



LAND TENURE AND RESOURCE RIGHTS FOR WOMEN AND YOUTH

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OUTLINE PRESENTATION



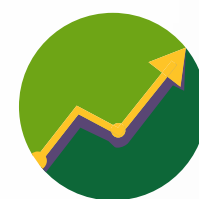
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ABOUT PMRC

The Policy Monitoring and Research Centre (PMRC) is a public policy research think tank whose vision is “Unlocking Zambia’s Potential”.

■ PMRC STATED AIM

- Producing high quality, relevant and timely public policy analysis, delivery monitoring and reform proposals.
- Promoting and encouraging informed public debate on critical social and economic policy issues critical to national development.



To deliver its mandate, PMRC works with, and leverages from the programmatic, information, communication and outreach networks of various institutions and organisations. These include governmental, civil society and citizen groups. This approach of collaboration has enhanced PMRC’s relevance to national development through awareness of public policy.



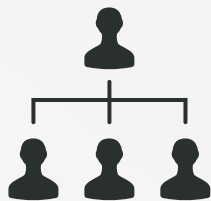
PMRC'S THEMATIC FOCAL AREAS

POLICY MONITORING AND RESEARCH CENTRE



ECONOMIC DEVELOPMENT

Taxation, Economic Diversification through the wealth creation series, Infrastructure Development, Mining, Tourism, Science and Technology



GOVERNANCE

Parastatals Governance Work, Government Policy Series



NATURAL RESOURCES AND ENVIRONMENT

Agriculture, Energy, Fisheries, Water, Climate Change, Land Development



SOCIAL PROTECTION

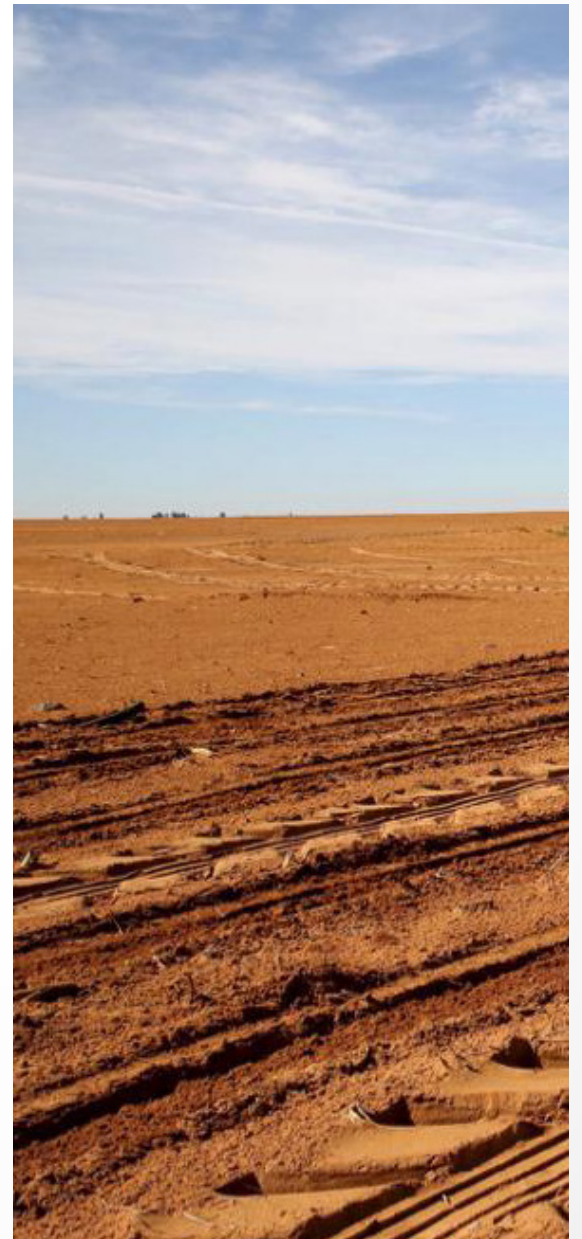
Child Marriages, Social and Development Livelihood, Child Protection Social Cash transfer Education, Health, Employment and Human Development

INTRODUCTION

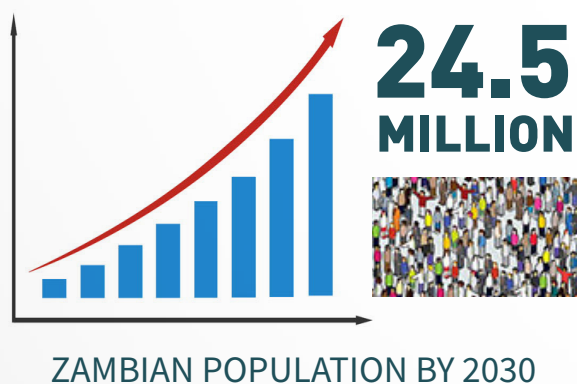
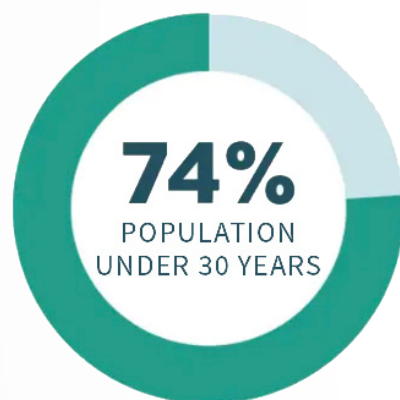
Zambia has a dual land tenure system: Customary - Chiefs and Traditional Leaders and Statutory Title Registration - ***Ministry of Lands and Natural Resources***.

- Some scholars have cited customary system as insecure, the system does not allow for sure ownership through documentation and leaves land custodians/owners vulnerable.
- However, the customary land tenure system tends to receive the support and consent of the indigenous people, as it preserves a sense of true and practical traditional leadership in practice, seemingly ensuring the locals benefit fully from the land resources.
- On the other hand there is the statutory land tenure system which does offer the security and sense of individual ownership fulfilled and in practice.
- The formal land tenure system has, however been condemned due to the prolonged processes and bureaucracies it involves.

COURTESY CALL



BACKGROUND



- Zambia is one of many youthful countries in Africa, with approximately **74 percent of its 14 million total population under the age of 30** (28 percent are 15 to 29 years-old).
- Annual population growth rate estimates range from 2.4 to 3 percent, and **projections indicate a population of 24.5 million by 2030** according to the 2013 Human Development Report.
- Research by various organisations including the Swedish International Development Cooperation Agency, has revealed, through empirical evidence, that **women's access to land and property is central to women's economic empowerment**, as land can serve as a base for food production and income generation especially for rural women.
- This is especially true in the agriculture sector, where **78% of the rural farmers involved in the agriculture sector are women**.

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RATIONALE

The purpose of this work is to **highlight the current challenges faced in Land Tenure and Resource Rights for Women and Youth**, considering the fact that both women and youths play a cardinal role in national development and require recognition and empowerment through skills and resources such as land. The formal land tenure system has, however, been condemned due to the **prolonged processes and bureaucracies it involves**.

METHODOLOGY

For the purposes of the brief, of which this presentation is extracted, the researchers **reviewed various reports and policy documents, including key legislation articles and write ups**.

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STATEMENT OF THE PROBLEM - CHALLENGES AND SUCCESS



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There are notable successes and challenges in land and resource rights for women and youth in Zambia.

Successes

- launch of the National Gender policy and the National Youth Policy
- Enactment of the Constitution Amendment in January 2016
- Increased support to women and youth groups and cooperatives for increased knowledge sharing and resource distribution

Challenges

- Inadequate legal framework and inconclusive policy processes (draft land policy)
- Ineffective monitoring of policy implementation
- Inadequate knowledge of rights, processes and procedures of acquiring land and resources.

ZAMBIA LAND LEGISLATION AND POLICY INITIATIVES

Zambia has a **dual land tenure system**. The 2 systems are **Customary Tenure** and **Leasehold**.

Section 7 of the **Lands Act 1995** recognises the existence of customary tenure in Zambia.

- Zambia is yet to have a Land policy as the country only has a drafted land policy which is yet to be implemented.
- The Government policy on Customary Land administration is not in one constitutive document but found in several laws, Presidential decrees, and Ministerial Circulars and Cabinet circulars.



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ZAMBIA LAND LEGISLATION AND POLICY INITIATIVES



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Current legal framework is said to contain;

- The Lands Act
- The Survey Act
- The Lands and Deeds Registry Act and
- The Customary Land Law

Complementary Policies

- **The 2000 National Gender Policy** - provides that 30 percent of land available for State distribution be allocated to women, and the remaining 70 percent allocated fairly between men and women.
- **2015 National Youth Policy** - Advances the rights of youth for various resources for empowerment purposes.

Zambia's amended Constitution of 2016, which is an modification of the Constitution of Zambia Act 1991, has a whole section dedicated to land, environment and natural resources. It specifies the principles of land policy, environmental and natural resources management, and provides the protection of natural resources and restricts their utilization and establishment of a Land Commission.

LESSONS LEARNT FROM BEST PRACTICE

ETHIOPIA

- The Ethiopian government introduced land title certification in 2003 with ***land titles issued in the joint names of spouses***.
- In effect, the land rights of both men and women are recognised and documented.
- Changing attitudes regarding women's empowerment also **requires well targeted awareness raising over a relatively long time period.**

Awareness raising and general outreach programmes have helped navigate the complexities of joint titling in all places, especially those where polygamous relationships are common, eg Amhara and Orioma regions.

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LESSONS LEARNT FROM BEST PRACTICE

RWANDA

In Rwanda, the 1994 genocide resulted in numerous female-headed households. The dominant established pattern for patriarchal inheritance, as well as a number of discriminatory statutes, meant that women had limited access to land despite assuming more responsibilities.



- Reforms have been introduced to eliminate statutory barriers to equitable access to land and other economic resources.
- The land rights of both women and men are recognised by law and can now be registered – a fundamental step to addressing existing inequalities.
- Between 2004 and 2014, **with the support of international development agencies, Rwanda undertook a massive Land Tenure Regularisation Programme**, which ostensibly eroded customary tenure systems but resulted in all land in Rwanda being titled.
- The Land Tenure Regularisation Programme has strengthened tenure security and helped increase investments and the confidence of the global community

The land rights of both women and men are recognised by law and can now be registered – a fundamental step to addressing existing inequalities which is above the average African land tenure rights in other African countries.

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LESSONS LEARNT FROM BEST PRACTICE

TOGO

Zambia can also draw lessons from Togo which uses **a distribution by State approach that aims at improve youth's access to land**, through the use of Zones of planned agriculture development (ZAAPS).

- ZAAPS were first created by the Togolese State between 2008 and 2009 to facilitate access to land for young farmers.
- The State would establish an agreement with a community or landowner to delimit the zone, which is then prepared (through clearing, first tillage, etc.) as ready-to-farm parcels for allocation to young farmers.
- The beneficiaries of this distribution receive a certificate that provides them with the right to use the land.
- The State also provides the farmers with supporting interventions such as access to credit and technical advice from the Institute of Technical Advice and Support.

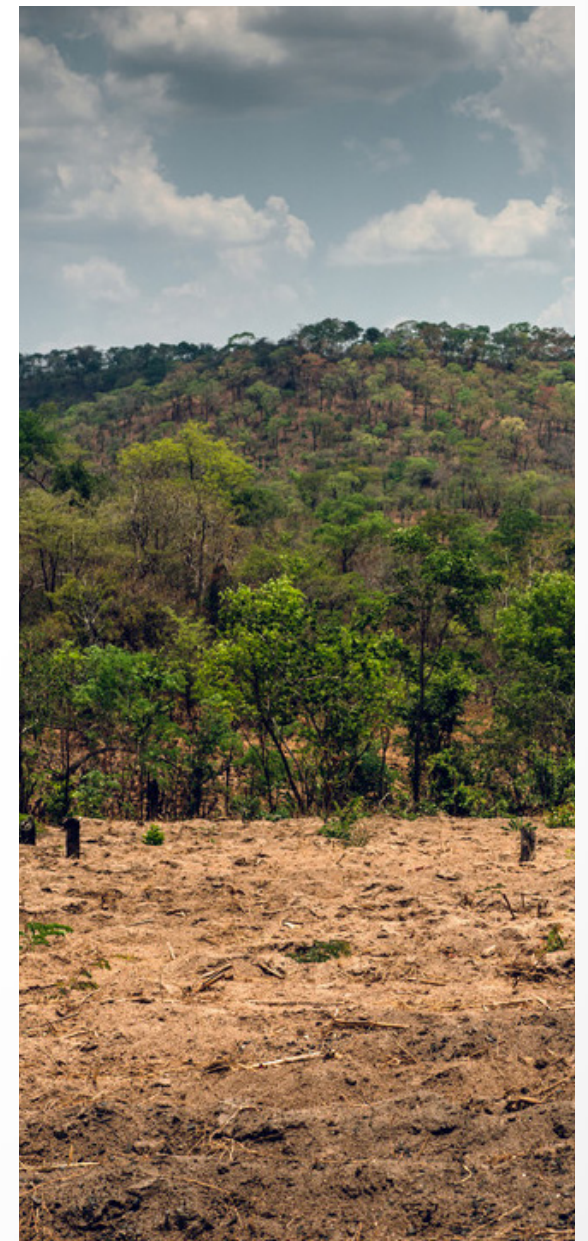
The main advantage of this system is that **it facilitates access to land for young farmers, even those who are not members of the community or village where the ZAAP is located.**



RECOMMENDATIONS

As a way of improving women's and youths access to land, PMRC recommends the following:

- The minimum age in which a youth is eligible to access land should be reduced from 21 years to 18 years, this will enable more child-headed households to have access to land.
- The Drafted Land Policy must be implemented as it will provide a roadmap for land administration in Zambia.
- Support and facilitate for transparency and access to information between customary and statutory authorities for harmonised and equitable land distribution and management.
- Support initiatives that enhance gender and youth mainstreaming in legislation and policy for increased rights to land and reduce discrimination in the acquisition of land, by highlighting and explore linkages with agriculture, forestry, fisheries etc.
- Increase and awareness programmes to inform the general public, especially youths and the women, of their rights to own land.



CONCLUSION

Land is a major input of national development and women and youths are key players with the proven ability to contribute positively, if empowered with the right tools, skills and resources.

To this end it is in the interest of the nation to enhance land tenure and resource rights for women and youth in the country.



THANK YOU

Unlocking Zambia's Potential Response to this presentation can be sent to: info@pmrczambia.net



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