



**Zambia Land Alliance**  
**'Secured Land Rights For All'**

# INTRODUCTION

- Land is the place of all shelter in the city, the town, the village and the home
- It is the source of food, of materials for construction and manufacturing, of coal, gas and oil, of springs and rivers and other essentials for life
- Houses and factories, forests and farms, rivers, roads and railways, mines, quarries and reservoirs are all fashioned from the land
- It offers endless opportunities for development
- It is the ultimate source of wealth
- It is a critical factor production for agricultural production
- Small scale farmers in Zambia therefore depend on land individually and communally for their sustenance and livelihoods

# Overview of Presentation

- Land Tenure in Zambia: Current situation with regards to security of land with focus on small-scale farmers
  - Current land policies and legislation
  - Policy processes addressing land rights
  - Participation by CSOs in policy processes
  - Policy positions on land rights by CSOs
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# Land Tenure in Zambia

- Historical Context
  - Land vested in the president
  - Land administered as State and Customary Lands
  - Land Legislation: Lands Act of 1995 and several other pieces of legislation
  - Most small scale farmers hold land under customary tenure
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# Statutory Leasehold Tenure

- This is land administered by the government institutions and guided by written law
  - Land is acquired through various state institutions
  - Various land categories exist: resettlement, farm blocks, MEFZ
  - Majority of people live in former sites and services/ Housing areas and Improvement Areas
  - Evidence of land holding which provides some sort of security of tenure
  - Previously we had the Housing (Statutory and Improvement Act)
  - This was repealed & replaced by the Urban and Regional planning Act
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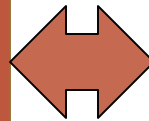
# Customary Land Tenure

- Land is controlled by chiefs and held by communities identified on the basis of tribe, residence or community of interest
- Includes land held, managed or used by specific communities as communal forests, grazing areas, dwelling places, agricultural areas
- It is also ancestral land traditionally held, used or occupied by an ethnic community
- Land administration based upon customary procedures and practices that are unwritten
- Tenure is recognized but no formal documentation to evidence interests in land
- Can be converted to state leasehold tenure

# Land Governance Challenges

## Customary

- Recognition/  
Insecurity of Tenure
- Displacement
- Capacity
- Migration
- Transparency
- Equity/ Abuse
- Authority Figure  
recognition/ disputes
- Boundaries



## Statutory

- Centralization
- Very Expensive/ Costly
- Lack skilled/well paid pers.
- Barriers accessing land
- Data/Standards
- Power Elite
- Lack of harmony between  
institutions
- Lack of funding
- Lack of access to Land
- Informality

**CROSS CUTTING:** Gender, Persons with disabilities, environmental concerns, foreignization of land

# Good Governance of Land

*Efficient, effective and competent:* Formulates policy and implements it efficiently by delivering services of a high quality.

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*Responsive:* Delivers the services that citizens want and need.

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*Legitimate:* Those in power have earned the right to govern, have been endorsed by society through democratic processes, and can be replaced if the citizens are dissatisfied with them.

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*Transparent:* Open

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*Consistent, predictable and impartial:* Outcomes from the governance processes are predictable and in accordance with published laws, rules and regulation. There is legal redress and enforcement of law by an impartial judiciary in the event of inconsistency.

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*Accountable:* Demonstrates stewardship by responding to questioning, explaining its actions, and providing evidence of how it functions.

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*Equitable:* Deals fairly and impartially with individuals and groups

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# Good Governance of Land

*Sustainable*: Balances the economic, social and environmental needs of present and future generations.


*Locally responsive*: Locates service provision at the closest level to citizens consistent with efficient and cost delivery.

*Participatory*: Enables citizens to participate fully in governance through consensus-building and engages with civil society without curbs on the media, expression or association.

*Provides security and stability*: Provides security of livelihoods, from crime and from intolerance, security from human conflicts and natural disasters, and security of tenure.

*Integrity*: Officials perform their duties diligently and objectively without seeing bribes and give independent advice and judgments, and the government respects confidentiality. There is a clear separation between the private interests of the officials and politicians and the affairs of government

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**We Need to ensure  
good governance  
under both tenure  
systems**

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# Policy processes addressing land rights

- Land Policy formulation started 2002
  - In 2006 the technical committee drafting the policy was disbanded
  - In 2014, the process restarted
  - ZLA together with other CSOs was invited to be part of the technical committee
  - Road Map Developed but was not followed
  - Communication strategy was also developed
  - Draft Policy developed
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# Participation by CSOs in policy processes

- Mobilization
  - Consultations
  - Parliamentary submissions
  - Information dissemination
  - Drafting the policy
  - Shadow Policy
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# Some stakeholders are dissatisfied with current DLP

## Traditional leaders views for example:

- The chieftainship is under threat
  - Empower Chiefs to issue out customary land titles
  - Policy must protect customary land tenure
  - Improve quality of access by all Zambians and potential foreign investors
  - Compel government to follow collaborative procedures in land administration
  - Harmonize land related laws around land
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# Traditional Leaders Concerns focus on certain issues

- Conversion / Reversion of Land
  - Beneficiation
  - Customary Land Certificates
  - Role of Lands Commission and Chiefs in Land administration processes
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# Policy positions on land rights by CSOs

- The draft policy has not addressed the conversion of land from state back to customary.
  - Not every provision has been taken on board under LSLBIs
  - Lack of emphasis the Free Prior and Informed Consent (FPIC).
  - Lack of clear definition of the public and common land, will they stand as tenure systems or sub systems?
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# Conclusion

- Efforts need to be made to secure the rights to land of small holder farmers
  - Focus should not be on individual interests in land but communal interests as well
  - We have experienced the impacts the land reform can have on the economy of a nation
  - We need to continuously engage our governments
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**Thank you for listening**

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