



Land Governance in an Interconnected World

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CUSTOMARY LAND GOVERNANCE IN ZAMBIA: INERTIA, CONFUSION AND CORRUPTION

EPHRAIM KABUNDA MUNSHIFWA

Department of Real Estate Studies, School of the Built Environment, Copperbelt University,
Zambia

ephraim.munshifwa@cbu.ac.zm

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Abstract

The need for a "good" governance structure on customary land in Zambia is now more urgent than ever before. High demand by multinationals, local investors, urban elites, local bureaucrats and politicians, is putting pressure on customary land to reform or commercialize. And yet the State has opted to "move more slowly" on reforms affecting customary land. With limited administrative mechanisms at the hands of traditional leaders, taken as custodians of customary land, the results have been confusion and corruption in the governance of this land. This paper argues that this inertia to reform has a long history, starting from pre-independence at the time reserves for indigenous communities were established in 1928, into the current debate on the National Land Policy. Constant squabbles between the State and traditional leaders on which way reforms should take have also contributed to this quandary.

Key Words: Land governance, customary land, inertia, corruption, confusion, Zambia

1. Introduction and Background

Zambia covers an area of 752,000 sq.km, with the larger part of this land classified as customary land and argued to cover almost 90% of this land mass (Government of the Republic of Zambia [GRZ], 2017); although other studies estimate it at 60% (Honig and Mulenga, 2015) or 54% (Sitko et al., 2015) Property rights on land in these areas are largely unwritten and governed by local norms and culture. Although all land in Zambia is vested in the President as a custodian, traditional leaders are ordinarily taken as custodians on customary land. Governance of customary land though faces numerous administrative challenges which are documented in a number of studies (Adams, 2003; Brown, 2005; Honig and Mulenga, 2015; Sitko et al., 2015). After many years of inactivity, the Land Act of 1995 was finally passed, but this too has over the years proved to be inadequate in dealing with land governance problems in the country, such that Zambia Land Alliance [ZLA] (2008) could argue that amongst the challenges which the Zambian land administration system faces are a centralized state control over land matters, patronage and corruption within Government, local authorities and customary authorities in land delivery, breakdown in land administration and land delivery procedures, and generally inadequate participation by communities in the governance of land and natural resources.

In addition to problems experienced on state land, customary land exhibits its own peculiar challenges. As earlier stated, land rights in these areas are largely unwritten and heavily reliant on traditional norms and customs applicable in those parts of the country. Like in many rural parts of Sub Saharan Africa (Amone and Lakwo, 2014)., the nature of customary land rights in Zambia has been blamed for underdevelopment in customary areas. As a way to provide a bridge for investors intending to invest in these rural areas, the

Land Act of 1995 specifically recognized rights granted under these customary land governance structures

This paper argues that despite moving from the United National Independence Party (UNIP) administration in 1991 which had socialist views on land governance to the Movement for Multiparty Democracy (MMD) and into the current Patriotic Front (PF) government, and the legal recognition of customary land in the Land Act of 1995, there has generally been a state of inertia or inaction in dealing with challenges affecting customary land governance in Zambia. Having recognised the problems of governance structures on customary, why does the state "drag its feet" in reforming these structures which incorporate existing traditional governance structures? This paper contends that inertia in reforming customary land tenure systems has contributed to corruption and confusion on land governance in these areas.

This paper is organized as follows. After this introductory section, Section 2 gives a historical perspective on customary land governance in Zambia while Section 3 discusses the methodology used in this paper. Section 4 shows why, despite all the supposed changes in the law from 1964, governance of customary land has remained largely unchanged. In essence the non-committal on customary land is a provision of the Orders in Council of 1928 and 1947, with the independent state just scratching in the periphery. Section 5 concludes the article.

2. Historical Perspective on Customary Land Governance in Zambia

Before the colonial era and independence of Zambia, traditional authorities were entirely responsible for the administration of customary land in their areas. However the 1928 Northern Rhodesia Order in Council, considered as the first major action on land, formally established areas of crown land for white settlers under English land law and reserve areas for African occupation under customary tenure arrangements (Ndulo, 1987; Roth, 1995); at the time the population was one million "natives" and 3,600 whites (Colonial Office, 1923). Despite this classification, the Northern Rhodesian government made very little attempt at interfering or improving the way land was governed in "African reserves". Land was allocated on freehold tenure on crown land and on undefined terms in reserves. The 1947 Order in Council established trust lands, as an extension to the reserve lands established in 1928. As with reserves, interests and land rights in Trust lands fell to customary law and administration by traditional authorities (Roth, 1995).

At independence in 1964, the Zambia (State Lands and Reserve) Orders Act was passed, but its role was simply to replace "crown" with "state" and from the British Colonial government to the independent

Zambian government. Land continued to be allocated on freehold tenure on state land and customary tenure in reserves and trust lands (Chinene et al., 1993). Major reforms on land came with the Land (Conversions of Titles) Act of 1975, in the hype of the humanism ideology. Its major provisions were vesting of all land in the President, conversion of all existing freehold interests to 100 year statutory leases (with all subsequent allocations being on 99 year leasehold interest) and declaration of land as being valueless (GRZ, 1975). The Act only allowed the sale of "un-exhausted improvement"; thus vacant land was not saleable from July 1975, as was traditionally in customary areas.

Due to continued problems of governance on reserves and trust lands, the 1985 Administrative Circular No.1 was issued. Its aim was to provide procedures to be followed in allocating customary land. Specifically, the guidelines emphasized the role of District Councils as an additional structure in the allocation of customary land. The Ministerial Statement on Land Alienation in Reserves and Trust Lands issued in 1987 was a further amplification on the allocation of land in reserves and trust lands (Roth, 1995). Its main intent was to protect villagers and their customary rights to land. While all these provisions were been made, very little changed substantively within these areas.

It is worth mentioning that although at independence Zambia adopted a democratic system of governance, this changed in 1972 when a one-party system was adopted. By 1991 when the country returned to multi-party politics, much of the economy was in disarray; so was the land sector. Thus a National Conference on *Land Policy and Legal reforms* was held in 1993 at Mulungushi International Conference Centre with the aim of making proposals to government. Amongst its proposals were the reclassification of land as state land and customary land with a 99-year leasehold interest on state land and a varied duration according to intended use on customary land (now changed from reserve and trust lands) (Roth, 1995). Furthermore the conference proposed that the role of chiefs should be formally recognized and the government should make efforts to enable them to better perform their tasks.

However the process from the 1993 conference to the enactment of a new Land Act in 1995 was riddled with disagreements between the State and traditional authorities on what form customary land reforms should take. Under pressure to privatize, and in support of the functioning of a land market, the Land Act was finally passed in 1996 with two sections specifically referring to customary land. For instance, Section 7 provided for the continuation and recognition of customary tenure while Section 8 provided for the conversion of customary tenure to 99 year leasehold tenure (GRZ, 1995). Despite the application of common law on state land in both urban and rural areas, most activities on land are still conducted in accordance with customary law (Roth, 1995); emphasizing the importance of customary land in the development equation of the country.

Many stakeholders were however unsatisfied with the way the Land Act of 1995 was hurriedly passed, leaving out a number of contentious issues. Thus shortly after the passing of the Land Act of 1995, consultations on a new land policy commenced; ordinarily, a national land policy should precede the enactment of a Land Act. The initial draft policy was then released in 2000. The process was again restated in 2002 with another draft land policy; considered as the first National Land Policy. After a further period of inactivity, a second draft policy, now titled "*Draft Land Administration and Management Policy*" was released for consultation in 2006. Due to the anticipated passing of a new constitution, and with the proposed inclusion of a section dealing with land administration, government formally opted to suspend the formulation of the national land policy. With financial support through the Millennium Challenge Account, and having finalized the content of a new constitution, government reverted to the unfurnished business of formulating a national land policy. Another draft document was then released in November 2015 to facilitate completion of the land policy. After another period of consultation, the current draft, a December 2017 version was released.

The current December 2017 version of the draft National Land Policy has 35 objectives and various measures. While a number of them cover both state and customary lands, Objective 5 is specific on strengthening customary land administration in order to guarantee security of tenure. Under this objective are the following measures (GRZ, 2017: p.29):

- Develop and disseminate guidelines for the issuance of customary land certificates and the ensuing rights and obligations to be enjoyed under such certificates,
- Provide guidelines for registration of all interests in land either as group land rights, or individual private land,
- Build capacity for documentation of land rights at local levels,
- Provide legal recognition of land certificate issued by traditional authorities and procedures for issuance customary land certificate,
- Make registered customary land interests transferable,
- Establish procedures for protection of customary interest in communal land resources in the name of the community and/ or Chiefdom.

An important discussion point in these measures is the introduction of a new transferrable "customary land certificate". The implication of these measures is that: (i) a more robust governance structure will be developed at local level which will have personnel and facilities to issue these certificate (this is not possible with the current traditional structures), (ii) a land market in which "customary land certificates"

are tradable will be allowed to develop, and (iii) there will be no need to convert land from customary to statutory tenure since customary land certificates will have the same legal recognition in law as the current statutory leaseholds. It should however be pointed out here that strictly Zambia has been working on a national land policy from early 1990s, a period of almost 28 years. Therefore the implementation of these measures is dependent on the final outcome from this policy formulation process.

Despite all the documentation over the years, governance of customary land has essentially remained as in pre-colonial period (see chronological account in Table 1 below), a non-committal strategy from the State with traditional authorities perceived as custodians and in control. However, the environment has drastically changed with three key risks threatening the existence of customary land, namely, the leasehold system itself, misadministration by some traditional authorities and conflict between registered and customary systems (Roth, 1995). Thus governance of customary land in Zambia is still riddled with inertia, confusion and corruption.

3. Research Methodology

The study was approached from an institutional analysis perspective. It thus analysed laws and policies with a bearing on customary land governance in order to understand the nature of this inertia and its effect on customary land. Thus the study is essentially a policy review in relation to the governance of customary land in Zambia framed in an episodic framework. Table 1 provides a chronological account of reforms from 1928 to 2018, a period of 90 years.

4. Analysis of Reforms and Discussion

4.1. Inertia

The historical narrative above (and as shown in Table 1) clearly shows inaction or inertia with regards to the governance of customary land in Zambia; in some form of path dependence (North, 1990; David, 1994). Besides changes in labels, "crown" to "state" (1928 to 1964) and "reverse" and "trust" to "customary" (1964 to 1995), no serious attempt has been made to resolve challenges facing customary land governance. Largely de jure rules have remained stagnant, although there is evidence that de facto rules keep evolving (Munshifwa et.al, 2017). Much of the adoption of the 1993 recommendations ended in laws and policies affecting urban state land. Thus the assertion that the Movement for Multiparty Democracy (MMD) government resolved to "move more slowly with land tenure reform in customary areas" (Roth, 1995: p. 39) may still hold true today. This reluctance by the State to pass any meaningful reforms on customary land has resulted in confusion and corruption in the governance of customary land.

Furthermore, this inertia gives credence to the notion that customary land is *primitive accumulation* (Shivji, 2006). Wily (2016: p. 1) further asserts that most governments consider customary land rights as “permissive occupancy on state lands” and could be suspended any time. Doing nothing on challenges of governance of customary land reinforces these views. A clear example is where those with statutory grants keep evicting indigenous communities with customary rights (see Human Rights Watch, 2017). In this way the Land Act of 1995 has been used as a predatory instrument on customary land. Despite its reclassification, customary land has ironically remained as "reserves" for statutory leaseholds; the original intent of the Orders in Council of 1928 and 1947.

Three risks, as previously noted by Roth (1995) still affect customary land. Firstly, with the passing of the Land Act of 1995, conversion of customary land to state land is going on every day through private acquisitions. Even without any action by the State, customary land would eventually run out; with devastating effects on rural livelihoods. Thus it is inarguable that leasehold tenure is displacing customary tenure (Brown, 2005). This point is also made by Ngombe and Keivani (2013) who argued that the Land Act has had negative unintended consequences such as exclusion of the poor and servicing the interest of the elite. It is ironic that the leasehold system should be the biggest predator on customary land; is it then lack of ideas that the State has opted to do nothing on governance of customary land? In fact the intention of government has always been to get rid of customary tenure.

The second risk is the maladministration by traditional authorities themselves. For instance the inertia on reforms in customary land is partly due to traditional leaders themselves. Their rejection of the 1995 Land Act in its current state and refusal to engage government through a constructive consultative process does not leave things unchanged. Media reports show persistent rejections by chiefs, with the recent being the rejection of the December 2017 draft of the National Land Policy on Tuesday March 28, 2018 (Post, 2007; Daily Mail, 2014; Daily Nation, 2016; Lusaka Times, 2018)

The third risk is the conflict between statutory versus customary systems. Examples of commercial farmers evicting villagers are common (Human Rights Watch, 2017).

4.2. Confusion

The abrupt passing of the 1995 after pressure from the World Bank (Hansungule, 2002), the inconclusiveness of the land policy formulation process and the constant rejection of various drafts by traditional leader clearly contributes to the uncertainty or confusion in the governance of customary. It is not clear what direction customary reforms will eventually take. For instance despite the legal recognition and reclassification of formerly reserve and trust lands as customary land in Land Act of 1995, the

balance of power and responsibilities in these areas have remained largely unresolved. On one hand, the vesting of land in the President means that all governance responsibilities on customary land should fall under the President who then delegates these powers and responsibilities (among them powers to alienate land) to the Commissioner of Land. On the other hand traditional leaders (chiefs, chieftainesses, headmen) also see themselves as custodians of customary land through ancestral inheritance. The result has been a tag of war on who should rightly be in charge of customary land, with traditional leaders often opting to walk out of consultation meetings.

Pressure to commercialize, many times from multi-nationals and donor agencies through market-based land reforms, has not spared customary systems which many see as a hindrance to economic development. In recent years foreign and local investors have also swarmed customary lands in a bid to acquire large tracks of land for immediate and speculative uses. In some cases foreign investors have been reported to have acquired land without the involvement of traditional leaders, often sparking resentment amongst village communities. The result of all this is confusion on customary lands which the state has been unable to resolve adequately up to this point. The study thus argues that problems on the governance of customary land in Zambia still remain largely unresolved.

Furthermore, although Section 7 of the Land Act recognizes customary tenure, this recognition is rather vague. For instance since it is argued that there is no single body of customs, what then constitutes customary tenure differs from place to place; hence the meaning of what the law actually recognizes as customary tenure becomes fluid.

The recent walkout by chiefs from a validation workshop on 28 February 2018 and rejection of the December 2017 draft of the National Land Policy exemplifies part of the confusion in the governance of customary land. In the opinion of chiefs, the State is tempering with their Chieftaincy. The validation workshop was attended by 22 Chiefs from the 10 provinces.

Besides the power struggle between the State and traditional leaders, the current draft of the National Land Policy has not adequately dealt with other contentious issues. For instance, the December 2017 version states that "customary land covers 90 percent of the country and is also home to the country's protected areas, the wildlife estate; national parks and Game Management Areas and 74 per cent of protected forest areas" and that all this controlled by traditional leaders and administered using local customs (GRZ, 2017: p. 4). This is misleading in that most wildlife, national parks and forests are actually state or public lands and administered under various statutes such as the Zambia Wildlife Act of 2015; a replacement of the Zambia Wildlife Authority Act of 1998. According to Section 3 subsection 1 of this Act, ownership of all wild animals in Zambia is vested in the President. Some scholars argue that

customary land currently covers between 54% and 60% (Honig and Mulenga, 2015; Sitko et al., 2015) as opposed to the 90-94% often quoted in official documents by government. How then can an equitable plan be prepared without an accurate account on the quantity of land available for planning? Thus the tone of the current draft policy, like the previous ones, seems focused on justifying the conversion of customary land to state land as opposed to creating governance structures at the local level to aid traditional leaders in better administration of customary land.

4.3. Corruption

In an environment of inaction and confusion, corrupt practices become the order of the day. ZLA (2014) for instance noted that customary systems are characterized by different levels of transparency and accountability, which are dependent on the traditional leader. This creates space for corruption as a leader can distribute land without consulting their community as required by customary land laws.

Furthermore a number of media reports have accused traditional leaders of corruptly giving land to foreign investors, with the recent attack coming from the Republican President. Many have been accused of amassing wealth through the "illegal" sale of customary land. At the opening of the current Parliament, the President directed the Minister of Lands to revise the Land Act and Policy after lamenting that foreigners were indiscriminately and illegally buying customary land (*Lusaka Times*, 17 March, 2017). Although the Administrative Circular No. 1 of 1985 only allow Chiefs to allocate up to 250 hectares, reports show that in some parts of the country investors have acquired up to 10,000 hectares of customary land which is latter converted to statutory leaseholds (International Land Coalition [ILO], n.d).

These reports are however not limited to customary land only. The *Lusaka Times* of 25 August 2017 reported of the suspension of the Ndola City Council Town Clerk with thirty others over their involvement in illegal land deals; the Minister of Lands had revoked the land agency earlier in the same year together with that of Kabwe Municipal Council due to their disregard of the guidelines and procedures in the administration of land as stipulated in Administrative Circular No. 1 of 1985. In a 2013 media report, the Ministry on Local Government was labeled as the "engine of land allocation corruption" (*Times of Zambia*, 9 April, 2013). The report asserted that illegal land allocation was an inside job involving officers working for relevant Government ministries and departments, something that boggles the Patriotic Front (PF) administration as much as it did with its predecessor, the MMD (*Times of Zambia*, 19 April, 2013). Late President Mwanawasa was reported to have called the Ministry of Lands the most corrupt Ministry in his administration in 2007, which resulted in the firing of the then Minister of Lands. Sakala (2013) reported on the firing of a whistleblower that had exposed massive land allocation corruption in Chingola for fear that the scam could damage the image of government. Many

Councils have had their land agencies suspended due to flouting of land allocation procedures: for instance the land agency agreements were suspended for Solwezi Municipal Council in 2009, Kabwe Municipal Council and Ndola City Council in 2017 and Chongwe District Council being the latest in January 2018. Reports of illegal land allocation by these councils exemplify the depth of corruption in the land governance system in the country. This paper argues that corruption is endemic in land governance in Zambia

Despite all the reported cases of corruption in the media, still no serious attempt has been made by government to address governance challenges on customary land. The argument of traditional leaders is that rather than take away land through the conversion process under Section 8 of the Land Act of 1995, the State should teach them us how to better administer this land.

5. Conclusion

The entry point for this paper was that governance of customary land in Zambia has not received the needed attention from the State. As noted in the historical narrative, besides the passing of the Land Act in 1975 and its amendment in 1995, very little serious attempts have been made to address the land governance issue in customary areas. For instance two major events dealing with land governance was the 1993 National Conference on Land Policy and Legal Reform held at Mulungushi International Conference Centre and the consultation process on the formulation of a National Land Policy which started in 2002 but is yet to be concluded. Besides the changes in classification from reserves and trust to customary land, no serious attempts have been made to develop structures for the better governance of this land at the local level. The effect of this inertia has been confusion and corruption in customary land governance.

The study thus prompts serious thoughts on the role of customary authorities in the governance of land. In the absence of a systematic process of governing customary land, it becomes difficult to guarantee access to land for all classes including women and the vulnerable in society, especially with pressures from local and foreign investors who see customary land as cheap and can afford to obtain certificates of title through conversion. It is not a secret anymore that in their current setup, traditional authorities are not equipped to properly administer land in their areas; however the solution is not a predatory legislation like the Land Act of 1995 which is slowly converting customary to statutory tenure. Studies show that western-styled private property maybe inappropriate for the poorest and most vulnerable in society whose livelihood is supported by customary tenure (see Royston, 2002: Cousins et al., 2005). A middle ground is possible as has been shown in countries like Botswana and Tanzania (see Knight, 2010). The ongoing

process on the formulation of the National Land Policy is an opportunity for the country to adequately deal with this issue instead of focusing on squabbles between the State and traditional leaders.

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Table 1. Major pronouncements on land governance in Zambia (1928-2018)

Year	Documentation/Event	Salient provisions
1928	Northern Rhodesia Order in Council	Established crown land, reserved for white settlement under English Land Law, and reserve land for African occupation under customary tenure arrangements
1964	Zambia (State Lands and Reserve) Orders Act	Set apart reserve land for the sole and exclusive use of the indigenous people of Zambia - provision was intended to protect villagers and their customary rights to land.
1975	Land (Conversions of Titles) Act	<p>Provided for:</p> <ul style="list-style-type: none"> • vesting of all land in Zambia in the President • conversion of titles to land - freehold to leasehold • imposition of restrictions on the extent of agricultural land holdings • abolition of sale, transfer, and other alienation of land for value - land declared valueless
1985	Administrative Circular No.1: Procedure on Land Alienation	<ul style="list-style-type: none"> • Circular intended to lay down general policy guidelines regarding alienation procedures. • All District Councils expected to follow in the administration and allocation of land. <ul style="list-style-type: none"> ○ Chiefs and District Councils restricted to recommend up to 250 ha of land on title, per applicant, in Reserves or Trust Lands; and ○ Chiefs and the District Councils to certify that they had physically inspected the land in question and that no person's rights or interests were affected.
1987	Ministerial Statement in Parliament on Land Alienation in Reserves and Trust Lands	<ul style="list-style-type: none"> • Intended to protect villagers and their customary rights to land. • President to make grants or dispositions of land to Zambians and rural councils for periods of up to 99 years. • Terms limited to 99 years for public purposes, 33 years for missionary societies and charitable bodies, and 5 years in any other case
1993	National Conference on Land Policy and Legal reforms	<p>Major resolutions/proposals of the Conference:</p> <ul style="list-style-type: none"> • Both short-term and long-term approaches needed in tenure reform. • Reclassification of land as State Land and Customary Land with a 99-year leasehold on State Land and a varied duration according to intended use on Customary Land. • Decentralization of both the land registration and land administration systems. • Computerization of titles be considered. • Improving land administration through decentralization of activities. Allocation Boards proposed for establishment at the local level. • Role of chiefs should be formally recognized and government should make efforts to enable them to better conduct their tasks. • Undertake law reforms through consolidation of various legislation - additionally

	<ul style="list-style-type: none"> repeal Orders in Council of 1928-64. • Commissioner of Lands to identify all statutes related to land and review them for the purpose of revision. • A single bill dealing with land and another for registration were proposed. • Universal principle of equality for women and other disadvantaged groups should be formally recognized. • Government should explore the development of alternative facilities to improve access to credit. • Professional assessments of land use be made on commercial and farming land. • Market should determine prices of land on State Land. Valuation procedures should evolve according to local conditions on customary land.
<p>1995 Land Act Cap 184</p>	<p>Provided for:</p> <ul style="list-style-type: none"> • Continuation of Leaseholds and leasehold tenure • Continued vesting of land in the President and alienation of land by the President; • Statutory recognition and continuation of customary tenure (section 7) • Conversion of customary tenure into leasehold tenure (Section 8) • Establishment of Land Development Fund and Lands Tribunal <p>Repealed</p> <ul style="list-style-type: none"> • The Zambia (State Lands and Reserves) Orders, 1928 to 1964. • The Zambia (Trust Land) Orders, 1947 to 1964. • The Zambia (Gwembe District) Orders, 1959 to 1964. • The Western Province (Land and Miscellaneous Provisions) Act, 1970. • Land (Conversion of Titles) Act, 1975
<p>2002 Draft National Land Policy</p>	<p>Specific objectives included:</p> <ul style="list-style-type: none"> • Improve the land information system to facilitate the timely and accurate delivery of land information. • Improve the capacity of physical planning in order to strengthen the land delivery system and promote co-ordination among institutions directly involved in physical planning; • Ensure that the covenants and conditions under which land is held are adhered to; • Promote equal opportunity for access to land while recognising customary and leasehold tenures; • Promote increased revenue generation from land; • Support initiatives by local investors and, where appropriate, assist foreign investors through the provision of land; • Maintain a clear physical description of Zambia’s international boundary with her neighbours; • Redress the gender imbalance and other forms of discrimination in land holdings by

		<ul style="list-style-type: none"> providing security to all land holdings and creating opportunities for development; • Encourage people with special needs and other disadvantaged groups to own land; • Develop and enhance the capacity of the Lands Tribunal to quickly deal with land dispute matters; • Address the pressures and need for land by urban populations
2006	Draft Land Administration and Management Policy	<p>Policy objectives:</p> <ul style="list-style-type: none"> • Secure Zambia's territorial integrity by maintaining international boundaries at all times to control movements, encroachments and enhancing security of citizens; • Facilitate the equalisation of rights of all the people of Zambia to land through accountable and transparent land registration, adjudication and achievement of guaranteed justice; • Provide a policy framework for addressing poverty reduction, gender equality and mitigation of HIV/AIDS in land administration; • Facilitate and regulate orderly land market transactions, land development and use; • Establish and support effective institutional capacity and capability at national, provincial, district, local and community levels for sustained improvements of land delivery services; • Promote research and discourse in all aspects of national geography, land economy, law and information studies. • Provide a comprehensive institutional and legal management framework for effective land administration and management.
2012	ZLA Shadow Land Policy	<ul style="list-style-type: none"> • Proposed the establishment of the Lands Commission, District Land Boards and Customary Land Committees
2015	Constitution of Zambia (Amendment) Act	<p>Principles:</p> <ul style="list-style-type: none"> • equitable access to land and associated resources; • security of land rights for land holders; • sustainable and productive management of land resources; • transparent and cost effective administration of land; • cost effective and efficient settlement of land disputes; • river frontages, islands and lakeshores maintained and used for conservation, preservation activities, public access and enjoyment, and not leased, fenced or sold • investments in land to also benefit local communities and their economy.
2015	Draft National Land Policy	<ul style="list-style-type: none"> • Commissioner of Lands to issue "Customary Title". Proposed to be held in perpetuity and freely transferable through mortgage, lease or sale according to market values and regulations. <p>Policy objectives</p>

- Secure Zambia’s territorial integrity by maintaining international boundaries at all times to control movements, encroachments and enhancing security of citizens
- Facilitate the equalisation of rights of all the people of Zambia to land through accountable and transparent land registration, adjudication and achievement of guaranteed justice
- Provide a policy framework for addressing poverty reduction, gender equality and mitigation of HIV/AIDS in land administration.
- Facilitate and regulate orderly land market transactions, land development and use
- Establish and support effective institutional capacity and capability at national, provincial, district, local and community levels for sustained improvements of land delivery services.
- Promote research and discourse in all aspects of national geography, land economy, law and information studies.
- Provide a comprehensive institutional and legal management framework for effective land administration and management.

2017 Draft National Land Policy

Objectives

- Prepare and update internal boundaries in order to promote national identity, fiscal, electoral administration and good governance frameworks.
- Address the land tenure constraints that impact social and economic development through the implementation of a comprehensive land policy.
- Strengthen customary land administration in order to guarantee security of tenure
 - Develop and disseminate guidelines for the issuance of customary land certificates and the ensuing rights and obligations to be enjoyed under such certificates;
 - Provide guidelines for registration of all interests in land either as group land rights, or individual private land;
 - Build capacity for documentation of land rights at local levels;
 - Provide legal recognition of land certificate issued by traditional authorities and procedures for issuance customary land certificate;
 - Make registered customary land interests transferable; and,
 - Establish procedures for protection of customary interest in communal land resources in the name of the community and/ or Chiefdom
- Protect and conserve commons lands, which are essential for the livelihood support, economic growth and for the overall well-being of a community
- Regulate access to land by non-Zambians with a view to providing for access and use rights on land to non-Zambians while restricting ownership of land, both state and customary to Zambians only.
- Strengthen the administration and management of land services.
- Clarify institutional mandates.

- Create and maintain a professional, accountable, transparent and timely land registration system.
- Enhance efficiency and cost effectiveness of survey and mapping functions through commercialization, notwithstanding the public need to provide all basic and control services.
- Implement an easy, equitable, transparent and cost effective land allocation system.
- Formalize land ownership in the country to create an asset base for the poor, promote a property market, expand financial intermediation and widen the municipal tax base.
- Enhance collaboration with Chiefs and Government to continually avail adequate land for resettlement purposes in all districts of the country.

Source: Compiled by author