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ZAMBIA LAND AND RESOURCE TENURE SECTOR

OVERVIEW AND RECOMMENDATIONS FOR FUTURE ENGAGEMENT

SECTOR STATUS

BACKGROUND

Land is central to livelihoods and economic growth. Agricultural land acts as a social safety net for the poor, unemployed, and elderly to meet subsistence needs, and at the same time, provides opportunities to multiply economic value with targeted investments in infrastructure, fertilization, water, or conservation of existing natural resources. For many countries, property taxes and ground rents in urban areas are the backbone of public service delivery. Strong land and resource management rights and supporting institutions within national and sub-national governments can protect the rights and interests of vulnerable populations and supporting social stability; unlock private sector investment for transformative growth; and, provide reliable public revenue contributing to national self-reliance.

Zambia is a land-rich country with a small rural population and a high degree of urbanization. Yet to date, and despite over 20 years of liberalization of Zambia’s land markets, neither the rural nor urban land sector has been the driver of inclusive economic growth that it can and should be. The Government of the Republic of Zambia (GRZ) has developed a draft land policy and programs with the goal of providing land tenure security to Zambians, promoting economic growth, and generating government revenue from the sector, all consistent with the 7th National Development Plan. Yet the realization of these goals will require assistance to be implemented successfully.

This assessment provides an overview of the land sector in Zambia as of early 2018, including current challenges and interventions across stakeholder groups and land types. It also summarizes the achievements of the United States Agency for International Development (USAID)-funded Tenure and Global Climate Change (TGCC) program and the remaining gaps and priorities, and then outlines recommendations for future interventions focusing on policy and legislation, training and capacity, data analysis and IT, research, and field activities that either build on TGCC momentum, test new pilots, or scale tested approaches. The assessment aims to inform USAID, other cooperating partners (CPs), and other government stakeholders.

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SECTOR DESCRIPTION

Since independence, Zambia has been divided into state and customary land, with state land largely restricted to the railroad line from Livingstone to Copperbelt, as well as district centers. Per the 1995 Lands Act, all land is “vested” in the President, but customary land administration, covering more than 70 percent of the country, is under the custodianship of Zambia’s 288 chiefs and their traditional authority structures.¹ Within this structure, the Ministry of Lands and Natural Resources (MLNR) and the Land Commission are responsible for the overall administration of land, but other ministries act as agents of the MLNR or administer resources found on the land. These institutions include district and municipal councils, the Ministry of Local Government (MLG), Ministry of Housing and Infrastructure (MHI), Department of Forests, Ministry of Mines, and Department of National Parks and Wildlife (DNPW).

The 1995 Lands Act encouraged conversion of customary tenure to leasehold tenure through a one-way process that does not allow converted land to revert to customary tenure. This conversion has led to ad hoc pieces of leasehold tenure land within the larger customary estate. As a result, a significant but unknown area and number of parcels of customary land has been partially or fully converted to leasehold tenure. The following summarizes a selection of challenges facing state and customary land governance within Zambia that threaten vulnerable populations, create confusion, and limit sustainable land management and economic growth.

Development Through District Centers: At independence, many of Zambia’s current district centers (formally state land) were reserved strictly for the small, white minority population. Subsequent growth of these areas has been through town boundary extensions into the customary estate. This has led to requests to chiefs to convert customary land to district municipalities. This challenge has become magnified with the proliferation of new districts since 2010, rising from 72 to over 110. Within these peri-urban areas, there are numerous challenges related to the overlap of historical customary rights holders and district planning processes, as customary residents have felt undercompensated for their loss of land and customary authorities remain unclear of their roles and responsibilities vis-à-vis district planning powers.

Urban Land Tenure Confusion: Zambia’s urban areas, exclusively on state land, face a different set of challenges related to land tenure – affordable housing and the delivery of services. With 40 percent of its population in urban centers, Zambia is among the most urbanized countries in Africa. Yet the majority of this population lacks any form of documentation of their land. Most live in high density informal settlements, known locally as compounds, which are plagued by inadequate public infrastructure and weak adherence to planning regulations. Within compounds and across broader areas of cities and towns, local councils have relied on the use of 30-year occupancy certificates which provide households with a right to build on land that they do not own. This has led to large parts of urban areas paying rents for their annual occupancy licenses but not for the underlying land, resulting in local councils having information on property that is not accessible to the MLNR.

¹ There is greater autonomy in Western Province, based on the Barotseland Agreement of 1964, which granted Barotse traditional leaders authority over land and forests, though these autonomous rights have been restricted over time.



Rural Land to Spur Economic Growth: Given Zambia's vast and sparsely populated area (averaging 22 persons per square kilometer), there have been many efforts to bring areas under commercial agricultural production, relying initially on putting land under leasehold tenure through the creation of hub and spoke farmblocks, as well as large-scale land acquisitions by individual investors. Despite promised economic growth, these efforts are not widely hailed as successes for rural chiefdoms, as many of the initial designs have not been completed, leaving failed developments

on land outside the control of customary institutions. Equally, in the peri-urban areas above, chiefs may be willing to alienate land for free to the state, but then find speculators profiting on the land, while the customary authorities are responsible for resettling the former peri-urban residents, creating tension between communities and the state.

Rural Resource Rights: Particularly in rural areas, land tenure does not provide full resource rights, and customary households and communities adjacent to areas with forests and wildlife do not have the right to commercialize trees for timber or charcoal or wildlife for game meat, without government permission. Many of the resource concessions are non-renewable, resulting in incentives for concessionaires to fully exploit the resource. This lack of long-term management rights or devolved rights to local communities to manage and benefit from resources has contributed to the degradation of these landscapes.

Gaps in Land Information and Revenue: Across Zambia's 75 million hectares, there are only approximately 170,000 leasehold titles recorded with MLNR, yet estimates suggest that there are at least five million properties on state land and potentially 10 to 15 million properties on customary land. At the current rate of new leasehold titles issued annually (15,000), it would take over 300 years to document just the state leasehold titles. This gap translates to tens of millions of dollars of lost revenue for MLNR annually. Improving land information (e.g. title) and government revenue generation requires revised, efficient processes both for administering land and for collecting ground tax, that relies on the district-level structures envisioned within the decentralization policy.

Politics of Land: From a political perspective, land is an extremely emotive issue, particularly with respect to the relationship between chiefs and the government. Chiefs are expected to be apolitical, and are barred from holding formal offices. This has implications for land administration. First, though chiefs administer customary land, they have largely not been a part of district council affairs, which means that chiefdom land use has not been well integrated into district planning. This is beginning to change in recent years, particularly with the Urban and Rural Planning Act of 2015, though the relationships, roles, and responsibilities are still being negotiated, and the relationship is fraught with distrust. Second, despite being ostensibly apolitical, during elections chiefs wield enormous influence on their subjects' voting patterns. Based on this dynamic, the government is largely conciliatory to chiefs. Given recent experience on land alienation from chiefs to the state, and a media dynamic that portrays chiefs as the cause of chaos in rural land, customary authorities feel threatened by and distrustful of government engagement on customary land, leading to reactionary resistance to any activities by the government on customary land, especially with respect to new land policies.

LEGAL AND LEGISLATIVE PROCESSES & GRZ PRIORITIES

Zambia has lacked a land policy that protects the dual tenure system and brings land administration and management into line with international best practices. Efforts to develop a policy were stymied in 2006 and 2011 due to the Constitutional revision process. In 2013, with support from the United Nations Economic Commission for Africa's (UNECA) Land Policy Initiative, the GRZ developed an 18-month roadmap for finalizing a land policy, which included policy drafting and consultations. During this timeline, USAID supported multi-stakeholder consultations led by civil society in 20 districts across the country. USAID subsequently supported multi-stakeholder consultations led by the government in each of the country's ten provinces. Recognizing the centrality of traditional leaders to the approval of a land policy, USAID supported consultations between the government and the House of Chiefs in late 2015 and mid-2016. At each occasion, the chiefs "walked out" of the meetings. In late 2016, the chiefs, as well as broader stakeholders, submitted their comments on the policy. This led to a re-drafting of the policy in 2017. MLNR presented the revised draft to the House of Chiefs in late 2017; it was reportedly well-received. The chiefs reportedly submitted new comments in late 2017, which MLNR publicly said they did not receive. During the national validation meeting in late February 2018, over 20 chiefs publicly "walked out" of the meeting, publicly citing their interpretation that the policy decreased their powers to administer customary land, despite public statements to the contrary by the Ministry of Lands. This has resulted in further confusion on the way forward for land policy in Zambia.

Key elements of the current land policy draft include:

- Limiting foreign ownership of land and registering all foreign ownership;
- Placing constraints on leaseholders and more stringent safeguards on leaseholds and renewals;
- Confirming the dual tenure system and recognizing the right of chiefs to certify customary land;
- Establishing a new category of "public land"; and,
- Devolution of land administration functions to the district level.

The GRZ is focused on carrying out a National Land Audit and associated National Land Titling Program (NLTP) to enhance security of tenure and generate revenue. The audit seeks to identify the range of land uses in the country and clarify boundaries, while the NLTP seeks to title leasehold lands across the country's state land. MLNR has budgeted \$3.7 million to carry out the NLTP in 2018 with a target of titling 300,000 properties on state land in 2018 and one million properties in 2019. The GRZ recognizes the need for improved methodologies and revisions to ministry work flows to facilitate this process, but as of yet, has not developed a viable implementation roadmap. An important, but lower, priority within the ministry is the decentralization of land administration functions to the district level. Each of these priorities requires new systems, access to information and data sharing structures, and improved training and capacities.

Other government institutions have an important role to play on land tenure and resource rights and have their own distinct priorities, which can be addressed through more holistic consideration of land and resource rights. The Forest Department within MLNR aims to increase private sector investment in the sector, though proposed leasehold arrangements of 25 years are inadequate to incentivize plantation investment and the government lacks a transparent system to track timber concessions on customary land or control illegal timber trafficking. The recent completion of Community Forest Regulations offers positive examples of devolved rights, though broader roll-out remains uncertain. MLG has a strong role to play in securing land rights and planning for sustainable land use, particularly in the context of decentralization. Though these roles are now legislated, coordination between MLG and MLNR remains

a priority. MLG and the Ministry of Housing and Infrastructure also actively engaged in the development of an urban policy.

STAKEHOLDER ANALYSIS AND LESSONS TO DATE

Provincial/District Government: A major critique of the land sector is its limited current presence outside of Lusaka and Copperbelt Province. Those wishing to transact properties in rural areas or convert land to leasehold title may need to travel over multiple days to reach land administration services. These functions are expected to be decentralized to the district level in the coming years, but progress has been minimal, in part due to difficulties with information technology and accessibility of Zambia’s Integrated Land Management Information System (ZILMIS). With respect to customary areas, district government has historically had little responsibility beyond education, health and agricultural extension. However, the Urban and Regional Planning Act of 2015 provides for increased planning in customary areas, an act which many chiefs currently look on with suspicion.

Cooperating Partners: With the exception of UN-Habitat and USAID, Zambia does not have any in-country CPs engaging in land tenure issues holistically. Many partners have tenure relevant elements in their sectoral programs; for example, the Finnish Embassy support of the Community Forest Regulations, and GIZ Decentralization for Development’s support of information systems to track property taxes within districts. Outside of Zambia, UNECA’s Land Policy Initiative in Ethiopia and the World Bank (WB) in Washington have followed/supported the policy process, but from a distance. Looking forward, interest in the sub-sector is most evident from the European Union (EU), which plans to design a tenure intervention in their governance portfolio, and the Department for International Development (DFID), which is considering whether to include land tenure issues in their next country strategy. The World Bank’s investments are also of interest, given that their current work in Eastern Province on the Zambia Integrated Forest Landscape program plans to use TGCC methodologies for rural land use planning, and that there is interest from Washington in supporting the NLTP. Table 1 describes relevant elements of other CP support.

Table 1: Engagement on Land Tenure and Resource Rights Issues by Cooperating Partners

Cooperating Partner	Urban Tenure	Peri-urban	Rural Tenure	Policy & Law	National Titling	Customary Certificates	Large-Scale Agriculture	Smallholder Agriculture	Forests	Wildlife	Planning	Water Resources	Data and IT	Decentralization	Financial Management	CSO Engagement	Land Research	Resettlement
UN-Habitat	X	X		X		X					X					X		X
USAID			X	X	X	X		X	X	X						X	X	X
GIZ	X	X		X								X	X	X				
UNECA				X														
World Bank					X		X	X	X			X						
JICA											X							X
EU								X						X				
DFID	X							X									X	

Finnish									X							X		
SIDA							X	X					X					
MCA	X																	X
UNDP										X								
Ministry Financed					X								X		X			X

Civil Society: Zambia’s civil society is active on land issues in a limited number of districts around the country. They typically integrate land conflict resolution into paralegal support, and many are testing models for customary land allocations. Funding to land civil society organizations (CSOs) is generally provided through global donors rather than local CPs. Civil society is represented in policy debates by the Zambia Land Alliance, which has been a member of the government’s land policy development committees.

Academia and Research Institutions: Zambia’s universities have well-respected academics in various departments, including the University of Zambia’s Department of Law, Department of Geomatic Engineering, and Centre for Urban Research and Planning, and Copperbelt University’s Department of Urban and Regional Planning and School of Natural Resources. The body of literature emerging from these departments tends to be localized rather than national in nature and as a result national figures on the status of Zambia’s land use and pressures remains limited. With USAID TGCC support, the Indaba Agricultural Policy Research Institute (IAPRI) included land tenure questions in its 2015 Rural Agricultural Livelihoods Survey (RALS), though this data has not yet been adequately analyzed with respect to productivity and tenure or other tenure dynamics. Internationally, there are a limited number of academics who have published on Zambia’s land and urban and rural planning sectors.

Private Sector: Private sector actors have a range of challenges related to land and resource tenure, which vary depending on the sector. Provisions in the recent draft Land Policy call for the elimination of foreign ownership of land. Such an act could have a chilling effect on investment in Zambia depending on how it is carried out. Most sectors integrate the land administration challenges into their business models, but each admit challenges navigating MLNR, local councils, Forest Department, and DNPW to secure permits and rights to carry out investments. Real estate, agribusiness, wildlife producers, commercial banks, and commercial forestry and mining companies have all adapted their business models to Zambia’s land and resource tenure system, though the legal frameworks for each sector and administrative procedures present opportunities for incentivizing growth and streamlining bureaucracy.

LESSONS FROM USAID EXPERIENCE TO DATE: FIELD AND PILOT

Lessons from the Field: USAID’s experience with five chiefs across Chipata and Petauke Districts indicates the interest and capacity of traditional leaders, their councils, village headpersons, and community members to document both private and community landholdings, initially to protect their rights and ultimately to unlock the value of the land. Methodologies have proved scalable and cost-effective in agricultural and rural wildlife-focused chiefdoms. Elements of

USAID TGCC Achievements:

- GRZ & World Bank adopting methodologies and data
- Documented ~15,300 customary lots covering 83,000 ha; ~3,000 for titling, with over 22,000 people securing land rights and 48,000 persons of interest, including 52 percent female ownership
- Documented 15,000 ha grazing area and 114,000 ha of forest
- Worked across two districts, five chiefdoms, 700+ villages; additional land use planning in 500 villages in two chiefdoms
- 68 presentations & trainings on land rights
- Supported civil society engagement and academic research on land issues
- Advanced policy dialogue through multi-stakeholder consultation
- Advanced CP coordination



the methodologies are relevant for social surveys prior to agriculture or industrial conversion of land to understand impacts. Both the WB and GRZ have indicated an interest in adopting the methodologies moving forward, and the GRZ has already integrated customary landholdings into its National Spatial Data Infrastructure (NSDI).

Households across the country recognize the benefits of documentation of land rights to prevent arbitrary takings and to ensure fair compensation in the event of land conversion by government, headpersons, or chiefs. While TGCC support has not asked community members to pay for land certification (because it is still a pilot with uncertain long-term benefits), households and communities as a whole have indicated a willingness to pay for documentation, though the current statutorily defined costs for titling is not accessible to the rural poor. The main concern of communities and chiefs regarding documentation is that it is a precursor to taxation, though they do understand the need to pay costs for renewal or transfer of certificates. TGCC's local partners, the Chipata District Land Alliance and Petauke District Land Alliance, demonstrated that they can act as reliable service providers for mapping and land administration to the government and customary leaders and provide mediation and conflict resolution services.

USAID has demonstrated the scalability of the documentation approach through local institutions, but with this momentum, future efforts should focus on:

1. Cost-effective administration to update certificates following changes in landholders, or addition or subdivision of parcels, particularly testing and clarifying relationships between communities, chiefs, technical service providers, and district councils.
2. Use of the certificates and spatial data by the private sector to cost effectively bundle and provide services to landholders.
3. Use of land documentation processes for planning and rural service provision in the context of the Urban and Regional Planning Act.

4. Revision to documentation methodologies in collaboration with government for the National Land Titling Program's efforts in different land types across the country.

Research and Information: USAID supported annual research symposia and also collected all news articles related to land. Zambia's newspapers include information frequently regarding council and ministry corruption in land allocations and accusations of chiefs selling land to foreign investors, while at the same time includes stories of the government making low-income plots available for the urban poor or chiefs availing land to women and youth. The story is undoubtedly complex, but remains ad hoc. Working together with the central statistics office, IAPRI, MLNR, local councils, and Zambian research institutions, there is a need to collect information on the current status of land and land allocation in Zambia to inform policy and debates on the future of land and resource management.

Policy and Legislation: USAID's support to the policy and legislative process has revealed gaps in trust and coordination among traditional leaders and government at both the district and national levels. At present, there are limited fora for building this relationship. Participation by chiefs in district council meetings is an important start; however, chiefs feel outnumbered in these fora. New chiefs are increasingly well-educated and experienced, but often come into the position after decades outside of the chieftom. As a result, they may have some of the requisite skills to be effective leaders, but lack the tools and resources to support development in their chiefdoms. These chiefs become susceptible to poor advice from their senior indunas (advisors) and village headpersons.

RECOMMENDATIONS

The following recommendations include efforts related to policy and legislation; training and capacity building; research, data, and information technology; cross-sectoral and multi-stakeholder coordination and outreach; and implementation related to continuing TGCC momentum, piloting new models, and scaling solutions. These are considered based on cost, whether they are dependent on GRZ activities or are no regrets strategies, require sequencing of prior activities, and whether they are standalone activities or require integration.

All the recommendations should be implemented through multi-stakeholder engagement among the GRZ, traditional leaders, CSOs, and academics. While they are divided among sectoral interests, they are most appropriately carried out with a cross-sectoral/holistic understanding.

SUMMARY OF OPPORTUNITIES:

Urban planning and land regularization in informal settlements, the youth bulge, financing for systematic large-scale land documentation, land demands from refugees and farmblocks/resettlement areas, fiscal management and upgrading of the IT structures of MLNR and related ministries, and decentralization of land administration functions are critical issues affecting the success of Zambia's land sector over coming years. Cooperating Partners have been actively engaged on a range of land issues in Zambia related to customary land administration, pilot implementation and oversight, policy support, and CSO engagement and research. Through this engagement, CPs have become trusted partner of the government, traditional leaders, and civil society with a holistic view of the sector. The opportunity to build on previous program's momentum (i.e TGCC) could include more joint planning among chiefs and government at district levels, administration of customary land certificates by traditional authorities, and engagement of the private sector in the use of customary certificates. Additionally, there is growing opportunity for continued training of civil society, government, and traditional leaders in the use of recently-developed tools for land documentation and administration. At the national level, CPs could offer technical assistance on international best practices for land legislation and implementing regulations to ensure that existing investments are leveraged for long-term impact. Support for multi-stakeholder consultation and data-driven analysis will advance Zambia's land sector over coming years for inclusive, broad-based development.

From a policy and growth perspective, land policy will impact how future investors engage in the region and the safeguards the government may apply, while encouraging growth. Given the dual land tenure system and resulting roles of customary institutions, land policy plays a central role in social stability, as chiefs and government must work together to ensure proper management of land and resources. CPs play an important role in supporting dialogue and understanding between these key players.

Table 2: Recommendations for CP Engagement in the Land Sector

Policy and Legislation	
Continue policy dialogue among government, traditional leaders on land administration and rural and peri-urban planning	High priority, immediately
Support legislative and ministerial process review, revision and implementation	High priority, from now to three years
Support revision of MLNR administration processes	High priority, from one to three years
Training and Capacity Building	
Support training modules and resources on customary and state land administration for customary and government authorities	Medium priority, from one to three years
Support completion of implementation manuals for the NLTP	High priority, from now to eighteen months
Data and Information Technology	
Promote multi-ministerial methodologies for data-sharing and use of NSDI	Medium priority, from now to three years
Support multi-ministerial IT support for land data	High priority, from now to five years
Implementation: Building on USAID Momentum	
Support administration of customary land certificates	High priority, immediately
Support application and guideline revisions of Urban and Regional Planning Act's Integrated Development Plans (IDP) for peri-urban and rural areas	Medium priority, from now to five years
Assess and support private sector use of land certificates and land information	Medium priority, from one to three years
Complete integration of TGCC resettlement details into land titles	Medium priority, from now to two years
Implementation: Testing and Evaluating New Models	
Refine and test guidelines for consultation associated with customary land conversion for agriculture and district expansion	Medium priority, from now to two years
Pilot and assess community land documentation for irrigation, agricultural cooperatives, community forestry and wildlife management	Medium priority, from now to five years
Implementation: Scaling Solutions	
Finance mobilization for land documentation: National Land Titling Program and customary land certification	High priority, from now to three years
Cross-sector and Multi-Sector Coordination and Outreach	
Continue engagement in coordination with cooperating partners and government	High priority, immediately

SPECIFIC RECOMMENDATIONS, MODALITIES AND CONSIDERATIONS

Immediate and Short-term:

Support administration of customary land certificates: USAID’s investment has created momentum that is at risk without continued technical and financial support. While USAID’s investment in Eastern Province has generated robust lessons on implementation of customary land documentation, the self-sustainability of administration remains to be seen. Without a base level of support of ~\$30,000 annually for the coming three to five years in both Chipata and Petauke Districts, there is a risk that the administration of the over 16,000 parcels certified in five chiefdoms will lapse. These two partners have arguably the largest set of household level customary land documentation globally, and thus provide a unique opportunity to demonstrate the relationships between communities, chiefs, service providers, and government moving forward. This will allow for costs and capacities for long-term administration to be established and inform other chiefdoms and government moving forward.

Modalities: Funding both district land alliances under USAID activities in the short-term would cost approximately \$4,000 a month (and ~\$500 a month of technical backstopping) and could be achieved through the global Land Technology Services project. Alternatively, in the longer term they would benefit from a more robust support that would allow for full documentation of lessons and outreach.

IMPLEMENTATION – KEEPING MOMENTUM		
Cost	Sequencing	No Regrets / Dependency
\$30,000 annually per district with additional technical assistance	Requires continuous support until sustainable model is identified	Dependent on continued interest and engagement of local partners and chiefs
Integration	Best Placed CPs	Ease of Activity
Represents a standalone activity	USAID/WB through existing district land alliance partners	Requires additional technical assistance to identify and test sustainability models with local partners

Continue policy dialogue among government, traditional leaders on land administration and rural and peri-urban planning: The failure to complete the land policy in early 2018 is reflective of a continued challenge of building consensus among customary authorities and government at both local and national levels. Support is necessary for both the House of Chiefs and ministries to engage constructively through periodic dialogues associated with standing meetings of the House of Chiefs and for mechanisms to encourage coordination and good will among the institutions.

Modalities: A revised strategy for engaging chiefs is necessary within the first half of 2018 with the buy-in of government and chiefs. This could be achieved through a series of meetings between the House of Chiefs and MLNR with the intervention of the Minister. One to two subsequent technical meetings could be held alongside existing meetings of the House of Chiefs. The costs of this support would be between \$30,000 - \$50,000 primarily associated with meetings, per diem and travel.

POLICY AND LEGISLATION		
Cost	Sequencing	No Regrets / Dependency
\$30,000-\$50,000 in meeting support	Requires new roadmap and agreed process with MLNR and House of Chiefs	Dependent on willingness of chiefs and interest in finalizing a policy and engaging in long-term dialogue
Integration	Best Placed CPs	Ease of Activity
Standalone or longer-term engagement with chiefs or MLNR	USAID/UNECA /UN-Habitat	Given recent negative results, this activity requires political sensitivity

Medium-term

Support training modules and resources on customary and state land administration for customary and government authorities: With the expected decentralization of land administration to the district level and the increased integration of chiefs into rural and urban planning, there is a need for building broader capacity in local land administration and land rights. Local government and chiefs require trainings and reference materials on their responsibilities. These materials could support the GIZ rehabilitation of the Chalimbana local government training center, as well as the House of Chiefs. Additional materials could be developed for headpersons through a headpersons trainings curriculum that focuses on best practices in local land administration and in conflict resolution.

Modalities: In partnership with GIZ’s investment in upgrading the Chalimbana local government training center, an assessment of current land-related training materials is needed, followed by the development of new trainings for customary leaders and for the newly devolved functions of land administration to district councils. At the same time, lower-level resources are needed for village headpersons and chiefs’ councils; these could be integrated into broader outreach programs, for example through a WhatsApp or Facebook-based training to reach rural headpersons.

TRAINING AND CAPACITY BUILDING		
Cost	Sequencing	No Regrets / Dependency
Dependent on the number of sample trainings provided and scale of testing, post curriculum development	Elements may require completion of land policy and new land legislation	Customary training for chiefs, indunas and headpersons can be developed with limited additional dependency. GRZ memorandum of understanding (MOU) may be required for integration into Chalimbana course
Integration		Ease of Activity
Would benefit from integration with broader Chalimbana trainings efforts		Tools exist, resources need to be adapted, and methods to reach customary authorities necessary

Continue engagement in coordination with cooperating partners and government: Since 2014, USAID has led quarterly land CP meetings to share partner experiences and learn of national trends. With the end of TGCC in 2018, no CP offered to take on the organization of the meetings; MLNR has offered to host the meeting quarterly, representing a welcome ownership of the process by government. This is an encouraging development; however, it will also require coordination of partners to speak with a common voice.

Modalities: Provide reminders to MLNR to call meetings, and support the dissemination of notes and inclusion of new CPs. Consider an annual meeting that brings in civil society participation. This approach also requires some preparation of CPs to provide feedback and input into controversial items.

CROSS-SECTORAL AND MULTI-STAKEHOLDER COORDINATION		
Cost	Sequencing	No Regrets / Dependency
Time of core staff	None required	Based on a CP or government taking leadership of the process
Integration		Ease of Activity
Integrated into standard CP/government coordination		Off the shelf

Support legislative and ministerial process review, revision, and implementation: The Land Policy has highlighted a range of legislation that requires amendment or guidelines that need to be developed to implement the national titling program and also legitimize customary land documentation. Once developed guidelines need to be piloted before being finalized with the Ministry of Justice.

Modalities: A memorandum of understanding (MOU) with MLNR would be required to outline the support and track progress. Support in reviewing and developing the multiple pieces of legislation and guidelines could be done remotely through short-term technical assistance; however, a dedicated advisor in-country is necessary to encourage continuous progress and coordination among multiple pieces of legislation.

Research

Research and data analysis are required to understand the current challenges facing Zambia's land administration system, to prioritize interventions, as well as to reflect on the impact of pilots around the country. Research activities involve triangulating existing data sources to better design trainings, place information on the national Land Audit, understanding the impact of tenure activities related to irrigation and wildlife, considering links between tenure security and health and nutrition outcomes as well as agricultural productivity. Data exists through the Rural Agricultural Livelihoods Survey as well as through the Central Statistics Office and the Ministry of Lands, however it is not generally accessible to development practitioners.

POLICY AND LEGISLATION		
Cost	Sequencing	No Regrets / Dependency
\$50,000 - \$500,000	Relies on completion of land policy	Requires strong consultations with a broad range of stakeholders, particularly within MLNR
Integration		Ease of Activity
This activity should occur as a standalone legislative support activity		Dependent on which law is being considered

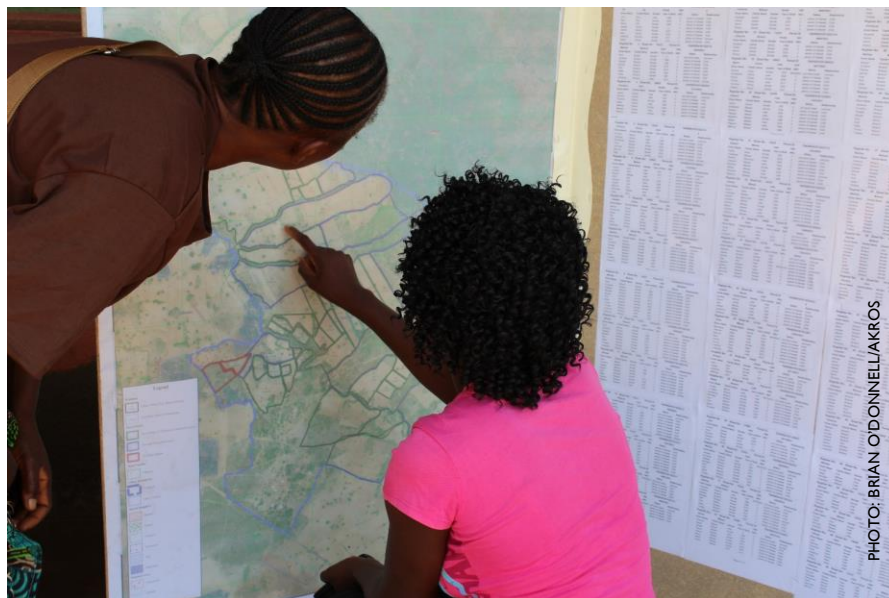
Support application and guideline revisions of Urban and Regional Planning Act's Integrated Development Plans (IDP) for peri-urban and rural areas: USAID could leverage the existing spatial data collected in Petauke and Chipata to support the implementation of IDPs through coordination with MLG, with an explicit focus on building trust among local government and customary authorities, and reducing cost to promote sustainability. The plans would explicitly seek synergies among departments in their delivery of services to rural chiefdoms and to identify development gaps.

Modalities: Partnership with local government and council staff and traditional leaders on a planning process that integrates all sectors engaged in the peri-urban and rural areas of the district. Integrate existing planning documents. Methodology would be locally led, but also include local data collection on development infrastructure by the council. The goal of this activity is to build local ownership and reduce costs from the consultant-led processes that have been piloted by MLG to date.

IMPLEMENTATION – PILOTING NEW MODELS		
Cost	Sequencing	No Regrets / Dependency
\$200,000 - \$500,000	None required, legislation exists and is waiting to be piloted	This activity requires close engagement among GRZ (MLG and MLNR), traditional leaders, and service providers
Integration		Ease of Activity
Best implemented alongside a decentralization support activity		Scaling and disseminating lessons learned may be a challenge

Promote multi-ministerial methodologies for data-sharing and use of NSDI: The NSDI currently houses spatial information from MLNR, but so far has limited information from other ministries or civil society. The NSDI is willing to host information from multiple sectors and could be attractive as a platform for ministries to make their data available for fee, as well as to coordinate cross-sector engagement.

Modalities: Support is required for meetings of the NSDI coordination committee and subsequent updating of the NSDI within the Ministry. Once the NSDI standards are updated, minimal resources are required to complete data-sharing agreements and move data to the platform. Once the platform is established, there will be a need to encourage use of data by cooperating partners, civil society and government and track its fiscal sustainability.



DATA AND INFORMATION TECHNOLOGY		
Cost	Sequencing	No Regrets / Dependency
\$50,000 - \$100,000	None required	Requires building trust among multiple government departments
Integration	Best Placed CPs	Ease of Activity
Standalone activity	World Bank, USAID, GIZ	Straightforward

Assess and support private sector use of land certificates and land information: Collateralization of customary land certificates or leasehold titles of smallholdings is not generally of interest to local finance institutions. Yet commodity companies are interested in understanding how customary land holdings influence their annual input loans. Engagement with two or more private sector agriculture sector partners, likely Zambeef, Syngenta, NWK, Cargill, Zamseed, or BASF, would seek to share data within one or more districts on land documentation. A similar engagement through a roundtable and then local partnerships with service delivery companies such as Eastern Water and Sewage Company and ZESCO would further provide experience on getting customary land certificates and the associated information used for development purposes.

Modalities: This approach could be undertaken through a bi-annual roundtable and then partnership with champions in one or more organization. The roundtable meetings would allow for lessons to be shared and community of practices to form. This engagement would be restricted to locations where data already exists (Chipata, Petauke or a few other customary pilot sites by other CPs around the country) or where an organization is interested in solving an emerging problem (for example on a large rural leasehold farm).

IMPLEMENTATION – PILOTING NEW MODELS		
Cost	Sequencing	No Regrets / Dependency
Partnership at variable costs, but represents a medium-term relationship	Requires a co-creation period where both private sector partners and CPs consider whether the opportunities are ripe, prior to intervention	Dependent on private sector partner interest
Integration	Best Placed CPs	Ease of Activity
This activity could be standalone or could integrate into broader partnerships with Zambian private sector agriculture firms	CPs with agricultural, forestry or wildlife portfolio in Petauke or Chipata Districts	Challenging activity given the novelty of the engagement and lack of certainty regarding the utility of the partnership

Refine and test guidelines for consultation associated with customary land conversion for agriculture and district expansion: GRZ and private sector large-scale land acquisitions for agriculture and government development in Ndola, Serenje, and Mumbwa have created controversy and conflict between government, communities, and investors. International best practice guidelines exist and could be adapted for Zambia, in line with recent policy, including the National Resettlement Policy. The application of such guidelines would promote transparency around impacts of land investments and reduce investor risk.

Modalities: Through the private sector roundtable above and through discussions with CSOs and chiefdoms facing land pressures, imminent agricultural land conversions can be identified and low-cost processes for consultation tested and shared among ministries. This work would be applied in chiefdoms where there is an engaged chief, an interested council, and a CSO intermediary.

IMPLEMENTATION – PILOTING NEW MODELS		
Cost	Sequencing	No Regrets / Dependency
Variable dependent on existing information, but less than \$200,000 to demonstrate proof of concept	No sequencing required, guidelines are available	Dependent on building interest of GRZ (MLNR, Zambia Development Agency, Ministry of Agriculture) as well as district and private sector actors
Integration	Best Placed CPs	Ease of Activity
This activity could be standalone or could integrate into agricultural program or district government decentralization efforts	CPs with agricultural or decentralization portfolio	Straightforward to develop and implement though response to issues identified can be challenging to resolve

Complete integration of TGCC resettlement details into land titles: TGCC’s documentation process was deployed in the Ukwimi Resettlement Scheme and has led to the collection of data on ~3,000 farms, which could be converted to title. There are at least two other resettlement areas that government is in the process of formalizing the rights of up to 50,000 farms.

Modalities: Japan International Cooperation Agency (JICA) and UN-Habitat are each in the process of documenting former refugee areas to establish resettlement areas for former refugees and Zambians. Each has expressed an interest in building on TGCC methodology for securing tenure rights in the resettlement areas. This is a quick win for the NLTP.

IMPLEMENTATION – PILOTING NEW MODELS		
Cost	Sequencing	No Regrets / Dependency
Based on size of resettlement area	No sequencing required, can be implemented immediately	Dependent on Department of Resettlement and MLNR agreement on processing of titles
Integration	Best Placed CPs	Ease of Activity
Can be integrated into existing refugee and resettlement support	JICA, UN-Habitat, United Nations Children’s Fund	Methods and tools are available

Pilot and assess community land documentation for irrigation, agricultural cooperatives, community forestry, and wildlife management: Zambia has emerging experience on devolved rights for landscape management through wildlife non-governmental organizations (NGOs), World Bank irrigation investments, and community forest groups. These models for devolving rights to communities are still nascent, yet the experiences have not been evaluated from the perspective of land and resource tenure constraints and replicability for rural communities. Perhaps the most widely attempted community resource management process in Zambia has occurred through the use of Community Resource Boards (CRB) in Game Management Areas since 1998. While CRBs do not devolve ownership rights to communities, the management plan process includes land-use planning and zoning, which is to be undertaken in consultation with chiefs and local communities. Each of the above processes/approaches would benefit from an evaluation from a land rights lens and consideration of whether outcomes would have been different under a leasehold, customary land sub-lease, or concession model.

Modalities: This approach could simply focus on research of existing models for rural investment, but would be more appropriately paired with testing the models in a location where land rights are clarified, such as in Petauke or Chipata.

IMPLEMENTATION – PILOTING NEW MODELS		
Cost	Sequencing	No Regrets / Dependency
Dependent on scale, location and partners	Requires completed activity by World Bank and wildlife NGOs	Analytical elements should be undertaken irrespective of willingness to repeat the work
Integration	Best Placed CPs	Ease of Activity
Would integrate well into customary land administration described above	USAID, World Bank, wildlife NGOs	Testing new models will be extremely challenging and the outcomes are uncertain

Support completion of implementation manuals for the National Land Titling Program: Zambia’s NLTP represents an entirely new set of capacities and systems for MLNR to both undertake the process and subsequently administer millions of new leasehold titles. The field and data processes require clearly defined steps to carry out mass titling, and adjudicate conflicts that emerge. The processes and data required will differ depending on the location of the plots within planned or unplanned areas and proximity to Lusaka. In some cases, other authorities may have information that reduces MLNR efforts (for example the property valuation roles of local councils). The government requires technical assistance to develop, test, and revise implementation manuals for carrying out the NLTP based on international best practice, and experience from partners like USAID.

Modalities: USAID or other partners may wish to support development of implementation manuals and provide systems support or oversight to ensure that best practices are applied, and opportunities for corruption or gaming the system are reduced.

TRAINING AND CAPACITY BUILDING		
Cost	Sequencing	No Regrets / Dependency
\$50,000 - \$100,000 per manual	Requires some clarification of legal framework	Dependent on willingness of government to use the manuals
Integration	Best Placed CPs	Ease of Activity
Can be done standalone, but should be developed in close coordination with MLNR	World Bank, USAID	The development of the manuals is straightforward, but their implementation and testing will require coordination with the ministry over a longer period

Long-term

Support revision of MLNR administration processes: The current processes for initial land registration, property transactions, and payment of ground rents are complicated and time-consuming, particularly for those who live outside of Lusaka and Ndola. In the context of decentralization, as well as e-government, there is a need to review and revise Ministry processes, in part to be able to handle the expected new influx of land documentation. This will require a revision of the Administrative Circular No. 1 of 1985, which still governs land administration to the present.

Modalities: CP technical consultants can support the Ministry through the establishment of a roadmap and subsequent working group for revision of the procedures, much in the same way that the legislative revision process would be undertaken. This requires short-term technical assistance on the specific best practices, but a Zambia-based process lead to ensure that the roadmap is followed.

POLICY AND LEGISLATION		
Cost	Sequencing	No Regrets / Dependency
\$500,000 – \$1 million	Revised legal framework is necessary to put many elements into place	This activity is heavily dependent on willingness of government to engage. There will be resistance among many members of civil service
Integration	Best Placed CPs	Ease of Activity
This activity must be undertaken alongside IT and broader Ministerial support		The recommended changes will require political will from the Minister down and long-term dedicated assistance

Support multi-ministerial IT support for land data: With the establishment of the NSDI and ZILMIS, Zambia’s MLNR should act as a resource for other ministries to assess risk, track finances, and register rights. Each of these are facilities that can be done within the current mandate of MLNR systems, and with existing technologies and capacities. First, there is pressure for MLNR to improve its revenue collection, though until recently it was not possible to track collection digitally for door to door service. The Ministry has expressed interest in working with the Regional Center for Mapping Resource for Development (RCMRD) in Kenya through UN-Habitat and the World Bank to improve tracking of revenue. Secondly, associated with land conversions and large-scale investment above, the Ministry has remote sensing data that could be used to assess risk associated with large-scale land acquisition developments prior to approval. Finally, with the new Land Policy, there are a number of new land registers that are expected to be established. Among these, there is a need for a digital record of forest concessions that have been allocated across the landscape by the Forest Department to improve logging compliance and revenue collection, considering the continued illegal logging of the mukula tree.

Modalities: Consistent with the development of ZILMIS and recent launch of the NSDI, there is a need to use the data being collected within MLNR and across ministries to support responsible investment and development. Embedding a technical expert within MLNR alongside service contracts could improve the use of data over the short-to-medium term.

DATA AND INFORMATION TECHNOLOGY		
Cost	Sequencing	No Regrets / Dependency
\$100,000 - \$1 million	Efforts could begin immediately but will depend on whether government decides to update ZILMIS	There may be resistance among some to open up the full system and processes as there are undoubtedly data gaps and contradictions
Integration	Best Placed CPs	Ease of Activity
This standalone activity would be most useful if it was integrated into the broader NLTP development process	World Bank, RCMRD, UN-Habitat, GIZ	This activity could open up a Pandora's box of information needs and next steps

Finance mobilization for land documentation: National Land Titling Program and customary land certification: The viability of Zambia's NLTP and documentation of customary land is influenced by the size of the country, current lack of data, and lack of institutions capable of managing spatial data at a local level. At a cost of \$100-\$300 million to undertake a country-wide systematic documentation process, no single donor will be able to finance this investment. The government is considering options ranging from a World Bank loan to public-private partnerships with local and international companies to support documentation of state land. Documentation of customary land can be done through a series of programs with individual chiefdoms. In each case, it may be possible to reduce costs to a price that local landholders can afford to pay for documentation. The GRZ requires assistance to evaluate options and develop a strategy for incremental funding of the systematic documentation process.

Modalities: CP technical experts can join the MLNR and House of Chiefs' working groups on systematic land documentation, to help identify costs and mobilize finance associated with systematic documentation and subsequent administration.

IMPLEMENTATION – SCALING		
Cost	Sequencing	No Regrets / Dependency
\$100 - \$300 million	Piloting has started, but there will be a need to develop methodologies and secure financing	It is unlikely that all the funding can/will be sourced immediately and there is a need to prioritize areas for immediate work
Integration	Best Placed CPs	Ease of Activity
This is likely a standalone program with buy-in possibilities. It will require a champion	World Bank	This is an enormous logistical/management challenge

CONCLUSION

Zambia's land and resource management sector is at an inflection point. Tensions are emerging due to a scramble for land and the resulting impacts on poor and vulnerable populations and their traditional leaders. These groups are not necessarily benefiting from urban, peri-urban, and weekend farmer developments, and are finding an increase in income inequality as they are pushed off peri-urban farmland. Zambia's youth lack off-farm employment opportunities and find that their access to historical family lands are limited, leading to their migration into previously forested landscapes where they find land but limited access to markets. New residents flock to Zambia's unplanned informal settlements daily stressing urban water, sanitation, health, and education systems.

Cooperating partners often become involved in the land sector at scale after major national destabilization events (e.g. Colombia, Cambodia, Burma, Rwanda, Liberia, post-communist Eastern Europe), yet Zambia provides an opportunity to engage proactively and find a balance between preserving culture, empowering community-based development, and generating revenue before issues become intractable. This window of opportunity will likely close within the next decade as the density of poor urban areas increases, as wealthy Zambians access and develop peri-urban and rural land at the expense of current landholders, and as the politics of state and customary land converge.