

# “Land Tenure, Title Deeds, and Farm Productivity in the Southern Province of Zambia: Preliminary Research Findings (Outline)”

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**BACKGROUND:** This study relates to an on-going debate as to whether customary African land tenure must be reformed or converted to a statutory, individualised land tenure system (often referred to as a ‘titled’ system) as a pre-requisite to agricultural development. Past arguments in favour of titling claim that traditional tenure is insecure for the small farmer and thus creates disincentives for land improvements; that it prevents land from being used as collateral for credit; and that it prevents the transfer of land from inefficient users to efficient ones. Counter-arguments point out that farmers under customary tenure usually have durable usufruct rights, that credit is often inaccessible even where titles exist, and that informal land markets do operate to make land available to efficient users (whereas formal land markets are sometimes seen to have the opposite effect).

**RESEARCH QUESTION:** *Do different land tenure conditions affect farming systems, organisation and performance among Zambian small farmers, and if so, how?*

**STUDY DESIGN:** The salient feature of the study design was to stratify the survey sample into roughly equal strata of (a) small farmers on customary land and (b) small to medium farmers on settlement schemes within State land, where most farmers have leases or titles. An area of Southern Province (Monze, Mazabuka, Choma districts) was selected where the two land tenure systems exist side by side, with similar soil quality and distance to market, so as to allow the study to isolate the effects of land tenure

**METHOD:** Within the study area, certain settlement schemes were non-randomly selected for survey on the basis of: (a) having the smallest average farm sizes of the settlement schemes in the study area, therefore increasing the comparability with the adjacent customary farmers; and (b) having a settlement population drawn at least in part from neighbouring communities on customary lands, as opposed to being entirely composed by farmers selected for settlement allocation on the basis of their being ‘progressive’ or ‘emergent’ small farmers—again to improve the comparability with customary farmers.

Sample selection within the chosen settlements was non-random, up to a quota of about 20 households per settlement scheme.

Sample selection in the other stratum, customary lands, replicated that used by the annual Post-Harvest Survey and subsequent Supplementary Survey (Food Security Research Project and

Central Statistics Office). The current study selected those households sampled by the latest Post-Harvest Survey that are geographically closest to the selected settlement schemes, so as to maximise the comparability. The same respondent households were then re-visited and interviewed with the current questionnaire, in order to be able to eventually link this study's data-set with that of the recent Post-Harvest Survey.

The questionnaire covered household socio-economic characteristics, crops, yields and revenues for the past two seasons, credit history going back five years, use of inputs and labour, tenure status and perceived land rights and security, incidence of disputes, incidence of fixed improvements including soil conservation, and modes of access to land. About 270 interviews were obtained. The preliminary results presented today are based on the data from the 68 interviews entered on computer to date, plus the principal investigator's impressions from having read through all the completed questionnaire in the field. Because only a small portion of the data-set is yet on computer, the quantitative results presented today are confined to naïve and descriptive statistics such as frequencies and cross-tabulations. A fuller report with multivariate analysis of the whole data-set will be forthcoming.

### **FINDINGS AND IMPRESSIONS:**

- **RESPONDENT SOCIO-ECONOMIC CHARACTERISTICS:** 34 are on State land, 34 on customary land. Mean farm size is 17.7 ha, median is 4 ha, with a range from zero hectares (for a household that borrowed a different field each year) to 182 ha for a certain settlement farm. Mean age of heads of households is 47.5 years. Mean household size is 10.6 adults and children. Mean highest school grade completed by heads of households is 6<sup>th</sup> grade. 93% of heads of households are male. 75% of heads of households had done no previous work aside from farming the current parcel or some other parcel; 25% had worked in the civil service or other salaried position.
- **TENURE SECURITY AND FARM PERFORMANCE:** Land tenure security, or purported insecurity, is not cited by most respondents as an immediate and major constraint on agricultural performance in the study area. Other factors appear more significant in the short term, especially: (a) reduced access to credit (which constrains use of intensifying inputs like hybrid seed and fertiliser); (b) loss of livestock (which constrains area under cultivation and also access to credit, livestock being useful collateral); (c) inadequate household labour for cultivation (exacerbated by loss of animal traction); and (d) unfavourable recent weather patterns.
- **WIDESPREAD DESIRE FOR TITLE:** However, a majority of respondents on both State lands (59%, or 91% of those who don't already have a title) and traditional lands (52%) expressed a desire for titles, citing as reasons: (a) the wish to avoid risk of dispossession (78%); (b) the desire to protect fixed investments (55%); (c) the desire for sure bequeathment to children (50%). (Multiple responses were allowed.) Only 7% wanted title in order to use land as collateral for loans.<sup>1</sup>
- **ACCESS TO LAND:** Access to land, or purported insufficiency thereof, does not appear to be an immediate and significant constraint on farm output in the study area. This is indicated by survey responses in which 48% of respondents confirmed that they did **not** cultivate **all** of the arable land available to their household this past season. Major reasons for this included lack of animal traction (38%), lack of seed (19%), and lack of fertiliser (16%). Only 13% cited intentional fallow as the reason.

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<sup>1</sup> What are referred to as 'titles' are actually 99-year leases, following the Conversion of Titles Act (1975). This study has not addressed the question of whether freehold tenure is functionally equivalent to, and equally secure as, long leases for small farmers.

- However to further explore the situation of land access: when respondents were asked if they wanted more land for cultivation, 49% responded yes. Of those who responded no, when asked why not, only 18% stated that they have enough land already; whereas the remainder cited involuntary reasons, especially lack of animal traction (68%). Of those who responded that they want more land, a majority (63%) stated that they would not be able to obtain it, citing lack of available family or village lands (41%) and lack of money for buying, renting or leasing land (47%).
- **INSECURITY OF INHERITANCE OR SUCCESSION:** Perhaps paradoxically, the category of titled settlement farms exhibited a relatively high incidence of ownership disputes, and hence tenure insecurity, not in the form of disputes involving the title-holder, but in the form of inheritance disputes between a deceased titleholder's offspring and other relatives of the deceased. To the extent that a main purpose of the settlement programmes was to create an inter-generationally self-sustaining population of indigenous, highly productive farmers, this insecurity of inheritance experienced by the offspring of settlement farmers should be viewed with concern.
- **PREFERENCE FOR INTENSIFICATION:** There are generally two ways to increase farm production: intensification, or its opposite which could be called "extensification." Intensification involves increased or concentrated inputs (including labour) on an unchanged land area; extensification implies bringing additional land area under cultivation, without increased inputs per unit land area. Respondents in the study area voiced a strong preference for intensified farming as a strategy to increase production, rather than extensified: 85% of respondents on State land preferred intensification, and 64% on customary land. The reason most commonly cited (62%) is that smaller parcels are 'easier to manage,' in the sense (according to the Tonga-speaking survey enumerators) of being easier to cultivate successfully with limited labour and animal traction.
- **CREDIT AMONG RESPONDENTS:** In our sample, 60% of respondent households had taken a loan in the last five years. Of those, 48% were loans of fertiliser from FRA or through a co-operative, requiring a cash deposit as down payment. No households were found that secured a loan with a title deed or other land document.
- **CREDIT SUPPLY AND DEMAND WITH RESPECT TO VARIOUS TYPES OF COLLATERAL:** One of the main rationales for farmland titling programmes is that farmers should enjoy increased access to credit if they can use their land as collateral. The study revealed some reasons to doubt that this will succeed in the near future in the study area. First, a large majority of respondents expressed an aversion to risking the loss of their land by using it as loan security. Asked how much credit they would take (large amount, moderate, small, or zero) if required to offer land as collateral, 94% responded that they would take zero credit under those circumstances (91% on customary land, 97% on State). By contrast, more willingness to borrow was expressed if circumstances required using livestock or the harvest as collateral (63% desired zero credit with livestock collateral, and 9% desired zero credit with harvest collateral). Secondly, a countervailing trend was noticed when the question was asked, "Do you think you could use your title deed [or a title deed, if the respondent didn't have one] to get more credit?" 75% responded yes, which seems to contradict the earlier responses. But, on the supply side, interviews with bank officials in Monze and Mazabuka indicated that any such demand would not be met: with one minor exception, no bank reported making current loans to small and medium-sized farmers, with or without title. Until small farmers (demand side) are better able to reduce risk of default by protecting themselves against crop failure through such measures as irrigation, and possibly until bank overheads can be reduced and more liquidity enters the credit markets (supply side), the evidence suggests that titles alone will not allow most farmers to leverage more credit.
- **WHICH LAND RIGHTS ARE MOST IMPORTANT TO RESPONDENTS:** Respondents were asked to designate the relative importance of each of the following land rights (using a PRA

technique involving cards): (1) title; (2) right to sell the land to anybody; (3) right to use the land as collateral for credit; (4) right to bequeath the land to your children; (5) right to cultivate the land as long as you want; (6) right to install fixed improvements like fencing or trees. The outcome shows a strong feeling that title is the most important right, followed by right to bequeath, durable cultivation rights, and right to install fixed improvements. Right to use land as collateral for credit and right to sell land were resoundingly considered the least important. Note that a title, in legal terms, contains all of the other five rights; so these results give further clarification of why people want titles, and also what is likely to happen if and when a majority obtains them.

- **TENURE INSECURITY THROUGH LAND DISPUTES:** 23% reported having had to leave a parcel of farmland, and of those, 53% had lost the parcel as the result of a dispute, involuntary re-allocation (most often by the father's family), or other dispossession. 5% reported having been involved in an ownership or inheritance dispute that did not result in their dispossession. From this evidence that almost one in five households had been involved in a serious dispute, it can be posited that there is wide exposure to ownership disputes, which may be interpreted as a source of perceived tenure insecurity
- **TENURE SECURITY AND FIXED INVESTMENTS:** A naïve statistical analysis using only cross-tabulations of occurrence of fixed investments, and omitting data on the quantity or intensity of each such improvement, gives the following very tentative and statistically untested results. (Full multivariate analysis will later be performed on the complete data-set, also including potentially confounding variables.) The commonest types of fixed investments reported were wells, tree planting (for windbreaks or crops), crop rotation, fencing, pot-holing, burnt brick houses, and concrete houses. Cross-tabulating the occurrence of each of these with the independent variable of whether the respondent has a document confirming land rights (lease or title), we find the following distinctions. 48% of respondents with document had wells, versus 26% of those without document. 26% with document had fencing, versus 5% without. 41% with document had trees planted as windbreaks, versus 21% without. 81% with document had tree crops planted, versus 62% without. 59% with document practised crop rotation, vs. 51% without. 19% with document had installed pot-holes, versus 13% without. 7% with document had at least one concrete house, versus 8% without. And 44% with document had at least one burnt brick house, versus 36% without. These figures imply that the independent variable makes little difference in the occurrences of burnt brick and concrete houses. It appears to make a greater difference in occurrence of wells, fencing, tree planting, pot-holing, and crop rotation. Therefore it can be postulated that there is a greater occurrence of land improvements or fixed investments on State land. However, firm conclusions must await multivariate analysis that will measure how much of this increased occurrence is due to the land tenure status, among other potentially confounding variables such as income, initial wealth endowment, and household's educational attainment.

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**CONCLUSIONS:** Previous studies in sub-Saharan Africa have punctured the old belief that titles are a magic bullet with which to achieve agricultural development; and these data largely support such scepticism. With reference to the tripartite argument described at the outset of tenure security's positive effects on agriculture (incentive to improve land, access to credit, and efficient land markets), this study so far finds evidence only for the first. The apparent under-utilisation of farmland in even this highly productive and commercialised study area suggests that problems of input supply and animal traction (with which members of this audience will be well familiar) are more urgent in the short term than access to land and tenure security.

Nonetheless there is the example of Asian countries such as Taiwan, South Korea and Thailand that achieved significant agricultural and economic development after granting freehold to small

farmers. These examples continue to resonate. Nor can the strongly expressed desire for titles found in this study be dismissed. The reasons for wanting title seem equally salient: secure possession and bequeathment, and protection of fixed investments. These suggest that many farmers don't plan to use titles to lever themselves up to the level of 'emergent' or medium-sized farmers, but instead believe that they need them as a defensive measure, even on customary lands.

Such perceived insecurity probably deserves to be remedied. But a system as well-evolved, egalitarian, and self-regulating as African customary land law should not be tinkered with lightly. Also, it should be remembered that titles and inheritance statutes are legal instruments that are only as good as their accessibility, predictability, and enforcement. It is our hope that the full results of our study will suggest some ways to use and implement land policy to reduce poverty and realise Zambia's formidable farming potential.

### **Key Reading**

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