

LAND TENURE INSECURITY ON THE ZAMBIAN COPPERBELT, 1998: ANYONE GOING BACK TO THE LAND?

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1: Introduction

Leroy Vail's immense stature, both as a person and a scholar of Southern Africa, is not in doubt. I had the great good fortune to have Leroy as a colleague for the bulk of my academic career and as a friend for far longer than that. He was a wonderfully stimulating and hugely encouraging person to work with. He was a brilliant lecturer. Among many memories that stand out are our weekly visits from Blantyre to the Zomba archives to raid what little was available between the 1919 secretariat fire and the archivist's draconian 40 year rule, and the excitement generated whenever a new Vail seminar paper was being launched - such as Nyasaland railways (University of Zambia, 1973 vintage). We found ourselves within the same covers of three scholarly volumes,¹ which is a source of pride for me. I mourn his loss greatly. This paper is appropriately about Zambia, a country Leroy knew well and came to love deeply.

In 1998 Oxfam GB decided to launch a new livelihoods programme on the Copperbelt in response to deteriorating conditions there. Before doing so, it asked a team of researchers to undertake the collection of some baseline data, the better to measure the subsequent impact of its programme. In the course of this research, one of the key concerns to emerge was that of the considerable degree of insecurity over land tenure felt by peri-urban dwellers at a time when the government was desperately attempting to sell off the ailing nationalised copper mines. As a result it was decided to ask a team to enquire into this issue more thoroughly. I was one of those chosen, together with the lawyer Dr. Michelo Hansungule, of the Raoul Wallenberg Institute of Human Rights and Humanitarian Law, University of Lund, Sweden, and my Oxfam colleague, Patricia Feeney, who was engaged in a study of privatisation in Zambia.² We spent the month of August 1998 in Chingola, Mufulira, Kitwe, Ndola (and in Lusaka and Solwezi) interviewing a number of communities and officials from Government (at district, regional and national levels), Councils, ZCCM, churches, trade unions, universities, local NGOs and CBOs. Our Oxfam GB in Zambia *Report on Land Tenure Insecurity on the Zambian Copperbelt* was finalised in November 1998 and formally presented to a government workshop the following month. In the midst of this (in mid-September 1998) I wrote a short paper on part of our findings for the African Studies Association of the UK's biennial conference - and it is a revised and updated version of that paper which follows.

In an ideal world, before going to the Copperbelt I might have re-immersed myself in its dense literature, but time constraints and other commitments were pressing and we were

¹ B Pachai (Ed), *The Early History of Malawi* (London: Longman, 1972); Robin Palmer and Neil Parsons (Eds), *The Roots of Rural Poverty in Central and Southern Africa* (London: Heinemann Educational Books, 1977); Robert I Rotberg (Ed), *Imperialism, Colonialism, and Hunger: East and Central Africa* (Lexington, Mass: Lexington Books, 1983).

² Rights and Accountability in Development (RAID), *Zambia: Deregulation and the Denial of Human Rights*, Refugee Studies Centre, Queen Elizabeth House, University of Oxford, March 2000.

asked to look at very specific current issues, to listen to what people had to tell us, and to come up with some recommendations. At the ASAUK conference, Deborah Potts made me aware of the question of the Copperbelt's relatively slow population growth in recent decades³ as well as the so-called 'debate' between James Ferguson and Hugh Macmillan, which had been rumbling in the pages of the *Journal of Southern African Studies* between 1990 and 1996,⁴ and which I had followed only perfunctorily.

Only perfunctorily because I had been impressed neither by Ferguson's work nor by his willingness to engage in serious debate with someone whose knowledge of Zambia and of Copperbelt historiography was so clearly far deeper than his own. This view was recently reinforced by a reading of Ferguson's 1999 book *Expectations of Modernity*,⁵ whose bibliography curiously omitted the final, 1996, exchanges with Macmillan. I find Ferguson's book, which includes a chapter on 'back to the land?', glib, superficial, grossly pretentious and, on this particular subject, profoundly wrong - or at best seriously misleading. I say this on the basis of the evidence we gathered in a month of fieldwork among peri-urban Copperbelt communities in Chingola, Mufulira and Kitwe. This seems rather more substantial than Ferguson's bar chat and his few fleeting visits to rural areas. Ferguson was talking to miners, but it should be remembered that miners have always been a minority of the Copperbelt's population, albeit a privileged one, and that the majority has always derived a livelihood either by servicing the mines in one way or another or by exploiting the purchasing power of the miners.

The census figures on population growth which Deborah Potts has used clearly show that the Copperbelt shared in the well-known massive urbanisation which followed Zambian independence in 1964. But the steady economic decline in the country as a whole, which began in the mid-1970s, subsequently took a severe toll with the result that the average annual population growth rates for the Copperbelt then slowed and were well below those of Lusaka in the 1980s and 1990s (see table below). Although no one really knows with certainty where people leaving the Copperbelt went, it is very obvious from the Bemba-ization of Lusaka that large numbers sought new urban opportunities in the capital, rather than 'going back to the land.' As Macmillan writes, 'Permanent urbanisation is now the most important pattern of residence and is one which has steadily gained in importance since independence. Evidence of some urban-rural migration from the Copperbelt does not detract from this essential fact. The rate of growth of population of the Copperbelt towns may have declined, but the population has continued to increase and become more balanced.'⁶

³ Deborah Potts, 'Shall we go home? Increasing Urban Poverty in African Cities and Migration Processes', *The Geographical Journal*, **161**, 1995, 245-64; Deborah Potts, 'Urban lives: Adopting new strategies and adapting rural links', Carole Rakodi (Ed), *The Urban Challenge in Africa: growth and management of its large cities* (Tokyo: United Nations University Press, 1997), 447-94.

⁴ This mercifully concluded in the *Journal of Southern African Studies*, **22**, June 1996, 309-13.

⁵ James Ferguson, *Expectations of Modernity: Myths and Meanings of Urban Life on the Zambian Copperbelt* (Berkeley, Los Angeles and London: University of California Press, 1999).

⁶ Hugh Macmillan. 'More Thoughts on the Historiography of Transition on the Zambian Copperbelt', *Journal of Southern African Studies*, **22**, 2, June 1996, 311.

*Annual Average Population Growth, Zambia: 1963-1990*⁷

	1963-69	1969-80	1980-90
National population	2.5	3.0	3.2
Total urban: census	8.9	5.8	3.7
Total urban: World Bank estimate		7.2 (1965-80)	6.7 (1980-88)
Lusaka	13.8	6.5	6.1
Ndola	9.5	4.0	4.0
Kitwe	8.4	2.6	2.4
Chingola	9.6	2.1	2.5
Mufulira	5.0	2.1	1.2
Luanshya	4.2	1.3	2.8

2. Economic Decline and Going ‘Back to the Land’

For decades Kenneth Kaunda used to urge Zambians to go back to the land. They took no notice.⁸ The peri-urban dwellers we interviewed on the Copperbelt were still resisting the call, essentially because they are urban people; whether or not they speak English, or wear ‘western’ clothing etc - which James Ferguson places such importance on. What they were doing was looking for land near the Copperbelt. As a woman member of Chiswili Development Committee in Mufulira put it:

‘The problem is the land issue. If we don’t fight for it now, what will our children do? We don’t have anywhere to go. If we don’t have land we can’t develop.’⁹

Her concern was echoed by large numbers of people we spoke to across the Copperbelt, in Kapisha, Kaminsunda, Kafibale, Kamiteta, Chimfinsa, Chipushi and Kamuchanga (Chingola), in Chiswili, Chandamali, Mutundu and Minambe (Mufulira) and in Luto and Kakolo (Kitwe). The numerous constraints confronting people trying to get access to and ownership of land were one of the principal subjects of our inquiry.

It was abundantly clear that we were seeing the Copperbelt at a time of acute economic and social uncertainty, nervousness about the future, and growing and visible poverty. It is well known that the copper mines have been shedding workers for some years. The once powerful Mineworkers’ Union of Zambia (MUZ) estimated that it had only around 37,000 members, compared to 60,000 twenty years ago. In Chingola, ZCCM (Zambia Consolidated Copper Mines Ltd) estimated - almost certainly conservatively - that over 1,000 mine jobs had been lost since 1991 and that 10 companies have closed with reputed job losses of over 600. While many miners had been made redundant, many more put had been put on standby but in practice never called back to work. There was every expectation that this trend would continue. In response to specific questioning, nobody in any of the community groups we met expressed much belief that the new owners of the mines (one of whom turned out in 2000 to

⁷ Potts, ‘Shall we go home?’, 254. See also her more recent ‘Worker-peasants and Farmer-housewives in Africa: the Debate about “Committed” Farmers, Access to Land and Agricultural Production’, *Journal of Southern African Studies*, **26**, December 2000, 807-32.

⁸ Henrietta L. Moore and Megan Vaughan, *Cutting Down Trees: Gender, Nutrition, and Agricultural Change in the Northern Province of Zambia, 1890-1990* (Portsmouth, NH: Heinemann; London: James Currey; and Lusaka: University of Zambia Press, 1994), 206.

⁹ Oxfam GB in Zambia, *Report on Land Tenure Insecurity on the Copperbelt* (Lusaka, 1998), Evidence of woman member of Chiswili Development Committee, Mufulira, 10 August 1998.

be an old owner, Anglo-American) would promote new development, new jobs, or new economic opportunities, or indeed any positive spin-offs. The most optimistic voice we found was that of Fanwell Nduna, the Permanent Secretary for the Copperbelt Province, who believed that while there might be short term losses of mine jobs, in the long run jobs would increase as retrenched miners opened up new areas and employed a few people, thus increasing production. The financial journalist Tony Hawkins noted that ‘massive investment will be needed, not just by Anglo but by all the other, mainly mining juniors, to stabilise production’ and revive ‘what remains of Zambia’s manufacturing base on the Copperbelt.’¹⁰

The people we found looking for land as a means to a livelihood were essentially urban dwellers. Overwhelmingly they had lived all their lives (or at least the majority of their adult lives) on the Copperbelt, and normally in one specific town. So they told us with great clarity and frequency that - in contrast to some of the miners Ferguson encountered - they had not the slightest intention of ‘going back to the village.’ In Chingola, we were asked ‘How can Mr Lengwe go back to his village? None of his age group will be there. Still less, how can his children go there? They have no knowledge of rural life.’¹¹ At Chimfinsa in the Luano National Forest, Chingola, where people had begun settling in 1979, we were told ‘We can’t go back to our villages. This is our village now.’¹² In Mufulira, most residents regarded their residence there as permanent: ‘home is in Mufulira because we have been here since before 1964.’¹³ Another important and recurrent refrain we heard was the desire not to be too far distant from a clinic, a school or a church, which meant not moving too far from town, and a strong desire for improved communication (bridges, roads etc.) to town. In other words, that people, though aspiring to farm, wanted to remain linked to the towns and to the amenities they were accustomed to. Even allowing for the fact that what we were seeing was a snapshot picture of a particular moment, the notion of relocating the majority of such people in deeply rural resettlement areas, which occasionally crosses the minds of planners, appeared to us to be totally inappropriate.

Another aspect of economic decline which was very obvious was the desperate lack of resources at all levels; government, councils and ZCCM. When we visited the Chingola Council offices, there was only one computer (for accounts) and a single photocopier for an office of hundreds. The examples could be multiplied. All councils used to depend on ZCCM to pay their way - the monthly cheque was eagerly awaited - and they relied on ZCCM informally to carry out a myriad of functions, such as upgrading roads. By 1998 ZCCM could not pay its own way. In effect, all key decision makers were being stripped of funding at a time when they needed more resources to cope with the huge social problems likely to arise from the sale of the mines.

3. Conflicts over Forest Lands

The conflicts over forest land on the Copperbelt, which we heard so much during our enquiries, were of course by no means unique. As we were writing our report, stories appeared almost daily in the Kenyan press on ‘the forestry crisis,’¹⁴ complaining of the Government’s failure to protect the forests, of indignation at forest land being given to

¹⁰ Tony Hawkins, ‘Anglo deal will dig mines out of crisis - at a price’, *Financial Times*, 25 November 1998.

¹¹ Evidence of commercial farmers, Chingola, 8 August 1998.

¹² Evidence of Chimfinsa squatters, Chingola, 6 August 1998.

¹³ ZCCM, *Mufulira Mining Licence Area - ML15, Environmental Impact Statement, Appendix C, Socio-Economic Issues*, 27 February 1997.

¹⁴ *Daily Nation*, 5 November 1998.

‘politically connected people,’¹⁵ and with some writers arguing that privatisation was the answer and others stressing the role forests play in the well-being of urban environments. Huge portions of the Karura Forest near Nairobi were ‘secretly allocated to private developers, provoking a violent confrontation’ and the intervention of the Greenbelt Movement of Professor Wangari Maathai, while 930 hectares were de-gazetted from four forests, creating ‘a nationwide furore.’¹⁶ Further afield, in England conflicts over forests date back to the time of Magna Carta, while in Scotland, with its long history of displacement of people, forests have entered current political controversies over land use.¹⁷

The scholarly literature on the African environment contains stimulating work by James Fairhead and Melissa Leach on West Africa, claiming that long-standing concerns about the dangers of deforestation have been greatly exaggerated, and that much received wisdom is open to question.¹⁸

In colonial Zambia a Forestry Department was first established in 1947; previously forest officers had been attached to the Department of Agriculture. It was tasked to carry out a forest policy, which involved in part:

- a) To place under permanent Government control all the forest areas needed to protect the land against desiccation and erosion and to maintain the flow of rivers.
- b) To reserve, under Government’s general control, sufficient forest land to supply the forest produce required for the people’s homes, farms and local industries on a sustained basis without making revenue the first consideration.
- c) To see that the Territory’s forest resources are economically used and not wasted.
- d) To spread among the population an understanding of the value of the forests.

By the end of 1958, about 25,000 square kilometres, or 5% of the whole country, had been established as forests. About half these had been properly surveyed and mapped. On the Copperbelt, ‘a large timber concession is being worked by a timber company responsible for all timber supplied to the copper mines, whose wood requirements normally exceed 2,000,000 cubic feet per year in timber and large mining poles, apart from variable and often very large demands for firewood.’ There was an ‘ever-increasing demand among Africans for charcoal, both because it is an economical fuel to use and because firewood is bulky and expensive to carry to the growing centres of population.’¹⁹

In 1967 about 30% of the Copperbelt comprised ‘Forest Reserves and Protected Forest Areas, whose prime purpose is to supply timber for the mines and other commercial consumers.’ Because only a third of the forest areas was capable of producing suitable trees and because

¹⁵ *Daily Nation*, 26 November 1998.

¹⁶ In addition, ‘Conservationists and 12 parliamentarians burnt down property valued at Sh 40 million to protest construction work in the forest.’ Earlier a group ‘invaded the forest and set on fire three earth movers, a lorry, a site office and a ten-room prefab and four other construction machines.’ *Daily Nation*, 10 November 1998.

¹⁷ Andy Wightman, *Who Owns Scotland?* (Edinburgh: Canongate, 1996).

¹⁸ James Fairhead and Melissa Leach, *Reframing Deforestation: Global Analyses and Local Realities - Studies in West Africa* (London: Routledge, 1998); James Fairhead and Melissa Leach, *Misreading the African Landscape: Society and Ecology in a Forest-Savanna Mosaic* (Cambridge: Cambridge University Press, 1996); Melissa Leach and Robin Mearns (Eds), *The Lie of the Land: Challenging Received Wisdom on the African Environment* (Oxford: James Currey, 1996). See also Reginald Cline-Cole and Clare Madge (Eds), *Contesting Forestry in West Africa* (Aldershot: Ashgate, 2000).

¹⁹ W.V. Brelsford (Ed.), *Handbook to the Federation of Rhodesia and Nyasaland* (Salisbury: Government Printer, 1960), 319-21.

timber was a heavy, bulky commodity ‘as much suitable land as possible on or near the Copperbelt has been reserved for forestry.’ Charcoal was being increasingly used. About 1,200 people were engaged in burning charcoal under licence from the Forestry Department. Immigrants from Angola and the Congo introduced the industry on a large scale, while others came from Malawi and Zimbabwe. Most were members of the Professional United African Charcoal Burners Union. In addition to organised burners, there was ‘a smaller number of others who operate without permission on a part-time basis and who cut timber where they can. They occupy illegal squatter encampments or alternate between temporary shelters in the bush and more permanent homes elsewhere.’ Others were involved in ‘unauthorized cultivation, especially in areas adjacent to the main towns.’²⁰ It is helpful, when looking at current concerns relating to charcoal burners and forests, to be aware that they have such an antiquity.

Current statistics, unreliable though they may be, reveal that of the Copperbelt Province’s 3,132,760 hectares, some 543,647 hectares are currently designated as Forest Reserves, divided into national and local forests. Most of these reserves were created during the 1950s specifically to serve the interests of the copper industry, both for burning and for pit props, though some were established as late as the 1970s.

The past decade and a half, we were told, has seen a great intensification of the process, first noted in the 1960s, for retrenched or retired miners and others to leave the urban compounds and head for the forests to engage in charcoal burning, which guaranteed a relatively quick and secure means of making money. Once there, many received *de facto* recognition from Forestry Department staff who licensed them to cut so many trees within a given period. After some years the trees usually disappeared and the people were told to leave. Instead they mostly chose to stay and turned to farming. At which point they became illegal squatters, since farming is not allowed in National Forests. But again *de facto* recognition of their position often came from Ministry of Agriculture staff, who offered advice and support to people in these essentially peri-urban communities who often had very limited agricultural experience or skills.

The result in 1998 was that some thousands of people (no one knew how many with any degree of precision) were illegally settled on land designated as forest land. So considerable pressures had built up to have some of the forest areas de-gazetted, as in Kenya and elsewhere, and hence available for farming. This had already happened, *de facto* at least, in Chingola, Mufulira, Luanshya and Ndola Districts. People in and out of government behaved as though the cases being put forward for de-gazetting were already *de jure*, but in fact the formal legal process is a very long one, which culminates in requiring the President’s approval.

As soon as there were even rumours of a possible de-gazetting, people started to move onto the land. One result was that land supposedly designated for miners facing retrenchment had already been occupied by squatters. Pressures came both from the squatters themselves and from MMD politicians, who saw them as important voters. All the forest squatter communities we met reported that there were polling stations nearby - the polling districts reflecting where people actually lived rather than where they were supposed to live. The

²⁰ George Kay, *A Social Geography of Zambia* (London: University of London Press, 1967), 94. The historian of mining in Southern Africa, Ian Phimister, was born and brought up in Mufulira in the 1950s. He recalls large bags of charcoal piled up on the roadside for sale and, on being asked at primary school what he wanted to do when he grew up, replied ‘a charcoal burner’.

squatters tended to be solid MMD voters and many asserted to us that ‘Chiluba has promised that we can stay here and that we will not be moved.’

In such a situation, there were inevitable conflicts between government agriculture and forestry staff, with Agriculture generally pushing for de-gazetting and Forestry desperately trying to defend the forests against further encroachment. A list of 36 Forest Reserves in the *Copperbelt Provincial Forestry Action Programme, 1998-2018* contains their status, which includes words such as ‘encroached’ (4), ‘heavily encroached’ (2), ‘depleted’ (8), ‘almost depleted’ (1), ‘degraded’ (2), ‘partially degraded’ (2) and, occasionally, ‘intact’ (6). As one forester put it, ‘Everyone wants to do farming now because of the high cost of living and retrenchments. So everyone goes to the forest. Government can’t stop this. What sanctions are there? According to law, they should be arrested and prosecuted.’²¹ Provincial Agriculture officials in Ndola feared a further rush of retrenched miners into farming in the forests when the mines were finally sold.

Though the squatters we met in the forests were using the land on a relatively small scale, it was clear that they were able to sustain themselves from their own production. Many had fled from nearby squatter compounds like Kapisha in Chingola before settling in the forests and had no desire to go back because of the growing hunger prevalent there.

Because of the obvious failure of the policing approach to forests, and perhaps because of the unpopularity that carrying out this thankless task has caused, a new Forests Act was proposed which would, for the first time, involve local communities in the management of the forests, along lines already pioneered with wildlife. The Forestry staff we met talked enthusiastically of involving all stakeholders in the management of the forests, which could not be done under the terms of the existing Act. The issue had been under discussion for the previous 3 years and is in line with ideas of community based natural resource management.

4. Squatters on ZCCM Land

There were also many thousands of squatters living on ZCCM land who were threatened with eviction because of the forthcoming sale of the mines. ZCCM was the huge parastatal company set up to manage all the mines on the Copperbelt after they were nationalised by Kaunda in 1969. It was been both an employer and a service provider on a vast scale. As one report put it:

‘ZCCM has established a corporate culture which extends past a work place involvement. As an employer, it provides for all an employee needs: shelter, hospitals and medical assistance, education for children, subsidised food, free electricity, water and transport and a number of subsidised items including burial arrangements for the dead.’²²

As Zambia’s biggest land owner after the state, ZCCM never thought that it might one day be stripped of its assets. So it allowed many of its former workers to settle and farm under licence within its Mining Surface Areas. In terms of their agreements, these tenants were supposed not to erect permanent structures - but many in fact did so. The Surface Areas,

²¹ Evidence of Agriculture and Forestry officials, Chingola, 7 August 1998.

²² John Lungu and Mitulo Silengo, *The Socio-Economic Assessment Impact of Privatization on the Zambian Copperbelt: The Case of Mufulira and Konkola*, Department of Planning and Land Economy, Copperbelt University, for Institute of Natural Resources, University of Natal, May 1997, 3.

frequently much larger than the Mining Licence Areas surrounding the mines themselves,²³ comprise land which ZCCM and the previous private owners, Anglo-American and RST, staked out for possible future mining development. The size of the Surface Areas has ebbed and flowed over the years because of the inevitable uncertainties surrounding all mining activities. Whether or not as a result of this, their boundaries were often not well known by officials.

In theory, there was potential to reschedule some of this land and make it available to settlers. ZCCM was originally favourably disposed towards this, we were told, but following the collapse of the deal with the Kafue Consortium, it decided to cling to the land as an asset to offer to potential buyers. With the Zambian Government being pressed by all donors to sell the mines, the question of these squatters on ZCCM land came to the fore. All potential purchasers, we were told, wanted to buy the mines and the mining land 'unencumbered', i.e. with all the tenants removed. Negotiations on this were said to be 'quite emotive' in the cases of Nkana (Kitwe) and Nchanga (Chingola).²⁴ Among potential buyers, only Anglo-American, with its long experience of Zambia, was prepared to take a more pragmatic approach.

The numbers of such squatters became something of a political issue, with very different figures being banded about. In Chingola, the Town Clerk told us he believed there were 15-20,000 squatters on ZCCM land in the District, while a ZCCM report asserted that there were less than 4,000.²⁵ In Kitwe the comparable figures were over 15,000 and under 5,000.²⁶ Again, as in the forests, no one knew for certain. Nor was there any major policy statement on the issue, which some were looking for. What was certain was that, as insecurity grew, people were furiously passing the buck and there was a serious lack of coordinated planning to deal with the issue across the Copperbelt.

ZCCM's initial solutions were either political sensitisation or the use of arms, but it later adjusted its thinking. Given the political complexities, it was clear that councils would be extremely reluctant to cooperate with any demands from ZCCM for the removal of squatters from its land. One official suggested that such a decision would need to come from the President himself because of the great sensitivity.²⁷

5. The Lands Act No.29 of 1995 and Absentee Landlordism

The problems were compounded yet further by the Lands Act No.29 of 1995. The Act was passed following a great deal of pressure from the World Bank and much browbeating of internal critics - a Bill the previous year had been dropped following great controversy.²⁸ Ironically, proponents of the Act argued that by giving land a value and opening an official (as opposed to unofficial) market in land, it would encourage greater security, greater investment in land and greater productivity. But in practice the Act is a charter for absentee

²³ In Chingola, for example, the Mining Licence Area covers 11,500 hectares, while the Mining Surface Area is 30,890 hectares. ZCCM, *Nchanga Mining Licence Area - ML10, Environmental Impact Statement, Appendix C, Socio-Economic Issues*, 18 March 1997.

²⁴ Evidence of ZCCM, Kitwe, 18 August 1998.

²⁵ Evidence of Chingola Town Clerk, 7 August 1997; ZCCM, *Nchanga Mining Licence Area - ML10, Environmental Impact Statement, Appendix C, Socio-Economic Issues*, 18 March 1997. See also ZCCM, *Report on Illegal Settlements in Mine Areas*, June 1997.

²⁶ Evidence of Acting Deputy Director of Housing, Kitwe, 18 August 1998.

²⁷ Evidence of Acting Deputy Director of Housing, Kitwe, 18 August 1998.

²⁸ Michelo Hansungule, *The Lands Act, 1995: A Commentary* (Lusaka: Law Association of Zambia Paper, 1995).

landowners. It imposes no constraint or penalty on those who fail to develop their land, in contrast to previous legislation which required owners to show some development within 18 months.

On the Copperbelt there are as number of so-called 'farming blocks' opened up by Kaunda's Government in the 1970s and 1980s as part of his 'back to the land' rhetoric. UNIP supporters, it is alleged, were rewarded with farms to which they were given title deeds. Large numbers did not, and have not, taken up their farms, partly because the promised inputs were never delivered by the government. As a result many squatters moved onto and were farming such land. In Chingola, at Kamiteta only 10 out of 52 plots were occupied by the legal owners, while at Kafibale the figure was 15 out of 62. The squatters were pressing very hard indeed to be given individual 'title deeds' - a term which we found to have extremely elastic meanings on the Copperbelt. They said the lack of title deeds and tenure security was retarding their development and their productivity. Most agricultural officials agreed with this assessment, but the legal and bureaucratic obstacles were - and remain - immense.

A rational response, in a context in which people were desperately looking for land, would have been to oblige absentee owners either to develop their land or surrender it, as Agriculture staff in Chingola and Kitwe had 'pushed and pushed' for, and as the squatters themselves demanded. 'People are crying for land. Agriculture should be given powers to repossess and big areas should be cut into small plots'²⁹ was one cry, and 'undeveloped land should be re-possessed and given to sitting tenants'³⁰ was another. But things were becoming more difficult because some of the original absentee owners, observing the new demand for land, were starting to sell off their plots - but not to the squatters, who found themselves liable to be moved arbitrarily and without compensation for any improvements they might have made. It was suggested that it was unlikely that the Government, despite the fact that it needed to retain the squatters' votes, would entertain any amendment of the Lands Act for fear of antagonising donors and investors (as this might be construed as an attack on private property), especially at a time when it was trying to sell off its 'jewel in the crown.'

6. Democracy, Secrecy and Party Politics

On the Copperbelt the decline of an urban complex once dedicated exclusively to mining was causing acute social problems, as it has in many other parts of the world. But in Zambia the situation was compounded by the relative lack of democratic space, open debate and freely available information. Clearly there was a need for some secrecy and delicacy in negotiations surrounding the sale of the mines. But both the Mayor of Kitwe and a member of the Chamber of Commerce told us they were given no details of the proposed sale of Nkana to the Kafue Consortium in 1998, despite the fact that it would have had huge implications for the town. Such secrecy was scarcely conducive to effective contingency planning.

Nor was fear helpful. A group of farmers in Mutundu, Mufulira, complained 'We know nothing about what's happening. We're told nothing by our MPs. We feel impotent. We are living in fear.'³¹ We encountered a very great deal of fear and uncertainty ascribed to insecurity of tenure. Real, as opposed to proclaimed, decentralisation of government would have made it easier to address some of the problems. But both government (at all levels) and councils were increasingly short of resources and capacity since they could no longer exploit

²⁹ Evidence of Kaminsundu block farmers, Chingola, 3 August 1998.

³⁰ Evidence of Kafibale block farmers, Chingola, 5 August 1998.

³¹ Evidence of Mutundu farmers, Mufulira, 11 August 1998.

the mines as a milch-cow. Even if it had the desire, the Ministry of Lands lacked the capacity to identify what land might be available for re-designation from National Forests, Mining Surface Areas or land held by absentee owners in farming blocks. The process of giving title to thousands of miners who had been allowed to buy the houses that came with their jobs³² was unlikely to be swift. It was a good example of short-term gain but long-term pain.

Tenure issues were also bedevilled by party politics. In 1997, for example, ZCCM advised squatters on its land in Chingola to leave. UNIP promptly seized the opportunity to exploit the situation and persuaded many people to tear up their MMD cards. The MMD rapidly drew conclusions from this. Some observers went so far as to believe that its very survival might depend on its sensitive handling of this issue.³³ There were certainly cheap votes to be won from taking the part of the squatters and encouraging them to stay wherever they were, regardless of the consequences. But, as in Zimbabwe, this would be a dangerous game to play, for licensing a 'first come, first served' land grab would have huge implications. As would the other simplistic solution of attacking the forests, which would merely postpone the problem and move it elsewhere. In the end, as the Mayor of Kitwe acknowledged, 'What actually determines decisions on whether to move people is political expediency.'³⁴ This has never been a commodity in short supply in Zambia.

7. *Postscript: post-1998*

This postscript will seek to answer³⁵ briefly (as of March 2001) some of the questions which were raised in the course of our 1998 study:

- was the pessimism about continuing job losses justified?
- has the funding situation improved?
- have there been new developments in the de-gazetting of forests?
- was there a further rush of retrenched miners into farming in the forests?
- was a new Forests Act passed embracing community management?
- were the squatters on ZCCM land evicted?
- what happened to ZCCM land in the final agreement?
- has Anglo-American continued to take a pragmatic approach to the squatter question since buying some of the mines?

On job losses, the situation is a varied one and the profound pessimism we encountered has perhaps not been totally vindicated. Luanshya has gone into liquidation, but there has been some new investment and new working on some of the mines. But job losses have continued, with at least 6,000 retrenched to date and a possible 4,000 to come in a second phase. There

³² ZCCM told us that although the announcement of this was made by Chiluba, the decision was not political. Rather, it was done because ZCCM wanted to reduce its package of benefits to employees because it had a liquidity problem. Evidence of ZCCM, Kitwe, 18 August 1998. The Mineworkers' Union of Zambia believed that getting houses had cushioned the blow of privatisation and would avoid the earlier phenomenon of 'stranded millionaires' quickly becoming destitute. Evidence of MUZ, Kitwe, 18 August 1998. But miners had already tended to let their houses and move into the squatter compounds, increasing the pressures on them, while those wanting to sell their houses had been told they must sell them back to the mine. Evidence of Kapisha Development Committee, Chingola, 3 August 1998.

³³ Evidence of Chingola Town Clerk, 7 August 1998.

³⁴ Evidence of Mayor of Kitwe, 18 August 1998.

³⁵ These answers are based on information kindly supplied by my Oxfam Copperbelt colleagues, Anne Mumbi and Eva Mazala, and by Tricia Feeney, who is based in Oxfam House.

has been some training for these retrenched, but this has not created new jobs. A new association for retrenched miners has however been formed.

On funding, the sale of the mines did not in itself generate new resources, but donors have begun putting money into Zambia in areas such as basic education, in response to which the Government has declared its intention to withdraw school fees. But there has been no desperately needed funding for the Councils and, in March 2001, many Council workers across the Copperbelt were on strike over non-payment of wages.

On de-gazetting, about half of the Chandamali Forest in Mufulira has been de-gazetted and some of the people we interviewed have been allocated plots of land, but there are controversies surrounding 'outsiders' who have also been given land. As 2001 is an election year, there are hopes that more might be done in Kitwe and Mufulira; land advocacy committees have been established and are working on this.

There is indeed evidence, especially in Mufulira, of increasing numbers of people continuing to encroach into the forests. In addition, many miners and ex-miners have moved into the already extremely overcrowded squatter compounds, such as Kapisha in Chingola, further increasing the pressures on them.

A Forests Act was finally passed in 1999, but it allows for community involvement only in local (not national) forests and only via joint management committees comprising 75% government officers. An authority who has made a study of the Act (and others like it) describes it as 'lousy on communities.'³⁶ In practice, the Act has yet to be implemented on the Copperbelt, as Forestry staff are awaiting instructions from headquarters in Lusaka.

Squatters on ZCCM land have not been evicted wholesale, though there have been piecemeal evictions which have proved difficult to monitor. But at Nkana (Chingola) and Nchanga (Kitwe), ZCCM redrew the boundaries of the Mining Surface Areas, reducing their area and hence the size of the squatter problem. This was done in secret, without consultation with the Councils, and the question of who was to take over the running of these areas has not been addressed. Details of the final 'gentleman's agreement' with ZCCM (which is now a holding company) have not been made public. In Chingola, the Konkola Copper Mines is transferring 1,000 hectares to the state and the Council will demarcate the land, which is already heavily settled by squatters who will then have to bid for plots.

Meanwhile, in Mufulira, Mopani Copper Mines (one of the new owners³⁷) has been given the land, taken stock of it, and declared that it will evict all the squatters. Oxfam Copperbelt colleagues report that

'Council was approached but refused to work with Mopani in evicting the people. The Zambia Army was used. There was a huge protest from the people. Politicians moved in and the people have now been allowed to farm only for this year (2001). Some people have had their axes and hoes confiscated. The situation is complex. The land committees are working on this issue, discussing and negotiating with the investors. Some sources indicate in Kitwe that ZCCM sketched out some land (Kamakonde and Kandabwe) but rumours have it that one of the Ministers has bought that land to

³⁶ I am grateful to Liz Alden Wily for this information.

³⁷ Mopani is a joint venture between the Swiss metal trader, Glencore, and Canadian-listed First Quantum.

develop it into housing units. The people are not aware of this. We saw ZCCM and they confirmed about the land but could not comment on the Minister. We went to the Council, but they expressed ignorance. We are following up this issue to establish the truth so we can let the people know before the Zambia Army move in to evict them.³⁸

There has been another curious development between the Mufulira turn-off and Chambishi, where former ZCCM officials occupied land illegally after the mines were sold, threatened the existing squatters with eviction, but have now been told to return it to the Council. Kalulushi's District Administrator, Toby Maliti, was reported as saying that the Government 'was not going to let an "animal farm" situation prevail where those who had the means acquired land at the expense of the poor who also needed to be assisted. How can we go and evict squatters from that land?', he asked.³⁹

In somewhat stark contrast, Anglo-American has continued its pragmatic approach. It has been willing to resettle groups of people and help clear new land, as in Chililabombwe, where it selects the people to be resettled and works through a local committee, but it does set the terms and there is only very limited participation. Anglo would not make available copies of its resettlement plans. Recently it engaged a joint South African-Zambian consultancy to undertake a social investment study. To what extent it will then commit itself to addressing key social issues remains to be seen, but there can be few grounds for optimism. In Tricia Feeney's view, Anglo has obeyed the letter of its agreements with the Zambian Government, but not the spirit. There is a very long tradition of this in the mining history of Southern Africa.

It might, however, be more appropriate to end on a slightly more positive note. The ex-miners and others who have been looking for land on the Copperbelt in recent times can in some ways be compared to those (supposedly migrant) workers on the Copperbelt who steadfastly declined to go 'home' in the midst of the Great Depression in the 1930s. Things looked very bleak indeed then. But they were thinking long-term and waiting patiently for an upturn in the economy. Their faith and their optimism were rewarded then. Let us hope that it will happen again.

³⁸ Anne Mumbi and Eva Mazala to the author, 12 and 15 March 2001.

³⁹ *Zambia Daily Mail*, 17 February 2001.