrilineal lines, and it's not merely an administrative change but involves a host of rituals and ceremonies. These traditions legitimise the incoming traditional leader and connect him to ancestral spirits, further reinforcing the spiritual aspect of his authority. This authority is affected by every customary land conversion because, in most cases, individuals who manage to change the tenure system from customary to leasehold tenure system come from outside the chiefdom, where they observe different cultural beliefs, values and norms. However, the beliefs of newcomers may not tie their allegiance to the seat of the traditional leader. Hence, the argument that converting customary land from a customary land tenure system to a leasehold tenure system undermines the authority of traditional leaders.

The possible risk of having more newcomers in the chiefdom is a diverse level of education and exposure to various leadership styles, which subjects them to having different perceptions of leadership, thereby affirming the statement of Ntsebeza (2005), who noted that, to the newcomers, traditional leadership in the chiefdoms is despotic. Therefore, such newcomers tend to prefer democratic appointments to have someone they would like to govern them, where the majority vote for such an individual based on qualities which, in most cases, do not align with the traditional leadership requirements. Consequently, the more people with diverse cultural orientations within the chiefdom, the less authority the traditional leadership enthroned according to the traditions of the chiefdom.

The theory of traditional leaders' authority helped guide the study to assess the inviolability of this seat of traditional leadership. Not only that, it also helped to determine who the majority were between the local people and the newcomers in the chiefdom. To this effect, local people and newcomers were interviewed on how they interacted and paid allegiance to the seat of the traditional leaders. The variable factor of ascension to the throne specifically helped in assessing how the sacredness of the throne becomes a source of constraint through its regulation and a source of strength (Swidler, 2010).

Swidler (2010) further highlighted that, through sacredness, symbolism is created on which human life depends and desires to be part of the social group. Thus, sacredness was used to assess how local people's and newcomers' lives were shaped or became functional, observing common symbols and a shared understanding of the sacredness of the throne of traditional leaders. Swidler (2010) also pinpointed that sacredness helps assess how traditional leaders provide collective goods. For example, it helped explore activities traditional leaders organise, such as clearing roads and providing upfront materials for community projects, such as building a school. Through these lenses, the researcher explored the level of participation between local people and newcomers to the community. It also assisted in exploring how justice was provided to the local people and newcomers to the community, especially those newcomers who converted from customary land to the leasehold tenure system.

Swidler (2010) additionally indicates that the authority of traditional leaders also rests on chiefs' courts and the absence or expense of other legal routes of resolving disputes. Therefore, this variable helped the researcher to assess how traditional courts located at the palaces operate and how effective they were in resolving disputes, especially those involving newcomers, who were guided by the statutory law once they converted their customary land from the customary land tenure system to the leasehold tenure system. Questions that were asked to give an understanding of this variable factor included inquiring if traditional leaders connected with the spirits of the ancestors or any deity, for example, in the way an owl is sacred for many Californian Native Americans.

3.8.2. Traditional Society

Several researchers have studied traditional societies; for example, Gluckman's views on this matter were based on his research and observations of African societies during the mid-20th century. In a traditional society, a traditional leader's authority is closely tied to upholding customary laws and traditions. According to Gluckman (1965), these laws are often unwritten and passed down through generations through oral traditions. The traditional leader acts as a legal authority and a moral compass, arbitrating disputes based on these laws. This dual role

enhances the traditional leader's status as a cultural heritage custodian and a figure of social unity, reinforcing their authority and influence in society.

Similarly, in traditional Nuer society, a traditional leader serves multiple roles: political leader, spiritual guide, and social mediator (Evans-Pritchard, 1940). This multiplicity of roles ensures that the traditional leader's authority is deeply embedded in the community's social fabric. Evans-Pritchard (1940) emphasised the traditional leader's role in maintaining social order, mainly through conflict resolution and upholding customary laws. Even though the field of anthropology has evolved since the mid-20th century when Gluckman conducted his research, contemporary scholars have continued to study traditional societies and the role of chiefs with updated methodologies and perspectives. What role does the institution of traditional leaders play when the newcomers, who are guided by statutory law, need their input in the chiefdom or their feedback on their welfare, which bears in mind the argument that customary land conversions undermine the authority of traditional leaders?

However, this study considered earlier studies with the hope of helping them understand how traditional societies have reached where they are. Similarly, studies by Gluckman (1965) and Evans-Pritchard (1940) on traditional societies led to the establishment of several factors that influenced the authority of traditional leaders over land. These factors are deeply embedded in these communities' social, cultural, and political dynamics, and the details of some factors relevant to this study are given below.

3.8.3. Chiefs as Mediators in a Traditional Society

Gluckman (1965) studied the dynamics of traditional societies and the role of chiefs within them. His research focused on the social structures and political systems of African tribes, particularly in the context of colonial rule. He emphasised that chiefs in traditional societies held significant authority, but this authority was not absolute or unchecked. His work shed light on the complexities of authority dynamics and the intricate systems of governance that existed in these societies. For example, he highlighted that Chiefs acted as mediators in conflicts and disputes within their communities. They were crucial in maintaining social order and resolving disputes through authority and influence.

Similarly, the mediation and conflict resolution noted by Evans-Pritchard (1949) indicated that chiefs often act as mediators and arbiters in land and resource use disputes. He further stated that their ability to settle conflicts and find equitable solutions enhances their reputation and authority within the community. He also highlighted that conflict resolution can prevent tensions challenging the chief's authority. Evans-Pritchard's classic anthropological study of the Nuer people of South Sudan discusses how "leopard-skin chiefs" acted as mediators and

arbitrators in disputes among the Nuer, employing customary norms and rituals to reconcile conflicting parties (Evans-Pritchard, 1940). His works highlighted the significance of mediation and conflict resolution practices in traditional societies. Mediators were often respected elders or leaders with deep knowledge of customary norms because their positions played a crucial role in resolving disputes and maintaining social stability in these communities. This aspect of mediation is critical, especially when traditional societies begin to evolve due to customary land conversions. For my study, mediation helped in understanding the relationship between the newcomers and the traditional authority and how far traditional leaders are allowed to mediate the newcomers' issues, especially concerning land, since, under leasehold tenure, the law by which the land is governed evolves to statutory law, which traditional leadership are not privy to, posing a challenge on how traditional leaders should mediate. Nevertheless, mediation is not the only aspect of the authority of traditional leadership in a traditional society. As elaborated below, traditional leaders were also viewed from the political institution's view.

3.8.4. Chiefship as a Political Institution

Gluckman (1956) viewed the chiefship as a political institution, but not in the sense of modern Western-style politics. Instead, it was deeply rooted in the cultural and historical context of the society, and chiefs played multifaceted roles as religious, judicial, and administrative figures. Additionally, Gluckman, in his examination of the role of customary law in resolving conflicts in African societies, discussed how chiefs often acted as mediators and judges in disputes, using customary norms and traditions to administer justice. Gluckman's work highlights the significance of customary law as a source of authority for chiefs in maintaining social order (Gluckman, 1956). Therefore, if customary law is a source of authority for traditional leaders, then its maintenance as a source of authority for them, when the newcomers change the law to be used from the customary law to statutory law when they convert their land, is jeopardised. Evans-Pritchard (1940) also pointed out that traditional leaders derive their authority over land from customary laws and traditions that govern land tenure and resource management. These customs dictate how land is allocated, inherited, and used within the community. The chief's role is to uphold and enforce these customary norms, ensuring a fair distribution of land and resources. Evans-Pritchard (1940) further showed that traditional leaders' authority over land is often tied to their lineage and ancestry. Chiefs usually belong to the highest-ranking lineage segment, and their authority is seen as a continuation of their ancestors' leadership. The lineage's history, genealogy, and ties to the land contribute to the chief's legitimacy and authority.

Comaroff and Comaroff (1991) consistently analysed the impact of colonialism on traditional authority structures, including chieftaincy, in South Africa. They discussed how colonialism disrupted existing notions of lineage and authority, leading to transformations in the role of chiefs. Similarly, my study obtained some direction in understanding the modernity cropping up in Mungule Chieftaindom as customary land for allocation to individuals, which allowed them to live in clans or lineages, diminishes.

Other authors also explore how the introduction of Christianity and Western legal systems challenged traditional conceptions of legitimacy based on ancestry (McAnany, 2013; Shin, 2006; Sørensen et al., 2022). Similarly, Mamdani (1996) examined the historical development of the chieftaincy in colonial and postcolonial Africa. He discussed how colonial authorities often co-opted and manipulated pre-existing traditional authority structures to maintain control over indigenous populations. In doing so, Mamdani highlighted the complex relationship between colonialism, lineage, and the perpetuation of traditional authority.

In addition to Gluckman's Theory of the Authority of Traditional Leaders being deeply rooted in traditional society's cultural and historical context, Evans-Pritchard (1940) also highlighted that traditional leaders' authority over land is often reinforced through ritualistic practices and symbolic acts. Ceremonies and rituals are vital in legitimising the chief's status as the custodian of the community's land and the link between the people and their ancestors. Symbolic regalia and ceremonial objects may further symbolise the chief's connection to the land.

3.8.5. Dynamic Nature of Authority:

Gluckman (1956) highlighted that authority within traditional societies was not static but dynamic. Therefore, chiefs had to navigate changing circumstances, maintain legitimacy, and adapt their leadership to the community's needs. This aspect is crucial in assessing how traditional leaders in Mungule Chieftaindom navigate changing traditional societies to modernity. However, Evans-Pritchard (1940) postulated that, in navigating changing circumstances to maintain legitimacy, chiefs are expected to be wise, just, and capable of resolving conflicts and maintaining social harmony. A respected and influential chief is likelier to retain authority over land within the community through their leadership qualities and abilities.

Similarly, Colson's anthropological research on the Gwembe Tonga people in Zambia explored leadership qualities within social change and resettlement. She discussed how adaptability, resourcefulness, and the ability to navigate change are essential qualities for leaders in times of transition (Colson, 1971). However, Evans-Pritchard (1940) pinpointed that external factors, such as colonialism, modernisation, and globalisation, may influence the authority of chiefs over land. Historical processes and changes in external forces can impact traditional authority

structures and land tenure systems. In addition to this, Gluckman (1956) also explored how the presence of colonial authorities impacted traditional societies and their chiefs. The colonial administration often co-opted or manipulated the authority of chiefs to exert control over local populations, leading to complex authority dynamics.

3.8.6 Economic and Environmental Factors

Economic considerations, such as the availability of fertile land or access to valuable resources, may also influence the chief's authority. Not only that, but environmental factors, such as droughts or resource scarcity, can also affect the chief's ability to manage and allocate land and resources effectively. It is essential to recognise that the authority dynamics in traditional societies can be multifaceted and may vary across different cultural contexts. Gluckman's and Evans-Pritchard's researches help shed light on the complex interplay of factors that shape the authority of chiefs over land in traditional societies.

3.8.7. Constraints on Chief's Authority

Gluckman (1956) espouses that while chiefs had considerable authority, they were not allauthoritative. Traditional norms and customs often influenced their decisions and the expectations of their communities. The actions of chiefs were constrained by the expectations and collective will of the people they governed. In addition, Evans-Pritchard (1940) indicated in his study that traditional leaders also received support from elders and councils, which was crucial for a chief's authority over the land. These collective decision-making bodies influenced land allocation and resource management, and chiefs needed to maintain the backing of these influential groups to retain their authority. This aspect guided my study to understand the attitude of the village headmen in Mungule Chieftaindom and how they cooperated with Chief Mungule in sustaining the authority of the chieftainness. However, my study also got some direction from Evans-Pritchard's (1940) work on the Anuak people of Sudan, which discusses the influence of elders in their political system, where he describes how the council of elders is central to decision-making and the resolution of disputes among the Anuak, (EvansPritchard, 1940). In addition to this, Colson's study of the Gwembe Tonga people in Zambia explored the changing role of elders in the context of social change and resettlement, where she discussed how elders adapt to new challenges while retaining their role as custodians of traditional knowledge and values (Colson, 1971).

3.8.8. Customary Land Tenure System

Customary land tenure occurs in the context of traditional land rights tied to tribe, clan, lineage, and institutions for land allocation. Gluckman (1965) highlighted that a change in the tenure system is one factor that changes people's relation to land within families and in land management institutions and changes mechanisms for land transfer: for example, where traditional leaders would make a ruling regardless of family, clan, or village, because of these changes. In such situations, access to land and resources embedded in social relationships linked to community lineage membership is lost. Changes in people's relation to land enable diverse activities regardless of cultural and traditional repercussions, allowing easy access to different activities on such land apart from the cultivation rights, even for newcomers, especially when land is abundant. This aspect changes when land is under the leasehold tenure system. However, due to economic migration and demographic changes, the demand for customary land has increased (Chimhowu, 2018).

Additionally, Gluckman (1965:39) elucidated "customary values whose authenticity is obtained from anteriority of presence (founder) and acknowledgement of the magical sacred relationship that they would have formed with the local spirits on the land". Therefore, the customary land tenure system is a variable that, if not sustained culturally, would affect the authority of traditional leadership. Hence, the argument that the conversion of customary land undermines the authority of traditional leaders.

Newcomers acquire customary land and convert it to the leasehold land tenure system. As indicated in Chapter Five, there seemed to be more newcomers than local people in Mungule Chiefdom, who had also converted their land from a customary land tenure system to a leasehold tenure system, which means that there were more people within the chiefdom who were being guided by the statutory law, which is a challenge for the institution of traditional leaders because they do not use that statutory law but, instead, they use customary law which becomes obsolete once customary land is converted. Hence, the argument that customary land conversion undermines the authority of traditional leadership.

Considering that the theory of authority of traditional leadership is derived from cultural beliefs embedded in the administration of land, the institution of traditional leaders is at the centre of control over customary land in most African countries. Similarly, Ntsebeza (2005:20) "stresses that traditional leaders derive their authority from their control of land apportionment process, rather than their inhabitants amongst their subjects". So, according to this variable factor in the theory of authority of the traditional leaders, if the land is taken away from traditional leaders, then their authority is taken away because it is partly derived from cultural beliefs, which have an interconnection that spills over to land as a key resource, and where authority is exercised

and manifested. This theory, therefore, demonstrates that the size of the customary land determines the authority that the traditional leaders have.

Additionally, Gluckman (1965) highlights that the kind of rights one holds in the land indicates one's status, which is very significant in traditional leaders. He further indicated that "the central point is how the concept of status dominates the law of tribal society" (Gluckman 1965:240), which determines how people relate to one another, which discharges obligations to one another. Therefore, the smaller the size of the customary land, the less the value of the status of the traditional leader. A traditional leader without land is not a traditional leader at all. There is a Bemba phrase that says *Ubukulu bwankoko Masako*, meaning the size of a chicken is determined by its feathers. Also, for the traditional leader, "the bigger the size of the land on which they administer, the more authority they have" because of the large span of control and the larger the space where the ancestors are buried and their spirits reside. Ancestral spirits are considered to have a hand in the well-being of the chiefdom regarding peace, rainfall patterns, and agricultural production, among other benefits of happy ancestral spirits. Additionally, Ng'ombe (2013:5) cited one traditional leader as follows:

We appreciate your effort to make customary land available to investors, essential for development and food security. But we have serious concerns. Chiefs are not chiefs without land. Private landowners would no longer protect the interests of the traditional leaders regarding the ancestors' burial grounds, and they would not respect and pay homage to chiefs. Instead, they would begin to pay land taxes to the state, undermining the traditional political structure.

Similarly, Chowers (2018) highlights that when land is regarded as consecrated by God, its relation involves the commitment that people, as a collective group, have towards the divine and destinies of collective redemptions. Almost all nations accord their native land a role in shaping collective identity, though it is done differently depending on the tribe. This concept of a customary land tenure system helped assess the commitment of newcomers and local people to the culture and traditions attached to the land they occupy. The variable, customary land tenure, also helped to understand how the land on which ancestral spirits lie is preserved and the rituals, practices and symbols collectively developed through customary law. Meek (1946:6) affirms that

these customs colour the attitude of individuals towards land, and many cling to exhausted soil because their ancestors lie buried there; ancestors in most African countries are typically considered the real owners of the land; therefore, ethnic groups' knowledge, practice and behaviour of a chiefdom require to be controlled by rights which are collective rather than [of] an individual character.

The land also performs essential functions that support human and other terrestrial systems, such as food production, fibre, fuel, water, or other biotic materials for human use. It also provides biological habitats for plants, animals, and micro-organisms, regulates the storage and

flow of surface and groundwater, and provides physical space for settlements, industry, and recreation. Hence, land relations are closely linked to ethnic or indigenous community structures, authority relations, and practices (Chitonge and Umar, 2018). Therefore, the chiefly arrangement for the control and pleasure of concern in the land becomes critical to the entire structure of administration, so much so that if one detached the land rights of the chiefs, the foundation on which they hold their office and implement authority over their subjects would be ruined (Kwame, 2009).

Moreover, Kwame (2009) further highlights that “the complete sale of land by a chief is not merely a question of despised property, dishonourably, but a case of selling a sacred heritage for a predicament of pottage, an absolute betrayal of the ancestral trust, a collapse of the hope of prosperity”. Similarly, Gluckman, (1965:7) found out that "complete sale of customary land is a violation of unthinkable or omission of some suitable offering to the spirits, and that this may cause misfortunes to someone other than the wrongdoer, or even to the community as a whole", (Gluckman, 1965:7). Moreover, a man, by living alone in a wilderness, has no requirement to access these regulations. It is only when at least one other individual joins him that it becomes essential to distinguish between things that are his and those that are not his (Kwame, 2009). Moreover, Chitonge et al. (2017) indicated that serious questions about the future of customary land in Africa are raised as customary land is being converted to a leasehold tenure system. It was apparent that there was a need to assess the level of commitment of the newcomers to Mungule Chieftdom in this regard.

3.8.9. Cultural Homogeneity

Zambia, a landlocked country in Southern Africa, is known for its rich cultural and ethnic diversity. However, within this diversity, pockets of ethnically homogeneous communities exist nationwide. The cultural homogeneity of the community also determines the traditional leader's authority level. If the community has only one tribe, clan or family, they speak the same language and use the same symbols agreed upon by the community, with the proper understanding of their meanings and consequences. The degree of cultural homogeneity in a society significantly influences the authority and effectiveness of a traditional leader, as Gluckman posits (Gluckman, 1965). In a culturally homogeneous society, the traditional leader is not just a leader but an embodiment of shared values, traditions, and histories. This collective identity enhances the traditional leader's authority, as it solidifies the role of not merely a governor but as a symbol of the community's unity and cultural heritage. This variable helped

my study establish the values, traditions and identities that guided the newcomers in Mungule Chiefdom and how they impacted the authority of traditional leaders.

Additionally, Evans-Pritchard highlighted that the Nuer people have a high degree of cultural homogeneity, especially regarding their spiritual beliefs and social structures (Evans-Pritchard, 1940). This homogeneity strengthens the traditional leader's authority, as he is seen as an embodiment of the community's shared values and beliefs. In this context, the traditional leader is not merely an administrator but a symbol of collective identity, making his role crucial for social cohesion. However, the transformations that have happened in Mungule Chiefdom, where there is a mixture of cultural orientations among the current occupants of the chiefdom, gave the drive to explore how this aspect affects the authority of traditional leaders.

Gluckman's theories offer a comprehensive lens through which to understand the complex structures that govern the roles and authorities of traditional leaders in homogeneous traditional societies, which created a base to explore the heterogeneous society developed due to the influx of newcomers in Mungule Chiefdom. These structures are deeply ingrained in these societies' social, economic, and cultural fabric, making the traditional leader a pivotal figure in maintaining social cohesion and stability. Additionally, Evans-Pritchard's studies offer a nuanced understanding of the intricacies governing the authority dynamics of traditional leaders in traditional Nuer society. His work mainly explores how lineage, spirituality, and social harmony intersect to form the complex structures that sustain traditional leadership. Moreover, a community that is comprised of one tribe tends to agree on the authority that they would give the traditional leader through their customary law. It is even easier to formulate customary law when everyone is from the same tribe, clan, or family because such laws are formulated from the ordinary and accurate understanding of every member of the chiefdom or tribe. These areas helped to create specific areas to assess how the created heterogeneous community impacts the sustainability of traditional leaders' authority amidst modernity, considering the argument that conversion of customary land undermines the authority of traditional leaders.

However, the Government of the Republic of Zambia (2013) formulated a policy document which outlines the government's approach to promoting cultural diversity and inclusivity in Zambia, addressing challenges associated with ethnic homogenous communities and emphasising the importance of national unity. Meanwhile, Gluckman (1965) stated that individual rights are charged upon their social connections and affiliation to some group with a specific cultural language or social arrangement. Through this right, local/indigenous communities live in harmony and with full consideration of their limits, though not binding, but by their commitment through their respect for their traditional leaders culturally and abide

by oral instructions. The theory here is that the authority of chiefs is derived from cultural beliefs also rooted in land administration in a homogenous community. Furthermore, through these commitments, traditional leaders do reserve some areas for their communal activities, such as animal grazing and burial sites for their loved ones, and some land is reserved for the newcomers in the chiefdoms for expansion as there are some cultural needs, such as inheritance, among other uses. They are creating an opportunity to maintain their cultures and pass them on to future generations through the maintenance of customary land and the Indigenous community, which gives a provision to keep the institutional memories of these cultures (customs, values and norms).

Therefore, according to this theory, if people with diverse cultural orientations intrude in the customary areas, it causes the authority of traditional leaders, who use customary law, to be less effective, as the newcomers, in most cases, tend to change the tenure system from customary to leasehold and use statutory law, which is unfamiliar to the institution of traditional leaders. Therefore, if a newcomer has converted their land to the leasehold tenure system, it becomes a choice out of respect to obey the traditional leaders, who use customary law. With support from Szelenyi (2016), this concept explains that domination is the probability that a command will be obeyed because an individual believes in the system.

This concept helped assess the level of voluntarism and acceptance of the newcomers to obey the commands of the traditional leaders. Traditional leaders were also evaluated by how they justified their superiority, whether they used myths or other ways. Once land is converted to the leasehold tenure system, it ceases to be under customary law. Most traditional leaders are not lawyers; they ascend to the seat through family lineage rather than academic qualifications, which puts them in an awkward position to use specific legal frameworks that begin to be used in the leasehold tenure system. This variable factor helped in assessing how traditional leaders apply customary law on the land and owners of land that is under the leasehold tenure system, despite them being accustomed to using customary law, which is formulated on shared norms, beliefs, values and practices, and is not written anywhere yet is well known by local people.

In most cases, newcomers need help understanding these laws because they are not written anywhere they can access them. Therefore, when a homogenous community is taken away from traditional leaders, their authority is taken away because their jurisdiction is partly derived from cultural beliefs. However, an interconnection spills over to land as a critical resource where authority is exercised and manifested.

Similarly, the conversion of customary land to the leasehold tenure system results from the influx of newcomers into the homogenous ethnic community. This study, therefore, created an

ideal opportunity to investigate how the influx of newcomers in these homogenous ethnic communities affects the authority of the institution of traditional leaders, especially considering that once customary land is converted to the leasehold tenure system, the conditions under which it begins to be held change to statutory law. Further, newcomers may need to acknowledge the guidelines, beliefs, norms, values, traditions, and culture within the chiefdom. Does such a scenario affect the sustenance of the authority of institutional leaders while in their chief office? My study investigated whether the influx of newcomers into the homogenous community strengthens or weakens the institution of the traditional leaders in Mungule Chiefdom. The practices regarding how a chief is perceived from one chiefdom to another differ, but the conceptions are the same. This scenario prevails not only in Africa but across continents. In like manner, administration in each ethnic community depends on the group's nature and in-house establishment (Kwame, 2009).

3.9 Conclusion

In summary, this chapter has offered a comprehensive conceptual framework, grounded in the Theory of Authority of Traditional Leaders, outlined as encompassing four variable factors—succession, traditional society, customary land tenure system, and culturally homogeneous community all directly tied to customary land and traditional leaders' authority. The centrality of Gluckman's (1965) Theory of Traditional Leaders' Authority has been emphasised, supported by Chanock (1985) and Evans-Pritchard (1940), revealing insights into how traditional leaders derive their authority from being custodians of the land, rooted in cultural norms and a social contract with the community. This framework lays a strong foundation for subsequent empirical research, providing theoretical perspectives illuminating the intricate relationship between traditional leaders, land, and authority in Mungule Chiefdom.

Moreover, the examination of Gluckman's Theory of Traditional Leaders' Authority, particularly in the context of customary land conversions, yields a comprehensive understanding of the complex dynamics shaping traditional leaders' authority. The study argues that these conversions, affecting the moral economy, ritualistic roles, and social contracts, present significant challenges to traditional leaders, potentially eroding their authority. While acknowledging critiques, the study defends the theory's relevance in the Zambian context, highlighting its enduring impact on the analysis of African politics and society and offering a valuable lens for interpreting ongoing changes in the authority dynamics of Mungule Chiefdom. Gluckman's exploration of traditional leadership authority in African societies has left a lasting impact on scholarly discourse. Traditional leaders derive their authority from cultural practices rooted in lineage-based systems, serving as custodians of community history

and tradition. This authority, deeply embedded in cultural and spiritual dimensions, contributes to a comprehensive understanding of authority dynamics in non-Western societies. The study emphasises the vulnerability of traditional leaders in the face of land transformations, mainly through customary land conversions, which may erode their authority by impacting the moral economy, ritualistic roles, and social contracts.

In conclusion, the various scholarly perspectives on the authority of traditional leaders converge to present a nuanced understanding of its intricate layers in indigenous or local communities. The exploration of Gluckman's insights unveils a complex interplay of social, economic, and cultural factors, emphasising the multifaceted roles of traditional leaders as political, spiritual, and social figures. The research contributes valuable insights into the nuanced dynamics of traditional leadership authority, offering a comprehensive understanding of its roles, challenges, and adaptations in the face of transformative forces.

CHAPTER FOUR

RESEARCH DESIGN AND METHODOLOGY

4.1. Introduction

The previous chapter discussed the conceptual framework used to explore the implications that customary land conversions have on the authority of traditional leaders. This chapter presents the methodology applied in exploring how the conversion of customary land tenure to the leasehold tenure system affects the authority of the institution of traditional leaders. This chapter is significant as it highlights how and from whom the data was collected, the instruments that were used to collect data (for example, an interview guide), the methods employed when selecting the sample (purposive sampling methods), how the data was secured (for example, note-taking, tape recording), and the methods used in analysing the data. Mungule Chiefdom was selected as a case study area over others because of its proximity to the city, which has facilitated the acquisition of land from this Chiefdom by various potential buyers, its conversion to the leasehold tenure system, and the possible development of these pieces of land. Besides, McTavish and Herman (2011a:182) highlight that case study research leads to the development of new perspectives, phenomena, and conceptual and theoretical perspectives from old theoretical issues. This chapter explains the research approach and designs, the case study selection, data collection techniques and the procedures for data presentation. The procedure mentioned above helped to explore the effects of customary land tenure conversion to the leasehold tenure system on the authority of the institution of traditional leaders.

4.2. Research Approach and Design

4.2.1. Case Study Method

This research took the form of a case study because it is of paramount importance when investigating the implications of customary land conversions on the authority of traditional leaders in Mungule Chiefdom, and adopted a qualitative approach and a single cross-sectional design to gain a deep understanding since qualitative research is well-suited for exploring the complex and nuanced aspects of a case. As Yin (2009:11) indicated, "a case study has a unique strength because it can deal with a full variety of evidence"; for example, in this study, artefacts, historical documents and books were accessed, and facts were retrieved and used in

understanding the implications of customary land conversions to the leasehold tenure system. A case study is essential for the following reasons.

Firstly, it allows an in-depth understanding of a specific instance or situation. In the context of Mungule Chiefdom, where land conversions occur, this approach was invaluable in comprehending the intricate web of cultural, social, and economic factors that influence traditional leadership dynamics. Yin (2014) emphasised that case studies are instrumental when the research questions are "how" and "why". In this study, the research question is centred on understanding the implications of land conversions on the authority of traditional leaders, which necessitates a detailed examination.

Secondly, a case study design allows the researcher to delve into the specific context, uncovering the nuances that may not be apparent in broader studies. As Stake (1995) pointed out, case studies are especially suited for exploring a "bounded system", such as a chiefdom, and understanding the context-specific elements that affect the phenomenon under investigation. Mungule Chiefdom is unique in its cultural heritage, historical significance, and development challenges.

Thirdly, a case study provides the flexibility to gather data through interviews, participant observation, and document analysis, all of which are well-suited for capturing the depth and complexity of this phenomenon. Creswell (2013) highlighted that qualitative research is designed to "explore the depths of meaning" and is particularly beneficial when studying complex social phenomena, such as the interactions between land, culture, and authority. Additionally, given the multifaceted nature of the implications of land conversions on traditional authority, a qualitative approach aligns with the research objectives, giving the study a qualitative richness.

Fourthly, a case study approach allows for direct engagement with stakeholders, offering an opportunity to collect their perspectives, experiences, and insights. Merriam (1998) emphasised the value of case studies in accessing "the insider's view". In this research, understanding the local perspectives was crucial to comprehending the implications on traditional leadership since traditional leaders and community members (local and newcomers) hold a wealth of knowledge about their customs, traditions, and experiences. However, a case study approach and design were pivotal in exploring the implications of customary land conversions on the authority of traditional leaders in Mungule Chiefdom. It enabled a profound, context-specific, and qualitative investigation essential for unravelling the complex dynamics. By adopting this approach, the study sought to contribute to academic understanding and the practical challenges and opportunities faced by traditional leaders and communities in Mungule Chiefdom.

Against this logical standpoint, research questions prepared for this study were qualitative to depict and scrutinise meanings, processes and context while exploring, clarifying and identifying the implications of customary land conversions on the authority of traditional leaders in Mungule Chiefdom. Furthermore, Bryman (2008:437) indicated that "a qualitative study tends to be flexible, responding to the direction in which interviewees take the interview and perhaps adjusting the emphases in the research because of the significant issues that emerge during interviews". To this effect, one-on-one interviews were conducted across different categories and levels, which included traditional leaders, such as village headmen and -women, indigenous or local people of the Chiefdom, and the newcomers to the Chiefdom. The researcher enhanced knowledge production by adding the triangulation strategy, where several participants with various specialisations but interested in land issues were included as participants, including government officials in multiple sectors, academicians, historians,¹ and the private sector. A case study approach, therefore, was a suitable design, ideal for examining how the institution of traditional leaders was sustained after customary land was converted to the leasehold tenure system. This process continuously reduced the sizes of customary land from where traditional leaders drew their strength. Furthermore, it was ideal for examining the consequence of land tenure conversions by an influx of newcomers in the Chiefdom on the institution of traditional leaders and the homogenous ethnic community.

However, case studies are condemned for their bias and non-representativeness. Moreover, McTavish and Loether (2011a:196) indicated that a case study does not encourage sweeping statements over its findings to a broader distinguished population. Additionally, when case study design allows observation as a tool for collecting data, it overlooks the alternative interpretations. Nevertheless, the study conceded to these weaknesses of case studies and considered the more profound encounters with participants and sticking to the set objectives and questions; besides, probing was within the confines of the set questions in the interview guide. The subsequent sections of this chapter describe the case study area and the attributes that qualify it as appropriate for this study.

4.2.2. Selection of Case Study Research Area

This section of the chapter describes the study area to give readers a basic understanding of chiefdoms in Zambia, from a general point of view to a more specific chiefdom relevant to this study. The study reveals 288 traditional chiefs in Zambia, presiding over 73 ethnic groups (Posner, 2005). Each ethnic group lives in a village headed by a village headman. The setup in

¹ *The Historians are not retired, one is from the highest institution of Zambia, the University of Zambia, the other one was through purposive sampling but she has been a historian in the nation*

Zambia is that village headmen report to chiefs depending on the size of the ethnic group. However, some chiefs have other leaders superior to them, called senior chiefs. In Zambia, currently, there is a total of 8 senior chiefs, and other village setups still go further and have paramount chiefs. Notable is the finding that there are only three paramount chiefs in Zambia, namely Paramount Chief Litunga of the Lozi people, Paramount Chief Gawa-Undi of the Chewa people, and Paramount Chief Chitimukulu of the Bemba people (Mudenda, 2006). These 288 chiefdoms are distributed in different provinces, further distributing them in other districts across Zambia.

The traditional authority structure in Zambia is hierarchical and starts with the village headmen at the local level. These headmen are responsible for the day-to-day administration of their villages and report to the chiefs. Chiefs are the next level of traditional authority, presiding over several villages. Above the chiefs are the senior chiefs, who oversee multiple chiefdoms within a particular region. Finally, the paramount chiefs, the highest traditional authorities, preside over the largest ethnic groups and have significant influence and respect across multiple areas (Posner, 2005; Mudenda, 2006). The technical organisation involves a multi-tiered system where:

Village Headmen are the local leaders who manage individual villages and are responsible for minor disputes and community organization.

Chiefs: Oversee a cluster of villages, handle more significant local issues, and serve as the direct link between the village headmen and higher traditional authorities.

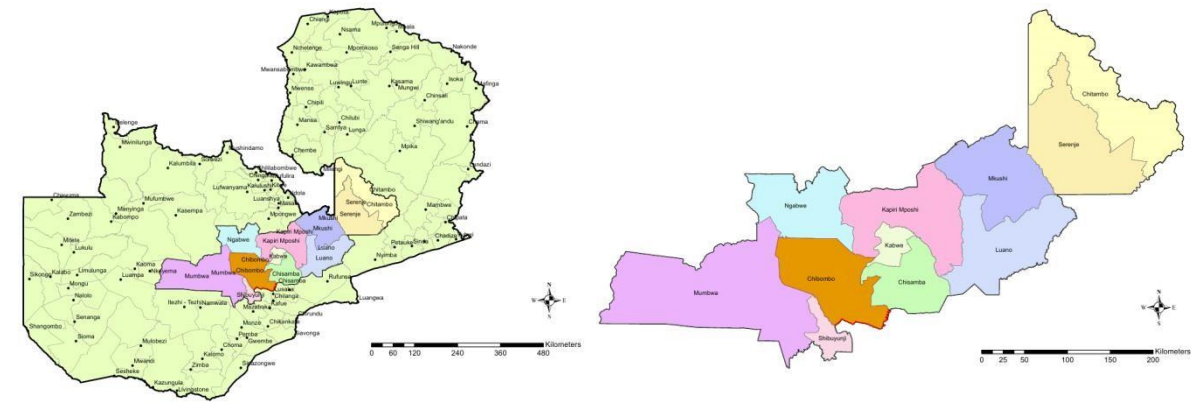
Senior Chiefs: Manage several regional chiefdoms, providing higher-level oversight and coordination among the chiefs.

Paramount Chiefs: These are the highest in the hierarchy of traditional authority. They are responsible for vast areas covering multiple senior chiefdoms and represent the interests of their ethnic groups at national and sometimes international levels.

Traditional authority in Zambia is significant in governing communities and is crucial in land allocation. The Chief and their council oversee the allocation and administration of land within their jurisdiction. As smaller units within the Chiefdom, headmen manage local land issues but must report to the Chief. Land conversion can only occur with the Chief's knowledge, signature, or permission, underscoring the Chief's central role in land governance (Mudenda, 2006; Chitonge et al., 2017).

Mungule Chiefdom, situated within the expansive Chibombo District of the Central Province of Zambia, covers a significant portion of the district's 5,730 square kilometres (Chibombo District Census, 2020), establishing it as one of the larger administrative divisions in the province. While precise data regarding the exact size of Mungule Chiefdom within the district is not readily accessible, its significance within the broader context of Chibombo District is evident.

Figure 3: Maps showing where central province and Mungule chiefdom is situated on the Zambian Map



Source: GRZ 2020

Figure 4: Map showing Mungule chiefdom in Chibombo district



Source: GRZ 2020

Regarding population dynamics, Mungule Chiefdom mirrors the demographic fluctuations typical of rural areas in Zambia, influenced by factors such as migration patterns, births, and deaths. While specific figures for the Chiefdom may be challenging to ascertain without recent census data directly targeting the area, estimations can be drawn from the broader statistics of

Chibombo District. As of the 2020 Census, Chibombo District boasted a population of approximately 214,000 individuals, with the majority residing in rural settings.

Agriculture is the cornerstone of livelihood activities in Mungule Chiefdom and neighbouring regions within the Chibombo District. Subsistence farming constitutes a prevalent occupation, encompassing the cultivation of staple crops like maize, cassava, and groundnuts. Additionally, livestock rearing, particularly cattle, goats, and poultry farming, significantly contributes to the economic sustenance of residents. Beyond agricultural pursuits, ancillary activities such as small-scale trading, fishing (where proximity to water bodies permits), and engagement in government services or small-scale enterprises play supplementary roles in the economic landscape. Nonetheless, agriculture remains the primary income source for most households, underscoring its paramount importance in sustaining livelihoods.

Predominantly rural in character, Mungule Chiefdom epitomises the essence of traditional rural life, characterised by dispersed settlements, agrarian economies, and rudimentary infrastructure compared to urban centres. While peri-urban features such as minor trading hubs or markets exist, the Chiefdom predominantly retains its rural identity. Ongoing developmental endeavours to enhance infrastructure and services suggest a potential transitional phase; however, rural attributes persist as the Chiefdom's defining characteristic.

Transitioning to a more detailed exploration, Mungule Chiefdom holds significance within the broader Zambian context of traditional governance structures. With Zambia boasting 288 traditional chiefs overseeing 73 ethnic groups (Posner, 2005), the chiefdoms form the bedrock of grassroots governance. These chiefdoms, comprising clusters of villages, are led by village headmen, forming part of a hierarchical system where village headmen report to chiefs, with certain chiefs designated senior chiefs overseeing others (Mudenda, 2006).

Mungule Chiefdom's selection as a focal point for qualitative analysis stems from its strategic attributes, including proximity to vital infrastructural networks and historical precedents. Previous research recommended it due to its accessibility and ongoing land tenure transformations (Chitonge et al., 2017; Sitko et al., 2015). Thus, Mungule Chiefdom presents an ideal locale for examining the interplay between customary land practices and modern developmental pressures.

Moreover, Mungule Chiefdom's rich cultural tapestry, historical lineage, and development challenges render it an invaluable case study for comprehending the intricate dynamics of cultural preservation amidst evolving socioeconomic landscapes. Drawing on Flyvbjerg's (2006) assertion regarding the significance of context in qualitative analysis, Mungule

Chiefdom's distinct socio-cultural milieu offers a fertile ground for exploring the ramifications of land tenure conversions on traditional authority structures.

In alignment with established research methodologies, the selection of Mungule Chiefdom as the study area was further justified by its geographical positioning within Chibombo District and its representation of broader national issues concerning cultural diversity and development challenges (Ezigbalike et al., 1995). Thus, Mungule Chiefdom emerges as a microcosm encapsulating the multifaceted dynamics of tradition, development, and cultural resilience, beckoning researchers to unravel its complexities further.

However, recent ministerial statements have highlighted concerns regarding land depletion in Mungule Chiefdom due to increasing demand and exploitation of natural resources. This pressure is exacerbated by the expanding urbanisation from Lusaka, leading to unsustainable land use practices (GLTN, 2022). Local Government and Rural Development Permanent Secretary Nicholas Phiri has expressed concern over the rise in land conflicts and succession disputes within chiefdoms, emphasising the need for traditional leaders to resolve these issues to foster development and unity (Lusaka Times, 2022).

4.2.3. Participant Sampling Method

In this qualitative research, the selection of participants followed a non-random sampling method, using purposive or judgmental sampling. This study, thus, included individuals with specific varying roles in Mungule Chiefdom and different levels of involvement in land conversions and diverse age groups. The goal was to explore diverse perspectives and capture various experiences. Participants in this study were of diverse ages, both old and young, but had traditional, cultural experiences in the Chiefdom. Snowball sampling was also employed to identify other participants, such as the historians, the private sector and the academicians, who provided relevant information on the subject. This approach allowed for the inclusion of individuals who were not initially known but possessed critical knowledge or experiences related to the research. Biernacki and Waldorf (1981) describe snowball sampling as identifying hidden populations or individuals with specialised knowledge.

By employing snowball sampling, the researcher ensured that a diverse and representative group of participants was included, allowing for a more comprehensive exploration of the implications of land conversions on traditional leadership in Mungule Chiefdom.

Sampling is a precise term used to decide on a suitable way that the persons from which the authentic information is drawn about the subject of study are selected Mushingi (2008:56).

Therefore, suitable categories of persons specified in Mungule Chiefdom included headmen and women²; local/foreign investors, who had acquired land from this customary area; and local members of Mungule community. The selection of key informants³ was triangulated by including some participants from the Ministry of Chiefs and Traditional Affairs, Ministry of Lands, House of Chiefs, academicians, historians, and the private sector, namely, Medeem, People's Process, Caritas Lusaka, and Caritas Zambia.

² Chipalaya village, Lusaka Village, Mulobela Village, Nswana Village , Matakala village and Moomba Village

³ Additionally, there were 3 Government wings, 5 private sectors who deal with customary land, 2 historians, 2 Academicians and 3 Chiefs from the house of Chiefs, though from other chiefdoms within Zambia

Category	No interviewed	Category Description	Information collected
Headmen	7	<p>Headmen from various villages</p> <p>Headmen are the ones that update village registers and keep the traditional authorities well informed on every activity in their villages on:</p> <ul style="list-style-type: none"> who has acquired land; -who has converted their land to a leasehold; who has died; who is born, and so on. <p>They discuss and approve developmental issues, including land administration, and update and advise all other village heads.</p>	<p>Do the traditional leaders conduct cultural rituals on the converted land?</p> <p>How do they conduct their cultural rituals and practices on the land converted and occupied by newcomers who may not understand some values, culture and practices in the Chiefdom?</p> <p>If they don't, how do they get their authority after converting from the customary land tenure system to the leasehold tenure system?</p> <p>How do traditional leaders manage to tie newcomers to the chiefly office?</p> <p>How is traditional leaders' authority affected by the intrusion of the newcomers into the homogenous ethnic community?</p> <p>How does the mixed ethnic group of the community abide by these values, norms, and practices?</p> <p>Do the traditional leaders still get guidance from the spirits of the ancestors over the converted land? How?</p> <p>How are cultural defaulters, who may go against the traditions, disciplined by the chiefly office and local people?</p> <p>How do traditional leaders manage to tie every member of the heterogeneous community together?</p>
Indigenous People or Autochthons	7	<p>Local people are also called Indigenous community members or ethnic group members for whom Mungule is their Chiefdom by birth/inheritance and is part of the Lenje tribe. Additionally, some were affected by displacement when Lusaka became the capital city of Zambia, and they relocated to Mungule Chiefdom.</p>	<p>What is the interaction with non-ethnic group members, who are also called newcomers, like How are cultural rules affected by mixed ethnic groups in the Chiefdom or community?</p> <p>Have any cultural changes been noticed due to the intrusion of non-ethnic members and the conversion of customary land to leasehold tenure?</p> <p>If yes, how are these changes affecting institutional arrangements? About the competition over land, monetisation of the economy, and changes in family relations (have there been conflicts/disagreements within families over decisions to sell land to non-ethnic members)</p>
Newcomers (Non-Ethnic Members & Local/Foreign Investors)	4	<p>The buyers of the customary land have a diverse cultural orientation, which is different from that of the ethnic members of Mungule Chiefdom.</p>	<p>What opinion of the cultural requirements of this Chiefdom do they hold?</p> <p>Which cultural practices do they take part in and why? How?</p> <p>How do they cope, adjust, and socialise themselves into the norms, values, customs, and traditional practices of the Mungule Chiefdom?</p>

Chiefs	5	Leaders within Zambia who have a chiefdom may be within the province or from another province.	<p>What is their opinion about customary land conversion in their Chiefdom?</p> <p>Establishing if they still get guidance from the spirits of the ancestors buried within their chiefdoms.</p> <p>Establishing how they conduct their rituals if the customary land where they conduct their rituals is purchased and converted by the newcomers, Who may have a different cultural orientation from what is obtained in their Chiefdom?</p>
Government Official	4	<p>Ministry of Lands</p> <p>Ministry of Chiefs and Traditional Affairs</p> <p>Ministry of Local Government, Infrastructure and Housing</p> <p>House of Chiefs</p>	<p>How land, in general, is perceived by the traditional leaders.</p> <p>The challenge is regarding land issues between the state and the institution of traditional leaders.</p> <p>Level of interaction between the state and the institution of traditional leaders</p>
Historians	2	Individuals who know the past of most of the chiefdoms in Zambia	<p>The Historical Background of Chiefdoms in Zambia.</p> <p>History of traditional leaders</p>
Academics	2	Members of the University of Zambia	The kind of research they have done on the topic and the findings
Private Sector/ CSOs	5	<p>Medeem</p> <p>People's Process</p> <p>Caritas Lusaka</p> <p>Caritas Zambia</p> <p>Land Alliance</p>	Matters arising as the private sector interacts with the community or chiefdoms
Total Interviewed	36		

Table 1: Summary of the Categories of Respondents and Data Required from Them

As shown in Table 1 above, data were collected from 36 participants. Some of whom were purposively sampled, while others were picked through the snowball ⁴ Sampling technique. In studying the implications of customary land conversions, selecting participants from various categories reflected a comprehensive approach to understanding the multifaceted impacts on different stakeholders. Each category was chosen deliberately to provide a diverse and holistic perspective on the effects of customary land conversions. The rationale for selecting each category is outlined below:

Seven (7) headmen were selected from within the Chiefdom because they were integral figures in customary land governance. Their perspectives shed light on how land conversions affect traditional leadership structures, communal values, and local governance systems. Seven (7) ordinary members of the community were from various villages. Ordinary community members represented the grassroots level and were directly impacted by land conversions, including individuals from different villages, ensuring a broad understanding of the communal sentiments and how the changes affected their daily lives.

Figure: 5 homesteads of participants in two different villages withing Mungule chiefdom. For ethical reasons names of villages and the participants are withheld.



Source: Author

⁴ Snowball sampling criteria were utilised based on the participants' characteristics relevant to customary land issues.

Figure: 6. One of the homestead for one of the participants, names of the person and the village is withheld for ethical reasons



Source: Author

Four (4) newcomers who have settled within the Chiefdom but from various villages brought a unique perspective as outsiders to the traditional community. Their experiences highlighted the challenges and opportunities associated with integrating into a new cultural and land-use context. Five (5) chiefs selected from different provinces but within the nation of Zambia provided a broader national perspective. Their insights helped me understand how customary land conversions impact local communities and how these changes resonate locally. Four (4) government officials, one from each Ministry of Lands, Ministry of Chiefs and Traditional Affairs, Ministry of Local Government, Infrastructure and Housing, and the House of Chiefs, were selected since they played a crucial role in policy formulation and implementation. Their perspectives contributed to understanding the legal and regulatory framework governing customary land conversions and the challenges in their execution. Two (2)⁵ Historians brought a temporal dimension to the study by examining the historical context of customary land use. Their insights helped trace the evolution of land practices and contextualise the current implications. Two (2)⁶ Academics provided a scholarly perspective, offering theoretical frameworks and analytical tools to understand the broader implications of customary land conversions. Their input added depth to the study. Five (5) were from the private sector and dealt with customary land matters. The private sector representatives were involved in various aspects of land use, including investments and development. Their perspectives highlighted the economic implications of customary land conversions and how these impact business interests.

⁵ The academicians recommended these through snowball sampling.

⁶ Since it is a university with an intense institutional memory through its research, it makes it relevant to the topic under study.

Using snowball sampling criteria ensured participants shared characteristics relevant to customary land issues, fostering a focused and nuanced exploration of the topic. The diverse selection of participants aimed to capture a comprehensive understanding of the implications of customary land conversions from various viewpoints, enriching the study with a broad spectrum of insights. Triangulation was applied as a strategy to further enhance the research and data collection, allowing participants with diverse specialisations and experiences to be identified (Mushinge and Mulenga, 2016).

Having met the requirements for field work, such as the ethical clearance and approval of the proposal by the University of Cape Town (UCT) Doctoral Degrees Board (DDB), the researcher organised all the letters to permit and introduce the topic to all relevant protocols and proceeded to make appointments with the advisors to the Chief. To enable the institution of traditional leaders, in the name of the headmen, to understand the study, that it was purely for academic purposes, and to know who the participants would be.

The Chief Advisor cautioned the researcher that Chieftainess Mungule would be interviewed last and that the starting point would be the village headmen and the members of the chiefdoms in various villages. However, initially, the researcher was advised that, in the selected study area, they had lost a ward counsellor and, because the ward counsellor was from the opposition party, the area was tensed up with the election campaigns to the extent of the community being violent, especially to strangers. The researcher was, therefore, advised to wait until the situation calmed down. This situation lasted for nine months. Thus, the researcher commenced her data collection in December 2019. Soon after commencing data collection, the whole country of Zambia experienced a strange activity of gassing unsuspecting victims with the view to killing them. The situation became tense again, which affected the data collection exercise.

With authority from the Chief's advisor, the researcher divided the Chiefdom into four zones to select participants from various villages. On the one hand, the researcher went into the field and collected data through one-on-one, in-depth interviews. On the other hand, the chief advisor to the Chief began to organise some headmen for a focus group discussion (FGD), which was scheduled to commence after data collection. Unfortunately, the FGD could not occur because of COVID-19 restrictions, which prohibited people from gathering in crowds.

4.3. Data Collection Techniques

In the quest to uncover the intricate web of cultural, social, and historical dynamics in Mungule Chiefdom, Zambia, and explore the far-reaching implications of customary land conversions on the

authority of traditional leaders, the methodology adopted is a testament to the depth and complexity of the research. Qualitative data collection techniques were the foundational pillars of this study. Through a thoughtful combination of in-depth interviews and participant observation, the research sought to dive deep into the heart of Mungule Chiefdom, inviting the voices of a diverse array of key informants to share their perspectives and engaging in immersive firsthand experiences to unravel the nuances of daily life and cultural practices. Key informants were identified through initial research and consultation with community leaders and local authorities. These individuals had valuable insights into the cultural, social, and historical aspects of Mungule Chiefdom. Using key informants aligns with (Bernard, 2011), who suggests that qualitative research often involves selecting participants with specialised knowledge or unique perspectives. This methodology section sheds light on the two fundamental data collection techniques: semi-structured interviews and participant observation.

4.3.1. Semi-structured interviews

The qualitative journey began with one-on-one, in-depth interviews to permit liberty of speech. Besides, interviews enabled the researcher to gather information on people's moods, mindsets, and opinions of values without hindrances, as guided by Mushinge (2008). As a necessity of the inquiry, real conversational questions were asked open-mindedly about Bryman's (2008) view, which indicated that, as interviews progressed, interviewees raised extra and complementary issues, which formed an essential part of the findings. This way of probing questions was superlative because the researcher was not imposing answers on the participants. However, answers came straight from the mouths of the participants (Mushinge, 2008:37). This aspect of probing led to the collection of in-depth data. It is worth noting that every interview with those who permitted the researcher to do so was recorded. Recording becomes cardinal in such research as "recording helps to correct the natural limitation of our memories and the intuitive glosses that we might place on what people say in interviews. Also, recorded interviews help counter accusations that analysis might have been influenced by a researcher's values and biases" (Bryman, 2008:451). They served as the channel through which the voices of individuals with varying roles, backgrounds, and perspectives within Mungule Chiefdom were captured.

Traditional leaders, local residents, newcomers to the community, representatives from the private sector, academicians, and government officials all found a seat at the interview table. Through these semi-structured interviews, the research lens focused on cultural and social aspects and delved into the policy and historical dimensions. Furthermore, government officials were interviewed to obtain

information on the view of customary land about state land. Historians and academicians were interviewed to gather information on the historical perspectives of the traditional leaders' authority.

To gather information on the authority of traditional leaders and how it was sustained, traditional leaders (chiefs and headmen) and members of the chiefdoms, both local people and newcomers, were interviewed. It is significant to know that each tribe, though Zambian, had its tradition or culture, and there was nothing like “one Zambia, one nation”, which currently stands as a slogan that makes the nation united.

However, these conversations uncovered the heartbeat of Mungule Chiefdom, as individuals from different walks of life shared their unique insights, experiences, and visions for the future.

4.3.2. Participant Observations

Complementing the insights gathered through interviews, the researcher embarked on a journey of participant observation, immersing herself in the daily life and cultural practices of the Chiefdom. The power of participant observation lies in the authenticity of experiencing a community firsthand. It allowed the researcher to engage with the rhythms of daily life, witness cultural practices in their natural setting, and interact with the community, gaining an unfiltered and profound understanding of the culture and social dynamics that define Mungule Chiefdom.

The observation was applied throughout the data collection period with all the participants because, as Yin (2009:122) advised, all participants were in their natural settings, which provided an excellent opportunity to observe them as data were collected, be it through documentation archival records or interviews. Besides, the researcher jotted down some notes about the meanings of some texts and how they related to texts from other participants, as well as for probing further (Schutt, 2017:327). Additionally, McTavish and Loether (2011b) highlighted that observation is an accommodating technique that allows the observation of non-verbal behaviour, which is the vehicle of social collaboration and connections. Non-verbal behaviour is inevitable when individuals are in their natural environment, and the researcher cannot regulate what is happening among the participants. Besides, this technique allowed the researcher to probe where some observations could have been more precise. Likewise, since participants were in their natural environment, the researcher could clear her observations by examining the meanings of the portrayed behaviour or emotions during interviews.

The foregoing aspect made the observation technique a strength in gathering information for this study, on the one hand, and the other, a failure to get the correct meanings of some behaviours due to various reasons. One reason was that subjecting the researcher to misinterpret or distort the information gathered would negatively affect the study's accuracy and reliability. Nevertheless, to overcome this problem, the researcher engaged one research assistant, selected from the local people,

who were well vested in Lenje traditional practices, culture, symbols and language, throughout the interviews, and she was able to interpret every aspect of their tradition or, even when the interviewee missed what was being asked, this interpreter was able to translate the question into the local language.

4.3.3. Secondary Data

Secondary data created multiple sources of obtaining evidence, which was applied in reviewing secondary data from academic literature and documentation found with any of the participants, as well as from archival records, tabloids, blogs, media, reports, and speeches, among other sources and physical artefacts. As Bryman (2008) advised, secondary data need considerable interpretative skills to ascertain the meaning of the uncovered materials. It is worth noting that contacts were established with the relevant categories of participants within the study area in case of a need for further probing. Additionally, materials collected included the draft land administration and management policy from the Ministry of Lands and curriculum books for the training that the traditional leaders had yet to begin less than a year after the interview period. These were titled *Traditional Leadership, Management and Governance*, produced by the School of Leadership and Business Management at Chalimbana University and The Department of Leadership and Traditional Governance. It is a two-year diploma course to be offered through distance learning. Other materials included books authored by some chiefs, such as Chief Mukuni's *The Mukuni Royal Dynasty's Short History* and *The Munokalya Mukuni Royal Establishment's Ritual and Political Sovereignty*, and Chief Chamuka's book about their Chieftom. The new constitution for the institution of the traditional leaders was also provided, but with much caution that it was supposed to be kept from circulating anywhere. It was only used for the researcher's understanding of what was happening on the ground.

4.4. Analysis of Data

This analysis delves into the intricate realm of data presentation within the qualitative research context, focusing on the implications of customary land conversions on the authority of traditional leaders in Mungule Chieftom, Zambia. The study navigated through the rich cultural, social, and historical fabric of Mungule Chieftom, contextualising and illustrating the complexity of daily life, traditions, and historical challenges. Narrative reports captured this complexity, incorporating direct quotes and extracts to convey the participants' experiences and perspectives authentically.

Through thematic analysis, key patterns and themes that underpin the cultural and socioeconomic dynamics within Mungule Chieftom were identified. This approach provided a structured and

systematic presentation of the findings. Through these data presentation techniques, the study aimed to deliver a comprehensive and engaging portrayal of the Chiefdom's intricacies, highlighting the impacts of land conversions on its traditional authority and community. The data presentation involved detailed accounts that contextualised the cultural, social, and historical dimensions of Mungule Chiefdom through the narrative reports. It also involved direct quotes and extracts that had the authentic voices of the participants, bringing their experiences and perspectives to life. Finally, it involved thematic analysis, which identified overarching patterns and themes, offering a structured and systematic presentation of the research findings.

4.4.1. Narrative Reports

Findings have been presented through narrative reports that have provided a rich and contextualised description of the cultural, social, and historical aspects of the Chiefdom. Narrative reports involve presenting the findings in a descriptive and contextualised manner. In this context, narrative reports have been used to create a comprehensive and engaging account of the cultural, social, and historical aspects of customary land in Mungule Chiefdom. The following elements are typically included in narrative reports:

Contextualisation

The narrative reports began with a brief overview of Mungule Chiefdom, its cultural practices, historical background, and the issues related to land conversions and traditional authority.

Storytelling

The data collected through interviews, participant observations, and document analysis were synthesised into a coherent and engaging narrative. This narrative allowed the reader to immerse themselves in the experiences and perspectives of the participants.

Rich Description

The report provides rich and vivid descriptions of cultural events, social dynamics, and historical contexts. This descriptive approach aims to make the data more relatable and understandable. Narrative reports are particularly effective for conveying the complexity and depth of the data. They allow the reader to appreciate the Chiefdom's dynamics' cultural nuances, and historical dimensions.

4.4.2. Quotes and Extracts

Direct quotes and interview extracts were used to illustrate key points, which provided a deeper understanding of the participants' perspectives. These key notable quotes are representative and illuminating and capture the essence of the participants' experiences and viewpoints. Each quote is

accompanied by a brief contextual explanation to help the reader understand the statement's significance within the broader narrative. Quotes and extracts have also been strategically placed to illustrate key points and arguments made in this research, as they serve as evidence of the themes and patterns identified in the data. Quotes and extracts add authenticity and depth to the presentation. They allow the reader to directly connect with the voices of those involved, fostering empathy and understanding.

4.4.3. Thematic Analysis

Thematic analysis is a widely used method in qualitative research for systematically identifying, analysing, and reporting patterns (themes) within a dataset. Themes and patterns emerging from the data have been presented, focusing on the cultural and socioeconomic dynamics within Mungule Chiefdom. The thematic analysis involves identifying and presenting themes and patterns that emerge from the data. The procedure consists of several steps that help the researcher make sense of complex qualitative data and include:

Data Coding

Data coding was the initial step in thematic analysis. It involved systematically labelling segments of data with descriptive codes. Codes are labels or tags that represent concepts, ideas, or topics found within the data. This step was crucial as it broke down the data into manageable units for analysis. Braun and Clarke (2006) emphasised that data coding is the foundational step in thematic analysis, allowing researchers to "identify features of the data that are of interest and relevance to the research questions".

Theme Identification

After coding the data, the next step was identifying overarching themes and patterns. Themes are the higher-level categories that emerge from the coded data. As a researcher, I grouped related codes to form these themes. This step allowed for the extraction of meaningful insights from the data. Braun and Clarke (2006) suggested that theme identification is essential for organising and making sense of large datasets and is a way to detect patterns and regularities.

Structured Presentation

The thematic analysis concluded by presenting the identified themes in an organised and structured manner. Typically, this involved using headings and sub-headings to delineate the themes and their sub-themes. A structured presentation helped to make the research findings clear and comprehensible for readers. Silverman (2016) noted that a structured presentation is essential in

qualitative research because it provides a transparent and systematic way to communicate findings. It allows the researcher to present the data-driven insights in an organised fashion.

In the study on the implications of customary land conversions on the authority of traditional leaders in Mungule Chiefdom, thematic analysis was instrumental in synthesising the diverse data collected through interviews, participant observation, and document analysis. It allowed for identifying key themes and patterns related to cultural practices, social dynamics, historical context, and the impacts of land conversions. The structured presentation of these themes made the findings more accessible and comprehensible to the research audience.

The thematic analysis provided a structured way to present the findings, making it clear and systematic for the reader. It allowed for the synthesis of complex data into meaningful categories that highlight the main findings of the research.

By employing these procedures for data presentation, the study aimed to offer a comprehensive, engaging, and structured account of the cultural, social, and historical dynamics of Mungule Chiefdom and how customary land conversions impact traditional authority and the community.

4.5. Researcher Positionality

Following England's (2010) argument that "researchers' positionality and biography directly affect fieldwork and that fieldwork is a dialogical process which the researcher and the participants structure", I, therefore, take this opportunity to state that, for this research, I take the position of both an insider as well as an outsider – an insider because I occasionally participated in meetings between the state and the traditional leaders and identified some friction in their interaction, which motivated my curiosity. I am also an outsider because I do not live in this Chiefdom, and my ethnic connection is a thousand miles away from this ethnic group as I come from Chief Shibwalya Kapila in the Kapatu Constituency in the Northern Province of Zambia.

4.6. Limitations of the Study

Political and health situations restricted the researcher from interviewing some people, such as the Chieftainess. Additionally, the researcher could not conduct any focus group discussions due to the COVID-19 pandemic, which attracted global regulations that prohibited gathering in crowds. Additionally, before the COVID-19 pandemic, the study area was restricted because a councillor had just died, and politicians were campaigning for the next elections, which were scheduled to take place eight (8) months from the time the researcher approached the chief advisor to Chieftainess Mungule for permission to access the study area. It suffices to mention that the political campaigns

were very violent, and, for the safety of the researcher, the chief advisor advised the researcher to avoid passing anywhere in the Chiefdom because it could risk her life, and this situation was beyond the researcher's control. However, after the elections, the researcher was permitted to enter the Chiefdom and began interviewing headmen and members. However, before the researcher could finish interviewing participants, the COVID-19 outbreak started, and, unfortunately, she was not allowed to conduct any focus group discussions (FGD).

Nevertheless, the researcher was allowed to conduct one-on-one interviews. Despite such prevailing conditions, enough data were gathered from individuals and triangulated by incorporating other categories, as indicated in the earlier sections, to ensure the information remained valuable, of good quality, reliable and valid. Other limitations included time, finances, and access to communities.

4.7. Research Ethics and Permissions

The research was conducted according to the University of Cape Town (UCT) code of conduct and policies to ensure integrity. Therefore, ethics clearance and permission to access contact details were obtained per the UCT guidelines before data collection. Details of this aspect were that, upon successfully submitting and approving the proposal to the UCT Doctoral Degrees Board (DDB), one of the prerequisites for every UCT student, the researcher proceeded to process the ethical clearance before going into the field—the issuance of an ethical clearance certificate evidenced this. Additionally, introductory letters were obtained from the supervisor at UCT and the University of Zambia (UNZA), where the researcher works. Apart from that, it is a university familiar to the members of the Mungule Chiefdom. The two letters of introduction were presented to Chieftainess Mungule's chief advisor. Considering that Mungule Chiefdom, at the time of the data collection period, had gone through massive customary land acquisition and conversions, some of which were done without the knowledge of the Chieftainess, there was tension whenever land issues were to be discussed. For the researcher to have authentication in this Chiefdom, another recommendation was acquired from one of the former headmen for one of the villages ⁷within the Chiefdom, who, at the time of data collection, was also a lecturer at the University of Zambia. Letters of introduction and recommendation letters assisted the chief advisor to Chieftainess Mungule in developing trust in the researcher. In addition to all these procedures, an introductory procession was also sought from one of the key representatives of Chieftainess Mungule, as, at the time of data collection, Chieftainess Mungule was unwell for some time after losing her child who had been on the seat ruling the

⁷ Chipalaya village, Lusaka Village, Mulobela Village, Nswana Village, Matakala village and Moomba Village

Chiefdom. This procedure from the representative permitted the researcher to access other specific institutions of traditional leaders (village headmen and headwomen) located in various villages, where data were collected from local people and newcomers in the villages. The researcher was introduced without hesitation in multiple villages and facilitated the maximum assistance possible from every member of the Chiefdom.

In summary, ethical issues in this study encompass informed consent, confidentiality, anonymity, professionalism and participation, according to Johnson and Christensen (2008). The foregoing sustained relevant discussions with the participants and all other interested parties in the study, despite the limitations due to restrictions initiated by the COVID-19 pandemic and some political matters, as highlighted in the section on constraints above.

4.8. Consent Letters

With the help of a research assistant, who is an undergraduate at the University of Zambia who also was born and bred within this Chiefdom, each interviewee was sensitised to what the research was all about and the type of data needed and, if possible, the reason they were selected to be among the respondents. When the participant was unfamiliar with English or the commonly used Nyanja language, the research assistant always interpreted in their local language (Lenje) to ensure that participants understood what they were participating in. After participants understood this aspect and agreed to be interviewed, they signed a consent form (refer to the attachments for the consent form). Participants were also informed that no actual names would be reflected in the thesis, which was to allow them to be open enough to acquire quality data. One-on-one interviews then took off. There were some cases where, because of the authorisation from traditional leaders, some participants were very comfortable being interviewed without them signing the consent forms.

4.9. Anonymity of Data Collection

The researcher ensured anonymity for each participant in her report instead of using fake names. She emphasised respect and confidentiality to all the participants. However, letters of consent were made available for signing to all the participants, and, as highlighted above, some participants were still comfortable releasing their data without signing the form.

4.10. Credibility, Reliability and Transferability of the Data

With permission from the participants, interviews were recorded and transcribed, and the researcher filed the transcribed data. Content analysis was done and brought about emerging themes. This process helped the researcher have credible, reliable, and dependable data such that it could produce similar results even if another researcher conducted a study in a similar field, making the data obtained very reliable and transferable.

To ensure the reliability of the data, the researcher collected data from multiple sources. The researcher interviewed traditional leaders, local people, and newcomers in the Chiefdom, the private sector operating in these areas as recommended by the key participants (traditional leaders, local people or newcomers), government officials, academicians and historians. This factor helped in gathering different perspectives on the topic of the study. The review of secondary data complemented this, some obtained from the participants and others from archives in libraries.

CHAPTER FIVE

DYNAMICS OF CUSTOMARY LAND CONVERSIONS IN MUNGULE CHIEFDOM

5.1. Introduction

Having presented the conceptual framework in Chapter Three and described the research methodology applied in this study in Chapter Four, this chapter presents the empirical data on the dynamics that have come with customary land conversions in Mungule Chiefdom. The chapter begins with describing the process and context of customary land conversion in Zambia, then describes what is obtained regarding the process and context of customary land conversion in Mungule Chiefdom. Secondly, the chapter exposes what happens after customary land is converted, provides an overview of the people found in Mungule Chiefdom – local people and newcomers – and then expands on the final dynamic of a community with a mixture of cultures in the Chiefdom. Thirdly, the chapter provides a thorough description of ways in which traditional leaders in Zambia obtain their authority. Fourthly, it highlights how traditional leaders exercise their authority in the Chiefdom. Finally, a conclusion for the chapter is drawn from presenting empirical data. This chapter aims to enable readers to understand the implications of customary land conversions, which will be detailed in the next chapter (Chapter Six).

5.2. Customary Land Conversion Process and Context in Zambia

5.2.1. Customary Land Conversion Context

Customary land conversion refers to the transformation of land traditionally owned by local communities and governed by customary laws into leasehold tenure, where the state assumes control and administration. In Zambia, customary land comprises approximately 94% of the country's total land area (Chimhowu, 2019). However, there has been a growing trend in recent years of converting customary land into various forms of tenure, including leaseholds, freehold titles, and land for commercial farming ventures (Kansanga et al., 2019). This shift in Zambia can be understood within the broader context of land tenure insecurity, economic development, and the competing interests of local communities, investors, and the Government.

Up until the 1990s, customary land in Zambia was seen as communal property, managed by traditional leaders for the benefit of their communities. However, land policy changes—particularly the 1995 Land Act—have increasingly opened up customary land to individual ownership and commercial development (Sitko and Chamberlin, 2016).

One of the primary drivers behind these land conversions is the desire for economic development and investment. In line with its development agenda, the Zambian Government has actively promoted large-scale agriculture and mining projects to boost economic growth, create employment opportunities, and attract foreign investment. This has often involved the conversion of customary land for commercial farming, mining operations, and other private ventures. Proponents of these projects argue that they can generate much-needed revenue, foster rural development, and improve the living standards of local communities.

However, the conversion of customary land has also triggered concerns and conflicts. Critics argue that these conversions often occur without local communities being adequately consulted or compensated, resulting in forced evictions, loss of livelihoods, and disruption of traditional sociocultural systems. They argue that customary land tenure provides essential social, cultural, and ecological benefits to local communities and should be protected and recognised. Furthermore, traditional leaders, who hold customary land in trust for the community, have also been under pressure due to the conversion process. Some traditional leaders have been accused of corruption and abuse of authority about land transactions, undermining the legitimacy and fairness of conversions. Therefore, the Zambian Government has recognised the need to address the challenges associated with customary land conversions. Efforts have been made to improve land administration, streamline land acquisition processes, and safeguard the rights and interests of local communities. The issue of customary land conversions remains complex and contentious in Zambia, requiring careful balancing of competing interests to ensure equitable and sustainable outcomes (Munshifwa, 2018).

Additionally, the International Monetary Fund (IMF) and the World Bank have significantly promoted land conversion policies in Zambia. These institutions have often linked their financial assistance and development programs to policy reforms to enhance land tenure security and facilitate land market development. Their support is based on the premise that transparent and secure land tenure can attract investment, improve agricultural productivity, and contribute to economic growth. The IMF and World Bank have encouraged Zambia to implement land reforms that formalise land rights, reduce land tenure insecurity, and promote land transactions, including advocating for converting customary land to leasehold or freehold titles to provide more secure and marketable land tenure systems. While these policies aim to stimulate investment and development, they have also faced criticism for needing to fully consider the socio-cultural implications and the potential adverse effects on local communities and traditional land governance systems.

5.2.2. Customary Land Conversion Process

The customary land conversion process in Zambia unfolds as a multifaceted endeavor, integrating legal, administrative, and procedural components, as elucidated by Ng'ombe et al. (2014), Kevan (2014) and Chande (2014), commencing with a foundational understanding of the legal framework governing land tenure. According to Section 4(1) of the Lands Act, the President has the authority to alienate land under customary tenure and convert it to leasehold tenure for a period not exceeding ninety-nine years. However, this process requires the approval of both the chief and the local authority overseeing the land in question.

Ng'ombe et al. (2014) highlighted that the process necessitated familiarity with pertinent laws, regulations, and policies dictating the conversion journey. The first stage involves identifying the specific piece of land intended for conversion. Following this, key stakeholders, encompassing government agencies, local authorities, and community representatives, are identified and engaged, aligning with the collaborative approach emphasized by Ng'ombe et al. (2014). The process continues with a recommendation to the chief, who must provide consent before any further steps can be taken. Stressing the importance of comprehending the roles and expectations of each stakeholder, this collaborative effort proceeds to community consultation, recognizing the communal ownership aspect inherent in customary land—a vital element echoed by Ng'ombe et al. (2014) for ensuring a smooth conversion process.

The subsequent step involves gathering the necessary documentation, as guided by Ng'ombe et al. (2014). This comprehensive compilation includes proof of ownership, community resolutions, and other documents specified by authorities. Afterward, a formal application is submitted to the relevant government agency, ensuring it includes all requisite information and documentation. Key government bodies involved in this process include the Lands and Survey Department, which oversees land-related matters; the Local Government Authority, responsible for community resolutions and land-use planning; the Environmental Management Authority (EMA), which addresses environmental considerations; the Ministry of Commerce, Trade, and Industry, which regulates business activities; and the Zambia Revenue Authority (ZRA), which oversees financial aspects related to the project, including tax documentation. This stage also requires a recommendation from the local authority to the Commissioner of Lands.

Following Ng'ombe et al.'s (2014) guidelines proves a prudent approach, guiding the applicant through the complexities of the process. Thorough documentation, incorporating proof of ownership and community resolutions as stipulated in the guidelines, is imperative for a comprehensive formal

application. Engaging with these authorities is underscored by the need for respect and professionalism, acknowledging that the process may entail iterations and requests for additional information or clarifications. In essence, the flow of this systematic process ensures adherence to legal frameworks, stakeholder collaboration, and meticulous documentation, contributing to a transparent and successful customary land conversion process in Zambia.

After the application submission, the land administration authorities conduct a survey and land valuation to ascertain the size and market value of the land, adhering to the guidelines set forth by Ng'ombe et al. (2014). This crucial step is pivotal in determining the appropriate lease fees. Authorized surveyors or government officials typically oversee the land valuation process, ensuring its accuracy and adherence to established protocols. Subsequently, the land is assigned a unique identification number to facilitate its management and registration. The conversion process necessitates paying various fees, including application, survey, and other costs stipulated by the relevant authorities, as Ng'ombe et al. (2014) outlined. If an agreement is reached regarding the land conversion, the next phase involves an independent assessment of the land's market value by a neutral assessor. This evaluation considers both the land itself and any existing improvements. By the Land Act No. 29 of 1995, compensation is provided to affected communities or traditional leaders. In essence, this comprehensive and systematic approach ensures that the financial aspects of the conversion align with legal frameworks, contributing to a transparent and equitable land conversion process in Zambia.

The government or relevant authorities then review the application, ensuring all legal and administrative requirements have been met and thoroughly examining submitted documentation, as highlighted by Ng'ombe et al. (2014). Upon approval, a leasehold title is issued, serving as legal proof of ownership under the leasehold system, as outlined by Kevan (2014) and Ng'ombe et al. (2014). This document sets out the terms and conditions of the lease, including duration and specific obligations or restrictions. A formal leasehold agreement is signed once both parties agree on the terms. This agreement outlines the lease conditions and responsibilities of the lessee (landholder) and the lessor (Government). In this process, new landholders must adhere to the terms and conditions specified in the leasehold agreement. Failure to comply can result in the revocation of the leasehold. Additionally, leasehold landowners must renew their leases periodically, typically after a specific number of years, by paying renewal fees. The terms of renewal are usually outlined in the lease agreement.

However, to solidify the land conversion, the next crucial step is registering the leasehold title, as

Kevan (2014) and Ng'ombe et al. (2014) advised. Registering the leasehold tenure involves the registration of the leasehold title with the relevant land registry or government office, a process essential for securing legal recognition of the conversion and formally documenting the updated land tenure status. By adhering to the recommendations of Kevan (2014) and Ng'ombe et al. (2014), this registration step validates the legitimacy of the converted land and establishes an official record that reflects the altered tenure status. This comprehensive and legally binding measure further contributes to the transparency and permanence of the land conversion process in Zambia.

Nonetheless, the customary land conversion process in Zambia has faced criticism for not adequately protecting the rights of local communities. Once the land is converted, it is no longer controlled by traditional leaders but by the state through the Land Commission. Additionally, obtaining legal advice and guidance from experts in land tenure and land laws is advisable to ensure a smooth and legally compliant conversion.

One notable critic is Dr. Susan Ngongi, a prominent scholar in development studies. Ngongi (2019) highlighted the risks associated with customary land conversion, emphasizing the potential for marginalization and disenfranchisement of local communities. She argued that the current process may not adequately protect the rights of these communities, leading to social and economic disparities. Another voice in this discourse is the Zambia Land Alliance (ZLA), a non-governmental organization engaged in land rights advocacy. In its report on customary land conversion (ZLA, 2021), the ZLA expressed concerns about the need for more inclusivity and transparency in the decision-making processes. It argued that the conversion process might perpetuate social injustice and exacerbate existing inequalities without meaningful participation from local communities. Furthermore, Professor James Banda, an expert in land governance, has raised questions about the legal framework surrounding customary land conversion. In a public lecture at the University of Zambia (Banda, 2018), he critiqued the ambiguity in the legal provisions, which, according to him, could lead to arbitrary decisions and potential abuse of authority in the land conversion process.

These critics, including Dr. Susan Ngongi, the Zambia Land Alliance, and Professor James Banda, collectively voice concerns about the potential negative impacts of customary land conversion in Zambia. Their critiques focus on community rights, inclusivity, transparency, and the legal framework governing the process. Policymakers and stakeholders must consider these perspectives to ensure a more equitable land conversion process. Additionally, concerns have been raised regarding opaque land valuation, unfair compensation, lack of transparency, and inadequate consultation with affected communities. These concerns highlight the need for greater safeguards and reforms in the customary land conversion process to protect community rights and interests.

Figure 7: flow chart showing the stages involved in the conversion of customary land to leasehold in Zambia



Source: Chande (2014)

5.3. Unraveling the Challenges of Urbanisation and Customary Land Conversions in Mungule Chiefdom

Mungule Chiefdom is one of the customary lands in Chibombo District of the Central Province of Zambia, and it is one of the closest chiefdoms to the capital city, Lusaka. Due to its proximity to Lusaka, the land has faced vast urbanisation, driven by cheaper land prices compared to the city. Honi and Mulenga (2015) note that "Chibombo district alone, where Mungule Chiefdom is located, receives over a thousand conversion requests per year, with consent letters from chiefs" (Honi and Mulenga, 2015:15). This high demand for land in Mungule is consistent with findings by Sitko et al. (2015:12), who observed that urban wage earners from nearby cities invest in acquiring land in customary areas and convert it to leasehold tenure. In Mungule Chiefdom, these individuals

predominantly come from Lusaka city. Chitonge and Umar (2018) describe this trend as a new scramble for African tenure relations and rural livelihoods, highlighting the growing demand for land that leads to redefining land rights and contestations in rural areas. Additionally, Umar and Nyanga (2022) emphasise that the absolute sale of land by a traditional leader is not merely a question of unwanted property; it represents the selling of a sacred legacy for immediate gain, a betrayal of ancestral trust, and a potential cause of misfortune for the community, echoing sentiments expressed by Gluckman (1965:7) and Evans-Pritchard (1951). Umar and Nyanga (2022) further underscore that the need to access regulations, arises only when individuals are no longer alone in a wilderness, as the presence of others necessitates a distinction between what belongs to one person and what does not.

There was a clear indication from interviews with the local people, newcomers and traditional leaders based in Mungule Chiefdom that customary land acquisition and conversion have been haphazardly made in the Chiefdom by the sellers of customary land. For example, responses from some participants revealed that, due to their independence, the headmen's transactions in selling their land were not shared among themselves. As a result, the other headmen within the Chiefdom, including the Chieftainess, would not know what one headman and his subjects were doing in one village. Also, considering that there were 686 headmen in Mungule Chiefdom (HD1, 10th June 2019), each transacted without coordinating with other traditional leaders in the Chiefdom, making land transactions and conversions rampant. To make matters worse, some participants from the private sector observed that indunas for Chieftainess Mungule appeared to have had more authority than the Chieftainess herself. They attached this fact to why other indunas and traditional leaders (headmen) sold the land without the Chieftainess's consent or approval.

Consistent with this finding, Baldwin et al. (2021) indicated that many village headmen have retained a level of independence and are more divided in their political loyalties than traditional leaders who have been co-opted by the state, which provides a monthly allowance for them. In Mungule Chiefdom, many factors could have led to such a level of independence for the village headmen, apart from their political affiliations.

As revealed by some participants, some factors included the period that Chieftainess Mungule allowed her children to lead the Chiefdom during two consecutive periods within her reigning time. In addition, it is believed that the two children were bewitched because some people were unhappy with such an arrangement (CH1, 22nd June 2020; HD2, 27th August 2019; HD3, 28th September 2019; HD5, 28th August 2019). This scenario created many loopholes, which contributed to making the headmen appear to be more authoritative than Chieftainess Mungule. Furthermore, some participants indicated that they received news that Chieftainess Mungule's signature had been stolen,

and most of the consent letters were being signed without her knowledge (PVT1, 19th June 2019; PVT4, 11th March 2020). This study clearly shows how traditional leadership is subtly losing its authority. One would wonder how outsiders would have respect for traditional leadership when traditional leaders themselves cannot respect each other and their jurisdiction.

It was further pointed out that, during the two periods that Chieftainess Mungule put her children to lead the Chiefdom, most of the other traditional leaders and indunas within the Chiefdom began to take advantage of the situation and transacted in land without updating the Chieftainess, such that after the death of her two children, the Chieftainess took the chiefly seat to rule over the Chiefdom. Lack of respect for Chieftainess Mungule from traditional leaders also trickled from her children's reign to her reigning time. This scenario is consistent with the findings of Ng'ombe and Keivani (2013), who illustrated how rural relationships between traditional leaders and subjects are defined and founded on aspects of high levels of allegiance, submissiveness, obedience and respect.

One of the participants from the private sector explained as follows:

From my observation, Chieftainess Mungule may not be as forceful as other female chieftainesses, like Chieftainess Nkomasha; we are looking at different personalities from two different traditional women leaders. I have interacted with a few women leaders, and you see their authority, but with Chieftainess Mungule, I haven't interacted with her closely, though I have heard about the indunas and other traditional leadership taking advantage of her and doing things behind her back (PVT4, 11th March 2020).

Most of the participants interviewed indicated that the scenario of traditional leaders under Chieftainess Mungule transacting without her knowledge had depleted the customary land in Mungule Chiefdom, resulting in Chieftainess Mungule becoming a reference point for a chief without land by many other chiefs and stakeholders. Additionally, a participant from the private sector commented that "Chieftainess Mungule has sold off all her land, including the palace where her house is located". (PVT5, 9th April, 2019). Most participants highlighted that they believed it was on customary land where ancestors settled and were buried; one researcher also emphasised that once the customary land was given away, one was giving out their history and identity (Ng'ombe and Keivani, 2013).

Similarly, in one of the meetings I attended with government officials, I observed that traditional leaders expressed concern that a chief without land is not a chief. Traditional leaders who were in attendance highlighted that the foregoing was premised on the understanding that, for one to be a leader, one must have followers and a domain from which to lead, linked to the sentiments of Chitonge et al. (2018:84), who indicated that traditional leaders perceive land reforms, which have allowed customary land acquisitions and conversions, as threatening their authority base and

existence. Chitonge et al. (2018:84) further pinpointed that there was a belief that traditional leaders derived their authority from the control and allocation of land and that, once customary land is alienated from them, they are left with nowhere from which to derive their authority to control activities performed on the land or to govern people in customary areas.

Consistently, one participant from the private sector reported that it had been observed at a meeting held in the Chiefdom that nearly all the village headmen came in their cars (PVT4, 11th March 2020). This participant attached this state of traditional leaders' economic status to their customary land transactions and concurred with those debating that traditional leaders in Mungule Chiefdom had finished their land by selling it. He cautioned that it was a matter of time before the Chiefdom would become urbanised like other compounds in Lusaka city.

In addition, another participant stated that there were incidences where local people and their traditional leaders sold a piece of land to two different people simultaneously to gain more money (A2, 24th February 2020). Some participants from the private sector and the Government pointed out that most of the local people and traditional leaders had come to appreciate the monetarised aspect of transactions of customary land. Likewise, Chitonge et al. (2017:126) pinpointed that

proponents of the evolutionary theory argue that the increase in monetarised land transactions and subsequent privatisation of customary land reported in Zambia are inevitable consequences of the country's changing social and economic conditions (Chitonge et al., 2017:126).

Perceptions of private and Government participants indicated that these transactions needed more domination and coordination between traditional leaders and the local people within the Chiefdom. From the researcher's observation, there needs to be more adherence to setting up moral standards between the headmen and the Chief in Mungule Chiefdom and between the traditional leaders and the ordinary members of the Chiefdom, especially the newcomers. Evidence was identified through observations, pointing to a lack of authority by those who issue commands in Mungule Chiefdom.

This empirical outcome is consistent with the sentiments of one of the participants from the private sector, who indicated that, due to this state of affairs, he encouraged traditional leaders to resort to land documentation for their customary land as a way of preserving their authority and control over their customary land, which would be unlike if they converted it to a leasehold tenure system (PVT1, 19th June 2019). However, despite the concerns exhibited by this participant, they also expressed disappointment that, at the time of the interviews, members of Mungule Chiefdom still did not have any legal authorisation for the customary land documentation certificates to be official, which differs from other chiefdoms, like Bundabunda, where headmen accept and sign certificates for customary

land documentation. After that, the Chief of the Chiefdom would approve it (PVT1, 19th June 2019; PVT4, 11th March 2020).

Sentiments from one participant among traditional leaders exposed Chieftainess Mungule's stance regarding the issue of land documentation. This participant elaborated that Chieftainess Mungule had been bitter and had hardly entertained meetings with anyone who wanted to talk about land. To this effect, it was highlighted by another chief from a different province within Zambia that Chieftainess Mungule had been shunning all meetings called by her fellow traditional leaders from other chiefdoms because she was uncomfortable being asked questions about the rampant land conversions happening within her Chiefdom (CH1, 22nd June 2020). From the researcher's observation, the foregoing explains why other participants, who noticed the loss of authority of their traditional leaders, pointed out that they stopped selling their customary land because they feared that traditional leaders would lose their authority over both the people in general and the land itself (HD2, 27th August 2019).

Other participants also commented that, as occupants of Mungule Chiefdom, they noticed that villages were being pushed further away from Lusaka city where they used to be and that new occupants from diverse cultures began to occupy the Chiefdom, bringing their own culture, which in many cases, would be foreign to the Lenje ethnic group, thereby leading to the loss of control by traditional leaders (HD2, 27th August 2019; OM8, 30th August 2020). This disobedience by the new occupants of the Chiefdom indicates that the belief in the legitimacy of the traditional leaders is in crisis (Szelenyi, 2016:6). Szelenyi (2016:6) further highlighted that "systems are legitimate if those subordinated to authority accept their subordination and the person who uses commands has a firm belief that the master claims are valid" (Szelenyi, 2016:6). This emerged as participants indicated that most of the new people had strange behaviours and claimed to have had the right to do what they were doing; hence, they did not allow traditional leaders to correct them according to the Lenje culture (HD1, 10th June 2019; OM8, 30th August 2020).

5.4. Dynamics After Conversions

5.4.1. The Groups of People Currently Found in Mungule Chiefdom

This section presents the kind of people found in Mungule Chiefdom after customary land conversions by many occupants. The study exposes, through one-on-one interviews with various participants, that most of the local people had cut pieces of their land and sold them off for multiple reasons to any willing buyer, regardless of their cultural background or race. This implies that

newcomers had infiltrated most of the Chiefdom's land. However, there was an observation that some newcomers had acquired customary land, yet they were still absent landlords, while others had moved into the Chiefdom. The first impression is that some local people still lived within Mungule Chiefdom. Below are more details of the current scenario of who the occupants of Mungule Chiefdom are after several conversions.

Local People

Some local people of Mungule Chiefdom had depleted their customary land initially allocated to them by their traditional leaders and had since moved to other chiefdoms. In contrast, others have remained within the Chiefdom and become key teamsters of the culture, protecting the authority of traditional leaders for everyone currently present to follow. During one-on-one interviews between various participants and the researcher, it was observed that local people were outnumbered by newcomers who purchased customary land from local people and quickly converted such land to the leasehold tenure system. However, without specific statistics, this observation remains anecdotal. It was also evident that local people had been selling off their pieces of customary land allocated to them by their traditional leaders to any willing buyer, regardless of their cultural background. It was further realised that traditional leaders initiated local people's actions. When the researcher probed some traditional leaders on this matter, they acknowledged that local people were encouraged by them to sell part of their allocated customary land. However, participants from among traditional leaders encouraged the researcher also to probe local people and other traditional leaders on why they were selling their land. Some reasons that were given are indicated in the following sections.

When customary lands are converted into individual or commercial ownership, the decision-making authority shifts away from traditional leaders. The conversion process often involves legal frameworks prioritising individual property rights and market-driven land transactions, sidelining traditional governance structures. This transition results in the exclusion of traditional leaders from decision-making processes related to land use, allocation, and development in Mungule Chiefdom. Deprivation of traditional leaders of decision-making in the changing society of their Chiefdom undermines their authority.

Fear of Being Displaced

Some participants from among traditional leaders and local people highlighted that one of their reasons for selling their land was the fear of being displaced, and, as a result, some traditional leaders encouraged local people to sell part of their customary land. Besides, some local people agreed to do likewise due to the same fear as the traditional leaders. Subsequently, my interaction with one of the senior headmen of Mungule Chiefdom (PVT1, 10th June 2019) exposed some scanty details of Lusaka village. He underlined that the fear of being displaced that some members of the Chiefdom were expressing was founded on the history that, when the capital city of Zambia was changed from Livingstone to Lusaka in 1935, there were traditional leaders in Lusaka, at the time of this interview, were displaced and rendered powerless. This participant gave examples of such leaders and included Senior Headman Mwalusaka, who, before being displaced, was presiding over several headmen from villages, like Lilanda village, Chingwele village, and Chilenje village, which was the leading and most economically active town among most of these villages (of the Lenje tribe) and Chipwalu village, which, at the time of the interview, was called Kabanana Township, among others.

Some participants explained that when the state got Lusaka as its capital city in 1935, headmen for most villages were overtaken by the heterogeneous communities that had developed over time. Thus, traditional authority could no longer be felt by the mixed cultural community, especially since traditional leaders could only use customary law to govern. Which eventually became obsolete and caused traditional leaders to cease existing as traditional leaders but as ordinary community members. The study exposes further that, at the time of the interview, most of those headmen were still alive and present in those townships, which were their former villages, and they lived like ordinary people. They were only recognised as traditional leaders by a few older citizens. It was also highlighted that, due to the outnumbering of the local people by newcomers in these former villages, processes of traditional leaders' selection had since died, and, for the village heads that were present, once they died, there would be no more selection processes and the families of such a traditional leader remained a royal family only in name, not recognised by anyone.

Some participants from among traditional leaders further highlighted that compromising their succession was the primary contributor to their extinction. They explained that, since, in these villages, traditional leaders could no longer allocate land using customary law, there was no posterity in succession because most of the generations needed help finding space within these villages. Therefore, they opted to settle in other villages, cutting out the existing ones in their lines of succession. These participants also pointed out that, since having a heterogeneous community, it had been challenging to mobilise all the Lenje tribe's people in one place to deliberate on collective agreements on how to proceed in a heterogeneous community, which is similar to the case of Eastern Indonesia, where the Tebelo language lost its value due to large numbers of immigrants (Duncan,

2009). The Lenje language in Lusaka also began to diminish with time, as large numbers of newcomers occupied most of the villages in Lusaka District with an extension towards Chibombo District, as it was escalating at a higher rate.

Participants further elaborated that the increase in the population of Lusaka Chiefdom, enhanced by migrations from other rural areas and cities, led to the expansion of Lusaka. Some participants also explained that people were coming from anywhere to settle in Lusaka for various reasons, including formal employment, business avenues, and unskilled labour, which contributed to creating heterogeneous communities in the customary areas of Lusaka.

In addition, some participants from the local people and the private sector indicated that some members of the Lenje tribe, who occupied Lusaka Chiefdom then, were eventually displaced by people from various tribes with diverse cultural backgrounds. Other participants also said that some villages in Mungule Chiefdom were created because they were being pushed further away from Lusaka, where they used to be. Hence, buying and selling customary land and converting it was like history repeating itself. They further elaborated that this was a severe indicator because some people occupying Mungule Chiefdom at the time of the interviews were victims of the displacements from Lusaka city as it was expanded. Given their experience, some participants in Mungule Chiefdom expressed their fear of having history repeat itself, causing uneasiness.

In affirmation, a study by Chitonge et al. conducted in 2017 supported this view and revealed that the main reason for encouraging the sale of customary land and its conversion was the fear that Lusaka city was expanding towards the Chiefdom and that local people would eventually be displaced if they did not have any title deeds (Chitonge et al., 2017).

To Raise Funds to Help Converting Their Land

The other reason that emerged from the interviews with some participants from Nswana village was that they had sold off part of their land to raise money to help them pay for converting their customary land to the leasehold tenure system to secure their remaining pieces of land. Furthermore, these participants, having come from Tswana village, one of the most proximate to Lusaka city, associated their fear concerning the experience of members of the Lenje tribe. Therefore, they planned to convert to secure their pieces of land.

Before Lusaka became the capital city of Zambia, it was a village governed by traditional leaders. Over time, these leaders became increasingly marginalised due to massive customary land conversions. Other participants from the area provided a different perspective, stating that they wanted to sell part of their land to benefit before they were forcibly removed. They believed that

whether or not the local people converted their land, the rapid expansion of Lusaka meant they risked being displaced, especially given the violence in land grabbing by political cadres. These participants also noted that Lusaka Chiefdom, initially a homogenous community with strong cultural values, norms, and practices, had become a city for all tribes. This influx of diverse populations overwhelmed traditional leaders, who eventually lost their authority.

This situation aligns with Chitonge et al. (2017:93), where local people from Mungule Chiefdom expressed their need for land titles to secure their land, and avoid displacing them again, as Lusaka expanded. At the time of this study, Lusaka was a city with no well-recognised traditional leaders. Some participants indicated that new settlers in Lusaka often refused to respect the existing traditional leaders, leading to a loss of authority and recognition for these leaders, who began to live like ordinary people. Participants showed how traditional leaders lost their authority to the state as customary land continued to shrink with each conversion until there was no more customary land. One headman explained:

"Here we are near Lusaka, and if we don't control our subjects, we shall be swallowed by the city because the city is expanding toward us, and it does not have any more land that can be sold out. Now the strategy is to empower our subjects with titles to protect them from land grabs, so we encourage them to sell part of their land and raise money to help them convert their remaining pieces for security reasons" (A1, 12th February 2020).

Unfortunately, most local people who managed to sell part of their land did not convert the remaining pieces to the leasehold tenure system. They cited limitations in knowledge, the distances needed to cover, and the high costs involved as barriers to conversion. Some believed that as local people, they could be allocated other customary land within the Chiefdom and needed to preserve the customary tenure system to show loyalty to their traditional leaders. One participant highlighted:

This customary land is for us and our leaders to continue allocating land as our families expand. If anything, I don't need to get the titles because there is already a book kept at the residences of each headman, where all the details of each one of us subjects are indicated. So, who do you think does not know this is my land? (OM5, 17th September, 2019).

Another participant from the traditional leaders affirmed that some local people converted their land to access financial assistance from institutions:

Some of my subjects came to collect consent letters to enable them to convert their land. Their reasons for converting were to get title deeds so that they could use the titles to access financial assistance from financial institutions (HD1, 10th June 2019).

They implied that local people needed to convert their land if they needed financial assistance. Interviews revealed that no local individual had converted their customary land to leasehold tenure system, suggesting only newcomers were making these conversions. Newcomers cited freedom from customary law as their reason for converting land. They wanted to do as they pleased without interference from traditional leaders. For example, newcomers fenced their converted land, contrary to customary law that allowed free access within the Chiefdom, showing the extent to which traditional leaders' authority was undermined. One traditional leader stressed:

Some of us who have had a chance to see and hear from ancestors who founded these villages can say that we are under threat of mixing diverse cultural entities (HD4, 17th September 2019).

Political interference also influenced displacement, with political cadres from the ruling party often grabbing customary land by force (CH1, 22nd June 2020). Selling customary land to any willing buyer has negative and positive implications, which are discussed in the following sections.

5.4.2. Traditional Leaders in a Changing Landscape: Navigating Western Education, Religion, and Influences in Governance

Participants from traditional leaders and the local people highlighted that the current dynamics have made many traditional leaders struggle in their leadership, especially leading individuals with diverse education and exposure. Furthermore, they have had a challenge leading mixed groups using the same old way of governing the community, as the system had matured towards democracy.

Given the status of some current traditional leaders, whose academic exposure could have been higher, many newcomers undermined specific leadership skills that these leaders applied, negatively affecting traditional leaders' authority. Some participants from traditional leaders appreciated efforts made by the Government and indicated that some leadership trainings were introduced at one of the institutions in Zambia called Chalimbana NISTICLE, a training college, now Chalimbana

University, to overcome this challenge. However, some participants attributed the acquisition of their leadership skills to the spirits of their departed ancestors or from the almighty God. For example, one Chief disclosed:

I am a born-again Christian. I don't depend on witchcraft power, which other traditional leaders believed in. I only depend on God's power to govern my people in my Chiefdom (CH3, 22nd June 2020).

An example of some traditional leaders who ascended to their position of authority through their spiritual belief in Christianity. However, one headman mentioned that the source of his authority to govern or instil discipline in the subjects was mystical powers:

Our authority to govern is portrayed through our disciplinary actions against the offenders in our chiefdoms, using our mystical authority (HD1, 10 June 2019).

In addition, other participants indicated that other traditional leaders acquired their leadership skills through experience as they led their subjects within their chiefdoms. Nevertheless, one participant from the historians expressed her disappointment with the Westernised education system in Zambia and held that it was responsible for the instability in the culture and respect for traditional leaders in general. She indicated that this makes it difficult for non-Lenje individuals to understand the local Lenje traditions even if they are from within Zambia (H1, 15th July 2019).

Similarly, another participant from the academicians wondered why all studies were done in a Western way. She further pointed out that information in Zambia was stored in a particular way, such that it was not only in books but also in clothes, symbols, and songs. As Chowers (2018) pointed out, in chiefdoms, people's identity is attached to the distinctiveness of the environment and topography, such as smells, sounds, colours, light and weather, to a beauty that may be invisible to foreigners. For example, the clothes chiefs wore had different meanings, yet some Zambians still needed to pick up these meanings. The participant stressed that history is present but stored in a name or how people dress. She presented an illustration of Mwata Kazembe's attire, which has different meanings, such as that the pins he puts on his headgear mean something. However, when the Western world entered, they did not consider such things (A1, 12th February 2020).

One traditional leader pointed out that:

Unfortunately, within the country, various ethnic groups and foreigners are not interested in studying and understanding the knowledge kept in the symbols and practices in the chiefdoms, even if they observe that. Also, no rules were written anywhere, yet local people were still committed to observing the customary law (H1, 15th July 2019).

He further expounded that:

Unfortunately, universities in Zambia do not have a system for discovering how people learned things in traditional circles (H1, 15 July 2019).

Another participant from traditional leaders pointed out that when the colonial administration came to the country, they seemed to have had their hidden agenda, as evidenced by what he had read in a newspaper in 1935 (Anonymous, 1935). He highlighted that the colonial administration was mesmerised by the unity and natural intelligence they found in the traditions of Zambia. The major fascinating issue for them was that the culture that seemed so widely embraced had yet to be written anywhere, which the participants considered customary law. One of the chiefs pointed out that the colonial masters concluded that the customary law in Zambia looked stronger, especially within a homogeneous community than in a heterogeneous community. Correspondingly, one of the participants from the private sector illustrated that white colonialists worked at wiping out local people's culture and that they went further to change some local names for the local people. For example, they would ask questions like: "Who are you? ...I am Muntita ... No, you are Johnson" (PVT5, 9th April 2019).

He further pointed out that these white names had no identity, such that black Americans who had been taken through the slave trade to America depended on their genetic resemblances to locate their relatives back in Africa and not names. This participant further highlighted that, without names, it is hard to attach any black person to a chiefdom. They were confirmed by the writing of Johnson (2011:3) that " it was difficult to understand the British rationale for some strange provisions in the land". Similarly, Iwara (2015) revealed in his findings that the nuisance of foreign culture was one of the effects of colonialism in Africa and that it infiltrated several sectors, such as the political, economic and cultural, accomplished through language and Western education. Consistently, Kapalu (2022) also pointed out that "[t]he current laws in Zambia, regarding marriage and divorce, are deeply steeped in colonialism ... they created two categories of marriage, one under statutory law (and the church) and another one under customary law regarded as inferior." Iwara (2015) further highlighted that such scenarios posed an impediment to the progression and reliability of African cultures.

5.4.3. The Effects of Western/European Hegemony and Cultural Infiltration on Mungule Chiefdom

When asked what the participants thought affected their Chiefdom's culture, some pointed to the European or Western hegemony, which was said to have continued to affect decision-making in most African countries. One participant from the historians expounded: "[J]ust like the colonial leaders, some newcomers in Mungule Chiefdom have not created time to have any physical interaction with the local people in these chiefdoms for them to understand the tradition or culture, which is an indicator of the level of the importance attached to it by most of the fellow Africans" (H1, 15th July 2019). These effects on the culture negatively affect the authority of chiefs because,

from the researcher's observation during interviews with some traditional leaders, it was revealed that in chiefdoms where the culture is strong, traditional leaders appeared to be respected more than where the culture had been infiltrated. Most participants affirmed that Mungule Chiefdom had been infiltrated by people from various cultural backgrounds more than other existing chiefdoms within Zambia. And that would result in a scenario like the city of Lusaka, which has chiefs whom occupants of their chiefdoms do not recognise.

Other participants mentioned that, when it came to allegiance to the customary law, some members of the Chiefdom had serious recognition of the authority embedded in traditional leaders. Some local people and newcomers commented that their allegiance to the customary law was due to fears and recognition of the traditional leaders' supernatural connections, which provided a platform for traditional leaders to compel some members of the Chiefdom to respect customary law. Here is an example from one of the ordinary members of the Chiefdom:

Many members of this Chiefdom acted in fear of the mystical side of traditional leaders, without which traditional leaders would not display their authority in any way (OM8, 30 August 2020).

Fearing the authority of traditional leaders helped to uphold cultural practices. Which was affirmed by Ivan Szelenyi (2016:6), who highlighted that “people obey orders from an illegitimate authority merely if they are afraid of what will happen to them if they do not comply, they are concerned about their life and livelihood.”

The authority of the traditional leaders was also displayed through instilling punitive actions against offenders or members who proved problematic regarding cooperation. In some cases, such punishments would encompass revocation of land from the buyer, especially when it was not on title. One local member vented as follows:

We are the owners of the land, therefore, anyone who does not cooperate loses the land given to them. The chief returns the land from such people and reallocates it to other applicants. (OM5, 17th September, 2019).

Some participants disclosed that, in some cases, headmen used force to react to the offenders. These participants added that newcomers of Mungule Chiefdom expressed their discomfort, which impeded their sense of security. Therefore, they preferred to convert their land to the leasehold tenure system to allow them to involve the courts of law in case of any misunderstanding with the local people and traditional leaders.

5.4.4. Tensions and Transformation of Customary Land Conversion and Authority Struggles

Another reason expressed by participants for not selling their land was the fear of making traditional leaders lose authority to the state over converted customary land. Government officials pointed out that when customary land was converted, it became state land by the new owners having the evidence of the title deeds. Nevertheless, the locals who participated in this study had yet to convert their customary land to the leasehold tenure system. Their reasons were that, firstly, the process of converting was very costly, and they could not afford it, and, secondly, some indicated that, since the customary land was theirs by being a member of the Chiefdom, they did not see the need to convert to the leasehold tenure system, and that they were comfortable being under the traditional leaders using customary law. However, most of the participants from the private sector indicated that they embarked on encouraging the local people to convert, and some of the private sector had introduced land documentation that they were lobbying for the state to include in their land policy document.

Some participants indicated that, in cases where there was a conflict between the local people and newcomers, the statutory law was used to settle such conflicts. Traditional leaders lost out in this case because they only presided over customary cases tabled in local courts at their palaces. From the researcher's observation, the abovementioned situation suggests that the State/Government works to render traditional leaders powerless. For example, comments from some traditional leaders point to the same observation:

Many people who bought customary land were encouraged by the Lusaka City Council to process their titles. Lusaka City Council workers used to come here to sensitise everyone on the processes involved in converting land. They claimed that Lusaka city used to have its boundary around Zani Muone/6 miles, which borders Lusaka and Chibombo District, where Mungule Chiefdom is located. Yet they used to come to Mungule Chiefdom, which has always been under Chibombo District. Therefore, whenever Lusaka City Council workers came, they advised people in Mungule to get title deeds. They further indicated that each family could decide whether to sell their land (HD2, 27th August 2019).

However, other participants from the local people and traditional leaders pointed out that other newcomers, although very few, had also acquired customary land within the Chiefdom, and because they seemed not to have the financial capacity to convert to the leasehold tenure system, they appeared to abide by the customary law within the Chiefdom. The observation by the researcher is that, as long as someone with customary land has not converted to the leasehold tenure system, they remain loyal to traditional leaders. The preceding sentiment is consistent with the finding of Persha et al. (2015), who indicated that where customary land was not converted, occupants had regard for and paid allegiance to traditional leaders using the customary law, while where customary land was converted, there was not much regard for traditional leaders, since these landholders began to use the statutory law and the courts of law for any conflict in the Chiefdom. However, it was also revealed that the private sector had been trying to intervene to preserve customary land by providing surveying services to the local people at a subsidised price (\$30 instead of \$700). For example, A2 highlighted:

We discussed this with USAID under Tetrattech, which has been working in the Eastern Province conducting customary land documentation. They were willing to give the surveyor general information about what they did to contribute to the spatial data (A2, 24th February 2020).

Participants from the local community highlighted that subsidising surveying services allowed local people with financial limitations to access the services of marking their land using GPS. One of the participants from the academicians encouraged the Government to take advantage of the already existing data on land through the private sector conducting these services and also advised that

[p]eople in the Folio (a department in Government offices dealing with land audit) needed to get an understanding of the way people are settled in customary areas in terms of their allocated pieces of land with accurate coordinates (A2, 24th February 2020).

Participants from the private sector pointed out that the idea behind documentation has been to ensure customary land remains under traditional leadership. It was highlighted that this action would enable someone to use the same documentation later to claim their land allocation and help local people process their national identities with villages that would still exist by then. The researcher also observed that the land documentation idea was not official because, though it showed the status core of the local people, it had no backing by any law. Nevertheless, it was reported by the private sector that there had been discussions of having a similar arrangement of land documentation in the land policy, though it had taken some time to be formulated.

A participant from the Government (GOVT2, 13th September 2020) listed the private sector actors on the ground pushing the land documentation idea at the time of the interviews, which included Medeem, Global Climate Land Tenure System, Zambia Land Alliance, People's Process and Caritas

Zambia, among others. The government official further highlighted that "[w]hen there are so many actors with different interests, it is a problem" (GOVT3,13th September 2019). This participant indicated that the private sector or NGOs were conducting land documentation, yet they needed to feed the system to collaborate with all other actors in land issues. It was pinpointed that not feeding the system with data from land documentation had created much overlapping with what the Government was doing because, as long as the system was not updated to the Government, "the parcels of land" showed that the land was available. Meanwhile, the NGOs documented and kept the information to themselves and assured the parcel holder that this was safe.

However, other participants from the Government commented further that it was unfortunate that, as much as land documentation seemed to be a noble action, it caused local members of various chiefdoms to face the tribunal in discussing these issues. They gave their reason that, despite having all the accurate coordinates for their documented customary land, as long as the Government of Zambia was concerned, there was no law supporting what the private sector/ NGOs were doing. Therefore, this led to a loss for local people in court in cases of any land matters arising. Furthermore, as long as the Government, private sector/NGOs and traditional leaders did not harmonise things, the status quo would remain unchanged, and this could be a time bomb which could explode at any time, the consequences of which no one would be able to control or cure.

5.4.5. Mixture of Culture, Traditional Leadership and Knowledge Gap in Mungule Chiefdom

One of the dynamics identified in Mungule Chiefdom is that, opening up customary areas for willing-buyer-willing-seller transactions regardless of their cultural affiliation, as mentioned in the earlier chapters, has created a scenario of having a mixture of culture in the Chiefdom. This has created two groups: the local people, who are Lenje by tribe, and the newcomers, who are the majority and originate from other cities/countries and various tribes yet acquired customary land in Mungule Chiefdom and have settled there. Most of the newcomers had their reasons for converting their land. However, the characteristic of having more newcomers may be unique to Mungule Chiefdom due to its proximity to Zambia's capital city, Lusaka, whose accessibility by other tribes or nationals is inevitable. One traditional leader expressed:

Our Chiefdom, Mungule, is near Lusaka town and easily accessible by other tribes or nationals, leading to the diminishing of the Lenje culture due to the mixing of different cultures (HD4, 17th September 2019).

Building on those mentioned above, the researcher observed that many different tribes have crossed various chiefdoms and nations to join Mungule Chiefdom, creating a mixture of cultures. In addition, HD4 further pointed out that the homogeneity that used to be there no longer thrived, and this posed

a challenge when it came to recognising the authority of traditional leaders within the Chieftom. HD4 also expressed concern over how the heterogeneous community created in Mungule Chieftom raised concern among many traditional leaders. He highlighted that young generations would need help with historical and traditional knowledge. He further stated:

Currently, some of the traditional leaders within Mungule Chieftom need to gain more knowledge of the culture in this Chieftom, especially younger ones, who are not receptive to correction or mentorship from those who are more knowledgeable, which is a cultural threat.

For example, when you try to teach them our culture and how to live, some reject it since they come from different cultural orientations. With such a lousy attitude to learning, we worry that most of the things in our villages will remain history because there may be no one in the future to teach younger generations (HD4, 17th September 2019).

On the other hand, a scenario was noted during interviews with one of the ordinary members (seemingly in her early 20s) of Moomba Village, which is under Mungule Chieftom. This participant, OM1, took up against the information submitted through interviews with one who is one of the advisors to the Chieftainess HD1 (seemingly in his early 60s). From the researcher's observation, this young lady and the old Man appeared to have had a silent war. This situation emerged when the question of how traditional leadership got into authority was asked. HD1 explained that their tribe and many others originated in the Democratic Republic of Congo (DRC).

Meanwhile, OM1 (17th September 2019) disregarded this view and said HD1 "was just trying to show off". However, OM1 indicated that families mobilised themselves when the households reached a specific number, formed a village, and, as a family, chose their headman, whose name they would submit to a committee under the Chief for approval. In addition, OM1 (17th September 2019) further said that, in many cases, the family had the authority to recommend the leader. The contrast between HD1 and OM1 showed a generational knowledge gap in the Lenje tradition's history, which could explain why the current generation does not respect older people. Such a scenario poses a challenge to governance in the Chieftom and similar areas, as the digression from what was a respected relationship between younger people and older ones is intensifying, negatively affecting traditional leaders' authority.

However, it was highlighted that, in some cases, traditional leaders discussed the proposed leader and thoroughly analysed their character before approval, creating an excellent opportunity to apply checks and balances on the generational knowledge gaps. HD1 further explained that the community would identify a potential traditional leader with a direct blood connection to the leadership throne, as per the custom, whom the other existing traditional leaders would observe for some time before approval. If not satisfied that the selection was proper, the proposed name would be rejected, but if

agreed to observe an individual, they would silently follow that person's character, and at the end of a given period, they would either approve or reject.

Given the preceding, the ascension of traditional leaders to authority is not determined solely by blood connection but by other factors, such as character. Most participants expressed that the character of many people was becoming compromised due to the mixture of cultures in the Chiefdom.

5.4.6. Different Ways in Which Traditional Leaders in Mungule Chiefdom Acquire Authority

To enhance the understanding of how the authority of traditional leaders is undermined by the changes made to the customary land tenure system, exploring how traditional leaders acquired this authority in the Chiefdom becomes necessary. Through one-on-one interviews with various participants living within Mungule Chiefdom, who are Lenje by tribe, and those who came from outside to settle or establish businesses in Mungule Chiefdom, it was indicated that the origin of traditional leaders' authority was through three distinct arrangements, namely: community recognition, inheritance, and supernatural authority or control over the land.

5.4.7. Traditional Leadership Succession and Recognition: The Intersection of Blood Connection, Noble Works, and Community Acceptance in Mungule Chiefdom

Observation revealed a nuanced situation. On the one hand, young participants indicated that they had just formed their family connections and discussed who would lead them, especially those individuals who might have shown some leadership qualities, whose names would be submitted to the Chief for approval. On the other hand, participants of an advanced age indicated that the agreement was guided by the norms of the Chiefdom, by which traditional leaders identified individuals who qualified to be chiefs or traditional leaders through their blood connections (either patrilineal or matrilineal). From birth, communities and traditional leaders observed their character and conduct with people around them.

Most of the participants from the young generation highlighted that, in many cases, leaders acquired authority by being recognised for their remarkable work in the area or their noble character; when approved by the community, such a person would be chosen as a traditional leader.

These empirical data show that it was not automatic that if one had a blood connection, they would be chosen automatically; one needed to be recognised by the community, as highlighted in the previous discussions. This process is specific to the Lenjes in Mungule Chiefdom, though this may have some similarities with processes in other communities in other parts of the country and the

continent. The recognition by the local people automatically installs authority on the selected leader to govern them. The agreement from the members of the village or Chiefdom is approval enough to see them command obedience from the community members.

Similarly, other participants who were traditional leaders (chiefs) from different chiefdoms, who were accessed as they gathered in Lusaka to attend the House of Chiefs annual meeting, pointed out that authority was transferred from one Chief to the successor through recognition by the community. They added that, even in the pre-colonial times of the hunter-gatherers, people lived as individuals in ordinary families, from which they emerged to leadership positions as the communities could recognise them by providing protection or food. This gesture has become a cultural attribute and practice, and a traditional leader is supposed to feed the members of the Chiefdom whenever there are food crises. One historian elucidated:

In the past, to be a leader, one needed to be recognised by the community for such noble works, which rendered recognition for the whole family as emerging leaders (H2, 12th July 2019).

The perception of this historian pointed to noble works, such as welcoming visitors into the community and facilitating their stay within the community. In addition, one would also play an active role in mobilising logistical support for the community's needs as they arose.

Consistent with this observation, another historian revealed that

[i] In the past, some traditional leaders emerged as people migrated from one area to another. To be recognised in this way, one needed to exhibit courage and braveness in conquering opponents encountered on their way. Such a person was easily looked at as one who would successfully lead the group due to one's fearless approach to enemies (H1, 15th July 2019).

Some participants indicated that, as was expected of any leader, community members perceived and regarded courage very highly. Therefore, regardless of one's origin or standing, as long as one showed some unique and fighting spirit to protect the group, one stood a convincing chance of being recognised as a leader and, hence, installed accordingly, provided they appeared on the list of qualified leaders by blood connection. The historians' observations were consistent with those of some traditional leaders. For example, one Chief opined:

The community would be asked to submit proposed names to select a leader, and their behaviour would be monitored without their knowledge. They would be nominated for leadership if they met the basic requirements according to the culture (CH1, 22nd June 2020).

Sentiments by historians and traditional leaders suggest that identifying an individual to lead others would take one with a remarkable historical activity performed within the Chiefdom as their basis for entrusting their allegiance to such a leader. Similarly, some participants indicated that this was

the practice in traditional governance before and during the colonial era. Not only that, they further stated that when such leaders died, another one would be chosen from one's lineage or the royal family, with the belief that the family was selected from whom leadership could come. The community held This stance conservatively and would not easily be subjected to any change.

However, the conditions under which traditional leaders received such recognition varied from one country to another.

Similarly, one participant from the traditional leaders, operating from a different chiefdom in a different province, indicated that there was a white man who lived with his family in a different district in Zambia called Mwinilunga, located in Northwestern Province, who was recognised for exceptional, extended great support to the local people. When this man and his wife died, they left behind their only son. However, considering the excellent relationship and support the couple offered the local people, the Chief then, Chief Nyamwana, adopted the white son (orphan) to honour the deceased couple. After a long time, the traditional leader, Nyamwana died, and, by the adoption, the community chose the white adopted son to be the new traditional leader (CH5, 2020). This participant further reported that “this was a way this community recognised the noble works of the missionaries and gave them authority to govern within a chiefdom since the couple built enough trust in the community”.

However, this participant further commented that despite being recognised by the community, the newly appointed white Chief did not have a village or a chiefdom where he was Chief, only his workers. This was founded on the justification that the white ‘chief’ “did not have any blood of the great ancestors buried in the land” (CH5, 2020). Such details were well known to the traditional leaders from this province; even at the national level, it was clear that there was a traditional leader who was a white person.

Furthermore, some participants indicated that, in some cases, authority was not granted to the nominated individual regardless of their notable noble works within the Chiefdom. They attributed some ascensions to authority to the character and sometimes to the acceptance of the spirits of the ancestors. However, they indicated that, sometimes, the spirits of the ancestors would also disqualify somebody, and the community would reject the candidate. Similarly, it was emphasised that, for the most senior traditional leader to give the final approval, they would base their decision on what the community/village/family would have suggested, unless otherwise. The involvement of the community's opinion or agreed-upon values and norms describes the customary law.

5.4.8. Ancestral Inheritance and Traditional Leadership Succession

Apart from community recognition, participants explained that, in Zambia, ancestral inheritance worked under customary law and was used to enthrone traditional leaders. They further specified that, for one to qualify to be ushered to the throne as a traditional leader, they were first required to have a relationship with the traditional land through their ancestors, especially those ancestors who were in leadership before their demise, and this was a primary consideration before other factors of a person, such as character, among others. A participant from the traditional leaders emphasised affirmatively:

In our Chieftom, as long as someone is attached to ancestors buried in the land, they have the right to live there and be recognised for leadership if they meet the expectations (HD1, 10 June 2019).

Ntsebeza (2005) opined that, in South Africa, “the constitution recognised a hereditary institution of traditional leadership for rural residents”, which resonates with responses from other participants, who mentioned that if one was to be considered for recognition as a traditional leader, two people needed to suggest the name. There was a requirement that the suggested person had to have an attachment to the traditional land by the blood of the ancestors buried in the customary land.

Similarly, Khunou (2017:1) showed that “the headmanship or chieftainship is determined based on the hereditary line-up by the genealogical superiority of the particular sovereign family of the headman or chief concerned”. He further mentioned that most family groups in the same village comprise a traditional ward over which the headman or Chief presides. In most cases where the chiefdoms are next to each other, people are blood siblings to the traditional authority. On the contrary, the study indicated that most newcomers in Mungule Chieftom were not Lenjes, and, based on Khunou's view, they had no blood connection to the land. Given the preceding, this implies that they could not be given authority to become traditional leaders, regardless of their length of stay in that Chieftom, which is consistent with the data provided by HD1 (10th June 2019).

The same participant highlighted that “traditional leadership got their authority from their ancestors buried at the shrine on customary land” (HD1, 10th June 2019). He further specified that sharing their customary land with other tribes or newcomers who are non-Lenje “would be a taboo”. He, therefore, emphasised that, given such a scenario, consent from the institution of traditional leaders must be sought, failing which the authority of the traditional leaders would be jeopardised.

In addition to the ancestral inheritance, some of the traditional leaders who participated emphasised that bloodline was more critical and detailed if one had to be nominated for traditional leadership.

Two participants echoed this view:

The throne is in the bloodline; anyone is eligible to become one unless the chiefdoms have a way of qualifying further from among those on the proposed list (CH1, 22nd June 2020).

Traditional leaders in our Chiefdom get their authority from traditions and customs because chieftains go into antiquity (started long ago). The authority is passed on based on the bloodline. If you are eligible to become the next Chief or Chieftainess, then you will get it, and also if you win the favour of the people, elected council and elders, in the same way, a chief would appoint the headman depending on his relations and when the people support you that you are a good person and you can lead them (A1, 12th February 2020).

Participant A1 from academia described this as indigenous traditional democracy, although, according to him, this way of gaining leaders was democratic and non-democratic. It was democratic because people had to choose through a vote for a chief, and sometimes, there were contenders. Even the way chiefs were being selected, some people contested. On the other hand, it was not democratic because it required a bloodline connection to qualify to stand. This participant further explained that people contested from the same bloodline, but one had to emerge as the most preferred one. They also noted that not anyone on the street could cast a vote; voters also needed to be part of the bloodline, family tree or ethnic members of the Chiefdom.

As mentioned earlier in Chapter 5, there were more newcomers in Mungule Chiefdom, who could be equated to free citizens, than local people, which entails that only a few local people participated in the selection processes. As Szelenyi (2016:15) indicated, “This type of domination stems from the will of the people who are subjected to domination and not the will of free citizens.” Similarly, Ntsebeza (2005:25) mentioned that the legitimacy of traditional leaders is associated with their position and control of the land allocation process in the local villages.

Allowing newcomers to acquire customary land and settle in Mungule Chiefdom, if not well taken care of, has the potential to affect the preservation of the authority of traditional leaders. For example, some participants indicated in their responses that an aspect of the authority of the traditional leaders was reduced because very few local people were available to vote and select the potential traditional leader due to the diminishing number of local people remaining in the Chiefdom. It was further highlighted by other participants that, in most cases, the majority of potential leaders with more excellent leadership skills left the Chiefdom to secure formal employment in the nearby cities, especially Lusaka, thereby reducing the human resources that would offer quality leadership in the area.

Furthermore, there was an observation from the participants' sentiments that, in Mungule Chiefdom precisely, inheritance followed matrilineal arrangements. This means the female bloodline was the determining factor for traditional leadership succession. However, this was different in certain

chiefdoms within Zambia, as some followed patrilineal inheritance arrangements. Some participants highlighted that the justification for this stance in Mungule Chiefdom was founded on the understanding that only the females knew their children's biological fathers. Otherwise, there was a high chance of missing the real connection if they considered children from a man for inheritance. From the examples given, there is an element of a hereditary system (bloodline), but, at the same time, legitimacy is critical so that people accept a traditional leader. Legitimacy is in tandem with Szelenyi (2016:7), who highlights that "something legitimate is acceptable according to the law", and the matrilineal arrangement is legitimate according to the customary law of Mungule Chiefdom. This is accepted by the spirits of the ancestors buried in the customary land. Additionally, the matrilineal aspect allows the Lenje people of Mungule Chiefdom to ensure that the children's connection to the Chiefdom is secured since a woman would originate from within the ethnic group of Mungule Chiefdom.

Additionally, the participants' sentiments also revealed that they did not want anyone who was an outsider to claim the children at a later stage when the community had invested their time and material resources in preparing them to occupy the throne in the Chiefdom. However, most participants indicated that the newcomers' mass intrusion into the Chiefdom had displaced potential traditional leaders, suggesting the possibility that customary land conversion undermines the authority of traditional leaders.

5.4.9. The Power of Supernatural Connection

Through one-on-one interviews, some participants indicated that another way traditional leaders acquired their authority was supernatural authority in the land. They further expounded that an individual who could access the spiritual world, whether evil or good, was more powerful than an ordinary individual without such an ability. They further asserted that some traditional leaders reached the throne through supernatural authority facilitated by the spirits of their ancestors buried in the land. For example, some participants, mainly from the ordinary members of the Chiefdom, highlighted:

In this Chiefdom, one cannot quickly become a chief unless one is connected to the supernatural authority, which is the spirits of ancestors buried in the land (OM2, 17th September 2019; OM3, 27th August 2019; OM4, 17th September 2019 and OM8, 30th August 2020).

The study showed that succession was also based on how one was connected to spiritual authority. In this regard, spiritual authority was of great relevance, as it protected the leader

and offered guidance to that leader for effective leadership in the Chiefdom. For example, it was highlighted by one of the traditional leaders that:

[e]ach headman has a shrine within one's catchment area. These shrines are places like ancestors' graves, where the traditional leaders go to make sacrifices, such as offering some beer to the dead to enhance their authority to govern. (HD1, 10th June, 2019)

Other participants elaborated that supernatural authority could be defined as being above the natural, adding that some traditional leaders got their superpower from God Almighty. In contrast, others got it from the ancestral spirits of the departed ancestors buried in the customary land within the Chiefdom. They further highlighted that the arrival of newcomers in the Chiefdom compromised the detailed understanding of this aspect and attached this to why most newcomers were seen to have a negative attitude of underrating traditional leaders whom they found in the Chiefdom. Nevertheless, other participants still indicated that some traditional leaders gained supernatural authority from evil forces or witchcraft. Most participants further commented that if somebody had to be a chief, spiritual connection was necessary to survive on the seat. They indicated that, in most of the chiefdoms, various community members – whether they were ordinary members or village headmen – practised witchcraft. Therefore, as a chief, if one did not have this connection, they could be killed ritually within the shortest possible time because many people looked forward to ascending the seat of traditional leadership. Similarly, participant CH1 noted that:

[t]hese thrones are very spiritual. The foundations are spiritual in that the one we answer to as chiefs is God; if he is the King of Kings, it means that the kings are of God (CH1, 22nd June 2020).

In this regard, spiritual connection is vital depending on one's inclination. For example, some participants explained that if a leader was connected to supernatural powers, one could not easily be bewitched by community members or their subjects. They added that these connections made traditional leaders discern the evil intentions of their subjects, which helped them to take precautions or warn and caution their subjects, who practised things such as witchcraft or other spiritual practices which work against innocent people. They further indicated that, in some cases, traditional leaders use their spiritual authority to instil discipline and fear in the members of the community, and, thus, the authority of traditional leaders is maintained.

Correspondingly, one of the academicians pointed out that most of these kingships/chiefdom ships originated from the Bible:

Just like in the Bible, King David was succeeded by his son Solomon because they were patrilineal, although, for us, the Lunda tribe of the Northwestern Province of Zambia are matrilineal, where, if my father was a chief, I can't succeed him because I don't qualify (A1, 12th February 2020).

About one's connection with ancestral spirits, one participant from the private sector, PVT4 (11th March 2020), indicated that there had been a belief in their Chiefdom in Northwestern Province within Zambia that there were certain areas within the Chiefdom where the spirits of their departed ancestors were resting in trees. This participant further explained that selling such customary regions would cause the spirits to be unhappy because they would be handed over to people who would not be part of their tribe and lacked knowledge of the spirits' existence in the Chiefdom. The participant added that since the newcomers, in most cases, convert their land to the leasehold tenure system, it implies that the customary law that traditional leaders use to govern people residing in their Chiefdom would be limited, affecting the traditional leaders' control of the activities that these newcomers would engage in on such pieces of land, regardless of how injurious the activities would be to the spirits of the departed ancestors.

Another participant, PVT4 (11th March 2020), also shared an incident he learnt about from another member of his tribe who belonged to the royal family. He disclaimed that he had not been in his Chiefdom when the situation was happening; however, it was highlighted that on the first visit to his village, the family had brewed beer before the Chief, for the Chiefdom had blessed the first harvest. Nonetheless, it was believed that, in the past, lions used to be awakened if any individual used the harvest for anything before the Chief blessed it for each season. This participant reported that one of his male cousins went with his sister to drink water and risked being killed by the awakened lions because of drinking the beer made from the unblessed maize. In affirmation of the above scenario, another participant, PVT4 (11th March 2020), said traditions were there, and it was a matter of improving on them and adequately socialising the newcomers so that they would learn to respect the local people's spiritual connections.

Another participant from the private sector (PVT1, 19th June 2019) underlined that the colleague with whom he always went in the field asked him: "If these local members of the chiefdom have spiritual authority, why don't they bewitch those who grab customary land from them unfairly?" PVT1 expressed that his friend wondered to what extent the chiefs' authority would reach and gave the following example:

Some time back, we went to Chief Nkana. There were some land wrangles, and the case was in court. So this time, with my supervisor, we were in the *intake* (gathering), and the Chief explained how they found themselves on this land and the history. As he spoke, we saw a whirlwind from nowhere, which was very violent. These traditional leaders have the authority, but maybe it is used to protect the chieftainship because they suffer a lot in land administration issues and land grabs. In the Lufwanyama district, there are a lot of emerald mines, and the Chief would complain about how customary land is grabbed from the miners, yet nothing happens to punish the land grabbers using witchcraft (PVT1, 19th June 2019).

The sentiments expressed by various participants elaborate that connection to supernatural authority characterises one's success in traditional leadership and sustenance in that position. Some participants pointed out that, while some depended on evil supernatural authority, such as witchcraft, still others depended on God and His supernatural authority for succession and preservation in that position.

5.5. How Traditional Leaders Exercise Authority

Authority is necessary for traditional leaders' success in governing individuals in their chiefdoms. By their position, traditional leaders exert a certain level of command over their subjects, guaranteeing their control of activities within their area of jurisdiction. Furthermore, for the position of traditional leaders to have a meaningful impact, their authority has many aspects that demand their control, as revealed in the sections below.

5.5.1. Allocating Customary Land

The interviews pointed out that the traditional leader's mandate is to allocate customary land to local people within their Chiefdom. In conducting this process, it was indicated that it is the traditional leader's role to ensure that local people live according to clans, as per the tradition. This role, among other roles, is generally referred to as land administration because it relates to "the day-to-day management of issues related to land allocation, validation of ownership of land, application of the rules, resolution of disputes, keeping records or any form of evidence" (Chitonge, 2018:83).

5.5.2. Withdrawing Customary Land from Individuals

As much as traditional leaders have the mandate to allocate customary land to local people, it was indicated that they also have the authority to monitor and evaluate every activity done within their Chiefdom. Therefore, in a case of defaulting or any other circumstance contrary to the values and norms of the land, traditional leaders have the authority to withdraw the land according to customary law. In some cases, the traditional leader has the authority to hold the delinquent responsible. In cases where the delinquent fails to cooperate, the traditional leader is mandated to withdraw land from such an individual and possibly reallocate it to another person. It was emphasised that this aspect caused individuals residing within the Chiefdom to be kept in check by the traditional leaders, with failure in this regard leading to the land being withdrawn.

5.5.3. Controlling Activities within the Chiefdom

Participants also expressed that, to the local people of Mungule Chiefdom, the land was more than just ground where they could erect structures for shelter. They indicated that land was also sacred and, therefore, needed to control every activity conducted on the land. In this regard, local people and traditional leaders said they acted very carefully not to offend the spirits of the ancestors buried on the land. They emphasised that activities conducted on the customary land needed to be undertaken with strict guidance from traditional leaders, who had been empowered to govern people living in customary areas and to intervene whenever they observed that activities and practices were not by the culture, belief, practice and norms of the region.

5.5.4. Responding to the Needs of the People Living within the Chiefdom

There was a clear indication from the participants that traditional leaders were the centre of the people living in the customary area because they were always called upon in cases of a crisis or a situation beyond control, regardless of who was involved in the crisis, as long as they were within their Chiefdom. For example, one participant from the ordinary members of the Chiefdom highlighted that "in times of drought in the area, traditional leaders were looked upon as people that had solutions to such challenges" (OM3, 27th August 2019). This participant further pointed out that, due to traditional leaders' level of influence, they would call upon some wellwishers and the Government through the Disaster Management and Mitigation Unit (DMMU) to rescue the people in the area. It was further indicated that, in some cases, the help would come in the area of developmental intervention, such as forming cooperatives to assist in selling and supplying the local people's farm produce/harvest. In addition, it was mentioned that local people would ask for assistance from their traditional leaders to intervene in controlling prices for the sale of their food harvest, such as soya beans, to outside buyers, which implied that traditional leaders were expected to find solutions for the needs of the occupants of the Chiefdom by the authority vested in them.

5.5.5. Preservation of Culture from Generation to Generation

Most interviewed participants disclosed that traditional leaders were expected to pass on information from one generation to another to preserve the culture. Other participants also indicated that traditional leaders were instructed to preserve cultural practices and places in the Chiefdom for future generations and also for the people in the diaspora. The reason was that the preservation of artistic practices and places in the Chiefdom was necessary for the conservation of the foundations of the local people. In addition, some participants believed that customary areas must be preserved at all costs so that, even if individuals were to leave the Chiefdom, they could return and still find critical

places and cultural practices upheld within it. For example, one of the traditional leaders pinpointed that,

[w] When future generations want to get their national identity cards [NRCs], where will they find their details if all their villages are destroyed? (CH1, 22nd June 2020).

The participant above showed the relevance of traditional leaders' role of preserving and passing on the culture from generation to generation within the Chiefdom. This participant emphasised that the authority of traditional leaders to maintain a culture within the Chiefdom emanated from the discourse not only on land but all aspects affected by the land conversions, including activities within the Chiefdom. However, he pointed out that, with this responsibility of traditional leaders, people would eventually retain their identity.

5.5.6. Mediators of Ancestral Spirits: The Role of Traditional Leaders in Sustaining Authority and Customary Law in Mungule Chiefdom

Participants who resided within the Chiefdom brought to light that traditional leaders were expected to be mediators between the people and ancestors buried in the customary land and that this required them to conduct rituals that would keep them in constant consultation with the spirits of the ancestors. They explained that rituals provided a platform for comprehension of how traditional leaders ensured that their authority was sustained despite having individuals from diverse cultures. These participants further said that this authority helped protect the people who gave traditional leaders respect, which was expected to extend to the newcomers in the Chiefdom. The locals expressed their disappointment that newcomers needed a complete understanding of this aspect, even if they acquired customary land from within the Chiefdom and converted it to the leasehold tenure system. Participants from traditional leaders and the local people blamed the leasehold tenure system for disrupting traditional rituals. Their blame was founded on the fact that the leasehold tenure system gave newcomers the audacity to create enclosures, which negatively affected some traditional practices that were supposed to be conducted by traditional leaders, as they needed to mediate between ancestral spirits and the occupants of Mungule Chiefdom, especially the local people.

Some participants explained that enclosures created by newcomers also cut the oneness, which empowered local people to have a collective voice, strengthening the customary law among the locals. They highlighted that traditional leaders only knew how to use the customary law, whose effectiveness was reinforced by the community's collective voice. Contrary to the aforementioned, Manda (2018) highlighted that the case of the state was the opposite, as they by no means operated with a collective voice. Regrettably, the effectiveness of the customary law in Mungule Chiefdom may not bear the expected fruit, based on the finding that most people in the area were newcomers

who may need more connectedness to the culture of the Lenje people. Fenrich et al. (2011) consistently point out that customary laws are treasured as inseparable parts of the local, indigenous cultures, which are the basis of members' recognition.

Additionally, it was indicated during the interviews that ancestral spirits disciplined traditional leaders if they bungled in their interaction with members of the community as well as with ancestral spirits. Furthermore, some participants associated the droughts experienced in the Chiefdom as part of the discipline for offending the ancestral spirits. Others indicated that, sometimes, traditional leaders were punished by ancestral spirits through physical death. Participants, therefore, insisted that one of the significant roles of the traditional leader was to ensure that every member of the Chiefdom was doing the right thing for the good of all occupants.

5.5.7 How Traditional Practices are conducted in Zambia

Traditional practices in Zambia are deeply rooted in the cultural heritage of its various ethnic groups, reflecting the rich and diverse traditions passed down through generations. These practices often revolve around important life events such as birth, initiation into adulthood, marriage, and death, as well as agricultural rituals, which are central to the community's social and spiritual life.

One of the most significant traditional practices in Zambia is the initiation ceremony, commonly known as *Ichisungu* among the Bemba people. This rite of passage marks the transition of girls into womanhood and is celebrated with songs, dances, and symbolic teachings over several days. The rituals are designed to impart knowledge on various aspects of adult life, including marriage, fertility, and household responsibilities (Phiri, 2017). Similarly, among the Lozi people, the *Likumbi Lya Mize* ceremony, which is recognized by UNESCO as part of the world's intangible cultural heritage, celebrates the initiation of boys into adulthood. This event features elaborate masquerades, dances, and the passing down of traditional knowledge (Mwale, 2019).

Marriage ceremonies in Zambia are also submerged in tradition, varying widely across different ethnic groups. Among the Tonga people, for example, the *Kulobola* practice involves the groom's family paying a bride price, usually in the form of cattle, to the bride's family. This exchange symbolizes the union of two families and is accompanied by feasting, singing, and dancing (Simukonda, 2020). In contrast, the Bemba's *Icibemba* marriage ceremony involves a series of rituals including the *Bana Chimbusa* who counsel the bride on how to take care of her husband and manage a household (Chanda, 2018).

Funeral rites in Zambia are equally elaborate and hold great cultural significance. Among the Ngoni people, for instance, the death of an individual is marked by a period of mourning that includes the slaughter of cattle, which is believed to honor the deceased and provide sustenance for the journey to the afterlife. The community gathers to sing traditional songs, perform dances, and share meals as a way of supporting the bereaved family and ensuring the spirit of the deceased is peacefully laid to rest (Moyo, 2021).

Agricultural rituals also play an essential role in Zambian traditional practices. The *N'cwala* ceremony of the Ngoni people is a prominent example, where the first fruits of the harvest are offered to the chief and ancestors as a sign of gratitude and to ensure future prosperity. This ceremony involves traditional beer drinking, dance, and the symbolic tasting of the first produce by the chief (Mwanza, 2016).

These traditional practices in Zambia are not only a means of preserving cultural identity but also serve as a way of maintaining social cohesion within communities. They are passed down through generations, ensuring that cultural values and beliefs are kept alive in the face of modernization and global influences.

5.6 Conclusion

In summary, participants' perceptions indicate that the whole process and context of customary land conversions undermined the authority of traditional leaders because the intrusion of newcomers neutralised most of their customs, values, norms and practices, starting from the way they selected their traditional leaders, how their traditional leaders exercised their authority, and the attitude of some newcomers all being a scam. The next chapter presents the consequences of the changes that customary land conversions have on the authority of traditional leaders.

This chapter did not delve into the details of the findings and had quite a shallow section on the conversion process. This section should lay the ground for showing that conversion leads to heterogeneous communities, which has the potential to undermine the authority of chiefs. The chapter also included a section that provided a background to the local people, the Lenje, and how they administer land and other cultural norms to show that changes in these areas could undermine the authority of the chiefs.

6.1. Introduction

This chapter looks at the implications of customary land conversions on the authority of traditional leaders. It builds upon the changes in the Chieftainship, which are highlighted in Chapter Five. The chapter identifies and presents both negative and positive implications of customary land conversions regarding the authority of traditional leaders. Finally, a conclusion is drawn from the presentation

6.2. Negative Implications of Customary Land Conversions in Mungule Chieftainship

Whenever customary land is converted to the leasehold tenure system, negative implications are openly presented as outcomes that impact traditional leaders' authority in the Chieftainship. These are discussed in the following sections.

6.2.1. Weakening of Customary Law Due to Dilution of Cultural Norms

Chieftainship Mungule's appointment of her children to govern the Chieftainship twice consecutively exhibits a dilution of a cultural norm. In traditional African societies, the ascension of a chief to authority is often marked by elaborate rituals of investiture. These ceremonies symbolise the chief's transition from an ordinary individual to a sacred and authoritative figure. They are performed in the presence of the community, with various symbols and objects representing the chief's connection to the land, ancestors, and supernatural forces. Through these rituals, the chief is legitimised as a ruler and enshrined as custodians of the community's customs and traditions (Gluckman, 1965). Therefore, for Chieftainship Mungule to appoint her children explains why headmen began to transact without her consent and knowledge since whenever they would seek her approval, it was her children who would sign the consent.

In addition to the cultural fraud, conversion of customary land to leasehold tenure implies that customary law becomes obsolete on such land and, instead, the statutory law comes into force for land administration for the newcomers who converted, implying that every piece of land that has had its tenure converted to leasehold acquires title deeds. The statutory law begins to be applied in its administration, thus rendering traditional leaders with their customary law powerless while making

it inevitable that the State operates in these areas, according to the Constitution, which indicates that titled land is under the State's control.

6.2.2. Inability to Use Customary Law in Controlling Activities Conducted on Leased Land by Traditional Leaders

Following the Constitution of Zambia, it is clear that converted customary land becomes state land, which is issued with title deeds and begins to be administered using the statutory law. Meanwhile, traditional leaders believe that, even if title deeds have been acquired, they still have the authority to apply their customary law, contrary to the Constitution. It emerged clearly that traditional leaders cannot preside over a case under statutory law. Therefore, if the newcomer decided to handle their case using the statutory law and ignored the traditional courts, no one had any authority to punish/apprehend them. One participant from the Government clarified the position:

When the members of the chiefdom encounter conflict over customary land before the title deeds are acquired, the Government does not have any jurisdiction. Usually, traditional leaders sort it out themselves as the institution of traditional affairs. However, once there are title deeds, the Government will intervene. However, disputes on customary land could still be taken to the police to help them. (A2, 24th February, 2020).

Hence, it is suggested that customary land conversion undermines the authority of traditional leaders in light of the rise in monetarised land transactions and subsequent privatisation of customary land reported across Zambia as an inevitable consequence of the country's changing social and economic conditions (Chitonge et al., 2017:126). Furthermore, some participants vented that customary land conversions brought about challenges. For example, one traditional leader indicated as follows:

When they convert their land to a leasehold tenure system, each person tends to be very independent. When a headman questions anything, they usually respond rudely because their attitude is that the traditional leaders have already gotten the money in exchange for the land. Therefore, no traditional leader says anything or raises concerns to such landowners (HD2, 27th August 2019).

From my observation, such an attitude from newcomers, who become new landowners under the leasehold tenure system, has adverse effects on how much control the traditional leaders can have over such people and their activities conducted on their leased land; hence, suggesting that conversion of customary land tenure system undermines the authority of traditional leaders. To add to this view, another traditional leader expressed the following sentiments:

Traditional land gives the traditional leader much authority, but nowadays, traditional leaders have lost their authority because people who have bought land do not want to be controlled (HD5, 28th August 2019).

Other participants pinpointed that newcomers initially follow the norms, values, and practices of the

Chiefdom when settling in. However, with time, they tend to change and establish their own rules by the statutory law. Therefore, they cease to be answerable to traditional leaders who use customary law

, within the Chiefdom, the customary law would control the initial owners of the land (local people), while newcomers begin to use the statutory law. The State facilitates the statutory law and requires technically trained people certified by the state (legal practitioners) to handle it at the point of delivery. Therefore, it sometimes requires more than traditional leaders to handle or understand its demands. In addition, by converting the land, newcomers are more answerable to the State than traditional leaders, weakening traditional leaders' authority.

6.2.3. Unfairness and Non-Accountability through Uncoordinated Land Transactions and Customary Land Conversions in Mungule Chiefdom

The presentation of the empirical data in Chapter Five illustrates how Chieftainess Mungule's decision to appoint her children as rulers triggered a negative response from the 686 headmen in Mungule Chiefdom. As a reaction to this appointment, the headmen began conducting land transactions independently, without coordinating or sharing information with other traditional leaders, including the Chieftainess. This lack of collaboration among the headmen disrupted the governance and management of land within the Chiefdom. It also led to a high probability of land being allocated without a clear understanding of its intended purpose and potential consequences, thereby creating challenges for the community and other stakeholders. As a result, the local community together with the same headmen, were forced to address the social and environmental impacts of activities conducted on the acquired land.

Moreover, it was noted that the headmen bypassed the need to obtain Chieftainess Mungule's consent for each customary land conversion, making the situation unbearable for the headmen as the chieftainess could not intervene. Besides, there were reports that the headmen had illegally obtained her (Chieftainess Mungule) signature, leaving the Chieftainess unaware of the extent of land transactions until it was too late. This situation ultimately led to her becoming a subject of ridicule among other traditional leaders, as highlighted in Chapter Five.

The issues presented indicate an urgent need for greater transparency among the headmen, and between the headmen and their Chieftainess. The lack of transparency directly contributed to the rapid depletion of customary land within the Chiefdom. As a result, the availability of customary land significantly diminished with each conversion. Participants from the House of Chiefs observed that Mungule Chiefdom had the highest amount of converted customary land in the study area. They

further pointed out that traditional leaders in the Chiefdom lacked sufficient land to allocate to local people, as they had lost control over both the land and the activities conducted on it. One participant from the ordinary members of the Chiefdom emphasized this issue, stating:

"The problem is that when money is paid to acquire customary land, the land becomes the buyer's property. If they even secure title deeds, the new owners start fencing off the land, cutting off our access to its resources. In some cases, they even charge us for water from their boreholes, and no traditional leader can intervene since the property is privately owned" (OM1, 28th August 2019).

Another participant expressed regret over selling their land:

"I sometimes regret selling my land. First of all, there's no more land to sell. My regret stems from the fact that when new buyers arrive, they appear humble and seem to offer development that benefits everyone. But once they finish building on their land, they change their stance and begin denying us access to the amenities they brought. The Chiefdom looks developed, but we can't access the resources, and our leaders are powerless to change the newcomers' decisions" (OM4, 28th September 2019).

These accounts clearly indicate that, prior to conversion to the leasehold tenure system, the land served the collective good of the local community. However, the money exchanged for customary land leads to its enclosure, a practice that becomes more rigid once the land is converted to leasehold tenure. Such enclosures fragment the unity that previously existed within the Chiefdom. As property relations continue to change in most customary areas, local people are frequently denied access to resources they once freely enjoyed.

It is evident that privatisation of communal land increases the vulnerability of local populations, offering little hope for immediate solutions. A similar situation was observed in Ethiopia, where the privatisation of communal resources in Southern Oromia left poorer herders excluded and struggling to pay for access to resources within the newly privatised areas (Toche, 2013:89). This is comparable to experiences in Mungule, where the reduction in customary land restricts families' ability to allocate land to new members, despite the continuous growth in family sizes.

Additionally, some participants pointed out that some chiefdoms do not allow land conversions in order to preserve the size of customary land and maintain the authority of traditional leaders. Evidence suggests that the sale and conversion of customary land into leasehold tenure significantly

reduces the availability of customary land. Recent estimates in Zambia indicate that customary land now accounts for about 51% to 54% of the country's total land area, following the alienation of land for commercial and individual purposes (Sitko and Chamberlin, 2016).

The reduction of customary land has numerous implications, which will be discussed in subsequent sections. However, regarding fairness, it is clear that local community members are disproportionately affected. They lose access to land and resources they once relied on, and face new restrictions imposed by private landowners. Furthermore, Chieftainess Mungule's authority is unfairly compromised by the unauthorised actions of the headmen, leading to a loss of both respect and control over her Chiefdom's land.

6.2.4. Sale of Customary Land a Betrayal of the Ancestral Trust and Collapse of the Future of Posterity

The sale of customary land in Mungule Chiefdom is viewed as a betrayal of ancestral trust and a collapse of hope for future generations. Customary land holds immense cultural, social, and economic significance for the locals, representing a connection to their history, identity, and spirituality. It also implies that the land is transferred to external entities or individuals who may have a different understanding of, or respect for, its cultural and spiritual significance. This has led to the erosion of traditional practices, loss of cultural heritage, and disruption of communal cohesion.

It emerged that various factors, including economic pressures, development projects, or inadequate legal frameworks, often drive the decision to sell customary land in Mungule Chiefdom. Most participants indicated that they faced financial hardships and, sometimes, were lured by promises of economic benefits associated with selling their land. However, the long-term consequences of such sales were devastating.

Besides, the loss of customary land impacts the present community and undermines future generations' rights and opportunities. Customary land links members of the ethnic group to ancestral knowledge, traditions, and wisdom, which are essential for the cultural continuity of indigenous communities. Therefore, the sale of customary land has resulted in many displacements of the local people from their ancestral territories, disrupting their social fabric and creating a sense of rootlessness.

The collapse of hope for posterity arises from the sale of customary land, often perpetuating a cycle of marginalisation and authority imbalance. Local people of Mungule Chiefdom are already facing historical injustices and systemic inequalities and becoming further marginalised as they lose control

over their lands. This loss of control undermines their ability to determine their development, perpetuating a cycle of dependence and disempowerment for future generations. Historical injustice refers to the past wrongs and harms committed against groups or individuals, often by colonial powers or other dominant groups, which continue to have enduring adverse effects. They include land dispossession, forced relocations, and systemic discrimination that have long-term socioeconomic and cultural impacts on the affected communities (McIntosh, 2016). In the context of Mungule Chiefdom, historical injustices encompass the colonial land policies that dispossessed indigenous people of their lands, disrupting their traditional ways of life and economic stability (Moyo, 2014). Such policies created deep-seated inequalities, making it difficult for marginalised communities to regain control over their resources and achieve equitable development.

By losing control over their lands, the people of Mungule Chiefdom are further disenfranchised, making it challenging to pursue sustainable development and self-sufficiency. The cycle of dependence and disempowerment not only affects the current generation but also jeopardises the prospects for future generations, who inherit these compounded disadvantages. This perpetuation of marginalisation underscores the need to address historical and contemporary injustices to foster a more equitable and inclusive development trajectory for the affected communities (Hall, 2013).

6.2.5. Reduced Land for Cultivation while Population Continues to Increase in the Chiefdom

As confirmed in Chapter Five, the aspect of local people selling part or all of their pieces of land to others, who would also convert to the leasehold tenure system, implies that every land transaction was reducing the size of the customary land that local people initially were allocated. In turn, it reduces the sizes of the fields that local people have for agricultural use, resulting in reduced cultivation, which, considering that agriculture has been the livelihood of the local people, implies their failure to sustain themselves due to reduced yields due to reduced land sizes.

Another consequence is that local people began to look for means of survival other than agriculture. Additionally, literature indicates that only 14% of Zambia's arable land is used for agriculture. Yet, about 80% of the rural population's livelihood is based on agriculture since they have land as a natural resource, and they take advantage of it to maximise their benefit from the land (CSO, 2017). Therefore, reducing the size of their pieces of land affects local people, given limited alternatives for survival within their Chiefdom.

In Mungule Chiefdom, much of the customary land acquired by newcomers has been developed. According to participants in this research, a significant number of those who have developed their land have also converted it from the customary tenure system to leasehold tenure. This conversion

has been primarily driven by the need to secure land ownership, which allows newcomers to invest in real estate ventures, industrial projects, and commercial farming activities that add to the workforce in Lusaka (Chitonge, 2018; Nyanga, 2017). While precise statistics may not be readily available, the notable shift from customary to leasehold tenure is well-documented. For more comprehensive insights, Nyanga's (2017) study on land tenure conversion in Chibombo and Chongwe districts, as well as Chitonge's (2018) analysis of land security as a driver for conversion, both available through the University of Zambia repository, provide detailed information. Mfunne and Kafwanba (2018) pointed out that rural people rely heavily on land resources for sustenance. Thus, any adjustments in the resource portfolio would negatively or positively affect them. The adverse effects play the "push factor" in making rural residents acquire alternative livelihoods to survive. Mfunne and Katwamba (2018:118) further indicated that "changes in land use, its size, availability and quality will, therefore, significantly alter the livelihoods of rural people and affect their welfare." Some of the effects of reduced land for the local people among the occupants of Mungule Chiefdom include increased poverty and hunger.

A deep-rooted consequence of reduced cultivation is poverty. How does this happen? Since the livelihood of the local people is based on agricultural production, reduced sizes of their customary land means reduced agricultural productivity, which works against Sustainable Development Goal Number 1, which focuses on eradicating poverty, and Sustainable Development Goal Number 2, which works towards zero hunger. Whenever an individual or the community cuts some land to sell or share, it reduces the original size of the land that was supposed to be used for various production activities, leading to limited space for various uses, such as cultivation and animal grazing, among other uses, which may also be the main reason for the increased number of street children, especially for the chiefdoms like Mungule near urban areas or cities like Lusaka. These kids are a side of the adverse outcome when we have a failed traditional society in chiefdoms. Such children reach a point where they cannot obey anyone anymore. Therefore, traditional leaders lose their authority over such children.

6.2.6. Technical Confusion in Land Administration after Conversions

There emerged confusion in land administration after conversions took off in line with the changes in the sizes of customary land vis a vis state land. Interviews with various participants debated the change of land administration and the location of the converted land. Some participants indicated that land remained within the customary area despite the changes in customary land administration due to conversion to the leasehold tenure system. This group of participants argued that converted customary land was still counted as customary land and had no effect on the percentage (94%) of the customary land. Their perception was premised on the understanding that, despite the changes

made in land administration, boundary lines remained constant with or without conversions. They highlighted that, despite converting their land, newcomers were still considered part of the Chiefdom. Additionally, some participants illustrated that converting customary land to the leasehold tenure system was like the landlord-tenant relationship. One participant from the academicians opined:

Chiefs or traditional leaders are not the leaders of the land but of the people. Without land and people, they cannot be chiefs (A3, 24th February 2020).

The preceding implies that, from the opinion of this category of participants, changes in the land tenure did not affect the size of the customary land. This category considered that the people who occupied the land mattered more than the tenure system in use. Therefore, they believed customary land remained the same size as newcomers within the Chiefdom. Their reason for this stance was founded on the fact that the people who lived on the land were more important because they were the implementers of the activities conducted on the land and that traditional leaders were expected to control these activities and ensure these activities were conducted within the acceptable norms and values. Similarly, another participant from the State added:

Converting land from customary to leasehold does not affect the area's boundaries, as they remain the same way they were created. Just like the boundaries for the chiefdoms, they do not change. Even if somebody were to convert land from customary to leasehold, their land would still fall under a particular chiefdom. (GOVT4, 24th June, 2020).

Some traditional leaders' stances were static. They argued that whatever customary land was converted remained under the traditional set-up despite having an element of leasehold, which would only change its administration.

They stated that even state land was once under the traditional set-up. They elaborated that colonial masters identified land with natural resources and proximity to easy transport systems. Therefore, this group asserted that customary land boundaries remained at 94% and state land at 6%, no matter how many conversions were done in their chiefdoms. However, this aspect of changing the administration of land remains a reduction in the authority of the traditional leaders over the converted land.

On the other hand, other participants had a different view because they believed that every conversion of customary land changed the percentages of customary land and state land. One category is reduced in size while the other increases. This group attributed their argument to what the Constitution says: "Every land on leasehold tenure system is state land" (Constitution of Zambia #353-2015:262). Participant proponents for this argument additionally highlighted that their evidence stemmed from the fact that the individuals who had converted did not need permission from traditional leaders to do whatever they needed to do on their converted land. Furthermore, if

they obeyed traditional leaders in the customary areas, it was out of their courtesy and not a legal requirement. In addition, one participant from the traditional leaders indicated:

Considering that traditional leadership was often tied to land in Africa, conversion from [the] customary land tenure system to [the] leasehold tenure system [getting title deeds] affects the authority of traditional leaders because, once a title is obtained, a headman/chief may have no say to the new owner of that land. (HD5, 28th August, 2019).

Some researchers confirmed this view by revealing that the moment a lease is obtained, customary rights are extinguished, and the sovereignty chiefs had on the parcel of land is relinquished. Furthermore, once customary land is converted to leasehold tenure, there is no arrangement to convert it back to the customary tenure system (Nolte, 2014).

Furthermore, another participant from the traditional leaders regretted how many disagreements emanated from community members from different cultural backgrounds/values/norms (HD5, 28th August 2019). She further connected the control of land allocation and the authority of traditional leaders amid erosion from customary land conversions. However, this technical confusion has left people wondering if traditional leaders still have a say on the converted land since the land remains within the boundaries of customary areas and administered by the state through the statutory law. The law, however, is clear, as elaborated in the next section.

6.2.7. Heterogenous Communities Are Created

A heterogeneous community is an offshoot of customary land conversion and can undermine traditional leaders' authority. Some participants expressed their concern that allowing any individual with the capacity to acquire and convert land from the customary land tenure system to the leasehold land tenure system was a time bomb and a threat to the authority and the future of traditional leaders since newcomers with diverse cultural orientations begin to settle among the local people, creating a heterogenous community. Some participants pointed out that the authority of traditional leaders has been culturally based and sustained by upholding the Chiefdom's culture, values, norms, and traditional practices. Violating those mentioned above in the Chiefdom can undermine traditional leaders' authority.

As observed in the previous discussion, most participants' responses indicated that newcomers made the most conversions in Mungule Chiefdom. For example, it was observed that out of ten (10) people interviewed, eight (8) had converted their land, and seven (7) of the eight (8) individuals who had converted the land came from outside the Chiefdom. When further probed into why newcomers converted their land, some indicated that conversion gave them autonomy because they became independent of customary law.

In addition, the people who converted the land were not of the Lenje tribe, despite originating from within Zambia but from different tribes and chiefdoms. Others were from outside Zambia – known as ‘foreign investors’ – some of whom were of Indian origin, others of Chinese origin and others of African (outside Zambia but within African) origin, especially from the neighbouring countries, Zimbabwe and South Africa. Furthermore, since they were of different tribes from the local ones, most usually placed little value on the culture they found in Mungule Chiefdom, undermining the authority of the traditional leaders, shown by how they violated and disobeyed the customary law, evidenced through their actions that were against the norms of Mungule Chiefdom.

Correspondingly, one researcher established that, in most customary areas, fencing of private property was not allowed and that it was against their culture. Toche (2013:41) pinpointed that "in our culture, rangeland is the property of the community as a whole and our customary law does not recognise and allow the making and holding of private pasture reserves in any form." In the case of Zambia, once customary land is converted to the leasehold tenure system, it stifles or silences the authority of traditional leaders to the extent of deterring several traditional practices and rituals ordinarily observed on such land.

Additionally, customary law can no longer be applied on such land. Hence, in cases where there is a misunderstanding between the local people and the new owners of the converted land, the latter prefer to take an offender/trespasser to the courts of law instead of having traditional leaders adjudicate over the case. This development is similar to Ethiopia, where enclosures intensified violent internal conflicts over the invasion of private properties. Such conflicts would go as far as being handled by relevant institutions, like the courts of law. Furthermore, the conflicts on such land included verbal abuse, fighting with dangerous weapons, and the killing of animals through, say, shooting, whipping, gnawing and paralysing them (Toche, 2013).

Participants from traditional leaders and the local people also pointed out that fencing violates the norm and culture of the Chiefdom because it cuts off the local community's access to water and denies easy access to the shared resources within the Chiefdom.

Other participants also mentioned that fencing was challenging when traditional leaders called for meetings or when they wanted to select the next traditional leader. Part of their reason was that observing any proposed traditional leader before their leaders were put in place in the Chiefdom became challenging.

Other participants also indicated that, due to the mixed culture, it became a challenge to maintain the culture within the Chiefdom, enabling proposed leaders to qualify purely on a cultural basis because of the infiltration of other cultures into the Chiefdom. Additionally, some participants highlighted

that, through mixing the cultures, local people became limited in developing a collective voice and formulating customary laws, which depended on the members of the Chiefdom. It was also observed that their collective voice, on which traditional leaders based their authority, no longer existed.

Other participants further pointed out that, due to enclosures, interaction among local people was compromised because communities began to take longer routes to get to their neighbours for any reason.

On the other hand, participants from the newcomers indicated that fencing implied that the land was theirs, and they were restructuring everybody else by putting up walls/wire fences or bringing in very vicious dogs to bar everyone from approaching their converted land. Participants from local people and the traditional leaders expressed their disappointment that such acts were very strange to the local people and broke the homogeneity in the Chiefdom, potentially undermining traditional leaders' authority. Some participants emphasised that there was a material difference between customary land and converted land and explained that those individuals with converted land did not follow the culture.

Meanwhile, another participant from traditional leaders complained that one of the individuals who had acquired customary land from him had converted, fenced his converted land and closed the road where local people used to pass to fetch water. The participant further highlighted that he refused to cooperate with the traditional leaders when he approached the newcomer. The newcomer explained that he believed that, since his land was converted and was under the State, he did not need traditional leaders' permission to carry out any activity on such land. Additionally, it was reported that the newcomer indicated that, since he had a title deed for his converted land, he was free to go to statutory court in the event of any dispute and not to the traditional leader, despite traditional courts being located within the Chiefdom in every village and a bigger one at the palace. Meanwhile, legal frameworks indicated that conflicts relating to the converted land could only be tabled in the courts of law using the statutory law. Additionally, some participants pointed out that most newcomers were educated urban employees with little attachment to the area's cultural values. Most participants considered the newcomers' State mentioned above a reason traditional leaders lost their land and authority.

Therefore, creating heterogeneous communities implies that traditional leaders become disempowered as the Chiefdom continues to be infiltrated with individuals who fail to abide by its norms, values, and practices because of their different cultural orientations. Most of the participants, both traditional leaders and local people, expressed their concern about how some newcomers'

behaviours influenced the behaviours of some local people and, eventually, undermined the authority of traditional leaders in the Chiefdom.

6.2.8. Inconsistent Perceptions of the Relationship between Customary Land Conversions and the Authority of Traditional Leaders

Participants in this study showed a mixture of views about the relationship between customary land conversions and the authority of traditional leaders. Some affirmed that any changes to the customary land tenure system affected the authority of traditional leaders, while others indicated that changes to the customary tenure system had no effect. In contrast, another category of participants had no insights into the relationship.

However, most of the participants indicated that land issues generally created a platform for interaction between various categories with an interest in land issues, such as the State (which has several wings such as the Ministry of Lands, the Ministry of Traditional Affairs, the House of Chiefs), the private sector, local people, newcomers, and traditional leaders. It was observed that each of these categories had their perception of the authority of traditional leaders over customary land and its conversions. They highlighted that land was a great natural resource with the potential to cause conflict if not handled well because everything needed for life is attached to the land, making it a critical resource. However, regardless of the varying perceptions of customary land by each of these categories, many local people who were interviewed seemed to have a belief that customary land belonged to the local people (particularly the ethnic group of Lenjes) and that the chief and the village headmen were the custodians of the land with authority not only to distribute land but also to interpret and monitor traditional practices and norms around the land. Those mentioned above were also confirmed in research conducted by Chitonge (2022).

In the meantime, some participants from traditional leaders and local people pointed out that some individuals who converted from the customary land tenure system to the leasehold tenure system appeared to be getting off the hook of being controlled by the traditional leaders, as they were observed acting arrogantly in some instances by local people and some traditional leaders. However, most of the traditional leaders who participated in this study indicated that, as time passed, they stopped signing consent letters because of the arrogance they observed in those newcomers who had earlier converted their customary land. Some traditional leaders who participated in this study highlighted that they would not sign the consent letters due to the fear of losing their authority or becoming extinct. One headman expressed his disappointment thus:

Once these intruders buy land, they begin to behave arrogantly. Worse, if they process the title deeds for the land, they can only advise them if they become

bigheaded. Because of their behaviour and attitude, I have stopped consenting to the title deed processing (HD4, 17th September 2019).

Meanwhile, a nuance was identified where other traditional leaders who participated in the study indicated that they did not have any challenge that could cause them not to consent. One leader from among these opined:

As one of the chief's advisors and other headmen, I encourage investors or wellcapable individuals to enter the Chiefdom by making it easy for them to sign consent letters. These people help to create jobs for our children and develop our areas with infrastructure that raises the standard for our villages (HD1, 10th June 2019).

The scenario above shows that some participants did not see only negatives in opening up customary areas for differently cultured individuals. Nevertheless, one headman had a concern about the other headmen, who seemed to be okay with allowing their subjects to sell traditional land allocated to them. He pointed out that.

[t]here are some headmen who are not genuine because they manipulate their subjects into selling land so that they can have a share in the money. With my integrity, I can never do such a thing to my subjects. Though, I hear my subjects try to sell land privately. We headmen can be strict, but the subjects sell the land. In some instances, when you refuse as headmen, hostility is created between you and them. Which, in most cases, makes us lose the authority to govern. (HD4, 17th September, 2019).

Conversely, during interviews, it was realised that traditional leaders were free to decide on their customary land and wanted to issue title deeds and manage resources on their land. Yet, the concerns of the State were that, sometimes, traditional leaders needed to understand the value of land and the size limits recommended to give to foreign investors. In this regard, some participants from the State pointed out that, in such cases, even the national President would find himself begging the traditional leaders not to make certain decisions over land (GOVT1, 19th February 2020).

Therefore, it is necessary to highlight that the nuance here clearly shows how divided traditional leaders have been over changing the land tenure system in Mungule Chiefdom. The variance among traditional leaders is further enhanced by the attitude of newcomers, who, after converting land, opt to settle their disputes in the courts of law as opposed to traditional courts at palaces, rendering the authority of traditional leaders irrelevant. Meanwhile, individuals who stick to customary law over disputes lose access to the statutory courts of law, creating an opportunity for the Government to recommend changing the tenure system to leasehold among occupants of customary areas. In addition to this, one government official explained:

The Government has been thinking of having one national land plan according to the strength of the land in a particular area for the whole country; for instance, there is a strength of groundnuts in the Eastern Province. So, even when allocating land, it is allocated according to what the individual would want to do on that particular land, empowering local members

of chiefdoms because they would have their agricultural production enhanced. If the local members become powerful automatically, the traditional leaders would also become like this. (GOVT1, 19th February, 2020)

The above reaction by the Government provoked the researcher to inquire how the State perceived the existence of traditional leaders. In response, one government official reported that the Ministry of Local Government and Housing was the custodian of land use planning and had the Urban and Regional Act, Number 3 of 2015, stipulating that all land must be planned for. These participants indicated that traditional leaders needed help to stop the sporadic land allocation in the customary area without a proper with the government official. The participants further indicated that some traditional leaders allocated land, which made it difficult to bring in services, and some pockets of land seemed to be wasted.

From my observation, each of these categories had their own opinion on customary land and its conversion about the authority of traditional leaders. What seemed to be lacking was an understanding of each category's views, which could help to broaden the understanding of one another over customary land, its conversion about the authority of traditional leaders for the sustainability of the resource, and the security of traditional leaders, local people and newcomers. Thus, tension was observed between the state and traditional leaders.

6.2.9. Tension between Traditional Leaders and the State

Customary land conversions created tension between traditional leaders and the State. From the observation, traditional leaders seemed to view conversions as a way of depleting their land, while the State considered it a way of bringing development to the occupants of the Chiefdom. When participants from the State were asked about what strategies they had put in place to ensure that they could work in harmony with the institution of traditional leaders, one of the participants explained that, when formulating the policy, traditional leaders were constantly engaged. This participant also mentioned that, from his observation, traditional leaders were always suspicious that the State wanted to grab their customary land. This participant's observation was consistent with the findings by Chitonge (2018:84), who pointed out that "traditional leaders perceived land reforms as a threat not only to their authority base but also their existence, given that traditional leaders derived their authority from controlling and allocating land."

However, some participants from the traditional leaders mentioned that tension between the State and traditional leaders was founded on experience where, initially, the State did not intrude much into the governance of customary land until demand for customary land began to increase. High demand for customary land motivated the State to reform customary land practices and governance

structures in the name of promoting transparency and accountability (Chitonge, 2022:44). Additionally, traditional leaders indicated that, even before the State took an interest in this matter, they had practised land administration transparently by consulting with the local people and the advisors for the villages and heads of those villages; they worked as a team.

On the other hand, state officials also seemed to need help understanding traditional leaders' suspicions when dealing with land issues, which was observed through their sentiments:

The chiefs need to realise that the issue here is not the land but it is the people whom they govern and forms chiefdoms with (GOVT3, 13th September, 2019).

Participants from the State appeared to perceive this aspect of traditional leaders as hurting the economic development and set up of the customary areas. Additionally, other officials from the State indicated that a monthly allowance for each gazetted traditional leader was introduced, which, from the researcher's observation, appeared to have brought about better interaction between the two institutions, could explain why the first-ever land policy, which had dragged on since Zambia's independence in 1964, was formulated in May 2022 (Simusokwe, 2022; Bae, 2023).

It emerged clearly that once customary land was converted to the leasehold tenure system, the administration of such land changed and began to be guided by the State through statutory law. Part 'a' of the Constitution of Zambia states: "Land held by any person under the leasehold tenure is state land" (Constitution of Zambia # 353-2015:262), and causes traditional leaders to lose their authority, as they remain with the customary law, which is applied on customary land only. Most participants indicated that Mungule Chiefdom had converted most of its land to the leasehold tenure system, implying that the traditional leaders retain little authority in the Chiefdom.

Meanwhile, other participants from traditional leaders expressed a different view, as they believed that, even when customary land was converted to the leasehold tenure system, they still had the authority to apply customary law on such land. One traditional leader gave his justification:

That is why I said we do not sell any land, but we share it with the people who, in exchange, give a token of appreciation in no specific amounts (HD1, 10th June 2019).

This participant also pointed out that.

[c]onversion of customary land to leasehold tenure does not affect the culture of the Chiefdom because critical places are preserved, and traditional ceremonies continue in these places (HD1, 10th June 2019).

Another participant from traditional leaders commented:

Those with title deeds have no authority because they can be taken to the chief, who would discipline them if they go against customary law. In some instances, a traditional leader [chief] would write a recommendation letter to the Ministry of

Lands to retrieve the title deed, and once they grab the titles, such individuals would live in the Chiefdom as mere members of the Chiefdom (HD2, 27th August 2019).

Consistent with this position, some participants affirmed that, among the individuals who retrieved their title deeds, they had yet to take the traditional leaders to court (HD2, 27th August 2019; HD4, 17th September 2019). Unfortunately, no one among the participants from the traditional leaders could take the researcher to the person from whom they retrieved title deeds in such a manner, which implies that this trait needs to be more of a limitation in understanding the true meaning of converting customary land to the leasehold land tenure system.

From the researcher's observation, the challenge appeared to have been worsened by the educational levels of the traditional leaders, which was outside their requirement to be a traditional leader. Many other participants pointed out that academic qualifications are needed to become a traditional leader. For example, one of the participants from the traditional leaders, who held a Master's degree in conflict management, expounded:

Out of the total number of chiefs (288), we have about 8 or 10 educated chiefs. One is even a professor, while other chiefs have never been to school. In most cases, these are the ones who make us delay certain decisions because we need to interpret whatever we are working on in their language. It takes work (CH1, 22nd June 2020).

This fact affected most documents the State had been sharing with traditional leaders. On many occasions, traditional leaders have demanded that the State interpret all the documents for which it has sought the consent of the traditional leaders. A clear example was shown when the State, through the Ministry of Lands, needed traditional leaders and other stakeholders to validate the Constitution in 2018, and traditional leaders demanded that the Constitution be translated into all 72 languages before they could sign the document. The above scenarios imply that there needs to be smoother interactions among land stakeholders.

6.3. Positive Implications of Customary Land Conversions

During the interviews, it was realised that customary land conversions did not only have negative implications in the Chiefdom but also positive results, as indicated below:

6.3.1. Easy Accessibility to Financial Services from Financial Institutions

Several participants enthusiastically embraced the notion of customary land conversions, citing the acquisition of title deeds as a critical benefit. These deeds served as valuable collateral, enabling them to secure loans and reinvest the funds for increased profitability. Notably, a significant portion of those who successfully underwent conversion were newcomers, leading to concentrated benefits within this demographic on the one hand. On the other hand, the local people could only acquire

land documentation certificates issued by the traditional leaders because they were relatively cheaper than the title deeds issued by the Government. Conversely, using land as collateral remained limited among existing landowners as apprehension about its viability persisted. Additionally, the challenge extended to financial institutions, with banks reluctant to accept land certificates as collateral, further constraining access to finance for potential regional entrepreneurs.

This aspect was explicitly highlighted to show how, through the prosperity of the individuals who converted their land, traditional leaders became empowered because it was provided whenever they requested financial assistance from such individuals. Some participants further commented that, unlike the way they struggled at first with where to obtain financial assistance, they were no longer struggling. Additionally, some participants indicated that, even if most newcomers did not attend traditional ceremonies, they offered financial support for the smooth running of the ceremonies. Most participants indicated that the support empowered the authority of traditional leaders because the financial support they rendered enabled proper visibility of various events, such as traditional ceremonies and bursaries for the most vulnerable children from within the Chiefdom. For example, lately, most traditional ceremonies have been televised, and adverts have been displayed early enough to remind everyone who belonged to the particular ethnic group from all over the nation – also those who did not – to come on board and render support in different ways. Additionally, most of the participants from the traditional leaders indicated that the media had since been helping them to have many people socialise in the culture of the Lenje tribe, implying that customary land conversions empowered the financial authority of traditional leaders in Mungule Chiefdom.

6.3.2. Improved Infrastructure Support in the Chiefdom

Most participants also appreciated the newcomers coming to the Chiefdom and mentioned that their coming had made local people and traditional leaders improve the quality of their houses and infrastructure. For example, traditional leaders pointed out that, in the MMD era, all palaces were renovated, and vehicles were secured for all chiefs, which empowered those traditional leaders.

6.3.3. Introduction of Basic Leadership Training Opportunities for All Traditional Leaders

Figure 8: Traditional leaders Pose outside the Class as well as in Class



Traditional Leaders in Class at Chalimbana University Pursuing a Diploma in Leadership

Source: Chalimbana University, CHAU

https://l.facebook.com/l.php?u=http%3A%2F%2Fwww.journal.chalimbanauniversity.net%2F%3Ffbclid%3DIwZXh0bgNhZW0CMTAAAR2dn9F7kBi6WSeUmb8auDaNyo9alk9P0GERXebKQXrfBjGj-GrLgWdu3wo_aem_30T_4uTGt_yrsCrk66OMzA&h=AT2rzzpNVzGBdHjv05iWLjn1ETFgjuNKbtq8u5lGjF_Dd_O52qFTj6nH8Cy583es4cUVmYwphXWJNDzGwS04at2JOyVcZrx-9zQ65b8bE9HhrPzsfRXm060uIQc5XIWBDbYh&_tn_=%2Cd-UC*F

Interviews revealed that formal education was not traditionally prioritised for becoming a traditional leader. Consequently, many traditional leaders governed through a trial-and-error approach. Recognising this leadership gap, traditional leaders and government officials identified the need for formal training programs. This realisation led to the establishment of a distinct program at Chalimbana Nisticle, now known as Chalimbana University, which offers special leadership courses for traditional leaders. This initiative has positively impacted traditional governance by empowering leaders with essential leadership skills and improving land governance practices and administration in chiefdoms. However, it was noted during interviews that not all traditional leaders had attended this training program at the time (Gwanzura, 2016; Posner, 2012).

The program at Chalimbana University addresses the previously prevalent leadership crisis by providing structured training. The training equips traditional leaders with the knowledge and skills to administer their communities more effectively and transparently. This initiative is crucial in fostering better land governance practices, as educated leaders are more likely to implement fair and effective governance strategies, reducing conflicts and improving resource management within their chiefdoms.

Figure 9: Traditional Leader Posing For A Photo At Chalimbana University



Traditional leaders at Chalimbana University acquired a diploma in leadership in 2020

Source: Chalimbana University, CHAU

https://l.facebook.com/l.php?u=http%3A%2F%2Fwww.journal.chalimbanauniversity.net%2F%3Ffbclid%3DlwZXh0bgNhZW0CMTAAAR2dn9F7kBi6WSeUmb8auDaNyo9alk9POGERXebKQXrfBjGj-GrLqWdu3wo_aem_30T_4uTGt_yrsCrk66OMzA&h=AT2rzzpNVzGBdHjv05iWLjn1ETFqjvNKbtq8u5lGjF_Dd_052qFTj6nH8Cy583es4cUVmYwphXWJNDzGwS04at2JOyVcZrx9zQ65b8bE9HhrPzsfRXm060uIQC5XIWBDbYh&tn=%2Cd-UC*F

Interviews revealed that formal education was not a priority for one to be a traditional leader. Most of the traditional leaders, thus, used a trial-and-error type of governance. Considering the observed leadership crisis, most participants, both traditional leaders and the Government, indicated that they identified the gap which led the State to create a distinct programme at NISTCLE in Chalimbana (now Chalimbana University) to offer special leadership courses for every traditional leader as a positive consequence because it created an opportunity to empower traditional leaders with leadership skills to improve their administration and governance in the Chiefdom. However, at the time of the interview, not all traditional leaders had attended this training.

6.3.4. Improved Private Sector Coordination

Through interviews with the participants from the private sector, there was a realisation that, because of the tension between traditional leaders and the State, many non-governmental organisations and private sector institutions had been flocking to these areas to assist the vulnerable local and traditional leaders. Some participants from the private sector indicated that they had tried to reduce the financial constraint of converting customary land to the leasehold tenure system by lowering the cost of surveys, which had been the most expensive aspect of the process of converting. By employing a surveyor, instead of individuals paying \$1000, which was the price at the time of the interview, the price for their documentation was reduced to less than \$30 per individual land coordinates. This aspect can be interpreted as positive, with implications for the local Lenje people's retention of converted land in the Chiefdom.

6.4 Conclusion

This chapter presented the consequences that come with every conversion of land from the customary land tenure system to the leasehold tenure system in the Chiefdom and highlighted that the Chiefdom has ended up with a heterogeneous community, which has more newcomers than local people who, unlike the newcomers, understand the values, culture, norms and practices of the Chiefdom. The study has presented that governing a heterogeneous community has been challenging for traditional leaders as it raises concerns and questions about whether there is a future for the Lenje tribe and its leaders, as customary land keeps being converted, and, as a result, the culture within the Chiefdom is being lost at an increasing rate. However, efforts are being made to maintain the institutional memory through the annual traditional ceremony, *Kulamba Kubbwalo*. Otherwise, most traditional norms, values and practices have been diminishing.

Nevertheless, the other side of the customary land conversions has brought about development and improvements in infrastructure in the Chiefdom. However, converting customary land to the leasehold tenure system has rendered traditional leaders powerless overall, as they lose control over the converted land. The next chapter discusses the empirical data of the study based on the two empirical chapters presented, Chapters Five and Six.

CHAPTER SEVEN

DISCUSSION OF THE IMPLICATIONS OF CUSTOMARY LAND CONVERSIONS ON THE AUTHORITY OF TRADITIONAL LEADERS

7.1. Introduction

This study examines the multifaceted challenges faced by traditional leaders in Mungule Chiefdom stemming from the shift from cultural homogeneity to cultural heterogeneity caused by customary land conversions. This shift has introduced cultural diversity into the chiefdom, posing complex challenges to traditional leaders' authority. These leaders held influential positions in homogeneous societies, symbolising collective identity and cultural values. However, the conversion of customary land to leasehold tenure and the influence of statutory law used by newcomers have diffused their authority. The chapter discusses how traditional leaders must navigate cultural differences, negotiate authority structures, and build alliances to maintain authority. It also considers their opportunities to strengthen legitimacy by bridging ethnic divides. The chapter underscores the historical manipulation by colonial authority and exploitation by political elites, adding complexity to their roles. Understanding these dynamics is crucial to comprehending traditional leadership's evolving challenges and transformations in culturally diverse societies like Mungule Chiefdom.

7.2. Effects of Culturally Heterogeneous Community on the Authority of Traditional Leaders

There are valuable insights into the complex interplay between cultural heterogeneity, traditional leaders' authority, and governance dynamics in ethnically diverse communities. These insights highlight traditional leaders' challenges in navigating cultural differences, building alliances, and adapting to changing social and political contexts. These are created by the opening up of customary areas to any willing buyer regardless of their cultural orientation, worsened by the massive

conversions of customary land. Conversion of customary land to leasehold tenure facilitates the usage of the statutory law instead of the customary law through which traditional leaders show their authority as they govern individuals living within their chiefdom. Understanding these dynamics is crucial for comprehending the complexities of authority in culturally diverse societies. However, the intricate relationships between cultural diversity, traditional leadership, and governance underscore traditional leaders' profound challenges in fostering cohesion amidst evolving social landscapes. Some of the effects are below.

7.2.1 The Transformative Impact of Cultural Heterogeneity on Traditional Leaders' Authority

Firstly, the authority of traditional leaders in Mungule Chiefdom has significantly been affected by the cultural transformation experienced there, from a culturally homogenous community to a culturally heterogeneous one. Cultural homogeneity refers to the degree of uniformity or similarity within a cultural group. In some societies, cultural homogeneity is more pronounced, meaning the members share similar beliefs, values, customs, and traditions. In contrast, other cultures may be more culturally diverse, with various subcultures and groups practising different customs and traditions (Gluckman, 1965; Colson, 2013). In culturally homogeneous societies, the position of traditional leaders tends to be more consolidated and influential. When the members of a society share a common cultural background, they are more likely to accept and respect the authority of the traditional leader as a symbol of their collective identity. However, in culturally homogeneous societies, as Mungule Chiefdom used to be initially, the traditional leader is often seen as the embodiment of the community's values and traditions, and their position is usually rooted in the belief that they have a direct connection to the ancestors buried in the land or to spiritual forces. The traditional leader's authority is, therefore, considered legitimate and unquestionable.

In culturally diverse societies, the authority of chiefs can be more contested and less centralised. Within such societies, different cultural groups often have their leaders or elders, each representing their respective communities' unique interests and values. This is exemplified in the case of Mungule Chiefdom, where the decision to open the customary area for settlement, irrespective of the cultural orientation of the settlers, has led to the formation of a culturally heterogeneous community. As newcomers strive to distance themselves from the Lenje culture, they convert the land to a leasehold tenure system, relying on statutory law for guidance.

The consequences of this shift are profound, resulting in the diffusion of traditional leaders' authority. Negotiating various authority structures becomes imperative for these leaders to maintain control. Gluckman (1965) argued that, in culturally heterogeneous communities, traditional leaders often face limitations in their authority due to the presence of multiple ethnic or cultural groups, each with

its leaders and systems of authority. In such circumstances, the authority of traditional leaders relies on sustaining the support and consent of the diverse communities they govern.

Failure to navigate these cultural differences effectively poses a significant challenge to the authority of traditional leaders. This situation is elucidated in Chapter Three, where the theory of traditional leaders' authority is discussed. The theory emphasises that, in the presence of varied lineages or ethnic groups, the influence of traditional leaders may encounter constraints. Navigating through divergent interests, these leaders must delicately strike an equilibrium to ensure a fair balance among the coexisting diverse groups, thereby crucially contributing to social cohesion and preventing conflicts arising from intergroup rivalries.

Moreover, the theory of traditional leaders' authority sheds light on the impact of modernisation on the authority of traditional leaders within a chiefdom. As Gluckman (1965) noted, since the authority of traditional leaders is culturally based, its undermining occurs when modernisation is introduced. This nuanced understanding of the interplay between cultural diversity, authority structures, and external influences provides valuable insights into the challenges faced by traditional leaders in maintaining their authority in evolving societies.

Furthermore, Colson (2013) argued that chiefs in heterogeneous communities often faced challenges in maintaining their authority, as they had to balance the interests and expectations of various cultural groups. They also needed to engage in negotiation, mediation, and adaptation to navigate these complex authority dynamics and cultural differences successfully. In Mungule Chiefdom, traditional leaders often faced limitations in their authority due to the presence of multiple ethnic or cultural groups, each with their own law to guide their behaviour regardless of its impact on the culture in the chiefdom. However, the authority of traditional authority is contingent upon their ability to maintain the support and consent of the diverse communities they govern. Traditional leaders need to establish themselves as legitimate and respected leaders within each ethnic or cultural group while, at the same time, building alliances, negotiating relationships, and managing conflicts among the different groups. In some villages in Mungule Chiefdom, headmen work harmoniously in land transactions with their subjects, while in others, they are seen as complicit with investors, portraying a lack of transparency in their land dealings. By doing so, traditional leaders could bridge the divides between communities and maintain a degree of authority. Their success in managing these differences determine how much they can exercise their authority and influence. And failure to effectively navigate cultural differences leads to challenges and the erosion of their authority. Therefore, this study argues that customary land conversions undermine the authority of traditional leaders.

Nuesiri (2019) argued that cultural heterogeneity presents opportunities and challenges for traditional leaders. On the one hand, traditional leaders who successfully navigate cultural divides and manage to bridge ethnic or cultural differences strengthen their legitimacy and consolidate authority. These traditional leaders often play crucial roles in mediating conflicts, resolving disputes, and fostering a sense of unity among the diverse communities they govern. By leveraging their position as intermediaries between different cultural groups, they promote a sense of inclusivity and maintain social cohesion.

7.2.2 Conflicting Loyalties and Identities Amid Cultural Heterogeneity

On the other hand, cultural heterogeneity also presents challenges for traditional leaders. The diverse nature of communities means that traditional leaders must grapple with conflicting loyalties and identities within the population they govern. Different cultural groups may have distinct expectations, interests, and loyalties, making it difficult for traditional leaders to maintain a unified authority base, which they have always applied in a homogeneous community yet misappropriated in a heterogeneous community created due to the influx of different tribes into the chiefdom. Otherwise, in some cases, some community members have challenged traditional leaders because they remark that colonial authority frequently manipulated and co-opted existing traditional leaders to exert control over diverse communities, by exploiting the traditional authority structures and authority of traditional leaders, colonial authority aimed to consolidate their rule and implement their policies more effectively.

Moreover, Chanock (1985) opined that colonial authority sought to impose a centralised system of governance. Chanock further underlined that the authority of traditional leaders was often redefined or undermined in the colonial context, leading to changes in their roles and authority. In addition to this, as Mamdani (1996) argued, cultural heterogeneity was often manipulated by political elites to mobilise support or incite violence. Hence, some local people concluded that some traditional leaders were not legitimate because they were fulfilling the agenda of colonial interests or political agendas. To this effect, some members of Mungule Chiefdom treated such traditional leaders whom they thought collaborated well with the colonial leaders or connected with any political party's agenda as illegitimate, which gave them trouble in their governance.

In Mungule Chiefdom, as in many parts of Zambia, the role and authority of traditional leaders have long been integral to maintaining social order and resolving conflicts. However, the increasing intersection of ethnic identity with political strategies has, at times, led to the undermining of this

authority. As political actors tap into the region's cultural diversity to mobilize support, the traditional leaders, who once held uncontested sway in guiding communities, may find their influence diluted or manipulated. Historically, traditional leaders were seen as custodians of peace, culture, and conflict resolution within their communities. They operated through well-established local mechanisms that, although informal, were deeply respected. These leaders often acted as neutral figures, seeking to mediate disputes and manage tensions arising from competition over land and other resources. However, as politicians appeal to ethnic identities to build support, these traditional mechanisms can be strained, as political affiliations sometimes create new divisions within communities. The growing alignment between some traditional leaders and political elites can erode their impartiality, making it harder for them to serve as unbiased mediators in conflicts that are often politically or ethnically charged.

This challenge is further compounded by the modern demands placed upon traditional institutions. Gwanzura (2016) points out that many traditional conflict resolution systems face limitations due to a lack of formal education or training in modern governance and conflict mediation practices. As communities evolve and ethnic dynamics become more complex due to political manipulation, the traditional leaders, who may not always be equipped to navigate these new realities, find their ability to manage disputes weakened. Moreover, the political manipulation of ethnic identities can exacerbate resource competition and create environments where ethnic narratives take precedence over the collective good. In such cases, traditional leaders might struggle to assert their authority or be viewed as compromised if they are perceived to align with political factions. This, in turn, reduces their credibility and effectiveness in resolving disputes, thus diminishing their long-standing role as peacekeepers in the community. In this context, the political landscape in Mungule Chiefdom reflects a broader trend observed in Zambia and other African countries, where the authority of traditional leaders is increasingly challenged by the influence of political elites. As these dynamics continue to unfold, traditional leaders face the complex task of maintaining their relevance and authority while navigating the shifting sands of ethnic and political alliances.

Similarly, Max Gluckman's theory of authority provides valuable insights into the dynamics of traditional leaders in culturally diverse contexts, shedding light on their ability to navigate ethnic tensions and conflicts. Gluckman's theory emphasises the culturally based nature of traditional authority and how external influences, such as modernisation, can impact it. Traditional leaders, deeply rooted in their communities and wielding significant influence, are crucial in exacerbating or mitigating ethnic tensions. Gluckman's theory suggests that their authority is intricately tied to cultural contexts, and understanding this relationship is pivotal in comprehending their actions. As

they carefully navigate divisions, traditional leaders can leverage their authority to accommodate diverse needs and aspirations while maintaining transparency.

Moreover, Nuesiri's (2019) analysis further enriches this understanding, highlighting the nuanced experiences of traditional leaders in postcolonial Africa. The scenario in Mungule Chiefdom aligns with Nuesiri's findings, showcasing how cultural heterogeneity creates opportunities and challenges for traditional leaders. The ability to bridge divides and maintain authority is evident, but the complexities arise in managing conflicting loyalties and identities within diverse communities. The colonial context, as noted by Nuesiri, adds a layer of complexity. Traditional leaders must navigate relationships with colonial authority and attend to their populations' diverse needs and aspirations. Gluckman's theory becomes particularly relevant here, emphasising that external influences can impact traditional authority. The delicate balance traditional leaders must strike, as articulated by Gluckman, is further complicated in a postcolonial setting where historical legacies and authority dynamics persist. According to Max Gluckman, The theory of authority contributes to explaining traditional leaders' role in managing ethnic tensions and conflicts. It highlights the importance of understanding the culturally embedded nature of traditional authority and the impact of external factors on their ability to navigate complex social dynamics. Nuesiri's analysis complements this perspective by delving into the multifaceted experiences of traditional leaders in postcolonial Africa, illustrating the challenges and opportunities they face in maintaining authority within culturally diverse communities.

7.2.3 Complexities, Government Relations, and Socio-Political Dynamics

The demand for traditional leaders in heterogeneous communities to navigate their relationships with government institutions, particularly in the context of the statutory law administered by the government, aligns with Max Gluckman's theory of authority. Gluckman's framework emphasises the culturally embedded nature of traditional authority and how external factors, including interactions with government entities, can influence it. Boone (1992) contributes to this understanding by highlighting how the dynamics of cultural heterogeneity shape the interactions between traditional leaders and government institutions. Boone argues that, in diverse communities, traditional leaders face the intricate task of navigating complex relationships with both multiple ethnic groups and the government. This aligns with Gluckman's theory, which posits that external influences, such as government structures, can impact the authority of traditional leaders.

Moreover, Herbst's (2000) assertion adds another layer to the discussion. Herbst argues that traditional leaders rely on ethnic networks and alliances to consolidate their authority, which aligns

with Gluckman's emphasis on the culturally based nature of traditional authority. As Herbst suggested, traditional leaders must navigate and manage networks across cultural lines to maintain authority effectively.

The connection to Gluckman's theory becomes apparent in this context. The theory suggests that traditional authority is not static but is influenced by the cultural context and external factors. In the case of heterogeneous communities, the demand for traditional leaders to work with government institutions, as highlighted by Boone, introduces an external influence that can either enhance or constrain their authority. The ability of traditional leaders to successfully navigate these relationships, as discussed by Boone and Herbst, aligns with Gluckman's theory. The theory emphasises the adaptability of traditional authority in response to cultural dynamics and external influences. As suggested by Herbst, traditional leaders who can effectively build coalitions and manage networks across cultural lines are better positioned to maintain their authority within diverse communities.

The requirement for traditional leaders in culturally heterogeneous communities to navigate relationships with government institutions is intricately connected to Max Gluckman's theory of authority. The theory provides a framework for understanding how external influences, such as government structures, can impact the culturally embedded authority of traditional leaders. Boone's and Herbst's contributions support this connection by illustrating the complexities traditional leaders face in managing relationships within diverse communities and government entities, aligning with Gluckman's emphasis on the adaptability of traditional authority.

Another state of affairs observed in Mungule Chieftdom introduces a different facet of the authority of traditional leaders, particularly in the context of cultural heterogeneity, and invites analysis of Max Gluckman's theory on traditional leaders. Gluckman's theory underscores the importance of traditional leaders in maintaining social order and resolving disputes within tribal societies. However, this scenario raises questions about the potential negative impact of traditional leaders when they align themselves with specific political factions or ethnic groups. In the Mungule Chieftdom, the traditional leaders seem to have wielded their influence in a manner that exacerbated ethnic tensions. By aligning themselves with particular political factions or ethnic groups, they contributed to the polarisation of society and the escalation of inter-ethnic rivalries, which raises concerns about the misuse of traditional authority for political or personal gains, which can be at odds with Gluckman's conceptualisation of traditional leaders as agents of social cohesion. Mamdani's perspective, as cited in the scenario, emphasises the role of traditional leaders in stoking ethno-nationalistic sentiments, fueling grievances, or inciting violence against other ethnic groups.

From the observation, traditional leaders may exploit cultural heterogeneity to further their interests, even if it leads to social fragmentation and the erosion of social cohesion.

The scenario in Mungule Chieftdom highlights a potential divergence from Gluckman's theory, showcasing instances where traditional leaders contribute to divisions within the community once they compromise in acting as mediators and unifiers. It underscores the delicate balance traditional leaders must maintain between preserving cultural heritage and avoiding actions that might contribute to social discord. In the broader context, this scenario points to the complex nature of traditional leadership, which can be both a stabilising force and a potential source of tension, depending on how it is wielded. It emphasises the need for a nuanced understanding of traditional authority, acknowledging its potential to reinforce social bonds or exacerbate existing divisions.

As Mungule Chieftdom grapples with the effects of ethnic tensions and potential social fragmentation, it becomes crucial to reassess the role of traditional leaders and consider mechanisms that ensure they act in the best interest of the entire community by involving the promotion of inclusivity, discouraging alignment with specific factions, and encouraging traditional leaders to foster unity rather than exacerbating divisions based on ethnicity or political affiliations. In doing so, the community may find a way to reconcile the traditional leadership's role with the principles of social cohesion advocated by Max Gluckman's theory.

One more scenario in Mungule Chieftdom, where traditional leaders played a pivotal role in mediating conflicts between the community and an investor, provides an interesting lens through which to examine Gluckman's theory of traditional leaders' authority. Gluckman (1965), a prominent anthropologist, explored the dynamics of authority within tribal societies, emphasising the role of traditional leaders in maintaining social order and resolving disputes. In the context of Mungule Chieftdom, the traditional leader demonstrated agency and authority by orchestrating a platform for discussion with the investor. Gluckman's theory suggests that traditional leaders often influence community decision-making processes. For example, when the leader took proactive steps to address the grievances arising from the land dispute, showcasing a form of authority that goes beyond mere symbolic leadership. The authority dynamics became more intricate as the conflict unfolded. On the one hand, the investor, driven by financial interests, resorted to a heavy-handed response by deploying security forces and forcibly displacing the community, which reflects a clash between traditional authority and the economic forces associated with modern development. Gluckman's theory, which recognises traditional leaders as key players in maintaining social order, sheds light on the tension arising from the intersection of traditional ways of life and contemporary economic pursuits.

Additionally, the narrative illustrates a contrasting aspect of traditional leadership – its potential role in mitigating tensions and conflicts. Despite the investor's draconian approach, the traditional leader sought to mediate and find an amicable resolution, aligning with Gluckman's assertion that traditional leaders often play a crucial role in conflict resolution within their societies. Moreover, the example provided in the narrative highlights the traditional leader's commitment to peace and cooperation. By prioritising dialogue, reconciliation, and understanding, the leader utilised their influence to foster unity among ethnic groups and with the investor. The abovementioned action resonates with Gluckman's notion of traditional leaders as agents of social cohesion.

The Mungule scenario reflects the multifaceted role of traditional leaders in the face of modern challenges. It is a practical illustration of the authority dynamics described by Max Gluckman (1965), showcasing how traditional leaders navigate conflicts and maintain social harmony even amid complex interactions with external entities. As Mungule grapples with the aftermath, it is a microcosm of local authority dynamics and a part of the broader global discourse on responsible and ethical development practices. Traditional leaders who embrace a more inclusive and equitable vision of governance work towards building bridges between communities and fostering a sense of shared identity beyond ethnicity, but as community members regardless of ancestral connections. For example, one participant from traditional leaders highlighted that it is not the land that gives respect to the traditional leaders. It is the people. He added that, for those individuals or investors who change their attitude after receiving the title deeds, it has all to do with their personality and, in some cases, how a particular traditional leader handles people. This participant further pinpointed that:

Some people want to intimidate others; honestly, if you are friendly, you can hold meetings with people; don't treat them like they are not thinking. If I come correctly, even those who respond will respond adequately. (HD1, 10th June, 2019)

However, by engaging in conflict resolution, promoting social justice, and advocating for interethnic cooperation, these traditional leaders can help alleviate ethnic tensions and contribute to stability and social cohesion.

7.3. Effects of Sale of Customary Land – Erosion of Ancestral Trust and Traditional Authority

7.3.1 The Erosion of Ancestral Trust and Traditional Authority

The sale of customary land and its implications for ancestral trust potentially leads to the collapse of hope for future generations and the authority of traditional leaders. This study shows that the sale of customary land represents a betrayal of ancestral trust, erodes future generations' hope, and weakens traditional leaders' authority. These being the reasons, this study argues that customary land conversions undermine the authority of traditional leaders since the loss of control over land resources disrupts social cohesion, perpetuates inequalities, and challenges the legitimacy of traditional leaders as custodians of communal heritage and governance. Various scholars have argued this. For example, Gluckman (1965) highlighted the importance of land as a symbol of ancestral heritage and the basis of social and economic life in many traditional societies, as seen by what obtains on the ground in Mungule Chiefdom, where the sale of customary land has eroded the trust between generations and has been responsible for the break from the cultural and spiritual connection to the land. In Mungule Chiefdom, this betrayal of ancestral trust has led to social unrest and a loss of authority for traditional leaders, especially Chieftainess Mungule, the reason being that she had isolated herself from the rest of the chiefs in the country (CH1, 22nd June 2020).

Gluckman (1965) emphasises the pivotal role of land as a symbol of ancestral heritage and the foundation of social and economic life in many traditional communities. He further pointed out that customary land holds immense cultural and spiritual significance for indigenous peoples, as seen in how participants from the local people and traditional leaders of Mungule Chiefdom and historians responded by saying that they considered land a sacred property that embodies a community's collective memory, history, and identity. They added that land is the physical manifestation of the ancestors' presence and ongoing connection with the living. Through the land, people maintain their cultural practices, rituals, and traditional ways of life, where violating these practices has cost them a poor harvest yield and denied them rain in some seasons. All these aspects mentioned above affirm the argument of this study that customary land conversions undermine the authority of traditional leaders.

7.3.2 Disrupted Intergenerational Bonds and Fragmented Communal Spaces

As Gluckman (1965) contended, the sale of land in Mungule Chiefdom has disrupted the intergenerational bond and the continuity of traditions, customs, and values associated with the land, as highlighted in Chapter Six, where it was indicated that the sale of customary land leaves traditional leaders with no more land to allocate to their subjects, thereby disrupting the culture of local people living in clans since subsequent generations tend to relocate to wherever they find space to settle within or outside Mungule Chiefdom breaking the communal ties that bind individuals and creates a sense of collective identity. The sale of land often leads to the fragmentation of communal spaces

and the encroachment of individual ownership, eroding the sense of shared belonging and collective responsibility. If traditional leaders can no longer enhance their authority from the collective or communal ties, how do they formulate their customary laws? Therefore, customary land conversions are perceived to undermine traditional leaders' authority.

It has sometimes created tensions and conflicts among families and community members. Some participants indicated that disputes arose over land ownership, resource allocation, and the redistribution of benefits derived from the land. Such conflicts have fractured social cohesion, undermined interpersonal relationships, generated deep-seated grievances in families and the community, and resulted in traditional leaders or chiefs losing authority.

7.3.3 Economic Pressures and Societal Disparities in Land Sales

Traditional leaders, custodians of communal resources and community representatives, derive their authority and legitimacy from their association with the land and are seen as the intermediaries between the community and the spiritual realm embodied in the land. However, when customary land is sold, the authority and credibility of traditional leaders may be called into question. On the other hand, the community may perceive traditional leaders as complicit in the alienation of communal resources or as failing to protect the ancestral heritage tied to the land. This loss of trust has diminished the influence and respect that traditional leaders command within the community, leading to a decline in their authority and weakening their ability to mediate conflicts and maintain social order. This issue is occurring in Mungule Chiefdom and across the entire nation of Zambia. Similarly, Colson's (2013) research examined the social, economic, and political impacts of the sale of customary land within the Tonga community in Gwembe District, located in the Southern Province of Zambia.

Her findings are similar to those obtained in Mungule Chiefdom, where emphasis is placed on how the sale of customary land has disrupted the social fabric and undermined the livelihoods of rural communities. According to Colson (2013), the loss of land weakened the authority and legitimacy of traditional leaders, as their ability to control and allocate resources diminished. This scenario has been critical because every citizen in Zambia has to be affiliated with a particular land in a chiefdom, given that land holds immense cultural and spiritual significance, serving as the foundation for their way of life. It provides them with a sense of identity, a connection to their ancestors, and a basis for their subsistence activities, such as grazing, fishing, farming, and livestock rearing, vital for their food security and economic well-being. The loss of land deprives them of their primary source of income and food production, leading to increased vulnerability and poverty.

Additionally, as customary land is commodified and transferred into individual ownership, it tends to benefit a few individuals or groups with access to capital and resources, concentrating wealth and authority in the hands of a selected few. This results in the marginalisation and dispossession of vulnerable groups within the community who may not have the means to participate in land transactions or assert their rights effectively. As a consequence, socioeconomic disparities widen, leading to increased poverty, inequality, and social unrest. Additionally, the transfer of authority from traditional leaders to individual landowners undermines the traditional leaders' position as intermediaries between the community and external institutions or authorities. Besides, Nuesiri (2019) highlights that when customary land is sold, it represents a shift from communal ownership and control to individual ownership, often driven by economic forces and external pressures. Therefore, traditional leaders' capacity to address community needs and concerns diminishes, weakening their role as custodians of communal heritage and governance. Hence, the argument is that converting customary land to a leasehold tenure system undermines the authority of traditional leaders.

However, the diminishing authority of traditional leaders is coupled with the suspicion by the community that traditional leaders conduct land transactions without other members of the chiefdom's knowledge. For example, Nuesiri (2019), Herbst (2000), and Colson (2013) argued that traditional leaders, who are traditionally entrusted with the responsibility of safeguarding communal resources, become contested in the context of land sales. Traditional leaders are seen as complicit in alienating communal resources when they either facilitate or fail to prevent the sale of customary land. This perceived complicity erodes community members' trust and confidence in their traditional leaders, diminishing their influence and legitimacy. Similarly, as communal resources were alienated through land sales, community members of Mungule Chiefdom began to question the role and authority of chiefs in protecting their interests and ensuring equitable access to resources. The chiefs' failure to halt or regulate land sales may be interpreted as a betrayal of their responsibilities as custodians of communal resources, leading to a loss of faith in their leadership. As evident in Chapter Five, it is clear that some traditional leaders encouraged some local people to sell part of their customary land. However, this loss of influence and legitimacy of traditional leaders weakens their ability to represent and advocate for the community's interests and opens up authority struggles and challenges to their authority. It creates tension between the traditional leadership structures and the changing dynamics influenced by market forces and individual landownership. The reason traditional leaders failed to coordinate among themselves on the land transactions that each of the 686 headmen was engaging in within the chiefdom and just had to wake up to the rude shock of all the customary land in their chiefdom being depleted, resulting in the majority of the newcomers

occupying customary areas, thus creating a culturally heterogeneous community in Mungule Chiefdom. Details of how a culturally heterogeneous community affects the authority of traditional leadership are discussed further in the next section.

7.4. How Modernity Affects the Authority of Traditional Leaders

The transformation of Mungule Chiefdom from a traditional society to a modern one, mainly due to land conversions and changes in legal frameworks, offers a rich context to discuss Max Gluckman's theory of traditional leaders' authority. Gluckman argued that modernity introduces changes in social, economic, and political structures, challenging traditional authority. The scenario in Mungule Chiefdom aligns with this perspective, as introducing a constitution allowing free settlement disrupts the traditional hierarchical system led by a tribal leader. In traditional societies, authority is concentrated in the hands of a traditional leader, guided by customs, rituals, and social hierarchies. However, the shift to a modern state system, propelled by land conversions and changes in legal frameworks, alters the authority dynamics. The authority once vested in traditional leaders diminishes as the government assumes control over converted land, guided by statutory law rather than customary law and practices. The argument that customary land conversions undermine the authority of traditional leaders is well-supported in this context.

7.4.1 Modernity erodes the authority of Traditional Leadership

The conversion to a leasehold tenure system changes the legal basis of land ownership and shifts the focus of authority from traditional leaders to the State. Land disputes traditionally resolved through local courts led by traditional leaders are now adjudicated in modern courts, presided over by legally qualified personnel. This shift marks an apparent decline in the influence of traditional leaders in matters that were once under their preview. Gluckman's insights on the impact of modernity on traditional leaders resonate with the Mungule Chiefdom scenario. As society transforms, traditional leaders face challenges adapting to new authority dynamics. Introducing modern legal frameworks, constitutional law, and human rights principles dilutes traditional leaders' authority. As the example highlights, the clash between customary practices and modern legal norms underscores traditional leaders' complexity in navigating the evolving landscape.

The analysis extends to the postcolonial era, where colonialism's legacy influences traditional leaders' authority. Integrating traditional leaders into government structures as intermediaries

between local communities and national governments strengthens and weakens their authority. The case of Zambia, where traditional leaders are on the government payroll and their palaces are modernised, exemplifies this dual dynamic. Moreover, the impact of modern legal systems on traditional leaders, as discussed by Nuesiri, resonates strongly with the Mungule Chiefdom scenario. The introduction of constitutional law, human rights principles, and specialised legal mechanisms challenge the jurisdiction and authority of traditional leaders. The struggle to reconcile customary practices with modern legal frameworks leads to a dilution of their authority, particularly for those who need more educational background.

The transformation of Mungule Chiefdom illustrates the intricate relationship between traditional authority and the forces of modernisation. The argument that customary land conversions undermine the authority of traditional leaders finds support in the evolving dynamics of governance, legal frameworks, and land tenure systems. Gluckman's theory provides a theoretical lens through which we can understand the challenges faced by traditional leaders in adapting to the complexities of the modern world.

The discussion on the diminishing authority of traditional leaders in modern society, as influenced by factors such as urbanisation, education, and nationalism, is analysed based on the theory of traditional leaders' authority, particularly considering the impact of these changes on land conversions. Max Gluckman's theory of traditional leaders' authority emphasises their role in maintaining social order and resolving disputes within tribal societies. However, the factors highlighted – including urbanisation, education, and nationalism – align with the challenges to traditional authority discussed by Gluckman.

As Herbst (2000) noted, urbanisation brings about rapid growth in urban areas, providing new social, economic, and political opportunities. This shift challenges the traditional rural-based authority structures, including traditional leadership. In the context of land conversions, urbanisation often leads to changes in land use, transforming traditional landscapes into urban spaces. As metropolitan areas expand, the authority of traditional leaders, who traditionally governed rural territories, decline. The process of urbanisation not only alters the spatial dynamics of authority but also transforms the socioeconomic fabric of communities. People migrating to cities for employment, education, and social mobility find that traditional leaders have less relevance in urban settings since traditional leaders no longer provide mitigations to the community whenever there is a crisis, as they did earlier. Mitigations by the traditional leaders were continuously accumulated through homage from local members, as the customary law demanded. However, no such provisions in the statutory law guide newcomers after they convert their land spaces in place of the customary law, meaning the customary law becomes obsolete. Since this change entails no more supplies, most community members must

shift their governance and representation towards elected leaders and modern institutions. As earlier highlighted, some traditional leaders align themselves with political parties, which contributes to the erosion of the authority of traditional leaders in urbanised environments.

7.4.2 Education, Modernity, and the Decline of Traditional Authority

The spread of education, another factor that Herbst (2000) identified, plays a crucial role in reshaping societal perceptions and expectations. Education exposes individuals to diverse perspectives, empowering them to assess traditional norms and practices critically. In the context of land conversions, an educated populace in Mungule Chiefdom has questioned the legitimacy of traditional authority in matters related to land tenure and dispute resolution. Modern education systems, often rooted in Western traditions, have preferred and also introduced legal frameworks that challenge customary land practices, further diminishing the authority of traditional leaders.

Nationalism, as a driving force in modern societies, has impacted the authority of traditional leaders by fostering a sense of collective identity that transcends traditional ethnic or tribal affiliations. In the context of land conversions, nationalism has influenced how land is perceived and managed nationally. State-led initiatives and policies related to land use prioritise national interests over traditional customary practices, thereby diminishing the role of traditional leaders in shaping land policies, which seems to be responsible for delaying the validation of the Zambian Land Policy, which, as highlighted earlier, was launched at independence, but only validated in 2022 (Simusokwe, 2022). The scenario painted by Herbst (2000) and its relation to land conversions highlight a broader global conversation on the evolving role of traditional leaders in the face of modernisation. The challenges traditional leaders face in urbanised settings, where people increasingly turn to modern institutions, resonate with Gluckman's theory. The theory posits that, as societies become more complex and interconnected, traditional hierarchical systems face pressures and transformations, and traditional leaders may either adapt to new authority dynamics or lose their authority altogether.

As seen above, the factors Herbst (2000) identified as contributing to the diminishing authority of traditional leaders in contemporary Africa, when related to land conversions, provide valuable insights into the changing dynamics of governance and authority structures. The intersection of urbanisation, education, nationalism, and land conversions poses challenges to traditional leaders, requiring them to adapt to the complexities of modern society or risk a decline in their influence. This discussion aligns with the theoretical framework provided by Max Gluckman, shedding light on the intricate relationship between traditional authority and the forces of social change.

Additionally, education is another significant factor that challenges the authority of traditional leaders. Increased access to education in Africa has expanded people's knowledge and exposure to alternative forms of governance and leadership. Education empowers individuals to evaluate and question traditional authority structures critically. As literacy rates rise, people tend to seek elected leaders who can more effectively address their needs and aspirations, which has led to a decline in the authority of traditional leaders.

These changes have collectively contributed to the erosion of traditional authorities' legitimacy. As people increasingly look to elected leaders and modern institutions for governance and representation, the role and relevance of traditional leaders diminish. The traditional hierarchical systems and customary practices associated with traditional leadership are perceived as outdated or incompatible with the aspirations of modern African societies.

The dynamics of land conversions and their impact on the authority of traditional leaders, as viewed through Max Gluckman's theory, are evident in the context of Herbst's (2000) analysis and resonate with the scenario in Mungule Chiefdom. Gluckman posits that traditional leaders play a vital role in maintaining social order. However, the rise of urbanisation, education, and nationalism challenges their authority, as reflected in Mungule Chiefdom, where land conversions associated with urbanisation alter the traditional landscape, diminishing the relevance of traditional leaders in urban settings. Education exposes communities to alternative perspectives, questioning customary practices related to land. Nationalism, influencing land policies, prioritises national interests over traditional practices. The theory aligns with Herbst's regional analysis, indicating a broader pattern of declining traditional authority. However, the discussion acknowledges variations in the adaptability and negotiation strategies employed by traditional leaders to counterbalance the erosion of their authority, emphasising the complexity of the relationship between modernity and traditional leadership across different regions and historical contexts. In this context, the argument that customary land conversions undermine the authority of traditional leaders is reinforced, illustrating the multifaceted impact of modernity on traditional structures.

7.5. Influx of Non-Lenjes Who Do Not Abide by Lenje Culture

The influx of newcomers not of the Lenje tribe into the chiefdom incapacitates traditional leaders from exercising customary law over activities on land converted to a leasehold system. These newcomers must also abide by the Lenje culture, which undermines traditional leaders' governance of rural authority over such individuals living in their territories. Specifically this issue is particularly salient in Mungule Chiefdom, where the transition from customary to leasehold land tenure complicates the traditional leaders' ability to delineate which cultural practices and behaviours are

acceptable and which are not within their domain. This situation is congruent with Gluckman's (1965) Theory of Authority, which posits that traditional authorities encounter difficulties in effectively implementing customary laws on leased lands, which fall under statutory law, creating an authority imbalance, as traditional leaders are expected to enforce customary norms and resolve disputes within their communities using customary law. These difficulties arise from various factors, including the imposition of modern legal frameworks that divide traditional laws integral to the community's social fabric and the statutory laws introduced by colonial regimes (Gluckman, 1965).

The inability of traditional leaders to apply the customary law in controlling activities conducted on leased land in Mungule Chiefdom also agrees with the Theory of Traditional Leaders' Authority, according to Nuesiri (2019). Nuesiri (2019) explained that the clash between the customary law and statutory law was based on the fact that the customary law is deeply rooted in cultural and social practices and has historically served as the primary mechanism for regulating land-related matters, where traditional leaders have played a crucial role in enforcing these norms within their communities while the statutory law is based on formal legal frameworks imposed by the State. However, with the emergence of the statutory law in Mungule Chiefdom, traditional leaders find themselves in a precarious position due to the converted land, as their authority and customary practices often conflict with the statutory legal system. The clash between the two law systems creates uncertainty and confusion regarding land governance. Hence, the argument that customary land conversions undermine the authority of traditional leaders.

In addition, with its flexibility and adaptability to local needs and realities, the customary law diverges from the rigid and uniform provisions of the statutory law. As a result, traditional leaders need help reconciling these two legal systems and ensuring compliance with both sets of laws, thereby hampering their ability to enforce the customary law on leased land effectively. Therefore, the argument that the conversion of customary land undermines the authority of traditional leaders.

7.6. The State and Local Chiefs

The centralisation of land administration by the State undermines the role of traditional leaders in cases where customary land is converted to a leasehold tenure system. This State of the matter limits traditional leaders' control over activities on leased land. From observation, the formal legal system held superior recognition and authority due to the influence of modern legal systems, bureaucratic structures, and external forces on traditional authority. Gluckman (1965) also expounded on bureaucratic structures, pointing out that institutions, such as administrative bodies and government agencies, often displaced traditional leaders from decision-making processes regarding leased land. Furthermore, bureaucratic systems introduced new layers of governance that prioritised

administrative protocols and formal regulations, which marginalised the role of traditional leaders in land management and control. The complex bureaucratic structures, with their centralised decision-making processes, reduced the agency of traditional leaders and limited their ability to enforce the customary law effectively. Hence, the argument that customary land conversion undermines the authority of traditional leaders.

Additionally, Gluckman's (1965) analysis highlights the complex dynamics that traditional leaders face in a changing socio-political landscape, which underscores the need for a nuanced understanding of the interactions between traditional authority, modern legal systems, bureaucratic structures, and external influences. However, recognising and addressing these challenges is crucial for developing inclusive and effective land governance frameworks that uphold the rights and interests of all individuals occupying the chieftdom, regardless of the tenure system in use for their property, enabling traditional leaders to play a meaningful role in regulating activities on leased land.

From this discussion, it is clear that traditional leaders' ability to maintain social order, resolve disputes, and protect the interests of their culturally heterogeneous communities is undermined by these multifaceted challenges.

Additionally, the limited recognition and support, marginalisation, and neglect given by formal state institutions to traditional leaders, enhanced by the absence of clear legal frameworks that adequately integrate customary law into the statutory system, further exacerbates the challenges faced by traditional leaders. Through the Theory of Authority by Nuesiri (2019), there was an indication that the lack of legal mechanisms that recognise and accommodate customary practices leaves traditional leaders in a risky position as they struggle to navigate the complexities of land governance in a legal landscape that often disregards their authority and expertise. Based on the findings of this study, it was clear that academic qualification was optional for one to become a traditional leader in Mungule Chieftdom. Therefore, their understanding of legal frameworks was challenging because formally trained and qualified personnel are a prerequisite for interpreting the frameworks. These factors hinder traditional leaders' ability to regulate activities on leased land because their educational qualification is optional for their traditional leadership positions, disqualifying them from handling the statutory law.

Additionally, Boones (1992) indicated that traditional leaders' inability to enforce the customary law on leased land can hinder investment and economic activities because it creates uncertainty for investors and limits development opportunities. Hence, this study argues that customary land conversions undermine the authority of traditional leaders. However, addressing these challenges requires a comprehensive approach that recognises and integrates the customary law within the

broader legal framework while empowering and supporting traditional leaders as key stakeholders in land governance.

Charnock (1985) condemned the colonial administration for introducing these legal systems, which began to be applied on leased land across Africa, yet rendering the application of customary law on customary land powerless. He pointed out that these legal systems were driven by the colonial administrations' political and economic interests. He highlighted that these systems often disregarded or subverted existing customary laws that had long governed land ownership, use, and distribution within African societies. Furthermore, the colonial power aimed to exert control over land resources and facilitate the extraction of natural wealth, and under the colonial regime, traditional leaders were often relegated to a subordinate role, their authority weakened, and their influence curtailed. The colonial legal systems, with their emphasis on individual land ownership and formal legal procedures, undermined the communal nature of land tenure and eroded the customary authority of traditional leaders. They were leading to the loss of control over land-related matters central to their governance. This theory confirms that the shift from the customary tenure system to the colonial land tenure systems had implications for controlling and regulating activities on leased land, as colonial power allocated land to various economic actors, including European settlers, mining companies, and commercial farmers. Traditional leaders found their ability to regulate these activities significantly diminished. The colonisers' overarching legal framework considerably undermined their capacity to enforce customary norms, manage resource extraction, and protect their communities' interests.

However, the legacy of colonial legal systems continue to shape land governance and authority dynamics even in Mungule Chiefdom, leaving traditional leaders grappling with the tensions between customary practices, formal legal frameworks, and the demands of modern development and land use. The legacy of colonial legal systems refers to the enduring influence of the legal structures and principles established during the colonial period, which continue to affect contemporary legal and governance practices in former colonies (Mamdani, 1996). These systems were often designed to serve the interests of the colonial powers, facilitating control over land and resources, and they frequently marginalised and disregarded indigenous legal traditions (Charnock, 1985). In many postcolonial states, the remnants of these systems still exist, creating a complex interplay between customary law and modern state law, often to the detriment of indigenous governance structures and land rights (Okoth-Ogendo, 1991).

The above sentiments of colonial power being responsible for the current situation in postcolonial Africa are similar to Mamdani's (1996) argument that this imposition of the statutory law, which is

often unfamiliar and inconsistent with local customs, undermines the authority of traditional leaders by presenting a competing legal framework that is often foreign to, and at odds with, customary practices, and creates a sharp division between "traditional" and "modern" legal frameworks, setting the stage for ongoing tensions and conflicts over land, as can be seen in Mungule Chiefdom. Traditional leaders in the chiefdom are confronted with navigating multiple legal systems, resolving disputes between legal frameworks, and harmonising customary practices with statutory requirements. These challenges are further compounded by the diverse interests of external actors, such as multinational corporations, investors, newcomers, and government agencies, who have clearly shown that they prioritise the statutory law and overlook the authority and knowledge of traditional leaders, hence undermining the authority of traditional leaders as they convert their customary land to a leasehold tenure system.

7.7. Effects of Reduced Cultivation

Reduced cultivation in Mungule Chiefdom, which results from the reduction in the sizes of customary land for each family, affects the authority of traditional leaders because families no longer take the proceeds from their harvest to their traditional leaders as per tradition (homage). This aspect makes traditional leaders fail to feed their subjects/families in times of food crisis, as they initially did. This study reveals that the traditional practice of traditional leaders' ability to extract surplus from agricultural production existed from pre-colonial times (Boone, 1992), yet in modern society, it began to diminish. At the time of the interviews, it was no longer practised since there was no more land or space for the local people to cultivate, and the result is that this resource can no longer apply.

According to Gluckman (1965), the theory of authority consistently argues that traditional leaders derive their authority from their control over land and the distribution of resources. The theory confirms that a decrease in land availability weakens traditional leaders' authority by undermining their ability to control and distribute resources (including food in times of food crisis in the chiefdom). This scenario has led to social tensions and conflicts within the community.

Colson (2013), focusing on the impact of colonialism and modernisation on African societies, discussed how the introduction of Western land tenure systems disrupted customary land practices, including reduced cultivation. She pointed out that this kind of situation disrupted the authority dynamics between chiefs and their subjects, eroding the traditional basis of authority. Chiefs often lost control over land allocation and resource distribution, diminishing their authority and influence. However, reduced cultivation, resulting from the erosion of customary land practices, weakened the authority of traditional leaders. Losing control over land allocation diminished their ability to exert authority over their subjects. Similarly, traditional leaders of Mungule Chiefdom have sought alternative sources of authority, such as involvement in local politics, to compensate for their declining influence. In some cases, traditional leaders have often adapted to these changes by diversifying their sources of revenue and seeking alliances with external actors willing to come to their aid.

As a way to survive, local people have also shifted their focus to who should come to their rescue; they now look up to the government, like its Disaster Management and Mitigation Unit (DMMU) wing.

Overall, this study agrees with these scholars, as they highlight the complex interactions between reduced cultivation, customary land practices, and the authority of traditional leaders in African

societies. The erosion of customary land systems often weakens the economic and political foundation of traditional leaders' authority. They fail to continue with the culture of providing food and other basic needs for their subjects when they are in need because they no longer receive homage from their subjects.

7.8 Conclusion

In conclusion, this comprehensive study sheds light on the intricate challenges faced by traditional leaders in Mungule Chiefdom, especially in the context of cultural heterogeneity, land conversions, and the erosion of customary practices. The multifaceted nature of these challenges is underscored, emphasising the need for traditional leaders to navigate a complex web of cultural dynamics, authority structures, and legal conflicts. The shift from cultural homogeneity to cultural heterogeneity has significantly impacted the authority of traditional leaders. In culturally diverse societies, like Mungule Chiefdom, where multiple ethnic groups coexist, the once-consolidated influence of traditional leaders has become contested and less centralised. The study draws on Gluckman's Theory of Authority to articulate how traditional leaders must adapt to cultural differences, negotiate authority structures, and build alliances to maintain authority.

Moreover, converting customary land to leasehold tenure introduces modern elements that challenge the traditional authority rooted in shared beliefs and values. The study aligns with Max Gluckman's theory on the challenges traditional leaders face in adapting to the complexities of the modern world. The effects of modernisation, as evidenced by changes in land tenure systems and legal frameworks, further contribute to the erosion of traditional leaders' authority.

The analysis extends to the consequences of the sale of customary land, emphasising its impact on ancestral trust, intergenerational bonds, and the socioeconomic fabric of the community. Gluckman's emphasis on land as a symbol of ancestral heritage is well articulated, highlighting how the sale of land can lead to social unrest and a loss of authority for traditional leaders. The broader societal implications, including economic, social, and political consequences, are skillfully connected to the central argument. Furthermore, the study delves into the effects of reduced cultivation, linking it to the diminishing sizes of customary land allocated to families. This reduction disrupts traditional practices of offering harvest proceeds as homage to traditional leaders, affecting their ability to provide for their subjects during food crises. The intricate connection between land control, resource distribution, and the authority of traditional leaders is well-explored, drawing on the theories of Gluckman and Boone. This study contributes valuable insights to the broader debates on traditional leadership and governance dynamics in culturally diverse societies. It highlights the historical

manipulation by colonial power and exploitation by political elites, adding layers of complexity to the roles of traditional leaders. The intersection of cultural dynamics, modernisation, and land transactions is skillfully woven into the broader narrative, emphasising the need for a nuanced approach to address the evolving challenges faced by traditional leaders.

Therefore, it is necessary to recognise the importance of integrating customary law within the broader legal framework. The study concludes by advocating for inclusive and effective land governance that upholds the rights and interests of all stakeholders. Empowering traditional leaders in their roles requires addressing the challenges of external actors, competing legal systems, and evolving societal contexts. This research encourages thoughtful consideration of the intricate balance between tradition and modernity in the governance structures of culturally diverse communities like Mungule Chiefdom.

CHAPTER EIGHT

FINDINGS, CONCLUSION AND RECOMMENDATIONS

8.1. Introduction

The previous chapter presented a discussion of the effects of the implications of the customary land conversions on the authority of traditional leaders in Mungule Chiefdom, which was a build-up from Chapter Six, which had its foundation from Chapter Five on the dynamics of customary land conversions. In short, customary land conversions have diminished the authority of traditional leaders due to the shift towards individual property rights, the commodification of land, and the displacement of local communities. Recognising and addressing these consequences is essential to ensure that the rights and interests of Indigenous people and traditional communities are protected in land development and governance.

This chapter presents a comprehensive overview of the study, delineating its core objectives, research inquiries, and position within the scholarly discourse on customary land conversions. Furthermore, it elucidates the main argument posited by the researcher. Subsequently, the chapter articulates the study's findings, followed by an exposition on its contribution to the existing body of knowledge. Finally, a conclusion is drawn from the study's findings, and pertinent recommendations are proffered.

8.2. Objective of the Study

The study sought to investigate *the Implications of Customary Land Conversions on the Authority of Traditional Leaders in the Mungule Chiefdom of Chibombo District* in the Central Province of Zambia. This study aimed to bridge the gap in the scholarly literature on the impact of customary land conversions. Most debates around customary land conversions have focused on investments, livelihoods, displacements, enclosures, exclusions, land dispossession/conflict and compensations, and social relations of the occupants of customary areas, among other dynamics. However, the aspect of how these dynamics affect the authority of the institution of traditional leaders has yet to be addressed by most researchers, despite it being a very critical issue in traditional leadership and its sustainability.

This study, therefore, has provided insights into the implications of customary land conversions on the authority of the institution of traditional leaders by examining the effects of customary land

conversions on the authority of traditional leaders. It also evaluated how the institution of traditional leaders is sustained within the context of customary land conversions to the leasehold tenure system. Finally, it investigated how a culturally heterogeneous community affects the authority of the institution of traditional leaders. The study took the case of Mungule Chiefdom and targeted traditional leaders, local people and newcomers in the selected area. Other stakeholders, such as private sector institutions, government officials, historians, and some traditional leaders from outside Mungule Chiefdom but within Zambia and academicians, were also targeted for validation.

While the study traced the relevance of traditional leaders during an era characterised by increasing customary land conversions, it remained in conversation with broader land debates around land dispossession, roles of traditional authority and agrarian issues and livelihoods in Africa.

However, enough appropriate data were collected, and the findings were discussed regarding the research questions and presented according to the emerging themes emanating from participants' responses and expressions in Chapters Five and Part 6.

8.3. Research Finding- Effects of Customary Land Conversions on the Authority of Traditional Leaders

This section of the findings responds to the first research question and how it relates to the central argument of this study. It highlights that the main effects of customary land conversions on the authority of traditional leaders include the diminished authority of traditional leaders, erosion of traditional structures, displacement of traditional practices, weakening of social cohesions, economic disempowerment and shifting authority dynamics. All these effects resulted from customary land conversions, which all facilitated the undermining of traditional leaders' authority. Below are the details of each effect.

8.3.1. Diminished Authority of Traditional Leaders

The study has established that customary land conversions have diminished the authority of traditional leaders in Mungule Chiefdom. In their crucial role of governance, managing customary lands, and acting as custodians and mediators within their communities, traditional leaders significantly influence land allocation, resource management, and dispute resolution, reflecting the customary laws and traditions passed down through generations. Yet, customary land conversion practices, often accompanied by significant changes in land ownership, management, and governance structures on the one hand and the other, bringing about economic development and modernisation, have adverse consequences, particularly for traditional leaders who wield authority

within their communities. The adverse consequences are attributed to the involvement of the transformation of communal traditional lands into individual or commercial ownership of customary land, which often results in the converted land being under the statutory law instead of the customary law, of which traditional leaders are the custodians. Hence, the argument is that customary land conversions weaken traditional governance systems and reduce traditional leaders' influence and control over converted land resources.

When customary lands are converted into individual or commercial ownership, the decision-making authority shifts away from traditional leaders. The conversion process often involves legal frameworks prioritising individual property rights and market-driven land transactions, sidelining traditional governance structures. This transition results in the exclusion of traditional leaders from decision-making processes related to land use, allocation, and development in Mungule Chiefdom. As noted in Chapter Five of this thesis, while there are no figures to provide a disaggregated population count of locals versus newcomers, it is perceived that newcomers outnumber residents within the Chiefdom. The deprivation of traditional leaders from decision-making in the changing society of their Chiefdom undermines their authority.

8.3.2. Commodification of Land

Furthermore, the study has shown that customary land conversions have frequently led to the commodification of land. The commodification of land is a multifaceted issue that can have significant repercussions on the authority and role of traditional leaders. Traditionally, land in many local communities was not just a piece of earth but imbued with cultural, spiritual, and social meanings. Traditional leaders, as custodians of the land, were responsible for its equitable distribution and management based on these cultural values. However, when land is commodified and subject to market forces, its value is redefined purely economically, often negating the cultural and social considerations that chiefs would otherwise invoke in land management. In a commodified land system, the authority dynamics shift from local customary laws to national laws and market forces. Traditional leaders lose their leverage in controlling land use because their authority is circumvented or diminished by formal legal systems and economic pressures, which means that traditional leaders' influence in land decisions becomes secondary to governmental laws and market demands, undermining their traditional role as arbiters and managers of land within their communities.

Besides, once land becomes a tradable commodity, it often leads to economic disparities within the community. Those who can afford to buy land accumulate more assets, whereas others are left behind. This economic inequality tends to erode the social fabric of a community and weakens the

traditional leader's ability to govern effectively. Traditional mechanisms of social redistribution, often overseen by traditional leaders, may be disrupted by these new economic realities.

Lastly, commodification often attracts external actors, like corporations or foreign investors, interested in land for commercial purposes. These entities are generally not subject to the traditional leader's authority and may have their agenda, further undermining traditional leaders' traditional role. Moreover, the commodification of land disrupts the traditional authority structures led by traditional leaders by reorienting the value and control of land towards market forces and formal legal systems. This shift dilutes the cultural, social, and spiritual factors that traditionally guided land management, undermining traditional leaders' authority and role in their communities.

8.3.3. Displacement of Local Communities

It has been established that the process of customary land conversions has significantly undermined the authority of traditional leaders while simultaneously resulting in the displacement of local communities who relied on these lands for their livelihoods, leading to their subsequent loss of access to vital resources, such as arable land and water sources, exacerbating poverty and disrupts the social fabric of these communities, highlighting the complex socio-economic and cultural repercussions of customary land conversions. However, customary land is increasingly converted into private or commercial ventures, often driven by urbanisation or large-scale projects, such as mining, industry, agriculture, or infrastructure development. These projects often prioritise profitdriven interests, and local communities have been forcibly evicted or left with limited access to their ancestral lands. This displacement has further weakened the influence and authority of traditional leaders, as their ability to protect the interests and well-being of their communities has diminished since traditional leaders' ability to make decisions about land use and allocation has been eroded.

8.3.4. Erosion of Traditional Structures

The study highlights the profound consequences of customary land conversions, revealing the erosion of traditional structures and systems that have been upheld for generations. Often influenced by newcomers with limited understanding of these structures, traditional leaders have played a role in this erosion, exemplified by Chieftainess Mungule appointing her children to govern without adhering to the tribal succession process. These conversions, driven by urbanisation and economic development, disrupt the delicate balance between communities and their ancestral lands. Traditional leaders, who derive authority from their role as custodians of these lands, as they are seen as guardians of sustainable land use and customary laws, struggle to maintain authority and relevance

in their communities. As a result, customary land conversions undermine the authority of traditional leaders.

Moreover, the study emphasised that traditional leaders are marginalised and disempowered when customary lands are converted for commercial or industrial purposes, leading to the erosion of traditional systems. This erosion has significant cultural implications, as ancestral lands hold cultural and spiritual significance, serving as repositories of traditional knowledge, practices, and rituals. The disconnection from these lands threatens the preservation of intangible cultural heritage, undermining traditional leaders' authority.

However, this study highlighted efforts to address these challenges, such as recognising and protecting customary land rights, empowering traditional leaders, and involving local communities in land-use decisions. Legal reforms, participatory approaches, and initiatives promoting sustainable land management while respecting cultural values and indigenous rights are being implemented. However, customary land conversions have far-reaching social, cultural, and environmental implications, weakening the authority of traditional leaders, disrupting community cohesion, displacing populations, and endangering cultural heritage. A comprehensive approach is necessary to address these challenges and preserve the integrity of traditional systems and cultural heritage.

8.3.5. Disruption of Community Cohesion and Social Dynamics

In examining the study's findings on the impact of customary land conversions on community cohesion and social dynamics within Mungule Chiefdom in Zambia, it becomes evident that these conversions have significantly contributed to the disruption of traditional structures and the weakening of traditional leaders' authority. The customary land conversions, driven by external factors like urbanisation and economic development, have altered the landscape of Mungule Chiefdom, affecting the unity and cooperation that traditionally sustained the authority of local leaders. Traditionally, the authority and influence of these leaders were deeply rooted in the collective decisions made by their communities. However, the disruptions caused by land conversions have led to a breakdown in community cohesion, with some members embracing modernisation while others resist change. This fragmentation of social dynamics has left traditional leaders in a precarious position, struggling to navigate the challenges posed by the division within their communities. Consequently, the authority of traditional leaders is undermined as the traditional authority structures face increasing challenges in maintaining effectiveness, underscoring the intricate relationship between land conversion, community cohesion, social dynamics, and the authority of traditional leaders in Mungule Chiefdom, emphasising the need for a nuanced

understanding of the multifaceted impact of such changes on the socio-cultural fabric of the community

8.3.6. Economic Disempowerment of Traditional Leaders

This study proved that traditional leaders' authority often relies on the control and management of land for their economic sustenance and the support of their communities. However, the conversion of customary lands has had significant implications for their economic well-being, resulting in a loss of access and control over valuable resources and economic disempowerment.

Customary lands are often rich in natural resources, such as forests, rivers, minerals, and fertile agricultural land. These resources have traditionally provided the basis for the economic activities of Mungule Chiefdom and the livelihoods of individuals. As custodians of ancestral lands, traditional leaders have historically played a central role in overseeing these resources' sustainable use and distribution.

When customary lands are converted for commercial purposes, such as large-scale agriculture or mining, the control and management of these resources often shift from traditional leaders. External actors, such as newcomers, foreign investors, corporations or government agencies, have mainly acquired rights and privileges over the land, excluding or marginalising traditional leaders from decision-making processes and the economic benefits generated from resource exploitation.

Losing control over valuable resources has had severe economic consequences for traditional leaders. It has diminished their ability to generate income, provide for their families, and support community development initiatives. The economic disempowerment resulting from land conversions has led to financial instability, increased poverty, and a loss of influence for traditional leaders within Mungule Chiefdom.

Moreover, traditional leaders often serve as critical mediators and facilitators in economic activities within their Chiefdom. They are crucial in regulating resource extraction, land use, and trade practices, ensuring fair distribution and equitable resource access. Traditional leaders' authority to regulate economic activities is often undermined or completely disregarded when customary lands are converted. This disrupts the social and economic structures that were previously in place, leading to imbalances, inequalities, and the loss of community cohesion.

The loss of economic influence further erodes the authority and status of traditional leaders. Economic prosperity and wealth are closely associated with leadership positions in many societies. When traditional leaders can no longer provide economic opportunities, and support for their communities, their credibility and standing diminish. For example, as highlighted in Chapter 5, it

emerged clearly during the interview with one of the traditional leaders that the tradition of paying homage to the palace every season had stopped. He further highlighted that traditional leaders in Mungule Chiefdom initially used to provide food, shelter and much other support to their subjects, using the collections they were making through the tradition of homage from their subjects in terms of the harvested food. Homage included the services of building and maintaining the palace as a requirement from each member of the Chiefdom, which has also diminished, which is also highlighted in Chapter 5, which has resulted in a loss of trust and support, weakening the traditional leaders' ability to exercise leadership and fulfil their roles as custodians and mediators. Hence, the argument that customary land conversions undermine the authority of traditional leaders.

The economic disempowerment of traditional leaders also has broader implications for community development and self-determination. With limited economic resources and diminished influence, traditional leaders have struggled to mobilise community members, advocate for their interests, or implement development projects that address the specific needs and aspirations of the community, perpetuating a cycle of dependence on external actors and eroded the autonomy and self-governance that customary land-based economies often fostered.

Addressing the economic disempowerment of traditional leaders requires recognising and protecting their rights to access, control, and benefit from ancestral lands and resources. Legal frameworks that safeguard customary land rights promote equitable resource sharing and ensure the meaningful participation of traditional leaders in decision-making processes are crucial. Additionally, supporting community-based economic initiatives, promoting sustainable resource management practices, and providing capacity-building opportunities can help traditional leaders regain economic influence and strengthen their community positions.

However, losing access and control over valuable resources resulting from customary land conversions has led to economic disempowerment among traditional leaders. This loss of economic influence has further eroded their authority, status, and ability to support their communities. As the evidence in Chapter Five showed, community members now look up to the government through its Disaster Management and Mitigation Unit (DMMU) instead of the traditional leaders for assistance during a food crisis. Therefore, the argument is that customary land conversions undermine the authority of traditional leaders. Addressing this issue requires legal protections for customary land rights and the promotion of sustainable economic practices that empower traditional leaders and enable them to play a vital role in community development and self-determination.

8.3.7. Shifting Authority Dynamics

Customary land conversions from traditional to leasehold tenure systems have triggered a significant transformation in the authority dynamics and decision-making processes surrounding land governance. This study shed light on how traditional leaders experience a weakening of their influence while the state consolidates its position by appropriating more land from their control. Traditional leaders have historically played a central role in land management and decision-making in customary land governance systems, deeply rooted in local knowledge, customs, and practices. Their authority is built upon trust and respect cultivated over time through close ties to the land and the community.

However, converting customary lands introduces new actors, often motivated by economic interests or development agendas. Government agencies pursuing broader development goals bring different authority dynamics, decision-making processes, and legal frameworks that do not align with or respect the existing traditional systems and leadership structures. The involvement of these new actors has frequently led to the marginalisation or exclusion of traditional leaders from crucial decision-making processes. This marginalisation is often concealed within a complex constitution that traditional leaders have struggled to comprehend fully. Consequently, their expertise, traditional knowledge, and community perspectives are undervalued, and decision-making authority shifts to external actors, primarily the state, prioritising development objectives over the well-being and interests of local communities. The marginalisation of traditional leaders has had far-reaching consequences for land governance and community well-being. Traditional leaders, who traditionally act as primary advocates for community interests and custodians of cultural heritage, find themselves excluded from decision-making processes. This exclusion has resulted in the misallocation of resources, environmental degradation, and the erosion of cultural values and practices.

Furthermore, excluding traditional leaders has exacerbated existing authority imbalances and societal inequalities. Customary land conversions have disproportionately affected marginalised groups, such as local people or rural populations, who rely on the land for their livelihoods and cultural practices. Overlooking traditional leaders in decision-making processes has often led to the neglect of the specific needs, rights, and vulnerabilities of these marginalised groups, perpetuating their marginalisation and widening social disparities. Recognising the importance of traditional leaders and their indispensable role in land governance is crucial for achieving inclusive and sustainable development. However, efforts should be directed towards incorporating traditional knowledge, customary practices, and community perspectives into decision-making processes. Promoting multi-stakeholder dialogues, participatory approaches, and inclusive platforms that would bring together traditional leaders, community members, government representatives, and

commercial entities could help bridge the gap between customary and formal land governance systems.

In addition, capacity-building initiatives, such as training traditional leaders in leadership and modern land governance, have empowered them to navigate the complexities of the evolving landscape. These initiatives have strengthened their understanding of rights, provided legal support, and enhanced their leadership skills, enabling traditional leaders to engage meaningfully with external actors and assert their authority in land-related decision-making processes.

As mentioned above, customary land conversions have introduced new actors and decision-making processes that often marginalise traditional leaders. Recognising and valuing the authority of traditional leaders, promoting inclusive and participatory approaches, and ensuring their meaningful engagement in land governance processes are essential for achieving sustainable and equitable land management practices. It is imperative to note that the effects of customary land conversions on the authority of traditional leaders vary depending on specific contexts, legal frameworks, and cultural dynamics, necessitating a nuanced understanding of local dynamics to comprehend their impact fully.

8.4. Research Finding - Effects of Cultural Heterogeneous Community on the Authority of Traditional Leaders.

The effects of culturally heterogeneous communities on the authority of traditional leaders vary depending on the specific dynamics and context of the community. Here are some effects that were revealed in Mungule Chiefdom:

8.4.1. Dilution of Authority

The study has established a dilution of authority in Mungule Chiefdom, which has transformed into a heterogeneous community caused by the influx of newcomers exposed to a wide range of ideas, beliefs, and ways of life. The exposure of these newcomers has led to a greater appreciation for diversity and a tendency to question or challenge traditional sources of authority. People in this Chiefdom have sought validation and guidance from other leaders who better understand their unique experiences and can address their specific concerns, rather than from traditional leaders positioned within Mungule Chiefdom.

Traditional leaders contend with opposition from external influences in the evolving landscape of a globally interconnected world with easy access to information. People have been connecting with individuals and ideas from outside their immediate community, which has led to the dilution of

authority for local leaders, hence the argument that customary land conversions undermine the authority of traditional leaders.

In response to the dilution of authority, some traditional leaders have tried to upgrade and adapt their approach to leadership, which has led to a more inclusive, open-minded, and receptive attitude toward different perspectives within the community. Collaboration and communication with leaders of different groups within Mungule Chiefdom have fostered understanding and helped build consensus. Traditional leaders have worked towards establishing themselves as respected figures by actively engaging with the community, addressing their concerns, and demonstrating their competence and integrity. By staying connected to the evolving needs and aspirations of the community, leaders have regained or maintained their authority even in the face of a diverse and heterogeneous population.

However, not every traditional leader has perceived this dilution of authority similarly; others have perceived the collaboration of individuals with external influences as a threat and have often felt diminished by such individuals. For example, after the deaths of her two children, who were delegated to lead the Chiefdom consecutively, Chieftainess Mungule concluded that these children were killed in an unclear manner using charms. Her discovery worsened this suspicion that her signature had been stolen by other traditional leaders (headmen from within her Chiefdom). Therefore, she concluded that such ideas were influenced by the external connections that her leaders had. Hence, she disconnected from most of her headmen. Various participants from the private sector, headmen, and other government officials confirmed that Chieftainess Mungule has been working in isolation and suspecting everyone around her of being a threat sent by external forces. According to HD1 (10th June 2019), external forces included chiefs from other chiefdoms in other provinces, donors and investors coming into the Chiefdom through the private sector, and individual persons within the Chiefdom.

In simple terms, the dilution of authority occurs in a heterogeneous community due to the presence of foreigners, diverse perspectives, cultures, and values. Traditional leaders have found their influence diminished, as different groups within the community have their influencers. To navigate this challenge, leaders tried to upgrade and adapt their approach, fostering understanding and actively engaging with the community to maintain or regain their authority. Yet for Chieftainess Mungule, it was a different story, and by isolating herself, she cut herself off from the reality of life, causing her voice to become fainter by the day and, hence, the argument that conversion of customary land to leasehold tenure undermines the authority of traditional leaders.

8.4.2. Challenge to Traditional Norms

One of the significant effects of cultural heterogeneity is the introduction of fresh ideas and alternative viewpoints, which, in some cases, challenge the traditional norms as people from diverse backgrounds interact and share their experiences, bringing forth many perspectives that have yet to be considered. This diversity of thought has led to questioning and re-evaluating longstanding traditions and norms that were once unquestionable. As individuals are exposed to different ways of thinking, they challenge the status quo, promoting a more inclusive and open-minded society.

The challenge to traditional norms often initiates a shift in societal authority dynamics. Traditional leaders, who have historically held authority and influence, may face resistance and opposition from individuals who challenge their beliefs and practices. The exposure to alternative viewpoints has resulted in a decline in the authority and influence of these traditional leaders as people seek to embrace more inclusive and progressive ideologies. This shift in authority has been seen in various realms, including politics, social movements, and cultural transformations.

Furthermore, the challenge to traditional norms has catalysed social progress and change. It encourages critical thinking and the exploration of new possibilities. As individuals question the established norms, they usually identify areas that require improvement, such as outdated social structures, discriminatory practices, or oppressive traditions, which can pave the way for social movements advocating for equality, justice, and human rights. The quest for change and rejecting traditional norms have led to transformative shifts in societal attitudes and policies, fostering a more inclusive and equitable environment. And, if traditional leaders need to be more flexible to adjust, their authority is challenged.

However, it is essential to note that the challenge to traditional norms is not without its complexities and conflicts. Resistance to change is a typical response from those who benefit from maintaining the existing authority structures. Traditional leaders may attempt to suppress or marginalise dissenting voices, leading to social tensions and struggles for authority. The clash between traditional norms and alternative viewpoints has sometimes generated heated societal debates and divisions. Nevertheless, through these challenges and conflicts, societies can progress and redefine their norms to reflect their members' diverse needs and aspirations.

In a chiefdom like Mungule, the dynamics are deeply rooted in traditional norms and cultural values. However, heterogeneity within society poses a compelling challenge to these established norms. The influx of diverse ideas, beliefs, and practices introduces a complex interaction layer that contradicts the traditional ideologies that have long shaped the community's identity. As Mungule grapples with this cultural diversity, it navigates through a transformative process where the coexistence of varying

perspectives prompts a reevaluation of its traditions, leading to a nuanced understanding of its own identity in the face of evolving societal dynamics, leading to a decline in the authority and influence of traditional leaders as people become exposed to alternative viewpoints and question the status quo. The challenge to traditional norms has fostered social progress, initiated shifts in authority dynamics, and paved the way for a more inclusive and equitable society. However, it has also given rise to conflicts and tensions as different perspectives clash, highlighting the complexity of navigating societal change.

8.4.3. Fragmentation of Loyalty

The finding on the fragmentation of loyalty within heterogeneous communities directly affects customary land conversion dynamics. This phenomenon, observed in the culturally diverse community of Mungule Chiefdom, reveals a complex interplay between individual identities, diverse interests, and the shifting landscape of authority, all of which contribute to transforming traditional leadership structures.

In the context of customary land conversions, the fragmentation of loyalty is a multifaceted issue that alters the authority dynamics within communities undergoing such transitions. As individuals align themselves with leaders or representatives who attend to their specific identities and interests, traditional leaders face a decline in influence and authority, often representing broader or more established institutions. This decline stems from individuals prioritising leaders who address their particular concerns, whether related to ethnicity, religion, cultural background, or political ideology. Recognising and celebrating diversity within heterogeneous communities is pivotal in this process. Unique experiences, perspectives, and needs shaped by different identities make individuals feel a stronger connection to leaders who understand and advocate for their specific group's concerns. For example, in the political realm, some individuals in Mungule Chiefdom aligned themselves with leaders who prioritised campaign promises perceived as more lucrative than those put forth by traditional leaders.

The increasing accessibility of information and the rise of social media further amplify the fragmentation of loyalty. Digital platforms provide individuals with greater exposure to diverse opinions and voices, enabling them to connect with like-minded individuals and leaders who resonate with their identities and interests. Online communities and social movements become spaces where people express unique perspectives and rally around shared interests, contributing to diversifying loyalties.

Historical and social contexts also play a significant role in shaping the fragmentation of loyalty. Communities that have experienced marginalisation or discrimination based on specific identities tend to foster a strong sense of identity and loyalty within those groups. Individuals seeking empowerment and representation gravitate toward leaders who champion the rights and interests of their particular community. This historical context contributes to the prioritisation of individual identities and the emergence of leaders addressing specific concerns, further eroding the influence of traditional leaders.

The implications for customary land conversions are evident in the emerging decentralised authority dynamic. Traditional leaders find it challenging to maintain the loyalty and allegiance of individuals with diverse identities. Instead, multiple leaders or representatives gain influence over different population segments, contributing to a more decentralised authority structure within the community.

However, the fragmentation of loyalty also presents challenges for the community. It has often led to polarisation and divisiveness, hindering efforts to build cohesive communities and find common ground across diverse groups. Striking a balance between inclusive representation and the goal of fostering unity becomes essential in navigating the complexities of the fragmentation of loyalty within the context of customary land conversions.

However, findings on the fragmentation of loyalty highlight the intricate dynamics at play within heterogeneous communities of Mungule Chieftdom and their impact on traditional leadership structures during customary land conversions. This phenomenon reflects the celebration of diversity and increased accessibility to information and social media. While it provides opportunities for empowerment and representation, it also poses challenges, such as polarisation and the need to balance representation to foster unity in diverse societies undergoing land conversions.

8.5. Research Contribution

This groundbreaking PhD study significantly advances our understanding of the consequences of customary land conversions, explicitly focusing on traditional leadership authority and community dynamics. One primary contribution is revealing traditional leaders' unintended relinquishment of authority while transitioning land from customary to leasehold tenure. This nuanced exploration challenges prevailing assumptions, shedding light on the subtle erosion of traditional leaders' influence over converted lands and emphasising the need for a deeper comprehension of the consequences of customary land conversions.

Additionally, the research introduces a novel perspective on the role of newcomers in challenging traditional authority structures. It highlights their autonomy under leasehold tenure systems, governed by statutory law rather than customary law, adding a unique layer to the existing knowledge landscape. The study also addresses gaps in the literature concerning the socio-economic and cultural implications of customary land conversions, offering comprehensive insights that extend beyond the conventional focus on investments and displacement. This holistic understanding is crucial for policymakers, stakeholders, and traditional leaders navigating the intricate landscape of land governance in changing environments.

Furthermore, the research explores the transformative effects of cultural heterogeneity on societal values and beliefs within culturally diverse communities undergoing land tenure transitions. By elucidating the challenges posed by cultural diversity to traditional norms and practices, the study advances our understanding of the complexities of cultural change and adaptation in the context of land governance. In summary, this PhD research profoundly contributes to land tenure studies and community development by challenging existing paradigms, offering novel perspectives, and providing practical insights for informed decision-making in land governance and community development.

8.6. Conclusion and Recommendations

This study aimed to establish *the implications of customary land conversions for the authority of traditional leaders in Mungule Chieftdom*. The study's conceptual framework was premised on the Theory of Traditional Leaders' Authority and was suppositioned on four variable factors with direct links to customary land conversions, as earlier mentioned in Chapter Three. The factors included succession, traditional society, customary land tenure system, and cultural homogeneity of the community. These factors were considered the study's dependent variables, which gave direction to the type of data that would be appropriate to help answer the research questions for this study. Building on the empirical findings and discussion in preceding chapters, this chapter presents the conclusions and recommendations of the study, given the key research questions.

8.6.1. Conclusion of the Thesis

In conclusion, the ramifications of customary land conversions within Mungule Chieftdom are extensive and intricate, casting light on the complex dynamics that underlie this unique region. The challenges traditional leaders face in the wake of foreign ideologies and the influx of newcomers are at the core of this study's findings. Notably, the cultural heterogeneity characterising Mungule Chieftdom has paved way for the infiltration of foreign beliefs and values, posing a formidable

challenge to traditional leaders striving to govern their people through customary law. This cultural diversity, a source of strength, has sometimes led to the realignment of allegiances, with newcomers initially adhering to customary law only to shift their loyalty following land conversion. This shifting dynamic creates a palpable tension between traditional legal frameworks and the interests of the newcomers.

Findings reveal that cultural diversity dilutes traditional leaders' influence, requiring them to adapt to remain relevant and foster consensus within their communities. On the other hand, customary land conversions lead to many challenges, including shifting decision-making away from traditional leaders, economic redefinition of land, displacement of communities, and disruption of traditional structures. The study underscores the complex relationship between community cohesion, social dynamics, economic well-being, and traditional leadership.

Furthermore, the study underscores the diverse responses of the Chieftom's residents to land conversion, manifesting as a complex interplay of loyalty and tension. While some inhabitants remain steadfast in their commitment to the customary law, a few maintain allegiance to the Chieftom even when originating from different tribal backgrounds. These mixed cultural orientations and situations contribute to the challenge of formulating effective customary laws, resulting in a fragmentation of collective identity and unity within the local people.

A crucial layer of complexity emerges from the misunderstanding of boundaries between customary and converted land, particularly among some traditional leaders. This misinterpretation arises from the belief that customary law still applies to converted land, whereas the state maintains that traditional leaders have no jurisdiction over such territory. This authority struggle places traditional leaders in a precarious position, limiting their ability to regulate activities on converted land and granting newcomers the freedom to operate without their intervention. This situation often precipitates disputes and enclosures, further complicating the landscape of customary leadership and governance.

Given these intricacies, there is a compelling need for a comprehensive reassessment of customary land conversion processes within Mungule Chieftom. This reassessment should prioritise preserving traditional leadership and cultural heritage while accommodating the realities of modern land governance. Customary land conversions have undoubtedly strained the authority of traditional leaders due to the Chieftom's resulting diverse composition of residents and the ambiguity surrounding government regulations regarding land conversion. Once land undergoes conversion, it assumes the status of state land, subject to statutory law, which often demands academic

qualifications or literacy that were not traditionally prerequisites for leadership. The diminishing control of traditional leaders over state-controlled land further accentuates the challenge, often resulting in conflicts with government authorities due to misinterpretations of legal documents.

As newcomers enter the Chieftdom, the shift towards modernism becomes apparent, empowering locals economically and challenging longstanding traditional practices and customs. Modern legal frameworks frequently supplant or compete with traditional governance systems, weakening traditional leaders' authority. The introduction of electoral processes further disrupts traditional succession, eroding the authority and influence of these leaders. However, the implications on the authority of traditional leaders in Mungule Chieftdom of customary land conversions to a leasehold tenure system extend beyond mere land transactions. They are at the heart of a complex web of cultural, legal, and governance dynamics that require a comprehensive and well-considered approach.

Preserving traditional leadership and cultural heritage is a paramount goal and necessitates innovative solutions to navigate these intricate challenges while upholding the rich cultural traditions and governance structures that define Mungule Chieftdom. Therefore, customary land conversions have negatively impacted the effectiveness and authority of traditional leaders, thus undermining their authority due to the mixed composition of people in the Chieftdom and unclear government rules governing land conversion, which contribute to the ineffectiveness of the customary law. Once converted, customary land becomes state land, it leads to governance under the statutory law, which requires academic achievement or literacy not traditionally required for leadership.

Therefore, converting customary land to state-controlled land diminishes the authority of traditional leaders, as they lose jurisdiction over land governed by statutory law. Due to their limited academic exposure, traditional leaders often misinterpret legal documents, leading to conflicts with the government. This fosters a shift towards statutory law, as its influence grows, especially with the increasing number of newcomers in the Chieftdom, further weakening the authority of traditional leaders. The introduction of statutory law, along with the influx of outsiders, also brings modernism into the Chieftdom, empowering locals economically and challenging traditional customs and practices. In modern societies, legal frameworks often override or compete with traditional governance systems, affecting the authority of traditional leaders. Furthermore, the introduction of electoral processes disrupts traditional methods of succession, further undermining the power and influence of these leaders.

The chapter highlights significant contributions to the discourse on customary land conversions, shedding light on the process and its impact on the authority of traditional leaders. It challenges prevailing notions of land acquisitions as forceful seizures and emphasises the voluntary nature of these exchanges, granting newcomers autonomy independent of traditional leadership.

8.6.2. Recommendations

Based on the findings and conclusions, the following recommendations are offered:

i. Leadership Development Programs

Consider introducing leadership development programs for traditional leaders to adapt to the modern context. These programs should equip traditional leaders in Mungule Chiefdom with essential skills and knowledge to navigate modern complexities. They should encompass governance skills, enabling leaders to understand legal frameworks, local government structures, and land conversion processes. The programs should also focus on conflict resolution training, promoting peaceful mediation, and dispute resolution. Interacting with diverse populations is vital, fostering cultural competence and community unity. Emphasizing leadership ethics and ethical decision-making, along with educating traditional leaders on local and national laws related to land tenure and customary practices, ensures they can effectively address land conversion issues while preserving Mungule Chiefdom's cultural heritage.

ii. Promotion of Cultural Heritage

Develop initiatives to promote and preserve the cultural heritage of the Chiefdom. Promoting cultural heritage within Mungule Chiefdom is essential for safeguarding and celebrating the region's rich traditions and historical significance. Initiatives should include organizing cultural festivals that showcase traditional music, dance, art, and rituals, fostering pride and community unity. Additionally, historical preservation projects should maintain and protect significant sites and artifacts, ensuring they serve as living testaments to the Chiefdom's heritage. Documenting traditional practices, customs, and oral histories is crucial for preserving cultural knowledge for future generations while making it accessible to all residents. These initiatives help Mungule Chiefdom celebrate its diverse cultural heritage, reinforcing the importance of tradition amidst modern challenges and land conversions, and strengthening the community's identity and unity.

iii. Document Customary Law

Traditional leaders should document their customary law and practices. This would formalize and legitimize their authority, providing clarity and consistency in land allocation. The process should involve thorough research and consultation with elders and community members to gather comprehensive details, followed by creating written records accessible to both the community and external parties. Legal experts can help integrate these documented laws into the national legal framework, ensuring they are recognized and respected. Establishing a process for regular updates will ensure the documentation reflects any changes in customary practices, enhancing transparency, strengthening legal recognition, and reducing land conflicts through clear guidelines.

iv. Foster Cultural Integration

There is a need to promote mutual understanding and respect between newcomers and the local people and reduce potential conflicts, cultural integration should be fostered. Organizing cultural exchange programs where both groups can participate in each other's activities, such as festivals and traditional ceremonies, can help achieve this. Workshops and seminars focusing on the history, traditions, and customs of both groups, along with the appointment of cultural ambassadors to facilitate integrated activities, will further promote social cohesion and appreciation for cultural diversity.

v. Strengthen Cultural Education

Strengthening cultural education is essential for instilling a sense of cultural pride and belonging in newcomers and younger generations while preserving cultural heritage. Educational programs in schools and community centers focusing on local history and traditions, along with storytelling and oral traditions shared through community gatherings and digital platforms, can achieve this. Creating and distributing educational materials such as books and videos that highlight cultural practices will also enhance cultural awareness and pride, ensuring the preservation of heritage for future generations and fostering a stronger community identity.

vi. Engage in Dialogue with Newcomers

Newcomers' should be encouraged to participate in communal activities and address potential cultural misunderstandings, engaging in dialogue with newcomers is crucial. Organizing regular community forums where newcomers can discuss their experiences and learn about local norms, establishing mentorship programs with long-term residents, and creating feedback mechanisms will

help newcomers integrate smoothly. This open dialogue improves understanding, increases participation, and reduces cultural conflicts, leading to a more united and harmonious community.

8.7. Areas for Further Research

8.7.1. Cultural Diversity and Adaptation

This research indicated that cultural diversity within the Chiefdom contributed to the realignment of allegiances and the shifting dynamics of loyalty. Further research could explore how different cultures and belief systems interact within the Chiefdom and how they adapt to land conversion processes.

8.7.2. Authority Struggles and Legal Interpretations

The misunderstanding of boundaries between customary and converted land is a significant issue. Future research could delve into the legal interpretations and authority struggles that result from this misinterpretation. It is essential to understand the legal nuances and how they impact traditional leaders' authority.

8.7.3. Preservation of Traditional Leadership

As the study has suggested, preserving traditional leadership and cultural heritage is crucial. Research could focus on innovative solutions to maintain the integrity of traditional leadership in the face of modernisation and shifting legal frameworks.

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APPENDIX 1- INTERVIEW GUIDES

CATEGORY AND THE LIST OF QUESTION GUIDES

CATEGORY – Institution of Traditional Leaders (*Chief Mungule, Headmen, Advisory committee, committee incharge of land issues, Disciplinary committee, village councils and village committee*).

I am a postgraduate candidate based in South Africa, enrolled at the University of Cape Town within the School of Humanities and the Centre for African Studies Department. This correspondence serves as an invitation for your participation in an interview crucial to my ongoing research endeavor titled: “Implications of Customary Land Conversions on the Authority of Traditional Leaders: A Case Study of Mungule Chiefdom, Chibombo District in the Central Province of Zambia.”

Your voluntary responses are appreciated, and should you feel any discomfort in providing certain information, you are under no obligation to do so. It is essential to note that your contributions will be exclusively utilized for academic purposes and treated with the utmost confidentiality. Additionally, I would like to emphasize that in the final thesis, no direct names will be disclosed; instead, a specific code will be assigned for the sole purpose of identification. This approach ensures that, in case of further inquiries or clarifications, I can easily reach out to you without compromising your anonymity.

Your cooperation in this matter is highly valued, and I extend my gratitude in advance for your willingness to contribute to this academic pursuit.

Thank you.

Background information

How long have you lived in this chiefdom?

Where were you living before you came to this chiefdom?

Would you explain how chiefs get their authority in this chiefdom?

How is customary land connected to the institution of traditional leaders?

Do members of this community sell or share land?

To who do they sell or share this land?

What does selling or sharing of traditional land to people from outside this community mean to you?

Why do you think they sell or share this land?

At what price or condition do they sell or share land.

For how long have you served on this position?

Since institution of traditional leaders derive their authority from the control of land allocation. The more customary land is converted to leasehold, the weaker the authority of traditional leaders due to loss of control over converted land.

Considering that the institution of traditional leaders is often tied to land in Africa, how does the conversion from customary land tenure system to leasehold tenure system (Getting title deeds) affect the authority of the institution of traditional leaders?

What is your view on the connection between the control of land allocation and the authority of the institution of traditional leaders in the midst of erosion of customary land?

In your view how do traditional leaders use their authority in the control of land allocation?

How does reduction in the sizes of customary land affect the institution of traditional leaders?

How are traditional rituals conducted on the land that has its tenure system changed from customary to leasehold?

Do community members who originate from different tradition/cultural orientation participate in the cultural practices in this chiefdom? How? Explain?

How is customary law applied on the land which has ceased from being under customary land tenure system?

Explain the process which is done to socialise the people originating from outside this community into the culture, values and norms of mungule chiefdom?

How do the chiefs maintain the sacredness of their office?

How do the institution of the traditional leaders handle the issues of treason in the chiefdom?

What kind of punishment is given to disloyal members of the community?

Explain the process of how consensus is reached in a society that has both the local community as well as those from outside this community ?

If they don't, how do they get their authority after the converted customary land to leasehold tenure?

Do the institution of traditional leaders still get guidance from the spirits of the ancestors over the converted land? How?

How is the institution of traditional leaders managing to tie every member of the heterogeneous community (local people and non-local people members) together? What sort of things do traditional leaders do, which show their authority in the chiefdom? If they don't, how do they get their authority after the converted customary land to leasehold tenure?

Enlighten me how conversion of customary land to leasehold affect the your culture in this chiefdom in relation to the institution of traditional leaders from your point of view. Describe your experience on how leaving in one community between local people and non- local people has been in this chiefdom, in relation to:-

The institution of traditional leaders

On the cultural practices of this chiefdom

On the new comers themselves

Mechanisms of land transfer and the types of rights transferable

Enlighten me if people in this chiefdom do get the titles for their land.

How do the institution of traditional leaders embrace definite precise rights as they are custodians of land in their chiefdom?

How do New comers pay homage to the institution of traditional leaders.

How have enclosures been perceived by you as a person born and bred in this chiefdom?

After the leasehold period elapses (99 years), what happens to such land? Does it get back to being customary land?

Could you explain the kind of rights that are transferred whenever customary land is converted to leasehold tenure system. Below is the guide or areas of focus

Accessibility

Use

Exclude others

Sell

Claim of allegiance by the institution of traditional leaders.

Explain after customary land has been converted to leasehold, do rituals that could have been taking place on such land still continue?

What mechanism do you put in place to preserve institutional memory of the values, norms and culture of this chiefdom?

Do you pay land rates or mineral royalties to the government of Zambia? If yes since when, if not why not?

Local people groupings have always been seen as homogenous (customary law thrives on it in customs, norms and values.

People who manage to get these title deeds, do they come from outside this chiefdom or they are the local people who live in this chiefdom? The local people members or new comers?

Who is allowed to settle in this chiefdom?

How is the allegiance to customary practices, values and norms from the new comers?

How do local people interpret a situation where some members of the community are participating in cultural practices conducted in the chiefdom while other members who may be new comers in the same chiefdom are not participating at all?

What does conversion of land from customary land to leasehold tenure system mean to you?

What measure have you put in place as traditional leaders, to ensure allegiance from new comers in the chiefdom.

What do you think provoke new comers to convert land from customary to leasehold?

Since the new comers are allowed to convert, have there been any enclosures experienced in the chiefdom/ villages?

Explain to me how interaction has been since there members of the community who come from different cultural backgrounds/ values/ norms.

Could you know how many local in your village managed to convert land from customary to leasehold? Explain

Could you explain the law that is applied to people who come from outside this community? How does customary law work with them?

When there is something that needs to be done, could you explain if there have been moments that the institution of traditional leaders use force on the members of the community?

Describe to me if there have been moments that new comers have refused to take part in any of the cultural practices.

How has the new comers of the community been socialised into the values, norms and cultural practices of this chiefdom?

Do new comers pay homage to the institution of traditional leaders? Explain Which customary law apply to both local people as well as to new comers ?

How would you explain the connection between selling of land to new comers in relation to your culture? In relation to the traditional leaders? In relation to your beliefs about your ancestors buried in this land?

Describe how the coming of new comers into this chiefdom impacts on the:-

The institution of traditional leaders

On the cultural practices of this chiefdom

On the new comers themselves

Tell me your experience of governing a mixed local peoplegroup in your chiefdom?

Strengths weaknesses

How do you handle cultural defaulters who may go against the traditions discipline, both by the chiefly office or/and by the local members?

How is development impacting on the culture of the local members

Tell me your experience in leaving in close vicinity with the new comers ?

Are there cultural changes noticed ever since new comers began to live and also converting customary land to leasehold tenure in this community? Which cultural practices do new comers take part in and why? How?

How do new comers cope, adjust and get socialised into the norms, values, customs and traditional practices of the Mungule chiefdom.

CATEGORY – Local Members/ New Comers Members

I am a postgraduate candidate based in South Africa, enrolled at the University of Cape Town within the School of Humanities and the Centre for African Studies Department. This correspondence serves as an invitation for your participation in an interview crucial to my ongoing research endeavor titled: “Implications of Customary Land Conversions on the Authority of Traditional Leaders: A Case Study of Mungule Chiefdom, Chibombo District in the Central Province of Zambia.”

Your voluntary responses are appreciated, and should you feel any discomfort in providing certain information, you are under no obligation to do so. It is essential to note that your contributions will be exclusively utilized for academic purposes and treated with the utmost confidentiality. Additionally, I would like to emphasize that in the final thesis, no direct names will be disclosed; instead, a specific code will be assigned for the sole purpose of identification. This approach ensures that, in case of further inquiries or clarifications, I can easily reach out to you without compromising your anonymity.

Your cooperation in this matter is highly valued, and I extend my gratitude in advance for your willingness to contribute to this academic pursuit.

Thank you.

Background information

How long have you lived in this chiefdom?

Where were you living before you came to this chiefdom?

Would you explain how chiefs get their authority in this chiefdom?

How is customary land connected to the institution of traditional leaders?

Do members of this community sell or share land?

To who do they sell or share this land?

.What does selling or sharing of traditional land to new comers mean to you?

Why do you think they sell or share this land?

At what price or condition do they sell or share land.

What has been the trend, enlighten me, is it only you as a local member who gets the titles for your land in this chiefdom? Explain

Since institution of traditional leaders derive their authority from the control of land allocation. The more customary land is converted to leasehold, the weaker the authority of traditional leaders due to loss of control over converted land.

Do you think the institution of traditional leaders still get guidance from the spirits of the ancestors over the converted land? How?

Do new members who live in this community pay homage to the institution of traditional leaders? Explain

Do you think the institution of traditional leaders still get guidance from the spirits of the ancestors over the converted land? How?

How is the institution of traditional leaders managing to tie every member of the heterogenous community (local people and new comers) together?

Mechanisms of land transfer and the types of rights transferable

What does conversion of land from customary land to leasehold tenure system mean to you?

What do you think provoke you to convert land from customary to leasehold?

Since customary land conversions began, have there been any enclosures experienced in your village?

How have enclosures affected you as a person born and bred in this chiefdom?

After customary land is converted to leasehold, do you still have the following rights to such land ?

Accessibility

Use

Exclude others

Sell

Claim of allegiance by the institution of traditional leaders.

After customary land has been converted to leasehold, do rituals that could have been taking place on such land still continue? Explain.

Local people have always been seen as homogenous (customary la thrives on it in customs, norms and values.

Explain to me how interaction has been since there members of the community who come from different cultural backgrounds/ values/ norms.

Could you know how many local members in your village managed to convert land from customary to leasehold? Explain

How has been your experience living with new community members in your chiefdom?

Does it strengthen or weaken the authority of the institution of traditional leaders?

Explain how

Could you explain the law that is applied to the members of the community who come from outside this chiefdom? How does customary law work on such community members?

Have there been moments that such community members refuse to take part in any of the cultural practices.

How do they get socialised into the values, norms and cultural practices of this chiefdom?

What measures are they given from the institution of traditional leaders, to ensure allegiance to the chiefly office.

How would you explain the connection between selling of land to people originating from outside this community in relation to your culture? In relation to the traditional leaders? In relation to your beliefs about your ancestors buried in this land?

Have there been any customary laws that you have ever been uncomfortable with? Explain why.

When there is something that needs to be done, could you explain if there have been moments that the institution of traditional leaders use force on the members of the mungule community?

How do you deal with cultural defaulters who may go against the traditions of your chiefdom?

What mechanism do you put in place to preserve institutional memory of the values, norms and culture of this chiefdom?

Do you pay land rates or mineral royalties to the government of Zambia? If yes since when, if not why not?

How is the institution of traditional leaders managing to tie every member of the heterogenous community (members from outside this community as well as members from within this community) together?

How is development impacting on the culture of the local people

Tell me your experience in leaving in close vicinity with the members coming from outside this community/ members from within the community?

Are there cultural changes noticed as a consequence of intrusion of members coming from outside this community and also conversion of customary land to leasehold tenure? Explain

Enlighten me how conversion of customary land to leasehold affect the your culture in this chiefdom in relation to the institution of traditional leaders from your point of view.

Which cultural practices do new comers take part in and why? How?

How do members from outside this community cope, adjust and get socialised into the norms, values, customs and traditional practices of the Mungule chiefdom.

CATEGORY – Government Officers Who are Stakeholders in Land Matters

I am a postgraduate candidate based in South Africa, enrolled at the University of Cape Town within the School of Humanities and the Centre for African Studies Department. This correspondence serves as an invitation for your participation in an interview crucial to my ongoing research endeavor titled: “Implications of Customary Land Conversions on the Authority of Traditional Leaders: A Case Study of Mungule Chiefdom, Chibombo District in the Central Province of Zambia.”

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Your cooperation in this matter is highly valued, and I extend my gratitude in advance for your willingness to contribute to this academic pursuit.

Thank you.

Background information

How long have this ministry worked closely with the institution of traditional leaders?

What is your role in this ministry?

How is the ministry of lands connected to the customary land?

What strategies/ systems do you have which enable you to continuously work with the institution of traditional leaders?

Has the strategies/ system ever changed since the collaboration started? Explain

Since institution of traditional leaders derive their authority from the control of land allocation. The more customary land is converted to leasehold, the weaker the authority of traditional leaders due to loss of control over converted land.

How is customary land connected to the institution of traditional leaders?

In your view, how do chiefs get their authority?

From your point of view, how do you think the getting of title deeds affect the institution of traditional leaders?

With this erasure of and reduction in the sizes of customary land, in your view, how does this affect the authority of the institution of traditional leaders ?

Considering that the institution of traditional leaders is often tied to land in Africa, how does the conversion from customary land tenure system to leasehold tenure system affect the authority of the institution of traditional leaders?

What does conversion of land from customary land to leasehold tenure system mean to you?

What sort of things do traditional leaders do, which show their authority in the chiefdom

How is development impacting on the culture in your chiefdom ?

Mechanisms of land transfer and the types of rights transferable

Enlighten me if people residing in chiefdoms do get the titles for their land

Do members of this community sell / share their customary land? On what conditions/ circumstances?

To who do they sell/ share this land?

What does selling of customary land to people who originate from outside the community mean to you?

Why do you think they sell/share this land?

After customary land is converted to leasehold tenure system, what rights do the local people continue to enjoy?

Explain to me the process of converting land from customary to leasehold? And how friendly it is to the local community.

After the leasehold period elapses (99 years), what happens to such land? Does it get back to being customary land?

Explain after customary land has been converted to leasehold, do rituals that could have been taking place on such land still continue?

Could you explain the kind of rights that are transferred whenever customary land is converted to leasehold tenure system. Below is the guide or areas of focus

Accessibility

Use

Exclude others

Sell

Claim of allegiance by the institution of traditional leaders

Do the institution of traditional leaders conduct cultural rituals on the converted land.

How do they conduct their cultural rituals and practices on the land converted and occupied by people who originate from outside this community?

Local people groupings have always been seen as homogenous (customary law thrives on it in customs, norms and values.

People who manage to get these title deeds, do they come from outside this chiefdom or they are the local people who live in within these chiefdoms?

How does customary land conversion affect the management of heterogeneous communities that end up in customary areas.

How do the coming of people from outside this community into the homogenous community affect the usual livelihood of the local community residing in customary areas?

Have you as an institution, ever received any concerns from the heterogeneous community residing in these areas in relation to the outsiders' allegiance to the institution of traditional leaders?

What do you think provoke people coming from outside the community to convert land from customary to leasehold?

Could you know how many local people in villages manage to convert land from customary to leasehold? Explain

How would you describe governing a mixed ethnic groups in chiefdoms? Does it

Strengthens or

Weaknesses

How do the institution of traditional leaders manage to tie members of the community originating from outside this chiefdom to the chiefly office

In your view, how is the mixed group of ethnic community abiding by these rules. What does selling of land to people originating from outside a particular chiefdom mean to you?

How do they they cope, adjust and get socialised into the norms, values, customs and traditional practices of the Mungule chiefdom

CATEGORY – Officials at House of Chiefs

I am a postgraduate candidate based in South Africa, enrolled at the University of Cape Town within the School of Humanities and the Centre for African Studies Department. This correspondence serves as an invitation for your participation in an interview crucial to my ongoing research endeavor titled: "Implications of Customary Land Conversions on the Authority of Traditional Leaders: A Case Study of Mungule Chiefdom, Chibombo District in the Central Province of Zambia."

Your voluntary responses are appreciated, and should you feel any discomfort in providing certain information, you are under no obligation to do so. It is essential to note that your contributions will be exclusively utilized for academic purposes and treated with the utmost confidentiality. Additionally, I would like to emphasize that in the final thesis, no direct names will be disclosed; instead, a specific code will be assigned for the sole purpose of identification. This approach ensures

that, in case of further inquiries or clarifications, I can easily reach out to you without compromising your anonymity.

Your cooperation in this matter is highly valued, and I extend my gratitude in advance for your willingness to contribute to this academic pursuit.

Thank you.

When was this wing created?

What are your roles and how do they relate with customary land or the institution of traditional leaders?

Do you have one guiding principle for the institution of traditional leaders in Zambia or not? Explain

In your view what is the connection between the institution of traditional leaders and customary land conversion?

How does the conversion of customary land affect the institution of traditional leaders?

What role do the institution of traditional leaders play

Before the conversion

During the conversion

After the conversion

How are individuals that come from outside particular chiefdoms expected to do in cultural practices conducted in this chiefdom

CATEGORY – Such as Academicians, Historians and the Private sector Dealing with Land

I am a postgraduate candidate based in South Africa, enrolled at the University of Cape Town within the School of Humanities and the Centre for African Studies Department. This correspondence serves as an invitation for your participation in an interview crucial to my ongoing research endeavor titled: “Implications of Customary Land Conversions on the Authority of Traditional Leaders: A Case Study of Mungule Chiefdom, Chibombo District in the Central Province of Zambia.”

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Your cooperation in this matter is highly valued, and I extend my gratitude in advance for your willingness to contribute to this academic pursuit.

Thank you.

Background information

How long have you worked in land related issues?

What are your responsibilities in this organisation?

Which Area of land do you deal with? Traditional or Leasehold ?

How is customary land connected to the institution of traditional leaders?

Would you explain how chiefs get their authority in this chiefdom?

Enlighten me if people in chiefdoms do get the titles for their land

From your assessment, people who manage to get these title deeds, do they come from outside these communities or they are the local people who live in this community?

Do members of this community sell or share land?

To who do they sell this land?

Why do you think they sell this land?

At what price do they sell land

Since institution of traditional leaders derive their authority from the control of land allocation. The more customary land is converted to leasehold, the weaker the authority of traditional leaders due to loss of control over converted land.

From your point of view, how do you think the getting of title deeds affect the institution of traditional leaders in their chiefdoms?

Explain how institutions of traditional leaders sustain their authority under the circumstance of continuous reduction and erasure of customary land.

How do the institution of traditional leaders get their authority in this chiefdom?

Considering that the institution of traditional leaders is often tied to land in Africa, how does the conversion from customary land tenure system to leasehold tenure system affect the authority of the institution of traditional leaders?

Could you know how many local community members in your village managed to convert land from customary to leasehold? Explain

How is customary land connected to the institution of traditional leaders in this chiefdom?

From your point of view, how does conversion of customary land to leasehold affect the institution of traditional leaders.

How do the institution of traditional leaders get their authority after converting customary land to leasehold tenure system?

From your observation do the institution of traditional leaders still get guidance from the spirits of the ancestors over the converted land? How? How is development impacting on the culture of this community

Mechanisms of land transfer and the types of rights transferable

What role does this organisation play in the process of converting land from customary to leasehold?

Since members of the community were allowed to convert from customary tenure to leasehold tenure system, have there been any enclosures experienced in the chiefdom/village?

How do you perceive enclosures created after customary land is converted?

After the leasehold period elapses (99 years), what happens to such land? Does it get back to being customary land?

Could you explain the kind of rights that are transferred whenever customary land is converted to leasehold tenure system. Below is the guide or areas of focus.

Accessibility

Use

Exclude others

Sell

Claim of allegiance by the institution of traditional leaders

Local people groupings have always been seen as homogenous (customary land thrives on it in customs, norms and values.

Having worked in customary areas, how has been the management of heterogeneous communities that end up in customary areas.

What do you think provoke members of this community to convert land from customary to leasehold?

How has governing people with a diverse cultural background been in this chiefdom?

Explain

How would you explain the connection between selling of land to people coming from outside this chiefdom:- in relation to the culture of the mungule chiefdom?

In relation to the traditional leaders?

In relation to the beliefs about ancestors buried in customary land?

From your assessment does governing a mixed local people in customary areas strengthen or weaken the institution of traditional Authorities? Explain

How do the institution of traditional leaders manage to tie new comers to the chiefly office

How is the institution of traditional leaders' authority affected by the intrusion of the community members originating from outside the chiefdom in the homogenous community

What does selling of land to people originating from outside the chiefdom mean to you?

What does buying of land in this traditional area as a member originating from outside the chiefdom mean to you?

How do members originating from outside the chiefdom cope, adjust and get socialised into the norms, values, customs and traditional practices of Mungule chiefdom?



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14 December 2018

Ms Priscilla Nsama
E-mail: NSMPRI001@MYUCT.AC.ZA
Student no: NSMPRI001

Dear Ms Nsama

ACCEPTANCE OF PhD PROPOSAL BY HUMANITIES FACULTY BOARD

I have pleasure in advising that your research proposal as detailed below has been accepted by the department, and the Faculty of Humanities, and was recommended to the Doctoral Degrees Board (DDB) for approval in the Dean's Circular HUM 05/2018. You will receive formal notification of your candidature from the DDB in due course.

I have attached the Doctoral Degrees Board guidelines for supervisors and candidates for your information.

Kind regards
Sylvia.chauke@uct.ac.za
Miss Sylvia Chauke
Faculty of Humanities: Postgraduate office

cc Supervisor/s: A/Professor H Chitonge
Acting HOS : Professor S Vawda

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Internet: www.africanstudies.uct.ac.za



RESEARCH ETHICS: STUDENT/SUPERVISOR JOINT STATEMENT

This form should be completed by the research student and then co-signed by student and supervisor: Tick the YES or NO box, and write in details where appropriate. Please read the UCT Code for Research involving Human Subjects before completing the form. Ask your supervisor for clarification and help if needed.

Student researcher:

Name: *Priscillah Nsama*

Title of research project: *Implications of customary land conversions on the power of traditional leaders: A case of Mungule Chieftdom of Chibombo District of Zambia.*

Course detail:

Doctoral

Degree

(PhD)

Supervisor:

Name: *Prof Horman Chitonge*

“Our Mission is to be an outstanding teaching and research university, educating for life and addressing the challenges facing our society.”

1. 1. Have you read the Humanities Guide for Research Ethics? (available from supervisor or at the Humanities website http://www.humanities.uct.ac.za/hum/research/ethics)	YES Y	NO
---	----------	----

1. 2. Does your research make use of human subjects as sources of data?	YES Y	NO
---	----------	----

Research focus

1. 3. In the space below state what your research question/focus is, and give a brief outline of your plans for data collection.

The primary focus of this study is to examine how converting customary land to leasehold tenure system impact on the power of traditional leaders in Mungule chieftdom. The main dilemma that the study seeks to establish is whether conversion of customary land tenure strengths or weakens the authority of traditional leaders.

Therefore, the study will investigate how customary law is applied on the land that has changed it tenure system regardless of it being found in the customary area.

The Data Aggregation of this study will consider both primary and secondary sources. The secondary sources of the study will be built on available literature from books and researches conducted in this field or related. The primary sources of this study will be collected through one to one interviews using semi structured questions, with possibilities of probing where necessary.

Information

<p>1. 4. Will participants (research subjects) in the research have reasonable and sufficient knowledge about you, your background and location, and your research intentions?</p> <p><i>An introductory letter from the institution (UCT), in addition another letter from the institution where I am working will also be gotten. Then the senior headman will be given a fair elaborate of what the research is about, who will inform all the respondents in their local language to ensure that every one in the community will be fully aware.</i></p> <p><i>Additionally for each category of the respondents, the top leaders will be given all the details, Therefore, the participants will be informed that the researcher is doing a Ph.D. at UCT, and his study will be solely used for academic purposes. Upon the leaders' own satisfaction will be able to grant their approval.</i></p> <p><i>Consequently, each respondent will be given all the details, and depending on their opinion, if they agree to be interviewed, the researcher will proceed with the interview.</i></p>	<p>YES</p> <p>Y</p>	<p>NO</p>
<p><i>But if they refuse to be interviewed the researcher will not go ahead.</i></p>		

Consent

<p>1. 5. Will you secure the informed consent of all participants in the research? Will the consent be given in writing? Describe how you will do this in the space below. If your answer is NO to both or either of these questions, give reasons below. <i>Attach copies of your draft consent forms that you will use to get written consent</i></p>	<p>YES</p>	<p>NO</p>
<p><i>I will explain to the respondents all the details of the research and seek their consent based on the explanation. Before the interview begins, however for those who will not be comfortable with the verbal consent will get to the next step of them signing the consent. However, none of the respondents sought the second step of signed consent. Nevertheless, each respondent was encouraged to feel free to refuse to respond. However, respondents got information about the confidentiality and anonymity of their responses from the verbal. They were encouraged to withdraw from the study whenever they want</i></p>	<p>Y</p>	
<p>1. 6. In the case of research involving children, will you have the consent of their guardians, parents or caretakers? If your answer is NO, give reasons below. If your answer is YES, describe how this consent will be obtained. Will the consent be given in writing? <i>Attach copies of your draft consent forms that you will use to get written consent.</i></p>	<p>YES</p>	<p>NO</p>
<p><i>Children are not respondents to this study. Everyone to respond to this is old enough to make their own informed decisions. The minimum age is 21 because they have enough exposure to understand what is going on within their chiefdom.</i></p>		<p>N</p>
<p>1. 7. In the case of research involving children, will you have the consent of the children as much as that is possible? If your answer is YES, describe briefly how this consent will be got from the children. If your answer is NO, give reasons below.</p>	<p>YES</p>	<p>NO</p>
<p><i>Children will not be involved to the study.</i></p>		<p>N</p>

Confidentiality

<p>1. 8. Are you able to offer privacy and confidentiality to participants if they wish to remain anonymous? If you answer YES then give details below as to what steps you will take to ensure participants' confidentiality. If there are any aspects of your research where there might be difficulties or problems with regard to protecting the confidentiality and rights of participants and honouring their trust, explain this in detail below,</p>	YES	NO
<p><i>To build confidence for the respondents who desire to remain anonymous, immediately their names are written in the note taking book, a serial number will be allocated using the initial of the category of the group and a number will be given accordingly. Additionally, the researcher will not ask personalized questions</i></p>	Y	

Potential for harm to participants

<p>1. 9. Are there any foreseeable risks of physical, psychological or social harm to participants that might result from or occur in the course of the research? If your answer is YES, outline below what these risks might be and what preventative steps you plan to take to prevent such harm from being suffered.</p>	YES	NO
<p><i>There are no predictable risks or harm to the Respondents.</i></p>		N

Potential for harm to UCT or other institutions

1. 10. Are there any foreseeable risks of harm to UCT or to other institutions that might result from or occur in the course of the research? e.g. legal action resulting from the research, the image of the university being affected by association with the research project, or a school being compromised in the eyes of the Education Ministry. If your answer is YES, give details and state below why you think the research is nonetheless worthwhile.	YES	NO
<i>There are no foreseeable risks or harm to UCT or to other institutions.</i>		N
1. 11. Are there any other ethical issues that you think might arise during the course of the research? (e.g. with regard to conflicts of interests amongst participants and/or institutions) If your answer is YES, give details and say what you plan to do about it.	YES	NO
<i>Not to my anticipation</i>		N

Signed:



Student: Priscillah Nsama

Date: 28th March 2023

Co-signed:



Supervisor: **HormanChitonge**

Date: 28/03/2023

INFORMED CONSENT FORM

Introduction

I am, a Student/Researcher in the African Studies Unit of the University of Cape Town, South Africa. I am conducting research on issues related to, and I would like to ask some questions on these issues.

Purpose of Study

[Explain to the INTERVIEWEE the PURPOSE OF THE STUDY and HOW THE INFORMATION COLLECTED WILL BE USED]

Duration and Content of Interview

- This interview will take approximatelyI will ask a number of questions about the topic of my study.

Confidentiality

- All the information gathered during this interview is confidential and will be solely used for the intended purposes of this study. I will not reveal to anyone your name or any form of your identity without your permission.

Voluntary Participation

- I will conduct this interview with the understanding that you have freely accepted to take part in this study, and that you are not under any obligation to answer the questions that I will be asking. You are free to discontinue the interview at any time.

Benefits

- There are no direct personal benefits that you will get by participating in this study. However, the study will enhance our knowledge on the subject and the findings may be used by the community to engage with policies and programmes that are relevant to the community.

Information about Study

- Feel free at any time to ask questions to clarify anything related to this interview or study.

Consent

I freely consent to take part in this study. I understand that I am participating freely and without being forced in any way to do so. I also understand that I can stop participating at any point should I not wish to continue. I also confirm that the purpose of the study has been fully explained to me. I understand that this is a research project whose purpose is not necessarily to benefit me personally in the immediate or short term. I also understand that my participation will remain confidential.

Signature of Interviewee..... Date:

APPENDIX 5: THE LIST OF ALL THE CHIEFS IN ZAMBIA

THE LIST OF ALL THE CHIEFS IN CENTRAL PROVINCE OF ZAMBIA.		
	CENTRAL PROVINCE	39
	A. Chibombo District Tribe	3
	1 HRH Chief Chitanda Lenje People	
	2 HRH Chieftainess Mungule Lenje People	
	3 HRH Chief Liteta Lenje People	
	B. Chisamba District	1
	1 HRH Chief Chamuka Lenje People	
	C. Kapiri Mposhi District	3
	1 HRH Senior Chief Chipepo Lenje People	
	2 HRH Chief Mukonchi Swaka People	
	3 HRH Chief Nkole Swaka People	
	D. Ngabwe District	2
	1 HRH Chief Ngabwe Lima/Lenje People	
	2 HRH Chief Mukubwe Lima/Lenje People	
	E. Mkushi District	3
	1 HRH Chief Chitina Swaka People	
	2 HRH Chief Shaibila Lala People	
	3 HRH Chief Mulungwe Lala People	
	F. Luano District	6
	1 HRH Senior Chief Mboroma Lala People	
	2 HRH Chief Chembe Lala People	
	3 HRH Chief Chikupili Swaka People	
	4 HRH Chief Kanyesha Lala People	
	5 HRH Chief Kaundula Lala People	
	6 HRH Chief Mboshya Lala People	
	G. Mumbwa District	6
	1 HRH Chief Chibuluma Kaonde/Ila People	
	2 HRH Chieftainess Kabulwebulwe Nkoya People	

	3 HRH Chief Kaindu Kaonde People	
	4 HRH Chief Moono Ila People	
	5 HRH Chief Mulendema Ila People	
	6 HRH Chief Mumba Kaonde People	
	H. Serenje District	6
	1 HRH Senior Chief Muchinda Lala People	
	2 HRH Chief Kabamba Lala People	
	3 HRh Chief Chisomo Lala People	
	4 HRH Chief Mailo Lala People	
	5 HRH Chieftainess Serenje Lala People	
	6 HRH Chief Chibale Lala People	
	I. Chitambo District	2
	1 HRH Chief Chitambo Lala People	
	2 HRH Chief Muchinka Lala People	
	J. Itezhi Tezhi District	6
	1 HRH Chieftainess Muwezwa Ila People	
	2 HRH Chief Chilyabufu Ila People	
	3 HRH Chief Musungwa Ila People	
	4 HRH Chief Shezongo Ila People	
	5 HRH Chief Shimbizhi Ila People	
	6 HRH Chief Kaingu Ila People	
	K. Shibuyunji/ District	1
	1 HRH Senior Chief Shakumbila Sala People	