



# The geography of Zambia's customary land: Assessing the prospects for smallholder development



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## ABSTRACT

This article utilizes available spatial data to quantify the amount of customary land in Zambia and to examine the prospects for agricultural commercialization in those areas, in terms of population densities, market access conditions, and agro-ecological suitability. We find that approximately 51–54 percent of Zambia's land remains under customary tenure and, by implication, available for smallholder utilization. However, populations are clustered in 5 percent of the customary land with reasonably good market access conditions. Good market access conditions are generally located in regions with high levels of rainfall variability due to historical infrastructure investments. High density, market accessible regions are witnessing a rapid increase in land commodification, land alienation, and declining fallow rates. Land and economic development policies must be attentive to the changing dynamics in customary land areas in order to ensure the future viability of the smallholder farming sector.

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## 1. Introduction

To feed its burgeoning urban and rural populations over the next several decades, African agriculture will require large and sustained growth in production. While some of this growth will certainly need to come from yield improvements, there is every reason to believe that growth of the magnitude required will depend in large part upon area expansion (Evenson and Gollin, 2003). Yet despite the region's nominal land abundance, the scope for such growth is increasingly seen as fraught with challenges related in part to constrained access to arable land resources by smallholder populations (Jayne et al., 2014b). In order to be viable, smallholder-led development strategies will have to contend with realistic assessments of the distribution of land resources and the institutions that govern access to these resources (Jayne et al., 2014a,b). While this is unambiguously true in very densely populated places like Rwanda and Malawi, it may well also be the case in the region's ostensibly low-density countries (Chamberlin et al., 2014). In this paper, we assert that Zambia is one such case, although it is not often recognized as such because of an inadequate and outdated knowledge base on the availability of arable land for smallholder production and associated land governance institutions.

With a total surface area of 751,610 km<sup>2</sup> and a population of 14.6 million people, the population density in Zambia is among the

lowest in sub-Saharan Africa, representing one of the most land abundant countries in the region. Of Zambia's total land area, it is frequently asserted that 94 percent falls under customary systems of land administration (Government of Zambia, 2002; Zambian Development Agency, 2014; Zambian House of Chiefs, 2009). By implication, this land is available for cultivation by smallholder farmers. Policy makers and development practitioners, therefore, rarely consider land access to be a constraint to smallholder production. Perhaps as a result of this pervasive belief, the enactment of a comprehensive land policy has stagnated for decades (Nolte, 2014). Instead of tackling thorny issues related to smallholder land access, Zambian policy-makers have opted to pass procedural laws, such as the 1995 Land Act, which provides guidelines for the transfer of customary land to leasehold tenure, but does not seek to regulate land allocations or administrative systems (Sitko et al., 2014).

The narrative of land abundance, and the land policy inertia it engenders, serves important political and economic purposes. On the one hand, it is often mobilized in development strategy documents and policies, particularly those aimed at attracting foreign investment to Zambia's agricultural and mining sectors (e.g. Zambian Development Agency, 2014). On the other hand, recent evidence shows that local elites are increasingly utilizing Zambia's opaque land administration system to alienate large tracts of customary land for speculative purposes (Sitko and Jayne 2014a; Jayne et al., 2014a,b).

Yet household survey data from rural Zambia increasingly contradicts the dominant narrative that Zambia has an abundance of freely utilizable arable land in customary areas. According to

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nationally representative household survey data for 2012, fifty-four percent of smallholders in Zambia indicated that traditional authorities, the administrators of Zambia's customary land, no longer have land available to allocate to local households.<sup>1</sup> Some of this may have to do with the high levels of spatial clustering in rural population distributions. Jayne et al. (2014a,b) report that just under half of Zambia's rural population resides in just 20% of the rural land area, and nearly a third of the rural population are concentrated in just 10% of the land area. Such clustering begs the question: if so much land is available, and household reports localized access constraints, what is preventing them from tapping into the remaining surplus?

We assert that the stylized portrayal of Zambia as a country in which the vast majority of land is under customary tenure and is freely available for cultivation by the smallholder majority is fundamentally disconnected from reality. The oft-quoted 94% (of land area under customary tenure) is not grounded in empirical evidence and is increasingly subject to criticism (Kalinda et al., 2008; Honig and Mulenga, 2015). The continued dominance of this land abundant narrative means that land and agricultural policies and investments are detached from the land access constraints experienced by most smallholder farmers. There is, therefore, urgent need to update our knowledge on both the quantity of available customary land and its potential for smallholder cultivation and commercialization. Furthermore, we suggest that competition for land resources are engendering important institutional changes within areas that are nominally under traditional tenure. Such changes appear to be under-recognized by current land policy discussions, which tend to emphasize the predominance of informality and non-market allocation mechanisms (Zambian House of Chiefs, 2009). A continuation of policies based on an empirically naïve narrative of land abundance runs the risk of worsening smallholder land access conditions and foreclosing future opportunities for future generation of smallholder farmers.

Using available spatial data on Zambian land, coupled with geographically explicit rural household survey data, this paper seeks fill the persistent knowledge gaps around Zambia's customary land resources. More specifically, we have three primary objectives:

- 1) To update the facts on the magnitude and location of land under customary tenure in Zambia;
- 2) To identify and describe factors which may constrain smallholder access and/or utilization of land resources within remaining customary areas;
- 3) To document recent evidence for institutional dynamism within customary areas, particularly incipient patterns of land commodification and associated institutional changes.

The paper is organized as follows. Section 2 describes the historical, institutional, and legal contexts of Zambian land administration, along with a review of how land resources are characterized in policy documents. Section 3 describes the data and methods that we use in our subsequent analysis. Sections 4–6 provide findings related to our three objectives. Section 7 concludes with policy implications of these findings, with particular attention to how a more empirically grounded understanding of customary land resources and institutional realities may affect smallholder-led development strategies.

## 2. Land policies and landscape transformations

We begin by situating our analysis within the context of the country's land policy environment. Like many countries in sub-Saharan Africa, land in Zambia is administered through what Mamdani (1996) referred to as a “bifurcated” system rooted in the historical legacy of indirect rule (Colson 1971: 196). To facilitate the colonization of Zambia (then Northern Rhodesia), colonial officials created two systems of governance with distinct geographies. So-called “crown land” was demarcated along major infrastructure corridors and nascent urban centers. These areas were designed to attract a European settler population, and were administered under British common law principles (Berry 1993; Sitko et al., 2014). Estimates from the time state that crown land comprises 6 percent of the total land area of the colony, but it is unclear how this figure was derived (Orders in Council, 1928). The remaining 94 percent of land was designated as native reserves and native trust land, administered through a system of chiefs and headmen. These “traditional authorities” were tasked with collecting hut taxes on behalf of the colonial government, and in return were provided considerable discretion over the administration of land in their designated areas (Berry, 1993; Colson, 1971). While land allocation practices vary across traditional authority systems, the common principle of granting usufruct rights to local residents and prohibiting individual alienation are shared by all traditional systems.

Following independence in 1964 the bifurcated system of land administration was continued, with crown land simply renamed “state land.” In 1975 the government of Zambia, as part of its transition to a single party rule and under the guise of its “humanist” state ideology, stripped all land of its value, vested it in the president, and converted all freehold titles on state land to leaseholds (Roth et al., 1995). This was followed in 1995 with a new Land Act, which fused native reserves and trusts into “customary land,” and created procedures for individuals and companies to transfer customary land to leasehold title (Sitko et al., 2014; Brown, 2005).

The 1995 Land Act was part of a broader transition to a more liberalized economic policy regime. Since its promulgation, Zambia has undergone a host of transformations, which have likely radically transformed the geography of customary land in the country. Over the last decade Zambia has had GDP growth rates of over 6 percent, making it one of the fastest growing economies in the world. This has contributed to the rise of a Zambian urban middle class, yet has failed to improve incomes for the majority of the population, particularly those in rural areas. Recent analyses suggest that many of these urban wage earners are investing in the acquisition of land in customary areas and are converting it to titles as prescribed by the 1995 Land Act (Sitko and Jayne, 2014a).

Zambia is also in the midst of a population boom, driven by population growth rates of nearly 3 percent, and rapid urban expansion, with urbanization rates of 4.15 percent (Central Statistical Office, 2010). To accommodate this rapidly growing urban population, the central and local governments have acquired significant tracks of customary land and converted it into leaseholds for urban residents. The central government has also utilized the 1995 Land Act to alienate land for commercial farming blocks and agricultural settlement areas (Chenoweth et al., 1995; Sitko et al., 2014). For example, the Zambia Development Authority, through its Land Bank Programme, has alienated approximately one million hectares of former customary land to create 10 new commercial farm blocks. While the putative goal for this process of state alienation of land is to attract domestic and foreign investment in commercial agricultural (Zambian Development Agency, 2014), the fact that the government has become a large landholder raises significant concerns about conflicts of interest and abuses of authority when allocating this land (German et al., 2013).

<sup>1</sup> These data come from the Rural Agricultural Livelihoods Survey, further described in Section 2.

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