The Impact of Land Act of 1995 on Customary, State and Church Lands: The Case of Land Within the United Church of Zambia

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Abstract

The article sets out to examine the concept of customary or traditional land within the context of Zambia’s dual land system that is categorized as: customary/traditional land. In turn, the traditional land is controlled, allocated, and regulated through the Chiefs. Then there is formal land that is owned and controlled by the State through the Commissioner of Lands who works in consultation with the Ministry of Land and Natural Resources, in conjunction with the Ministry of Local Government and its District Councils. The article will thus examine the history of dual land system in Zambia; and will further evaluate the Land Act of 1995, whose purpose was to propose a wave of new land system reforms. The latter was intended to establish a more efficient system of land tenure conversion in Zambia. The article also examines the administration of conversion process of traditional/customary and State land. The article sets out on the premise that without effective tenure conversion policies in administering land, sustainable development in both traditional or customary and State areas will be hampered. To this effect, the issue of boundaries in customary or traditional communities will be discussed as a way of building territorial integrity and land management in customary land, through cadastral surveys that is apparent with the rise in population and demand for market-based activities in rural areas. The article will argue that without clearly defined systems of administration and demarcation of boundaries, between customary/traditional and State/formal lands in Zambia, this process will be prone to more land conflicts hindering socio-economic progress. Hence, the aim of the article is to investigate how the United Church of Zambia’s land has been administered and managed, considering the fact that most of its land is based both in customary/traditional areas that are controlled by the Chiefs and formal or State lands that are largely controlled by the government institutions. The methodology that will be used in order to examine how the United Church of Zambia manages and administer its land will be qualitative methodology. The article will conclude that there is need for the United Church of Zambia to develop a land management policy that will assist the Church to manage and administer its lands that is both located in the traditional and government areas. Above all, the Church needs to ensure that leasehold conversion that is both customary and traditional authorities through the local Chiefs and the government through its Ministry of Land and Natural Resources, Commissioner of Lands, together with the Ministry of Local Government are legitimately acquired.
Key Words: Customary land, State land in Zambia, Dual system, Administration, United Church of Zambia, Chiefs, Government of Zambia.

Introduction
The United Church in Zambia (UCZ) is the largest Protestant Church in Zambia, and has stamped its presence in all the ten provinces of the country. UCZ began in 1965, and this came as a result of the union of Church of Central Africa, Rhodesia (a mission work of the Church of Scotland), the Union Church of Copperbelt, the Copperbelt Free Church Council, the Church of Barotseland and the Methodist Church. The United Church in Zambia had about 3,000,000 members in 1,060 congregations, by September 2020. UCZ has a Presbyterian Church government with 10 Presbyteries and a Synod.

The purpose of the article is to examine the concept of customary land by discussing the history of dual land system in Zambia, in which UCZ has large tracts of land, either in customary or traditional areas and in formal/government areas. This means that the article will need to define the concept of customary and/or traditional vis-à-vis formal and/or government lands. Further, the article will explain why land in Zambia is controlled by two authorities that are duly recognized, beginning with the customary/traditional authorities that is largely owned and controlled by the local people in a given area and their respective Chiefs in their rural areas; and second, is the formal or government land that is controlled by the State through the Ministries mentioned earlier. It is within the dual land system that the Church, as in the case of the United Church of Zambia (UCZ), has its land which was previously secured by the European missionaries, through the union of the Churches mentioned above, that came together in 1965 to form one UCZ. Further, the focus of the article is to examine how customary/traditional and government lands are administered by both the Chiefs and the State and establish whether the dual land system is serving the Church and other religious institutions. Above all, the article will discuss how the United Church of Zambia has utilized, secured and developed large tracts of land since the amalgamation of the UCZ in 1965. This discussion will methodologically be done in the context of climate change that has had adverse effects on land.

Background to Land in Zambia
Land is a primary resource that men and women in Zambia depend on for their livelihood. From generations to generations, land has been hailed as the greatest resource and indeed the backbone of wealth in many African communities, whether urban or rural. Indeed, land is the focal point of economic growth, poverty eradication and the general improvement of livelihoods. To the investor, land has been the basis of wealth; to the farmer, it is a basis of production; and down to the ordinary people, it is critical source of pride (Ngombe et al. 2006). Mulenga (2005) observes that “land is a primary resource that men and women in Zambia depend on for their livelihoods. The author further asserts that land is a source of food, shelter, social status and power (Mulenga 2005, cf Gathogo 2020).

The land question in Africa, and particularly in Zambia, centers on the type of land holding. It has been argued that customary tenure in Africa is a recipe for underdevelopment, and thus a major cause of the regions’ untold levels of rural poverty (Ngombe et al, 2006). In recent years, land market reforms have been carried out in countries as diverse as Brazil, Cote d’Ivoire, Uganda, Malawi and Zambia (Brown, 2003). The quest for land reform involves raising the living standards of huge proportions of the world’s population, currently estimated at 6 billion, of which many are in developing countries (UN Habitat, 2003). The great majority live in rural areas, thus, it is a matter
of necessity that overall development must include rural development (Ngombe et al, 2006). The following section explores the history of dual land system in Zambia.

**History of Dual Land System in Zambia**

According to Draft Land Administration and Management Policy (2006) “Land in Zambia is divided into two tenure categories designated as State and customary land. The dual system of land holding reflects the country’s history of the colonial settlement on present day State land and the separation of settlements for the local population in native reserves” (Government of Republic of Zambia, 2006). The two types or dual land system: customary land, that is commonly termed as traditional land and formal land that can also be called as government or State land, that is controlled by the State through the Ministry of Land and Natural Resources and Commissioner of Lands, that is further assisted by the Ministry of Local Government through it District Councils. While historically most of the land in Zambia has been held under customary or traditional tenure system, leases are the only legal means of holding land rights whether traditional or government land (Brown 2005).

During the colonial era, the so-called ‘Native reserves’ were designated for the exclusive use of Africans. Land rights that were granted on African reserves were based on customary laws. At this juncture, it is worthwhile to clarify that the most commonly used term to refer to customary land is traditional land. Undoubtedly, Chiefs controlled the use and allocation of reserve land. Upon approval by the Chief and the central government, non-locals were permitted to hold land in reserves, but not for more than five years. In 1947, the British government carved out portions of utilized Crown Lands to establish Native Trusts. In these Native Trusts, the Governor, who was designated leader of Zambia under the British colonial rule (1888-1964), could grant rights of occupancy for a 99-year period to non-indigenous people. Despite such grants, Native Trusts remained under customary or traditional tenure and could not be converted to Crown Lands (Brown 2005).

Following Zambia’s independence in 1964, Crown Lands was converted to State lands and thereafter administered by the Ministry of Lands through the Commissioner of Land. All State land was vested in the President, and any land transaction involving the State land required the President’s approval. Freehold tenure rights to State land were abolished and converted to statutory leaseholds (Hansungule 2001). In regard to the Native Reserves and Trusts, indigenous populations continued to follow the tenure system which existed under the British rule (1888-1964). The Zambian government continued to recognize the Chief's right to regulate the use and allocation of trust and reserve land in its post-independence days (Hansungule 2001).

However, after the United National Independence Party (UNIP) under the founding president Kenneth Kaunda left power in 1991, the new ruling party, the Movement for Multiparty Democracy (MMD), under Frederick Chiluba (1943-2011), began to reform the land tenure system, an exercise that included the allocation of land. Thus, in 1995, a new Land Act was passed, which made it easier for investors to acquire leasehold titles to customary/traditional land. This meant that when an investor obtained a leasehold title to traditional land, the customary land reverted to the State once the lease expired and was thereafter governed by statute. The erosion of customary rights that resulted from this conversion was particularly burdensome on rural communities that depend on customary or traditional lands for drinking water, firewood, livestock, and other resources (Brown, 2005). I will now examine the concept of customary land that is largely regulated by customary law.
The Concept of Customary Land: Customary Law

The concept of customary land must be seen in the way most Zambians conduct their activities in accordance with and subject to customary law (Hansungule and Mwansa, 1993). However, the term is used to largely cover a host of ethnic laws existing in different groups within Zambia (Hansungule and Mwansa, 1993). This is because, since the colonial era, customary law has been recognized by the authorities, as it has been viewed as laws that are in continuum with written law and/or common law. There are two contending views that are held on customary land tenure in the customary law. One of the views suggest that land and land rights are not individual but a commonly shared enterprise. While the other one suggests that the increasingly held view recognizes individualism in land relations and tenure (Mvunga, 1977). It must be argued that both views are valid because they arise from the dynamism of customary tenure, which has often evolved from commonly shared land rights to individualization of croplands with continued commonly shared rights to grazing land, forests and fisheries (Government of Republic of Zambia, 2000). Consequently, the individualization of croplands is a result of agricultural intensification, and the increase in population pressure and commercialization of agriculture. Presently, most cultivation rights of individual families are recognized on land where other families are excluded, but communal use rights may also be recognized (Hansungule and Mwansa, 1993).

In this article, there are two points that define the tenure of trees in customary law, which is, the possibility of individual ownership is recognized, and trees can be owned separately from land. Trees, like land under customary tenure, are subject to group rights of the indigenous people. Generally, landowners have rights to the trees and crops they may grow on their land. Similarly, the owner of a fruit-tree can exclude third persons from its fruits (Mvunga, 1977). This means that the owner can even put a value on the fruits and sell them. This idea is consistent with common law in which the labour invested in growing trees entitles the labourer to the possession of the trees and their fruits.

The cornerstones of customary land tenure system are reflected in the modes of acquiring land: original acquisition, through clearing of virgin bush, outright grants or purchases of improvements on the land; derivative acquisition, particularly through marriage; or inheritance. The next section deals with the land tenure in customary or traditional land (Hansungule and Mwansa, 1993). The impact of customary law is still felt; as most traditional lands’ activities function the way it has been discussed above. Let us now look at the land tenure in customary or traditional land.

The Usage Customary in Zambia

What must be noted is that, customary land is crucial to the survival and well-being of rural communities in Zambia. Land is a source of food, shelter, social status and power (Mudenda, 2006). Therefore, customary lands provide communities with a commonly shared pool of natural resources. From the pool, villagers acquire drinking water from rivers and village wells, graze livestock on pastures, cut firewood and building materials from forests, and catch fish in lakes and rivers (Brown, 2005). Customary lands also function as a safety net in times of uncertainty. For instance, in southern Zambia, when rainfall is inadequate during dry seasons, communal access to the Zambezi River and its banks allow for villages to obtain water and for grazing livestock (Brown, 2005).

Under customary tenure arrangements, rural villagers are given rights to customary lands based on their membership within a community. Each community is unique, but, in many communities, membership can be granted or denied by the Village Headman (Loenen, 1999). Many communities organize their members into a social hierarchy at the household, village, clan, and
Chiefdom levels. The Chief is often the highest position on the hierarchy. The Chief has power to grant occupancy and use rights, oversee land transactions between community members, regulate common pools of resources, and adjudicate land disputes (Brown, 2005).

The Land Tenure in Customary or Traditional Land

According to Chileshe (2005) 94% of the country is officially designated as traditional or customary area. This land is largely occupied by 73 tribes that are headed by 240 Chiefs, with 8 Senior Chiefs and 4 are Paramount Chiefs (Chileshe, 2005). Often the tenure under customary or traditional lands does not allow for exclusive rights in land, because no single person can claim to own land as the whole land belongs to the community. In the customary areas, land is deemed as belonging to members of the community for their own use (Government of Republic of Zambia, 1995). Hence, land has become a valuable heritage for the whole community. Thus most communal lands in most of the African countries including Zambia have sprung from a concept of ancestral trust that is committed to the living for their own interest and for the interest of the unborn. Such is embedded in a common West African dictum which says: “I conceive of land to as belonging to a vast family of whom many are dead, a few are living and countless are still unborn. People holding land are thus doing so in trust for ancestors and for those who are not yet born and also the community as a whole” (Lane, 1998).

Based on the above discussion, it follows that it is then the duty of traditional rulers or Chiefs is to ensure that every member capable of owning land is allocated land. This is because the issue of access, as in State land, is tied to capability. Nevertheless, being capable is entirely up to the discretion of the Chief. This has often led to dissatisfaction among the members of the community, the most vulnerable groups being women, youths and the disabled. (Zambia land Alliance, 2005). It is thus incumbent upon this article to establish how the UCZ has incorporated vulnerable women, youths and disabled in order to empower them.

The Land Act of 1995 and its Impact on Customary/Traditional Land

When we begin to discuss Land Act of 1995, as amended by the government, when the Movement for Multiparty Democracy (MMD) was in power, there are certain areas that stands out in the Act that had major turning points on the customary or traditional land. It began when MMD was elected into political power in 1991, and five years later, the Movement for Multiparty Democracy (MMD) proposed a wave of new land reforms that were intended to establish a more efficient system of tenure conversion in Zambia (MMD, 1991). The MMD government wanted to institute a system that would attach economic value to the underdeveloped land that was mostly found in traditional areas, at the same time ensure through these reforms, that customary or traditional land became productive through the proper use of land that would be acquired through making private titles to customary lands to be accessed by investors (MMD, 1991).

What could be termed as the new deal, the Zambian government went on to justify such reforms by arguing that customary or traditional land tenure is very insecure and within which it inhibits severe limitation (Government of Republic of Zambia, 2000). The assumption here was that the more secure tenure system was implemented, this could benefit would be investors, through the process of leasing land rights to investors. Further assumptions were that most rural dwellers would be able to use their land as collateral to secure credit to invest on their land farms for businesses purposes (Brown, 2005).

The outcome has been different, as most villagers who were in position of traditional land have been attracted by money. This has resulted in most holders of traditional land to sell off their farms or land to outside people for less value of the money, in quest to have hard cash. However,
the MMD government in order to mitigate such concern as explained above, were villagers began

to sell off their land to the highest bidders, the Land Act of 1995 was passed that in its own right

tried to codify a procedure for any investor to acquire leasehold titles to customary land and

in a way statutorily recognized land rights that could later revert back to the State (MMD, 1991).

The following now discusses the administration of the conversion process of traditional land.

The Administration of the Conversion Process of Traditional or Customary

Land

Currently in Zambia, the administration of conversion process of customary and formal land

begins with Land Act of 1995. The Act states that “all land in Zambia shall vest absolutely in the

President” (Sec.3 (1), (Government of the Republic of Zambia 1995). By law, all land transactions

require the President’s consent except for grants of use and occupancy rights based on custom (Sec.

8(3), Land Act, 1995) (Government of Republic of Zambia, 1995). In this regard, therefore, the

President has the right to convert customary or traditional land tenure into leasehold under a wide

range of circumstances, especially when the President considers that local customary laws on land

tenure has become untenable. This is done through consultations with local Chiefs, District

Councils, including any person whose interest can be affected by conversion. These are embedded

in the Land Act of 1995 in (Sec. 3 (3) - (4) and Sec. 4(D) (ii) Admin. Cir. Land Act, 1995)

(Government of Republic of Zambia, 1995). By law, the President delegates the day-to-day

administration of land matters to the Commissioner of Lands, according to (Sec. 2, Admin. Cir.,

1985). Then the Commissioner of Lands is empowered by the President to “make grants or

dispositions to any person subject to regulations enacted by the Minister of Lands” (Sec. 2, Admin.


This also entails that the conversion of customary or traditional land to leasehold title

requires approval from three authorities: The Chief, the District Council, and the Commissioner of

Lands. First, the written consent of the Chief must be obtained by the District Council (sec. 4(D)


must submit to the Commissioner of Lands a resolution recommending whether or not to convert

the customary tenure into leasehold title. The resolution must include minutes from the Council's

committee meeting at which the decision was reached and an approved layout plan for the tract of

land endorsed by the Chief, the Chairman of the Council, and the District Executive Secretary (Sec.


District Councils are “advised” not to recommend the alienation of land areas that exceed

250 hectares (Sec. 4(D) (v), Admin. Cir. 1985). Once the resolution is submitted to the

Commissioner of Lands, the Commissioner of Lands then makes a decision on whether or not the

land should be converted. The Commissioner of Lands must invariably accept the District

Council’s recommendation unless doing so “would cause injustice to others or if [the District

Council’s recommendation] is contrary to national interest or public policy” (Sec. 3) (Admin. Cir.


Along with granting powers to the President to convert customary or traditional land, the

1995 Land Act also allows “any person” who holds land under customary or traditional tenure to

apply to convert it to a leasehold title (Sec. 891, Land Act, 1995) (Government of Republic of

Zambia, 1995). The lease cannot exceed 99 years (Sec. 8(1), Land Act, 1995). Their application must

be approved by the Chief and District Councils (Sec. (8) (2), Land Act, 1995) (Government of

Republic of Zambia, 1995).

After all these processes, land may thereafter be converted into leasehold tenure “by way of

a grant of leasehold by the President [or] any other title that the President may grant” (Sec. 8(1) (a),

Land Act, 1995). The President may extend the lease agreement to a term exceeding 99 years if he
or she “considers it necessary in the national interest” (Sec. 3(6) (a), Land Act, 1995) (Government of Republic of Zambia, 1995).

The Impact of land Conversions on Customary Rights Holders

The 1995 Land Act is silent on whether converted land remains customary land under the authority of traditional leaders. In practice, however, converted land is treated as state land governed by the Land Commissioner. It is also unclear whether the grant of a leasehold title to converted land necessarily extinguishes all customary rights previously attached to the land (Brown, 2005).

Although the Act prohibits the unlawful occupancy of land that is converted to leasehold title, which means that holders of customary occupancy rights must vacate converted land, (sec. 9, Land Act, 1995), it neither states what effect a land conversion has on customary use rights nor whether converted land remains subject to customary law (Brown, 2005). Furthermore, the Land Act does not stipulate what becomes of converted land once leases expire. In practice, customary rights attached to converted land are extinguished once leases are granted.

The Downside to the proposed Reforms: Conflicts in Land Allocation

For this article to comprehensively engage with the Land Act of 1995, there is a need to highlight the downside to the reforms that were carried out by the MMD government. The 1995 Land Act vested all lands in Zambia with the Presidency that was given the right to hold in trusts for the people of Zambia (Government of Republic of Zambia, 1995). However, the same act recognizes that customary land is under the administration of the Chiefs or traditional rulers. This Act in itself has brought problems in the allocation of land. Commenting on the Draft land policy, Chieftainess Nkomesha Mukamambo 11 of the Tonga asserted that, traditional rulers were losing land. She added that with the current system, it was more like the President versus the Chiefs in land allocation. At the Zambia Annual meeting 2003 draft policy review by Pelum Association of Zambia, Chiefs brought out an interesting example of how unclear land allocation system is in Zambia. They gave an example of Nanga area in Mwanachingwala Chiefdom where the Chief gave consent to an investor to develop. Having failed to develop, the land was repossessed and advertised by the Commissioner of Lands instead of going back to the Chief (Pelum, Draft land Policy Review, 2003). For the villagers, this will lead to scarcity of land and natural resources as usually large tracts of land are allocated for conversion to outsiders, especially the poor who benefit from the so-called secondary rights (access to natural resources), as it is one of the few ways to get food and necessary items to live.

So far, no records exist to indicate how much of customary land has been converted to leasehold (Muchima, 2006). Although the act explicitly recognizes and protects customary land rights, an unstated but crucial assumption underlying the act is that overtime the conversion of customary to leasehold tenure will open up more land for investment and diminish the amount of land held under customary tenure. Most Zambians are also at a disadvantage when it comes to protecting their land rights because their territorial boundaries are in abstract form.

The conversion process does diminish the Chiefs’ authority. Only the Commissioner of Lands is considered the statutory landlord when lease agreements are made with investors. By law, Chiefs are not given any bargaining or oversight power to ensure the terms of the lease are adhered to and the land is managed effectively (Metcalfe, 2006). Land leases are only subject to statute and regulations passed by the Ministry of Lands. (Sec. 7, Admin. Circ., 1985) (Government of Republic of Zambia, 1985). Due to the high costs associated with obtaining leasehold titles, the conversion process puts impoverished villagers at a disadvantage (Brown, 2005). Although the Land Act provides villagers with an opportunity to use their land as collateral to secure credit, the cost of doing
so is prohibitively expensive for many villagers. Villagers must hire a surveyor to map their tract of land and pay a lease charge, a cost which amounts to at least 1,950 Kwacha (about $100). For 99-year leases, boundary surveys can sometimes amount to millions of kwacha (hundreds of dollars) in fees (Brown, 2005). Villagers must also bear transportation costs if the surveying team has to travel from Lusaka. Furthermore, securing a lease entails incurring the cost of traveling to the Ministry of Land offices in Lusaka and Ndola. The Ministry of Lands also imposes an annual ground rent charge for leasehold title holders (Sec. 6(2), Land Act, 1995) (Government of Republic of Zambia, 1995). The rent charge is currently set by statutory instrument no. 44 of 2006, which, when it was passed, increased the ground rent by between 500-600 percent for all agricultural lands (Statutory Instrument No. 28 of 2010; ZNFU, 2010).

The Act’s vague wording also puts customary rights holders at a disadvantage. When deciding whether to convert customary land, the President is required to “take into consideration” local customary law and consult with any person or body whose interest might be affected by a land conversion (Sec. 3(4), Land Act, 1995) (Government of Republic of Zambia, 1995). However, the Act provides no guidance on what is meant by the phrase “take into consideration,” and only requires the President to consider customary laws which are not in conflict with the Act (Sec. 3(4)(a), Land Act, 1995) (Government of Republic of Zambia, 1995). With respect to the provision requiring the President to consult with aggrieved persons, the Act neither establishes how such a consultation should take place nor what remedies an aggrieved person should be afforded in the event of a conversion. Since any person who continues to occupy the converted tract of land is liable to be evicted (Sec. 9(2), Land Act, 1995) and the Act does not require the President to grant compensation for converted land, the conversion process may have devastating consequences for customary rights holders.

The only recourse for individuals who are aggrieved by land conversions is to file a claim with the Lands Tribunal (Sec. 15, Land Act, 1995) (Government of Republic of Zambia, 1995). While the Tribunal was intended to provide poor, non-titled individuals with a grievance mechanism by which they could protect their customary land rights, the Tribunal has proven to be ineffective, inaccessible, and costly (Brown, 2003). Aside from the lack of awareness among villagers of the Tribunal’s existence, the Tribunal rarely travels beyond Lusaka and thus claimants must incur traveling costs to pursue their claims. In practice, claimants are also required to incur the cost of acquiring legal representation to draft affidavits and forms even though the Land Act states that “the Tribunal shall not be bound by the rules of evidence applied in civil matters” (Sec. 23(5), Land Act, 1995; Brown, 2003). Lastly, aggrieved parties are likely to experience excessive delays due to the current backlog of cases waiting to be heard by the Tribunal (Brown 2005).

Consequently, though the reforms were welcomed, but had a downside to villagers and many people who did not have money to survey their land and when the land was repossessed, they could not afford the cost of travel to Lusaka or Ndola for the Ministry of Land to resolve such conflicts. Therefore, though this was admirable, it had negative impact on the Zambians as land tracts of land was given to foreign investors at the expense of the Zambians. This trend has continued as many Zambians in the rural areas have been disempowered because much fertile land has been given to these investors, especially the Chinese.

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1 This is based on the current rate exchange
The Administration and Management of UCZ Lands

The United Church of Zambia's lands are interlocked between customary land that is controlled by Chiefs and formal land that is controlled by the State. It means that those lands that are located in the traditional areas are subjected to customary law that entails a host of tribal laws existing in different ethnic groups within Zambia (Hansungule and Mwansa, 1993). It is within these tribal laws that the United Church of Zambia has to ensure that it adhere to its stipulation by attempting to ensure that every land which is in customary or traditional land has the blessing of the villagers and the local leaderships such as the Chiefs. Further, based on two contending views that are held on customary land tenure in customary law, is that the land and land rights are not individual but commonly shared. The other view recognizes individualism in land relations and tenure (Mvunga, 1977). It is in light of the above that the United Church of Zambia has in a way attempted to accommodate encroachers on its land by observing the tribal laws and allowed some of them to settle on its land. This has been as the result of proper management, administration, and accountability of its land.

Thus, for many years the Church has not managed and administered its land very well. It is even doubtful whether the Church has attempted to regularize its land according to the Land Act of 1995. The lack of proper administration and management of UCZ land has resulted in land it owns being encroached on by people. This has resulted in the Church to be reactive and recently came up with Policy document of the Management of UCZ land and engaged a Surveyor to survey all the land that are in its position. The other challenge the Church has had is the lack of paying land rates on its vast land, that has resulted in the Church owning the local authorities with a huge debt. In attempt to develop the land rather than losing its land to encroachers, the United Church of Zambia (UCZ) has begun allocating portion of lands to its workers for agricultural purposes. This will in a way mitigate the encroachment of people on its land.

Furthermore, the assumption of the article in an attempt to register its land and implement the conversion process of its land, the United Church of Zambia has recently come up with Land Policy document, as mentioned above, that is currently guiding the UCZ to follow the above laid procedures in order to ensure that its land has a leasehold of 99 years on most of the customary or traditional land. Until recently, most land that the Church had, was not been properly managed due to the Church laxity in drafting the Land Management Policy document that has resulted in its land being encroached upon and some land being repossessed by the State, this has resulted in the Church failing to account for its land by processing leaseholds of all its land. Subsequently, the Church has accrued a huge debt in form of land rates not being paid by the Church (Interview with Rev. Sikazwe, 2020).

It is on these lands that the UCZ is now acquiring leasehold tenure that is enabling it to engage in agricultural activities through subdivision of 5 acers that are allocated to the Church workers to improve the land. Other lands under the United Church of Zambia have been utilized in form of having built schools, Churches and housing units for its staff. This does not, however, entail that conflicts between local people, Chiefs and the Church do not erupt, especially on those Church land that have not been developed and utilized.

A good example, is what is transpiring at UCZ Chipembi Farm whereby in 2019, the Chipembi Farm that offers agricultural training practical skills in plant and livestock farming and provides accommodation up to 80 students plus staff accommodation, recently resorted to develop fish production. The ponds were populated with fingerlings to be harvested after six months (Kabonde, 2019).

The other challenge that the farm has faced is that local communities that live around Chipembi Farm have resorted to providing from dried trees, that has further worsened the drought
situation in the long run. The invasion on the Church land by villagers who cut down trees to burn charcoal for commercial purpose. This has contributed to erratic rainfall patterns being disturbed, as the environment is degraded, and climate change is exacerbated. In an attempt to mitigate climate change caused by cutting down trees, the United Church of Zambia began a reforestation campaign (Kabonde, 2019). This also entails that the farm needs to adopt climate smart training, agro-phonics and water conservation methods for the farm to become viable in the context of climate change (Kabonde, 2019).

Above all, according to Times of Zambia (2015) the row erupted between settlers in Clixby Estates in Kafue District and the United Church of Zambia (UCZ) over the annual payment of K400 as land rates to the Church. Some of the settlers said that the continued collection of the money as land rates by the Church is illegal as such tax could only be paid to the Ministry of Lands and not to a third party. According to the Government of Republic of Zambia (2010), anyone in Zambia are compelled by law to pay fees and charges as set out in the Second Schedule shall be payable in respect of transactions in land specified in that Schedule.

Establishing whether the dual land system is serving the Church

For the article, the dual land system has not really disadvantaged the Church, rather it has accorded the United Church of Zambia to ensure that all the land that is located both in customary and State areas are officially regulated by processing leaseholds, that will ensure that UCZ is accountable and able to manage and administer land that is recognized by both authorities, the government and local authorities. Further, by allocating its land to its workers that has a leasehold will ensure proper development of land into a viable agricultural activity. Lastly, once all its land has been occupied, the Church will manage to pay the land rates to government, at the same time protect its land to be encroached on by villager who cut down trees for charcoal, thus, impacting negatively on the environment.

Conclusion

It is about time that the United Church of Zambia began to manage its land in a coherent manner, by ensuring that they follow the stipulations as enshrined in the Land Act of 1995 and adhering to customary laws. Further the Church needs to regularize its land property by acquiring proper leasehold on all its land so that they cannot be threatened by encroachment of local people and repossession of land by the State. The article has managed to highlight the reforms that transpired in the Land Act of 1995 that in a way attempted to move away from colonial way of administering land in Zambia. The Act did not do away with customary law, rather, it attempted to improve upon it and empowered local leadership to have authority in the maintaining traditional land for the benefit of villages to have access to water, farm, grazing lands, which this article has identified as communal land.

The article has further established that most of the customary or traditional land has been allocated to foreign nationals who have in many ways have threatened the livelihood of villagers because most fertile land is given to outsiders. Above all, there is need to empower local people, especially to legitimately own land and have in their position leasehold. There should be concerted effort by the government to ensure that traditional land is well surveyed. The dual land system has in many ways advantaged Chiefs with authorities to manage and administer the traditional land, while the government has its authorities in what this article has termed as formal lands that is controlled by the Commissioner of Lands and Ministry of Lands. What has been discussed in the

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2 Interview with the Rev. Dr. Peggy Kabonde, the UCZ General Secretary.
article is an example that many religious institutions have faced. Hence, there is need for further study to determine how religious institution have observed the stipulations according to Land Act 1995, and how far these institutions have processed leasehold of their land that can be located either in the customary or State areas.

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