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DATED 11th DECEMBER 2007

ALBIDON ZAMBIA LIMITED
("COMPANY")

AND

("REGISTERED SETTLER FARMER")
OF MUNALI AREA, MAZABUKA

COMPENSATION AGREEMENT

CORPUS
Legal Practitioners
STAND 2386 LONGOLONGO ROAD
P O BOX 32115 LUSAKA
ZAMBIA

Tel: 260 1 235480/1 Fax: 260 1 238657

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THIS AGREEMENT is made this ....1.....of ....DEC...Two Thousand and Seven.

PARTIES:

1. **ALBIDON ZAMBIA LIMITED** a company incorporated in the Republic of Zambia and having its registered office at 74 Anglo American Building, Independence Avenue Lusaka, Zambia (hereinafter called the "**Company**") and being represented by Messrs Corpus Legal Practitioners;

2. of Munali Area, located within the Mine Surface Rights Area (hereinafter called the "**Registered Settler Farmer or Unregistered Settler Farmer**") as appropriate, and being represented by Messrs Mukata Zulu and Associates;

WHEREAS

A. The Company has been granted a Large Scale Mining Licence No. 54 at Munali Nickel Mine ;

B. The Company has also been granted a Certificate of Title No. 61592 in respect of its Mine Surface Rights Area;

C. The Company wishes to gain access to areas within its Mine Surface Rights Area where the village dwellings and farming land are located for mining activities;

D. The Mugoto Area is an agricultural settlement established in the 1970s, by the Ministry of Agriculture of the Government of the Republic of Zambia;

E. The Registered Settler Farmer or Unregistered Settler Farmer who currently resides and farms within the Company's Mine Surface Rights Area has agreed to be resettled to land outside the Mine Surface Rights Area;

F. The Company is obliged to procure alternative resettlement land for the Settler Farmer and pass clean title thereof to the Settler Farmer as soon as the Company completes each block resettlement of Settlers Farmers on Company acquired piece of land. The procuring of clean title on behalf of the Settler Farmer who settles on block Company provided land shall in any case take place within a period of four years from the date of completion of such block resettlement.

G. With respect to Settler Farmers opting to be resettled on land other than that provided by the Company on block resettlement, the Company' obligation shall only be to pay the vendor for the value of such land and the obligation to pass title to the Settler Farmer such be upon the vendor who in any case shall be the holder of title prior to the transaction;

H. Once resettled, the Settler Farmer shall not return to the Mine Surface Rights Area

I. As part of its Corporate Social Responsibility and over and above the Resettlement Programme, the Company undertakes to establish a Community Trust. The Trust shall be the vehicle for delivery of greater community development programmes. Management of the Trust shall be institutionalized; comprising His Royal Highness Chief Naluama and Advisor, the Company, Resettlement Committee, Local Community not affected by the Resettlement Programme, the Mazabuka Municipal Council Planning Department and Office of the Mazabuka District Commissioner representatives respectively.

NOW THIS AGREEMENT WITNESSETH AS FOLLOWS:

1 DEFINITIONS

In this Agreement, where the context so allows:

"Compensation"	means benefits the Company passes in exchange for the settler vacating the Company's Mine Surface Rights Area;
"Customary Land"	means the customary land of the Naluama Chiefdom in trust for the benefit of the Chief's subjects;
"Mugoto Area"	means the Mugoto agricultural settlement situate within the Company's Mine Surface Rights Area;
"Exploration Activity"	means drilling and exploration activities carried out or to be carried out by the Company within the Munali Nickel Project area;
"Exploration Site"	means the defined location within which the Company intends to commence Exploration Activities;
"Mine Development Area"	means the Munali Nickel Large Scale Mining Licence No. 54;
"Notification Date"	means the date of access to the Settlers land;

"Parties"	means the Company and the Settler
"Settler Farmer"	Shall refer to both registered and unregistered settler which term means the head of each family or household
"Registered Settler Farmer"	means the head of household who is a government registered member of the Mugoto Settlement , affected by the Mine Development Programme and occupies land lying within the Mine Surface Rights Area;
"Unregistered Settler Farmer"	means a head of household who is not a government registered member of the Mugoto Settlement, affected by Mine Development Programme and occupies land lying within the Mine Surface Rights Area;

2 PRE-RESETTLEMENT OBLIGATIONS

2.1 Prior to the resettlement Settler Farmer shall continue to enjoy the full rights and privileges accruing thereof on the land he/she currently occupied, until such time when replacement land shall be provided by the Company and the settler is fully resettled to the new location.

2.2 Prior to the resettlement, the Settler shall observe, the following company, Safety, Health and Environmental Rules:

2.2.1 Ensure that all livestock cross the mine roads at the designated animal crossing areas to avoid accidents;

2.2.2 One member of the household to wear the reflective jacket issued by the Company while in or about the Mine Development Area in order to prevent accidents;

2.2.3 Keep the household surroundings clean in order to maintain good hygiene to avoid communicable diseases such as cholera, dysentery etc;

2.2.4 No scavenging from the disposal mine site and bins to prevent exposure to dangerous materials and spread of communicable disease;

2.2.5 No cutting of trees within the Mine surface Rights Area in order to arrest deforestation and preserve nature;

2.2.6 No farming activities should take place within 100 metres from mine construction and tailings dam sites in order to avoid crop damage;

3 RESETTLEMENT AND COMPENSATION

3.1 The Company shall compensate the Registered Settler Farmer or Unregistered Settler Farmer for relocating him/her from the Mine Surface Rights Area on the following terms:

3.1.1 The Registered Settler Farmer shall be allocated one and half times the amount of land he/she currently holds within the Company's Mine Surface Rights Area.The amount of land that the Registered Settler Farmer currently occupies shall be ascertained based on the official government report produced at the time of the establishment of the Mugoto Settlement in the seventies, as confirmed by the Mazabuka District Agriculture

Coordinating Officer ("DACO") and in consultation with the Munali Mine Resettlement Committee, the Mazabuka Municipal Council, the Settler Farmer and the Company.

For the Registered Settler Farmer who has acquired additional land after the initial allocation aforesaid, such Registered Settler Farmer shall be obliged to supply official evidence of the bequeath and or purchase for approval by the said Munali Mine Resettlement Committee, the Mazabuka Municipal Council and the Company. The Mazabuka District DACO shall sign off on all the assessments of land found due to each of the Settlers on behalf of the Government of the Republic of Zambia.

3.1.2 The Registered Settler shall have the option to choose to be resettled on land other than that provided by the Company on condition that such Settler shall forfeit communal facilities such as domestic water borehole and other benefits that the Company shall provide to the settlers resettled on block Company provided land;

3.1.3 The maximum value that the Company shall pay for land for a Registered Settler Farmer who opts to settle on land other than that provided by the Company Shall not exceed the value that the Registered Settler Farmer would have been entitled to had he/she opted to be resettled on company-provided land in the Munali Mine area.
The value of the land shall be based on the price of land paid by the company in acquiring the Resettlement Land in Munali Mine Area;

3.1.4 For the Registered Settler Farmer who chooses to be resettled on land provided by the company, upon identification of replacement land for relocation of the Registered Settler Farmer, the Company shall, at its own cost, construct a reasonable modern dwelling house for the head of the household and other additional reasonable dwelling houses for adult dependants of the household;

3.1.5 For the Registered Settler that opts to resettle outside the land provided by the company, the company shall only purchase the new piece of land as in Clauses 3.1.2 and 3.1.3. The Company shall pay a maximum sum equal to the cost of constructing one house for the head of household only, based on the cost values of constructing the standard head-of-household house for those resettled on company–provided land in the Munali Mine area. The Registered Settler forfeits the benefit of having the company construct additional houses for his/her adult dependents;

3.1.6 If the Registered Settler Farmer shall opt to be resettled on traditional land, he/she shall produce evidence of the authority and permission of the Chief and the Settler Farmer shall not be entitled to any compensation for the acquisition of such traditional land and the Settler shall forfeit benefits of communal facilities provided by the Company to Settler Farmers on Company provided land. The company shall, however, construct the houses for the head of the household and other reasonable dwelling houses for adult dependants as provided under Clause 3.1.4 of this Compensation Agreement.

3.1.7 The Company shall undertake and be obliged to provide adequate supply of water to the places where the Registered Settler Farmer shall be resettled provided the resettlement is on land provided by the Company. These are communal facilities and shall not be available to the Settler Farmer if he opts to be resettled out the Company's communal settlement land;

3.1.8 The Unregistered Settler Farmer shall only be provided with farm land of seven and half hectares if he/she currently has less or equal to three hectares and fifteen hectares if he/she currently has about ten hectares, for resettlement on land provided by the Company. No house or other benefits provided by the company to Registered Settler Farmer shall be provided to an Unregistered Settler Farmer;

3.1.9 The company shall further provide the Settler Farmer with the following agricultural inputs in the first year of Resettlement:
A bag 20kg maize seed;
4 x 50kg Basil Fertiliser;
4 x 50kg Top Dressing Fertiliser;
2 Yearlings.

During the first year of resettlement, the Company shall on behalf of the Settler Farmer, clear, cultivate and plant, the allocated farmland;

3.1.10 As part of the Resettlement Programme for all the one hundred and twenty five affected households, the company shall construct a primary school and a clinic for the benefit of both resettled community and the general community in the Munali Mine area.

3.1.11 As a further benefit to all the Registered Settler Farmers that shall be resettled pursuant to this Compensation Agreement and the earlier Compensation Agreement, the Company shall award each head of household two cows in December 2009;

3.1.12 The compensation herein set out shall be conveyed directly to the Registered and Unregistered Settler Farmer respectively, who shall also personally and individually sign this Compensation Agreement.

3.1.13 If the Registered Settler Farmer or the Unregistered Settler Farmer is demised, the benefits accrued to such Settler shall be conveyed to his/her dully appointed executor or administrator.

4 POST RESETTLEMENT OBLIGATIONS

4.1 Once the Company has compensated the Registered and Unregistered Settler Farmer respectively, as provided in 3 above, the Company will have no further obligation to compensate for the land and any other possessions within the Mine Surface Rights Area and the Registered and Unregistered Settler Farmer shall relinquishes all rights to seek further compensation.

4.2 Once the Company has compensated the Registered and Unregistered Settler as provided in 3 above, he/she shall be prohibited from having access, resettling and clearing any portion of land in the Company's Mine Surface Rights Area;

4.3 Once the Company has compensated the Registered and Unregistered Settler Farmer as provided in 3 above, he/she shall fully indemnify the Company of any claims he/she or his

servants, agents, beneficiaries or successor in title may have against the Company in respect of land or any other property or interests.

5 GENERAL

This Agreement constitutes the entire agreement between the Company, and the Registered Settler or Unregistered Settler Farmer in respect of the compensation;

6 DISPUTES

6.1 Any dispute that arises between the Parties as to the interpretation or effect of this Contract which cannot be resolved amicably between the Parties shall be resolved by mediation and the mediator shall be agreed upon by the parties and in default of agreement, any of the parties shall apply to the High court for Zambia for an order of appointment of such mediator or mediators;

6.2 In the event that the dispute between the Parties cannot be resolved amicably or by mediation as set out in 6.1 above such dispute shall be resolved by arbitration in accordance with the Arbitration Act of Zambia, 2000

7 GOVERNING LAW AND JURISDICTION

This Agreement shall be read and construed in accordance with the laws in force in Zambia and the parties hereto hereby submit to the jurisdiction of the Courts of Zambia.

IN WITNESS WHEREOF the parties hereto or their duly authorised representatives have caused this Agreement to be executed the day and year first above written.

THE COMMON SEAL OF)
ALBIDON ZAMBIA LIMITED)
is hereunto affixed in the presence of :)

DIRECTOR :_____

SECRETARY :_____ Corpus Globe Corporate Secretaries Limited

SIGNED SEALED and **DELIVERED** by)
)_
in the presence of)

Witness

Name :

Address :

Signature :

Date:

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MAZABUKA MUNICIPAL COUNCIL

MINUTES OF THE THIRD MEETING OF THE STAKEHOLDERS OVER THE SITING OF DISTRICT CENTRE AND TOWNSHIP FOR CHIKANKATA HELD IN THE COUNCIL CHAMBER, MAZABUKA ON FRIDAY 14TH DECEMBER 2012AT 10 45 HOURS

PRESENT

1.	His Royal Highness Chief Naluama	Chikankata District
2.	Her Royal Highness Chieftainess Mwenda	Chikankata District
3.	Alfred Chiingi, Deputy Permanent Secretary	Southern Province
4.	Eugene Munyama, District Commissioner	District Administration, Mazabuka
5.	Sylvester Simayaba, District Commissioner	District Administration, Chikankata
6.	David M Kabanda, Town Clerk	Mazabuka Municipal Council
7.	Johnson N Changwe, Council Secretary	Chikankata District Council
8.	S Wina, Director of Physical Planning	Min of Local Govt and Housing, Lsk
9.	Benson Choongo, Provincial Planner	Department of PPH, Southern Province
10.	Kelvin Syabeene, Principal Local Govt Officer	Min of Local Govt and Housing, Lsk
11.	Jeremiah Sachikola, Council Treasurer	Chikankata District Council
12.	Mapopa Nyirenda, District Planning Officer	Chikankata District Council
13.	Gift Hanziba, District Chairperson	Patriotic Front, Mazabuka
14.	Edward Cheelo, District Political Secretary	Patriotic Front, Mazabuka
15.	James Walumba, Regional Manager	Southern Water and Sewerage Company
16.	Mosterd Mugala, Public Affairs Manager	Nyati Milling/Mubuyu Farms Limited
17.	Patson Simwinga,	Special Division, OP, Mazabuka
18.	Mukumbo Haimbe, Legal Counsel	Malambo and Company
19.	Demetre Vangelatos, Proprietor	Dallas Ranch
20.	Laura Mcgregor, Manager	Chisoba Farm
21.	Barry Coxe, Proprietor	Avillion/KAtebe Farm
22.	Noreen Parsons, Director Veterinarian	Mutobo Veterinary Centre
23.	Annie Pretorius, Manager	Dallas Ranch
24.	Kelvin Coventry, Partner	Archa Ranch
25.	Councillor Stan Sakala	Deputy Mayor, Mazabuka
26.	Eric Fulaza, Principal Engineer	Kafue Gorge Power Station
27.	Velenas Banda, Traditional Affairs Officer	Mazabuka
28.	Councillor Phizwel Mainza,	Chitete Ward, Chikankata
29.	W Phiri, District Inspector	Zambia Police, Mazabuka
30.	Memory Hambiizi, Professional Assistant	Chikankata Constituency Office
31.	Councillor Davis Katowa	Chikankata Council Chairman
32.	Josi Lumina, Chairman	Naluama Development Committee
33.	Councillor Lloyd Buumba	Mayor, Mazabuka
34.	Honourable Oliver C Mulomba, *MP*	Magoye Constituency
35.	Councillor Bislon Hanunka	Chiefs' Representative, Chikankata
36.	Councillor Sheperd M Mweene	Kasengo Ward, Chikankata
37.	Councillor Pilate Mulungwe	Chiefs' Representative, Chikankata

38. Councillor Steven M Lumina	Namalundu Ward, Chikankata
39. Councillor Conard Ngoma	Mabwetuba Ward, Chikankata
40. Lawrence Mweemba, Representative	Mwenda Chiefdom
41. Zondiwe Ngalande, Representative	Mwenda Rural Development Trust
42. Haazela K Mwiinga, Representative	Mwenda Chiefdom
43. Councillor Agness M Ngandu (Ms)	Nansenga Ward, Chikankata
44. Ian Sinoya, District Chairman	Patriotic Front, Chikankata
45. Nzumba Mweemba, District Secretary	Patriotic Front, Chikankata

The town clerk for Mazabuka called the meeting to order at 10:30hours. It was followed by singing of the National Anthem.

After the national anthem, the town clerk went through the agenda that was prepared and observed that the issue of introductions was omitted and therefore requested for that item to be included, after which introductions were done.

1 WELCOMING REMARKS

His worship the mayor of Mazabuka welcomed all those that came to attend the stakeholders meeting that was convened to discuss the issue of siting the district centre for Chikankata district. Furthermore, he urged all the stakeholders that were present to contribute positively to the issue and hopped that at the end of the meeting a decision will be made.

2 BACKGROUND TO THE PROCESS

The town clerk for Mazabuka gave a background to the creation of Chikankata district. He pointed out that the district was created together with other seven district under order No... by the president. He further said that, the Minister of Local Government and Housing also created councils in these eight districts under Statutory Instrument No..... of 2012.

The town clerk also pointed out that in view of the above background, the first stakeholders meeting was held at which the following areas Jengulo, Kasamu, Turnpike, Kafue Gorge and Nega-nega turn off where identified as potential areas for setting up a district centre. The areas were subjected to a vote after which Kasamu or Chikankata turnoff was identified by the stakeholders as the area at which the district centre could be set. However, a district centre could not be set at Kasamu as the land owners were not willing to release the said land to the council. This was communicated through a letter from their lawyers that is Vincent Malambo and Company, which letter was even copied to the ministry of Local Government and Housing. He further told the meeting that the Ministry also sided with land owners and threw back the matters to the stakeholders to identify another site for the district centre hence the calling of another stakeholders meeting.

3 BRIEF ON THE PRELIMINARY MEETING HELD BETWEEN THE TWO ROYAL HIGHNESSES

The council secretary for Chikankata district council gave a brief on the proceedings of the meeting of their royal highnesses. He pointed out that before the meeting of stakeholders could take place, a meeting of their royal highnesses (Chieftains Mwenda and Chief Naluama) was organised. The purpose of the meeting was to let the two chiefs agree on the possible site for the district centre. He

said that during the meeting of their royal highnesses it was agreed that the district centre be set at any place from turnpike to Nega-nega turnoff. Furthermore that a short route i.e. the Malundu school to Chikankata road be worked on so as to easy access of the district centre by the people of Chikankata mission area.

Arising from the brief by the council secretary on the meeting of the royal highnesses, the district commissioner for Chikankata requested the two chiefs to confirm whether the council secretary's report was correct. The two royal highnesses in response confirmed that the report by council secretary was correct.

4 PRESENTATION OF REPORT ON THE IDENTIFIED AREAS BY THE PROVINCIAL PLANNER

The provincial planner presented the report on the potential sites for creation of the district. He told the stakeholders that initially three places that are Jengulo, Nega-nega turn off and turn pike were visited. And a report was prepared on the three sites. He further said that due to the agreement by the two chiefs he was going to restrict his presentation to two areas that is Nega nega turnoff and turnpike as they fall within the area. He further pointed out that the two areas were visited and information pertaining to parameter such as sources of water, sources of power, existence of social infrastructure, accessibility, centrality etc. findings of the site visits were presented in tabular form as shown below:

AREA	PARAMETER	COMMENT
Nega-nega Turnoff	Accessibility	Easily accessible through the great north road
	Availability of power	33Kv power line passing through the area
	Availability of communication facilities	All networks present
	Ownership of land	Customary
	Topography	Relatively flat
	Sources of water	Two earth dams and the area is 23 km from Kafue River
	Centrality	Not central
	Acceptance by the people	The area is accepted by the people
Turnpike	Accessibility	Easily accessible through the great north road and Chirundu road
	Availability of power	33Kv power line passing through the area
	Availability of communication facilities	All networks present
	Ownership of land	Privately owned by Bbata Cooperative
	Topography	Relatively flat
	Sources of water	The area is 1km from Kafue river
	Centrality	Not central
	Acceptance by the people	The area is accepted by the people

5 PLENARY SESSION OVER SUITABILITY OF THE PROPOSED LOCATIONS

After the presentation by the provincial planner, the meeting went into plenary.

During the plenary session Mubuyu farms public affairs manager Mr Mugala wanted to know the exact place where the site for the district can be set, as just a kilometre from the site there is Mubuyu farm and on the eastern side there is a mine. The provincial planner in response said that

he could not give the exact side as what was looked at was the whole area in general. The provincial planner further said that during the meeting of the Southern province planning authority which meeting is chaired by the provincial permanent secretary, the matter was discussed after which the permanent secretary informed the meeting that the government had no money for purchasing land but only for infrastructure development.

Arising from the provincial planner's response, the Council Chairman pointed out that, it seemed as if government was running from certain issues such as provision of water and wondered how the new district would handle the issue. Also in the same vein Mr Josi Lumina wanted to know the exact boundaries of the district as there was no land at Nega-nega turn off the place which is being proposed.

In response the District Commissioner for Mazabuka pointed out that the meeting the two chiefs had already set the tone of the stakeholders meeting. He further said that the duty of the stakeholders was to choose the site of the district centre. .As to the actual location the technocrats will look into that. As for perceived relocation of people, the issue would be handled at a later stage. The District Commissioner for Chikankata also pointed out that the Government had a plan to develop new districts. The issues as to the water supply would be handled by government.

As to the availability of land, his Royal Highness Chief Naluama pointed out that land is available. All is supposed to be done is to engage the headmen so that they show the technocrats somewhere to start from.

The Deputy permanent secretary then thanked their Royal Highnesses for giving direction of the meeting and urged the stakeholders to choose the site from the two sites identified. Whatever will follow government will take care of other requirements and will take over the site that will be selected.

Proposed by Cllr Bislon Hanuunka and seconded by Councillor Steven Lumina, Nega-nega turnoff was agreed by stakeholders to be the site for the Chikankata district centre.

6 CLOSING REMARKS

The Deputy Permanent Secretary for Southern province thanked the stakeholders for sparing their time to attend the meeting to select the site for the centre of Chikankata District. He further thanked their Royal Highnesses for giving direction and urged the people to continue working together.

There being no other business to discuss, the meeting ended with prayer from Dr Noreen Parsons at 12:35 hours.

CHAIRMAN..... DATE.....31/01/13.....

REPUBLIC OF ZAMBIA
OFFICE OF THE PRESIDENT
DISTRICT COMMISSIONER'S OFFICE
- 4 JAN 2013
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CHIKANKATA DISTRICT COUNCIL

MINUTES OF THE SECOND ORDINARY OF THE COUNCIL HELD IN THE CONFERENCE HALL, CIVIC CENTRE AT TURNPIKE, CHIKANKATA ON WEDNESDAY 26TH DECEMBER 2012 AT 10 15 HOURS

PRESENT

Councillors:

D Katowa, *Council Chairman*
S Lumina, *Vice Council Chairman*

C Ngoma
T Chipolyonga
S M Mweene
I Namakala
P Mainza
A M Ng'andu (Ms)
B Hanunka
P Mulungwe

APOLOGIES FOR ABSENCE

Councillor

Honourable M Habeenzu, *MP*

IN ATTENDANCE

Council Secretary
Council Treasurer
District Planning Officer
Senior Administrative Officer
Procurement Officer
Internal Auditor
Committee Clerk

N J Changwe
J S Sachikola
M Nyirenda
M Waliywa (Ms)
T Hilundu
B Akafumba (Ms)
W Michelo

PRESENT BY INVITATION

District Commissioner
District Education Board Secretary, Mazabuka

S Simayaba
M T Hanguwa

Assistant District Marketing Officer, Mazabuka — D Mabumba.

Planner Officer, Ministry of Health, Mazabuka — L Phiri

NATIONAL ANTHEM AND PRAYER

Prior to the commencement of the meeting, the national anthem was sung and Councillor P Mulungwe led those present in a prayer.

NOTICE OF MEETING

The Council Secretary read the notice of meeting and immediately thereafter the meeting was declared open.

CDC/14/12/12 APOLOGY FOR ABSENCE

RESOLVED

That the apology for absence received from Councillor Honourable M Habeenzu, *MP* be accepted.

CDC/15/12/12 COUNCIL CHAIRMAN'S ANNOUNCEMENTS AND COMMUNICATIONS

The following were the announcements and communications of the Council Chairman to the second ordinary meeting of the Council: -

a) On 26th October 2012, he had attended a one-day Induction Meeting for Council Chairpersons and Council Secretaries of the newly created Councils held at ZAMCOM Lodge in Lusaka and organised by the Ministry of Local Government and Housing. The Permanent Secretary officiated at the function.

b) From 17th to 19th October 2012, he was amongst the Councillors who attended the District Forum as delegates on the Draft Republican Constitution held in the Scholl Hall at Chikankata High School. Three (3) delegates elected at the same Forum namely; Memory H Hambizi, Abraham Mulamata and Kaheshi Kaposhi will represent the District at the Provincial Forum yet to be convened sometime in the first quarter of 2013.

c) On 24th October 2012, Councillor C Ngoma, on behalf of the Council Chairman officiated at the 48th Independence Day celebrations for the District held at Chikankata High School grounds.

d) On 26th November 2012, he had together with other Councillors attended the launch of the newly built Kafue Weighbridge at Kafue checkpoint for the Road Development Agency by Honourable C Yaluma, *MP* Minister of Transport, Communication, Works and Supply.

e) On 1st December 2012, he had officiated at the World Aids Day for Chikankata District under the theme *'Getting to zero - I am a youth making a change for an HIV-free Zambia'* held in Kafue Gorge at the open grounds near Namalundu Mini-mart.

therefore proceeded to invite bids from interested members of the public to submit their designs.

The meeting heard that however, only two (2) bids had been received and that members were therefore, at liberty to make comments and choose a seal or emblem that was suitable, clearly and easily interpreting the main economic activities taking place in the District. Copies of the designs prepared by Linatech Enterprise and Bevin Neene had been reproduced and were attached to the report for reference.

On a proposal by Councillor P Mulungwe seconded by Councillor P Mainza, it was

RESOLVED

That the design by Linatech Enterprises of Mazabuka as was attached to the report be selected and adopted to constitute the common seal of the Council and submitted to the Honourable Minister of Local Government and Housing for approval in terms of Section 8 of the Local Government Act, Chapter 281 of the Law of Zambia.

CDC/24/12/12 SURRENDER OF THE STAFF SECONDED TO CHIKANKATA DISTRICT COUNCIL

It was reported that further to the Ministerial guidelines contained in a circular letter of 21st June 2012 issued by the Ministry of Local Government and Housing on the sharing of assets, liabilities and human resource between parent Councils and the newly established Councils, the Permanent Secretary had in a letter dated 10th December 2012 also copied to the Honourable Minister directed that in view of the end of the six (6) months' period of secondment to the new Councils, all the seconded officers/employees were required to be immediately surrendered and reverted to the parent Councils.

The members were informed that in the same vein, the new Councils had been directed to forward their requirements of staff in Divisions I, II and III to the Local Government Service Commission which had the mandate to employ such personnel and also that each Council had been advised to phase and begin recruitment of its own employees falling under the Division IV. After some discussions, it was

It was however, felt that the Council Chairman and the Council Secretary ought to travel to the Ministry of Local Government and Housing urgently and make a representation for the Council to temporarily retain some of the core staff on secondment in order that the normal running of day-to-day functions was not disrupted or adversely after 31st December 2012.

It was then observed that the matter could and would still be handled administratively by the office of the Council Secretary.

The report was NOTED.

CDC/25/12/12 SITING OF THE DISTRICT CENTRE AND TOWNSHIP AROUND NEGA-NEGA JUNCTION

It was reported that during the last and final meeting of the stakeholders over the siting of the District Centre and the township for Chikankata held on 14th December 2012 at the Civic Centre in Mazabuka, it had been resolved that Nega-nega junction

on the Great North Road be selected to accommodate all the physical infrastructure needed for developing a new town.

The members were informed that in view of the aforesaid development, Management was collaborating with the Provincial Planning Officer and would jointly carry out of a reconnaissance visit to the area between 2nd and 10th January 2013 before producing the site plans and maps for the proposed township area.

In a related development, it was reported that following the advertisement which recently appeared in the print media inviting tenders for the construction of medium cost housing units in selected newly created Districts including Chikankata, the Ministry of Local Government and Housing had since set Friday 28th December 2012 for interested bidders or contractors to undertake visits to the sites proposed by the individual Districts and that the closing date for receiving of bids at the Ministry headquarters was 11th January 2013.

Arising from the report, the Councillors pointed out that they were dismayed at some of the disparaging remarks made by the District Commissioner, Mazabuka during the same stakeholders meeting in his attempt to respond to a concern raised regarding the Government's preparedness and willingness to resettle and compensate villagers currently occupying land identified for the siting of the District centre and township.

It was reiterated that issues which involved resettlement or displacement of subjects to pave way for infrastructure development deserved serious and more careful attention and must not be grossed over by any officials representing the Government in the District. After further deliberations, it was however

RESOLVED

That the selection of Nega-nega junction by the stakeholders during the final meeting held in Mazabuka on 14th December 2012 as the most suitable site to host the District Centre as well as the setting up of a new township be upheld by the Council.

CHAIRMAN'S CLOSING REMARKS

The Council Chairman thanked his fellow Councillors for the openness in their debates and also for the patience and team spirit exhibited throughout the meeting. He extended his gratitude to Management for compiling and circulating copies of the minutes/reports to all the Councillors in good time.

There being no other business to transact the Council Chairman declared the meeting closed at 13 45 hours after a prayer by Councillor B Hanunka.

SIGNED CHAIRMAN .....

DATE 22-03-13

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MAZABUKA MUNICIPAL COUNCIL

MINUTES OF THE THIRD MEETING OF THE STAKEHOLDERS OVER THE SITING OF DISTRICT CENTRE AND TOWNSHIP FOR CHIKANKATA HELD IN THE COUNCIL CHAMBER, MAZABUKA ON FRIDAY 14TH DECEMBER 2012AT 10 45 HOURS

PRESENT

1.	His Royal Highness Chief Naluama	Chiikankata District
2.	Her Royal Highness Chieftainess Mwenda	Chikankata District
3.	Alfred Chiingi, Deputy Permanent Secretary	Southern Province
4.	Eugene Munyama, District Commissioner	District Administration, Mazabuka
5.	Sylvester Simayaba, District Commissioner	District Administration, Chikankata
6.	David M Kabanda, Town Clerk	Mazabuka Municipal Council
7.	Johnson N Changwe, Council Secretary	Chikankata District Council
8.	S Wina, Director of Physical Planning	Min of Local Govt and Housing, Lsk
9.	Benson Choongo, Provincial Planner	Department of PPH, Southern Province
10.	Kelvin Syabeene, Principal Local Govt Officer	Min of Local Govt and Housing, Lsk
11.	Jeremiah Sachikola, Council Treasurer	Chikankata District Council
12.	Mapopa Nyirenda, District Planning Officer	Chikankata District Council
13.	Gift Hanziba, District Chairperson	Patriotic Front, Mazabuka
14.	Edward Cheelo, District Political Secretary	Patriotic Front, Mazabuka
15.	James Walumba, Regional Manager	Southern Water and Sewerage Company
16.	Mosterd Mugala, Public Affairs Manager	Nyati Milling/Mubuyu Farms Limited
17.	Patson Simwinga,	Special Division, OP, Mazabuka
18.	Mukumbo Haimbe, Legal Counsel	Malambo and Company
19.	Demetre Vangelatos, Proprietor	Dallas Ranch
20.	Laura Mcgregor, Manager	Chisoba Farm
21.	Barry Coxe, Proprietor	Avillion/KAtebe Farm
22.	Noreen Parsons, Director Veterinarian	Mutobo Veterinary Centre
23.	Annie Pretorius, Manager	Dallas Ranch
24.	Kelvin Coventry, Partner	Archa Ranch
25.	Councillor Stan Sakala	Deputy Mayor, Mazabuka
26.	Eric Fulaza, Principal Engineer	Kafue Gorge Power Station
27.	Velenas Banda, Traditional Affairs Officer	Mazabuka
28.	Councillor Phizwel Mainza,	Chitete Ward, Chikankata
29.	W Phiri, District Inspector	Zambia Police, Mazabuka
30.	Memory Hambiizi, Professional Assistant	Chikankata Constituency Office
31.	Councillor Davis Katowa	Chikankata Council Chairman
32.	Josi Lumina, Chairman	Naluama Development Committee
33.	Councillor Lloyd Buumba	Mayor, Mazabuka
34.	Honourable Oliver C Mulomba, *MP*	Magoye Constituency
35.	Councillor Bislon Hanunka	Chiefs' Representative, Chikankata
36.	Councillor Sheperd M Mweene	Kasengo Ward, Chikankata
37.	Councillor Pilate Mulungwe	Chiefs' Representative, Chikankata

38. Councillor Steven M Lumina	Namalundu Ward, Chikankata
39. Councillor Conard Ngoma	Mabwetuba Ward, Chikankata
40. Lawrence Mweemba, Representative	Mwenda Chiefdom
41. Zondiwe Ngalande, Representative	Mwenda Rural Development Trust
42. Haazela K Mwiinga, Representative	Mwenda Chiefdom
43. Councillor Agness M Ngandu (Ms)	Nansenga Ward, Chikankata
44. Ian Sinoya, District Chairman	Patriotic Front, Chikankata
45. Nzumba Mweemba, District Secretary	Patriotic Front, Chikankata

The town clerk for Mazabuka called the meeting to order at 10:30hours. It was followed by singing of the National Anthem.

After the national anthem, the town clerk went through the agenda that was prepared and observed that the issue of introductions was omitted and therefore requested for that item to be included, after which introductions were done.

1 WELCOMING REMARKS

His worship the mayor of Mazabuka welcomed all those that came to attend the stakeholders meeting that was convened to discuss the issue of siting the district centre for Chikankata district. Furthermore, he urged all the stakeholders that were present to contribute positively to the issue and hopped that at the end of the meeting a decision will be made.

2 BACKGROUND TO THE PROCESS

The town clerk for Mazabuka gave a background to the creation of Chikankata district. He pointed out that the district was created together with other seven district under order No... by the president. He further said that, the Minister of Local Government and Housing also created councils in these eight districts under Statutory Instrument No..... of 2012.

The town clerk also pointed out that in view of the above background, the first stakeholders meeting was held at which the following areas Jengulo, Kasamu, Turnpike, Kafue Gorge and Nega-nega turn off where identified as potential areas for setting up a district centre. The areas were subjected to a vote after which Kasamu or Chikankata turnoff was identified by the stakeholders as the area at which the district centre could be set. However, a district centre could not be set at Kasamu as the land owners were not willing to release the said land to the council. This was communicated through a letter from their lawyers that is Vincent Malambo and Company, which letter was even copied to the ministry of Local Government and Housing. He further told the meeting that the Ministry also sided with land owners and threw back the matters to the stakeholders to identify another site for the district centre hence the calling of another stakeholders meeting.

3 BRIEF ON THE PRELIMINARY MEETING HELD BETWEEN THE TWO ROYAL HIGHNESSES

The council secretary for Chikankata district council gave a brief on the proceedings of the meeting of their royal highnesses. He pointed out that before the meeting of stakeholders could take place, a meeting of their royal highnesses (Chieftains Mwenda and Chief Naluama) was organised. The purpose of the meeting was to let the two chiefs agree on the possible site for the district centre. He

said that during the meeting of their royal highnesses it was agreed that the district centre be set at any place from turnpike to Nega-nega turnoff. Furthermore that a short route i.e. the Malundu school to Chikankata road be worked on so as to easy access of the district centre by the people of Chikankata mission area.

Arising from the brief by the council secretary on the meeting of the royal highnesses, the district commissioner for Chikankata requested the two chiefs to confirm whether the council secretary's report was correct. The two royal highnesses in response confirmed that the report by council secretary was correct.

4 PRESENTATION OF REPORT ON THE IDENTIFIED AREAS BY THE PROVINCIAL PLANNER

The provincial planner presented the report on the potential sites for creation of the district. He told the stakeholders that initially three places that are Jengulo, Nega-nega turn off and turn pike were visited. And a report was prepared on the three sites. He further said that due to the agreement by the two chiefs he was going to restrict his presentation to two areas that is Nega nega turnoff and turnpike as they fall within the area. He further pointed out that the two areas were visited and information pertaining to parameter such as sources of water, sources of power, existence of social infrastructure, accessibility, centrality etc. findings of the site visits were presented in tabular form as shown below:

AREA	PARAMETER	COMMENT
Nega-nega Turnoff	Accessibility	Easily accessible through the great north road
	Availability of power	33Kv power line passing through the area
	Availability of communication facilities	All networks present
	Ownership of land	Customary
	Topography	Relatively flat
	Sources of water	Two earth dams and the area is 23 km from Kafue River
	Centrality	Not central
	Acceptance by the people	The area is accepted by the people
Turnpike	Accessibility	Easily accessible through the great north road and Chirundu road
	Availability of power	33Kv power line passing through the area
	Availability of communication facilities	All networks present
	Ownership of land	Privately owned by Bbata Cooperative
	Topography	Relatively flat
	Sources of water	The area is 1km from Kafue river
	Centrality	Not central
	Acceptance by the people	The area is accepted by the people

5 PLENARY SESSION OVER SUITABILITY OF THE PROPOSED LOCATIONS

After the presentation by the provincial planner, the meeting went into plenary.

During the plenary session Mubuyu farms public affairs manager Mr Mugala wanted to know the exact place where the site for the district can be set, as just a kilometre from the site there is Mubuyu farm and on the eastern side there is a mine. The provincial planner in response said that

he could not give the exact side as what was looked at was the whole area in general. The provincial planner further said that during the meeting of the Southern province planning authority which meeting is chaired by the provincial permanent secretary, the matter was discussed after which the permanent secretary informed the meeting that the government had no money for purchasing land but only for infrastructure development.

Arising from the provincial planner's response, the Council Chairman pointed out that, it seemed as if government was running from certain issues such as provision of water and wondered how the new district would handle the issue. Also in the same vein Mr Josi Lumina wanted to know the exact boundaries of the district as there was no land at Nega-nega turn off the place which is being proposed.

In response the District Commissioner for Mazabuka pointed out that the meeting the two chiefs had already set the tone of the stakeholders meeting. He further said that the duty of the stakeholders was to choose the site of the district centre. .As to the actual location the technocrats will look into that. As for perceived relocation of people, the issue would be handled at a later stage. The District Commissioner for Chikankata also pointed out that the Government had a plan to develop new districts. The issues as to the water supply would be handled by government.

As to the availability of land, his Royal Highness Chief Naluama pointed out that land is available. All is supposed to be done is to engage the headmen so that they show the technocrats somewhere to start from.

The Deputy permanent secretary then thanked their Royal Highnesses for giving direction of the meeting and urged the stakeholders to choose the site from the two sites identified. Whatever will follow government will take care of other requirements and will take over the site that will be selected.

Proposed by Cllr Bislon Hanuunka and seconded by Councillor Steven Lumina, Nega-nega turnoff was agreed by stakeholders to be the site for the Chikankata district centre.

6 CLOSING REMARKS

The Deputy Permanent Secretary for Southern province thanked the stakeholders for sparing their time to attend the meeting to select the site for the centre of Chikankata District. He further thanked their Royal Highnesses for giving direction and urged the people to continue working together.

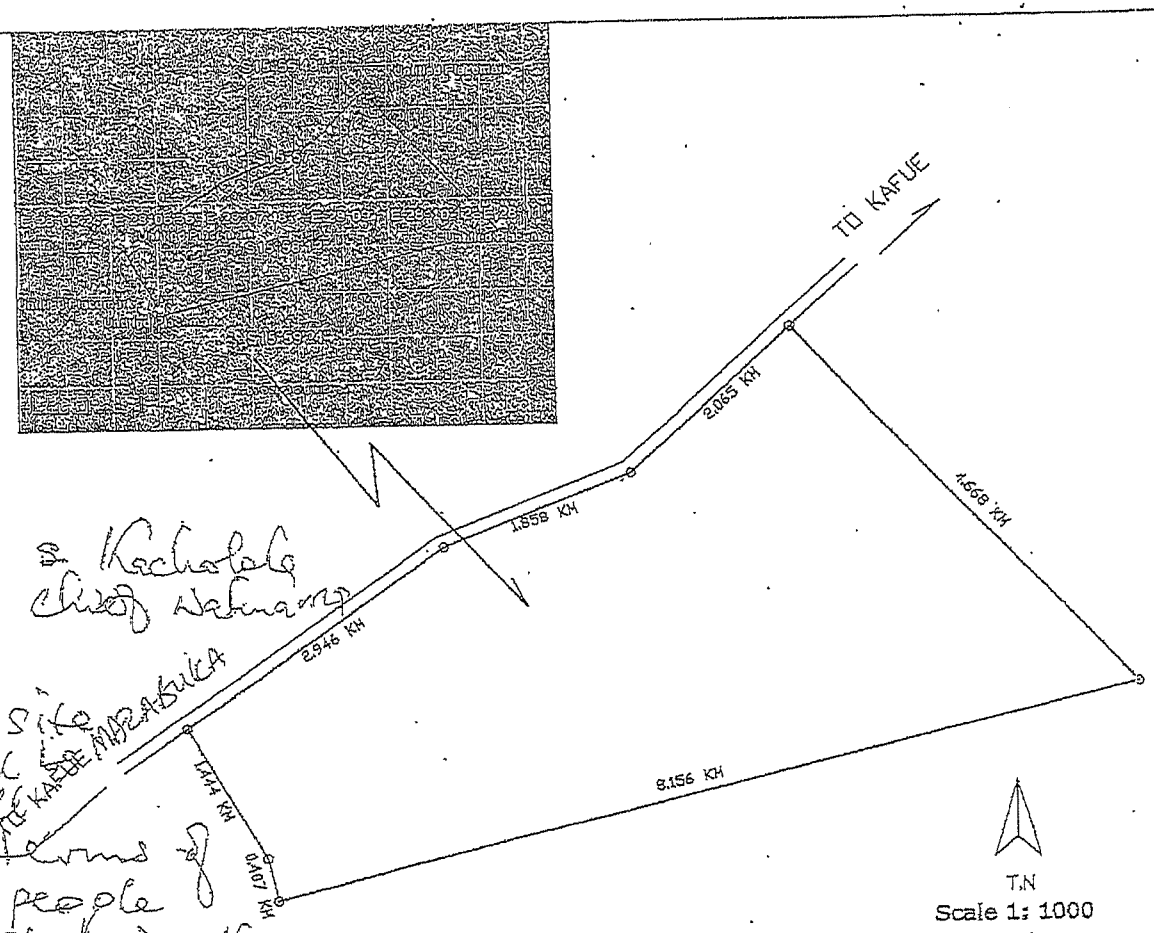
There being no other business to discuss, the meeting ended with prayer from Dr Noreen Parsons at 12:35 hours.

CHAIRMAN..... DATE.....31/01/13.....

REPUBLIC OF ZAMBIA
OFFICE OF THE PRESIDENT
DISTRICT COMMISSIONER'S OFFICE
- 4 JAN 2013
PRIVATE BAG 81
CHIKANKATA

JC 2"

"CM13"
140



09. 09. 13 S. Kachalola
Chief Nakwamp

According to the site plans there will be no people who will be affected in terms of relocations as people will be integrated in the new township plan.

CHIKANKANTA

Proposed Township Boundary for Newly Created District of Chikankanta

MINISTRY OF LOCAL GOVERNMENT & HOUSING

DEPARTMENT OF PHYSICAL PLANNING & HOUSING

"CMH"
1H1

"CM2"

MUGOTO SETTLEMENT AND DEVELOPMENT COMMITTEE

P.O. BOX 670118
MAKANDIKA

26th February, 2013

The Council Secretary
Chikankata District Council
Turnpike Civic Centre
P.O. BOX 360194
KAFUE

Dear Sir,

RESURVEYING MUGOTO SETTLEMENT GRAZING GROUND AND SETTLERS FARMS.

Please refer to telephone conversation held between Philip Mufaya Settlement Committee Chairman and Mr. Mpundu Nyirenda of Chikankata District Council today.

I confirm that the area you are resurveying for purpose of constructing Chikankata District Civic Centre Offices is settlement area allocated to specific individuals and their families as well as grazing ground for cattle of settlers (farmers appeal papers and signed attached)

I regret you over looked important ingredient of including my committee to collaborate together before resurveying said land for proposed building of Civic Centre Offices. You have hurried to talk to persons without authority over settlement land. Please be informed that in all district settlements, there are no village Headmen perse as a measure of avoiding confusion. All settlers are regarded as mere farmers, such farmers are only answerable for their farms, such as Amon Hacifwa is answerable for Farm 227 only. For reference our minutes of 17th October 2012 are attached explaining status of Headmanship in settlement area.

I suggest that you urgently call stakeholders meeting in settlement towards resolving the ongoing erroneous approach on sitting Civic centre offices.

I am looking forward for co-operation from you.

Yours Sincerely,

P. Mufaya

PHILIP MUFAYA
CHAIRMAN

PHILIP S. MWEENE
SECRETARY

WEBSON MUNOMBWE
CAMP EXT AGRIC OFFICER

CC: District Commissioner
Chikankata District

CC: Provincial Planning Engineer
Livingstone

CC: The District Agricultural Co-ordinator
Mazabuka

"CM15"
142

"CM3"

MINUTES OF CONSULTATIVE COMMITTEE MEETING BETWEEN MUGOTO SETTLEMENT AND 35 REGISTERESTED FARMERS HELD AT CHAKOLA, 27TH MARCH 2013.

PRESENT:

Philip Mufaya	-	Chairman
Henry Mulando	-	Vice Chairman
Philip S. Mwene	-	Secretary
Lato Mweemba	-	Member

GOVERNMENT OFFICIALS

Webson Munombwe	-	Camp Agricultural Officer
Ignitlows Kabunda	-	Veterinary

BY INVITATION

35 Registered farmers east of great north Road Within catchment area of Nega-Nega Turn Off

ABSENT WITH APOLOGY

Fines Munsanje	-	Vice Secretary
Lita Chibala	-	Member
Velinah Mweene	-	Member

ABSENT WITHOUT APOLOGY

Christeter Mufaya	-	Member

ITEMS:

- Roll Call
- Prayer
- Chairperson opening remarks,

- Opinions of 35 registered farmers on going erroneous approach to building Chikankata, (District Council Civic centre office within Mugoto Settlement grazing and farm land and catchment area of Nega-Nega Turn off east of great North Road.
- Chairman's closing Remarks

CHAIRMAN'S OPENING REMARKS

Mr. Philip Mufaya Chairman of Settlement Committee has welcomed settlement committee members present and the 35 famers in company of their families to a consultative meeting which he said was important occurrence. He cautioned members present to be objective in their individual contributions to subject matter and declared meeting open for further discussion.

CONSENSUS OPINIONS OF 35 REGISTERED FARMERS ON ONGOING ERRONEOUS APPROACH TO BUILDING CHIKANKATA DISTRICT COUNCIL CIVIC CENTRE OFFICES WITHIN MUGOTO SETTLEMENT GRAZING AND FARM LANDS WITHIN CATCHMENT AREA OF NEGA-NEGA TURN OFF EAST OF GREAT NORTH ROAD.

The consultative meeting resolves:

that they should vote by rising their hands as the expression of individual farmers decision on whether or not Chikankata District council offices should be built at Nega-Nega turn off within catchment area of Mugoto Settlement grazing and farming area.

Votes were counted in settlement committee meeting hall. No votes in relation to refusing to build council offices were 45, There were no yes votes accepting to build district council Civic Centre Offices at Nega-Nega turn off.

A list 35 registered farmers attached as appendix 1

The consultative committee further resolves

That grounds of refusal to accept building district council offices in settlement area include_

a. Settlement land is not "green" (vacant) it is settled and surveyed by agriculture Ministry to revamp agricultural activities.

b. Land allocated to individual farmers was made by selection committee and complete in as early as 1979 (33years)

c. District Council Secretary for Chikankata failed to seek consent of farmers and stakeholders on his intention to build district council offices in grazing and farm land.

d. By virture of council approval of 35 individual farmers application letters seeking settlement after interviews at the chamber, settlers become legal owners of settlement land in 1979 and have a right of claim on same

e. Settlement land positioned east of great North Road is subdivided as grazing ground for cattle of settlers as well as farms for producing various crops serving as food security for families.

f. Individual farmers are given specific land space and measured systematically and each farm is numbered accordingly. Farmers have rights and claim on their land space both individually and collectively.

g. Land allocated to individual farmers is now cleared of Stumps, Bush, and Trees and is fully utilized. Affected residences have depended on these farms as source of lively hood in the past 33 years.

h. In Zambia settlement schemes are managed by Settlement Committees who implement rules and regulations as well as by laws, with a backing support of Act of Parliament. Major role of the settlement is to revamping agriculture economic development in items

of live stock and food processing away from traditional land scenario and leadership.

CHAIRMAN'S CLOSING REMARKS

The chairman declared meeting closed after a prayer

.....

Philip Mufaya
CHAIRMAN

.....

Philip Mweene
SECRETARY

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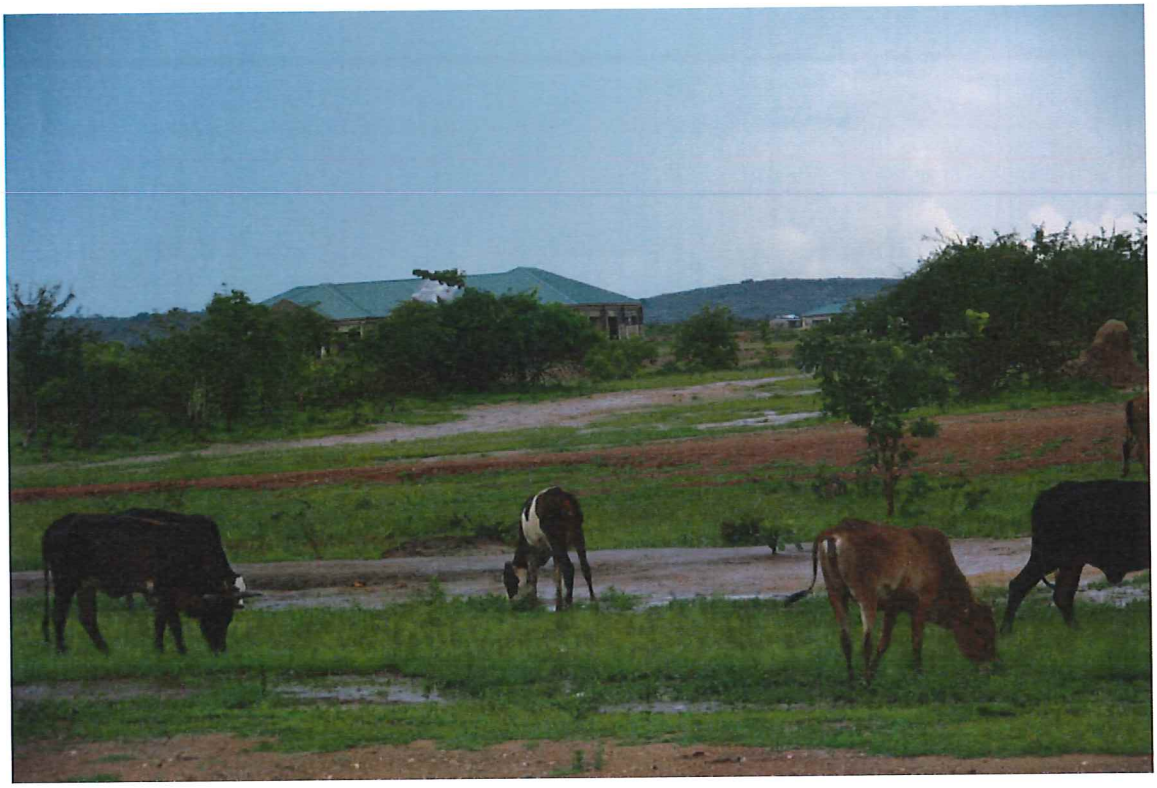
146

147



"CM4"

"CM17"
153

2nd October, 2013

03 OCT 13

The Attorney Generals Chambers
Ministry of Justice
3rd Floor, New Kent Building
P.O. Box 50106
Lusaka

03 OCT 2013

Dear Sir,

RE: CONSTRUCTION OF TOWN ON FARM 106 CHIKANKATA

We kindly refer to the above matter and advise that we have been retained by Mr Cosmas Mweemba and 34 other occupants residing in the "Mugoto Settlement" to request you halt the destruction, demolition of our client's properties as well as threatening the residents of Farm 106 Chikankata.

This claim arises from the actions of your agents or servants that have moved onto our client's property with the objective of constructing a town over their piece of land without compensation neither with the option to reallocate our clients and have already began to demolish property and began construction works. Our clients have resided on the said land since the 1970's and hold the property either on title or on customary law tenure. Therefore your actions are wrongful as well as illegal.

Our clients have made efforts to resolve and get clarification on what exactly your objectives are over the said land following the creation of Chikankata District and how it would affect its residents.

This therefore serves as a final demand letter to yoursel to stop construction works on the said land within 3 working days of receipt of this letter, failure

to which our clients have instructed us to commence legal proceedings against yourselves.

Yours faithfully

MUSHIPE & ASSOCIATES

cc: The Attorney General

cc: Cosmas Mweemba

Received by:.....

Date:.....

Signature:.....

"CM 18"
155

MUSHIPE & ASSOCIATES

Legal Practitioners & Commissioners for Oaths

Plot No. 6953 Birdcage Walk Longacres, Villa 48, Millennium Village P.O. Box 33813 Lusaka

A MUSHIPE A.S.C.Z LLB (UNZA) MBA UL.UK) Post.Grad-Dip Women's Law (U.Zim)
(France/Switzerland) Cert I.T. (PDD Cons. Zam)
ED BY:BUBALA CHIBBONTA-LLB (UNZA) LLM (UPSA) P.G. Dip Legislative Drafting (GHANA) Dip Legislative Drafting (ZIALE)
ATE LAWYER:KEITH MWEEMBA-LLB(UNZA) POSTGRAD-DIP IN LEGISLATIVE DRAFTING(ZIALE)

TEL: 0211231188(FAX:0211236303)
CELL: 0955/0977-879964/0966-734555
P.O. BOX 33813,Lusaka
email:mushipe@yahoo.com

4th February, 2014

Marshal to Hon. Justice Chawatama
High Court of Zambia
P.O Box 50067
Lusaka

RE: COSMAS MWEEMBA & 34 OTHERS v. CHIKANKATA DISTRICT COUNCIL & THE ATTORNEY GENERAL: 2013/HP/1654

Further in the above matter following the postponement of the matter which was scheduled to take place on the 24th January 2014, we are requesting that a notice of hearing be issued for such a hearing on the soonest date possible.

We suggest the following dates available 19th, 20th, 24th, 26th, 27th, 28th February, 3rd-7th March, 12th, 13th 14th, 17th-21st March.

Kindly acknowledge receipt of this letter by signing a copy of the letter thereof.

Sincerely,

MUSHIPE & ASSOCIATES

CC: Messrs Nchito & Nchito

"CM 19"
156

MUSHIPE & ASSOCIATES

Legal Practitioners & Commissioners for Oaths

Plot No. 6953 Birdcage Walk Longacres, Villa 48, Millennium Village P.O. Box 33813 Lusaka

MARTHA MUSHIPE A.S.C.Z LLB (UNZA) MBA (UL,UK) Post.Grad-Dip Women's Law (U.Zim)
Cer. HR (France/Switzerland) Cert I.T. (PDD Cons. Zam)
ASSOCIATES:BUBALA CHIBBONTA-LLB (UNZA) LLM (UPSA) Post.Grad. Dip Legislative Drafting ZIALE() Dip Legislative Drafting (GHANA)
KEITH MWEEMBA-LLB (UNZA) Post-grad-DIP Legislative Drafting(ZIALE)

TEL: 0211231188(FAX:0211236
CELL: 0955/0977-879964/0966-734
P.O. BOX 33813,Lusa
email:mushipe@yahoo.c

24th February, 2014

Marshal to Hon. Justice Chawatama
High Court of Zambia
P.O Box 50067
Lusaka

RE: COSMAS MWEEMBA & 34 OTHERS v. CHIKANKATA DISTRICT COUNCIL & THE ATTORNEY GENERAL: 2013/HP/1654

Further in the above matter following the postponement of the matter which was scheduled to take place on the 24th January 2014, we are requesting that a notice of hearing be issued for such a hearing on the soonest date possible.

We are aware the delay was due to the Judge sitting on the tribunal however the application that was meant to come up on the 24th January, 2014 was for an injunction and filed in with a certificate of urgency. We therefore require for the soonest date possible as the application to be heard is a matter of urgency

Sincerely,

pp

MUSHIPE & ASSOCIATES

"CM 20"
157

Mushipe and Associates

Advocates and Commissioners for Oaths

2rd May, 2014

The Marshal,

Justice G. Chawaatama

High Court.

Lusaka.

Dear Sir,

RE: COSMAS MWEEMBA AND 34 OTHERS VS CHIKAKANTA DISTRICT COUNCIL AND ATTORNEY GENERAL

We advice that the Defendants herein have continued to build despite the court process. The 1st defendant is in the process of engaging contractors as per their resolution at a meeting held on 30th April, 2014 wherein the affected people were not in attendance.

We fear that this matter will be rendered an academic exercise. Our clients are defenceless and can only seek justice from the court of law.

We shall be grateful a date for the Injunction application.

Yours faithfully,

MUSHIPE & ASSOCIATES

cc: Attorney General

cc: Nchito & Nchito

Martha Mushipe
ASCZ; LL.B(UNZA); MBA(Int. Lincoln UK);
Post Grad Dip Women's Law(UZim)
Cert. IHR(France/Switzerland; Cert. I. T. PPD Cons. Zim

Assisted by:
Makondo Simubala LL.B; M.A. (Peace and Conflict), ACHZ

Plot 6953 Millennium Village
Tel: 021-1-231188
Fax: 021-1-236303
Cell: 0955/0977-879964; 0966734555

"CM21"
158

MINISTRY OF LOCAL GOVERNMENT AND HOUSING

CHIKANKATA DISTRICT COUNCIL

Civic Centre, Turnpike
PO Box 360194
Chikankata
KAFUE

Telephone No 0213-235544
Reference No CDC/

28th April 2014

30/4/2014

To. CHAIRMAN MUSOTO
SETTLEMENT
.....
.....
.....

Dear Sir/Madam

INVITATION TO STAKEHOLDERS MEETING OVER TOWNSHIP BOUNDARY

Reference is made to the above captioned subject.

After the declaration of Chikankata as a district in 2012, the stakeholders in the district had met and agreed on Neganega turnoff area as a place where the new Chikankata district centre would be located. Then the Provincial Planner Department of Physical Planning and Housing of southern province and officers from Chikankata district council with help of traditional leadership (Headmen) went on the ground to determine the township boundary and have since produced a map. This map is supposed to be presented to the stakeholders before it is submitted to the Ministry of Local Government and Housing for Gazzeting.

It is in view of the above background that I write to invite you to this urgent stakeholders meeting to look at the draft Chikankata district centre township map. The meeting will take place on Wednesday 30th April 2014 at 09:00hours at Chikankata Civic offices at turnpike. The Permanent secretary Southern province will be in attendance at this meeting.

Your participation to this important meeting will go a long way to the development of the district.

Yours faithfully

CHIKANKATA DISTRICT COUNCIL

pp

D MUKWATO
COUNCIL SECRETARY

cc Council Chairman
cc Hon M Habeenzu Chikankata Constituency
cc District Commissioner Chikankata District

25 + 26 Papers

Over 4,000 families face displacement in Chikankata

By Nation Reporter

Over 4,000 families in the Chinkakata farming block face displacement to pave way for the construction of government offices in the newly created district.

According to the representatives of the affected people who stormed the Daily Nation newspapers on Wednesday said that the decision to establish government offices in the farming block will displace over 4,000 households including over 5,000 head of cattle.

They said that the situation was worrying because the people in the area were not consulted and were surprised to see a Chinese firm putting up buildings.

"The problem is that the council did not consult us, even to hold a meeting on where we should go. This is a new district and we are aware that there is need for government offices and other infrastructure but that should be done in consultation with the settlers. We are not squatters as they want to put it," said the farmers.

They said that both the district council and PF officials were imposing the construction of offices in the grazing and farming land when there was land near the Munali Hills.

Chikwanda

"We rear animals there, we keep goats, we keep pigs and we also keep poultry. If government neglects us and allow construction of offices to go ahead, life will be difficult," said the officials who did not want to be mentioned for fear of victimization.

The settlers said that they made a proposal of a place where they could build the new town rather than displacing people from a fertile piece of land.

"They have already started building on our farms, they want to build a clinic, a hospital, a modern market, government offices, a mall, a bus station new toilets and a school. We are not opposed to this kind of development and if anything we are thankful.

"But we also need to eat, we need to produce food for our people and for sale, so if they displace us from this land as it is, where are we going to settle and do our agriculture," the asked.

The settlers who travelled from Chinkakata to Daily Nation offices, claimed that they have been living on the same land since 1978 said that they were shocked that despite the Mazabuka council subdividing the land in question, the newly established Chikakanta District Council has gone against the resolution.

They also made available some documents indicating that the current Minister of Finance Alexander Chikwanda authorized them to settle on the same land when they were moved from Munali Hill in the 80s.

"When Mr. Chikwanda was Minister of Lands and Agriculture in the Kaunda days he is the one who released the land to farmers in Chief Naluama area. He addressed us together with the then Member of Parliament who was also Minister of State for Local government and Housing Mr. Joshua Lumina. Mr. Chikwanda could not be immediately reached for a comment

Kambwili challenged over cadres escorting their leaders

By Nation Reporter

The UPND has challenged PF national youth chairm Chishimba Kambwili on his attack on the opposition ty cadres attending court sessions whenever their le Hakainde Hichilema is in court.

Last week Mr. Kambwili, who is also sports and youth ministe tigated UPND cadres for besieging the court premises. This foll an incident where a judiciary officer drove into a group of c who had gone to offer solidarity to Mr. Hichilema, injuring nir UPND central province youth chairman Milner Mwanakampv challenged the minister to first practice what he is preaching attacking others.

Mr. Mwanakampwe was speaking following a multitude cadres who thronged the Lusaka High court premises on W day when President Michael Sata personally came to court t fy against Daily Nation Editor Richard Sakala in a matter wh President claims to have been defamed.

And Mr. Mwanakampwe said Mr. Kambwili was behaving i ocritical manner because everything he was attacking the UP is what his own cadres were doing, even to a larger extent t of the opposition. He reiterated that the youths and ordinary thizers from all corners of the country will be escorting Mr. Hi

"Kambwili must first sweep his house clean before he alleged dirt in our house, he criticized us but look at the u youths who escorted President Sata on Wednesday. You al them boasting that they will always be coming to court, so 'holier than thou' Chishimba Kambwili?" asked Mwanakam

We shall not displ people - Vikram

By Nation Reporter

Vikram Investments Limited, the company whose quarrying and mining area has been invaded by a Chinese company, China Jiangsu International

whatsoever to displace any citizen. Our aim is with the local people bring employment an ment, while preservir ronment for future g the statement reads

Vikram Investme

CM 22 160

"CM23"
161

IN THE HIGH COURT FOR ZAMBIA
AT THE PRINCIPAL REGISTRY
AT LUSAKA
(Civil Jurisdiction)

2013/HP/1654

BETWEEN:

COSMAS MWEEMBA AND OTHERS — Plaintiffs

AND

CHIKANKATA DISTRICT COUNCIL — 1st Defendant

ATTORNEY GENERAL — 2nd Defendant

AFFIDAVIT IN SUPPORT OF SUMMONS FOR MISJOINDER

I, **PAUL KACHIMBA**, a Zambian National of House No. 23044 PHI, in the City and Province of Lusaka in the Republic of Zambia **DO HEREBY MAKE OATH** and **SAY** that:

1. That my particulars are as stated above.

2. That I am a Legal Officer at the Ministry of Lands and it is in this capacity that I swear to this Affidavit from facts personally known to me to be true and correct to the best of my knowledge.

3. That according to our records, the Mazabuka Municipal Council recommended the acquisition of title deeds to 219 Mungoto Settlement settlers on 3rd August, 2004.

4. That the farm in question used to be farm 106a which was cancelled and subdivided to settlements. Most of these subdivided settlement plots have not been issued with offers except for the three namely L/Mungoto/5, L/Mungoto/41 and L/Mungoto/71

5. That the land in question has always been state land and therefore the issue of communal grazing land does not arise.

6. That we have no information on where exactly they want to put up Chikankata District Council, however, from the Statement of Claim, it appears the plot was not offered to any particular individual as they have described it as a communal grazing land.

7. That in any case, Commissioner of Lands has not issued any offer on the land in question and therefore it follows that there is no course of action against the 2nd Defendant.

8. That in light of the foregoing, I seek the indulgence of this Honourable Court to misjoin the 2nd Defendant from this action as clearly this is a matter which has to do with Chikankata District Council and not the Commissioner of Lands.

9. That I swear to this my affidavit believing the same to be true to the best of my knowledge.

SWORN by the said)
PAUL KACHIMBA)
At Lusaka)
This day of 2015)

LEGAL AID BOARD
ADVOCATES AND
COMMISSIONERS FOR OATHS
LUSAKA

BEFORE ME: _____
COMMISSIONER FOR OATHS

Ministry of Lands,
Natural Resources And
Environmental Protection

Office of the Commissioner of Lands

Mulungushi House
Independence Avenue
P . O . Box 30069
Lusaka.
Telephone : 260-01-254273
FAX : 260-01-250130

Offer for a 99 year lease

("CM24")
163

MWEENE PHILIP SAMBOKO

P.O BOX 208, KAFUE.,

Date.: Wednesday, February 26 2014

Generated by.:MAUREEN MUMBA

Dear Sir/Madam,

Settlement

Property No.: L/MUGOTO/71

1. With reference to your recent application for Settlement in MAZABUKA Serial No.: 56142

I am pleased to advice that it has been approved. Accordingly, you are requested to pay this office within 30 days of this letter K 620.88 , broken down as follows :

Description	Amount (K)
ANNUAL RENT	25.22
CONSIDERATION FEES	499.80
REGISTRATION FEES	46.00
PREPARATION FEES	49.86

2. You are further requested to cause payment of service charges to the council of MAZABUKA and by copy of this letter, the council is kindly requested to send you a demand letter. Upon payment of the service charges to the said council, I should be grateful to receive the official notification from council.

3. The lease will be for a term of 99 years from 01/02/2014 , and the annual ground rent under the lease will be K 29.88 payable in arrears to this Department on or before the 31st December, each year.

The lease will include the following clauses, among others :

(1) requiring the completion not later than 18 months of the date of the offer letter, of building to a minimum value of K 100,000.00 and the completion of the foundation thereof by 9 months of the date of the offer letter;

(2) restricting the use of the Settlement to Residential purposes as permitted by the Approved Development Plan for township and no other purpose;

(3) ...ibiting the assignment, subdivision, mortgaging or sub-letting of the Settlement without prior written consent of State.

...f the sum mentioned in paragraph 1 above are not paid, and evidence of their payment produced to me within 0 d... of this offer will be deemed to have lapsed and the Settlement will forthwith be offered to some other suitable party.

...is a condition of this offer that no refund will be made and no compensation will be paid if the land is ...elinquished, or the lease is terminated by the State for breach or non observance of any covenant contained in the lease.

...ou are reminded that before any development is effected on the land the prior consent of the Planning Authority must be obtained.

...urs faithfully,

...me: Maureen Mumba

...e: 26/2/14

...nature: Mai

COMMISSIONER OF LANDS

Name: Tamani Chilumba

Date: 26/2/14

Signature: Chilumba

Witness (Lands Officer or Above)

Office of the Commissioner of Lands

"CM25"
164

IN THE HIGH COURT OF ZAMBIA
AT THE PRINCIPAL REGISTRY
AT LUSAKA
(Civil Jurisdiction)

2013/HP/1654

BETWEEN:

COSMAS MWEEMBA AND 34 OTHERS — **Plaintiffs**

And

CHIKANKATA DISTRICT COUNCIL — **1st Defendant**

ATTORNEY GENERAL — **2nd Defendant**

1ST DEFENDANT'S AFFIDAVIT IN OPPOSITION TO SUMMONS FOR INTERLOCUTORY INJUNCTION

I, JOHNSON CHANGWE of House Number P8-4C6 Kafue Estates Kafue in the Lusaka Province of the Republic of Zambia **DO HEREBY MAKE OATH** and **SAY** as follows:

1. That my full names are as stated above.
2. That I am a Zambian National.
3. That I am in the employ of the 1st Defendant Council as Council Secretary whereof I have authority to swear this affidavit from facts within my personal knowledge unless otherwise stated.
4. That I have seen and read the Affidavit in support of summons for an interim injunction and wish to respond as follows;
5. That on 14th December 2012 at the final meeting of stakeholders in Mazabuka, it was resolved that the Administrative Centre for Chikankata District and a new township would be located at Nega-Nega Turn-off on the Great North Road.
6. That the 1st Defendant Council held an ordinary meeting on 26th December 2012 at which it affirmed the decision of the stakeholders to site the Administrative Centre at

Nega-Nega. That there is now produced and shown to me a true copy of the Minutes of the meeting marked **"JC 1"**.

7. That the 1st Defendant Council proceeded to seek approval from His Royal Highness Chief Naluama by way of endorsing on the site plan/map for the proposed township boundaries. That there is now produced and shown to me a true copy of the site plan endorsed by His Royal Highness Chief Naluama marked **"JC 2"**.
8. That further to the approval at paragraph 7 above, the Ministry of Local Government proceeded to appoint a construction company to commence the works in the area.
9. That no individual settler holds title statutory, customary or otherwise to any of the land in the area within the proposed township plan.
10. That construction works commenced in September 2013 and no individuals have been displaced or are at any risk of being displaced from their settlements as all the dwellings will eventually be integrated into the proposed township plan.
11. That in the premises this is not a proper case for an interim injunction to be granted to the Plaintiffs because despite not having title to the land, they are not in danger of being evicted from their dwellings and their fear is unfounded.
12. That I depose to this my affidavit verily believing the same to be true to the best of my knowledge and belief.

SWORN BY the said)
JOHNSON CHANGWE)
At Lusaka)
This day of 2013)

Before me:

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
13 DEC 2013
COMMISSIONER FOR OATHS
P.O. BOX 50067, LUSAKA

COMMISSIONER FOR OATHS

166

IN THE HIGH COURT OF ZAMBIA
AT THE PRINCIPAL REGISTRY
AT LUSAKA
(Civil Jurisdiction)

2013/HP/1654

BETWEEN:

COSMAS MWEEMBA AND 34 OTHERS — **Plaintiffs**

And

CHIKANKATA DISTRICT COUNCIL — **1st Defendant**

ATTORNEY GENERAL — **2nd Defendant**

CERTIFICATE OF EXHIBITS

These are the exhibits marked **"JC1"** to **"JC2"** referred to in the Affidavit of **JOHNSON CHANGWE** sworn before me.

Dated at Lusaka this day of 2013

Before me:

Commissioner for Oaths

REPUBLIC OF ZAMBIA
HIGH COURT OF ZAMBIA
3 DEC 2013
JUDICIARY
COMMISSIONER FOR OATHS
P.O. BOX 50067, LUSAKA

"JC 1"

CHIKANKATA DISTRICT COUNCIL

MINUTES OF THE SECOND ORDINARY OF THE COUNCIL HELD IN THE CONFERENCE HALL, CIVIC CENTRE AT TURNPIKE, CHIKANKATA ON WEDNESDAY 26TH DECEMBER 2012 AT 10 15 HOURS

PRESENT

Councillors:	D Katowa, *Council Chairman*
	S Lumina, *Vice Council Chairman*
	C Ngoma
	T Chipolyonga
	S M Mweene
	I Namakala
	P Mainza
	A M Ng'andu (Ms)
	B Hanunka
	P Mulungwe

APOLOGIES FOR ABSENCE

Councillor	Honourable M Habeenzu, *MP*

IN ATTENDANCE

Council Secretary	N J Changwe
Council Treasurer	J S Sachikola
District Planning Officer	M Nyirenda
Senior Administrative Officer	M Waliywa (Ms)
Procurement Officer	T Hilundu
Internal Auditor	B Akafumba (Ms)
Committee Clerk	W Michelo

PRESENT BY INVITATION

District Commissioner	S Simayaba
District Education Board Secretary, Mazabuka	M T Hanguwa

Assistant District Marketing Officer, Mazabuka — D Mabumba.

Planner Officer, Ministry of Health, Mazabuka — L Phiri

NATIONAL ANTHEM AND PRAYER

Prior to the commencement of the meeting, the national anthem was sung and Councillor P Mulungwe led those present in a prayer.

NOTICE OF MEETING

The Council Secretary read the notice of meeting and immediately thereafter the meeting was declared open.

CDC/14/12/12 APOLOGY FOR ABSENCE

RESOLVED

That the apology for absence received from Councillor Honourable M Habeenzu, *MP* be accepted.

CDC/15/12/12 COUNCIL CHAIRMAN'S ANNOUNCEMENTS AND COMMUNICATIONS

The following were the announcements and communications of the Council Chairman to the second ordinary meeting of the Council: -

a) On 26th October 2012, he had attended a one-day Induction Meeting for Council Chairpersons and Council Secretaries of the newly created Councils held at ZAMCOM Lodge in Lusaka and organised by the Ministry of Local Government and Housing. The Permanent Secretary officiated at the function.

b) From 17th to 19th October 2012, he was amongst the Councillors who attended the District Forum as delegates on the Draft Republican Constitution held in the Scholl Hall at Chikankata High School. Three (3) delegates elected at the same Forum namely; Memory H Hambizi, Abraham Mulamata and Kaheshi Kaposhi will represent the District at the Provincial Forum yet to be convened sometime in the first quarter of 2013.

c) On 24th October 2012, Councillor C Ngoma, on behalf of the Council Chairman officiated at the 48th Independence Day celebrations for the District held at Chikankata High School grounds.

d) On 26th November 2012, he had together with other Councillors attended the launch of the newly built Kafue Weighbridge at Kafue checkpoint for the Road Development Agency by Honourable C Yaluma, *MP* Minister of Transport, Communication, Works and Supply.

e) On 1st December 2012, he had officiated at the World Aids Day for Chikankata District under the theme *'Getting to zero - I am a youth making a change for an HIV-free Zambia'* held in Kafue Gorge at the open grounds near Namalundu Mini-mart.

therefore proceeded to invite bids from interested members of the public to submit their designs.

The meeting heard that however, only two (2) bids had been received and that members were therefore, at liberty to make comments and choose a seal or emblem that was suitable, clearly and easily interpreting the main economic activities taking place in the District. Copies of the designs prepared by Linatech Enterprise and Bevin Neene had been reproduced and were attached to the report for reference.

On a proposal by Councillor P Mulungwe seconded by Councillor P Mainza, it was

RESOLVED

That the design by Linatech Enterprises of Mazabuka as was attached to the report be selected and adopted to constitute the common seal of the Council and submitted to the Honourable Minister of Local Government and Housing for approval in terms of Section 8 of the Local Government Act, Chapter 281 of the Law of Zambia.

CDC/24/12/12 SURRENDER OF THE STAFF SECONDED TO CHIKANKATA DISTRICT COUNCIL

It was reported that further to the Ministerial guidelines contained in a circular letter of 21st June 2012 issued by the Ministry of Local Government and Housing on the sharing of assets, liabilities and human resource between parent Councils and the newly established Councils, the Permanent Secretary had in a letter dated 10th December 2012 also copied to the Honourable Minister directed that in view of the end of the six (6) months' period of secondment to the new Councils, all the seconded officers/employees were required to be immediately surrendered and reverted to the parent Councils.

The members were informed that in the same vein, the new Councils had been directed to forward their requirements of staff in Divisions I, II and III to the Local Government Service Commission which had the mandate to employ such personnel and also that each Council had been advised to phase and begin recruitment of its own employees falling under the Division IV. After some discussions, it was

It was however, felt that the Council Chairman and the Council Secretary ought to travel to the Ministry of Local Government and Housing urgently and make a representation for the Council to temporarily retain some of the core staff on secondment in order that the normal running of day-to-day functions was not disrupted or adversely after 31st December 2012.

It was then observed that the matter could and would still be handled administratively by the office of the Council Secretary.

The report was NOTED.

CDC/25/12/12 SITING OF THE DISTRICT CENTRE AND TOWNSHIP AROUND NEGA-NEGA JUNCTION

It was reported that during the last and final meeting of the stakeholders over the siting of the District Centre and the township for Chikankata held on 14th December 2012 at the Civic Centre in Mazabuka, it had been resolved that Nega-nega junction

on the Great North Road be selected to accommodate all the physical infrastructure needed for developing a new town.

The members were informed that in view of the aforesaid development, Management was collaborating with the Provincial Planning Officer and would jointly carry out of a reconnaissance visit to the area between 2nd and 10th January 2013 before producing the site plans and maps for the proposed township area.

In a related development, it was reported that following the advertisement which recently appeared in the print media inviting tenders for the construction of medium cost housing units in selected newly created Districts including Chikankata, the Ministry of Local Government and Housing had since set Friday 28th December 2012 for interested bidders or contractors to undertake visits to the sites proposed by the individual Districts and that the closing date for receiving of bids at the Ministry headquarters was 11th January 2013.

Arising from the report, the Councillors pointed out that they were dismayed at some of the disparaging remarks made by the District Commissioner, Mazabuka during the same stakeholders meeting in his attempt to respond to a concern raised regarding the Government's preparedness and willingness to resettle and compensate villagers currently occupying land identified for the siting of the District centre and township.

It was reiterated that issues which involved resettlement or displacement of subjects to pave way for infrastructure development deserved serious and more careful attention and must not be grossed over by any officials representing the Government in the District. After further deliberations, it was however

RESOLVED

That the selection of Nega-nega junction by the stakeholders during the final meeting held in Mazabuka on 14th December 2012 as the most suitable site to host the District Centre as well as the setting up of a new township be upheld by the Council.

CHAIRMAN'S CLOSING REMARKS

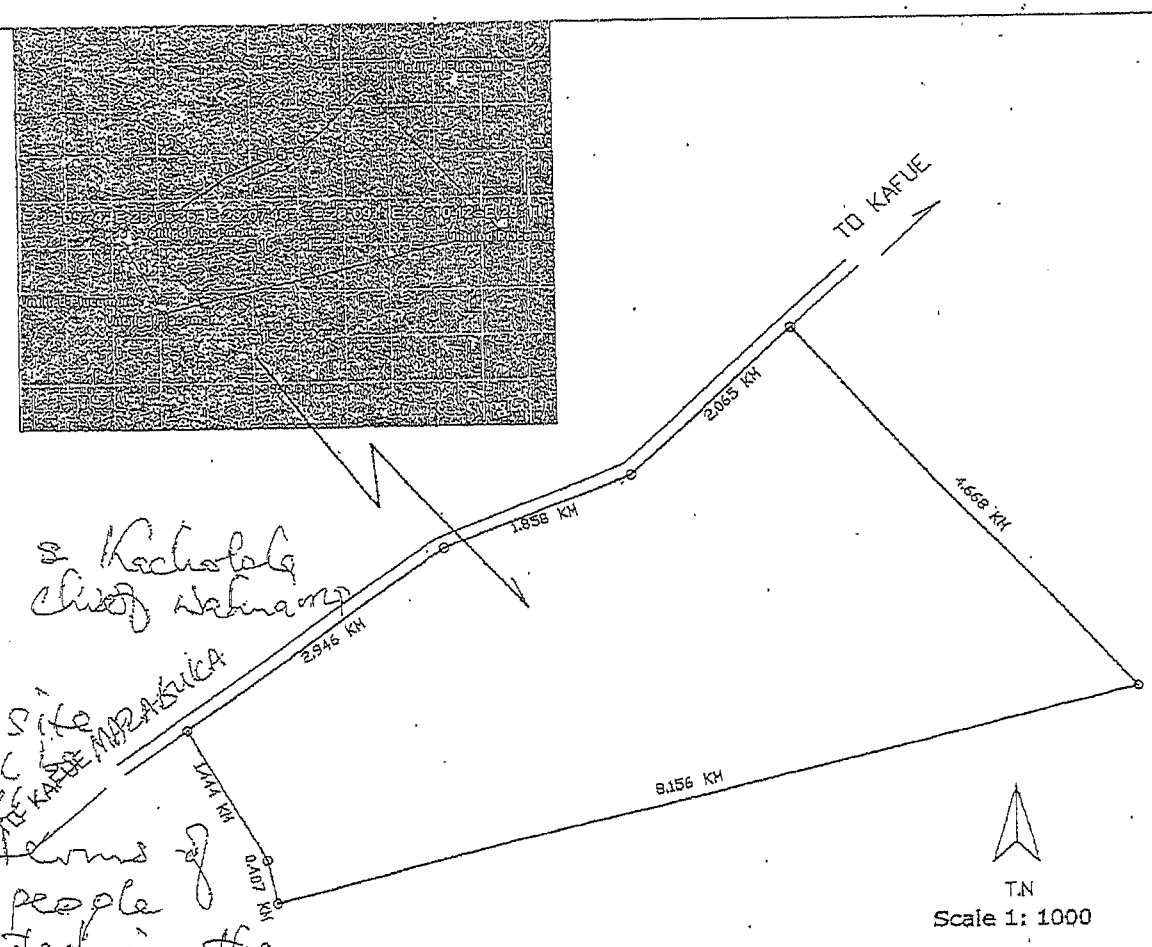
The Council Chairman thanked his fellow Councillors for the openness in their debates and also for the patience and team spirit exhibited throughout the meeting. He extended his gratitude to Management for compiling and circulating copies of the minutes/reports to all the Councillors in good time.

There being no other business to transact the Council Chairman declared the meeting closed at 13 45 hours after a prayer by Councillor B Hanunka.

SIGNED CHAIRMAN .....

DATE 22-03-13

JC 2



09. 09. 13 S Kachokola
Chief Wahnama

According to the site plans there will be no people who will be affected in terms of relocations as people will be integrated in the new township plan.

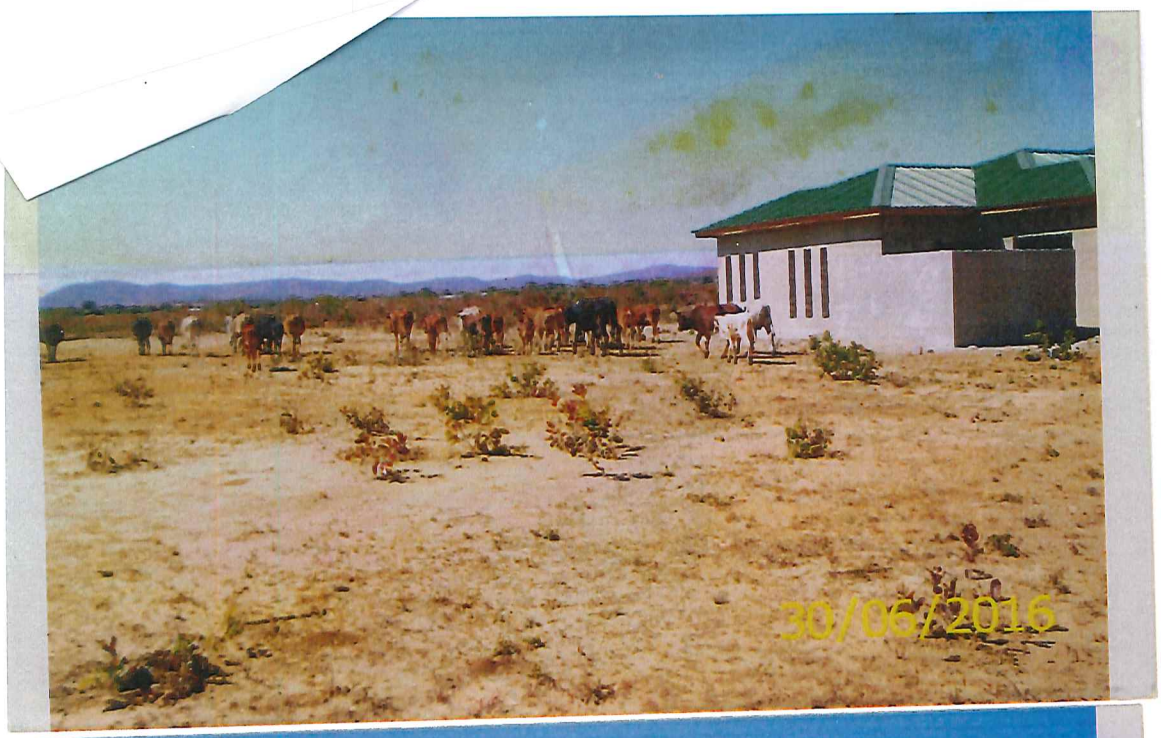
CHIKANKANTA

Proposed Township Boundary for Newly Created District of Chikankanta

MINISTRY OF LOCAL GOVERNMENT & HOUSING

DEPARTMENT OF PHYSICAL PLANNING & HOUSING

171


30/06/2016

30/06/2016

30/06/2016

30/06/2016

("CM 27")
173

PENDINCE SHAMAYUMA	26TH PLAINTIFF
PETER MULOBANI	27TH PLAINTIFF
RUTH MILIMO	28TH PLAINTIFF
SILVIA ANGOLA MULULUMA	29TH PLAINTIFF
SIMEON MAAMBO	30TH PLAINTIFF
SIMON MOONGA	31ST PLAINTIFF
TRAVOR MWIINGA	32ND PLAINTIFF
VINCENT CHEEMBO	33RD PLAINTIFF
WILFRED MUDUDU	34TH PLAINTIFF
MABLE HANKUMBA	35TH PLAINTIFF

AND

CHIKANKATA DISTRICT COUNCIL	1ST DEFENDANT
THE ATTORNEY GENERAL	2ND DEFENDANT

BEFORE : HON. JUDGE G.C. CHAWATAMA

For the Plaintiffs	:	*Mr. Mushipe - Messrs Mushipe & Associates*
For the 1st Defendant	:	*Mrs Ngosa Simwachela - Messrs Nchito & Nchito*
For the 2nd Defendant	:	-

RULING

CASES REFERRED TO:

1. *Baker V Midway Buildings and Supplies Limited 1988 AE LR page 590*
2. *Belamono V Ligure Hambard Limited 1976 ZLR at page 267.*

AUTHORITIES REFERRED TO:

1. *Order 18 Rule 19 (1) © of the Supreme Court Rules the 1999 Edition.*
2. *Halbury's law England Volume 36 paragraph 73*

On the 14th November, 2013 the Plaintiffs filed a writ of summons and statement of claim. The Plaintiffs thirty-four in number claim the following:

1) *An Order that the Defendant cannot displace the Plaintiffs from land which has already been allocated to them and surveyed awaiting issuance of Title Deeds.*
2) *An Order that the intended eviction and demolition of the Plaintiffs' properties is wrongful and unlawful.*
3) *An Order that the Plaintiffs have acquired rights over the said grazing land.*
4) *Compensation for loss of grazing land and demolition of property.*
5) *Damages for unlawful and wrongful acquisition and use of land.*
6) *Damages for deprivation of property.*
7) *An Order that all the Plaintiffs be issued with Certificates of Title for their respective properties which were surveyed in 1979.*
8) *Damages for inhuman and degrading treatment.*
9) *Damages for anguish and emotional turmoil.*
10) *Damages for trespass and unlawful encroachment on the Mugoto Settlement and or the Plaintiffs' respective properties and community grazing land.*
11) *In the alternative that the Plaintiffs be re-allocated to suitable farming and grazing land within the district.*
12) *Interest.*
13) *Order of interlocutory injunction restraining the 1st Defendant and that the 2nd Defendant or their servants or agents be restrained from interfering intermeddling fencing off, harassing, evicting, demolishing, displacing developing or illegally taking possession of the property being the Farm Number 106 Chikankata District Southern Province and or forming part of or known as "Mugoto Settlement" or any way dealing with the property until the final determination of the matter herein.*
14) *Costs of and incidental to the proceedings.*
15) *Any other relief the court might deem fit.*

Although the application for an ex-parte application for an order of interlocutory injunction was not heard which application was filed on the 14th November, 2013 the court went ahead to hear the first Defendant's preliminary issue to strike out pleadings pursuant to ***Order 18 Rule 19 (1) © of the Supreme Court Rules the 1999 Edition.***

The gist of the application was that there were certain paragraphs in the statement of claim which offended the rules of pleadings and would prejudice and delay the trail of the matter.

The Plaintiffs filed an affidavit in opposition to the 1st Defendant's affidavit in support of summons to strike out pleadings. The Plaintiffs stated that the first Defendant did not disclose what rules have been offended in the statement of claim and were unable to reply in detail. However, Counsel for the Defendant in her submissions stated that the 1st Defendant application was to strike out paragraph ***4,5,6,7,8,11,13,14,16,17,18 to 20*** and paragraph 23 pursuant to ***Order 18 Rule 19 (1) © of the RSC.***

According to Counsel the said paragraphs contain wholly immaterial matters that have been set out in a way that the Defendant preparing their defence must respond to them. This, Counsel stated that it would delay the fair trail of action and prejudice the first Defendant in answering the case that has been set out. Counsel drew the court's attention to what the learned editors of the White Book stated in their notes that pleadings such as the ones filed by the Plaintiffs are liable to be struck out and prayed that the court strikes out the paragraphs mentioned so that only material issues remain in the pleadings.

Mrs. Mushipe for the Plaintiffs reiterated that the rules that have been offended were not stated and as such did not understand what rights would be prejudiced. According to Mrs. Mushipe ***Order 18 Rule 19 of the RSC 1999*** stipulates grounds upon which a party can strike out pleadings.

It was Mrs. Mushipe understanding that pleadings disclose any reasonable cause of action or defence. Secondly that they are scandalous vexatious and frivolous. Thirdly that they may prejudice, embarrass or delay the fair trail of an action. The court was referred to ***Order 18 Rule 19 (1) of the Rules of the Supreme Court*** on the issue of abuse of court process.

Mrs. Mushipe pointed out that the first Defendant has not shown how they will be prejudiced by the paragraphs referred to by Counsel. The court was referred to ***Halsbury's law of England Volume 36 paragraph 73*** and the case of ***Baker V Midway Buildings and Supplies Limited 1988 AE LR page 590*** and ***Belamono V Ligure Lambard Limited (1976) ZLR at page 267.***

Order 18 Rule 19 (1) in total and 19 (1) © specifically states:

> ***"The court may at any state of the proceedings order to be struck out or amended any pleading or the endorsement of any writ in the action or anything in any pleading or in the endorsement, on the ground that:***
>
> *a) It discloses no reasonable cause of action or defence; as the case may be; or*
> *b) It is scandalous, frivolous or vexatious, or*
> *c) It may prejudice, embarrass, or delay the fair trail of the action or*

d) It is otherwise abusive of the process of the court;

The effect of the Rule is that the applicant must show that he is in some way prejudiced by the breach. In the matter before me the Applicant has been specific on the paragraphs in the affidavit in support which they felt would prejudice, embarrass or delay the fair trail of the action. Although it is not for the court to dictate to parties how they should frame their case the court is disposed to give a liberal interpretation to the meaning of the terms

"Tend to prejudice, embarrass or delay the fair trail of the action"

My understanding and what is always the court's position is that parties are called upon not to offend against the rules of pleadings. If the Defendant does not make it clear how much the statement of claim he admits and how much he denies his pleading is embarrassing. The Defendant have expressed that fourteen paragraphs contain wholly material matters that the defence must respond to. It is no part of the Defendant's duty to reform the Plaintiff's pleadings, but if wholly immaterial matters be set out in such a way that the applicant must plead to it and so raise irrelevant issues which may involve expense, trouble and delay then the irrelevant matter will be struck out as it will prejudice the fair trail of the action. So a mass of evidence pleaded unnecessarily may be struck out.

Having looked at the paragraphs which the Defendants have referred to, it is the finding of the court that the same are wholly immaterial and have been set out in such a way that the Defendant must plead to them.

The paragraphs are thus struck out because leaving them in the statement of claim will prejudice a fair trial of the action. Delay may amount to abuse of process. Parties are called upon to ensure that the process of the court must be used bona fide and must not be abused.

DELIVERED ON THIS ..1ST..DAY OF...AUGUST.....2014

G.C.M CHAWATAMA
JUDGE

CM28
179

NALUWAMA CHIEFDOM

P.O BOX 360208
KAFUE

23rd March, 2015

The Attorney General
Republic of Zambia
Lusaka

Dear Sir,

COMPULSORILY TAKING POSSESSION OF OUR LAND space NEGA- NEGA TURN OFF PART OF MUGOTO SOUTHERN PROVINCE.

We have the honour and sadly inform you, that newly created Chikankata District Council Township coersingly (Nomuyanda namutayandi want or not Dc Simayaba 29.08.13) is built on our graizing land in terms of:

(a) Civic Centre
(b) Post office facility
(c) 40 staff houses
(d) Police station et al

Our livestock are in terms of

Type	Number	Hectorage per year each
Cattle	4,200	20 hectors
Goats	5,00	-
Pigs	1,200	-

For 37 years our livestock have fed from here challenges of cattle rearing is a base for our economic wellbeing in the area.

Mazabuka Municipal Council arranged interviews at the Chamber for the interested farmers where successful applicants were offered land in Mugoto farm block. The land was subdivided into smallholder farms of 10 hectors each

There was a provision of communal grazing ground for livestock and settlers. Individual farm owners took responsibility of cutting down trees, stumping, bush clearing and shrubs as well as land development to level of crop production, including water provision at new sites and building farm houses in each of the 35 farms.

We demand your consideration to make adequate payment to displaced persons as compensation for the properties you have compulsorily taken possession of contrary to provision of article 16 subsection (1) of Zambian constitution.

On 11th December, 2007 Albidon Zambia Ltd Nickle Mine Company displaced settlers in Mugoto farm block and the Company prepared compensation agreement documents for signing by both parties company representative and settlers. A copy of compensation agreement attached and marked (iv). Our case is similar to Munali settlers. We want our case to be treated in the same way Chinkomba (Munali) was managed.

Your honour, we restate.

that (i) Compulsorily taking possession of our land where we graze our livestock

for (37) thirty seven years is war some

(ii) We the 4000 stakeholders have not been fully consulted on building the macro Township project on our land. Letter of 26th February, 2013 to Chikankata Council Secretary refers. Marked (5)

(iii) There is no allocation of alternative land space to us 4000 persons facing displacement and our livestock.

(iv) (600) 270 Six hundred plots of Council rental houses surveyed within the bounds of our yards of residence are war some and poking.

(v) Current building of Township activities must stop forthwith until alternative land provision is identified, shown and accepted by us for surveying.

We confirm to you, your honour that we the 4000 residents have not been consulted as stakeholders in the sense that Council didn't invite any of us for discussion and planning of current Township macro project . Council and its patterns action is unfortunate and contrary to article 16 subsections (1) and (2) of Zambian constitution attached marked (1)

On 3rd February 2015, at Turn Park meeting through existing local committee we have asked Damson Mukwato Council Secretary to consider offering to us alternative grazing ground and to stop harassing our livestock also to stop construction work whilst alternative land space ~~have~~ is been found we also demanded written agreement on compensations involving 4000 persons facing displacement We further requested him to avail social survey data base of affected persons. Mr. Mukwato has not responded to our critical concerns to date.

On 19th February, 2015 we travelled to his Royal Highness Chief Samson Kacholola or own place at Naluwama. His Royal Highness recognized all of us as owners of grazing area and small holder farms a t Nega-Nega Turn Off which he allocated to us without disputes.

POPULATION GROWTH

The population boom 1978 to 2013 statistics are given per section in terms of Hacibala, Hachifwa, Lweeko Mwanangala and Hamuntamba

Population growth

5 Sections	1978	2013
	35 smallholder farms	2,116 householders

Numerators papers affecting 5 residential areas are attached marked (ii)

We refuse to be seen as refugees or squatters in that the first Republican President Dr Kenneth D. Kaunda (still alive) through Mazabuka Municipal Council, Member of Parliament for the area, Joshua Lamina (Posthumerous) sitting together with his Royal Highness Chief Naluama, as well as Minister of Agriculture and Lands Honourable Alexander Chikwanda (current Minister of Finance), offered Farm 106 to residents of Naluama Chiefdom. A newspaper cutting of 13h April 1977 is attached to suport our claim of ownership of Nega-Nega Turn Off smallholder farms. Marked (3)

"CM 28"
182

TRANSPARENCY INTERNATIONAL ZAMBIA

Stand No. 3880, Kwacha Road, Olympia Park
P.O. Box 37475, Lusaka, Zambia
Tel: +260 21 129 0080 Fax: +260 21 129 3649
E-mail: tizambia@zamnet.zm
Website: www.tizambia.org.zm

21st September 2015

The Provincial Minister
Southern Province
Choma

Dear Sir,

RE: TIZ FACT FINDING REPORT ON ALLEGED DISPLACEMENT OF MUGOTO SETTLEMENT RESIDENTS AT NEGA-NEGA TURN OFF IN SOUTHERN PROVINCE

Transparency International Zambia (TIZ) received a complaint from Mugoto settlement at Nega-Nega turn off in the newly created Chikankata district in Southern Province through its Advocacy and Legal Advice Center (ALAC). Following our telephone conversation regarding the captioned matter, we write to formally bring to your attention our fact findings on our visit to Mugoto area which was undertaken by the undersigned.

1. It was established that works have already begun towards building of a new district called Chikakanta with physical buildings nearly completion that include a civic centre, Police Station and staff houses.
2. That demarcation for residential plots have been done and adverts have been run for the same plots despite local residents living of the same plots.
3. That grading of roads has started being done and TIZ noted as follows on this point;
   a. That the roads are being graded in some cases on top of graves.
   b. That some roads have been done directly in front of current houses where local residents live in which need to be demolished to complete these road works. These houses were found to be in places where the road is supposed to pass which will inevitably lead to their being demolished to complete the road connection network.
   c. That all affected households in this community who are residents of Mugoto settlement have not been consulted on whether they will be relocated to other places or they will be offered plots or compensation.
   d. That plots demarcated are already occupied by villagers who live in this same area.
4. That the local committee told TIZ that the government has not consulted the local community on the developments taking place and that the committee that the government met does not live in the affected area.
5. The TIZ was shown a document dated 3rd August 2004 which is a council minute number PWD/07/02 which is a council document confirming that the Mazabuka district council had resolved and approved to issue title deeds for Mugoto Settlement residents.

In view of TIZ findings as stated above, TIZ recommends to the provincial administration to meet the local committee that represents most of the affected people to find an amicable solution towards the above stated impasse. The local residents committee is as follows, Mr. Cosmas Mweemba, 0977 102283, Mr. Coillard Munenga Vice 0966 763694 Mr. Emmanuel Chitabanga Secretary, 0977527052, Mrs. Emelia Mweemba, Treasurer 0953 068 984 among the 12 member local residents committee.

Yours faithfully,

Goodwell Lungu
EXECUTIVE DIRECTOR

c.c The Deputy Minister, Ministry of Lands
The Permanent Secretary, Southern Province

"CM30"
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CHIKANKATA DISTRICT COUNCIL

PLOTS FOR OFFER

Chikankata District Council has opened up land by creating residential and commercial plots for offer to the general public. The land is located within the Chikankata District Centre at Nega Nega turn off long Mazabuka Road.

The general public is being invited to acquire the plots that are being offered. The details for the plots are as shown in the table below:-

CATEGORY	DIMENSION	COST FOR APPLICATION	NO	SERVICE CHARGE/ PLOT PREMIUM
RESIDENTIAL				
High Cost	70 x 45m	250.00	24	20,000.00
	50 x 40m	250.00	10	15,000.00
Medium Cost	40 x 25m	250.00	26	10,000.00
Low Cost	30 x 20m	250.00	158	8,000.00
	30 x 15m	250.00	28	7,000.00
Commercial	60 x 40m	500.00	12	35,000.00
	30 x 15 m	500.00	48	15,000.00
	15 x 10m	500.00	64	10,000.00
TOTAL			**370**	

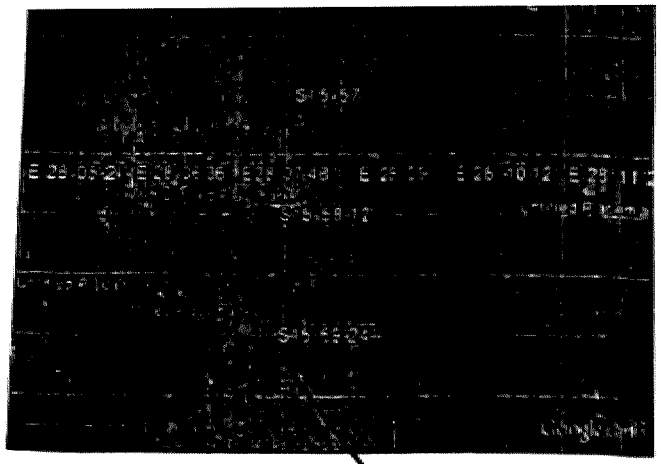
Application forms are available at Chikankata District Council offices at Turn-pike near the Bbata cooperative Abatior on working days from Thursday 25th September, 2015 to 12th October, 2015. Applicants will then be called for interviews on the dates to be communicated. It should be noted that limited numbers of forms are available.

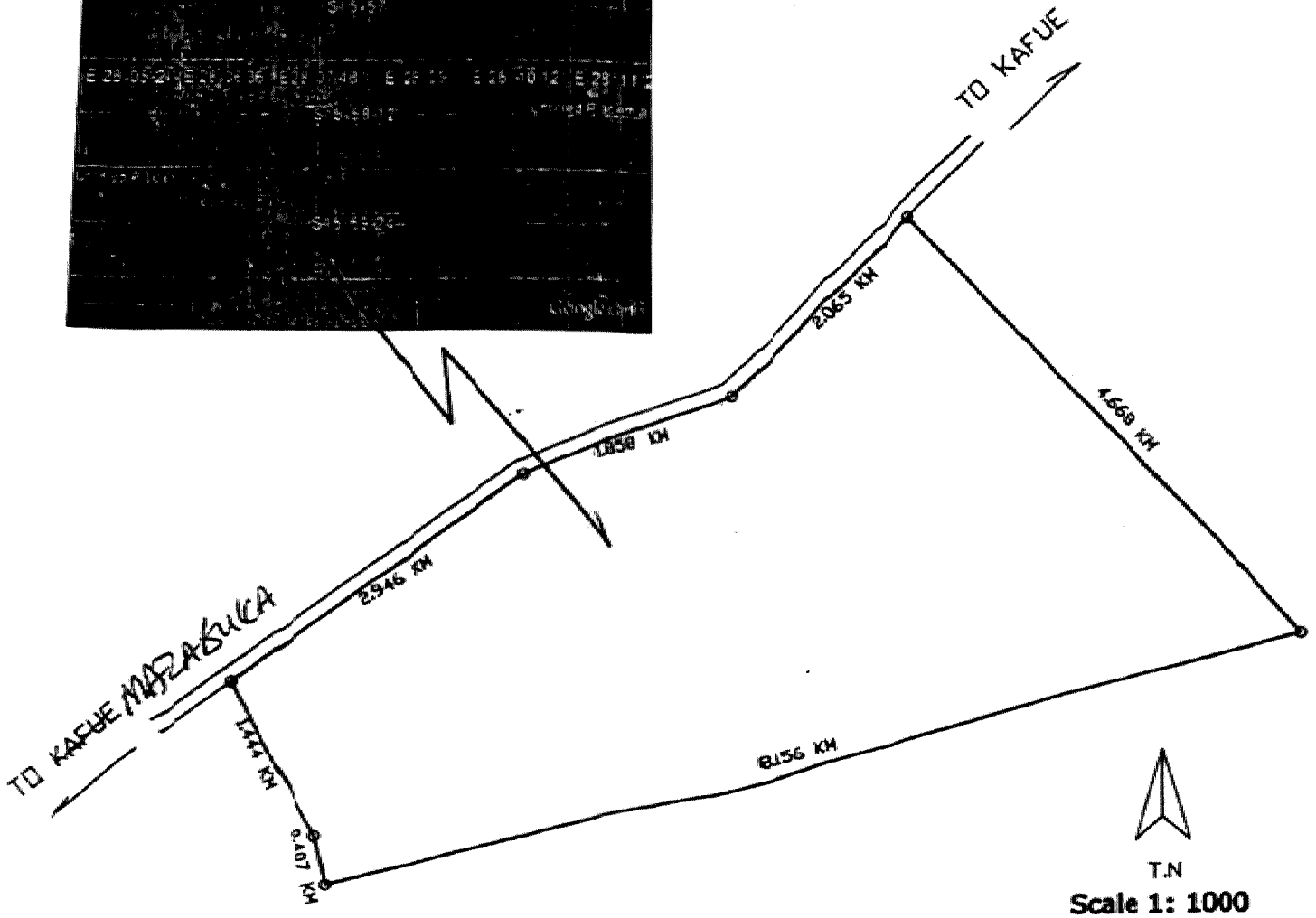
For any clarification you can call the following numbers:-

- 0977519430
- 0978081032

23 SEP 2015

D. Mukwato
COUNCIL SECRETARY





IKANKANTA

Proposed Township Boundary for Newly Created District of Chikankanta

MINISTRY OF LOCAL GOVERNMENT & HOUSING

DEPARTMENT OF PHYSICAL PLANNING & HOUSING

CHOMA

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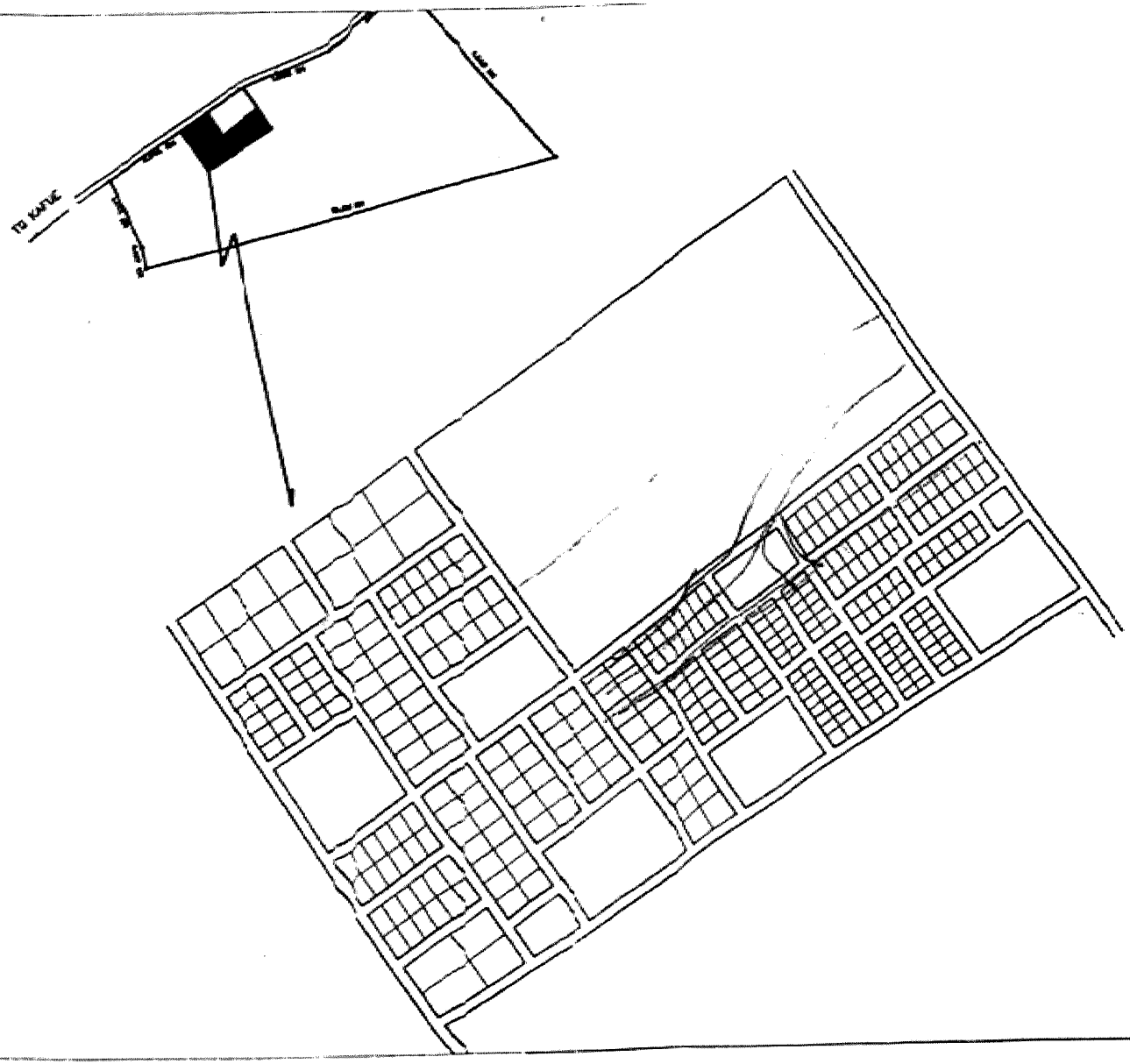

CHIKANKANTA

Proposed Layout

MINISTRY OF LOCAL GOVERNMENT AND NHOUSING
DEPARTMENT OF PHYSICAL PLANNING AND HOUSING
P.O. BOX 630335

CHOMA

SCALE 1: 2500

PLAN No. CHIK/

TRACING No. G/

DATE JUNE, 2013