

Large-Scale Land Acquisitions in Zambia:
the scope of displacements and mitigating negative
impacts through policy

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Jessica M. Chu
Research Fellow, Zambia Land Alliance
PhD Candidate, School of Oriental and African Studies, University of London
jessica_chu@soas.ac.uk

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ABSTRACT

In recent years, Zambia has experienced growing large-scale investments in mining, agriculture and tourism from a variety of different countries, including Australia, India, China, Germany and the UK. The investments are greatly transforming rural areas of the country and providing both opportunities and threats to rural livelihoods.

Zambia Land Alliance (ZLA), a civil society network of NGOs working with rural communities, has observed increased employment for rural communities, infrastructure development and increased small scale businesses and farming opportunities through outgrower schemes. However, ZLA has also observed displacement of poor rural communities. Investment corporations have acquired large tracts of land, usually thousands of hectares, and in the process, displace women and men who hold this land under customary tenure. In some instances, this has happened with the involvement of their traditional leaders, while in others, both the local communities and their traditional leaders have been left out of the decision making process. These displacements have usually resulted in the loss of livelihood mechanisms, whether through the loss of small-scale businesses, loss of access to local resources such as water for consumption and for domestic animals, and local food production.

Throughout these processes, it has become clear that there are policy measures that can be undertaken to help mitigate the impact of these negative consequences, such as displacement. Zambia lacks adequate resettlement and compensation policies and legal frameworks. In addition, Zambia does not have a land policy that properly acknowledges the rights of rural dwellers to customary land. The land transactions of Zambia have not been illegal acquisitions, but often bypass local mechanisms for consultation and participation, presenting a number of governance issues through the lack of adequate legal frameworks.

This paper seeks to share ZLA's experiences and research findings detailing both the positive and negative impacts regarding large-scale land investments throughout Zambia. Focuses include land rights, food security, and governance issues. The paper will offer positive alternative options, such as policy shifts and laws to maximise poor people's benefits from large-scale investments.

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ACRONYMS

ADB	African Development Bank
CIFOR	Centre for International Forestry Research
EIA	Environmental Impact Assessment
FISP	Farmer Input Subsidy Programme
FAO	Food and Agriculture Organisation
FRA	Food Reserve Agency
GRZ	The Government of the Republic of Zambia
IAPRI	Indaba Agricultural Policy Research Institute
KASA	KirchlicheArbeitsstelleSüdluchesAfrika
MACO	Ministry of Agriculture and Cooperatives
MoU	Memorandum of Understanding
OI	Oakland Institute
PRAI	Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources.
UN	United Nations
VG	Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security
WB	World Bank
ZDA	Zambia Development Agency
ZEMA	Zambia Environmental Management Agency
ZLA	Zambia Land Alliance

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INTRODUCTION

The world, and particularly sub-Saharan Africa, has witnessed a rise in the prevalence of large-scale land acquisitions. There is growing documentation of a number of cases whereby foreign investors are able to acquire large amounts of farmland, particularly above 1,000 hectares (ha) and as high as several hundreds of thousands of hectares. A recent report by Oxfam (2011) has declared that the number of land that has been sold or leased in developing countries is as high as 227 million ha, a significant increase from the World Bank's previous estimate of 56 million ha in 2009 (2010). These have been commonly referred to as 'land grabs', and while they may contribute to investment in African countries, they pose a considerable risk to those who derive their livelihoods from the land.

Zambia is not exempt from this trend. The World Bank (WB) (2011) has cited Zambia as a case with a high 'yield gap' – a country with a large amount of land, yet with a low proportion of cultivated land and low population density. This categorisation is indicative of the ways in which Zambia is viewed: an agriculturally fertile country with abundant land. Since economic liberalisation, the Zambian government has pursued a path of investment promotion to boost economic development and to create employment opportunities. In particular, large amounts of land have been set aside for foreign investment in sectors such as mining, agriculture, and tourism. The African Development Bank (ADB)(2010) estimates that nearly 5 million ha of land has been set aside for mining exploration alone. They further state that they estimate that 398,200ha of land has been targeted for agricultural production by foreign investment. These figures stand aside from further land that has been earmarked for development as farm blocks by the Zambian Development Agency (ZDA), which is estimated to be 967,750ha (Oakland Institute, 2011). However, a compilation of known cases studies for land set aside for investment in Zambia yields a figure closer to 1,162,856ha, representing a total of 1.55% of Zambia's total land mass.

Efforts to centre economic development plans on land allocations rely on the notion of Zambia as country of abundant land. Yet, Zambia is a growing country that continues to struggle with food security and social development. It has a young and growing population. It is estimated that Zambia will experience a 941 percent population growth between 2011 and 2100, forming the highest growth rate during this time period, in the world (UN, 2011b). These growing pressures on Zambia's land will only be increased with time. While Zambia's economic and population development will continue to expand the pressures on its land, it must also be recognized that the allocated lands may not only be in current use for residential and agricultural purposes, but they also serve as a resource for water, grazing and other informal agricultural and ecological uses. Preliminary research conducted by the Zambia Land Alliance (ZLA) has already yielded that in eight reported and researched cases, there has been 462,422ha of land transferred, with an average land acquisition size of 57,802ha. Within these cases, even alienation from as little as 10ha of land can result in the displacement of up to fifty households.¹ If not checked, these large scale acquisitions can result in the displacement of whole communities from land as the result of the increase in land values, the propagation of land tenure insecurity, and the increased vulnerability to food insecurity. In the face of all these challenges, displacements from land can be the final straw in removing the final safety net for the poor and vulnerable.

This paper seeks to present the research findings of ZLA on large-scale land acquisitions. This work has attempted to assess the scope of and trends in such transactions, as well as to gauge both the positive and negative impacts. Zambia is an understudied case of large-scale land acquisitions in Sub-Saharan Africa, but continues to be a case study quoted, often with unverified and incorrect or outdated data. The case studies chosen were not selected according to certain guidelines, but rather, a wide range of types of cases were selected in order to understand both the scope and the increasing complexities of the forces at play. Cases range from agricultural investments to mining and tourism; however, the analysis in this paper primarily derives from the experience of agricultural investments. What has emerged is a complex picture of historical and political economy forces, of both positive and negative impacts, and of very real threats for future development. However, salient analysis and a new approach to understandings of large-scale land acquisitions must be used in order to create real policy solutions and to mitigate negative impacts.

PROFILE OF ZAMBIA

¹ This analysis results from the research conducted by ZLA on a case study of German investment in biofuels in Muchinga Province conducted in November 2011.

Zambia is often seen as a large country (75,200,000ha or 752,614km²), with a relatively small population (12,935,000 people in 2009), thus having a low population density (measured to be approximately 17.2 people/km² in 2009) (UN, 2010). The picture of a large, low-density country has provided great impetus for the justifications of large-scale land acquisitions. However, there are several other indicators that are necessary to place Zambia in context. In 2011, the UNDP ranked Zambia 164 out of 183 countries (UN, 2011b). Mining has played a disproportionately large portion of the country's GDP, creating a high reliance on the mining sector, particularly in copper, which has led to dependence on a volatile and unpredictable commodity. Efforts to diversify away from such dependence have led to the prioritization of agriculture for economic growth strategies, placing huge importance in the means to provide agricultural development. It has become not only a method for economic growth, but also, in theory for poverty reduction.

As such, Zambia has pursued a number of strategies to promote the agricultural sector, enshrined in such policies as the Fifth National Development Plan (FNDP) (2005), the Vision 2030 (2005) and more recently, the Sixth National Development Plan (SNDP) (2011). Each of these documents has placed a high priority for investment, both foreign and national, in agriculture. Foreign investments in agriculture have been facilitated by the Zambia Development Agency (ZDA), while various government ministries (particularly the Ministry of Lands and the Ministry of Agriculture) have worked to utilize public funds towards the growth of Zambia's agricultural sector. While agriculture remains a high priority for the government, large-scale land acquisitions have not been limited to agricultural projects. Both mining and the tourism sector continue to play a large role in Zambia's economy strategy. The extensive nature of both industries has also served to necessitate the use of large scales of land.

These efforts have culminated to a rise of large-scale land acquisitions, resulting in the alienation of land from local populations. This has created great concern for such issues as displacement; however, the research conducted by ZLA has demonstrated that, while displacements continue to be an issue of concern, the rate of displacements is relatively low at the moment. Protection for the poorest in land tenure security remains a high priority for ZLA; however, this is also a key moment in which policy can be used to protect against future displacements and to plan ahead for the impacts of growing trends in areas such as population growth and increased land constraints. Zambia remains behind in the planning of key documents in the protection against the negative impacts of large-scale land acquisitions, such as an adequate land policy or resettlement policy.

It remains to be seen whether large-scale land acquisitions can bring about the positive benefits that Zambia requires, particularly in economic diversification and growth. These may only be revealed over time. These could be tangible goals for Zambia achieved by increased foreign investment, but these can only be achieved through increased research, accountability, and monitoring and evaluation. But large-scale land acquisitions will likely not alone bring about positive benefits, without attention to the other part of the equation, that being poverty reduction.

METHODOLOGY

This paper seeks to present the research conducted by ZLA. ZLA is a network of non-governmental organisations (NGOs) working with rural communities to promote secure access, ownership, and control over land. Over the past several years, ZLA has been presented with a number of case studies that have involved land conflicts and threats to the right of local communities to their land. This has included a growing number of cases involving large scales of land. As such, ZLA has been working to document these cases, as well as to participate in the growing international discussions, linking the case studies from the Zambian experience to the international discourses.

The research conducted by ZLA has derived from a number of sources, including government data, stakeholder interviews, and fieldwork at the site of a number of case studies. Fieldwork has included focus group studies and rapid assessments of positive and negative impacts. The case studies selected by ZLA have been verified either through key stakeholder interviews or through records held by the Ministry of Lands. Such attempts for verification have included dates for land transactions, as well as names and land holding sizes. This has been part of an attempt to create concrete sources to verify speculations that exist on such land cases reported by the media and other sources. This is an on-going project, made difficult by the lack of accessibility or consistency in government documents and records. Yet, still, the compilation of this data represents a first step in creating awareness and accountability in each case study.

Table 1: Summary of Case Studies conducted by ZLA

Project Location (Start Date)	Reported Size	Positive Impacts	Negative Impacts	Sources	Comments
Mpika District, Muchinga Province (2009)	302,749ha	Local employment.	Labour issues reported; no sense of long-term business plan; 50 households displaced.	CIFOR (2011), KASA (2011), ZLA Fieldwork (2011)	Biofuels plantation; no land transferred to company, land transferred to statutory tenure and held by ZDA. Investor origin, Germany.
Choma District, Southern Province (2009)	26,894ha	Local employment.	Farmland consolidation, labour issues.	KASA (2011), ZLA Fieldwork (2012)	Commercial farmland; statutory land acquired. Investor origin, Germany.
Mpika District, Muchinga Province	20,101ha	Local employment, provision of ambulance, social investment; resettlement.	Small displacement, introduction of foreign crop with little trials; 45 households resettled.	CIFOR (2011), ZLA Fieldwork (2011)	Palm oil plantation; customary land acquired. Investor origin, Zambia.
Mazabuka District, Southern Province (2006)	1,100ha	Local employment; resettlement.	81 households displaced (132 households affected).	ZLA Fieldwork (2011)	Nickel mine; statutory land acquired. Investor origin, Australia.
Serenje District, Central Province (2005)	105,000ha	n/a – early stages of project.	44 households displaced from core venture.	OI (2011), ZLA Fieldwork (2012)	Farm block; no land transferred to company, land transferred to statutory tenure and held by ZDA. Investor origin, Hungary/Zambia.
Gwembe District, Southern Province (2008)	2,000ha	Local employment (17 jobs).	Reports of human rights abuses.	ZLA Fieldwork (2011)	Prospective coal mine; no land transferred to company, issuance of prospecting license for 93,989ha. Application for land transfer, 2,000ha, for associated development. Investor origin, India.
Kafue District, Lusaka Province (2008)	1,575ha	Smallholder cooperative formed for 120 households; provision of market plots.	126 households affected.	ZLA Fieldwork (2011)	Commercial farmland; statutory land acquired (2008) from smallholder cooperative. Investor origin, United Kingdom.
Choma District, Southern Province (2005)	3,003ha	Provision of local amenities (school, some infrastructure); local employment (113 jobs).	Land conflict; 222 households displaced..	ZLA Fieldwork (2010)	Statutory land acquired (200ha for biofuels project in 2005). Investor origin, Zambia/Netherlands.

Source: author's compilation.

ANALYSIS AND THE SCOPE OF LAND ACQUISITIONS IN ZAMBIA

The table of ZLA case studies (Table 1) presents a small snapshot of incidences of large-scale land acquisitions in Zambia. Eight case studies have been examined, including with fieldwork, representing a total sum of 462,422ha. There are numerous other known cases, a number of which have been summarised in Appendix 1, although they have little verification. There too has been an increasing amount of research conducted by a number of other organisations, seeking to incorporate Zambia into a greater scope of land acquisitions throughout sub-Saharan Africa². These reports have provided important contributions to not only exposing a number of important case studies within Zambia, but also in providing useful context such as understandings of Zambia's dual tenure system of customary and statutory land, and the contexts and mechanisms in which land is acquired or transferred. The latter issue has been of particular importance for situating Zambia's land tenure system in the rise of large-scale land acquisitions; however, this paper seeks to acknowledge the discussions in previous reports, and to move beyond them using data and analysis from further fieldwork.

A further list compiled by ZLA of twenty four case studies reported to ZLA, in the media, or by other organisations, represents a total of 1,162,856ha of land under question³. To put this in perspective, this is equivalent to 1.55% of Zambia's total land mass, or 12.92% of Zambia's total arable land. If many of these deals are comparable to the cases examined by ZLA, the total of amount of hectareage represents not the amount of land transferred to foreign ownership, but rather, the amount of land that could be alienated from the local population. The means in which land has been alienated may include transfer of ownership to national or foreign companies or to government bodies such as ZDA and the ministries of land or agriculture.

There is a demonstrable variation amongst case studies from Zambia, including in size, origin of investors, and sector in which the investment has been made. While not all projects are necessarily 'new' (i.e. beginning roughly around 2008, as most reports state that most 'land grabs' start), the majority of them have experienced injections of capital or have come under new ownership since the 2008 date. In addition, most investments recorded have taken place in the mining and agriculture sectors, although cases in tourism and game ranching are also rumoured. Reflections upon Zambia's economic history demonstrate that investments in either mining or agriculture are hardly new in Zambia, although there can be an argument made for the intensification of investments in both sectors in recent years.

Particularly with agriculture, many of the private equity firms that have acquired farmland in Zambia have acquired pre-existing commercial farmland. Some of the greatest concerns with large-scale land acquisitions derive from the purchase and land use change of land belonging to smallholder farmers. Displacement is an issue which will be discussed later in this paper, but the case of Zambia demonstrates that private equity interests in farmland in Zambia have been mostly confined to pre-existing commercial farmland. Although thus far, the scope of displacements has been limited, there continues to be concerns over the long-planning and intentions of such projects, whose capital is based on more speculative markets and actions of private equity funds.

The size of the acquisition also varies; the criteria used for the categorisation of 'large-scale land acquisitions' in Zambia has been land transfers of over 1000ha. This has been a figure used by others (see Cotula et al, 2009), while other (Schoneveld, 2011) have used a baseline figure of 2,000ha. However, 1000ha remains a useful figure in the Zambian context as under law, land transfers of over 1000ha requires the authorisation of the President (Ministry of Lands, 1996). While commercial farms in Zambia range in the area of thousands of hectares, there have been a number of deals involving tens of thousands of hectares, and the GRZ's planned farm block projects ambitiously involve an average of over 90,000ha each.

IMPACTS AND THE ROLE OF DISPLACEMENTS

In assessing the scope and extent of large-scale land acquisitions, it is important to note that there have been both positive and negative impacts. The wide range of different purposes, different geographical areas, and different stakeholders creates a much more complex web of interactions, meaning that each

²In particular, see German et al (2011) and the Oakland Institute (2012) for a thorough discussion of key issues such as the Zambia land tenure system and processes of acquiring land in Zambia.

³See Appendix 1 for the full table.

case has provided nuanced impacts. The extents of both the positive and negative impacts are also specific to each case.

Like elsewhere in Africa, land plays a vital role in sustaining livelihoods, ensuring food security and reducing poverty in Zambia. If people are not able to access land (including communal interests such as grazing lands or water resources), are unable to secure rights over land, or do not participate in decisions over land that they occupy or use, they will not be able to undertake their livelihood activities. Promoting good land governance in the process of allocating land for development, managing the different interests and competing claims to land is essential in protecting the livelihoods of many Zambians who depend on land. While it is clear that land provides a great opportunity for the diversification of Zambia's economy and for economic growth in general, it must be noted that this can come at great risk to Zambia's poorest. For a large majority of rural Zambians, their land remains the primary resource from which they derive food, shelter, social status, and livelihoods.

From ZLA's experiences, displacements remain the most negative potential impact of large-scale land acquisitions. These range from the loss of livelihoods and incomes, to the loss of livelihoods for future generations, increased food insecurity, social conflicts, and overall increased poverty and vulnerability through the loss of safety nets. Thus, understanding the impacts of displacement, the current incidences of displacement, and finding policy solutions to prevent or mitigate further impacts remains one of the most important tasks in the question of large-scale land acquisitions.

Table 2: Summary of Known Displacements from ZLA Case Studies

Case	Project Start Date (study date)	Size	Number of People Affected	Land Status
Mpika District, Muchinga Province	2009	302,749ha	50 households displaced	Conversion of customary to statutory land
Choma District, Southern Province	2009	26,894ha	0 displaced	Pre-existing statutory land
Mpika District, Muchinga Province	2008	20,101ha	45 households displaced and resettled	Conversion of customary to statutory land
Mazabuka District, Southern Province	2006	1,100ha	81 households displaced (132 households affected)	Conversion of customary to statutory land
Serenje District, Central Province	n/a	105,000ha	44 households to be displaced from core venture (17,500ha)	Conversion of customary to statutory land
Gwembe District, Southern Province	2008	2,000ha	Land not yet acquired	Customary land – not yet transferred
Kafue District, Lusaka Province	2002	1,575ha	126 households affected; 20 displaced and resettled	Pre-existing statutory land (pooled from local landowners)
Choma District, Southern Province	2005 (2010)	3,003ha	222 households affected; 216 displaced	Contested land

Source: author's compilation

The displacements in the ZLA case studies have been relatively small in comparison to other global cases reported⁴. In the eight ZLA case studies, six were reported to include displacements, with a total land mass of 433,528ha and 456 households displaced. Using the figure of an average 6people/household, this would mean the displacement of 2736 people, with an average of 1 person displaced every 158ha. The scope of displacements may be low at the moment, but more importantly,

⁴Oxfam and the Uganda Land Alliance's research into the case of the New Forest Company's plantations in Uganda have revealed displacements of 22,500 people (Oxfam, 2011).

there no legal provision for resettlement and compensation, nor are there clear guidelines for incidences of resettlement, when they do occur. Of those case studies, one reported great conflict between displaced local communities and investors (Choma jatropa project), while four were able to renegotiate the land transactions to minimize current displacements with even some compensation (the farm block in Serenje, the palm oil project in Mpika, the nickel mine in Mazabuka, and the commercial farm in Kafue). In two cases (commercial farm in Kafue and the palm oil project in Mpika), the companies involved provided compensation and help in resettlement in the form of the construction of new houses. One project manager admitted that when it came to compensation, there were no guidelines, and that the company simply went about it in an ad-hoc way. However, he argued it was not his company's responsibility to provide benefits for free, but rather only to re-create the status quo⁵. Yet, what is at stake in the displacements is more than simply the economic value of houses. Often, farm plots are lost and resettlement requires the clearance of new land, sometimes resulting in the loss of an agricultural season; in addition, informal incomes and food sources, such as fruit trees or forest products, are lost.

When have displacements occurred in incidences of large-scale land acquisitions? Displacement often occurs hand in hand with incidences of poor governance and low accountability; cases that received public attention and the participation and support of local councils (such as the palm oil case in Mpika, the nickel mine case in Mazabuka, and even the farm block in Serenje) resulted in the change of the size and/or location of the land allocated. This suggests that while consultations are rare, when civil society has been able to voice opinions on land allocations, they have been able to influence the size and location of the land allocated, and reduced incidences of displacement. The jatropa project in Mpika demonstrated very little consultation or agency in the local communities, with very little outlets to voice their displacement. When displacements took place on customary land (such as the jatropa project in Mpika, the farm block in Serenje, and the palm oil project in Mpika), the chiefs play a key role in re-allocating and resettling displaced community members. The success of these resettlements, particularly in re-allocating an adequate amount of land, has depended on the interests and dedication of the particular chief, which has not been consistent.

The most pressing issue in incidences where displacement does occur, even in small numbers, is that in Zambia there is currently no legislation that dictates compensation and resettlement in cases of displacement. In incidences of land conflict concerning statutory land, such as the Choma biofuels case, the landholders have the right to eject 'squatters', even if the land in question is under contention⁶ (Milimo et al, 2011). As such, resettlement and compensation is often ad-hoc; while it allows for site-specific decision making, it also means that there is little to protect the interests and rights of community members displaced when other legal mechanisms and land laws are not enforced and fail to protect their rights.

In the case of the acquisition by private companies, while resettlement plans are required in such documents as Environmental Impact Assessments (EIA) and outlined in the Environmental Impact Assessment Regulations (1991), two issues arise: firstly, there are no minimum or baseline requirements for such resettlement plans, leaving resettlement to be random and reliant on the good intentions of the company in question. Secondly, there continues to be poor enforcement of such plans, as with the majority of the EIA process. In the case of land acquired for public 'development' purposes, as outlined in the 1970 Lands Acquisition Act, the government is required to provide compensation equivalent to the land lost and 'for an estate not exceeding the estate acquired'. However, in practice, in the case of customary lands this compensation is provided to the chief of the land, usually in the form of goods and payment, rather than further land; it is up to the chief to see that this compensation is translated to those living and using the land that have been affected.

POLICY OPTIONS FOR ZAMBIA

At the core of exploring policy options to address and mitigate the negative impacts of large-scale land acquisitions is the question of governance. Econometric analysis conducted by Arezki et al (2012) suggests that there is a strong link between weak governance and attraction for investment. They suggest

⁵Personal communication (November 2011).

⁶See the International Land Coalition report by Milimo et al (2011) for further details on the case of Macha mission in Choma district, Zambia, whereby local community members re-settled on what they believed to be unused customary land, provided by their local chief. However, in reality the land was unused statutory land owned by the Macha mission, who reclaimed the land in 2005 for the use of a biofuels and other local projects, thereby evicting 216 households.

that a possible explanation lies in that these are circumstances in which investors are able to acquire land quickly and at a low cost. There has been a great amount of attention⁷ to the ways in which Zambia's tenure system has allowed for the foreign and large-scale acquisition of land, particularly in the gap between the administration and allocation of customary and statutory land. Zambia, as with many other Sub-Saharan countries, operates with a dual land tenure system, that is, land falls under either customary tenure or statutory tenure. As such, the status of customary land tenure as subordinate to statutory, as well as the informal processes that guide customary land allocation, have created spaces in which customary land holders, often poor smallholder farmers, are unable to achieve land tenure security or to contest situations in which their land is challenged. This is true in both *de jure* situations and *de facto* situations. However, there has been less attention to the question of what can be done to address customary tenure security resulting from large-scale land acquisitions through addressing the policy gaps. This section of the paper seeks to build upon the critiques of the current functions of customary land tenure and administration and to link these with ZLA's on-going efforts to address land policy ideas to suggest policy options to pursue to help mitigate negative impacts from large-scale land acquisitions, in particular, displacements.

ZLA has been involved in campaigning on fair land policies, laws, and land administration which take into account the needs of the poor. In particular, they have played a large role in the land policy review process, which began with the adoption of a national draft land policy in 2002. They were involved in the initial stages of re-drafting the policy; however, the Ministry of Lands disbanded their consultation processes and submitted a final draft internally in 2006 – 2007. ZLA was able to bring media attention to this process and as a result the formation of a new land policy has been stalled. This experience has taught ZLA much about the need for transparent and participatory processes in government legislature on land this underpins the policy advocacy work that ZLA continues to conduct⁸.

The recent rise of interest in large-scale land acquisitions provides a unique time period in which the overall interest in land issues has reached a renewed new peak. With great attention and interest in land issues, ZLA hopes to use this period to not only highlight the linkages between weak customary tenure insecurity, weak governance, and incidences of large-scale land acquisition, but to harness the interest in the topic to create a critical mass to address the underlying weaknesses in land governance in Zambia. This is achieved through the support of greater research and data, to highlight the need for transparency and to improve accountability in incidences of large-scale land acquisition, as well as creating forums for discussion between key stakeholders in civil society, national and local levels of government, and in particular, those affected the most by land acquisitions. The summation of the policy advocacy hopes to reinvigorate the process of formulating a new land policy, particularly with the arrival of a new and receptive government in power⁹.

Some of the complex land issues faced in Zambia are rooted in past colonial patterns of ownerships which denied or limited access to land and, by extension, associated economic opportunities to large segments of the population. Efforts to correct existing imbalances in land ownership have been hindered by the lack of capacity for implementing policy reforms, inadequate information, and national political considerations. The root of the present day land system derives from the 1995 Lands Act, which served to vest all land in the President on behalf of all the Zambian people. It provides that land may be administered under two tenure systems: statutory and customary tenure. While statutory land is administered in accordance with written laws, under government officials, customary land is administered by traditional authorities based on unwritten, localised customary laws. The Act also provides mechanisms for the conversion of customary land to statutory land; however, there are no provisions for the reverse. The Act states that the President shall not alienate any land situated in a district or area where land is held under customary tenure without consulting the Chief or local authority, without consultation of other people whose interests might be affected, and if the applicant has not received prior approval from the chief or local authority.

Efforts to address the shortcomings of the 1995 Lands Act rest in the process of creating a new Land Policy. There are several recommendations that have emerged, particularly from the experience of

⁷Reports written by the Oakland Institute (2011), Gumbo et al (2010), and German et al (2011) have thoroughly detailed the links between customary tenure insecurity and large-scale land acquisitions, particularly in the case of Zambia.

⁸Please see Machira (2011) and ZLA (2008) for further discussions on land policy options for Zambia.

⁹The results of the national elections in September 2011 saw the incumbent party, the Movement for Multi-party Democracy (MMD) lose to the Patriotic Front (PF). Michael Sata was sworn in as President in what has been lauded as a successful and peaceful transition of government.

large-scale land acquisitions, which should be incorporated into the new Land Policy. First of course, is the recognition of the importance of participatory and transparent measures in formulating the new policy. Secondly, more specific mechanisms, such as a process to re-transfer statutory to customary land, and greater recognition and legislature pertaining to the administration of customary land should be enshrined in the new policy. Recognition of the role and legality of customary tenure exists within the act; however, the security of tenure and the wider recognition is not satisfactorily designated within the act. Conditions such as the recognition of customary land for the purposes of gaining loans, for instance, does not exist within Zambia, while rights against eviction and for compensation only exist for those on statutory land.

These are some fundamental shortcomings of the 1995 Lands Act that require updating through the form of a new Land Policy. However, while the creation of a Land Policy forms the first step in addressing gaps in the land administration, it alone is not enough. Such policies must be enforced and regulated, which has become another shortcoming in land administration in Zambia. Several important clauses do exist in practice in Zambian law, particularly pertaining to the aspect of displacement. The requirement for the completion of EIAs is enshrined in the Environmental Protection and Control Act (1999) and the newest Environmental Management Act (2011), which states ‘a person shall not undertake any project that may have an effect on the environment without the written approval of the [Zambia Environmental Management] Agency...’. EIAs provided for several of the analysed projects (in particular, the farm block (MACO, 2006)), the fact that submission of the EIA followed the decision for the project implementation was noted within the document.

There needs to be a better system for the monitoring and evaluation of land administration, as well as regulation and enforcement to prevent corruption. Studies by Transparency International (2011) have found that government departments responsible for the administration of land are among the most susceptible to bribes, making property and land one of the most susceptible sectors to bribery and corruption. The new government in Zambia, elected in 2011, has championed anti-corruption measures as central to their pledges; it is hoped that these efforts will be extended towards their treatment of land issues.

There is currently limited local capacity to access and analyse information on land, for example, about the revenues that are likely to be generated by the investor projects or the legal conditions in which land is transferred. There remains even little ability to estimate total land availability under each customary and statutory systems, due to the lack of an updated land inventory. Statistics of land under customary tenure have not been properly updated since the colonial period. Therefore, a new land audit remains crucial for not only understanding the impacts of the amount of land that has been allocated to the government and to both individuals and companies, but also to prevent further cases of land contestations from confusion over the status of unused statutory land.

Finally, international organisations such as the United Nations (UN) and the World Bank have attempted to create international guidelines to ensure such tenants as ‘responsible investment in agriculture’ are met. The key international documents are the FAO’s ‘Voluntary Guidelines on the Responsible Governance of Tenure of Land, Fisheries and Forests in the Context of National Food Security’ (VG) (2012), the World Bank’s ‘Principles for Responsible Agricultural Investment that Respects Rights, Livelihoods and Resources’ (PRAI) (2010). Other organisations have voiced their opposition to such measures, such as FIAN International to the World Bank’s PRAI, while the International Land Coalition has voiced support for the FAO’s VGs (2011). Meanwhile, key figures such as the UN Special Rapporteur on the Right to Food, Olivier de Schutter has pushed for a human rights-based approach to address incidences of large-scale land acquisitions.

At the heart of FIAN’s critiques of the World Bank’s PRAI is the continued endorsement of such land acquisition transactions, providing that those acquiring the land subject themselves to instruments of self-regulation. The lack of participation of the governments of the recipient countries, much less the communities impacted, is also cited as a flaw of the PRAI (FIAN, 2010). More specifically, from the experience of Zambia, there are several key tenants of the PRAI that are flawed. The first principle refers to the need to respect ‘existing rights to land and associated natural resources’ (2010). However, the question of land rights in Zambia, and the notion that land rights are fixed and uncontested, has already been shown to be untrue, with greater national policy measures to be changed to ensure that customary land rights are guaranteed. Principles 3 (regarding transparency) and 4 (consultation) are also impossible to guarantee; while they should be encouraged from the perspective of the investing body, the case of Zambia has shown that these continue to be challenges on behalf of host

governments. Without the ability to ensure that these are guaranteed on behalf of the governments involved, there continues to be no mechanism to enforce such measures on the investors. Lastly, questions of social sustainability (Principle 6) and environmental sustainability (Principle 7) continue to be struggles for the Zambian government to regularly enforce, let alone for new incidences of land acquisition. The FAO's VG have received more support internationally, particularly based on the process of participatory consultation alone. They provide a greater, nuanced interpretation of land rights in the form of the recognition of land tenure and encourage participation at the state level. However, again, enforcement rests at the state level, and demonstrated by the case of Zambia, at the state level there are pre-existing struggles to enforce and monitor questions of land administration. Such international guidelines are an acknowledgement of the detrimental impacts that large-scale land acquisitions may have; however, these are only effective in conjunction with the appropriate measures to address current policy shortcomings in the national context.

FURTHER WORK NEEDED

In addition to the policy options, this paper also seeks to suggest several other key issues with regards to large-scale land acquisitions. There continues to be a large amount of misinformation on deals as well as several key 'received wisdoms' that must be addressed in order to be able to proceed with policy options. These issues are the misinformation that exists on land acquisitions in Zambia, the myth of 'empty land' in Zambia, and finally, that all land is 'equal'.

Much of the debate over 'land grabs' is plagued by a lack of systematic and verifiable information. This is largely due to the fact that many of the potential impacts of large-scale land acquisitions are long term and are difficult to analyse presently. Many projects are still in their early stages of development, while some remain in trial stages. There has been a greater awareness of the ways in which many of these projects have failed¹⁰. This is seldom taken into account in the works of many other NGOs seeking to bring attention to the issues, as well as by investors who take into account risk and profits. As such, this means that policy actions are particularly important in this sense in order to provide long-lasting mechanisms of protection.

There is increasing awareness over the inconsistency of information on land deals in Zambia, highlighted by the table below.

Table 3: Summary of Large-Scale Land Acquisitions Data on Zambia

Report Source	Total Hectarage	Number of Deals
CIFOR (2011)	827,483ha	13
GRAIN (2012)	226,513ha	7
ILC (2012)	2,273,413ha	9
ZLA (2012)	406,987ha	12

Source: author's compilation

The focus on the approach in Zambia to understanding 'land grabs', or large-scale land acquisitions in general, has focussed on bringing attention to particular case studies and highlighting the negative impacts. Through the research conducted thus far by ZLA, several questions still remain unanswered. There have been methodological difficulties in uncovering information, not simply because of transparency issue (although this remains something that needs to be addressed), but also simply because of the lack of accountability and monitoring and evaluation for those who are meant to collect data, such as government ministries. In some instances, certain information is unlikely to be disclosed (such as contracts between investors and the government).

Increased research remains an important contribution to ensuring greater accountability. There has been rising awareness of the impacts and case studies throughout civil society in Zambia, of which ZLA hopes to build upon in order to create a critical mass of attention and dissemination of information. As of yet, very little of these projects have been realised on the ground level. However, rather than focus on such information, there are still several facets and questions that must be further explored in order to understand the full scale of the impact of the rising trend in large-scale land acquisitions.

¹⁰See for instance, the case of Sun Biofuels in Tanzania (Carrington, 2011), a list of 'failed' mega-deals (Schoneveld, 2011) and a list of failed land acquisition deals by China (Brautigam, 2012).

Another myth that continues to run through agricultural investments in Zambia concerns the notion that land is ‘empty’ in Zambia. While it can be demonstrated that Zambia is a country with low population density, the concept that any of this land is unused is largely untrue. One way of conceptualising this issue is through the understanding the status of customary land. It is often quoted that Zambia consists of 94% customary land and 6% statutory land. These statistics can be traced back to before Zambia’s Independence in 1964 (Oakland Institute, 2011) and the lack of land audit in Zambia has meant that there has been little effort to revise these statistics, despite the growing recognition that the statistics are unlikely to remain current.

Table 4: Customary versus State land in Zambia

Statutory Land Use	Total (ha)	% of Total Land Mass	Source and Notes
Forests Reserves	855950	1.14%	Chiyaze, 2011.
National Parks	6868181	9.13%	Siampande, 2011.
Council and Settlements	7250000	9.64%	Mudenda, 2011.
Swamps and Grasslands	7550000	10.04%	Mudenda, 2011.
Water	750000	1.00%	Mudenda, 2011.
Land Investments	1,162,856	1.55%	ZLA
New Farm Blocks	812750	1.08%	OI, 2011; *Does not include Nansanga
Mining Concessions	5000000	6.65%	ADB, 2010
Total State Land Allocated	30249737	40.21%	
Zambia Total Land Mass	75221094		
Remaining: Customary Land		59.79%	

Source: author’s compilation, based on the noted sources within the table.

As we can see, Zambia remains a country of great land abundance, but this abundance does not always equate to access, particularly for those who would benefit the most from it. The figure of approximately 40% of Zambia’s land mass as state land means that this land has largely been alienated from access by smallholder farmers, either through direct displacement, or through the prevention of future access. The latter point is particularly important when reflecting upon Zambia’s future population growth and the increased pressures on land. Thus, on this aspect, there remains much more research needed on the question of the impacts of increased population densities for smallholder farmers to really understand the impact of large-scale land acquisitions and further land alienation; while displacements remain a current and present danger, the question of future land use must also be asked.

One topic that this paper fails to address thus far, in the short span that it is able to encompass, is the question of the environmental impacts and sustainability of large-scale farming projects. EIAs remain few and vague. . While environmental impact assessments are required by the Environmental Impact Assessment Regulations (1997)¹¹, they are rarely conducted unless required by international donors and funders such as the World Bank, and even still, are often only conducted after the decision for the implementation of projects have proceeded, as with the case of the Nansanga farm block or the palm oil project in Mpika. The GRZ, and in particular ZEMA, lack the capacity and funding to enforce any environmental measures as well as to monitor and evaluate proceedings following the conduction of EIAs¹². Access to the EIA’s remains relatively limited, despite their status as public documents, and many of those available leave much information to be desired still.

In addition, there needs to be a greater ability to conduct a thorough understanding of not only impacts to local communities, but a greater understanding of the baseline situation, particularly for food security and livelihoods, but also to learn lessons from Zambia’s previous experiences. Large-scale land acquisitions are not necessarily new in Zambia and there is much to be learned about the impacts, both positive and negative, from pre-existing cases. For instance, the design and impact of a case such as the Nansanga farm sugar block has been based on the model of the Kayela Smallholders Cooperative at the Nakambala Sugar Estates in Mazabuka, Southern Province. The history of the success and issues with

¹¹This is an amendment to the Environmental Protection and Pollution Control Act No. 12 (1990).

¹²German et al (2011) also make this point in their report.

outgrower schemes is a worthwhile exploration in order to understand if indeed such models are set to succeed in Zambia.

Even less research has been conducted on impacts such as carbon emissions from land clearance and land use change, as well as impacts on the soil degradation from changes in agricultural use (such as from shifting cultivation, chitemene, to long term sedentary agriculture, and changes in crops from smallholder crops such as cassava, to mono-cropping or plantation style agriculture. This becomes a question of the efficacy of large farms versus small farms, a topic that continues to be hotly debated. However, if the rhetoric concerning large agricultural projects continues to champion positive benefits to local communities, then the question must not be about efficacy, but rather, of poverty reduction and the best way to utilize funds devoted to agriculture to support those who need it the most. In such places as the Southern Province, where a naturally drier climate has lent itself to droughts and declining agricultural production, the productivity of commercial agricultural is already being challenged. This remains an area which the ZLA strongly encourages further work.

Thus far, the impacts on local communities from large-scale projects remain limited, both in positive and negative impacts. However, there are some important broader questions that must be addressed. How will such projects have impacts in the long term? This includes both questions of the increasing amount of land alienation and in terms of environmental sustainability for agriculture? One thing that emerges from the 'land grabs' debate in Zambia is the short term thinking of all the bodies involved. Between investors, various levels of government, and even local communities, the short term benefits outweigh considerations for long term planning and sustainability.

CONCLUSION

To summarise some of the discussion above, there are several recommendations based on ZLA's work on large-scale land acquisitions.

1. There is a need for further research, but more importantly, better data. This includes having civil society working together to create a critical mass on the issue of large-scale land acquisitions to encourage greater transparency and accountability in current case studies and future land acquisitions. The GRZ should also conduct a land audit in order to allow for greater information about the status of customary land in Zambia and to provide more accessible ways to survey land.
2. There needs to be a rethinking of the ways in which land is allocated. This includes creating decentralised mechanisms for allocating land and accountability for local communities in the participation in decisions for land allocations. This also includes transparency in for the decisions made and prioritising the inclusion of 'prior and informed consent' in land allocations. A system in which the participation of communities is included in any decision to allocate land must be encouraged.
3. There needs to be a rethinking of national land policies and legal mechanisms with regards to customary land tenure. This includes a provision for the conversion of statutory land to customary land and the increased recognition of customary land. This can allow for land to be reverted to community use and prevent alienation of land from communities from land speculation. Lastly, there needs to be greater work in finding ways to ensure tenure security for the poorest, such as either through innovative customary titling certificates or through easing the processes of acquiring statutory titles.
4. Policy mechanisms do currently exist, but are rarely enforced. There needs to be greater efforts of the government to prevent further corruption and unaccountability by putting equal efforts into the enforcement and monitoring to ensure the efficacy of policy actions.
5. International guidelines provide an important consensus on the negative impacts of large-scale land acquisitions as well as support for advocacy efforts at the ground level; however, they alone will not serve to address the negative impacts and must be situated in local contexts, so that they can work in conjunction with the necessary national policy reforms.

Zambia is at a crossroads. With the recent and peaceful election of a new government in September 2011, there is a rare window of opportunity for policy change. There may be a space in which new approaches and new commitments to pro-poor policies are welcomed, as demonstrated by

commitments to a new Constitution and as expressed in President Sata's speech to Parliament.¹³ The New PF Government committed in its election manifesto to 'promote security of tenure of customary land' in rural areas, as well as to 'prevent displacement of local communities by...foreign investors in rural areas'. Lastly, the manifesto has also pledged to 'amend the Lands Act of 1995 in order to achieve [their commitments]'.¹⁴ These are strong indictments against the negative impacts of large-scale land acquisitions it is hoped to have the support of the government in addressing through policy. All these efforts rest on the GRZ's current efforts to create a new draft constitution. This document will demonstrate the new government's efforts and commitment to addressing the growing land issues in Zambia and to think long term about the negative impacts of such land allocations. At the moment, there is a great need for increased research, work with local communities on sensitization, and policy advocacy to ensure that the new government is willing to follow on their promises¹⁵. ZLA's further research will serve to inform policy advocacy. With evidence-based research, the policy advocacy is provided with greater credibility and thus, ideally greater policy impact.

It remains to be seen what will be the outcomes of these government pledges. The recommendations outlined in this paper, particularly those related to land policy reform, are not necessarily new; many of them have been recommendations voiced by organisations such as ZLA as well as others for a number of years. It is hoped that the rising interest in both investments in large-scale land acquisitions and reactions to, can act as the spark to bring together civil society to encourage the government to address these recommendations, as well as to prevent further negative impacts proposed by research such as this paper. It hopes to create a forum in which to bring together stakeholders from across the spectrum, including linking local communities to both local and the national government, and lastly, to engage investors, in finding pro-poor solutions to mitigate the negative impacts of land acquisitions. This is a key point in Zambian history where the creation of such a critical mass can help shape the future of Zambia using its great natural resources for both economic development and for the benefit of Zambia's poorest and most disadvantaged.

The question comes down to how best to optimize Zambia's land abundance to serve to create economic growth and poverty reduction. The natural resources exist, but with limited funds, it remains to be seen the optimal way to ensure pro-poor growth. However, with increased investment, there is a prime opportunity to channel this funding and will into proper long-term planning and organisation. Farm blocks and large-scale land acquisitions are not inherently detrimental, but lessons must be learned from past experiences, such as in correcting existing land policy flaws, in order to harness agricultural development to protect the rights of local communities and to integrate them into such plans.

¹³President Sata's inaugural speech to Parliament, given on 14th October, 2011. In his speech, he discusses agricultural development, women's rights and a zero-tolerance policy on corruption. A transcript can be found here: <http://www.lusakatimes.com/2011/10/14/president-michael-sata-michael-satas-full-speech-parliament/> [Accessed 22nd November 2011.]

¹⁴PF Manifesto, 2011. Page 25 under 'Lands Development'. <http://sadbcblog.wordpress.com/2011/08/20/pf-manifesto-2011-zambia-yes-a-better-zambia-for-all/> [Accessed 1st February 2012].

¹⁵These promises were set forth in the PF Manifesto (2011) as well as the President's first speech to Parliament. (2011), both of which promised to address the issues of pro-poor growth and the protection of land for smallholder farmers.

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APPENDIX 1: SUMMARY OF KNOWN CASE STUDIES IN ZAMBIA

Case Location	Size (hectares)	Origin of Investor	Sources	Purpose
Mpika District, Muchinga Province (2009)	302,749	Germany	ZLA Fieldwork (2011), CIFOR (2011), KASA (2010)	Jatropha
Choma District, Southern Province (2009)	26,894	Germany	ZLA Fieldwork (2012), KASA (2010), FIAN (2011)	Commercial farmland
Mpika District, Muchinga Province	20,101	Zambia	ZLA Fieldwork (2011), CIFOR (2011)	Palm oil
Mazabuka District, Southern Province (2006)	1,100	Australia	ZLA Fieldwork (2011)	Nickel mine
Serenje District, Central Province (2005)	105,000	Zambia/Hungary	ZLA Fieldwork (2012), Oakland Institute (2011)	Farm block
Gwembe District, Southern Province (2008)	2,000	India	ZLA Fieldwork (2011)	Prospective coal mine
Kafue District, Lusaka Province (2008)	1,575	United Kingdom	ZLA Fieldwork (2011)	Commercial farmland
Choma District, Southern Province (2005)	3,003	Zambia/Netherlands	ZLA Fieldwork (2010), ILC (2011)	Jatropha
Kazungula District, Southern Province	2,513	United Kingdom	Oakland Institute (2011)	Commercial farmland
Mkushi District, Central Province	2,520	United Kingdom	Oakland Institute (2011)	Commercial farmland
Mazabuka District, Southern Province	4,314	South Africa (formerly, UK)	Gumbo et al (2010)	Sugarcane
Mpongwe District, Copperbelt Province	46,874	Zambia (formerly UK/South Africa)	CIFOR (2011)	Commercial farmland; previously jatropha
Unknown (<i>Wuhan Kaidi</i>)	79,300	China	CIFOR (2011); ILC (2012)	Jatropha
Unknown (<i>Neba International</i>)	100,000	India	GRAIN (2011)	Unknown
Unknown (<i>Menafea Holdings</i>)	5,000	Saudi Arabia	GRAIN (2011)	Unknown
Unknown (Export Trading Group)	57,000	Kenya/Singapore	GRAIN (2011)	Unknown
Kazungula District, Southern Province	15,000	South Africa	GRAIN (2011); ILC (2012); CIFOR (2011)	Sugarcane
Unknown	200,000	United Arab Emirates	ILC (2012)	Unknown
Unknown (<i>Linknet</i>)	1,215	Zambia	ILC (2012)	Unknown
Unknown	26,698	Unknown	ILC (2012)	Unknown
Unknown (<i>Bedford Biofuels</i>)	100,000	Canada	CIFOR (2011)	Jatropha
Unknown (<i>Biomax</i>)	9,000	Australia	CIFOR (2011)	Oil Palm
Unknown (<i>Gourcock</i>)	30,000	United Kingdom	CIFOR (2011)	Oil Palm
Unknown (<i>Puzgolana</i>)	21,000	India	CIFOR (2011)	Jatropha