

5.0 LAND

In Zambia, land has since time immemorial been held under customary tenure, until the 1960s when freehold and leasehold tenure systems were introduced. Of the total land mass of the country amounting to 752,614, customary land is estimated to be 94 percent and state land is estimated at 6 percent.

Customary tenure is an indigenous form of land ownership, also referred to as traditional African customary tenure, and has a communal character. Leasehold tenure is usually held on land that is also known as state land.

Under these two (2) categories, there is reserve land that is allocated to nature, forest, and wildlife sanctuaries. Land under forest is estimated at 9percent of the total landmass of the country or approximately 67,680 square kilometres. Land for National parks is roughly 8percent or approximately 60,160 square kilometres and Game Management Areas about 22percent or approximately 165,440 square kilometres.

However, population increase has created localised pressure for land and problems of access and equity. Lack of a land policy framework makes it difficult to address these problems. Since Independence there were fragmented policy pronouncements by government but a comprehensive land policy framework was only arrived at in the year 2000 when government started initiatives to consult various stakeholders in order to come up with a Land Policy for the Country .

In as far as the Zambian Government is concerned, land is a very important factor of production as it provides a basis for the development of the nation. There can be no meaningful development without an efficient and effective Land Administration System. It is for this reason that Government has attached great importance on land as being at the very centre stage of all economic development activity. In order to enhance national Development, land should be made available for different economic ventures, which include Agriculture, Industry, Commercial Activities, Human Settlement and other uses.

In this regard, all economic activities should be supported by an effective and efficient Land Administration System, which ensures equity, in the acquisition and sustainable utilisation of land. An important aspect concerning sustainable use of land is the preservation of the land for use by future generations.

5.1 concrete actions taken and specific progress made in implementation

The following have been the concrete actions take by government and progress made in enhancing the land delivery system:

1. The Government has been working on the administrative policy framework to address the imbalance inherited from the colonial past in order to remove discriminatory practices where access to land is concerned. To this effect the Government has been working on a land policy for the country. A final draft Land Policy is before Cabinet pending approval. It is expected that once the Policy is adopted this will lead to the review of all land related pieces of legislation.
2. The Government enacted the 1995 Lands Act, which restored value to land. This act introduced the Land Development Fund, meant to open up virgin lands under

- local authorities for development. The Act also provides for the establishment of the Lands Tribunal that is fast track court for resolution of Land Disputes.
3. The Government has introduced a Land Advocacy programme in order to improve on security of tenure on both customary land and leasehold. To this effect advocacy, campaigns have been under taken by the Ministry of Lands on behalf of government with both local authorities and traditional rulers (Chiefs) to sensitise them on ensuring that there is equity and efficiency in the administration of land.
 4. Government has developed administrative procedures to guide land allocation (Land Circular of 1985, Survey guidelines, Land allocation guidelines, Land registration procedures, Land dispute resolution guidelines and Land allocation in Land Banks Guidelines.)
 5. The Government has put in place land identification measures aimed at setting aside land meant for various economic ventures. Under the agriculture sector farm blocks have been identified in all the nine provinces through out the country.
 6. With regard to land meant for other economic ventures a programme on the identification of land banks and Multi-Facility -Economic Zones has been put in place. This covers land for manufacturing, Industry, Industrial Parks, Health Infrastructure, Education Infrastructure etc.
 7. The Government through the Ministry of Lands has embarked on a process of decentralising the acquisition of title deeds. The Government through the Ministry of Lands has opened regional and provincial offices throughout the country in order to improve service delivery to the people and make it easier for them to acquire title. It is the intention of the Government that more offices be created in Districts in future in order to serve the Zambian people better.
 8. The Government has overhauled the old land information management system and replaced it with the Zambia Land Administration System which is a more improved version and is able to capture more parameters relating to land records and properties. As part of the on going land reforms with the support from USAID, the Ministry of Lands has introduced a website where members of the public can access land related information. In addition a customer service area is being established and will be launched in May 2008 as a front office to all land enquiries. Government has also through Ministry of Lands developed a service charter for the various services rendered to members of the public. Along side the service charter Core Values have been developed in order to ensure satisfaction of the client.
 9. The Government has continued with programmes of educating and enforcing the laws aimed at protecting the land from degradation and encouraging sustainable land use practices.
 10. The Government has put in place a policy that will facilitate the allocation of at least 30percent of the available land to women and other disadvantaged groups. At the same time the Government has enacted and enforced laws that ensure women acquire land without reference to their marital status. Government is also addressing the needs of other disadvantaged groups such as the Youths and Disabled.
 11. The Government has also brought close collaboration between institutions that deal with land matters such as the Ministry of Lands, Ministry of Local Government and Housing, Local Authorities, traditional rulers, the Resettlement Department under the Office of the Vice-President, the Ministry of Commerce

- Trade and Industry, Ministry of Tourism Environment and Natural Resources, Civil society, the private sector etc.
12. The Government has also improved the capacity for land delivery services through purchasing of the latest of the art equipment for surveying of land.
 13. The Government has also improved the capacity for surveying of properties through the establishment of the land Survey Control Board which recognizes public and private surveyors. This means more land can be surveyed than was previously done when there were few private surveyors.
 14. The Government has improved on the billing system through the employment of revenue collectors in all the provinces as a way of enhancing collection of land related fees and charges.
 15. The Government has encouraged public/private partnership in land development through improvement of the regulatory framework.
 16. Government has also passed the Citizenship Economic Empowerment Act and this means that the Land Delivery System has to be responsive to the need to empower the Citizens in the Country.
 17. Through SADC Government has taken the initiative to support the establishment of the Land Reform Support Facility and has attended several meetings to make this Facility a reality.

5.2 Lessons Learnt

The following are the some of the lessons learnt in undertaking land reforms in Zambia:

1. Land reforms can not be carried out overnight; it's a gradual process which requires time and perseverance and funds need to be secured for the reforms
2. There is need to define Land rights
3. There is need to build capacity in Land dealing institutions
4. The land question creates new paradigms for dealing with the land delivery system.

5.3 Recent trends and emerging issues

In recent past, there has been debate on the recognition of the customary land tenure system to promote investment in the rural areas.

1. The involvement of civil society in land matters
2. The recognition of value of land without physical development
3. Engendering land allocation in line the SADC Protocol on Gender
4. The engagement of traditional rulers in land advocacy

5.4 Major issues, Constraints and Challenges

In Zambia the land question revolves around the following contentious issues:

1. **Vestment of Land:**
There has been a contention with regard to the vestment of land in the Head of State, a national body like Parliament and Traditional rulers.

2. **Dual Land Tenure System**

The dual land tenure systems (customary and state land) are often times in conflict with each other. Argument borders on which tenure system offers more security.

3. **Land Administration**

Issues surrounding Land administration have to do with centralised issuance of certificate of title making it very costly, inadequate coordination between land use functions spread among different institutions, inadequate systematic planning in the land delivery process and mechanisms to deal with abuse of office by the agent of the Commissioner of Lands

4. **International and Internal Boundaries**

Unclearly marked and unmaintained international boundaries are prone to encroachments and cross border settlements in places, which may result into conflicts. Conflicts also arise due to a lack of clear physical boundary marks to indicate chiefdoms, districts, provincial boundaries

5. **Land Registration**

Centralised land registry is very expensive, slow and tedious to users.

6. **Surveys and Geo-information**

There is public concern that geo-information services are not affordable and readily accessible to the public.

7. **Land Information**

There has been a public perception that land information is not adequate and reliable.

8. **Land Value and Property Markets**

Unregulated land market transactions and Lack of adequate and reliable land market information due to lack of segregated land values for different categories of land

9. **Tax and Non-Tax Revenue**

inadequate efficient and effective revenue collection system for ground rent and other fees, resulting in under collection of revenues leading to inadequate redistribution of tax and non-tax revenue to land related administration and management.

10. **Spatial Planning**

Inadequate planning and enforcement of land use planning, controls and restrictions by local authorities

11. **Dispute Resolution**

Most under-privileged persons are unable to access the Lands Tribunal mainly due to its limited jurisdiction and lack of mandate to arbitrate over land disputes in customary areas and Statutory Improvements Areas where most under-privileged persons are situated

12. **Transparency and Accountability**

Lack of transparency and accountability in the allocation of land

13. **Decentralization**

Lack of decentralisation of structures of the land delivering institutions.

14. **Gender**

Discriminatory inheritance rules/rights and lack of disaggregated data based on gender making it difficult to ensure that land is evenly distributed. .

HIV/AIDS and other Terminal Diseases

Inadequate recognition of the impact of HIV/AIDS pandemic in land administration and management services

15. **Private Sector Participation**

Lack of understanding of role played by the private sector in enhancing land delivery system and lack of adequate infrastructure where land has been identified for private sector investment promotion

16. **Persons with Disabilities**

Traditional customs, norms and beliefs that disabled people cannot use the land productively:

17. **Youth**

Public concern that the contractual age of 21 years is high taking into account the increase in the child headed households

18. **Environment and Natural Resources**

Public environmental concern over increasing land degradation due to uncontrolled human activities:

19. **Land Development Fund**

Public does not see the fund as functional or visible with respect to its uses and status

20. **Institutional Framework**

Lack of a well functioning and systematic institutional framework for land delivery

21. **Legal Framework**

There is no comprehensive legislation on Land administration.

Under the current land tenure system, land is in two categories namely customary and leasehold. Most of the small scale holders are found on customary land where there is no titling and therefore, securing collateral for agricultural credit still remains remote. In this regard, the rural poor are unable to raise their levels of income.

The Government has been trying to encourage issuance of title deeds on customary land through an advocacy programme involving traditional institutions.

Resettlement:

Non-availability of written agreements with Traditional Rulers on land acquisition has created disputes in some settlement areas. To minimize land disputes, a vigorous consultative process on land acquisition has been adopted. And all land acquired will have written agreements.