Improvement of customary tenure security as pro-poor tool for land development – a Zambian case study

Introduction

"Classic" land titling has a negative effect on security of customary tenure. How to improve tenure security in customary areas?

Tenure security

- The level of certainty, duration and robustness of land rights (Smith 2005)
- It facilitates:
  - Protection against eviction
  - Ability to transfer
  - Access to credit

Zambia

- Dual tenure system:
  - State Land (leasehold – 99 years, surveyed)
  - Customary Areas
- Customary tenure:
  - Secure for villagers
  - Insecure for outsiders

Land Act 1995

- Provision for conversion of customary into statutory tenure
- Customary tenure recognised by law
- Deprivation of (secondary) rights
- Cumbersome, difficult procedure
- Chiefs and people not well informed
- Role of chiefs

External circumstances

- Decreasing tenure security
- Introduction of money economy
- Increasing population pressures
- Alternative tenures
- Access to credit no issue
Conclusion - Zambia

Customary tenure is secure within community
Security decreases due to:
- Lawful conversion of tenure
- External circumstances

Proposal

Recording of customary rights:
- Pro-poor
- Low cost
- Primary and secondary
Facilitates:
- Compensation
- Inclusion in lease

Model (Mulolwa 2002)

Use

Land as a resource

Quality & Quantity

Property right

Access right

Holder

Duration

Obligation

Conclusion

Conversion of tenure is not in favour of pro-poor
Recording of customary rights is proposed to improvement of security of tenure for pro-poor
Tenure reform required

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