

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

Ir P.C.M. van Asperen
Dr A. Mulolwa (UNZA)



Introduction

- “Classic” land titling has a negative effect on security of customary tenure
- How to improve tenure security in customary areas?

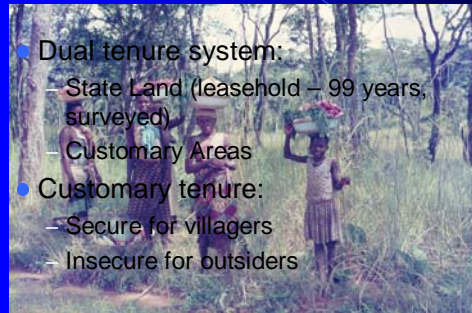


Tenure security

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

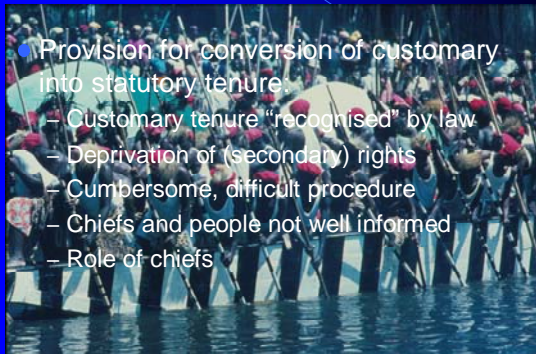
Zambia

- 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

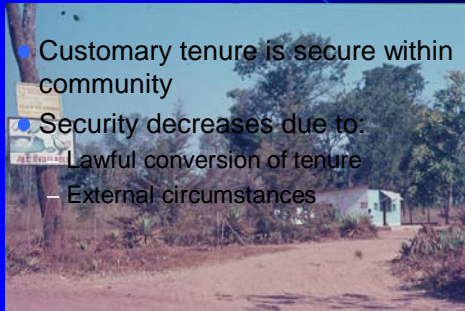


External circumstances

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



Conclusion - Zambia

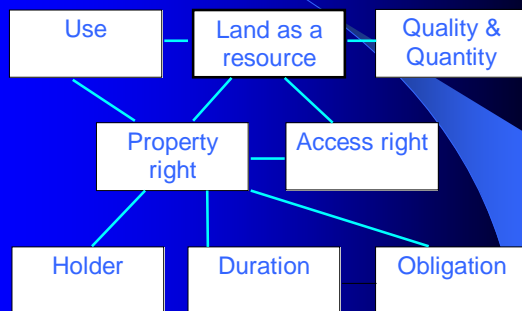


- Customary tenure is secure within community
- Security decreases due to:
 - Lawful conversion of tenure
 - External circumstances

Proposal

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

Model (Mulolwa 2002)



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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Inside Zambia 1964-2004

