

# ZAMBIA

## LAND GOVERNANCE COUNTRY ASSESEMENT FOR NAIP

Established in 2003, the **Comprehensive Africa Agriculture Development Programme (CAADP)** is the African Union's policy framework for agricultural transformation of the continent. It aims to contribute to a significant increase in agricultural productivity in Africa's mostly agriculture-based economies. With the adoption by the AU General Assembly in June 2014 of the **Malabo Declaration on Accelerated Agricultural Growth and Transformation**, CAADP has gained renewed political momentum. At the heart of the implementation process are country-specific strategies, the **National Agriculture Investment Plans (NAIPs)**, that aim to increase investment and productivity in agriculture. This Policy Brief is the result of an in-depth country level **Land Policy and Land Governance Assessments** undertaken by NELGA experts with the objective to strengthen and mainstream **land issues in the successor (or 2nd generation) NAIP and to contribute towards achieving the Malabo targets.**

### SUMMARY OF FINDNGS

- The first generation **National Agricultural Investment Plans (NAIP)** for Zambia lasted from 2013-2018. A second NAIP needs to be formulated. The **second NAIP** will need to consider the importance of land availability for agricultural investments and ensure a coordinated formulation and implementation of the NAIP.
- **Land administration in Zambia** is chaotic and uncoordinated. Land for **agricultural investments** is never readily available for agricultural investors, both commercial and small-scale farmers. There are currently over 15 organisations and agencies involved in this maladministration. Lack of **National Lands Policy** makes land administration more chaotic and inefficient.

## BACKGROUND

### Introduction

Land is a key resource and factor of development. Agriculture is a key driver of economic growth and source of livelihood for majority of Zambians and the African people in general. Agriculture is a direct source of livelihoods for over

70% of Zambians and accounts 10% Gross Domestic Product (GDP) for Zambia.

Despite this importance, radical agricultural investments and land policy transformations to reposition agriculture as a major anchor of national growth and development remain limited in Zambia. Zambia has recognised this limitation and has adopted National Agricultural Investments Plans (NAIP) as contemplated in the Maputo and Malabo Declarations by the African Union to transform and realign the sector.

The study has established that previous efforts to improve the performance of agriculture in Zambia have taken a sectoral approach by placing all responsibilities in the Ministries of Agriculture and Livestock and Fisheries. This study has established that transforming the agriculture sector and bolstering investments in agriculture requires a national agricultural investment plan that carefully integrates land administration and agricultural investments.

This should be guided by the July 2009 African Union (AU) Declaration on Land Issues and Challenges in Africa. According to International Land Coalition, this declaration was based on the understanding that land administration processes and issues impact on agriculture investments and the overall development of the African continent (African Union, 2009). Given that land is a core issue in agricultural growth and food security, the UN Food and Agriculture Organisation (FAO) produced globally applicable guidelines for adoption in all key national development frameworks and policies. In Zambia, chaotic land administration is a major obstacle to rapid agricultural transformation. This inefficiency is driven by lack of a high-level land managing coordination Unit that surveys and administers land for farm investments by both small- and large-scale investments in the sector. Lack of an adopted National Lands Policy complicates the chaos.

### Summary of Research Process

This policy brief is based on a GIZ commissioned research report that provides a review of land administration systems and how they impact on national agricultural investment plans in Zambia. The report is based on critical document analysis governing land administration and how the existing land administration protocols inhibit or facilitate agricultural investments in Zambia. To link land administration to agriculture development, the report draws heavily on national land and agricultural policies and

programmes. The review of national lands and agricultural policies and plans is guided by the Maputo and Malabo Declarations on agriculture on the one hand and the AU Declaration on land on another hand. Further, the documents review process is augmented by key informant interviews based on land and agricultural development matters in Zambia. Key informants interviewed are from various departments in the Ministries of Agriculture, Lands and Natural Resources, and Local Government among others. The report further draws on key informant interviews from civil society organisations working on land and agricultural development in Zambia.

## STUDY FINDINGS

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This policy brief seeks to assert the central role of efficient land administration in promoting agricultural investments in Zambia. The brief argues that land administration and agricultural development are closely interlinked.

### LAND GOVERNANCE IN ZAMBIA

The constitution devolves land administrative functions to local governments. Although there are several policies related to land, currently **Zambia does not have a specific policy on Land**. Zambia depends on the draft lands policy which remains under controversy. This is against the backdrop that government has been grappling with drafting the Land Policy for almost three decades now. The vacuum and confusion created by lack of adopted land policy is worsened by existence of several pieces of legislation that affect land, the main one being the Lands Act of 1995. To fill the gaps of the Lands Act, and possibly create clarity and efficiency in administering customary land, a Customary Lands Bill is still being drafted. Land administration challenges in Zambia are complicated by desperate individuals seeking land for housing development and or commercial activities that include agriculture. Both the poor and well-resourced individuals are eyeing well located and serviced land for their activities.

### TENURE OVERLAPS

Zambia has a **dual tenure system** consisting of leasehold (Statutory) and customary tenure. This duality has persisted since the colonial times. The term of leasehold is limited to a maximum of 99 years. Other terms of leases include 14-year leases which are provisional, a 30-year leases for resettlement schemes and a 30-year occupancy licences for housing improvement areas and 10-year land records which are issued by local authorities. These tenure regimes provide land use rights and indicate level of tenure security for the owners. Leasehold provides the widest use rights and highest level of tenure security. An important form of land holding is land that is reserved for public use, such as land for public infrastructure, forests and national parks among others. This category overlaps leaseholds and customary areas. In addition to leasehold and customary tenure, there is also the unrecognised/de-facto tenure which constitutes large portion in and around urban areas e.g. in Lusaka it is estimated that over 60% of holdings are informal. It is estimated that about 90% of the rural population subsist on

customary tenure. For agricultural development, leasehold and customary tenure constitute the highest proportion for farm land for both small-holder and commercial farm activities.

However, the **multiplicity of tenure regimes present major land administration challenges and make it more complex for guaranteeing use and investment rights**. Public land overlaps both state land and customary areas. In addition, the Lands Act allows conversion of customary tenure to leasehold. However, the Lands Act is not explicit on the status of the land under the converted tenure. The Act does not mention of any new inclusions to or exclusions from customary areas. This complexity is compounded by lack of clear institutional alignment among various land administrators.

### OVERLAPS BETWEEN DIFFERENT LEVELS OF GOVERNMENT IN LAND ADMINISTRATION

In the first Comprehensive African Agriculture Development Programme (CAADP) driven NAIP process for Zambia, land was not an integral part of the Plan and **that lack of effective coordination among relevant institutions** resulted in challenges during implementation of NAIP for Zambia from 2013 to 2018. The study has established that Zambia has multiple land administration agencies that are poorly coordinated, and that the Ministry of Agriculture has minimal role on administering land for farming activities. Further, the study has established that the various institutions involved in land administration and agricultural development are uncoordinated and conflicted in various ways.

The **major negative impact** of numerous conflicted land administration agencies and institutions is that land under the customary tenure can change hands without following a very transparent tenure conversion process. The impact is **rapid loss of customary farm land among smallholder farmers** who by and large determine food security for Zambia.

The first and second National Agricultural Policies (NAPs) did not factor this complexity and conflicted institutional arrangement involved in land and agricultural development. Equally, the first NAIP for Zambia largely ignored the role of land in achieving the CAADP inspired NAIP process. The brief further argues that achieving the Malabo Declaration via the second generation CAADP NAIP process will require significant rethink from the first NAIP design and process for Zambia.

## POLICY RECOMMENDATIONS

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### INTRODUCE FARMLAND ACCESS AS CORE ASPECT IN THE SECOND NAIP FOR ZAMBIA

The link between effective land administration and increased agricultural investment is clear and strong. Thus, the need for land to be placed at the core of NAIP programmes is a required condition for success of the Malabo Declaration. Aspects of land surveying, farm suitability analysis and farmland infrastructure development should be

done in time and such land should be marketed and investors supported with appropriate investment incentives. This could involve establishment of farming blocks across the country to attract agricultural investments for both smallholder and commercial investments. This could be done by strengthening the role of the Land Development Fund and establishment of special funds in the Ministry of Agriculture.

### **ESTABLISH A HIGH-LEVEL COORDINATION UNIT ON LAND ADMINISTRATION AND AGRICULTURAL INVESTMENT**

The most striking challenge that adversely impacted the implementation of the first NAIP for Zambia is lack of a coordinating Unit to ensure an orderly and complementary NAIP formulation and implementation process. A coordinating Unit to involve Ministries responsible for Lands, Agriculture, Cooperatives, Local Government and other relevant government agencies need to be established with a high level of political freedom to make transparent recommendations. The Unit should involve private sector institutes and civil society organisations to allow multiple views from multiple stakeholders to be considered and acted upon. The Unit should have mandates to make recommendations for implementation to ensure land administration and agricultural investment are well integrated.

### **IMPROVE TENURE SECURITY FOR CUSTOMARY FARMLAND**

Given a rise in commercial interest in customary land by both smallholder and commercial agricultural investments, the need to improve tenure security for customary farmland is urgent. The initial effort could involve issuance of tenure rights documentation for people on peri-urban land in areas around big cities. Such land may include but not limited to all farmland in Lusaka Province, land around big cities and mining towns. This would require strategies that involve strengthening the role of chiefs and ensure effective and transparent coordination involving ministries of agriculture, lands, local government and local councils in land matters.

### **IMPROVE LAND INFORMATION SYSTEM**

It is a fact that accessing information on land remains a major challenge for most agricultural investors in Zambia. The challenge is bigger for smaller holder farmers depending on customary land. Thus, to promote a transparent and inclusive land administration system, information on land must be available to all. This should involve automation of land information system, land use suitability for various use categories and land ownership profiles. This includes land information being translated in seven key local languages. To achieve this, investments must be made in ambitious land auditing and suitability for farm use analysis.

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For more information and full references, please consult the Final Report on SLGA Website

