

**IMPLICATIONS OF CONVERSION OF CUSTOMARY LAND TENURE TO  
LEASEHOLD TENURE ON THE LIVELIHOODS OF RURAL PEOPLE IN  
CHIBOMBO AND CHONGWE DISTRICTS, ZAMBIA.**

**By**

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A dissertation submitted to the University of Zambia in partial fulfilment of the requirements  
of the degree of Master of Science in Environmental and Natural Resources Management

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**LUSAKA**

**2017**

### Declaration

I, Nyanga Janet, hereby declare that the work presented in this study for the Master of Science in Environment and Natural Resource Management is entirely my own independent work and that to the best of my knowledge, no similar piece of work has been produced at the University of Zambia or any other institution. The various persons and resources consulted to which I am indebted are dully acknowledged.

Signed Nyanga Janet Date: 20th November, 2017.

### Approval

This dissertation of Nyanga Janet has been approved as fulfilling the partial fulfilments of the requirements for the award of Masters of Science in Environment and Natural Resource Management by the University of Zambia.

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## **Dedication**

It is with great love and affection that I dedicate this work to my Father and Mother Shepherd and Lenda Nyanga for their unfailing love and care.

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## **Abstract**

The aim of this study was to examine the implications of the conversion of customary land tenure to leasehold tenure on rural livelihoods in Chibombo and Chongwe districts by drawing on a comparative approach. In particular, the study was conducted in three chiefdoms namely; Bunda Bunda and Nkomeshya chiefdom in Chongwe district and in Chibombo district, it was conducted in Mungule chiefdom. The objectives of the study were; to compare the pattern of tenure conversion in the study areas, to find out factors influencing the conversion of customary land tenure to leasehold tenure, to examine how the study areas respond to pressures associated with the conversion of customary land tenure to leasehold tenure and to examine how the conversion of customary land tenure affect the farm based livelihood of rural people. Both quantitative and qualitative methods were used. Under quantitative methods, a questionnaire survey was conducted and data collected was analysed using descriptive statistics. For the survey, 50 respondents were selected from Chibombo district and 35 respondents from Chongwe district. The survey targeted villagers (local people) in the three study chiefdoms. Under qualitative methods, Focus Group Discussions and interviews were used. The data collected was analysed thematically.

The results of the study showed that both areas experience land pressures but differ in the way they respond. Mungule and Bunda Bunda chiefdom have open up their land for conversion of customary land tenure to leasehold tenure. While, this is not the case in Nkomeshya chiefdom. Traditional leaders in Nkomeshya chiefdom forbids the conversion of customary tenure to leasehold tenure. This study also revealed that enhanced tenure security, increased land pressures and need to increase investment influence the conversion of customary tenure to leasehold tenure. The findings further revealed that conversion of customary land tenure to leasehold tenure has both negative and positive implications. In terms of positive implications, conversion of customary land tenure has brought about micro, small and medium businesses. These businesses have created employment opportunities for the local people in the area. The negative implications of customary tenure conversion includes reduced size of land owned, increased boundary conflicts and weakening social cohesion.

**Key words:** Chiefdom; Conversion; Customary land; Leasehold tenure; Village headperson; 1995 Lands Act;

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## **List of Acronyms**

FAO	Food and Agricultural Organisation
FSRP	Food Security Research Project
GRZ	Government of the Republic of Zambia
MMD	Movement for Multi-Party Democracy
UN	United Nations
ZLA	Zambia Land Alliance

## **CHAPTER ONE: INTRODUCTION**

### **1.1 Background**

Since colonial times, Zambia has had a dual land tenure system, namely statutory and customary tenure. Scholars in land related issues have argued that this dual land tenure system has been a major source of land related conflicts in the country due to its association with unequal access to land (Mvunga, 1977). For instance, in the colonial era, statutory land comprised fertile and productive land which was reserved for European use only. On the other hand, customary land comprised marginal land that was reserved for the local people (Adams, 2003). Thus, indigenous people felt that they were being denied access to prime land which in their view rightfully belonged to them. These inequalities in land holding inter alia provided the impetus for independence.

Thus, after independence in 1964, the state embarked on a number of reforms aimed at resolving these land conflicts. The first major land reform was initiated in the form of conversions of title in 1975. The four categories of land from colonial land administration were converted into two land systems. That is the crown and freehold land was converted to state land. State land was governed by statutes. On the other hand, Reserve and Trust land was converted to customary land. This land was This Act came to be called the 1975 Land (Conversion of Titles) Act. Bruce and Dorner (1982) adds that the 1975 Lands Act marked a significant departure from colonial land policy where by land could be sold. The Act abolished all market value on land. This meant that when an estate was on sale, improvements were valued and sold but the land itself was transferred without compensation. This means that it was the improvement that were being sold and not the land itself. Thus, land was deemed to have no value. The extinction of market value was in line was derived from the ruling party's ideology of humanism. The thinking behind it was that individuals should not reap benefits from land which are created by nature or by government action. However, such resources were meant to benefit all the people (Mvunga 1977). Another reform occurred in 1995 leading to the 1995 Lands Act Cap 184 of the Laws of Zambia. The importance of the 1995 Lands Act is that it re-introduced leasehold on state land. Besides this, it also allowed conversion of customary land into leasehold (sec 8 (1) Lands Act., 1995).

The introduction of the 1995 Lands Act has however, raised a lot of concerns among scholars, civil society and other stakeholders in the context of diminishing the chief authority. This is because once leasehold title is obtain on customary land, only the Commissioner of

Lands is considered the statutory landlord to the land in question. By law land leases are only subject to statutes and regulations passed by the Ministry of Lands (sec. 7 Admin Circ., 1985). Some scholars further argue that conversion of customary land tenure into leasehold tenure has the potential of depleting customary land. This is based on the assumption that when customary land tenure is converted to leasehold tenure, it irreversibly ceases to be customary land (Brown, 2005; ZLA, 2008; Kabilika, 2010). The 1995 Lands Act is however, silent on whether converted land remains customary under the authority of traditional leaders. In practice, however, converted customary land tenure is treated as state land governed by the Lands Commissioner. Thus, customary rights attached to converted land are extinguished once a lease is granted. Therefore, some scholars argue that the conversion of customary land tenure to leasehold tenure has the potential of endangering access and availability of land for future generations, especially for the poorer community members who require free and permanent access to land as it is their main source of livelihood.

Media reports, public comments and observations have identified a number of challenges relating to the conversion of customary land. These include the effects of land conversions on vulnerable groups such as women and the poor in rural communities (Brown, 2005). Other problems related to the conversion of customary land tenure include the undermining of customary tenure which may lead to many poor households in rural communities losing their land. This is because the ease of access for customary land has made it a primary target to land suitors with financial capacity to acquire and convert customary land tenure to leasehold tenure. Given this background, it is imperative to assess the implications of conversion of customary land on the livelihood of rural people who subsist on it. In this regard, this dissertation examines land conversion trends in two districts of Zambia and its implications on the rural livelihoods.

## **1.2 Statement of the Problem**

The centrality of land, especially in rural areas, lies in the fact that a large proportion of people in Zambia derive their livelihood directly from land. However, the current trends favouring conversion of customary land tenure raises a lot of concern among scholars in the context of availability and accessibility of customary land. Although the 1995 Lands Act is silent on whether converted land remains customary, in practice however, converted land is treated as state land. Thus, scholars such as Kabilika (2010) argue that conversion of

customary land tenure has the potential of depleting customary land on which the poor mostly depend on. For instance, some surveys have shown that in many customary areas, unallocated land appears to be unavailable, particularly in areas close to cities and towns (FSRP, 2010). In areas such as Chibombo and Chongwe for example, land pressures resulting from urban expansion are leading to large scale conversions of customary land tenure to leasehold. While some studies have been done regarding the legal provision of conversion of customary tenure to leasehold, there has been little work focusing on the implications of these conversions by drawing on two cases which appear to be responding differently (that is Mungule and Bunda and Bunda Bunda chiefdom have opened up to the conversion of customary land tenure to leasehold tenure while this is not the case in Nkomeshya chiefdom) to the pressures associated with the conversion (ZLA, 2008). It is in this regard that the research seeks to draw on a comparative study of two cases to establish the implications of customary land conversion on rural livelihoods. In particular, the study is concerned with land conversions occurring in the peripheral areas of Lusaka.

### **1.3 Aim of the study**

To establish the implications of the conversion of customary tenure to leasehold tenure on rural livelihoods in Chibombo and Chongwe districts.

### **1.4 Objective of the study**

1. To compare the trends of conversion of customary land tenure in Chibombo and Chongwe districts.
2. To find out the factors influencing land tenure conversion in Chibombo and Chongwe districts.
3. To examine how the two study areas respond to pressures associated with the conversion of customary land tenure to leasehold tenure.
4. To examine how the conversion of customary tenure influences farm based livelihoods of villagers in Chibombo and Chongwe districts.

### **1.5 Research questions**

1. What are the trends of land tenure conversion in Chibombo and Chongwe districts?
2. What are the factors influencing land tenure conversion in the two study areas?
3. How do the two study areas respond to pressures associated with the conversion of customary tenure to leasehold tenure?



4. How does the conversion of customary tenure influence farm based livelihoods of villagers in the two study areas?

### **1.6 Significance of the research findings**

The study was developed on the basis of the need to understand not only customary land tenure conversion trends, but also the implications of these trends on the livelihoods of rural people. Therefore, the findings of this study can be used as an important basis for policy development on conversion of customary land. Further, it is anticipated that the findings of this study will add to the existing stock of knowledge on the conversion of customary land as well as contribute to the on-going debates on land formalisations and their impact on local people in Zambia and Africa at large.

### **1.7 Organisation of the dissertation**

This dissertation is composed of six chapters. Chapter one has already provided the background, statement of the problem, aim, objectives and research questions. In addition, the significance of the problem is also included in this chapter. Chapter two reviews existing literature by first showing the significance of customary land on the livelihood of rural people. Thereafter, a review of literature on the conversion of customary land into leasehold tenure follows. Chapter three describes the study areas which are Chibombo and Chongwe Districts in terms of their geographical locations. Furthermore, the socio-economic characteristics of the two districts are discussed in this chapter. The chapter also shows why Chibombo and Chongwe Districts were selected. Chapter four looks at the methodology in terms of research design, population and data collection methods. Inclusive in this chapter is data analysis. Chapter five presents research findings and discussions. The conclusions and recommendations are presented in chapter six.

## CHAPTER TWO: LITERATURE REVIEW

### 2.1 Introduction

This chapter reviews a variety of literature focussing on land tenure conversion and rural livelihoods.

#### 2.1.0 Land tenure and property rights

Land tenure is the relationship, whether legally or customarily defined, among people as individuals or groups by which rights and obligations are defined with respect to control and use of land (UN-Habitat, 2008). Land tenure relationships are either enforceable in a formal court of law or through customary structures in a community. Enforcement of statutory law is usually the responsibility of the state, which means that the rights are grounded in formal laws (Mudenda, 2007). On the other hand, the enforcement of customary laws is the responsibility of customary structures in a community (*ibid*). In customary land tenure systems, tenure rights are ostensibly controlled and allocated according to traditional practice (Brown, 2005).

The land tenure systems determine who can use what resources, for how long, and under what conditions (Bromley, 1991). Rules of tenure define how property rights to land are to be allocated within societies. In this context, property right refer to the right that a person has in an object such as land (FAO, 2003). In broad terms, property rights refers to the formal and informal provisions that determine who has a right to enjoy benefit streams that emerge from the use of assets and who has no such rights (Bromley, 1991). Formal property rights are those rights explicitly acknowledged by the state and protected using legal means (Weber, 1985). Informal property rights are those that lack official recognition and protection (*ibid*). According to Ostrom and Schlager (1996) property rights can be categorised as;

- **Use rights:** rights to use the land for grazing, growing subsistence crops, gathering minor forestry products.
- **Control rights:** rights to make decisions on how the land should be used including deciding what crops should be planted, and to benefit financially from the sale of crops among others

- **Transfer rights:** right to sell or mortgage the land, to convey the land to others through intra-community reallocations, to transmit the land to heirs through inheritance, and to reallocate use and control rights.

## **2:2.0 Classification of land tenure systems**

From literature, land tenure systems tend to be categorised into two broad categories. These are customary and statutory tenure system (FAO, 2003). These two categories are discussed in detail in this section.

### **2:2.1 Customary land tenure**

Customary land tenure refers to the tenure system in which ownership of land is vested in a tribe, group or community (Tysegen, 2014; Payne and Durand-Lasserve, 2012). Tenure rights in customary tenure are ostensibly controlled and allocated according to custom and tradition. According to some proponents of customary tenure, it has several merits. First, customary institutions exist at local level and are therefore cheap and easily accessible to the people (Adams, 2003). Secondly, the traditional institutions are capable of dealing with the vast majority of land issues, including disputes in a cheap, fair and timely way (Brown, 2005). Brown (2005) further argues that customary land tenure is also flexible and can therefore adapt to any change. Scholars argue that customary tenure also provides a high degree of security as land is owned in perpetuity (Adams, 2003). Protection of the rights of future generations is said to be assured through the clan system which ensures that land can not be used destructively (*ibid*). This in turn helps to maintain social cohesion in the community (UN-Habitat, 2004).

Despite the merits identified here, the customary tenure system also has its critics. Some scholars have pointed out that the unwritten nature and lack of coherent laws often complicates land ownership in customary land (Mudenda, 2007). Mvunga (1977) adds that customary land tenure perpetuates marginalization of women. This is because some inheritance rules tend to disadvantage them from owning land. In addition, it is argued that relatively easy access to customary land makes it vulnerable to abuse under pressure of urbanisation (Mudenda, 2007; Payne and Durand-Lasserve 2012) while poor customary leadership may weaken its legitimacy. Further, critics point out that some land disputes may

be beyond the capacity of traditional institutions such as those conflicts between ethnic groups (Weber, 1985).

Prior to independence, all land in present Zambia was held under customary land tenure (Adams, 2003). After independence, customary land tenure continued to exist. Currently, the Zambian government through the 1995 Lands Act has continued to recognise the customary land tenure (sec 7 (1) (2) Lands Act., 1995). Customary land tenure applies to the study areas.

## **2:2.2 Statutory land tenure**

Statutory land tenure refers to a tenure system established by laws or statutes (FAO, 2003; Payne and Durand-Lasserve, 2012). Statutory land tenure consists of public tenure and private tenure system (ibid).

### **2:2.2.1 Public land tenure**

Public tenure systems operate in countries within which all land is owned by the state (Republic of China, 2008). For example, China has a public land tenure system. Public land tenure system neither apply to Zambia nor to the areas under study. In public tenure system, the resource is owned by all persons having state membership. The state authorised representatives make decisions concerning the resource use (rental occupation of publicly owned land or house). State systems of public land tenure are usually based on written laws and regulations, on acts of centralised or decentralised government agencies and on judicial decisions. Some scholars argue that the concept of public land ownership seeks to enable all sections of society to obtain access to land under conditions of increasing competition of land (Payne and Durand-Lasserve, 2012). Although it has frequently achieved higher levels of equity than other tenure systems, it has rarely achieved high levels of efficiency due to bureaucratic inefficiency, or systems of patronage and clientelism (UN-Habitat, 2004).

According to some proponents of public land tenure, its merits are that it allows the government to play the leading role in the allocation of land resources in line with requirements for development (Payne and Durand-Lasserve, 2012). While maintaining its ownership over land, the government transfers rights for land usage via auctions, public bidding, and negotiations, thereby enabling the market to play a fundamental role in the allocation of resources. This eventually leads to the gradual formation of a land transfer

market that is able to reflect the true value of land (Republic of China, 2008). It also provides a high degree of tenure security provided the terms and conditions of occupation are met (Payne and Durand-Lasserve, 2012). The rental occupation arrangement provides the state with revenue. The disadvantage of this form of tenure arrangement is that access to publicly owned land or house is restrictive to the terms and conditions set by the state. The rental requirement and other requirement restrict the rural poor with low income from accessing such a land (*ibid*).

#### **2:2.2.2 Private land tenure**

Private tenure system is also another form of statutory tenure which vests ownership of land in the hands of individuals, a group of people, or a corporate body such as a commercial entity or non-profit organization (Payne and Durand-Lasserve, 2012). According to FAO (2003), private tenure system is comprises of (i) freehold tenure and (ii) leasehold tenure. The government of the republic of Zambia recognise this land tenure system through the recognition of leasehold land tenure which is part of the component of private land tenure system (part 1 (1) Lands Act., 1995). According to some proponents of private tenure, its merits are that it permits almost unrestricted use and exchange of land (Adam, 2003). They further argue that private land tenure offers the best way for farmers to protect their own rights and interests as it offers absolute right ownership (Mathieu *et al.*, 2002; FAO 2003).

However, some scholars argue that the disadvantage of this form of land tenure is that it is difficult to access such land by individuals or groups with low income since the market allocates land to the highest bidder (Payne and Durand-Lasserve, 2012). Thus, there is high excludability of the poor from accessing such lands which in turn would aggravate social problems such as reckless urban expansion and poverty. Private land ownership inevitably leads to economic decline in rural areas and retards agricultural development (Republic of China, 2008). This is because it concentrates large tracts of land in few individuals' landlords, leaving the rural poor with no land on which to farm. In this case private land tenure does not only fails to promote development, but actually holds it back.

#### **2:2.2.3 Leasehold land tenure**

Leasehold tenure system is another type of private tenure. Leasehold tenure refers to a tenure system in which ownership of land is specified ranging from few periods to 99 years (FAO,

2003). This form of tenure system is based on English property law and therefore, it exists particularly in commonwealth countries as well as in formal British colonies (Payne and Durand-Lasserve, 2012). Land rights are allocated and confirmed through the issuance of titles or other forms of registration of ownership (Adams, 2003; Brown, 2005; ZLA, 2008). This land tenure system applies to Zambia (part 1 (1), sec 8 (1) (2) Lands Act., 1995).

According to some scholars, the advantage of leasehold land tenure is that the holders of tenure rights in this tenure arrangement are protected from involuntary removal from their land or residence (Tysegen, 2014). Evictions can happen only in exceptional circumstances by means of known and agreed legal procedure (Brown, 2005; ZLA, 2008). Given the protection leasehold land tenure receives from the State and its institutions in terms of the received law, some scholars such as Mungabwa (2007) and Chinene *et al* (2008) argue that leasehold presents the most secure form of tenure. Based on the preceding argument, Chinene *et al* (2008) point out that leasehold tenure removes disincentives to invest in the longer term management and productivity of the land and stimulates a more efficient use of the land. It further provides the state with information regarding landholders and size of land owned, which can provide the basis for a system of property taxes (GRZ, 1996). Land registration provides people with a title that can be offered as collateral to financial institutions in prime areas thereby improving peoples' access to credit and allowing them to invest in land improvements (*ibid*). Leasehold land may be renewed according to new terms negotiated between the tenant and land owner (GRZ, 1995).

Despite the merits identified above, the limitations of leasehold are that it is given for a definite number of years (FAO, 2003; 1995 Lands Act). Although leasehold can be renewed, critics point out that the cost of renewing lease is far beyond the financial capacity of many rural people in customary areas (Adams, 2003). For example, in order to extend the lease, the current owner must apply for a renewal before the expiry date and a significant sum of money is usually expected, one that is close to the original sum paid (FAO, 2003). Therefore, some scholars argue that renewal of lease, makes this land tenure expensive in terms of costs involved in accessing and renewing of lease. Failure to meet lease conditions constitutes breach of the lease allowing termination after six months' notice to the lessee of the government's intention to terminate (GRZ, 2005). Thus, opponents of leasehold tenure argue that financial requirements of leasehold encourage powerful groups within the community to

acquire land resource in their favour (Bruce *et al.*, 1994). This in turn would result into unequal resource capture.

#### **2:2.2.4 Freehold land tenure**

Another form of private tenure is freehold. Freehold tenure refers to a tenure system characterised with ownership of land in perpetuity (Adams, 2003). It offers the landholder absolute right to control, manage, use and dispose of a piece of property. 'Freehold', is a traditionally western concept of individual property ownership. According to critics the concept was imported to developing countries in order to serve Western interests in the colonial era (Payne and Durand-Lasserve, 2012).

The merits of freehold tenure are that the time for which the rights can be held is not limited to a fixed period (*ibid*). It also maximises commercial value enabling the landholder to realise substantial increase in asset value. It further provides absolute ownership rights, implying the right to own, control, manage, use and dispose of property (Adams, 2003). On the other hand, critics of freehold land tenure point out that the cost of accessing such land is very high such that only the elite can afford to acquire it (FAO, 2003). Therefore, some scholars argue that freehold tends to put land in the hands of few people (Payne and Durand-Lasserve, 2012). In this regard, many poor people can be left landless as the financial capacity precludes them from accessing such lands.

Freehold land tenure existed in Zambia during the colonial era. During this period, freehold land tenure applied to Crown lands which were exclusively held for the occupation of European (Adams, 2003). After independence in 1964, freehold land tenure was abolished and freehold titles were converted to leasehold by the state (Adams, 2003 and Brown, 2005).

### **2.3 Types of land tenure in Zambia**

The conceptualization of tenure and property rights discussed above is useful for the purpose of analysing the land tenure systems in Zambia. Prior to the arrival of Europeans in present Zambia, allocation of land and use rights were done by traditional authorities (Adams, 2003). People were linked to land through their membership in groups. The chief had administrative control functions over land within his jurisdiction. It was by virtue of these control functions that the chief allocated portions of land to individuals. Nevertheless, chiefs did not allot the

land directly to their subject who used it. Rather, land was allocated to sub-chiefs who in turn allotted shares to village headperson (ZLA, 2008; Brown, 2004). At a village level, the headperson allocated land to heads of sub-sections or the head of the family who in turn distributed land to their subjects (Allan, 1965). Land was freely passed on to family members through inheritance in accordance with the existing traditional customs and norms (Brown, 2004). Individuals, however, had a duty to protect and conserve the land. The tenure system did not however, allow for exclusive rights to land as it was mostly held in common by the community (Adam, 2003). Individual ownership of land was unknown and issuance of title deeds of land was not provided for. This implies that the tenure system which prevailed was customary tenure.

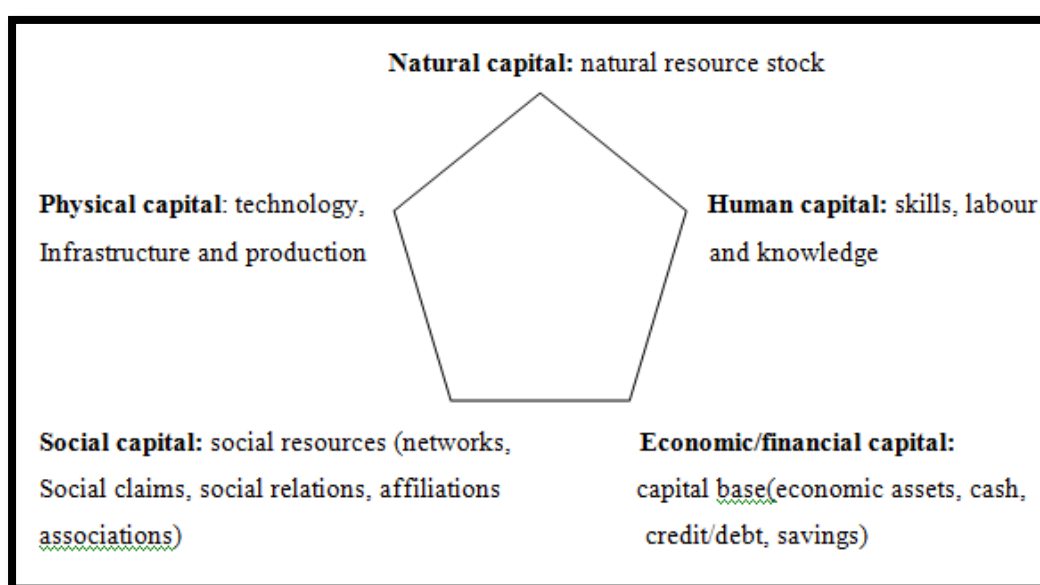
The customary tenure system was, however, disrupted by the arrival of the European settlers around 1890 (Adams, 2003). The Europeans settlers introduced English law to apply to land tenure in Zambia. Access to land owned by Europeans was clearly defined by laws and regulations (*ibid*). Therefore, the arrival of Europeans marked the beginning of statutory tenure. Europeans were alienated land either as freehold or leasehold (Brown, 2005). To this effect, the Lands and Deeds Registry Act-Chapter 185 of the Laws of Zambia was enacted in 1944 to provide for the registration of documents and to provide for the transfer and transmission of registered land.

Acquisition of statutory land was based on racial lines. For instance, land which was good for settlement or that contained mineral deposits was brought into the category of Crown land. This land was set apart exclusively for settlement, farming and mining by the Europeans (Adams, 2003). The Crown land was the category of land to which statutory law was applied (*ibid*). The native reserves were specifically provided for the sole and exclusive occupation by the natives in perpetuity that could acquire and exercise interests and rights according to customary law (Adams, 2003; Brown, 2005; Tysegen, 2014). The native reserves were characterised by marginal and infertile land (Adams, 2003). To this effect, the unequal access to land due to the dual land tenure system is considered as a shadow of colonial land administration because most of the pre-independence laws were inherited by the Zambian government from their predecessors and has been the cause of land conflicts (*ibid*).



## 2.4. Rural livelihoods and conversion of customary land tenure into leasehold tenure

The concept of livelihood describes individuals, households, or groups making a living; attempting to meet a variety of consumption and economic necessities; coping with uncertainties; and responding to new opportunities (Scoones, 1998). Some of the earlier approaches in livelihood studies make use of the livelihood pentagon namely; the natural, physical, social, economic and human capital (Chambers and Conway, 1992).



**Figure: 2:1.** The livelihood pentagon.

**Source:** Chambers and Conway, 1992.

Natural capitals consist of natural ecosystems that yield a flow of valuable ecosystem goods or services (Costanza, 2008). For example, access to land, forest, water and grazing provides natural income that enables people to pursue different livelihood strategies. The World Bank (2003) adds that land does not more than simply provide shelter and means of livelihood access to land provides an incentive to make investments and improves the ability of the poor to access financial market.

Human capital refers to the stock of education, skills, culture and knowledge stored in human beings (Goodwin, 2003). It is also defined as the productive capacities of an individual both inherited and acquired through education and training that enable people to achieve their livelihood objectives. Social capital consists of a stock of trust, mutual understanding shared

value and socially held knowledge upon which people draw when pursuing different livelihood strategies requiring coordinated actions (Scoones, 1998). Physical capital consists of assets generated by applying human productive activities to natural capital and capable of providing a flow of goods or services (Costanza, 2008). On the other hand, economic capital includes access to credits and wages. It also includes basic infrastructure and production equipment which are essential for the pursuit of any livelihood strategy (Scoones, 1998).

An understanding of the way in which people construct their livelihood is very important and policies developed on the basis of understanding of peoples' livelihoods is likely to promote activities that enhance the wellbeing of people in rural areas. For example, the 1995 Lands Act is based on the assumption that the introduction of leasehold tenure on customary land will enable villagers to use their land as collateral to secure credit to invest in farms and business (Brown 2005 p.87 and MMD, 1991). By drawing on these insights from a livelihood perspective, this dissertation focusses its attention on the implications conversion of customary tenure to leasehold on rural people and how the tenure conversion influences farm based livelihoods of rural people.

In this dissertation, three kinds of capital from the livelihood framework were considered. These were natural, social and economic capitals. Natural capital was considered as a category for examining the implications of conversion of customary land tenure on rural livelihood because most rural livelihood is reliant on the natural resource base for their survival (Scoones, 2009). In this way, natural capital provides resource flows or services useful from which livelihoods are derived. Social capital is also another factor considered for examining the implication of land conversion tenure on the rural livelihood because most people in rural areas depend on social relations and common resources when pursuing different livelihood strategies such as livestock farming where local people graze their animals, gather grass, fire wood and forest products from communal grounds. Besides, natural and social capital, the other capital considered in this paper as a category for examining the implications of customary land tenure conversion on rural livelihoods was the economic capital. This is because economic capital is essential for the pursuit of any livelihood strategy (Goodwin, 2003).

## **2.5 Conversion of customary land tenure to leasehold tenure among African countries**

The introduction of leasehold in Africa is based on the premise that land held under customary tenure is underdeveloped because of the nature and character of usufructuary rights. This is attributed to the fact that, colonists took the view that customary law was inferior and characterised by undeveloped legal systems (Chinene *et al.*, 2009). Thus, they introduced leasehold tenure based on English law (Adams, 2003).

According to Mugambwa (2007) conversion of customary land tenure to leasehold tenure in Uganda was introduced in 1955. This was based on recommendations from the East Africa Royal Commission (EARC) report. The report recommended the conversion of customary land tenure into individualised tenure as the catalyst for transforming productivity on customary land. According to the EARC, this recommendation was based on the premise that, customary land tenure was communal in nature and that individual were discouraged from investing in the land they occupied. They argued that customary tenure system did not provide individuals with sufficient assurance that their long term land rights were secure. However, after independence in 1962, the conversion of customary land came to a halt as critics dismissed the EARC report. The dismissal of EARC recommendations was based on the premise that there was no increased production or investment in areas where customary land tenure was turned into leasehold tenure. Nevertheless, in 1998, the Ugandan government re-introduced the conversion of customary land to leasehold tenure in the 1998 Land Act. Thus, the conversion of customary land tenure to leasehold tenure was granted formal recognition 1998. The Act allow a holder to convert customary ownership rights to leasehold or freehold tenure. Since customary rights are deemed equal to all the other forms of tenure, it is not clear what added advantages leasehold tenure affords.

Prior to the development of coconut palms plantation, land in *Iringa* district of Kenya was held under customary tenure (Parkin, 1972, p 94). At some point, the copra production increased resulting in the flow of considerable cash into the area and an increased demand for land and coconut palm trees. During this time, small groups of middle aged men took advantage of the booming copra development to acquire land through purchase and reaped wealth at the expense of elders who did not embrace the social change (Parkin, 1972). The expansion of cash crop farming in the hinterland of the Kenyan Coast district resulted in the change of land rights from being communally held to individualisation of lineage tenure.

Therefore, individualization of croplands resulted from agricultural intensification, increase in population pressure and commercialization of agriculture.

The purchase of land in the region were done in the presence of senior witnesses in the community in order to guarantee that their rights to such lands once acquired will be upheld (Mathieu *et al.*, 2002). The formalisation of land transactions (transfer land rights in the presence of witnesses) were a complementary means of security as it rules out ambiguity concerning the real nature of a transaction. It further reduced the uncertainties and the risks of land conflicts regarding the exact nature of the contract due to population pressure following a boom in agriculture in the region (Odgaard, 2002).

Mali is yet another African country where conversion of customary land into leasehold has occurred following agricultural expansion in South-Eastern Mali. Benjaminsen and Sjaastad (2002) argued that the conversion of customary land into leasehold was carried out at a remarkable space since the region became the biggest cotton producer in Mali. The agricultural development of this region has, however, made it densely populated. People have access to land not only through allocation by chiefs but also through borrowing, renting and purchase. According to Benjaminsen and Sjaastad (2002, p 129) urban elites represented the biggest land buyers mainly consisting of wealthy merchants and bureaucrats. The motivation of land purchases by the members of this group was generally to engage in farming and generate wealth through cotton growing business in the area (Mathieu *et al.*, 2002).

According to Mathieu (2002) most purchased lands in Mali were being converted into title. This practice was intended to keep their land free from being expropriated and enhance security of tenure. There were two types of land title, namely informal and formal titles. At a village level, informal titles were granted by the chief and a person granted with this kind of ownership would be allowed to put up visible investment. On the other hand, formal titles were issued by official administrators. Benjaminsen and Sjaastad (2002) further argue that the sale of land in the region became at one point legitimate when the chief obtained a title to his land. Other land holders with vast land started selling land. Though many people wanted to obtain land title in the region they could not as the cost of it was beyond the means of many villagers.

Tanzania is yet another African country that has adopted individualisation of land rights following the expansion in tomato boom in South-West Tanzania (Odgaard, 2002). More people had moved to the area to reclaim rights to land they had previously cultivated. Others who failed to obtain land through allocation by traditional authority obtained rights to land either through allocation or borrowing and renting arrangement from indigenous people who had accumulated enough land. The indigenous customary claims to seemingly unoccupied land grew as a result of market oriented agricultural production in tomato cultivation (*ibid*, p74). With an increase in land values, land owners would not give away land but rather put the other part of their land on rent and borrowing arrangements.

The increasing demand for land sprouts a new tendency which some researchers have called 'double safeguard of land'. Double safeguard refers to attempts to have customary rights formalised and to have modern rights legitimised or sanctioned by custom (Odgaard, 2002, p 72). This tendency is spreading throughout the region. For example, when urban people obtain access to land for investment purposes, they begin to formalise their land rights informally and formally. A formal title deed involves the input of experts and facilitation costs which made it far beyond the reach of the majority of rural people. Therefore, scholars argue that formal title appears to favour people with ample access to financial resources, power and bargaining power to acquire it. In this regard, indigenous people in a specific area had a better starting point than the people from other towns.

A key finding from this overview of literature is that once land becomes scarce, conflicts over who has the rights to invest emerge. People begin to seek to formalise their land holding through institutional means to protect their investments and secure their land holding. By and large, it is important to note that increase in market oriented agricultural production gives rise to increased land values creating a demand for more individualised and formalised land ownership rights.

## **2.6 Conversion of customary land tenure to leasehold tenure in Zambia**

The right to convert customary tenure to leasehold was first introduced by the colonial administration through the Reserves and Trust Land (adjudication of titles) Ordinance of 1962. This Ordinance contained the machinery for the grant of formal titles over land held under customary law. However, it was never used as there was no demand to do so at the

time (Sichone, 2006). In addition, the right of occupancy certificates were issued on trust land to both foreign and local people for a period of ninety-nine years. However, these lands could not be converted to crown land and thus remained under customary tenure. After independence, the coming of the Movement for Multi-Party Democracy government into power under the leadership of President Frederick Chiluba introduced conversion of customary land tenure to leasehold tenure in 1995. This Act reintroduced the conversion of customary land into leasehold (sec 8 (1), Lands Act 1995).

The current provision of conversion of customary land into leasehold as provided for in the 1995 Lands Act rests on an assumption that land under customary tenure is not well utilised or is vacant due to lack of security of tenure. Thus, the land policy on conversion is premised on the idea of ‘opening up’ the country-side to investment as a way of improving the productivity of land under customary tenure as well as enhancing tenure security (Chizyuka *et al.*, 2006 and MMD, 1991). Mugambwa (2007) also argue that titling customary land would encourage individuals to invest in the land to increase its productivity or make long term investment as some rules in the customary land tenure system tend to impede economic development. Following the enactment of the 1995 Lands Act, Brown (2005) notes that conversions to title have been concentrated in peri-urban areas and in those parts of Zambia where commercial agriculture and tourism have the most potential. In particular, the greatest number of titles has been issued in rural districts surrounding Lusaka and the cities of the Copperbelt and in the vicinity of prime tourist destinations for example, Livingstone and Victoria Falls, South Luangwa National Park and Lower Zambezi National Park (*ibid*, 2005). However, it is important to note that some parts of Zambia have been largely untouched by the conversion (FSRP, 2010).

Scholars on the other hand argue that conversion of customary land tenure to leasehold tenure may have devastating consequences for customary rights holders. This is attributed to the fact that the Act does not require the president to grant compensation for converted land (sec. 9(2), Lands Act 1995).

Since the enactment of 1995 Lands Act, it is not clear how many foreign or local investors have invested in customary land or how much customary land has been transferred to local or international investors (ZLA, 2008 and Tysegen, 2014). This is because there are no precise records that have been kept in the Ministry of Lands, Natural Resources and Environmental

Protection (Ministry of Lands) of how much land has been converted since the passing of the 1995 Lands Act. In addition, government land administration systems are inefficient in providing up to date data on customary land conversion (Mudenda, 2007).

Since the enactment of the 1995 Lands Act, many studies have been conducted regarding the conversion of customary land tenure to leasehold tenure. For example, Malambo's study (2013) focussed on the opportunities and challenges emerging from the 1995 Lands Act. The study revealed a mixture of potentials and challenges emanating from conversion of customary tenure to leasehold on small scale farmers. Another study conducted by Ngombe (2006) focussed on the impact 1995 Lands Act in facilitating private investment in Solwezi district of Zambia focussed on two areas where conversion of land tenure is permissible. The study revealed that conversion of customary land tenure to leasehold tenure attracted interest from government and development agencies in the study area. The study also revealed that the poor were forcefully relocated as more valuable land was taken up by richer individuals. The increased private investments led to increased pressure on land as more people had migrated to these areas for economic opportunities. The findings also revealed that the influx of new comers in the area contributed to reduced landholding among new residents and old residents. The cost of private investments in these areas is that residents have lost their fields where they used to derive their livelihood from. Another study conducted by Mweembe (2006) focussed on the market based land reform conducted in chief *Chiwala* of Ndola districts. The study reviewed that the market based reform has attracted urban dwellers to acquire land in the chieftdom.

Furthermore, Chileshe's study (2005) focussed on two cases that have similar response to conversion of customary land tenure to leasehold tenure. This study revealed that the conversion of customary land tenure is concentrated in areas that are conveniently located. In addition, revealed that local people especially the poor are disadvantaged in terms of reduced land sizes and loss of common pool resources as most vacant areas have been opened up to accommodate new settlers in the area.

From the above literature, a lot of studies done have focussed on comparing various aspects of customary and leasehold tenure especially tenure security, investment levels, potentials and challenges of tenure conversion, there has been little work focussing on the implications of tenure conversion on rural livelihood by drawing on two cases which appears to be responding differently to pressures associated with the conversion. This study however, is

structured to fill this existing gap by gathering evidence on the implications of conversion of customary land tenure to leasehold tenure on rural livelihoods from two rural districts near the City of Lusaka that seem to respond differently to pressures associated with tenure conversion



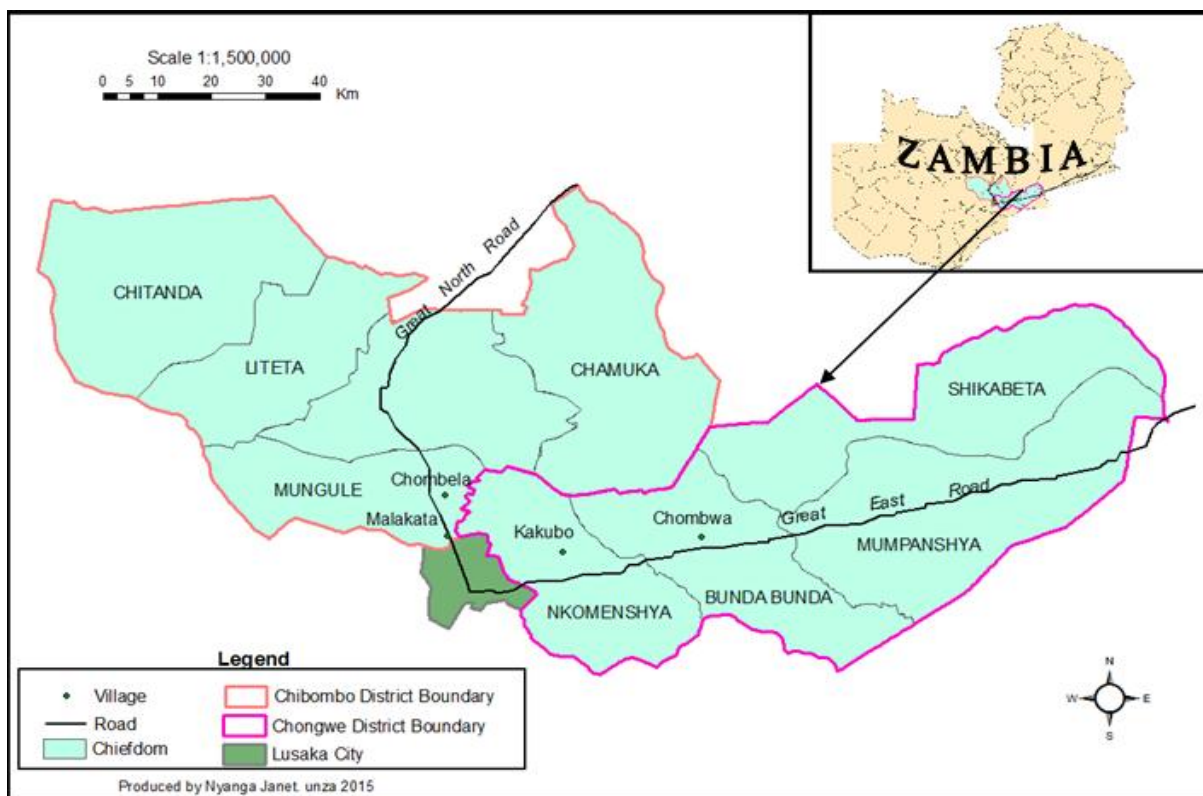
## CHAPTER THREE: STUDY AREA

### 3.1 Introduction

This chapter describes the two study areas which are Chibombo and Chongwe districts. The study sites are Mungule chiefdom in Chibombo district and Nkomeshya and Bunda Bunda chiefdom in Chongwe district. It also shows the socio-economic characteristics of the study areas. The chapter further explains why Chibombo and Chongwe districts were selected as study sites for the research.

### 3.2 Description of the Study Areas

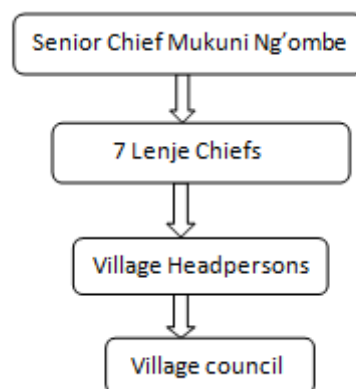
The study was under taken in two districts bordering the City of Lusaka. These are Chongwe and Chibombo districts. Chongwe district is divided into four chiefdoms as shown in Figure 3.1. These are Bunda Bunda, Mumpanshya, Nkomeshya and Shikabeta. In Chibombo district, there are five chiefdoms. These are Chamuka, Chitanda, Liteta and Mungule.



**Figure 3.1:** Location of Chibombo and Chongwe Districts of Zambia.

**Source:** Author (2015)

In Chibombo, the study was undertaken in Chombela and Malakata village of Chieftainess Mungule. Mungule chiefdom is a matrilineal society which lies in the peri-urban area of Lusaka City. The chiefdom has 668 headpersons and about 15 of whom are women while the rest are men. Despite being predominantly *Lenje*, it has different ethnic tribes such as the *Chewa*, *Tonga*, and the *Bemba*. The term ethnic refers to shared culture and the way of life (Jary and Jary, 1991). In this context, it is used to refer to tribes. The two villages were purposively selected as they have potential to provide valuable lessons on the conversion of customary land tenure to leasehold tenure. For instance, Malakata village is conveniently situated and quite developed as well as conveniently connected to the City of Lusaka. Therefore, due to easy access to the area, a lot of customary land conversions have been reported. On the other hand, Chombela village which is distantly situated without good road network in Chieftainess Mungule area, few reports of conversion of customary tenure have been recorded. The hierarchical structure of leadership in Mungule Chiefdom starts with the paramount chief *Mukuni Ng'ombe* followed by seven sub-chiefs under him. Below the sub-chiefs are the village headpersons and at the bottom are the village council. The hierarchical structure of leadership in Mungule Chiefdom is summarised in Figure 3.2, starting with the highest to the least position

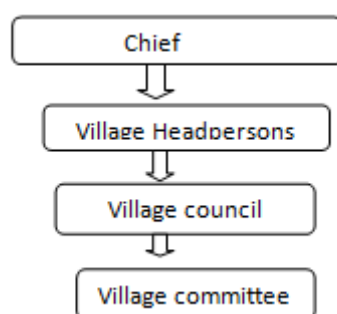


**Figure 3.2:** Leadership hierarchy in Mungule chiefdom.

**Source:** Field survey (2014).

In Chongwe District, the study was under taken in Chieftainess Nkomeshya's area and Bunda Bunda chiefdom. Previously Bunda Bunda chiefdom used to fall under Chongwe district but after the introduction of new districts in 2011, the chiefdom now falls under Rufunsa district. Nkomeshya's chiefdom has 367 village headpersons of whom 8 are women and the rest are

men. The leadership hierarchy in Nkomeshya chiefdom starts with the Chieftainess Nkomeshya as the highest leader on top of the leadership ladder followed by village headpersons. From the village headpersons there village council followed by village committee at the bottom. The leadership hierarchy in Nkomeshya and Bunda Bunda Chiefdom is summarised in Figure 3.3.



**Figure 3.3:** Leadership hierarchy in Nkomeshya and Bunda Bunda Chiefdoms.

**Source:** Field survey (2014).

In Chieftainess Nkomeshya, the study was undertaken in Kakubo village. In Chief Bunda Bunda, the study was undertaken in Chombwa village.

Mungule chiefdom is located in Chibombo district approximately 41 kilometres North-west of Lusaka. The district is predominantly rural with its population highly dependent on agriculture. The area covers approximately 350 square kilometres of which 800 square kilometres is urbanised. Nkomeshya chiefdom is located in Chongwe district in Lusaka Province. Geographically, the district is approximately 45 kilometres South-East of the City of Lusaka. It covers a total surface area of 10,500 (CDC, 2006/2007).

### **3.2 Social and Economic Situation in Chongwe and Chibombo Districts**

Except for a few scattered urban settlements, Chongwe is largely an agricultural area. The two major activities of most households in the area are subsistence rain-fed crop and livestock production. Thus, agriculture is the main source of livelihood. However, in recent years, diversification into other livelihood strategies have been reported such as sand mining, brick making, informal jobs like security guards, house maids among others (Malambo, 2013).

In Chibombo, subsistence agriculture is the main source of livelihood with crops like maize (*Zea mays*), sorghum (*Sorghum bicolor*), sweet potatoes (*Lopmoa batatas*), beans (*Phaseolus*

vulgaris), millet (*Eleusine coracana*), cassava (*Manihot esculenta*) and dry season vegetables grown. Hand hoes are the dominant means of production. Livestock commonly reared are sheep, cattle, goats, pigs, ducks, chickens, pigeon and geese. Like in Chongwe, diversifications into other livelihood strategies have also been reported such as sand mining and brick making among others.

### **3.3 Selection of study areas**

The two districts were purposively selected due to their proximity to the City of Lusaka and important to this study is that the two areas appear to be responding differently to pressures associated to tenure conversion. For instance, Chieftainess Nkomeshya of Chongwe district has openly refused to issue permission to allow for land tenure conversion, except for few instances, usually under pressure from the central government, especially in cases involving big foreign investors. Thus, a few cases of land tenure conversions have taken place in Nkomeshya. On the other hand, the practice of converting customary tenure to leasehold tenure appears to have been readily accepted by traditional authorities in Chieftainess Mungule in Chibombo district (Malambo, 2008).

Thus, these areas have been described as ‘pressure point’ due to the prevalence of land tenure conversion. Due to the proximity to the City of Lusaka and conveniently situated along two great roads (Great East and Great North Road), Chibombo and Chongwe districts are top targets of land tenure conversions by companies and individual investors.

## **CHAPTER FOUR: METHODOLOGY**

### **4.1 Introduction**

In order to achieve its objectives, the study used a comparative approach relying on two case studies. The two cases which are Chibombo and Chongwe present contrasting scenarios in as far as conversion of customary land tenure is concerned. A mixed method approach involving both qualitative and quantitative methods was utilised in the collection and analysis of data. Qualitative methods were used in order to generate rich and detailed information that contributes to in-depth understanding of the implications of conversion of customary land tenure to leasehold tenure. On the other hand, quantitative methods were helpful in portraying data into numerical and graphical form to allow for statistical calculations in assessing the trends of land conversion of tenure in the two study areas.

### **4.2 Quantitative Methods of data collection**

Under quantitative methods, a semi-structured questionnaire survey was conducted aimed at collecting data on livelihood strategies and local actors' responses to tenure conversions. The results obtained provided a basis for comparing patterns of land tenure conversion in the two study areas. The target population for the semi-structured questionnaire survey were the local people as they are the land users and depend on it for their livelihood. Convenience sampling was used because of lack of complete registers in the study areas and because some household heads were not willing to participate in the study while other were absentee landlord therefore it was difficult to get hold of them. Therefore, on those who were found at home and agreed to be interviewed became part of the sample. This implies that participants were selected on the basis of availability and willingness to participant in the study. Therefore, from each house that was selected, a head of household was interviewed as long as the person agreed. In particular, 50 household heads were selected in Mungule chiefdom (Malakata and Chombela village), in Nkomeshya chiefdom (Kakubo village) 20 household heads were selected while in Bunda Bunda (Chombwa village) chiefdom 15 household heads were selected. In total, the semi-structured questionnaire was administered to 85 households.

To complement convenient sampling, Snow ball sampling was used to identify long term residents and new residents as well as land owners for participation in questionnaire survey. Alongside old and new settlers, 19 village headpersons were purposively selected because of

their position as custodians of customary land and importantly, they play a key role in recommending subjects to the chief in the process of converting customary land. The village headpersons are also charged with the responsibility of allocating land to their subjects under their jurisdiction (Lands Act, 1995). In addition, 5 interviews were held with government official from the ministry of Lands Environment and Natural Resources as this ministry is charged with the responsibility of Land administration in Zambia.

### **4.3 Qualitative methods of data collection**

Under qualitative methods, four focus group discussions and interviews were utilised to collect data on the implications of the conversion of customary land.

#### **4.3.1 Focus Group Discussions**

The Focus Groups Discussions comprising of 5-9 people of mixed gender per group were used to collect collective views regarding the impacts conversion of customary land into leasehold tenure on the rural livelihoods among villagers in the two study areas and the factors influencing customary land conversion. This process followed a predetermined focus group discussion checklist (refer to Appendix 1 for Focus Group Discussion checklist). Four Focus Group Discussions were conducted, that is one in each village under study (Chombela, Chombwa, Kakubo and Malakata village).

#### **4.3.2 Interviews**

Qualitative interviews were conducted with household heads. In total, interviews were held with 30 household heads from four villages in order to assess their experiences with pressures associated with tenure conversions. The interview data provided in-depth data on the levels of acceptability of land tenure conversion in the two study areas and factors influencing customary land conversion.

### **4.4 Data analysis**

Qualitative data was analysed thematically. The interviews were transcribed and then analysed in terms of their themes. These themes includes; sources of livelihoods, sources of income, size of landholding, responses to tenure conversion, implications of the responses on the livelihoods of rural people, factors influencing tenure conversion, experiences of the people, prominence of views, similarities and differences in views. The three components of

livelihood framework were also used to organise ideas on the implications of conversion on rural livelihoods (that is natural, economic and social capital). On the other hand, quantitative data was analysed using descriptive statistics. Here, ranges and frequencies were used. The Statistical Package for Social Sciences (SPSS) was used to aid this analysis.

#### **4.5 Limitations of the Study**

One of the main limitation of the study was the incomplete village registers from which a sampling frame was to be drawn in all the four villages. Therefore, convenient sampling was used in the selection of respondents.

## CHAPTER FIVE: RESEARCH FINDINGS AND DISCUSSION

### 5.1 Introduction

This chapter presents the research findings and discusses them in the context of the conversion of customary land tenure to leasehold tenure and its implications on rural livelihoods in two study areas. It also focuses on the nature of land markets, conversion trends and traditional leaders' responses to land pressures in the study areas.

### 5.2 Livelihoods of people in the study areas

The survey results revealed that local people depend on a variety of strategies to construct their livelihoods. These strategies include farming, wage employment, small scale business and informal employment. Among these diverse strategies, farming is the main source of livelihood as evidenced from the survey results in Table 5.1. Due to the significant of this livelihood strategy, land for farming is considered as the most valued livelihood asset of the people in the study areas. The second highest livelihood strategy is informal employment such as mining, and working as security guards and house helpers.

**Table 5.1:** Sources of livelihoods in Bunda Bunda, Mungule and Nkomeshya chiefdom.

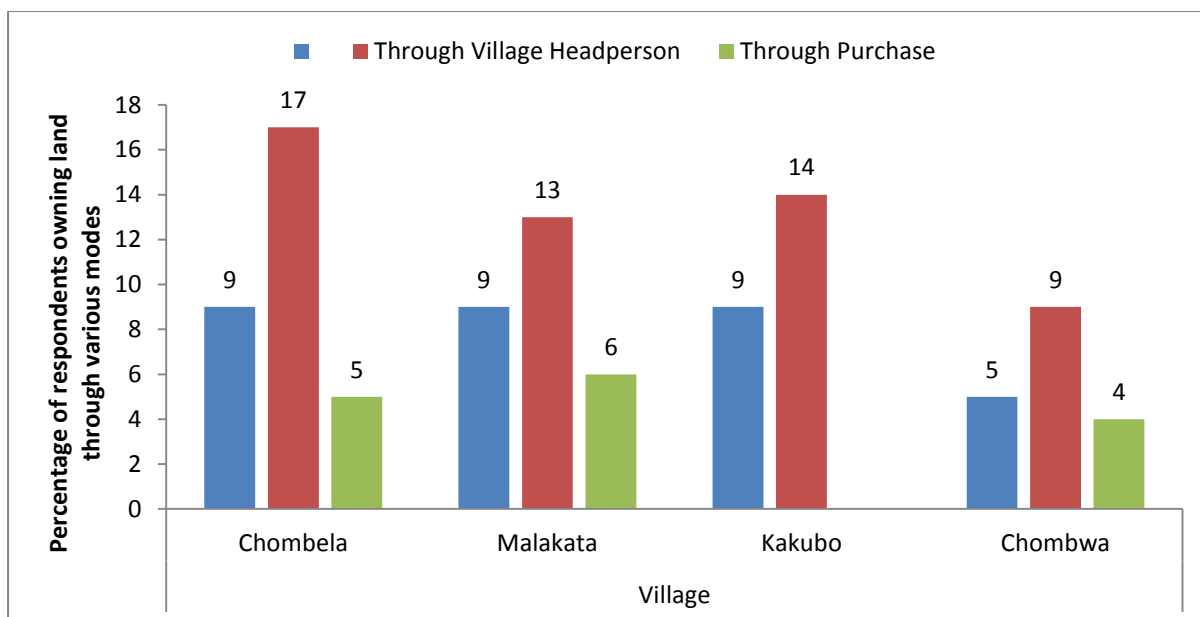
<b>Livelihoods</b>	Farming	Business	(Informal) part-time employment	(Formal) wage employment	Unemployed
<b>Percentage</b>	88.24	2.35	6.99	1.18	2.35

**Source:** Field data (2014).

### 5.1 How people gain access to land

The findings of the study show that there are three modes of gaining access to land in the two study areas. These are through (a) allocation by headperson or village headperson; (b) inheritance and (c) through purchase. The modes of land acquisition are presented in Figure 5.1 on page 28.





**Figure 5.1:** Modes of land acquisition in the study areas.

**Source:** Field data (2014).

As can be seen from Figure 5.1, acquisition of land from village headpersons is the common mode of land acquisition in all the four villages under study. Interviews with key informants revealed acquisition of land through village headperson is the traditionally acceptable way of gaining access to customary land. Earlier studies done by scholars such as Adam (2003) have confirmed the assertion that access to customary land was done through village headperson. Acquisition of land through village headperson is also legally provided for in the 1995 Lands Act (Lands Act 1995). For example, the Lands Act gives traditional leaders authority to allocate land to the people under their jurisdiction.

The second highest mode of gaining access to customary land is through inheritance. The survey results reveals that access to customary land through inheritance is another route that is accepted by custom and tradition in the study areas. Another mode of gaining access to customary land is through purchase. According to this study acquisition of land through purchase is the least mode in which people gain access to customary land. These percentages were as follows 5 percent in Chombela, 6 percent in Malakata, 4 percent in Chombwa and zero percent Kakubo village. Although traditionally, customary land cannot be sold (Adam 2003), it is evident from Figure 5.1 that there is a new growing trend towards people selling and buying customary land. This trend is observed in Malakata, Chombela and Chombwa village under Chieftainess Mungule and Chief Bunda Bunda which are open to conversion of customary tenure to leasehold tenure. Results from Focus Group Discussions in Bunda Bunda

and Mungule chiefdom revealed access to land through purchase is done openly. Although survey results show that none acquired land through purchase in Kakubo village of Nkomeshya chiefdom, the interview data results showed otherwise. The findings revealed that acquisition of land through purchase is also cropping in Kakubo village although it is done secretly.

#### **5.4 Land pressures in Bunda Bunda, Mungule and Nkomeshya chiefdoms**

The findings revealed that Bunda Bunda, Mungule and Nkomeshya chiefdoms experience land pressures. Interview with key informants from the Ministry of Lands revealed that land pressures being experienced seem to be a result of the ever increasing demand for residential and industrial land as the city of Lusaka is expanding beyond its cadastral boundaries. The key informant further said that the increasing demand for customary land in the peripheral areas of Lusaka City is because of it being relatively cheaper compared to state land. Arising from the results above, it can be argued that people in urban areas find this option as an opportunity to acquire cheap land. The land pressures are manifesting in terms of increasing difficulties for local people to access land, urban expanding into village areas as is the case in Mungule chiefdom, increased land conflicts and sometimes displacement of landholders due to conversion.

##### **5.4.1 Response of local actors to land pressures**

As already noted, land pressures seem to be driven by demand for cheap land by actors from urban areas. Although the pressures are felt in both study areas, the two areas do not seem to have responded to these pressures the same way. Traditional authorities in Bunda Bunda and Mungule chiefdom have opened up their land for conversion of customary tenure into leasehold tenure. During the interviews, the traditional leaders argued that opening up customary land to leasehold tenure is a way of securing land for their subjects because of the legal documentation attached to the titled land. On the other hand, traditional authorities in Nkomeshya chiefdom seem to be responding to land pressure in a cautious manner in that they allow people from other towns to obtain rights to access land but forbid conversion of customary land to leasehold tenure. The traditional leaders argued that the practice has potential of reducing their power over land held under customary. Some traditional leaders also pointed out that issuance of titles in the chiefdom would also dilute the *Soli* (local)

culture. This was well exemplified by the following sentiments from a traditional leader in the study,

*'Under customary tenure all villagers including migrants from other parts of the country who have settled in this chiefdom are obliged to follow and observe Soli culture. However, this practice can die if villagers are given titles because they will no longer be bound to Soli culture but to the state,'* (Personal communication, 2014a).

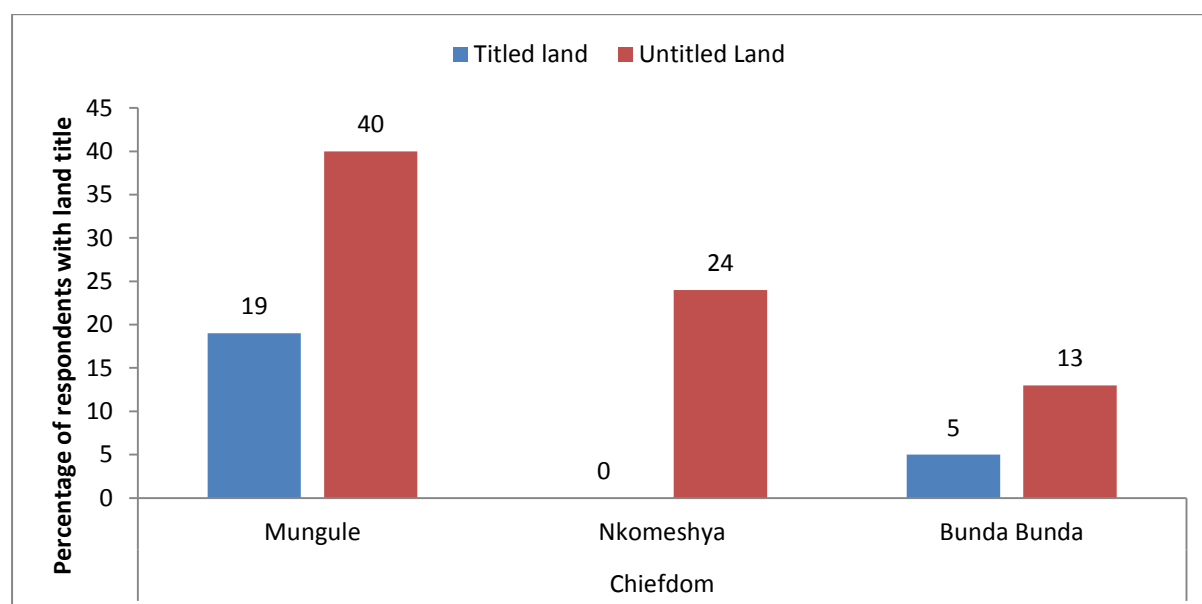
The traditional leaders based their argument on the fact that once customary tenure is converted into leasehold tenure, it ceases to be under the jurisdiction of the traditional authorities but it is governed by statutes of the nation.

Although traditional authorities in Nkomeshya chiefdom seem to be against conversion of customary tenure to leasehold, it was also clear from the results of this study that conversion of customary tenure to leasehold tenure remained attractive to some sections of the population in the chiefdom. For example, respondents who identified themselves as non-*Soli* (residents not originally from the chiefdom) expressed desire to obtain title for their land. For this group of people, non-conversion of customary tenure to leasehold is an opportunity denied.

#### **5.4.2 Conversion patterns in Chibombo and Chongwe districts**

The study revealed that there are differences in the conversion of land tenure in the two study areas. Whilst in Chibombo, under Chieftainess Mungule and part of Chongwe under Chief Bunda Bunda conversion of customary land tenure to leasehold tenure appears to be on the increase, in Nkomeshya chiefdom, this appears not to be the case as evidenced in Figure 5.2 on page 31. This is because traditional leaders in the chiefdom do not allow any conversion of customary land tenure except at the behest of Government. Similarly, key informants from the Ministry of Lands interviewed during this study pointed out that there have been few, if any, title conversions in Western Province in part due to the tight, hierarchical control over land that the *Lozi* Paramount Chief, the *Litunga*, exercises. While in the other two chiefdoms (Bunda Bunda and Mungule chiefdom) incidences of people obtaining titles exist, this is not the case with Nkomeshya chiefdom. None of the respondents that participated in the study indicated that they have obtained title for their land. Interview with local residents revealed that majority of those converting customary land to leasehold tenure in Bunda Bunda and

Mungule chiefdom are actually people from other towns (not originally from the same chiefdom), some operating as absentee landlords.



**Figure 5.2:** Respondents with land title in the study areas.

**Source:** (Field data 2014).

Among the proponents for conversion of customary land tenure to leasehold tenure, two groups were observed during this study. The first group comprised of non-indigenous people (that is people not originally from Bunda Bunda or Mungule chiefdom), women in general who feel insecure under customary tenure. This group noted that inheritance rules to land tend to disadvantage them from owning land. This view is also supported by other scholars such as Brown (2005). Therefore, for these people, getting title to their land would give them a greater sense of security. The second group comprised traditional authorities who argue that customary land lags in development because it does not offer incentive for long term investment. For these people, development of customary areas can only be achieved if the land rights are defined and supported by statutes.

Although customary land is now being titled in Mungule and Bunda Bunda chiefdoms as evidenced in Figure 5.3 (on page 33), 11 percent of the respondents who participated in the study indicated that they were not aware that the law allows conversion of customary land tenure to leasehold tenure. For example, when respondents were asked why they have not obtained title, 7 percent respondents in Mungule chiefdom and 4 percent respondents in Bunda Bunda chiefdom noted that they were not aware that they could convert their

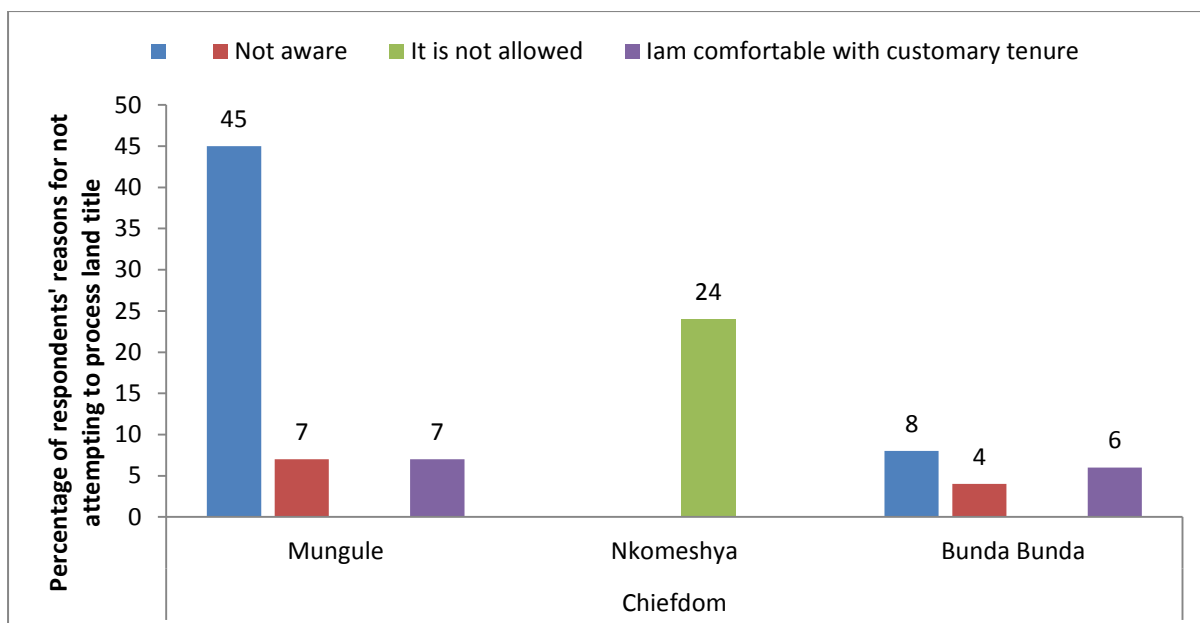
customary tenure to leasehold. Table 5.2, presents some of the comments given by respondents regarding the conversion of customary land tenure to leasehold tenure.

**Table 5.2:** Comments regarding tenure conversion in Bunda Bunda and Mungule chiefdom.

Respondent 1	<i>'I have no idea about title, no one has ever come to our village to explain what it is, and all I hear is that it is costly.'</i>
Respondent 2	<i>'I am scared to have the government come into my village. I am used to village life'</i>
Respondent 3	<i>'I have no idea about title I don't even know which office to enter.'</i>

**Source:** Field data (2014).

Although 11 percent of respondents (as shown in Figure 5.3 on page 33) argued that they were not aware of the provision which allows for conversion of customary land tenure to leasehold tenure, 26 respondents during interviews pointed out that traditional leaders in Mungule chiefdom often times enlighten and urge subjects to obtain title so as to secure their land from being grabbed due to the expansion of the City of Lusaka. For instance, during the field survey, the village headperson explained that he has obtained a title on his land to set a precedent for his subjects. This study further revealed that town migrants form the largest number of those converting customary land tenure into leasehold tenure. This is similar to what was observed in Bunda Bunda chiefdom where those who have converted their customary land tenure are mostly new settlers from town. A similar trend has been observed by other authors in Mali such as Benjaminsen and Sjaastad (2002). Brown (2005) also observed that the current titling system in rural areas seems to be open to the relatively wealthy, well informed and influential people from surrounding towns. Most local people on the other hand, are unable to convert their land tenure to leasehold tenure as the financial requirement needed to process a title is far beyond their financial capacities. For example, the respondents (53 percent in both Mungule and Bunda Bunda chiefdom) who participated in the present study cited financial constraints as the reason for not converting their land tenure to leasehold tenure as evidenced in Figure 5.3 on page 33.



**Figure 5.3:** Reasons given by respondents for not attempting to get land title.

**Source:** Field data (2014).

In Nkomeshya chiefdom, the traditional leaders allow people from other towns to access land but not to convert its tenure to leasehold tenure. Thus, evidence was found of people converting customary land tenure to leasehold tenure despite sales of land occurring in the area. The traditional leaders during interviews in Nkomeshya chiefdom argued that they may lose authority in the chiefdom. Their argument was based on the fact that, a grant of a leasehold title to converted land extinguishes all customary rights previously attached to the land. Nevertheless, some villagers (mainly new settlers and non-*Soli*) in the chiefdom wished for the provision of traditionally recognised titles to their landholdings. This group argued that they feel insecure because all land in the chiefdom belongs to *Soli* people. Thus, they argued that such a title would protect their land from being subdivided. For example, a widow in Nkomeshya chiefdom during interviews said,

*‘... the village headperson gave part of my land to her sister...although I took the complaint to the village committee nothing has been done to reclaim my land... the whole land belong in this village belong the headperson,’* (Personal communication, 2014b).

Furthermore, respondents interviewed argued that issuance of land titles would not only protect their remaining land from being sold or given away by their traditional authorities, but also strengthen their tenure security. While it is clear that some people not originally from the chiefdom (non-*Soli*) felt insecure without title deeds, it appears that indigenous people

originally from the chiefdom (*Soli*) feel secure with customary land tenure. For instance, some respondents pointed out, land in Nkomeshya chiefdom belongs to them and no one can evict them.

## **5.5 Factors influencing conversion of customary land tenure into leasehold tenure in the two study areas**

Apart from the need for secured tenure which has already been discussed, there are several factors that influence conversion of customary land tenure to leasehold tenure. These are described below;

### **5.5.1 Urban pressures**

Among factors influencing the conversion of customary land tenure is pressure from urban expansion. It appears that the influx of many urban dwellers acquiring land in customary areas is causing insecurity among local people. The insecurity compels local people to obtain title to secure their land from being grabbed or from being displaced as the City of Lusaka continues to expand beyond its cadastral boundaries. For instance, a village headperson in Mungule chiefdom explained that *Lenje* people have been displaced for a long time following the expansion of the City of Lusaka. He pointed to the fact that the City of Lusaka was originally occupied by the *Lenje* and *Soli* people. Furthermore, the City derived its name from a *Lenje* Headperson known as *Mwalusaka*. Shortly after independence, the Republic of Zambia asked for some land from *Lenje* and *Soli* traditional authorities for the expansion of the City. This saw a lot of *Lenje* and *Soli* people being displaced to pave way for the extension of the City of Lusaka. In this regard, traditional authorities in Mungule chiefdom have embraced the conversion of customary land tenure to leasehold tenure as a way of securing their land from being grabbed or given to the state for the expansion of the City of Lusaka. According to the traditional leaders, issuance of title deeds provides legal protection for their land.

As evidenced from Figure 5.2 on page 31, Mungule chiefdom has the highest number of subjects obtaining title as compared to Bunda Bunda chiefdom. This is partly because traditional leaders in the chiefdom encourage subjects to convert their land to leasehold tenure. Although, village headpersons encourage their subjects to convert customary tenure to leasehold tenure, the transaction costs involved in converting the tenure is too high for most

villagers as evidenced in Figure 5.3 on page 33. Interviews with village headpersons in Mungule chiefdom revealed that villagers are forced to sell part of their land so as to raise money to obtain land title. The high cost of obtaining leasehold title has prompted scholars to advocate for traditional title which must be offered for free. For instance, the Zambia Land Alliance has been promoting issuance of traditional titles in Eastern province which are endorsed by traditional leaders.

While it is clear that urban pressures have influenced conversion of customary land tenure to leasehold tenure in Mungule chiefdom, the same pressure has caused traditional leaders in Nkomeshya chiefdom to vehemently resist land title in their chiefdom for fear of losing authority over their subjects. Although the 1995 Lands Act does not state whether converted land remains subject to customary law. The silent here, gives an impression that the status of land does not change when customary land tenure is converted to leasehold tenure. In practice however, converted land is treated as state land governed by the Lands Commissioner. In addition, the 1995 Lands Act is silent whether a grant of leasehold title extinguishes all customary rights previous attached to the land. Respondents on the other hand argued that titling has potential to cause future land shortages in their areas. They pointed out that the relative easy access to customary land would allow land grabs by suitors, such as elites from the urban areas at the expense of poor villagers.

### **5.5.2 Means of attracting investment by traditional authorities**

Another factor influencing the conversion of customary tenure to leasehold is attraction investment in the chiefdom. This view is generally held by most traditional leaders in Mungule Chiefdom. For example, the village headperson during a Focus Group Discussion pointed out that since the opening up of the area to leasehold tenure, Mungule chiefdom has seen a number of investments in recent years such as a brick making factory, an oil processing company, tissue making company, the construction of a private university, quarrying industries, and filling stations. These investments offer employment opportunities to local people which did not exist before. Table 5.1 on page 27, provides evidence on the sources of livelihood in the two study areas. The employment opportunities created in the area tend to widen the financial resource base for the local people. Malambo (2013) reports similar development in *Katuba* and Mungule area whose household financial resource base



was improving through local and foreign investments that provided job opportunities to the local residents.

Despite being open to conversion of customary land tenure into leasehold tenure in Bunda Bundu chiefdom, there is hardly any investment possibly because of its low economic value due to it being far from the good road network and adequate social amenities. Therefore, it seems that the economic value of customary land (in terms of infrastructure and social services) other than land title, to a large extent attract investment into these areas. It can be argued that having land held under leasehold tenure is by itself not a sufficient condition for sprouting investment. For example Chileshe (2005) observed that there were less investments in *Kamena* town compared to St. Joseph because of it being far from good road networks and social amenities despite the two areas being open to leasehold tenure.

### **5.5.3 Boundary conflicts**

Another factor influencing tenure conversion is Boundary conflicts. In all study sites, boundary conflicts were common. The findings of this study show that these conflicts are precipitated by the movement of new settlers mainly migrants from Lusaka town. During interviews respondents argued that since the village headpersons do not have land, the land given to new settlers in the area is repossessed from old settlers, sometimes without their consent. The respondents interviewed argued that encroachments sprout boundary conflicts once the land transfers are concluded without the consent of the landowner. Therefore, respondents argued that land titles would help to end such conflicts because once the land is surveyed, the boundaries are appropriately marked.

### **5.5.4 Financial ability**

The finding of this study shows that an individual's financial ability does influence conversion of customary land tenure into leasehold tenure. The field surveys conducted in Mungule and Bunda Bundu chiefdom show that the majority of people getting titles are mostly people from nearby towns with financial ability to complete the whole process of obtaining a lease. 83.3 percent of respondents in Bunda Bundu and Mungule chiefdom said financial inability hinders them from converting their land tenure to leasehold tenure. This is exemplified by the sentiment given by a man during interviews,

*‘...I want to get a land title but I have no means to source for money nor any asset that I can sell,... all I have are a few chickens which if sold I would raise too little to start process a title,’* (Personal communication, 2014c).

It was also observed that most of the land where tenure was converted is prime land along transportation routes and therefore easily accessible. During the study, 87 percent respondents pointed out that prime land is sold because it fetches good money as opposed to areas far away from social amenities. Interviews conducted with village headpersons in Mungule chiefdom revealed that conversion of customary tenure to leasehold has made customary land more marketable and has raised the value of land in the chiefdom. Villagers, on the other hand, who sell off their entire land opt to relocate to areas far from social amenities. These findings support the views of other scholars such as Malambo (2013) and Brown (2005) who argue that, conversion of customary land tenure tends to favour urban and local elites with financial capacity to get title to their land.

## **5.6 The nature of land markets in Chibombo and Chongwe districts**

This study shows that there are two types of land transaction occurring in the three chiefdoms. The first type of land transaction is where customary land is sold or bought but is not converted to leasehold tenure (Odgaard, 2002). For example a man during focus group discussion said, *‘... I sold part of my traditional land to a business man from Lusaka, although it was not on title.’* This type of land transaction is known as informal land market. This type of land transaction is common in all the three chiefdoms (that is Bunda Bunda, Mungule and Nkomeshya chiefdom). This study revealed that both village headperson and ordinary residents who feel that they have some land to spare are involved in selling of land in the study areas. Respondents in Nkomeshya Chiefdom during Focus Group Discussion revealed that the money raised from a sale of land is shared with the village headperson. They attributed this trend as a way of not attracting penalties from the traditional leaders. This is not a case in Bunda Bunda and Nkomeshya Chiefdom. Arising from the above sentiments, it can be argued that there is less profit from land sale on the part of subjects as apart from sharing the money with village headpersons their extent of land also reduces. On the other hand, interviewed individuals in Bunda Bunda and Mungule chiefdom pointed out that for any land transaction done by a subject, the village headperson is informed as a way of being courteous.

The informal land market in Nkomeshya chiefdom are practiced in secrecy due to the punitive measures given to anyone found selling land. For example a man during interviews said,

*‘...here in Nkomeshya chiefdom when the Chieftainess hears that you have sold part of the land and the facts are verified to be true, the land will be repossessed from you and given to the buyer,’* (Personal communication, 2014d).

It should be noted here that customary land was offered free in the past except for an honorarium which was given as a token of appreciation to the traditional leaders by subjects (Mvunga, 1977). However, individuals interviewed in this study pointed out that the recent demand for land in customary areas has raised the honorarium to levels which are now perceived to be a price of land and not a mere token of appreciation. The buyers are either people from the nearby cities or people within the chiefdom. This is well exemplified by the following sentiment from a male respondent in Nkomeshya chiefdom, *‘people from the City give traditional leaders ‘more sugar’ than us villagers,’* (Personal communication, 2014e). The term *‘more sugar’* refers to food and monetary gifts given to traditional leaders and goods such as of cooking oil, common salt, sugar as well as bags of mealie meal. Depending on the size of land given, the monetary gift range between two thousand to fifteen thousand Zambian kwacha.

The second type of land transaction is where customary land is bought and converted to leasehold tenure (Odgaard, 2002). This type of land transaction is called formal land market. The findings reveal that this trend is evident in Bunda Bunda and Mungule chiefdoms. A similar trend was observed in Tanzania by Odgaard (2002) where people were attempting to have their customary land rights formalised on the other hand have modern rights legitimized.

### **5.7 Implications of conversion of customary land tenure on the livelihoods of the people in the study area**

The results of this study on the implications of conversion of customary land tenure to leasehold tenure on livelihood assets are presented in this section.

### 5.7.1 Natural assets

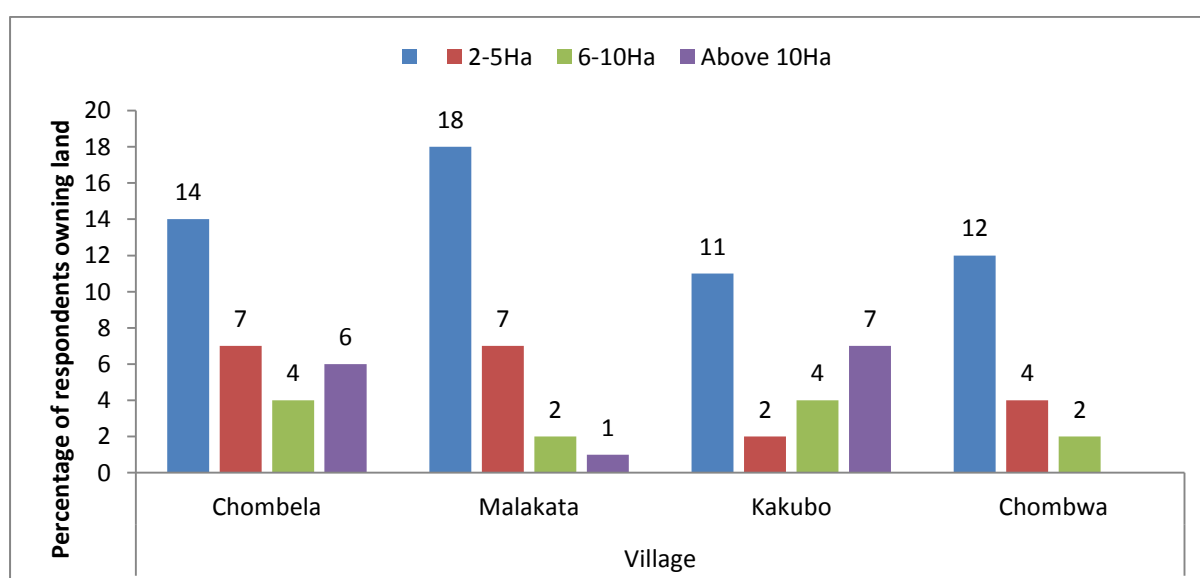
Land is a very important asset in rural areas as it is the backbone of agricultural livelihoods. Due to the importance of farming (88.2 percent in Table 5.1 on page 27) in the study areas, land is considered the most important natural livelihood asset among villagers. Interviews with local people reveal that, there is a trend where land sizes for local people are declining. The respondents for example noted that in the past, people had access to much larger pieces of land. From this study, it was observed that the majority of people (55 percent) have less than 2ha. Among the four villages studied, Kakubo of Nkomeshya chiefdom has the highest percentage (7 percent) of people owning land above 10ha. This is attributed to the fact that illegal land sales among villagers is prohibited as alluded to earlier. Alongside restrictive measure of illegal land sales, Nkomeshya chiefdom is not open to land tenure conversion this tends to restrains people from seeking land from the chiefdom.

Furthermore, Figure 5.4 on page 40, shows that Chombela and Malakata village in Mungule chiefdom Chombwa village of Bunda Bunda chiefdom have the highest percentage of people owning small pieces (44 percent own less than 2ha) of land. The finding of the study further revealed that people opt to seek for land in Chombwa village because the area is open to land tenure conversion. The study results also revealed that new settlers in the area prefer that the land they acquire is converted from customary land tenure to leasehold to secure their investments. The findings further revealed that there are a lot of people that have acquired land in recent years in Chombwa village because the land prices are cheaper because the area is less developed, distantly situated in the interior of Bunda Bunda chiefdom.

Despite the majority of people owning small pieces of land, Chombela village is the second highest village of having a large number of people owning large portions of land (6 percent). Although Chombela village has seen influx of new comers acquiring land, there still remains some people owning large landholdings. Similarly, Chombwa village of Chief Bunda Bunda has the least percentage (none owns more than 10ha) of people owning large parcels of land, this is attributed to the fact that it is distantly situated in the chiefdom. On the other hand, survey data revealed that one percent of the respondents own big parcels of land in Malakata village which is conveniently situated along Great East road. Respondents interviewed pointed out that reduction of land sizes in Malakata village was as a result of rampant land sales occurring because of it being conveniently located besides it also open to conversion of

customary tenure. This study also revealed that the opening up of village to conversion of customary tenure to leasehold tenure has made the area very marketable and has raised the value for land in areas with developed structures and adequate social amenities.

By and large, respondents in Bunda Bunda and Mungule chiefdom provided evidence to the reduction in the size of land they owned. This trend was consistent with similar scenarios in Nkomeshya chiefdom where tenure conversion is not allowed. The findings also revealed that majority of people own smaller pieces of land in Mungule and Bunda Bunda chiefdom where conversion of customary tenure to leasehold tenure is permissible to villagers as compared to Nkomeshya's chiefdom where villagers are not allowed to convert their land tenure to leasehold. Figure 5.4, show that at the time of the study, the majority of people in these pressure areas were on average owning less than 2ha of land.



**Figure 5.4:** Size of land owned in the study areas.

**Source:** field data (2014).

The reduced sizes of landholding pose diverse implications on the livelihood of rural people. Most of the people as already noted, cultivate an average size farm of less than two hectares. For example, a male respondent during Focus Group Discussions said that,

*‘We cannot leave land in fallow because the sizes of land are too small.’ In the past we had large landholdings which enabled us to maintain traditional following practices. Now following the rapid movement of people from towns acquiring land in*

*our village, our lands have been subdivided to accommodate them,'* (Personal communication, 2014f).

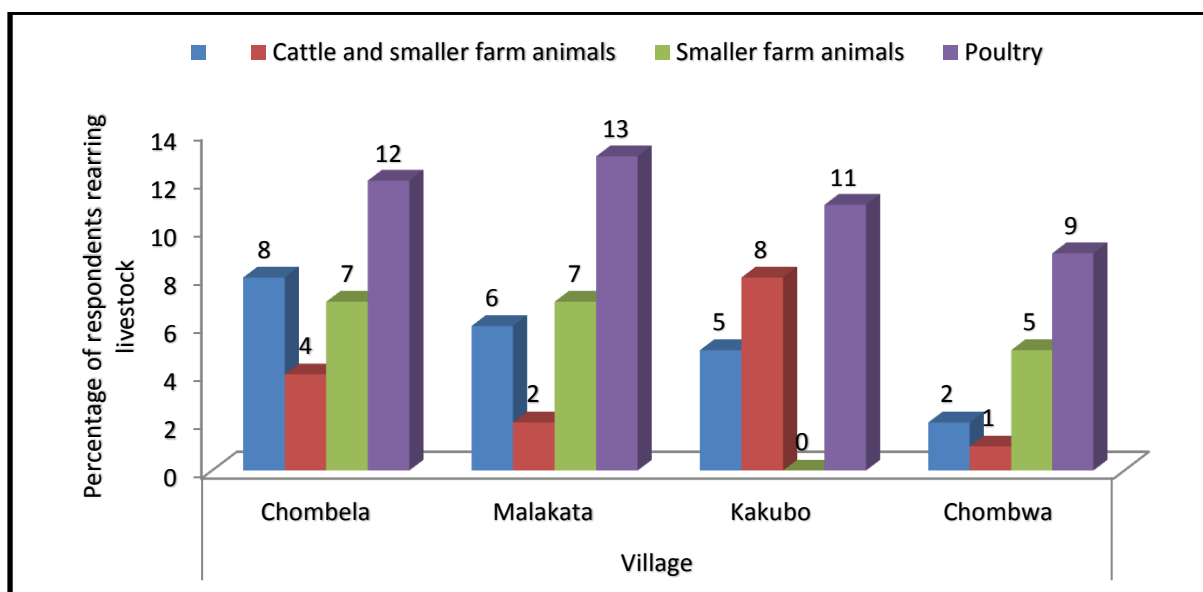
A similar trend was observed by Malambo (2013) where 20 surveyed villagers provided evidence of reduction in the size of land owned. From this survey, 70 percent respondents showed ignorance of the existence and functions of the Lands Tribunal which protects individual lands from being grabbed both in customary land and state land. 20 percent of women interviewed in this study revealed that their land was subdivided by the village headpersons without their consent. It can be argued that conversion of customary land tenure has perpetuated woman marginalisation in owning small parcels of land. This is exemplified in the following sentiment from a female respondent in Kakubo village,

*'I had big land but ever since my husband died, a huge portion of land has been dispossessed by the tradition leader...I cannot do anything because all land belonged to him,'* (Personal communication, 2014g).

Consequently, this tends to disadvantage poor villagers from having good yield due to reduced size of land. Another implication of reduced landholdings is reduction in livestock based livelihoods. This is exemplified by sentiment given by a 61 man,

*'We have been pastoralists.... The cattle would graze from other peoples' fields after harvest, but the challenge we have now is that people have erected wall and wire fences. This has made it difficult to rear cattle as the wire fences restrict the movement of animals and grazing land... Some have stop rearing cattle as there is no enough grazing land as all vacant places where we used to take our cattle for grazing have been occupied by people,'* (Personal communication, 2014h).

The survey results have shown that poultry farming is very prevalent in Bunda Bunda and Mungule chiefdom as compared to pastoral farming. It can be attributed to reduced grazing land. The interview data also revealed that people have opted rearing small animals and birds that can be managed on a small piece of land. The findings further revealed that Nkomeshya chiefdom has the highest (8 percent) percentage of pastoralists. This is attributed to the fact that the whole chiefdom is under customary tenure. Thus, there is no individual ownership to land, the custom forbids erecting wire fence round the fields. Thus, pastoralists have relatively large areas to graze their livestock. The livestock can feed from other peoples' fields after the harvest. In addition, the prohibition of land sales in Kakubo village as already alluded to has allowed the continuous existence of communal places. Figure 5.5 provides evidence that most reared livestock among villagers is birds keeping such as chickens, ducks and pigeons.



**Figure 5.5:** Number of respondents rearing livestock.

**Source:** Field data (2014).

Another implication of the enclosure of communal places is that villagers are denied access the natural resources located in such spaces. Participants in the study further pointed out, they now find it difficult to gather forest products from communal places. This is because in some areas where conversion has occurred, communal space have been taken up for human settlement and some areas converted to leasehold tenure have been fenced off. The enclosure of communal places and reduced landholdings have limited the activities and opportunities to generate income. Besides, the opening up of many investments especially in areas opened to customary land tenure conversion has robbed some families of farm labour. For example, a respondent pointed out that, *'youths have abandoned farming in preference for piece work jobs such as sand mining and as housekeepers,'* (Personal communication, 2014i).

Although, population pressure has led to decreased landholdings as discussed above, more than 80 percent villagers have embraced agricultural intensification and employing practices such as intercropping and crop diversification to adapt to the dynamics in their areas. This was observed in Malakata and village. Additionally, survey results revealed that some villagers have moved from rearing cattle which need relatively large grazing areas to non-grazing livestock such as poultry farming (for example chickens, ducks and pigeons), and intensive market gardening of tomatoes, rape, cabbage, egg plants and onions.

### 5.7.2 Social assets

Customary land tenure hinges on strong family ties and lineage control over land (Allan, 1965). Family members hold land collectively. On communally owned land, all members of the community are entitled to use a fair share of available resources (Brown, 2005). However, the emergence of individualisation of land rights in some cases has led to the breakdown of communal, kinship and family ties. For example, some respondents pointed out that when a member of the family acquires a title, she or he breaks off from traditional ties where the whole land belonged to all members of the extended family. Other respondents also alluded to the fact that some who have obtained title in Mungule and Bunda Bunda have fenced off their landholding. The implication of this is that, some villagers would be denied freedom of movement as footways have been closed and in some cases villagers have difficult time accessing arable land to graze and harvest wild forest products. This is well exemplified by the following sentiment from a respondent, *'we are now buying resources such as fire wood which previously used to cost us nothing just like other basic necessities need to be purchased,'* (Personal communication, 2014j).

Furthermore, another implication of conversion of customary land tenure to leasehold tenure is that, the connectedness of villagers through mutually accepted cultural norm is sometimes misunderstood by some new migrants who acquire land in customary areas in some cases. For example, a traditional leader in Mungule chiefdom explained that he was accused of practising witchcraft by a certain family not originally from *Lenje* land after performing a death cleansing ritual in his village. This accusation emerged possibly because the family in question did not know the *Lenje* traditional ritual for concluding funerals.

### 5.7.3 Economic assets

Economically, increase in residential land uses and particularly with city population moving into the study areas has brought about micro, small and medium businesses and job opportunities for the local people such as brick making, sand mining, welding, hardware business, bricklaying carpentry and hospitality business. In addition, the opening up of a private university and schools in Mungule chiefdom has made higher education accessible to the local elites at their door step. Although, the private university and colleges are far beyond the reach of many local to access the services, some villagers have benefited by renting out their houses to students. Such development has created wage opportunities for local people



which have been discussed earlier in the preceding sections. For example, a participant during interviews indicated to having enjoyed the “*better life*” due to an extra job which accords him an opportunity to earn a salary besides farming. Thus, it can be deduced that non-farm employments is becoming an increasingly important element of livelihood strategies in the study areas. Nevertheless, the availability of non-farm jobs within the chiefdoms seems to create farm labour drain in remote areas of the study areas. For example, youth are now employed in part time jobs (as house helpers) by local and foreign investors. Besides business and job opportunities, the introduction of leasehold tenure in Mungule chiefdom by opening up the chiefdom to conversion of customary tenure tends to widen the resource base of government in terms of revenue and tax (such as ground rate and property transfer tax).

## **CHAPTER SIX: CONCLUSIONS AND RECOMMENDATIONS**

### **6.1 Introduction**

The following section present the conclusion and recommendations of the study.

### **6.2 Conclusions**

The findings of this study revealed that both study areas are experiencing land pressures. However, the two areas seem not to have responded in the same way. Mungule and Bunda Bunda chiefdom have open up their land for conversion of customary land tenure to leasehold tenure. The findings revealed that the tenure conversion in these two chiefdoms has been allowed among subjects. This study further revealed that enhanced tenure security, increased land pressures, need to make customary land more marketable and productive influence the conversion of customary tenure to leasehold tenure. While, this is not the case in Nkomeshya chiefdom. Traditional leaders in Nkomeshya chiefdom have not allowed tenure conversion as the practice has the potential of diminishing the authority of traditional leaders. Despite differences to conversion of customary tenure, the finding of this study have shown evidence of reduction in the size land in the three chiefdoms under study.

The findings further revealed that conversion of customary land tenure to leasehold tenure has both negative and positive implications. In terms of positive implications, in places where customary land tenure has been converted to leasehold tenure new developments have taken place. These developments include the establishment of micro, small and medium businesses and factories which have created employment opportunities for the people in the area. Despite the creation of new opportunities for the people in the study areas where this is taking place, the conversion is also negatively impacting on the size of landholdings people have access to and availability of agricultural and grazing land. In some cases, private actors are taking over communal spaces leading to the disruption of livelihoods, increased boundary conflicts and weakening social cohesion.

All in all, villagers in Nkomeshya chiefdom own larger pieces of land while in Mungule and Bunda Bunda chiefdom majority of people own small size of land. The reduced landholding in Mungule Bunda and Bunda chiefdom is due to the land market which is free to whoever has land. However, the prohibition of land market in Nkomeshya chiefdom has prevented

local people from disposing off land thereby villagers continue to keep possession of larger portions of land.

### **6.3 Recommendations**

The following recommendations based on the study findings were made.

#### **I. How to reduce insecurity in customary land**

The government should reduce insecurity of tenure in customary land by introducing traditional titles to villagers.

#### **II. Means of securing traditional leaders authority over customary land**

Government should state clearly what becomes of land situated in customary area when the lease expires or invalidated.

#### **III. Need to raise people's awareness on the conversion of customary land tenure to leasehold tenure**

The government should conduct awareness campaigns to ensure widespread knowledge of the rules and procedures as well as merits and demerits with regard to conversion of customary land tenure to leasehold tenure in the rural areas.

#### **IV. Need to make Lands Tribunal more accessible to rural people**

The government should raise awareness on the existence and functions of the Land Tribunal in rural areas as its existence and functions is not known by many villagers.

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## **APPENDICES**

### **Appendix I: Focus Group Discussion Checklist**

#### **2.1 Community Livelihood**

1. What in your view are the main sources of livelihood in this area?
2. What other activities do community members engage in to provide food and other needs to their families
3. What are the main sources of income in this community? Farming, employment, pension, state support (social welfare transfer), remittances from children/relatives, small business etc. elaborate.

#### **2.2 Land ownership and use questions**

1. How much land is owned by the household?
2. When did you acquire this land
3. How did you acquire your land?
4. What rights do they have over the land? Are you able to sell it? Convert it?
5. Has the household ever attempted to get title deeds for the land they currently occupy?
6. If the household has attempted to get title deeds for the land, what are the reasons for doing so?
7. If the household has never attempted, what are the reasons for not doing so?
8. What are the inhibiting factors?
9. Have you ever been approached by any person or company wanting to buy your land?

#### **2.3 Chieftaincy and Governance Questions**

1. Who are responsible for allocating land to households in the village?
2. How is the land allocated?
3. Once land is allocated to the family, who has control over its use, management, transfer or alienation?
4. In what ways does the current land tenure holding system secure household land rights?
5. What type of land conflicts has the household experienced since they took ownership or started using the land?

## **Appendix 2: Questionnaire Survey for Household Head in the Study Area.**

Respondent Number [       ]

### **THE UNIVERSITY OF ZAMBIA**

#### **SCHOOL OF NATURAL SCIENCES**

#### **DEPARTMENT OF GEOGRAPHY AND ENVIRONMENTAL STUDIES**

**RESEARCH TOPIC:** The implications of conversion of customary land tenure to leasehold tenure on the rural livelihoods in Chibombo and Chongwe districts.

**Dear Respondent,**

With reference to the above topic, you have been selected to help in this research. You are therefore requested to answer as honestly as possible

#### **INSTRUCTIONS**

1. Do not write your name on the questionnaire.
2. Tick the answer that expresses your view
3. Where you have to write the response, write as brief as possible filling in the space provided.
4. **PLEASE NOTE:** the research is purely for academic purposes and therefore you are assured that the information will be used for this very purpose.

### Personal Details of Respondents

Village name..... District.....

Age..... Years..... Year of birth.....

Sex: male [     ]                female [     ]

Marital status: Married [   ], Divorced [   ], Single [   ], Separated [   ], Widowed [   ]

Education: None [   ], Primary [   ], Secondary [   ], Tertiary [   ], others (specify)

.....

Occupation.....

Ethnicity.....

Nationality.....

Date of settlement.....

Place of origin.....

### Livelihood Assets

1. What is your main source of livelihood as a household?

[   ] crop farming, [   ] Livestock Farming, [   ] Trading, [   ] Beer Brewing, [   ] Brick Making, [   ] Wage Employment, other (specify).....

2. If crop farming, name the type of crops you grow and how much of each do you harvest in a year? (amount in Kg)

[   ] Maize, [   ] Cotton, [   ] Groundnuts, [   ] Sun Flower, other (specify).....

.....

3. If livestock farming, how many of these do you have?

[   ] Cattle.....

[   ] Goats.....

[   ] Sheep.....

[   ] Pigs.....

[   ] Poultry.....

[   ] Others (specify).....

4. What other assets do you own (specify quantity)?
- [ ] Land.....
- [ ] Vehicles.....
- [ ] Livestock.....
- [ ] Houses.....
- [ ] Other (specify).....

### **Land Ownership and Land Use**

5. How much land is owned by the household?
- [ ] <2Ha      [ ] 2-5 Ha,      [ ] 5-8Ha      [ ] >8Ha
6. How did you acquire this land?.....
7. Who, among the household members owns the land?
- [ ] Children    [ ] Husband    [ ] wife    other (specify).....
8. How did your household come to own the land?
- [ ] Inheritance [ ] Purchase [ ] Allocation by chief/headperson [ ] Rent
- Other (specify).....
9. Have you ever been approached by any person or company wanting to buy your land?
- [ ] Yes    [ ] No
10. If Yes, what was your response to their offer?.....
- .....
11. What is the land that you own being used for?.....
12. Have you ever attempted to get title deeds for the land they currently occupy?
- [ ] Yes    [ ] No
13. If yes did you get title deeds for the land?
- [ ] Yes    [ ] No
14. If No, what are the reasons for NOT doing so?.....
- .....

### **Concluding Remarks**

Thank you very much for your participation. Is there anything else that you would like to add on what we have discussed?.....