



## ZAMBIA LAND ALLIANCE

Godfrey House, 4<sup>th</sup> Floor, Longolongo road,

P O Box 51156, Lusaka, Zambia

TEL: +260-1-222432 Tel/Fax: +260-1-227677 Email: [land@coppernet.zm](mailto:land@coppernet.zm)

---

### ***Civil Society Position on Zambia's draft Land Policy of October 2006***

18<sup>th</sup> October 2007

#### **1. Introduction and background to the position paper**

This position paper on Zambia's Draft Land Administration and Management Policy of 2006 (hereinafter called the draft Land Policy) has been developed by Zambia Land Alliance (ZLA). ZLA was given the mandate to take on this responsibility by the National Civil Society Consultative (NCSC) Meeting on the draft Land Policy which was held on 21st and 22nd August 2007 at Cresta Golf View Hotel in Lusaka, by its membership of Civil Society Organisations (CSO) and their members, partners and concerned citizens, by traditional leaders and by its District level organs and their members at the grass root level in the rural and urban communities. Thus, although ZLA takes the lead in developing the Position Paper on the draft Land Policy, the output is a collaborative effort of citizens concerned with making sure that the final land policy truly addresses the needs of all Zambians. The position paper is also informed by the following documents, which present civil society contributions to the development of the draft land policy:

- Comments on the draft land policy
- Land policy advocacy research
- Analysis of the Fifth National Development Plan (FNDP) of 2006
- Analysis of the draft Land Policy 2006
- Dual land tenure research

#### ***The land policy initiative is welcome and needs to be completed***

Civil society organisations in Zambia agree on the need and urgency for a comprehensive, inclusive and authoritative land policy. This is because land is the basis for all life, and especially for the poor men and women of Zambia, land is the primary resource of livelihood. Despite the overwhelming agreement between most stakeholders on the need for a comprehensive land policy, CSOs have expressed concern and disappointment on the content of the draft Land Policy. Civil society wants a land policy that is clear and authoritative, pro-poor, gender sensitive and driven by the citizens of the country, and which provides for a transparent, accountable and just land administration system.

To this end, civil society has a proposal for the way forward; this position paper outlines in detail what civil society considers should be the content of a land policy which fulfils the above stated ideal, and proposes a process for arriving at a legitimate Land Policy.

## **2. Civil Society Position on the draft Land Policy**

Preamble: This section addresses the second draft Land Policy of 2006, chapter by chapter. Firstly comments on the second draft Land Policy are presented, followed by a proposed framework for how civil society would like to see a Land Policy. The framework provides an opportunity to address the gaps identified in the draft Land Policy, to modify what has been identified as counter-productive, and to strengthen what has been found to be adequate. The idea is that the proposed framework will provide the opportunity for government and civil society to work together to ensure that the Land Policy for Zambia is a success, providing authoritative guidelines on land matters and addressing the concerns of the citizens, civil society and other stakeholders.

### **1. INTRODUCTION TO THE LAND POLICY**

#### ***Summary of Civil Society's views on the draft Land Policy***

The 2nd draft Land Policy provides us with a brief introduction to the importance of land, an historical overview of land administration in Zambia, the intentions of the draft Land Policy to provide a holistic approach to administering land, and an introduction to the draft Policy document.

#### ***Framework proposal for Land Policy***

- It is appropriate to explain the importance of land in the introduction. However, it is also necessary to include the socio-political, ecological and economic significance of land for the people, as well as population and human settlement patterns, if the full importance of land is to be explained
- There needs to be a brief overview of the tenure systems and the present socio-economic trends, rather than a longer historical overview
- The introduction should also include direct reference to the Constitution of Zambia
- Finally the need for a policy, the first Land Policy for Zambia, should be briefly highlighted, including pointing out the need for a holistic approach to land

### **2. BACKGROUND OF THE LAND POLICY**

#### ***Summary of Civil Society's views on the draft Land Policy***

The Background section of the draft Land Policy goes into detail describing the indigenous and colonial land administration systems, land issues at independence and post independence land reforms. While these are significant for the current land situation, the analysis of the history of land administration would be better placed as part of the situational analysis (see section 4.1), so that lessons learned from the past can inform the new Land Policy. Instead of an historical overview, civil society would rather see the background section as outlined below.

### ***Framework proposal for Land Policy***

- The background should explain the methodology used in arriving at the draft Land Policy. Key points for explaining the legitimacy of the Land Policy would be to describe the process used and how this process is reflected in the policy itself, and how the process was validated by stakeholders. For the sake of legitimacy, which cannot be over-emphasised in the issue of land in Zambia, the process should be consultative and the product should reflect the concerns of the citizens of Zambia. The guiding values for arriving at a legitimate and commonly owned policy are listed below.

### **Guiding values in the national Land Policy formulation process**

In formulating the Land Policy for Zambia, the following values are applied to the process, which will be:

- Participatory
- Interactive
- Inclusive
- Consensual
- Timely and Professional
- Gender Sensitive
- Innovative
- Cost effective
- Aligned toward poverty reduction

## **3.0 VISION, RATIONALE, GUIDING PRINCIPLES AND OBJECTIVES**

Chapter three of the draft Land Policy sets out the vision, rationale, guiding principles and objectives of the Policy. Civil society notes that the vision of the draft Land Policy is the same as the vision for land set out in the Fifth National Development Plan, which indicates that the vision of this policy is one to which Government is already committed.

### **3.1 Vision of the Policy**

#### ***Summary of Civil Society's views on the draft Land Policy***

*'The vision of the Government is to have an efficient and effective land administration system that promotes security of tenure equitable access and control of land for the sustainable socio-economic development of the people of Zambia'*

The vision of the draft Policy seems to set out Government's intentions to provide a Land Policy which takes into consideration the needs of all Zambians, including the poor, vulnerable and women, and which promotes justice and democratic processes in land

delivery and administration. It is important that this Vision is reflected throughout the policy. However on close reading of the document, this is unfortunately not the case, and even the objectives and policy measures do not reflect the vision. In addition, the vision as presented seems to be a vision or a mission of Government rather than of the Nation.

It is disappointing to civil society that such a promising vision as that presented in the draft Land Policy has nothing to back it up and make it concretely realisable or attainable.

### ***Framework proposal for Land Policy***

- Civil society fully endorses the principles in the vision, which are clear and should provide direction for the whole policy. To further strengthen the vision, as this is a National Policy it would be better to state something reflecting the Nation's vision. For example, 'A Zambia in which there is equity in land for the sustainable socio-economic development of the people of Zambia'
- Having identified a clear vision as that proposed above, Government could then develop a mission which might be ' *The mission of the Government is to have an efficient and effective land administration system that promotes security of tenure equitable access and control of land for the sustainable socio-economic development of the people of Zambia*'
- The draft Land Policy needs to be carefully reviewed bearing the vision and mission of the policy in mind, so that the vision of Government's intention with land in Zambia can be mirrored in the objectives and policy measures of the policy.

## **3.2 Rationale of the Policy**

### ***Summary of Civil Society's views on the draft Land Policy***

It is implied throughout this section on the rationale of the policy, that not enough is done to let all citizens be given title to their land, and that market forces should drive how land is administered and managed. However, there is no evidence that the drive to ensure that rural citizens get titles to their customary holdings will have the desired result of reducing rural poverty. On the contrary, evidence from other African countries show that where privatisation of land has been promoted by state policies, and the entry of land into the market occurs, there is a growing landless class of poor men and women who mostly end up as destitute in the cities. Civil society therefore cannot support the promotion of wholesale conversion of customary land to leasehold, as this will surely disadvantage the poor and women at present holding customary land. Conversion of land from customary to privately held leasehold must be done with the full participation of the individual customary land holders, who must have the final say in whether their land is converted or not.

The bias of the draft Land Policy toward strengthening the State's control over land and promoting land as a commodity becomes more clear in Section (b), which contains a sweeping statement condemning customary tenure. Where is the data supporting this statement, the statistics and the evidence? Our analysis as civil society shows that customary land administration has many advantages for the poor, women, youth and the

disabled, even over statutory tenure. This section implies that leasehold cares for these groups (women and the disabled). However poor people, most of whom are women, in fact cannot access land under statutory administration as the procedures are costly and cumbersome. We propose that if statements like this are to be made they must be based on evidence, as the vision of the policy is to provide *'equitable access and control over land for sustainable socio-economic development of the people of Zambia'*

Referring to section (c), as civil society we do not agree that people are aware of their rights. Our research has shown that people are not aware of their rights to land, and not even all administrators of land in both customary and state land know the laws that govern their administration.

The final statement under the section on rationale is a positive statement of commitment and leadership from government, and is welcome as it promises land tenure security and reflects the vision of the Policy. However the rationale in the draft land policy as it stands threatens the rights of citizens. Therefore the rationale should be recast, so as to equally protect all land and tenure rights of all citizens in Zambia.

### ***Framework proposal for Land Policy***

- Civil Society proposes that the rationale be built around the statement from the second draft Land Policy rationale as follows: 'In order to cope with the current demand for land and provide secure tenure in both customary and state land there is need to put in place an efficient, effective, transparent, and equitable land administration system which will streamline the delivery of land, and provide security and justice in land
- The rationale for this policy should be based on the following:
  - a. The need for a policy which provides guidelines for the good governance of land, so as to promote the socio-economic development of the people of Zambia, addresses contentious issues and provide justice and security in land. The Land Policy will provide guidelines for governance of land in the overall coordination of all matters related to land, be it in urban development, agriculture, forestry, wildlife, tourism, mineral exploitation or water development.
  - b. There are areas in the administration, delivery, development and management of land which are contentious. The policy needs to provide a framework to guide reform in legislation, as well as to guide sectoral and cross sectoral structural reform, which will address contentious areas.
  - c. The policy needs to ensure parity in rights under the dual land tenure system, so as to provide for adequate shelter, food production, fuel, water, fibre, commerce and industry for the socio-economic development of citizens. The equality of rights of all people to land, protection for disability care, gender equality and resource conservation as provided for in the Constitution of Zambia, needs to be provided for in the dual tenure system as outlined in this land policy

- d. There is a need for all Zambian men and women to understand and enjoy their rights to land, and to fully participate in making decisions on how their land is to be administered or whether it should be converted from leasehold to customary or vice versa.
- e. Land administration and management systems and procedures have not changed to incorporate the significance of land markets, leading to corruption in land administration, speculation in land and the development of a parallel land market characterised by lack of security. This policy will outline how land administration in a liberalised economy will become more transparent and accountable to the citizens, and put in measures to contain and control speculation in land
- f. Response to growth of population, urbanisation and poverty requires streamlining of measures for anticipating change through forward planning using principles of sustainable land use, poverty reduction and planning in urban, rural and peri-urban areas.
- g. There is need to realign and decentralise land delivery systems and procedures currently dispersed across several Government ministries.

### **3.3 Land Policy Principles**

#### ***Summary of Civil Society's views on the draft Land Policy***

Civil society working to reduce poverty and promote land rights appreciates some of the principles of the draft Land Policy. In particular the statements in (f) and (k) are areas where civil society can pledge support as a organisations working with these issues.

However, there are some concerns over section (h) and (i), as these pose questions that need to be answered, like what is development, who drives it and for whom? Evidence shows that Zambians are poorer now than they have been in the past, and the reason for this increased social differentiation and poverty is often laid at the door of the liberalised economy. Sections (h) and (i) put forward the principle that market forces will be the basis of administration of land in this country, driven by the private sector, that is to say by profit. This must lead to the privatisation of land. We think that the concepts of supply and demand and competition when applied to land will increase social differentiation and poverty and produce a landless class. We propose that (h) and (i) are reconsidered so that they reflect the Vision of the Policy. We also propose that some controls over market forces and private sector investments are put in place to protect the rights of the poor and vulnerable.

In addition, we propose that as a principle, citizens should be involved in all decisions regarding their land and the way they hold and manage land resources.

#### ***Framework proposal for Land Policy***

- To encompass and address these concerns, and to provide a framework for developing the Land Policy, the following Land Policy Principles are proposed:

### **Land Policy Principles**

- ✚ Inviolability of Zambia’s boundaries
- ✚ Equitable access to land for subsistence, for commercial productivity and for settlement
- ✚ Intra and inter- generational equity
- ✚ Secure land rights for all
- ✚ Effective regulations in land development
- ✚ Sustainable land use
- ✚ Access to land information
- ✚ Efficient land management
- ✚ Viable Land markets
- ✚ Transparent and accountable administration of land
- ✚ Justice in land administration and adjudication
- ✚ Democratic and holistic administration and adjudication of land
- ✚ Mutual benefit for management of shared resources, also internationally

### **3.4 Objectives of the Policy**

#### ***Summary of Civil Society’s views on the draft Land Policy***

The logic of a well prepared policy is that the vision, mission and principles are given direction by the objectives. The objectives set out in this draft Land Policy are not satisfactory, as they do not promote the vision of the Policy.

For example security of land tenure, as pledged in the vision, is not specifically catered for anywhere in these objectives. On the contrary, there is no guarantee of legally backed rights outside of private ownership (on leasehold) and civil society cannot support that. The objectives as they now stand have to be revised, or the vision of the land policy, already adopted in the FNDP, will not be realised.

#### ***Framework proposal for Land Policy***

- We recommend that objectives of the Land Policy are developed so that the objectives reflect and provide direction for the vision, mission and principles. Objectives therefore need to be developed to:
  - a. ensure effective and efficient land administration,
  - b. promote equitable access to and control of land
  - c. provide for security of land tenure for all Zambian men and women
  - d. promote sustainable land use for the socio-economic development of Zambians

## 4.0 SITUATION ANALYSIS, CHALLENGES AND POLICY MEASURES

### *Summary of Civil Society's views on the draft Land Policy*

At a technical level, the chapter on the situational analysis, challenges and policy measure in the draft Policy is hard to comprehend, as the draft Land Policy has chosen to lump all the heading together while addressing specific issues. This approach makes it difficult to gain an overview of the situation and challenges, and produces a diffuse presentation of the policy measures. It is the view of civil society that it will be difficult for administrators or legislators to use this policy as a guideline, because of the lack of integration in the presentation, and the scattering of policy measures.

At a general level, although the draft Policy promises a holistic approach, it fails to provide the institutional framework for the policy, as well as failing to situate the policy in relation to other contemporary national polices and legislation.

Another general criticism of the draft Land Policy is its failure to provide principles for developing guidelines and legislation on land, and for guiding other Ministries and institutions on how to address land issues. Although some principles are mentioned in the second draft Land Policy, these are dispersed in the text, which does not make this document transparent and user-friendly.

Civil society has articulated specific criticism of the content of the draft Land Policy, which have been handed in to the Ministry of Lands. Yet civil society also recognises that it is the gaps in the document which are the most worrying, as pertinent issues are by-passed and circumvented, giving the impression that the draft Land Policy is just a means of arriving at a forgone conclusion, so as to maintain the status quo. The framework presented below will address most of the concerns of civil society, as well as addressing the issues not touched upon in the draft Land Policy. The framework will allow for an explanation of the following:

- a) the background situation analysis as the basis for decision making
- b) the current challenges in land issues in Zambia emerging from the analysis
- c) the Land Policy measures proposed to address the challenges
- d) the Land Policy institutional framework and principles which will promote a holistic approach for an integrated Land Policy

### *Framework proposal for Land Policy*

#### ○ **Situation analysis**

The situation analysis should describe the present situation in terms of land, its features, human settlement, land use and land tenure. The historical origins of the current land situation should be described and the contemporary manifestations of the land question should be analysed.

## **1) Country Background**

This section sets the scene for Zambian land, its ecological significance, and its use and governance.

- Geographical feature and Ecological Zones
- Population and Human settlement Patterns
- Land use and Population distribution
- Land tenure and up-dated land tenure statistics

## **2) Origins of the land question**

This section gives a historical background for how issues in land governance have developed over time

- **Political Aspects:** e.g. colonial interference with the indigenous system and post colonial development
- **Economic Aspects:** e.g. economic trends, social and economic differentiation, and the recent trend of liberalisation of the economy
- **Legal Aspects:** e.g. the development of a land legislation based on western law to protect leasehold tenure, the neglect of indigenous systems of justice in land, the constitution

## **3) Contemporary manifestations of the land question**

Contemporary manifestations and impact of the land question to define developments in the country that have brought the land question into sharp focus:

- Rapid population growth, systematic breakdown in land administration and land delivery procedures, inadequate participation by communities in the governance and management of land and natural resources.
- Rapid urbanisation, general disregard for land use planning regulations, multiplicity of legal regimes related to land ownership.
- Gender discrimination in accessing land, as well as gender and trans-generational discrimination in succession, transfer of land and the exclusion of women in land decision making processes.
- Lack of capacity to gain access to clearly defined, enforceable and transferable property rights.
- General deterioration in land productivity in the large farm sector. Inadequate environmental management

On account of the above factors, immediate holistic and systematic policy attention to the land question is needed from historical as well as contemporary context to address the economic, social, cultural and political ramifications of

the land issue. The important issues the national Land Policy addresses are the following:

- Constitutional issues
- Gender issues
- Land tenure issues
- Land use management issues
- Land Administration issues
- Lack of integrated approach to land:
- Land issues requiring special attention
- Institutional framework
- Legal framework
- Implementation framework

o **Current challenges in land**

1) Challenges in land use management issues

The following questions need answering to identify the challenges in land use management: some of the questions are presented, but further elaboration will take place once a team starts to work on these issues.

- **Land use planning principles:** how does land use planning function at present and how does this link to a Land Policy?
- **National and Regional planning:** what are the main challenges facing national and regional planning?
- **Urban and Peri-urban Land use planning:** what are the urban and peri urban planning needs and how are these currently being addressed?
- **Planning for urban Agriculture and forestry:** how do the relevant Ministries link to the land issues, and to other related ministries?
- **Planning for informal and formal sector activities:** what are the challenges in planning for informal and formal sector activities and how do they link to each other and other actors?
- **Rural land use planning:** who are the agents in rural land use planning and what are their linkages to each other and the Land Policy?
- **Planning and Development control;** what are the main trends in development, who are the actors and how is development presently controlled?
- **Sustainable production principles:** what are the challenges to arriving at a situation where there is sustainable production from land?

- **Productivity targets and guidelines for developments;** how to set productivity targets, and who to engage with to set the targets and guidelines for development?
- **Land sizes:** should there be a limit to the size of land that can be held, and how should this be set?
- **Restoration and Conservation of Land quality:** who should insure that land is restored to its original quality and how should this be enforced?
- **Land Reversion (i.e to customary):** Customary land holders want alienated land to revert to customary land once the use for which it was alienated has been completed, what are the challenges?
- **Environmental Management principles;** how can environmental management principles be incorporated in the Land Policy?
- **Conservation and sustainable Management of Natural resources:** in which ways can the Land Policy contribute to conservation of natural resources and what are the hindrances?
- **Urban Environmental Management principles:** what are the key challenges for incorporating these principles into the policy?
- **Environmental Assessment and Audit as sustainable land management principles;** how can the land policy ensure that environmental impacts and land audits be carried out and monitored?
- **Sectoral and cross- sectoral land use;** how will the land policy cater for coordination of institutions in governance of land within and across sectors?

## 2) Challenges in land administration issues

Issues and principles in land administration and the relationship of these to the Land Policy need to be explained, under the following headings:

- Land Rights Delivery principle in urban and rural areas
- Land Adjudication and Registration principles
- Settlement programmes
- Land surveying and mapping:
- Cadastral Principles:
- Land information Management principles:
- Land market principles:
- Land derived revenues:
- Dispute Resolutions principles:
- Land issues requiring special attention:
- Mechanisms for resolving special land issues:
- Redistributions:

- Restitutions:
- Resettlement
- Resolutions of historical injustices
- Pastoral land issues
- Land Rights for vulnerable groups
- Land Rights of minority communities
- Disaster Management
- Refugees and internally Displaced persons
- Informal settlements
- Cross- cutting issues requiring special interventions
- HIV/ AIDS
- The Right of children and youth
- Gender and Equity principles
- Matrimonial property

○ **Land Policy measures**

The Land Policy measures section describes the actual policy measures which will provide guidelines for administration and management of land, and for future legislation. Below are the heading outlines, which will be developed by the committee assigned the task of developing a comprehensive Land Policy:

Land Policy framework

- The philosophy of the National Land Policy
- Constitutional issues
- Regulation of private property right
- Compulsory acquisition
- Categories of land use
- Development control
- Overall land tenure principles
  - ✚ Leasehold Right
  - ✚ Customary Right
- Access to right of ownership
  - ✚ Allocation of Public land in rural and urban areas
  - ✚ Land adjudication
  - ✚ Land market operations

- ✚ Customary land
- ✚ Access to natural resources

- Inheritance of land
- Access for non- citizens
- Access for investment (i.e for foreigners, citizens, institutions and so on)
- Resource tenure principle
- Principle of benefit- sharing from land based natural resources

○ **Land Policy institutional framework**

The institutional framework anchors the land policy in the environment in which it will be implemented. This framework provides for the holistic integration of land and land administration issues, and provides for the links to other actors and factors in land, administratively, politically, culturally, socially, and economically. Implementing the structural reforms needs to be in accord with provision of a smooth transition from the current to the proposed arrangements.

1) Structural reform principles

- Devolutions of power and authority
- Stakeholder participation
- Operational institutional autonomy and accountability
- Parity in land rights
- Access to justice
- Gender equity
- Environmental sustainability
- Protection of all land against offsetting international loans or debt

2) Policy framework for land management institutions

It is here proposed that in order to drive the policy, there will be need for institutions:

- **The National Land Commission** as the apex establishment for all land related administration
- The District Land Boards and Community Land Boards
- National physical planning supporting agencies
- The Ministry in Charge of Land
- Local Authorities (councils)
- Customary leadership (chiefs and village leaders/heads)

- Dispute resolution mechanisms
  - Property Tribunals
  - Land Tribunals
  - Local land dispute resolution mechanisms

### 3 Organisational chart

There is need for a description of the organisational set-up of the institutions involved in land administration. This should include the relationships between the institutions and organs that are responsible for administration, so that accountability becomes transparent and administration can be easily monitored

## **5. IMPLEMENTATION OF THE LAND POLICY**

### ***Summary of Civil Society's views on the draft Land Policy***

The second draft land policy simply states that: “In order to implement the Policy, the Government will adopt a strategy that involves all stakeholders in a participatory and inclusive manner. The thrust of implementation measures will call for the Ministry responsible for land to take a leading role and for close inter-institutional collaboration with land related public institutions; strengthening enforcement of public land use laws and regulations”. There is no more.

Civil Society endorses the tone and spirit of collaboration and participation in the implementation of the Land Policy. However, the statement above on its own provides little or no guidelines on how the implementation will actually be done. Yet the implementation guidelines in the draft Land Policy need to be made clear. Without clarity it will not be possible to monitor the progress of implementation.

Of course it is not the job of a policy to go into detail of implementation, as policy only provides guidelines. However, the Policy has to elaborate how the implementation is to be achieved, even if only to delegate the responsibility of developing an implementation plan to the relevant authorities. Civil society has the following implementation framework proposal.

### ***Framework proposal for Land Policy***

- **Land Reform Unit:** the Ministry should set up a Land Reform Unity, whose task it is to develop an implementation plan and a monitoring plan, and to ensure these plans are followed. The Unit should be supported by a Technical Expert and Advisory group. The Unit will also have the task of coordinating the Land Policy reforms with other Ministries, relevant civil society actors, and other stakeholders, such as donors and international finance institutions
- **National Land Commission:** The ministry will set up a National Land Commission, whose responsibility is to oversee allocation, administration and management of land on behalf of the President. The NLC will be the apex

institution which will be responsible for coordination in all matters related to land between the various sectors. The NLC should be gender balanced and be composed of representatives from: relevant government departments and agencies, professional bodies, civil society and customary leadership. The NLC decentralise it's functions to District Land Boards. The NLC will be an autonomous unit

- **Capacity Building:** Firstly there is need to build institutional and individual capacity within the Ministry of Lands for successful implementation of the Land Policy.

Once this is achieved, a technical team should provide training to all the main actors in land administration, so that they are familiar with the new Land Policy and the Laws related to Land administration. The actors to be trained will include Provincial and District administrators, customary land administrators, civil society organisations, and administrators from other Ministries, such as Land Use Planners, Agriculture, Surveyors, and so on

## 6. RESOURCE MOBILISATION AND FINANCING

### *Summary of Civil Society's views on the draft Land Policy*

Financing the Land Reform is mentioned in the draft Land Policy briefly. This may need more attention, as it is not clear how these sources will be tapped, or what reporting procedures are envisaged

### *Framework proposal for Land Policy*

- It is the view of Civil Society that, once a legitimate and authoritative Land Policy, which promotes poverty reduction, gender equity and parity in land rights, is developed it will be feasible to raise resources for implementing the Land Policy as a broad range of stakeholders will be interested in supporting such a policy. The stakeholders that would be interested in raising financial resources and providing technical support to implement the land policy could be found within:
  - civil society
  - the private sector
  - international cooperating partners
  - international finance institutions
- In addition to seeking funding from the usual Government sources, the Ministry could make use of the Land Development Fund to implement the Land Policy. In addition, government could become outward looking and proactive, and make use of international and regional facilities which provide technical and financial support on Land Policy implementation

## 7. MONITORING AND EVALUATION OF THE LAND POLICY

### *Summary of Civil Society's views on the draft Land Policy*

The draft Land Policy system simply states that Government will:

- a) establish an integrated system of monitoring and evaluation
- b) develop monitoring and evaluating instruments for the implementation of the land policy.

As civil society we do not find this adequate, as we consider that the Land Policy is central to all other policies, and central to the lives of the citizens. Monitoring the Land Policy thus has a bearing on the well being of the men and women of Zambia, and on the social and economic development of the nation. The following is a proposal for how the Land Policy should be monitored.

### *Framework proposal for Land Policy*

#### ○ **Monitoring and evaluation system:**

Monitoring land reforms and evaluating the impact of these reforms against the objectives is important if we are to attain our vision for Zambia. It is therefore necessary to set a time frame for monitoring and reviewing the land policy and reforms. This will include:

1. identifying partners in Government and Civil Society to conduct the monitoring
2. engaging in regular consultation with the citizens
3. through monitoring processes, identifying areas for concern and ensure future adherence to guidelines, or make minor adjustments for improvement

The Land Reform Unit of the Ministry of Lands will manage this complex process. The following guiding values will streamline and harmonise the monitoring:

#### Guiding values in National Land Policy monitoring

- Participatory
- Inclusive
- Timely and Professional
- Gender Sensitivity
- Cost effective
- Poverty reduction

#### ○ **Timeframe for review of the Land Policy**

A time frame for setting up a review of the Land Policy must be included in the policy. In order to assess the impact and value of this land policy, it is proposed that a minimum of five years elapse before evaluation, but that during this time regular monitoring is conducted (according to the principles laid out above) and minor adjustments made. After five years, the policy should be reviewed to address emerging issues and needs

### **3 The proposed way forward**

Given that the Constitution's preamble enshrines the principle of good governance, Government has a duty to ensure for participation of people in policy making, both through adequate consultation and through addressing the issues raised in the process, and finally through having the product validated by the people. However, there are several grounds for concern about the methodology used in the draft Land Policy. What is being considered here is a *national* land policy and civil society agrees that a national policy should be developed by all the citizens through their representatives, so that pertinent issues can be addressed. As can be seen in the technical analysis of the second draft Land Policy presented in this paper, the document does not live up to minimum expectations. For these reasons civil society rejected the second draft Land Policy.

Civil Society believes that it is not be too late to rescue the process. Civil society is prepared to work with Government in terms of taking the process forward and finalising the policy. We therefore propose the following:

1. Government should establish a mechanism to revise and align the draft land policy before adoption
2. The land Policy data should acknowledge that present data is old and invalid, this data should be omitted from the Land Policy. The Policy should state that a national land audit should be conducted and results fed into the Land Policy
3. The completed draft Land Policy should be widely disseminated through the media, that is television, radio and newspapers, in both English and local languages. It should also be made available on the Internet
4. The draft Land Policy should be discussed at public meetings
5. Comments from the general public should be solicited and complied by the Committee
6. A National Conference should be held to validate the content of the draft, and finalise the Land Policy

This paper is the position of the following organizations:

Africa Internally Displaced Person's Voice

Association for Land Development

Busoli Royal Establishment

Caritas Zambia

Chipata Oxfam

Chingola District Land Network

Chipata District Land Alliance

Evangelical Fellowship of Zambia

Farmer Organisation Support Program

Green Living Movement  
Justice for Widows and Orphans Project  
Kitwe District Land Alliance  
Law and Development Association  
Mansa District Land Alliance  
Media Institute for Southern Africa - Zambia  
MS Zambia  
Monze District Land Alliance  
Non Governmental Organisation Coordinating Committee  
One World Africa  
Participatory Ecological Land Use Management  
People's Process on Housing and Poverty in Zambia  
Petauke District Land Alliance  
Transparency International Zambia  
Voluntary Service Overseas  
Women for Change  
Zambia Alliance of Women  
Zambia Civic Education Association  
Zambia Deaf Vision  
Zambia National Farmers Union  
Zambia Relief and Development Foundation