

Contemporary Customary Land Issues in Africa

Contemporary Customary Land Issues in Africa:

*Navigating the
Contours of Change*

Edited by

Horman Chitonge
and Bridget Bwalya Umar

Cambridge
Scholars
Publishing



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This book first published 2018

Cambridge Scholars Publishing

Lady Stephenson Library, Newcastle upon Tyne, NE6 2PA, UK

British Library Cataloguing in Publication Data
A catalogue record for this book is available from the British Library

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ISBN (10): 1-5275-1100-6

ISBN (13): 978-1-5275-1100-2

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ACRONYMS

| | |
|-------|--|
| AC | Advisory Council |
| ACET | African Centre for Economic Transformation |
| AfDB | African Development Bank |
| AGRA | Alliance for Green Revolution in Africa |
| ANC | African National Congress |
| AU | African Union |
| BSACo | British South African Company |
| CAS | Centre for African Studies |
| CDC | Chongwe District Council |
| CDE | Centre for Development and Enterprise |
| CHDM | Chris Hani District Municipality |
| CLS | Customary Land Secretariat |
| CSO | Central Statistical Office |
| CSOT | Community Share Ownership Trust |
| CSR | Corporate Social Responsibility |
| DAFF | Department of Agriculture, Forestry, and Fisheries |
| DBSA | Development Bank of Southern Africa |
| DfID | Department for International Development |
| DLA | Department of Land Affairs |
| EAZ | Economic Association of Zambia |
| ECA | Economic Commission for Africa |
| EU | European Union |
| FDI | Foreign Direct Investment |
| FGD | Focus Group Discussion |
| FMD | Foot and Mouth Disease |
| FSRP | Food Security Research Project |
| FTLRP | Fast Track Land Reform Programme |
| GDP | Gross Domestic Product |
| GRZ | Government of the Republic of Zambia |
| IFC | International Finance Corporation |
| IFI | International Financial Institution |
| IFPRI | International Food Policy Research Institute |
| ILD | Institute for Liberty and Democracy |
| ILO | International Labour Organisation |
| IMF | International Monetary Fund |
| KRS | Kusanga Research Station |

| | |
|---------|--|
| KZN | KwaZulu-Natal |
| LAP | Land Administration Project |
| LLDP | Lilongwe Land Development Programme |
| LRRP | Land Reform and Resettlement Programme |
| LURLAP | Land Use and Rural Livelihood in Africa Project |
| MACO | Ministry of Agriculture and Cooperatives |
| MMD | Movement for Multiparty Democracy |
| MTNR | Ministry of Natural Resources and Tourism |
| NECSA | National Energy Corporation of South Africa |
| NGO | Nongovernmental Organisation |
| NORM | Naturally Occurring Radioactive Metals |
| NPC | National Planning Commission |
| PCLET | Parliamentary Committee on Land, Environment, and Tourism |
| PE | Political Ecology |
| PGM | Platinum Group Metals |
| PLAAS | Institute for Poverty, Land, and Agrarian Studies |
| PPA | Participatory Poverty Assessments |
| SADC | Southern African Development Community |
| SAP | Structural Adjustment Programme |
| SNNP | South Nations Nationalities People |
| SSA | Sub-Saharan Africa |
| UCT | University of Cape Town |
| UNDP | United Nations Development Programme |
| UNIP | United National Independence Party |
| UNZA | University of Zambia |
| USAID | United States Agency for International Development |
| VC | Village Council |
| VDC | Village Development Committee |
| WRD | World Development Report |
| ZACF | Zambia Agricultural Consultative Forum |
| ZANACO | Zambia National Commercial Bank |
| ZANU PF | Zimbabwe African National Union, Patriotic Front |
| ZAWA | Zambia Wildlife Authority |
| ZDA | Zambia Development Agency |
| ZEMA | Zambia Environmental Management Agency |
| ZESA | Zimbabwe Electricity Supply Authority |
| ZLA | Zambia Land Alliance |
| ZNA | Zambia National Archives |

CHAPTER ONE

CONTEMPORARY CUSTOMARY-LAND
ISSUES IN AFRICA:
AN INTRODUCTION

HORMAN CHITONGE AND
BRIDGET BWALYA UMAR

Land-tenure and agrarian-transformation debates in Africa are once more taking centre stage in policy discussions across the continent. The African Union (AU) Framework and Guidelines on Land Policy in Africa (AU/AfDB/ECA 2010) identifies several reasons for the growing attention given to land-tenure issues in Africa. These include the growing population, global climate change, urbanisation, steadily rising food prices globally, and the growing demand for cleaner energy from biofuels. The document also mentions increased investment in land-intensive economic activities. These and other related factors are reported to have induced a “new scramble for Africa” leading to “accelerated exploitation of resources...together with the establishment of industries and processing infrastructure,” all of which require land (AU/AfDB/ECA 2010, 11). In this new scramble for Africa, tenure relations and rural livelihoods are increasingly under scrutiny as the demand for land grows, leading to the redefinition of land rights and relations and to contestation over rights, particularly in rural areas. In this context, this book examines evolving tenure relations and local politics concerning customary land and how these are contributing to changing land-tenure practices and rural livelihoods in many parts of the continent. Drawing from the Zambian experience, the book’s chapters focus particularly on the dynamics induced by the policy and practice of alienating customary land to leasehold tenure. The book also presents a comparative analysis of the current land-tenure reforms in Ethiopia, Malawi, and Ghana and of land use and rural livelihoods in Zambia and South Africa. A chapter on Zimbabwe’s Fast Track Land Reform Programme

(FTLRP) also discusses an interesting interplay between artisanal mining and farming in terms of a two-way flow of investment from mining to farming and vice versa.

The starting point for any discussion of changes in customary-land tenure in Africa today is the fact that land still holds a special position in many African communities, especially in rural areas. Not only is land a factor of production and an important source of livelihood for the majority of rural households, it is also a cultural and spiritual resource that plays a prominent role in uniting past, present, and future generations. The AU Framework and Guidelines on Land Policy in Africa (AU/AfDB/ECA 2010, 8) document captures this well when it argues:

to the vast majority of societies in Africa land is regarded not simply as an economic or environmental resource, but as a social, cultural and ontological resource. Land remains an important factor in the construction of social identity, the organisation of religious life and the production and reproduction of culture. The link across generations is ultimately defined by the complement of land resources which families, lineages and communities share and control.¹

Viewed from this angle, land is a central component of the African worldview and ontology, a fundamental resource around which life in its entirety—particularly in rural areas—revolves. This embedded nature of land relations in most of Africa’s rural communities has often been a source of confusion and misunderstanding, especially among non-Africans (Makunike 2009), who, during colonial rule, projected “their own (European) models of land tenure onto African societies” (Bassett 1993, 5). Over the years, the approach of interpreting land-tenure relations in Africa through the lens of Western property-rights and ownership concepts has continued to hinder and sometimes frustrate efforts to grasp the essence of tenure relations and arrangements that are specific to the continent (Okoth-Ogendo 1989).

While the land question in Africa originates in the colonial occupation and the subsequent introduction of a European conception of ownership and property regimes, we are currently seeing a new form of contestation not just about the meaning of customary tenure but also about its relevance and ability to survive in the context of changing African societies. One clear example of this is the growing practice of converting customary land to leasehold tenure in many African countries, driven by what some analysts refer to as the “rediscovery of the agriculture sector by different investors” (both foreign and local), leading to a rising tide of “interest in land acquisition in developing countries” (see Deininger et al. 2011b, xxv).

In many African countries, including Zambia, most of the land being acquired for investment is held under customary tenure. Before investment in the land begins, the acquired land is usually converted to leasehold tenure as a way of securing the investment. This has led to the resurgence of the land and agrarian question(s) in Africa (Moyo 2008), raising questions not just about the future of customary land but also about rural livelihoods. This is especially true in a context in which job creation and opportunities in most African countries have fallen far below expectations, which means that most economies cannot absorb the rapidly growing labour force, especially in urban areas (see AfDB 2013).

The other related question resurfacing in the context of the growing demand for arable land is how to improve production and productivity, particularly on land held by semisubsistence farmers, who often access and use customary land. This question relates to longstanding concerns about land helping to improve food security and reduce rural poverty. A quick glance at the literature reveals that this issue surfaced in the 1980s, in the midst of what was then called the “African food crisis” (Berry 1984), and ignited debates, which largely attributed the crisis to the constraints that customary tenure imposed on land productivity and investment. The policy responses recommended at the time revolved around state-led land titling and other customary-land formalisation programmes, which were seen as the only way to attract investment and, consequently, stimulate productivity growth in the agriculture sector. For instance, the World Bank is reported to have provided loans to fund a series of “land titling and cadastral projects in Sub-Saharan Africa on the assumption that title will confer the necessary security to stimulate agricultural investments and thus increase productivity” (Bassett 1993, 4). While the policy to promote state-led and donor-sponsored land titling has since fallen off the land-reform radar,² with the World Bank adjusting its position on land titling during the course of the 1990s (see Deininger and Binswanger 1999), we are now seeing a new drive towards market-led land titling that targets customary land. Chiefs and local and foreign investors, supported by a government policy of attracting investment into rural areas, are the key drivers of this new trend towards privatisation of customary land (Cotula et al. 2009).

Yet, the experience of past land titling programmes has shown that titling customary land will not automatically lead to more investment and productivity in rural areas. A fundamental truth is that other factors influence rural residents’ ability to turn land into a highly productive asset: “The notion that tenure reform is the panacea to Africa’s agrarian ills is an old idea that ignores critical social dynamics that strongly influence how

productive resources are acquired, utilized, contested and immobilized” (Bassett 1993, 4).

In pursuing market-led land titling, African governments strongly believe that markets will accomplish what the government-led titling programmes of the 1970s and 1980s failed to do, with the state simply creating an environment in which the land market can be activated and nurtured. But some governments, as several chapters on Zambia in this book illustrate, are ambivalent in their approach to the customary-land issue. This is evident in their adoption of policies that promote the titling of customary land through conversion into leasehold, on the one hand, while legally and publicly recognising the status of customary land and the institutions of traditional authorities, on the other. Aware of the growing ambivalence on land policy in the continent, many civil society groups and researchers have cautioned against a wholesale endorsement of the policy and practice of alienating customary land, arguing that such an approach compromises access to land for future generations in many communities, given the critical role that land access plays in rural livelihoods across Africa.

While few analysts dispute the view that access to land can play a critical role in the fight against rural poverty (see AGRA 2013), unanswered questions remain about how to improve productivity among households with access to land. Similarly, questions remain about whether the emergence of “vernacular” or informal markets on customary land would help to increase productivity and improve the well-being of those who have access to such land. In a context in which monetary transactions (informal as well as formal) on customary land are reportedly growing (Chimhowu and Woodhouse 2005; Holden and Otsuka 2014), questions arise about whether customary-land tenure will evolve into a different set of land relations and what these relations might be.

A related part of this debate is the claim that land-tenure relations in Africa are increasingly becoming exclusive and individualised, such that the idealised notion of communal land ownership is no longer tenable in many communities (see Bassett 1993; Cotula et al. 2009; Migot-Adholla and Bruce 1994; see also chapter 5 of this book). This view has attracted significant attention, as reflected by the idea that “vernacular” land markets in different parts of Africa are strengthening the individual’s claim to land, a belief that has strongly influenced the land-tenure scholarship in Africa (Chimhowu and Woodhouse 2005). The reported growing refinement of individual and collective claims to and interest in land is said to be inducing struggle as some groups seek to affirm and protect their interests by reconstructing and redefining land relationships and rights (Lund

2006). This situation has brought the local politics of land, which is a theme largely ignored in the land-tenure scholarship, to the centre of the land question in Africa today.

This book contributes to these debates by examining contemporary customary-land relations and rural livelihoods. Chapters in this book focus on three key issues:

1. the nature of local land politics in the context of growing demand for customary land;
2. rural-livelihood and land-use dynamics in conditions of changing tenure arrangements characterised by increasing pressure due to demographic factors and urbanisation;
3. the relationship between land and other economic activities such as large- and small-scale (artisanal) mining and smallholder agriculture.

Although some chapters in the book examine land-tenure reforms and agrarian transformation based on case studies from countries other than Zambia, most of the chapters draw from empirical case studies conducted in Zambia under the Land Use and Rural Livelihood in Africa Project (LURLAP). To enrich the discussion of these complex issues of tenure, livelihood, and governance of land, the book provides a comparative analysis among different countries and contexts, highlighting the similarities as well as the differences.

In examining the three key issues mentioned above, the chapters in the book reflect on numerous questions. For instance, are land markets emerging in customary areas? What are the responses of the people on customary land to the reported increase of monetary transactions in land? Does the emergence of land markets on customary land threaten the tenure security of the poor in these communities? In some cases, the growth of land markets implies that the power of traditional authorities, in general, is diminishing; are the traditional authorities contesting this depletion of their power base? What local politics does the conversion of customary land engender? In cases where conversions have taken place, are there indications of shifting livelihood strategies and forms of land use in these communities? For instance, how does an increase in mining activity influence other land-based activities, such as farming? These are important questions. Although they are not new, this book discusses them in relation to the current situation characterised by rising demand for land due to population growth, climate change, a rising demand for cleaner energy, sustained economic growth, rising food prices, and urbanisation.

This book is a product of a collaborative research study (LURLAP, noted above).³ The collaboration was inspired by several factors, including the need to conduct comparative studies among countries in the region to understand similarities and differences regarding land use, rural livelihoods, and agrarian change. So far, two country case studies in South Africa and Zambia have been conducted. Research for the South African case study was conducted in 2010 and 2011 in the Chris Hani District municipality in Eastern Cape Province, while research for the Zambian case study was conducted in two districts, Chongwe and Chibombo, in 2013 and 2014.

For the Zambian case study, Chongwe and Chibombo are both located on the outskirts of the capital city, Lusaka, and were chosen specifically because of this proximity. The media have reported that these two districts have experienced increased pressure from both foreign and Zambian investors (mainly from Lusaka city) who seek to acquire customary land for various types of investment. This is why the two districts are often referred to as “pressure points” concerning the conversion of customary land to leasehold tenure.

The two districts were also chosen because, although both are near the city of Lusaka, they have distinct features that are interesting to examine. In terms of customary-land conversion, the most interesting difference is that in Chongwe District, Chieftainess Nkomesha does not permit conversion of customary land to leasehold tenure, while Chieftainess Mungule in Chibombo District actually encourages such conversion to leasehold tenure. It is interesting that in both chiefdoms, local residents are actively involved in the “selling” of customary land, although the dynamics are different, as highlighted in several chapters below.

Land Debates in Zambia

As in other parts of Africa, land issues are increasingly becoming a significant part of national debates and politics in Zambia. To understand the current land debates in Zambia, it is necessary to provide a brief historical account of land policies and practices. Land debates in other countries are analysed in Part III of the book, which focuses on the comparative case studies.

Scholars agree that the present land-tenure system and legal framework are products of the country’s colonial legacy. During the colonial period, which officially lasted from 1924–64,⁴ the British colonial authorities established a land-tenure system that essentially provided separate categories of landholding for two racial groups: indigenous Africans and European

settlers. The most fertile land, categorised as Crown land, was reserved for European settlers, while the less fertile land, subdivided into reserve and trust land, was specifically left for indigenous Africans (Chileshe 2005). In 1975, a little more than a decade after independence, the United National Independence Party (UNIP) government, led by Dr. Kenneth Kaunda, introduced radical land reforms but retained the dual land-tenure system introduced by the colonial government. Major changes in land tenure were introduced through the Land (Conversion of Titles) Act of 1975. This provided for the vesting of all land in the president and converted all freehold titles into leasehold titles of up to ninety-nine years. Thus, land in Zambia is currently held in two ways: through time-bound leasehold titles granted by the president on state land; and through occupation under customary tenure on customary land administered by traditional authorities, allocated largely on the basis of membership in a community.

This dualism in land tenure has been a source of contestation since independence. Those who are critical of customary-land tenure have questioned its effectiveness in promoting agriculture and sustainable livelihoods among the country's growing population (Chinene 1993). Such critics have called for the formalisation of customary land, arguing that this would provide smallholder farmers with land security and enable them to use it as collateral for loans and investment (Chinene 1993). As in many African countries, the dominant view, especially during the 1980s and early 1990s, has been that the customary-land tenure system is inconsistent with the operations of modern market economies and that unclear property rights in customary tenure create inefficiencies in both the allocation and use of land resources.

In Zambia, this view gained prominence in the early 1990s when the Movement for Multiparty Democracy (MMD) came to power. The MMD government tried to correct the alleged ills of customary tenure by promulgating the Lands Act No. 29 of 1995 (henceforth the 1995 Lands Act), amid strong opposition from many parts of society. The 1995 Lands Act, among other things, provides for the conversion of customary land to leasehold tenure. Supporters of this policy maintain that the recognition of property rights in customary land would lead to the emergence of a land market, reduce tenure uncertainty and insecurity, and make it possible for such land to be used as collateral. The Zambian government adopted this view and has been pursuing a strategy of "opening up" the countryside to investment by promoting conversion of customary land to leasehold tenure (Chitonge 2015).

Aware of how the policy and practice of privatising customary-land rights affects their power base (land), some chiefs have strongly opposed

this policy and practice (see more details in chapter 2).⁵ Chiefs opposed to the policy argue that conversion threatens their powers over traditional land; by allowing their subjects (and outsiders) to acquire individual leasehold rights on customary land, they are losing control not just of land but also of rural communities more generally. Given the increasing demand for land, there are worries that “almost all land could become state land. Chiefs’ palaces may find themselves on state land,” as a key informant argued (LURLAP Interviews 2014). The chiefs’ fears about loss of land are compounded by the law’s lack of provision for the possibility of converting land on leasehold tenure back to customary tenure upon expiry of the lease. According to M’membe (2005, 40), “if land has been converted from customary to statutory [leasehold] tenure, it cannot be taken back to its original tenure again,” although this view is contested by Ministry of Lands officials, who maintain that what changes at conversion is the *tenure* (from customary to leasehold), not the *category* of land, which still remains the same (*customary land*).

So far, there has not been a single case in which land under leasehold tenure has reverted to customary tenure. All we have seen is customary land being converted to leasehold in a one-way-traffic manner. Many analysts and civil society groups observe that even when the title deed issued on what used to be customary land is cancelled, the land does not revert back to customary tenure: it remains under leasehold tenure administered by the Commissioner of Lands (see Zambia Land Alliance 2008; Kabilika 2010; Tagliarino 2014). Thus, the argument about the category remaining the same even when the tenure changes has little practical significance given that tenure prescribes the terms and conditions under which land is held and administered (see Bruce 1986). At this stage, it is not clear what the category-tenure debate is intended to achieve. What is clear, however, is that neither the law (the 1995 Lands Act) nor the current draft constitution provides for the reversal of land tenure from leasehold back to customary tenure.

The category-tenure debate has introduced ambiguity into the conceptualisation of land tenure. This has led to intense debates, especially at a moment when the contest for the administration of different types of land seems to have deepened. The main point of contention is whether customary land, once converted, becomes state land or remains customary land held under leasehold tenure. For instance, while a key informant from the House of Chiefs⁶ maintains that land conversions have been one-sided from customary to leasehold tenure and not vice versa, Ministry of Lands’ officials argue that the land category does not change. This is how they are able to insist that customary land still constitutes 94 percent of all land in

Zambia. But one legal expert interviewed for the LURLAP study argued that the law is very clear on this: conversion *is* one-sided, and there is no provision in the 1995 Lands Act that allows customary land held under leasehold tenure to be converted back to customary land under any circumstance. This is the same view expressed by Tagliarino (2014), who argues that when an investor obtains a leasehold title over customary land, the land reverts to the state once the lease expires and is thereafter under statutory tenure. He further notes that the 1995 Lands Act is silent on whether converted land remains customary land under the authority of traditional leaders, and points out that in practice, “converted land is treated as state land governed by the Land Commissioner. [But] it is also unclear whether the grant of a leasehold title to converted land necessarily extinguishes all customary rights previously attached to the land” (Tagliarino 2014, 4). The Zambia Land Alliance (ZLA) similarly observes that if customary land is leased and for some reason the lease expires or is cancelled, the leased land no longer falls under the jurisdiction of the chief. It would seem, therefore, that once customary land is converted to leasehold, all customary rights to that land are extinguished, and so is the chief’s authority over that land.

The House of Chiefs proposed that the current legislation on conversion be repealed. They have argued that chiefs should be allowed to grant their subjects signed documents authenticating individual ownership of land so that leasehold tenure can be held on customary land without converting it to statutory tenure, which is the practice in many other African countries, including Ghana, Tanzania, and Mozambique.

Those who share M’membe’s (2005) view that the state is actually consolidating statutory land at the expense of customary land (see also Chitonge 2015) estimate that customary land now represents only around 70 percent of the nation’s total land mass. USAID (2010) suggested that about 10 percent of customary land has been converted to state land since the enactment of the 1995 Lands Act. However, no official records exist to indicate how much customary land has been converted to leasehold so far. Estimates accounting for protected areas such as game parks, forest reserves, and national parks, which are administered by state agencies even if they fall under customary areas (and are therefore not under the administration of traditional authorities), assert the proportion of land effectively under customary authorities (customary land) at 34 percent as of 2014 (Chitonge 2015).

As population growth fuels the demand for land, this land debate is most likely to intensify not just in Zambia but also in other African countries. While the debate over the category of converted customary land is

far from resolved, the law (1995 Lands Act) was clearly intended to create “one-way traffic” (from customary to leasehold), with the deliberate purpose of doing away with customary tenure. Given the MMD government’s commitment to free-market ideology, there can be no doubt about what the 1995 Lands Act was intended to achieve. As M’membe (2005) contends, the whole idea of converting customary land to leasehold, provided for in Section 8 (1) of the 1995 Lands Act, was aimed at getting rid of customary land. As more land is converted from customary to leasehold tenure and reserved for the exclusive use of those who enact the conversions, it is likely that little customary land will remain in the foreseeable future (Tembo 2014).

Reports in both the print and electronic media show that many sectors of society are concerned about the “sale” of customary land, a practice that is especially prevalent in peri-urban areas such as Chongwe and Chibombo Districts. In 2014, the then-Republican vice president, Dr. Guy Scott, noted that the chiefs, who were supposed to be the custodians of customary land, were the ones disadvantaging their subjects by selling land. He held that, according to Zambian law, the chiefs did not own the land but were merely trustees on behalf of their subjects and that they should, therefore, not sell it (*Lusaka Times* 2014). It has been observed that in areas where customary land has been “sold” and converted for tourism, local people have lost full access to common-pool resources on which they depend for their livelihoods (*Southern Guardian* 2005, cited in Muedenda 2006).

Other analysts and commentators have, however, alluded to the positive aspects of such conversions. USAID (2010), for instance, suggested that in some cases conversions have resulted in much-needed investment in rural areas and the creation of opportunities for local employment, contract farming, secondary businesses, the development of infrastructure and social services, and the transfer of know-how. These debates are discussed in greater detail in the chapters in this volume.

The Micropolitics of Customary Land

The book begins with two chapters that outline the micropolitics of customary land in Zambia, drawing from case studies in Chongwe and Chibombo Districts. Chapter 2, by Horman Chitonge, presents a micro-level view of the politics around land tenure, focusing on land relations at the village and chiefdom levels. The chapter discusses in detail the broader theoretical and historical context of land politics in Africa, and Zambia in particular, highlighting that because of the crucial role that land plays in

people's lives, especially in rural areas, land relations are by nature political. The author employs the concept of embeddedness to analyse the micropolitics of customary land. He argues that to understand local land politics, it is essential to examine closely the local structures of power and institutions through which land relations are constructed, given meaning, and reproduced. This chapter also discusses the local processes involved in acquiring customary land, focusing on the procedures that precede the act of converting land from customary to leasehold tenure.

In chapter 3, Orleans Mfuno focuses on ongoing debates about the relevance of customary-land tenure in Zambia. As the country seeks to navigate the winds of change, debates about the relevance of customary tenure have featured strongly in public and scholarly discussions. Drawing on insights from political ecology, the author shows that these arguments are not situated in a vacuum but are supported by narratives about customary-tenure systems that now hold sway among Zambia's political and economic elites. The author interrogates these narratives in the light of empirical data from various sources, including archival data, interviews, and focus-group discussions. The chapter further illustrates that despite two decades of reform aimed at tilting customary tenure towards private tenure, customary land remains the only land on which the poor continue to depend.

Land Markets on Customary Land?

Chapters 4 and 5 explore the theme of land markets and examine whether the reported sale of customary land points to the emergence of a land market. In chapter 4, Gear Kajoba explores the land-tenure dynamics in Chongwe and Chibombo Districts in the broader Zambian context of an emerging market economy. Kajoba defines an emerging market as one that makes a transition from a state-controlled to a free-market economy, and observes that Zambia began its transformation from a socialist/commandist economy to a liberalised market economy in 1991. Kajoba argues that residents and some traditional authorities perceive the formalisation of land rights, in the form of converting customary land to leasehold tenure, as a way of securing local rights to land and as a means of improving livelihoods. In this context, conversions of customary land to leasehold are prompted by the perceived threat of future land loss resulting from the continuing expansion of the city of Lusaka, with some community members "selling" part of their land to local and foreign investors. However, the author observes that although the sale of customary land has created opportunities, it has reduced the landholdings available for present and future residents.

In chapter 5, David Kafwamba examines and critiques the narrative that customary-tenure systems are static and do not provide for individualised land rights. Kafwamba argues that the dominant literature views customary-land tenure systems as monolithic, conservative, and incapable of adapting to change. The chapter shows how customary-tenure systems have historically responded to influences such as colonialism and the development of land markets. The author argues that, although traditional authorities in the study areas acknowledge that customary-land titling results in a loss of their own authority, they nevertheless assert that land titling ensures that the expansion of Lusaka city does not displace their subjects in the future. The chapter also shows how, in one chiefdom where the traditional leader has refused to give permission to convert customary land to leasehold tenure, a clandestine land market has emerged in which locals secretly exercise their right to sell land.

Land, Rural-Livelihood Dynamics, and Mining

Chapters 6, 7, and 8 discuss the connections among rural livelihoods, land use, and artisanal mining, drawing on experiences from Zambia and Zimbabwe.

Chapter 6, by Orleans Mfune and David Kafwamba, examines policy changes in Zambia over time and the ways in which they have affected livelihoods. One of the chapter's key arguments is that these policy changes have induced shifts in the land-use forms and livelihood strategies pursued by local people. To illustrate this, the chapter traces the livelihood patterns of local people, noting that most people formerly relied on hunting and growing drought-resistant crops such as sorghum and millet. But a colonial policy that favoured the growing of maize has caused local people to abandon their traditional crops, and they now rely almost exclusively on maize, which is less resistant to drought.

The chapter concludes by noting that the postcolonial government has largely maintained colonial policies, by continuing to favour the production of maize through a system of production and marketing subsidies. This chapter, while focusing on land and agricultural policy changes, complements chapter 10, which presents empirical data on the dominant forms of land-use and livelihood strategies pursued by people residing on customary land in South Africa and Zambia.

In chapter 7, Grasian Mkodzongi examines the influence of small- and large-scale mining activities on the livelihoods of rural dwellers in Zimbabwe in the context of the Fast Track Land Reform Programme (FTLRP). The chapter shows that FTLRP beneficiaries (both A1 and A2) are using

income from mining activities to boost investments in land-based activities, mainly agriculture. The author argues that a crucial link between the FTLRP and the growth of mining activities is the opening up of large chunks of formerly white-owned farmland to a large population that was previously confined to communal land. These people now have access to farmland through the FTLRP. Some of the FTLRP beneficiaries have discovered mineral deposits on their land or in nearby areas, deposits that they extract through artisanal mining techniques. They use income or wages from such mining activities to invest in land, particularly crop and livestock farming. The chapter contends that diversification has *not* led to the replacement of farming as a source of livelihood, given that income from mining is used predominantly to invest in land. In this sense, the chapter makes an argument similar to that in chapter 10, that although rural residents have diversified their sources of income, they still use land as their basis for launching other livelihood strategies.

In chapter 8, Moonde Kabinga looks at the social and economic implications of large-scale land acquisition for mining in customary areas in Zambia. The chapter discusses the implications of alienating customary land for mining activities in the context of the political and economic priority given to copper mining in Zambia. The chapter notes that most of the land acquired for mining activities in Zambia is customary land, and in most cases local people occupy the land on which new mining operations are initiated, which often leads to the people's displacement or relocation. This chapter also observes that despite negative impacts of mining on local communities, the government of Zambia has worked hard to lure foreign investment into the mining sector, to take advantage of the relatively higher prices of copper and related metals on the global market, especially in the period prior to the current decline of commodity prices.

The analysis of different mining experiences in various parts of Zambia reveals that local communities whose land is alienated for mining activities do not benefit from these investments; on the contrary, they endure the pain of being displaced, losing their land and livelihoods, and are forced to suffer the negative environmental impact of mining.

Land Use and Rural Livelihoods in Comparative Perspective

In chapter 9, Bridget Bwalya Umar discusses whether formalisation of customary-land rights leads to improved productivity, increased investment in land, and the encouragement of conservational approaches to land use. Drawing from the customary-land formalisation programmes in Ethi-

opia, Ghana, and Malawi, the author concludes that the case studies reviewed offer no evidence that formalisation of land rights results in increased productivity or investment. However, the chapter shows that the adoption of land-conservation practices is associated with land users who feel that they have stronger land-tenure security.

The author observes that in all three case studies, the policy of formalising land rights actually induces land-tenure insecurity among local people, contrary to what the official policy is intended to achieve. In Ethiopia, people on state land feel more insecure (even though they may have formal registration or title) as a result of having been previously evicted from their land regardless of whether they possessed a formal document. In Malawi, the policy of privatising customary land has been implemented since the 1970s, but this has not produced any of the benefits anticipated by policymakers, i.e., greater tenure security, the growth of a robust land market, and flexible land-ownership forms. In Ghana, although formalisation has scored some success, the programme faces many challenges, including the high cost of formalising land rights, a factor that has tended to exclude the poor.

In chapter 10, Horman Chitonge presents a comparative analysis of the land-use and livelihood strategies of households living on customary land in South Africa and Zambia. The chapter discusses these topics in two different contexts: the former homelands in South Africa and the rural areas under traditional authorities in Zambia. Analysis of the data from the South African and Zambian case studies shows interesting similarities and differences in land-use and livelihood strategies, despite the two countries' historical and socioeconomic differences. Levels of wage employment in rural areas are reported to be very low in both countries, with only 3 percent of respondents reporting wage employment as their main source of livelihood. The author concludes that while households in the study areas combine several strategies, both farm and non-farm, the role of land remains central, especially given that both economies are struggling to create *real* employment opportunities that provide viable livelihood alternatives to farming as well as to absorb the growing labour force in both urban and rural areas.

All these chapters, discussing the local land politics of Zambia, the clandestine market in customary land, and the interconnections of land and mining in Zimbabwe, reveal that the land question seems to be imposing itself once more on the national agenda across the continent. The growing significance of land debates is not accidental; particular factors are causing the "land question" to emerge as one of *the* most important topics. For this

reason, it is important to understand the current dynamics, particularly with regard to customary land.

Notes

¹ See chapter 2 for further discussion of the multifaceted dimension of land in Africa.

² Most of the land titling programmes implemented in Africa during the 1980s and 1990s failed. Three factors cited to account for this failure include poor understanding of local land rights, a lack of broad-based information campaigns, and the use of high-cost approaches (see Deininger et al. 2011a, 312).

³ LURLAP is a regional comparative research project with cases studies in South Africa, Mozambique, Botswana, Tanzania, and Zimbabwe. The Zambian case study involved researchers from the University of Cape Town (UCT) and the University of Zambia (UNZA). At UCT, students and staff from the Centre for African Studies (CAS) completed a survey, while at UNZA, students and staff from the Department of Geography and Environmental Studies completed it.

⁴ From 1889 to 1924, Zambia was a Northern Rhodesia protectorate ruled by the British South African Company on behalf of the British government. The British colonial government officially took over the governing of the protectorate only in 1924.

⁵ However, it must be noted that some chiefs have embraced this practice, often “selling” customary land at the expense of their own people (Minister of Lands 2013).

⁶ The House of Chiefs is a statutory body provided for by Statutory Instrument 41 of 1998. It is made up of three elected representatives, who are all gazetted chiefs, from each of the ten provinces of Zambia. It advises the state on customary land matters.

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