Zambia node conducts baseline study on land policy reforms

Land reform and policy issues have been identified as a potential source of conflict in the sub-region. FANRPAN intends to carry out studies to make appropriate recommendations to government and other stakeholders on land policy issues. In view of the foregoing, the FANRPAN-Zambia node carried out a study on land reforms aimed at providing baseline information that would be useful in formulating a more detailed study in future.

The objectives of the study were to:
- assess the awareness and knowledge levels on land reforms amongst the small scale farmers to investigate the land tenure systems in use
- examine the implications of the various land tenure on natural resource use to review the past and current policies and legislation on land.

The study was undertaken in Choma District in Southern Province of Zambia, about 300 kilometres south of Lusaka. The study reviewed various forms of tenure administrations that have existed in Zambia. In Crown Lands, freehold tenure was provided for the white settlers. Currently, State land (the former Crown Land) is controlled by the state. Reserve Land was governed by traditional leaders in their areas of jurisdiction, through local customary laws. The central authority governed Trust Lands in trust for the indigenous population. Currently, customary law predominates on both Reserves and Trust Lands. The main difference between Reserves and Trust Lands is that Reserve Land is restricted to members of a specific tribe or clan.

Zambia enacted a Lands Act in 1995. The introduction of the Act led to the repealing of the Land Conversion of Titles Act and the legislation pertaining to the “State Lands, Reserves and Trust Lands”. Under this Act, all land in the country is vested in the President who holds it in perpetuity for and on behalf of the Zambian people. Under the Act, people can only have use rights of the resources of land through leasehold tenure of 99 years. People do not necessarily own the resources.

The Lands Act recognizes the fact that land has an economic value, even in its undeveloped state. The Act also allows land under the customary law to be converted into Leasehold Tenure, after consultations with local authorities and chiefs. Additionally, a Lands Tribunal has been established so as to settle disputes relating to land. These developments are important in increasing land security.

Under the traditional land tenure system, the focus group discussions revealed the following on the procedure of obtaining land: The chief is the custodian of the Land under the traditional or customary tenure system. Allocation of land is delegated to the headman who apportions land in consultation with the village management committee. There is no limit to the hectarage allocated to an individual applicant. Any Zambian citizen regardless of ethnic background is free to apply for land.

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Land is allocated to the head of the household (male or female) on behalf of the entire family including single, mature females. Married women intending to grow crops not favoured by the head of the household have to rent from their colleagues. There is no restriction to the use of land as long as the applicant adheres to the bye-laws formulated by the chief, but the applicant has to declare the intended use of the land before allocation is made. The government does not interfere with the allocation of land under the customary land tenure. Foreign investors can obtain land through the same procedure after clearance by government. The village has village resource rangers to enforce compliance with environmental by-laws in the chiefdom. Advocates of the traditional land system argue that the system has been advantageous to them due to the following:

- There is no restriction on grazing of livestock
- The poor feel protected because the rich and the government cannot easily take away land from them
- When a farmer needs extra land, they simply approach the headman.

The following concerns were raised by the farmers that did not favour the traditional land tenure system:

- An individual does not own land, hence does not see the need to develop it. If exhausted or mismanaged, the farmer can move to another piece of land that is relatively better.
- There is no land ownership security, as a farmer does not have title to the land.
- There are also a lot of petty jealousies towards more prosperous individuals as once the land is developed, the chief or headman could easily repossess the land on flimsy grounds.

All the respondents had heard of land reforms in one way or another undertaken by the Government of the Republic of Zambia (GRZ) in 1995. The respondents however lacked details of the reforms. The farmers on the traditional land still favoured the traditional land system. The farmers objected to having title deeds for their land for various reasons including:

- No restriction on grazing and farming to a fixed area
- No payment of land rates and hence no risk of land being repossessed upon defaulting on rate payment
- Not necessary where the pieces of land owned were limited to between three and five hectares.

Under the Resettlement Scheme, which falls under the State Land Tenure system, the study came up with the following findings:

The land is owned by the resettlement scheme. A principal at the province heads the scheme. Land is given to male household heads and widows who are retired or are looking for a place on which to settle. Land is repossessed if not developed within a period of three to five years. The settler has to occupy the land within 6 months after allocation. Land can be resold after issuing of title deeds. In the study, advocates of the State Land System argued that the system was advantageous because of the following:

- Full ownership to Land as they have title deeds
- Access to credit facilities as land provides collateral security
- Free utilisation of land
- Less livestock diseases as animals graze in restricted areas

The disadvantages of the state land system included:

- Risk of overgrazing an area
- The settler has no say on exorbitant land surveying charges

RECOMMENDATIONS

The following recommendations may be key to tackling land policy issues in Zambia:

- There should be consultation over land reforms with all stakeholders especially the smallholder farmers to reduce suspicion.
- Government should improve the agricultural policy, infrastructure and marketing before tackling the land issues.
- Policy makers must improve dissemination of information over land reforms.
- The settlement schemes should be demand driven in order to cater for the majority of smallholder farmers, especially retirees in need of land.
- Property rights need to be defined for security, accountable management and investment.
- There is need to conduct a detailed study involving more stakeholders country wide in order to obtain a full picture of what the stakeholders consider as the major land issues requiring urgent attention.

Gabriel Jere (Zambia node coordinator) and Christopher Phiri (University of Zambia) conducted the land policy study on behalf of the FANRPAN Zambia network in order to provide baseline information.
NEPAD: Prospects for a new partnership for Africa's development

The first meeting of the New Partnership for Africa's Development (NEPAD) was held in Lusaka in July, 2001. NEPAD is a pledge by African leaders based on shared conviction that they have a pressing duty to eradicate poverty and to collectively move on a path of sustainable growth and development. In Africa, 340 million people, nearly half its population live on less that USS1 per day, and have a life expectancy of only 54 years. NEPAD therefore calls for a reversal of this abnormal situation. NEPAD was conceived by the African Union, and its leaders and is a holistic and comprehensive integrated framework for the socio-economic development of Africa. It is a comprehensive integrated development plan that addresses key social, economic and political priorities in a coherent and balanced manner. NEPAD is a commitment that African leaders would like to integrate the African continent into the global economy. It is a call to the rest of the world to partner Africa in its own development on the basis of her own agenda and programme of action.

NEPAD seeks to:
- Promote accelerated growth and sustainable development
- Eradicate poverty
- Halt the marginalisation of Africa in the globalisation process
- Ensure African ownership, responsibility and leadership
- Unleash the vast economic potential of the continent
- Increase investment in human resource development
- Promote the role of women in all activities develop a new partnership with industrialized countries and multilateral organizations

NEPAD outcomes will be:
- Economic growth and development and increased employment
- Reduction in poverty and inequity
- Diversification of productive activities and increased exports
- Increased African integration

NEPAD does not seek to replace or compete with any of the existing initiatives such as the UN Millennium Declaration, the G8 Okinawa Declaration, the Skagen Declaration, the Cotonou Agreement, AGOA, etc. Instead, the New Partnership seeks to establish linkages and synergies between these Initiatives. NEPAD hopes to provide the focal point and the overall strategic framework for engagement as Africa’s chosen agenda for development. It will also seek to engage with regional institutions such as SADC, Africa Union, etc.

Africa has had many initiatives such as the Lagos Plan of Action that may have failed due to timing, lack of capacity at implementation and lack of political will.

NEPAD must bring huge results in a short period for the partnership to be felt by the citizens of Africa

Africa now believes that it has a critical mass of leadership genuinely committed to the regeneration of the continent. NEPAD also offers new key elements: African ownership and management.

South Africa’s President Mbeki, who has spearheaded NEPAD, has pledged that by the end of the year, a more detailed programme of implementation for NEPAD will be developed. There has been a lot of criticism by some people that NEPAD is clearly being driven by the leaders themselves with very little input from the grassroots who should ultimately benefit from the project itself. Clearly, NEPAD will only be successful if it is owned by the African people united in their diversity. The recently concluded African Union observed that the participation of stakeholders in NEPAD had been weak. It is therefore clear that stakeholder policy participation as well as wider information coverage and distribution should form part of NEPAD’s strategies. Analysts have challenged NEPAD to bring huge results in a short period of time for the partnership to be felt by the citizens of Africa. But ultimately, for NEPAD to succeed, African leaders must take joint responsibility for the following:
- Learning to prioritize their investments and policies
- Strengthening mechanisms for conflict prevention, management and resolution at regional and continental levels
- Promoting and protecting democracy and human rights
- Restoring and maintaining macroeconomic stability
- Instituting transparent legal and regulatory frameworks for financial markets
- Revitalising the provision of education, health services
- Promoting the development of infrastructure, agriculture and its diversification.

FANRPAN hopes to mobilize funds to analyse the effects of NEPAD on SADC members in the near future. The hope is to recommend appropriate measures so that SADC governments could benefit from this new partnership.
Mozambique node develops research agenda

Mrs Selina Cossa (left) from the General Union of Cooperatives is a member of the Moz!mbican node Steering Committee.

The FANRPAN network operates nodes in 9 SADC countries. The Nodes, through their steering committees have the following roles in spearheading policy analysis:

- Coordinate applied (stakeholder driven) policy research in agriculture and natural resources
- Undertake research
- Promote stakeholder interaction through seminars, dialogues, papers, newsletters, meetings
- Build capacity among stakeholders
- Determine the research agenda through consultations
- Create demand for policy research in a country
- Mobilize funds
- Communicate effectively with stakeholders nationally and regionally

Mozambique node has a 10 member steering committee from the following institutions: Department of Agricultural Economics at Eduardo Mondlane University, Farmers Union, Chamber of Commerce, Ministry of Agriculture and Rural Development, Ministry of Planning and Finance and Academia and Research. During stakeholder consultations carried out in the provinces of Maputo, Gaza and Sofala, the major research agenda identified were as follows:

- Land policy formulation, implementation and evaluation
- Agricultural comparative advantage
- Agricultural trade and marketing policies
- Analysis of non-tariff barriers
- Agricultural competitiveness and rural infrastructure
- Agricultural production policies
- Credit and financial policies
- Transport policies

"Our node has been networking with many institutions such as our University here within the Faculty of Agriculture, agricultural and trade associations, non governmental organisations, local authorities," noted Professor Firmino Mucavele the node coordinator. "Our node's research philosophy is to conduct demand-oriented research and to be committed to problem solving issues of development."

Nodes are encouraged to publicize through this newsletter their activities, management structures as well as experiences in policy research and dialogue.

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