

Civil Society Statement on the 2nd draft Land Policy of October 2006

This statement is an outcome of the National Civil Society Consultative (NCSC) Meeting on the draft National Land Administration and Management Policy of October 2006, which was held from 21st to 22nd August 2007 at Cresta Golf View Hotel in Lusaka. First and foremost, civil society commends Government in working toward providing Zambia with a long awaited Land Policy. However, after due consideration and debate, civil society unanimously rejects the draft Land Policy as it now stands.

The NCSC meeting was attended by more than a hundred concerned citizens, including Chiefs and representatives of fifty one Civil Society Organisations, partners and district level members from the grass root level in the rural and urban communities. The rejection of the second draft Land Policy is thus the mutual position of concerned citizens, who want to see a Land Policy which addresses the needs of all Zambians. To this end, civil society is in agreement that the Land Policy must be authoritative and well-founded, providing clear guidance for land administration and a basis for developing legislation; a policy which is pro-poor and gender sensitive. That civil society rejects the draft policy is due to the document's inability to live up to these ideals. Main areas of concern are:

1. **The second draft Land Policy does not reflect a consultative process.** This is evident as the second draft Land Policy does **not** provide for the needs of the citizens within the dual land tenure system in rural and urban areas. There are for example no policy measures for strengthening tenure security of customary land holders, or for encouraging development in rural areas. Also, the decision to vest land in the President is not widely supported, and the chiefs and civil society at the consultative meeting resolved that land should be vested in the people of Zambia.
2. **The draft Land Policy is not pro-poor.** The draft Land Policy strongly focuses on policy measures for converting customary land to state land, and does not provide for the needs of citizens living on this same customary land, which is where the majority of poor men and women live. Thus there are no provisions for encouraging investment in customary land, or for formal recognition of customary land holding. Another outcome of the biased direction of the document is that there are no provisions for strengthening traditional dispute resolution mechanisms
3. **The draft land policy does not make provision for citizens to participate in land administration and delivery, or to monitor the adjudication over land.** The draft Policy focuses on strengthening the role of the state in administration of land, ostensibly to reduce corruption and improve administration. However, increasing the role of the state and reducing the role of citizens does not necessarily lead to improvements in land delivery and administration or reduction in corruption. Civil society would rather promote the democratic right of citizens to participate in the governance of land and to monitor the land adjudication processes
4. **The technical quality of the draft Land Policy document is inadequate:** The draft does not provide an authoritative basis for developing policy guidelines
 - Much of the data is inaccurate and therefore of little value for decision making
 - The policy is biased toward strengthening State control of all land in Zambia, which in turn affects the analysis, and ultimately the policy measures proposed
5. **There are gaps in the draft policy.** These include pertinent and essential issues related to land tenure, land delivery, ownership, use (development) and management.

The meeting concluded that a document be developed to address the gaps and present the principles which are missing from the current draft document

Based on the identified shortcomings of the second draft Land Policy, the NCSC meeting of 21st to 22nd August 2007 recommends that an improved draft Land Policy be developed. To this end, civil society is prepared to work with Government to produce a Land Policy for Zambia which will be a success, as it will be pro-poor, gender sensitive and driven by the needs and aspirations of the citizens.