

Enhancing Pro Poor Land Administration: A Vision for Economic Growth and Development in Zambia

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Keywords: Land administration, economic growth, development, security of tenure, customary tenure and institution

ABSTRACT

Land is undoubtedly an important resource and an engine for enhancing economic growth as it is key to all human survival. From it man gets food, shelter, social status, employment, income and power. It is the basic resource of production on which all actors carry out their socio-economic activities. As the world's population continues to grow there is a pressing demand for land. The role of land in enhancing economic growth has long been understood and appreciated. Not only do surveyors have the goal of integrating their skills to enhancing economic growth and achieving objectives such as the Millennium development goals, they also have the goal of ensuring that the underlying resource needed to achieve these objectives and goals-land is efficiently and effectively administered.

The Zambian land administration system is embodied in a dualistic tenure system which consists of customary and state land which are both highly characterized with an informal land delivery process and is based on a colonial heritage. Zambia having over 72 ethnic groups represents a state with diversified cultures, traditions and beliefs. As land is power all of these groups have their own understanding and definition of land administration. In the past the Zambian government has come up with various attempts to try and address the various challenges related to land. Most of these attempts have been made to improve people's livelihoods so that everyone can contribute towards the goal of economic growth.

The paper explores land tenure and administration in general and further examines land administration under customary tenure in Zambia and proffers possible solutions to various challenges faced concerning land administration. The paper advocates for a more social pro poor approach to land administration that integrates not only the government, chiefs and surveyors, but a pro poor system that focus on the involvement of the individual, especially the poor in every society. It is only hoped that the recommendations made in the paper can be seen to contribute to Zambia having a more robust land administration system that fosters economic growth. Unless the institutions that administrator land are improved, our fight to foster development in areas under customary tenure is in vain. It is only right that the surveyor ensures economic growth amidst a backdrop of vulnerability and despair through integrating their skills.

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1. INTRODUCTION

Land is a very important resource and forms the basis of all human survival in terms of social and economic advancement and from it we derive all human needs. A country's land resource is limited and can easily be degraded. It is therefore in every countries interest to ensure that land is administered and managed in a way that benefits the entire society and contributes to economic growth and hence development. The achievement of sustained economic growth-in terms of increases to full employment national income or 'productive potential'-has become, arguably for the first time in history one principle objectives of the economic policies of most countries (Jones, 1975). According to the 2005 World Bank Report, if developing countries are to meet the Millennium Development Goals, economic growth in these countries must accelerate. It is therefore essential to establish the importance of land in trying to accelerate economic growth as from it man derives all human necessities.

The administration of land should be viewed as key to enhancing economic development in any society. It has been argued that customary tenure is one of the reasons for underdevelopment in Africa as it is insecure. These views have filtered many minds but in most cases the aspects of improving the institutions that are essential for administering land have been overlooked. Under customary tenure traditional leaders are mainly responsible for administering land and in most cases no proper structures or guidelines are in place to ensure that these leaders or authorities effectively and efficiently administer land. Munshifwa (2003) argues that rural land in Zambia remains undeveloped because of the absence of institutional frameworks to guide administration. The Zambia Land Alliance (2005) also observe that although customary land is legally recognized, the government does not provide traditional leaders with resources for managing land and that the government does not have land structures in many parts of the country. In essence a precondition for economic development is that the land administration institutions or organisations that can deliver efficient and transparent services to the people at appropriate costs in comparison with the value of the land are put in place.

Understanding the pivotal role of land and its administration, the paper therefore focuses on areas under customary tenure owing to the fact that this is where about 62% of the Zambian population lives, where poverty levels are very high and development is minimal. Within these traditional land administration systems no proper structures, guidelines and training are provided for traditional authorities. This in turn has led to land in some areas being held by the rich and powerful leaving the poor worse off and not able to earn a decent living. The paper argues that if traditional institutions that administer land are not strengthened the goals of developing rural areas will not be successfully achieved. Integrating surveyors in the

enhancement of economic growth entails that surveyors find a place in using their skills, knowledge and experience to increase national output even in customary tenure systems.

1.1 Land Tenure and Administration for economic Growth

Land is an essential resource and a prerequisite for meaningful economic growth and hence development. The “land question” in any society involves bringing together consideration of land ownership, exchange, use management and development and the role of deliberate state intervention in pursuit of social and economic goals (Barrett and Healey, 1985). Relationships between people and land vary all over the world and are embodied in diversified land tenure systems. The land tenure system in a given jurisdiction comprises the set of possible bases on which land may be used and integrates two basic elements namely land tenure and land administration (FAO, 2006). Land tenure may be defined as a set of rules that define rights of access by people to particular natural resources and is also the form of social endorsement of these relationships (FAO, 2006). The viability of any land tenure system can be judged on the grounds of the existing system of organisation in agriculture and prevailing economic, institutional and technological conditions in society and the stage of economic development and industrialisation of the community (Kambenja, 1997). Land tenure systems are not static in nature as they can be modified, reformed, redefined, changed or improved upon as a result of various factors such demographic, economic and political changes.

Land administration is the process of determining, recording and disseminating information about ownership, value and use of land when implementing land management policies (UN/ECE Land Administration Guidelines). Lemmen and Van Der Molen (2004) contend that the functions of land administration might be the improvement of land tenure security, better functioning of the land market, more profitable land taxation, better land use planning, development and control, better management of natural resources, better land reform and land redistribution. On the other hand a land administration system is the set of structures and institutions that implement the land policy, affect rights, deliver titles and deeds, and manage information systems (European Union, 2004). These structures can be state or local government institutions although they may also be customary institutions that perform some land administration functions (European Union, 2004). Sustainable land administration should therefore consider the various institutions that deal with land at the local or community level, civil societies and various government and private sector bodies. Land administration systems should also be able to accommodate various land tenure arrangements (Lemmen and Van Der Molen, 2004), must take unwritten laws into consideration, be efficient and flexible in its operation and benefit the local communities.

Economic development issues concerning land tenure are often related to the concept of land reform (Chileshe, 2005) which almost all countries in Sub Saharan Africa have been undertaking in one guise or another with the aims of promoting economic growth, encourage more sustainable management, and reduce poverty (Toulmin and Quan, 2000). According to Münkner (1995) social, economic and ecological balance that existed for centuries has been disrupted by demographic, technological and political changes and this in turn has made reforms inevitable. These reforms as discussed are normally made in order to ensure that land

can be easy to access, own, administer or manager but in some instances this hasn't been the case as the poor who need land the most have been left out as in the case of some areas in Zambia. The focus of the land reform strategy is to have procedural safeguards and regulations that ensure the land administration system reflects the will of the community and that land administration officials are accountable (United Nations Economic Commission for Africa, 2003). These safeguards and regulations are needed to protect the interests of the public especially indigenous people and should encourage them to invest in land.

2. THE ZAMBIAN CHALLENGE

In Zambia land forms the basis of all human survival in terms of social and economic advancement. Zambia as a country covers an area of 752, 610 square kilometers. All land in Zambia is vested in the president on behalf of the people (GRZ, 1995) and is embedded in a dual system of tenure, namely customary (94%) and statutory tenure (6%). The present system of tenure is related to the countries colonial legacy in which all-fertile land and that found along the railway line was occupied by white settlers and administered under the crown. This land was thus referred to as crown land and later on became known as state land. In Zambia, the maximum duration of a lease under statutory tenure is 99 years and is renewable.

Land that was less fertile and infested with tse-tse flies was set-aside for the indigenous people and was referred to as Reserve and Trust Lands. These areas later became known as customary land which to date are administered by traditional authorities. However, Chileshe (2005) contends that although chiefs or headmen do not own land in Zambia, there is no doubt they have a regulatory role over the acquisition and use of land in chiefdoms. Zambia has about seventy-three ethnic groups (tribes), headed by two hundred and forty chiefs, eight senior chiefs and four paramount chiefs (Chileshe, 2005). Most of these groups have very different and diverse traditional norms, cultures, beliefs, values and practices and this makes sound land administration more challenging.

For people in customary areas land is power and any land taken away has a casual effect of diminishing power over land. Land to people living in areas under customary tenure is also essential for their livelihoods as all economic activities such as agriculture or tourism are closely tied to land. Furthermore it is believed that agriculture in Zambia has the potential to enhance economic growth and reduce poverty (Zambia Poverty Reduction Strategy Paper, 2004). The worsening poverty trend in Zambia is due to the lack of economic growth and poor people's access to real asserts due to unfavorable land ownership laws and unsupportive land tenure systems that have worsened labour and land productivity (Zambia Poverty Reduction Strategy Paper, 2004). Due to the vital importance of land it should be administered so that everyone benefits from its use especially in areas under customary tenure.

2.1 Land Administration and the Role of Traditional Leaders Under Customary Tenure

Customary tenure systems are a set of rules that have been adopted through custom and that define the rights of access by the people of a specific social group to their particular natural resources (FAO, 2006). Customary tenure systems are well solidified even in countries such as Mozambique that have been stricken by years of civil war. Under customary tenure in Zambia access to land is contingent upon tribal or community membership controlled by the chief. The lengths of use and occupation rights are mainly related to the active occupation or usage of a piece of land, which is also the main evidence of ownership or an existing interest on the land. Land acquisition is through clearing of virgin bush, as a gift, inheritance, sale of (improvements on the) land, transfer of land in exchange for goods, transfer of land in exchange of services and marriage. Loenen (1999) scrutinises customary tenure in Zambia and identifies three existing classes of land rights that are recognised. Firstly, he identifies individual ownership where the landholder or occupant has more rights and interests in the land than any other person. The individual has access to the land for as long as he wishes. Secondly, concurrent interests occur where persons, other than the landholder, can go onto someone's land and use it for their own purposes. Thirdly, communal interests which involve the use of certain tracts of land, which are not individually owned. These include grazing areas and access to natural resources such as fish, mushrooms, charcoal wood, wild fruit, caterpillars and river water. According to Chileshe (2005) all these rights are permanent, proven by oral evidence, except transfer, abandonment, death, expelled from community (as might occur when someone is accused of using witchcraft). Land reforms that are undertaken should ensure that these various rights and interests are put in consideration.

Allocation of land to outsiders follows procedures laid out in the Circular 1 of 1985 Procedure for Land Alienation. The process basically involves one identifying land through a Village Head or Chief. The identified land is sketched and endorsed by the Chief and accompanied by his or her hand written letter to the local council in the area where the land is. Upon approval of the application by the council, the applicant then approaches the Commissioner of Lands for a title deed.

It is evident that the chief has an important role to play as he has the power to allocate land to villagers and newcomers and he also regulates the use of natural resources like communal woodlands and grazing areas (Mulolwa and Van Asperan, 2006). The chiefs or headmen are not only responsible for allocating land, but also for dispute resolution though local court jurisdiction pertains to civil disputes under customary law, including such issues as marital and property claims. There is a need to be sensitive to local stakeholders so that both individual titleholders and traditional leaders are harmoniously carried along to ensure sustainable land reform and agricultural development (Kajoba, 2002).

2.2 The debate on securing tenure and the quest for Development under customary tenure systems

Zambia like many other developing countries has been striving to develop rural areas that are mainly under customary tenure systems. Most common assumptions connected to indigenous

tenure systems are that they cannot cope with the demands of modern development in an efficient way, either to support economic development, land markets or to protect the environment from detrimental land use (Österberg, 2006). This thought is in line with the widespread argument that Africa can only develop if the traditional tenure, consisting of about 90% of African land resources, is integrated into the leasehold tenure system which is founded on the principles of individualization (Ngombe et al, 2006). According to Ngombe et al (2006) these proposals are constantly met with massive resistance from chiefs, as traditional leaders fear that such tenure reforms would undermine their traditional political authority. Mifsud (1967) cited in Münkner, 1995 provides a perception of customary land law that outlines some positive and negative thoughts:

Negative Aspects

uncertainty, does not provide security framework of tenure

discourages conservation and improvement of natural resources

hinders agricultural development

local land shortages with poor

does not encourage credit and investments necessary in some cases for development

perpetuates clan rivalries

drags on efforts to improve farming

causes uneconomic fragmentation of land.

Positive Aspects

flexible, adequate institutional for rapid institutional change

no absentee landlordism, no landless peasantry

prevents land speculation and land grabbing

consolidates cohesion of social groups utilization of available land

provides climate for development enterprises of a collective nature

Source: Münkner, 1995

The above thoughts have filtered many minds globally further providing ground for the worldwide debate and since the thesis exposition of De Soto's, *Why Capitalism Triumphs in the West and Fails Everywhere else*, there has been a global focus on providing tenure security in order to enhance economic growth. Common arguments are that customary tenure does not provide *security* enough for investments in land development, new technology etc (Österberg, 2006). Mulolwa and Van Asperan (2006, citing Smith, 2005) contend that because of the absence of recording, state guarantee and land administration institutions, security of tenure in customary systems is often used with reference to the certainty, duration and full rights of robustness of land rights. The assumptions are that not protecting the property rights of the poor leaves them more vulnerable to loss of assets, distress sales, land grabbing by the well connected, substitution by corporate investment, and environmental degradation (Quan, 2004). Most land reform programmes have also focused on improving security of tenure through the provision of individualized title. But it is essential to question whether this has enhanced economic growth or improved the livelihoods of the indigenous people.

Kambenja (1997) in the context of customary tenure in Zambia argues that security of tenure is necessary only if a motivated and business minded farmer intends to use the title deed of a marketable piece of land as collateral against a loan (where it is easily obtainable). He further contends that security of tenure is not necessary in a remote customary land area where demand for land is not existent. In line with Kambenjas thoughts, Chipokolo argues that titling of land especially in customary land will not give an assurance of increased tenure security and giving title to customary land does not promote lending to the poor (The Post Newspaper, 2007). He further laments that the assertion that title to property will open up access to bank credit is not borne out as banks do not lend to the poor because of the high risk of non payment, the low value of their asserts, and relatively high transaction costs (The Post Newspaper,2007). Tenure security should not be limited to individualizing rights or using borrowed land administration systems that cannot fit into traditional land administration systems. Rather the focus should be to try and enhance economic growth with in present customary tenure systems. That to many is an impossibility but with the necessary frameworks, structures, guidelines and political will, traditional land administration systems can work.

3. REFORMS FOR A BETTER ZAMBIA

Since independence in 1964 many attempts to address the problems related to land administration system in Zambia have been made. Notable land reforms that have affected land administration especially under customary tenure were those introduced by the Movement of Multi party democracy who came into power in 1991. In their manifesto the MMD (1991) stated that ‘in order to bring a more efficient and equitable system of tenure conversion and land allocation in customary land; land adjudication will be enacted and coordinated in such a way that confidence shall be restored in land investors...the MMD shall continue to attach economic value to undeveloped land (and) promote regular issuance of title deeds to productive land owners in both rural and urban areas.’

The introduction of the 1995 Land Act was amongst those land reforms taken in order to improve people’s livelihoods. The 1995 Land Act recognizes customary land although Leonen (1999) asserts that this recognition of customary tenure does not bring about the registration of ownership rights, but only the protection of use and occupancy rights. The Act also provides for the conversion of customary to state land and states that the President shall not alienate any land situated in a district or an area where land is held under customary tenure:-

- without consulting the Chief and the local authority in the area in which the land to be alienated is situated.
- without consulting any other person or body whose interest might be affected by the grant.
- if an applicant for a leasehold title has not obtained the prior approval of the chief and the local authority within whose area the land is situated.

Furthermore, sub section two and three of section eight of the Act provides that the conversion of rights from a customary tenure shall have effect only after the approval of the

chief and the local authorities in whose area the land to be converted is situated...the land to be converted shall have been identified by a plan showing the exact extent of the land to be converted except for a right which may arise under any other law in Zambia, no title other than a right to the use and occupation of any land under customary tenure claimed by a person, shall be valid unless it has been confirmed by the chief and a lease granted by the President.

Chileshe (2005) is of the view that the reason for government to introduce the conversion of tenure was its opinion that customary tenure lacks security of tenure because the rights are not clear. It has been observed in many parts of Zambia that the quest to improve security of tenure as prescribed by the law of conversion has left some people without fertile land or areas which can be used as commons for grazing animals or for carrying out other economic activities therefore leaving indigenous people worse off than they were before. Case studies undertaken such as that of Mudenda (2006) of chief Chiwala's kingdom reveals that people were aware about the conversion of title though it still remains a fact that conversion will only benefit the rich since villagers cannot afford to convert the land to statutory tenure. It can therefore be said that customary tenure may not be insecure by its nature but is being threatened by the law of conversion and weak traditional tenure systems. Nevertheless, it is worth pointing out that insecurity of tenure may heavily be interrelated with social insecurity, like the weak position of women after divorce or widowhood, and people being chased from the village and their land when they are accused of practicing witchcraft (Mulolwa and Van Asperan, 2006). Mulolwa (2006) asserts that although customary tenure is recognized at law the general practice is to gradually convert all customary land to leasehold.

The issue of giving title in customary areas has also raised a lot of concerns countrywide as there have been many customary land disputes related to the conversion of land. These disputes normally come after a person gets title deeds for the land that was once customary and in the process evicts people who have been living on that land for many years. The 1995 Land Act states that conversion of land should be done in consultation with any other person or body whose interest might be affected by the grant but in most instances this is not done. On April 20th 2006 the Post Newspaper in an article entitled *Chiefs allocate land corruptly, says Phiri*, reports Mr. Phiri a then member of parliament as saying that chiefs were giving out large chunks of land without consulting their subjects and that most of them only consulted loyal indunas leaving out majority stakeholders from the consultative process. Phiri further lamented that most of the chiefs were more corrupt because they have loyal indunas and people they consult on land matters and if they are not loyal they are booted out as an induna or are not consulted.

When leasehold is granted to an applicant, communal and concurrent interests cease to exist although the land will remain in the land category of customary areas (Van Asperan and Zevenbergen, 2006). This in effect has led to scarcity of land and natural resources for the villagers as usually large tracts of land are allocated to outsiders. Power over land by traditional authorities has also reduced as the titleholders can do what they want such as fencing of common areas used by the indigenous communities without being questioned. Kachamba (2004) observes that in some instances chiefs have sometimes appended their

signature on the sight plans which they sometimes do not understand and this has sometimes resulted in the chief authorising more land to be given on title than intended. The said Act also provides for the conversion of land from freehold to leasehold but not vice versa whether the land is utilized or not. One other concern is that when going to see traditional leaders those seeking to convert land go with gifts of various nature. This at times has given the impression that the chiefs are selling the land and therefore some people have been tempted to say that this is corruption (Kachamba, 2004).

Van Asperen and Zevenbergen (2006) argue that the introduction of statutory tenure in customary areas is often not the solution, as it might have a negative effect on the tenure security of the customary right holders, often-poor people. Other problems that can be associated with the law of conversion are that most of the poor people cannot afford to change from customary to leasehold tenure as it is expensive and the system is long and complicated in most instances. Enhancement of economic growth in customary areas is much more than the provision of title, which in some instances is detrimental on the poor and therefore not pro-poor. It involves establishing transparent and accountable representative rural land institutions that allow stakeholder participation in all land alienation exercises to prevent related tenure insecurity. The FAO (2006) explain the issue of tenure security and it is interesting to note they also relate security of tenure to authorities or officials who grant access to land by asserting that:

‘Tenure security is derived from formal or customary legal institutions and officials/ authorities that grant landholders recognition of their access rights to the land and the confidence that these rights will be upheld. The erosion of tenure security, when authorities are not able to or do not wish to enforce land rights is a common source of grievance that contributes to conflicts’

Toulmin and Quan (2000) observe that a new paradigm is emerging which does not prescribe a specific approach to land reform. Rather it is based on pluralism and the imperative of African national, regional and local governments, tribal groups, villages, communities and civil society organisations negotiating their own solutions to securing access to land (Toulmin and Quan, 2000). Therefore as Zambia strives to develop the vital role of traditional land administration should be reviewed and improved so that a system that benefits even the poorest in every community can be employed.

4. STRENGTHENING LAND ADMINISTRATIONS INSTITUTIONS/SYSTEMS

Institutions that manage and administer land are important as they provide a platform on which various challenges can be addressed. The European Union (2004) suggest that if the poor majority are to be the primary beneficiaries of land tenure reform, the design of institutions for managing land rights must take into account that citizens are not equal in practice before the law, due to inadequate information, limited resources, and poor contacts within the administrative system. According to the union the poorer groups will have more effective access to such procedures where they receive clear information about how the system is meant to operate, and where the bodies responsible are located close by, working in local languages, using standard units of measure, accepting oral evidence to support claims,

with proper attention paid to publicity of claims before granting title, and operating with low user fees.

The lack of efficient, effective, transparent and trained land administration institutions in some cases are the causes of insecurity of tenure as already observed in the Zambian case. There is a need for the allocation of land by Chiefs to take professional dimensions (Kachamba, 2004). It is therefore vital to strengthen these traditionally administered systems and structures, therefore promoting an innovative approach to achieving economic development. This need arises due to the fact although other approaches have been tried or implemented they have left out the important role of traditional leaders and the communities as well. Researchers such as Burns et al (2003) suggest administrative reform options that can be used to strengthen land administration systems whose implementation is dependent on local conditions. The authors list the following as possible options.

- i. Strengthening a centralised formal land administration system (common in developed countries)
- ii. Decentralising the formal land administration system
- iii. Strengthening and centralising an existing decentralised formal land administration system (requires ready access to computers, Internet and reliable telecommunication systems)
- iv. Strengthening an existing decentralised formal land registration system
- v. Promoting a significant role for community/customary authorities in a decentralised land administration system
- vi. Transferring an existing land administration role from community/customary authorities to a strengthened decentralised government
- vii. Strengthening existing community/customary land administration systems

The thought should be that in order to improve land administration one of the above reforms should be implemented according to the local situation. Countries with efficient institutions have an advantage in the performance of the economy over countries with less efficient institutions (Douglass North, 1990 cited in Österberg, 2006). Österberg (2006) suggests that an efficient institution is more than an efficient organisation and includes all kind of rules, traditions, culture and formal legislation that form the framework for the behavior of the actors on the market. Land administration by the lowest levels of local government incorporating local leaders and customary authorities, within appropriate legal frameworks is now showing promise throughout Africa (Quan, 2004). Mupedziswa (2001) cites the World Bank (1992) as asserting that governments have failed to appreciate that smaller organizational units such as village or pastoral associations are better equipped to manage their resources than large alternatives and may be a more effective basis for rural development and rational resource management than institutions from above.

Therefore in order to meaningfully reduce poverty and contribute towards economic growth, Zambia needs to have flexible, gender sensitive, well structured, transparent, accountable and in all democratic and decentralized land administration system customary system. Strengthening of local communities in land administration will have an impact on the customary tenure and land degradation relationship. The need for an innovative approach that includes traditional rulers and various stakeholders is therefore justified.

5. TOWARDS A PRO POOR APPROACH

When advocating for improved rights to land under customary tenure, through a pro poor approach system, issues such as the people's income, needs and most important the people's views should be considered and weighed. Nevertheless, it should be understood that no one formula can work world wide but emphasis should be placed on the needs, incomes, demographic structures, culture, tradition and social norms of the particular communities and different stages of development. The desired social pro poor approach should take the nature of a genuine participative approach as opposed to a pseudo participative approach.

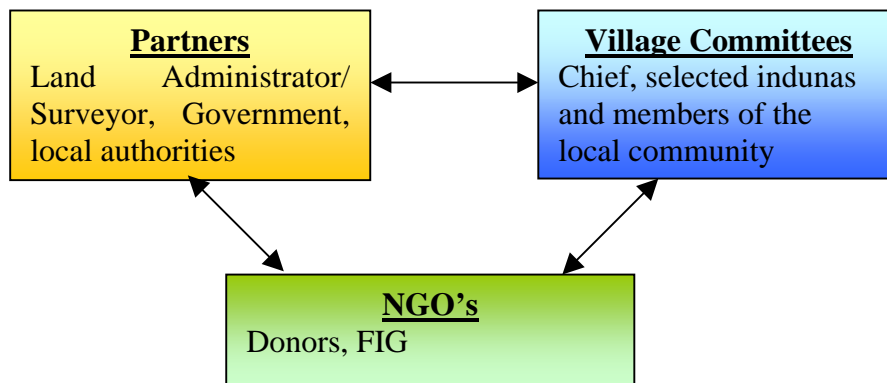
Mbozi (2000) describes a genuine participation approach as one that involves cooperation (partnership and delegation of power) and citizen control of the whole process (which amounts to empowerment). Mbozi (2000) asserts that this approach can be claimed only when the target population and the planners or the implementers of the programme are working together (in mutual respect for each other) throughout the project or programme cycle. This is intended to ensure that all stakeholders such as the traditional leaders, government, surveyors, non governmental and the local communities participate in decisions concerning land administration. The pseudo participation approach focuses on people's participation in which the control of the project and decision making rests with planners, administrators and the community's elite and people's participation is at the level of listening (Mbozi, 2000).

A genuine participation approach of this nature advocates that the rights of the poor in relation to land are not only upheld but a hundred per cent involvement of the poor in coming up with solutions. The approach will also facilitate local communities in planning their life, the natural resources hence the tenure systems and should evolve on a partnership basis. The partnership should incorporate the surveyors, government, the local authority, non-governmental organisations and the community in question. The system must be flexible and incorporate or provide an ear to local knowledge and experience so that the partnering team should understand historical linkages, and how it affects present tenure systems and how it can be improved. It will also be easier to identify tenure rights of the community especially the vulnerable groups in society and changes in the local tenure systems will also be easier to predict. Through this system it will even easier to collect data on land related issues. When information or data is available it will also be easier to decide which developmental projects to under take. At national level the information gotten can also be used to guide reforms relating to land.

The best way in which this approach can be implemented would be to establish or set up village boards, councils or committees that represent the local communities. This should be

done so that clear and transparent structures in administering land are established. When effective and efficient structures are put in place, goals such as recording interests in land will be easier. The committees should consist of traditional leaders and village representatives that have been selected by the local community. The village representatives should consist of equal number of males and females unless otherwise. These committees should be provided with a clear structure and guidelines on land administration (especially traditional leaders) and be effectively educated and trained in the basic principles of land administration.

Fig 1: Participative approach to land administration



Source: Compiled by author

The partners such as the land surveyor or government can help in providing technical support, reforms and finances to ensure that this approach is well understood by everyone. The Non governmental organisations can help provide technical or financial support especially in the preliminary stages of establishing these committees/boards.

The functions of the committees/boards should be as follows:

- i. Keep land registers or records specifying who occupies which piece of land, size of plot, those who have converted customary land to statutory tenure. The land record procedures should be based on existing community land administration processes for the collection and maintenance of land record data.
- ii. To educate and provide information concerning land registration, application procedures, land ownership and best land use practices to local communities.
- iii. To physically check or inspect the total land being given out especially to outsiders or investors and ensure that no indigenous people live on that particular area.

The above surely cannot be successfully implemented without the full input and participation of surveyors. Using some of the words of Mupedziswa (2001) and applying them in context of this paper it would be right to propose that ‘the surveyors and others involved in the planning process should provide technical know-how as a back up to the participating people, and develop the capacity to help indigenous people organize themselves in making their own decisions, to plan collectively and address their development constraints especially relating to

land.' The greatest challenge in the implementation of such a system is finances but the Land Development Fund created under the Land Act of 1995 and a proportion of funds from the annual national budgets can be directed to this cause.

6. RECOMMENDATIONS AND CONCLUSION

Apart from the committee or councils the following should also be done. Firstly, boundaries between chiefdoms should be established and marked. This will reduce the number of conflicts between chiefdoms and also protect the rights of indigenous people as they are a lot of cases where a neighboring chief has allocated land belonging to the neighboring chiefdom therefore infringing the rights to land of those involved. Secondly, customary laws that relate to land administration should be written or codified and if any do not enhance pro poor land administration they should be upgraded or eliminated. Thirdly, collective or group titling should also be allowed within customary lands. Lastly, the government should develop credit and banking system that can meet the needs of the poor even in the remotest areas.

The debate on the importance of securing of tenure continues but in view of the author the greatest challenge in enhancing development under customary tenure is related to land administration by traditional leaders and how best their roles in land administration can be enhanced to benefit everyone in the particular community. A land driven vision to enhance economic growth in rural areas in Zambia should focus on strengthening land administration institutions or systems.

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ACKNOWLEDGMENTS

The author would like to thank Mr Akakandelwa, Dr Chileshe, Mr Munshifwa, Dr Mulolwa, Mr Siame, the Copperbelt University management and lecturers for their support, encouragements and comments. Special thanks to my classmates and close friends for their support and encouragement. Lastly I would like to thank God for everything he has done for me including the opportunity and grace to write this paper.

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