

# **Rural Land Management and Productivity in Zambia**

## **The Need for Institutional and Land Tenure Reforms**

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## 1 Introduction

It is a normal thing nowadays to hear how other sectors of the economy are failing and how diversification to agriculture is the only key to survival for Zambia. While this is appreciated and measures are being put in place, these measures seem to be omitting the base. It is agreed that the solution for Zambia now is not in mining but in land. While it is true that rural development has been neglected in Zambia in preference for urban areas, the argument is that rural communities have also not done enough to develop or invite development in their areas. As a result year in and year out figures show increases in rural urban migration to towns where factories are also closing down. We have heard in many forums how rich Zambia is in terms of arable land, water and human resources with no corresponding action to develop these resources.

This study contends that Zambia cannot develop if it neglects policy for the efficient utilization of these resources. One such area has been the absence of land policy for effective management of rural land. While failure in this area has been attributed to a number of factors, notably absence of credit and funding, this paper contends that the base factor is the absence of efficient land management for rural land. This has resulted in low productivity in the rural areas and has contributed to rural poverty. It is further argued that it is futile to concentrate all efforts on at least 6% (stateland) of the total land area while neglecting the other 94% (rural land).

The study also shows that the neglect in rural land management has a historical beginning resulting in a dual system of land management in Zambia, i.e. traditional for rural land and statutory for urban land.

The study therefore argues that Zambia has two main problems affecting rural land management. Firstly, it is argued that poor performance is mainly as a result of a weak or inadequate institutional structure at the rural level. It is therefore believed that this should form the base for the reduction of rural poverty in the rural areas. The second reason is due to the absence of effective rural land policies, which should contribute to increased productivity on rural land. The result has been low productivity and high rural poverty.

A number of solutions have been imported from various places, but this paper shows that for any meaningful development to be achieved, solutions have to be from within. This paper therefore seeks to show:

- How solutions which have ignored the component of land management in the rural areas have failed to improve rural productivity
- How Zambia got to have two separate systems of land management.
- What the effects have been to development in the country, especially in the rural areas of Zambia, and
- What could be done to re-address this situation.

The study will therefore examine the relationship between rural land management and the level of productivity in Zambia. It is believed in this study that productivity on rural land can be increased with a good land management system. Such an increase would then ultimately lead to reduction in rural poverty.

The findings in this paper point to the fact that there is need for both institutional and land tenure reforms on rural land, before implementation of any other complimentary programs, in order to improve productivity on rural land.

### ***1.1 Clarification of Terms***

In a lot of literature, the use of some words are interchanged and could result in conveying a different message. In this papers the use of the following words need to be clarified as follows:

**Land Tenure:** This is understood to refer to the terms and conditions of holding land, which could be communal on one extreme or private on the other extreme.

**Land Tenure System:** Although in a wider application land tenure and land tenure system may be interchanged, a land tenure system, in this paper is understood to refer to the entire scope of land tenure relationships and are part of the more comprehensive land rights which form a framework.

**Land Tenure reform:** This refers to change in the terms and conditions of holding land through an authorized authority, in this case the government of the Zambia.

**Institution:** Relates to the institutions involved in the administration of land.

**Institutional Reform** refers to change in the administrative structures of institutions involved in rural land management.

### ***1.2 Limitation of the Study***

This paper is limited in terms of detailed field assessment but focuses on literature review. Although a proposed structure of the rural land management authority is included in this paper, it is hoped that this would form the basis for further discussions.

However, despite this limitation in field information, literature reviewed for this study has a lot of relevance to Zambia, all of which has been based on detailed field surveys by organizations such as Food and Agriculture Organization (FAO), Worldbank, International Fund for Agricultural Development (IFAD), Food Security Research Project and many individual researchers.

Furthermore this limitation presents an opportunity to local researchers to learn more about the environment and help in the formulation of effective policies and eventual development of the country.

As aptly concluded by the Goree Regional Workshop on “Managing Land Tenure and Resource Access in West Africa” in November 1996, “researchers, NGOs and farmer groups have a useful part to play in examining the range of options for tenure and resource access, design of policy and decision making systems at all levels”. The Workshop further noted that “attention in future could be usefully be directed to a range of means for opening up and supporting this debate through a range of different media.”

Debate is needed on these issues at whatever level in order to assist in directing policy. However, one can only debate after having acquired detailed information, which presents an opportunity for more research.

## **2 Productivity on Rural and Urban Land**

The difference between rural and urban land as regards productivity needs to be appreciated at the on-set. In assessing value for property (i.e. land and buildings), Whipple (1995) shows that productivity determines value. Since productivity is a net factor, i.e. the difference between utility and disutility, for the property to have value, productivity should be positive. Whipple et al further shows that the features that give rise to productivity are physical, legal, locational, psychological and environmental.

Using this productivity analysis matrix the other way round, this study shows in Table 1 that government intervention in land matters affects productivity on land at two levels, the household and general levels. By simply separately land and buildings, the matrix shows how government policy and regulations affects the characteristics which give rise to productivity.

The household level is specific in nature. For instance in terms of rural land, most policies to improve productivity have related to trying to improve farm yields through such programs as subsidizing fertilizer, providing credit to small farmers, etc. For urban land, this is related to policies and regulations affecting individual buildings such as restrictions on profit (e.g. rent control policies), development control, etc.

The second level of these effects is general and relates government intervention through administrative structures and policies relating to restrictions on title. It is important to note that urban and rural land is affected in the same way at this level.

This study therefore deals with productivity on rural land, viz a vis, government intervention, at the second level. It is not the intention of this study to propose programs to increase farm yields at the household level, though these programs should run complementary in helping eradicate rural poverty.

TABLE 1: PRODUCTIVITY ANALYSIS MATRIX ON GOVERNMENT ACTION ON RURAL LAND

Characteristics	First level	Second level	Productivity Effect On	Government intervention
<b>Physical</b> This will normally include the site and its geometry				
Size	✓		Site and building	Planning limitations
Shape	✓	✓	Both site and buildings	Planning Process
Topography	✓		Site	Indirectly through the planning process
Hydrotropic	✓		Site	Indirectly through the planning process
Building conditions		✓	Building	By-laws on maintenance
Layout		✓	Building	Development Control code
Subsystems within the building		✓	Building	Development Control Code
<b>Legal Characteristics</b> Includes the legal, administrative and political characteristics				

Restrictions on Title	<input checked="" type="checkbox"/>		Site	Land laws and land Policies
Restrictions on User	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Site and Building	Land use planning
Policies	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Site and Building	Administrative Structure
Restrictions on Profits	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Site and buildings	Restriction on profit e.g. rent control
Political Factors	<input checked="" type="checkbox"/>		Site	Political factors as relates to use and ownership of land

### Psychological Characteristics

This relates to the peoples subjective perception on the property as regards locality, the property and the market

Locality	<input type="checkbox"/>	<input type="checkbox"/>	none	This relates to how people view the locality in which the property is situated. We fail to see how government action would affect individual's view of a locality.
Property	<input type="checkbox"/>	<input type="checkbox"/>	none	This relates to the nature of the activities in the property with regards to prominence in the area and will affect productivity of each plot differently but has no relevance to government actions.
Market	<input type="checkbox"/>	<input type="checkbox"/>	none	This concerns how participants view supply and demand factors in the market. The perception of buyer or sellers will affect the entire market and will affect their bid or acceptance of such bids on property but has nothing to do with government actions

### Environmental Characteristics

On-site factors	<input checked="" type="checkbox"/>		Site	Conservation policies.
Off-site factors	<input type="checkbox"/>	<input type="checkbox"/>	Site and buildings	How the property relates to adjoining owners, occupiers and the community at large and the impact could be physical, social, economic or ethical and has nothing to do with government actions

### Locational Characteristics

Access points	<input checked="" type="checkbox"/>		Site	Town Planning
Movement channels	<input checked="" type="checkbox"/>		Site	Town Planning
Neighborhood setting		<input type="checkbox"/>	Site	This relates to the degree of compatibility between the way in which the site is used and the characteristics of the neighbourhood as regards age, occupation, income levels and are socio-economic factors.

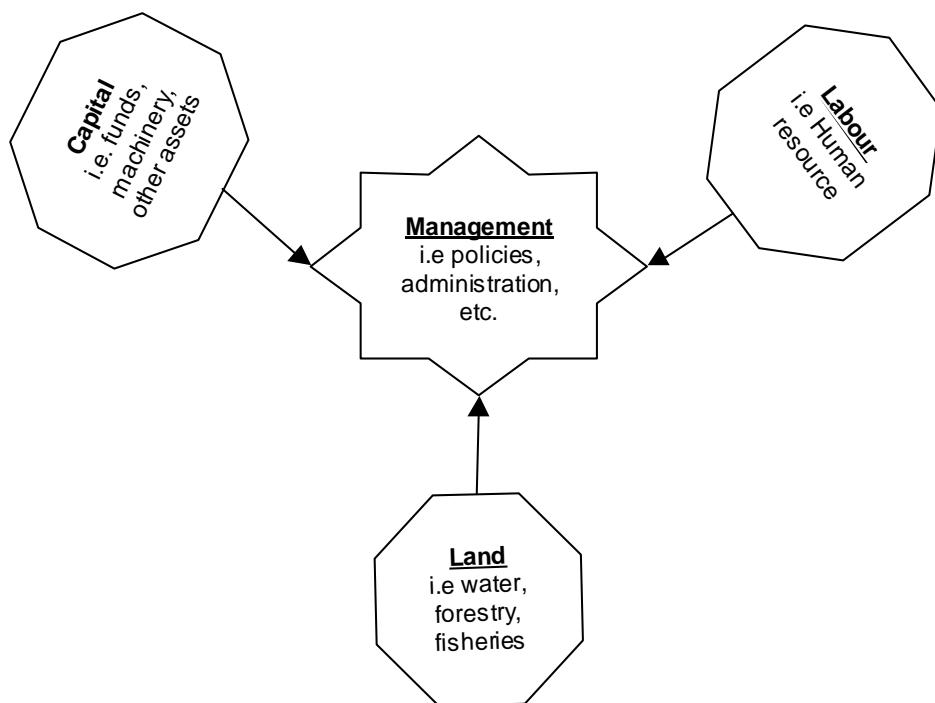
Space relationships	✓		Site	Town Planning.
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Note: Modified Characteristics from Whipple (1995)

It can be seen from the Productivity Matrix that Town Planning does directly affect the location of a plot, its use, layout, access point and some conservation factors. But it will also indirectly affect the soil fertility and hydrotropic of the plot through its siting of the plot. Government action in terms of land laws and policies will restrict the use of the land hence affecting productivity on that land.

Whipple (1995) also shows that for land to be productive, it requires the application of labour, capital and management. In order to achieve maximum productivity, the skill to combine these factors in "right" proportions is essential. This is the function of the management factor. Figure 1 shows the central role that the management factor plays in the production process and it is the contention in this study that this factor is missing in the management of rural land in Zambia.

FIGURE 1 FACTORS OF PRODUCTION



### 3 Agricultural Production in Zambia

While the economic activities on urban land is mainly mining and manufacturing, the predominant economic activity on rural land is agriculture. Therefore productivity on rural land relates to this sector of the economy.

Many studies show that agricultural production has been on the decline in Zambia for a long time now, though Zulu, Nijhoff, Jayne and Negassa (2000) argue that it has now leveled. This decline can clearly be seen in Table 2 below. Many studies have therefore been commissioned to examine why the agriculture sector in Zambia has been performing poorly, even in a

liberalized economy. The findings are of interest to this study as it forms the base of the discussions in this paper.

TABLE 2: AGRICULTURAL PRODUCTION IN ZAMBIA. 1987 TO 1999

Harvest year	Zambia	Central	Copperbelt	Eastern	Luapula	Lusaka	Northern	North-Western	Southern	Western
1987	548,277	130,116	22,943	151,552	16,767	16,769	79,423	12,469	108,454	9,785
1988	945,831	186,398	33,511	256,153	16,407	38,779	135,700	17,328	240,076	21,479
1989	871,487	196,706	31,635	242,896	24,326	30,144	94,688	20,597	207,121	23,375
1990	585,835	112,753	36,504	138,952	23,205	20,549	80,530	16,008	130,720	17,613
1991	587,136	163,619	25,927	151,446	13,246	20,746	90,647	15,663	91,344	14,497
1992	324,363	88,347	15,587	49,566	21,723	18,296	89,714	13,302	19,428	8,399
1993	828,085	199,382	37,933	171,387	24,443	37,640	106,023	18,929	210,067	22,281
1994	593,127	111,499	29,535	126,084	25,878	24,729	142,098	24,381	90,612	18,312
1995	455,039	91,736	24,613	107,573	21,211	12,979	108,166	21,714	50,956	16,090
1996	728,671	177,083	37,725	181,503	22,533	37,135	78,589	22,825	141,795	29,483
1997	568,226	98,486	29,823	141,127	22,726	20,869	80,421	23,415	116,293	22,012
1998	470,700	92,565	15,498	155,152	13,629	11,896	63,087	15,760	72,050	14,019
1999	605,959	71,791	39,065	240,817	18,715	16,574	83,584	17,070	97,175	21,169

Notes: Figures are in millions of CPI-adjusted kwacha(1998=100). Figures include crops reported by CSO only: maize, soyabeans,groundnuts, sunflower, mixed beans, millet, sorgum, seed cotton and Virginia and barley tobacco. Crops missing from these figures include cassava, sweet potato, horticulture and paprika.

Source: Zulu, Nijhoff, Jayne, Negassa (2000), CSO.

In one of these studies, Deininger and Olinto examined whether the disappointing performance in the agriculture sector was due to the fact that reforms undermined the profitability of agricultural production or whether it was due to other factors such as market imperfections and structural limitations at the household level. Using a sample of 5000 rural households, the study concluded that credit and ownership of assets, like cattle, affected the amount of land cultivated thus increasing agricultural production. However, this study also found out that the use of fertilizer only increased agricultural production if its use was extended to a large number of farmers and not necessarily by increasing the amount of fertilizer actually applied by a small group of farmers.

The other significant study was by Zulu, Nijhoff, Jayne and Negassa (2000) under the Food Security Research Project. This study concluded that “public intervention in the agricultural sector has been based on the conventional wisdom that agricultural production could be boosted mainly through improving farm yields. (*household level*) This is demonstrated by the various programs over the past several decades designed to provide smallholders with fertilizer. However, the PHS (*Post Harvest Survey by CSO*) findings indicate that fertilizer distribution subsidies may be an ineffective way to address rural poverty for many poor households that farm too little land to make a difference if fertilizer is applied on their small plots. Preliminary analysis suggest that there is an important link between production and land

holding size which means that programs aimed at increasing access to land and area under cultivation may be an important component of boosting agricultural production and overcoming poverty" (2000; 32)

Both studies agree that land size and access to it is an important component in agricultural production while all the other programs would then run complimentary. It is however ironic that access to land should be a constraint to rural productivity when Zambia has an abundance of land, human resource, water, or even capital to a limited extent.

TABLE 3: SUMMARY OF LAND CATEGORIES AND CONTRIBUTION OF AGRICULTURE TO GNP AND EMPLOYMENT

Grazing Land	10 million hectares
Arable Land	60 million hectares of arable land
Currently cultivated	15%
Virgin land	51 million hectares
Agricultural Contribution to GNP	18%
Agricultural Contribution to Employment	50%

Source: SADC Review 2002

For instance Table 3 shows that Zambia has 60 million hectares of arable land out of which only 15% is cultivated while the rest is virgin land.

Furthermore, the Zambia PRSP (2002) also shows that "Zambia's ground water resources are abundant, estimated at 1,740,380 million cubic metres with the ground water recharge estimated at 160,080 million cubic metres per annum. Irrigable land is estimated at 423,000 hectares but less than 40,000 hectares (or 9 percent) is currently irrigated, mostly by commercial farmers cultivating sugar, wheat, and plantation crops". (2002; 45)

TABLE 5: SUMMARY OF IRRIGATION POTENTIAL

Catchments/basin area	Existing Scheme (ha)	Additional Irrigation Potential	Total Potential	Percent of Total Potential
Upper Zambezi Basin	2000	110,000	112,000	26
Kafue Basin	13,000	152,000	165,000	39
Luangwa Basin	-	14,000	14,000	-
Luapula and Tanganyika Basin	2,000	62,000	64,000	15
Commercial farms in different basins	8,000	-	8,000	-
Ground water irrigation	N/a	60,000	60,000	14
<b>Total</b>	<b>25,000</b>	<b>398,000</b>	<b>423,000</b>	<b>100</b>

Source: PRSP (2002)

The SADC Review (1997) further shows that Zambia holds 45% of the total water resources of the Southern African region. With four main river systems; Zambezi watering the North Western, West and Southern region of Zambia, Luangwa and Kafue watering the Central and eastern regions and Luapula irrigating the northern regions, Zambia is not short of water. With such an abundance of water resource, draught cannot be used as a reason for low productivity on rural land.

On education, the SADC Review (1997) noted that “third level graduates in agricultural and horticultural sciences and technologies are available” in Zambia. With graduates in land economy and urban and regional planning from the Copperbelt University in Kitwe and land surveyors and agriculturalist from University of Zambia and with numerous other supporting institutions, Zambia is not short of human resource.

The Zambian government has also been a recipient of aid from various organizations for a long time. For instance, the first project by the International Fund for Agricultural Development (IFAD) in the Southern African region centred on helping establish a viable position in commercial agriculture by helping poor smallholders was implemented in Zambia, Uganda and Mozambique in 1999 (IFAD, 2002). Other donor agencies have also assisted Zambia in the area of agriculture, but this has not resulted in improved productivity on rural land.

One therefore tends to agree with Krebs<sup>1</sup> (2002), that funding is not the biggest problem that Africa is facing. Krebs (2002) also noted that the major problem is lack of an appropriate policy environment, which would allow for development assistance to work. The unclaimed Euro 5 billion, which had not been taken up from previous programs, was used as one way Africa is failing to utilize development finance. This in essence shows that the amount of capital does not guarantee the success of a development program without the necessary prerequisites.

The question still remains then why agricultural production has been on the decline despite having all these resources. Using Figure 1 we can argue that despite satisfying the three component parts of production, the central and important component is still missing. As stated earlier productivity will only result when the four components are mixed in “right” proportions. It can therefore be concluded here that the abundance of arable land does not in itself mean the availability of this land to the farmers. This land has to be delivered to the farmers in a useable state through an administrative structure.

On urban land, the land delivery process should ideally include acquisition of land, land use planning, cadastral surveying, servicing and finally allocation. This process can still be followed for rural land or simplified due to cost implications. Ultimately an administrative structure should exist in order to deliver agricultural land to farmers. If access to land is still been cited as a major reason for low productivity, then it can be concluded that the delivery system has failed.

While urban land is administered under the Ministry of Lands, rural land has been left entirely under the administration of the local Chiefs. This is due to a colonial legacy, which is discussed in the next part of this paper.

## **4 Route Towards Dualism**

### ***4.1 In English Speaking African Countries***

The first question which needs to be addressed is how Zambia got to a dual system of land management; one for rural and the other for urban land. In establishing the general framework showing how most English Speaking African countries got to a dual land management, West (1982) provides more insight.

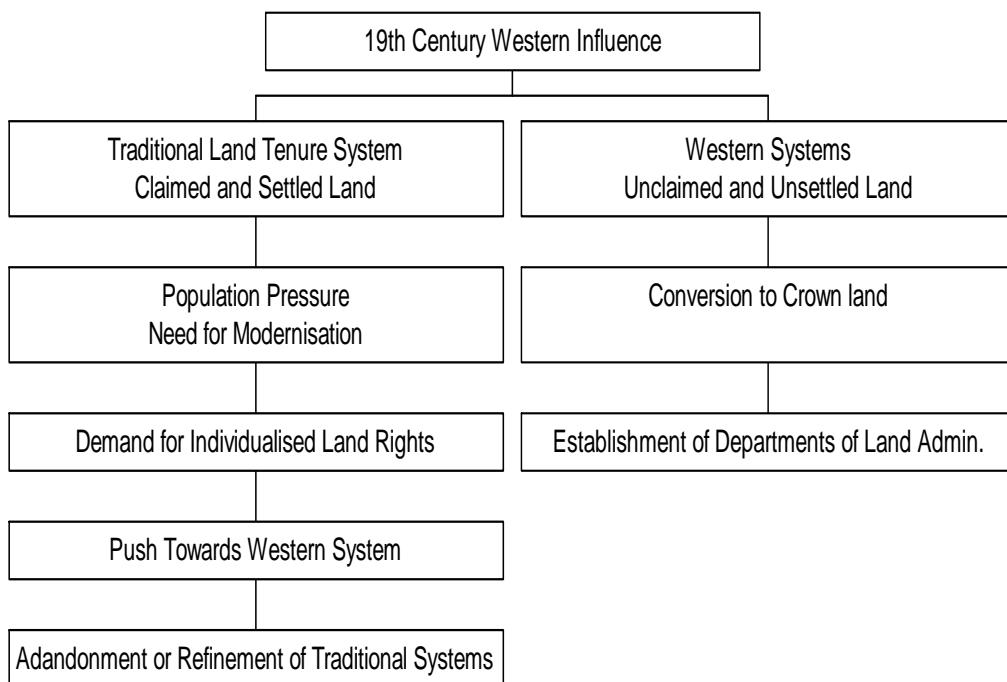
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<sup>1</sup> Dr Jochen Krebs was Head of delegation of the European Commission, visiting Zambia on June 13, 2002

West (1982) shows that when the early settlers arrived in most English-Speaking African countries, the tendency was to avoid conflicts with the local communities found in those areas. They adopted a policy of non-intervention in customary (traditional) tenure systems. Their strategy was therefore to convert to crown land only that land which they found unoccupied and any other that they perceived was unclaimed. They then introduced statutory land tenure systems on these converted lands by the introduction of the British System of Land Administration. In one country, two systems of land management emerged, i.e. traditional and English system.

Under the traditional African systems, allocation of land was more simplified as it was restricted to tribal and lineage decency. However, according to West (1982)'s framework, most African societies started experiencing pressure in these areas. The pressure was mainly as a result of the movement from subsistence farming towards greater commercialization and demand for individual rights resulted. This movement from subsistence to commercial farming on rural land was necessary to support the urban population and to earn the country foreign exchange through exports. However, this process also demanded a change in the methods of farming to more permanent and mechanized methods. Figure 2 below summaries this framework.

FIGURE 2: SUMMARIZED FRAMEWORK ON ROUTE TOWARDS DUALISM IN ENGLISH SPEAKING AFRICAN COUNTRIES



As has been shown in Figure 2 above, the framework does conclude that the resultant action was either the abandonment or the refinement of the old traditional land tenure systems. Abandonment means the adoption of the western system of land tenure across the country. This resulted in freehold and leasehold titles. Refinement implies an adjustment from communal land tenure systems towards an individualized land tenure systems.

It can therefore be conclusively stated that in most English Speaking African countries, policy review towards individualized systems could be attributed to congestion and land shortage.

Seen the other way, low productivity on rural land in certain areas has been as a result of shortage of farming land due to congestion. Therefore, increased farm sizes have been seen as a strategy to reduce poverty and increase productivity on rural land. (Dixon, Gulliver, Gibbon: 2001). It can also be stated that between the extreme points of communal and private systems, hybrid systems exist. One such hybrid system is shown in this paper as an example.

For the land converted to crown land, administration and management functions were put in newly established departments to administer land while land under customary tenure remained under the Chiefs as an institution for rural land management.

#### ***4.2 In Zambia***

In an attempt to follow the framework defined by West (1982) above, Banda (1982) traces the history of land rights in Zambia in three distinct periods. That is the period up to 1928, the period between 1928 and 1942 and the period from 1942 to 1975. However, the historical development of land rights in Zambia can further be analyzed in the period from 1975 to 1991, when all freeholds were abolished and from 1991 to date.

During the period up to 1928, most land was vested in the British South African Company and anyone was free to acquire land anywhere in Zambia except in Barotseland. This vesting was later transferred to the Governor of Northern Rhodesia in 1924, as Zambia was called then. Banda (1982) further argues that land was allocated or assigned for tribal occupation but not specifically to African tribes. While the company also allocated freehold rights to individual white settlers, special protection was granted to any African village or grazing land found already established on the land. However, this allocation to white settlers only became effective after approval by a magistrate.

Banda (1982) further shows that “after the British South African Company handed over the administration of the Territory to the British Government, various commissions were appointed to recommend what areas should be set aside as native reserves (in the North Charterland concessions in 1924, on the line-of-rail in 1926, and in the Tanganyika District in 1927).” These reserves were finally established in 1928 in which customary forms of land tenure prevailed. This signified the institutionalization of the dual land management system in Zambia.

During the 1928 to 1942 period, Banda (1982) argues that a serious problem of overcrowding developed in these reserves resulting in the setting aside of more land for Africans in 1942. However, instead of these areas being called reserves, the names changed to trust lands whose administration was vested in the Secretary of State for the Colonies. The Order-in-Council of 1947 concluded the vesting of all such land designed as trust land. It is the reminder of the land, after Barotseland, the reserves, and the trust land, which was named Crown land and allocated mainly to the settlers.

While reforms up to 1975 affected trust land and reserves, in terms of designating such land and not in the management, the land reforms of 1975 have concentrated on state land (formerly crown lands) and left the reserves and trust land unaffected. In essence the independent Government of Zambia has proceeded with the strategy of non-involvement in rural land. While it is understood why the colonizers adopted this strategy, it is not clear why this strategy should be maintained in independent Zambia.

## 5 **Effects of a Fragmented Customary Rural Land Management System**

While the structures of urban land management have developed through the Ministry of Lands and Local Authorities, rural land management has remained under the administration of Chiefs who decide its use and allocation. It is ironic that while the government has adopted a non-interference strategy at the land management level, other policies have been extended to the rural areas. This has resulted in the minimizing of results of these other policies due to the absence of a base.

What is further sobering is the fact that state land or former crown land, only makes up about 6% of the Zambian land mass. The concentration on state land literally means that all efforts are been concentrated on this 6% of land, mostly used as urban settlements like Lusaka, Ndola, Kitwe, etc and neglected 94% of the country. One fails to see how a country using this approach could develop. It is also noted that the main activities undertaken on these urban settlements is mining, mainly on the Copperbelt, manufacturing, a bit of farming, specifically horticulture and mostly trading.

Mining in Zambia is not faring well as is visibly evident from Roan Antelope Mining Corporation of Zambia (RAMCOZ) in Luanshya and the pending pull out of Anglo America from KCM. (*Konkola Copper Minies*) This is also acknowledged in the Zambia PRSP (2002). It showed that "... a worsening trend is apparent in Zambia's mining sector, particularly at the level of production. With the sector under threat of insolvency following the recent decision by Anglo American Corporation (AAC) to consider withdrawing from active involvement in Konkola Copper Mines Limited (KCM), the largest post-privatisation mining company ..., there remain many uncertainties for the sector. Besides, copper output has registered a downward trend for several years now." (PSRP; 2002, 65) With the world copper prices continuing to fall, the improvement in this situation is doubtful.

On manufacturing the PRSP (2002) showed "that the decline in the mining industry, combined with the liberation of the economy leading to a freer entry of imports, exposed the inherent weaknesses in the Zambian manufacturing sector. Many firms were unable to withstand the competition from imports that threatened their domestic markets and were unable to export mostly because of high input costs and low output quality. Firm closures and other down sizing operations have contributed to rising poverty as many household heads have lost their jobs especially in urban areas. In absolute terms, out of 55700 jobs in the sector in 1995, 7900 had by 2000 been lost due to firm closures and reduced capacity utilization." (2002; 53). This decline in manufacturing is also clearly visible from the City of Ndola, which once served as the "Hub of the Copperbelt".

With a crumbling urban economy, agriculture, which is a predominant activity on rural land, has been seen as the alternative. However, the absence of a proper land management system on rural land has caused a number of problems, which include:

- Increase in Rural Poverty
- Absence of Land Use Planning
- Disappearance of a Land Market
- Inefficient Use of Resources

### ***5.1 Increase in rural Poverty***

As stated above, agriculture was and still remains the predominant economic activity on trust land and on the reserves, collectively referred to in this study as rural land. Over the years, this

sector has been riddled with poor performance. The poor performance of the agricultural sector has resulted in an increase in rural poverty as shown in Table 5 below. According to the Zambia PRSP (2002), poverty is defined as the lack of income, employment, food, shelter and other basic needs to sustain life. It is therefore undeniable that due to low productivity in the rural areas of Zambia, rural communities have no work, income and food. This is even aggravated during draught years when harvest from subsistence farmers is poor.

A simple qualitative analysis of rural poverty on agricultural production shows a strong negative correlation, an indication that as agricultural production falls in rural areas, poverty increases.

TABLE 5: INCIDENCE OF OVERALL POVERTY AND PERCENTAGE CHANGE BETWEEN 1996 AND 1998 FOR DIFFERENT SOCIO-ECONOMIC STRATA.

<b>Stratum</b>	<b>Overall Poverty 1996</b>	<b>Overall Poverty 1998</b>	<b>% change 1996-98</b>
Small-scale farmers	84.4	84.0	-0.4
Medium Scale farmers	65.1	71.9	6.8
Large-scale farmers	34.9	15.6	-19.3
Non-agricultural households	72.0	79.3	7.3
Low cost areas	51.1	61.2	10.1
Medium cost areas	32.4	49.4	17.0
High cost areas	23.8	33.5	9.7

Source: PRSP (2002); CSO: Living Conditions in Zambia 1998

### ***5.2 Absence of Land Use Planning***

It is also clear that the traditional land management system has not utilized land use planning which is an essential component in any land management system. The arbitrary designation of use by the Chief would not result in an effective and efficient way of using resources. With modern tools of assessing the quality of land, i.e. by carrying out topographical surveys before assigning uses, rural land management can greatly benefit from this process. This process would be able to identify the best use of land within each area, thus contributing to increased productivity on rural land. The absence of land use planning on rural land is evident from the haphazard location of settlements across the country.

### ***5.3 Disappearance of a Land Market***

The customary land tenure system's failure on rural land is clear on the land market. Although the Land Act of 1995 allowed the leasing of rural land, the fact that this is not been used reflects the failure in the administrative system. This has resulted in the disappearance of the land market, which is an important complement to the credit market. The absence of a mechanism to transfer rights of use in land poses a risk to financiers.

### ***5.4 Inefficient Use of the Land Resource***

In a haphazard situation as it exists on rural land now, misuse and abuse results. Abuse or overuse of land is evident by looking at the rate of deforestation as a resultant effect in many parts of the country. Productivity on such abused land is very low.

## **6 Need for Rural Land Management Authorities**

It can be seen that there are negative consequences resulting from the failure of the traditional land management system. However, while the customary land tenure system exhibits

fragmentation and inefficiency, little has been done over the years to improve the situation. As mentioned above, rural land management functions are still performed by traditional leaders, assisted by other village elders. The Chief still designates the uses of any land, e.g. for grazing, farming, residential, commercial, etc. Furthermore, the Chief “allocates” this land to individual villagers for various uses. It should be understood that Chiefs do not own this land but hold it in trust for the community. They act as the custodians of rural land.

These allocations ordinarily do not pass title to individuals but merely the right to use of the land. Though it is possible to pass this land to the son, daughter or the family after the death of the family head, one cannot show any title to this land. The absence of title to land causes insecurity (insecurity of tenure) to one contemplating to invest more capital in the development of the land and to potential financiers. This then acts as a hindrance. Although an investor can still obtain title<sup>2</sup> on rural land, the process is normally long, cumbersome and prohibitive. Potential investors then tend to look for land on state land where they can obtain title quicker.

The PSRP (2002) while acknowledging that most of the land is under “traditional title” proposes to change only part of that land to “leasehold land” and still leave the rest under the same administrative structure. This therefore implies that management of land not converted to leasehold title will remain fragmented under the traditional customary structures as before. Technically, the issuing of leases over land does not in itself mean the change from customary to stateland. A lease merely shows that the lessee<sup>3</sup> has been given the right of use of that land for a specified period. Therefore, Chiefs (on behalf of the community) can technically grant leases on tribal land for specified periods and need not convert the land to state land. Change from customary (trust or reserve) to stateland is therefore done by different government instruments and not merely by change of land rights.

The solution to rural poverty in Zambia may therefore be both complex and simple. If started from the top, the solutions are complex. But if started from the bottom the solutions are simpler. The solution to poverty in Zambia begins with better management of land resources

There is therefore enough justification that Zambia needs to re-look at its customary land management system due to the main failures that have been elaborated in this paper. In the current world of globalization, chiefs are not adequately equipped to manage rural land. Some Chiefs<sup>4</sup> already recognize the importance of structures in management of resources by introducing local or village authority structures. Though these groupings may also discuss land administration issues, they may not be adequately conversant with modern land management techniques and tools. But for any meaningful development, the use of these tools is essential.

The government can therefore use such structures to introduce modern land management tools in the rural areas.

## **6.1 Proposed Structure and Functions of Rural Land Management Authorities (RULAMAs).**

The need for professional input in the management of rural land in order to achieve high productivity cannot be over emphasized. For instance in more affluent societies, a geo-

<sup>2</sup> It should be noted here that title to land does not necessarily have to be in Deed form, commonly referred to as a Title Deed. A Title Deed merely shows that the land is cadastrally surveyed and registered with the Registrar of Deeds or Commissioner of Lands, whichever the case may be. However, this does not mean the land has changed from rural to urban or from customary to stateland.

<sup>3</sup> individual or company holding the lease

<sup>4</sup> The Post Newspaper of Sunday 21<sup>st</sup> April 2002 reported on how Chief Nalubamba has already devised structures for local village administration. This structure seemed to have, what is called a cabinet, which meets every month, and a Council of Representatives (equivalent to Parliament), which meets every two months.

technical and topographical survey is carried out in order to understand the soil and rock formation before uses are assigned.

However, as noted by Williamson (2000), the establishment of a land administration system will be influenced by the stage of development of a country. It therefore follows that while Zambia cannot exactly adopt, for instance the Botswana's Land Board System of tribal land management as shown later in the case study below due mainly to cost implications, Zambia can still devise a system which is less costly but more efficient than the current set up. Therefore, within the limited resources, Zambia can do better. This part of the paper therefore proposes a structure for a Rural Land Management Authority (RULAMA) in Zambia

There is urgent need to establish organized structures to help in the management of rural land. This paper therefore proposes the establishment of RULAMAs, similar to Land Boards in Botswana, in all rural areas. These could be done based on the jurisdiction of the Chief, within a District. For instance, a RULAMA can be established in Chief Chiwala's area, falling under Ndola Rural District, which could be called Chiwala Rural Land Management Authority. This Authority could have a board, assisted by other administrative staff, to perform such functions as allocation of land, land use planning, surveying and other land related matters.

#### **6.1.1 Composition of the Board**

The Rural Land Management Board within each authority could then comprise:

- The Chief/tainess or a delegated elder who could also Chair the board
- Other members appointed by the Chief/tainess from villages within his/her jurisdiction
- One representative from Ministry of Lands
- One Representative from Ministry of Local government
- One Representative from Ministry of Agriculture

#### **6.1.2 Duties of the Board**

The duties of the Rural Land Management Board would then be:

- Policy Formulation: This would deal with the formulation of policies on the management of rural land. The Ministry of Lands could also assist in the formulation, interpretation and implementation of such policies. It would then ensure that the management of rural land is still left in the rural communities.
- Rural Land Allocation: Rural land would then be allocated by the RULAMA for various uses. In the process, ownership documentations, which should be defendable in a court of law, can then be issued. This could be in the form of a certificate or any standard document and not necessarily a "Title Deed". The fact that the ownership document so issued should have legal backing necessitates the need for the establishment of these RULAMAs through an Act of Parliament. This would constitute the main difference with the current system where no proof either of "ownership" or "rights of use" is issued.
- Development and Maintenance of Land Inventory. It should also be the responsibility of the RULAMA to develop and maintain an inventory of all land allocated. With no record showing who owns what, management of land becomes a problem and allocation normally result in a lot of conflicts. The establishment of this inventory become important.

- Land Use Planning: The need for land use planning before allocation of land cannot be overemphasized. As soil content and formation is understood before planning, it then becomes easier to assign land for various uses like grazing, crop farming, etc. This then means more fertile land can be used for farming activities which will yield the highest gain. Hence, contributing to improved productivity on rural land. In the absence on this process, Chiefs allocate fertile land for human settlements because different considerations are then used.
- Adjudication: Land will always be a part of any human existence. However, the strength of a management system should also be in providing a system of adjudication in a situation of dispute. Documentation of Ownership issued by the RULAMA, and recognized by law, will therefore form a base for proving ownership and reducing disputes in land.
- Provision of Capital Assistance to Rural Cooperatives: Capital assistance is much more than the provision of funds. It should be the duty of each RULAMA to encourage the local communities to form cooperatives. While cohesion should be avoided at all costs the RULAMA could provide certain incentives in order to support these cooperatives. One way would be for the RULAMA to own farming equipment like tractors and ploughs, which could be hired to cooperatives and the local communities. These cooperatives can also be given priority in terms of allocation and size of land. Government can also come up with other programs to support these cooperatives. This function could be extended to arranging of other farming implements like fertilizer, chemicals, etc.
- Management of the Royal Trust Fund: In most customary societies, resistance to change is experienced from tribes because they see no benefit to the rural communities from such change. In recent times, Zambia has experienced calls from tribal authorities for a share in the proceeds from their areas. The proposal is therefore to establish a Royal Trust Fund for each RULAMA. Income generated from land sales and other activities should be deposited in a trust fund, which could be under the control of the tribe. This fund will then be used to cater for the expenses for the royal establishment and other development within the region. Furthermore funds from this establishment can also be used to pay the Board members

## 7 **Need for Land Reforms**

After the establishment of a base in the form of RULAMAs, the next logical step would be to look at land tenure reforms. Deininger (1998) uses Zambia as one of the examples where “despite extremely low levels of population density ... almost 50% of small producers feel that their security of tenure is insufficient and are willing to pay (a mean amount of US \$40) for getting secure ownership rights”. This implies an area to be looked at. The mere establishment of a RULUMA does not in itself change the rights of land holding. This would only improve the land administration structure, which now only exists under the Chief.

Before land reforms are carried out, there is need to understand what is being changed, why the change and where to. Over the years, a framework has been developed to assist in both policy formulation and policy evaluation or analysis. (West, 1982)

It is the proposition in this paper that Zambia does not need to necessarily adopt a purely individualized system of land tenure in rural areas. However, Zambia does need to focus on developing a system which would result in increased security of tenure on rural land while maintaining an element of “tradition” in it.

As also noted by West (1982), “an equitable and sustainable relationship between human and natural resources is, in the fullest sense, fundamental and essential to stability and progress at the national level. Its successful rationalization and optimization, therefore, must be integral part of the overall process of planned development”. In simpler terms, a land management system needs to strike a balance between the pull by human needs and what is sustainable by the natural resources.

West (1982) further agrees that as far as the distribution and interplay of land rights is concerned, there could be an infinite number of combinations and structures, which is the more reason why each country should come up with its own system of land management. This also implies that since human behavior is always changing, monitoring and re-adjustment of these combinations is inevitable.

### **7.1 Framework of Land Policy Formulation**

While it was possible to propose a structure for the establishment of Rural Land Management Authorities, it is more difficult to suggest either an outright abandonment of customary land tenure or the adoption of purely individualized land rights. A number of literature recommend a wholesome conversion from customary to individualized, but as has been accepted even by the Worldbank (Deininger and Binswanger; 1999), certain customary elements may need to be retained in most land tenure systems.

DFID (2000) also argues that “introduction of individual title on formerly customary land has in practice often led to increasing landlessness, and skewed distribution, without necessarily increasing agricultural investment and productivity.” But DFID et al accepts that future land reform programs will likely focus on recognizing customary tenure systems and including them in the legislative framework. Other areas cited are facilitating the management of natural resources at the community level and promoting participation in the development of land policies.

Therefore the onus is on Zambia to:

- Understand where it is in this spectrum of land management systems
- Identify short falls in the current systems
- Formulate policies that would address the short fall

This requires further detailed field research, which has not been conducted during this study. It should however be emphasized here that institutional and land tenure reforms falls under the management factor as shown in figure 1. Signifying the central role that management plays in productivity. The earlier Zambia recognizes this the better.

### **8 Benefits of Institutional and Land Tenure Reforms**

With the establishment of RULAMAs, revision and formulation of rural land policies supported by other complimentary programs as proposed in the Zambia Poverty Reduction Strategy Paper, productivity on rural land should increase, resulting in a reduction in rural poverty. Furthermore, rural land management would benefit from modern land management

tools in a symbiotic relationship. The benefits of institutional and land tenure reforms in Zambia are detailed below.

### **8.1 Land Use Planning Tools**

Land use plans can be prepared for the rural areas to identify various uses of land. This would result in identification of arable and grazing land. Currently chiefs just allocate land for whatever use with no regard to the location of the land, soil texture or geophysical formation of the land. Even the Zambia PRSP (2002) while recognizing the establishment of commercial farming blocks in each area, misses the fact that all land should be subjected to a planning process.

### **8.2 Land Inventory and Land Registration**

As started earlier, a structured management system of rural land would result in the creation of inventories or databases to assist in land management. Registration of land parcels with the Registrar of Deeds may be optional in the rural areas due to the cost implications, but with planning having preceded the allocation, surveying and registration could be easier for those looking for finance.

### **8.3 Increased Agricultural Productivity and Reduction in Rural and Urban Poverty**

Due to increases in agricultural productivity, both rural and urban poverty is expected to reduce. Zambia has many advantages in comparison to most countries in Southern Africa, as regards agriculture. This form of rural management would be able to benefit Zambia more than it has done for instance for Botswana, where most of the country is a desert which reduces immensely the size of arable land.

In fact most urban areas of Zambia owe their survival on rural activities, especially now when most of the urban industries have collapsed. One example is Luanshya town. Luanshya was established as a town around 1930 to provide labor for the mining operations discovered around 1926. All other industries, which later developed, centered on supporting mining activities. However, with the sell of the mines to Roan Antelope Mining Company Of Zambia (RAMCOZ) and its eventual closure, this has resulted in the closure of most industries which were dependant on mining operations. This has resulted in increased unemployment and poverty.

However, the point of interest for this study was on how residents of Luanshya were surviving in the absence of gainful employment. Preliminary surveys show that more and more Luanshya residents are resorting to farming in the peri-urban areas. It is not uncommon especially in farming seasons (October to April) to see people streaming from the townships to fields in rural Luanshya. Some have to walk over 10 kilometers to get to these fields. It is this activity, farming, which has provided sustenance for the Luanshya residents. With an unfavorable rainy season last year (2001), poverty levels have increased in Luanshya, like in most parts of Zambia.

Therefore, the argument in this study is that with increased production on rural land, towns like Luanshya would benefit directly from agricultural products. However, Luanshya can also benefit by using its competitive advantage over rural villages, in terms of already established infrastructure, by re-orientating itself into an agricultural processing zone.

#### **8.4 Involvement of Landed Professionals in Rural Land Management**

Institutional and land tenure reforms would also result in the opening up of rural land to the services provided by landed professional like planners, land economists, land surveyors, architect, agriculturalist and many more who have taken a silent role in rural land management matters.

It has been observed over the years that landed professionals, particularly land economists, have also neglected their role in the management of rural land. This may be due to the fact that there is more emphasis on property valuation because most private firms focus on this activity as their core business. Land tenure and policy issues have been relegated to government and academic circles. Secondly, most jobs relating to land management are found in local or central government, whose conditions of service were not attractive to most land economists, for example.

However, in recent times, these views have changed slightly as more land economists, and other landed professionals, opt to work for government as opposed to the private sector. This move may be as a result of difficulties being faced in the industry due to the general poor performance of the economy, which has seen the closure of a number of private valuation firms and down sizing of the remaining.

Institutional and land reforms on rural land would results in a symbiotic relationship which would benefit both the landed professionals and the rural community. Landed professionals should therefore be in the forefront of this debate to convince the government on the importance of focusing development on the other 94%, which has been the essence of this discussion. Development in this area would result in more jobs for all landed professional.

With such reforms, the base is set for other complementary programs which should result in increased productivity on rural land and reduction in rural poverty.

#### **9 Case Study: The Example of Botswana**

Examples also abound within the Southern Africa Development Community (SADC) region showing the difference between structured and unstructured management systems of rural land. A casual drive through Zambia, Zimbabwe, South Africa and Namibia gives an indication of the success or failure of rural land management systems in these countries. Driving through Zimbabwe for instance from Chirundu through Harare to Plumtree shows farms which are properly demarcated and developed. Some farms even have huge silos for storage purposes while others go to the extent of having factories on the farms. This is because agriculture is the number one source of raw material for any processing industrial. Agriculture on the other hand is only feasible with a good rural land management system. With a land re-distribution programme gone wrong, Zimbabwe's agricultural production has declined.

Land re-distribution per se was not wrong in the Zimbabwean case. Land redistribution is one of the tools in a land reform program but any land reform program aims to achieve certain objectives, which could be for equity reasons or to increase productivity on land. For development to take place, productivity should be maintained. Therefore if a land reform program results in reduced productivity, one conclusion could be that implementation was not properly done.

Other countries within the region have also benefited from this structured management of rural land. Botswana is one example with its Land Board System of Tribal land management.

Before 1968, Botswana experienced the same land management problems like Zambia with eighty (80%) percent of its land under tribal land tenure systems and allocation controlled by Chiefs. However in 1968, the government passed the Tribal Land Act, which established the Land Board and Subordinate Land Boards in tribal areas across the country. These Boards were established as body corporate. According to section 10 subsection (1) of the Act, “all rights and title to land in each tribal area .. vest in the land board .. in trust for the benefit and advantage of the tribes men of the area and for the purpose of promoting the economic and social development of the peoples of Botswana”. However in the 1993 Amendment of the Act, the word “tribesmen” was replaced with “citizen of Botswana” which made it possible for citizens of Botswana to apply for land anywhere in Botswana. This act also provides for the setting up of Subordinate Land Boards which perform similar functions to the Main Board.

### **9.1 Duties of the Land Boards**

This enactment therefore transferred the land management functions from the Chiefs to Land Boards. The Act not only empowered the Land Board to hold land in trust for the tribal, but also gave them other duties to perform. These duties are discussed in brief below.

#### **9.1.1 Policy Formulation**

The Land Boards are also empowered to formulate policy relating to the exercising of their functions. In doing so they consult with the District Councils. Furthermore the Act in section 11 subsection (2) stipulates that “the President may give to any land board directions of a general or specific character and that land board shall give effect to any such directions”.

#### **9.1.2 Land Allocation**

Land boards are empowered to perform all functions previously carried out by the Chief which includes allocation of land for residential, crop farming, grazing, water rights, industrial and commercial use. These allocations can be classified in two tenure systems

##### **9.1.2.1 Grant of Customary Land Rights**

These are allocations for all uses but restricted to citizens. The processes are shorter as it does not need Ministerial consent and less formal as land so allocated does not need to be cadastrally surveyed.

##### **9.1.2.2 Grant of Land right Under Common Law**

The land boards are also empowered to grant land rights to non-citizens, provided permission has been sought and granted by the Minister.

#### **9.1.3 Adjudication**

Adjudication relates to disputes resolution on land in tribal areas. However the same Act also establishes the Land Tribunal where one aggrieved with the decision of the Land Board can appeal.

#### **9.1.4 Land Use Planning**

Zoning of land for various uses is another function performed by the land boards. Besides the zoning for residential, commercial and industrial use, arable and grazing lands are of more importance on tribal land.

The Tribal Land Act stipulates that Land Boards should furnish to the Minister of Lands a description of grazing areas within its tribal area who, after satisfying him/herself that the land

set aside for such use is adequate, would then cause the publication in the gazette of such setting aside.

Furthermore the Land boards also have to set aside land for common use called the commonage. This also is gazetted after the Minister is satisfied to its adequacy.

## ***9.2 Benefits of the Land Board System to Botswana***

### **9.2.1 Demarcated and developed villages**

Time after time the government reviews the development of villages and looking at the size and need may delay any village a planning area. This means that the area comes under the provisions of the Town Planning Act, which stipulates that a Development Plan should be prepared for the area. This has resulted in properly planned, demarcated and developed villages. The Tribal Land Act does not necessarily require that land be surveyed to cadastral standards.

### **9.2.2 Easy to provide service and public infrastructure**

With the development of these villages, the Government of Botswana has found it easier to take services and infrastructure to its people. Therefore most of the villages in Botswana have access to clean water, good roads and telecommunication.

### **9.2.3 Quicker and more organized way of allocating land**

Applying for tribal land is more organized now with the existence of Land Boards. Before the existence of the Land Boards, Botswana experienced similar problems like Zambia when rural land was administered under Chiefs. With established offices all over the country, an applicant for land knows where to pick forms from and apply for any type of land. Waiting lists are also maintained, which is totally non-existent in traditional customary systems.

### **9.2.4 Efficient Use of Land**

With planning comes the efficient use of land resulting in increased productivity. As shown by Dixon, Gulliver and Gibbon (2001), Botswana has a Pastoral Farming System, which is mainly due to climatic conditions as it is mostly a dry country. With this realization, the government of Botswana has placed emphasis on grazing land, hence the formulation of policy on grazing lands and fencing. Together with land use planning tools, areas are designated for ranching, which are then leased mostly to local farmers. This has resulted in increased productivity on rural land as is evident from the fact that Botswana is one of the highest producers of beef and beef products.

The government has only this year published a White paper on the National Master Plan for Arable Agriculture and Dairy Development.

### **9.2.5 Improved record keeping and inventory**

Though there is a perception in Botswana that record keeping at the Land Boards is poor in comparison to records for state land at Department of Lands, its is clearly more improved than was the case before the establishment of these institutions.

### **9.2.6 Equitable distribution of land**

With a good land inventory system, checks can be made on land ownership before allocation is finally done. This results in equitable distribution of land.

## **10 Conclusion**

We have tried to show in this paper that rural land in Zambia remains undeveloped due to a number of reasons. Predominant among these reasons is the absence of an institutional framework to guide land administration. The paper argues that no matter how much money is invested in the system as it currently stands, positive results cannot be guaranteed due to a very weak institutional base. A proposed structure of these Rural Land Management Authorities was also included in this study.

We have also shown that the establishment of these rural land management institutions would then lead to a second phase of reforms, which is land tenure reforms. While showing the need for these reforms, the paper showed that prescribing the “right” land tenure system for rural Zambia is not possible in the absence of needed information. It was concluded that further research is needed before getting to policy formulation. However, a framework that can be used to development these policies was shown and adopted on which further research could be based. It has been noted that detailed field surveys is needed in order to come up with the right land policies for Zambia. This presents a challenge to all researchers, NGO, government and all stakeholders.

In conclusion, nothing can summarize this paper aptly than the words of West (1982) that “Europe is at present offering two basic land tenure models to Africa, the individualist or the collectivist, and neither of them is immediately acceptable. The need for tenure conversion presents to African countries a unique opportunity for innovation, invention and planning. This opportunity must be seized in order to avoid not only the undesirable social consequences of unfettered private enterprises, but also, alternatively, the disincentives and diseconomies that have been found to accompany certain forms of collectivism”.

Therefore, the onus is on everybody in Zambia to assist in the directing of rural policy. It is hoped this study has contributed to that.

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