



Opportunities of Easement Areas in Lubumbashi, Resolving the Public-Private Conflict

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Abstract

The issue of unregulated occupations of road setbacks or plot fronts remains a complex concern in the city of Lubumbashi. These non-regulatory occupations of the public square for personal purposes give rise to a conflict of use between the individual and the community ([1], Bajima *et al.*). This study proposes to partially respond to the recommendations for revisiting the issue by continuing the observation of these areas, the literature review and proposals for possible solutions. A SWOT analysis necessary for the approach allowed us to seek to understand the acts of encroachment noted not as problems posed but as opportunities for revisits according to the aspects of public or private action, spatio-functional, economic, social for the well-being of populations, ecological and environmental.

Subject Areas

Social Issues and Public Policy, Sociology

Keywords

Easements, Conflict, Analysis, Opportunities

1. Introduction

1.1. Problem

The street is for the city a place of transition and social diversity of the first rank which deserves all the attention of the planners and the users: Governors and

populations.

The inventory of the issue of encroachment of easement areas in Lubumbashi/DRC on reading Interministerial Order No. 0021 of October 29, 1993 on the application of the regulations on easements [1] has shown that the regulations on easements in the Democratic Republic of the Congo were not respected. The occupation of public easements by private individuals, therefore, gives rise to a conflict between the estates.

Although the aforementioned study has identified several cases of violations in easement areas, which cases are not exhaustive, this study proposes to conduct a reflective approach on the opportunities offered by uses in these areas, in the same spirit as Paul TAMBANI, who recommends, for example, observing the spontaneous market in order to question, rethink and decolonize: the notion of public space, the notion of planning and infrastructure planning, development logics, the structuring of urbanization and urban governance [2]. The law organizes, of course, but uses nevertheless impose a review of urban functions and practices that require attention in terms of their development.

The internal and external analysis of easements leads us to assess the strengths, weaknesses, opportunities and potential threats in order to suggest some possible solutions to the problem by way of responses to the challenges raised therein of governance, social and well-being of the populations, of the ecology and the environment, as well as the economy (cf. Prof. WASHE).

1.2. Conceptual Framework

Figure 1 shows the conceptual framework of this study.

2. Study Fields and Method

Our study observes some poorly occupied public spaces or residual easements in Lubumbashi, analyzes the existing documentation on possible solutions and presents some lines of thought on improving the problem. The study is based on the previous study that produced the inventory of the encroachments of easements in Lubumbashi.

3. Specific Elements from the Inventory of Fixtures on the Violation of Easements

The summarized results of our previous study on the causes of encroachments in

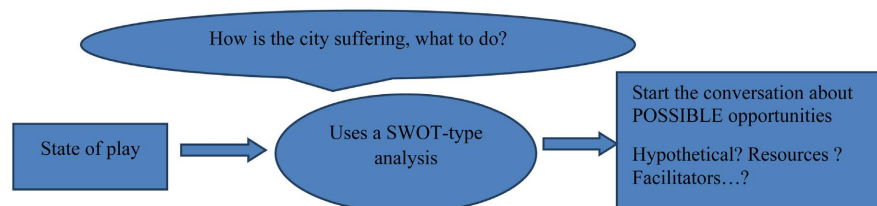


Figure 1. Analysis diagram of the study including SWOT analysis = strength, weakness, opportunity, threat.

the two subdivisions observed revealed the nature of the following most recurrent encroachments:

In general, **Graph 1** shows development on the fronts of private plots outside property boundaries (89%) and small businesses (82%) appeared to be the first causes of encroachment of easements.

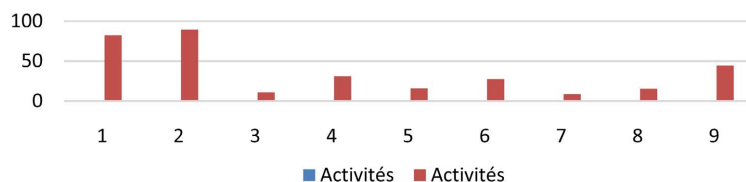
On another possible approach to the two aforementioned causes, it may turn out that the development of the fronts of the plots compensates for the lack of public action on the urban planning of the urban roads while the small businesses developed on the easements, them, are justified by the poverty of the majority of the population ([3], Tonton Mike Lubandisha). This population is forced to sell outside the undersized official markets, a situation similar to Bamako where the approaches to the city's main arteries have become places for informal trade. According to KONE Sayon, the authorities of the communes and the district themselves seem to accept the *fait accompli* or turn a blind eye to a phenomenon which tends to make the city unlivable ([4], KONE, Sayon).

We can however appreciate this reality as an alternative to unemployment, one of the causes of crime in the city of Lubumbashi according to Kisimba BONDO *et al.* ([5], KISIMBA BONDO Kis *et al.*). The observation is clear according to Tonton Mike Lubandisha: "In Lubumbashi, trade is almost everywhere. In the city, in municipalities and in neighborhoods many people are looking for capital to start a small business ([3], Uncle Mike Lubandisha).

The street is made for its inhabitants, it must live, it is a place of exchange. The (small) tradesman invaded the servitudes for the survival of his family instead of chasing him out the State could reassess his occupations in order to encourage crafts, the fruit vendor who do not have enough means to rent a formal space.

4. Opportunities

According to UN Habitat, "Public spaces, including streets are and should be seen as multifunctional areas for social interaction, economic exchange and cultural expression among people from all walks of life. It is the responsibility of urban planners to establish and organize these public spaces and of urban planners to facilitate and promote their use, thereby strengthening identity and a sense of belonging" ([6], UN Habitat).



Graph 1. Summary of encroachments observed on some major avenues of the housing estates studied (Bajima, *et al.*) according to their nature [1]. Legend: (1) Small business, (2) Development of strips of greenery at the front of plots, (3) Private car parks, (4) Flexible fence prohibiting access, (5) Fuel service station, (6) Schools, (7) Health center (public and private hospital), (8) Terraces, (9) Overflow of plots of land aligned with the avenue.

The SWOT analysis (=strength, weakness, opportunity, threat) that we propose on a possible corrective approach to violations of easements in the city of Lubumbashi reveals the following (**Table 1**).

This non-exhaustive table, however, identifies possible opportunities in the form of corrective actions to the problem of encroachments of easements. Corrective actions may lead us to contain the problem radically, *i.e.* we identify it and eliminate it, or reduce it moderately, *i.e.* we identify the problem, we understand this, we suggest an alternative to the form of occupation of easements in respect to their public nature.

5. Case Studies: The Types of Possible Opportunities

5.1. Opportunities to (Re)Do Better

They call for a corrective search for the roles of the different actors identified by the inventory. The amendment would consist of (**Table 2**):

Table 1. SWOT analysis of the two most proven cases (developments outside plots and small shops).

Strengths	<ul style="list-style-type: none"> Organized spaces: Legal framework (law on easements, possible legal constraints against offenders). Effectively multifunctional areas [6]; In some places are well landscaped, contribute to the urban beauty; Presence of studies on these areas.
Weaknesses	<ul style="list-style-type: none"> Poor urban organization and management in these areas; Anarchic occupations, violation of the law, incivility; Allienation by plotted buildings (bad subdivision deeds [1]).
Opportunities	<ul style="list-style-type: none"> Controlled and participatory redevelopment (various public parks, parklets [7], revegetation, residual spaces, etc (see point 4.1.1); Development and/or supervision of small businesses promoting the self-care of households (informal to formal); Land revaluation (particularly through regulated taxation); Etc.
Threat	<ul style="list-style-type: none"> Population resistance (private, etc); Excesses and abuse of public powers; Continuity of poor governance in these spaces.

Table 2. Possible actions by encroachment actors [1].

Actors	Opportunities
1. State	<ul style="list-style-type: none"> Governance/appropriate actions: Better planning, organization and management, consideration of land as resources (better system of taxation of spaces offered, etc); Use of required expertise (architects/others); Governance/public-private partnership.
2. Population	<ul style="list-style-type: none"> Reconsideration of the public interest over the private; Reappropriation: African bases for social diversity/games, parks, etc; Citizenship.
3. Professionals (architects)	<ul style="list-style-type: none"> Proposal of innovative projects on public spaces, in non-commissioned initiatives; Improved relations with the managing State.

5.2. Spatio-Functional Opportunities

According to UN HABITAT, the character of a city is defined by its streets and public space. From squares and boulevards to community gardens and children's playgrounds, public space shapes the image of the city. The connective matrix of streets and public spaces forms the skeleton of the city on which everything else rests. Public space comes in a multitude of spatial forms including parks, streets, sidewalks and paths that create connections, playgrounds, markets, but also peripheral spaces between buildings or along roads, which are often important spaces for the urban poor. The public space serves as a framework for a wide range of activities such as the ceremonial festivities of the multicultural city, the exchanges of the commercial city, the circulation of goods and people, the provision of infrastructure, or a framework for the community life and the livelihoods of the urban poor, for example street vendors or garbage collectors. Sufficient open public spaces support the efficient and equitable functioning of cities and towns ([6], UN HABITAT).

Possible developments go through corrective actions to encroachments such as:

1) Revisiting anarchically occupied spaces: consider new and more sustainable uses for all. For example, the case of Raïlda (Bamako, Mali), made it possible to evacuate an anarchic market created around administrative centers in order to establish a few monuments and green spaces there and thus compensate for a possible return of former occupants. This solution, however, required a permanent police presence in order to prevent cases of recidivism ([4], KONE, Sayon). Noted risks of abandonment of the premises by these poorly motivated security guards have been noted. In the event of relocation of the occupants, ensure involuntary resettlement according to the model of principles and practices as defined in particular by the World Bank ([8], PMNSE).

We propose below an example of development at the crossroads called Allilac in Lubumbashi, **Figure 2**.



Figure 2. A model for developing central berms to diversify uses. Espace Allilac in Lubumbashi—Ets Architecture Concept 2022.

2) Revitalize pre-existing public spaces: the city has undergone a major change in buildings with the increase in buildings, some of which are erected on former public spaces at Forêt des pins (current site of the Protestant University of Lubumbashi). These changes reduce the city's original cultural identity. The reactivation of these spaces will make it possible to balance the functional distribution necessary for its existence, as achieved on the Square Georges Forrest on **Figure 3**.

Parks such as Square UVIRA (surface = 12,136 m²) and others are existing opportunities for the development of public spaces for everyone!

3) Develop the residual spaces available such as the large strips along the high voltage lines to the west of the city along the heavy goods route. It would improve the urban architecture. These spaces at least 50 meters wide could serve as attractive vegetated parks with regard to the islands created by the gap between les avenues (600 - 800 m).

On **Figure 4**, another example, take advantage of the surroundings of the HT/MT line which leaves from the SNEL Karavia (GOLF) substation towards the STL site of Gécamines (Centre) in order to create an additional link between the western districts of the GOLF extensions and the Center from Lubumbashi.

This route, more or less parallel to the currently suffocated Avenue MUNUA, would reduce the traffic jams visible at rush hour.



Figure 3. Square Forrest, Lubumbashi, Source:

<https://www.sunna-design.com/etude-de-cas-eclairage-solaire/eclairage-solaire-parc-terra-in-sport-square-forrest-lubumbashi-congo/>.

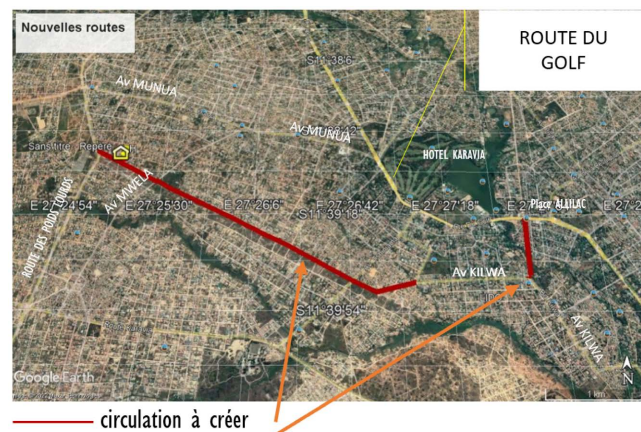


Figure 4. Proposed development of an additional lane to the city center to relieve congestion in the GOLF districts.

4) **Supervise the revegetation of the fronts of the plots** by the proposal for Special Development Plans according to the avenues/subdivisions/districts, etc (Figure 5).

Advantages: reduce public funding, involve the private sector, balance the necessary functions.

5) **Integrate functions that do not exist in current public facilities** on easements: the cases of traffic routes for Persons with Reduced Mobility (PRM) and motorcycle taxis which abound in the city, the increase in rest stops, etc. We could also use the example of parklets modeled in Cape Town (Figure 6). They are strategically placed small urban spaces, usually regular vehicle parking spaces in busy pedestrian areas. Their intention is to reclaim green and public spaces for city citizens [9].

Another possibility, as the proposal for development in Lubumbashi, is in Figure 7.



Figure 5. Proposal for development of plot fronts—Ets Concept d'architecture 2022.



Figure 6. Cape town's first Parklet on Bree street.

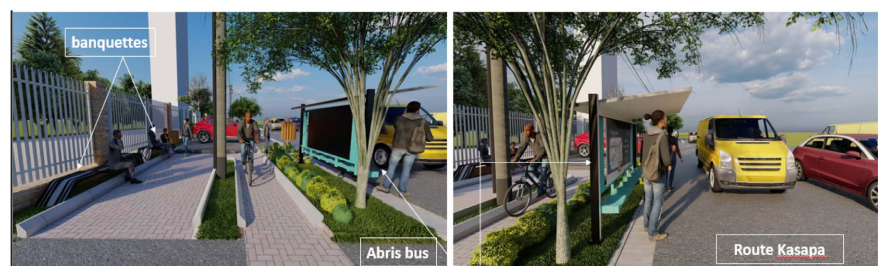


Figure 7. Proposal for development and equipment of setback areas, Lubumbashi/ UNILU administrative building—Ets Concept d'Architecture 2022.

Advantages: solving the problem of urban mobility (traffic of various forms and vehicle parking points according to existing types and to be considered), walkability, etc.

6) Improving road safety and people with reduced mobility (PRM): It is carried out in particular by road signs, floor markings and the action of road traffic police (PCR). In the latter case, the effective involvement of law enforcement officers is called into question in view of the harassment and corruption observed. According to Albert Malukisa NKuku, this situation can be justified: the PCR operates in a context characterized by the inability of the State to take charge of its services ([10], Albert M.N.).

Safety in these areas should strongly take into account the care of people with reduced mobility (PRM) such as cases of visual impairment. Below is a model, **Figure 8** [11].

5.3. Social Opportunities and Well-Being of Populations

Public spaces must be open, be places for social exchanges and a metaphor for group unity, as noted in the previous study ([1], Bajima, *et al.*). Our cultural references remind us of certain group practices such as: “the palaver tree” or even “accounts around the fire...” which justified grouping together in public places. Public or community action should focus on the development of frameworks promoting social diversity. Developers can thus think of giving back to the city (understood here as small fairly close living units) frameworks such as: relaxation and artistic areas, various playgrounds and sports areas, etc.

Potential study sites: badly occupied spaces of the “Place de la Poste de Lubumbashi” and other similar frameworks existing in the different districts or municipalities of the city.

Improving social well-being also requires the acceptance of small street trading, which should be planned and regulated by effective governance.

5.4. Economic Opportunities

The actions would go through:

1) The rationalization of spaces of possible easements for trade (proposing better layouts for small businesses along the road while respecting walkability, organizing ongoing taxation, etc).



Figure 8. Model of guide rails along sidewalks and vigilance strips, which alert people with reduced mobility of a change in relief or an obstacle. These bands help with orientation [11].



Figure 9. Ets Concept d'architecture 2022.

- 2) Admit them and not fight them, plan, regulate!
- 3) The modeling of typical kiosks by location;
- 4) Creation of paid public parks (on strips of disused HV lines to the west of the city—see point 4.1.2. (c) above);
- 5) Provision of paid public toilets, etc (existing examples around the central market of Lubumbashi).

5.5. Ecological and Environmental Opportunities

The ecological and environmental issues are no longer to be demonstrated with the warming experienced by the planet. The possible actions could go through the:

- 1) Development of street furniture against insalubrity (garbage bins, etc);
- 2) Creation of green public parks to be identified in the city, according to the districts;
- 3) Development of certain spaces such as green corridors (model on **Figure 9**);
- 4) Establishment of a sanitation plan for easements alongside the smooth running of sanitation works in the city of Lubumbashi [12].

6. Conclusions

Cities vary greatly in size, history, development pattern, design, shape and citizen attitudes towards public spaces. Measuring the amount of public space a city has is only part of quantifying the real contributions of space to residents ([6], UN-Habitat).

Unfortunately, since the beginning of the 2000s, the city of Lubumbashi has experienced significant demographic growth which unfortunately is not controlled. The result is rapid and anarchic urban spatial expansion, while food and energy needs are insufficiently met. As a corollary, significant environmental deterioration is evident in the Lubumbashi region ([13], Sikuzani, Y. U.)

This reflection on the opportunities of the easement areas follows the inventory of the encroachments observed there. Our study methodology focused on the said inventory, analyzed the problem of no work easements.

In our reflexive approach, it appears that possible axes for the improvement of the uses of these public spaces could focus according to the opportunities for re-visiting our actions as a driving force for other spatio-functional, sociological, economic, ecological opportunities and environmental.

The present work, therefore, recognizes the complexity of the problem. However, it initiates a conversation for the attention of the main actors, namely: governments and populations (including professionals in the sector and all other interested public sector actors), taking land as a basis as a resource. That's why we said that:

“The street is for the city a place of transition and social diversity of the first rank, it deserves all the attention of the developer and the users: Governors and populations!”

Conflicts of Interest

The authors declare no conflicts of interest.

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