Editorial

Zambia Land Alliance (ZLA) has for a long time been advocating for a land policy that should address the major land challenges in the country such as security of land tenure. The year 2011 was particularly important for ZLA as the country was going to the polls to elect a new President, Members of Parliament and Councilors. The election period provided an opportunity for ZLA in collaboration with its partners to make a renewed appeal for attention to land matters by both ordinary citizens and politicians who are in charge of policy making.

ZLA undertook political forums through its District Land Alliances and members. These forums saw various political party representatives explaining to the public how their respective parties intended to address various concerns surrounding land such as corruption in land allocation, tenure security and displacements.

The proposed review of the constitution provides the country with a fresh opportunity to provide pro-poor clauses that would enhance protection of land rights of the people. We are further encouraged by the President’s formation of a Ministry in charge of Chiefs and Traditional Affairs.

This will give Chiefs a prominent role in land administration as they are the custodians of customary land. The challenges surrounding land require concerted efforts from various stakeholders. We particularly appeal to the new government to heighten political will to address land issues that boarder on survival and sustainable livelihood for the people of Zambia. In this light the government must come up with a constitution that protects the land rights of poor and marginalized groups.

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"Take away my land, take away my life"

The human face of displacements

By Mercy Nyangu

Livelihoods lost; future uncertain; the effects of displacements are often under scored. But when land is taken away from rural people - their source of living is taken away. Most displacements are a result of large scale investment projects carried out in rural areas where most of the Zambia's poor live.

Multinationals and local firms are buying huge tracks of land; land which is largely customary; land which is a source of livelihood for the rural community who depend on farming for survival. "We bought this farm before my husband died. Now I have no means of taking care of my children and my parents. My future is ruined" lamented Rachael Zgambo of Mpongwe District who was displaced together with fifty one other families when a named company acquired the land they have lived on all their lives. Martha Kalobwe, another victim complained that she used her pension money to acquire land but has now been left with nothing and cannot take care of the orphans under her care.

Economic Development should be about uplifting the lives of people; it is important that as the country strives for economic growth, the rights of all citizens are protected. The victims of displacements are usually poor and helpless, and therefore necessary measures such as adequate consultation with local communities and fair and just compensation need to be put in place to ensure that the livelihoods of these people are protected.

INVESTMENT IN AFRICA: WHO PAYS THE PRICE?

Victor Gallant

Investment in Africa has increased significantly and in most countries this has been warmly welcomed by their governments. However, large scale commercial development consumes significant areas of land. According to a recent BBC Africa Service report, an area larger than France has been bought up in recent years. Investors have come from a huge range of countries, including from China, India and from within Africa itself, as well as from the US and Europe. Mining is probably the best known industry but the range is enormous for large-scale commercial developments such as agricultural estates, including growth of crops for biofuels, game ranching to attract tourists, and fish farming. The benefits of investment include greater export earnings and increased employment, even if pay is often poor. But one frequently ignored consequence of this investment is the dispossession of poor subsistence farmers or land grabs, as it has come to be called. Arrangements for compensation or resettlement are commonly inadequate or non-existent. Many subsistence farmers hold their land under informal traditional systems of land tenure and this leaves them very vulnerable.

In one example, over 3000 people were evicted by a church organization. The origins of this case go back to early colonial times as the church was granted the land by the British South Africa Company in 1920 to develop the land for missionary work. However, the church developed less than 10% of the land over the following 90 years. Because of this long period of underuse, local people settled the land, some with permission from the church. Eventually the population reached over 3000. Recently, the church sub-leased the land to a foreign investor for a variety of purposes, the largest of which was production of biofuels. The church obtained a court order and evicted the families that had settled on the land over this long period of time. Those who resisted eviction had their property and crops as well as the local community market burnt, leaving the villages without their produce or a market. Zambia Land Alliance and the local District Land Alliance have been supporting the community, publicizing their plight and campaigning on their behalf in order to secure adequate compensation and resettlement.

Another example concerns over 400 families displaced from their land without compensation by a Nigerian firm for the construction of a lime plant. The company has graded people's fields, claiming that they have authority of the local Chief. The local community complained they have been forcibly resettled without compensation from their ancestral land to an area where there is no land suitable for agriculture or pasture for their animals. The community say they are not opposed to development but contend that development should take on board the concerns of the local people.
National Forum on Securing Customary Land

Mwiya Mwandelawande

In line with their custodian responsibility in traditional land governance, Zambian chiefs from the Copperbelt, Eastern, Central, Southern and Lusaka Provinces met at a ZLA/Action Aid organized customary land conference on the 25th August at Golf view Hotel in Lusaka. Line Government departments, cooperating partners and Zambian civil society organizations were also represented. The overall aim of the consultation forum was to explore ways of improving customary land administration and tenure security for the poor in order to promote social and economic development. During the plenary and group discussions, the emphasized the urgent need for a pro-poor land policy that will protect the rights and wellbeing of people, especially when granting large scale investment licenses to both local and international firms. The meeting resolved, amongst other issues that:

- The new Government should state clearly to the nation when and how it intends to undertake the process of formulating and implementing a comprehensive land policy. It should state how this will happen in a very participatory, transparent and inclusive manner, embracing all relevant stakeholders, in order to ensure that the policy that will stand the test of time and that Zambians own it; The new Government should work with civil society and relevant stakeholders in developing the a land policy.

- Traditional leaders enable their communities to be mobilized so as to participate, monitor and evaluate the decisions and investments made in their communities.

- Traditional leaders devise local mechanisms designed to issue customary certificates to their subjects.

- Corporate social responsibility must be pro-poor, inclusive, and legislated for in a compulsory and collaborative manner.

- That government should put a moratorium on all land allocation for large scale investments until after putting in place a comprehensive land policy and reviewing the land laws to regulate such investments and prevent land grabbing. When large scale land acquisition resumes, government should ensure transparency and make information publicly available.

The Chiefs called for comprehensive roadmap that will lead to the attainment of the resolutions.
"VOTE AGAINST HUNGER CAMPAIGN"
Women step up to vote for the Zambia they want

According to the United Nations Food and Agriculture Organization (FAO), less than 20% of the world's land is owned by women. Central Africa is cited as one of the regions with the worst situation. Land is a very important natural resource in Africa, and in Zambia. The scarcity of formal jobs has made agriculture a fundamental source of livelihood for a large part of the population.

However, statistics still indicate that women continue to be one of the poorest groups in the population. This is despite the fact that most food production is carried out by women. In Zambia women contribute 60-70% of total food production but benefit the least from the agricultural sector. It is for this reason that women farmers in the country, with the help of Civil Society Organizations including ZLA stepped up-taking advantage of the election period to bring attention to their plight-and held a conference entitled ‘What Women Want’. This was held at Chirsman Hotel in Lusaka on 21st July.

Studies and consultations - which were the backbone of the conference highlighted those women farmers are not a priority for most political parties in Zambia. The conference also pointed out amongst other issues, a large amount of land which is being 'grabbed' by multinational corporations falls under customary tenure therefore depriving local people, especially women of their source of livelihood.

The women explained that men are the major beneficiaries of the Government Farmer Input Support Programme and that the current crop marketing arrangements under the Food Reserve Agency also favours men. The women demanded that the political parties that form the government should commit to formulating a pro-poor land policy that facilitates land ownership for women as well as put in place measures that will ensure that women equally benefit from the agricultural sector.

KALABA COMMUNITY RECEIVES LAND RIGHTS TRAINING WORKSHOP

By Mansa District Land Alliance

Abuse in land administration has negatively affected many people in society especially the vulnerable who are mostly the women and youths. This has been as a result of lack of knowledge and/or information on land rights.

Community members in the Kalaba area have had no opportunity of receiving information on land rights, land administration and procedures for acquiring land and are thereby being subjected to abuse in regard to land matters. It was for this reason that the Mansa District Land Alliance (MDLA) held a land rights training workshop in the area.

The workshop which was held at Kalaba Rural Health Center aimed at sensitizing the people of Kalaba on land rights and administration. This was with the view of strengthening accountability in land administration systems and to establish equitable access to land for poor men and women.

The workshop targeted members of the local community as well as headpersons who work with Civil Society for Poverty Reduction who have a presence in the community. The workshop drew a participation of 29 people of which 11 were female and 19 males.

During the workshop, the participants expressed the desire to know about the procedures for acquiring land and title deeds as well as the difference between state and customary land amongst other issues, including human rights.

The communities also requested that the MDLA should develop a local land certificate other than Title Deed which can be given to their chief to be used for distributing land in their chieftaincy. According to the Community, the Chief would agree to this proposition.

The workshop was described as successful by both participants and facilitators, and the MDLA was called upon to continue sensitizing communities on land rights as it raises awareness for vulnerable communities around their rights and procedures they can take to increase their land tenure security.
CHIEF CHONA REVISES CONTROVERSIAL RULE ON SETTLING IN HIS CHIEFDOM

Estony Hatimbuta

During the months of May and June 2010, chief Chona with his committee (chiefs affairs) at chiefdom level, came up with a rule which prohibited any one from settling in grazing areas and this rule came into effect this year 2011. The population has since been increasing and since most of the animals had died from corridor disease, it happened that, before the current chief was installed into power, the former chief had allowed the people to settle in the grazing land. Some of the people had been living in the same grazing areas for more than 50 years. When the current chief pronounced his rule, people rejected it because they had not been consulted.

According to the people in the community, each of these households was to appear before the chief with K50 000 ‘hearing fee’ and K200 000 ‘penalty fee’ for being an ‘illegal’ settler. This angered the people who felt that their land rights were being violated and reported the matter to Monze DLA. In response, the DLA together with Caritas Monze went on the ground to verify the allegations. It turned out that the allegations were true and the issue was referred to the Monze District Council and the DC’s office for an intervention. The DC’s office together with the Local Government instructed the Chief to desist from harassing his own people until the meeting was held between himself and his subjects.

This case shows how weak Zambia’s customary law is. A person in authority can manipulate the law the way she or he wants, even if it violates people’s land rights. The DLA tried to meet the chief so that an audience with his subjects could be made. Unfortunately this was not possible. Instead the chief (Chona) teamed up with his fellow chiefs to demand for an apology from the DLA Coordinator. They claimed that, it was wrong for the DLA to visit the chiefdom and collect data concerning the complaints the people made without first consulting the Chief. The DLA could not see any reason for an apology since this is part of the mandate for the organisation’s existence. The story was publicized in the media where the community complained about the harassments that they were subjected to by their own chief. The community felt intimidated and lost in their own mother land. Such harassments have never been experienced before in the chiefdom.

In the meeting organized by the chiefs on 22nd July 2011, the DLA told their Royal Highnesses that, it was wrong for the chief to harass and displace his own subjects. The meeting also pointed out that if at all there were misunderstandings with his subjects, the chief should have called a meeting to discuss the matter without subjecting his subjects to inhuman treatments. The chiefs’ meeting ended at a sad note. There was no conclusion on the strategies to be used to assist his subjects. The chief felt that the DLA was interfering with his administration of land and vowed not to allow the Alliance from carrying out any activities in his chiefdom. Their Royal Highnesses demanded that, the Coordinator gives an apology for the comments the subjects (local people in Chief Chona) said through a local community radio station (Sky FM).

Since the beginning of 2011 no DLA activity has been done in this chiefdom. It was also not possible for the Alliance to form a Land Advocacy Committee in the area (as in other Chiefdoms) which is a link between the DLA and the community. The DLA lobbied for reconciliation with his Royal highness Chief Chona in order to ensure that his community benefits from its activities. As a way of bringing harmony and sanity, the council advised that, the DLA tenders an apology to the chief and this was later done. Thereafter, allowed the Land Alliance to start carrying out activities in the chiefdom. As such the DLA conducted the first forum which discussed the introduction of the customary land certificates. A number of issues were discussed also pertaining to leadership, resulting into the following resolution:

- The DLA to quickly meet the chief over the land certificate without any delay.

- Traditional leaders and the DLA must unite to ensure that the land certificate project is implemented as planned by the communities.

- Issues of corruption need to be addressed seriously in the quest to acquire land certificates.

- The DLA should organize similar forum for their royal highnesses and their chiefs Affairs committees from all the chiefdoms to discuss the customary land certificate so as to have a uniform understanding.

MONZE DLA Praised for its work in Monze District

By Estony Hatimbuta

Monze District Council secretary Ms N Kaluwyanya has urged Monze District Land Alliance to continue its good work in the District. She said this during a full council meeting held on 3rd November, where the four Non Governmental Organizations working in the district submitted their progress reports. Other organisations that submitted their reports were; Development Aid from People to People, Health Help International, Caritas and Monze DLA. The secretary told the house that the work being done by the DLA was being appreciated by the community. “I am therefore urging all of you to continue supplementing government efforts in fostering development within the district”. However, the Councilors present expressed concern over the land dispute that has been existing between Chief Ufwenuka’s subjects and Gwembe district. It was learnt that Gwembe district was displacing the community members in Chief Ufwenuka area in Monze. MDLA was requested to quickly mediate and advise on how best the land dispute could be addressed. The Council meeting suggested that, the two DLAs should meet with the two Council Secretaries from both districts so that the issue could be resolved amicably before the situation got worse.
Chief Ndake
An Example of Good Land Administration

By Raymond Kazama

There are a lot of shifts in the way land is perceived today. A lot of people and in particular elites are seeing the value of land; this has led to them acquiring huge tracts of land for themselves. Most of these have taken advantage of customary land which they acquire at almost nothing with the view to reselling at a much higher price. Investors have acquired thousands of hectares of land, and in many cases displacing communities who existed on the land previously. Various chiefdoms have alienated land to mining and ranching investors at the expense of their poor subjects, arguably for their own selfish gains.

Chief Ndake has implemented an interesting practice of consultation whenever land in his area was to be given away. The community is consulted and a Chief's Council acts as a board of advisors to the Chief around land issues. Zambia Land Alliance in conjunction with Nyimba District Farmers Association is running a two-year project in Chief Ndake's community entitled Developing Models for Securing Customary Land. This project is meant to ensure that by 2012, communities in the catchment

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LAND NOT HIGH ON POLITICAL AGENDA- REVEALS PRE ELECTION DEBATE

Mercy Nyangulu

During the run up to the 2011 tripartite elections, Zambia Land Alliance through the District Land Alliances (DLAs) organized a number of political debates which featured parliamentary aspirants as well as other political party representatives. The debates aimed at giving an opportunity to political parties to explain to the electorate how they intended to deal with various challenges in society. The debates also aimed at helping the electorate to make informed voting decisions. These debates specifically focused on challenges surrounding land administration in Zambia.

Prior to these debates, ZLA undertook a manifesto analysis to assess the policy vision of the contesting political parties regarding land administration. Unfortunately, the analysis revealed that issues of land- aside from a few, were not a major priority area for many political parties as they did not clearly state their position and desired direction on land administration in Zambia. However, some major parties have chapters on land in their manifestos.

Chipata, Petauke, Monze, Gwembe and Mansa DLAs conducted these debates, which were also coupled with radio programmes. However the sad revelation that came from these public debates in all the Districts is that most political party members are not well acquainted with their party manifestos, and as such could not clearly state how their respective political parties intended to address the land challenges in the country such as security of tenure and displacements among others.
ZLA members receive Paralegal Training

By Nyangu A Mapipo

Action Aid in conjunction with Paralegal Alliance Network and Zambia Land Alliance, hosted a paralegal training program that was held at Suwilanjji Gardens, in Lusaka. The training was conducted by the University Of Zambia School Of Law.

Forty participants from the District Land Alliances (DLAs) and partner organizations were invited to partake in the two-week training, which demanded active participation and intensive learning and study.

The training was designed to share ideas and knowledge regarding participants' efforts and their operations in relation to the overall Zambian judicial system. The main objective was to gain in-depth understanding of the Zambian legal framework and what they could holistically gain from it in their own unique lines of work and individual talents.

The knowledge that was acquired during the training was also intended to mutually benefit Non-Governmental Organizations and the communities they served. Furthermore, the training aimed to build and engage a network of highly motivated individuals who had the intention of going on to become legal representatives as paralegals within their respected organizations, and communities.

The course drew to an end with a final exam that concluded the learning as a team of budding paralegals. The course was assessed by a certification exam which awarded the participants a formal Paralegal accreditation by the University of Zambia. It is expected that the participants will use this experience as well as their own unique commitment to improving the fate of their communities to contribute to achieving justice and fairness in society.

Chief NdaKe
An Example of Good Land Administration

area have full realization of their land rights. At the same time, they should be assured of the security of their land tenure through receiving Traditional Land Holding Certificates (TLHC), which are "traditional" title deeds.

The project further seeks to lobby government to recognize these certificates which are embraced by His Royal Highness Chief NdaKe and his subjects.

But what are the advantages of Traditional Land Holding Certificates? The chief provides a piece of paper which identifies their piece of land and who hold it in perpetuity. As the land is held under customary laws, there is no annual ground rent to pay and community customs and traditions are observed and enforced by the chief. The chief(s) also do not lose land as they do when land is converted to leasehold. Further, local people are assured of the security to land as it is the chief who consents in giving that land to them through the issuance of TLHCs.

The security of land held by chiefs should be held by them in perpetuity through their heirs and subjects. The option of converting land tenure should be done in a democratic process within the community. It is hoped that the land rights of the marginalized and the poor in society, especially women will be enhanced, and that TLHC will prove to be the glue that holds the gap that exists in securing customary land.

MAINSTREAMING HIV and AIDS IN DEVELOPMENT PROGRAMMES

Apart from being a major global health concern, HIV and AIDS is now considered a development issue. This is due to the adverse effects it has on the development agenda of many countries. The impacts of HIV and AIDS are felt at many different levels; the loss of family bread winners results in poverty, lack of education for the children left behind and a loss to the organisation because skill and knowledge is lost among other implications.

Development interventions, as they try to improve the livelihoods of people, can increase susceptibility to HIV infection in different ways. HIV and AIDS can have adverse effects on projects and programmes; as such organisations need to understand how to mitigate this. It is for this reason that the Zambian Governance Foundation (ZGF) developed an HIV and AIDS mainstreaming tool kit for Civil Society Organisations (CSOs) to help them mitigate the impact of HIV and AIDS in their work.

ZGF presented this toolkit during a two day workshop held at Cresta Hotel, during which participants drawn from various CSOs including the ZLA. Participants were to assess their workplace situations, and note specific vulnerabilities internally (within the organization), as well as, how their programme beneficiaries are susceptible to HIV.

After the workshop Organisations are now expected to come up with time bound action plans on how they intend to mainstream HIV and AIDS in their programmes; ZLA has begun this process.
NEW STAFF

Mutinta Siakayuwa is the new Finance and Administration Manager, she joined ZLA in September. She previously worked for Initiative for Sustainable Livelihoods as Finance and Administration Officer.

Julie Mithika is the Monitoring and Evaluation Inspirator under Action Aid, she joined ZLA in September. She worked with AVAP in the same position before joining ZLA.

Mercy Nyangu joined ZLA in July as Information and Communications Officer; she has a background of Journalism and Development studies, and public relations work experience from an International NGO.

Aline Milev is the resource mobiliser under VSO; She will be with ZLA for two years. She has previously worked in Ghana and the United Kingdom in the non-profit sector.

Jessica Chu is a research Fellow from Canada, she is in Zambia for a year to research on land grabs in Zambia.

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ZLA is a network of civil society organisations working with rural and urban poor communities to ensure that land policies, laws and land administration procedures take into account their interests including promoting equitable land distribution.