



**LAND ALLOCATION FOR INVESTMENT  
VS  
THE RIGHTS OF THE INDIGENOUS PEOPLE**

BY  
MR FRIGHTONE SICHONE AND MR KALOBWE SOKO  
REPUBLIC OF ZAMBIA

- **INTRODUCTION**

- Zambia has a total land surface coverage of 752,614 square Kilometres and is divided into nine (9) provinces and seventy-two (72) districts as at 2005
- Zambia has an international boundary with eight countries namely Angola, Botswana, Democratic Republic of Congo, Malawi, Mozambique, Namibia, Tanzania and Zimbabwe.
- Zambia has a dual land tenure system;
- Customary tenure
- Leasehold tenure

# HISTORICAL BACKGROUND

- Pre-independence land administration.
- Native reserves and Crown land – 1928
- Trust Lands 1947
- Administration of Customary land
- Freehold tenure
- Leasehold tenure
- Independence order 1964
- Land Commission of 1965-1967
- Legal Reforms 1969-1995
- Land Conversion of titles Act 1975

- **ALLOCATION OF LAND FOR INVESTMENT**

- The Lands Act of 1995.

- The law currently allows non-Zambians of the following categories to own land in Zambia;

- a permanent resident in the Republic of Zambia,
- an investor within the meaning of the Investment Act,
- a company registered under the Companies Act,
- a statutory corporation created by an Act of Parliament;

- a co-operative society registered under the Co-operative Societies Act;
- a body registered under the Land (Perpetual Succession) Act;
- where the non-Zambian acquires an interest or right arising out of a lease, sub-lease, or under-lease,
- where the non-Zambian acquires an interest or right in land which is being inherited upon death or is being transferred under a right of survivorship or by operation of law;
- a Commercial Bank registered under the Companies Act and the Banking and Financial Services Act;
- where the non-Zambian is granted a concession or right under the National Parks and Wildlife Act, and
- where the non-Zambian has obtained the President's consent in writing under his hand.
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- **Process of land allocation**
- The administration of land is done by Government through the Ministry of Lands .
- The Ministry of Lands is divided into the following three departments namely;
- Lands Department
- Survey Department
- Lands and Deeds Registry Department
- Department of Human Resource and administration

# DECENTRALISATION

Physical Planning

Survey services

Land allocation

Land Registration

- **CUSTOMARY LAND AND INDIGENOUS RIGHTS**

- Customary tenure is not expressly defined in the Lands Act
- Recognition of customary tenure
- Customary land is taken to constitute all land that was previously referred to as Reserve land and Trust land.
- Since the enactment of the Lands Act of 1995, Reserves and Trust Lands are now referred to as customary land

- **The role of Chiefs under customary land**
- Vesting of land in the President
- chiefs play an important role in the administration of customary law, their position in land alienation is purely administrative.
- **Conversion of customary rights to leasehold**
- The Lands Act provides for the conversion of land held under customary tenure to leasehold tenure.
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- **Conflict of authority and interest in the alienation of customary land**
- The conflicts between the Chief and the State
- Conflicts between the chief and the subjects
- Conflict with Local Authorities

- The protection of individuals or subjects occupying customary land
- Prevention of displacements
- Most Chiefs today are not conversant with modern land administration techniques
- Democratic and inclusiveness in the process of land alienation.

- It is critical at this point to review the continued co-existence of customary tenure and the leasehold tenure.
- the absence of technocrats in land planning, surveying, land alienation and land registration.
- Customary tenure should be redesigned in terms of both the institutional and legal framework that would make land in these areas accessible.

# INVESTEMENT IN LAND AND POVERTY REDUCTION

- “Has the release of land to investors helped reduce poverty in the country?”
- poverty incidence is still high; standing at 68%.
- The overall growth rate of the economy in the country is declining.

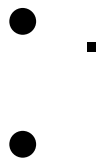
- The driving force in converting customary land to leasehold
- villagers reluctance to convert and register land
- paying ground rent
- breach of leasehold conditions.
- Necessity to continue recognising customary tenure in the new draft Land Policy

# CHALLENGES

- Lack of National Land Policy
- Several pieces of Legislation
- Institutional arrangement
- Customary tenure

## WAY FORWARD

- In a quest to administer land for poverty reduction and economic growth, Government has decided to come up with a land Policy that would take into account the following policy measures:
- Ensure that land is alienated on the basis of capability and use.
- Introduce measures to encourage sub-leasing leasing of land by  
Zambians to foreigners
- Continue to sensitise the public on the advantages of individual ownership of land;
- Recognise the rights of land users through formal survey and registration
- Ensure that non-citizens and foreign companies are regulated in acquiring land in custom
- Encourage Zambians to go into joint ventures with foreign investors
- It is however worthy mentioning that, in order for tangible results to be achieved from land, basic infrastructure such as communication and transport, electricity water should be provided by the state















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- THANK YOU FOR LISTENING
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